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House Calendar No. 135

115TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
115–617

IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE LUIS V. GUTIÉRREZ

REPORT

OF THE

COMMITTEE ON ETHICS

MARCH 22, 2018.—Referred to the House Calendar and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, March 22, 2018.

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, "In the Matter of Allegations Relating to Representative Luis V. Gutiérrez."

Sincerely,

SUSAN W. BROOKS,
Chairwoman.
THEODORE E. DEUTCH,
Ranking Member.

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IN THE MATTER OF ALLEGATIONS RELATING TO REPRESENTATIVE LUIS V. GUTIÉRREZ

MARCH 22, 2018.—Referred to the House Calendar and ordered to be printed

Mrs. BROOKS of Indiana, from the Committee on Ethics, submitted the following

R E P O R T

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

On December 4, 2013, the Office of Congressional Ethics (OCE) transmitted to the Committee a Report and Findings (OCE's Referral) regarding Representative Luis Gutiérrez. OCE reviewed allegations that Representative Gutiérrez used his Members' Representational Allowance (MRA) to pay his former Chief of Staff, Doug Scofield, through his firm Scofield Communications, for services that may not be paid for using MRA funds. OCE found that there was substantial reason to believe Representative Gutiérrez used funds from his MRA for an impermissible purpose—to retain Mr. Scofield to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor—in violation of federal law and House rules. OCE's Referral also discussed a separate allegation: that Representative Gutiérrez may have impermissibly granted special favors or benefits to entities that retained Scofield Communications as a lobbyist while the firm contracted with the Member's office. However, OCE's Referral did not assert that OCE found substantial reason to believe there was merit to this allegation. Thus, OCE recommended that the Committee further review only the allegation related to misuse of the MRA.

The Committee did further review this allegation.[1] After an extensive investigation, the Committee found that although an overwhelming majority of the work Mr. Scofield performed from 2003 to 2013 clearly accorded with the contract's terms, Mr. Scofield occasionally performed work for Representative Gutiérrez's office that was either "legislative" in nature or otherwise exceeded the scope of work outlined in the contract. Representative Gutiérrez thus impermissibly used MRA funds to pay Mr. Scofield for some work that exceeded the scope of the Scofield Communications contract, and the limits of what a contractor retained to provide services to a Member's congressional office may do, as defined by the Committee on House Administration (CHA). The Committee also concluded that the resulting violations, though unintentional, were significant enough to warrant a reproval by the Committee. While the Committee could not quantify the degree of the impermissible work or the associated MRA payments with exact precision, the Committee concluded, based on conservative estimation, as discussed further in this Report, that Representative Gutiérrez must reimburse his MRA in the amount of $9,700, or approximately three percent of the total amounts paid from Representative Gutiérrez's MRA to Scofield Communications from September 2007 until the contract's termination in June 2013.

Accordingly, the Committee unanimously voted to issue this Report, which will serve as a reproval of Representative Gutiérrez's conduct, and concluded that he must reimburse the U.S. Treasury for those MRA funds used impermissibly. Upon issuance of this Report and Representative Gutiérrez's reimbursement of the amount described above, the Committee will consider this matter closed.

II. PROCEDURAL BACKGROUND

OCE undertook a preliminary review of this matter on July 26, 2013. On August 25, 2013, OCE initiated a second-phase review. On November 22, 2013, the OCE Board unanimously voted to adopt the Findings and refer the matter to the Committee with a recommendation for further review. The Committee received OCE's referral on December 4, 2013.

The Committee reviewed material provided by OCE, including its Report and Findings, along with other documentary and testimonial evidence obtained by OCE. In addition, the Committee's then-Chairman and Ranking Member sent Representative Gutiérrez a Request for Information (RFI), and Representative Gutiérrez voluntarily provided a brief narrative submission and relevant documents. In the course of the Committee's investigation, the then-Chairman and Ranking Member sent additional RFIs to Representative Gutiérrez and five of his former staff members, seeking personal or non-official email communications related to any work Scofield Communications performed for Representative Gutiérrez's office or campaign. Committee staff received and reviewed additional documents responsive to those requests.

[1] In the interest of completeness, the Committee also reviewed the allegation—which OCE did not recommend for further review—that Representative Gutiérrez violated the Code of Ethics for Government Service, Section 5, by dispensing special favors or privileges to non-profit entities that retained Scofield Communications for lobbying or fundraising services. As discussed further in Section V.C., the Committee found no evidence that this allegation was true.

Some of the allegations reviewed by the Committee occurred before the 112th Congress, prior to the Committee's general investigative jurisdiction, which includes the current and three previous Congresses. However, pursuant to House Rule XI, clause 3(b)(3) and Committee Rule 18(d), the Committee voted to determine that these allegations were directly related to alleged violations that occurred within the Committee's general jurisdiction and did investigate those allegations.[2]

In total, Committee staff reviewed over 10,000 pages of documents, including Representative Gutiérrez's submissions and the other documents described above. The Committee also interviewed sixteen individuals, including current and former members of Representative Gutiérrez's staff, current and former CHA staff who consulted Representative Gutiérrez's staff on the Scofield contract, Mr. Scofield, and Representative Gutiérrez, who fully cooperated with the Committee's investigation.

In December 2017, the Committee notified Representative Gutiérrez that it was considering the adoption of a public report that would serve as a reproval of him regarding this matter. Before the Committee decided how to resolve this matter, in accordance with House Rules, Representative Gutiérrez was invited to be heard by the Committee in writing and/or in person.[3] Representative Gutiérrez opted to both provide a written submission, via counsel, and to appear in person before the Committee. The Committee carefully considered Representative Gutiérrez's written submission and his appearance before the Committee while deliberating how to resolve the matter. Ultimately, the Committee determined that the appropriate resolution of this matter was to issue this Report, which will serve as a reproval of Representative Gutiérrez's conduct.

III. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

Representative Gutiérrez's contract with Scofield Communications to provide services to his congressional office may have implicated the following laws, House Rules, regulations, or other standards of conduct.

Federal appropriations law states that "[a]ppropriations shall be applied only to the objects for which the appropriations were made . . . ."[4] MRA expenditures are reimbursable according to regulations contained in the *Members' Congressional Handbook* (*Members' Handbook*), which provides examples of items for which reimbursement may be permitted, as well as a list of prohibited expenditures.[5] Generally, the MRA "may only be used for official and representational expenses," and "may not be used to pay for any expenses related to activities or events that are primarily social in

[2] Representative Gutiérrez paid Mr. Scofield with MRA funds for his services under the contract from March 2003 to June 2013. Thus, any alleged MRA payments to Mr. Scofield for services performed from January 5, 2011, to June 2013 occurred after the 112th Congress began on January 5, 2011. Any payments for services rendered by Mr. Scofield from March 2003 to January 4, 2011, occurred prior to the start of the 112th Congress, and thus would be outside of the Committee's usual jurisdiction.

[3] House Rule XI, cl. 3(a)(2).

[4] 31 U.S.C. § 1301(a).

[5] Exhibit 1 (*Members' Handbook* (2001)) at 8.

nature, personal expenses, campaign or political expenses, or House committee expenses."[6] The *Members' Handbook* states:

> Each Member is personally responsible for the payments of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are not reimbursable under these regulations.[7]

The *House Ethics Manual* also states that "Members may be personally liable for misspent funds or expenditures exceeding the MRA."[8]

Regarding the retention of outside contractors or consultants, the *Members' Handbook* explains that "only committees are authorized . . . to procure the temporary services of consultants. Consultants are not authorized for Member Offices."[9] Rather, Member offices may only retain "contractors." The *Member's Handbook* in existence at the time that Representative Gutiérrez signed the initial contract with Scofield Communications stated that a Member office:

> may contract with firms or individuals only for general, non-legislative, office services (*e.g.*, equipment maintenance, systems integration, data entry, staff training, photography, custodial services) for a specific, limited time period not to exceed the Member's term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided benefits.[10]

The *Members' Handbook* also states that "Members are advised to consult the Committee on House Administration when entering into such contracts."[11]

The Code of Ethics for Government Service (Code of Ethics), section 5, provides that any person in government service should "never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not. . . ."[12] The *Ethics Manual* notes the Committee "has cautioned all Members 'to avoid situations in which even an inference might be drawn suggesting improper action.'"[13]

Finally, House Rule XXIII, clause 1, states that "[a] Member . . . shall behave at all times in a manner that shall reflect creditably on the House," and clause 2 states that "[a] Member . . . shall adhere to the *spirit and the letter* of the Rules of the House. . . ." (Emphasis added).

IV. BACKGROUND

Representative Luis Gutiérrez is the Representative for the Fourth District of Illinois. He has held that position since 1993.

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[6] *House Ethics Manual* (2008) at 323 (hereinafter *Ethics Manual*).
[7] Exhibit 1 at 9; *see also Member's Handbook* (2017) at 2.
[8] *Ethics Manual* at 323.
[9] Exhibit 1 at 13 (citing 2 U.S.C. § 72a (recodified at 2 U.S.C. § 4301)).
[10] *Id.* The current version of the *Members' Handbook*, last updated on February 27, 2018, includes a revised contractor rule stating that general office services should be "outside core office functions." *See* https://cha.house.gov/sites/republicans.cha.house.gov/files/documents/member_services_docs/Members%20Handbook%20115th.pdf, at 6 (last accessed Mar. 6, 2018). It also includes a revised consultant rule, which explicitly prohibits hiring speech writers and communications advisers. *See id.*
[11] *Id.*
[12] Code of Ethics for Government Service ¶ 5.
[13] *Ethics Manual* at 27.

Douglas Scofield served as Representative Gutiérrez's chief of staff from 1993 until 2002, when he resigned his position in order to serve as deputy campaign manager for then-Representative Rod Blagojevich's successful Illinois gubernatorial campaign.[14] After working for a few months as then-Governor Blagojevich's deputy governor, Mr. Scofield resigned from that position to form his own consulting firm, Scofield Communications, in early 2003.

A. Representative Gutiérrez's Contract with Scofield Communications

Shortly after founding Scofield Communications, Mr. Scofield, through his consulting firm, negotiated a contract with Representative Gutiérrez's congressional office. Mr. Scofield told Committee staff he remained in touch with Representative Gutiérrez during his time on the Governor's staff; when Representative Gutiérrez learned that Mr. Scofield resigned from his new position, he "wanted to know if [Mr. Scofield] wanted to come back on [official] staff."[15] When Mr. Scofield declined this offer, Representative Gutiérrez decided to retain him as a contractor instead. At the time he made this decision, Representative Gutiérrez told his then-Chief of Staff "we'd have Doug back on staff."[16] When Committee staff asked Representative Gutiérrez what he meant by this statement, he said he had wanted to "see if [Mr. Scofield] could continue to help with our staff and to work in our office," though not as an official employee.[17]

Representative Gutiérrez told Committee staff he had no role in drafting his office's initial contract with Scofield Communications.[18] Rather, Representative Gutiérrez delegated the task of preparing the contract to his then-Chief of Staff and Mr. Scofield.[19] Representative Gutiérrez did not remember giving either his then-Chief of Staff or Mr. Scofield any parameters for preparing the contract.[20]

The initial contract between Representative Gutiérrez and Scofield Communications stated:

> **The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.**

Neither the contract, nor the *Members' Handbook*, define "non-legislative" office services. However, the version of the *Members' Handbook* then in existence listed examples of the types of "non-legislative" work a contractor may perform for a personal office within the category of "general office services." Though not intended to be exhaustive, the list included services such as "equipment maintenance, systems integration, data entry, staff training, photography, custodial services, [and] web services."[21] Representa-

[14] 18(a) Interview of Doug Scofield.
[15] *Id.*
[16] Exhibit 2 at 3.
[17] 18(a) Interview of Representative Gutiérrez.
[18] *Id.*
[19] *Id.* ("[M]y Chief of Staff and Doug Scofield had a very intimate working relationship for many years, and . . . I delegated to them this responsibility.").
[20] *Id.*
[21] Exhibit 1 at 7.

tive Gutiérrez told Committee staff he never had discussions with either his then-Chief of Staff or Mr. Scofield about their understanding of the relevant CHA rules on hiring contractors.[22] Nor did Representative Gutiérrez recall having any conversation with Mr. Scofield as to whether or not Mr. Scofield would or would not be allowed to perform specific functions for his congressional office.[23]

The contract also included a Scope of Work section, which listed tasks Scofield Communications "may" perform under the contract:

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

While some of these areas of potential work are described broadly, the entire "Scope of Work" was subject to the contract's first clause, which stated that Scofield Communications was retained for the purpose of providing Representative Gutiérrez's office with "non-legislative, general office services."[24]

Representative Gutiérrez personally signed the original contract between his congressional office and Scofield Communications on April 1, 2003.[25] Though Representative Gutiérrez told Committee staff he read the contract before signing it,[26] he told OCE he had not read the agreement "with any attention to detail" until June 2013, when his office first received press inquiries about the office's relationship with Mr. Scofield.[27]

B. Request for CHA Review of the Contract

On April 1, 2003, Representative Gutiérrez's then-Chief of Staff faxed a copy of a proposed contract with Scofield Communications—signed only by Mr. Scofield—to a professional staff member in CHA's Department of Member Services for the (Republican) majority (hereinafter "Former Member Services Employee"). The then-Chief of Staff testified that, before sending the fax, she called CHA "on behalf of the Congressman because we want[ed] to hire a former Chief of Staff," and asked the Former Member Services Em-

[22] 18(a) Interview of Representative Gutiérrez.
[23] *Id.*
[24] Exhibit 3.
[25] *Id.*
[26] 18(a) Interview of Representative Gutiérrez.
[27] Exhibit 2 at 3.

ployee whether that arrangement would be allowed.[28] The fax included a cover page stating: "As per conversation, please let me know [] if this contract falls within what is acceptable under the current regulations."[29] The then-Chief of Staff testified that it was "impossible for [her] to remember what happened after this fax," or whether the Former Member Services Employee called or emailed her back.[30]

The Former Member Services Employee did not remember a phone call with Representative Gutiérrez's then-Chief of Staff, nor did he recall an April 1, 2003, fax transmission, and current CHA staff did not locate any record of such a call or fax, or of any approval of the Scofield contract.[31] However, CHA staff indicated that such records may not have been archived or otherwise preserved, given their age. Representative Gutiérrez also did not produce any record of his former Chief of Staff's call with the Former Member Services Employee, or any evidence that CHA received the faxed contract, reviewed it, or approved it.

The absence of written records notwithstanding, both Representative Gutiérrez's office and Mr. Scofield apparently operated under the belief that CHA had reviewed and approved the contract.[32] Representative Gutiérrez told Committee staff: "I know we had the approval of House Administration for Doug to do many of the things that are included in this contract."[33] Representative Gutiérrez said he knew this because his then-Chief of Staff "told [him] that it was approved not only one time, but in subsequent years."[34] Representative Gutiérrez also believed his then-Chief of Staff showed him documents or an email from CHA stating the contract had been approved,[35] though the Committee found no such document.

Regardless of whether CHA ever formally approved the contract, as discussed below, there is evidence the contract was submitted for CHA's review, and it is clear the House Finance Office received multiple versions of the contract from 2003–2013 and authorized payments under the contract from its inception until its termination in 2013. The Committee saw no indication that CHA or House Finance ever raised questions or concerns with Representative Gutiérrez or his staff about the terms of the Scofield contract, or declined to authorize any MRA payments to Scofield Communications, until a *USA Today* June 2013 newspaper story asserted that the payments may have been improper, at which point Representative Gutiérrez consulted with CHA and terminated the contract.

C. Payments to Scofield Communications

Beginning in March 2003, Scofield Communications issued non-itemized monthly invoices to Representative Gutiérrez's office,

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[28] 18(a) Interview of Former Staffer A.
[29] Exhibit 4.
[30] 18(a) Interview of Former Staffer A.
[31] 18(a) Interview of Former Member Services Employee.
[32] *See* 18(a) Interview of Former Staffer A ("My understanding of the process is that the contractor doesn't get paid unless House Administration approves a contract that is approvable . . . So I assume the evidence that it got approved is that they made it possible for [Mr. Scofield] to get paid.").
[33] 18(a) Interview of Representative Gutiérrez.
[34] *Id.*; *see also* Exhibit 2 at 3 (Representative Gutiérrez told OCE he believed the Scofield contract had been "renewed five times under identical conditions.").
[35] 18(a) Interview of Representative Gutiérrez.

charging a "fee for services: as described per contract, including staff training [and] assistance with non-legislative message development."[36] Mr. Scofield told Committee staff that he personally performed nearly all of the work billed under the contract.[37] He also stated that the workload varied significantly by week: though he never tracked any of the hours he worked for Representative Gutiérrez, Mr. Scofield estimated he may have done as little as two hours of work during slower weeks, and as much as thirty hours during busy weeks.[38] Representative Gutiérrez told Committee staff he expected Mr. Scofield to do "a lot of work" under the contract, and to be available "whenever he was needed."[39]

For such work, Representative Gutiérrez's office paid Scofield Communications a flat monthly retainer of $5,500 from March to June 2003, which was reduced to $4,500 month beginning in July 1, 2003.[40] The firm was paid $4,500 per month until January 2013, when its monthly fee rose to $6,000.[41] Though Mr. Scofield's firm was retained to provide services on a part-time basis, its monthly fee was at times equal to, if not greater than, what some of Representative Gutiérrez's full-time communications staffers were paid each month.[42] Representative Gutiérrez told Committee staff he "never really gave it much thought" that Mr. Scofield was compensated similarly to a full-time communications director on his staff.[43] When Committee staff asked members of Representative Gutiérrez's official staff to explain the parity in pay, they explained that Mr. Scofield was highly trained and valued within the office for his knowledge of Representative Gutiérrez and his communications style.[44] Representative Gutiérrez provided a similar explanation: "Doug really understands me, how I communicate . . . and it gave me such [] confidence that I would be communicating what I really felt and what my intentions were."[45]

From March 2003 until the contract's termination in June 2013, Scofield Communications received over $590,000 in total MRA payments for services provided under the contract. Payments to Scofield Communications were processed by a financial administrator, who submitted any invoices, along with vouchers that accompanied each payment request, to House Finance for reimbursement from Representative Gutiérrez's MRA. Representative Gutiérrez's financial administrator since 2008 described her general practice for processing MRA reimbursement requests: where it is unclear if a specific expense may be paid using MRA funds, she escalates the matter to House Finance and—if it remains unclear—to CHA for guidance before processing.[46] The Committee found no evidence that any individual Scofield Communications invoices were sent to House Finance or CHA for review prior to payment. The financial

[36] *See*, *e.g.*, Exhibit 5.
[37] 18(a) Interview of Doug Scofield.
[38] *Id*.
[39] 18(a) Interview of Representative Gutiérrez.
[40] Exhibit 6 at 2–3.
[41] Exhibit 7.
[42] By comparison, Representative Gutiérrez's Communications Director was paid an average of $4,631.94 per month in 2004; in 2008, his Press Secretary was paid an average of $4,408.65 per month.
[43] 18(a) Interview of Representative Gutiérrez.
[44] *See*, *e.g.*, 18(a) Interview of Former Staffer A ("[M]essage is key. And Doug, for better or for worse, mastered that so brilliantly, that he was worth it.").
[45] 18(a) Interview of Representative Gutiérrez.
[46] 18(a) Interview of Staffer B.

administrator also told Committee staff she never referred back to CHA guidelines on retaining contractors when processing Scofield Communications invoices because the Scofield contract was "already in place when [she] came to work in the office [in 2008]. And it was approved by [House] Finance."[47]

D. Services Performed Under the Scofield Contract

The record shows Mr. Scofield performed a range of tasks consistent with the terms of the contract between Scofield Communications and Representative Gutiérrez's congressional office. Representative Gutiérrez appears to have retained Scofield Communications in large part to obtain Mr. Scofield's expertise in public communications. Accordingly, the Scofield contract anticipated that Mr. Scofield would be "[a]ssisting staff or training staff in the areas of preparing remarks or press events," and "assisting or training the staff to publicize programs and activities of Congressman Gutiérrez."

With respect to his charge to "assist" with official communications, Mr. Scofield primarily worked with Representative Gutiérrez's communications director. Mr. Scofield focused on "helping the communications team run smoothly and ensuring consistency or strength of message," namely by assisting on messaging and speech writing.[48] Mr. Scofield did so by regularly editing remarks prepared by official staff, assisting in responding to press inquiries, and drafting press statements and speeches for Representative Gutiérrez.[49] On various occasions, Mr. Scofield also assisted with communications tasks related to immigration casework, including working with local reporters to publicize Representative Gutiérrez's work on such matters. In all of these circumstances, Mr. Scofield coordinated with official staff to make sure the language of any public statements reflected Representative Gutiérrez's unique communications style.[50]

Mr. Scofield also engaged in "training" Representative Gutiérrez's communications staff. Following considerable staff turnover in 2003 (including Mr. Scofield's own departure as Chief of Staff), there was a "hole in the office," particularly on the messaging and communications teams.[51] Leveraging his decade-long experience in messaging for Representative Gutiérrez, Mr. Scofield worked closely with the new press secretary to ensure that "the messaging moved forward," in many cases providing initial drafts of press statements and speeches to serve as templates or guideposts.[52] Mr. Scofield noted that this role also included a "mentoring component."[53]

In addition to the core communications functions, the Scofield contract anticipated that Mr. Scofield would assist or train staff with a number of other tasks, including dealing with "casework"

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[47] *See id.*

[48] 18(a) Interview of Former Staffer A.

[49] Even so, Mr. Scofield's speech-related work was sometimes intertwined with the legislative process, such as when he drafted, edited and commented on remarks that were intended as potential House floor speeches for Representative Gutiérrez. *See*, *e.g.*, Exhibit 8 (Scofield: "Thinking about the five minute . . . I will get something to you today. . .") and Exhibit 9 (Communications Director states that "LVG wants a 5 minute on Wednesday on the PR police DOJ report" and would "like Scofield (by phone) . . . to work on it with him").

[50] 18(a) Interview of Former Staffer A.

[51] 18(a) Interview of Doug Scofield.

[52] *Id.*

[53] *Id.*

and "community outreach efforts," attending "non-legislative meetings," and "[p]roviding staff with guidance and training as determined necessary by the [M]ember of Congress or Chief-of-staff." Consistent with these terms, Mr. Scofield helped official staff to plan citizenship workshops in the district office, and spent considerable time training new official staff in a variety of areas. For example, Mr. Scofield organized, and made presentations at, staff retreats in 2003 and 2004, where DC and district staff met to improve office morale, strategize on dealing with the caseload of immigration-related constituent work, and in some cases discuss legislative efforts.[54] Representative Gutiérrez's former Chief of Staff told Committee staff Mr. Scofield "ran" these retreats approximately once per Congress.[55]

Representative Gutiérrez described Mr. Scofield's training role to be one of "staff development" and "enhancement of skills," and said he never saw an endpoint to Mr. Scofield's role as a trainer under the contract.[56] Representative Gutiérrez also told Committee staff he never instructed Mr. Scofield how to train his staff, because Mr. Scofield had been training the staff when he served as Chief of Staff, and "[m]ost of the people that Doug hired were still there when he took on these new responsibilities."[57]

Finally, in addition to "assisting" and "training" official staff in a variety of specific areas, the contract included a broad catch-all authorization for Mr. Scofield to work in "[o]ther relevant and appropriate areas as determined by the Member of Congress and Chief of Staff." Read without context, this term of the contract would seem to allow Representative Gutiérrez to pay Mr. Scofield, using MRA funds, to do virtually anything the Congressman or his Chief of Staff wanted done. However, it bears emphasis that, under the contract's express terms, *all* of the work Mr. Scofield was expected to do would be in the category of "non-legislative, general office services." That limitation matched the language of the section on retaining contractors found in the *Member's Handbook* in effect at the time the Scofield contract was first executed. Thus, under both the terms of the contract and CHA's guidance on hiring contractors, Mr. Scofield could only be reimbursed for performing work for the official office that was "non-legislative" in nature, and that could be characterized as "general office services."

Despite these limitations, some of the work Mr. Scofield performed for Representative Gutiérrez's congressional office appeared to have a legislative component. Most notably, Mr. Scofield repeatedly advised Representative Gutiérrez on legislative strategy surrounding immigration legislation. For example:

- In September 2007, the House Judiciary Subcommittee on Immigration and Border Security scheduled a hearing on the STRIVE Act, Representative Gutiérrez's comprehensive immigration reform bill. Prior to the hearing, Representative Gutiérrez's then-Legislative Director told Mr. Scofield "we have to start inviting witnesses this week," and that Representative Gutiérrez asked her to "con-

[54] 18(a) Interview of Doug Scofield; 18(a) Interview of Former Staffer A.
[55] 18(a) Interview of Former Staffer A.
[56] 18(a) Interview of Representative Gutiérrez.
[57] *Id.*

sult with [Mr. Scofield] on moving forward with planning for the hearing."[58]

• In September 2009, Representative Gutiérrez's staff discussed a number of strategic considerations for "how to keep the pressure on the immigration debate", including "what kind of a bill, how to roll it out and with whom." Representative Gutiérrez's then-Legislative Director contacted Mr. Scofield after Representative Gutiérrez asked her to write a memo laying out those considerations and get Mr. Scofield's "opinion on them."[59]

• In a series of emails in November 2012, Mr. Scofield advised Representative Gutiérrez's staff on "next steps" for Representative Gutiérrez's legislative strategy on immigration reform. To "stay in the middle of the new immigration frenzy," Mr. Scofield suggested Representative Gutiérrez meet with several Senators.[60] Mr. Scofield also suggested Representative Gutiérrez introduce his own immigration bill, because "it seems like a natural reaction from the Congressman," and concluded it was "probably worth making everyone react to his bill."[61] After continued discussion on the subject, Mr. Scofield emailed the Communications Director, copying the then-Legislative Director: "Are we doing a bill? I think we need to lay down a marker quickly."[62]

• In January 2013, the then-Legislative Director sent Mr. Scofield a memorandum that Representative Gutiérrez "asked [] to put together for Scofield in particular," outlining the "state of play with regard to legislative developments" on immigration reform and "seeking guidance [] on some key decisions." One of the decisions facing Representative Gutiérrez, as detailed in the memo, was whether to "put his name on the bill" put forth by a bipartisan group.[63] Mr. Scofield replied with his thoughts on which measure or legislative coalition Representative Gutiérrez should support.[64]

While there is no indication Mr. Scofield was asked to draft any part of an immigration bill, a member of Representative Gutiérrez's staff did consult with Mr. Scofield on language for a separate bill in September 2009. On that occasion, a staff member asked for Mr. Scofield's input on the wording of a criminal penalties provision for legislation Representative Gutiérrez planned to introduce regarding employer-owned life insurance.[65] The staffer had drafted the penalty provision of the bill and asked Mr. Scofield: "Do you think this is what the Congressman was talking about in terms of criminal penalties?" The Committee has no record that Mr. Scofield replied to this question, or that Representative Gutiérrez was aware his staff asked it.

Mr. Scofield was also apparently involved in drafting or editing legislative testimony: in April 2012, the then-Legislative Director asked Mr. Scofield to advise on changes to a draft oral statement on the subject of racial profiling to be delivered by Representative

[58] Exhibit 10.
[59] Exhibit 11.
[60] Exhibit 12.
[61] Exhibit 13.
[62] Exhibit 14.
[63] Exhibit 15.
[64] Exhibit 16.
[65] Exhibit 17.

Gutiérrez at a hearing of the Senate Judiciary Subcommittee on the Constitution, Human Rights, and Civil Rights.[66]

Mr. Scofield told Committee staff that any work he may have performed relating to legislation was "strategic messaging" of Representative Gutiérrez's positions, and thus a communications function permitted under the contract.[67] When questioned about examples of his potential involvement in the legislative process, Mr. Scofield stated that "virtually everything that comes through a congressional office has a legislative component," and he only considered those things a "legislative assistant does day-to-day, attending committee hearings, tracking legislation, writing an analysis of a bill" as the kind of "legislative" tasks he could not perform.[68] However, Mr. Scofield acknowledged he may have performed "legislative" tasks he was not authorized to perform under the contract, stating: "Did they ask me to do some things on the continuum that are more legislative than others? I suppose they did."[69]

In addition to performing work for Representative Gutiérrez's office that appeared to include a legislative component, Mr. Scofield also performed a number of office management and administrative functions that closely approximated the duties of senior members of Representative Gutiérrez's official staff. These functions were not clearly detailed in the "Scope of Work" section of the Scofield contract, and do not resemble the types of "general office services" the *Member's Handbook* permits contractors to perform. For example:

- In February 2010, the then-Chief of Staff asked Mr. Scofield to talk with an applicant for a "press" position with Representative Gutiérrez's office, both to inform him of the demands of the job and to answer his questions about the position.[70]
- In a memorandum addressed from Representative Gutiérrez and written by his Chief of Staff, Mr. Scofield and Representative Gutiérrez's Communications Director were asked to coordinate whenever they took vacation time "to ensure that [the] office always has press and communications coverage."[71] When asked about the memorandum, Representative Gutiérrez told Committee staff he expected Mr. Scofield "would be there" whenever the Communications Director was out of the office, so "someone of his stature and someone of his competence [would] be in a position to answer questions to the media and the press and to help [Representative Gutiérrez]."[72]
- Mr. Scofield told Committee staff Representative Gutiérrez asked him to get "a little more involved in the district office," to provide "leadership" in the office and fill a "vacuum in leadership" following the District Director's demotion in 2012.[73]
- In a September 2012 email to Mr. Scofield and the then-Chief of Staff, Representative Gutiérrez instructed Mr. Scofield to "evaluate district operations and report changes and improvements," prepare staff evaluations and "make recommendations as to [staff] conditioned employment."[74] While the Committee's investigation

[66] Exhibit 18.
[67] 18(a) Interview of Doug Scofield.
[68] *Id.*
[69] *Id.*
[70] Exhibit 19.
[71] Exhibit 20.
[72] 18(a) Interview of Representative Gutiérrez.
[73] 18(a) Interview of Doug Scofield.
[74] Exhibit 21.

could not confirm whether Mr. Scofield actually performed staff evaluations or made related recommendations, Representative Gutiérrez said he was "sure" that Mr. Scofield evaluated district operations and reported on changes or improvements to him.[75]

Finally, along with his substantial work for Representative Gutiérrez's official office, Mr. Scofield also worked on a variety of campaign-related tasks for Representative Gutiérrez, including, but not limited to: planning and staffing district campaign events; preparing scripts for "robo calls"; and assisting with fundraisers.[76] On at least one occasion, in January 2008, Mr. Scofield also reviewed Representative Gutiérrez's responses to a local news outlet's "meet the candidates" questionnaire. Though Mr. Scofield told Committee staff he billed Representative Gutiérrez's campaign committee separately for some campaign work, he also explained there were a handful of "incidental" campaign tasks "that required little time or effort" for which he volunteered his time.[77] Among such unpaid tasks, Mr. Scofield and Scofield Communications staff issued meeting invitations and placed follow-up calls to Black and Latino elected officials from Chicago, who convened on at least two occasions to discuss "common priorities and concerns" in anticipation of the 2010 general election.[78]

E. Termination of the Contract

In May 2013, Paul Singer, a reporter with *USA Today*, contacted Representative Gutiérrez's staff with questions about the Scofield contract. This was not the first time questions about the contract were raised. Representative Gutiérrez's Communications Director testified that "a year earlier [in 2012], a reporter got in touch with us about Scofield and whether he was under contract with our office."[79] The Communications Director recalled a separate press inquiry about the contract in 2010,[80] and Mr. Scofield recalled previous press calls about the contract, likely in 2007 or 2008.[81]

Representative Gutiérrez, for his part, told the Committee he was unaware of these prior press inquiries, and that he first learned that there were questions about the Scofield contract in May 2013. Neither the Communications Director nor Mr. Scofield appear to have discussed the earlier press questions with Representative Gutiérrez at the time they were raised, and Representative Gutiérrez noted that no press stories resulted from the earlier press inquiries.[82]

On May 30, 2013, Representative Gutiérrez's Communications Director sent the following response to Mr. Singer:

> Doug Scofield, the Congressman's former Chief of Staff, through the Scofield Company, works with District staff on a wide range of concerns, training them to run the office

[75] 18(a) Interview of Representative Gutiérrez.
[76] 18(a) Interview of Doug Scofield.
[77] *Id.*
[78] Exhibits 22 and 23; 18(a) Interview of Doug Scofield ("I don't remember being paid for it."). Committee staff also found no FEC records reflecting payments from Representative Gutiérrez's campaign committee to Mr. Scofield or Scofield Communications for work done in 2010 on the "Joint Black Latino Luncheons." However, FEC records show that Representative Gutiérrez used campaign funds to pay for meals for at least one of those meetings.
[79] 18(a) Interview of Staffer C.
[80] *Id.*
[81] 18(a) Interview of Doug Scofield.
[82] 18(a) Interview of Staffer C; 18(a) Interview of Doug Scofield.

> and handle constituent services, management and everything else they do. He trained me and still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches.[83]

Representative Gutiérrez's Chief of Staff helped respond to Mr. Singer's questions by reviewing the office's records on the Scofield contract. She found the office's files "didn't have much more" than the then-Chief of Staff's 2003 fax transmission to CHA.[84] Due to the lack of records, Representative Gutiérrez's staff sought Mr. Scofield's assistance in responding to Mr. Singer's inquiry. Mr. Scofield testified the Chief of Staff told him Representative Gutiérrez's records did not necessarily indicate that the contract had been approved repeatedly,[85] and they were not sure "that all of the appropriate procedures had been followed for approval."[86]

In response to Mr. Singer's questions, Representative Gutiérrez's Chief of Staff also consulted with CHA. The Chief of Staff provided CHA with several iterations of the Scofield contract, and told CHA staff the contract had been approved by House Finance every Congress.[87]

On June 4, 2013, Mr. Scofield wrote Representative Gutiérrez's Chief of Staff and Communications Director with his views on some of the reporter's allegations, stating:

> The case they can make is that I do government work outside the scope of the contact, though if you read the contract it really is quite broad. We are following the language of a repeatedly approved House contract, and the worst that can be said is that I might occasionally do more government, official work than is specifically authorized.[88]

On June 5, 2013, *USA Today* published a report by Mr. Singer on Mr. Scofield's contract with Representative Gutiérrez, which noted Mr. Scofield had been retained since March 2003 to assist with training and "non-legislative message development."[89] Mr. Singer's article also alleged that "Scofield has represented clients in his communication and lobbying practice, including some for whom Gutiérrez has sought federal aid."[90] The article quoted a spokesperson from CHA's minority staff who "confirmed the contract was approved."[91] Mr. Singer's article also stated: "[I]n light of questions raised by *USA Today*, [Representative] Gutiérrez has asked the House Administration Committee to review the contract."[92]

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[83] Exhibit 24.
[84] 18(a) Interview of Staffer A.
[85] 18(a) Interview of Doug Scofield.
[86] *Id.*
[87] Exhibit 25; 18(a) Interview of Staffer A ("[T]he exercise of having to regenerate a contract and get it signed to submit to Finance, because they needed a copy of it, was . . . what communicated to me that Finance reviews it [every Congress].").
[88] Exhibit 26.
[89] Paul Singer, "Rep. Gutiérrez pays Chicago lobbyist with tax dollars," USA Today, June 6, 2013, *available at* https://www.usatoday.com/story/news/politics/2013/06/05/gutierrez-chicago-lobbyist-scofield-staff-congress-democrat/2391499/ (last accessed Mar. 6, 2018).
[90] *Id.*
[91] *Id.*
[92] *Id.*

On June 12, 2013, Representative Gutiérrez's Chief of Staff and several CHA staff members met to discuss the contract.[93] CHA staff told Committee staff that, at that meeting, they raised various concerns with the contract. For example:

- Based on the Chief of Staff's description of Mr. Scofield's duties, CHA staff was concerned Mr. Scofield had performed in a manner equivalent to official staff in some circumstances. For example, CHA staff observed that preparing remarks and press events are core duties of regular staff. Moreover, the type of "training" Mr. Scofield provided might also be typically provided by a Chief of Staff, Communications Director, or District Director.
- CHA staff was also concerned that the term "non-legislative message development," which was used in invoices to describe the firm's monthly work, was undefined by the contract, particularly in light of the potential difficulty in separating matters relating to a Member's voting decisions (*i.e.*, "legislative" activity) from his or her message generally.
- The absence of any written documentation relating to CHA's review or approval of the contract was also a significant issue.

According to the Chief of Staff, based on these concerns, CHA staff told her they did not recommend the contract continue "as is," and it should be either revised or cancelled.[94] Representative Gutiérrez told Committee staff that, until this point, he was unaware of CHA or House Finance having or raising any concerns with him or his staff about the contract.[95]

It is also worth noting that many of the concerns CHA staff expressed in 2013 related to the explicit terms of the Scofield contract—which CHA itself may have reviewed in 2003, and which House Finance received and did not object to over several subsequent congresses.

Following the Chief of Staff's meeting with CHA staff, she relayed the concerns CHA staff had expressed to Representative Gutiérrez, who decided to promptly terminate the Scofield contract. When Committee staff asked Representative Gutiérrez what he then understood to be the problem with the contract, he said "there could have been instances in which Doug Scofield acted as a consultant and/or an employee outside of the parameters of the contract."[96] Representative Gutiérrez told OCE that, at that time, he "saw that there were only two options: Mr. Scofield would have to become a full-time employee of the congressional office or he would have to resign."[97] However, Mr. Scofield did not wish to return as a congressional employee. As Representative Gutiérrez explained to Committee staff: "I looked at [Mr. Scofield's] contract, and as you can see his contract is very broad . . . it was pretty clear that you could blur the lines and if there is a blurring of the lines, you should let somebody go."[98] On June 13, 2013, Representative Gutiérrez informed Mr. Scofield that he was cancelling the contract.[99] Scofield Communications was paid for services rendered

[93] 18(a) Interview of Staffer A.
[94] 18(a) Interview of Staffer A.
[95] 18(a) Interview of Representative Gutiérrez.
[96] *Id.*
[97] Exhibit 2 at 8.
[98] 18(a) Interview of Representative Gutiérrez.
[99] Exhibit 27.

through June 13, 2013, at which point Mr. Scofield and his firm did no more work for Representative Gutiérrez.[100]

F. Potential Lobbying Activities by Scofield Communications

As previously noted, the June 2013 *USA Today* article included allegations that two Scofield Communications clients—the Greater Chicago Food Depository and the Chicago Botanical Garden—sought federal earmarks from Representative Gutiérrez while Mr. Scofield was under contract with his congressional office.[101] Though Mr. Scofield registered as a lobbyist with the State of Illinois soon after forming Scofield Communications in 2003, he has never been registered as a federal lobbyist for any entity.[102] Both Mr. Scofield and Representative Gutiérrez testified that no one from Scofield Communications ever lobbied Representative Gutiérrez or his congressional office.[103] Representative Gutiérrez also testified that he might have spoken with Mr. Scofield about his work at the Illinois state government level, but he never had a conversation with Mr. Scofield about being a registered lobbyist in Illinois.[104] However, Representative Gutiérrez told OCE that, after the press inquiries regarding Mr. Scofield's status as a registered state lobbyist, he determined it would be difficult to continue his contract with Mr. Scofield.[105] Representative Gutiérrez also stated it would have been difficult to identify and avoid potential conflicts of interests in the future, even if positions he were to take were wholly independent of Mr. Scofield's lobbying work.[106]

1. Greater Chicago Food Depository

Scofield Communications engaged in state-level lobbying on behalf of the Greater Chicago Food Depository (Food Depository), though Mr. Scofield testified that his firm never did any federal lobbying for the organization.[107] While Mr. Scofield was retained under contract, the Food Depository did have a "big federal project . . . building a large building in [Representative Gutiérrez's] district."[108] However, Mr. Scofield stated the Food Depository never spoke to him about the project, nor did he discuss the project with Representative Gutiérrez. Mr. Scofield told Committee staff: "I had no role in it."[109]

In March 2004, Representative Gutiérrez co-signed a letter drafted by Representative William Lipinski to Representative James Walsh, Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies, in support of a $2 million earmark for the Food Depository.[110] On July 20, 2004, Mr. Scofield emailed Representative Gutiérrez's then-Chief of Staff and asked: "What do you think is the timing for any decision regarding the appropriation? Thanks, as always. Also, Food Depository success will help

[100] *See* Statement of Disbursements of the House, July 1, 2013 through September 30, 2013, at 903, *available at* https://www.house.gov/sites/default/files/uploads/documents/2013q3___singlevolume.pdf (last accessed Mar. 6, 2018); 18(a) Interview of Doug Scofield.
[101] *See supra* Section IV.E.
[102] Exhibit 28; *see also* 18(a) Interview of Doug Scofield.
[103] 18(a) Interview of Doug Scofield; 18(a) Interview of Representative Gutiérrez.
[104] 18(a) Interview of Representative Gutiérrez.
[105] Exhibit 2 at 7.
[106] *Id.*
[107] 18(a) Interview of Doug Scofield.
[108] *Id.*
[109] *Id.*
[110] Exhibit 29 at 1.

me to clear my mind and find a wealthy and handsome husband for you."[111] Neither Mr. Scofield's nor Representative Gutiérrez's productions to the Committee included any replies to this communication.

When Committee staff asked Mr. Scofield about this email, he said a representative from the Food Depository had called him, because she knew he worked for Representative Gutiérrez, to ask whether he could find out about the status of the appropriation request.[112] Representative Gutiérrez's then-Chief of Staff told Committee staff she did not recall having any discussions with Mr. Scofield about the timing of any appropriation to the Food Depository.[113] The then-Chief of Staff said she did not handle appropriations as part of her duties, but "if [Mr. Scofield] had made a call to the staff about this . . . [she] probably would have been alerted by the staff."[114] She said she "must have had" other communications with Mr. Scofield about the Food Depository, though she did not recall specific conversations on the subject. Nor did she recall anyone else in Representative Gutiérrez's office having communications with Mr. Scofield about the Food Depository.[115]

The Food Depository received federal funding as part of a 2005 omnibus appropriations bill. An undated internal memorandum prepared by Representative Gutiérrez's staff labeled "2005 Appropriations: Member Project Requests" listed appropriations requests made by Representative Gutiérrez that made it into the final bill. The memo included an entry for "VA–HUD Greater Chicago Food Depository," in the amount of $539,500, which was listed under the heading "Projects We Supported, But Did Not Take the Lead On."[116]

Around the time of the *USA Today* story in June 2013, Mr. Scofield discussed his work for the Food Depository by email with Representative Gutiérrez's Chief of Staff and Communications Director, when he provided his views on some of the reporter's allegations. Mr. Scofield wrote:

> On the food depository, I would re-emphasize that I simply did not talk to Luis about money. A member of Congress supporting an appropriation for a food bank that feeds hungry people in his district is both routine and admirable, and in this case not caused or initiated by me—it was led by [Representative] Lipinski and [Senator] Durbin.[117]

In a separate email, Mr. Scofield stated: "I think we can be more emphatic—[Representative Gutiérrez] and Doug Scofield did not have any discussions about funding for the food depository. I strongly believe that is accurate."[118]

All of the current and former members of Representative Gutiérrez's staff who were interviewed by Committee staff said nei-

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[111] Exhibit 30.
[112] 18(a) Interview of Doug Scofield.
[113] 18(a) Interview of Former Staffer A.
[114] *Id.*
[115] *Id.*
[116] Exhibit 31; *see also* Exhibit 32.
[117] Exhibit 26.
[118] Exhibit 32.

ther Mr. Scofield nor anyone associated with Scofield Communications ever lobbied them on behalf of the Food Depository.[119]

2. Chicago Botanical Gardens

Mr. Scofield told Committee staff the Chicago Botanical Gardens might have been registered as a lobbying client of Scofield Communications, though he did not advocate for the organization at the federal level.[120] In March 2010, Representative Gutiérrez sent a letter of support to the Chair and Ranking Member of the House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for a $620,000 earmark for the Chicago Botanical Gardens.[121] The Committee's investigation revealed no evidence that Mr. Scofield or anyone from Scofield Communications was involved in requesting or otherwise preparing this letter.

By email to Representative Gutiérrez's Chief of Staff and Communications Director, Mr. Scofield commented on the allegations from the *USA Today* story:

> I never lobbied for the Chicago Botanic Garden and I don't know anything about an earmark for them and had nothing to do with it. They were briefly a [public relations] client. I never personally did any work for them at all—it would have been other staff members of the company, and it wouldn't have had anything to do with Luis. I had no contact, ever, with anyone on the Congressional staff, or Luis, about the Botanical Garden.[122]

All the current and former members of Representative Gutiérrez's staff who were interviewed by Committee staff stated that neither Mr. Scofield nor anyone associated with Scofield Communications ever lobbied them on behalf of the Chicago Botanical Gardens.[123]

3. National Museum of Puerto Rican Arts and Culture

Mr. Scofield told Committee staff the National Museum of Puerto Rican Arts and Culture (IPRAC) was a fundraising client, not a lobbying client, of Scofield Communications.[124] Thus, Scofield Communications helped IPRAC raise money, but did not lobby for state or federal appropriations on the organization's behalf. However, in March 2007, a Scofield Communications employee sent Representative Gutiérrez's then-Chief of Staff a completed federal funding request form for IPRAC, for the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies for FY 2008.[125] Mr. Scofield's wife, who was then employed by Scofield Communications, later communicated with the then-Chief of Staff on the funding request, in July 2007.[126] Mr. Scofield's wife told the then-Chief of Staff that she would send her a copy of their previous

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[119] *See, e.g.*, 18(a) Interview of Staffer A; 18(a) Interview of Staffer C; 18(a) Interview of Former Staffer A; 18(a) Interview of Former Staffer B.
[120] 18(a) Interview of Doug Scofield.
[121] Exhibit 33.
[122] Exhibit 26.
[123] *See, e.g.*, 18(a) Interview of Staffer A; 18(a) Interview of Staffer C; 18(a) Interview of Former Staffer A; 18(a) Interview of Former Staffer B.
[124] 18(a) Interview of Doug Scofield.
[125] Exhibit 34.
[126] *Id.*

correspondence on the subject, and noted: "That was the last correspondence there was on this except conversations that took place between Doug and Luis."[127] Mr. Scofield told Committee staff he was not involved in any work done by Representative Gutiérrez on behalf of IPRAC in the fiscal year 2008 appropriations bill passed by the House.[128] Representative Gutiérrez also told Committee staff he could not recall having any conversations with Mr. Scofield about IPRAC's funding request.[129]

In July 2007, a Scofield Communications employee emailed Representative Gutiérrez's then-Deputy Chief of Staff and another staff member who handled appropriations matters, attaching a template of a letter of support for Senator Durbin to "help secure the funds for IPRAC."[130] The email noted Mr. Scofield had been "giving his input" on the letter. The Deputy Chief of Staff asked: "Is the objective to ask the Senator to support the House position in the Approps Conference?" The Scofield Communications employee responded: "we [want] him to protect and support the $150,000 Congressman Gutiérrez has secured in the [H]ouse." Representative Gutiérrez's Deputy Chief of Staff then provided the Scofield Communications employee with some suggestions on the letter.[131] When asked about this email, the then-Deputy Chief of Staff said that he did not recall why an employee of Scofield Communications would have written him about IPRAC.[132] In their testimony to Committee staff, neither Mr. Scofield nor the former Scofield Communications employee could recall IPRAC requesting federal funding.[133]

Each of the current and former members of Representative Gutiérrez's staff who were interviewed by Committee staff stated that neither Mr. Scofield nor anyone associated with Scofield Communications ever lobbied them on IPRAC's behalf.[134]

V. FINDINGS

A. Unauthorized Use of the Members' Representational Allowance

Federal appropriations law, which states "[a]ppropriations shall be applied only to the objects for which the appropriations were made," restricts use of the MRA to only those purposes and reimbursements authorized by federal law or CHA regulations governing the reimbursement of expenses from a Member's MRA.[135] The *Members' Handbook*, which details those regulations, says Member offices are authorized to retain contractors, not consultants. The *Member's Handbook* in effect at the time the Scofield Communications contract was in place also states Members, using MRA funds, "may contract with firms or individuals only for gen-

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[127] *Id.*

[128] 18(a) Interview of Doug Scofield ("Q: Were you involved in any work done by Representative Gutiérrez on behalf of IPRAC in that VA–HUD Appropriations bill? A: No.").

[129] 18(a) Interview of Representative Gutiérrez.

[130] Exhibit 35; *see also* 18(a) Interview of Former Staffer B ("The only name that is referenced here is Natalie Angelo, who I think handled appropriations back then.").

[131] Exhibit 35.

[132] 18(a) Interview of Former Staffer B.

[133] 18(a) Interview of Doug Scofield; 18(a) Interview of Former Scofield Communications Employee.

[134] *See, e.g.*, 18(a) Interview of Staffer A; 18(a) Interview of Staffer C; 18(a) Interview of Former Staffer A; 18(a) Interview of Former Staffer B.

[135] 31 U.S.C. § 1301(a).

eral, non-legislative, office services . . . for a specific, limited period not to exceed the Member's term."[136]

The *Members' Handbook* advises Members to consult the CHA when entering into agreements with contractors. The Committee found Representative Gutiérrez took appropriate steps to get approval for the initial contract with Scofield Communications. While the Committee's investigation did not reveal conclusive evidence regarding CHA approval of the Scofield Communications contract, there is substantial evidence that CHA and the House Finance office either expressly approved Representative Gutiérrez's contract with Scofield Communications, or at a minimum raised no objection to that contract from 2003 to 2013, until the press inquiries that eventually prompted Representative Gutiérrez to terminate the contract. Once Representative Gutiérrez became aware of CHA's concerns over the contract in 2013, he also took appropriate steps to address those concerns.

It could be argued that some of the work the contract expressly authorized Mr. Scofield to do was beyond the scope of what CHA's *Members' Handbook* anticipated for contractors. However, the Committee did not find Representative Gutiérrez at fault for permitting a contractor to perform work consistent with a contract that CHA—the entity that authors the *Members' Handbook*—appears to have reviewed and not objected to. Moreover, CHA has subsequently taken steps to review its regulations governing use of the MRA and related oversight processes.[137]

A significant portion of Mr. Scofield's work from 2003 to 2013 also accorded with the contract's terms and with the guidance in the *Members' Handbook*. Mr. Scofield regularly edited remarks prepared by official staff, assisted in responding to press inquiries, drafted press statements and speeches, organized staff retreats, and conducted training—all activities specified in the contract's scope of work.

On the other hand, to the extent Representative Gutiérrez used MRA funds to compensate Mr. Scofield for performing services that were both outside the scope of the contract that CHA reviewed and not authorized by the regulations detailed in the *Members' Handbook*, such disbursements were not permissible.[138] And while a sig-

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[136] Exhibit 1 at 13.

[137] In 2015, CHA publicly announced the creation of a working group "to review current House regulations and explore ways to strengthen the regulations governing official expenses, as well as ways to enhance the training and educational opportunities available to assist each office with compliance." Comm. on House Admin., "Committee Members to Review House Regulations Governing Official Expenses," Mar. 27, 2015, *available at* https://cha.house.gov/press-release/committee-members-review-house-regulations-governing-official-expenses (last accessed Mar. 6, 2018).

[138] Neither Representative Gutiérrez nor Mr. Scofield has asserted that, while Scofield Communications was a contractor for Representative Gutiérrez's office, Mr. Scofield performed any official work for the office in an unpaid, volunteer capacity. Thus, the Committee assumed Scofield Communications was paid, using MRA funds, for all of the official work it performed for Representative Gutiérrez's office. If Mr. Scofield or Scofield Communications had performed work for the official office in a volunteer capacity, that would likely violate House Rule, XXIV, clause 1(a), which prohibits the maintenance of an "unofficial office account." *See Ethics Manual* at 284 ("[I]n addition to money, the prohibition on unofficial office accounts proscribes the private, in-kind contribution of goods or services for official purposes."); *see also id.* at 288 ("A Member or House office may accept the temporary services of a volunteer, provided the Member or office has a clearly defined program to assure that: (1) The voluntary service is of significant educational benefit to the participant; and (2) such voluntary assistance does not supplant the normal and regular duties of paid employees. In this regard, limitations should be imposed on . . . the duration of services any one volunteer may provide."). Indeed, the Committee has previously found that permitting a former Chief of Staff to volunteer with an office, in a capacity that included routine political advice to the Member, violated the prohibition on unofficial ac-

nificant portion of the work Mr. Scofield and his firm performed for Representative Gutiérrez's office was within the contract's broad terms—and fit the contract's description of "non-legislative, general office services"—some of the services provided appeared to be "legislative" in nature, or otherwise exceeded both the contract's scope and *Members' Handbook* guidelines governing the work contractors may perform for a congressional office. The phrases "non-legislative" and "general office services" are both important to this determination.

The Committee is unaware of a specific definition for a "legislative" task in this context, either in the CHA regulations or in the Committee's guidance. Nor does the contract between Representative Gutiérrez and Scofield Communications supply a definition. However, it is reasonable to conclude that a contractor who is retained to perform "non-legislative" work should not be actively involved in a Member's decisions regarding whether, when, or how to introduce legislation. The phrase "general office services" is also important, as it modifies "non-legislative" in both the Scofield contract and the CHA guidelines regarding retention of contractors by personal offices. The *Members' Handbook* does not define "general office services," but it does provide some representative examples: "equipment maintenance, systems integration, data entry, staff training, photography, custodial services."[139] Notably, none of these tasks are even remotely related to the process of crafting and passing legislation.

Generally speaking, both Representative Gutiérrez and Mr. Scofield acknowledged that some of Mr. Scofield's work had at least some "legislative component." When discussing his work generally, Mr. Scofield told Committee staff: "Did they ask me to do some things on the continuum that are more legislative than others? I suppose they did."[140] Two incidents in particular illustrate the accuracy of this statement.

First, in September 2009, Representative Gutiérrez's then-Legislative Director emailed Mr. Scofield to tell him she "just sat down with the Congressman to discuss how to keep the pressure on the immigration debate, to keep things moving forward."[141] The then-Legislative Director clarified this "was not a conversation about bill content (although I am readying a bill), but about strategy: what kind of bill, how to roll it out and with whom."[142] The then-Legislative Director explained they "talked about a number of considerations with regard to strategy," and said "the boss asked me to . . . get your opinion on them."[143] This request was repeated in January 2013, when Representative Gutiérrez sought Mr. Scofield's "guidance on some key decisions" with respect to various immigration bills being developed in the House.[144] At Representative Gutiérrez's request, the then-Legislative Director prepared a memorandum "for Scofield in particular" outlining legislative devel-

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counts. *See* House Comm. on Standards of Official Conduct, *In the Matter of Rep. E.G. "Bud" Shuster*, H. Rep. 106–979, 106th Cong., 2d Sess. at 44–51 (2000).

[139] Exhibit 1 at 13. The *Members' Handbook*, which was last updated on February 27, 2018, currently includes a revised contractor rule stating that general office services should be "outside core office functions."

[140] 18(a) Interview of Doug Scofield.

[141] Exhibit 11 at 2.

[142] *Id.*

[143] *Id.*

[144] Exhibit 15.

opments and strategic considerations, in preparation for a discussion as to what particular bill(s) Representative Gutiérrez should sponsor or otherwise support.[145]

Moreover, as previously discussed, on at least one occasion, Representative Gutiérrez's staff directly consulted Mr. Scofield for his input on a bill's substantive language.[146] While it is unclear whether or how Mr. Scofield responded, there is no evidence in the record that Mr. Scofield ever declined to answer any question the official staff directed to him, or refused any request to do any particular task. Nor is there any evidence Mr. Scofield ever raised concerns that anything he was asked to do was beyond the scope of Scofield Communications' contract with Representative Gutiérrez. Moreover, the mere fact that a member of Representative Gutiérrez's staff would ask Mr. Scofield to weigh in on the language of a bill she was drafting for the Congressman suggests Representative Gutiérrez did not set, or communicate to staff, clear limits on Mr. Scofield's services to the office.

Mr. Scofield told Committee staff he understood the contract to broadly permit his work on communications-related tasks for Representative Gutiérrez, and that any work he may have performed relating to legislation was "strategic messaging" of Representative Gutiérrez's positions, and thus a communications function. When questioned about documents that appeared to show his involvement advising Representative Gutiérrez on strategic decisions regarding whether, when, and how to introduce legislation, Mr. Scofield stated "virtually everything that comes through a congressional office has a legislative component," and that he only considered those things a "legislative assistant does day-to-day, attending committee hearings, tracking legislation, writing an analysis of a bill" as the kind of "legislative" tasks he could not perform.[147] Yet there is no basis for concluding that "legislative" work is limited to those tasks typically done by a legislative assistant. To start, the examples of permissible contractor services in the *Member's Handbook* involve no "legislative component" whatsoever,[148] which suggests Mr. Scofield's interpretation of where the line falls is overly restrictive. Further, while it is true that Mr. Scofield's input on decisions about whether, when, and how to introduce legislation may have had a messaging-related component, they were also integral to the legislative process. Indeed, even some of Mr. Scofield's communications work was deeply intertwined in the legislative process, such as when he drafted, edited and commented on speeches Representative Gutiérrez gave on the House Floor, some of which related to legislation.[149]

Notwithstanding any ambiguities over whether some of the services Mr. Scofield provided under the contract were more "legislative" in nature, Congressman Gutiérrez has argued that the contract was broad and, more importantly, repeatedly "approved" by CHA.[150] Representative Gutiérrez has also asserted that neither CHA nor the House Finance Office, when it received new copies of the Scofield contract at the beginning of each Congress, objected to

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[145] *Id.*
[146] *See supra* Section IV.D (discussing Exhibit 17).
[147] 18(a) Interview of Doug Scofield.
[148] See Exhibit 1 at 5.
[149] *Supra* note 49.
[150] 18(a) Interview of Representative Gutiérrez.

the descriptions in the scope of work Mr. Scofield would perform.[151] Thus, Representative Gutiérrez asserts he reasonably relied on such "approval" to conclude that the Scofield contract, as well its descriptions of the tasks Mr. Scofield would perform, were permissible and compliant with relevant rules and regulations. To be clear, the Committee did not fault Representative Gutiérrez for allowing Mr. Scofield and his firm to do the work specified in the contract, even if the Committee itself would have raised questions about the breadth of the contract in the first instance.

However, even if CHA approved the Scofield contract, there is no indication CHA monitored or was informed of the work Mr. Scofield was *actually doing* for Representative Gutiérrez's office. To the extent Mr. Scofield did work that exceeded the scope of the contract—however broad it may have been—CHA's approval of the contract's terms is no defense. Further, Mr. Scofield acknowledged the possibility that he did more official work for Representative Gutiérrez than he was authorized to perform under the contract, noting in response to the inquiries from *USA Today* that "the worst that can be said is that I might occasionally do more government, official work than is specifically authorized." [152]

There is also substantial evidence that, while the contract described Scofield Communications as an "independent contractor," Representative Gutiérrez and his office treated Mr. Scofield as equivalent to official staff. As a part-time contractor, Mr. Scofield's annual compensation was at times equal to, if not greater than, the salary of a full-time communications staffer in the congressional office.[153] In his submissions to the Committee, Representative Gutiérrez asserted Mr. Scofield's role in his office was distinct from that of official staff because:

> Mr. Scofield had no office space or office hours in either the Washington, D.C., or district offices; he did not use House equipment or resources to complete tasks associated with his contract; he did not utilize a House email address; he had no specific job responsibilities, nor did he hire, fire, direct or supervise any member of the official staff. Mr. Scofield generally received assignments for specific tasks, as provided by the contract, primarily from Representative Gutiérrez, his chief of staff or his communications director.[154]

While Mr. Scofield may not have had a desk in Representative Gutiérrez's congressional offices, he appears to have spent considerable time in a district office in 2012, in order to fill a "vacuum in

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[151] *Id.*

[152] Exhibit 26.

[153] Under the contract, Scofield Communications was paid a monthly fee of $5,500 from March to June 2003, which was reduced to $4,500 month beginning in July 1, 2003. *See* Exhibit 6. The firm was apparently paid at that same rate through 2008 and 2009. *See* Exhibit 36. By comparison, Representative Gutiérrez's Communications Director was paid an average of $4,631.94 per month in 2004; in 2008, his Press Secretary was paid an average of $4,408.65 per month. Meanwhile, the firm's monthly fee rose to $6,000 per month in January 2013. *See* Exhibit 7. Current and former members of the official staff explained this parity in pay—despite Mr. Scofield's part-time, contractor status—by saying that Mr. Scofield was highly trained and valued within the office for his knowledge of Representative Gutiérrez and his communications style. *See, e.g.*, 18(a) Interview of Former Staffer A ("[M]essage is key. And Doug, for better or for worse, mastered that so brilliantly, that he was worth it.").

[154] Representative Gutiérrez Submission (July 18, 2014) at 2.

leadership" following a staff demotion.[155] And while Mr. Scofield may not have hired or fired any congressional employees, he was asked by Representative Gutiérrez on one occasion to "evaluate district operations and report changes and improvements," prepare staff evaluations, and "make recommendations as to [staff] conditioned employment."[156]

Further, Representative Gutiérrez described Mr. Scofield as "so tightly knit to our staff," that he was consulted "[w]henever he was needed" and was expected to "be there" whenever the Communications Director was out of the office, so "someone of his stature and someone of his competence [would] be in a position to answer questions to the media and the press . . ."[157] Representative Gutiérrez told OCE that, given the breadth of the "Scope of Work" in the Scofield contract, "it was pretty clear that you could blur the lines" between what Mr. Scofield could and could not do. Yet Representative Gutiérrez's own statements, actions, and failure to supervise both his contractor and his official staff contributed to this blurring. The difficulty began with Representative Gutiérrez's 2003 statement to his then-Chief of Staff that by retaining Scofield Communications, the office would have Mr. Scofield "back on staff." Given this statement and belief, it is not surprising Representative Gutiérrez's official staff would not easily distinguish between Mr. Scofield's role as a contractor and his former role as Chief of Staff. Representative Gutiérrez also failed to clearly define, and communicate to his staff, the boundaries of Mr. Scofield's role, which likely contributed to his performance of work that exceeded the scope of his contract, and the staff's practice of consulting Mr. Scofield on matters outside the contract's scope.

Ultimately, the Committee found clear evidence that Representative Gutiérrez directly asked Mr. Scofield on various occasions to perform work that was "legislative" in nature, beyond the scope of the contract Representative Gutiérrez personally signed with Scofield Communications, or otherwise impermissible for contractors to provide to a congressional office. In addition, it appeared Representative Gutiérrez made no effort to communicate to his staff any limits on the scope of work which staff could ask Mr. Scofield to do. The incident where a legislative assistant asked Mr. Scofield for guidance on specific language to insert into a bill illustrated the danger of such a "hands-off" approach to retaining a contractor, especially one who had previously served as the office's Chief of Staff.

The Committee accepted Representative Gutiérrez's assertion that he did not, until allegations surfaced in the press in 2013, "understand the extraordinary nature" of the services Mr. Scofield was asked to perform as a contractor, or the House rules and CHA regulations governing such services.[158] However, as previously discussed, it appears the press raised questions about Mr. Scofield's work with Representative Gutiérrez's office on several occasions prior to the *USA Today* report in 2013, going back as early as 2007.[159] The precise nature of these inquiries is not clear, and it does not appear the press published any reports about Mr. Sco-

[155] 18(a) Interview of Doug Scofield.
[156] Exhibit 21.
[157] 18(a) Interview of Representative Gutiérrez.
[158] *Id.*
[159] *Supra* Section IV.E.

field's role until 2013. However, at a minimum, these inquiries could have prompted Representative Gutiérrez's office to re-examine the Scofield contract and consider whether all of Mr. Scofield's work was consistent with the contract's terms and CHA's guidance. Even before and aside from any press inquiries about Mr. Scofield's role, Representative Gutiérrez should have known the rules and regulations governing his use of the MRA,[160] and should have better supervised Mr. Scofield's work performance to make sure it accorded with both those rules and the contract's terms.

To his credit, when *USA Today* published its report in 2013, Representative Gutiérrez promptly directed his Chief of Staff to consult with CHA staff. When CHA staff informed him the contract would have to be revised or canceled, Representative Gutiérrez immediately terminated the contract. Further, Representative Gutiérrez told the Committee he has gained a greater understanding of how and why Mr. Scofield's role with his office was in some ways problematic. As Representative Gutiérrez explained:

> I have come to the understanding [of] what is a contractor . . . House Administration isn't going to come to my office every 6 months and say, hey, by the way [Mr. Scofield] didn't do this, right? We have to do that internally . . . And so—would I have done it differently? Yeah, I would have done it really, really differently . . . [and] I know ignorance is not an excuse . . ..[161]

Likewise, when Committee staff asked Representative Gutiérrez about instances where he directed staff to consult with Mr. Scofield about the kind of immigration bills he should introduce, how he should position the bills to achieve passage, and who he should work with on the bills, he said: "I get the legislative stuff, and I get where the questions are coming from, that is why [Mr. Scofield] was let go."[162]

The Committee found no reason to believe that Representative Gutiérrez or his office intentionally misused the MRA in this case. Nor did Representative Gutiérrez personally benefit from any misuse of MRA funds. The Committee also accepted Representative Gutiérrez's subjective belief that the terms of the contract with Scofield Communications—however broad—were permissible, given his understanding that the contract was submitted for CHA's review, and that the House Finance Office continually authorized payments of Scofield Communications invoices from the contract's inception until its termination in 2013. Yet the evidence is clear that some portion of the work for which Representative Gutiérrez used MRA funds to pay Scofield Communications exceeded the scope of the contract, as well as CHA rules defining those tasks that contractors retained by congressional offices may perform. Any use of

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[160] *See* House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Ed Whitfield*, H. Rept. 114–387, 104th Cong. 2nd Sess. 44 (2016) (hereinafter *Whitfield*) (citing House Comm. on Standards of Official Conduct, *In the Matter of Representative Richard Stallings*, H. Rept. 100–382, 100th Cong. 1st Sess. 5 (1987) (hereinafter *Stallings*) (noting that the Committee has historically "refused to accept claims of mitigation that 'would effectively result in the condonation of improper action based upon a defense of ignorance of House Rules, stating that '[s]uch an approach is clearly untenable on its face.'")).

[161] 18(a) Interview of Representative Gutiérrez.

[162] *Id. see also id.* (describing his decision in 2013 to terminate Mr. Scofield's contract, Representative Gutiérrez stated: "[A]s I looked at his contract . . . it was pretty clear that you could blur the lines.").

official funds to pay Scofield Communications for such work violated House rules and CHA regulations restricting the MRA to approved uses.[163]

As the *Members' Handbook* states, "[e]ach Member is personally responsible for the payments of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are not reimbursable under these regulations."[164] Consistent with this guidance, where Members have used official funds for impermissible purposes, the Committee has regularly directed them to repay any misspent funds.[165] This requirement has most frequently arisen in circumstances where official funds were used for a Member's personal benefit or to benefit their campaign, which is not the case here. However, the Committee has also made clear that a Member is responsible to repay MRA funds used for impermissible purposes, even where neither the Member nor the Member's campaign benefitted from the use of official funds. Thus, in *The Matter of Representative Mary Rose Oakar*, the Committee concluded that Representative Oakar's payment of salary to an individual residing and working in New York directly violated House and statutory requirements that all individuals paid from the Clerk Hire Allowance were required to perform their official duties either in Washington, D.C., or in the state or the district represented by the Member.[166] Though the Committee took no further action in the matter—in part because Representative Oakar admitted fault and had already reimbursed the U.S. Treasury for any impermissible disbursements—it stated that the Member, "as the individual who authorized the erroneous salary disbursements, bore financial responsibility for all payments improperly made."[167]

In some cases, however, the Committee has sanctioned Members for unauthorized uses of official funds, but has not required them to repay such funds. In *The Matter of Representative Austin J. Murphy*, the Committee recommended, and the House voted to issue, a reprimand to Representative Murphy for various violations of law and House rules, including permitting a private law firm, over a nine year period, to use office equipment, furniture, sup-

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[163] Regarding Mr. Scofield's assistance on "incidental" campaign-related matters, the lack of detailed invoices or sufficient division between the performance of official work and campaign work could present a problem of appearances: members of the public or individuals unfamiliar with Mr. Scofield's practices might speculate whether Mr. Scofield was paid to do campaign work under the general retainer agreement. However, the Committee found no evidence that Mr. Scofield or anyone at Scofield Communications was paid for campaign work with MRA funds.

[164] *Members' Handbook* at 2; *see also Ethics Manual* at 323 ("Members may be personally liable for misspent funds or expenditures exceeding the MRA.").

[165] *See, e.g.*, Comm. on Standards of Official Conduct, *In the Matter of Representative Charles C. Diggs*, H. Rept. 96–351, 96th Cong. 1st Sess. (1979) (Member was required to repay House $40,031.66 for the "personal benefit he received from his misconduct" in giving his office staff raises and requiring them to pay certain of his personal expenses out of those raises); Comm. on Standards of Official Conduct, *In the Matter of Adam Clayton Powell*, H. Rept. 90–27, 90th Cong. 1st Sess. (1967) (Member was censured and fined $40,000 for various acts, including misappropriating public funds for personal travel, and for paying his wife a salary though she performed no official duties; the Committee noted that the fine would "offset any civil liability of Mr. Powell to the United States of America with respect to" the allegations.).

[166] The Clerk Hire Allowance has since been merged into the MRA. *See* Legislative Branch Appropriations Act, Pub. L. 110–161, Division H, Title I—House of Representatives—Members' Representational Allowances Including Clerk Hire, Official Expenses of Members, and Official Mail (2008).

[167] In so concluding, the Committee noted "the individual who authorized the disbursements should be held responsible for such actions since the recipient is not in a position to set into motion the administrative process resulting in payment." Comm. on Standards of Official Conduct, *Summary of Activities, One Hundredth Congress*, H. Rept. 100–1125, 100th Cong. 2nd Sess. 7 (1989).

plies, and a telephone account paid for with official funds.[168] In resolving the matter, it appears the Committee did not discuss the possibility of requiring Representative Murphy to reimburse the U.S. Treasury for any impermissible disbursements from the MRA, nor did it cite the CHA regulation providing that a Member is personally responsible for such disbursements. Rather, the Committee noted Representative Murphy "either disclaimed his knowledge or approval of [the improper use of official resources], or asserted that such instances were *de minimis*," and stated "precise quantification of the value of diverted resources is not possible." [169]

In this case, Representative Gutiérrez cannot claim he was unaware Mr. Scofield was asked to do work that exceeded the scope of his contract because, in several instances, it was Representative Gutiérrez who asked that the work be done. Thus, while Representative Gutiérrez may not have been aware of CHA's guidance on the work a contractor may do,[170] and may have forgotten how the contracts he repeatedly signed defined those limits, he certainly knew Mr. Scofield was told to do "legislative" work, and that Mr. Scofield did such work.[171] Also unlike the *Murphy* matter, even though Representative Gutiérrez asserts he did not learn of press inquiries about Mr. Scofield's contract until May 2013, his office had fielded questions about the contract several times, starting years before the *USA Today* article that ultimately caused him to cancel the contract. Finally, although the amount of impermissible work may have been minimal, relative to the vast majority of the work Mr. Scofield appropriately performed, it was not "*de minimis*," because it was not negligible or inconsequential, given Mr. Scofield's billing rate and the significance of some of the impermissible requests to Representative Gutiérrez's legislative goals and official work.[172]

As in the matter of Representative Murphy, in this case "precise quantification of the value of diverted resources is not possible." [173] Scofield Communications charged Representative Gutiérrez's office a flat monthly fee for its services, over a span of over ten years, and did not track or itemize the value of its work on discrete tasks for the office. As a result, it is difficult to attribute individualized sums or hours worked by Mr. Scofield to specific tasks. Nor has

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[168] Comm. on Standards of Official Conduct, *In the Matter of Representative Austin J. Murphy*, H. Rept. 100–485, 100th Cong., 1st Sess. 5 (1987) (hereinafter *Murphy*).

[169] *Id.* at 4.

[170] As the Committee has long made clear, ignorance of the law, rules, and other standards of conduct is not a defense or excuse. *See supra* n.160.

[171] Representative Gutiérrez also knew, or should have known, there was *some* limit on Mr. Scofield's relationship with the official office. When Representative Gutiérrez signed the contract with Scofield Communications, he told his then-Chief of Staff something to the effect of "we'd have Doug back on staff." *See* Exhibit 2 at 3. But there is no plausible reading of CHA's guidance on hiring contractors that would allow a Member to hire a contractor to do everything an official staffer would do. The Committee does not credit readings of the rules that have no reasonable basis. *See, e.g.*, Comm. on Ethics, *In the Matter of Allegations Relating to Representative Don Young*, H. Rept. 113–487, 113th Cong. 2d Sess. 69 (2014) (hereinafter *Young*) (Member's receipt of travel "based on an exception to the gift rule that does not exist" was "not a reasonable difference of opinion on the nature of the rules," but rather "at best, a grievous error in interpretation."). To the extent Representative Gutiérrez knew or should have known that any reasonable reading of the rules required him to limit Mr. Scofield's work for the office in some way, he should have been more mindful of, and attentive to, what those limits were and how he could avoid exceeding them.

[172] *See, e.g.*, Black's Law Dict. (10th Ed.) (defining *de minimis* as "trifling; negligible"); *see also Ethics Manual* at 96 (lobbyist's involvement in planning, organizing, requesting, or arranging a one-day event trip is permissible under House Rule 25, clause 5(c)(2) only if it is *de minimis*, meaning "the involvement of a lobbyist . . . in connection with the trip must be 'only negligible or otherwise inconsequential in terms of time and expense to the overall planning purpose of the trip.'").

[173] *See Murphy* at 4.

Representative Gutiérrez proposed any method for calculating the value of any MRA funds that may have been improperly spent to compensate Scofield Communications for services provided under the contract.

However, the Committee believes Members should be required to reimburse the U.S. Treasury for impermissible disbursements from the MRA even where the exact amount of such disbursements cannot be determined.[174] This is particularly true where the Member was aware of, and in fact directed, the impermissible conduct. As previously discussed, the *Murphy* matter, which dealt with circumstances where the misspent funds were arguably *de minimis*, is distinguishable. In any case, a requirement of "precise quantification" of amounts a Member must repay is not consistent with the Committee's more recent practice and precedent. For example, in *The Matter of the Investigation into Officially Connected Travel of House Members to Attend the Carib News Foundation Multi-National Business Conferences in 2007 and 2008*, the Committee required Members to repay the value of travel they received from a private sponsor because the sponsor misled the Members and the Committee about the sources of funds for the travel.[175] In calculating the amounts Members were required to repay, the Investigative Subcommittee (ISC) was unable to determine the precise value of the plane tickets Members received, because they were provided to the trip sponsor, and then to the Members, at a "promotional" rate, but the airline could not determine what "non-promotional" tickets, purchased at the same time, would have cost.[176] Instead, the airline proffered the cost of a ticket purchased on the days the travel occurred.[177] Faced with an inability to calculate the precise value of the tickets, the Committee required Members to repay the cost of a same-day ticket,[178] even though that price likely exceeded the actual cost of the Members' tickets. In this and other recent matters, the Committee has directed Members to make repayments even where "estimating [a] value is imprecise,"[179] or determining a valuation "is relatively complicated."[180]

Although the Committee could not determine the exact proportion of the payments to Scofield Communication attributable to impermissible work, the Committee has attempted to calculate a reasonable reimbursement amount. In so doing, the Committee placed considerable weight on the fact that, while Mr. Scofield occasionally performed work for Representative Gutiérrez's office that was either "legislative" in nature or otherwise exceeded the Scope of

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[174] In this case, the formula for determining the monetary value of any impermissible work is relatively straightforward: the Committee calculates the proportion of any month's billable work that consisted of impermissible tasks and applies that same proportion to the MRA funds disbursed to Scofield Communications. It is the key input to this formula—the amount of time that Mr. Scofield dedicated to impermissible work—that the Committee cannot precisely determine.

[175] Comm. on Standards of Official Conduct, *In the Matter of the Investigation into Officially Connected Travel of House Members to Attend the Carib News Foundation Multi-National Business Conferences in 2007 and 2008*, H. Rept. 111–422, 111th Cong., 2d. Sess. 2–3 (2010).

[176] *Id.* at n.387.

[177] *Id.*

[178] *Id.* at 75.

[179] *See Young* at 62 (ISC could not determine the precise value of lodging and hunting services given to a Member because the host "did not prepare an invoice for the trip" and it was unclear what hunting services the Member took advantage of. Accordingly, the ISC valued the hunting services based on the least expensive option available).

[180] *Id.* at 63 (ISC could not determine the actual value of food eaten by the Member, so it valued meals based on the maximum *per diem* rate for travel in the geographic area where the meals were taken).

Work outlined in the contract, the overwhelming majority of the work Mr. Scofield performed from 2003 to 2013 clearly accorded with the contract's terms. Further, it appears the bulk of Mr. Scofield's "legislative" work for Representative Gutiérrez began in the fall of 2007 and continued to the contract's termination in June 2013, a period when Representative Gutiérrez was heavily involved in leading the effort for legislative fixes to the immigration system. Thus, having reviewed this evidence in light of the totality of the circumstances, the Committee believes a reimbursement of $9,700, or approximately three percent of the total amounts paid from Representative Gutiérrez's MRA to Scofield Communications from September 2007 until the contract's termination in June 2013, would be appropriate to compensate the U.S. Treasury for any impermissible disbursements of MRA funds to Scofield Communications.[181]

Having considered the foregoing record and applied the relevant standards of conduct and related precedent, the Committee also concluded Representative Gutiérrez's conduct in this matter warrants a public reproval. Although the Committee accepts Representative Gutiérrez's assertion that he did not intend to misspend his MRA, he did directly ask Mr. Scofield, on several occasions to perform work that was "legislative" in nature, or otherwise exceeded the scope of the Scofield contract and CHA regulations. At a minimum, Representative Gutiérrez inadequately supervised his staff's interactions with Mr. Scofield, and the work Mr. Scofield was asked to do, to ensure it accorded with both the contract's terms and CHA's regulations. These oversights resulted in an improper use of MRA funds to compensate Mr. Scofield for work he could not perform as a contractor, but which was nonetheless provided to Representative Gutiérrez's congressional office over a ten-year period. Where oversights like these result in such repeated, substantial, non-technical violations of House rules, Committee precedent holds that a reproval is appropriate.[182]

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[181] The Committee's calculation required some estimation, given the lack of detailed evidence as to the work Mr. Scofield performed over the contract's duration. The Scofield Company never provided Representative Gutiérrez with invoices itemizing work on specific tasks or subjects; nor did Mr. Scofield or Representative Gutiérrez's office maintain any time-keeping records for work performed or services billed. However, documents and emails produced to the Committee illustrate Mr. Scofield's involvement in specific tasks that were clearly legislative in nature or related to core office functions such as office management, as early as fall of 2007. Roughly three percent of the documents in the Committee's possession were identified as pertaining to either impermissible legislative or office management work by Mr. Scofield from 2007 until the contract's termination. Thus, the Committee determined that three percent of the fees charged by Mr. Scofield from September 2007 through June 2013, or $9,700, represented a conservative yet reasonable estimate of the share of his billings that should not have been paid using MRA funds. This estimated repayment amount compares to a total of $590,000 that Representative Gutiérrez paid to Mr. Scofield using MRA funds across the contract's ten-year span. The Committee notes that this methodology likely omits some instances of impermissible legislative work performed by Mr. Scofield: witnesses testified that Mr. Scofield had regular calls and meetings with Representative Gutiérrez and staff, the content of which would not necessarily be captured in the available documents.

[182] *See Whitfield* at 44 (citing *In the Matter of Allegations Relating to Representative Phil Gingrey*, H. Rept. 113–664, 113th Cong. 2d Sess. 25 (2014) (hereinafter *Gingrey*) (finding violations of House Rules, and issuing a reproval, even though "the Committee credited Representative Gingrey's assertion that he believed his actions were consistent with House Rules")); *see also In the Matter of Allegations Relating to Representative Shelley Berkley*, H. Rept. 112–716, 112th Cong. 2d Sess. 10 (2012) (hereinafter *Berkley*) (reproval was appropriate even though "[t]he ISC found that Representative Berkley mistakenly believed the rules governing what assistance her office could provide to her husband's practice required only that they treat him in the same manner by which they treated any other constituent"); *Stallings* at 5 (Committee issued a public reproval where the Member was unaware of the applicable House Rule and did not intend to violate it).

B. House Rule XXIII, clauses 1 and 2

As stated in previous reports, the Committee observes two basic principles when applying the first two clauses of the Code of Conduct. First, Members must at all times act in a manner that reflects creditably upon the House. Second, the Committee has noted that the Code of Conduct and other standards of conduct governing the ethical behavior of the House community are not criminal statutes to be construed strictly, but rather—under clause 2 of House Rule XXIII—must be read to prohibit violations not only of the letter of the rules, but of the spirit of the rules. Ethical rules governing the conduct of Members were created to assure the public of "the importance of the precedents of decorum and consideration that have evolved in the House over the years."[183] The standard "provide[s] the House with the means to deal with infractions that rise to trouble it without burdening it with defining specific charges that would be difficult to state with precision."[184] The practical effect of Clause 2 is to allow the committee to construe the ethical rules broadly, and prohibit Members from doing indirectly what they would be barred from doing directly. The Ethics Manual states that "a narrow technical reading of a House Rule should not overcome its 'spirit' and the intent of the House in adopting that and other rules of conduct."[185]

The Committee, after analyzing the conduct at issue in this matter under these standards, found Representative Gutiérrez violated House Rule XXIII clauses 1 and 2, by paying Mr. Scofield as a contractor when he occasionally functioned as an official employee, and using MRA funds to pay Scofield Communications for some work that exceeded the scope of the contract. As noted previously, the Committee credits Representative Gutiérrez's assertion that any impermissible disbursements from his MRA to Mr. Scofield were not the result of a deliberate intent to violate House Rules. Yet Representative Gutiérrez's inattention to the rules and regulations governing the retention of contractors, and inadequate supervision of both his own staff and Mr. Scofield's work, resulted in the use of MRA funds to compensate Mr. Scofield for an array of tasks that he could not permissibly perform as a contractor.[186]

The Committee explained its approach to matters such as this one in a recent case, and it has followed this approach in many matters, over many years:

> [T]here is no evidence that [the Member] actually intended to receive inappropriate gifts, or purposefully violated the rules . . . But there are a range of mindsets between completely innocent and unforgivably corrupt. Somewhere along that span sit Members who fail to exercise care that a reasonable Member would exercise in similar circumstances to ensure compliance with the Code of

[183] House Comm. on Standards of Official Conduct, *Report Under the Authority of H. Res 418*, H. Rept. 90–1176, 90th Cong. 2d Sess. 17 (1968).

[184] 114 Cong. Rec. 8778 (Apr. 3, 1968) (Statement of Representative Price).

[185] *Ethics Manual* at 17 (citing House Select Comm. On Ethics, *Advisory Opinion No. 4*, H. Rept. 95–1837, 95th Cong. 2d Sess. App. 61 (1979)).

[186] Representative Gutiérrez's inattention to the applicable rules and his contractor's relation to them bears some resemblance to the matter of Representative Young, whom the Committee reproved in part due to the ISC's finding "that he was, at best, blithe with respect to the question of gift rule compliance," and exhibited a "casual attitude" regarding the relevant rules. *See Young* at 69.

> Conduct. And in cases where a Member fails to exercise that care—where they 'should have known' . . . or they 'lack[ed] . . . discernible policies' for compliance . . . the Committee has consistently reproved the offending Members.[188]

Thus, consistent with its precedent, the Committee has decided to publicly reprove Representative Gutiérrez.[188]

C. Code of Ethics, Section 5

The Code of Ethics was adopted by the House to assist federal employees, including officeholders, "in guiding and correcting any tendency toward cynicism of the high trust associated with public service."[189] It thus reaffirmed standards of conduct "to which all federal employees unquestionably should adhere."[190] In this spirit, Section 5 includes two prohibitions applicable to House Members: (1) "never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not;" and (2) "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." Finding a violation of Section 5 requires no proof of a connection between an official action and compensation to the acting Member.

The Committee has also long cautioned Members that when taking official actions, they must "avoid situations in which even an inference might be drawn suggesting improper action."[191] Indeed, the Committee has found violations of Section 5 where an individual or entity is singled out for special treatment, and such special treatment creates an appearance of favoritism."[192] Representative Gutiérrez seems to have recognized the appearances problem when he decided in 2013 to terminate the contract with Mr. Scofield. That decision, Representative Gutiérrez told Committee staff, was partly based on his belief that it would have been difficult to identify and avoid potential, prospective conflicts of interest with Scofield Communications clients, even if his policy positions were formulated and taken wholly independently of any lobbying work by Mr. Scofield.[193]

In this case, the Committee did find some evidence that Mr. Scofield and/or employees of Scofield Communications discussed federal appropriations requests relating to Scofield Communications clients with Representative Gutiérrez and/or his congressional staff.[194] At least one email communication between Mr. Scofield's wife (an employee of Scofield Communications) and Representative Gutiérrez's Chief of Staff also referred to a conversation between Mr. Scofield and Representative Gutiérrez in the context of a federal funding request for IPRAC—an organization located in Rep-

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[187] *Young* at 70.

[188] *See Gingrey* at 25; *Berkley* at 10; *Stallings* at 5.

[189] Comm. on Post Office and Civil Service, *Code of Ethics for Government Service*, H. Rept. 1208, 85th Cong. 1st Sess. 1 (1957).

[190] *Id.* at 2.

[191] *See, e.g.*, *Whitfield at* 42 (citing House Comm. on Standards of Official Conduct, *Investigation of Financial Transactions Participated In and Gifts of Transportation Accepted by Representative Fernand J. St Germain*, H. Report 100–46, 100th Cong. 1st Sess. 3, 9, 43 (1987)).

[192] *See Whitfield* at 42; *Gingrey* at 25 (noting that the Member "took some care to limit the scope of his official actions"); *Berkley* at 55–56 (noting that "reasonable people would construe the benefit [the Member] received as her motivation, whether it was or not.").

[193] Exhibit 2.

[194] *Supra* Section IV.F.3.

resentative Gutiérrez's congressional district—though neither Mr. Scofield nor Representative Gutiérrez recalled having such conversation.[195] And at least one of Mr. Scofield's clients, recognizing Mr. Scofield's working relationship with Representative Gutiérrez to their advantage, asked him to inquire about the status of an appropriation request.[196]

However, while the Committee's guidance on this subject is intended to guard against even an inference of improper action, the Committee did not find any evidence that Mr. Scofield received special privileges on behalf of his firm's fundraising or state-level lobbying clients with respect to federal funding requests for their organizations. Nor did the Committee uncover any evidence that Scofield Communications employees or Mr. Scofield, who was not registered as a federal lobbyist at any time while retained under contract by Representative Gutiérrez's congressional office, ever lobbied Representative Gutiérrez or his staff on behalf of any Scofield Communications client. Thus, the Committee found no violation of Section 5 of the Code of the Ethics in this matter.

VI. CONCLUSION

The Committee reiterates that none of its findings in this case should be read to indicate any knowing or willful intent by Representative Gutiérrez or his staff to misuse the MRA or otherwise violate House Rules or CHA regulations governing the work contractors may perform for a congressional office. Although an overwhelming majority of work Mr. Scofield performed from 2003 to 2013 clearly accorded with the contract's terms, Mr. Scofield occasionally performed work for Representative Gutiérrez's office that was either "legislative" in nature or otherwise exceeded the scope of work outlined in the contract. Representative Gutiérrez's payment to Scofield Communications for services that appeared to be "legislative" in nature, or clearly exceeded both the contract's scope and *Members' Handbook* guidelines, resulted in an impermissible use of MRA funds. Based on the totality of the circumstances, and consistent with prior precedent, the Committee decided to reprove Representative Gutiérrez for his conduct in this matter. Moreover, the Committee concluded that Representative Gutiérrez must reimburse the U.S. Treasury in the amount of $9,700 for those inadvertent misuses of MRA funds arising out of his congressional office's retention of Scofield Communications under contract from 2003 to 2013, or approximately three percent of the total amounts paid from Representative Gutiérrez's MRA under the contract during that period.

Upon publication of this Report and Representative Gutiérrez's reimbursement of funds to the U.S. Treasury, the Committee considers this matter closed.

VII. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(c)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.

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[195] *See* Exhibit 34; 18(a) Interview of Representative Gutiérrez; 18(a) Interview of Doug Scofield.

[196] 18(a) Interview of Doug Scofield.

APPENDIX 1

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

REPORT

Review No. 13-7135

The Board of the Office of Congressional Ethics (the "Board"), by a vote of no less than four members, on November 22, 2013, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives.

SUBJECT: Representative Luis Gutierrez

NATURE OF THE ALLEGED VIOLATION: From 2003 to 2013, Representative Luis Gutierrez retained Doug Scofield, his former chief of staff, to provide certain services to his congressional office. Pursuant to the agreement, Mr. Scofield, who had opened his own consulting and lobbying firm, was to provide "training" and other "non-legislative" assistance to the congressional office. Representative Gutierrez's congressional office paid Mr. Scofield's firm over $590,000 since 2003 for these services. Since March 2008, Representative Guteirrez's congressional office paid Mr. Scofield over $345,000 for these services.

If Representative Gutierrez used funds from his Members' Representational Allowance ("MRA") for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – then he may have violated House rules and federal law.

RECOMMENDATION: The Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law and House rules.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

MEMBER OF THE BOARD OR STAFF DESIGNATED TO PRESENT THIS REPORT TO THE COMMITTEE ON ETHICS: Omar S. Ashmawy, Staff Director & Chief Counsel.

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 13-7135

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OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

FINDINGS OF FACT AND CITATIONS TO LAW

Review No. 13-7135

On November 22, 2013, the Board of the Office of Congressional Ethics (the "Board") adopted the following findings of fact and accompanying citations to laws, regulations, rules, and standards of conduct (*in italics*).

The Board notes that these findings do not constitute a determination of whether or not a violation actually occurred.

I. INTRODUCTION

1. In or around April 2003, Representative Luis Gutierrez retained Douglas Scofield, his former chief of staff, to provide certain services to his congressional office.

2. Pursuant to the retainer agreement, Mr. Scofield was to provide Representative Gutierrez's congressional office with "[s]taff development and training" and other "non-legislative, general office services." For these services, Mr. Scofield was paid a fee of $4,500 to $6,000 per month.

3. The services that Mr. Scofield provided, however, appear to have exceeded the permissible services that non-employees may provide under House rules and regulations.

A. Summary of Allegations

4. Representative Luis Gutierrez may have violated House rules and federal law by using funds from his Members' Representational Allowance ("MRA") to compensate his former chief of staff for impermissible services.

5. The OCE Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law and House rules.

B. Jurisdictional Statement

6. The allegations that were the subject of this review concern Representative Luis Gutierrez, a Member of the United States House of Representatives from the 4th District of Illinois. The Resolution the United States House of Representatives adopted creating the Office of Congressional Ethics directs that, "[n]o review shall be undertaken . . . by the board of any alleged violation that occurred before the date of adoption of this

resolution."[1] The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is in accordance with the Resolution.

C. Procedural History

7. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on July 25, 2013. The preliminary review commenced on July 26, 2013.[2] The preliminary review was scheduled to end on August 24, 2013.

8. At least three members of the Board voted to initiate a second-phase review in this matter on August 23, 2013. The second-phase review commenced on August 25, 2013.[3] The second-phase review was scheduled to end on October 8, 2013.

9. The Board voted to extend the second-phase review by an additional period of fourteen days on September 26, 2013. The additional period ended on October 22, 2013.

10. The Board voted to refer the matter to the Committee on Ethics and adopted these findings on November 22, 2013.

11. The report and its findings in this matter were transmitted to the Committee on Ethics on December 4, 2013.

D. Summary of Investigative Activity

12. The OCE requested and received testimonial and, in some cases, documentary information from the following sources:

    (1) Representative Luis Gutierrez;

    (2) Representative Gutierrez's Chief of Staff;

    (3) Representative Gutierrez's Communications Director;

    (4) Representative Gutierrez's Counsel;

    (5) Representative Gutierrez's Legislative Assistant;

    (6) Representative Gutierrez's Legislative Correspondent;

    (7) Representative Gutierrez's District Director;

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[1] H. Res 895, 110th Cong. §1(e) (2008) (as amended).

[2] A preliminary review is "requested" in writing by members of the Board of the OCE. The request for a preliminary review is "received" by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is thirty days from the date of receipt of the Board's request.

[3] According to the Resolution, the Board must vote on whether to conduct a second-phase review in a matter before the expiration of the thirty-day preliminary review. If the Board votes for a second-phase, the second-phase begins when the preliminary review ends. The second-phase review does not begin on the date of the Board vote.

(8) Representative Gutierrez's Congressional Aide #1;

(9) Representative Gutierrez's Congressional Aide #2;

(10) Representative Gutierrez's Former Senior Legislative Assistant;

(11) Representative Gutierrez's Former Legislative Assistant; and

(12) Former Committee on House Administration Administrative Director.

13. Douglas Scofield, Representative Gutierrez's former chief of staff, who was later retained to provide services to his congressional office, initially provided documents to the OCE in response to a Request for Information. However, Mr. Scofield later declined to be interviewed by the OCE, ceased providing documents in response to the Request for Information, and was determined to be a non-cooperating witness.

14. Representative Gutierrez's former chief of staff Jennice Fuentes declined to be interviewed by the OCE. Ms. Fuentes was determined to be a non-cooperating witness.

15. Representative Gutierrez's former deputy chief of staff Enrique Fernandez declined to be interviewed by the OCE. Mr. Fernandez was determined to be a non-cooperating witness.

II. REPRESENTATIVE GUTIERREZ MAY HAVE USED FUNDS FROM HIS MRA TO RETAIN HIS FORMER CHIEF OF STAFF AS AN IMPERMISSIBLE CONSULTANT TO HIS CONGRESSIONAL OFFICE

A. Laws, Regulations, Rules, and Standards of Conduct

16. 31 U.S.C. § 1301(a)

"Appropriations shall be applied only to the objects for which the appropriations were made . . . ."

17. House Rules

Under House Rule 23 clause 1, Members "shall behave at all times in a manner that shall reflect creditably on the House."

Under House Rule 23 clause 2, Members "shall adhere to the spirit and the letter of the Rules of the House . . . ."

18. House Ethics Manual

"The MRA may only be used for official and representational expenses. The MRA may not be used to pay for any expenses related to activities or events that are primarily social in nature, personal expenses, campaign or political expenses, or House committee

expenses. Members may be personally liable for misspent funds or expenditures exceeding the MRA."[4]

"The Members' Handbook provides examples of items for which reimbursement with the official allowances may be permitted, as well as a list of prohibited expenditures . . . . Included among impermissible uses are expenditures for . . . consultants."[5]

19. Committee on House Administration Members' Handbook

"During each session of Congress, each Member has a single Members' Representational Allowance ('MRA') available to support the conduct of official and representational duties to the district from which he or she is elected. Ordinary and necessary expenses incurred by the Member or the Member's employees within the United States, its territories, and possessions in support of the conduct of the Member's official and representational duties to the district from which he or she is elected are reimbursable in accordance with the regulations contained in this Members' Congressional Handbook."[6]

"Pursuant to 2 U.S.C. § 72a, only committees are authorized to procure the temporary services of consultants. Member offices are not authorized to procure consultant services."[7]

"Members may contract with firms or individuals only for general, non-legislative and non-financial, office services (e.g., equipment maintenance, systems integration, data entry, staff training, photography, custodial services, web services) for a specified time period not to exceed the Member's current term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided personnel benefits. Contractors do not count against the Member's Employee Ceiling. Members are advised to consult the Committee on House Administration when entering into such contracts."[8]

B. <u>Representative Gutierrez Retained His Former Chief of Staff to Provide Services to His Congressional Office in April 2003</u>

20. Representative Gutierrez initially met Mr. Scofield in 1992, during his first campaign for the United States House of Representatives.[9] Mr. Scofield managed Representative

[4] House Ethics Manual (2008) at 323 (citations omitted).
[5] *Id.* at 325.
[6] Members Congressional Handbook (2012) at 1.
[7] *Id.* at 5.
[8] *Id.*
[9] Memorandum of Interview of Rep. Luis Gutierrez, Oct. 22, 2013 ("Rep. Gutierrez MOI") (Exhibit 1 at 13-7135_0002).

Gutierrez's campaign for that election cycle and, after Representative Gutierrez was elected to the House, became his congressional chief of staff.[10]

21. From approximately January 1992 to December 2002, Mr. Scofield was employed by Representative Gutierrez as his congressional chief of staff.[11]

22. In late 2002, Mr. Scofield left Representative Gutierrez's congressional office to take a position in the administration of the newly elected Illinois governor.[12] Representative Gutierrez's legislative director at the time, Jennice Fuentes, succeeded Mr. Scofield as chief of staff.[13]

23. After only a few months working for the new governor, Mr. Scofield called Representative Gutierrez to tell him that he had made a mistake in joining the governor's administration and intended to resign.[14]

24. After resigning his position with the governor, Mr. Scofield and his wife started a consulting firm, the Scofield Company.[15] The Scofield Company is described as a strategic public relations, communications services, online strategy development, and government relations firm.[16]

25. The Scofield Company registered as a lobbying entity, and Mr. Scofield registered as a state lobbyist, in Illinois in May 2003.[17] The Scofield Company website listed a number of the firm's clients, including the Chicago Botanic Garden and the Greater Chicago Food Depository.[18]

26. When Mr. Scofield called to tell Representative Gutierrez that he was resigning from his position with the governor to start a consulting firm, Representative Gutierrez told Mr. Scofield that he wanted to be one of his first clients.[19]

27. Representative Gutierrez told the OCE that he had never wanted to lose Mr. Scofield as a congressional employee, so while he was saddened that the position with the governor had not worked out, he was happy he could "get Doug back."[20]

28. After speaking with Mr. Scofield, Representative Gutierrez instructed Ms. Fuentes, his new chief of staff, to hire Mr. Scofield.[21] He told Ms. Fuentes that "we'd have Doug

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[10] *Id.*
[11] *Id.* at 13-7135_0002-0003.
[12] *Id.* at 13-7135_0003.
[13] *Id.*
[14] *Id.*
[15] *Id.* The firm has also been known by the name "Scofield Communications." For ease of understanding, the name "Scofield Company" will be used in this referral.
[16] The Scofield Company, http://www.scofieldcompany.com, (archived June 23, 2013).
[17] Scofield Communications Lobbying Entity Search Information, 2003, available at http://www.ilsos.gov/lobbyistsearch/lobbyistsearch.
[18] The Scofield Company, Clients, http://www.scofieldcompany.com/clients/html (archived June 23, 2013).
[19] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0003).
[20] *Id.*

back on staff," and that he would be a "consultant."[22] Representative Gutierrez did not recall any further details about his conversation with Ms. Fuentes, nor did he recall any additional discussions with Ms. Fuentes after instructing her to hire Mr. Scofield.[23]

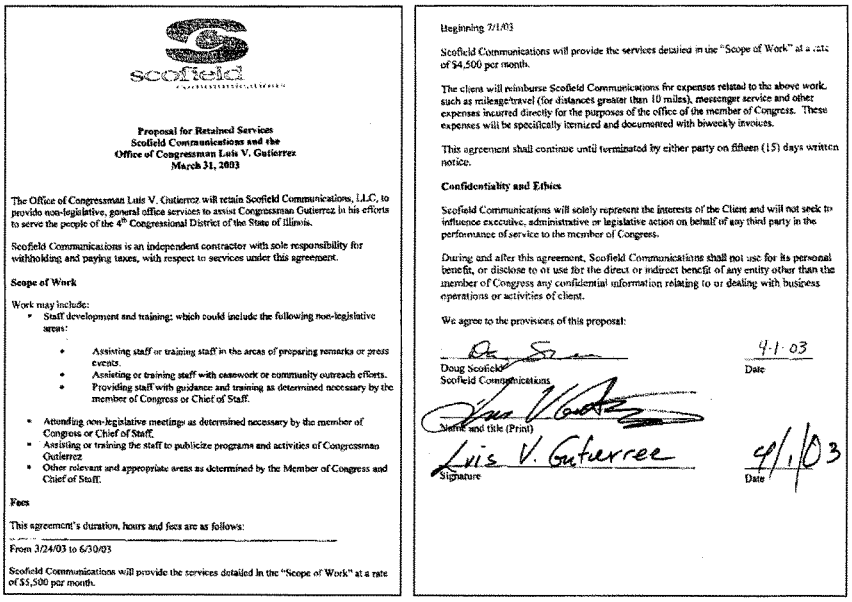
29. Representative Gutierrez believes that Ms. Fuentes and Mr. Scofield negotiated the terms of the agreement between the congressional office and Mr. Scofield's firm, including the fees to be paid to Mr. Scofield.[24] He explained that Mr. Scofield had ten years experience as a congressional chief of staff, while Ms. Fuentes was herself a fifteen-year veteran of Congress, so he trusted them to work out the logistics of the relationship.[25]

30. Because neither Ms. Fuentes nor Mr. Scofield agreed to be interviewed by the OCE as part of this review, the OCE was unable to determine what discussions they may have had at the time the agreement was negotiated.

31. Representative Gutierrez told the OCE that he had no discussions with Mr. Scofield about potential conflicts of interest between work Mr. Scofield was to perform for the congressional office and work he did for other clients.[26]

[21] *Id.* at 13-7135_0004.
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*

32. The initial agreement between Representative Gutierrez's congressional office and Mr. Scofield's firm was signed by Representative Gutierrez on April 1, 2003.[27]



scofield

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications
4-1-03
Date

Name and title (Print)

Luis V. Gutierrez
Signature
4/1/03
Date

33. When asked if he approved the terms of the agreement, Representative Gutierrez said that he must have, as it was his signature on the initial agreement.[28] He did not, however, have any specific recollection of signing the agreement.[29] He added that he had not read the agreement "with any attention to detail" until after his office received press inquiries about the office's relationship with Mr. Scofield in or around June 2013.[30]

34. The agreement provided that Mr. Scofield's firm was to provide "non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the

[27] Proposal for Retained Services, Scofield Communications and the Office of Congressman Luis V. Gutierrez, April 1, 2003 ("Scofield Agreement") (Exhibit 2 at 13-7135_0011-0012).
[28] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).
[29] *Id.*
[30] *Id.* at 13-7135_0004.

4th Congressional District of the State of Illinois."[31] Specifically, the agreement stated that these services may include the following:

1. Staff development and training; which could include the following non-legislative areas:
    a. Assisting staff or training staff in the areas of preparing remarks or press events.
    b. Assisting or training staff with casework or community outreach efforts.
    c. Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
2. Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
3. Assisting or training the staff to publicize programs and activities of Congressman Gutierrez.
4. Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.[32]

35. The initial agreement was effective as of March 24, 2003, but no end date was specified.[33] When asked if he contemplated a specific period of time in which Mr. Scofield would provide his services, Representative Gutierrez said that Mr. Scofield would still be serving today if not for media reports about the arrangement.[34]

36. The agreement provided that Mr. Scofield's firm was to be paid $5,500 per month through June 30, 2003, and $4,500 per month thereafter.[35] Representative Gutierrez said that while he was not involved in negotiating the terms of the agreement, he knew what Mr. Scofield was being paid and was "OK" with the arrangements.[36]

37. The agreement included a "Confidentiality and Ethics" provision, which stated that the Scofield firm "will solely represent the interests of the Client and will not seek to influence executive, administrative, or legislative action on behalf of any third party in the performance of service to the member of Congress."[37] This provision also stated that

[31] Scofield Agreement (Exhibit 2 at 13-7135_0011).
[32] *Id.*
[33] *Id.*
[34] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).
[35] Scofield Agreement (Exhibit 2 at 13-7135_0011-0012).
[36] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004-0005).
[37] Scofield Agreement (Exhibit 2 at 13-7135_0012).

the Scofield firm would not use or disclose any confidential information relating to the activities or operations of the congressional office.[38]

38. The agreement between the congressional office and Mr. Scofield's firm was renewed each Congress.[39] The language of the agreement appears to have remained unchanged from its initial version until it was canceled in 2013, a period of over ten years.[40]

39. Mr. Scofield's firm was paid $4,500 per month for his services from August 2003 through May 2010.[41] Beginning in June 2010, his fee increased to $6,000 per month and remained at that level until the agreement was canceled.[42] Representative Gutierrez did not know why the amount of the monthly fee changed.[43]

40. Since Mr. Scofield was initially retained by Representative Gutierrez's congressional office, he has been paid a total of approximately $595,000 for his services.[44] Since March 2008, Mr. Scofield has been paid approximately $345,000 for his services.[45]

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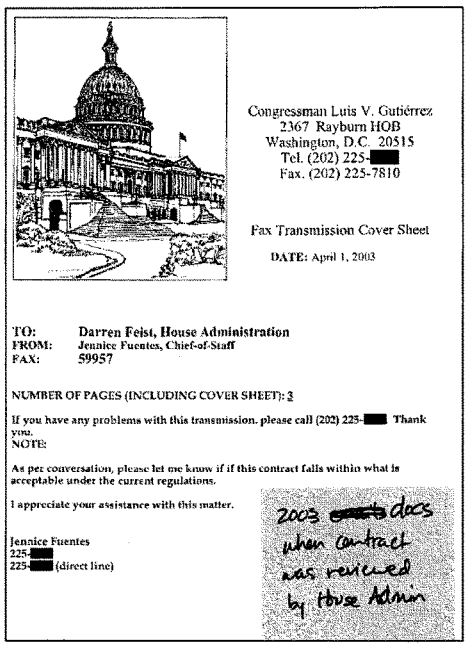
[38] *Id.*
[39] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).
[40] In addition to the initial agreement, the OCE was provided copies of the agreement for calendar years 2008, 2009, and 2013. *See* Exhibit 3 at 13-7135_0014-0019.
[41] *See* U.S. House of Representatives, Statements of Disbursements of the House, 2003 to 2013, *available at* http://disbursements.house.gov/.
[42] *Id.* According to the Statements of Disbursements of the House, it appears that Mr. Scofield's firm may not have received payments for three months over the course of the relationship with Rep. Gutierrez's office.
[43] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).
[44] *See* U.S. House of Representatives, Statements of Disbursements of the House, 2003 to 2013, *available at* http://disbursements.house.gov/.
[45] *Id.*

41. Documents provided to the OCE by Representative Gutierrez include a fax transmission cover sheet, dated April 1, 2003, from then-chief of staff Jennice Fuentes to a staff member from the Committee on House Administration ("CHA"), asking for review of the proposed agreement with Mr. Scofield.[46]



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-[redacted]
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: **Darren Feist, House Administration**
FROM: Jennice Fuentes, Chief-of-Staff
FAX: 59957

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-[redacted] Thank you.
NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-[redacted]
225-[redacted] (direct line)

2003 ~~[illegible]~~ docs when contract was reviewed by House Admin

42. The documents provided by Representative Gutierrez do not include any response from the CHA to the request for review of the proposed agreement.[47]

43. Representative Gutierrez's Chief of Staff expressed her belief that the agreement must have been approved by both CHA and the House Finance Office, as the invoices later submitted by Representative Gutierrez's congressional office were paid.[48]

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[46] Fax Transmission from Jennice Fuentes, Rep. Gutierrez's former Chief of Staff, to Staff Member, House Administration Committee, April 1, 2003 (Exhibit 4 at 13-7135_0021).
[47] As part of this review, OCE staff consulted with current CHA staff regarding the request from Ms. Fuentes, but CHA staff was unable to locate any written response to Ms. Fuentes' request.
[48] *See* e-mail from Representative Gutierrez's Chief of Staff to CHA Minority Staff Director, *et al.*, June 3, 2013 ("I assume the approval may have been verbal . . . and must have been effectuated because the contract began to be paid soon thereafter.") (Exhibit 5 at 13-7135_0025).

44. The CHA staff member to whom the fax was directed had no specific recollection of handling the request from Ms. Fuentes.[49] He explained that his general practice would have been to refer the request to the CHA officers' team for review.[50] He did not recall what guidance was provided regarding the agreement.[51]

45. Representative Gutierrez told the OCE that he thought Ms. Fuentes reached out to both the CHA and the Committee on Ethics at the time the office retained Mr. Scofield.[52] Because Ms. Fuentes declined to cooperate with the review, the OCE was unable to determine what actions she took with respect to the retention of Mr. Scofield.

C. Representative Gutierrez Paid Mr. Scofield with Funds from His MRA for Services That May Have Been Beyond Those Permitted by the House

46. The OCE reviewed documents provided by Representative Gutierrez and by Mr. Scofield, and interviewed current and former members of Representative Gutierrez's congressional staff, to determine the scope of services actually provided by Mr. Scofield. The OCE found that the services he performed more closely resembled those performed by an employee or consultant – someone who provides professional advice or services[53] – than those performed by a contractor – someone who performs a discrete task or job, such as maintenance, data entry, custodial services, or staff training.[54]

47. According to Representative Gutierrez, Mr. Scofield was retained to assist Ms. Fuentes in her new role as chief of staff; to develop other congressional staff; and to help with media and press matters.[55] Mr. Scofield was also retained to help Representative Gutierrez draft remarks and speeches and to help him better communicate on issues.[56]

48. Representative Gutierrez said that Mr. Scofield reported to his chief of staff and to him.[57] He said that Mr. Scofield worked with his chief of staff, communications director, and district staff, but he did not believe that Mr. Scofield worked with the legislative staff.[58] Representative Gutierrez added that Mr. Scofield would work with anyone on the congressional staff who needed help, noting that Mr. Scofield brought with him his previous experience serving as chief of staff.[59]

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[49] Memorandum of Interview of Former Committee on House Administration Administrative Director, Sept. 23, 2013 (Exhibit 6 at 13-7135_0031).
[50] *Id.*
[51] *Id.*
[52] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).
[53] *See* http://www merriam-webster.com/dictionary/consultant. The Members' Handbook states that, pursuant to 2 U.S.C. § 72a, only House committees, not Member offices, are authorized to procure consultant services. *See* Members Congressional Handbook at 5.
[54] *See* Members Congressional Handbook at 5.
[55] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).
[56] *Id.* at 13-7135_0005.
[57] *Id.*
[58] *Id.*
[59] *Id.*

49. Representative Gutierrez often worked personally with Mr. Scofield while he was providing services to the congressional office.[60] He described Mr. Scofield as the type of person he could call at 1:00 a.m. to ask him to draft a speech he needed to give the next day.[61] According to Representative Gutierrez, Mr. Scofield was on call "24/7."[62]

50. Representative Gutierrez's Chief of Staff, who had served as legislative director before assuming the chief of staff position in early 2013, described Mr. Scofield as a general resource for the congressional staff.[63] She said that when Mr. Scofield was first retained by the congressional office in 2003, he was described as "there to help."[64]

Staff Development and Training

51. While Mr. Scofield's agreement with Representative Gutierrez's congressional office provides that his services were to include "[s]taff development and training," it does not appear that formal training was a significant part of the services Mr. Scofield provided.

52. Representative Gutierrez's Chief of Staff told the OCE that she had never been formally trained by Mr. Scofield; rather, he was available to her and others in the congressional office as a "resource" and a "mentor."[65] She recalled participating in only one staff retreat, held in 2004, during her time with Representative Gutierrez; Mr. Scofield served as a facilitator of this retreat.[66]

53. Similarly, Representative Gutierrez's Communications Director described Mr. Scofield's role as a resource, noting that his role was more to provide advice than to train.[67] When asked if he had ever been formally trained by Mr. Scofield, the Communications Director said that he had had a few sessions with Mr. Scofield over the telephone, in which Mr. Scofield walked him through Chicago press and politics.[68] The Communications Director also noted that Mr. Scofield worked with district staff in setting up a new district office in Cicero, Illinois.[69]

54. In addition to Representative Gutierrez's Chief of Staff and Communications Director, the OCE interviewed several current and former members of Representative Gutierrez's

[60] *Id.*
[61] *Id.* at 13-7135_0004.
[62] *Id.*
[63] Memorandum of Interview of Rep. Gutierrez's Chief of Staff, Oct. 15, 2013 ("Chief of Staff MOI") (Exhibit 7 at 13-7135_0034).
[64] *Id.*
[65] *Id.* at 13-7135_0034-0036.
[66] *Id.* at 13-7135_0036.
[67] Memorandum of Interview of Rep. Gutierrez's Communications Director, Oct. 15, 2013 ("Communications Director MOI") (Exhibit 8 at 13-7135_0040-0041).
[68] *Id.*
[69] *Id.* at 13-7135_0041.

congressional staff, including legislative and district staff. Each of the staff members said that they had never been formally trained by Mr. Scofield.[70]

General Office Oversight

55. Mr. Scofield appears to have had some role in overseeing the operations of Representative Gutierrez's congressional office between 2003 and 2013. For example, after a staff reorganization in the congressional district offices, Representative Gutierrez asked Mr. Scofield and a district staff member, Congressional Aide #1, to work together to ensure that district office operations ran smoothly during the transition.[71]

56. Specifically, on August 25, 2012, Representative Gutierrez sent an email to Ms. Fuentes regarding district office operations.[72] In the email, Representative Gutierrez proposed changes to how the district offices operated.[73]

57. Representative Gutierrez later forwarded the email he sent to Ms. Fuentes to Mr. Scofield.[74] When asked why he forwarded the email to Mr. Scofield, Representative Gutierrez said that he did so for training purposes, as Mr. Scofield would be helping Ms. Fuentes – who by that time had served as chief of staff for approximately ten years – to address district office operations.[75] He added that Mr. Scofield was himself based in Chicago and could bring "fresh eyes" to the situation.[76]

[70] *See* Memorandum of Interview of Rep. Gutierrez's District Director, Oct. 1, 2013 (Exhibit 9 at 13-7135_0045); Memorandum of Interview of Rep. Gutierrez's Congressional Aide #2, Oct. 1, 2013 (Exhibit 10 at 13-7135_0048); Memorandum of Interview of Rep. Gutierrez's Counsel, Sept. 27, 2013 ("Counsel MOI") (Exhibit 11 at 13-7135_0052); Memorandum of Interview of Rep. Gutierrez's Legislative Assistant, Sept. 27, 2013 ("Legislative Assistant MOI") (Exhibit 12 at 13-7135_0055); Memorandum of Interview of Rep. Gutierrez's Legislative Correspondent, Sept. 27, 2013 ("Legislative Correspondent MOI") (Exhibit 13 at 13-7135_0057); Memorandum of Interview of Rep. Gutierrez's Former Senior Legislative Assistant, Sept. 19, 2013 ("Former Senior Legislative Assistant MOI") (Exhibit 14 at 13-7135_0061); and Memorandum of Interview of Rep. Gutierrez's Former Legislative Assistant, Sept. 24, 2013 ("Former Legislative Assistant MOI") (Exhibit 15 at 13-7135_0067).
[71] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).
[72] E-mail from Rep. Gutierrez to Jennice Fuentes, Aug. 25, 2012 (Exhibit 16 at 13-7135_0069).
[73] *Id.*
[74] E-mail from Rep. Gutierrez to Doug Scofield, Aug. 25, 2012 (Exhibit 16 at 13-7135_0069).
[75] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).
[76] *Id.*

58. In a subsequent email, however, Representative Gutierrez appears to have directed Mr. Scofield to engage in more than training of Ms. Fuentes. On September 3, 2012, Representative Gutierrez sent an email to Mr. Scofield and Ms. Fuentes, informing them of his decision to have Mr. Scofield and Congressional Aide #1 evaluate district office operations.[77]

> **From:** "Luis V. Gutierrez" <[redacted]@yahoo.com>
> **Date:** September 3, 2012 9:15:10 PM CDT
> **To:** Jennice Fuentes <Jennice.Fuentes@mail.house.gov>, Doug Scofield <[redacted]@scofieldcompany.com>
>
> Sent from my i Effective immediately Theresa Reyes will be in charge of north side office and Geo will be in charge of Cicero office. Slim Coleman will supervise them. Each Monday Coleman will meet with both district directors and cover issues as necessary. Sal will be placed in charge of special projects;his salary will be adjusted accordingly. Doug and Slim will evaluate district operations and report changes and improvements to me. The DC staff will have no supervisory role in the Chicago operations. All staff annual reviews will be conducted by Doug and Slim. The DC staff will have support role only in the Chicago operations. Slim and Doug will prepare an evaluation of Cicero staff at their six month anniversary and make recommendations as to their conditioned employment. Please inform Cicero staff of this upcoming event. Jennice will continue to supervise DC staff.

59. According to Congressional Aide #1, this was a period of transition in the district office leadership, and Representative Gutierrez asked him to participate in meetings with Mr. Scofield and the two new district coordinators to foster a cooperative atmosphere.[78]

60. Congressional Aide #1 said that he met with Mr. Scofield and the district coordinators for about one hour each week, for a period of about five weeks, to develop office policies and procedures, to train the new coordinators, and to make sure that the two district offices were working together.[79]

61. Congressional Aide #1 said that, despite Representative Gutierrez's instruction that Mr. Scofield and he prepare staff evaluations, he did not conduct any staff evaluations, and he did not know if Mr. Scofield evaluated any district staff members.[80]

62. Representative Gutierrez's current Chief of Staff recalled that, around this time, several new district staff members were hired or promoted, and that Mr. Scofield was asked to help "get them up to speed."[81]

63. In addition, the Chief of Staff said that she had one or two meetings in the district with district office staff and Mr. Scofield about setting up a new Cicero, Illinois office.[82]

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[77] E-mail from Rep. Gutierrez to Jennice Fuentes and Doug Scofield, Sept. 3, 2012 (Exhibit 17 at 13-7135_0071).
[78] Memorandum of Interview of Rep. Gutierrez's Congressional Aide #1 ("Congressional Aide #1 MOI") (Exhibit 18 at 13-7135_0074).
[79] *Id.*
[80] *Id.*
[81] Chief of Staff MOI (Exhibit 7 at 13-7135_0035).
[82] *Id.*

According to the Chief of Staff, Mr. Scofield just listened at these meetings; she did not recall him making any specific recommendations as to the running of the new office.[83]

64. The Chief of Staff said that these meetings in the district were the only meetings she attended with Mr. Scofield.[84] She could not recall any meetings she attended with Mr. Scofield in Washington, DC.[85]

65. Also on September 3, 2012, Representative Gutierrez sent an email to Ms. Fuentes and Mr. Scofield directing that Ms. Fuentes and the legislative director were not to be absent from the congressional office on the same days.[86] When asked why he included Mr. Scofield in this administrative directive, Representative Gutierrez said that this was part of Mr. Scofield's training of Ms. Fuentes – who had been in that position since May 2002 – and that Mr. Scofield was helping her with her duties.[87]

66. Representative Gutierrez told the OCE that whenever there was a crisis that needed to be handled, he would direct his staff to "Call Doug."[88] His Chief of Staff told the OCE that when "trouble" would hit, Mr. Scofield was there as a resource to the office.[89]

Communications Work

67. Mr. Scofield appears to have had a significant role with respect to the communications function in Representative Gutierrez's congressional office. The Chief of Staff told the OCE that Mr. Scofield worked primarily on communications-related issues, and that she would go to Mr. Scofield with communications-related questions.[90]

68. According to Representative Gutierrez's Communications Director, Mr. Scofield's duties included acting as a resource for him and as a second set of eyes on communications matters.[91] He added that Mr. Scofield was also a resource for the Chief of Staff on communications issues and probably other things, though he could not identify any of the other things.[92] He described Mr. Scofield as someone whom both the Chief of Staff and Representative Gutierrez trusted.[93]

69. According to the Communications Director, Mr. Scofield would occasionally review or edit his work, and that sometimes the Communications Director would review written

[83] *Id.*
[84] *Id.*
[85] *Id.*
[86] E-mail from Rep. Gutierrez to Jennice Fuentes and Doug Scofield, Sept. 13, 2012 (Exhibit 19 at 13-7135_0076).
[87] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0005).
[88] *Id.* at 13-7135_0006.
[89] Chief of Staff MOI (Exhibit 7 at 13-7135_0035).
[90] *Id.* at13-7135_0034.
[91] Communications Director MOI (Exhibit 8 at 13-7135_0040).
[92] *Id.*
[93] *Id.*

work produced by Mr. Scofield.[94] Sometimes Representative Gutierrez would ask the Communications Director if he had run a particular draft by Mr. Scofield.[95]

70. A memorandum provided to the OCE, from Representative Gutierrez to both his Communications Director and Mr. Scofield, entitled "Coordinating Vacation Time," instructs the Communications Director to coordinate his absences from the congressional office with Mr. Scofield "to ensure that [Representative Gutierrez's] office always has press and communications' coverage . . . ."[96]

MEMORANDUM

TO: Doug Rivlin and Doug Scofield
FROM: Congressman Luis Gutierrez
RE: Coordinating Vacation Time

The serves as a reminder that Doug Rivlin should ensure that he coordinates his absences from the office, such as for vacation and time off, with Doug Scofield. My intention with this policy is to ensure that my office always has press and communications' coverage, should an unexpected speech or press inquiry arise while Doug Rivlin is out of the office.

Thank you for your attention in this matter.

71. Representative Gutierrez explained that this memorandum was intended to ensure that someone who understood communications work was always present in his office.[97] He did not, however, recall any occasion when Mr. Scofield acted as press secretary.[98]

Legislative Work

72. The information reviewed by the OCE indicates that Mr. Scofield may have had a significant role in the legislative work in Representative Gutierrez's office.

73. Representative Gutierrez told the OCE that Mr. Scofield was not involved with his work on the Financial Services, Judiciary, or Intelligence Committees; rather, this work was performed by his legislative director and legislative staff members.[99] He never had Mr. Scofield review proposed legislative language.[100] He did not know whether Mr. Scofield reviewed or edited materials drafted by legislative staff members.[101]

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[94] *Id.*
[95] *Id.*
[96] Memorandum from Rep. Gutierrez to Rep. Gutierrez's Communications Director and Doug Scofield, "Coordinating Vacation Time," undated (Exhibit 20 at 13-7135_0078).
[97] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).
[98] *Id.*
[99] *Id.*
[100] *Id.*
[101] *Id.*

74. Several legislative staff members did not recall working with Mr. Scofield on legislative matters. Representative Gutierrez's current Counsel told the OCE that she does not believe she worked with Mr. Scofield on any matters, nor does she believe that she submitted work to him for review.[102] However, she said that she thought that Mr. Scofield's role in the congressional office was to provide guidance to staff on certain issues and perhaps to "consult ideas with" staff members.[103]

75. Representative Gutierrez's current Legislative Assistant did not recall any communications with Mr. Scofield while serving in this position.[104] She recalled that Mr. Scofield worked primarily with the congressional office's press staff, noting that major speeches were reviewed by Mr. Scofield.[105]

76. Representative Gutierrez's Legislative Correspondent said he was not aware of Mr. Scofield working on any legislative issues.[106] He did not recall whether he submitted any work to Mr. Scofield, but said that he may have.[107] He estimated that on approximately five occasions, he emailed Mr. Scofield and was sometimes copied on emails between other staff members and Mr. Scofield.[108]

77. Representative Gutierrez's Communications Director told the OCE that he could not remember Mr. Scofield reviewing work by the legislative staff.[109] He did not recall Mr. Scofield's involvement in drafting testimony or working on House committee matters.[110]

78. Several other legislative staff members described a more active role played by Mr. Scofield. Several staff members said they were told to send materials to Mr. Scofield for review. For example, a Former Legislative Assistant said that Representative Gutierrez would occasionally tell her to "shoot" material "over to Doug," but recalled that these were primarily public statements or documents, or "press stuff."[111]

79. A Former Senior Legislative Assistant recalled being directed by Representative Gutierrez or his chief of staff to seek Mr. Scofield's advice or input on a "wide range" of issues that would have "come across [her] desk."[112] She described Mr. Scofield's role in the congressional office as working on "more complicated" and "nuanced" issues, noting that he was a source of the "history" behind many issues, given his past experience with Representative Gutierrez.[113]

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[102] Counsel MOI (Exhibit 11 at 13-7135_0051-0052).
[103] *Id.* at 13-7135_0051.
[104] Legislative Assistant MOI (Exhibit 12 at 13-7135_0054).
[105] *Id.* at 13-7135_0054-0055.
[106] Legislative Correspondent MOI (Exhibit 13 at 13-7135_0057).
[107] *Id.*
[108] *Id.*
[109] Communications Director MOI (Exhibit 8 at 13-7135_0041).
[110] *Id.*
[111] Former Legislative Assistant MOI (Exhibit 15 at 13-7135_0067).
[112] Former Senior Legislative Assistant MOI (Exhibit 14 13-7135_0061).
[113] *Id.* at 13-7135_0060.

80. The Former Senior Legislative Assistant said that Mr. Scofield would "edit" documents produced by the congressional office; she believed that these documents included press materials and "floor stuff."[114] According to her, the general process was for her to draft something, show it to either Representative Gutierrez or the chief of staff, and they would ask her to "run it by" Mr. Scofield.[115] The types of materials she would be asked to run by Mr. Scofield were "public facing" things like speeches, remarks for a hearing, or statements for the record delivered by or attributed to Representative Gutierrez.[116]

81. When directed to run something by Mr. Scofield, the Former Senior Legislative Assistant would typically contact him by telephone, but also by email.[117] Once she provided him with material, she would get back substantive changes.[118] She may have then discussed the proposed changes with him.[119]

82. The Former Senior Legislative Assistant said that Mr. Scofield also provided advice on certain matters that would then be discussed within the congressional office.[120] She said that if there was uncertainty about what should be done regarding a particular matter, she would often be told, "Ask Doug."[121]

83. Representative Gutierrez's Chief of Staff told the OCE that, while she served as legislative director from approximately 2003 through 2013, Mr. Scofield never assigned her any projects, nor did she recall submitting work for him to review.[122] She did not go to Mr. Scofield for advice on legislative strategy or tactics.[123]

84. However, the Chief of Staff told the OCE that she learned of Mr. Scofield's role in the congressional office through discrete contacts with him: her predecessor Ms. Fuentes or Representative Gutierrez would tell her to ask Doug about certain things.[124]

85. On January 26, 2013, the Chief of Staff, while still serving as legislative director, prepared a memorandum entitled, "Immigration Happenings and Legislative Update," outlining the "state of play with regard to legislative developments" and "seeking guidance on some key decisions [Representative Gutierrez] needs to make almost

[114] *Id.* at 13-7135_0061.
[115] *Id.* at 13-7135_0062.
[116] *Id.*
[117] *Id.*
[118] *Id.*
[119] *Id.*
[120] *Id.* at 13-7135_0061.
[121] *Id.*
[122] Chief of Staff MOI (Exhibit 7 at 13-7135_0034).
[123] *Id.*
[124] *Id.*

immediately."[125] The memorandum was addressed to Representative Gutierrez and Mr. Scofield, and copied to the Communications Director and to the Counsel.[126]

MEMORANDUM

From: **Susan**
To: **LVG, Doug Scofield**
CC: **Rivlin and Alice**
Date: **January 26, 2013**
RE: **Immigration Happenings and Legislative Update**

The Congressman asked me to write down the state of play with regard to legislative developments and share it with you. He will be seeking your guidance on some key decisions he needs to make almost immediately.

With the backdrop of all the recent White House activity, including a possible major announcement on immigration by the President this Tuesday in Las Vegas, LVG has two opportunities before him to work on legislation. Both pose advantages and risks.

86. The Chief of Staff told the OCE that the memorandum was prepared at a time in which Representative Gutierrez had a significant decision to make with respect to immigration policy and that, after thorough discussion, Representative Gutierrez asked her to put down the various points in writing.[127]

87. The Chief of Staff said that she addressed the memorandum to Mr. Scofield at the request of Representative Gutierrez, who had asked her to share it with him.[128] While she recalled discussing the memorandum with Representative Gutierrez's Communications Director and Counsel, the Chief of Staff could not recall any general or specific input that Mr. Scofield had on this matter.[129]

88. Representative Gutierrez told the OCE that he did not recall this memorandum, but that he did recall the conversation about the decisions referenced in it.[130] He said that Mr. Scofield was included on the memorandum because it was more about strategy than it was about the particulars of a specific bill.[131]

89. According to the Communications Director, the memorandum concerned Representative Gutierrez's central issue of immigration and involved a pretty big strategy issue regarding

[125] Memorandum from Chief of Staff to Rep. Gutierrez and Doug Scofield, copied to Communications Director and Counsel, "Immigration Happenings and Legislative Update," Jan. 26, 2013 (Exhibit 21 at 13-7135_0080).
[126] *Id.*
[127] Chief of Staff MOI (Exhibit 7 at 13-7135_0034).
[128] *Id.*
[129] *Id.* at 13-7135_0034-0035.
[130] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0007).
[131] *Id.*

positions Representative Gutierrez would take on his signature issue.[132] Given that, he did not find it odd that Mr. Scofield was included on the memorandum.[133]

90. In November 2011, Representative Gutierrez's then-chief of staff, Ms. Fuentes, forwarded to him a proposed response to an email exchange she had had with a Senate staff member about a U.S. ambassador nominee.[134] Representative Gutierrez directed Ms. Fuentes to "[s]end to Doug get review and send to Senator."[135]

91. Representative Gutierrez did not recall why he asked for Mr. Scofield's review of the proposed response but speculated that the matter involved a political/legislative quandary for which he wanted Mr. Scofield's eyes and ears on it.[136] He explained that Mr. Scofield was there to help with these kinds of issues.[137]

92. In November 2012, Mr. Scofield sent two emails to Representative Gutierrez's Communications Director and then-serving legislative director, discussing "next steps" with respect to the legislative strategy on immigration reform.[138]

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Wednesday, November 14, 2012 4:53pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Collins, Susan" <susan.collins@mail.house.gov>
Subject: RE: FW: Immigration Reform Should Be the Top Priority in 2013

What's the five-minute status?

What is the Congressman's current thinking on next steps? Is he telling Menendez and Durbin he's introducing a bill? Is there a reason we don't want to put out a call to the groups and then put out a release saying we're introducing our bill? Send around a Dear Colleague to stop lining up sponsors? I don't think we want to be second on this, or give the President too much time to ask everyone to sit around and wait for his plan.

If we do something now, I think it seems like a natural reaction from the Congressman. If we wait for a few weeks of developments, then people might expect us to play along with whatever is happening. It's probably worth making everyone react to his bill.

-----Original Message-----
From: [redacted]@scofieldcompany.com [[redacted]@scofieldcompany.com]
Sent: Friday, November 16, 2012 11:17 AM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Are we doing a bill? I think we need to lay down a marker quickly.

[132] Communications Director MOI (Exhibit 8 at 13-7135_0042).
[133] *Id.*
[134] E-mail from Jennice Fuentes to Rep. Gutierrez, Nov. 29, 2011 (Exhibit 22 at 13-7135_0085).
[135] E-mail from Rep. Gutierrez to Jennice Fuentes, Nov. 29, 2011 (Exhibit 22 at 13-7135_0085).
[136] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0007).
[137] *Id.*
[138] E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, Nov. 14, 2012 (Exhibit 23 at 13-7135_0090); e-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, Nov. 16, 2012 (Exhibit 24 at 13-7135_0093).

93. In the emails, Mr. Scofield asked the Chief of Staff and Communications Director if Representative Gutierrez was "doing a [comprehensive immigration] bill," and suggesting that "we need to lay down a marker quickly."[139] Mr. Scofield also appears to have encouraged Representative Gutierrez to act quickly to avoid being "second."[140]

94. When asked why Mr. Scofield was discussing legislative strategy and proposed bills with congressional staff, Representative Gutierrez's Chief of Staff told the OCE that she did not recall these emails, adding that the decision whether or not to introduce a bill was a question for Representative Gutierrez.[141]

95. Representative Gutierrez's Communications Director told the OCE that Mr. Scofield did not participate in legislative strategy discussions "very much."[142] He noted, however, that "the line between communications and legislative strategy is not a bright line," and that "message and policy are related."[143] The Communications Director said that Mr. Scofield was more focused on message.[144]

96. Included in the documents produced to the OCE by Mr. Scofield were a number of speeches, including speeches given on the House floor, apparently written or edited by Mr. Scofield.[145]

97. Representative Gutierrez told the OCE that Mr. Scofield worked with the Communications Director to draft speeches, "one-minutes," and other remarks.[146] According to Representative Gutierrez, some of the speeches promoted general policy positions, while others highlighted decisions made by the executive branch or encouraged some executive branch action.[147]

98. Representative Gutierrez said that he did not consider Mr. Scofield's help in drafting speeches to be legislative work; rather, he viewed this as communications work.[148] He noted that the speeches on which Mr. Scofield worked were not always about specific pieces of legislation or matters on the House floor, but were about topics important to him and to his district.[149]

99. Representative Gutierrez's Chief of Staff also told the OCE that Mr. Scofield was involved in drafting remarks given by Representative Gutierrez, including remarks given

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[139] E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, Nov. 16, 2012 (Exhibit 24 at 13-7135_0093).
[140] E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, Nov. 14, 2012 (Exhibit 23 at 13-7135_0090).
[141] Chief of Staff MOI (Exhibit 7 at 13-7135_0035.
[142] Communications Director MOI (Exhibit 8 at 13-7135_0041).
[143] *Id.*
[144] *Id.*
[145] *See* various speeches and remarks (Exhibit 25 at 13-7135_0096-0113).
[146] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).
[147] *Id.*
[148] *Id.*
[149] *Id.*

by him at the Sixteenth Street Baptist Church in Alabama and remarks he gave on the House floor about one or two years ago on the subject of immigration.[150]

100. The Communications Director said that Mr. Scofield was regularly involved in drafting and editing speeches given by Representative Gutierrez, including speeches given from the House floor.[151] He said that Mr. Scofield came up with ideas for floor speeches and sometimes prepared the first draft of speech.[152]

101. Mr. Scofield may have drafted or reviewed letters sent by Representative Gutierrez to administration officials regarding official action. Included in the documents produced to the OCE by Mr. Scofield were a number of letters to administration officials apparently written or edited by Mr. Scofield.[153]

102. Representative Gutierrez told the OCE that he did not recall Mr. Scofield drafting or reviewing letters to administration officials.[154] When shown an October 2012 email exchange among Mr. Scofield, Representative Gutierrez, the Communications Director, and then-deputy chief of staff Enrique Fernandez about potential letters to the Departments of Justice and Labor regarding a Puerto Rican newspaper,[155] Representative Gutierrez said he had no recollection of the letters.[156]

103. Representative Gutierrez's Chief of Staff said that, during her time as legislative director, she drafted many letters to administration officials but did not recall sharing any of those letters with Mr. Scofield.[157] When shown several examples of letters that Mr. Scofield produced to the OCE, the Chief of Staff said that the letters involved issues on which she would not have worked.[158]

104. The Communications Director told the OCE that Mr. Scofield was occasionally involved in drafting or editing letters to administration officials, especially when the letters involved Puerto Rico, as this was an issue area of particular sensitivity to Representative Gutierrez.[159]

105. On October 10, 2012, Mr. Fernandez emailed Representative Gutierrez and Mr. Scofield the "latest interim response" from the Secretary of the Army, responding to a

[150] Chief of Staff MOI (Exhibit 7 at 13-7135_0035).
[151] Communications Director MOI (Exhibit 8 at 13-7135_0041).
[152] *Id.*
[153] *See* various letters to administration officials (Exhibit 26 at 13-7135_0115-0121).
[154] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006).
[155] *See, e.g.*, e-mail from Doug Scofield to Rep. Gutierrez's Communications Director, Rep. Gutierrez, and Enrique Fernandez, Oct. 19, 2012 (Exhibit 27 at 13-7135_00123).
[156] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0006-0007).
[157] Chief of Staff MOI (Exhibit 7 at 13-7135_0034).
[158] *Id.*
[159] Communications Director MOI (Exhibit 8 at 13-7135_0041).

letter sent by Representative Gutierrez regarding a natural gas pipeline project in Puerto Rico; Ms. Fuentes and the Communications Director were copied on the email.[160]

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Wednesday, October 10, 2012 4:14pm
To: "Fernandez, Enrique" <Enrique.Fernandez@mail.house.gov>
Cc: "'Luis V. Gutierrez'" [redacted]@yahoo.com>, "Fuentes, Jennice" <jennice.fuentes@mail.house.gov>, "Rivlin, Douglas" <douglas.rivlin@mail.house.gov>
Subject: RE: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

It makes sense to me to wait. We're a month away from having a clear idea of how to deal with it. Should probably hit them on the conflict of interest at some point, though.

-----Original Message-----
From: "Fernandez, Enrique" <Enrique.Fernandez@mail.house.gov>
Sent: Wednesday, October 10, 2012 3:50pm
To: "'Luis V. Gutierrez'" <[redacted]@yahoo.com>, "'doug@scofieldcompany.com'" <[redacted]@scofieldcompany.com>
Cc: "Fuentes, Jennice" <Jennice.Fuentes@mail.house.gov>, "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

Congressman, Doug:

Attached, please find the "latest interim response" from the Secretary of the Army.

I do not think we should respond at this time.

The Corps is allowing the Regime to submit additional information until November 2, and based on the additional information, decide how to proceed. Whatever the decision, it will be rendered after the elections.

In addition, it is clear they do not want to really investigate the Jacksonville district's conflict of interest with BCPeabody...

Thank you.

Enrique

106. In his email, Mr. Fernandez recommends that Representative Gutierrez not respond at that time.[161] In response, Mr. Scofield agreed that, "It makes sense to me to wait."[162]

107. Mr. Fernandez declined to be interviewed by the OCE as part of this review.

108. The Communications Director told the OCE that he and Mr. Scofield had been involved in drafting the initial letter to the Secretary with Mr. Fernandez.[163] When asked why Mr. Scofield was included in the email, the Communications Director said that the letter was less about policy and more about politics, but he noted that the letter was an attempt to help environmentalists put pressure on the Puerto Rican governor to make changes with regard to the pipeline.[164]

109. Given Representative Gutierrez's working relationship with and supervision of Mr. Scofield while Mr. Scofield was retained by his congressional office, the Board finds that Representative Gutierrez knew or should have known that the services provided by Mr. Scofield exceeded those permitted by the House.

[160] E-mail from Enrique Fernandez to Rep. Gutierrez and Doug Scofield, copied to Jennice Fuentes and Rep. Gutierrez's Communications Director, Oct. 10, 2012 (Exhibit 28 at 13-7135_0126).
[161] *Id.*
[162] *Id.*
[163] Communications Director MOI (Exhibit 8 at 13-7135_0041).
[164] *Id.*

D. Mr. Scofield May Have Engaged in Lobbying Activity While He Was Retained by Representative Gutierrez's Congressional Office

110. Representative Gutierrez told the OCE that he knew that Mr. Scofield's firm engaged in lobbying activity, but he did not know what kind of lobbying.[165] Representative Gutierrez's Chief of Staff and his Communications Director said that they were unaware of Mr. Scofield's status as a registered Illinois lobbyist until the issue was raised by a reporter in or around June 2013.[166]

111. Representative Gutierrez said that he had no discussions with Mr. Scofield about his other clients or his activities on behalf of those clients, including any lobbying activity, while Mr. Scofield was retained to provide services to his congressional office.[167] He said he never talked with Mr. Scofield about lobbying because those activities were not germane to the congressional office, as all Mr. Scofield's lobbyist clients were state, rather than federal, clients.[168]

112. Representative Gutierrez told the OCE that he does not believe that Mr. Scofield worked on appropriations matters, nor does he recall ever discussing appropriations requests with Mr. Scofield.[169] Representative Gutierrez's Chief of Staff told the OCE that she was not aware of any congressional staff members discussing appropriations requests with Mr. Scofield.[170] A Former Legislative Assistant told the OCE that she never discussed appropriations requests with Mr. Scofield.[171]

113. In June 2013, a news outlet reported that two of Mr. Scofield's clients, the Greater Chicago Food Depository and the Chicago Botanical Garden, sought federal earmarks during the time Mr. Scofield was retained by Representative Gutierrez's office.[172]

114. In March 2004, Representative Gutierrez signed a letter circulated by another Member of Congress in support of a $2 million earmark for the Greater Chicago Food Depository.[173] In March 2010, Representative Gutierrez sent his own letter of support for a $620,000 earmark for the Chicago Botanical Gardens.[174]

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[165] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0003).
[166] Chief of Staff MOI (Exhibit 7 at 13-7135_0036); Communications Director MOI (Exhibit 8 at 13-7135_0042).
[167] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0004).
[168] *Id.*
[169] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0007).
[170] Chief of Staff MOI (Exhibit 7 at 13-7135_0036).
[171] Former Legislative Assistant MOI (Exhibit 15 at 13-7135_0067).
[172] Paul Singer, *Rep. Gutierrez pays Chicago lobbyist with tax dollars*, USA TODAY, June 5, 2013.
[173] Letter from Rep. William O. Lipinski, *et al.*, to Rep. James T. Walsh, Chairman, Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies, Mar. 31, 2004 (Exhibit 29 at 13-7135_0129-0130). While this particular matter falls outside the jurisdiction of the OCE, it is evidence of the nature of the relationship between Mr. Scofield and Rep. Gutierrez's congressional office.
[174] Letter from Rep. Luis V. Gutierrez to Rep. Rosa DeLauro, Chair, and Rep. Jack Kingston, Ranking Member, Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Mar. 22, 2010 (Exhibit 30 at 13-7135_0132-0133).

115. Representative Gutierrez said that Mr. Scofield never requested that he act on behalf of anyone.[175] His Chief of Staff told the OCE that at no time did Mr. Scofield "lobby us in DC."[176] She said that Mr. Scofield told her that he only lobbied at the state level.[177]

116. Representative Gutierrez's Former Legislative Assistant, who handled appropriations issues in 2010, told the OCE that she was unaware of any contact by Mr. Scofield with the congressional office regarding the Chicago Botanical Garden.[178] However, she recalled that she had met with representatives of the Botanical Garden around this time, and believes that the office made an appropriations request on its behalf.[179]

117. Representative Gutierrez noted that he must have discussed the Greater Chicago Food Depository, a client of Mr. Scofield's firm, with Mr. Scofield, because he knew that Mr. Scofield did work for that organization prior to the June 2013 press inquires.[180] Representative Gutierrez said that he never discussed an appropriations request for the Food Depository with Mr. Scofield.[181]

118. Evidence provided to the OCE by Representative Gutierrez includes a July 20, 2004 email from Mr. Scofield to Ms. Fuentes, in which Mr. Scofield asks, "What do you think is the timing for any decision regarding the appropriation? Thanks, as always. Also Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you."[182] Neither Mr. Scofield nor Ms. Fuentes would agree to be interviewed by the OCE as part of this review. Representative Gutierrez said that he did not know anything about this email.[183]

[175] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).
[176] Chief of Staff MOI (Exhibit 7 at 13-7135_0036).
[177] *Id.*
[178] Former Legislative Assistant MOI (Exhibit 15 at 13-7135_0067).
[179] *Id.*
[180] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).
[181] *Id.*
[182] E-mail from Doug Scofield to Jennice Fuentes, July 20, 2004 (Exhibit 31 at 13-7135_0135).
[183] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).

119. While Mr. Scofield declined to be interviewed by the OCE as part of this review, emails provided by Representative Gutierrez include statements made by Mr. Scofield regarding his work for the Food Depository. In one email discussing how to respond to a reporter's questions, Mr. Scofield states:

> On the food depository, I would re-emphasize that I simply did not talk to Luis about money. A member of Congress supporting an appropriation for a food bank that feeds hungry people in his district is both routine and admirable, and in this case not cause or initiated by me – it was led by [Representative William] Lipinski and [Senator Dick] Durbin.[184]

120. In another email, Mr. Scofield states, "I think we can be more emphatic – [Representative Gutierrez] and Doug Scofield did not have any discussions about funding for the food depository. I strongly believe that is accurate. I think what I did was talk to him about visiting."[185]

121. Mr. Scofield also denied lobbying Representative Gutierrez on behalf of his client the Chicago Botanical Garden:

> Well, I never lobbied for the Chicago Botanical Garden and I don't know anything about an earmark for them and had nothing to do with it. They were briefly a pr client. I never personally did any work for them at all – it would have been other staff members of the company, and it wouldn't have had anything to do with Luis. I had no contact, ever, with anyone on the Congressional staff, or Luis, about the Botanical Garden.[186]

122. Representative Gutierrez told the OCE that after press inquiries earlier this year regarding Mr. Scofield's status as a registered state lobbyist, he determined that it would be difficult to continue the congressional office's relationship with Mr. Scofield.[187] He explained that it would be difficult to identify and avoid potential conflicts of interest in the future, even if positions he took were wholly independent of Mr. Scofield's lobbying work.[188]

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[184] E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, June 4, 2013 (Exhibit 32 at 13-7135_0138).
[185] E-mail from Doug Scofield to Rep. Gutierrez's Chief of Staff, copied to Rep. Gutierrez's Communications Director, June 4, 2013 (Exhibit 33 at 13-7135_0142).
[186] E-mail from Doug Scofield to Rep. Gutierrez's Communications Director, copied to Rep. Gutierrez's Chief of Staff, June 4, 2013 (Exhibit 32 at 14-7135_0137).
[187] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0008).
[188] *Id.*

E. Representative Gutierrez Terminated the Services of Mr. Scofield in June 2013

123. After receiving press inquires about Mr. Scofield in June 2013, Representative Gutierrez directed his staff to consult with the CHA to determine if the arrangement with Mr. Scofield was consistent with House Rules.[189]

124. Representative Gutierrez's Chief of Staff subsequently met with CHA staff to review Mr. Scofield's arrangement with the congressional office.[190] According to the Chief of Staff, CHA staff advised that the agreement with Mr. Scofield needed to be revised or canceled, but recommended that it not be continued in its current form.[191] The Chief of Staff said that CHA staff did not identify specific problems with the agreement.[192]

125. After learning of the CHA staff advice, Representative Gutierrez determined that there were only two options: Mr. Scofield could become a full-time employee of his congressional office or he could resign.[193] Representative Gutierrez said that Mr. Scofield did not accept the offer to become a full-time congressional employee and instead resigned.[194]

126. On June 13, 2013, Representative Gutierrez informed Mr. Scofield by letter that he was canceling the agreement with Mr. Scofield's firm.[195]

III. DOUGLAS SCOFIELD, JENNICE FUENTES, AND ENRIQUE FERNANDEZ REFUSED TO COOPERATE WITH THE OCE REVIEW

Douglas Scofield

127. Douglas Scofield served as Representative Gutierrez's chief of staff from approximately January 1992 to December 2002. He was later retained to provide services to Representative Gutierrez's congressional office from approximately April 2003 to June 2013.

128. The OCE requested information from Mr. Scofield regarding the services he was retained to provide to Representative Gutierrez's office.

129. Mr. Scofield initially cooperated with the OCE by producing documents requested by the OCE, but he subsequently ceased cooperating, declining to further produce documents or to be interviewed by the OCE.

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[189] *Id.*
[190] Chief of Staff MOI (Exhibit 7 at 13-7135_0037). *See also* Letter from Rep. Gutierrez's Chief of Staff to Democratic Staff Director, Committee on House Administration, June 4, 2013 (Exhibit 34 at 13-7135_0145).
[191] Chief of Staff MOI (Exhibit 7 at 13-7135_0037).
[192] *Id.*
[193] Rep. Gutierrez MOI (Exhibit 1 at 13-7135_0009).
[194] *Id.*
[195] Letter from Rep. Gutierrez to Doug Scofield, July 13, 2013 (Exhibit 35 at 13-7135_0147).

Jennice Fuentes

130. Jennice Fuentes served as Representative Gutierrez's chief of staff from approximately May 2002 to February 2013.

131. The OCE requested information from Ms. Fuentes regarding her role in retaining and supervising Mr. Scofield.

132. Ms. Fuentes refused to cooperate with the OCE.

Enrique Fernandez

133. Enrique Fernandez served as Representative Gutierrez's deputy chief of staff from approximately November 2002 to January 2013.

134. The OCE requested information from Mr. Fernandez regarding his interactions with Mr. Scofield while Mr. Scofield was retained by the congressional office.

135. Mr. Fernandez refused to cooperate with the OCE.

IV. CONCLUSION

136. Based on the foregoing information, the Board finds that there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – that is, to retain his former chief of staff as a contractor to his congressional office, when the former chief of staff acted as an employee of or consultant to the office.

137. The OCE Board recommends that the Committee on Ethics further review the allegation, as there is substantial reason to believe that Representative Gutierrez used funds from his MRA for an impermissible purpose – to retain an individual to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law and House rules.

V. INFORMATION THE OCE WAS UNABLE TO OBTAIN AND RECOMMENDATIONS FOR THE ISSUANCE OF SUBPOENAS

138. The following witness, by declining to provide documentary or testimonial evidence to the OCE, did not cooperate with the OCE's review:

(1) Douglas Scofield;

(2) Jennice Fuentes, Representative Gutierrez's former chief of staff; and

(3) Enrique Fernandez, Representative Gutierrez's former deputy chief of staff.

139. The Board recommends the issuance of subpoenas to Ms. Fuentes, Mr. Fernandez, and Mr. Scofield.

EXHIBIT 1

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Rep. Luis Gutierrez
REVIEW #(s):	13-7135
DATE:	October 22, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	4:00 PM to 5:25 PM (approximate)
PARTICIPANTS:	Kedric Payne Scott Gast Andrew Herman, Counsel

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently the United States Representative from the Fourth District of Illinois.

3. The witness first met Doug Scofield during his first campaign for Congress in 1992. He was introduced to Mr. Scofield through David Wilhelm, who was managing the Clinton presidential campaign at the time. Mr. Scofield was hired to work on Rep. Gutierrez's campaign through Mr. Wilhelm's firm.

4. During the 1992 congressional campaign, Mr. Scofield was responsible for the general management of the campaign. He also hired vendors for fundraising and polling. He was paid through the Wilhelm firm.

5. After the witness was elected in November 1992, he invited Mr. Scofield to become his congressional chief of staff. The witness said he had developed a close working relationship with Mr. Scofield during the campaign.

6. As chief of staff, Mr. Scofield was responsible for running the congressional office. He hired and fired people and developed the office budget. The witness believes that Mr. Scofield was also involved in general legislative strategy, but could not recall any specific instances.

7. Asked if Mr. Scofield had any responsibility for press issues as chief of staff, the witness said that he had hired a separate individual to serve as press secretary. The witness believes that Mr. Scofield and this person previously worked together, and that this person came with Mr. Scofield from the Wilhelm firm.

8. According to the witness, Mr. Scofield left his congressional office in late 2002, after he had been invited by Governor-Elect Blagojevich to serve in the new position of Deputy Governor.

9. Mr. Scofield was succeeded as chief of staff by Jennice Fuentes, who had served as the witness' legislative director and second-in-command to Mr. Scofield.

10. After Mr. Scofield left the congressional office to serve in the Blagojevich administration, the witness kept in regular touch with him. As some point just a few months after Mr. Scofield started in his position, Mr. Scofield called the witness and told him it had been a mistake to make the job change. He told the witness that he could not stay in his position, as lots of political decisions were being made by the governor's finance committee.

11. The witness said that Mr. Scofield resigned from the Blagojevich administration roughly two months after he had started.

12. After his resignation, Mr. Scofield started his own company with his wife, Melanie. When asked what the new company did, the witness said to ask Mr. Scofield or his wife.

13. The witness said that he knows that the company engages in lobbying, but he was not sure what kind of lobbying. He said that he never talked with Mr. Scofield about lobbying.

14. With respect to the new company, the witness interacted primarily with Mr. Scofield, and he rarely worked with Melanie Scofield. He did not know who else worked for the company.

15. The witness said he only became aware of the company's clients after reading about them in the USA Today stories. He added that he knew Mr. Scofield was involved with the Greater Chicago Food Depository prior to that, but he did not recall how or when he learned that.

16. The witness said that he does not believe he ever discussed Mr. Scofield's clients with Mr. Scofield, but noted that they have been friends for 21 years.

17. The witness said he had referred political folks to Mr. Scofield's company, including state representatives and county commissioners, for services like direct mail, communications consulting, and campaign strategy. He could not recall ever making a referral to Mr. Scofield for lobbying work.

18. The witness said that when Mr. Scofield called to tell him he was resigning from his position with the governor and starting his own firm, he told Mr. Scofield that he wanted to be one of his first clients. The witness said that he had not wanted to lose Mr. Scofield in the first place, so while he was saddened that the gubernatorial position had not worked out, he was also happy that he would "get Doug back." He said that he had always admired Mr. Scofield's work and trusted his judgment.

19. When asked if there had been any discussions about Mr. Scofield returning as an employee in the congressional office, the witness said that they did have such conversations from time to time, but that was not until much later. He also noted that Ms. Fuentes had already taken on the job of chief of staff.

20. Shortly after Mr. Scofield resigned, the witness made the decision to retain Mr. Scofield through his congressional office. He said that he told Ms. Fuentes that "we'd have Doug back on staff," and that he would be a "consultant."

21. The witness said that after speaking with Mr. Scofield, he instructed Ms. Fuentes to hire him and to make arrangements to have him paid. He did not remember specific details about his conversation with Ms. Fuentes.

22. The witness said that he did not recall any conversations with Ms. Fuentes after he instructed her to hire Mr. Scofield. He learned after the USA Today story appeared what Ms. Fuentes had done after he gave her this instruction. He also noted that Mr. Scofield and Ms. Fuentes were friends.

23. The witness explained that Ms. Fuentes was a 15-year veteran of Congress and had been second-in-charge behind Mr. Scofield. He added that Mr. Scofield himself had ten years experience as a chief of staff. He trusted the two to work out the logistics of the relationship.

24. The witness said he never read the written agreement between his congressional office and Mr. Scofield's company "with any attention to detail" until after the USA Today story appeared.

25. When asked what Mr. Scofield was retained to do, the witness said that he understood Ms. Fuentes was a new chief of staff who needs help, that Mr. Scofield would develop staff, and that he would help press and media staff. He said that Mr. Scofield was also the type of person he could call at 1:00 AM to ask for a speech he needed to give the next day; Mr. Scofield was on call "24/7."

26. The witness said that, to the best of his knowledge, the contract between his congressional office and Mr. Scofield had been renewed five times under identical conditions.

27. The witness was not aware of any other instances in which his congressional office had hired a contractor.

28. The witness did not have any contact with the Committee on House Administration regarding the Scofield agreement at this time, nor was he aware of any contact with the Committee by his staff. After the USA Today article appeared, Ms. Fuentes told him that she had faxed the agreement to the Committee staff for approval, but that she couldn't find the email back from the Committee.

29. The witness said that there had been no conversations about potential conflicts of interests between work that Mr. Scofield was to do for his congressional office and work he would be doing for his other clients.

30. The witness said that there was no discussion about Mr. Scofield's lobbying activities because they were not germane to the office. The witness believes that all of Mr. Scofield's lobbying clients were state, rather than federal, clients.

31. The witness said he thought that Ms. Fuentes had reached out to both the Committee on House Administration and the Committee on Ethics regarding the agreement with Mr. Scofield.

32. The witness believes that the terms of the agreement, including the amount of Mr. Scofield's fees, were negotiated by Ms. Fuentes and Mr. Scofield. The witness said that he knew how

much Mr. Scofield was being paid and was "OK" with it. The witness did not know why the retainer fee started at $5,500 per month but then was reduced to $4,500 per month.

33. The witness said he allowed Ms. Fuentes latitude to sign on his behalf, but that the signature on the initial agreement, dated April 1, 2013, was his signature. When asked if he approved the terms of the agreement, the witness said that he must have, since he had signed the agreement. He noted that he had no specific recollection of signing the agreement.

34. When asked if a specific term had been contemplated for Mr. Scofield's services, the witness said that Mr. Scofield would still be serving today if not for the USA Today story.

35. According to the witness, Mr. Scofield reported to chief of staff Jennice Fuentes, as she was the chief of staff and everyone in the office reported to the chief of staff. He added that everyone in the office also reports to him. He noted that he did not have to go through his chief of staff, however, if he wanted to get Mr. Scofield on the phone.

36. The witness said that Mr. Scofield worked with his congressional office chief of staff, communications director, and district staff. When asked if Mr. Scofield worked with the legislative staff, the witness said that he had asked his current chief of staff/former legislative director and it appears that Mr. Scofield had not worked with legislative staff.

37. The witness said that Mr. Scofield's duties as a contractor to the congressional office included helping him whenever he needed help drafting remarks or speeches, and helping him learn how to better communicate on issues.

38. Mr. Scofield primarily worked with the witness' communications director, but also worked with anyone else on staff who needed "help." When asked what kind of "help" Mr. Scofield provided, the witness said that if the chief of staff need help with something, Mr. Scofield would help "handle" certain things. The witness noted that Mr. Scofield had previously served as chief of staff himself. The witness said that his chief of staff would know better about the specifics of what Mr. Scofield did.

39. Asked if Mr. Scofield had any oversight responsibilities in the congressional office, the witness said he did have such a role after a staff reorganization in his district offices. The witness asked Mr. Scofield and Slim Coleman, a district employee, to work together to ensure that district office operations ran smoothly during the transition.

40. The witness was shown a September 3, 2012 email he sent to Mr. Scofield and his chief of staff, directing that his chief of staff and legislative director were not to be absent from the congressional office on the same days. When asked why Mr. Scofield was included on such a directive to staff, he said that this was part of Mr. Scofield's training of the current chief of staff, he was helping the chief of staff with her duties.

41. The witness was shown an August 25, 2012 email he sent to Mr. Scofield, forwarding an email from the witness to his chief of staff regarding a problem with district office operations. He was also show a second email forwarding the same message to Mr. Scofield's wife, Melanie. The witness noted that he emails very little and did not recall why he forwarded the email to Melanie.

42. The witness said that the email to his chief of staff came about because a district employee had been "ripping off" constituents who had come for help. He described this as an "extraordinary" situation that required his direct involvement. He wanted to know who had been hurt or damaged as a result of a problematic district employee.

43. Mr. Scofield was included in this situation for training purposes, as he would be helping the chief of staff. Mr. Scofield was also based in Chicago and could bring "fresh eyes" to help solve the problem with the district operations. He had been chief of staff, so it was important to bring him in to help ensure that the district office was doing things right going forward. The witness also wanted people on the ground in Chicago to run the office, rather than people in DC.

44. The witness said that whenever there was a crisis that needed to be handled, he would direct his staff to "Call Doug."

45. The witness was shown an undated memo from the witness to his communications director and Mr. Scofield, reminding them that they should coordinate vacation time to ensure they are not absent at the same time. The witness said that he wanted to make sure that someone who understands communications is present. He did not, however, recall any occasion when Mr. Scofield had to act as press secretary. He explained that there is not a reporter in Chicago who didn't know that Mr. Scofield worked for the witness.

46. When asked if Mr. Scofield assisted with legislative work, the witness said he did not. He said that Mr. Scofield was not involved in any financial services, judiciary, or intelligence committee work. That work was done by the legislative director and legislative staff.

47. The witness did not know whether Mr. Scofield reviewed or edited materials drafted by legislative staff. The witness never had Mr. Scofield review legislative language.

48. The witness said that Mr. Scofield did prepare floor speeches or remarks for the witness, but he did not consider that legislative work. Rather, he saw it was communications work.

49. The witness said that Mr. Scofield drafted speeches and "one-minutes," working with the communications director. He said that Mr. Scofield edited or helped with speeches given on the House floor. Some of the speeches promoted certain general policies. Others simply highlighted decisions made by the executive branch or encouraged some executive action. The witness said, as an example, that a speech may have questioned whether the Department of Justice should have oversight over the Puerto Rican police.

50. The witness said that the speeches or remarks that Mr. Scofield worked on were not always about specific pieces of legislation or matters on the House floor, but were about topics important to the witness and his district.

51. When asked if Mr. Scofield drafted or reviewed letters to administration officials regarding official actions, the witness said he did not recall Mr. Scofield being involved in this kind of work. He said Mr. Scofield would help with speeches urging officials to take action, but he did not know about Mr. Scofield assisting with letters.

52. The witness was shown an October 19, 2012 email from Mr. Scofield to the communications director, copied to then-deputy chief of staff Enrique Fernandez and the witness, regarding "DOJ

and DOL letters" regarding a Puerto Rican newspaper. The witness said he had no recollection of these letters and said that the communications director may have such knowledge.

53. The witness was shown a January 26, 2013 memorandum from his then-legislative director to the witness and Mr. Scofield, copied to the communications director and to the legislative counsel, titled "Immigration Happenings and Legislative Update." The witness did not recall the memo, but did recall the conversation about the decisions that were referenced in the memo. The witness said that Mr. Scofield was included because it was more about strategy than the particulars of a bill.

54. The witness was shown a November 29, 2011 email he sent to his then-chief of staff about a discussion with Senator Rubio about a U.S. Ambassador, in which the witness directs the chief of staff: "Send to Doug get review and sent to Senator." The witness said he did not know why he asked for Doug's review, but speculated that it involved a political/legislative quandary and he probably wanted Mr. Scofield eyes and ears on it. He said that Mr. Scofield was there to help on these kinds of issues.

55. The witness was asked about a January 25, 2013 email he sent to his communications director and Mr. Scofield, forwarding an email from another Member of Congress regarding an immigration reform announcement. The witness did not recall why he forwarded the email, but noted that his communications director and Mr. Scofield worked together on communications issues. He did not recall discussing the substance of the email with Mr. Scofield.

56. The witness does not believe that Mr. Scofield worked on appropriations issues. He did not recall Mr. Scofield ever discussing appropriations requests with him.

57. When asked if Mr. Scofield did any work for his congressional campaign while serving as a contractor to the congressional office, the witness explained that there was not much of an occasion for campaign work, as he had not had a serious challenger since the 2002 campaign.

58. The witness said that any reported expenditures from his campaign to Mr. Scofield's firm involved specific projects. For example, the witness had wanted to get out in Cicero more and sponsored fairs in that area. He chose to use his campaign instead of his congressional office to organize and pay for those fairs.

59. The witness did not recall the specific payment arrangements made between his campaign and Mr. Scofield's firm for these projects. He noted that his wife paid the bills for the campaign.

60. The witness was asked about the compensation arrangements for Mr. Scofield's assistance with the witness' book. The witness said that he was offered a $65,000 advance for the book, but under House ethics rules, he is not permitted to accept any advance. Rather, he permitted Mr. Scofield to accept a $55,000 advance. With respect to royalties, Mr. Scofield and the witness are splitting any royalties; however, neither will receive any royalties until the entire advance has been recouped by the publisher.

61. The witness said that, at the time Mr. Scofield was hired a contractor to the congressional office, he did not know that Mr. Scofield worked as a registered state lobbyist, and there had been no

discussion about his lobbying activities. The witness said he did not learn that Mr. Scofield was a state lobbyist until the USA Today story ran.

62. The witness said that Mr. Scofield never asked him to act on behalf of anyone. He knew that Mr. Scofield had a relationship with the Greater Chicago Food Depository, and knew that Mr. Scofield was paid for his services by the Food Depository, but he did not know what services Mr. Scofield actually provided. The witness said that he must have discussed the Food Depository with Mr. Scofield at some point, because he knew that Mr. Scofield worked for that organization prior to the USA Today story.

63. The witness said that Mr. Scofield never spoke with him about an appropriations request for the Food Depository.

64. The witness was shown a July 20, 2004 email from Mr. Scofield to his then-chief of staff, in which Mr. Scofield asks: "What do you think is the timing for any decisions regarding the appropriation? Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you." The witness said he did not know anything about this email. He did not know what "Food Depository success" meant.

65. After the USA Today reporter began asking questions about Mr. Scofield, the witness directed his staff to put together the relevant documents to become better informed of the situation and to see which documents would be provided to the reporter. The witness said he wanted to know if there was any substance to what the reporter was saying. He said that he wanted to make sure that his office had complied with the rules.

66. The witness said that the first thing he said to his staff was to go to the Committee on House Administration to make sure that the arrangement with Mr. Scofield was ok. He said that his chief of staff dealt with this.

67. The witness said that his staff explained to him that Mr. Scofield could not continue doing what he had been doing for the congressional office. The witness said that the fact that Mr. Scofield was also a registered state lobbyist was an issue: it would be difficult to identify and avoid potential conflicts in the future, even if positions taken by the witness were wholly independent of Mr. Scofield. He explained that if Mr. Scofield's relationship with the Food Depository and the Chicago Botanical Garden – two non-profit organizations – caused this much trouble, he did not want to have this problem going forward. The witness wanted transparency.

68. The witness was not aware of any contact between his congressional office and the Committee on Ethics at this time. He suggested we ask his chief of staff about this.

69. The witness had discussions with Mr. Scofield at the time of the article. Mr. Scofield was involved in crafting a response to the reporter's inquiries. The witness said that he knew that Mr. Scofield had not done anything wrong, so he had no problem with Mr. Scofield's involvement in preparing a response to the reporter.

70. When asked if he discussed the substance of the reporter's questions with Mr. Scofield, the witness said that it seemed to him that the services provided by Mr. Scofield were those provided for in the contracting agreement. He said that Mr. Scofield was "anything but a ghost payroller."

71. The witness wanted Mr. Scofield to keep working for his congressional office. However, he saw that there were only two options: Mr. Scofield would have to become a full-time employee of the congressional office or he would have to resign. Mr. Scofield did not accept the offer to become a full-time employee and instead resigned as a contractor.

72. When asked why continuing the contracting arrangement with Mr. Scofield was not an option, the witness stated that the agreement had been approved five times.

This memorandum was prepared on October 23, 2013 after the interview was conducted on October 22, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 22, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 2

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386.[redacted] | 708.445.8745 fax | [redacted]@scocomm.com

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Luis V. Gutierrez
Signature

4/1/03
Date

EXHIBIT 3

What we had in our Scofield physical file (related to his contract w/ us). Our finance shared employee may have more, or maybe not.

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
January 1, 2008

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2008 through 12/31/08

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500.^{00} per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

12·19·07
Date

Name and title (Print)

Signature

Date

LVG_OCE_20

13-7135_0015

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
January 1, 2009

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2009 through 12/31/09

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500.^{00} per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

Date

Name and title (Print)

Signature

Date

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
November 23, 2012

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2013 through 12/31/2013

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $6,000.^{00} per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield — Date: 12-21-12
Scofield Communications

Congressman Luis V. Gutierrez
Name and title (Print)

Signature — Date: 12/21/12

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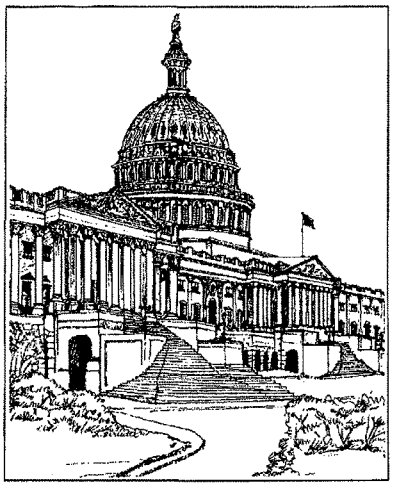
13-7135_0019

EXHIBIT 4



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-[redacted]
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: **Darren Feist, House Administration**
FROM: **Jennice Fuentes, Chief-of-Staff**
FAX: **59957**

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-[redacted]. Thank you.
NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-[redacted]
225-[redacted] (direct line)

2003 ~~[illegible]~~ docs
when contract
was reviewed
by House Admin

LVG_OCE_1

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386.[redacted] | 708.445.8745 fax | [redacted]@scofi[illegible]

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Signature

Date

EXHIBIT 5

Collins, Susan

From: Fleet, Jamie
Sent: Monday, June 03, 2013 4:06 PM
To: Collins, Susan; Abbott, Gregory; Henline, Robert
Subject: Re: Fwd: news query - USA Today

We need to develop a concise statement that recounts the facts, focuses on the non-legislative aspect of the work and highlights the training component. We can't talk about the ethics stuff because it's not our jurisdiction. I recommend you call Dan Taylor with the ethics cmte, I will put together an email intro if you like.

From: Collins, Susan
Sent: Monday, June 03, 2013 04:01 PM
To: Fleet, Jamie; Abbott, Gregory; Henline, Robert
Subject: RE: Fwd: news query - USA Today

I'll see if our tech guy can dig into our archives from a decade ago in a way that I cannot.

I don't see how there's any doubt it was approved, do you?

From: Fleet, Jamie
Sent: Monday, June 03, 2013 3:59 PM
To: Collins, Susan; Abbott, Gregory; Henline, Robert
Subject: Re: Fwd: news query - USA Today

Unlikely and they won't share it with us anyway.

From: Collins, Susan
Sent: Monday, June 03, 2013 03:57 PM
To: Fleet, Jamie; Abbott, Gregory; Henline, Robert
Subject: RE: Fwd: news query - USA Today

We do not have anything in our hard copy file. I'm reviewing old emails to our old chief in 2003, haven't found anything (but will enlist help from our tech guy to make sure I haven't missed anything).

I assume the approval may have been verbal... and must have been effectuated because the contract began to be paid soon thereafter.

Would House Admin have such a record? Thanks.

Susan Collins
Congressman Luis V Gutierrez
202-225-[redacted]

From: Fleet, Jamie
Sent: Monday, June 03, 2013 3:50 PM
To: Collins, Susan; Abbott, Gregory; Henline, Robert
Subject: Re: Fwd: news query - USA Today

Do you have any documentation of the approval?

From: Collins, Susan
Sent: Monday, June 03, 2013 03:47 PM
To: Fleet, Jamie; Abbott, Gregory; Henline, Robert
Subject: RE: Fwd: news query - USA Today

Hi All,
The contract first sent for approval to Darren Feist at House Admin and Barbara Buchanan at Finance in 2003 is the very same contract our office has continued to send for approval to Finance at the beginning of each Congress. Was there a more specific question than that? Thanks.

Susan Collins
Congressman Luis V Gutierrez
202-225-[redacted]

From: Fleet, Jamie
Sent: Monday, June 03, 2013 1:52 PM
To: Abbott, Gregory; Henline, Robert
Cc: Collins, Susan
Subject: Re: Fwd: news query - USA Today

Adding Susan from guiterrez. Susan -- any more on the contract history

---

From: Abbott, Gregory
Sent: Monday, June 03, 2013 01:49 PM
To: Fleet, Jamie; Henline, Robert
Subject: Fwd: news query - USA Today

Sent from my iPhone

Begin forwarded message:

> **From:** "Singer, Paul" <[redacted]@usatoday.com>
> **Date:** June 3, 2013, 10:39:09 AM EDT
> **To:** "greg.abbott@mail.house.gov" <greg.abbott@mail.house.gov>
> **Subject: news query - USA Today**
>
> Greg:
>
> I am a reporter with USA Today and I am working on a story about a "training" contractor hired by Rep Gutierrez.
>
> In short, Gutierrez has paid The Scofield Company (run by his former chief of staff Doug Scofield) more than $500,000 over the past ten years to provide "training." In 2012 he paid Scofield $6000 per month -- $72,000 for the year, wihhc is more than 20% of the total spent on training by individual House offices last year.
>
> Gutierrez' communications director said in an email:
>
> "Doug Scofield, the Congressman's former Chief of Staff, through the Scofield Company, works with District staff on a wide range of concerns, training them to run the office and handle constituent services, management and everything else they do. He trained me and still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches."

This arrangement seems to reach beyond the kind of training contract that members generally engage, and I am trying to figure out whether it comports with House rules prohibiting Members from hiring consultants.

There are also ethics issues involved here because Scofield also has a lobbying and public affairs practice in Illinois for some clients that have had business before Congress.

I would be grateful for your time if you can help me assess the relevant issues here.

Best wishes

Paul Singer
Politics Editor
USA Today
703-854-[redacted] phone
[redacted] mobile
@singernews

EXHIBIT 6

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Former Committee on House Administration Administrative Director
REVIEW #(s):	13-7135
DATE:	September 23, 2013
LOCATION:	OCE offices via telephone
TIME:	2:00 p.m. to 3:05 p.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a scoring and test processing manager for a standardized testing company. He has been affiliated with that organization for three years. His prior full time employment was with the Committee on House Administration ("CHA"). He began there in April 2001 and left in December 2008.

3. The witness began working for the CHA as a staff assistant, then worked in the Committee's Office of Member Services until 2004 or 2005, before becoming Administrative Director, a title he held until he left the Committee.

4. His duties in Member Services included advising Members and staff on how they could spend their Members' Representational Allowance ("MRA"), providing guidance on what constitutes an official expense that may be paid with MRA funds, as governed by the Members' Handbook.

5. The witness stated that CHA does not "approve" expenditures from the MRA. Rather, CHA staff provides guidance to Members and staff about what is appropriate.

6. The witness stated that about 20% of the Members' Handbook is concerned with those expenses for which a Member may use MRA funds, about 20% of the Handbook deals with those expenses for which a Member may not use MRA funds, and about 60% attempts to provide guidance on paying for expenses in a "gray" area. The decision as to whether to use MRA funds for a particular expense is left to individual Members.

7. According to the witness, during his time with Committee, the CHA maintained a database of all Committee calls and contacts with Members and staff, including oral advice.

8. The witness stated that if a potential misuse of MRA funds was brought to the attention of the Committee, the chair and ranking member would determine whether the expense was official or not and would then determine whether there should be any consequence if it was not. A Member may be asked to repay an impermissible expense from personal funds. During the witness' time at the CHA, he was aware only of misuses of the franking privilege.

9. The witness did not have any personal communications with the Committee on Ethics regarding MRA misuse issues.

10. According to the witness, any requests for approval of a contractor agreement would be referred to the CHA "officers' team," which consisted of the CHA Deputy Chief of Staff, General Counsel, and other members of the professional staff. The officers' team may have consulted with the office of the House Chief Administrative Officer ("CAO") on the question whether a proposed arrangement involves a contractor or consultant, as the CAO's office is believed to have experience in human resource issues.

11. The witness stated that the contractor/consultant question was a rare issue. He noted that consultation with or approval by the CHA is not required under the Members' Handbook.

12. The witness stated that typical contractor services include data storage, assistance with a computer system, photography, custodial services, website hosting, and staff training.

13. The witness recalled that there were several companies that provided staff training services to House offices on a contractor basis. He recalled that one such company had been hired by CHA to perform a management audit during his time at the committee.

14. Concerning "staff training," the witness did not know how someone could train for two years at a time, throughout a Member's term. He stated that his experience with an outside staff training company at the CHA was that the services only lasted two or three months at the most.

15. The witness stated that, in his view, "non-legislative" contractor services meant "not bringing Jack Abramoff in to work on the Help America Vote Act." The witness stated that he considered non-legislative services to include processing or copying papers and the like, not working on bills or attending meetings on issues.

16. The witness was asked about several areas of services that a contractor might provide to a Member office. When asked if a contractor could engage in casework, the witness said that was a difficult question. While explaining that he was not a lawyer, he said that in his view assisting wit casework was not legislative service. He noted that it would be odd if a Member could hire two to three contractors to perform casework in an office.

17. When asked if a contractor would provide community outreach services, the witness stated that he was not aware of any requests for contractors to perform those services.

18. When asked if a contractor could engage in press work, the witness stated that press work would most likely be legislative in his view. He said that this would be one of those gray areas where Members would have to defend the decision should it be called into question.

19. When asked if a contractor could draft speeches and statements, the witness said that the answer may depend on whether the speech or statement mentioned legislation. He stated that it would be very difficult to draw a clear line on this kind of service.

20. The witness reviewed the fax transmission from Rep. Gutierrez's former chief of staff, addressed to the witness, concerning a request for CHA review of a proposed contractor agreement. He had no recollection of handling this specific request.

21. The witness stated that it would have been his practice to pass on such a request to the officers' team, and that the officers' team would likely have discussed it with the CAO. He did not recall what guidance had been given with respect to the agreement.

22. Upon review the proposed agreement, the witness said that, in his view, there were some "questionable" services in the proposal. While nothing would have been definitely prohibited or allowable, the services may have fell into the gray area where he would need more information to provide advice. The proposed service that stood out to him was the proposal for Mr. Scofield to sit in on non-legislative meetings.

This memorandum was prepared on September 23, 2013 after the interview was conducted on September 23, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 23, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 7

CONFIDENTIAL
Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Chief of Staff
REVIEW #(s):	13-7135
DATE:	October 15, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	10:04 a.m. to 11:30 a.m. (approximate)
PARTICIPANTS:	Kedric Payne Scott Gast Andrew Herman (counsel) Ross Nabatoff (counsel)

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently the chief of staff for Rep. Luis Gutierrez and has held this position since mid-February 2013. Prior to becoming chief of staff, the witness served as Rep. Gutierrez's legislative director and as a legislative assistant. She was hired as a legislative assistant in July 2002, after serving as a fellow focusing on immigration policy.

3. As a legislative staff member, she was responsible for immigration, a priority issue for Rep. Gutierrez, as well as other issues including foreign affairs and homeland security.

4. As chief of staff, the witness oversees the Washington, DC and district offices, as well as the legislative, communications, and casework activities of the offices.

5. The witness said that Doug Scofield was serving as chief of staff for Rep. Gutierrez when she started in the office as a fellow. At that time, she did not have much direct, one-on-one interaction with Mr. Scofield. She worked primarily with the legislative staff.

6. The witness was hired as a legislative assistant at the time Mr. Scofield was transitioning out of Rep. Gutierrez's congressional office. According to the witness, Mr. Scofield left the congressional office to move back to Illinois and pursue other opportunities. He eventually worked for Governor Rod Blagojevich.

7. The witness did not keep in touch with Mr. Scofield after he left the congressional office. She did not recall any contact with him while he was working for the governor.

8. The witness said that Mr. Scofield left the governor's office at some point and started his own communications firm. She said that she knew little about Mr. Scofield's firm or his clients until news stories about Mr. Scofield's relationship with Rep. Gutierrez appeared this year. She said that she had no contact with Mr. Scofield about his clients prior to these news stories.

9. The witness had very little contact with Mr. Scofield's wife, Melanie Scofield, and just knew that she was Mr. Scofield's wife. She did not work with anyone else at Mr. Scofield's company.

10. The witness said that she was not familiar with how Mr. Scofield came to be retained by Rep. Gutierrez's congressional office as a contractor. She said that the then-chief of staff had "some awareness" of the retention, but she did not know if anyone else was involved. She said she vaguely remembered that when Mr. Scofield was retained, he was described as "there to help."

11. The witness did not know if Rep. Gutierrez's congressional office had hired other contractors in the past. She said that since she has been chief of staff, the office has not hired other contractors.

12. The witness learned of Mr. Scofield's role through discrete contacts with him; the chief of staff and Rep. Gutierrez would tell her to ask Doug about certain things. The witness said that she saw Mr. Scofield as a resource for the staff in general.

13. When asked to whom Mr. Scofield reports, the witness said that she reported to her as chief of staff, but it was not that kind of relationship. She said that she has had no trouble with him, and that he was doing work he was asked to do.

14. The witness said that Mr. Scofield worked primarily on communications related issues. She said that she learned over time that his focus was on press issues, and that she should go to him with those types of questions. She said that Mr. Scofield was familiar with reporters and the press in Chicago, and that he would "mentor" staff with respect to speeches and press releases.

15. The witness said that while she was legislative director, Mr. Scofield was mostly copied on emails relating to communications issues. She said that Mr. Scofield never assigned her projects, nor did she recall submitting work for him to review. She said that she did not go to Mr. Scofield for advice on legislative strategy or tactics.

16. The witness said that she did a lot of drafting letters from Rep. Gutierrez to administration officials, and that she could not recall sharing any of these letters with Mr. Scofield. She also said that Mr. Scofield never sent her any draft letters. When shown examples of letters that Mr. Scofield may have been involved with, the witness said that these were letters on issues with which she would not have been involved. She said that the then-deputy chief of staff, Enrique Fernandez, would have worked on the letters.

17. The witness was shown a January 26, 2013 memorandum she wrote to Rep. Gutierrez and Doug Scofield, copied to the communications director and legislative counsel, entitled "Immigration Happenings and Legislative Update." The witness said that Rep. Gutierrez had a big decision to make on immigration policy at that time and, after thorough discussions, he asked the witness to put down the various points in writing.

18. When asked why she directed this policy memo to Mr. Scofield, the witness said that Rep. Gutierrez asked her to share it with him. She said that she could not recall any general or

specific input Mr. Scofield had on this issue. She said that she did have discussions with the communications director and legislative counsel about the substance of the memo.

19. The witness was shown a January 24, 2012 email from Mr. Scofield to the communications director, copied to the chief of staff, legislative counsel, legislative assistant, and the witness, serving as legislative director, in which Mr. Scofield discussed Rep. Gutierrez's role attacking Republicans on immigration. When asked why Mr. Scofield was included on an email with legislative staff, the witness said that, to her, the subject of the email was not legislative; to her, legislation is drafting bills.

20. The witness was then shown two November 2012 emails from Mr. Scofield to the communications director and the witness, in which he discusses "next steps" on immigration reform, including whether Rep. Gutierrez will introduce his own legislation. The witness said that she did not recall the emails, but that, in general, the decision whether or not to do a bill is a question for Rep. Gutierrez.

21. The witness was not involved in drafting of press releases, so she was not familiar with what assistance or training Mr. Scofield may have provided in that area. She said that Mr. Scofield has provided assistance with drafting remarks given by Rep. Gutierrez. She cited as examples remarks given by Rep. Gutierrez at the Sixteenth Street Baptist Church in Alabama, and remarks that Rep. Gutierrez gave on the House floor on immigration, about one or two years ago.

22. The witness also said that when "trouble" would hit, Mr. Scofield was there as a resource. As an example, the witness said that when new district staff members were hired last year, Mr. Scofield was asked to help "get them up to speed." She said that she had one or two meetings with Mr. Scofield and district staff leadership at the time that the Cicero district office was being opened and they were trying to set it up. When asked about Mr. Scofield's specific participation, the witness said he just listened and she didn't recall him making any specific recommendations.

23. The witness said that the meetings held in the district during this transition period were the only meetings she attended with Mr. Scofield. She could not remember any meetings attended by Mr. Scofield held in Washington, DC.

24. When asked if Mr. Scofield assisted with casework, the witness said that it was generally understood that Mr. Scofield was available to help district staff. She was not familiar with any assistance he may have provided prior to the witness becoming chief of staff.

25. The witness was not familiar with any assistance or training that Mr. Scofield may have provided with respect to community outreach efforts.

26. When asked how Mr. Scofield's duties as a contractor compared with his duties as chief of staff, the witness said that she did not see him as an employee, that he did not work on the same kinds of things, and that he had a more discrete role as a contractor.

27. The witness said that Mr. Scofield was asked to do work by the communications director, the chief of staff, and Rep. Gutierrez. She was not aware of other congressional staff members asking Mr. Scofield to do work. The witness said that she was not aware of Mr. Scofield directing any congressional staffers to do work.

28. When asked if Mr. Scofield had any oversight responsibilities for the congressional office, the witness said that he was a resource to the office. She said that if Mr. Scofield made any recommendation, there was no requirement to follow it.

29. The witness was shown a September 3, 2012 email from Rep. Gutierrez to the chief of staff and to Mr. Scofield, in which Rep. Gutierrez instructs that the chief of staff and the witness were "not to be absent on the same days...." When asked why Mr. Scofield was included on this email, the witness said that she did not know. She said she was not aware of any input from Mr. Scofield on this matter. She said that since she has become chief of staff, she has viewed Mr. Scofield as a "resource" and a "mentor." She said he is knowledgeable, and someone to ask for help on predominantly communications issues.

30. The witness said that she is not aware of any staff evaluations conducted by Mr. Scofield. She said that she has never been evaluated by Mr. Scofield.

31. The witness said that she had never been formally trained by Mr. Scofield, but that if she had communications questions, she would go to him. She noted that there had been one office retreat, held in Chicago in approximately 2004, during which the entire staff was able to learn about the operations of the congressional office. She said that Mr. Scofield facilitated this retreat and served as a resource for the staffers.

32. The witness said that she saw the retainer agreement between Mr. Scofield and the congressional office for the first time this year, when a Finance Office employee asked for a signed copy of a renewed agreement for the new Congress. The witness said that she skimmed the agreement and signed it. She said that the duties listed in the agreement looked like what Mr. Scofield did for the office. She did not discuss it with Mr. Scofield or Rep. Gutierrez.

33. The witness was not aware of Mr. Scofield working on Rep. Gutierrez's congressional campaign.

34. The witness was not aware that Mr. Scofield was a registered state lobbyist until after news reports earlier this year. The witness said she never knew Mr. Scofield as a lobbyist; she always understood that his business was communications related.

35. After the news reports appeared, she sought out Mr. Scofield, who told her he only lobbied on the state level. She said that at no time did Mr. Scofield "lobby us in DC."

36. When asked if she had any conversation with Rep. Gutierrez about whether Mr. Scofield ever lobbied him, the witness said that she did not. The witness did not discuss potential lobbying by Mr. Scofield with the former chief of staff, Jennice Fuentes. She said that the current congressional staff had conversations to clear up the facts to respond to reporter questions. She kept Rep. Gutierrez informed about the requests and vetted responses through him.

37. The witness said that she was not aware of any congressional staff members discussing appropriations requests with Mr. Scofield.

38. The witness was asked about her contacts with the Committee on House Administration ("CHA") after the news reports about Mr. Scofield appeared. She said that she reached out to CHA staff to get the history of the Scofield agreement and background on the approval process. This was an attempt to ensure the agreement was in compliance with House Rules.

39. The witness as shown a May 30, 2013 email from the CHA minority staff director to her in which he states: "We need to discuss this phrase [from Rep. Gutierrez's communication director's response to the press] tomorrow: still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches." The witness said she was not sure whether she actually had a discussion with CHA staff about this phrase and did not remember it being identified as a problem.

40. The witness had a meeting with CHA majority and minority staff in which they discussed the agreement. She said that the staff had reviewed the agreement and advised that it be redrafted or canceled, but that they would not recommended keeping it in its current form. The CHA staff did not identify specific issues with the agreement.

41. When asked if CHA told her why the agreement had purportedly been approved ten years earlier, the witness said that CHA staff told her" times change, things change."

42. After the witness met with CHA staff, she discussed the agreement with Rep. Gutierrez, who made the decision to cancel the contract.

This memorandum was prepared on October 18, 2013 after the interview was conducted on October 15, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 15, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 8

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Communications Director
REVIEW #(s):	13-7135
DATE:	October 15, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	11:49 a.m. to 12:46 p.m. (approximate)
PARTICIPANTS:	Kedric Payne Scott Gast Andrew Herman (counsel) Ross Nabatoff (counsel)

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently the communications director for Rep. Luis Gutierrez; prior to taking on this role, he served as press secretary. He was hired by Rep. Gutierrez in April 2010.

3. As communications director, the witness handles all press and media related activities and other communications-related matters as assigned.

4. The witness first met Doug Scofield when he was interviewing for the press secretary position in Rep. Gutierrez's congressional office. The witness said that his conversation with Mr. Scofield was part of the interview process. He said that the then-chief of staff wanted him to speak with Mr. Scofield about what the job would entail; he believes the chief of staff wanted Mr. Scofield's assessment of the witness. The witness and Mr. Scofield discussed what it is like to work for Rep. Gutierrez, talked about the Chicago media, and traded ideas during this conversation.

5. The witness came to understand that Mr. Scofield had his own company after seeing Mr. Scofield's email address and business phone number. The chief of staff described the company as a consulting firm. He knew that both Mr. Scofield and his wife worked at the company, but only met his wife one time in Chicago, when he was invited over to the company's offices. The witness primarily worked with Mr. Scofield, occasionally dealing with his assistant.

6. When asked if he knew how Mr. Scofield came to be a contractor to the congressional office, the witness said that he knew that Mr. Scofield had been Rep. Gutierrez's chief of staff. He said that he and the current chief of staff were engaged in various communications matters, and that Mr. Scofield advised Rep. Gutierrez on communications issues.

7. However, the witness said he was not initially aware that Mr. Scofield was being paid by the congressional office. He learned this after he was asked by a Chicago reporter whether Mr. Scofield was being paid by the office. The witness then asked the chief of staff, who told the witness that Mr. Scofield was being paid.

8. The witness saw Mr. Scofield as someone that Rep. Gutierrez and the chief of staff trusted. He described Mr. Scofield as someone important to a new press secretary in making Rep. Gutierrez feel comfortable.

9. The witness said that at some point prior to the USA Today report, the chief of staff had shown him the retainer agreement between the congressional office and Mr. Scofield. He believes that this was prompted by a press inquiry sometime in 2010.

10. When asked to whom Mr. Scofield reported, the witness said that it was likely he reported to the chief of staff. Mr. Scofield worked most closely with the chief of staff and the witness himself, and that he had a direct relationship with Rep. Gutierrez. Mr. Scofield had less interaction with the legislative director and scheduler.

11. When asked if anyone reported to Mr. Scofield, the witness said that he consulted with Mr. Scofield but did not get sign-off from him to proceed. On occasion, Mr. Scofield would review or edit the witness' work, and sometimes the witness would review and edit Mr. Scofield's work. There was a lot of brainstorming between the two.

12. When asked if Mr. Scofield approved communications before they were sent out by the congressional office, the witness said that the process was "more informal than that." He said that he would often run things by Mr. Scofield, and that sometimes Rep. Gutierrez would ask if the witness had run a particular draft by Mr. Scofield.

13. The witness was not aware of Mr. Scofield conducting any staff evaluations.

14. The witness was shown an undated memo from Rep. Gutierrez to Mr. Scofield and the witness, in which Rep. Gutierrez instructed that the witness coordinate his absences from the office with Mr. Scofield. The witness recalled that that memo was from earlier this year, after Congress had been called into session during fiscal cliff talks while the witness was on vacation. The witness said that Rep. Gutierrez wanted someone around who could handle press inquires. He added that the then-chief of staff would often cover for him if he was out of the office.

15. The witness said that Mr. Scofield's duties with respect to the congressional office were generally to be a resource for the witness and another set of eyes on communications matters. He described Mr. Scofield as a sounding board, someone who made Rep. Gutierrez comfortable with decisions, and someone with an ability to capture Rep. Gutierrez's voice.

16. The witness said that Mr. Scofield was also a resource to the chief of staff on communications issues and probably other things. When asked what other things, the witness said that Mr. Scofield was someone she could talk to about Illinois politics; he was not sure of other things.

17. When asked if Mr. Scofield conducted any training for the congressional staff, the witness said that he had a few sessions with Mr. Scofield over the telephone, where Mr. Scofield would walk

him through who was who in the Chicago press and politics. He said that Mr. Scofield's role was more to provide advice than to train.

18. When asked if Mr. Scofield trained other staff, the witness said that he worked with district staff in setting up the Cicero district office.

19. The witness was not aware of Mr. Scofield assisting with casework. He said that Mr. Scofield may have assisted with citizen workshops and press events in Chicago. The witness said that Mr. Scofield probably assisted with some other community events through the communications angle. He recalled Mr. Scofield's involvement in a press conference on the United merger.

20. The witness could not remember Mr. Scofield reviewing work by the legislative staff. He said that if a press release was about a certain issue or policy, then the legislative staff may have had input and Mr. Scofield may review that work, but it would go through the witness first.

21. The witness said that Mr. Scofield was regularly involved in drafting and editing speeches given by Rep. Gutierrez, including speeches from the House floor. The witness said that he believes Mr. Scofield came up with ideas for floor speeches, but he noted that Mr. Scofield and Rep. Gutierrez talked often, so it was not always clear who came up with a particular idea. Mr. Scofield sometimes came up with a first draft of a speech.

22. The witness recalled that Mr. Scofield may have assisted with a floor speech on the Gulf oil spill, and may have worked with a legislative assistant in drafting that speech.

23. The witness said that Mr. Scofield did not participate in legislative strategy discussions "very much." He noted that "the line between communications and legislative strategy is not a bright line," and that "message and policy are related." He said that Mr. Scofield was more focused on message.

24. The witness did not recall Mr. Scofield's involvement in drafting testimony or working on other committee matters.

25. The witness said that Mr. Scofield was occasionally involved in drafting or editing letters from Rep. Guiterrez to administration officials, especially when the issues involved Puerto Rico, as this was of particular sensitivity to Rep. Gutierrez.

26. The witness was shown an October 10, 2012 email from then-Deputy Chief of Staff Enrique Fernandez to Rep. Gutierrez and Mr. Scofield, copied to the chief of staff and the witness, in which he forwarded the "latest interim response" from the Secretary of the Army in response to a letter sent by Rep. Gutierrez regarding a pipeline in Puerto Rico. The witness said that he and Mr. Scofield were engaged in writing the letter to the administration official because Mr. Fernandez was not the greatest writer.

27. When asked why Mr. Scofield was included in the email forwarding the official's response to the letter, the witness said that the letter was less about policy and more about politics – "screwing" the tea party governor of Puerto Rico. He said that this was less about policy and more about Rep. Gutierrez standing up for Puerto Rico. He also said that the letter was an attempt to help environmentalists put pressure on the governor to make changes regarding the pipeline.

28. The witness was shown a January 26, 2013 memorandum from the then-legislative director to Rep. Gutierrez and Mr. Scofield, copied to the witness and Rep. Gutierrez's legislative counsel, entitled "Immigration Happenings and Legislative Update." When asked why Mr. Scofield was included on what appeared to be a legislative memo, the witness said that the memo was about activities in Rep. Gutierrez's "central issue" of immigration and new developments on this issue. It involved a "pretty big" strategy issue regarding positions Rep. Gutierrez would take on his signature issue, so it didn't seem odd that Mr. Scofield was included.

29. The witness said that Mr. Scofield "probably" did work for Rep. Gutierrez's congressional campaign. He explained that when a reporter would ask political questions, he would try to get Mr. Scofield to respond. The witness noted that Rep. Gutierrez does not really have much of a campaign these days.

30. The witness believes Mr. Scofield may have done some fundraising work for the campaign, but as far as the witness' interactions with Mr. Scofield, he mostly tried to find someone to respond to press inquires on campaign issues.

31. The witness said that he was not aware that Mr. Scofield was a registered state lobbyist until after the USA Today story appeared.

32. The witness said that Mr. Scofield never discussed his clients with him. He added that Mr. Scofield had done some work for the Greater Chicago Food Depository before the witness began working for Rep. Gutierrez. He believes someone else in Mr. Scofield's firm may have done work for the Food Depository, but he did not engage at that level of detail.

33. The witness noted that Rep. Gutierrez had signed a letter supporting an appropriations request for the Food Depository that was spearheaded by Rep. Lipinski. He added that it was "silly" to suggest that Rep. Gutierrez needed to be "convinced" by Mr. Scofield to sign on to the letter.

34. The witness said that he believes that the Chicago Botanical Garden was not Mr. Scofield's client, that the Garden had retained his firm, but that the firm did no work for them.

35. Mr. Scofield told the witness that he never spoke with Rep. Gutierrez about any of his clients.

36. The witness said that Rep. Gutierrez told him that he never spoke to Mr. Scofield regarding appropriations for his clients.

37. Mr. Scofield only discussed appropriations requests with the witness "very tangentially," when a request by a Catholic school to take over a ball field became a local news story. The witness discussed the story, its aftermath, and efforts by the political press to involve Rep. Gutierrez in the story with Mr. Scofield.

38. The witness said he has had no contact with the House Committee on House Administration regarding Mr. Scofield or the contract with his firm. He said that Susan Collins had been the person with contact with the Committee.

39. When asked if he was familiar with the terms of the agreement between Mr. Scofield's firm and the congressional office, the witness said that he believes that at some point approximately one year before the USA Today story appeared, he had a conversation with the same reporter about

the Scofield contract. He recalled that the then-chief of staff had printed out a copy of the contract for him at that time. He did not recall discussing the Committee on House Administration at that time, but said the chief of staff probably made it clear that the Committee had signed off on the contract.

40. The witness said that Rep. Gutierrez made the decision to cancel the agreement with Mr. Scofield. He said that the consensus was that it was a good idea to cancel the agreement, for appearances' sake.

This memorandum was prepared on October 18, 2013 after the interview was conducted on October 15, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 15, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 9

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's District Director
REVIEW #(s):	13-7135
DATE:	October 1, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	10:55 a.m. to 11:25 a.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Andrew Herman (counsel) Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently the district director for Rep. Luis Gutierrez, overseeing both district offices, in Chicago and Cicero. She has had this role since November 2012. Prior to becoming district director, she worked as a district congressional aide since January 2006.

3. The witness' current duties as district director involve scheduling Rep. Gutierrez in the district, assigning case work, and generally managing the offices. The witness also did casework until June 2013. The witness helped open the Cicero office in May 2012.

4. The witness knows Doug Scofield, and knows that he used to be Rep. Gutierrez's Chief of Staff. She had no contact with Mr. Scofield while she was a congressional aide.

5. As district director, the witness had a meeting with Mr. Scofield in December 2012 or January 2013 at the Cicero office; Rep. Gutierrez's chief of staff participated in the meeting by telephone. During this meeting, the participants discussed management of district office operations. They also discussed security issues in the wake of a former district staffer possibly taking money from constituents seeking assistance. They also discussed workshop events that occur in the district. The only input that the witness recalled Mr. Scofield offering was to suggest that the office use a safety box for money orders brought in by constituents.

6. The witness believes that the chief of staff initiated the meeting

7. The witness recalled asking the chief of staff about training for district office staff, as she was new to the role of district director. She said that she was never trained by Mr. Scofield nor does she believe other district staff members were trained by him.

8. The witness was not familiar with Mr. Scofield's firm beyond what she has read in the press.

9. The witness stated that she was not aware of the role Mr. Scofield had with respect to Rep. Gutierrez's congressional office. She was not aware of any contractual relationship between Mr. Scofield and the congressional office.

10. The witness was shown a September 3, 2012 email from Rep. Gutierrez to the then-chief of staff and Mr. Scofield, in which Rep. Gutierrez states that Mr. Scofield and another district staff member were to prepare evaluations of district office staff. The witness stated that she was not supervised by Mr. Scofield or the district staff member, nor was she evaluated by either individual. As far as she knew, she had never seen Mr. Scofield or the district staff member supervise or evaluate anyone on the district staff.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 10

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Congressional Aide #2
REVIEW #(s):	13-7135
DATE:	October 1, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	11:55 a.m. to 12:10 p.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Andrew Herman (counsel) Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a district congressional aide for Rep. Luis Gutierrez. She has had the position since 2002. She reports to the district director, Theresa Paucar.

3. The witness has known Doug Scofield since before her employment with Rep. Gutierrez. She was employed by a law firm that handled Rep. Gutierrez's FEC reports; it was there that she met Mr. Scofield when he was Chief of Staff.

4. The witness was generally aware of Mr. Scofield's firm. She believed that the firm did some sort of political work.

5. Since working as a congressional aide, the witness has had one interaction with Mr. Scofield at Rep. Gutierrez's office. A staff person had resigned after allegations of inappropriate activities, and the then-serving chief of staff was asking other district staff members questions about the activities of that staff person. Mr. Scofield was present at that time.

6. The witness believes, but was not sure, that Mr. Scofield had some contract with the congressional office but did not know the details of the arrangement.

7. The witness had not been trained by Mr. Scofield and was not aware of other staff members being trained by him. She was also not aware of Mr. Scofield interacting with other staff members. Mr. Scofield did not assign any projects to her and did not evaluate her in any way.

8. The witness never discussed Mr. Scofield's firm clients with him.

9. The witness said that she spoke with Mr. Scofield about two or three weeks ago by telephone. Mr. Scofield had contacted her for assistance with a passport.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 11

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Counsel
REVIEW #(s):	13-7135
DATE:	September 27, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	11:00 a.m. to 11:34 a.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Andrew Herman (counsel) Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness currently is employed as counsel to Rep. Luis Gutierrez. She started working for Rep. Gutierrez as a fellow in July 2012, and became a full time staff person in January 2013. Her duties as counsel include working on immigration issues. She also staffs the Member on the judiciary committee, prepping him for hearings. She still does some casework, and oversees the current fellows in the office.

3. The witness reports to the chief of staff, and sometimes to the communications director. She also sometimes reports directly to Rep. Gutierrez.

4. The witness came to know Doug Scofield through her work in Rep. Gutierrez's congressional office. She believe she has only met him in person once, around the time that she transitioned to counsel, when she was briefly introduced to Mr. Scofield while he was in the Washington congressional office to meet with Rep. Gutierrez.

5. The witness said that Mr. Scofield generally worked with Rep. Gutierrez's communications director. She said he likely worked with the chief of staff, with district office staff, and with Rep. Gutierrez himself, but she could not be sure. The witness stated that she does not believe that she worked with Mr. Scofield on any matters.

6. When asked about Mr. Scofield's role in the congressional office, the witness said that she thought Mr. Scofield provided guidance to staff on certain issues and maybe was there to "consult ideas with" staffers on issues.

7. The witness was not aware of Mr. Scofield's company or his clients.

8. The witness was aware that Mr. Scofield was formerly Rep. Gutierrez's Chief of Staff because the legislative director briefly mentioned it when the witness met Mr. Scofield. The witness did not recall whether the legislative director mentioned Mr. Scofield's current role with the office.

9. The witness was never trained by Mr. Scofield, nor did she participate in any staff retreats while employed by Rep. Gutierrez.

10. The witness was never evaluated by Mr. Scofield.

11. The witness said that Mr. Scofield never assigned work to her, nor did she think she ever submitted any work to Mr. Scofield for review.

12. The witness did not know if Mr. Scofield did any work for Rep. Gutierrez's campaign.

13. The witness was shown several emails forwarding statements, articles, and other materials relating to policy matters in which Mr. Scofield is included with congressional staff members. When asked why Mr. Scofield was included on these messages, the witness said that the office often exchanged emails sharing information about what was happening on immigration and other matters. The witness speculated that Mr. Scofield may have been included because he worked closely with the communications director on press matters. She said that Mr. Scofield did not work in the DC office, so she was not sure why he was included.

14. The witness was shown a memorandum prepared by the then-legislative director, to Rep. Gutierrez and Mr. Scofield, copied to the witness and the communications director, entitled, "Immigration Happenings and Legislative Update." The witness said this document laid out various options on pursuing immigration legislation. She assumed that Mr. Scofield was included on the memo to keep him updated on immigration happenings and to get his guidance.

15. The witness said that she did not work with Mr. Scofield on the immigration issue, but she did not know if Mr. Scofield worked with the legislative director or communications director on this issue. She said she was not surprised to see Mr. Scofield included on the memo. The witness said that she frequently engaged in strategy sessions with the chief of staff and communications director about the immigration issue.

16. The witness stated that prior to the OCE interview, Rep. Gutierrez's chief of staff told her that the OCE's review would most likely be about the issues raised in the USA Today article.

This memorandum was prepared on October 7, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 12

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Legislative Assistant
REVIEW #(s):	13-7135
DATE:	September 27, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	12:21 p.m. to 1:10 p.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Andrew Herman (counsel) Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a legislative assistant in Rep. Gutierrez's congressional office. She has had this role since January 2013. She worked as Rep. Gutierrez's scheduler from approximately May/June 2010 until she took the job as a legislative assistant.

3. The witness' duties include monitoring legislation, working on social media, editing speeches, and working on policy issues, including appropriations, budget, and intelligence matters.

4. The witness knows Doug Scofield through the congressional office and has met him once. She stated that Mr. Scofield worked most closely with Rep. Gutierrez's press staff and that he was the former Chief of Staff to Rep. Gutierrez. The witness would periodically talk to Mr. Scofield over his cell phone when Rep. Gutierrez would ask for him.

5. The witness stated that, when she served as the scheduler, she would periodically see a bill from Mr. Scofield's company for services.

6. Mr. Scofield is someone that the witness believed Rep. Gutierrez trusted and someone that Rep. Gutierrez would bounce ideas off of. The witness stated that generally she would say Mr. Scofield reported to Rep. Gutierrez.

7. The witness did not recall any communication with Mr. Scofield since she became a legislative assistant.

8. She recalled that in December 2012, Mr. Scofield came to Rep. Gutierrez's congressional office to meet with Rep. Gutierrez and then-legislative director Susan Collins.

9. The witness stated that she was aware of Mr. Scofield coaching and giving feedback to press staffers but that there was "not particularly" any training that he did for staff.

10. The witness knew that Mr. Scofield helped Rep. Gutierrez on the "political side" by securing endorsements.

11. The witness helped edit speeches so Mr. Scofield may have seen something she worked on. Major speeches went through him.

12. The witness stated that Mr. Scofield had different roles at different points: Chicago media, writing speeches, messaging strategy, and helping to secure political endorsements.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 13

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Legislative Correspondent
REVIEW #(s):	13-7135
DATE:	September 27, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	11:42 a.m. to 12:15 a.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Andrew Herman (counsel) Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a legislative correspondent for Rep. Gutierrez, with some legislative assistant responsibilities as well: energy, transportation, agriculture, science & technology. His duties are to manage constituent correspondence, draft letters, and research laws. The witness has no role in communications or press.

3. The witness stated that he knows Doug Scofield's name from "upper level staffers" but has never met him.

4. The witness stated that sometimes he has emailed Mr. Scofield and sometimes he is copied on emails between staffers and Mr. Scofield. The emails between Mr. Scofield and him occurred maybe five times. The witness recalled once the office communications director asked him to send a letter to Mr. Scofield on office letterhead. He did not recall what the letter concerned.

5. The witness was aware of Mr. Scofield's companies because of the email addresses Mr. Scofield would use when emailing the office.

6. The witness knew that Mr. Scofield helped with speech writing and worked closely with Doug Rivlin and Jennice Fuentes. He knew this based on conversations in the office.

7. The witness was not aware of Mr. Scofield's work on legislative issues.

8. Mr. Scofield did not train the witness, and the witness did not attend any staff retreats.

9. The witness did not recall whether he has submitted any work to Mr. Scofield but he may have.

10. The witness has never been evaluated by Mr. Scofield.

11. When asked if he was aware of any contracts between Mr. Scofield and Rep. Gutierrez's office, the witness stated that he was aware via "conversations" in the office. The witness then stated that he did not know specifically about a contract, but had just assumed one existed. The witness then exited the room with counsel.

12. Upon returning, the witness stated that prior to the OCE's review and preparing for the interview, he did not know Mr. Scofield's role with the office but knew he worked on communications issues. He just found out recently that a contract existed.

13. The witness stated that on September 26, 2013, the day before the OCE's interview, Rep. Gutierrez discussed Mr. Scofield with the witness. The witness was in Rep. Gutierrez's office with Susan Collins, Alice Lugo, and Kathryn Johnson. Ms. Collins told the witness to tell the truth in the OCE's interview. Rep. Gutierrez came into the office and said "you all know what Doug's role is here, you know what he did here."

This memorandum was prepared on October 8, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 14

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Former Senior Legislative Assistant
REVIEW #(s):	13-7135
DATE:	September 19, 2013
LOCATION:	OCE offices via telephone
TIME:	11:14 a.m. to 11:54 a.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Bryson Morgan

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a second year law student in San Francisco, California. Prior to school, she was employed by Rep. Luis Gutierrez, first as a legislative correspondent, then as a legislative assistant, and finally as a senior legislative assistant. She left Rep. Gutierrez's congressional office in June 2012.

3. The witness's duties as a senior legislative assistant were to work on matters relating to the financial services committee and the subcommittee on housing. She also worked on appropriations issues. She did not work on communications matters, other than occasionally briefing the communications director on issues within her purview.

4. The witness met Doug Scofield through her employment in Rep. Gutierrez's office. She does not believe she ever met him in person. She was aware the Mr. Scofield has his own company, but was not familiar with its work. She said she may have learned about his company when it came up in conversations.

5. When asked about Mr. Scofield's role in the congressional office, the witness said that he would work on "more complicated" and "nuanced" issues. She explained that Mr. Scofield had been Rep. Gutierrez's chief of staff, so if she needed to understand the "history" on an issue, someone in the congressional office recommended that she contact Mr. Scofield.

6. The witness stated that was directed by Rep. Gutierrez or his chief of staff, Jennice Fuentes, to contact Mr. Scofield on certain issues.

7. The witness stated that she could not recall specific examples of the issues about which she would have been prompted to seek Mr. Scofield's input or advice, but that it would have been a "wide range" of issues that would have "come across [her] desk."

8. The witness was not sure how often she had contact with Mr. Scofield. Her contact with Mr. Scofield was generally over the phone, but there may have also been email exchanges.

9. The witness did not know to whom Mr. Scofield reported, nor did she know if anyone in the congressional office reported to him.

10. The witness recalled that Mr. Scofield would give advice on a matter and then it would be discussed with others in the congressional office. She explained that if there was uncertainty as to the best path forward or what should be done about a matter, she would often be told, "Ask Doug."

11. According to the witness, Mr. Scofield worked with the chief of staff, communications director, and press secretary. She did not really recall specific instances of Mr. Scofield working with the legislative staff, but she said that it would not surprise her if he did.

12. When asked if Mr. Scofield provided training for the congressional office, the witness said that she did not believe so. She did not recall any formal training programs.

13. The witness said that Mr. Scofield would "edit" documents produce by the congressional office. She was not sure what those documents were, but thought they were press and "floor stuff." The witness could not recall any particular documents that she produced that were edited by Mr. Scofield.

14. The witness said that Mr. Scofield interacted with the press frequently.

15. The witness did not know if Mr. Scofield did any work for Rep. Gutierrez's campaign.

16. The witness did not recall any instances in which Mr. Scofield discussed his firm clients with her. She did not recall any contact with Mr. Scofield about the Chicago Botanical Garden or the Greater Chicago Food Depository.

This memorandum was prepared on September 23, 2013 after the interview was conducted on September 19, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 19, 2013.

Paul Solis
Investigative Counsel

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Former Senior Legislative Assistant
REVIEW #(s):	13-7135
DATE:	September 24, 2013
LOCATION:	OCE offices via telephone
TIME:	11:30 a.m. to 11:43 a.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Bryson Morgan

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. Following the OCE's initial interview of the witness, she requested the opportunity to speak with the OCE a second time. The witness made the following statements in response to our questioning:

1. The witness had previously been given an 18 U.S.C. § 1001 warning and consented to an interview. The witness was reminded that the warning applied to this second interview.
2. The witness stated that she wanted to provide additional context surrounding her work with Mr. Scofield. While she could not remember specifics, she said that her general sense was that she would work on something, show it to Rep. Gutierrez or the chief of staff, and they would then ask her to "run it by" Mr. Scofield. She did not recall if Rep. Gutierrez said why he wanted her to contact Mr. Scofield.
3. The things she would contact Mr. Scofield about were "public facing" things like speeches, remarks at a hearing, or statements for the record that were to be delivered by or attributed to Rep. Gutierrez. She did not recall specific subjects of these remarks or speeches.
4. With respect to remarks prepared for hearings, the witness said that these remarks would have been for the committees with which she worked, such as the Judiciary (early on, though there may not have been written statements), Intelligence, or Financial Services Committees.
5. When directed to run something by Mr. Scofield, the witness would generally give him a call. She thinks she also emailed him things. She may have given him background information about a particular piece of work and discussed his proposed changes with him.
6. She did not recall working with anyone other than Mr. Scofield from his firm, though she may have sent a colleague something to give to Mr. Scofield.
7. Once she had sent something to Mr. Scofield, the witness would get back "changes." She could not remember what kind of changes or edits she received. When asked if the changes were more substantive or technical, she said that they were not "commas and periods."

8. When asked who else Mr. Scofield may have worked with, the witness said that he probably talked to the then-legislative director. He also spoke with Rep. Gutierrez.

9. The witness did not recall Mr. Scofield ever reaching out to her. She said it seemed that she would always reach out to him first.

This memorandum was prepared on September 26, 2013 after the interview was conducted on September 24, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 24, 2013.

Paul Solis
Investigative Counsel

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Former Senior Legislative Assistant
REVIEW #(s):	13-7135
DATE:	November 15, 2013
LOCATION:	OCE offices via telephone
TIME:	10:30 AM to 10:40 AM (approximate)
PARTICIPANTS:	Paul Solis Scott Gast

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. Following the OCE's initial interview of the witness, she requested a third opportunity to speak with the OCE. The witness made the following statements in response to our questioning:

1. The witness had previously been given an 18 U.S.C. § 1001 warning and consented to an interview. The witness was reminded that the warning applied to this second interview.
2. The witness stated that she had recently recalled working on appropriations matters in Representative Gutierrez's congressional office for an additional period of time. She explained that in additional to taking over from another staff member in or around 2010, she also worked on appropriations matters for just a few weeks prior to that staff member starting in 2009.
3. During the brief period, the witness had a few meetings on appropriations requests and believed that the then-legislative director joined her for some meetings.
4. The witness did not recall any meetings with Doug Scofield or anyone from his firm during this time, nor did she recall any contacts with him. She did not recall working on appropriations requests for the Chicago Botanical Garden or the Greater Chicago Food Depository.

This memorandum was prepared on November 19, 2013 after the interview was conducted on November 15, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on November 15, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 15

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Former Legislative Assistant
REVIEW #(s):	13-7135
DATE:	September 24, 2013
LOCATION:	OCE offices via telephone
TIME:	2:01 p.m. to 2:26 p.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Bryson Morgan

SUMMARY: The OCE requested an interview with the witness and she consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness served as a legislative assistant for Rep. Gutierrez from February 2009 to May 2010. Her issue areas included appropriations, financial services, transportation, and foreign affairs. She reported to Susan Collins, legislative director, and also Jennice Fuentes, chief of staff. The witness currently serves as a legislative counsel for another Member of Congress.

3. As a legislative assistant, the witness' duties included signing Rep. Gutierrez onto legislation, working on immigration events, assisting with events, preparing talking points on issues, meeting with constituent groups, and working on appropriations requests.

4. The witness indicated that she knew of Doug Scofield, but was not aware of his company or any of his company's clients. The witness knew that Mr. Scofield had previously served as the chief of staff for Rep. Gutierrez, but did not recall how she came to know that information. She said that Mr. Scofield's name was occasionally mentioned by Rep. Gutierrez and Ms. Fuentes.

5. She was not aware that Mr. Scofield served as a contractor to Rep. Gutierrez's congressional office. She did not believe he was a House employee, but she was otherwise unsure of his role or position with the congressional office.

6. The witness believed Mr. Scofield's interactions were mostly with higher-level staff, including the chief of staff, communications staff, and Rep. Gutierrez, but she did not know the substance of those interactions. She was not aware of interactions with other staff members.

7. The witness was not aware of Mr. Scofield reviewing any written work that she prepared, including remarks, speeches, and statements.

8. The witness said that Rep. Gutierrez would occasionally tell her to "shoot that over to Doug," for Mr. Scofield to review before a statement or document went public. It was mostly "press stuff."

9. The witness stated that she was not trained by Mr. Scofield.

10. The witness stated that there had been no "red flags" in her experience with Rep. Gutierrez and his relationship with Mr. Scofield.

11. The witness said that she never discussed appropriations requests with Mr. Scofield. She was not aware of any contact by Mr. Scofield with the congressional office regarding the Chicago Botanical Garden or the Greater Chicago Food Depository. She did not recall hearing his name brought up in relation to those entities.

12. The witness said that she met with representatives of the Botanical Garden; she believes the office made an appropriations request on their behalf. She noted that all appropriations requests made by the office were listed on the office website.

13. The witness did not recall any interactions with the Greater Chicago Food Depository.

14. When she was handling appropriations matters, the witness would create a priority list of appropriations requests. Rep. Gutierrez would review this list, but did not have much input. He may have changed the priority order on occasion.

15. The witness said that the office submitted the appropriations requests that they did because they felt they helped the district.

This memorandum was prepared on September 26, 2013 after the interview was conducted on September 24, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 24, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 16

Subject: Fwd:

From: LVG [redacted]@yahoo.com)

To: [redacted]@scofieldcompany.com;

Date: Saturday, August 25, 2012 11:09 AM

Sent from my iPhone

Begin forwarded message:

> **From:** "Luis V. Gutierrez" <[redacted]@yahoo.com>
> **Date:** August 25, 2012 8:48:50 AM EDT
> **To:** Teresa Reyes <Teresa.Reyes@mail.house.gov>
> **Subject: Fwd:**

> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** "Luis V. Gutierrez" <[redacted]@yahoo.com>
> > **Date:** August 25, 2012 7:47:42 AM CDT
> > **To:** Jennice Fuentes <Jennice.Fuentes@mail.house.gov>
> >
> > Sent from my iPad Wednesday at one o'clock you Slim, Sal and Tere R. meet at North Ave. office. Why no action was taken with law enforcement in regards to Rosa; Why were Rosa's files not gone thru:at least open her drawers to see what files were in there. There will be no raising of voices or finger pointing. I just want the facts. I also want to know why Rosa was allowed to act basically without supervision e.g. selling her grandsons school candies in the office? I also want to discuss how the staff is getting the overtime they deserve. Why are staff commenting they only work 9 to 5, not a second more? Is this a reflection of a lack of commitment to our goals or simply they believe they will not get the comptime they deserve? I also want Sal to stop reporting to DC on staff discipline in the district office: He will report directly to first Slim then ME! We will then take immediate action. Please do not call me to discuss the meeting as I will lead it and have no interest in talking about these issues until Wednesday. Everyone have a great weekend. I am on my way to disney world.

EXHIBIT 17

Subject: Fwd acknowlegde reciept of email

From: Luis V. Gutierrez [redacted]@yahoo.com)

To: [redacted]@scofieldcompany.com;

Date: Tuesday, September 4, 2012 8:39 AM

Sent from my iPad

Begin forwarded message:

> **From:** "Luis V. Gutierrez" <[redacted]@yahoo.com>
> **Date:** September 3, 2012 9:15:10 PM CDT
> **To:** Jennice Fuentes <Jennice.Fuentes@mail.house.gov>, Doug Scofield <[redacted]@scofieldcompany.com>
>
> Sent from my i Effective immediately Theresa Reyes will be in charge of north side office and Geo will be in charge of Cicero office. Slim Coleman will supervise them. Each Monday Coleman will meet with both district directors and cover issues as necessary. Sal will be placed in charge of special projects:his salary will be adjusted accordingly. Doug and Slim will evaluate district operations and report changes and improvements to me. The DC staff will have no supervisory role in the Chicago operations. All staff annual reviews will be conducted by Doug and Slim. The DC staff will have support role only in the Chicago operations. Slim and Doug will prepare an evaluation of Cicero staff at their six month anniversary and make recommendations as to their conditioned employment. Please inform Cicero staff of this upcoming event. Jennice will continue to supervise DC staff.

EXHIBIT 18

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Representative Gutierrez's Congressional Aide #1
REVIEW #(s):	13-7135
DATE:	October 1, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	11:30 a.m. to 11:48 a.m. (approximate)
PARTICIPANTS:	Paul Solis Scott Gast Andrew Herman (counsel) Seth Price (counsel)

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently a part-time congressional aide to Rep. Gutierrez, working approximately 20 hours per week. He started working for Rep. Gutierrez in 2004. His duties include doing casework involving immigration, organizing district workshops, and assisting people with completing federal forms. The witness reports to the district director. The witness also serves as a pastor to two churches.

3. The witness first met Doug Scofield several years ago. The witness knows Mr. Scofield has a company that he understands engages in public relations consulting.

4. When asked about Mr. Scofield's role in Rep. Gutierrez's congressional office, the witness said that Mr. Scofield had previously served as chief of staff and that he continued to work with his successor as chief of staff, Jennice Fuentes. He said he heard Ms. Fuentes say that she would "talk to Doug" about certain issues.

5. The witness said he did not know the nature of Mr. Scofield's relationship to the congressional office, but he is aware that there was some formal relationship. He did not know if Mr. Scofield reported to anyone or if anyone reported to him. He was not aware of Mr. Scofield working with staff in the Washington, DC congressional office.

6. The witness stated that he had been in some meetings with Mr. Scofield recently. According to the witness, in July or August 2012, there was a transition in leadership in the district offices. Mr. Scofield and the witness both participated in meetings to decide how district office duties

would be assigned. Rep. Gutierrez had asked him to sit in on some of these meetings. The witness could not recall any other regular interaction with Mr. Scofield.

7. The witness was shown a September 3, 2012 email from Rep. Gutierrez to Mr. Scofield and Ms. Fuentes about changes in the operations of the congressional district offices. The witness said that this email related to the transition in district office leadership he referenced earlier. He added that there may have been a change in the chief of staff position at this same time.

8. According to the witness, during this transition period, he met with Mr. Scofield and the two new district office coordinators for about an hour each week for a period of about five weeks, to make sure that everyone was working hard. This was also an opportunity to discuss how the office should function, develop day-to-day policies, train new staff, and make sure that the two district offices were working together.

9. The witness said that Rep. Gutierrez asked him to sit in and foster a cooperative atmosphere between the two district offices and coordinators.

10. The witness said that Mr. Scofield's role in the meetings was to discuss office policies about how to handle district operations, casework, and outreach programs. They discussed who would be handling various issues and how records would be kept.

11. The witness was asked about Rep. Gutierrez's instruction that staff reviews would be conducted by Mr. Scofield and the witness. He said that he did not "take too seriously" this statement by Rep. Gutierrez. The witness said that he never conducted any staff reviews or evaluations, and he did not know if Mr. Scofield did any.

12. The witness described this as a brief transition period, before a new staff member took over as district director. He said that the intent Rep. Gutierrez's email was to direct that the district offices would handle its own problems, rather than the Washington office.

13. The witness said that he was never trained by Mr. Scofield and did not know if other staff members were trained by him. He had some recollection that Mr. Scofield may have done that in the past. The witness knew that some district staff would come to DC for trainings, but did not know if Mr. Scofield took part in that training.

14. The witness said that he was not really aware of the details of Mr. Scofield's firm's business, and that he never discussed Mr. Scofield's clients with him.

This memorandum was prepared on October 21, 2013 after the interview was conducted on September 27, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on September 27, 2013.

Paul Solis
Investigative Counsel

EXHIBIT 19

Subject: [No Subject]

From: Luis V. Gutierrez ([redacted]@yahoo.com)

To: Jennice.Fuentes@mail.house.gov; [redacted]@scofieldcompany.com;

Date: Monday, September 3, 2012 10:28 PM

Sent from my iPad Effective today. Jennice and Susan shall not be absent on the same days. In preparations for the Navy Pier event they were both on vacation. This was a critically important day and I was left with no senior supervisory personnal . On the 16th of Aug. the very next day and during the rest of the week I had no one to handle press . Jennice is to insure that never occurs again. I can not handle this situation since most of the time no one tells me they be on vacation until after they have made plans or taken the time off.

EXHIBIT 20

MEMORANDUM

TO: Doug Rivlin and Doug Scofield
FROM: Congressman Luis Gutierrez
RE: Coordinating Vacation Time

The serves as a reminder that Doug Rivlin should ensure that he coordinates his absences from the office, such as for vacation and time off, with Doug Scofield. My intention with this policy is to ensure that my office always has press and communications' coverage, should an unexpected speech or press inquiry arise while Doug Rivlin is out of the office.

Thank you for your attention in this matter.

EXHIBIT 21

MEMORANDUM

From: Susan
To: LVG, Doug Scofield
CC: Rivlin and Alice
Date: January 26, 2013
RE: Immigration Happenings and Legislative Update

The Congressman asked me to write down the state of play with regard to legislative developments and share it with you. He will be seeking your guidance on some key decisions he needs to make almost immediately.

With the backdrop of all the recent White House activity, including a possible major announcement on immigration by the President this Tuesday in Las Vegas, LVG has two opportunities before him to work on legislation. Both pose advantages and risks.

Opportunity #1: The "Secret Group"

Members
Dems: Becerra, Lofgren, Yarmuth, Gutierrez
Rs: Sam Johnson, John Carter, Mario Diaz Balart, [Raul Labrador?]

In 2009/2010, a "Secret Group" of bipartisan members worked together over the course of a year on a bipartisan CIR bill. LVG was invited to be a part of the group, but opted not to join because (1) he was disturbed about the Republican "tone" in conversations and about the way in which Members were talking about the solution for the undocumented in particular and (2) he knew, with movement on immigration legislation impossible, that his focus needed to be on rallying the community to action around what was actually possible, namely, executive action.

This group was reconstituted in the 113th and now includes the above members. We started negotiations about three weeks ago based on the 2010 bill draft. The bill is a legitimate CIR bill, in that it includes border security, employment verification, family and employment reforms, a future flow program and legalization of the undocumented that includes a path to citizenship, but so far no radical enforcement measures. With negotiations renewed, Republicans are even amenable to redrafting (improving) the path to legalization. On balance, I would say this bill will shape up to be a somewhat "better" bill, based on our core principles, than the last bipartisan CIR bill LVG introduced with Jeff Flake in 2007 (The STRIVE Act).

LVG is "all in" as far as the other members are concerned, but he is privately weighing the pros and cons of, after working to redraft the old bill in the next few weeks, whether he actually cosponsors the bill at introduction and commits to the long haul of defending his support of the bipartisan compromise that will fall short for our community on the left in some key areas.

There is also an urgent development that we have to deal with this weekend. All other members in the group except Labrador want to announce their existence via press release on Monday, to

get ahead of the President and not appear like they are following him. They want the statement to be very non-specific, mainly outlining "our" process of 3-4 years of bipartisan work on a package that will include all the main issues--border security, E-Verify, and a practical plan for dealing with the undocumented. Mostly they want to emphasize that it is a "BIPARTISAN plan, the only way a bill can become law in this Congress."

The Congressman is committed to working with this group up until introduction. The question is: does he put his name on the bill and "work it" as he travels and interacts with stakeholders or does he withhold his support, and while saying positive things about it, rally the community to press for improvements?

Pros to putting his name on the bill:

This bill will be the BEST bipartisan bill we will see in the House this Congress. All other Republicans who are serious about reform are talking about moving a bill in pieces, are skittish about a path for all the undocumented, and are likely going to demand enforcement provisions that could be poison pills for us (see below on the Ryan/Labrador group).

It would solidify his relationship with these Republicans who are truly serious about getting it done and committed to a path to citizenship: this could serve him and Democrats well as other House Republicans move to pull this and any other bill to the right.

Cons:

He will be attacked and challenged by key stakeholders who strongly share his principles and see him as their champion. The biggest challenges include (in order of severity of backlash): the exclusion of binational, same sex couples; a future flow program that does not include sufficient pro-labor provisions, and; a legalization program that requires the undocs to plead guilty before an immigration judge and serve probation before becoming LPRs.

Opportunity #2: Join the Ryan/Labrador Group

LVG has had several private conversations with Paul Ryan and Raul Labrador. They are initiating a parallel process/strategy based on what they think will be the only winning strategy for moving legislation in the House. They imagine a process where different members draft stand alone pieces of comprehensive reform: border security, STEM, E-Verify, etc., and that each of the pieces is taken up on the Floor and voted up or down under a self-executing rule that brings them together in a package at engrossment of the House bill. They admit the ultimate package might not be one LVG can support (suppose legalization gets voted down and is not in the final package?), but that the goal would be to conference the House bill with the Senate's and work to ensure it is in the bill that reaches the President's desk.

Their ask of LVG: To partner with Ryan and Labrador, and work to bring in other democrats to pair up with other Republicans on the pieces.

Pros:

Ryan, in particular, is a force to be reckoned with. Having a good, strong, working relationship with him will present LVG with opportunities to influence the process and the outcome. He has star power comparable to LVG's in their respective communities. This would be a higher profile relationship than any other for him and break new ground for him in Congress and the media, opening further ways to influence opinion and the process.

Presents us additional opportunities to work more closely with Republicans new to the issue, which is helpful for negotiations throughout the process.

Cons:

Tea-partiers will likely make up most of the Rs who work in the Ryan/Labrador group. Their product, even with us in the room, is bound to be far worse than anything we have ever supported. The public perception will also be that LVG has compromised on CIR and is willing to deal with things in pieces instead. While it will put LVG into the center of the news, it could potentially bring on fiercer opposition from our base.

My general observations/recommendations

While LVG has important choices to make, we are in a very good place and a very exciting time for immigration reform. I don't think we can go very wrong with whatever we do. Boehner will keep his powder dry for now and we expect that whichever bill actually moves through the House, it will move first through the Immigration Subcommittee/Judiciary Committee, ensuring LVG is in the mix no matter what.

Secret Group: I recommend LVG join in the Monday "coming out" of the "Secret Group." Given that we are still negotiating the substance and we're not yet committing our name to an actual bill, we are free to then engage our stakeholders in a democratic and more transparent way. When consulted about the bill and whether the boss should play an inside game (placing his name on the final product) or an outside game (withholding his support), our allies will at least feel a part of the process and, in theory, better appreciate the decisions the boss has to make. I think their knowing about LVG's participation in the group will give us our share of headaches, but will provide us with leverage in negotiations and cover if, in fact, the boss decides to withhold his support of the actual product. (*Note: I recommend we meet with advocates as soon as possible this week after the announcement is made, assuming the boss is a part of it--LVG with groups in Chicago and staff with groups based in DC to begin that outreach/outside process.*)

Ryan/Labrador: An acceptable compromise with their group of Republicans is hard to imagine, and would likely have LVG revealing tough compromises too early in the process. Remaining in close communication is very important, however. LVG is considering being an "advisor" to this process, instead of an actual partner. So, he would be in the room, but with clear expectations that LVG would not actually endorse the actual process or product. Moving the bill in pieces

might be a bad idea, but if Rs insist, it might be our only choice. May as well stay close to it and influence it as much as we can.

EXHIBIT 22

Subject: Re: Ambassador Mari Carmen Aponte

From: Luis Gutierrez ([redacted]@yahoo.com)

To: Jennice.Fuentes@mail.house.gov;

Date: Tuesday, November 29, 2011 4:48 PM

Send to Doug get review and send to Senator.

Sent from my iPad

On Nov 29, 2011, at 3:34 PM, "Fuentes, Jennice" <Jennice.Fuentes@mail.house.gov> wrote:

Lvg,

Please take a look.

Thanks

Jf

Jennice Fuentes | Chief of Staff | Congressman Luis V. Gutiérrez
2266 Rayburn House Office Building | Washington D.C. 20515
Tel: (202) 225-[redacted] | Fax: (202) 225-7810 | jennice.fuentes@mail.house.gov

Please consider the environment before printing this e-mail.

From: Fuentes, Jennice
Sent: Tuesday, November 29, 2011 4:27 PM
To: Fuentes, Jennice; Rivlin, Douglas
Cc: [redacted]@scofieldcompany.com'
Subject: RE: Ambassador Mari Carmen Aponte

Cesar,

Thank you for your reply. May I suggest that instead of being misinformed we are actually correct about the facts such as they are.

We are clear on our position on Cuba and we continue to move forward with relevant issues. In fact, what we point out is a discouraging lack of insight regarding much needed support for Puerto Rican women on the rise, especially from the only Republican Hispanic Senator. As proud Puerto Ricans, the Congressman and I take this nomination very seriously and as seriously as we took the nomination of Associate Justice Sonia Sotomayor, whom Senator Rubio also declined to support when he was a candidate for Senate.

In fact, we hope that Senator Rubio does reconsider his position and is able to discern between his stand on bilateral and regional measures and agreeing that holding a Puerto Rican woman hostage to his list of issues is a political game that is not only unfair and unnecessary as it only serves to rob a talented Puerto Rican woman of a job that she has rightfully earned. In fact, may I suggest that removing Ambassador Aponte from her post does more damage than good and if the Senator is really concerned about regional issues, he should in fact support the region by helping us maintain stability and continuity by keeping Ambassador Aponte at her post. We are at a loss to explain why he continues to deny support to Puerto Rican women. First it was Sotomayor and now it is Aponte. Two for two against Puerto Rican woman, as I see it.

All the best,

Jennice

Jennice Fuentes | Chief of Staff | Congressman Luis V. Gutiérrez
2266 Rayburn House Office Building | Washington D.C. 20515
Tel: (202) 225-[redacted] | Fax: (202) 225-7810 | jennice.fuentes@mail.house.gov

From: Cesar Conda
Sent: Tuesday, November 29, 2011 3:23 PM
To: Fuentes, Jennice
Subject: RE: Ambassador Mari Carmen Aponte

Jennice:

Thank you for your letter. However, the Congressman is misinformed about Senator Rubio's position on the Aponte nomination. The Senator opposed all of the Western Hemisphere nominees before the Senate Foreign Relations Committee, not just her.

He is concerned about the Administration's Western Hemisphere policy. As such, Sen. Rubio reserves the right to oppose all nominations to the region until the Administration acts upon these concerns. Among them are the adoption of significant bilateral and regional measures to return constitutional order in Nicaragua, immediate action to impose additional sanctions against the Cuban regime in response to the taking of American hostage Alan Gross, and a commitment to dedicating U.S. democracy funding in Cuba. Perhaps Congressman Guitierrez could help us with the White House on these issues.

Senator Rubio knows Ms. Aponte. As he has stated, he is impressed with her work. He is prepared to reconsider her nomination, along with the other Western Hemisphere nominations, once we make progress on these issues.

All the best,

Cesar Conda

<image001.jpg>

CESAR CONDA
Chief of Staff

OFFICE OF UNITED STATES SENATOR MARCO RUBIO
317 Hart Senate Office Building

Washington DC 20510

From: Fuentes, Jennice [mailto:Jennice.Fuentes@mail.house.gov]

Sent: Tuesday, November 29, 2011 1:54 PM
To: Conda, Cesar (Rubio)
Subject: Ambassador Mari Carmen Aponte

Cesar,

I wanted you to have an electronic copy of this letter, which was hand-delivered to your office a few moments ago.

Thanks,

Jennice

Jennice Fuentes | **Chief of Staff** | Congressman Luis V. Gutiérrez
2266 Rayburn House Office Building | Washington D.C. 20515
Tel: (202) 225-[redacted] | Fax: (202) 225-7810 | jennice.fuentes@mail.house.gov

EXHIBIT 23

Joseph E. Sandler

From: [redacted]@scofieldcompany.com
Sent: Monday, October 07, 2013 1:10 PM
To: Joseph E. Sandler
Subject: FW: RE: FW: Immigration Reform Should Be the Top Priority in 2013

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Wednesday, November 14, 2012 4:53pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Collins, Susan" <susan.collins@mail.house.gov>
Subject: RE: FW: Immigration Reform Should Be the Top Priority in 2013

What's the five-minute status?

What is the Congressman's current thinking on next steps? Is he telling Menendez and Durbin he's introducing a bill? Is there a reason we don't want to put out a call to the groups and then put out a release saying we're introducing our bill? Send around a Dear Colleague to stop lining up sponsors? I don't think we want to be second on this, or give the President too much time to ask everyone to sit around and wait for his plan.

If we do something now, I think it seems like a natural reaction from the Congressman. If we wait for a few weeks of developments, then people might expect us to play along with whatever is happening. It's probably worth making everyone react to his bill.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Wednesday, November 14, 2012 3:03pm
To: "Collins, Susan" <Susan.Collins@mail.house.gov>, "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>
Subject: FW: Immigration Reform Should Be the Top Priority in 2013

FYI...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

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phone: (202) 225-[redacted] // fax: (202) 225-7810
Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Katherine Vargas [[redacted]@immigrationforum.org]
Sent: Wednesday, November 14, 2012 2:54 PM
To: Rivlin, Douglas
Subject: Immigration Reform Should Be the Top Priority in 2013

[https://org2.democracyinaction.org/o/5681/images/emailmasthead-pressrelease.png]<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=xharZjJatDwc6mXr%2Fv0dtmWIRgw1iQI7>

For Immediate Release Contact: Katherine Vargas
<[redacted]@immigrationforum.org>November 14, 2012 cell (202) 641-[redacted]

Scofield 803

Evangelical Leaders and the President Agree: Immigration Reform Is Top Priority

Washington, D.C — President Obama spoke about immigration reform during his news conference this afternoon. "My expectation is that we get a bill introduced and we begin the process in Congress very soon after my inauguration," Obama said<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=A9R%2F87Jji9M8WEgP6DXdqWWIRgw1iQI7>. The following is a quote from Ali Noorani, Executive Director of the National Immigration Forum, a nonpartisan organization that advocates for the value of immigrants and immigration to our nation:

"In the last 24 hours, influential evangelical voices<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=83Rd8opMHNrw7yr%2FV6TKE2WIRgw1iQI7> have urged President Obama to show leadership and move immigration reform forward during the first 92 days of his second presidential term. Based on the president's statement today, it is increasingly clear that immigration reform should be the first bipartisan legislative priority in 2013."

###

Follow us on: [http://www.immigrationforum.org/images/Facebook_2.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=6Vx9M8QfQ4U%2BU8RleClyEmWIRgw1iQI7> [http://www.immigrationforum.org/images/twitter_logo.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=QcKPvzeVnBXNwXrKSktfVWWIRgw1iQI7> [http://www.immigrationforum.org/images/NetworkedBlogs.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=jO1MI0y9QynvOZ1sXNj0qmWIRgw1iQI7>

[https://org2.democracyinaction.org/o/5681/images/BBB_seal.jpg]<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=8eBuWEvsH5fBJRIZW0GUk2WIRgw1iQI7>

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[https://wfc2.salsalabs.com/salsa/images/empowered-by-salsa.gif]<http://www.salsalabs.com/?email>

EXHIBIT 24

Joseph E. Sandler

From: [redacted]@scofieldcompany.com
Sent: Monday, October 07, 2013 1:13 PM
To: Joseph E. Sandler
Subject: FW: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Friday, November 16, 2012 11:26am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

What was Cecilia's message to him?

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Friday, November 16, 2012 11:22am
To: "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>
Cc: "Collins, Susan" <Susan.Collins@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

The current plan is to have a CHC press conference to release the CHC's principles on Wed. 11/28.

Sen. Menendez advised against a bill but for unifying CHC principles, instead.

FYI: I got a download from LVG on his talk w/ Cecilia Munoz yesterday: He said the President has to meet with CHC soon and publicly and that he had nothing else to say to her.

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Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

-----Original Message-----
From: [redacted]@scofieldcompany.com [[redacted]@scofieldcompany.com]
Sent: Friday, November 16, 2012 11:17 AM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Are we doing a bill? I think we need to lay down a marker quickly.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Friday, November 16, 2012 11:05am
To: "Collins, Susan" <Susan.Collins@mail.house.gov>, "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

FYI...

Los Angeles Times is asking for our reaction to Diaz-Balart...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

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phone: (202) 225[redacted] // fax: (202) 225-7810 Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Bennett, Brian [[redacted]@latimes.com]
Sent: Friday, November 16, 2012 10:58 AM
To: Rivlin, Douglas
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

From: Valdes, Katrina [mailto:Katrina.Valdes@mail.house.gov]
Sent: Friday, November 16, 2012 08:25 AM
Subject: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

[cid:image001.jpg@01CDC3DC.4CFE7B60]
FOR IMMEDIATE RELEASE: CONTACT: Katrina Valdes<mailto:katrina.valdes@mail.house.gov>
November 16, 2012 202-225-4211

Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Washington, D.C. – Today, Congressman Mario Diaz-Balart (R-FL), Chairman of the Hispanic Conference, announced that he has restarted the process of moving a comprehensive immigration bill through congress as soon as possible. Diaz-Balart has been meeting with his colleagues from both political parties.

"For too long, both parties have used immigration as a political wedge issue, but the time has come to find a bipartisan solution to this critical issue. I am committed to passing legislation to once and for all to fix our broken immigration system," said Congressman Diaz-Balart.

###

Katrina Valdes
Press Secretary
Rep. Mario Diaz-Balart (FL-21)
Chairman, Congressional Hispanic Conference
O: 202-225-[redacted]
[cid:image002.png@01CDC3DC.4CFE7B60]<https://www.facebook.com/pages/Congressman-Mario-Diaz-Balart/119538428117878>[cid:image003.png@01CDC3DC.4CFE7B60]<http://twitter.com/#!/MarioDB>[cid:image004.jpg@01CDC3DC.4CFE7B60]<http://www.youtube.com/MarioDiazBalart>

EXHIBIT 25

I rise today in strong, unwavering support of the Dream Act.

The Dream Act addresses the fact that we have a million or so people who are undocumented immigrants but who grew up in the US. They came as children, sometimes toddlers or babies. The U.S. is their home. However, we currently have no way for them and their families to legalize their status. They are stuck. Unable to wok legally. Caught in limbo.

A young man named Pedro in Phoenix is an excellent example. He was brought here at the age of 7 by his grandmother. After she passed away, he graduated from high school. His goal? To serve our nation as a marine. Our nation's goal? To deport him – and we were ready to do so, until he received a one-year reprieve just last week.

My friend Gabino has not received a reprieve. He lives in South Carolina. He has a wife and two U.S. citizen children. He was brought to the U.S. as an adolescent. He is a good, hard-working man. He pays taxes and supports his family. Yet routine traffic violations place him on the verge of deportation.

The Dream Act would address the problem of these individuals and a million more like them. People who want to attend college, join our armed forces, get good jobs and help our communities.

The Dream Act has been around for a while – so long, in fact, that it's received bipartisan support. It passed out of the Republican-controlled Senate Judiciary Committee by a 16-2 vote in 2003. In the Senate as part of a comprehensive immigration reform bill in 2006 it received 23 Republican votes.

But Republican politics have changed. During the last Congress, we passed the DREAM Act 216-198. It received just 8 Republican votes and six of the eight have left the House. The Senate version got just three Republican votes in 2010. To be clear -- in the last Congress, Republicans killed the Dream Act.

But, we are now told that the very same Republican Senators who buried the Dream Act last year can now revive it.

But there's a catch.

The Republicans aren't actually supporting the real Dream Act. They propose that over the course of many years, if you go to college or serve in the military, the U.S. will not deport you – but you cannot become a citizen. No right to vote or serve juries. No real inclusion in American society. We might keep taking your tax dollars – we just won't give you full value for the taxes you pay.

Behind this pretend Dream Act is our colleague from Florida, Senator Rubio. As Senator Rubio has said many times, his family came to America as immigrants from Cuba. America welcomed his family and tens of thousands like them.

The key word is "welcomed."

America didn't half-welcome, or conditionally welcome, or maybe someday, when we get around to it, with a lot of strings attached -- kind-of welcome Cuban immigrants.

No. America did the right thing. Whether Cuban Americans came to America looking for a brighter economic future or fleeing Castro's tyranny, America welcomed them, fully, with open arms.

And I applaud that policy. It's fair. It's just. No excuses, no half-measures, no pretending to support Cuban immigrants' dreams of a better life.

We welcomed them. Period.

And that's exactly what we should do with the Dream Act today. Don't make it a "not quite your worst nightmare act." Don't make it a "modest hope act." Keep it the Dream Act.

Dreamers are our friends, our neighbors, our kids, our future. Good people who have lived among us since they were young. Good people making America a better place.

Just like Cuban immigrants, nothing about Dreamers is second-class, and they don't deserve a second-class solution.

So I say this to the Senator -- If Republicans want to help Dreamers, we can do it. It's not necessary to create an unprecedented, second-class category of American resident. We don't need to treat them like criminals and we don't need to start over. If Republicans, including Mr. Boehner and Mr. McConnell, are serious about helping dreamers, let's do it. Our President supports the Dream Act. Democrats support the Dream Act. We always have – we always will. If Republicans actually support it – then we can get something done and we should talk.

But if they don't support the Dream Act, and what they really support is a public relations campaign to pretend they do, then we should stop wasting the time of decent, hard-working people and move on to ways we can really help them and millions of deserving immigrants.

Mr. Speaker,

I believe that there is no greater cause for celebration in America than when we expand civil rights to more of our people.

We are never more true to our American values than when we look at a group of people and demand that they be treated with dignity and respect. We are never more patriotic than when we protect and expand the rights of honest, hard-working people. When we live up to our original promise of liberty and equality and give meaning to those quintessentially American words: "We hold these truths to be self-evident. All men are created equal."

Today, we have reason to celebrate.

Because today, our President will detail the guidelines on the application process for Dream Act eligible immigrants to apply for work permits so they can take a vital step toward living freely and fully in the only nation that has ever truly been their home.

This is a fundamental expansion of civil rights and historic progress for immigrants to our nation.

Today, I want to congratulate the Dream Act eligible youth who have fought so hard for this right.

And I want to remind Dream Act eligible youth that because of this bold decision by President Obama, on August 15, you will be able to apply for your work permits. On August 15, the light of equality that our constitution promises will finally be shining brightly on you.

I encourage you to exercise this right, and I want you to know that help and resources are available to you.

But first – a warning. Any progress on immigration is soon followed by some unscrupulous attempts to make money off of the backs of deserving immigrants. So I say to my friends today – be careful.

Some immigration attorneys or neighborhood "notarios" may try to take advantage of you. There is no reason that applying for relief through President Obama's use of prosecutorial discretion should be expensive or cumbersome to you. If someone in your neighborhood says the only way for you to apply is to write them a big check, you should run the other direction. They're lying to you.

And you should run toward help, because help is on the way.

In Chicago yesterday, the Illinois Coalition for Immigrant and Refugee Rights and I announced a workshop that will be held on August 15 – the very first day you can apply for your work permits.

The event will be at Navy Pier in Chicago. We will have all of the resources you need to apply. It will be free. We will answer your questions and provide the resources you need.

Most important, we are not alone in Chicago. All across the country plans are being made by immigrant advocates and organizations and elected officials for how to help Dream Act eligible youth to apply for their work permits. Later today, I will be joined by my colleagues to talk about resources available to you coast to coast.

As one important step, I encourage you to visit this website:

DreamRelief.org – that's DreamRelief.org, to find out more about whether you are eligible, how to apply and where you can receive assistance.

On August 15, across America, honest and hard-working and law-abiding Dream Act eligible people should be celebrating by lining up and taking that historic step toward equality.

It's a day of long-overdue fairness for our young people and I don't want one of you to miss this opportunity. I want you to demonstrate to America on August 15th what you've demonstrated to your communities and your families and your friends your entire lives.

That you have worked hard and earned this right. By excelling in school. By helping your neighborhoods. By serving your country.

I know who you are – you are the next generation of leaders of our great nation. On August 15, show all of America who you are.

And we need your example. Because it's vital to remember that every time we've expanded civil rights in America – every time -- someone tried to stand in the way.

From women's suffrage to voting rights for African-Americans to marriage equality – someone will raise their voice against expanding the rights enjoyed by *some* Americans to *all* Americans.

There is always someone who says – these rights, these liberties, and this equality – it's for me – it's not for you.

So I ask my Dream Act eligible friends – on August 15, show America who you are. And remind America that freedom and equality are for *all* of us.

Thank you Chairman Durbin and Ranking Member Graham for inviting me to testify on ending racial profiling.

As part of my work to defend immigrants, I have traveled from coast to coast to visit dozens of cities and communities and to listen to immigrants' stories.

Immigrants everywhere tell me that they are regarded with suspicion. They tell me they are frequently treated differently, because of the way they look, sound or spell their last name.

Last November I joined ten Members of Congress to receive testimony on Alabama's HB 56, an even tougher version of Arizona's "papers please" law. In Alabama, and across the country, I have heard stories that make clear racial profiling is real.

In my written testimony, I detail many cases. One is Gabino, from South Carolina, a father of two U.S. citizen children facing deportation. A second is Martha, the mother of a U.S. citizen and wife of a citizen who was almost placed in deportation proceedings. Both came as adolescents to the U.S. and would likely benefit from the DREAM Act. Both were pulled over in minor traffic stops – traffic stops that likely occurred because they are Latinos living in largely immigrant communities. A police officer targeting Gabino and Martha because of where they lived or how they looked could result in U.S. citizen children being without a parent.

In my travels, immigrant after immigrant detailed their experience with traffic stops. As examples, both Gabino and Martha live in largely Latino, largely immigrant communities that receive targeted attention from police to traffic violations. ICE enforcement programs such as 287(g) and Secure Communities encourage this practice.

By targeting immigrant communities for minor traffic violations or— and this is pervasive—for driving without a license, we do little to make our roads more safe. Instead, we are removing hard-working parents from their communities. We treat a man like Gabino as a priority for deportation instead of drunk drivers, drug dealers or rapists. Our federal government, with programs like Secure Communities, is diverting both law enforcement and immigration enforcement resources away from serious offenses and potentially dangerous criminals and toward harassment of immigrants who pose no threat.

This racial profiling undermines our public safety. Immigrants and Latinos grow to distrust the police when law enforcement officers become deportation officers. This undermines the safety of everyone and limits our ability to successfully fight crime in our neighborhoods.

Senator Durbin and Senator Graham, you and I and others here today have spent countless hours discussing our country's need for immigration reform. The law enforcement resources we waste in the absence of reform are a tragedy of our making because we have failed to come to an agreement. Parents are deported, thousands of U.S. children are in foster care and jails are filling with our hardworking neighbors and friends. These are costs the nation incurs because Congress fails to act.

We need to get the millions of immigrants who are living and raising families here and whose roots and contributions go deep into our communities into the system and on-the-books. We need to reestablish integrity and legality in our immigration system so that America's young people view good people like Gabino and view them for what they are -- a hard-working parent and church member. So that people look at mothers like Martha and say what a fine young American family she is raising. This is an urgent challenge to us as leaders.

Thank you again for the opportunity to testify. I welcome any questions Members of the Subcommittee may have.

City Club Talking Points

Example of bipartisan cooperation

Paul, you haven't joined me in my hometown before, but let me tell you something about how I'm viewed here in Chicago. I assure you that when all of the reporters you see here today think of Luis Gutierrez, the first thing that comes to their mind are the words "moderate." "Bipartisan." "Conciliator." "Voice of reason." My reputation in Chicago, Paul, from my first election, to the city council to Congress has been as a moderate dealmaker – a guy who gets along with everyone. When things get a little heated, Luis Gutierrez is the quiet guy you can count on to calm things down.

Why are you laughing? You're going to give Paul the wrong idea. OK, maybe only I see myself that way. But here's my point – some things are just too important for Congress not to find common ground. To not try to find a way to help people. To not set aside our differences and make sure we get things done.

Paul Ryan is here today because he agrees. He wants to get things done. To make progress on comprehensive immigration reform – which our nation and the city of Chicago desperately needs – we need to compromise. If Paul Ryan's party had 100 members of Congress – I would still love to have Paul come visit us today – but we might not be *negotiating* immigration reform. But they don't. They are in the majority, and we need to take action and we need to find common ground. Democrats can't do it alone.

Look, let's be honest. Paul and I could spend all day discussing in detail issues that we don't agree on. Trust me, it would be easy. Somebody could shout out a topic and Paul and I could take up the rest of the afternoon in spirited disagreement. You might shout and shout and have a hard time coming up with something we agree on.

That's exactly why it is so important that he is here. We're here to talk about how two parties, and two people, with very different world views can come together to help millions of immigrants. How we can be pro-family. How we can make America safer. How we can grow our economy. How we can create tax revenue. And how we can help millions of people – hundreds of thousands of whom are living in our city and our region – stay with their families, stop living in fear, and reach their goal of making America better.

I think it would be great if members of Congress across the nation, from different parties, with different beliefs, could do what Paul and I are doing today. Travel to each other's districts. Meet some of their constituents. Listen to their concerns. Understand what's important to them. It doesn't mean we will always find common ground. We are not always going to agree. But maybe it would help us to turn down the rhetoric and the anger and the distrust. And that would be good for America. I hope Paul will let his colleagues on his side of the aisle know that I am ready to meet with them, talk to them, and travel to their districts. And I will do the same – and I appreciate Paul coming to Chicago to listen to us today, and to share his vision for our community.

I know people laughed when I said I was a moderate. But I'm getting older. And maybe just a touch – just a little – wiser. And I'm trying to get along with people. Look – I won't get everything I want out of our comprehensive immigration reform bill. It won't be perfect. I wish I could just make my list and pass my bill. I can't do it. Paul keeps helping Republicans get elected to Congress. I can't help it. I'm fighting for the best bill possible, one that does the most it can to help immigrants. But in the end – just

like Paul will – I will have to compromise, or get nothing. And my main point is this: we need to help immigrants and we need to do it now. They can't wait. And I will work with anyone to get it done, and I thank Paul for being my friend, and for listening, and for coming here today.

Immigration reform is about security and safety

The tragic events in Boston have us all thinking about security and safety. But those of us who have supported comprehensive immigration reform have always made security and enforcement a priority. The bottom line is this: Comprehensive immigration reform makes us safer.

It makes us safer in two ways. One, the most obvious one, any agreement will include enhances border security provisions. My bills always have. Border security, as well as enforcement of workplace regulations and hiring provisions, have always been a priority. We will not get a bill done without increased safety and security provisions.

But here is another element that is often overlooked, and one that is vital to our nation. Right now, we spend – not spend, *waste* – the resources of the federal government chasing immigrants who are absolutely no threat to our nation. None. Hard-working, taxpaying, honest, decent members of our society who only want to support their families. Every single day, we devote your tax dollars, and the finite resources of the federal government, to monitor, detain and deport these people.

We are spending your money to monitor the men filling and refilling your water glasses. The women cleaning your hotel rooms. The men cutting your lawns. Let me ask you a question – I know there are some folks here who play golf at the fine golf courses throughout Chicago and our suburbs. The men, and sometimes women, tending to the those courses to keep them beautiful, do they look like a threat to you? They are hard-working immigrants. And yet we devote scarce law enforcement resources to monitoring them. And if they run a red light, they might just get ripped away from their families and sent out of the country.

Here's something Paul Ryan understands and he and I agree on: the resources of the federal government are not infinite. Paul and I might disagree on how they can be spent, but we both know that there is a limit. So when law enforcement worries about a gardener – with no criminal record, who is working, paying taxes and is a solid member of his community – instead of following up leads about actual threats to our community – we waste law enforcement resources.

Is every single immigrant a good and honest person? No – and comprehensive immigration reform helps us to target the people who are potential threats. The people who break the law. Who shouldn't be here. It takes our hard-working immigrant community and gives them safety and shelter, it brings them out of the shadows, it lets them work and contribute and thrive. It allows us to focus on criminals. If you are an immigrant who is breaking the law – you don't want comprehensive immigration reform. You want the federal government to continue to worry about busboys with a traffic violation. You like the status quo.

I hate the status quo because it is anti-family, anti-work, and anti-safety. That's why we need a change, and that's why immigrants can't wait.

5-MINUTE 2/29/2012

As my colleagues know, Latinos are America's fastest growing population.

So if you are a Presidential candidate, and you want to make sure ~~that every~~ that every single Latino in America ~~to~~ knows you strongly oppose -sensible and fair immigration reform, ~~and want ten to twelve million fewer immigrants living in your country, you have to work hard. To reach - from Puerto Ricans in Florida, to Dominicans in New York and to Mexicans in every single corner of America with your message that millions of Latinos should just go away, - knows that you are an anti-immigrant extremist,~~ you have to work pretty hard.~~stay busy.~~

It takes time and determination.

After all, the Latino population increased more than 40 percent between 2000 and 2010. A lot more Latinos, and a lot more Latino voters.

And a lot of us live in swing states. We are about 30 percent of the population in Arizona. About 25 percent in Colorado and Florida and Nevada. Indiana has 350,000 Latinos. Not so many-, you say? It is ~~seems like a lot~~ when you remember that President Obama only won Indiana by 26,000 votes in 2008 and his Latino support ~~in the Latino community~~ was the margin of victory.

The truth is, we're growing everywhere. One-quarter of the children in America are Latino. 600,000 Latinos turn 18 and become eligible to vote every year. More than 50 million Latinos live in America. Most of us

are citizens. 50 million. ~~That's~~ is a lot of people to keep track of.

Especially if you want to offend each and every one of us.

But to Mitt Romney's credit~~,~~ -- he's trying.

To appeal to the most extreme ~~anti-immigration~~ elements of his party, last week he called Arizona's harsh immigration law, "a model for America."

Well, he's partially right.

Arizona's anti-immigrant law is definitely a model.

It's just not a model for immigration policy.

But it's a model for an awful lot of other things.

Let's count them.

One, if you're a politician, Arizona's law is a model for how to achieve early retirement.

State Senator Russell Pearce was an author and lead sponsor of Arizona's draconian anti-immigrant law. ~~In fact,~~ H~~he~~ talked about little else. His constituents weren't pleased. So Senator Pearce became the first state legislator in Arizona history – the first in history -- to be recalled from office. The biggest backer of Mitt Romney's immigration "model" is now unemployed.

Two, if you want to wreck your local economy, Arizona's law is a model for lost jobs and tax revenue.

The purchasing power of Latinos in Arizona in 2009 was nearly 35 billion dollars – billion with a "b." One study estimated that undocumented immigrants alone paid 443 million dollars in local taxes. Another study estimates that Arizona would lose nearly 150,000 jobs if all undocumented workers were removed from the state, and local business groups have estimated that the law could cost the Phoenix area as much as $100 million in lost tourism and convention revenue ~~alone~~.

Three, Arizona's law is a model for how to energize ~~and mobilize~~ Latino voters.

In 2004, George W. Bush received almost 45 percent of the Latino vote in Arizona for President. ~~John Kerry received a fairly modest 53 percent of the Latino vote running against George W. Bush for President.~~ How did anti-immigrant Republican Jan Brewer do for Governor in

~~In~~ 2010? She received 15 percent of the Latino vote. , ~~Republican candidates like Jan Brewer drove Latinos towards the Democrats, with the state's Democratic nominee for Governor winning on 85 percent of the Latino vote running against anti-immigrant extremist Jan Brewer.~~ In 2011, Hispanic voter mobilization led to the election of two Latinos to the Phoenix city council for the first time ever. ~~in history.~~ In Daniel Valenzuela's district, Latino voter turnout quintupled.

Four – and I'll stop at four ~~only~~ because my time in limited – Arizona's law is a model on how to make decent people suffer.

Alabama followed the Arizona "model," and a judge advised a woman facing domestic abuse that if she sought a restraining order against her abuser she would be asked

to prove her immigration status ~~at the end of the hearing~~ and face deportation to stop the abuse.

~~Small business owners have lost long-time, legal employees because of flaws in the system.~~

~~In~~ And in both Arizona and Alabama, citizens and legal immigrants have been harassed or detained because they "look" suspicious or cannot immediately prove their citizenship status. I could go on ~~and on~~ about the human toll of this law.

So let's review.

Mitt Romney's "model" for America:

Has an author who was kicked out of office.

Means lost jobs and tax revenue for everyone, not just immigrants.

Has mobilized Latino voters and pushed them away from the Republican ~~against his~~ Pparty.

And has caused good, hard-working people – immigrants and non-immigrants, documented and undocumented -- to live in fear.

Maybe Mitt Romney and I have a different idea of what "model" means.

Maybe he thinks Bernie Madoff is a "model" investment advisor.

But I think model means something you can be proud of. Something that makes America better and stronger – more just and fair. Something that shows the way.

By that standard, Arizona's law is a perfect model: it shows America exactly the policy to avoid on immigration and it shows Americans exactly the type of candidate to avoid for President.

EXHIBIT 26

Dear Secretary McHugh:

I am writing to you regarding SAJ 2010-028811P-EWG, the so-called Via Verde Joint Permit application.

As you know, the Government of Puerto Rico and the government-owned Puerto Rico Electric Power Authority (PREPA) are, at least publicly, no longer insisting on the permit to proceed with this project and have all but abandoned plans to build the massive pipeline. This is despite the flawed November 30, 2011 Draft Environmental Assessment issued by the Jacksonville District of the United States Army Corps of Engineers (USACE) proposing that the permit be granted.

~~Now,~~T~~-~~the Government of Puerto Rico and PREPA have begrudgingly accepted the facts about this project. One key factor is the , ~~the most important being that there is~~ insufficient capacity to supply gas to the proposed pipeline from the EcoEléctrica re-gasification facility. Overall, experts have agreed that ~~and~~ that the risks to life, property~~,~~ and the environment are too great.

In that context, I am alarmed by a published report about the role your Department may be playing. According to a June 29, 2012 article published in the *La Perla del Sur* weekly newspaper, Puerto Rico Governor Luis Fortuño claimed Army Assistant Secretary Jo-Ellen Darcy told him not to withdraw the Via Verde joint permit application at their June 20, 2012 meeting in Washington, DC.

The purpose of this meeting was supposed to be for the Governor to inform Assistant Secretary Darcy of the findings and recommendations of yet another commission the Governor had designated to study alternatives to the existing energy system in Puerto Rico. This Governor's own commission did not include ~~—discarded—~~ the Via Verde project among its recommendations. Of the three proposals submitted by the Governor's commission-, one proposes to retain a fragment of the original Via Verde project, which would build a west-east pipeline along the north coast of Puerto Rico.

The *La Perla del Sur* article reads in part: "Although it seems highly unusual, [Governor] Luis Fortuño Burset asserted this week that it was the Army Corps of Engineers, and not him, who asked him not to withdraw the permit application for the polemic North gas Pipeline [Via Verde] (translation my own).

As he told *La Perla del Sur*, it was Assistant Secretary Darcy, not his Administration, who recommended keeping the permit application pending before the federal agency until the government of Puerto Rico and the Corps of Engineers decide on the next step.

To be clear, ~~So, for all intents and purposes,~~ the Governor's commission and every entity inside and outside the Government of Puerto Rico has abandoned ~~walked away from~~ the Via Verde pipeline project.

You may find the complete article (in Spanish) here:
http://www.periodicolaperla.com/index.php?option=com_content&view=article&id=4070:atornilla-via-verde-al-cuerpo-de-ingenieros&catid=135:actualidad-del-sur&Itemid=423

When I first read the article, I was shocked. ~~It seems that~~ Aafter ~~months and~~ years of the people of Puerto Rico fighting against this unwanted and unneeded project being forced on them ~~driven down their throats~~ by the current government of Puerto Rico and its powerful allies, the government finally listened to reason and to the people. I fail to understand why ~~at very government had essentially capitulated and were ready to toss the Via Verde project in the dumpster when~~ the U.S. Army Corps of Engineers would intervene to keep this project alive.~~said "Stop!"~~

My question to you, Mr. Secretary, is whether ~~are~~ the statements reported in *La Perla del Sur* *are* accurate?

If they are, Mr. Secretary, I again respectfully ask why the USACE is not letting sleeping dogs lie, or in this case, dead dogs die?

There has always only been one acceptable option for USACE regarding the Via Verde joint permit application: to deny it.

The people of Puerto Rico have rejected the project. The costs and dangers ~~, the cost and danger~~ are too high, the potential supply of gas is too low, and now even the stakeholders driving this project in the Government of Puerto Rico have walked away.

I ask the U.S. Army to do the same.

~~Finally,~~

I also reiterate my request for all documents and communications related to the Via Verde project, including but not limited to meetings, conversations, phone calls, and e-mails between the USACE and the applicant, the PREPA, and/or any entity acting as its representative. I have not received any documents or information regarding this permit application from USACE Jacksonville since December 8, 2011. I expect to receive any and all information I have requested plus any communication involving your office or Assistant Secretary Darcy's office.

~~Lastly~~, I also request an update regarding the investigation by the Office of the Inspector General, or any other agency within the U.S. Army you may deem appropriate, that I have previously requested about the "~~cozy~~ relationship between current Jacksonville staff and former Jacksonville staff who now supervise or work for BCPeabody, the Florida-based consulting company hired by the Puerto Rico Electrical Power Authority (PREPA) to lobby, or 'provide technical assistance,' for the project."

Thank you in advance for your attention to my concerns.

Sincerely,

A

Luis V. Gutierrez
Member of Congress

Scofield 29

EPA Administrator Lisa Jackson

Dear Administrator Jackson:

I was intensely angered, but sadly not entirely surprised, when I read the "Draft 30 Nov 2011 Department of the Army Environmental Assessment (EA) and Statement of Finding for Permit Application SAJ-2010-02881" issued by the Jacksonville District of the U.S. Army Corps of Engineers regarding the *gasoducto* (or *Via Verde*) gas pipeline project in Puerto Rico.

Your agency was clear in a letter to the Army Corps dated October 28, 2011~~XXXX~~ that "Based on all the issues previously described, EPA continues to recommend that the permit for the Via Verde project not be granted until our concerns regarding protecting the wetlands and compensatory mitigation are fully addressed."

Yet in issuing the Draft Environmental Assessment, the Army Corps is essentially giving the green light to the project to move forward. They have accepted all of the reasoning of the government of Puerto Rico, the electric power company PREPA, and the consultants on the project apparently without question.

I am calling for an investigation by the U.S. Army of the entire permitting process and the apparently cozy ties between the permit applicants and the Army Corps of Engineers officials reviewing the application.

~~In the mean time, all other federal agencies that have an ability to weigh in - or have already weighed in, like yours -~~ I am asking you to ~~should~~ take whatever steps are necessary to ensure that your concerns about this project are not ignored. ~~paved over, literally or figuratively.~~ The ~~Among all of these, the~~ EPA is ~~considered to be~~ the preeminent federal agency charged with defending the environment. Furthermore, the EPA shares the responsibility with the Army Corps of Engineers to enforce the National Environmental Policy Act. We all expect the EPA to spare no effort or resource and to do its utmost in discharging its duty in this important case.

The devastation, dislocation, and potential danger to life and property of this environmentally, economically and ethically dubious project demands federal oversight at the highest level. This is no time for the EPA to ~~be asleep at the switch or to~~ defer to other agencies – particularly to an agency that has a cozy relationship with consultants that are benefitting financially from this project. ~~that appear to be deferring themselves to those who will profit financially from this project.~~ I urge you to ~~This is the time for the EPA to stand up firmly and draw the line in~~ demand~~ing~~ that USACE not issue this permit unless and until all reasonable environmental protection concerns have been fully and completely addressed by the applicant.

I implore you to get personally involved in reviewing whether or not this project is being evaluated properly and whether or not the statutory and regulatory mandates of the Environmental Protection Agency are being followed. I ask you to join with the overwhelming majority of the people of Puerto Rico and with me in defending the lives of the people whose lives would be placed under threat by this dangerous, wasteful and environmentally devastating project.

Scofield 34

I would welcome the chance to discuss this matter with you personally at your earliest convenience, and I have asked my ~~. I will have my~~ scheduler, Katherine Johnson, to contact your office. I look forward to discussing this urgent matter. ~~get in touch~~.

Sincerely,

A

Luis V. Gutierrez
Member of Congress

Scofield 35

Dear Secretary of Labor/Dear Attorney General:

I am writing to direct your attention to a very serious allegation of misuse of public funds and possible fraud.

The information is from an extensive investigation in Puerto Rico by the newspaper *El Nuevo Dia* that was published this week. Reporters for the newspaper found that the newspaper *El Vocero,* and a group of closely related corporations, received a total of $24.9 million from the government of Puerto Rico and the federal government during the past ten years.

The government funding of *El Vocero* and the related corporations increased greatly beginning in 2009 when the related corporations were created in an apparent attempt to hide or legitimize the receipt of government funds. Since that time, according to the *El Nuevo Dia* reports, these corporations received more than $17.6 million in funds from both the government of Puerto Rico and the federal government. Significant funding came from federal programs including the Workforce Investment Act (WIA) and the American Recovery and Reinvestment Act (ARRA). The reports strongly suggest that these federal funds were not used for their intended purpose. Further, the *El Nuevo Dia* report suggests that *El Vocero* may also be delinquent in paying appropriate payroll taxes for its employees.

As you are aware, WIA and ARRA funds are designed primarily to stimulate the economy and enhance job creation and retention. These are particularly crucial funds for Puerto Rico as it is experiencing a tremendous economic crisis. Currently in Puerto Rico, labor force participation is below 40 percent and unemployment is greater than 16 percent. Misuse of government funds should be treated with the utmost gravity at any time, but the abuse of job training and creation funds at this critical moment is particularly troubling.

In addition, I believe the Department of Justice should be aware that *El Vocero* regularly promotes the policies and political campaigns of the current ruling party in Puerto Rico. *El Vocero* also recently began distributing the newspaper for free, immediately prior to the upcoming election. Given these facts, I believe an investigation into whether the government improperly converted government funds into campaign funds by funneling taxpayer dollars to a partisan, pro-government publication would be appropriate.

While the leaders of the Puerto Rican government have the right to fund any political or partisan publications that promote their candidacies, it is not appropriate to fund those publication with taxpayer dollars. It is certainly not appropriate to try to cloak the funding as payments to closely related businesses.

I believe many Puerto Ricans are very troubled by these serious allegations. I know you consider misuse of public funds, or failure to meet federal tax obligations, to be potentially serious offenses. I am particularly troubled that an outlet that purports to provide unbiased news to the Puerto Rican people appears to be funded by the government. A free and fair press is fundamental to our democracy. Thomas Jefferson wrote that "no government ought to be without censors, and where the press is free, no one ever will." I am concerned that a newspaper

in Puerto Rico is acting not as a censor of the government, but as a sponsor of the government – and that they may be doing so with money intended to create jobs for the Puerto Rican people.

Congress reconvenes on Nov. 13 and I would welcome a briefing regarding this situation at that time. Thank you very much for your attention to this important matter, and please contact me or my Deputy Chief of Staff Enrique Fernandez if you have any questions.

Signed,

Scofield 220

EXHIBIT 27

Joseph E. Sandler

From: [redacted]@scofieldcompany.com
Sent: Friday, October 04, 2013 2:09 PM
To: Joseph E. Sandler
Subject: FW: RE: DOJ and DOL letters

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Friday, October 19, 2012 10:45am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Rivlin, Douglas" <douglas.rivlin@mail.house.gov>, [redacted]@yahoo.com'" <[redacted]@yahoo.com>, "Fernandez, Enrique" <enrique.fernandez@mail.house.gov>
Subject: RE: DOJ and DOL letters

I'm looking at this now and will send over an updated draft in just a bit.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Thursday, October 18, 2012 6:20pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>, [redacted]@yahoo.com'" <[redacted]@yahoo.com>
Cc: "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>, "Fernandez, Enrique" <Enrique.Fernandez@mail.house.gov>
Subject: RE: DOJ and DOL letters

Sorry, this is the correct attachment and is the same as the letter I pasted...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-[redacted] // fax: (202) 225-7810
Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Rivlin, Douglas
Sent: Thursday, October 18, 2012 5:14 PM
To: [redacted]@yahoo.com'
Cc: '[redacted]@scofieldcompany.com'; Fernandez, Enrique; Rivlin, Douglas
Subject: DOJ and DOL letters

I drafted one letter that can be sent separately to the Secretary of Labor and the Attorney General calling for an investigation into what El Nuevo Dia uncovered.

It is pasted below and attached.

Please give me your feedback.

It is too late to get this out today, but we can send tomorrow. We can also discuss who should get copies.

Douglas G. Rivlin
Director of Communication

Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-[redacted] // fax: (202) 225-7810
Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

Dear Secretary of Labor/Dear Attorney General:

It has come to light that the Government of Puerto Rico has been funneling money, including federal funds intended for job creation and retention, to a pro-government newspaper over a number of years. I feel certain that ethical and moral standards have been violated, and suspect that there has been substantial and ongoing misuse of federal funds and perhaps other criminal violations. This is deeply troubling because it undermines the credibility of our democracy, freedom of the press, and the basic standards of government transparency and honesty, which unfortunately fits a broader pattern with the current Puerto Rico government regime of limiting transparency and exercising government power behind closed doors.

I am calling on the Department of Labor and the Justice Department to investigate this matter thoroughly.

According to an extensive investigation by Puerto Rico's leading newspaper, El Nuevo Dia, the newspaper El Vocero, and an extensive group of related corporations received $24.9 million over more than ten years. This intensified since 2009 when these related corporations were created in an apparent scheme to legitimize the receipt of government funds. Since that time, according to the reports, these corporations received more than $17.6 million in Puerto Rico government and federal funds. It is alleged that some of the federal programs been defrauded include WIA (the Workforce Investment Act) and ARRA (the American Recovery and Reinvestment Act) funds.

Tragically, this has happened during one of Puerto Rico's worst economic periods, when the labor force participation rate is below 40% and unemployment is more that 16%. Congress and the Obama Administration designated resources for job creation, retention and re-training to assist the extremely hard-pressed Puerto Rican workers, but it appears to have been used for political purposes.

This is neither the Soviet Union nor Assad's Syria, so I expect Puerto Rican and American taxpayers are shocked that their dollars fund pro-government news media in Puerto Rico. But the information uncovered by El Nuevo Día demands the federal government review how funds were used, whether the Government of Puerto Rico was honest, and whether any criminal laws were violated or ethical lines were crossed.

Congress reconvenes on Nov. 13 and I would welcome a personal briefing soon thereafter from your staff as to whether an investigation is forthcoming and how quickly it may proceed. Please contact me or my Deputy Chief of Staff Enrique Fernandez if you have any questions or to schedule a briefing.

Signed,

EXHIBIT 28

Joseph E. Sandler

From: [redacted]@scofieldcompany.com
Sent: Friday, October 04, 2013 2:13 PM
To: Joseph E. Sandler
Subject: FW: RE: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Wednesday, October 10, 2012 4:14pm
To: "Fernandez, Enrique" <Enrique.Fernandez@mail.house.gov>
Cc: "'Luis V. Gutierrez'" <[redacted]@yahoo.com>, "Fuentes, Jennice" <jennice.fuentes@mail.house.gov>, "Rivlin, Douglas" <douglas.rivlin@mail.house.gov>
Subject: RE: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

It makes sense to me to wait. We're a month away from having a clear idea of how to deal with it. Should probably hit them on the conflict of interest at some point, though.

-----Original Message-----
From: "Fernandez, Enrique" <Enrique.Fernandez@mail.house.gov>
Sent: Wednesday, October 10, 2012 3:50pm
To: "'Luis V. Gutierrez'" <[redacted]@yahoo.com>, "'doug@scofieldcompany.com'" <[redacted]@scofieldcompany.com>
Cc: "Fuentes, Jennice" <Jennice.Fuentes@mail.house.gov>, "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: FW: Via Verde natural gas pipeline project (UNCLASSIFIED)

Congressman, Doug:

Attached, please find the "latest interim response" from the Secretary of the Army.

I do not think we should respond at this time.

The Corps is allowing the Regime to submit additional information until November 2, and based on the additional information, decide how to proceed. Whatever the decision, it will be rendered after the elections.

I addition, it is clear they do not want to really investigate the Jacksonville district's conflict of interest with BCPeabody...

Thank you,

Enrique

-----Original Message-----
From: Harris, George JR CIV USARMY HQDA OCLL (US) [[redacted]@mail.mil]
Sent: Wednesday, October 10, 2012 1:22 PM
To: Fernandez, Enrique
Subject: Via Verde natural gas pipeline project (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Enrique,

Attached is the latest interim response. We should have the final next month.

R,
george

Classification: UNCLASSIFIED
Caveats: NONE

Scofield 657

EXHIBIT 29

William O. Lipinski
3d District, Illinois

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
RANKING DEMOCRATIC MEMBER
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
SUBCOMMITTEE ON AVIATION
SUBCOMMITTEE ON AIRPORTS

Congress of the United States

House of Representatives

Washington, DC 20515

March 31, 2004

The Honorable James T. Walsh
Chairman
Appropriations Subcommittee on VA, HUD and Independent Agencies
H-143 Capitol
Washington, DC 20515

Dear Chairman Walsh:

We are writing to express our strong support for an earmark in the HUD-Economic Development Initiative (EDI) for FY 2005 VA, HUD and Independent Agencies Appropriations Bill in the amount of $2 million. The funds would be used to benefit an exemplary non-profit agency that works every day to meet the needs of hungry people throughout the Congressional Districts we serve.

Specifically, these funds would be used to assist in the construction of a new facility for the operations and programs of the Greater Chicago Food Depository. The Greater Chicago Food Depository is building a new model food bank and training facility to serve hungry individuals and families in Cook County.

The Greater Chicago Food Depository is Chicago's food bank. The Food Depository's mission is "providing food to hungry people while striving to end hunger in our community." Since it was founded in 1979, the Food Depository has grown rapidly and dramatically to meet the very real needs of our communities. Today, the Food Depository distributes more than 42 million pounds of food per year and serves 309,655 unduplicated clients annually through its network of 600 member pantries, soup kitchens and shelters in Cook County. The Food Depository has member agencies in every one of the districts we represent. Many of the pantries, soup kitchens and shelters in our communities simply would not be able to meet the demands of hungry people were it not for the exemplary work of the Food Depository.

The expanded facility will enable to the Food Depository to distribute as much as 80 million pounds of food annually to a network of more than 600 organizations. This project comes at a critical time – the number of individuals and families seeking emergency and supplemental food has risen dramatically during the last three years. The Food Depository provides food for more than 300,000 people annually – more than one-third of whom are children under the age of 18. The new facility will add additional capabilities, including onsite shopping and a training facility for our member agencies.

You can be assured that the funds would be spent efficiently and effectively. In 2002, the Greater Chicago Food Depository was honored with the first Alford-Axelson Award for Nonprofit Managerial Excellence. In 2003, Executive Director Michael P. Mulqueen was named one of the nation's "best bosses" by *Fortune Small Business* and Winning Workplaces. Over the years, the Food Depository's work has been recognized through such awards as the Sara Lee Corporation's first Chicago Spirit Award, the Chicago Community Trust's James Brown IV Award of Excellence for Outstanding Community Service, and America's Second Harvest Award for Foodbanking Excellence. In addition, the Food Depository has worked to provide as much of the funding as possible for the much-needed new facility. The appropriation requested represents less than 10 percent of the total funding required.

By appropriating these funds, you will help the Food Depository to reach a simple, but vital, goal. You will help to assure that the Food Depository will be able to deliver more food to hungry people. We strongly support this effort and appreciate your consideration of this request.

Sincerely,

WILLIAM O. LIPINSKI

LUIS GUTIERREZ

RAHM EMANUEL

BOBBY RUSH

DANNY K. DAVIS

EXHIBIT 30

LUIS V. GUTIÉRREZ
MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS
2262 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203
(202) 226-7810 FAX

DISTRICT OFFICE:
2251 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774
(773) 342-0776 FAX

Congress of the United States
House of Representatives
Washington, DC 20515–1504

COMMITTEES:
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SUBCOMMITTEES:
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
CHAIRMAN
HOUSING AND COMMUNITY OPPORTUNITY
INTERNATIONAL MONETARY POLICY AND TRADE
JUDICIARY
SUBCOMMITTEE:
IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

March 22, 2010

The Honorable Rosa DeLauro, Chair
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
House Appropriations Committee
2362-A Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Kingston, Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
House Appropriations Committee
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman DeLauro and Ranking Member Kingston:

As you work on the FY 2011 Agriculture Appropriations bill, I ask your support for the following programs of critical importance to the 4th District of Illinois. I have listed them in order of priority.

Project Requests:

1. **Urban Horticulture and Marketing Initiative, Chicago Botanical Gardens -- $620,000**

AG: National Institute of Food and Agriculture, Extension AG141

The project is a broadly supported and well-leveraged initiative to use horticulture and gardening as a tool for education, community development, employment, rehabilitation and employment of ex-offenders, and the provision of healthy vegetables to at risk populations in locations that too often lack access to such foods. The project develops and implements a horticulture-based job training model that produces and markets crops and provides employment and training to under- and unemployed workers consistent with industry-benchmarked standards.

Program Requests:

1. Commodity Supplemental Food Program	$176.788 million
2. Human Slaughter - HMSA	$2 million
3. Animal Welfare	$22.33 million
4. Horse Protection Act	$900,000
5. Investigative & Enforcement Services	$14.213 million
6. Animal Fighting Enforcement	$90 million
7. Veterinary Student Loan Forgiveness	$5 million
8. Emergency Management Systems/Disaster Planning and Response for Animals	$1.017 million

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LVG_OCE_102

I appreciate your consideration of my requests. Should you need any additional information, please contact Virginia Zigras on my staff at x[redacted]

Sincerely,

Luis V. Gutierrez
Member of Congress

LVG_OCE_103

EXHIBIT 31

IBS PST

From: Fuentes, Jennice
Sent: Tuesday, July 20, 2004 5:27 PM
To: 'Doug Scofield'
Subject: RE: Banc One, Barbara Stewart letter

by the way, is it kosher for us to send this kind of letter? ...i assume that it is...did you ever do it when you were here?

Jennice Fuentes

Chief of Staff

Congressman Luis V. Gutierrez

2367 Rayburn HOB

Washington, D.C. 20515

Tel. (202) 225-8203

Fax (202) 225-7810

email: jennice.fuentes@mail.house.gov

-----Original Message-----
From: Doug Scofield [[redacted]@scocomm.com]
Sent: Tuesday, July 20, 2004 4:16 PM
To: Fuentes, Jennice
Subject: Banc One, Barbara Stewart letter

Jennice,

Here is the draft letter to JP Morgan-Chase. Let me know how it looks. What do you think is the timing for any decision regarding the appropriation? Thanks, as always.

Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you.

EXHIBIT 32

Rivlin, Douglas

From: [redacted]@scofieldcompany.com
Sent: Tuesday, June 04, 2013 2:19 PM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: USA Today

I trust your judgement, though I think there are a couple of points worth emphasizing. We've said "repeatedly approved contract" enough? Really, whatever you think, but we should consider next steps.

Is it worth saying to the reporter, "While Congressman Gutierrez has followed the guidelines of a contract repeatedly approved by the House of Representatives, we will sit down again with House Administration to make sure we are doing everything in an absolutely appropriate manner." Is that helpful? I really think we need -- maybe not to USA Today but to the next reporter -- to be able to say, "we want to do this absolutely right and have asked House Administration -- though they have approved the contract many times -- to review it again."

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Tuesday, June 4, 2013 1:49pm
To: "'[redacted]@scofieldcompany.com'" <[redacted]@scofieldcompany.com>
Cc: "Collins, Susan" <Susan.Collins@mail.house.gov>
Subject: RE: USA Today

I think further contact with the reporter may be counter-productive, but I am happy to call him. I have not shown this or your response to LVG. But I should.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov // http://twitter.com/douglasrivlin
phone: (202) 225-[redacted] // fax: (202) 225-7810 Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

-----Original Message-----
From: [redacted]@scofieldcompany.com [redacted]@scofieldcompany.com]
Sent: Tuesday, June 04, 2013 1:26 PM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: USA Today

Well, I never lobbied for the Chicago Botanical Garden and I don't know anything about an earmark for them and had nothing to do with it. They were briefly a pr client. I never personally did any work for them at all -- it would have been other staff members of the company, and it wouldn't have had anything to do with Luis. I had no contact, ever, with anyone on the Congressional staff, or Luis, about the Botanical Garden. The public citizen quote that my clients are getting earmarks just isn't accurate. We should probably also note that I do not appear in the district on lvg's behalf. I can't recall ever doing that since I left.

On the food depository, I would re-emphasize that I simply did not talk to Luis about money. A member of Congress supporting an appropriation for a food bank that feeds hungry people in his district is both routine and admirable, and in this case not caused or initiated by me -- it was led by Lipinski and Durbin. I think it's worth noting again that I have never been a federal lobbyist, and that I lobby at the state level. Almost exclusively for non-profits.

As far as the Sunlight quote -- though I know we can't change it -- I'm not being paid for political work and he hasn't even really made the case that I'm involved in political work. He's made the case that I've done too much official work. That's very different and an important distinction. The Congressman can also hire an outside vendor to produce franked mail, and I believe that also has to go through House admin for approval. Certainly the piece itself goes through franking approval.

The case they can make is that I do government work outside the scope of the contract, though if you read the contract it really is quite broad. We are following the language of a repeatedly approved House contract, and the worst that can be said is that I might occasionally do more government, official work than is specifically authorized.

Here's what to think about moving forward -- I presume we need to do a different contract or change my role. I don't think we want to say "you're right, we are wrong," but at some point, quickly, maybe for whatever follow-up we get once the story runs, we want to be able to say, "While we believe the office and Doug Scofield appropriately followed the language of a contract that was repeatedly approved by the House, Congressman Gutierrez never wants to allow even the appearance of any conflict, so we have done x." I don't know what x is, and I would like to stay involved, but I think we have to make sure we are unassailable on whatever we do moving forward. I want to do it right, and you do to. I think the reporter is way over the top, but let's do whatever is necessary, and we should do it quickly. House admin might kill, or revise the contract anyway, so let's be out in front of it. I presume lvg agrees, but maybe we should all get on the phone.

Another option would be to send House admin a list of the things I do now, ask them to weigh in on whether anything that should be changed, and just make the changes they recommend. In any case, we should be proactive about being above reproach. We want to make a change before somebody tells us we have to do it. Just let me know what is the best way to do that.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Tuesday, June 4, 2013 12:48pm
To: "Douglas Scofield ([redacted]@scofieldcompany.com)" <[redacted]@scofieldcompany.com>, "Collins, Susan" <Susan.Collins@mail.house.gov>
Subject: USA Today

More from the reporter. He has quotes from two "Good Gov't." types, including Kathy Kiely of the Sunlight Foundation (a former USA Today reporter).

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-[redacted] // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Singer, Paul [[redacted]@usatoday.com]
Sent: Tuesday, June 04, 2013 12:31 PM
To: Rivlin, Douglas
Subject: RE: Scofield Company Contract

Doug - thanks for this.

I have to say - I have never seen anything like this. Scofield is functioning in nearly any non-legislative capacity you need, including appearing at "non-legislative" meetings on the Congressman's behalf and participating in media strategy and communications. He is functioning basically as a staff member ... yet without any of the conflict of interest requirements that would apply to a staff member. In fact, I think he ends up being one of the top 5 paid people in the office (I haven't run these numbers, but will), and the scope of his activities extends to "other relevant and appropriate areas..." which is essentially limited only to being non-legislative.

And his non-legislative work also includes production of franked mail touting the Congressman's legislative agenda.

How is this not the equivalent of being a staff member?

As you said, House Admin says they have reviewed the contract, (though they don't seem to have noticed that it refers to two different entities - Scofield Company and Scofield Communications. I presume this is simply a result of printing out the old contract on new letterhead.)

Kathy Kiely of Sunlight Foundation describes the relationship this way: "Are taxpayers paying the congressman's political consultant?... "It looks like classic Chicago cronyism," Kiely said. "It's really tantamount to a political patronage job."

And while I understand your point that Lipinski may have been the lead on the food bank, it does not change the fact that Scofied was working for the Congressman and the food bank when the Congressman appeared at a food bank event. One could imagine - though we can't prove and thus can't write - that Scofield had a hand in both the Congressman's statement at the food bank and the food bank's press release thanking the Congressman. And there is also the Botanical Garden which was listed on the website as a Scofield client when Gutierrez requested an earmark ... and who knows what else that I have not yet found.

Leading to this from Lisa Gilbert at Public Citizen: "While not technically illegal, it is at the very least unsavory for a former staffer to be simultaneously on the payroll of a Member and representing clients in his district who are requesting and gaining earmarks from the Congressman. The conflict of interest is apparent."

From: Rivlin, Douglas [mailto:Douglas.Rivlin@mail.house.gov]
Sent: Tuesday, June 04, 2013 11:42 AM
To: Singer, Paul
Subject: Scofield Company Contract

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-[redacted] // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

EXHIBIT 33

Rivlin, Douglas

From: [redacted]@scofieldcompany.com
Sent: Tuesday, June 04, 2013 10:04 AM
To: Collins, Susan
Cc: Rivlin, Douglas
Subject: RE: Food Bank

I agree with Susan. I might heighten the language about this being routine support for a good cause and good project, that the Congressman supported the project and didn't need any convincing to support it.

Do we need to tell them it's in a list of other projects supported but not taken the lead on? I think that's fine if you think more disclosure with this guy is helpful, but it might just give him an excuse to heighten lvg's involvement in the money, and to be honest, I really don't think he had much to do with it.

I also think the sentence about me not telling my client I secured them 500k, while true, just emphasizes my state lobbying, which we don't want to do. I would keep my role simple, and I think we can be more emphatic -- lvg and Doug Scofield did not have any discussions about funding for the food depository.

I strongly believe that is accurate. I think what I did was talk to him about visiting. I really don't remember much of anything about the money, and I think lvg's role was incidental. Didn't hurt, I'm sure, but the food Depository has always been close to Durbin, and my guess is that the Senator is probably really the one who made it happen.

-----Original Message-----
From: "Collins, Susan" <Susan.Collins@mail.house.gov>
Sent: Tuesday, June 4, 2013 9:18am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>, "Douglas Scofield ([redacted]@scofieldcompany.com)" <[redacted]@scofieldcompany.com>
Subject: RE: Food Bank

I am inclined to re-word the last phrase (it is a fine line between taking lots of credit years back and now trying to distance ourselves from such credit)

even if the Member's support was expressed through another Member's leadership via a sign-on letter.

Susan Collins
Congressman Luis V Gutierrez
202-225-[redacted]

From: Rivlin, Douglas
Sent: Tuesday, June 04, 2013 8:59 AM
To: Douglas Scofield ([redacted]@scofieldcompany.com); Collins, Susan
Subject: Food Bank

This is what I plan to send the reporter, unless you have edits.

Looking at our records, it appears that the money the Greater Chicago Food Depository received through the 2005 Omnibus Approps bill was actually something Rep. William Lipinski asked for (and probably Sen. Dick Durbin as well, who served on the conference committee for that bill).

Rep. Gutierrez signed onto a letter (along with Lipinski, Rush, Davis, and Emanuel, all the Chicago Dems at the time, it appears). The letter, on Lipinski letterhead, is attached (this is the letter as it was when our office signed on and we assume the other signatures were gathered but William Lipinski is no longer in office, so we could not confirm that).

In an undated internal Gutierrez memo labeled "2005 Appropriations: Member Project Requests" from that time, a staff member listed out the appropriations requests we made that year that made it into the final Approps bill. They include eight different projects in five Approps categories and then lists two "Projects we Supported, But Did Not Take The Lead On" which lists Lipinski's VA-HUD project to secure funding for the Greater Chicago Food Depository.

In talking to the Congressman and Doug Scofield about this, neither of them have any memory of having discussed an Approps matter for the Food Depository, nor does Scofield remember doing any lobbying for this matter (he is not a federal lobbyist), which includes having no memory of telling his client he successfully secured a block of federal money (something he would logically take credit for if he had in fact done anything to help get it).

This leads me to strongly believe that it is extraordinarily unlikely that Doug Scofield and the Congressman ever spoke about the proposed appropriation for the Greater Chicago Food Depository or that Scofield lobbied the Congressman (or anyone else) about the Approps request.

Members of Congress regularly sign on to letters and community groups regularly are generous in their praise for a Member speaking at a Hunger Awareness Day event they sponsor some time later, even if the credit is more appropriately directed at Lipinski.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-[redacted] // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

EXHIBIT 34

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2408 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICES:

3210 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774

5631 WEST CERMAK ROAD
CICERO, IL 60804
(708) 652-5180

Congress of the United States
House of Representatives
Washington, DC 20515–1304

COMMITTEES:

JUDICIARY

SUBCOMMITTEES:
IMMIGRATION AND BORDER SECURITY

CRIME, TERRORISM, HOMELAND SECURITY, AND INVESTIGATIONS

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SUBCOMMITTEE:
TERRORISM, HUMINT, ANALYSIS AND COUNTERINTELLIGENCE

June 4, 2013

Mr. Jamie Fleet
Democratic Staff Director
Committee on House Administration

Dear Mr. Fleet:

In reference to on our conversation today about the contract for Scofield Company, thank you for your willingness to review the contract to ensure that it complies with House rules. I understand that you, on our office's behalf, will reach out to the appropriate Majority staff with whom we can both meet to review any needed changes to the contract. I appreciate your willingness to try to find a time to meet this week, if possible.

While the contract was initially reviewed and approved by House Administration and Finance in 2003 and renewed each Congress since, it has come to our attention that questions have been raised about the contract with Scofield Company. With the assistance of the Committee, we want to make sure that we are in full compliance -- both in fact and in appearance -- with the spirit and the letter of House rules. The Congressman feels strongly that we do not do anything that even appears to be questionable.

Once again, thank you for your help in this matter.

Sincerely,

Susan Collins
Chief of Staff

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EXHIBIT 35

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2408 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICES:

3210 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774

5531 WEST CERMAK ROAD
CICERO, IL 60804
(708) 652-5180

Congress of the United States
House of Representatives
Washington, DC 20515–1304

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PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SUBCOMMITTEE:
TERRORISM, HUMINT, ANALYSIS AND COUNTERINTELLIGENCE

June 13, 2013

Mr. Doug Scofield
Scofield Communications
234 Home Ave.
Oak Park, IL 60302

Dear Mr. Scofield,

As per our conversation, I am cancelling our contract for non-legislative services with Scofield Communications, LLC, effective today, June 13, 2013. Thank you for your assistance in helping me to better serve my constituents of the 4th district.

Sincerely,

Luis V. Gutierrez
Member of Congress

LVG_OCE_109

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APPENDIX 2

MILLER
CHEVALIER

Andrew D. Herman
Counsel
aherman@milchev.com
202-626-5869

July 18, 2014

The Honorable K. Michael Conaway, Chairman
The Honorable Linda T. Sánchez, Ranking Member
U.S. House of Representatives
Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515-6328

Dear Chairman Conaway and Ranking Member Sánchez:

Pursuant to the June 12, 2014, letter from the Committee on Ethics requesting documents from my client, Representative Luis Gutiérrez, I am providing additional documents responsive to that request. The documents are designated LVG_COE-00308 through LVG_COE-06622.

The Committee has also requested that Representative Gutiérrez provide responses to questions posed in its letter. These responses are provided below. I have also attached to this letter a signed copy of the declaration provided by the Committee.

Representative Gutiérrez submits the following responses to the Committee's questions posed in its June 12, 2014, letter:

4. The documents provided to the Committee on Ethics do not reflect formal training activities from January 3, 2007 to the present. Of course, the absence of documents does not reflect the informal guidance or training, either in-person or *via* telephone, that may have been provided during that period by Mr. Scofield to Representative Gutierrez's staff.

The Committee should also note that the agreement between the Office of Congressman Gutierrez and Scofield Communications – provided to the Committee on House Administration prior to signing of the agreement and submitted to the House Finance Office at the start of each new Congress – authorized Scofield Communications to perform a wide range of tasks; the documents provided to the Committee that accompany this letter reflect Mr. Scofield's performance of these tasks.

MILLER
CHEVALIER

5. Mr. Scofield's role in Representative Gutiérrez's office was distinct from that of official staff in a number of significant ways. To the best of Representative Gutiérrez's knowledge, Mr. Scofield had no office space or office hours in either the Washington, D.C., or district offices; he did not use House equipment or resources to complete tasks associated with his contract; he did not utilize an official House email address; he had no specific job responsibilities, nor did he hire, fire, direct or supervise any member of the official staff. Mr. Scofield generally received assignments for specific tasks, as provided by the contract, primarily from Representative Gutiérrez, his chief of staff or his communications director. The documents provided to the Committee reflect the range of tasks performed by Mr. Scofield under the agreement.

6. Susan Collins, Representative Gutiérrez's chief of staff, directed the office's systems administrator to conduct a comprehensive search of emails and attachments related to Mr. Scofield. The documents searched were from the electronic files of former and current staff who had, or could have had, substantive contact with Mr. Scofield. The search terms used included "Scofield," "Botanical Garden," "Food Bank" and "Food Depository." Documents designated LVG_COE-00308 through LVG_COE-06130 emanate from this search.

Ms. Collins also directed the office's system administrator to conduct a comprehensive search of all computer files (such as Word documents, PDF's, etc.) of former and current staff who had, or could have had, substantive contact with Mr. Scofield. Documents produced pursuant to this search were those that had "Scofield," "Botanical Garden," "Food Bank" and "Food Depository" in the name or body of the document, or were drafted, reviewed, edited or received by Mr. Scofield. Documents designated LVG_COE-06131 through LVG_COE-06614 emanate from this search.

Ms. Collins also directed the collection of all existing paper files in Representative Gutiérrez's office related to Mr. Scofield. Documents produced pursuant to this search were those related to Doug Scofield or included references to the "Botanical Garden," "Food Bank" and "Food Depository." The documents emanating from this search are included among the documents previously produced to the Committee that were designated LVG_COE-000001 through LVG_COE-00307.

Ms. Collins also directed the collection of emails from Representative Gutierrez's "Yahoo" email account that related to Mr. Scofield. These documents are included among the documents designated LVG_COE-000001 through LVG_COE-00307 – previously produced to the Committee – and documents LVG_COE-06615 through LVG_COE-06622, included with this production.

MILLER
CHEVALIER

After compiling potentially responsive documents, Ms. Collins reviewed them with Representative Gutiérrez's counsel to identify the documents responsive to the Committee's June 12, 2014, request.

Representative Gutiérrez has produced all documents responsive to the Committee's request that were identified as a result of these searches. Representative Gutiérrez has withheld no documents responsive to the Committee's request on the basis of any privilege. Pursuant to his obligation to provide responsive documents to the Committee, Representative Gutiérrez and his staff will continue to provide any additional responsive documents that they may find.

Please contact me if you have any questions.

Regards,

Andrew D. Herman

Enclosures

LUIS V. GUTIÉRREZ

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Congress of the United States
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SUBCOMMITTEES:
IMMIGRATION AND BORDER SECURITY

COURTS, INTELLECTUAL PROPERTY, AND THE INTERNET

January 31, 2018

The Honorable Susan W. Brooks
Chairwoman
The Honorable Theodore E. Deutch
Ranking Member
House Committee on Ethics
1015 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Brooks and Ranking Member Deutsch:

I have reviewed the draft version of the Committee on Ethics Report in this matter ("Draft Report") that you provided on January 9, 2018. I appreciate the Committee affording me the opportunity to respond. Please know that I remain committed to cooperating with this process, and that I understand and value the Committee's mission.

At the outset, I want to address a serious allegation in the Draft Report. The document improperly speculates that, because questions may have previously been raised by the media, I should have known about issues regarding the contract "going back as early as 2007." Draft Report at 24. This is wrong. I first learned of concerns regarding the contract in 2013 after the media contacted my staff; I terminated the contract shortly thereafter. I do not believe that I was asked about this during my interview with the Committee. Had I been questioned about this, I would have informed the Committee that there was no basis for the allegation that I knew, or should have known, earlier. Had I known beforehand, I would have terminated the contract at that earlier time. More generally, the Draft Report simply cannot ascribe this type of knowledge to me about a contract that was accepted by the Committee on House Administration ("CHA") and then re-submitted at the outset of every Congress.

Otherwise, it is clear to me that the Committee conducted a thorough investigation and I believe that the Draft Report generally presents an accurate description of the circumstances giving rise to this matter. I would like to highlight several findings made by the Committee in the Draft Report where we are in agreement:

- In 2003, my office submitted the contract to the CHA before it was ever executed. Draft Report at 7.
- The contract was re-submitted to CHA before every new Congress. *Id.*
- My office "took appropriate steps to get approval for the initial contract." *Id.* at 20.

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- The House Finance Office "received multiple versions of the contract" and consistently authorized payments until I terminated it in 2013. *Id.* at 7.
- "A significant portion of . . . work from 2003 to 2013 also accorded with the contract's terms and with the guidance in the *Members' Handbook*." *Id.* at 20.
- After the media reported on potential issues with the contract in 2013, my office consulted with CHA staff, and I "immediately terminated" the contract after "CHA staff informed [me that] the contract would have to be revised or canceled." *Id.* at 25.
- There is "no reason to believe that [my office or I] intentionally misused the MRA in this case." *Id.*
- It was my understanding that the terms of the contract "were permissible." *Id.*

Although we largely agree on the underlying circumstances, I cannot accede to several findings in the Draft Report that lead to the conclusion that I should personally reimburse a portion of the disbursements paid under the contract from September 2007 until termination in 2013.

First, the Draft Report asserts that some of the work performed under the contract relating to immigration was "legislative" in nature. *Id.* at 21. Yet the Draft Report acknowledges both that the Committee cannot supply a definition for distinguishing clearly between legislative and non-legislative work and that there were "ambiguities" over the nature of the tasks performed under the contract. *Id.* at 21-22.

The fact that the Committee reviewed 10,000 pages of documents reflecting ten years of work under the contract and identified a limited number of instances (each one to two years apart) that "appeared to have a legislative component" contradicts the Committee's finding that "Mr. Scofield repeatedly advised Representative Gutierrez on legislative strategy." *Id.* at 22-23. In fact, these limited, sporadic and—as described in the Draft Report—largely ambiguous instances comprised a tiny part of Mr. Scofield's routine work under the contract.

Further, as this Committee knows, it is of primary importance to my constituents and me that immigration in the United States is fair, preserves family unity, protects our neighborhoods and honors immigrants' significant contributions to our nation. For me, this issue transcends any mere legislative efforts; it is central to my work on behalf of my constituents and the country. That the Draft Report can cite only to work related to immigration in its findings undercuts its conclusion that the services provided under the contract were legislative in any appreciable way.

While the Draft Report cites previous cases to support its conclusion, those decisions are, at best, ambiguous. I understand that the facts are different in every case, but in both *The Matter of Representative Mary Rose Oakar* and *The Matter of Representative Austin J. Murphy*, the Committee imposed no monetary sanctions despite finding rules violations. *See* Draft Report at 26-27 (citing precedent). Indeed, the Committee recommended no sanction at all in the *Oakar* matter. *See* H. Rept. 100-1125, 100th Cong. 2d Sess. at 6-7 (1989). As such, it seems particularly inappropriate to impose a monetary sanction on me.

Finally, in discussing application of the rules, the Draft Report states that I "should have been more mindful of, and attentive to, what [the] limits were and how [I] could avoid exceeding them." *Id.* at 27 n.27. As I noted above, before 2013 neither my staff, nor CHA nor the House Finance Office personnel led me to believe that there was anything untoward or even unusual about the contract with Mr. Scofield.

Given the absence of guidance on the rules from House experts and administrators, my lack of knowledge, and the lack of precedent for this type of sanction, the Draft Report provides no basis for the conclusion that I should reimburse a portion of the amount paid under the contract. I remain committed to cooperating with the Committee in finding a fair resolution for this matter. I cannot, however, agree to the sanctions as currently stated in the Draft Report.

Sincerely,

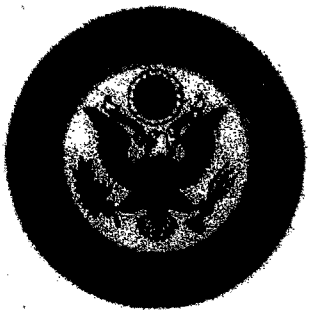
Luis V. Gutiérrez
Member of Congress

APPENDIX 3

EXHIBIT 1

Members' Congressional Handbook

Regulations
governing the
Members' Representational Allowance
of the
U.S. House of Representatives



Committee on House Administration
Bob Ney, Chairman
2001

Committee on House Administration
107th Congress

Bob Ney, Ohio
Chairman

Steny H. Hoyer, Maryland
Ranking Minority Member

Rep. Vernon J. Ehlers, Michigan
Rep. John L. Mica, Florida
Rep. John Linder, Georgia
Rep. John T. Doolittle, California
Rep. Thomas M. Reynolds, New York

Chaka Fattah, Pennsylvania
Jim Davis, Florida

Neil Volz
Staff Director

Robert Bean
Minority Staff Director

Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
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INTRODUCTION

During each session of Congress, each Member has a single Members' Representational Allowance (MRA) available to support the conduct of official and representational duties to the district from which elected. Ordinary and necessary expenses incurred by the Member or the Member's employees within the United States, its territories, and possessions in support of the conduct of the Member's official and representational duties to the district from which elected are reimbursable in accordance with the regulations contained in this Members' Congressional Handbook.

Ordinary and necessary means reasonable expenditures in support of official and representational duties to the district from which elected that are consistent with all applicable federal laws, Rules of the House of Representatives, and regulations of the Committee on House Administration.

Effective August 1, 1999 the following regulations of the Committee on House Administration, collectively known as the Members' Congressional Handbook (Handbook), govern all expenditures from the MRA.

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

Questions about reimbursement of an expense should be directed to the Committee on House Administration at x58281 prior to incurring the expense.

Reimbursement will not be allowed for expenses that are specifically prohibited.

For all questions relating to equipment and equipment-related issues, refer to the *User's Guide to Purchasing Equipment, Software, and Related Services*, available from the Committee on House Administration.

Routine administrative requests (equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov/) or call First Call/One Call at x58000.

MEMBERS' REPRESENTATIONAL ALLOWANCE

General

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

1. **The MRA may only be used for official and representational expenses.**
2. A Member **may** expend personal funds in support of his official and representational duties.
3. The MRA **may not** be used to pay for any expenses related to activities or events which are primarily social in nature.
4. The MRA **may not** pay for personal expenses.
5. The MRA **may not** pay for campaign expenses.
6. The MRA **may not** pay for political expenses.
7. The MRA **may not** pay for committee expenses.
8. Committee resources **may not** pay for a Member's official and representational expenses.
9. Campaign funds **may not** pay for a Member's official and representational expenses.
10. A Member **may not** maintain, or have maintained for his use, an unofficial office account for the purpose of defraying or reimbursing ordinary and necessary expenses incurred in support of a Member's official and representational duties.
11. A Member **may not** accept from any private source in kind support having monetary value for an official activity.
12. **Only** appropriated funds, **not** personal or unofficial funds, may be used to pay for mail sent under the frank.
13. Each Member is **personally responsible** for the payment of any official and representational expenses incurred that exceed the provided MRA or that are incurred but are **not** reimbursable under these regulations.
14. Unless specifically authorized by an applicable provision of federal law, House Rules, or Committee Regulations, no Member, relative of the Member, or anyone with whom the Member has a professional or legal relationship may directly benefit from the expenditure of the MRA.
15. The MRA is available for services provided and expenses incurred from January 3 of one year through January 2 of the following year. All expenses incurred will be charged to the allowance available on the date the services were provided or the expenses were incurred.
16. The MRA is **not** transferable between years.
17. Requests to obligate prior year's funds after January 2 of the succeeding year will be considered by the Committee when a Member provides documentation demonstrating a bona fide intent to obligate the prior year's funds during the applicable year.

Budgeting and Disclosure

The Committee recommends that each Member establish an annual budget for the MRA. To assist in this process, the Office of Finance sends each Member monthly statements showing year-to-date expenditures and obligated amounts. The quarterly expenditures reflected in these statements are compiled and published as the Quarterly Statement of Disbursements, which is a public document.

Disbursements

Disbursements from the MRA are made on a reimbursable or direct payment basis and require specific documentation and Member certification as to accuracy and compliance with applicable federal laws, House Rules, and Committee Regulations.

Reimbursements and payments from the MRA may be made only to the Member, the Member's employees, or a vendor providing services to support the operation of the Member's offices.

See Disbursements (42).

Incidental Use

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

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

A Member office may adopt a more restrictive incidental use policy.

Overspending

Each member is personally responsible for the payment of any official and representational expenses incurred that exceed the provided MRA. If a Member incurs an obligation to the U.S. House of Representatives and the amount of the obligation incurred exceeds the MRA, the Member shall pay the obligation from personal funds. If the Member fails to pay the obligation voluntarily, the CAO will deduct the amount owed from any pay, mileage, or expense money due to the Member in the case of a sitting Member or through an administrative offset or legal action in the case of a former Member. The Office of Finance will notify a Member if that Member is projected to overspend the MRA.

Contact the Office of Finance at x57474 or the Committee on House Administration at x58281 for assistance with accounting and budgeting.

Telecommuting

Ordinary and necessary telecommuting expenses incurred in compliance with the Committee on House Administration telecommuting policy are reimbursable. Offices may obtain a copy of the Telecommuting policy and agreement from the Committee's website at (http://www.house.gov/cha/publications/publications.html).

STAFF

General

Each Member is the employing authority; the Member determines the terms and conditions of employment and service for their staff. These terms and conditions must be consistent with applicable federal laws and House Rules.

1. ***Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), service in the military, disability, or age.***
2. ***A Member may not retain an employee on the Member's payroll who does not perform official duties commensurate with the compensation received for the offices of the employing authority. (House Rule XXIV, clause 8(a)).***
3. ***Employee means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or Furlough status.***
4. ***Staff means all individuals including employees, fellows, unpaid interns, and volunteers who serve in the office of a Member.***
5. ***Annual rates of pay may not exceed the amount specified in the Speaker's Pay Order.***
6. ***Total compensation in any month including any lump sum and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.***
7. ***Retroactive pay adjustments are not authorized.***
8. ***Government contributions to retirement, life insurance, Thrift Savings Plan, and health benefits programs are not charged to the MRA.***
9. ***Each month, Member Offices receive a Payroll Certification Form from the Office of Human Resources that lists the annual pay and gross pay earned for each employee. If an employee is a relative of a current Member of Congress, the nature of the relationship to the Member must be noted on the Payroll Certification Form. The Member must certify the information and return the form to the Office of Human Resources no later than the 15th day of the month. Contact Human Resources at x51435 for payroll forms.***

Categories of Staff

Employee Ceiling

Under 2 U.S.C. § 92 each Member of the House of Representatives may employ 18 permanent employees and 4 additional employees. The 4 additional employees must be appointed to one of the following categories:

1. ***Interns***
2. ***Part-time employees***
3. ***Shared employees***
4. ***Temporary employees***

5. ***Employees on leave without pay***

Employees
The term employee means an individual appointed to a position of employment in the House of Representatives by an authorized employing authority including individuals receiving pay disbursed by the CAO and individuals in a Leave Without Pay or Furlough status.

Interns
Interns, paid or unpaid, must perform services for the Member as part of a demonstrated educational plan. Each Member is responsible for determining the activities of the Member's interns.

Paid interns may work for no more than 120 days in a 12-month period and are not employees for purposes of compliance with the minimum wage and overtime provisions of the Fair Labor Standards Act.

In regard to unpaid interns, Members must comply with the rules and regulations established by the Committee on Standards of Official Conduct (x57103).

Interns are ineligible for the following benefits:
1. ***Federal Employees' Retirement System***
2. ***Federal life insurance***
3. ***Federal health insurance***
4. ***Thrift Savings Plan***

Part-time Employees
The term part-time employee means an individual who is employed by the Member and whose normally assigned work schedule is not more than the equivalent of 15 full working days per month.

Temporary Employees
The term temporary employee means an individual who is employed for a specific purpose or task and who is employed for not more than 90 days in a 12-month period, except that the term of such employment may be extended with the written approval of the Committee on House Administration.

Temporary employees are ineligible for the following benefits:
1. ***Federal Employees' Retirement System***
2. ***Federal life insurance***
3. ***Federal health insurance***
4. ***Thrift Savings Plan***

Shared Employees

The term shared employee means an employee who is paid by more than one employing authority of the House of Representatives.

1. *Two or more employing authorities of the House may employ an individual.*
2. *Such shared employees must work out of the office of an employing authority, but are not required to work in the office of each employing authority. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification. Such employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.*
3. *Employees may not be shared between a Member or Committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to the financial information, payroll information, equipment account information, or information systems of either Member, Committee, or Leadership offices.*

See Dual Compensation (10).

Employees on Leave Without Pay

See Leave Without Pay (14).

Annuitants

Civilian Annuitant

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

Waivers

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

Consultants

Only committees are authorized, pursuant to 2 U.S.C. § 72a, to procure the temporary services of consultants.

Consultants are not authorized for Member Offices.

Contractors

Members may contract with firms or individuals only for general, non-legislative, office services (e.g. equipment maintenance, systems integration, data entry, staff training, photography, custodial services) for a specific, limited period not to exceed the Member's term. Such contracts are reimbursable. Such contractors are not employees of the House and are ineligible for government-provided benefits.

Contractors do not count against the Member's Employee Ceiling.

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

See Custodial Services (23), Educational Expenses (16), Interpreting and Translation Services (18), Temporary Agencies (7), and Web Sites (36).

Detailees

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

Detailees may not be assigned to a Member office (2 U.S.C. §72a(f)).

Fellows

The term fellow means an individual performing services in a House office on a temporary basis as part of an established mid-career education program while continuing to receive the usual compensation from his or her sponsoring employer.

Fellows may be assigned to a Member office.

Fellows do not count against the Member's Employee Ceiling.

The use of fellows is subject to regulations established by the Committee on Standards of Official Conduct. Contact the Committee on Standards of Official Conduct at x57103.

Temporary Agencies

Ordinary and necessary expenses related to services provided by an individual employed by a temporary agency are reimbursable if the following conditions are met:

1. *Payment for such services is commensurate with the official duties performed by the individual.*
2. *Such an individual remains an employee of the agency and is not eligible for pay, benefits, rights, or privileges available to House employees.*
3. *The total of such individuals and employees may not exceed 22 individuals.*

See Contractors (7).

Volunteers

The term volunteer means an individual performing services in a House office without compensation from any source.

The voluntary service should be of significant educational benefit to the participant and such voluntary assistance should not supplant the normal and regular duties of paid employees.

Volunteers should be required to agree, in advance and in writing, to serve without compensation. (31 U.S.C. § 1342 & Comp. Gen. Op. B69907).

Volunteers do not count against the Member's Employee Ceiling.

The use of volunteers is subject to regulations established by the Committee on Standards of Official Conduct. Contact the Committee on Standards of Official Conduct at x57103.

Employment Law

Congressional Accountability Act

Pursuant to the Congressional Accountability Act House employing offices are accountable under the following laws:

1. *Fair Labor Standards Act of 1938*
2. *Title VII of the Civil Rights Act of 1964*
3. *The Americans with Disabilities Act of 1990*
4. *The Age Discrimination in Employment Act of 1967*
5. *The Family and Medical Leave Act of 1993*
6. *The Employee Polygraph Protection Act of 1988*
7. *Worker Adjustment and Retraining Notification Act*
8. *The Rehabilitation Act of 1973*
9. *Veterans' Reemployment Rights*
10. *Federal Labor-Management Relations*
11. *The public service and accommodations provisions of the Americans with Disabilities Act*
12. *The Occupational Safety and Health Act of 1970*

The Office of Compliance has published A Guide to the Congressional Accountability Act of 1995, which is available from the Office of Compliance, Room LA-200, John Adams Building, Library of Congress, Washington, D.C. 20540-1999, (202) 724-9250. The Office of Compliance also provides materials that employing offices can use to notify employees of their rights and protections under the CAA.

A Model Employee Handbook providing sample office policies to assist in developing an organization that complies with applicable laws and House Rules is available on the House Intranet Web Site: http://intranet.house.gov/

The Office of House Employment Counsel is available to provide advice and guidance on employment matters generally, and on establishing office policies consistent with these laws, x57075.

Nepotism

1. *Under the federal statute prohibiting nepotism (5 U.S.C. § 3110) the term public official includes: a Member, an employee and any other individual, in whom is*

vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

2. *Such a public official may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the office in which that public official is serving or over which that public official exercises jurisdiction or control any individual who is a relative of that public official.*
3. *Every employee must certify relationship to any Member of Congress on a certificate of relationship form available from Human Resources. If, at any time, the relationship of an employee to any current Member of Congress changes the employee must file an amended certificate of relationship form with the employing office. Contact Human Resources at x51435 for such forms.*
4. *Individuals with the following relationship to the Member may not be employed by the Member:*

Aunt	Half-sister	Son-in-law
Brother	Husband	Stepbrother
Brother-in-law	Mother	Stepdaughter
Daughter	Mother-in-law	Stepfather
Daughter-in-law	Nephew	Stepmother
Father	Niece	Stepsister
Stepson	Father-in-law	Sister
First cousin	Sister-in-law	Uncle
Half-brother	Son	Wife

However, if a House employee becomes related to the employing Member (by marriage) the employee may remain on the Member's personal or committee payroll. Similarly, if a Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member ascends to the chairmanship of a Committee or subcommittee for which the relative is already working) the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across-the-board adjustments.

The statute does not prohibit a Member from employing two individuals who are related to each other but not to the Member (See, House Ethics Manual, pp. 187 and 188).

Contact the Committee on Standards of Official Conduct at x57103 for further information.

Non-Disclosure Oath

House Rule XLIII, clause 13, requires Members and employees to execute an oath of non-disclosure before having access to classified information.

Post-Employment Restriction

Members, officers, and employees paid at an annual rate of $102,525 (1999) or more for at least 60 days in the one-year period prior to termination, are subject to post-employment restrictions. The restrictions on post-employment activities are outlined in the House Ethics Manual. Questions should be directed to the Committee on Standards of Official Conduct at x57103.

Working from Home due to a Disability

In accordance with the Americans with Disabilities Act (ADA), a Member may reasonably accommodate a qualified employee with a disability by allowing the employee to work at home. As a condition of such a request, the Member may require certification from a physician of the need for such accommodation.

See Congressional Accountability Act (8) and Telecommunications (21).

Pay

Appointment

The official appointment of each employee requires the Member's signature on the payroll authorization form. Required payroll forms must be received by Human Resources no later than the last business day of the month in which the appointment is effective. Subsequent adjustments to a payroll appointment (pay adjustments, title changes, furlough status, terminations, etc.) must also be made on the appropriate forms. Such forms are due at Human Resources by the 15th day of the month in which the adjustment is effective.

Dual Compensation

Aggregated gross annual salaries for those receiving payment from the House who are also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed $24,433 (1999). (5 U.S.C. §5533).

Financial Disclosure

Members and employees receiving basic pay of $89,728 (1999) or greater for at least 60 days during any calendar year must file a Financial Disclosure Statement upon appointment, termination, and annually. The threshold is subject to change.

Each Member's office that does not have an employee paid at or above the threshold must designate one employee as the "Principal Assistant" who must file a Financial Disclosure Statement.

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

Contact the Committee on Standards of Official Conduct at x57103.

Lump Sum Payments

A Member may authorize a lump sum payment to an employee for any purpose consistent with the following:

1. ***Payments must be consistent with House Rule XXIV, clause 8(a), which requires that employees perform official duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, political, or campaign activities on behalf of the Member, the employee, or anyone else.***
2. ***A lump sum payment may not be more than the monthly pay of the employee receiving the lump sum payment.***
3. ***Lump sum payments may be for services performed during more than one month.***
4. ***Members may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.***
5. ***Total compensation in any month including any lump sum payment and regular pay (including cash reimbursement for accrued annual leave) may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.***
6. ***Lump Sum Payments will be disclosed separately in the Quarterly Statement of Disbursements.***
7. ***Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order.***
8. ***Lump sum payments are considered "supplemental wages" for taxation.***
9. ***Lump sum payments are not considered as part of "basic pay" for calculating Thrift Savings Plan, life insurance, and federal pensions.***
10. ***Contact the Committee on Standards of Official Conduct at x57103 for information on the treatment of lump-sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.***

See Pay Adjustments (12).

Overtime Wage Rate Compensation

Employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act ("non-exempt") must be compensated at time-and-a half for all hours worked in excess of 40 hours during any work week, either in pay or in time-off during the same pay period in accordance with consistently applied office personnel policies.

Overtime wage sheets must be received by Human Resources no later than the 15th day of the month following the month in which overtime wages were earned.

Contact Human Resources at x52450 for the appropriate forms.

Contact the Office of House Employment Counsel at x57075 for assistance in establishing overtime and time-off policies.

Pay Adjustments

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

Such adjustments must be received by Human Resources by the 15th day of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

See Lump Sum Payments (11).

Payroll Schedule

The monthly payroll is based on a 30-day pay period. (5 U.S.C. §5505).

Payment is made on the last business day of the month, except for the month of December when payment is made on the 20th day of the month or on the preceding business day when the 20th falls on a Saturday or Sunday. (5 U.S.C. §5505).

Rates of Compensation

Members are responsible for adhering to the applicable minimum wage provisions of the Fair Labor Standards Act ($5.15 per hour as of September 1, 1997).

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

The maximum rate of pay established for Member Offices by Order of the Speaker is $140,451 as of January 1, 2001.

Terminations

Terminations must be made on a Payroll Authorization Form and submitted to Human Resources as soon as the date of termination is known. If the termination notice is received by Human Resources after the 15th day of the month, the payroll check for that month may have already been processed. If an employee is overpaid, the Member is responsible for obtaining reimbursement.

Leave

General

The Member determines the terms and conditions of employment, including provisions for leave (e.g. Annual, Administrative, and Sick).

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

Family and Medical Leave (FMLA)

A person employed by the House for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

1. *For the birth of a child and to care for the newborn child.*
2. *To adopt a child or to receive a child in foster care.*
3. *To care for a spouse, son, daughter, or parent who has a serious health condition.*
4. *For the employee's own serious health condition which makes the employee unable to perform the functions of his or her job. (29 U.S.C. § 2601 et seq.)*

Employees on Family and Medical Leave remain eligible for all benefits.

Furlough

Furlough is an absence without pay initiated by the Member. Placement in Furlough status is at the discretion of the Member, unless statute otherwise requires placement in such status.

1. *To be eligible for appointment to Furlough status at the discretion of the Member, an employee must have been employed by the Member for the entire month prior to the effective date of Furlough status.*
2. *An employee placed in a Furlough status continues to fill an employee position. The name of such employees will be listed on the monthly payroll certification forms.*
3. *Continuation of employee benefits while in a Furlough status:*
   a. *Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a Furlough status is responsible for the payment of the employee's portion of the insurance premium for the period of the Furlough status, either by direct payment or by incurring a debt to the House. Employees should contact Human Resources for more information on applicable regulations.*
   b. *Life insurance continues for up to 12 months without employee contribution.*
   c. *Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.*
4. *The placement of an employee in a Furlough status must be made on the appropriate form provided by Human Resources and received no later than the 15th day of the month in which the placement is to be effective. Contact Human Resources at x52450 for such forms.*

Contact Human Resources at x52450 for information on employee benefits while on Furlough.

Jury and Witness Duty

Under 2 U.S.C. § 130b, the pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned as a juror; or as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a State or local government is a party.

An employee may not receive fees for service as juror in a court of the United States or the District of Columbia; or as a witness on behalf of the United States or the District of Columbia. If an employee receives an amount (other than travel expenses) for service as a juror or witness in such a court the employee must remit such amount to the Office of Finance for deposit in the general fund of the Treasury.

Leave Without Pay (LWOP)

LWOP is an absence without pay. LWOP status is initiated by the employee and is subject to Member approval, unless statute otherwise requires placement in such leave status. To be eligible, an employee must have been employed by the Member for the entire month prior to the effective date of the LWOP status.

1. *As a basic condition for approval of LWOP status, there should be a reasonable assurance that the employee will return to duty at the end of the approved period. Members are encouraged to contact the Committee on Standards of Official Conduct at x57103 prior to approving a LWOP status request to confirm that no conflict of interest issues exist.*
2. *LWOP status should be requested in advance of the period of absence.*
3. *LWOP status may not exceed 12 months in a 24-month period.*
4. *When an employee has been appointed to LWOP status, he or she continues to fill a payroll position. The name of such employees will be listed on the monthly payroll certification forms.*
5. *Continuation of Employee Benefits while on LWOP status:*
   a. *Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in a LWOP status is responsible for the payment of the employee's portion of the insurance premium for the period of the LWOP status, either by direct payment or by incurring a debt to the House. Employees should contact Human Resources for more information on applicable regulations.*
   b. *Life insurance continues for up to 12 months without employee contribution.*
   c. *Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.*
6. *The placement of an employee on LWOP status must be made on the payroll authorization form available from Human Resources and received by Human Resources no later than the 15th day of the month in which the placement is to be effective. Contact Human Resources at x52450 for such forms.*

Contact Human Resources at x52450 for information on employee benefits while on LWOP.

Military Leave

Employees who are members of a National Guard or Armed Forces Reserves unit are entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or engaging in field or coast defense training as a Reserve of the armed forces or member of the National Guard. Leave accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year,

accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. (5 U.S.C. § 6323).

Contact the Office of House Employment Counsel for additional information on the rights, benefits, and obligations of individuals absent from employment for service in a uniformed service. (38 U.S.C. §§ 4317 – 4319).

OFFICIAL & REPRESENTATIONAL EXPENSES

General

Appliances

Ordinary and necessary expenses for small appliances (microwaves, coffee makers, etc.) for use in the Member's congressional offices are reimbursable.

Equipment that exceeds $500 in value must be added to the Member's office inventory.

Contact Office Systems Management at x53994 to revise an office inventory.

An Artistic Discovery, The Congressional Art Competition

Ordinary and necessary expenses, within a category of authorized official and representational expenses, related to the congressional art competition, An Artistic Discovery, are reimbursable.

A Member may not mail An Artistic Discovery entry under the Frank. Shipping An Artistic Discovery entry by means other than the Frank is reimbursable.

Certificates

Certificates of recognition to a person who has achieved some public distinction for distribution in connection with official and representational duties are reimbursable.

Certificates must comply with the Franking Regulations.

Contact the Franking Commission at x59337.

See Gifts and Donations (17).

Clipping Services

Ordinary and necessary expenses related to clipping services (newspapers, periodicals, magazines, etc.) are reimbursable.

See Publications (20).

Decorating Expenses

Decorations of nominal value (such as frames, bookends, flags, seals, etc.) for Congressional offices are reimbursable.

Contact the Committee on House Administration at x58281 for a list of government agencies that provide wall decorations free of charge.

See Framing (17) and Furniture (17).

Deposits

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

See Advance Payments (42), District Office Leases (23), Booths (27), and Officially Leased Vehicles (40).

Drug Testing

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

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

Dues

Dues, membership fees, assessments, and annual fees are not reimbursable. (5 U.S.C. § 5946).

Educational Expenses

Ordinary and necessary expenses for Members or employees to attend conferences, seminars, briefings, professional training, and informational programs related to the official and representational duties to the district from which elected are reimbursable.

1. ***Members or employees may not be reimbursed for expenses to attend educational programs in order to obtain a primary, secondary, graduate, post-graduate, or professional degree.***
2. ***Expenses associated with acquiring or maintaining professional certification or licensing are not reimbursable.***

See Advance Payments (42) and Contractors (7).

Employment-Related Expenses

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

The following expenses are not reimbursable:

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

Flags

U.S. flags for purchase by individuals may be obtained by a Member from the Office Supply Service (OSS) (x53321). Initially, the costs of the flags will be charged to the MRA. Once payment for a flag is received by the Member office, the office may submit the check to OSS. OSS will credit the Member's account.

If a request is made to have a U.S. flag flown over the Capitol, an additional flag flying fee must be paid by the individual purchasing the flag. See Gifts and Donations (17).

Food and Beverage Expenses

Members and employees may be reimbursed for food and beverage expenses incidental to an official and representational meeting that includes a person(s) who is not a Member or employee of the House.

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

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

See Town Hall Meetings (21).

Framing

Framing services for items to be displayed in the Member's Congressional offices are reimbursable. In Washington, D.C., when a Member uses the in-House framing service provided by the CAO, charges will be automatically charged to the MRA.

See Decorating Expenses (16) and Gifts and Donations (17).

Furniture

Furniture (furniture, carpet, drapes, etc. (including repairs) for Washington, D.C., congressional offices are supplied and maintained by the CAO through the Furniture Resource Center (x62421) without charge to the MRA. Furniture for the Washington, D.C., congressional offices is not reimbursable.

Gifts and Donations

Only the following gifts and donations are reimbursable:

1. *Items purchased for official presentation when on official travel for the House of Representatives outside the United States, its territories and possessions. To purchase items from the House Gift Shop, select the item(s) and notify the sales clerk that it is for official presentation business in the course of overseas travel. Receipts for such items should be vouchered for payment to the Office Supply*

Service, and the voucher description should note that it is for official presentation in the course of overseas travel.

2. *U.S. flags flown over the Capitol for official presentation as a gift, including the flag flying fee, are reimbursable. Such flags must be for the personal use of or display by the recipient. Donations of flags purchased through the MRA for fundraising activities are prohibited.*
3. *Ordinary and necessary costs associated with the purchase of presentation folders or frames, which are of nominal value.*
4. *Informational and educational federal government publications of nominal value.*
5. *U.S. Capitol Historical society publications of nominal value (including calendars).*

No other gifts or donations are reimbursable.

See Flags (16), Certificates (15), Framing (17), Congressional Record (20), Printing and Production (33), Photography Expenses (20), and Postal Expenses (33).

Greetings

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

See the Franking Regulations, available from the Franking Commission at x59337 for information on recognition of public distinction.

See Certificates (15).

Insurance

A Member may be asked to provide a certificate of insurance for the purpose of entering into a lease for a district office or for securing space in which to conduct a town-hall meeting or other official and representational event. The House does not carry a private insurance policy and generally does not permit Members to use the MRA to pay for a private insurance policy.

Under the provisions of the Federal Tort Claims Act (28 U.S.C. § 2671-2680), the United States acts as a self-insurer and recognizes liability for the negligent and wrongful acts or omissions of its employees acting within the scope of their official and representational duties. The United States is liable to the same extent an individual would be in like circumstances.

Although the Federal Tort Claims Act is not the equivalent of private liability insurance, it does provide an aggrieved party with administrative recourse, and if that proves unsatisfactory, legal recourse for damage or injury sustained. Thus, to the extent negligent acts of Members or congressional staff, while conducting official and representational duties, result in either property damage or bodily injury, such damage or injury should be compensable under the Act in a manner that affords protection similar to private liability insurance.

However, if the provisions of the Federal Tort Claims Act are not considered adequate, the ordinary and necessary expenses for liability insurance to cover these risks are reimbursable. When a compensable event occurs, the deductible portion of a policy may be paid from the MRA.

The expenses of fire and theft insurance are not reimbursable.

Contact the Office of the General Counsel at x59700 for guidance regarding the Federal Tort Claims Act.

See Officially Leased Vehicles (40).

Interpreting and Translating Services

Ordinary and necessary expenses related to interpreting and translating services, including accommodations under the ADA, are reimbursable.

For events held in House Office Buildings contact the Congressional Special Services Office at x44048 and the Office of ADA Services at x53005 for assistance.

Late Fees

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

Mass Transit Benefit

Members and staff in Washington, DC or the district are eligible for a mass transit benefit not to exceed $21 per month. For information regarding this benefit, please contact CAO First Call at x58000.

Messenger Services

Ordinary and necessary expenses for messenger services related to the Member's official and representational duties are reimbursable.

Parking

1. ***Each Member is provided one garage parking permit for the Member's use; at the prerogative of the Member, this permit may be assigned to staff. In addition, each Member is provided five indoor garage parking permits and two outdoor lot parking permits.***
   a. ***Garage parking spaces may be reserved. If a space is reserved by an authorized permit holder, the permit holder incurs additional taxable income as a working condition fringe benefit. Under the tax code and IRS regulations, Members and their staff have imputed taxable income to the extent that the fair market value of Government-provided parking exceeds $175.00/month (the value of the parking space is subject to future adjustments).***
   b. ***When a garage space is reserved, the Director of House Garages and Parking Security will notify Human Resources. Government-provided parking includes***

the combined value of parking spaces in Washington, D.C., and the district. Contact Human Resources at x52450 to make appropriate tax withholdings.

2. *At the beginning of each Congress, the Office of House Garages and Parking Security will send parking permit application forms to each Member's office. The Member should designate on the forms, to whom garage or outside parking space permits are to be issued, and with regard to a garage space, whether the space is to be assigned on a reserved or unreserved basis. The application forms must include the individual's name, House of Representatives ID number (where applicable), the model, color, and year of the individual's automobile, and the automobile license number and state.*
3. *All offices must retrieve parking permits from departing staff. Additionally, offices must notify House Garages and Parking Security of any transfers or changes in permit assignments. Notifications should be in writing on official letterhead and include the Member's signature.*
4. *The House of Representatives will not be liable for any damage caused to or theft of any motor vehicle or the contents thereof while parked on a House parking lot when that lot is not attended.*

Contact the Committee on House Administration at x58281.

Photography Expenses

Ordinary and necessary photography expenses related to a Member's official and representational duties, including but not limited to, the Member's official photo, official photographs for distribution to constituents, and photograph presentation folders and frames of nominal value, are reimbursable.

In Washington, D.C., contact the House Photography Studio at x52840 for services, charges, and availability.

Publications

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

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

Subscriptions may exceed the Member's term. Subscriptions that exceed a Member's term in office will be assigned to the Member's successor.

See Advance Payments (42).

Congressional Record

Costs related to providing Congressional Record subscriptions to constituents, private entities, or public entities are not reimbursable.

Offices are authorized to purchase additional copies of the Congressional Record, as necessary for office use.

Staff Meetings

Members and staff may attend staff meetings at a Member-authorized location in the Member's State or in the Capitol Hill complex (U.S. Capitol, House and Senate Office Buildings, Library of Congress, U.S. Botanic Gardens, and the U.S. Supreme Court) for official and representational purposes, and may seek reimbursement for expenses relating to attendance at such meetings, provided that such expenses are otherwise consistent with all other Handbook regulations.

The MRA may not be used for social events or activities.

See Travel (37), Educational Expenses (16), Food and Beverage Expenses (17), and Contractors (7).

Supplies

Office supplies to support the conduct of the Member's official and representational duties are reimbursable.

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

Supplies for a Member's district office may be procured in the district through supply stores or through regional General Services Administration (GSA) supply centers.

House Gift Shop

OSS also operates a gift shop in B-217A Longworth which sells souvenirs and mementos to Members, staff, and the public. Gift Shop purchases may be made by cash, check or credit card. A Member Account Card may not be used to purchase items at the Gift Shop.

Contact OSS for inquiries on special orders, deliveries, and OSS statements at x53321.

See Gifts and Donations (17).

Telecommunications

Ordinary and necessary expenses related to the official use, including periodic or flat service fees, of telecommunications lines (voice and data) in the residence of a Member or employee are reimbursable. The cost of installation of such lines is not reimbursable.

See Advance Payments (42).

Town Hall Meetings

A town hall meeting is an official meeting a Member holds within the Member's district with their constituents to facilitate the exchange of information regarding the Member's official and representational duties.

Ordinary and necessary expenses related to town hall meetings are reimbursable.

Ordinary and necessary expenses include, but are not limited to, the following:

1. ***Advertisements***
2. ***Rental of rooms, chairs, audio systems***
3. ***Audio/Video Expenses***
4. ***Interpreting Services***
5. ***ADA Accommodations***
6. ***Reporting and transcription services***
7. ***Electronic Transmission (Not television)***
8. ***Custodial Services***
9. ***Signs/banners/leaflets/flyers that comply with the Franking Regulations***
10. ***Security***

Members may invite any Member of Congress to participate in their official town hall meeting. Travel expenses for a guest Member or Senator are reimbursable from the MRA of the host Member.

Town Hall Meeting notices should include a contact person to arrange for accommodations for persons with disabilities.

Members and employees may not accept, from any private source, in kind support having monetary value for a town hall meeting. Contact the Committee on Standards of Official Conduct at x57103.

<u>*Joint Town Hall Meetings*</u>

Members may be reimbursed for ordinary and necessary expenses associated with holding joint town hall meetings with Members of the House of Representatives, representing adjacent districts or United States Senators representing the same state, as specified below.

1. ***Joint town hall meetings can be held in one of the Members' districts, in order to facilitate the exchange of information regarding the Member's official and representational duties.***
2. ***Expenses (excluding mail) may be divided to reflect an accurate representation of each Member's expenses, and may be directly vouchered through the Office of Finance with supporting documentation (invitation, agenda, etc.) for the meeting.***

3. *39 U.S.C. § 2910 prohibits Members from sending any mass mailings outside of the district from which elected. Therefore, Franked mail expenses that relate to advertising Joint Town Hall meetings must be separately accounted for and charged to the MRA of the Member into whose District the Franked mail was delivered.*

See Advertisements (25), Food and Beverage Expenses (17), and Interpreting and Translation Services (18).

Radio Town Hall Meetings
Ordinary and necessary expenses related to the purchase of radio broadcasting time to hold an "electronic" town hall meeting are reimbursable.

The radio station broadcasting the town hall meeting must serve the Member's district.

District Office

Cable
Costs of cable television service in support of official and representational duties in the district office(s) are reimbursable.

See Deposits (16).

Custodial Services
Ordinary and necessary expenses for custodial services for district office(s) are reimbursable.

See Contractors (7).

Furniture
Furniture requests for district congressional offices are processed through Office Systems Management and charged to the MRA.

Offices should submit written requests to Office Systems Management, B-215 Longworth House Office Building prior to the purchase of any Furniture for district offices.

Leases
Rental expenses related to district offices, except for security deposits, are reimbursable. There is no limit on the number and size of district offices a Member may establish. No lease may extend beyond the Member's elected term. Members must notify the Office of Finance at x57474 in writing when a lease is terminated.

District offices may be located in:

1. *Federal buildings commercial buildings*
2. *State, county, or municipal buildings*
3. *Mobile district offices*

District office space must be located within a Member's district unless there is no suitable office space in a federal building in the Member's district. In that event, a district office may be located in a federal building serving the Member's district.

Members may not accept free office space from private entities. Private office space must be leased at a fair market value as the result of a bona fide, arms-length, marketplace transaction.

All leases must include a House lease attachment. Leases and lease attachments must be submitted to the Office of Administrative Counsel (x54899) for review and processing. The Committee recommends that Members submit such leases for review prior to being signed by the Member and lessor, because the Member is personally liable for payments under any lease not in compliance with House Rules and Committee regulations.

The House will authorize disbursement of funds under the terms of the lease agreement only if the lease agreement complies with the Rules of the House and the Regulations of the Committee on House Administration. The House will not authorize disbursement of funds to make payments under the terms of the lease agreement until the Administrative Counsel has reviewed the lease agreement and has signed the Attachment. Similarly, the Administrative Counsel must review any proposed substantive amendment and sign the Attachment for the amendment before the House will authorize any payment pursuant to such an amendment. Any amendment to a lease agreement must be in writing.

The Committee on Standards of Official Conduct has ruled that Members may accept free office space, located in their district, when such space is provided by a federal, state, or local government agency.

Contact the Administrative Counsel at x54899 for lease standards.

See Deposits (16).

Mobile District Offices

Mobile district offices must remain in the Member's district unless they are being stored, receiving maintenance and repair, or traveling between points in the district.

Parking

Parking should be negotiated as part of the district office lease. However, if parking is unavailable or insufficient through the district office lease, Members may negotiate a separate parking space lease and submit it to the Office of Administrative Counsel for review and processing.

Contact the Administrative Counsel at x54899 for lease standards.

Under the tax code and IRS regulations, Members and their staff have imputed taxable income to the extent that the fair market value of Government-provided parking exceeds $175.00/month (the value of the parking space is subject to future adjustments). Government-provided parking includes the combined value of parking spaces in Washington, D.C., and the district.

Contact Human Resources at x52450 to make appropriate tax withholdings.

Repairs

Ordinary and necessary expenses for minor office repairs that are the responsibility of the tenant, or cosmetic changes that are requested by the tenant and are not covered in the lease are reimbursable. The expenses of capital improvements to district offices are not reimbursable.

Contact the Office of Administrative Counsel at x54899 to determine if a repair qualifies as a minor office repair or cosmetic change.

Security

Ordinary and necessary expenses associated with security measures in a Member's district office are reimbursable.

Sharing Offices

A Member may share office space with Members of the United States Senate from the Member's state or with state and local officials, but all expenses (including rent, utilities, etc.) and space must be kept and billed separately. Members may not share district office space with other Members of the House of Representatives.

Contact Administrative Counsel at x54899 to submit such leases for review, and the Office of Finance at x57474 to establish billing arrangements.

Signs

Ordinary and necessary expenses related to purchasing sign(s) to identify the location of a district office are reimbursable Such signs may not include a picture or likeness of the Member and must state that the premises is a district congressional office. If a sign includes more than a Member's name and district, the content must comply with the Franking Regulations.

Storage

Storage should be negotiated as part of the district office lease. However, if storage space is unavailable or insufficient within the district office space, Members may negotiate a separate storage space lease and submit it to the Office of Administrative Counsel for review and processing.

Contact the Administrative Counsel at x54899 for lease standards.

Utilities

Utilities are reimbursable. They may be integral to the lease and included in the monthly rent, or may be vouchered separately, or processed through automatic payment.

Contact the Office of Finance at x57474 for information regarding automatic payment of utilities.

Communications

Advertisements

Ordinary and necessary expenses related only to the following types of advertisements are reimbursable:

1. ***Notice of town hall meetings.***
2. ***Personal appearance of the Member at an official event which the Member sponsors and hosts in support of the conduct of the Member's official and representational duties to the district from which elected.***
3. ***Notice relating to the nomination process to the U.S. Military Academies.***
4. ***Notice relating to the congressional art competition, "An Artistic Discovery."***
5. ***Notice of employee and internship openings.***

Advertisements may not include a picture or likeness of the Member.

Advertisement must receive an Advisory Opinion from the Franking Commission.

Advertisements for town hall meeting may only contain the Member's name, general title of subject matter addressed, germane graphics, guests (if applicable), time, date, location of the meeting (if applicable), and contact.

Contact the Franking Commission at x59337.

There are restrictions on mass communications within 90 days of an election.

See Unsolicited Mass Communication Restrictions (35), Audio and Video Expenses (27), Town Hall Meetings (21), Employment-Related Expenses (16), Newspaper Inserts (33), Television (26), and Radio (26).

<u>Disclosure</u>

Members must disclose, within the text of a television, radio and Internet advertisement, the source of payment for the official advertisements. Members may use any of the following:

1. ***"Paid for with official funds from the office of [Member's name]."***

2. *"Paid for by the funds authorized by the House of Representatives for the [district number] District of [name of state]."*
3. *"Paid for by official funds authorized by the House of Representatives."*

Internet
Members are authorized to purchase banner advertisements on web pages that serve the Member's district. The banner advertisement may contain only text. The banner may link to a secondary page that contains only text relating to a category of authorized advertisement, and the secondary page may contain a link to the Member's home page.

Radio
Ordinary and necessary expenses for a radio advertisement announcing a town hall meeting are reimbursable.

The radio station broadcasting the advertisement or meeting must serve the Member's district.

Television
Ordinary and necessary expenses of a television advertisement announcing a town hall meeting are reimbursable.

A television advertisement announcing a town hall meeting may only contain text and voiceover. Advertisements announcing town hall meetings are the only form of television broadcasting that is reimbursable. The television station broadcasting the advertisement must serve the Member's district.

Audio and Video Expenses
Ordinary and necessary expenses related to audio and video recording and materials, including but not limited to the following, are reimbursable:
1. ***Production of public service announcements for distribution to the stations serving the Member's district.***
2. ***Filming related to the appearance of a Member or the Member's employee at an official event.***
3. ***Videotapes and transcripts of commercial broadcasts related to the Member or the Member's district for in-office use.***
4. ***Videotapes that are produced by the Member or videotapes that are provided to a Member and authorized by the providing entity to be reproduced for official distribution.***
5. ***Video teleconferencing services incurred in support of the Member's official and representational duties.***

Except for town hall meeting announcements, the costs related to purchasing television broadcast time are not reimbursable.

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

There are certain election-related restrictions on mass communications.

See Unsolicited Mass Communication Restrictions (35).

Booths

Ordinary and necessary expenses associated with renting or outfitting a booth to provide public information directly related to the Member's official and representational duties are reimbursable.

See Advance Payments (42).

Distribution of Publications

Private Publications

A Member may distribute a purely informational and instructional printed publication created by a private entity. If the private document is to be distributed under the Frank the document must comply with the Franking Regulations.

Contact the Franking Commission at x59337.

Government Publications

A Member may distribute government publications.

A report, document, or publication distributed by a Member may not contain a notice that it is sent with "the compliments" of the Member. (44 U.S.C. §1106).

Electronic Communications

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

For 500 or less substantially identical communications the content of the communications must comply with the Franking Regulations.

For more than 500 substantially identical communications the content of the communication must receive an Advisory Opinion from the Franking Commission.

Franked Mail

Postage expenses of Frankable mail are reimbursable in accordance with the regulations contained in this Members' Congressional Handbook.

Contents of official mailings paid for through the MRA are subject to the regulations of the Commission on Congressional Mailing Standards (Franking Commission)(x59337).

Use of the Frank

1. ***Pursuant to the provisions of 39 U.S.C. §3210, each Member is entitled to the privilege of sending mail as Franked mail in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States. For information regarding the use of the Frank, refer to the Franking Regulations (available from the Franking Commission x59337).***
2. ***Mail to be delivered outside the United States, its territories and possessions (other than mail matter bearing an APO or FPO address for delivery through the United States military mail system), is not eligible for distribution under the Frank and may be sent with stamps. In applicable circumstances the Member may also use the following:***
   a. ***For official mail to U.S. Embassies and missions abroad, the Department of State provides diplomatic pouch service. For information regarding this service, contact House Postal Operations at x53856.***
   b. ***House documents (committee hearings, reports, and prints) which are not available for purchase from the Government Printing Office, and which are to be sent to foreign countries, may be sent to the Library of Congress for forwarding through the Exchange and Gifts Division. For information regarding this program, contact the Library of Congress, Exchange and Gifts Division at x75243.***

Accounting for the use of the Frank in the Washington, D.C., Congressional Office

1. ***The Office of Finance assigns a 5-digit billing account number to each Member.***
2. ***House Postal Operations assigns a bar code to each Member. The bar code must be printed on all letter-sized envelopes, postcards, Kraft envelopes and labels procured in support of the official and representational duties of the Member's Washington, D.C., office.***
3. ***Mail collected by House Postal Operations for distribution via the U.S. Postal Service (USPS) will be accounted for by House Postal Operations' automated system. House Postal Operations prepares a monthly statement of postal charges for Franked mail they have processed and provides a copy of this statement to the Office of Finance who forwards it to the USPS. An informational copy is provided directly to the Member.***
4. ***Direct District Office Pouch Service (DDOP) or orange bag is available to expedite mail between the Washington, D.C. and district congressional offices. The cost of DDOP service is charged at the Priority Mail rate and is accounted for by House Postal Operations.***
5. ***The Open and Distribute service is available to expedite the delivery of first class mail between the Washington, D.C. office and district addresses. Each piece of mail sent via the Open and Distribute service is charged at the First Class Mail rate and is accounted for by House Postal Operations.***
6. ***Non-permit mail processed by House Postal Operations for distribution via the USPS, (small packages, oversized envelopes, flags, etc.), will be accounted for by House Postal Operations. House Postal Operations prepares a monthly***

statement of postal charges for Franked mail they have processed and forwards it to the USPS. An informational copy is provided directly to the Member.

For information regarding the use of these services contact House Postal Operations at x53856.

Bulk Standard Mailings in the Washington, D.C., Congressional Office

1. *A bulk Standard Mailing (formerly third-class mail) is defined by the USPS as a mailing consisting of at least 200 pieces or weighing 50 or more pounds.*
2. *If bulk Standard Mailings are to be distributed directly by the Washington, D.C. office via the USPS, the Member must apply to use the G300 House mail permit number.*
3. *A bulk mailing distributed directly by the Washington, D.C., office via the USPS must be deposited at a U.S. Bulk Mail Acceptance Center and must be accompanied by a completed Statement of Mailing form (PS 3602R or PS 3605R Priority Drop Shipment) a copy of which should be retained by the Member's office.*
4. *Bulk mail processed by mail houses for distribution via the USPS will be accounted for on a Statement of Mailing form.*
5. *The mail houses will notify USPS of the charges incurred. Members should request that the mail houses provide an informational copy of these charges on PS 3602R forms directly to the Member. This will help in the completion of the quarterly mass mailing report Members submit to the Finance Office.*

Mass Mailings

A mass mailing is any unsolicited mailing of substantially identical content to more than 500 persons in a session of Congress.

Members may not send mass mailings outside of the district from which elected. (39 U.S.C. § 3210)

All mass mailings must receive an advisory opinion from the Commission on Congressional Mailing Standards (Franking Commission) prior to mailing.

Any printed material sent out as a mass mailing without a Franking Advisory Opinion is reimbursable only if the Franking Commission subsequently deems the mailing
Frankable.

Federal law requires each mass mailing sent by a Member of Congress to display the following disclaimer:

"This mailing was prepared, published, and mailed at taxpayer expense."

The notice must appear prominently on the front page of a letter, on the front of the envelope or near the mailing panel, or on the first page of a self-mailer. It must

appear horizontally and set apart from other text by lines of spacing and printed in type size not smaller than 7 point.

Member offices are required to submit a completed quarterly Mass Mail Reporting Form to the Office of Finance within 2 weeks after the closing of the reporting period. If the office did not send mass mail in that period, the form must still be submitted.
Mailing costs are disclosed in the quarterly Statement of Disbursements for the House. (2 U.S.C. §59h).

Contact the Franking Commission at x59337.

See Use of the Frank (28).

District Office(s) Monthly Reporting
Each Member must provide a monthly accounting of Franked mail costs sent out of each of their district offices.

Certification of Franked Mail

1. ***If a Member does not choose to use a postage meter to account for district office mail, the Member must account for Franked mail directly deposited to the USPS on the Member District Office Certification of Franked Mail form.***
2. ***The Member District Office Certification of Franked Mail form must be completed by each district office on a monthly basis and received by the Office of Postal Operations for processing by the second business day following the end of the month. The submitted form must have the Member's original signature certifying its accuracy. The Office of Postal Operations will forward this information to the USPS.***
3. ***If the Member District Office Certification of Franked Mail is 30 days delinquent the CAO will notify the Member. 30 days after notification of delinquency the Franked mail usage for the unreported month will be estimated and deducted from the MRA.***

Member District Office Certification of Franked Mail forms are available from Postal Operations, x53856.

Postage Meters

1. ***As an alternative to the Member District Office Certification of Franked Mail form, Members may account for their Franked mail via a postage meter.***
2. ***Members must contact Office Systems Management at x53994 prior to procuring a postage meter.***
3. ***At the end of each month, the postage meter vendor will forward a statement of the applicable postage charges for the month directly to the USPS and will provide an informational copy of this statement to the Member's Washington, D.C. Congressional office.***

Bulk Standard Mailings in the District Office

1. ***A bulk Standard Mailing (formerly third-class mail) is defined by the USPS as a mailing consisting of at least 200 pieces or weighing 50 or more pounds.***
2. ***A bulk standard mailing distributed directly by the district office via the USPS must be deposited at a U.S. Bulk Mail Acceptance Center and must be accompanied by a completed Statement of Mailing form (PS 3602R or PS 3605R Priority Drop Shipment) a copy of which should be retained by the Member's office.***
3. ***Bulk standard mail processed by mail houses for distribution via the USPS will be accounted for on a Statement of Mailing form.***
4. ***The mail houses will notify USPS of the charges incurred. Members should request that the mail houses provide an informational copy of these charges on PS 3602R forms directly to the Member. This will help in the completion of the quarterly mass mailing report Members submit to the Finance Office.***

See Mail Preparation (32).

USPS Franked Mail Monthly Statement

1. ***The Office of Finance completes a monthly summary of postage charges of Franked mail not otherwise reported on a PS 3605R or PS 3602R, and will forward this summary to the USPS by the seventh working day following the end of the month.***
2. ***Each month the USPS will prepare a USPS Franked Mail Monthly Statement listing the postage expenses of all Franked mail incurred in that month. The USPS will forward this statement directly to the Office of Finance for payment from the MRA and will provide an informational copy to the Member's Washington, D.C., congressional office.***
3. ***Members should immediately reconcile this USPS statement with their copies of bills. If any discrepancies exist, please contact the Finance Office.***

USPS Notice of Balance

On a monthly basis, the USPS will send the Member and Postal Operations a notice of the amount used for official mail.

The Postmaster general may not deliver official mail the cost of which is in excess of the authorized MRA.

Mail Preparation

Ordinary and necessary expenses associated with the printing and preparation of Member correspondence are reimbursable. Franking expenses associated with all mailings will be deducted from the MRA.

See Bulk Mailings (29 & 31).

Mailing Lists

Ordinary and necessary expenses related to the procurement and production of mailing lists may be reimbursed under the following circumstances: the list contains information about individuals within the Member's district; the list was procured or compiled as a result of a bona fide arms length marketplace transaction; and the list does not contain any campaign, campaign related, or political party information.

Members may not purchase or acquire mailing lists from their campaign offices unless the lists are available on the same terms to other entities through an arms length marketplace transaction. Official mailing lists may not be shared with a Member's campaign committee, any other campaign entity, or otherwise be used for campaign purposes.

39 U.S.C. § 2910 prohibits Members from sending any mass mailings outside of the district from which elected. Refer to the Franking Regulations.

Inside Mail

1. *Inside Mail is a delivery service for the transmittal of inter-office communications provided by House Postal Operations, pursuant to the regulations established by the Committee on House Administration. Inside mail service is available among offices in the Capitol, the House and Senate Office Buildings, the Library of Congress, the White House, the State Department, and the Social Security Administration.*
2. *Inside mail is provided to support the conduct of the official business of Members, committees, Officers of the House, and Congressional Staff Organizations.*
3. *Inside mail service may not be used to circulate letters which are personal or campaign-related, or which constitute commercial advertising except when postage is paid for with personal expenses.*
4. *All mail to be delivered via inside mail should be clearly marked Inside Mail and should be deposited in an Inside Mailbox.*
5. *Authorized items for circulation of inside mail include:*
   a. *A Dear Colleague or similar correspondence relating to the official and representational business of the Member. This correspondence must be on official letterhead and signed by the Member.*
   b. *A position paper, report, legislative analysis, or any material published or produced by another individual or organization that a Member wishes to circulate. This correspondence must be accompanied by a signed cover letter, on official letterhead. A copy of the cover letter must be attached to each item to be distributed.*
   c. *Franked mail.*
   d. *Stamped mail.*
   e. *Mail for which a delivery fee has been paid.*
   f. *Mail in a reusable blue U.S. House of Representatives Inside Mail envelope.*
   g. *Mail produced by Congressional Staff Organizations registered with the Committee on House Administration.*

Dear Colleague letters and similar correspondence must be transmitted to House Postal Operations, in the appropriate quantity, with a cover letter signed by the Member, indicating to whom the mailing should be distributed. For information regarding these procedures, contact House Postal Operations at x53856.

Newspaper Inserts

Ordinary and necessary expenses related to the production and distribution of newspaper inserts are reimbursable. The content must be in compliance with the Franking Regulations.

There are certain election-related restrictions on mass communications.

See Unsolicited Mass Communication Restrictions (35).

Postal Expenses

Postal expenses incurred only when the Frank is insufficient, such as certified, registered, insured, express, foreign mail, and stamped, self-addressed envelopes related to the recovery of official items, are reimbursable. Postage may not to be used in lieu of the Frank. All mailings initiated by a Member must be in compliance with the Franking Regulations.

Members must return unused postage stamps to the Office of Postal Operations at the end of a Member's service in the House.

Contact the Committee on House Administration at x58281.

Printing and Production

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

1. *Newsletters, postal patron mailings, mass mailings, notices of town hall meetings or notices of personal appearance of the Member at an official event*
2. *Administrative papers (casework tracking forms, personnel record forms, etc.)*
3. *Legislative papers (bills, drafts, summaries, amendments, etc.)*
4. *Business cards for Members and their employees*
5. *Stuffing, sealing, and associated expenses relating to printing and sending official mail*

If printed materials are to be sent under the Frank, a written advisory may be required.

See Use of the Frank (28) and Unsolicited Mass Communication Restrictions (35).

Stationery

Ordinary and necessary expenses associated with the printing and production of official stationery are reimbursable. Official stationery may be procured from the Government Printing Office (44 U.S.C. §734).

Contact the Congressional Printing Management Division at 202-512-0224 and the Office of Publication Services at x51908 for stationery requests.

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

Samples of such stationery are available from the Office of Publication Services.

Appearance
Official stationery must contain the following information:
1. ***Member's name***
2. ***Member's district and state***
3. ***Congress of the United States, House of Representatives, or comparable language***

Official stationery may not contain the following information:
1. ***Seals other than the Great Seal, Congressional Seal, or State Seal***
2. ***Member's political party identification***
3. ***Slogans***
4. ***Private entity information or endorsement***
5. ***Campaign contact information (e.g. address, phone number, e-mail address)***
6. ***Greetings***

Use
Official stationery may be used only for a letter or other document the content of which complies with the Franking Regulations. Contact the Franking Commission at x59337 for information on content of official correspondence.

Contact the Committee on Standards of Official Conduct at x57103 for information on the use of official stationery.

Business Cards
Ordinary and necessary expenses for business cards for Members and employees are reimbursable. The content of business cards must comply with the Franking Regulations. Business cards must contain the name of the employing authority and accurately describe the position to which the employee has been appointed.

Business cards may be obtained through Office Supply Service x53321.

Unsolicited Mass Communication Restrictions
Unsolicited mass communication is defined consistent with Franking Regulations as any unsolicited communication of substantially identical content to 500 or more persons in a session of Congress.

Unsolicited mass communications, regardless of the means of transmittal, must receive an Advisory Opinion from the Franking Commission prior to dissemination.

Advisory Opinions may be obtained from the Franking Commission at x59337.

Expenditures from the MRA for unsolicited mass communications, regardless of the means of transmittal, are prohibited if such communication occurs fewer than 90 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member's name will appear on an official ballot for election or re-election to public office.

Examples of unsolicited mass communications are:

1. *Radio, TV, internet, or newspaper advertisements of town hall meetings*
2. *Radio or newspaper advertisements announcing a personal appearance of the*
3. *Member*
4. *Newspaper inserts*
5. *Electronic messages and mailings*
6. *Automated phone calls*
7. *Facsimiles*
8. *Mass mailings*
9. *Distributed posters, leaflets, handouts, etc.*
10. *Purchase of radio broadcast time*
11. *Production and distribution costs for video and audio services*

This restriction does not apply to the following:

1. *Direct responses to communications (i.e. solicited communications)*
2. *Communications to Members of Congress and other government officials*
3. *News releases*
4. *Web sites and other electronic bulletin boards that post information for voluntary public access*
5. *Advertisements for employee position and internship openings, U.S. Military Academy Days, and An Artistic Discovery*
6. *Member's appearance as a media guest, whether by newspaper interview, radio, television or other electronic means*
7. *Previously recorded shows and Public Service Announcements aired voluntarily by a media outlet, when no expenses are incurred by the Member*
8. *Purchases of research materials, including video or audio-tapes; and,*
9. *Video Teleconferencing*

Web Sites

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

1. *Ordinary and necessary expenses associated with the creation and continued operation of Web sites, in support of the Member's official and representational duties, are reimbursable.*

2. ***Member's Web sites must be located in the HOUSE.GOV host-domain and may be maintained by either House Information Resources (HIR), the Member's congressional office, or a private vendor.***
3. ***Member's Web sites may link to Committee Web sites, but Committee Web sites may not be located on Web sites paid for by the MRA.***
4. ***Congressional Member Organizations (CMOs) may not create or operate independent Web sites. Members may include information within their Web site about CMO issues and activities. All CMO references within a Web site must relate to the Member's official and representational duties.***
5. ***HIR will display an exit notice stating that users are leaving the House of Representatives prior to linking to a non-House of Representatives Web site. The exit notice will include a disclaimer that neither Members nor the House are responsible for the content of linked sites. Member offices maintaining their sites on the Public web server are required to incorporate the exit notice into their external links.***
6. ***Web sites should be ADA compliant.***

See Contractors (7).

Content

The content of a Member's Web site:

1. ***May not include personal, political, or campaign information.***
2. ***May not be directly linked or refer to Web sites created or operated by a campaign or any campaign related entity including political parties and campaign committees.***
3. ***May not include grassroots lobbying or solicit support for a Member's position.***
4. ***May not generate, circulate, solicit, or encourage signing petitions.***
5. ***May not include any advertisement for any private individual, firm, or corporation, or imply in any manner that the government endorses or favors any specific commercial product, commodity, or service.***

Name (URL)

The URL name for an official Web site located in the HOUSE.GOV domain must be recognizably derivative or representative of the name of the Member or the name of the office sponsoring the Web site.

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

1. ***Be a slogan.***
2. ***Imply in any manner that the House endorses or favors any specific commercial product, commodity, or service.***

Security

All House systems and devices with connections to the Internet must comply with network and security guidelines of the Committee on House Administration. These guidelines include the following:

1. *Offices must send a written request for access to Internet services to HIR. Technical requirements will be provided to each office by HIR.*
2. *All users authorized to access the Internet must have unique identifiers and password security.*
3. *Users must immediately report any unauthorized access or unusual system activities to HIR Security Office (x66448). HIR will investigate any breaches of the Internet security system.*
4. *Internet access will be installed only after determination by HIR that anti-virus software has been installed on the Member's computer system.*

Users with current anti-virus software provided by the House and installed on in-office computers may download software, patches, and fixes. Users are responsible for complying with any legal or contractual requirements from the owners of the software that is downloaded. Users should upgrade the anti-virus software as directed by HIR.

Equipment

For all questions relating to equipment and equipment-related issues, refer to the User's Guide to Purchasing Equipment, Software, and Related Services, available from the Committee on House Administration.

Routine administrative requests (equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov//) or call First Call/One Call at x58000.

Travel

General

Travel by Members, Members' employees, and vendors in support of the official and representational duties of that Member to the district from which elected is official travel.

Ordinary and necessary expenses associated with official travel are reimbursable.

Official travel includes local travel and travel away from home overnight to conduct official and representational duties, when returning to the duty station or residence is impractical.

Living expenses and commuting expenses are not reimbursable. Living expenses include meals, housing, and other personal expenses incurred at the Member or

employee's residence or duty station. Commuting expenses are transportation expenses incurred by the Member or employees between their residence and duty station.

Official travel, paid for with the MRA, may not be for personal, political, campaign, or committee purposes.

Official travel cannot originate from or terminate at a campaign event. Official travel may not be combined with or related to travel or travel-related expenses paid for with campaign funds.

Official travel may not exceed 60 consecutive days.

Members have two duty stations: their Congressional District and Washington, D.C.

Vendor Official Travel
Official travel also includes travel by a vendor when traveling to provide service or training to Member offices.

A vendor is an employee of a private company that provides maintenance and support for equipment and software (computer and non-computer) under a valid House contract or working on a time and material basis.

Unexpected Official Travel
Official travel includes travel to Washington or the Member's District from a location visited on personal travel if the travel to Washington D.C or the Member's District is necessitated by an unexpected official and representational duty. (e.g. previously unscheduled House vote, natural disaster, or civil disorder)

Combined Travel
Combined travel is travel by a Member or their employees for the primary purpose of supporting the official and representational duties of the member, but includes an intervening destination or an additional time period that is included for personal purposes.

Combined travel requires that:

1. ***The primary purpose of the travel must be official and representational. The personal segment of the combined travel may not be purchased at a government rate or be purchased with a Government Travel Card.***
2. ***The traveler seeks reimbursement for either the government rate of the direct route and means to the destination required for official and representational business, or the actually traveled fare, whichever is less.***
3. ***The traveler personally pays any additional expenses incurred as a result of the personal travel.***
4. ***The traveler attaches a brief memo to the voucher submitted for combined travel reimbursement, stating that the official travel and personal travel was combined for personal convenience.***

Official Travel Expenses
Official travel expenses including transportation, lodging, meals (excluding alcohol), fees (parking, tolls, ticket change fees, etc.), and other ordinary and necessary incidental expenses while on official travel status are reimbursable.

Shared Official Travel Expenses
Official travel expenses may be shared by more than one Member or Committee office. The division of expenses must accurately reflect each traveler's expenses, and offices may only pay for the expenses of the Member, staff, and authorized vendors.

See Government Travel Card (43). See Town Hall meetings (22).

Chartered Aircraft

Ordinary and necessary expenses related to chartering an aircraft for official travel are reimbursable when:

1. ***Passengers are restricted to Members, their employees, and their immediate family members (spouse, child, parent), the names of whom must be stated on the voucher.***
2. ***If an immediate family member uses a chartered aircraft the Member may seek reimbursement for the full cost of the chartered aircraft and the family member must submit a check to the Office of Finance payable to the U.S. Treasury equivalent to the cost of a comparable commercial first class fare. A letter explaining the reason for its submission must accompany the check.***

See Disbursements (42).

Corporate or Private Aircraft

A Member and/or their employees who travel via corporate, business, or privately owned aircraft in support of the conduct of official and representational duties must reimburse the entity providing the flight, for the fair market value of the flight. To determine the fair market value of such a flight, apply the following:

1. ***When the travel is via a previously or regularly scheduled flight by the corporation, business, or individual, the entity must be reimbursed based on the cost of a commercial first class flight to the nearest location served by a commercial passenger airline. If only coach rates are provided at the nearest location, the Member must reimburse the cost of a commercial coach rate.***
2. ***When the flight is scheduled specifically for Member use, payment will be made based on the cost of an equivalent commercial chartered flight to that location.***

Prior to scheduling travel provided by any corporation, business, or individual, a Member or employee must verify that the person has authority under its FAA certification to accept payment for travel as set forth above. Contact the Committee on Standards of Official Conduct at x57103.

See Privately-Owned Vehicles (42).

Government Rate Eligibility

Government rates are available to Members and employees to support the conduct of official travel.

To be eligible for Government rates when purchasing tickets for official travel, Members and employees may present:

1. ***The Government Travel Card.***
2. ***An Official Travel Authorization (OTA) coupon available from the Finance Office. (Some airlines only allow the government rate for tickets purchased with the government travel card.)***

Contact the General Services Administration (GSA) to obtain a listing of schedules and fares of the federal contract air, rail, and bus carriers, car rental companies, and hotels/motels.

Officially Leased Vehicles

Ordinary and necessary expenses related to the lease of a vehicle in support of the conduct of official and representational duties are reimbursable.

Non-governmental use of such a vehicle may be made only when such use is:

1. ***During the course of and generally along the route of a day's official itinerary.***
2. ***Incidental to the day's official and representational business.***
3. ***De minimis in nature, frequency, and time consumed.***
4. ***Does not otherwise constitute a significant activity or event.***

<u>*Short-Term*</u>

Ordinary and necessary expenses related to short-term vehicle rental are reimbursable. Rental may not exceed 60 consecutive days.

The government discount rates offered by some rental car companies include:

1. ***Unlimited free mileage.***
2. ***Collision damage waiver (CDW) at no additional cost.***

Cars rented at the government rate should include the CDW. Not all rental car franchises offer the government rate with CDW included. To ensure CDW coverage, offices can make their rental car reservations through the Combined Airlines Ticket Office (CATO). CATO is located at B-222 Longworth Building.

If an office does not use CATO then the Committee recommends the following:

1. ***At time of the reservation, indicate that the rental is for official government use at the government rate with CDW included.***
2. ***At the time of rental, use the Government Travel Card (or present official travel authorizations (OTA) to the rental company) and confirm that the car is being rented at a government rate with CDW included. The employee must verify that***

collision damage waiver is included, as simply receiving the government rate does not automatically ensure inclusion of this insurance.

Offices may obtain an Official Travel Authorization coupon from the Finance Office.

If the government rate is unavailable the cost of CDW is reimbursable.

Personal accident insurance (PAI), personal effects coverage (PEC), and equivalent insurance policies are not reimbursable.

If an employee on official and representational business is involved in an accident with a rental car, notify the Office of General Counsel at x59700.

Long-Term

Ordinary and necessary expenses related to a long-term rental or lease of a vehicle by a Member in the Member's District are reimbursable.

1. *A Member has two leasing options:*
   a. *A Member may lease a vehicle for a period that does not exceed the Member's congressional term.*
   b. *The Member may lease a vehicle for a period that exceeds the current Congressional term, but must submit a signed letter that acknowledges personal responsibility to fulfill any outstanding obligation stemming from such a lease in the event the Member's service to the House ends prior to the lease agreement. Such letters should be attached to the negotiated lease and submitted to the Office of Administrative Counsel (612 O'Neill House Office Building).*
2. *The Committee recommends that Members submit leases to the Administrative Counsel for review prior to being signed by the Member and lessor, since the Member is personally liable for payments under any lease not in compliance with House Rules and Committee regulations.*
3. *Termination notices should be forwarded to the Administrative Counsel.*
4. *Leases may not include a purchase option.*
5. *Lessor-required insurance may be reimbursed. Security deposits are not reimbursable.*
6. *The Committee recommends that long-term vehicle leases begin on the first day of the month.*
7. *Monthly payments for a long-term vehicle lease may be made in advance.*

The House will authorize disbursement of funds under the terms of the lease agreement only if the lease agreement complies with the Rules of the House and the Regulations of the Committee on House Administration. The House will not authorize disbursement of funds to make payments under the terms of the lease agreement until the Administrative Counsel has reviewed the lease and has signed the Attachment.

Expenses

Expenses related to leased vehicles (both short-term and long-term) including but not limited to the following are reimbursable:

1. ***The actual monthly cost of the lease (not applicable to short-term)***
2. ***The cost of insurance incurred pursuant to the terms of the lease (not applicable to short-term)***
3. ***Excess mileage charges incurred pursuant to the terms of the lease***
4. ***Incidental operating expenses (gasoline, oil, general maintenance, etc.)***
5. ***Wear and tear (not applicable to short-term)***
6. ***Registration fees (not applicable to short-term)***
7. ***Property tax during the term of the lease (not applicable to short-term)***

Security deposits, termination fees, traffic violations, depreciation loss based on premature return, and similar fees, penalties or charges may not be reimbursed.

See Advance Payments (42).

Privately-Owned Vehicles

Mileage incurred via a privately owned or privately leased vehicle while on official and representational business is reimbursable on a rate per mile basis. The maximum rates per mile are:
Automobile: $.345
Motorcycle: $.275
Airplane: $.965

Only mileage for use of an aircraft that is privately owned by either a Member or the Member's employee is reimbursable.

See Disbursements (42) and Corporate or Private Aircraft (39).

Travel Promotional Awards

Free travel, mileage, discounts, upgrades, coupons, etc., awarded at the sole discretion of a company as a promotional award may be used at the discretion of the Member or the Member's employee. The Committee encourages the official use of these travel promotional awards wherever practicable.

Disbursements

Advance Payments

There are instances in which advance payments may be required and may be paid from the MRA. Unless specifically authorized by the Committee, only the following advance payments are reimbursable:

1. ***Public information booth rental***
2. ***District office rent for space located in federal buildings***
3. ***Educational expenses***

4. *Authorized insurance premiums*
5. *Newspaper and periodical subscriptions*
6. *Telecommunications devices*
7. *Post-office box rentals*
8. *Original Equipment Manufacturers' warranties*
9. *Monthly payments of a long-term automobile lease*

Authorized Methods of Payment

Official travel-related expenses may be paid with cash, check, personal credit card, etc., or the Government Travel Card for Members and employees and reimbursed through the Finance Office.

See Government Travel Card (43), Dues (16), and Disbursements (3).

Reimbursement and Direct Payment

Disbursements from the MRA are paid on a reimbursable basis or by direct payment (to vendors) and require:

1. ***The Member's signature, certifying that the expense was incurred in support of the Member's official and representational duties to the district from which elected.***
2. ***Supporting documentation (receipt, lease, bill etc.).***

Government Travel Card

The Government Travel Card is available for Member and employee use for official travel and travel-related expenses. Such travel expenses incurred on this or any other credit/charge card, are directly reimbursable to the traveler or to the cardholder with a copy of the credit card statement, an accompanying voucher, and applicable receipts. When reimbursement is to be made to the cardholder for expenses incurred by someone other than the cardholder, the description of services stated on the voucher must clearly identify the traveler and the expense incurred.

Members and employees are reminded that the Government Travel Card is for official travel purposes only. Use of this card for any personal or non-official purchases is prohibited. The Government Travel Card may be used by the cardholder only. The cardholder may use the card to purchase travel-related services (airline tickets, hotel expenses, etc.) for other authorized travelers.

The Office of Finance will monitor the monthly aging report received from the vendor and alert offices of delinquencies. The Office of Finance will not intervene with the vendor in the event of a delinquency.

Seeking Reimbursement: Vouchers

Requests for reimbursement or payment from the MRA must be submitted on a completed voucher to the Finance Office.

Each voucher must include the following:

1. ***Member's original signature***

2. *Dates of service(s) provided, or date of purchase*
3. *Detailed description of the expenses incurred*
4. *Payee (the party to whom the payment or reimbursement is being made). For payment to individuals, the payee's tax identification number or Social Security number must be included on the voucher. The payee may be one of the following:*
   a. *Member*
   b. *Member's employee*
   c. *Designated vendor (this includes credit and charge card companies)*
5. *Supporting documentation (original invoices, original receipts, etc.)*
6. *Amount due*

Member offices must provide the Office of Finance with original receipts, unless original receipts are unavailable. In such cases, Members may submit the voucher with the available documentation (e.g., copy of original credit card statement) and a signed certification stating: "I certify that this is a true copy. This is my only submission for payment."

In instances where original receipts are not provided (bus fares, pay phone calls, etc.) or for taxi fares under $10.00 the information on the voucher is sufficient.

When submitting reimbursement for travel expenses, the voucher must also indicate the name of the traveler for whom the expenses were incurred.

The Committee strongly recommends that Member offices submit their vouchers for travel reimbursements at least fifteen days before the payment due date to assist the Office of Finance in providing timely reimbursements and prevent Members from incurring late fees or delinquency problems.

See Custodial Services (23), Educational Expenses (16), and Interpreting and Translating Services (18).

Expired Appropriations

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

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

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

Congressional Member Organizations

General

Members of Congress may form a Congressional Member Organization (CMO) in order to pursue common legislative objectives.

Registration

CMOs must register with the Committee on House Administration.
CMOs must provide the following information:

1. *Name*
2. *Statement of Purpose*
3. *Officers of the CMO*
4. *Employee designated to work on issues related to the CMO*

This information must be updated when changes occur and at the beginning of each Congress.

Membership

Members of both the House and Senate may participate in CMO, but at least one of the Officers of the CMO must be a Member of the House. The participation of Senators in a CMO does not impact the scope of authorized CMO activities in any regard.

Funding and Resources

CMOs have no separate corporate or legal identity. A CMO is not an employing authority. The MRA may not directly support a CMO as an independent entity. A CMO may not be assigned separate office space.

Neither CMOs nor individual Members may accept goods, funds, or services from private organizations or individuals to support the CMO. Members may use personal funds to support the CMO.

A Member of a CMO, in support of the objectives of that CMO, may utilize employees (including shared employees) and official resources under the control of the Member to assist the CMO in carrying out its legislative objectives, but no employees may be appointed in the name of a CMO.

Communications

CMOs may not use the Frank, nor may a Member lend his or her Frank to a CMO.

A Member may use official resources for communications related to the purpose of a CMO. Any such communications must comply with the Franking Regulations.

Members may devote a section of their official Web site to CMO issues, but CMOs may not have independent Web pages.

A Member may use inside mail to communicate information related to a CMO.

Members may prepare material related to CMO issues for dissemination.

Official funds may not be used to print or pay for stationery for the CMO.

Members may refer to their membership in a CMO on their official stationery.

Congressional Staff Organizations

General

A Congressional Staff Organization (CSO) is an organization, a majority of whose members are House employees, that exists for the purpose of facilitating interaction among congressional staff.

At least one officer of a CSO must be an employee of the House, and all officers must be employees of the House or Senate.

A CSO should contact the Committee on Standards of Official Conduct at x57103 before accepting anything of monetary value from a private source.

Official Resources

Other than as specified in this section, House staff that participates in a CSO may make only incidental use of official resources for activities related to a CSO. A CSO is not an employing authority of the House and may not be assigned separate office space.

In order to use official resources of the House (i.e., inside mail, House Intranet, etc.), a CSO must register with the Committee on House Administration. A sponsoring Member must submit a letter, on official letterhead, to the Committee with the following information:

1. ***Name of the staff organization***
2. ***Statement of purpose of the staff organization***
3. ***Officers of the staff organization, including contact information***
4. ***Specify which of the following resources the CSO requests use of:***
   a. ***Inside mail***
   b. ***House Intranet site***
   c. ***Postbox at House Postal Operations***
5. ***Individuals designated to maintain web and mail services on behalf of the CSO (if applicable)***

After the CSO is registered, the sponsoring Member may submit, at any time, a letter requesting access to Inside Mail, a House postbox, or a presence on the House Intranet for CSO related activities.

CSOs shall provide updated information to the Committee at the beginning of each Congress.

Regulations on the Use of the CONGRESSIONAL FRANK By Members of the House of Representatives

And

RULES OF PRACTICE IN PROCEEDINGS Before the House Commission on Congressional Mailing Standards

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PREPARED BY

THE COMMISSION ON
CONGRESSIONAL MAILING STANDARDS
HOUSE OF REPRESENTATIVES

JUNE 1998

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Part I

INTRODUCTION

The House Commission on Congressional Mailing Standards, created by Public Law 93–191, is directed to issue regulations governing the proper use of the franking privilege.

These regulations govern the use of the frank under sections 3210, 3211, 3212, 3213(2), 3215, 3218, 3219, and 3220 of title 39, United States Code, which cover franked mail generally, public documents, Congressional Record and Congressional Record excerpts, U.S. Department of Agriculture seeds and reports, and the lending of the frank.

These regulations apply to any Member or Member-elect of the House, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, designated survivor of any of the foregoing, House officials, former Members and former House officials entitled to use the frank.

The law was amended on October 26, 1981, upon enactment of Public Law 97–69. The most significant changes were to enact major provisions of House Rule XLVI relating to mass mailings and to eliminate the authority to send letters of condolence and letters of congratulations for personal distinctions.

The law had also been amended in 1978, upon enactment of Public Law 95–521 and was again amended in 1982, upon enactment of Public Law 97–263, to authorize use of the frank for the Senate Legal Counsel and the Law Revision Counsel of the House, respectively.

Public Law 99–87, enacted in 1985, authorized the use of official mail to aid in the location and recovery of missing children. This Act was extended for a period of five years in December 1987.

Public Law 101–163, enacted in 1989, limited any mass mailing to two sheets of paper or their equivalent, and changed the numerical limitation on postal customer mail and restrictions on the timing of mass mailings prior to elections.

Public Law 101–520, enacted in 1990, established an "Official Mail Allowance" for each person in the House of Representatives authorized to use the frank; required that all mass mailings be submitted to the Commission

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for review prior to mailing; and limited the geographic distribution of mass mailings.

Public Law 102–392, enacted in 1992, eliminated the two sheets of paper restriction on mass mailings and prohibited Members from mass mailing outside of the congressional district from which they are elected.

Public Law 104–197, enacted in 1996, requires that all mass mailings bear the following disclaimer statement: "This mailing was prepared, published and mailed at taxpayer expense." and prohibits Members from mass mailing 90 days prior to any primary or general election in which such Member is a candidate for public office.

The Commission is also directed to provide guidance, assistance, advice, and counsel through advisory opinions or consultations in connection with the mailing or contemplated mailing of franked mail. The staff assigned to the Commission is delegated authority by the Commission to perform advisory and consultatory functions, subject to review by the Commission.

The examples of frankable or nonfrankable mail matter as set forth in these regulations are based on the guidelines for franked mail matter enacted under Public Law 93–191, as amended. Any violation of the franking privilege is determined by the Commission under the procedures prescribed by section 5 of Public Law 93–191, as amended.

All section references in the following guidelines and regulations are to chapter 32 of title 39, United States Code, unless otherwise noted.

References to Rules of the House, as such, are noted.

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CHAPTER ONE

WHO MAY USE THE CONGRESSIONAL FRANK

1. Entitlement To Use the Frank

The following Members of the House, officers of the House and survivors are authorized to use the frank:

(a) a Representative, Delegate, or Resident Commissioner;

(b) a Representative-elect, Delegate-elect, or Resident Commissioner-elect;

(c) the Clerk, Sergeant at Arms, CAO, and Chaplain;

(d) the Legislative Counsel of the House and the Law Revision Counsel of the House; [Note: Authority for all of the above is section 3210(b)(1).]

(e) any authorized person in the case of a vacancy in the offices of (c) or (d) above under authority of section 3210(b)(2);

(f) the designated survivor of a Representative, Delegate, or Resident Commissioner who died during his term of office, for not more than 180 days afterward, under section 3218.

2. Expiration of Franking Privilege

Under section 3210(b)(3), Representatives and others vested with the franking privilege (see paragraph 1 above) are entitled on a restricted basis to use the frank during the 90-day period immediately following the date on which they leave office.

During this period, use of the frank is limited to matters directly related to the closing of the official business of the congressional or other respective office.

A Representative may not use the franking privilege during this 90-day period to—

—mail matter with a simplified form of address (postal customer mailing);

—mail newsletters, questionnaires or other similar mass mailings;

—mail any general or other mass mailings of any nature unless such mailings are in direct response to inquiries or requests from persons to whom the matter is mailed.

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From the date a Member leaves office and until a successor is sworn in, all new official business of the Washington and District offices, as well as pending official business extending beyond the 90-day period described in the preceding paragraphs, shall be mailed under the franking privilege of the Clerk of the House pursuant to the Clerk's responsibility under 2 U.S.C. 92c.

Further, upon the death of a Member, all official business relating to the closing of the office, as well as new business, shall be mailed under the Clerk's franking privilege until a successor is sworn in.

3. Representative-Elect

For the purpose of the applicable franking statutes and these regulations and guidelines, the franking privilege of a Representative-elect, a Delegate-elect, or a Resident Commissioner-elect to the House of Representatives shall begin on the date on which a certificate of election in due form is filed with the Clerk of the House.

Representatives-elect have limited use of the frank, i.e., to respond to incoming mail (although thank you messages for election to office are not frankable), set up their congressional offices or file documents with the Clerk's office. Campaign stationery cannot be used with the frank. Mass mailings may not be sent by Representatives-elect because they do not receive official expense allowances until they are sworn in as Members of the House of Representatives. Pursuant to section 3210(f), all mass mailings must be prepared and printed with appropriated funds.

4. Committees

Mail matter of any standing, select, special, or joint committee of the House, or a subcommittee thereof, or commission, composed of Members of Congress, which is frankable under section 3210, may be sent under the frank of the chairman, ranking minority member, or any other member of such committee, subcommittee, or commission. In addition, the Democratic caucus and the Republican conference of the House, or a committee, subcommittee, or other body established thereunder, may use the frank of a Member under authority of section 3215.

Section 3215 permits use of the frank by "official" committees created by order of the Congress, composed only of Members of Congress (excluding informal "caucus" or "ad hoc" groups of Members) whose business relates to political, party policy, special interest, or regional matters.

5. Loan of Frank

Section 3215 states, "A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit

its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate."

This section prohibits the use of the frank for the benefit of charitable organizations, political action committees, trade organizations, and so forth.

It should be pointed out that while the "penalty mail" provisions of law, which apply to Government agencies, permit penalty mail covers to be used by persons from whom official information is desired [39 U.S.C. 3202(b)], there is no such authority under the franking laws.[2] Therefore, attention is called to the following examples:

—A Representative may not provide a frank to a radio or television station for the return of a radio or television tape.

—A Representative may not permit his frank to be used for the return to him of responses to a questionnaire.

—A Representative may not use the frank to announce an event to be sponsored or cosponsored by an organization not eligible to use the frank.

—A Representative may not permit his frank to be used for the return of authorization forms from his constituents which may be required under the Privacy Act.

---

[2] Prohibitions concerning the receipt of return mail under the frank are expressed in *Cannon's Precedents of the House of Representatives,* vol. VI, secs. 217, 219 (1936). Section 217 provides:

> There is no provision of law under which a person receiving a request from a Member of Congress for information, official or otherwise, may send such information in the mails free of postage in an envelope bearing the frank of such Member of Congress furnished by the Member.

Section 219 provides:

> There is no provision of law under which the frank may be used for return reply.—On July 21, 1930, reply to an inquiry from the Clerk of the House, submitted at the instance of Mr. Conrad G. Selvig, of Minnesota, the Third Assistant Postmaster General rendered the following opinion:
>
> > It is improper under the law to furnish envelopes bearing frank for the use of individuals in reply to letters, and individuals receiving such envelopes cannot lawfully use them to mail matter free of postage under the frank of a Member of Congress. * * * Furthermore, there is no provision of law under which a person receiving a request from a Member of Congress for information, official or otherwise, may send such information in the mails free of postage in an envelope bearing the frank of such Member of Congress.

On May 8, 1975, the Commission held as frankable a petition by two Members, acting alone, to intervene in a rate case on behalf of constituents. The Commission held further that the same petition would not be frankable if another person not entitled to the franking privilege (such as the state attorney general) joined in the petition.

6. Inside Mail

Matter which is processed and delivered as "Inside Mail" is not subject to the provisions of the franking laws. This is a messenger service of the House provided to Members for the transmittal of inter-office communications. Since this mail matter never enters into the system of the U.S. Postal Service and is not handled by employees of the U.S. Postal Service, it is not considered "franked mail" under the statute. Therefore, it is not necessary for Members to obtain advisory opinions on material sent as "Inside Mail."

7. International Mail

The congressional franking privilege may be used only for mail matter to be delivered within the United States, its territories and possessions and for mail matter bearing an APO or FPO address for delivery through the United States military mail system.[3]

The congressional frank may not be used for mail matter addressed for delivery in a foreign country. Under terms of the Universal Postal Union Convention, such mail matter must bear prepayment of postage.

For official mail addressed to U.S. Embassies and missions abroad, Members may consult the Department of State for use of diplomatic pouch service.

8. Responsibility of Member's Staff

The actual determination of whether or not to send a particular piece of mail under a Member's frank probably will be made by his staff who prepare his mail for delivery. An improper use of the frank by a staff member, ranging from an inadvertent mistake on a single letter to a willful abuse on a mass mailing, will be imputed to his Member under most circumstances. To help avoid these violations of the franking law, with all of their resultant possible penalties and reflections on the effective administration of his office, a Member should reasonably ensure that his staff knows what kinds of mail are frankable by providing for the training and supervision of these employees and their familiarization with these regulations. Members should encourage their staff, especially in the case of all mass mailings, to consult with and seek the advice of the Commission to the greatest extent possible.

[3] In October 1990, the Commission ruled that mail bearing an APO or FPO address must relate to the official business of the Congress. Personal items or personal messages are not frankable.

CHAPTER TWO

CONTENTS OF FRANKABLE MAIL

1. Policy of Congress

Section 3210(a)(1) states, "It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States."

2. Intent of Congress

Section 3210(a)(2) states, "It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions."

3. Matters of Public Concern or Public Service

Section 3210(a)(3)(A) authorizes franking of mail matter "to any person and to all agencies and officials of Federal, state, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress." [1]

[1] Advisory opinion dated October 24, 1983, held as frankable a letter to residents advising them of a public meeting on contamination of waste disposal sites at a local Air Force Base.

Advisory opinion dated October 5, 1983, held as frankable a letter to businessmen concerning small business issues.

Advisory opinion dated December 27, 1983, held as frankable a letter to dairy farmers concerning new dairy legislation.

Commission ruling dated November 1974, held that Members may not project themselves into a future Congress, until after the November general election.

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Members may not make any mass mailings outside of the district from which they are elected. Members may respond directly to inquiries or requests from outside the district (See Chapter 3: Mass Mailing).[2]

4. Newsletter and News Release

Section 3210(a)(3)(B) authorizes franking of "the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on state and local governments and individual citizens; reports on public and official actions taken by Members of Congress and discussions of proposed or pending legislation or governmental actions and the position of the Members of Congress on, and arguments for or against, such matters" (See Chapter 3: Mass Mailing).

Guidelines for Personally Phrased References

Members are cautioned on the excessive use of personally phrased references (Member's name, "I", "me", "the Congressman", "the Representative") in newsletters or other mass mailings.

Personally phrased references contained in a mass mailing, for the most part, should not appear on the average more than eight times per page (the size of which is 8½" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in mail matter smaller than 8½" x 11"), except where such references:

—appear as the frank;
—appear in a masthead;
—consist of the signature and name following a letter, message, or the like;
—appear in any return, district, or Washington office address;
—identify a Member in a photo;
—appear in Congressional Record reprints, in most cases; or
—appear in reprints of articles from magazines, newspapers, and other periodicals, in most cases.

(The Commission points out that the guidelines set forth above do not carry the full force and effect of regulations. Thus, they are not outright limitations on the use of personally phrased references, but have been established to assist Members in preparing newsletters and other mass mailings. The use of personally phrased references in excess of these guidelines, when viewed as a whole and in the proper context, may not be in violation of the spirit and intent of the franking statutes or regulations thereunder.)

Commission ruling dated July 23, 1991, held that mass mailings to APO or FPO addresses are not frankable.

[2] Public Law 102–392 enacted in 1992.

4(a). Examples of Nonfrankable Items

- **Personal or biographical Matter (See Paragraphs 8, 10, 14, 16)**

—Autobiographical or biographical material of a Member, staff, or constituent is not frankable. [NOTE: An official biography of the Member may be franked in response to a specific request or to media.]

—No reports on the Member's family or family life.

—No reports on how the Member spends time other than in the performance of official duties.

—Community service or workday activities performed by the Member or staff are not official.

—No thank you notes or messages regarding election or re-election to office.

—Birthday, anniversary, wedding, birth, retirement or condolence messages and holiday greetings are prohibited.

- **Political and partisan references (See Paragraphs 7, 17)**

—Avoid excessive use of party labels. A general guideline is two references per page for each party.

—No party labels in photo caption excepting leadership titles.

—No specific references to past or future campaigns or elections, including election or re-election announcements and schedules of campaign related events.[3]

—Political cartoons or graphics are prohibited.

—Materials (i.e. photos, logos, slogans)used in campaign literature as well as specific campaign pledges or promises are not frankable.

—Members may not project themselves through an election cycle into a future Congress.

—Members may not directly or indirectly solicit a constituent's party affiliation.

—Comments critical of policy or legislation should not be partisan, politicized or personalized.

- **Solicitations, promotions or endorsements (See Paragraphs 5, 6 and 17, and Chapter One, Paragraph 5)**

—No solicitations for funds for or on behalf of *any* organization or person.

—No grassroots lobbying or soliciting support for a Member's position on a legislative, public policy or community issue. Members cannot generate or circulate a petition under the frank.

—No material that advertises, promotes, endorses or otherwise provides a benefit to an individual or organization not entitled to use the frank. This would include commerical, charitable, non-profit and political organizations as well as Congressional Member Organizations

[3] The Commission on Nov. 25, 1974, by a unanimous vote, held as not frankable comment in newsletter expressing gratitude to constituents for election to the Congress.

(CMO) and advisory boards or task forces. [NOTE: Leadership task forces or working groups are eligible for franking privileges under the Republican conference or Democratic caucus]

4(b). Examples of Frankable Items

- **Legislative duties (See Paragraphs 2, 3, 7)**

—Newsletters, reports, summaries or press releases on the Member's position on legislative or public policy issues.

—Discussions of official activities or meetings including participation in committee or subcommittee activities, official trips or tours, leadership roles.

—Tabulation of the Member's voting record or attendance record.[4]

—Follow-up letters or updates on a specific issue or to a targeted constituency are frankable.

—Members may discuss awards or honors presented in recognition of official or legislative efforts (no personal or politicial accomplishments).

—News articles, Congressional Record reprints, testimony and copies of official correspondence may be used as enclosures or excerpts provided the content complies with franking regulations.

—Questionnaires seeking public opinion on any law or proposed legislation. Opinion ballots on specific issues are permissible provided pro and con views are indicated.

—Editorial or issue-oriented cartoons which depict public issues (e.g., energy, inflation, defense) on a nonpolitical basis are frankable.

- **Official activities (See Paragraph 2)**

—Annoucements of town hall meetings, district office or neighborhood outreach hours, or constituent service events. [NOTE: Members cannot cosponsor events with an outside entity.]

—Notices of a visit to various sites in the district or a personal appearance by the Member to conduct official business. [NOTE: Members can only invite constituents to attend official events sponsored by the Member.]

—Military academy applications and appointment forums.

—Statements of financial disclosure when contained in a press release or newsletter are frankable.

- **Constituent service (See Paragraphs 8, 11, 12, 13, 23)**

—Federal laws and publications, copies of bills, the Congressional Record, Library of Congress documents, U.S. Capitol Historical Society calendars and publications purchased with federal funds. [NOTE:

[4] The Commission on Feb. 21, 1974, by a unanimous vote held as frankable a press release relating to the attendance record of a Member of the House.

There are limited exceptions for enclosing public service materials in an otherwise frankable mailing (see Chapter 3, Paragraph 3).]

—Non-partisan voting registration or election information.

—Photos and biographies of missing children provided by the National Center for Missing and Exploited Children.

—Congratulations to a person who has achieved some public distinction.

4(c). Pictures in Newsletters, News Releases, or Other Mass Mailings

Mail matter consisting of newsletters, the usual and customary congressional questionnaire, or other general mass mailings, including covering letters in connection therewith, may include as a part thereof a single picture, sketch, or other likeness of the Member appearing alone which is in reasonable proportion to the size of the page.[5]

Additionally, mass mailings may contain pictures in which other *clearly visible* persons appear with the Member. Photos in which the Member appears are limited to a maximum of two per page.

Press releases which are frankable, if mailed to the communications media, may be accompanied by photographs which are directly related to the subject matter of the press release being so mailed.

Guidelines for Pictures and Sketches

—Mail matter consisting of newsletters, press releases, questionnaires, meeting notices, agriculture and consumer pamphlets, and certain other mass mailings may contain a picture of the Member.

—Calendars, business cards, academy posters, letterhead, note paper, labels, and newspaper advertisements or inserts may not contain a picture of the Member.

—A mass mailing may contain only one picture, sketch, or likeness in which the Member appears alone. Such a picture may be positioned anywhere on any page, and may cover 6 percent of the page, not to exceed 6 square inches. A masthead-type photo does not require a caption or accompanying text.

[5] Advisory opinion dated July 1, 1974, held as frankable the U.S. Department of Agriculture Publications List together with an explanatory cover letter containing a masthead photograph.

Advisory opinion dated Sept. 27, 1974, held as not frankable a pocket calendar one side of which was imprinted with the photograph of the Member.

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Photo Measurements of a Member Appearing Alone

Masthead-Type Photo

Page Size	Maximum Photo Size
3.5 x 5	1 square inch
3.5 x 8	1.7 square inches
4 x 6	1.5 square inches
5.5 x 8.5	3 square inches
7 x 8.5	3.6–4 square inches
8.5 x 11	6 square inches
8.5 x 14 or larger	6 square inches

—Newsletters and other mass mailings should not include more than two pictures on any one page in which the Member appears (this includes the masthead), and the area covered by such pictures should not exceed 20 percent of such page.

Photo Measurements Totaling 20 Percent of Page

Page Size	Maximum Photo Size
3.5 x 5	3.5 square inches
4 x 6	4.8 square inches
5.5 x 8.5	9.35 square inches
7 x 8.5	12 square inches
8.5 x 11	19 square inches
8.5 x 14	24 square inches

—Except for an individual Member photo as described above, a picture which includes the Member must relate to the content of the accompanying text, or have a cutline or caption which explains the official activity rather than merely labels the picture.

—Members are cautioned on the use of pictures which contain a banner, poster, or other prominent display of a Member's name (such as mobile office). Such pictures, if they "lead to the conclusion that (their) purpose is to advertise the Member or Member-elect rather than illustrate accompanying text," could be the basis for filing a complaint. Therefore, Members are urged to exercise judgment and restraint in the use of such pictures.

—Subject matter of such photos is limited to the official business, activities, and duties of a Member of Congress.[6]

[6] Advisory opinion dated November 17, 1975, held as not frankable a photo of a Member performing a "work day" function in his congressional district unrelated to official duties. "Work day" functions include activities such as: assembly line work, farming chores, pumping gas, cashiering, etc.

—A picture of a Member in the performance of legislative, representative, or other official duties, may include the spouse or other members of the family of such Member.[7]

—A picture of a Member may not be included with mail matter consisting solely of voting or election information.

—Members are encouraged to limit their use of photographs and text which depict them receiving awards, certificates of commendation, or the like.

(The guidelines, which are set forth above, are intended to assist Members of the House in determining the proper size, number, and content of such pictures.)

5. Size and Format

Mass mailings are not restricted in their length or number of pages.[8]

There shall be a clear and readable address panel consisting of a rectangular area approximately 3½" from top to bottom and 4¼" from left to right, in proportion to the size of the page. This space will be used for the frank in the upper right hand corner, the return address in the upper left hand corner, and addressee information in the center.

In any frankable mailing, the size on print type in which a Member's name appears is limited to not more than ¼" in height, except for the masthead where it may measure not more than ½".

Mail matter which contains any logo, masthead design, slogan, or photograph which is a facsimile of any matter contained in a Member's campaign literature is not frankable.[9]

All mass mailings must bear the following disclaimer statement: "This mailing was prepared, published and mailed at taxpayer expense." This notice must appear prominently on the front page of a letter, on the front of the envelope or near the mailing panel, or on the first page of a self mailer. It must appear horizontally and set apart from other text by lines of spacing and printed in type size not smaller than 7 point.[10]

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[7] In its decision in the case of *Lowenstein v. Wydler* (February 20, 1976), the Commission ruled nonfrankable a photograph appearing in a Member's newsletter depicting the Member and the Member's son meeting with the President in the Oval Office. The photograph was accompanied by the following caption: "LIFETIME THRILL: Right after Gerald R. Ford became President of the United States, Congressman Jack Wydler and 13-year-old son Chris were invited for a private visit with the President in the Oval Office. The casual meeting covered many topics, including the nation's number one problem, inflation. And for Chris, who sat in the President's chair, the visit became a thrill of a lifetime."

[8] Public Law 102–392, enacted in 1992, eliminated the two sheets of paper restriction on mass mailings.

[9] Adopted by the Commission in October 1988, effective January 1, 1989.

[10] Public Law 104–197 enacted in September 1996.

6. Solicitation of Funds

The solicitation of funds for or on behalf of a private organization, for example, for the purpose of supporting any charitable, educational, religious or political program is not frankable.

A notice of or reference to a registration fee to cover the cost of participation (program materials, food and beverage) in an official event, conference, meeting or other such function, sponsored by the Member is not considered a solicitation.

7. Questionnaire Seeking Public Opinion

Section 3210(a)(3)(C) authorizes the franking of "the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject."

A tabulation of the results of these questionnaires received by the Representative may be included in a newsletter or other frankable mailing.

A Representative may not permit his frank to be used for the return to him of responses to the questionnaire.

The questionnaire may not include a question inviting the constituent to indicate his or her political affiliation, such as "Democrat," "Republican," or "Independent."

8. Congratulations

Section 3210(a)(3)(F) authorizes the franking of "mail matter expressing congratulations to a person who has achieved some public distinction."

The Commission emphasizes that these messages of congratulations are limited to matters of public distinction as opposed to matters of personal achievement. The following examples are illustrative, and not all-inclusive:

Examples of public distinction:

Election or appointment to public office	Publicly notable awards and honors
U.S. Citizenship	Eagle Scout/Gold Star
High School Graduation	Heroism
	Appointment to a U.S. military academy

In the above examples, there is a public purpose to be served in establishing communication with newly elected or appointed public officials on a Federal, state or local level; with new citizens and graduates; and with honorees for outstanding public service to promote the public good.

Letters consisting solely of birthday, wedding, anniversary, retirement or condolence messages are not frankable.

However, legislative correspondence, which otherwise is frankable, may contain an incidental statement of condolence or of congratulations for personal achievement. For example, a response to a constituent's request for assistance in obtaining survivor annuity benefits may contain an incidental statement of condolence. Similarly, a letter enclosing Federal publications may contain a brief congratulatory message for personal achievement, provided the substance of the letter focuses on the content of the publication or other officially related subject matter rather than on the congratulatory remark.

9. Letters of Recommendation

A letter of recommendation for a current or former employee or any individual that has worked with the Member in an official capacity is frankable as long as it relates to the duties performed by the individual. Members as part of their official duties can write recommendations for military academy and political appointees.

Members may write letters of general introduction, not endorsement or recommendation for organizations or individuals.

Letters of recommendation other than those described above are not frankable.[11]

10. Holiday Greetings

Section 3210(a)(5)(B)(iii) prohibits the use of the frank "for any card expressing holiday greetings from [a Representative]." Under precedents of the Commission, this has been interpreted to cover newsletters and all other mailings.[12] Holiday illustrations or the use of colors that give the impression of a holiday greeting are prohibited. Holiday greeting messages are prohibited on calendars. One recommendation for a calendar message is "Best Wishes."

11. Federal Laws and Publications

Section 3210(a)(3)(G) authorizes franking of "mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information."

Federal publications include the Congressional Directory, Department of Agriculture pamphlets and any other publications printed by order of Congress or by the Government Printing Office.

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[11] Adopted by Commission on Dec. 10, 1995.

[12] The Commission on Nov. 26, 1974, by a unanimous vote, held as not frankable a comment in newsletter expressing holiday greetings.

Publications purchased with Federal funds would include the U.S. Capitol Historical Society calendar.

Section 3210(f) provides, "Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

The following are examples of materials which, if printed with non-appropriated funds, may be sent as enclosures in an otherwise frankable mass mailing:

—Voter registration or election information;
—Brochures listing educational institutions or opportunities;
—Brochures listing career opportunities;
—State or local government publications listing public services;
—Publications on energy, consumer, or conservation measures of an informational nature.

Surplus books and other publications from the Library of Congress are mailable under the frank to other libraries or persons.

Ordinarily a book which is printed privately under the authorship or editorship of a Representative is not mailable under the frank; however, if the book is substantially biographical, under the provisions of paragraph 14 of this chapter, it may be mailed under the frank in response to a specific request for biographical material.

12. Congressional Record and Congressional Record Reprints

Section 3212 authorizes the franking of the Congressional Record. That section also states, "Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 . . ."

In other words, a Congressional Record reprint or excerpt is subject to the test of frankability as set forth in section 3210 and applicable regulations.

Members are cautioned on mass mailing of Congressional Record reprints containing laudatory statements of one Member by another Member, and are urged to ensure that such material complies with the statutory provisions governing laudatory statements.

13. Voting Information

Section 3210(a)(3)(H) authorizes the franking of "mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner."

A Representative may send under his frank material encouraging citizens to register and to vote or other material which provides information on voting. Care should be taken that such information is prepared in a nonpartisan manner and that it does not contain any political material which would cause it to be nonfrankable.[13]

If the matter mailed consists solely of voter information, it should not contain a picture of the Member (See paragraph 4(c) of this chapter, "Pictures in Newsletters, News Releases, or Other Mass Mailings").

14. Biographical Matter

Section 3210(a)(3)(I) authorizes franking of "mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege."

Biographical matter not in a Federal publication and sent in response to a request may be in the form of a book, or part of a book, a specially printed brochure, a newspaper or a magazine article, or any other available form.

The frankability of biographical matter would be impaired by the inclusion of personal matter for publicity, advertising, or political purposes.

The incidental inclusion of biographical material or the incidental reference to personal history in a newsletter article would not cause the entire newsletter to be nonfrankable. However, if a substantial part of the article was a recitation of the personal history of a Member, such material would come under the prohibition.

A Representative may mail biographical material under the frank to the news media, in the absence of a specific request, for the purpose of updating news media files.

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[13] Advisory opinion dated July 17, 1974, held as frankable a mass mailing to constituents urging voter registration.

Advisory opinion dated July 26, 1974, held a Member may not use his franking privilege as honorary chairman of a group of state administrators of elections to mail organizational information to such administrators.

15. Picture of a Representative

Section 3210(a)(3)(J) authorizes franking of "mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text."

The use of pictures in newsletters and accompanying news releases is described in paragraph 4(c) of this chapter.

A Representative may mail his photograph under the frank to the news media, in the absence of a specific request, for the purpose of updating their files.

A picture of the Member with a group of constituents may be sent individually to persons in the picture.

16. Personal Matter

Section 3210(a)(4) prohibits the use of the frank for "the transmission through the mails . . . of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials (who are authorized to use the frank)."[14] Letters of acceptance or regret to invitations may be sent under the frank only if a Member is invited to appear in an official capacity.

Section 3210(a)(5)(A) prohibits the use of the frank for "mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect."

Section 3210(a)(5)(B)(ii) prohibits the use of the frank for "reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect."

These prohibitions do not extend to the mailing under the frank of biographical matter, as authorized under paragraph 14 of this chapter.

[14] Advisory opinion dated June 17, 1974, held as not frankable a signed copy of the Code of Fair Campaign Practices (being returned to the Fair Campaign Practices Committee, Inc.).

Matter complimenting a Representative on a legislative achievement is frankable so long as it relates only to achievements concerned with official duties as a Member of Congress.

A thank you note or message regarding election to office is not frankable.

Section 3210(a)(5)(B)(i) prohibits the franking of mail matter which constitutes or includes "greetings from the spouse or other members of the family of such Member or Member-elect unless it is a brief reference in otherwise frankable mail."

17. Political Matter

Section 3210(a)(5)(C) prohibits the use of the frank for "mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office." [15]

This prohibited mail matter would include the forwarding or transmittal of any mail matter of private persons or associations which seeks to influence any public issue.

The use of the frank to mail matter constituting a petition is not authorized.

Mail, including newsletters or news releases, which mentions that the Representative or an employee of a Representative (or any other person) is a candidate for political office is not frankable.

18. Mail Between a Representative's Washington Office and District Offices

Section 3210(a)(3)(D) authorizes the franking of "mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district office."

This provision is subject to the restrictions on the frankability of personal and political material as set forth in this chapter, and is further subject to the size and weight limitations on mail as set forth generally in the postal statutes.

19. Mail to Other Legislators

Section 3210(a)(3)(E) authorizes the franking of "mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of state and local governments."

[15] Advisory opinion dated July 15, 1974, held as not frankable a reprint from a national publication which reviewed the record of, and encouraged political support for, the incumbent Member of Congress.

20. Restitution for Misuse of the Frank; Payment to the Treasury

A mistake exists when a Representative, or an assistant to a Representative acting within the scope of his employment, improperly or unlawfully uses the frank on mail under an erroneous conviction arising from ignorance, forgetfulness, or misplaced confidence. Intentional or negligent use of the frank in an improper or unlawful manner cannot be excused as a mistake.

A Representative may offer to pay for the cost of a mailing sent out under his frank and which is not authorized under franking statutes. Such an offer will be viewed as an act of good faith by the House Commission on Congressional Mailing Standards in deciding whether to conduct further proceedings in case of a complaint against the Representative because of the mailing.

Section 3216(d) provides, "Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury."

Representatives making reimbursements under this provision should make checks payable to: U.S. Treasury—Financial Management Services and mail to:

Finance Division
Room 257
401 14th Street, S.W.
Washington, D.C. 20227
Phone: (202) 874–7110

21. Advisory Opinions

Under its authority, the Commission has delegated to the Commission staff the initial authority to issue advisory opinions to Members on the frankability of mail matter. A Member of the House, acting in that Member's capacity as a representative of a congressional district, shall, before making any mass mailing, submit a sample or description of the mail matter involved to the Commission for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.[16]

An advisory opinion does not constitute approval by the Commission nor does it offer relief from the applicable statutes. Therefore, mail matter which is the subject of an advisory opinion should not bear the legend "Approved by the Commission on Congressional Mailing Standards" or any other such imprint indicating Commission approval.

No advisory opinion is final until it has been issued in writing.

[16] Public Law 101–520, enacted in 1990.

22. Public Access

All written staff advisory opinions issued on or after January 3, 1996 are available for public review and photocoping. In addition, mass mailings issued prior to that date are available for inspection. The Legislative Resource Center will make these materials available to the public. The Legislative Resource Center is located at B–106 Cannon House Office Building, phone 225–1300.[17]

23. Missing Children

Under section 3220, a franked mailing may contain biographies and photographs of missing children. This material may appear on the envelope or any page of a newsletter, questionnaire, meeting notice, or similar mailing. However, caution should be exercised that this material does not impede the mailing panel of a self-mailer. Should Members or staff have any questions regarding placement of the information, they should contact the Commission staff.

Note to Section 3220 of title 39 provides that any guidelines, rules, or regulations prescribed pursuant thereto shall cease to be effective December 31, 2002.[18]

For information on obtaining appropriate biographies and photographs of missing children, Members may contact the Program Director, The National Center for Missing and Exploited Children, 1835 K Street, N.W., Suite 700, Washington, D.C. 20006, (202) 634–7161.

[17] Adopted by the Commission on December 10, 1995.
[18] Public Law 105–126 enacted December 1997.

CHAPTER THREE

MASS MAILINGS

1. Definition

Section 3210(a)(6)(E) defines "mass mailing" as, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session. This term does not apply to (1) mailings in direct response to communications from persons to whom the matter is mailed; (2) mailings to colleagues in the Congress or to government officials whether Federal, state, or local; (3) mailings of news releases to the communications media.

Mass mailings, therefore, are determined by quantity. Any mailing, whether a newsletter, issue letter, Federal publication, meeting notice, etc., is deemed to be a mass mailing if it is to be distributed in a quantity of more than 500 pieces, regardless of form of address.

2. Funds Used in Preparation

Section 3210(f) provides that "any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

Cost of preparing and printing includes: stationery supplies, design and layout, printing and handling services, and mailing list compilation or acquisition costs.

Certain materials printed with nonappropriated funds may be exempted from this provision provided they are directly related to the Member's official representative function and are sent as enclosures or supplemental material to a mailing which is otherwise authorized by this provision. These materials must be instructional in nature on a public service basis rather than a general discussion of issues.

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The following are examples of materials which, if printed with non-appropriated funds, may be sent as enclosures in an otherwise frankable mass mailing:

—Voter registration and election information.
—Brochures listing educational institutions or opportunities.
—Brochures listing career opportunities.
—State or local government publications listing public services.
—Publications on energy, consumer, or conservation measures.

3. Forms of Address

Mass mailings are divided into three categories:

(a) Individually addressed mail, first class, which bears specific names and addresses in the standard address format of:

Name
Street
City, State, Zip Code

(b) Individually addressed, standard bulk rate which bears specific names and addresses in standard address format of:

Name
Street
City, State, Zip Code

The abbreviation "Blk. Rt. ECRWSS" should be printed on the address side of each piece directly beneath the Member's frank. A bulk mail permit (#G-300) is required to send franked bulk standard mailings from a congressional district. Application for use of permit should be made with local bulk mail facility.

(c) Simplified form of address for general distribution to postal customers. This mail is addressed as follows:

Postal Customer
(#) Congressional District
(State)

Franked mail mailed with a simplified form of address under this subsection—

(I) shall be prepared as directed by the Postal Service; and
(II) may be delivered to—
(i) each box holder or family on a rural or star route;
(ii) each post office box holder; and
(iii) each stop or box on a city carrier route.

Section 3210(d)(4) provides that any franked mail which is mailed by a Member under section 3210(d) (simplified form of address or postal customer mail), shall be mailed at the equivalent rate of postage which assures that such mail will be sent by the most economical means practicable.

All mass mailings, regardless of form of address, are subject to the same content requirements. (For further information on congressional mailings see Appendix 4.)

4. Advisory Opinions

Section 311(F), Title 2 U.S.C. provides that a Member entitled to mail franked mail, shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion on the frankability of such mail matter.[1]

Under regulations issued by the Commission, the staff of the Commission is authorized to issue advisory opinions on the frankability of mail matter.[2]

In order for the Commission staff to be responsive to the needs of Members in complying with this rule, each Member is asked to observe the following procedures:

—assign a staff member familiar with the franking laws and regulations to supervise preparation of the mailing so that obvious violations of the franking laws are avoided before submitting the material for an advisory opinion;

—submit copies of the material in its proof form, and required administrative forms (see Appendix 5). If possible suggest that staff resolve questions in advance by telephone or personal consultation; and

—allow at least three days for an advisory opinion to be processed.

5. Applicability

The provisions relating to mass mailings apply to mailings by any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives, when such Member, Delegate, or Resident Commissioner is acting in his or her capacity as a representative of a congressional district.

[1] Legislative Branch Appropriations Act, 1991 (Public Law 101-520) enacted 1990.

[2] Commission ruling dated July 23, 1991, held that correspondence specifically related to casework need not be submitted for review.

COE.GUTIERREZ.08912

CHAPTER FOUR

ELECTION YEAR MAILING RESTRICTIONS

1. Restriction on Mass Mailings Prior to Elections

Section 3210(a)(6)(A) provides that a Member may not frank any mass mailing less than 90 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member is a candidate for public office.[1]

The above restrictions on mass mailings by candidates do not apply to mass mailings by the chairman of any standing, select, joint, or other official committee of the Congress, or subcommittee thereof, and which relate to the normal business of the committee.

A. Definitions

(1) *Candidate.*—A Member of or a Member-elect to the House of Representatives is deemed to be a candidate for public office at an election if his or her name appears anywhere on any official ballot to be used in such election.[2]

(2) *Mass mailing.*—Means newsletters and other similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to (a) mailings in direct response to communications from persons to whom the matter is mailed; (b) mailings to colleagues in the Congress or to government officials whether Federal, state, or local; or (c) mailings of news releases to the communications media. Mail matter will be deemed to fall within the prohibition of the subject rule when the total of such pieces of mail matter exceeds 500, whether in cumulative mailings or a single mailing during the 90-day period of the rule.

Federal publications, publications purchased with Federal funds, and publications containing items of general information, when individually addressed and not included in a planned mailing or one which can be reasonably anticipated, shall not be deemed "similar mailings" for the purpose

[1] Public Law 101-197, enacted September, 1996.

[2] Adopted by the Commission on February 21, 1974.

COE.GUTIERREZ.08914

of the subject statute or these regulations, unless such a mailing exceeds 500 pieces in a single mailing.

For example, information to new home owners would be frankable during the 90-day period, but certificates to high school graduates would not be frankable since such a mailing would be considered planned or reasonably anticipated.

B. Exceptions

Section 3210(a)(6)(E) provides three exceptions to the mass mail prohibition prior to elections:

(i) (mailings) which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) (mailings) to colleagues in Congress or to government officials (whether Federal, state, or local); and

(iii) (mailings) of news releases to the communications media.

The Commission believes the last two exceptions are self-explanatory.

In application of the first exception, the Commission stresses the phrase "*direct* response to inquiries or requests."[3] Therefore, response to a signed petition with a form or identical letter individually addressed to each of the signers of the petition is frankable. However, a follow-up letter to the same list of petitioners is not frankable under this section in that it would not be in direct response to an inquiry.

Similarly, follow-up letters to persons who had previously written and had been answered on a particular subject, if such letters by their form and volume constitute a mass mailing, are not frankable during the 90-day period prior to elections. Also, requests for questionnaire results or other material, when solicited by Members on questionnaire forms or newsletters, are not deemed to be in direct response to an inquiry or request.

Members may not send miscellaneous enclosures of "inserts" with direct response mail, during the 90-day cutoff period, if 500 or more of the inserts will be mailed in one session of Congress. However, you may include an enclosure or insert if it is *specifically germane* to the topic of the inquiry or request. Therefore, if someone specifically requests information about the topic of the enclosure or insert, you *may* include it with your mail. But if the topic of the insert is unrelated to the incoming inquiry, during the 90-day cutoff period, you *may not* include that insert in your response (if 500 or more will be mailed).[4] Section 3210(a)(6)(B) provides that any mass mailing which is mailed by the chairman of any standing, select, special or joint committee, subcommittee, or commission of the House of Representa-

[3] Advisory opinion dated Oct. 17, 1974, held as not frankable (during the 28-day period prior to the general election) approximately 2,000 letters to constituents who had completed a questionnaire since the proposed letter embodied an offer to meet with the addressee at some unspecified time and place and was not in direct response to an inquiry.

[4] Adopted by Commission on August 19, 1994.

tives, which relates to the *normal and regular business* of the organization may be mailed without regard to the mass mailing cutoff provisions. The Commission emphasizes "normal and regular" committee business, i.e., press releases, schedules of hearings, or committee documents. Nothing in 3210(a)(6)(B) should be used to circumvent the pre-election mass mailing laws and regulations. A newsletter which is suddenly issued by a committee during a cutoff, for example, would not be deemed frankable material.

C. Caution on 90-day Cutoff Periods Prior to Elections

The 90-day cutoff prohibition on mass mailings applies to every Member whose name is to appear on an official ballot for election or reelection to public office.

State election laws vary considerably. For example, in some states, if a Member is unopposed in either the primary or general election, the Member's name *does not* appear on the ballot. The Member, therefore, would not be subject to the 90-day cutoff provision.

In other states, however, a Member's name may appear on the ballot *whether or not* the Member has an opponent. Even if a Member is unopposed, if the Member's name is to appear on the ballot, the 90-day mass mailing prohibition *would* apply.

Members should ensure that staff members responsible for mass mailings are knowledgeable concerning election laws as they affect mailing privileges during the period prior to primary and general election periods. Members' staff seeking advisory opinions from the Commission must certify that, to the best of their knowledge, the frankability of the proposed mailing is not adversely affected by applicable state election laws.

Part II

RULES OF PRACTICE IN PROCEEDINGS before the HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

COE.GUTIERREZ.08918

FOREWORD

This part contains the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards which were adopted by the Commission on February 4, 1974, and as amended on June 27, 1974, and January 12, 1977, pursuant to section 5 of Public Law 93–191.

Also included in the introduction of this part is the notice printed in the Congressional Record on February 19, 1974, providing public notice of the rules.

The Commission has also included suggested forms (see page 42) which may be used by persons involved in proceedings before the Commission.

BILL THOMAS, *Chairman.*

COE.GUTIERREZ.08919

INTRODUCTION

NOTICE

RULES OF PRACTICE IN PROCEEDINGS BEFORE THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

Notice is hereby given that, pursuant to section 5 of the act of December 18, 1973 (87 Stat. 742; Public Law 93–191), the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards, as hereinafter set forth, have been prescribed and established by the House Commission on Congressional Mailing Standards at its organizational meeting held on February 4, 1974.

Subsection (e) of section 5 provides in part that the Commission "shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof."

In view of the fact that a commission of the legislative branch is not authorized to publish documents, such as these rules of practice, in the Federal Register (44 U.S.C. 1501), the Commission has determined to provide public notice thereof by printing them in the Congressional Record. In addition to the notice hereby given, copies of the rules will be made available to any person upon request to the Commission.

Due to the fact that the only remedy now available to persons who may wish to commence a proceeding on a violation of the franking privilege as it relates to the House of Representatives, is the filing of a complaint and proceedings before the Commission under section 5 of the act of December 18, 1973 (87 Stat. 742; Public Law 93–191), the Commission has determined that these rules shall take effect immediately.

Although the Commission does not anticipate any specific future changes in these regulations, the Commission would appreciate, and therefore invites comments or suggestions which might assist in future revision of the rules. Comments should be submitted with at least 10 copies and may be mailed to the Commission at 305 Cannon House Office Building, Washington, D.C. 20515.

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In consideration of the foregoing, the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards as hereinafter set forth are made effective immediately.

Issued in Washington, D.C., on February 19, 1974.

MORRIS K. UDALL,
Chairman, House Commission on Congressional Mailing Standards.

RULES OF PRACTICE IN PROCEEDINGS BEFORE THE HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

ANALYSIS OF RULES

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Rule 1. Authority for rules.

These rules of practice are issued by the House Commission on Congressional Mailing Standards of the U.S. House of Representatives, hereinafter referred to as the Commission, pursuant to authority under section 5 of the act of December 18, 1973 (87 Stat. 742; Public Law 93–191).

Rule 2. Scope of rules.

These rules of practice shall be applicable in all proceedings before the Commission.

Rule 3. Informal dispositions.

These rules do not preclude the disposition of any matter by the Commission prior to any proceeding or hearing, if it determines that there is no substantial reason to believe that a violation has or is about to occur

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as alleged in the complaint, or by agreement between the parties either before or after the filing of a complaint when time, the nature of the proceeding, and the public interest permit.

Rule 4. Office; business hours.

The offices of the Commission and the officials mentioned in these rules are located at the House of Representatives, 140 Cannon House Office Building, Washington, D.C. 20515, and are open Monday through Friday except holidays from 9:00 a.m. to 5:00 p.m.

Rule 5. Complaints.

(a) Any person who believes that a person authorized to use the frank is about to violate or, within the immediately preceding period of 1 year, has violated the use of the frank under section 3210, 3211, 3212, 3213(2) or 3218, or in connection with the operation of section 3215, of title 39, United States Code, may file with the Commission a signed complaint which names the person involved; states the legal authority and jurisdiction under which the proceeding is initiated; states the facts in a manner sufficient to enable the person named therein to make answer thereto; recommends the issuance of an appropriate order; sets forth the address of the complainant and the name and address of his attorney, if any.

(b) All allegations in the pleadings shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances, and a paragraph may be referred to by number in all succeeding pleadings. Each complaint founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(d) The person so named in the complaint shall be known as the respondent and the person filing the complaint shall be known as the complainant.

Rule 6. Service.

(a) The Commission shall cause a copy of the complaint to be served upon the respondent or his agent and it shall issue a notice stating the date for filing an answer, which shall not exceed 10 days from the service of the complaint, and a reference to the effect of failure to file an answer. (See rule 10.)

(b) Service of all papers shall be effected by mailing the same, postage prepaid registered, or certified mail, return receipt requested, or by causing said papers to be personally served on the parties or their respective agents, as appropriate, by an authorized representative of the Commission. In the case of personal service the person making service shall secure from the parties of their agents, a written acknowledgement of receipt of said papers, showing the date and time of such receipt. Said acknowledgement (or the return receipt where service is effectuated by mail) shall be made a part of the record of the proceedings. The date of delivery, as shown by the ac-

knowledgement of personal service or the return receipt, shall be the date of service.

Rule 7. Notice of hearing.

Upon the filing of the respondent's answer, if the Commission determines that there is reasonable justification for a complaint filed under rule 5, it shall issue a notice of hearing stating the time and place of the hearing and a reference to the effect of failure to appear at the hearing (see rule 10). Except for good cause shown, the hearing date shall be within 30 days of the date of the filing of the complaint.

Rule 8. Filing documents for the record.

(a) Each party shall file with the Commission, pleadings, motions, orders, and other documents for the record. The Commission shall cause copies to be served promptly to other parties to the proceeding and to the hearing officer.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the hearing officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the title of the proceeding. Any pleading or other document required by order of the hearing officer to be filed by a specified date shall be delivered to the Commission on or before such date. The date of filing shall be entered thereon by the Commission.

Rule 9. Answer.

(a) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint.

(b) Any facts alleged in the complaint which are not denied or are expressly admitted in the answer may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(c) The answer shall be signed personally by the respondent except for good cause shown.

(d) The answer shall set forth the respondent's address and the name and address of his attorney.

(e) The answer shall affirmatively state whether the respondent will appear in person or by his attorney at the hearing.

(f) If the respondent does not desire to appear at the hearing in person or by his attorney he may request that the matter be submitted for determination pursuant to paragraph (b) of rule 10.

Rule 10. Default.

(a) If the respondent fails to file an answer within the time specified, he shall be deemed in default, and to have waived a hearing and further procedural steps. The Commission shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the hearing officer shall receive complainant's evidence and submit proposed findings of fact and conclusions of law to the Commission.

(c) If the complainant or his attorney fails to appear at the hearing, the hearing officer shall receive the respondent's evidence and submit proposed findings of fact and conclusions of law to the Commission.

Rule 11. Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Commission. Amendments proposed thereafter shall be filed with the hearing officer.

(b) By consent of the parties, a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the complaint, the hearing officer shall make such ruling on the motion as he deems to be fair and equitable to the parties.

(c) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the hearing officer that an amendment of the pleadings would prejudice him on the merits, the hearing officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The hearing office may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

Rule 12. Continuances and Extensions.

Continuances and extensions will not be granted by the hearing officer except for good cause shown.

Rule 13. Hearings.

Hearings are held at the U.S. Capitol, Washington, D.C. 20515, or other locations designated by the Commission.

Rule 14. Change of place of hearings.

Not later than 7 days prior to the date fixed for the hearing, a party may file a request that a hearing be held to receive evidence on this behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify; and

(c) The reasons why such evidence cannot be produced in Washington, D.C.

The Commission shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

Rule 15. Appearances.

(a) The parties may appear and be heard in person or by attorney.

(b) When a party is represented by an attorney, all pleadings and other papers subsequent to the complaint shall be mailed to the attorney.

(c) Parties must promptly file a notice of change of attorney.

Rule 16. Hearing officers.

(a) A hearing officer may be appointed by the Commission to preside over any proceeding or hearing hereunder.

(b) The hearing officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence, and matters of procedure;

(4) Order any pleadings amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorus manner;

(6) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;

(7) Order prehearing conference for the purpose of the settlement or simplification of issues by the parties;

(8) Order the proceeding reopened at any time prior to a final decision for the receipt of additional evidence; and

(9) Take any other action authorized by the Commission.

Rule 17. Evidence.

(a) Except as otherwise provided in these rules, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the hearing officer deems proper to insure a fair hearing. The hearing officer shall exclude irrelevant, immaterial, or repetitous evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) Authoritative writings of the sciences may be submitted in evidence, but only through the testimony of expert witnesses or by stipulation.

(f) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues that the witness shall testify under oath at the hearing, that the statement is in all respects true and in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(g) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the hearing officer are unnecessary.

Rule 18. Subpoenas.

At the request of any party, subpoenas for attendance of witnesses at a hearing may be issued over the signature of the chairman of the Commission or of any member designated by him or by the Commission and may be served by such person or persons as may be designated by such chairman or member.

Rule 19. Witness fees.

Fees and expenses for witnesses for either party or for depositions requested by either party shall not be paid by the Commission.

Rule 20. Depositions.

(a) Not later than 5 days after the filing of respondent's answer, any party may file application with the Commission for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken, and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross examine. The questions and answers, together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony; or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties; and errors of any kind which might be obviated, cured, or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing, any part or all of the deposition may be offered in evidence by any party who was presented or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original

and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

Rule 21. Transcript.

(a) Hearings shall be stenographically reported under the supervision of the hearing officer. Argument upon any matter may be excluded from the transcript by order of the hearing officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding at their own expense by the reporter. Copies of parts of the official record other than the transcript may be obtained by the parties from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or any part thereof, which have been filed with the record. Within 5 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall, within such time as may be specified by the hearing officer, notify the hearing officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the hearing officer shall by order specify the corrections to be made in the transcript. The hearing officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the hearing officer other than by agreement of the parties shall be subject to objection and exception.

Rule 22. Proposed findings and conclusions.

(a) Each party to a proceeding, except one who fails to appear at the hearing or indicates that he does not desire to appear, may, unless at the discretion of the hearing officer such is not appropriate, submit proposed findings of fact, conclusions of law, and supporting reasons either in oral or written form in the discretion of the hearing officer. The hearing officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally, the date set for filing of proposed findings of fact and conclusions of law shall be within 5 days after the delivery of the official transcript to the Commis-

sion who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

Rule 23. Decisions

(a) *Findings and conclusions by hearing officer.*—Within 20 days after any proceeding or hearing, as appropriate, has been concluded, the hearing officer shall submit to the Commission proposed findings of fact and conclusions of law, with the reasons therefor, upon all the material issues of fact or law presented on the record.

(b) *Final decision by the Commission.*—The Commission shall render a final decision within 30 days after any proceeding or hearing, as appropriate, has been concluded or, in the event that no hearing or other proceeding is held, within 30 days after the answer to a complaint is filed. Such decision shall include findings and conclusions, with the reasons therefor, upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof.

Rule 24. Motion for reconsideration.

A party may file a motion for reconsideration of a final Commission decision within 10 days after receiving it or within such longer period as the Commission may fix. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion. The Commission shall transmit a copy of the motion and brief to the opposing party, who shall file a written reply brief within 10 days after filing or such other period as the Commission may fix. A copy of the reply brief shall be sent to the moving party by the Commission.

Rule 25. Modification or revocation of orders.

A party against whom an order has been issued may file an application for modification or revocation thereof. The Commission shall transmit a copy of the application to the opposing party, who shall file a written reply within 10 days after filing or such other period as the Commission may fix. A copy of the reply shall be sent to the applicant by the Commission. Thereafter, an order granting or denying such application will be issued by the Commission.

Rule 26. Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless that last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

Rule 27. Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceeding shall constitute the official record of the proceeding.

Rule 28. Public information.

The Commission maintains for public inspection in its offices copies of all final decisions, including a record of the votes on any question on which a record vote is taken. The Commission also maintains a complete official record of every proceeding, all other records, data and files of the Commission which shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

INTRODUCTORY STATEMENT

The following forms are intended for illustration only. They are limited in number, since no attempt has been made to furnish a manual of forms.

These forms do not cover every possible situation involving an allegation of a violation of the franking laws. They may be used as a guide for the preparation of pleadings by prospective parties in proceedings before the Commission.

Each pleading, motion, or other paper should have a caption similar to that shown on the forms hereinafter set forth with the designation of the particular paper substituted for the word "complaint."

Offset Folios 55 to 58 Insert here

Insert offset folio 59 here

Appendix No. 1

LAWS RELATING TO THE USE OF THE CONGRESSIONAL FRANK

Title 2.—The Congress

§ Sec. 501 House Commission on Congressional Mailing Standards

(a) There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing Standards" (herein referred to as the "Commission").

Membership; political party representation; Chairman; vacancies; quorum

(b) The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on House Oversight, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

Assistance and use of personnel, including chief counsel, of Committee on House Oversight

(c) In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on House Oversight, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on House Oversight shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

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Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations

(d) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, 3219, or 3220, in connection with the operation of section 3215, of Title 39, and in connection with any other Federal law (other than any law which imposes any criminal penalty) or any rule of the House of Representatives relating to franked mail, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any former Member of the House or former Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of Title 39), or any other House official or former House official, entitled to send mail as franked mail under any of these sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

Complaint of franked mail violations; investigation; notice and hearing; conclusiveness of findings; decision of Commission; judicial review; reference of certain violations to Committee on Standards of Official Conduct of the House for appropriate action and enforcement; administrative procedure regulations

(e) Any complaint by any person that a violation of any section of Title 39 referred to in subsection (d) of this section (or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to franked mail) is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial

challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law. If the Commission finds in its written decision, that a serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. In the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of Title 39), or any other former House official, if the Commission finds in its written decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (d) of this section as entitled to send mail as franked mail, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of Title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

Procedural considerations; sessions, place and time; subpoenas, issuance and service; oaths and affirmations; testimony; printing and binding; expenditures; organizational and procedural regulations; majority assent

(f) The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, take such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpoenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons

as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

Property of Commission; records; voting record; location of records, data, and files

(g) The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be kept in the offices of the Commission or such other places as the Commission may direct.

§ 311. Legislative Branch Appropriations Act, 1997

Sec. 311. (a) Each mass mailing sent by a Member of the House of Representatives shall bear in a prominent place on its face, or on the envelope or outside cover or wrapper in which the mail matter is sent, the following notice "THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.", or a notice to the same effect in words which may be prescribed under subsection (c). The notice shall be printed in a type size not smaller than 7-point.

(c) The Committee on House Oversight shall pescribe such rules and regulations and shall take such other action as the Committee considers necessary and proper for Members to conform to the provisions of this subsection and applicable rules and regulations.

§ 311. Legislative Branch Appropriations Act, 1991

SEC. 311. (a) Except as otherwise provided in this section, funds appropriated by the Act or any other Act for expenses of official mail of any person entitled to use the congressional frank may be expended only in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives, as applicable. Such regulations shall require—

(1) individual accountability for use of official mail by each person entitled to use the congressional frank;

(2)(A) with respect to the House of Representatives, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session or to any other such person); and

(B) with respect to the Senate, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session, other than transfers from the first session of a Congress to the second session of that Congress, or to any other such person); and

(3) with respect to the House of Representatives, that in addition to any other report or information made available to the public (through the House Commission on Congressional Mailing Standards or other-

wise) regarding the use of the frank, the Clerk of the House of Representatives shall include in the quarterly report of receipts and expenditures submitted to the House of Representatives a statement (based solely on data provided for that purpose by the Committee on House Oversight of the House of Representatives and the House Commission on Congressional Mailing Standards) of costs charged against the Official Mail Allowance for each person entitled to use the congressional frank.

(b) The Postmaster General, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives—

(1) shall monitor use of official mail by each person entitled to use the congressional frank;

(2) at least monthly, shall notify any person with an allocation under subsection (a)(2) as to the percentage of the allocation that has been used; and

(3) may not carry or deliver official mail the cost of which is in excess of an allocation under subsection (a)(2).

(c) Expenses of official mail of the Senate and the House of Representatives may be paid only from funds specifically appropriated for that purpose and funds so appropriated—

(1) may be supplemented by other appropriated funds only if such supplementation is provided for by law or by regulation under subsection (a); and

(2) may not be supplemented by funds from any other source, public or private.

(d) No Senator or Member of the House of Representatives may maintain or use, directly or indirectly, an unofficial office account or defray official expenses from—

(1) funds received from a political committee or derived from a contribution or expenditure (as such terms are defined in section 301 of the Federal Election Campaign Act of 1971);

(2) funds received as reimbursement for expenses incurred by the Senator or Member in connection with personal services provided by the Senator or Member to the person making the reimbursement; or

(3) any other funds that are not specifically appropriated for official expenses.

(e)(1) There is established in the House of Representatives an Official Mail Allowance for Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank. Regulations for use of the Official Mail Allowance shall be prescribed—

(A) by the Committee on House Oversight of the House of Representatives, with respect to allocation and expenditures relating to the Allowance; and

(B) by the House Commission on Congressional Mailing Standards, with respect to matters under section 3210(a)(6)(D) of title 39, United States Code.

(2) The Official Mail Allowance—

(A) shall be available for postage for franked mail sent at a first class, third class, or fourth class rate;

(B) with respect to a Member of the House of Representatives, shall be available, in a session of Congress, in a total amount, as determined under paragraph (1)(A), of not more than the product of (i) 3 times the single-piece rate applicable to first class mail, and (ii) the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the congressional district, as such addresses are described in section 3210(d)(7)(B) of title 39, United States Code;

(C) with respect to any other person entitled to use the congressional frank in the House of Representatives (including any Member of the House of Representatives who receives an allocation under subsection (a)(2) with respect to duties as an elected officer of, or holder of another position in, the House of Representatives), shall be available, in a session of Congress, in a total amount determined under paragraph (1)(A); and

(D) shall not be available for payment of any nonpostage fee or charge, including any fee or charge for express mail, express mail drop shipment, certified mail, registered mail, return receipt, address correction, or postal insurance.

(3)(A) Subject to subparagraph (B), each Member of the House of Representatives may transfer amounts from the Member's Representational Allowance of the Member to the Official Mail Allowance of the Member.

(B) The total amount a Member may so transfer with respect to a session of Congress may not exceed $25,000.

(4) The Official Expenses Allowance shall be available to a Member of the House of Representatives for the payment of nonpostage fees and charges referred to in paragraph (2)(D) and for postage for mail for official business sent outside the United States.

(f) A Member of the House of Representatives shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

(g) As used in subsection (a) through (f)—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress; and

(2) the term "person entitled to use the congressional frank" means a Senator, Member of the House of Representatives, or other person authorized to use the frank under section 3210(b) of title 39, United States Code.

* * * * * * *

(i) This section and the amendments made by this section shall apply with respect to sessions of Congress beginning with the first session of the One Hundred Congress, except that with respect to the Senate, subsection (d) shall apply beginning on May 1, 1992, and the funds referred to in paragraph (3) of such subsection shall not include personal funds of a Senator or Member of the House of Representatives.

* * * * * * *

Title 39.—Postal Service

§ 3201. Definitions.

As used in this chapter—

(1) "penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) "penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) "frank" means the autographic of facsimile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) "franked mail" means mail which is transmitted in the mail under frank;

(5) "Members of Congress" includes Senators, Representatives, Delegates, and Resident Commissions; and

(6) "missing child" has the meaning provided by section 403(1) of the Juvenile Justice and Delinquency Prevention Act of 1974. (Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 751; Pub. L. 99–87, § 1(b), Aug. 9, 1985, 99 Stat. 291., November, 1997)

* * * * * * *

§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, state, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on state and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of state and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal

publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other

action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailings as franked mail—

(i) if the mass mailing is postmarked fewer than 60 days (or, in the case of a Member of the House, fewer than 90 days) immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 90 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is postmarked fewer[1] than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, state, or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered

[1] Section 318 of P.L. 101–163, 103 Stat. 1068, amended "subparagraph (c)" by striking out "is mailed fewer" and inserting "is postmarked fewer". Entered according to probable intent.

to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) As used in this section, the term "mass mailing" means, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed;

(ii) from a Member of Congress to other Members of Congress, or to Federal, state, or local government officials; or

(iii) of a news release to the communications media.

(F) For purposes of subparagraphs (A) and (C) if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

(7) A Member of the House of Representatives may not send any mass mailing outside the congressional district from which the Member was elected.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailed as franked mail under subsection (a) (2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and

shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

(d)(1) A Member of Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district of the state from which the Member was elected.—

(2) A Delegate, or Resident Commissioner to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(3) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(4) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

(5)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(6) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large, the state from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, state, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, state, or local law or regulation, in connection with any campaign of such official for election to any Federal office.

§ 3211. Public documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

§ 3212. Congressional Record under frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

§ 3213. Reports from Department of Agriculture

Agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress.

* * * * * * *

§ 3215. Lending or permitting use of frank unlawful

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.

§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, and Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives and the Senate Legal Counsel;

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by appropriation for official mail costs of the Senate and the House of Representatives for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

(e)(1) Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail, as defined in section 3201 of this title, in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separate tabulations of the number of pieces and costs of such mail sent by the House and by the Senate.

(2) Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, the Secretary of the Senate, and the Senate Committee on Rules and Administration, a statement of the costs of postage on, and fees and charges in connection with, mail matter sent through the mails as described in paraagraph (1) of this section for the preceding two quarters together with an estimate of such costs for the balance of the fiscal year. As soon as practicable after receipt of this statement, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, and the Senate Committee on Rules and Administration shall consider promulgating such regulations for their respective Houses as may be necessary to ensure that total postage costs, as described in paragraph (1) of this section, will not exceed the amounts available for the fiscal year.

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§ 3218. Franked mail for survivors of Members of Congress

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

§ 3219. Mailgrams

Any Mailgram sent by the Vice President, a Member of or Member-elect of Congress, the Secretary of the Senate, the Sergeant at Arms of the Sen-

ate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

§ 3220. Use of official mail in the location and recovery of missing children

(a)(1) The Office of Juvenile Justice and Delinquency Prevention, after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

(A) the form and manner in which materials and information relating to missing children (such as biographical data and pictures, sketches, or other likenesses) may be included in penalty mail;

(B) appropriate sources from which such materials and information may be obtained;

(C) the procedures by which such materials and information may be obtained; and

(D) any other matter which the Office considers appropriate.

(2) Each executive department and independent establishment of the Government of the United States shall prescribe regulations under which penalty mail sent by such department or establishment may be used in conformance with the guidelines prescribed under paragraph (1).

(b) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take such other action as the Committee or Commission considers necessary and proper, in order that purposes similar to those of subsection (a) may, in the discretion of the congressional official or office concerned, be carried out by the use of franked mail sent by such official or office.

(c) As used in this section, "Office of Juvenile Justice and Delinquency Prevention" and "Office" each means the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974.

NOTE: The amendments made by section I (enacting this section and amending sections 3201 and 3204 of this title and section 733 of Title 44, Public Printing and Documents) and any guidelines, rules, or regulations presecribed to carry out such amendments shall cease to be effective after December 31, 2002. [2]

[2] Public Law 105–126, approved December 1, 1997, extended the authorization of use of official mailing to December 31, 2002.

Title 44.—Public Printing and Documents

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. United States Senate" or "House of Representatives U.S." and in the upper right-hand corner the letters "U.S.S." or "M.C." Franks may also contain information relating to misiing children as provided in section 3320 of title 39. But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mailing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the state or commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and state or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress.

* * * * * * *

§ 907. Congressional Record; extracts for Members of Congress; mailing envelopes

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or report in it, if such part, speeches,

or reports are mailable as franked mail under section 3210 or title 39. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record.", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and state or commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress.

Appendix No. 2

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XLVI—Limitations on the Use of the Frank

1. Any franked mail which is mailed by a Member under section 3210(d) of title 39, United States Code, shall be mailed at the equivalent rate of postage which assures that such mail will be sent by the most economical means practicable.

2. A Member shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

3. Any mass mailing which otherwise is frankable by a Member under the provisions of section 3210(f) of title 39, United States Code, shall not be frankable unless the cost of preparing and printing such mass mailing is defrayed exclusively from funds made available in any appropriations Act.

4. A Member may not send any mass mailing outside the congressional district from which the Member was elected.[1]

5. In the case of any Representative in the House of Representatives, other than a Representative at Large, who is a candidate for any statewide public office, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is delivered to any address which is not located in the area constituting the congressional district from which any such individual was elected.

6. In the case of any Member, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is postmarked less than ninety days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member is a candidate for public office. If mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

[1] With the enactment of FY 1993 Legislative Branch Act (P.L. 102-392), House Members are prohibited from sending mass mailings outside their districts.

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7. For purposes of this rule—

(a) The term "mass mailing" means, with respect to a session in Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(1) of matter in direct response to a communication from a person to whom the matter is mailed;

(2) from a Member to other Members of Congress, or to Federal, state, or local government officials; or

(3) of a news release to the communications media.

(b) The term "Member" means any Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives.

(c) The term "Members of Congress" means Senators and Representatives in, and Delegates and Resident Commissioners to, the Congress.

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Committee on House Administration
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INTRODUCTION

Effective August 1, 1999, the following regulations of the Committee on House Administration, collectively known as the Committees' Congressional Handbook (Handbook), govern all expenditures from committee funds.

Committee funds are provided to pay ordinary and necessary expenses incurred by committee Members and employees in the United States, its territories, and possessions in support of official committee business, in accordance with the regulations contained in this Handbook.

The Handbook regulations are guidelines that assist Committee Chairs in determining whether expenses are reimbursable. Therefore, the Handbook contains broad descriptions of reimbursable expenses, but is not an exhaustive list of such expenses. The Handbook provides Committee Chairs with the authority and flexibility to manage the committee's budget.

As used in the Handbook, "ordinary and necessary" means reasonable expenditures in support of official committee business that are consistent with all applicable Federal laws, Rules of the House of Representatives, and regulations of the Committee on House Administration. The phrase "committee funds" means funds made available to a committee pursuant to primary and supplemental expense resolutions or allocated from the Reserve Fund.

Questions about reimbursement of an expense should be directed to the Committee on House Administration at x58281 prior to incurring the expense. Reimbursement will not be allowed for expenses that are specifically prohibited.

Routine administrative requests (requests for equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov/) or call First Call/One Call at x58000.

For all questions relating to equipment and equipment-related issues, refer to the User's Guide to Purchasing Equipment, Software and Related Services, available from the Committee on House Administration.

COMMITTEE FUNDS

When an expense is incurred the Committee Chair must determine the primary purpose for the expenditure. Is the primary purpose for the expenditure official or is it related to personal, political, campaign, or Member office activities? Only official expenses the primary purpose of which are official and which are incurred in accordance with the Handbook are reimbursable.

General

All expenditures from committee funds are subject to the following general regulations:

1. Committee funds may only be used to support the conduct of official business of the committee. Committee funds may not be used to defray any personal, political or campaign-related expenses, or expenses related to a Member's personal office.

2. The Committee Chair is personally responsible for the payment of any official expenses incurred that exceeds the provided committee funds or is incurred but not reimbursable under these regulations.

3. No campaign resources may be used for official committee business.

4. The Committee Chair and Members of the committee may expend personal funds in support of official committee business. However, a Committee Chair or a Member of the committee may not expend personal funds to defray the committee's franked mail allocation.

5. Unless otherwise specifically provided by Federal laws, House Rules, or Committee on House Administration regulations, no Member of the committee, relative of a committee Member, or anyone with whom a committee Member has a professional or legal relationship may directly benefit from the expenditure of committee funds.

6. Committee funds are available for services provided and expenses incurred from January 3 of one year through January 2 of the following year. All expenses incurred will be charged to the funds available on the date the services were provided and the expenses were incurred.

7. Committee funds are not transferable between sessions.

8. Requests to obligate prior year's funds after January 2 of the succeeding year will be considered when a committee provides to the Committee on House Administration documentation demonstrating a bona fide intent to obligate the prior year funds during the applicable year.

9. At the beginning of a Congress, each committee is authorized a specific amount for franked mail which may not be used for other purposes. If the franked mail allocation is insufficient, additional funds provided to committees in the primary and supplemental expense resolutions may be transferred into a committee's franked mail account. Any funds so transferred may revert to use by the committee for other official purposes, if not spent on franked mail.

Biennial Funding

Standing and Select Committees of the House, excluding the Appropriations Committee, are funded on a biennial basis. At the beginning of each Congress, each committee must submit a budget request to the Committee on House Administration and introduce a primary expense resolution providing funds for the committee's activities for each session of that Congress.

The Committee on House Administration will provide each committee with forms and instructions for drafting a budget request and an expense resolution.

Once an expense resolution is introduced, the Chair of the committee requesting funds must submit an electronic and hard copy of the budget request with supporting documentation to the Committee on House Administration for consideration. The Chair and Ranking Minority Member of each committee will be invited to testify before the Committee on House Administration on behalf of the committee's budget request.

House Rule X, clause 7, provides for interim funding of committees for the period beginning on January 3 and ending at midnight on March 31 in each odd-numbered year. For each month during that period, committees are entitled to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolution for such committees in the preceding session.

Disbursements and Disclosure

Disbursements from committee funds are made on a reimbursable or direct payment basis and require specific documentation and Committee Chair certification as to accuracy and compliance with applicable federal laws, House Rules and Committee on House Administration regulations.

Reimbursement and payments from committee funds may be made only to Members and employees of the committee, consultants, detailing Government agencies, witnesses or vendors providing services to support the operation of the committee.

The Finance Office sends each committee monthly statements showing the year-to-date expenditures and obligated amounts. The quarterly expenditures reflected in these statements are compiled and published as the Quarterly Statement of Disbursements, which is a public document.

Monthly Reports

Each committee must submit to the Committee on House Administration, by the 15th of each month, an original and two copies of a report signed by the Committee Chair on the activities of the committee during the preceding month. The monthly report must include the following:

a. Summary of the progress of the specific investigations and studies for which funds were approved.

b. Statement of expenses for the month and year to date. Committees must reconcile their figures with the Monthly Financial Statement prior to submitting the monthly reports.

c. Report of travel performed.

d. List of committee employees, job titles and gross monthly salaries (a copy of the monthly Payroll Certification Form is acceptable).

e. Certification by the Chair of the reporting committee that the report is available to Members of the committee for examination.

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

Reserve Fund

Pursuant to House Rule X, clause 6(a), "A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by approval of the Committee on House Administration."

Forms and instructions for drafting a reserve fund request are available from the Committee on House Administration upon request. The request for allocation from the reserve fund must come from the full Committee Chair. Prior to any action, the Committee on House Administration will present the request to the Speaker for approval.

Any funds allocated to a committee from the reserve fund may only be used to pay for expenses associated with the project for which the funds are requested. The funds may not be used to supplement the funds that were authorized in a committee's primary expense resolution.

Any additional staff positions allocated to a committee by the Speaker as part of a reserve fund request are temporary and, at the end of the project, a committee's staff ceiling will revert back to the original level. Committees are not guaranteed additional parking spaces for temporary staff.

The Chair and Ranking Minority Member of each committee requesting an allocation from the reserve fund will be invited to testify before the Committee on House Administration.

Biennial Activities Report

House Rule XI, clause 1(d)(1) also requires that every committee, "submit to the House not later than January 2 of each odd-numbered

year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year".

Committee Staff, Consultants and detailees

General

The Committee Chair determines the terms and conditions of employment for committee staff. These terms and conditions must be consistent with applicable federal laws and House Rules.

1. Personnel actions affecting employment positions in the House of Representatives must be free from discrimination based on race, color, national origin, religion, sex (including marital or parental status), disability or age.

2. A committee may not retain an employee on the committee's payroll who does not perform duties commensurate with the compensation received for the offices of the employing authority (House Rule XXIV, clause 8(a)).

3. Annual rates of pay may not exceed the amount specified in the Speaker's Pay Order.

4. Total compensation in any month, including any lump sum payment and regular pay, may not exceed 1/12th of the maximum rate specified in the Speaker's Pay Order.

5. Retroactive salary adjustments are not authorized.

6. Government contributions to retirement, life insurance, Thrift Savings Plan and health benefits programs are not charged to the committee.

7. The Speaker sets a staff ceiling for each committee which may not be exceeded unless specifically authorized by the Speaker.

Contractor

Committees may contract with firms or individuals only for general, non-legislative, office services (e.g. equipment maintenance, systems integration, data entry, staff training) for a specified limited period not to exceed a Congress. Contractors are not employees of the House and are ineligible for Government-provided benefits.

Contractors do not count against a committee's staff ceiling.

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

See Consultants (17), Educational Expenses (30), Interpreting and Translation Services (37), Temporary Agencies (8) and Websites (24).

Fellows
Fellows perform services in a House office on a temporary basis as part of an established mid-career education program, while continuing to receive the usual compensation from his or her sponsoring employer. Fellows do not count against a committee's staff ceiling.

Committees must comply with the rules and regulations established by the Committee on Standards of Official Conduct for fellows. Contact the Standards of Official Conduct, Office of Advice and Education, at x57103.

Interns
Interns, paid or unpaid, must perform services for the committee as part of a demonstrated educational plan. Committee Chairs are responsible for determining the activities of committee interns.

Paid interns may work for no more than 120 days in a 12-month period and are not employees for purposes of compliance with the minimum wage and overtime provisions of the Congressional Accountability Act. Paid interns are eligible for benefits.

Paid interns count against a committee's staff ceiling unless they earn no more than $1,430 a month ($17,160 annually). The Committee Chair must certify in a letter accompanying the Payroll Authorization Form that the intern meets the above criteria and must include "Intern" as the employee's job title.

In regards to unpaid interns, committees must comply with the rules and regulations established by the Committee on Standards of Official Conduct. Contact the Standards of Official Conduct, Office of Advice and Education, at x57103.

Replacement Employees
A committee may hire a replacement for an employee on leave as may be made necessary by applicable law (e.g., Family Medical Leave Act, military service, jury duty, response to court order). The employee on

leave continues to count against the committee's staff ceiling. The replacement employee does ~~not count~~ against ~~the committee's staff~~ ceiling.

The Committee Chair must certify in a letter accompanying the Payroll Authorization Form for the replacement employee the following:

a. Name and job title of permanent employee

b. Permanent employee leave status (e.g., FMLA, military service, jury duty)

c. Permanent employee leave period

d. Statement that the replacement employee will perform job duties of the employee on leave

Shared Employees
An individual may be employed by more than one employing authority of the House of Representatives.

1. Shared employees must work out of the office of an employing authority, but are not required to work in the office of each employing authority.

2. The pay from each employing authority shall reflect the duties actually performed for each employing authority. The name, title, and pay of such an individual will appear on each employing authority's Payroll Certification Form. Shared employees do count against the committee's staff ceiling.

3. Shared employees may not receive pay totaling more than the highest rate of basic pay in the Speaker's Pay Order applicable to the positions they occupy.

4. Employees may not be shared between a committee office and the office of an Officer of the House if the employee, in the course of duties for an Officer, has access to the financial information, payroll information, equipment account information, or information systems either of Member, committee or Leadership offices.

See General (6) and Dual Compensation (9).

Temporary Agencies
Ordinary and necessary expenses related to services provided by an individual employed by a temporary agency are reimbursable, if the following conditions are met:

1. Payment for such services is commensurate with the duties performed by the individual.

2. Such an individual remains an employee of the agency and is not eligible for pay, benefits, rights, or privileges available to House employees.

Such individuals count against the committee's staff ceiling, unless the individual is a replacement employee.

See Replacement Employees (7).

Volunteers
Volunteers perform services in a House office without compensation from any source. The voluntary services should be of significant educational benefit to the volunteer and such assistance should not supplant the normal and regular duties of paid employees. Volunteers should be required to agree, in advance and in writing, to serve without compensation (31 USC § 1342 & Comp. Gen. Op. B69907).

Volunteers do not count against a committee's staff ceiling.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for guidelines for accepting services of volunteers.

Payroll

General
1. Committees are responsible for adhering to the minimum wage provisions of the Fair Labor Standards Act ($5.15 per hour as of September 1, 1997) as made applicable by the Congressional Accountability Act. Interns are not employees for the purpose of compliance with minimum wage and overtime provisions of the Fair Labor Standards Act.

2. As of January 1, 2003 , the Speaker's Pay Order is as follows:

· $149,728 maximum annual rate.

· $151,760 maximum annual rate for 9 employees, with three such employees to be designated by the Ranking Minority Member.

· $153,200 maximum annual rate for 3 employees, with one such employee to be designated by the Ranking Minority Member.

3. The monthly payroll is based on a 30-day period. Payment is made on the last business day of the month, except for the month of December when payment is made on the 20th day of the month, or on the preceding business day when the 20th falls on a Saturday or Sunday (5 U.S.C. § 5505).

4. Each month, committees will receive a Payroll Certification Form from Human Resources that lists the annual salary and gross pay earned for each committee employee. The Committee Chair must certify the information and return the form to Human Resources no later than the 15th day of the month. If an employee is a relative of a current Member of Congress, the nature of the relationship must be noted on the Payroll Certification Form.

Appointment
The appointment of committee employees requires the signature of the Committee Chair on the Payroll Authorization Form. Payroll Authorization Forms must be received by Human Resources no later than the last business day of the month in which the appointment is effective. Contact Human Resources for Payroll Authorization Forms at x52450.

Dual Compensation
Aggregated gross annual salary for those receiving payment from the House who are also receiving payment from the U.S. Senate, Architect of the Capitol, or any other department or agency of the U.S. Government, may not exceed $27,822 (2003) (5 U.S.C. § 5533).

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

Lump Sum Payments
A Committee Chair may authorize lump sum payments to employees of the committee (2 U.S.C. 60 o).

1. Payments must be consistent with House Rule XXIV, clause 8 (a), which requires that employees perform duties commensurate with the compensation received. Employees may not be compensated from public funds to perform non-official, personal, political or campaign activities on behalf of the Member, the employee or anyone else.

2. Lump sum payments may not exceed the monthly pay of the employee receiving the lump sum payment

3. Lump sum payments may be for services performed during more than one month..

4. Total compensation in any one month, including lump sum payments and regular pay, may not exceed 1/12th of the maximum rate of pay specified in the Speaker's Pay Order.

5. Committee Chairs may provide lump sum payments for accrued annual leave only if such leave was accrued in accordance with written personnel policies established prior to the accrual of such leave.

6. Lump sum payments are considered as part of "rate of pay" under the Speaker's Pay Order.

7. Lump sum payments are considered "supplemental wages" for taxation.

8. Lump sum payments are not considered as part of "basic pay" for calculating Thrift Savings Plan, life insurance, and federal pensions.

9. Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for information on the treatment of lump sum payments with regard to financial disclosure, post-employment restrictions, and outside earned income limitations.

10. Lump Sum Payments will be disclosed separately in the Quarterly Statement of Disbursements.

Overtime Wage Rate Compensation
Employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act of 1938 (non-exempt) as

made applicable by the Congressional Accountability Act, must be compensated at time-and-a-half for all hours worked in excess of 40 hours during any work week, either in pay or time-off during the same pay period, in accordance with consistently applied office personnel policies.

Overtime Pay Sheet forms must be received by Human Resources no later than the 15th day of the month following the month in which overtime wages were earned. Contact Human Resources at x52450 for the appropriate form.

For assistance in establishing overtime and time-off policies, contact the Office of House Employment Counsel at x57075.

See Employment Law (11).

Pay Adjustments
The Committee Chair may adjust, in any month, an employee's pay to reflect exceptional, meritorious, or less than satisfactory service. Adjustments must be received by Human Resources by the 15th of the month in which the adjustment is to be effective.

Retroactive pay adjustments are not authorized.

Terminations
Terminations must be made on a Payroll Authorization Form and submitted to Human Resources as soon as the date of termination is known. If the termination notice is received by Human Resources after the 15th day of the month, the payroll check for that month may have already been processed. If an employee is overpaid, the committee is responsible for obtaining reimbursement.

Employment Law

The Congressional Accountability Act
Pursuant to the Congressional Accountability Act of 1995, Public Law 104-1, House employing offices are accountable under the following laws:

a. Fair Labor Standards Act of 1938

b. Title VII of the Civil Rights Act of 1964

c. The Americans with Disabilities Act of 1990

d. The Age Discrimination in Employment Act of 1967

e. The Family and Medical Leave Act of 1993

f. The Employee Polygraph Protection Act of 1988

g. Worker Adjustment and Retraining Notification Act

h. The Rehabilitation Act of 1973

i. Uniformed Services Employment and Reemployment Act of 1994

j. Federal Service Labor-Management Relations

k. The public service and accommodations provisions of the Americans with Disabilities Act of 1990

l. The Occupational Safety and Health Act of 1970

The Office of Compliance has published "A Guide to the Congressional Accountability Act of 1995," which is available from the Office of Compliance, Room LA-200, John Adams Building, Library of Congress, Washington, D.C. 20540-1999, phone (202) 724-9250. The Office of Compliance also provides materials that employing offices can use to notify employees of their rights and protections under the Congressional Accountability Act.

A Model Employee Handbook providing sample office policies to assist in developing an organization that complies with applicable laws and House Rules is available on the House Intranet Web Site: http://intranet.house.gov.

The Office of House Employment Counsel is available to provide legal advice and guidance with respect to employment matters generally and on establishing office policies consistent with applicable laws. Contact Office of House Employment Counsel at x57075.

Financial Disclosure
Employees receiving basic pay of $102,168 (2003) or greater for at least 60 days during any calendar year must file a Financial Disclosure Statement upon appointment, termination and annually. The annualized salary threshold is subject to change.

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

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for applicable rules.

Nepotism

1. Under the federal statute prohibiting nepotism (5 U.S.C. § 3110) the term public official includes: a Member, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement.

2. Such a public official may not appoint, employ, promote, advance or advocate for appointment, employment, promotion, or advancement in or to a position in the office in which that public official is serving or over which that public official exercises jurisdiction or control over any individual who is a relative of that public official.

3. Every employee must certify his or her relationship to any Member of Congress on a certificate of relationship form, available from Human Resources at x52450. If, at any time, the relationship of an employee to any current Member of Congress changes, the employee must file an amended certificate of relationship form. Completed certificates must be submitted to Human Resources, Chief Administrative Office (CAO) for retention in the employee's personnel files.

4. Individuals with the following relationship to the Chair or Ranking Minority Member of a committee or any of its subcommittees may not be employed by the committee:

· Aunt
· Half-sister
· Son-in-law

· Brother
· Husband
· Stepbrother

· Brother-in-law
· Mother
· Stepdaughter

· Daughter
· Mother-in-law
· Stepfather

· Daughter-in-law
· Nephew
· Stepmother

· Father
· Niece
· Stepsister

· Father-in-law
· Sister
· Stepson

· First cousin
· Sister-in-law
· Uncle

· Half-brother
· Son
· Wife

5. If a House employee becomes related to the Chair or Ranking Minority Member of the committee or any of its subcommittee (by marriage), the employee may remain on the personal or committee payroll. Similarly, if a Chair or Ranking Minority Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member ascends to the Chairmanship of a committee or subcommittee for which the relative is already working) the relative may remain on the payroll. However, the Chair or Ranking Minority Member of the committee or any of its subcommittee may not then give that individual further promotions or raises, other than cost-of-living or other across-the-board adjustments.

6. The statute does not prohibit a Chair or Ranking Minority Member of the committee or any of its subcommittees from employing two individuals who are related to each other, but not to the Chair or Ranking Minority Member. (See, House Ethics Manual, pp. 187 and 188).

7. If an employee is related to a current Member of Congress, the nature of the relationship must be stated on the monthly Payroll Certification Form.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for additional information.

Non-Disclosure Oath
House Rule XXIV, clause 13, requires a Member, Delegate, Resident Commisioner, officer or employee of the House to execute an oath of non-disclosure before having access to classified information.

Post-Employment Restriction
Members and employees paid at an annual rate of $116,025 (2003) or more for at least 60 days in the one-year period prior to termination are subject to post-employment restrictions. The restrictions on post-employment activities are outlined in the House Ethics Manual. Questions should be directed to the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103.

Working from Home due to a Disability
In accordance with the American with Disabilities Act, a Committee Chair may reasonably accommodate a qualified employee with a disability by allowing the employee to work at home. As a condition of such a request, the Committee Chair may require certification from a physician of the need for such accommodation.

See Congressional Accountability Act (11) and Telecommuting (35).

Leave

The Committee Chair determines the terms and conditions of employment, including provisions for leave (e.g. Annual, Administrative, and Sick) consistent with applicable Federal laws and House Rules. Contact the Office of House Employment Counsel at x57075 for information about model leave policies.

Family and Medical Leave (FMLA)
A person employed by the House for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of 12 weeks of unpaid leave during any 12-month period for the following family and medical reasons:

1. For the birth of a child and to care for a newborn child.

2. To adopt a child or to receive a child in foster care.

3. To care for a spouse, son, daughter, or parent who has a serious health condition.

4. For the employee's own serious health condition which makes the employee unable to perform the functions of his or her job (29 U.S.C. § 2601 et seq.).

Employees on Family and Medical Leave remain eligible for all benefits.

Furlough
Furlough is an absence without pay initiated by the Committee Chair. Placement in a Furlough status is at the discretion of the Committee Chair, unless statute otherwise requires placement in such status.

1. To be eligible an employee must have been employed by the committee for the entire month prior to the effective date of Furlough status.

2. An employee placed in a Furlough status continues to fill a committee position. The name of such committee employee will be listed on the monthly Payroll Certification Form.

3. Continuation of employee benefits while on furlough status:

a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain enrollment and coverage, an employee placed in a furlough status is responsible for the payment of the employee's portion of the insurance premium for the period of the furlough status, either by direct payment or by incurring a debt to the House.

b. Life insurance continues for up to 12 months without employee contribution.

c. Retirement coverage continues without employee contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.

4. The placement of an employee in a Furlough status must be made on the form provided by Human Resources and received no later than the 15th day of the month in which the placement is to be effective.

Contact Human Resources at x52450 for such forms and additional information on employee benefits while on Furlough status.

Jury and Witness Duty
Under 2 U.S.C. § 130b, the pay of an employee may not be reduced during a period of absence with respect to which the employee is summoned as a juror; or as a witness on behalf of any party in connection with any judicial proceeding to which the United States or a State or Local government is a party.

An employee may not receive fees for service as juror in a court of the United States or the District of Columbia; or as a witness on behalf of the United States or the District of Columbia. If an employee receives an amount (other than travel expenses) for service as a juror or witness in such a court, the employee must remit such amount to the Finance Office for deposit in the general fund of the Treasury.

Leave Without Pay (LWOP)
LWOP is an absence without pay initiated by the employee subject to the approval of the Committee Chair, unless statute otherwise requires placement in such leave status.

1. To be eligible an employee must have been employed by the committee for the entire month prior to the effective date of the LWOP status.

2. As a basic condition for approval of LWOP status, there should be a reasonable assurance that the employee will return to duty at the end of the LWOP period. Committee Chairs are encouraged to contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 prior to approving a LWOP status request to confirm that no conflict of interest issues exist.

3. LWOP status should be requested in advance of the period of absence.

4. LWOP status may not exceed 12 months in a 24-month period.

5. When an employee has been appointed to LWOP status, he or she continues to fill a payroll position. The name of such employees will be listed on the monthly Payroll Certification Form.

6. Continuation of Employee Benefits while on LWOP status:

a. Health benefits enrollment and coverage may be continued for up to 12 months. However, to maintain such enrollment and coverage, an employee placed in LWOP status is responsible for the payment of the employee's portion of the insurance premium for the period of the LWOP status, either by direct payment or by incurring a debt to the House.

b. Life insurance coverage continues for up to 12 months without employee contribution.

c. Retirement coverage continues without contribution. Up to 6 months in a calendar year is credited for service in the annuity computation.

7. The placement of an employee on LWOP status must be made on the Payroll Authorization Form and received no later than the 15th day of the month in which the placement is to be effective.

Contact Human Resources at x52450 for such forms and additional information on employee benefits while on LWOP status.

Military Leave
Employees who are members of a National Guard or Armed Forces Reserves unit are entitled to leave without loss in pay, time, performance or efficiency rating for active duty or engaging in field or coast defense training as a Reserve of the Armed Forces or member of the National Guard. Leave accrues for an employee at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year (5 USC § 6323).

Contact the Office of House Employment Counsel at x57075 for additional information on the rights, benefits, and obligations of individuals absent from employment for service in an uniformed service (38 U.S.C. § 4317 - 4319).

See Replacement Employees (7).

Consultants

Pursuant to 2 U.S.C. § 72a(i) each committee is authorized, with the prior approval of the Committee on House Administration, to obtain temporary or intermittent services of individual consultants or organizations, to advise the committee with respect to matters within its jurisdiction.

1. The term of the contract agreement may not exceed 12 months or the end of a Congress, whichever occurs first.

2. The consultant is to act as an independent contractor and is not an employee of the committee. The Committee on House Administration will not approve a contract if the services to be provided by the consultant are the regular and normal duties of committee staff.

3. Individual contract agreements may not exceed the per diem equivalent of the highest gross rate of compensation that may be paid to a regular employee of the committee.

4. If the consultant receives federal retirement benefits during the term of the contract, the sum of all money paid to that consultant plus the federal retirement benefits for the calendar year may not exceed the maximum gross rate of annual compensation allowed for an employee of the committee.

5. A consultant may be reimbursed for the cost of transportation and travel-related expenses in accordance with the rates and regulations established for Members and employees of the committee. Consultants may travel at the government rate when traveling on official committee business.

6. Pursuant to clause 14(b) of House Rule XXIV, consultants are subject to certain provisions of the House Code of Official Conduct, including the gift rule, the prohibition against use of one's official position for private gain, and the requirement to conduct oneself at all times in a manner that reflects creditably on the House. For information relative to the House Rules, contact the Committee on Standards of Official Conduct, Office of Advice and Education at x57103 for further information.

7. Committee Chair must submit a letter requesting approval of the Committee on House Administration along with a signed contract agreement and resume of the proposed consultant, including, but not limited to, details of Federal Service either as an employee or pursuant to contract agreement with any committee of the Congress.

8. The letter must specify that the proposed contract has been approved by a majority of the Members of the committee and that no services pursuant to the proposed contract will commence prior to approval of the contract by the Committee on House Administration.

The Committee on House Administration will make available for public inspection a copy of the qualifications of each consultant.

Detailees

Pursuant to 2 U.S.C. § 72a(f), a committee may acquire on loan, with the prior written authorization of the Committee on House Administration, experts or other personnel from a Government department or agency.

1. Committee Chair must submit a letter to the Committee on House Administration requesting approval of the detailing agreement. The request must include the following:

a. Letter from the Committee Chair to the head of the particular Government department or agency explaining the need for the detail, the estimated period of the assignment, and the terms of reimbursement, if any, of the detail.

b. Written response from the Government department or agency agreeing to the detail request.

2. Detailing agreements may not exceed a 12-month period or the end of a Congress, whichever occurs first.

3. Committees are not required to reimburse for detailees, except for detailees from the Government Printing Office (GPO). Detailees assigned from GPO require full reimbursement from committee funds. The total number of non-reimbursable detailees, at one time, must remain at or below 10% of the committee's staff ceiling.

4. Detailees remain employees of the detailing department or agency, and are not employees of the House. Therefore, any travel by detailees will be undertaken pursuant to the authority of the detailing department or agency. Reimbursement of travel to the department or agency will be from committee funds and subject to the detailing agreement.

5. Personnel from the Congressional Research Service (CRS) may only be detailed to accompany an official committee delegation in the conduct of official committee business. CRS staff may only serve in a technical, nonpartisan capacity, and all travel costs are the responsibility of the committee.

6. Pursuant to 31 U.S.C. § 734 the Comptroller General may assign or detail an officer or employee of the General Accounting Office to full-time continuous duty with a committee of Congress for not more than one year.

COMMUNICATIONS

Advertisements

General
Ordinary and necessary expenses related only to the following types of advertisements are reimbursable:

a. notice of committee employee and internship openings

b. notice of official committee events (i.e., forums, field hearings)

Advertisements may not include the name, picture or likeness of any Member of the committee.

Advertisements must receive an Advisory Opinion from the Commission on Congressional Mailing Standards (Franking Commission). Contact the Franking Commission at x59337.

Disclosure
Committees must disclose, within the text of a television, radio and internet advertisement, the source of payment for the official advertisements. Committees may use any of the following:

a. "Paid for with official funds from the Committee on [committee name]."

b. "Paid for by funds authorized by the House of Representatives for the Committee on [committee name]."

c. "Paid for by official funds authorized by the House of Representatives."

Internet
Committees are authorized to purchase banner advertisement on Web pages. The banner advertisement may contain only text. The banner may link to a secondary page that contains only text relating to a category of authorized advertisement, and the secondary page may contain a link to the committee's home page.

Radio
Ordinary and necessary expenses for a radio advertisement only announcing an official committee event (e.g., field hearing, forum) are reimbursable.

Television
Ordinary and necessary expenses of a television advertisement only announcing an official committee event (e.g., field hearing, forum) are reimbursable. Television advertisements may only contain text and voiceover.

Booths

Ordinary and necessary expenses associated with renting or outfitting a booth to provide public information directly related to official committee business are reimbursable.

Electronic Communications

Ordinary and necessary expenses related to the distribution of electronic communications (e.g., the Internet, fax machines, etc.) are reimbursable.

Franked Mail

Use of the Frank
1. Pursuant to 39 U.S.C. § 3210, committees are entitled to the privilege of sending mail as Franked mail in order to assist and expedite the conduct of official committee business. The content of committee mail must relate to the normal business of the committee. For information regarding the use of the Frank, refer to the Regulations on the Use of the Congressional Frank.

2. At the request of the Committee Chair, a separate mail accounting system can be provided to the minority of the committee.

3. Any mass mailing mailed by the committee that relates to normal and regular business of the committee may be mailed without regard to election year mass mailing cut off provisions.

4. Mail to be delivered outside the United States, its territories and possessions (other than mail matter bearing an APO or FPO address for delivery through the United States military mail system) is not eligible for distribution under the Frank and may be sent with stamps.

In applicable circumstances, the committee may also use the following:

a. For official mail to U.S. Embassies and missions abroad, the Department of State provides diplomatic pouch service. For information regarding this service, contact House Postal Operations at x53856.

b. Committee hearings, reports and prints which are not available for purchase from the Government Printing Office, and which are to be sent to foreign countries, may be sent to the Library of Congress for forwarding through the Exchange and Gifts Division. For further information regarding this program, contact the Library of Congress, Exchange and Gifts Division at x75243.

Contact the Franking Commission at x59337 for additional information.

Franked Mail Monthly Statement
Each month the United States Postal Service (USPS) will prepare an USPS Franked Mail Monthly Statement listing the postage expenses of all Franked mail incurred in that month. The USPS will forward this statement directly to Postal Operations for payment from the committee's franked mail allocation and will provide an informational copy to committees.

Inside Mail

1. Inside mail is a delivery service for the transmittal of inter-office communications provided to congressional offices by House Postal Operations, pursuant to regulations established by the Committee on House Administration. Inside mail service is available among offices in the Capitol, the House and Senate Office Buildings, the Library of Congress, the White House, the State Department, and the Social Security Administration.

2. Inside mail service is provided to support the conduct of official business of Members, committees, Officers of the House, and Congressional Staff Organizations.

3. Inside mail service may not be used to circulate letters that are personal or campaign related, or which constitute commercial advertising except when postage is paid for with personal expenses.

4. All mail to be delivered via inside mail should be clearly marked "Inside Mail" and deposited in an inside mailbox.

5. Authorized items for circulation of Inside Mail include:

a. A Dear Colleague or similar correspondence relating to the official business of the committee. This correspondence must be on official letterhead and signed by the Committee Chair, Ranking Minority Member, or Member(s) of the committee.

b. A position paper, report, legislative analysis, or any material published or produced by another individual or organization a committee wishes to circulate. This correspondence must be accompanied by a signed cover letter, on official letterhead, endorsing the material. A copy of the cover letter must be attached to each item to be distributed.

c. Franked Mail.

d. Stamped Mail.

e. Mail for which a delivery fee has been paid.

f. Mail in reusable blue U.S. House of Representatives inside mail envelope.

g. Mail produced by Congressional Staff Organizations registered with the Committee on House Administration.

Dear Colleague letters and similar correspondence are transmitted to House Postal Operations, in the appropriate quantity, with a cover letter signed by the Committee Chair, Ranking Minority Member, or committee Member, indicating to whom the mailing should be distributed. For information regarding the distribution figures and procedures, contact House Postal Operations at x53856.

Non-Franked Mail

Ordinary and necessary expenses incurred only when the Frank is insufficient, such as certified, registered, insured, express, foreign mail, and stamped, self-addressed envelopes related to the recovery of official items, are reimbursable. Postage may not be used in lieu of the frank. Such mailings must be in compliance with the Franking Regulations.

See Regulations on the Use of the Congressional Frank (available from the Franking Commission at x59337).

Printing and Production of Committee Publications

Services required in support of the printing and production of committee hearings and prints are provided to each committee by the Government Printing Office (GPO). The following services are authorized pursuant to Title 44 of the U.S. Code:

a. The printing of up to 150 copies of committee hearings or prints on matters germane to the committee's jurisdiction. Additional copies, the total cost of which does not exceed $700, may be printed when authorized and approved by the Joint Committee on Printing. Any additional copies may be subject to the adoption of a House resolution authorizing such printing.

b. The binding of a maximum of four sets (two sets each for the Majority and the Minority) of each committee publication for retention and permanent use by the committee.

c. A committee may hire an individual or acquire a detailee on loan from GPO to provide assistance in support of the printing requirements of the committee. To request the detailing of a GPO employee, the Committee Chair should submit a request in writing to the Public Printer, c/o Congressional Printing and Management Division, GPO, Room C730, Washington, DC 20401.

See Detailees (18).

Stationery

1. Official stationery (official committee letterhead, envelopes, roll call forms, etc.) is procured from the GPO (44 U.S.C. § 734). Contact the Congressional Printing and Management Division of GPO at (202) 512-0224 and the Office of Printing Services (OPS) at x51908 for stationery requests.

Official stationery may not contain the following information:

a. Seals other than the Great Seal, Congressional Seal, or State Seal

b. Any Slogan

c. Private entity information or endorsement

d. Campaign contact information (e.g. address, phone number, e-mail address)

e. Greetings

2. Ordinary and necessary expenses related to the purchase of stationery (writing paper, press or news release letterhead, etc.) are reimbursable. Committees may purchase the stationery from OPS or an outside vendor.

3. Official stationery may be used only for a letter or other document the content of which complies with the Franking Regulations.

4. Ordinary and necessary expenses for business cards for committee employees are reimbursable. Cards must contain the name of the committee and accurately describe the position to which the employee has been appointed.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for guidelines on the use and appearance of official stationery. Contact the Franking Commission at x59337 for information on content of official correspondence.

Web Site Regulations

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

1. Ordinary and necessary expenses associated with the creation and continued operation of Web sites in support of official committee business are reimbursable.

2. The minority and subcommittees shall be entitled to a separate page that is linked to and accessible only from the committee's Web page. For any Web pages created under this policy, the Chair (committee or subcommittee) or Ranking Minority Member (committee or subcommittee) responsible for its content must be identified on the introductory page.

3. Web sites must be located in the HOUSE.GOV host-domain and may be maintained either by House Information Resources (HIR), the committee office, or a private vendor.

4. Committee Web sites may link to Member Web sites, but Member Web sites may not be located on Web sites paid for by committee funds.

5. HIR will display an exit notice stating that users are leaving the House of Representatives, prior to linking to a non-House of Representatives Web site. The exit notice will include a disclaimer that neither the committee nor the House is responsible for the content of linked sites. Committees maintaining their sites on the Public web server are required to incorporate the exit notice into their external links.

Content
The content of a committee Web site may not:

a. Include personal, political, or campaign information.

b. Be directly linked or refer to Web sites created or operated by campaign or any campaign related entity, including political parties and campaign committees.

c. Include grassroots lobbying or solicit support for a Member's position.

d. Generate, circulate, solicit or encourage signing petitions.

e. Include any advertisement for any private individual, firm, or corporation, or imply in any manner that the Government endorses or favors any specific commercial product, commodity, or service.

Name (URL)
1. The URL name for an official Web site located in the HOUSE.GOV domain must be recognizably derivative or representative of the name of the committee.

2. The URL name may not be a slogan or imply in any manner that the House endorses or favors any specific commercial product, commodity, or service.

Security
1. All House systems and devices with connections to the Internet must comply with network and security guidelines of the Committee on House Administration. These guidelines include the following:

a. Offices must send a written request for access to Internet services to HIR. Technical requirements will be provided to each office by HIR.

b. All users authorized access to the Internet must have unique identifiers and password security.

c. Users must immediately report any unauthorized access or unusual system activities to HIR Security Office (x66448). HIR will investigate any breaches of the Internet security system.

d. Internet access will be installed only after determination by HIR that anti-virus software has been installed on the committee's computer system.

2. Users with current anti-virus software provided by the House installed on in-office computers may download software, patches, and fixes. Users are responsible for complying with legal or contractual requirements from the owners of the software at least every six months.

Disbursements

Advance Payments

There are instances in which advance payments may be required and may be paid. Only the following advance payments are reimbursable, unless otherwise specifically authorized:

a. Facility rentals

b. Public information booth rental

c. Educational expenses

d. Newspaper and periodical subscriptions

e. Original Equipment Manufacturers' Warranties

f. Telecommunication devices

Reimbursement and Direct Payment

Disbursements from funds available to committees are paid either on a reimbursement or direct payment basis and require the Committee Chair's signature, certifying that the expense was incurred in support of official committee business, and supporting documentation (i.e., receipt, invoice, etc.).

Seeking Reimbursement: Vouchers

Requests for reimbursement or payment from committee funds must be submitted on a completed voucher to the Finance Office.

Each voucher must include the following information:

1. Committee Chair's original signature.

2. Date(s) of service provided or date of purchase.

3. Payee (the party to whom the payment or reimbursement is being made) may be one of the following:

a. Committee Chair

b. Members and employees of the committee

c. Witnesses

d. Consultants

e. Government detailing agency

f. Designated vendor

For payment to individuals, the payee's tax identification number or Social Security number must be included on the voucher.

4. Description of the expenses incurred.

5. Supporting documentation (original invoices, original receipts, etc.).

6. Amount due.

Committees should provide the Finance Office with original receipts. If original receipts are unavailable, the Committee Chair may submit the voucher with the available documentation (e.g., copy of receipt or original credit card statement) with signed certification stating "I certify that this is a true copy. This is my only submission for payment."

In instances where original receipts are not provided (bus fares, pay phone calls, etc.) and for taxi fares under $10.00, the information on the front of the voucher will be recognized as sufficient.

General Expenses

Appliances

Ordinary and necessary expenses for small appliances (microwaves, coffee makers, etc.) for use in the committee offices are reimbursable.

Any equipment that exceeds $500 in value must be added to the committee's inventory. Contact Office Systems Management at x53994 to add such items to the inventory.

Clipping Services

Ordinary and necessary expenses related to clipping services (newspapers, periodicals, magazines, etc.) are reimbursable.

Decorating Expenses

Decorations of nominal value (such as frames, bookends, flags, seals, etc.) for committee offices are reimbursable. Contact the Committee on House Administration for a list of Government agencies that provide wall decorations free of charge.

Drug Testing

Ordinary and necessary expenses related to drug testing, in accordance with the committee's written drug testing program, are reimbursable.

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

Dues

Dues, membership fees, assessments, and annual fees are not reimbursable (5 USC § 5946).

Educational Expenses

Ordinary and necessary expenses for Members or employees of the committee to attend conferences, seminars, briefings, and informational programs related to official committee business are reimbursable.

1. Reimbursement may not be made for expenses to attend educational programs in order to obtain a primary, secondary, graduate, post-graduate, or professional degree.

2. Expenses associated with acquiring or maintaining professional certification or licensing are not reimbursable.

See Advance Payments (27) and Contractors (6).

Employment-Related Expenses

Ordinary and necessary expenses related to filling employment vacancies are reimbursable. Transportation to and from employment interviews and relocation expenses upon acceptance or termination of employment are not reimbursable.

Equipment

For all questions relating to equipment and equipment-related issues, refer to the User's Guide to Purchasing Equipment, Software and Related Services, available from the Committee on House Administration.

Routine administrative requests (requests for equipment, computer services, etc.) should be directed to the appropriate administrative offices under the Chief Administrative Officer (CAO). For further information relating to any of the CAO's services, please refer to the CAO's Web site on the Intranet (http://onlinecao.house.gov) or call First Call/One Call at x58000.

Food and Beverage Expenses

Members and employees of a committee may be reimbursed for food and beverage expenses incidental to an official meeting that includes persons who are not Members or employees of the House.

Members and employees of a committee may not be reimbursed for food and beverage expenses related to social activities or social events (e.g. receptions, entertainment, holiday or personal celebrations, etc.).

The cost of alcoholic beverages is not reimbursable under any circumstances.

See Representational Funds (34).

Framing

Framing services for items to be displayed in the committee offices are reimbursable. When committees use the in-House framing service provided by the Furniture Resource Center at x62421, charges will be automatically debited from committee funds.

Furnishings

Furniture, carpet, drapes, etc. for committee offices are supplied and maintained by the CAO through the Furniture Resource Center, without charge to the committee.

Incidental Use

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

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

A Member office may adopt a more restrictive incidental use policy.

Interpreting and Translating Services

See Interpreting and Translating Services (37).

Late Fees

Ordinary and necessary fees related to late payments incurred beyond the control of a Member or employee of the committee are reimbursable.

Mass Transit Benefit

Each office is authorized to provide to its qualified employees a transit fare benefit of a value not to exceed $100 per month on a qualified mass transit system. Each office may establish a salary limit for participation in this program. This transit fare may only be used by qualified employees for travel to and from their official place of work.

Employees may not simultaneously use a House parking permit and receive the mass transit benefit. Contact the First Call / One Call at x58000 for information related to this program.

Messenger Services

Ordinary and necessary expenses for messenger services related to official committee business are reimbursable.

Parking

1. A committee is provided parking permits for up to 80% of the committee staff level. Of the permits provided, 60% are indoor garage spaces and 40% are for outdoor lot spaces.

a. Garage parking spaces may be reserved. If space is reserved, the permit holder incurs additional taxable income as a working condition fringe benefit. Under the tax code and IRS regulations, Members and employees have imputed taxable income to the extent that the fair market value of Government-provided parking exceeds $175.00/month (the value of the parking space is subject to future adjustments).

b. When a garage space is reserved, the Director of Garages and Parking Security will notify Human Resources.

c. Contact Human Resources at x52450 to make appropriate tax withholdings.

2. At the beginning of each Congress, the Director of Garages and Parking Security will send parking permit application forms to each committee. The Committee Chair should designate on the forms to who garage or outside parking space permits are to be issued, and with regard to garage space, whether the space is to be assigned on a reserved or unreserved basis. The application forms must include the individual's name, House of Representatives ID number (where applicable), the model, year and color of the individual's automobile, and the automobile license number and state.

3. All offices must retrieve parking permits from departing employees. Additionally, offices must notify House Garages and Parking Security of any transfers or changes in permit assignments. Notifications should be in writing on official letterhead and include Committee Chair's signature.

4. The House of Representatives will not be liable for any damage caused to or theft of any motor vehicle or contents thereof while parked on a House parking lot when that lot is not attended.

Contact the Committee on House Administration at x58281 for more details regarding the parking policy.

Photography Expenses

Ordinary and necessary expenses for photographic services related to official committee business are reimbursable. An in-House source is the Office of Photography at x52840.

Publications

Ordinary and necessary expenses related to purchasing or subscribing to publications, including but not limited to research materials, reference books, informational brochures or periodicals, for official committee business use are reimbursable.

All invoices for subscriptions received by the Finance Office through January 2 will be processed using funds from that session, including

subscriptions for service dates in the following session. Beginning on January 3, all subscriptions must be processed with the funds available on the beginning date of the subscription.

Records Maintenance and Archiving

1. House Rule XI, clause 2 (e)requires that each committee keep a complete record of all committee actions, including, but not limited to, the following:

· roll call votes

· committee publications (e.g., committee hearings, committee prints, legislative calendars)

· transcripts of unprinted hearings

2. For detailed information regarding archiving, contact the Legislative Resource Center at x51300 for a copy of Archiving Committee Records for Committees of the U.S. House of Representatives: A Handbook of Archival Practices and Procedures.

3. House Rule VII requires that at the close of each Congress, the Clerk shall obtain all non-current records of each committee and transfer them to the National Archives for preservation subject to the order of the House. The Clerk will provide, at the close of each Congress, each committee with the necessary instructions and forms to be used in retiring the committee's records to the Office of Records and Registration for transfer to the National Archives.

4. Archived records may be retrieved, when necessary, upon request submitted by authorized committee staff to the Office of Records and Registration. The Committee Chair must provide to the Clerk a list of staff authorized to request the retrieval of archived records.

Representational Funds

Ordinary and necessary expenses related to the purchase of items for official presentation when on official travel for the House outside the United States, its territories and possessions is reimbursable. Food and beverage expenses and the purchase of items for official presentation

in connection with visits to the United States by foreign heads of State and other foreign officials are reimbursable.

To purchase items from the House Gift Shop, select the item(s) and notify the sales clerk that it is for official committee business. Receipts for such items should be vouchered and must be supported by a listing of the name, title or position, and country represented of all individuals attending the event and/or to whom an official presentation is made.

Specialized Training

Each committee is authorized, with the approval of the Committee on House Administration, to provide assistance to employees of the committee in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities.

1. Such assistance may be in the form of continuance of pay during the periods of training, or grants of funds to pay tuition or other expenses of training, or both.

2. Committees must obtain reasonable assurance from the employee of his or her intent to return to work so that the employee may convey the benefits of such training upon the committee.

The Committee Chair must submit a letter to the Committee on House Administration, prior to any expenses being incurred, explaining the need for the specialized training, the cost, the duration, and any other pertinent information.

Supplies

Ordinary and necessary expenses for office supplies in support of the conduct of official committee business are reimbursable. Supplies may be procured through Office Supply Store (OSS) located in B-217 Longworth or through an outside vendor.

OSS issues each committee an Account Card. The cost of all items purchased with the Account Card is charged directly to committee funds. Committee Chairs may request additional account cards for use by subcommittees and the minority.

Each month, OSS will provide each committee with a statement of all transactions charged to the committee's account card(s). Committees should reconcile their records with this statement to ensure accuracy. Discrepancies should be resolved immediately with OSS.

OSS also operates a gift shop in B-217A Longworth which sells souvenirs and mementos to Members, employees and the public. Committee Account Card(s) may not be used to purchase items at the Gift Shop.

For information regarding special orders, deliveries and monthly statements, contact OSS at x53321.

See Representational Funds (34).

Telecommunications

Ordinary and necessary expenses related to the official use, including periodic or flat service fees, of telecommunications lines (voice and data) in the residence of Members and employees of the committee are reimbursable. The cost of installation of such lines is not reimbursable.

TELECOMMUTING

Ordinary and necessary expenses incurred in compliance with the Committee on House Administration telecommuting policy are reimbursable. Offices may obtain a copy of the Telecommuting policy and agreement from the Committee's website at (http://www.house.gov/cha/publications/publications.html).

Hearings and Meetings

Committees must adhere to House Rules with respect to preparing for and holding hearings, mark-ups and meetings.

Notices of committee hearings and meetings should include a contact person to arrange for accommodations for persons with disabilities. For suggested language and assistance in meeting accommodations, contact the Office of ADA Services at x53005.

Audio and Video Expenses

Ordinary and necessary expenses including but not limited to the following, are reimbursable:

a. Audio and video taping of meetings and hearings.

b. Audio and video dissemination of committee meetings and hearings.

c. Video teleconferencing for official committee business.

Except for notices of official committee events, the costs related to purchasing television broadcast time are not reimbursable.

Note: In Washington, Communications Media, an in-House source for audio and video services, is available. Contact Communications Media at x53941 for information on services, charges and availability.

Charts / Presentation Materials

Ordinary and necessary expenses for the production of charts or other materials for official committee business are reimbursable. Committees may use the in-House service, House Information Resources (HIR), or an outside vendor for the production of charts. Contact HIR at x63799 for services and charges.

Field Hearings

Procurement of Rental Space
Committees are authorized to procure commercial space when federal, state, municipal or other public space is not available or not suitable.

Insurance for Rental Space
Committees may be asked to provide a certificate of insurance for the purpose of entering into a lease for securing space for a field hearing or other official events. The House does not carry a private insurance policy and generally does not permit the use of committee funds to pay for a private insurance policy.

Under the provisions of the Federal Tort Claims Act (28 U.S.C. § 2671-2680), the United States acts as a self-insurer and recognizes its liability for the negligent and wrongful acts or omissions of its employees acting within the scope of their official duties. The United

States is liable to the same extent an individual would be in like circumstances.

Although the Federal Tort Claims Act is not the equivalent of private liability insurance, it does provide an aggrieved party with administrative recourse, and if that proves unsatisfactory, it provides legal recourse for damage or injury sustained. Thus, to the extent negligent acts of congressional employees, while conducting official duties, result in either property damage or bodily injury, such damage or injury should be compensable under the Act in a manner which affords protection similar to private liability insurance.

However, if the provisions of the Federal Tort Claims Act are not considered adequate, the ordinary and necessary expenses for liability insurance to cover these risks are reimbursable. When a compensable event occurs, the deductible portion of a policy may be paid from committee funds.

Expenses for the purchase of fire and theft insurance are not reimbursable.

For advice and guidance regarding the Federal Tort Claims Act, contact the Office of the General Counsel at x59700.

Interpreting and Translating Services

Ordinary and necessary expenses related to procuring interpreting and translating services needed in conducting official committee business are reimbursable.

The Office of ADA Services (x53005) can assist committees in locating sign language interpreters for the public attending committee meetings and hearings.

The Congressional Special Services Office (x44048) will provide free interpreting services for hearing-impaired witnesses testifying before a committee in Washington, DC.

Stenographic Reporters

All transcription services covering a hearing, mark-up or other bipartisan meeting of Members of the committee called by the Chair of a committee or subcommittee, must be arranged through the Office of

Official Reporters to Committees. Such transcription services are provided at no cost to committees.

1. For field hearings, the Official Reporters will either send an official reporter or arrange for a stenographic reporter from a commercial firm at the location of the field hearing. If an official reporter is assigned to cover a field hearing, travel expenses of the official reporter will be paid for by the Office of the Clerk.

2. When in-house stenographic reporters are not available, the Office of Official Reporters to Committees will arrange for an outside vendor. The vendor will submit to the committee a completed voucher along with a copy of the hearing transcript. The Committee Chair must sign the voucher and forward to the Office of Official Reporters to Committees for processing. There is no cost to committees.

3. The Committee Chair may authorize the use of an outside stenographic reporter, at direct cost to the committee, for meetings other than those that the Office of Official Reporters to Committees is required to cover. All expenses related to these services will be paid from committee funds. The invoice from the vendor should be vouchered directly to the Finance Office for payment.

Contact the Office of Official Reporters to Committees at x52627 for information on how to request a stenographic reporter.

Witnesses

The reimbursement of travel expenses incurred by a witness is an extraordinary measure.

Reimbursement will be made only when authorized by the Committee Chair. Reimbursement will be made only to an individual called to appear as a witness before a duly constituted meeting or hearing under House Rules or a duly constituted staff deposition.

Witnesses may travel at the government rate when the committee is reimbursing for travel expenses.

If a witness is a minor or requires medical assistance, reimbursement may be made to the parent or guardian of the minor or nurse or aide accompanying the witness.

If a witness resides outside the United States, its territories and possessions, reimbursement may be made to the witness for transportation expenses to and from the United States.

Travel

Travel in support of official committee business, is official travel. Official travel includes local travel and being away from home overnight when returning to the primary duty station is unduly burdensome or impractical.

The Committee Chair must approve all official travel. The Committee Chair may establish internal committee procedures for authorization of travel.

Domestic Travel

General
1. Ordinary and necessary expenses associated with official travel, including transportation, lodging, meals (excluding alcohol), and incidentals (parking, ticket change fees, etc.) are reimbursable.

2. Only Members and employees of the committee, consultants, vendors and witnesses may be reimbursed from committee funds for travel expenses (unless otherwise authorized, in writing, by the Speaker).

3. Any travel by detailees will be undertaken pursuant to the authority of the detailing department or agency. Reimbursement of travel to the department or agency will be from committee funds and subject to the detailing agreement.

4. Official travel may not be for personal, political, campaign or Member personal office purposes.

5. Official travel cannot originate from or terminate at a political or campaign event. Official travel may not be combined with or related to travel or travel related expenses paid for with campaign funds.

6. Living and commuting expenses are not reimbursable. Living expenses are meals, housing, and other personal expenses incurred at a committee Member or employee's residence or primary duty station. Commuting expenses are transportation expenses incurred by the

Members or employees between their residence and primary duty station.

7. Official travel may not exceed 60 consecutive days.

8. Only ordinary and necessary charges associated with failure to cancel reservations incurred beyond the control of the Members and employees of the committee are reimbursable.

9. The cost of alcoholic beverages is not reimbursable.

10. The Committee on House Administration encourages committees to establish a limit on reimbursement of travel related expenses and suggests the use of the locality based per diem rates as a guideline. The locality based per diem rates are located on the General Services Administration Web page at http://www.gsa.gov/search.htm.

11. No Member of the committee may be reimbursed for transportation or travel-related expenses after the date of the general election in which the Member has not been elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or after the adjournment sine die of the last regular session of the Congress (House Rule XXV, clause 10).

Combined Travel (Personal and Official)
Combined travel is travel by a Member or employee of the committee for the primary purpose of official committee business that includes an intervening destination or additional time period for personal purposes.

Combined travel requires that:

a) the primary purpose of the travel must be official

b) the personal segment of the combined travel may not be purchased at the government rate or purchased with a Government Travel Card.

c) the traveler seeks reimbursement for either the government rate of the direct route and means to the destination required for official committee business, or the actually traveled fare, whichever is less;

d) the traveler personally pays any additional expenses incurred as a result of the personal travel

e) the traveler attaches a brief memo to the voucher submitted for combined travel, stating that the official travel and personal travel was combined for personal convenience

Unexpected Travel
Travel expenses are reimbursable in the event that unexpected official business requires Members or employees of the committee to travel to Washington, D.C. or location of official committee business from a location within the United States, its territories and possessions. Travel to and from campaign or other political activities is not reimbursable. Travel may be booked at the government rate.

Committee funds may be used to return committee Members and employees to a location for personal business after fulfilling their official duties.

Methods of Travel
Subject to these travel regulations, all official travel by way of common carrier, chartered, leased, or privately-owned vehicle (airplane, automobile, etc.) is reimbursable.

Chartered Aircraft
Ordinary and necessary expenses related to chartering an aircraft are reimbursable when passengers are restricted to Members, their immediate family (spouse, child, parent) and employees of the committee, the names of whom must be stated on the voucher.

The full cost of the chartered aircraft must be paid for by committee funds.

If an immediate family member is a passenger, the Member must submit a check to the Finance Office payable to the US Treasury equivalent to the cost of a comparable commercial first class fare with an explanatory letter.

Corporate or Private Aircraft
Members and employees of the committee who travel via corporate, business or privately owned aircraft in support of the conduct of official committee business must reimburse the entity providing the flight for the fair market value of the flight. To determine the fair market value of such a flight, apply the following:

a. When the travel is via a previously or regularly scheduled flight by the corporation for its business, or individual, the entity must be

reimbursed based on the cost of a commercial first class flight to the nearest location served by a commercial passenger airline. If only standard (coach) rates are available at the nearest location, the committee must reimburse the entity for the standard (coach) rate.

b. When the flight is scheduled specifically for committee use, payment will be made based on the cost of an equivalent commercial chartered flight to that location.

Prior to scheduling travel provided by any corporation, business, or individual, the committee must verify that the person has the authority under its FAA certification to accept payment for travel as set forth above. Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for guidance.

Department of Defense
The Department of Defense will support approved travel of Members and employees of the Congress upon request of the Congress, pursuant to law or where necessary to carry out the duties and responsibilities of the Department of Defense.

The Department of Defense Directive number 4515.12 prescribes the policy of the Department of Defense with respect to support for travel of Members and employees of Congress. For additional information, contact the Congressional Liaison Office of any branch of the Armed Services.

Officially Leased Vehicle
Ordinary and necessary expenses related to the short-term lease of a vehicle in support of the conduct of official business are reimbursable.

1. Non-governmental use of a vehicle may be made only when such use is:

a) during the course of and generally along the route of the day's official itinerary

b) incidental to the day's official committee business

c) de minimis in nature, frequency, and time consumed

d) does not otherwise constitute a significant activity or event

2. The Committee recommends that cars be rented at the government rate with unlimited mileage and full and comprehensive collision damage waiver (CDW) coverage. Not all rental car franchises include CDW coverage with the government rate. To ensure CDW coverage, offices should make their rental car reservations through the Combined Airline Ticket Office (CATO). CATO is located at B-222 Longworth, (703) 522-2286.

3. If the government rate is unavailable or the government rate does not include CDW coverage, the cost for CDW coverage is reimbursable.

3. Personal accident insurance, personal effects coverage, and equivalent insurance policies are not reimbursable.

4. Security deposits, advance payments, termination fees, traffic violations, etc., are not reimbursable.

If an employee on official business is involved in an accident with a rental car, notify the Office of General Counsel at x59700.

Privately Owned or Leased Vehicle
Mileage incurred via a privately-owned or privately-leased vehicle while on official business is reimbursable on a rate per mile basis. The maximum rates per mile are (rates are subject to change):

Automobile: $ .36

Motorcycle: $ .275

Airplane: $ .955

Only mileage for use of an aircraft that is privately owned by either a Member or employee of the committee is reimbursable.

See Corporate or Private Aircraft (41).

Travel Expenses
The Committee on House Administration strongly recommends that committees submit their vouchers for travel reimbursement at least fifteen days before the payment due date to assist the Finance Office in providing timely reimbursements and prevent committee Members and employees from incurring late fees or delinquency problems.

Government Rate
Government rates are available to Members and employees of the committee to support the conduct of official travel. To be eligible for government rates when scheduling official travel, Members and employees of the committee may present:

a. Government Travel Charge card

b. Government Travel Cardless Account

c. Government Travel Request form

d. Official Travel Authorization coupon

Contact the Finance Office at x56514 for account information and forms.

Government Travel Card
1. The Government travel card is available for Member and employee use for official travel and travel-related expenses. Such travel expenses incurred on this or any other credit/charge card, are directly reimbursable to the traveler or to the cardholder with a copy of the credit card statement, an accompanying voucher, and applicable receipts.

2. Each Government travel card is individually issued, and each employee to whom the card is issued is personally liable for making payments on the card and remaining current on any unpaid balance.

3. When reimbursement is to be made to the cardholder for expenses incurred by someone other than the cardholder, the description of services stated on the voucher must clearly identify the traveler and the expense incurred.

4. The Government travel card is for official travel purposes only and may be used by the cardholder only. Use of the card for any personal or non-official purchases is prohibited. The cardholder may use the card to purchase travel-related services (airline tickets, hotel expenses, etc.) for other authorized travelers, although the vendor does not encourage this practice.

5. The Finance Office will monitor the monthly aging report received from the vendor and alert offices of delinquencies. The Finance Office will not intervene with the vendor in the event of a delinquency.

Government Travel Cardless Accounts
1. The Government travel cardless account is available for committees to use to purchase airline tickets through CATO.

2. The Committee Chair must appoint an employee of the committee to act as manager of the account and specify which employees are authorized to use the account.

3. Reimbursement for expenses incurred with the cardless account is made directly to the credit card company. Committees must submit the original credit card statement and airline ticket receipt to the Finance Office along with the voucher.

Shared Travel Expenses
Official travel expenses may be shared by more than one committee office or with a Member office. The division of costs must accurately reflect the expenses incurred by each office.

Travel Promotional Awards
Free travel, mileage, discounts, upgrades, coupons, etc. accrued by Members or employees as a result of official travel awarded at the sole discretion of the company as a promotional award, may be used at the discretion of the Members and employees of the committee. The Committee on House Administration encourages the official use of these travel awards whenever practicable.

Foreign Travel

The authority to incur expenses for foreign travel is contained in the House Rule X, clause 8, 22 U.S.C. § 1754, and in other provisions of law.

General
1. Travel is coordinated through the State Department Travel Office. The State Department will issue a Government Travel Request form that is processed through CATO. Each committee should obtain a copy of the State Department's "Guide to Official Foreign Travel" for information concerning what paperwork is required. For other travel questions regarding arrangements, contact the State Department at (202) 647-1882. Information regarding per diem while on foreign travel is located at www.state.gov/www/perdiems/index.html.

2. Members and employees should use American carriers whenever possible, unless such service is not reasonably available.

3. No appropriated moneys or local currencies owned by the United States may be used to pay foreign travel expenses of committee Members after the date of the general election in which the Member has not been elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress (House Rule XXV, clause 10).

Authorization
Speaker of the House
The Speaker has the authority to designate any Member or employee of the House to travel on business of the House outside the United States, its territories and possessions (22 USCS § 1754 (b)(1)(B) and House Rule I, clause 10).

Committee Chair
Committee Chairs have the authority to designate any Member or employee of the committee to travel on official committee business, outside the United States, its territories and possessions (22 U.S.C. § 1754 (b)(1)(B)).

Foreign Travel Reports
Individuals
House Rule X, clause 8(b)(3) requires each Member and employee who performs official foreign travel to submit, no later than 60 days following the completion of travel, an itemized report to the Committee Chair under whose authority the travel was performed. The report should contain the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, other funds expended for official purposes and summarize in these categories the total foreign currencies and/or appropriated funds expended.

Committee Chair
22 U.S.C. §1754 (b)(2) requires the Chair of each committee, on a quarterly basis, to prepare a consolidated report of amounts expended for foreign travel by each Member and employee of the committee. The report should include the amounts expended in foreign currency (in dollar equivalent values), amounts expended in appropriated funds, the purpose of each expenditure (including per diem and transportation), and the total itemized expenditure by each Member or employee of the committee.

The Clerk of the House will provide each committee with a "Report of Expenditures for Official Foreign Travel" form that must be completed,

signed, and returned to the Clerk of the House. The report will be published in the Congressional Record and be open to public inspection at the Legislative Resource Center at x51300.

Speaker Authorized Travel
22 U.S.C. § 1754 (b)(3)(A) requires each individual authorized by the Speaker to travel outside the United States to file a report with the Clerk of the House within 30 days after the completion of the travel. The report should include the amounts expended in foreign currency (in dollar equivalent values), amounts expended in appropriated funds, the purpose of each expenditure (including per diem and transportation), and the total itemized expenditure.

For groups authorized by the Speaker, the Chairman or if there is no designated Chairman, the ranking Member or senior employee of the group, is required to submit a report for all Members of the group.

The report will be published in the Congressional Record and be open to public inspection at the Legislative Resource Center at x51300.

Interparliamentary Group or Delegation
22 U.S.C. § 276c-1 requires each Committee Chair or senior Member of an interparliamentary group or delegation traveling outside the United States to submit an itemized report to the Chair of the Committee on International Relations. The report must include all expenditures made by, or on behalf of each Member or employee of the group, and the purpose of the expenditures, including per diem (lodging and meals), transportation and other expenditures. The report must be completed before the end of the session in which the travel occurred. Contact the Committee on International Relations at x55021 for additional information.

The Chair of the Committee on International Relations will, within sixty days after the beginning of each regular session of Congress, prepare a consolidated report with respect to each group that has submitted a report. The consolidated report will be filed with the Committee on House Administration and shall be open to public inspection at the Legislative Resource Center at x51300.

Amending Travel Reports
Miscellaneous travel expenses (i.e., receptions, ground transportation, security) recognized subsequent to submission of the original foreign travel report should be reported to the Clerk of the House in the form of an amended report.

Foreign Gifts and Decorations Report

5 U.S.C. § 7342 requires each Member or employee who has accepted a tangible gift or decoration of more than minimal value ($260), or a gift of travel or expenses of travel taking place entirely outside the United States, its territories or possessions, tendered by a foreign government, to file a report with the Committee on Standards of Official Conduct within 30 days after the acceptance of the gift, decoration or travel. The report will be open to public inspection at the Committee on Standards of Official Conduct.

Contact the Committee on Standards of Official Conduct, Office of Advice and Education, at x57103 for the applicable forms.

EXHIBIT 2

CONFIDENTIAL

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110th Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS
UNITED STATES HOUSE OF REPRESENTATIVES

MEMORANDUM OF INTERVIEW

IN RE:	Rep. Luis Gutierrez
REVIEW #(s):	13-7135
DATE:	October 22, 2013
LOCATION:	425 3rd Street, SW Washington, DC
TIME:	4:00 PM to 5:25 PM (approximate)
PARTICIPANTS:	Kedric Payne Scott Gast Andrew Herman, Counsel

SUMMARY: The OCE requested an interview with the witness and he consented to an interview. The witness made the following statements in response to our questioning:

1. The witness was given an 18 U.S.C. § 1001 warning and consented to an interview. The witness signed a written acknowledgement of the warning, which will be placed in the case file in this review.

2. The witness is currently the United States Representative from the Fourth District of Illinois.

3. The witness first met Doug Scofield during his first campaign for Congress in 1992. He was introduced to Mr. Scofield through David Wilhelm, who was managing the Clinton presidential campaign at the time. Mr. Scofield was hired to work on Rep. Gutierrez's campaign through Mr. Wilhelm's firm.

4. During the 1992 congressional campaign, Mr. Scofield was responsible for the general management of the campaign. He also hired vendors for fundraising and polling. He was paid through the Wilhelm firm.

5. After the witness was elected in November 1992, he invited Mr. Scofield to become his congressional chief of staff. The witness said he had developed a close working relationship with Mr. Scofield during the campaign.

6. As chief of staff, Mr. Scofield was responsible for running the congressional office. He hired and fired people and developed the office budget. The witness believes that Mr. Scofield was also involved in general legislative strategy, but could not recall any specific instances.

7. Asked if Mr. Scofield had any responsibility for press issues as chief of staff, the witness said that he had hired a separate individual to serve as press secretary. The witness believes that Mr. Scofield and this person previously worked together, and that this person came with Mr. Scofield from the Wilhelm firm.

8. According to the witness, Mr. Scofield left his congressional office in late 2002, after he had been invited by Governor-Elect Blagojevich to serve in the new position of Deputy Governor.

9. Mr. Scofield was succeeded as chief of staff by Jennice Fuentes, who had served as the witness' legislative director and second-in-command to Mr. Scofield.

10. After Mr. Scofield left the congressional office to serve in the Blagojevich administration, the witness kept in regular touch with him. As some point just a few months after Mr. Scofield started in his position, Mr. Scofield called the witness and told him it had been a mistake to make the job change. He told the witness that he could not stay in his position, as lots of political decisions were being made by the governor's finance committee.

11. The witness said that Mr. Scofield resigned from the Blagojevich administration roughly two months after he had started.

12. After his resignation, Mr. Scofield started his own company with his wife, Melanie. When asked what the new company did, the witness said to ask Mr. Scofield or his wife.

13. The witness said that he knows that the company engages in lobbying, but he was not sure what kind of lobbying. He said that he never talked with Mr. Scofield about lobbying.

14. With respect to the new company, the witness interacted primarily with Mr. Scofield, and he rarely worked with Melanie Scofield. He did not know who else worked for the company.

15. The witness said he only became aware of the company's clients after reading about them in the USA Today stories. He added that he knew Mr. Scofield was involved with the Greater Chicago Food Depository prior to that, but he did not recall how or when he learned that.

16. The witness said that he does not believe he ever discussed Mr. Scofield's clients with Mr. Scofield, but noted that they have been friends for 21 years.

17. The witness said he had referred political folks to Mr. Scofield's company, including state representatives and county commissioners, for services like direct mail, communications consulting, and campaign strategy. He could not recall ever making a referral to Mr. Scofield for lobbying work.

18. The witness said that when Mr. Scofield called to tell him he was resigning from his position with the governor and starting his own firm, he told Mr. Scofield that he wanted to be one of his first clients. The witness said that he had not wanted to lose Mr. Scofield in the first place, so while he was saddened that the gubernatorial position had not worked out, he was also happy that he would "get Doug back." He said that he had always admired Mr. Scofield's work and trusted his judgment.

19. When asked if there had been any discussions about Mr. Scofield returning as an employee in the congressional office, the witness said that they did have such conversations from time to time, but that was not until much later. He also noted that Ms. Fuentes had already taken on the job of chief of staff.

20. Shortly after Mr. Scofield resigned, the witness made the decision to retain Mr. Scofield through his congressional office. He said that he told Ms. Fuentes that "we'd have Doug back on staff," and that he would be a "consultant."

21. The witness said that after speaking with Mr. Scofield, he instructed Ms. Fuentes to hire him and to make arrangements to have him paid. He did not remember specific details about his conversation with Ms. Fuentes.

22. The witness said that he did not recall any conversations with Ms. Fuentes after he instructed her to hire Mr. Scofield. He learned after the USA Today story appeared what Ms. Fuentes had done after he gave her this instruction. He also noted that Mr. Scofield and Ms. Fuentes were friends.

23. The witness explained that Ms. Fuentes was a 15-year veteran of Congress and had been second-in-charge behind Mr. Scofield. He added that Mr. Scofield himself had ten years experience as a chief of staff. He trusted the two to work out the logistics of the relationship.

24. The witness said he never read the written agreement between his congressional office and Mr. Scofield's company "with any attention to detail" until after the USA Today story appeared.

25. When asked what Mr. Scofield was retained to do, the witness said that he understood Ms. Fuentes was a new chief of staff who needs help, that Mr. Scofield would develop staff, and that he would help press and media staff. He said that Mr. Scofield was also the type of person he could call at 1:00 AM to ask for a speech he needed to give the next day; Mr. Scofield was on call "24/7."

26. The witness said that, to the best of his knowledge, the contract between his congressional office and Mr. Scofield had been renewed five times under identical conditions

27. The witness was not aware of any other instances in which his congressional office had hired a contractor.

28. The witness did not have any contact with the Committee on House Administration regarding the Scofield agreement at this time, nor was he aware of any contact with the Committee by his staff. After the USA Today article appeared, Ms. Fuentes told him that she had faxed the agreement to the Committee staff for approval, but that she couldn't find the email back from the Committee.

29. The witness said that there had been no conversations about potential conflicts of interests between work that Mr. Scofield was to do for his congressional office and work he would be doing for his other clients.

30. The witness said that there was no discussion about Mr. Scofield's lobbying activities because they were not germane to the office. The witness believes that all of Mr. Scofield's lobbying clients were state, rather than federal, clients.

31. The witness said he thought that Ms. Fuentes had reached out to both the Committee on House Administration and the Committee on Ethics regarding the agreement with Mr. Scofield.

32. The witness believes that the terms of the agreement, including the amount of Mr. Scofield's fees, were negotiated by Ms. Fuentes and Mr. Scofield. The witness said that he knew how

much Mr. Scofield was being paid and was "OK" with it. The witness did not know why the retainer fee started at $5,500 per month but then was reduced to $4,500 per month.

33. The witness said he allowed Ms. Fuentes latitude to sign on his behalf, but that the signature on the initial agreement, dated April 1, 2013, was his signature. When asked if he approved the terms of the agreement, the witness said that he must have, since he had signed the agreement. He noted that he had no specific recollection of signing the agreement.

34. When asked if a specific term had been contemplated for Mr. Scofield's services, the witness said that Mr. Scofield would still be serving today if not for the USA Today story.

35. According to the witness, Mr. Scofield reported to chief of staff Jennice Fuentes, as she was the chief of staff and everyone in the office reported to the chief of staff. He added that everyone in the office also reports to him. He noted that he did not have to go through his chief of staff, however, if he wanted to get Mr. Scofield on the phone.

36. The witness said that Mr. Scofield worked with his congressional office chief of staff, communications director, and district staff. When asked if Mr. Scofield worked with the legislative staff, the witness said that he had asked his current chief of staff/former legislative director and it appears that Mr. Scofield had not worked with legislative staff.

37. The witness said that Mr. Scofield's duties as a contractor to the congressional office included helping him whenever he needed help drafting remarks or speeches, and helping him learn how to better communicate on issues.

38. Mr. Scofield primarily worked with the witness' communications director, but also worked with anyone else on staff who needed "help." When asked what kind of "help" Mr. Scofield provided, the witness said that if the chief of staff need help with something, Mr. Scofield would help "handle" certain things. The witness noted that Mr. Scofield had previously served as chief of staff himself. The witness said that his chief of staff would know better about the specifics of what Mr. Scofield did.

39. Asked if Mr. Scofield had any oversight responsibilities in the congressional office, the witness said he did have such a role after a staff reorganization in his district offices. The witness asked Mr. Scofield and Slim Coleman, a district employee, to work together to ensure that district office operations ran smoothly during the transition.

40. The witness was shown a September 3, 2012 email he sent to Mr. Scofield and his chief of staff, directing that his chief of staff and legislative director were not to be absent from the congressional office on the same days. When asked why Mr. Scofield was included on such a directive to staff, he said that this was part of Mr. Scofield's training of the current chief of staff, he was helping the chief of staff with her duties.

41. The witness was shown an August 25, 2012 email he sent to Mr. Scofield, forwarding an email from the witness to his chief of staff regarding a problem with district office operations. He was also show a second email forwarding the same message to Mr. Scofield's wife, Melanie. The witness noted that he emails very little and did not recall why he forwarded the email to Melanie.

42. The witness said that the email to his chief of staff came about because a district employee had been "ripping off" constituents who had come for help. He described this as an "extraordinary" situation that required his direct involvement. He wanted to know who had been hurt or damaged as a result of a problematic district employee.

43. Mr. Scofield was included in this situation for training purposes, as he would be helping the chief of staff. Mr. Scofield was also based in Chicago and could bring "fresh eyes" to help solve the problem with the district operations. He had been chief of staff, so it was important to bring him in to help ensure that the district office was doing things right going forward. The witness also wanted people on the ground in Chicago to run the office, rather than people in DC.

44. The witness said that whenever there was a crisis that needed to be handled, he would direct his staff to "Call Doug."

45. The witness was shown an undated memo from the witness to his communications director and Mr. Scofield, reminding them that they should coordinate vacation time to ensure they are not absent at the same time. The witness said that he wanted to make sure that someone who understands communications is present. He did not, however, recall any occasion when Mr. Scofield had to act as press secretary. He explained that there is not a reporter in Chicago who didn't know that Mr. Scofield worked for the witness.

46. When asked if Mr. Scofield assisted with legislative work, the witness said he did not. He said that Mr. Scofield was not involved in any financial services, judiciary, or intelligence committee work. That work was done by the legislative director and legislative staff.

47. The witness did not know whether Mr. Scofield reviewed or edited materials drafted by legislative staff. The witness never had Mr. Scofield review legislative language.

48. The witness said that Mr. Scofield did prepare floor speeches or remarks for the witness, but he did not consider that legislative work. Rather, he saw it was communications work.

49. The witness said that Mr. Scofield drafted speeches and "one-minutes," working with the communications director. He said that Mr. Scofield edited or helped with speeches given on the House floor. Some of the speeches promoted certain general policies. Others simply highlighted decisions made by the executive branch or encouraged some executive action. The witness said, as an example, that a speech may have questioned whether the Department of Justice should have oversight over the Puerto Rican police.

50. The witness said that the speeches or remarks that Mr. Scofield worked on were not always about specific pieces of legislation or matters on the House floor, but were about topics important to the witness and his district.

51. When asked if Mr. Scofield drafted or reviewed letters to administration officials regarding official actions, the witness said he did not recall Mr. Scofield being involved in this kind of work. He said Mr. Scofield would help with speeches urging officials to take action, but he did not know about Mr. Scofield assisting with letters.

52. The witness was shown an October 19, 2012 email from Mr. Scofield to the communications director, copied to then-deputy chief of staff Enrique Fernandez and the witness, regarding "DOJ

and DOL letters" regarding a Puerto Rican newspaper. The witness said he had no recollection of these letters and said that the communications director may have such knowledge.

53. The witness was shown a January 26, 2013 memorandum from his then-legislative director to the witness and Mr. Scofield, copied to the communications director and to the legislative counsel, titled "Immigration Happenings and Legislative Update." The witness did not recall the memo, but did recall the conversation about the decisions that were referenced in the memo. The witness said that Mr. Scofield was included because it was more about strategy than the particulars of a bill.

54. The witness was shown a November 29, 2011 email he sent to his then-chief of staff about a discussion with Senator Rubio about a U.S. Ambassador, in which the witness directs the chief of staff: "Send to Doug get review and sent to Senator." The witness said he did not know why he asked for Doug's review, but speculated that it involved a political/legislative quandary and he probably wanted Mr. Scofield eyes and ears on it. He said that Mr. Scofield was there to help on these kinds of issues.

55. The witness was asked about a January 25, 2013 email he sent to his communications director and Mr. Scofield, forwarding an email from another Member of Congress regarding an immigration reform announcement. The witness did not recall why he forwarded the email, but noted that his communications director and Mr. Scofield worked together on communications issues. He did not recall discussing the substance of the email with Mr. Scofield.

56. The witness does not believe that Mr. Scofield worked on appropriations issues. He did not recall Mr. Scofield ever discussing appropriations requests with him.

57. When asked if Mr. Scofield did any work for his congressional campaign while serving as a contractor to the congressional office, the witness explained that there was not much of an occasion for campaign work, as he had not had a serious challenger since the 2002 campaign.

58. The witness said that any reported expenditures from his campaign to Mr. Scofield's firm involved specific projects. For example, the witness had wanted to get out in Cicero more and sponsored fairs in that area. He chose to use his campaign instead of his congressional office to organize and pay for those fairs.

59. The witness did not recall the specific payment arrangements made between his campaign and Mr. Scofield's firm for these projects. He noted that his wife paid the bills for the campaign.

60. The witness was asked about the compensation arrangements for Mr. Scofield's assistance with the witness' book. The witness said that he was offered a $65,000 advance for the book, but under House ethics rules, he is not permitted to accept any advance. Rather, he permitted Mr. Scofield to accept a $55,000 advance. With respect to royalties, Mr. Scofield and the witness are splitting any royalties; however, neither will receive any royalties until the entire advance has been recouped by the publisher.

61. The witness said that, at the time Mr. Scofield was hired a contractor to the congressional office, he did not know that Mr. Scofield worked as a registered state lobbyist, and there had been no

discussion about his lobbying activities. The witness said he did not learn that Mr. Scofield was a state lobbyist until the USA Today story ran.

62. The witness said that Mr. Scofield never asked him to act on behalf of anyone. He knew that Mr. Scofield had a relationship with the Greater Chicago Food Depository, and knew that Mr. Scofield was paid for his services by the Food Depository, but he did not know what services Mr. Scofield actually provided. The witness said that he must have discussed the Food Depository with Mr. Scofield at some point, because he knew that Mr. Scofield worked for that organization prior to the USA Today story.

63. The witness said that Mr. Scofield never spoke with him about an appropriations request for the Food Depository.

64. The witness was shown a July 20, 2004 email from Mr. Scofield to his then-chief of staff, in which Mr. Scofield asks: "What do you think is the timing for any decisions regarding the appropriation? Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you." The witness said he did not know anything about this email. He did not know what "Food Depository success" meant.

65. After the USA Today reporter began asking questions about Mr. Scofield, the witness directed his staff to put together the relevant documents to become better informed of the situation and to see which documents would be provided to the reporter. The witness said he wanted to know if there was any substance to what the reporter was saying. He said that he wanted to make sure that his office had complied with the rules.

66. The witness said that the first thing he said to his staff was to go to the Committee on House Administration to make sure that the arrangement with Mr. Scofield was ok. He said that his chief of staff dealt with this.

67. The witness said that his staff explained to him that Mr. Scofield could not continue doing what he had been doing for the congressional office. The witness said that the fact that Mr. Scofield was also a registered state lobbyist was an issue: it would be difficult to identify and avoid potential conflicts in the future, even if positions taken by the witness were wholly independent of Mr. Scofield. He explained that if Mr. Scofield's relationship with the Food Depository and the Chicago Botanical Garden – two non-profit organizations – caused this much trouble, he did not want to have this problem going forward. The witness wanted transparency.

68. The witness was not aware of any contact between his congressional office and the Committee on Ethics at this time. He suggested we ask his chief of staff about this.

69. The witness had discussions with Mr. Scofield at the time of the article. Mr. Scofield was involved in crafting a response to the reporter's inquiries. The witness said that he knew that Mr. Scofield had not done anything wrong, so he had no problem with Mr. Scofield's involvement in preparing a response to the reporter.

70. When asked if he discussed the substance of the reporter's questions with Mr. Scofield, the witness said that it seemed to him that the services provided by Mr. Scofield were those provided for in the contracting agreement. He said that Mr. Scofield was "anything but a ghost payroller."

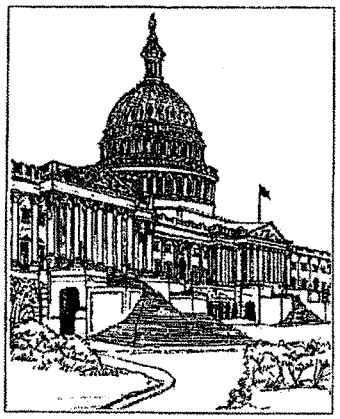
71. The witness wanted Mr. Scofield to keep working for his congressional office. However, he saw that there were only two options: Mr. Scofield would have to become a full-time employee of the congressional office or he would have to resign. Mr. Scofield did not accept the offer to become a full-time employee and instead resigned as a contractor.

72. When asked why continuing the contracting arrangement with Mr. Scofield was not an option, the witness stated that the agreement had been approved five times.

This memorandum was prepared on October 23, 2013 after the interview was conducted on October 22, 2013. I certify that this memorandum contains all pertinent matter discussed with the witness on October 22, 2013.

Scott Gast
Investigative Counsel

EXHIBIT 3



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: Barbara Buchanan, Finance Office
FROM: Jennice Fuentes, Chief-of-Staff
FAX: 58031

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if you need any additional information.

Thanks,

Jennice Fuentes

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COE.GUTIERREZ.000004

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386[redacted] | 708.445[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

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Confidentiality and Ethics

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During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4-1-03
Date

Name and title (Print)

Luis V. Gutierrez
Signature

4/1/03
Date

LVG_OCE_6

LVG_COE-00006

COE.GUTIERREZ.000006

EXHIBIT 4

Collins, Susan

From:	Collins, Susan
Sent:	Wednesday, June 05, 2013 10:04 PM
To:	Fleet, Jamie
Cc:	Craven, Kelly
Subject:	RE: request from CHA Majority
Attachments:	Gutierrez to Finance 2003.pdf; Gutierrez to House Admin 2003.pdf

Hello Kelly & Jamie,
This is what was in our records in 2003.

I've gone through the original contract language--looks the same as the contract we submitted to Finance for this Congress.

I appreciate your review. Thanks.

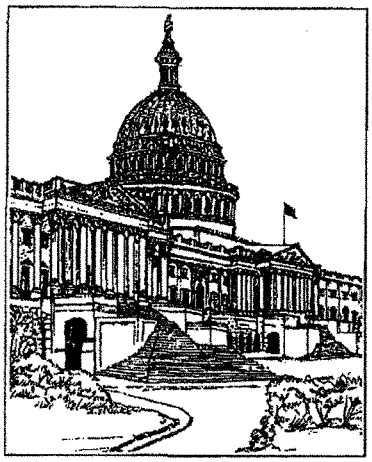
Susan Collins | Chief of Staff
CONGRESSMAN LUIS V. GUTIÉRREZ (IL - 4)
2408 Rayburn
202-225-8203 PH | 202-225-7810 FAX

From: Fleet, Jamie
Sent: Wednesday, June 05, 2013 12:47 PM
To: Collins, Susan
Cc: Craven, Kelly
Subject: request from CHA Majority

Susan – I've cc:ed my counterpart Kelly Craven who is asking for correspondence you have between the Committee and Finance in 2003. I told her i hadn't seen it but as I understand it was some fax correspondence. Could you send it over to us?

Thanks.

Jamie Fleet
Democratic Staff Director
Committee on House Administration
1307 Longworth House Office Building
(202) 225-[redacted]
http://democrats.cha.house.gov/



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: **Darren Feist, House Administration**
FROM: **Jennice Fuentes, Chief-of-Staff**
FAX: **59957**

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-8203
225-[redacted] (direct line)

SC_OCE-69

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386.[redacted] | 708.445.[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500 per month.

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We agree to the provisions of this proposal:

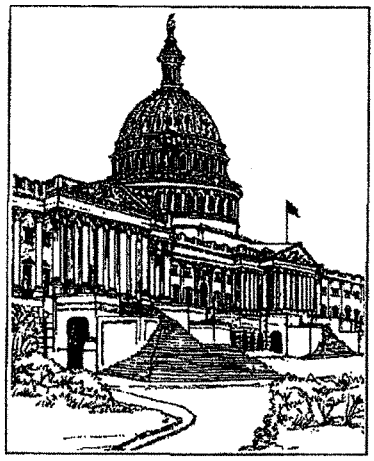
Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Signature

Date



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: **Darren Feist, House Administration**
FROM: **Jennice Fuentes, Chief-of-Staff**
FAX: **59957**

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if if this contract falls within what is acceptable under the current regulations.

I appreciate your assistance with this matter.

Jennice Fuentes
225-8203
225-[redacted](direct line)

SC_OCE-72

COE.GUTIERREZ.07153

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.386[redacted] | 708.445[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

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We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4·1·03
Date

Name and title (Print)

Signature

Date

EXHIBIT 5

Thank you for your business!

Invoice No. 110 **Client: Congressman Luis Gutierrez**

Date: August 16, 2003 **Services: Staff Training, misc.**

Reimbursement for Expenses:

None

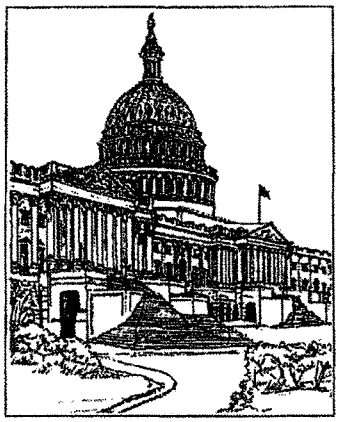
Fee for services:

As described per contract, incl. staff training, assistance with non-legislative message development

August 1 – August 31

Total Amount Due: $4,500.00

EXHIBIT 6



Congressman Luis V. Gutiérrez
2367 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: April 1, 2003

TO: Barbara Buchanan, Finance Office
FROM: Jennice Fuentes, Chief-of-Staff
FAX: 58031

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

If you have any problems with this transmission, please call (202) 225-8203. Thank you.
NOTE:

As per conversation, please let me know if you need any additional information.

Thanks,

Jennice Fuentes

LVG_OCE_4

LVG_COE-00004

COE.GUTIERREZ.000004

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
March 31, 2003

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
  - Assisting staff or training staff in the areas of preparing remarks or press events.
  - Assisting or training staff with casework or community outreach efforts.
  - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 3/24/03 to 6/30/03

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $5,500 per month.

234 Home Ave. | Oak Park, IL 60302 | 708.356.[redacted] | 708.445.[redacted] fax | [redacted]@scocomm.com

Beginning 7/1/03

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During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

4-1-03
Date

Name and title (Print)

Luis V. Gutierrez
Signature

4/1/03
Date

LVG_OCE_6

LVG_COE-00006

COE.GUTIERREZ.000006

EXHIBIT 7

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
November 23, 2012

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff

SC_OCE-548

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2013 through 12/31/2013

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $6,000.00 per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

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Confidentiality and Ethics

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During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the [illegible] any confidential information relating to or dealing with business operations or activities of client.

[illegible]

12-21-12

Date

Scofield Communications

Congressman Luis V. Gutierrez

Name and title (Print)

12/21/12

Signature

Date

SC_OCE-549

COE.GUTIERREZ.07547

EXHIBIT 8

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Tuesday, June 26, 2012 10:40am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Fuentes, Jennice" <Jennice.Fuentes@mail.house.gov>
Subject: 5 minute

Thinking about the five minute, which Ivg is quite focused on at the moment. Is it possible to do a visual with pictures of 4 people, one Latino, one Asian, two anglo. Close-up, head shots of all four. The idea would be to guess which one is an immigrant. Of course, we would want to identify one, or both, of the anglos as immigrants, and the Latino and Asian as citizens. I suppose we could do well-known people, who are in the public domain. Find a prominent anglo physicist or athlete who is an immigrant, choose a Latino musician who is a citizen. Anyway -- you get the idea. Any thoughts for the actual people would be helpful. Also, head shots of Scalia and Sotomayor for visuals. Any concerns about using pictures of justices? I don't intend on being particularly critical of Scalia, the point would simply be that the white guy's family are immigrants and the Latina's family have always been citizens.

I will get something to you today, but it might be end of day. Any thoughts appreciated. How did you think everything played yesterday?

EXHIBIT 9

From: Rivlin, Douglas
Sent: Saturday, September 10, 2011 10:57 AM
To: '[redacted]@scofieldcompany.com'; Fernandez, Enrique; [redacted]@gmail.com'
Cc: Johnson, Kathryn; Fuentes, Jennice; Collins, Susan
Subject: Puerto Rico Monday

LVG wants a 5 minute on Wednesday on the PR police DOJ report to re-insert ourselves in the story, call for bigger response and keep pressure on Fortuno.

He'd like Scofield (by phone) Enrique and Rivlin to work on it with him at 5:30 ET/4:30 CT Monday. DougSco, are you available? (Kate: is LVG?)

Enrique: No Delgado interview Monday but we'll give him advance of Wednesday speech on Tuesday. I will send him an e-mail, but if he calls you tell him.

LVG wants us to excerpt the parts of the DOJ report we were out in front on with the previous floor 5 minute speeches - the stuff Fortuno did. Maybe Evan can pitch in Monday.

We can supplement the new 5 minute with a HuffPo piece.

We can discuss all this Monday.

Cheers.
-dougriv

EXHIBIT 10

From: Collins, Susan
Sent: Tuesday, August 14, 2007 1:11 PM
To: Fuentes, Jennice
Subject: FW: LVG's Immigration Hearing
Attachments: STRIVE Hearing Memo.doc

Not your favorite person, I know... Veronica informed me the boss said for me to get in touch with Doug in response to the memo.

I sent you the memo I sent to the boss yesterday, but let's talk about this when you get a chance... Susan
-----Original Message-----
From: Collins, Susan
Sent: Tuesday, August 14, 2007 1:03 PM
To: [redacted]@scofieldcompany.com'
Subject: LVG's Immigration Hearing

Hello Doug:

On September 6th, the Immigration Subcommittee is scheduling a hearing on the boss' comprehensive immigration reform bill, the STRIVE Act. This was somewhat hard-fought, and the Congressman hopes that the Subcommittee/Judiciary Committee will eventually mark up the bill, as well.

I wanted more of LVG's input, as we have to start inviting witnesses this week. In response to the attached memo, he asked me to get in touch and consult with you on moving forward with planning for the hearing.

I'm not sure what your schedule is the next couple of days, but I hope you have some time to think and talk about this.

Thanks, Doug. I appreciate it.

Susan
Susan Collins
Legislative Director
Congressman Luis Gutierrez
2266 Rayburn House Office Building
Washington, DC 20515
202-225-8203
FAX: 202-225-7810

cell: 202-441-[redacted]

EXHIBIT 11

From: Fuentes, Jennice
Sent: Thursday, September 10, 2009 3:32 PM
To: Collins, Susan; '[redacted]@scofieldcompany.com'
Cc: Fernandez, Enrique
Subject: RE: Request from Congressman Gutierrez

doug darling...have you reacted...herr schofield!?!?! ja wohl!

Jennice Fuentes
Chief of Staff
Congressman Luis V. Gutierrez
2266 Rayburn House Office Building
Washington, D.C. 20515
Tel. (202) 225-8203 Fax (202) 225-7810
email: jennice.fuentes@mail.house.gov

From: Collins, Susan
Sent: Thursday, September 10, 2009 10:05 AM
To: [redacted]@scofieldcompany.com
Cc: Fernandez, Enrique; Fuentes, Jennice
Subject: FW: Request from Congressman Gutierrez
Importance: High

Sorry for the typo in your last name, Doug. My German language training took over...

The boss saw the memo and he had no changes to suggest. Let me know when might be a good time to talk. Thanks.

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

From: Collins, Susan
Sent: Wednesday, September 09, 2009 4:45 PM
To: Collins, Susan; '[redacted]@scofieldcompany.com'
Cc: Fuentes, Jennice; Fernandez, Enrique
Subject: RE: Request from Congressman Gutierrez
Importance: High

Hello, Doug:

My memo, as promised. If LVG actually reviews it and wants me to make any changes, I'll do that a re-circulate. Doug, I'll call you tomorrow to check in on your thoughts. Thanks for your time and consideration, as always!

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

From: Collins, Susan
Sent: Wednesday, September 09, 2009 2:35 PM
To: Collins, Susan; [redacted]@scofieldcompany.com'
Cc: Fuentes, Jennice
Subject: Request from Congressman Gutierrez
Importance: High

Hello Again, Doug:

Enrique and Jennice and I just sat down with the Congressman to discuss how to keep the pressure on the immigration debate, to keep things moving forward. It was not a conversation about bill content (although I am readying a bill), but about strategy: what kind of a bill, how to roll it out and with whom, with the ultimate goal to keep the pressure on the White House and Congress to move CIR.

We talked about a number of considerations with regard to strategy. The boss asked me to lay them out on paper and send them to you in memo form to get your opinion on them, ideally tomorrow.

I wanted to give you a heads up. I will be working on the memo this afternoon and get it to you by the end of the day. Thanks!

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

From: Collins, Susan
Sent: Tuesday, September 01, 2009 1:17 PM
To: [redacted]@scofieldcompany.com'
Cc: Fuentes, Jennice
Subject: Just left a message at your office

Hi Doug!

Hope all is well with you.

Rebecca tells me you need info on the Congressman's bill for the newsletter. Did the Congressman tell you that he is introducing a bill and wants to make a mention of it in the newsletter?

Although he has asked me to start preparing a bill, it is not yet clear to me if he will, in fact, introduce it... and if he does, when he hopes to. So, I thought we could chat a bit about what you understand the Congressman wants so I can get it to you. Thanks!

Susan Collins, Legislative Director, Rep. Gutierrez
2266 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

EXHIBIT 12

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Tuesday, November 13, 2012 4:48pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: RE: draft 5 minute

ok. Haven't heard from him yet, but I like the draft a lot. I'll tinker around with it if you want.

What else do you think we can be doing to stay in the middle of the new immigration frenzy? Is he meeting with Menendez or Durbin? Should he see Schumer? Looks like he has a lot of media tomorrow. Should we be submitting an op-ed anywhere? Any feedback from the Post piece?

I know things are moving fast, and being out of the country is not helpful, but obviously the more he can do the better, and all of a sudden everyone wants to be part of the inside immigration game. Funny how things change.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Tuesday, November 13, 2012 4:20pm
To: "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>
Subject: draft 5 minute

LVG called from Argentina and wants a five-minute for Thursday at 10 am.

He said he would call you too.

I drafted a five-minute based on notes from what he spewed off on a bad cell phone connection from the other side of the world.

Can we talk about this and about press this week? Please call.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810

Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

Scofield 796

EXHIBIT 13

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Wednesday, November 14, 2012 4:53pm
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Cc: "Collins, Susan" <susan.collins@mail.house.gov>
Subject: RE: FW: Immigration Reform Should Be the Top Priority in 2013

What's the five-minute status?

What is the Congressman's current thinking on next steps? Is he telling Menendez and Durbin he's introducing a bill? Is there a reason we don't want to put out a call to the groups and then put out a release saying we're introducing our bill? Send around a Dear Colleague to stop lining up sponsors? I don't think we want to be second on this, or give the President too much time to ask everyone to sit around and wait for his plan.

If we do something now, I think it seems like a natural reaction from the Congressman. If we wait for a few weeks of developments, then people might expect us to play along with whatever is happening. It's probably worth making everyone react to his bill.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Wednesday, November 14, 2012 3:03pm
To: "Collins, Susan" <Susan.Collins@mail.house.gov>, "[redacted]@scofieldcompany.com" <[redacted]@scofieldcompany.com>
Subject: FW: Immigration Reform Should Be the Top Priority in 2013

FYI...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810
Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Katherine Vargas [mailto:[redacted]@immigrationforum.org]
Sent: Wednesday, November 14, 2012 2:54 PM
To: Rivlin, Douglas
Subject: Immigration Reform Should Be the Top Priority in 2013

[https://org2.democracyinaction.org/o/5681/images/emailmasthead-pressrelease.png]<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=xharZjJatDwc6mXr%2Fv0dtmWIRgw1iQI7>

For Immediate Release Contact: Katherine Vargas
<mailto:[redacted]@immigrationforum.org>November 14, 2012 cell (202) 641-[redacted]

Scofield 803

Evangelical Leaders and the President Agree: Immigration Reform Is Top Priority

Washington, D.C — President Obama spoke about immigration reform during his news conference this afternoon. "My expectation is that we get a bill introduced and we begin the process in Congress very soon after my inauguration," Obama said<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=A9R%2F87Jji9M8WEgP6DXdqWWIRgw1iQI7>. The following is a quote from Ali Noorani, Executive Director of the National Immigration Forum, a nonpartisan organization that advocates for the value of immigrants and immigration to our nation:

"In the last 24 hours, influential evangelical voices<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=83Rd8opMHNrw7yr%2FV6TKE2WIRgw1iQI7> have urged President Obama to show leadership and move immigration reform forward during the first 92 days of his second presidential term. Based on the president's statement today, it is increasingly clear that immigration reform should be the first bipartisan legislative priority in 2013."

###

Follow us on: [http://www.immigrationforum.org/images/Facebook_2.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=6Vx9M8QfQ4U%2BU8RIeClyEmWIRgw1iQI7> [http://www.immigrationforum.org/images/twitter_logo.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=QcKPvzeVnBXNwXrKSktfVWWIRgw1iQI7> [http://www.immigrationforum.org/images/NetworkedBlogs.jpg] <http://org2.democracyinaction.org/dia/track.jsp?v=2&c=jO1MI0y9QynvOZ1sXNj0qmWIRgw1iQI7>

[https://org2.democracyinaction.org/o/5681/images/BBB_seal.jpg]<http://org2.democracyinaction.org/dia/track.jsp?v=2&c=8eBuWEvsH5fBJRIZW0GUk2WIRgw1iQI7>

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[https://wfc2.salsalabs.com/salsa/images/empowered-by-salsa.gif]<http://www.salsalabs.com/?email>

EXHIBIT 14

-----Original Message-----
From: [redacted]@scofieldcompany.com
Sent: Friday, November 16, 2012 11:26am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

What was Cecilia's message to him?

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Friday, November 16, 2012 11:22am
To: "[redacted]@scofieldcompany.com"' <[redacted]@scofieldcompany.com>
Cc: "Collins, Susan" <Susan.Collins@mail.house.gov>
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

The current plan is to have a CHC press conference to release the CHC's principles on Wed. 11/28.

Sen. Menendez advised against a bill but for unifying CHC principles, instead.

FYI: I got a download from LVG on his talk w/ Cecilia Munoz yesterday: He said the President has to meet with CHC soon and publicly and that he had nothing else to say to her.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810
Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

-----Original Message-----
From: [redacted]@scofieldcompany.com [mailto:[redacted]@scofieldcompany.com]
Sent: Friday, November 16, 2012 11:17 AM
To: Rivlin, Douglas
Cc: Collins, Susan
Subject: RE: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Are we doing a bill? I think we need to lay down a marker quickly.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Friday, November 16, 2012 11:05am
To: "Collins, Susan" <Susan.Collins@mail.house.gov>, "[redacted]@scofieldcompany.com"' <[redacted]@scofieldcompany.com>
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

FYI...

Los Angeles Times is asking for our reaction to Diaz-Balart...

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2266 Rayburn HOB
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810 Follow Congressman Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>, Facebook<http://www.facebook.com/RepGutierrez>, and YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Bennett, Brian [mailto:[redacted]@latimes.com]
Sent: Friday, November 16, 2012 10:58 AM
To: Rivlin, Douglas
Subject: FW: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

From: Valdes, Katrina [mailto:Katrina.Valdes@mail.house.gov]
Sent: Friday, November 16, 2012 08:25 AM
Subject: Diaz-Balart Restarts Process of Comprehensive Immigration Bill

[cid:image001.jpg@01CDC3DC.4CFE7B60]
FOR IMMEDIATE RELEASE: CONTACT: Katrina Valdes<mailto:katrina.valdes@mail.house.gov>
November 16, 2012 202-225-4211

Diaz-Balart Restarts Process of Comprehensive Immigration Bill

Washington, D.C. – Today, Congressman Mario Diaz-Balart (R-FL), Chairman of the Hispanic Conference, announced that he has restarted the process of moving a comprehensive immigration bill through congress as soon as possible. Diaz-Balart has been meeting with his colleagues from both political parties.

"For too long, both parties have used immigration as a political wedge issue, but the time has come to find a bipartisan solution to this critical issue. I am committed to passing legislation to once and for all to fix our broken immigration system," said Congressman Diaz-Balart.

###

Katrina Valdes
Press Secretary
Rep. Mario Diaz-Balart (FL-21)
Chairman, Congressional Hispanic Conference
O: 202-225-4211
[cid:image002.png@01CDC3DC.4CFE7B60]<https://www.facebook.com/pages/Congressman-Mario-Diaz-Balart/119538428117878>[cid:image003.png@01CDC3DC.4CFE7B60]<http://twitter.com/#!/MarioDB>[cid:image004.jpg@01CDC3DC.4CFE7B60]<http://www.youtube.com/MarioDiazBalart>

EXHIBIT 15

From: Collins, Susan
Sent: Saturday, January 26, 2013 11:59 AM
To: '[redacted]@scofieldcompany.com'
Cc: Rivlin, Douglas; Lugo, Alice; 'Congressman Luis Gutierrez ([redacted]@yahoo.com)'
Subject: A memo about our choices in the near future

Importance: High

Hi Doug and all:

I just had a conversation with LVG about the below he asked me to put together for Scofield in particular. The key decision he has to make is coming out with the Secret Group on Monday, which looks like a good move to me, but let's discuss this weekend.

Doug and Doug, can one of you forward to me what Lofgren sent the boss? Thanks. Susan

MEMORANDUM

From: **Susan**
To: **LVG, Doug Scofield**
CC: **Rivlin and Alice**
Date: **January 26, 2013**
RE: **Immigration Happenings and Legislative Update**

The Congressman asked me to write down the state of play with regard to legislative developments and share it with you. He will be seeking your guidance on some key decisions he needs to make almost immediately.

With the backdrop of all the recent White House activity, including a possible major announcement on immigration by the President this Tuesday in Las Vegas, LVG has two opportunities before him to work on legislation. Both pose advantages and risks.

Opportunity #1: The "Secret Group"

Members
Dems: Becerra, Lofgren, Yarmuth, Gutierrez
Rs: Sam Johnson, John Carter, Mario Diaz Balart, [Raul Labrador?]

In 2009/2010, a "Secret Group" of bipartisan members worked together over the course of a year on a bipartisan CIR bill. LVG was invited to be a part of the group, but opted not to join because (1) he was disturbed about the Republican "tone" in conversations and about the way in which Members were talking about the solution for the undocumented in particular and (2) he knew, with movement on immigration legislation impossible, that his focus needed to be on rallying the community to action around what was actually possible, namely, executive action.

This group was reconstituted in the 113th and now includes the above members. We started negotiations about three weeks ago based on the 2010 bill draft. The bill is a legitimate CIR bill, in that it includes border security, employment verification, family and employment reforms, a future flow program and legalization of the

undocumented that includes a path to citizenship, but so far no radical enforcement measures. With negotiations renewed, Republicans are even amenable to redrafting (improving) the path to legalization. On balance, I would say this bill will shape up to be a somewhat "better" bill, based on our core principles, than the last bipartisan CIR bill LVG introduced with Jeff Flake in 2007 (The STRIVE Act).

LVG is "all in" as far as the other members are concerned, but he is privately weighing the pros and cons of, after working to redraft the old bill in the next few weeks, whether he actually cosponsors the bill at introduction and commits to the long haul of defending his support of the bipartisan compromise that will fall short for our community on the left in some key areas.

There is also an urgent development that we have to deal with this weekend. All other members in the group except Labrador want to announce their existence via press release on Monday, to get ahead of the President and not appear like they are following him. They want the statement to be very non-specific, mainly outlining "our" process of 3-4 years of bipartisan work on a package that will include all the main issues--border security, E-Verify, and a practical plan for dealing with the undocumented. Mostly they want to emphasize that it is a "BIPARTISAN plan, the only way a bill can become law in this Congress."

The Congressman is committed to working with this group up until introduction. The question is: does he put his name on the bill and "work it" as he travels and interacts with stakeholders or does he withhold his support, and while saying positive things about it, rally the community to press for improvements?

Pros to putting his name on the bill:

This bill will be the BEST bipartisan bill we will see in the House this Congress. All other Republicans who are serious about reform are talking about moving a bill in pieces, are skittish about a path for all the undocumented, and are likely going to demand enforcement provisions that could be poison pills for us (see below on the Ryan/Labrador group).

It would solidify his relationship with these Republicans who are truly serious about getting it done and committed to a path to citizenship: this could serve him and Democrats well as other House Republicans move to pull this and any other bill to the right.

Cons:

He will be attacked and challenged by key stakeholders who strongly share his principles and see him as their champion. The biggest challenges include (in order of severity of backlash): the exclusion of binational, same sex couples; a future flow program that does not include sufficient pro-labor provisions, and; a legalization program that requires the undocs to plead guilty before an immigration judge and serve probation before becoming LPRs.

Opportunity #2: Join the Ryan/Labrador Group

LVG has had several private conversations with Paul Ryan and Raul Labrador. They are initiating a parallel process/strategy based on what they think will be the only winning strategy for moving legislation in the House. They imagine a process where different members draft stand alone pieces of comprehensive reform: border security, STEM, E-Verify, etc., and that each of the pieces is taken up on the Floor and voted up or down under a self-executing rule that brings them together in a package at engrossment of the House bill. They admit the ultimate package might not be one LVG can support (suppose legalization gets voted down and is not in the final package?), but that the goal would be to conference the House bill with the Senate's and work to ensure it is in the bill that reaches the President's desk.

Their ask of LVG: To partner with Ryan and Labrador, and work to bring in other democrats to pair up with other Republicans on the pieces.

Pros:

Ryan, in particular, is a force to be reckoned with. Having a good, strong, working relationship with him will present LVG with opportunities to influence the process and the outcome. He has star power comparable to LVG's in their respective communities. This would be a higher profile relationship than any other for him and break new ground for him in Congress and the media, opening further ways to influence opinion and the process.

Presents us additional opportunities to work more closely with Republicans new to the issue, which is helpful for negotiations throughout the process.

Cons:

Tea-partiers will likely make up most of the Rs who work in the Ryan/Labrador group. Their product, even with us in the room, is bound to be far worse than anything we have ever supported. The public perception will also be that LVG has compromised on CIR and is willing to deal with things in pieces instead. While it will put LVG into the center of the news, it could potentially bring on fiercer opposition from our base.

My general observations/recommendations

While LVG has important choices to make, we are in a very good place and a very exciting time for immigration reform. I don't think we can go very wrong with whatever we do. Boehner will keep his powder dry for now and we expect that whichever bill actually moves through the House, it will move first through the Immigration Subcommittee/Judiciary Committee, ensuring LVG is in the mix no matter what.

Secret Group: I recommend LVG join in the Monday "coming out" of the "Secret Group." Given that we are still negotiating the substance and we're not yet committing our name to an actual bill, we are free to then engage our stakeholders in a democratic and more transparent way. When consulted about the bill and whether the boss should play an inside game (placing his name on the final product) or an outside game (withholding his support), our allies will at least feel a part of the process and, in theory, better appreciate the decisions the boss has to make. I think their knowing about LVG's participation in the group will give us our share of headaches, but will provide us with leverage in negotiations and cover if, in fact, the boss decides to withhold his support of the actual product. (*Note: I recommend we meet with advocates as soon as possible this week after the announcement is made, assuming the boss is a part of it--LVG with groups in Chicago and staff with groups based in DC to begin that outreach/outside process.*)

Ryan/Labrador: An acceptable compromise with their group of Republicans is hard to imagine, and would likely have LVG revealing tough compromises too early in the process. Remaining in close communication is very important, however. LVG is considering being an "advisor" to this process, instead of an actual partner. So, he would be in the room, but with clear expectations that LVG would not actually endorse the actual process or product. Moving the bill in pieces might be a bad idea, but if Rs insist, it might be our only choice. May as well stay close to it and influence it as much as we can.

Susan Collins
Rep. Gutierrez
2408 Rayburn House Office Building Washington, DC 20515
P (202) 225-8203 F (202) 225-7810

EXHIBIT 16

From: Collins, Susan
Sent: Saturday, January 26, 2013 1:13 PM
To: [redacted]@scofieldcompany.com'
Cc: Rivlin, Douglas; Lugo, Alice; [redacted]@yahoo.com'
Subject: Re: A memo about our choices in the near future

To your questions:

While Durbin and Menendez do not see the House bill as a companion to their efforts, they know about the group, do not mind if they produce a bill first (we actually are working from leg language, Senate is only revealing principles this coming Friday), and want Luis working with them. Senate dems have asked the President to give them a month to produce a bill--hard to say he would give it to them. He pushed back hard yesterday.

On the bills themselves, right now my impression is that they are about the same with a chance that ours will be a bit better. (That could change once the House Rs go public and start feeling the pressure.) Both bills will be to the right of the President. Neither will have addressed LGBT needs. Both have a path to legalization, although I think the House bill's is cleaner. Senate R's defense against "amnesty" is community service and House R's defense will be large group confessions of guilt in immigration court. There is a real risk in the Senate that they expand employment immigration at the expense of family--ours is generous to families right now.

Republicans are threatening to walk away if the President drops a progressive bill on them. My sense is that the Pres will soon do it anyway, and send it to Leahy (who is bitter about not being in the Senate group) to move thru his Committee. That could really sour Republicans in the Senate and set things back for a while.

And as for your other thoughts, I agree, especially with regard to what he says with the coming out of the Secret Group on Monday. It is doesn't prevent us from choosing an entirely outside (left) game a bit more down the road.

Thanks!

----- Original Message -----
From: [redacted]@scofieldcompany.com [mailto:[redacted]@scofieldcompany.com]
Sent: Saturday, January 26, 2013 12:45 PM
To: Collins, Susan
Cc: Rivlin, Douglas; Lugo, Alice; 'Congressman Luis Gutierrez ([redacted]@yahoo.com)'
<[redacted]@yahoo.com>
Subject: RE: A memo about our choices in the near future

Thanks for this. Very thoughtful and helpful. I've just read it and will digest it a bit.

Here are a couple of my immediate questions:

I'm curious what the Senate, and particularly Menendez and Durbin, think about the House process and the Secret Group in particular. Do they see the Secret Group as a companion group to their bipartisan group? Do they care? Isn't it more likely that the Senate drives the process? Is it likely that the bipartisan Senate bill is better?

How do the various House options compare to the White House, and does Obama want to work with the Secret Group? Or is the Secret Group just eager to have a placeholder that competes with whatever the White House announces in Nevada?

I'm a little concerned that of the White House announcement, the soon-to-come Senate bill, and the Secret Group, that the Secret Group might be the least progressive of the three. Is that possible, and does it matter, or do we simply feel strongly that we need to be in the middle of whatever is the most likely House vehicle? One last question -- will Pelosi be publicly supportive of the Secret Group?

Anyway, that would help to guide my thinking. But I know the questions aren't really helpful, so here's my off the top of my head response:

I don't think you can be part of a piecemeal process that involves the Tea Party kooks, even if Ryan would be a fun and powerful partner to have. I can't imagine the House passing a path to citizenship as a stand alone bill. I'd say nice things about Ryan, keep my eye on it, and not be publicly attached to it.

To the degree possible, I would be the "skeptical conscience" of the Secret Group. Reference the Hisp. Caucus principles as still the guiding philosophical content for cir. Make clear that you are in the room to make this as strong as possible. "I want reform, I want it now, I want a process, I want to include Republicans, I want to work with anyone who will give immigrants a chance. I'm not sure everything in this legislation is acceptable, but we need to start the process. I will push every moment for the best, most inclusive, equitable bill and I won't rest until we get it -- but the process has to start now. I look forward to hearing what the President has to say, I'm very hopeful about a good bill coming out of the bipartisan process in the Senate. This is the first step on a journey, but the journey can't wait."

If he's going to be a part of it, I think lvg needs to lay out some specific concerns right away -- same-sex couples, going before the court. If he's going to be for it, he has to do it in a way that he's still the progressive voice of the movement. I think you want our allies to think, "while I'm worried about this, and it doesn't sound perfect, I guess it's a start, and at least Luis is in the room keeping an eye on it. Without Luis to look over their shoulders, we're in trouble, so let's work with luis to make the best of it."

Those are my fairly uninformed thoughts. The outside the box option is to round up our 100 progressive allies and the Hispanic caucus and the progressive groups and start promoting a progressive bill, and just be the rock-throwing, conscience of the movement that keeps progressive pressure on everyone. We should at least give that moment's thought -- though I think that ship has probably sailed.

-----Original Message-----
From: "Collins, Susan" <Susan.Collins@mail.house.gov>
Sent: Saturday, January 26, 2013 11:58am
To: "'[redacted]@scofieldcompany.com'" <[redacted]@scofieldcompany.com>
Cc: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>, "Lugo, Alice" <Alice.Lugo@mail.house.gov>, "'Congressman Luis Gutierrez ([redacted]@yahoo.com)'" <[redacted]@yahoo.com>
Subject: A memo about our choices in the near future

Hi Doug and all:

I just had a conversation with LVG about the below he asked me to put together for Scofield in particular. The key decision he has to make is coming out with the Secret Group on Monday, which looks like a good move to me, but let's discuss this weekend.

Doug and Doug, can one of you forward to me what Lofgren sent the boss? Thanks. Susan

MEMORANDUM

From: Susan
To: LVG, Doug Scofield
CC: Rivlin and Alice
Date: January 26, 2013
RE: Immigration Happenings and Legislative Update

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He will be attacked and challenged by key stakeholders who strongly share his principles and see him as their champion. The biggest challenges include (in order of severity of backlash): the exclusion of binational, same sex couples; a future flow program that does not include sufficient pro-labor provisions, and; a legalization program that requires the undocs to plead guilty before an immigration judge and serve probation before becoming LPRs.

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My general observations/recommendations

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Secret Group: I recommend LVG join in the Monday "coming out" of the "Secret Group." Given that we are still negotiating the substance and we're not yet committing our name to an actual bill, we are free to then engage our stakeholders in a democratic and more transparent way. When consulted about the bill and whether the boss should play an inside game (placing his name on the final product) or an outside game (withholding his support), our allies will at least feel a part of the process and, in theory, better appreciate the decisions the boss has to make. I think their knowing about LVG's participation in the group will give us our share of headaches, but will provide us with leverage in negotiations and cover if, in fact, the boss decides to withhold his support of the actual product. (Note: I recommend we meet with advocates as soon as possible this week after the announcement is made, assuming the boss is a part of it--LVG with groups in Chicago and staff with groups based in DC to begin that outreach/outside process.)

Ryan/Labrador: An acceptable compromise with their group of Republicans is hard to imagine, and would likely have LVG revealing tough compromises too early in the process. Remaining in close communication is very important, however. LVG is considering being an "advisor" to this process, instead of an actual partner. So, he would be in the room, but with clear expectations that LVG would not actually endorse the actual process or product. Moving the bill in pieces might be a bad idea, but if Rs insist, it might be our only choice. May as well stay close to it and influence it as much as we can.

Susan Collins
Rep. Gutierrez
2408 Rayburn House Office Building Washington, DC 20515 P (202) 225-8203 F (202) 225-7810

EXHIBIT 17

From: Dinis, Nicole
Sent: Tuesday, September 29, 2009 2:40 PM
To: [redacted]@scofieldcompany.com'
Subject: Criminal Penalties for Employer Owned Life Insurance

Hi Doug,

After consulting CRS, I have come up with the section below for criminal penalties. Leg Counsel has let me know that they can't meet our deadline and review this section so we have to understand that moving forward. Do you think this is what the Congressman was talking about in terms of criminal penalties?

In the text below, section 2(a) states that you cannot obtain a policy on any employee making less than $1 million.

What do you think?

Thanks,

Nicole

Section 5. Criminal Penalties

Any employer who commits a violation of Section 2(a) upon conviction thereof, shall be deemed guilty of a misdemeanor and shall be fined $500,000 and imprisoned for up to 1 year.

EXHIBIT 18

From: Collins, Susan
Sent: Monday, April 16, 2012 12:15 PM
To: Fuentes, Jennice; '[redacted]@scofieldcompany.com'
Cc: Rivlin, Douglas
Subject: Oral Statement

Hi Jennice and Doug S,

This is what Doug and I have some up with so far. It's still about 200 words too long, but I honestly don't know how to cut it back any more without it losing meaning. I'm hoping they won't be hard and fast with the 3-minute limit for Members.

Take a look and let me know of any changes you suggest.

I'm going to share whatever draft we have with the boss around 2pm, just in case he wants to review it on his trip back from PR...

Thanks!

Gutierrez Oral Statement Racia...

Susan Collins
Congressman Luis V Gutierrez
202-225-8203

Thank you Chairman Durbin and Ranking Member Graham for inviting me to testify on ending racial profiling.

As part of my work to defend immigrants, I have traveled from coast to coast to visit dozens of cities and communities and to listen to immigrants' stories.

Immigrants everywhere tell me that they feel they are regarded with suspicion, especially by law enforcement.

Last November I went with ten Members of Congress to receive testimony on Alabama's HB 56, a tougher version of Arizona's "papers please" law.

The stories we heard took our breath away. Children afraid of going to school. People with Hispanic-sounding names having their water shut off. Workers abandoning the fields and farmers watching their crops rot. An international bank cancelling its plans to headquarter its operations in Alabama.

In my written testimony, I detail some of these cases and discuss the story of Gabino in South Carolina, a father of two U.S. citizens facing deportation and Martha, the mother of a U.S. citizen and wife of a citizen who was almost placed in deportation proceedings. Both came as adolescents to the U.S. and would likely benefit from the DREAM Act, and both were pulled over in minor traffic stops and then fed into the federal deportation pipeline.

Their cases and countless others show that you don't need to be from a state with a draconian anti-immigrant state law to face federally sanctioned deportation through racial profiling. Most of the immigrants I have talked to experience racial profiling through traffic stops—profiling that grows because of ICE enforcement programs such as 287(g) and Secure Communities.

The federal government could serve as a backstop against racial profiling, but by enlisting state and local police to put people in the deportation pipeline at the point of any type of arrest, the federal government becomes an accomplice to racial profiling at the state and local level.

By targeting people with minor traffic violations or—and this is a big problem—driving without a license, which most states do not issue to undocumented immigrants, we are trying to remove hard working Moms and Dads and treating them as priorities for deportation, just like drunk drivers, drug dealers or rapists. The federal government is complicit in such profiling because, while the states cannot deport good people like Gabino or Martha and break up families of American citizens, the federal government is doing just that.

Racial profiling undermines public safety. While the majority of police serve the public without bias, the practice of racial profiling by a few damages our criminal justice system. The distrust Latinos have of police is magnified when officers become deportation officers, not defenders. This undermines the safety of everyone and limits our ability to successfully fight crime in our neighborhoods.

Senator Durbin and Senator Graham, you and I and others here today have spent countless hours discussing our country's need for immigration reform. The law enforcement resources we waste in the absence of reform are a tragedy of our making because we have failed to come to an agreement. Parents are deported, thousands of U.S. children are in foster care and jails are filling up with our hardworking neighbors and friends. These are costs the nation incurs because Congress fails to act.

We need to get the millions of immigrants who are living and raising families here and whose roots and contributions go deep into our communities into the system and on-the-books. We need to reestablish integrity and legality in our immigration system so that America's young people look at people like Gabino and see a father and church member. So that people look at mothers like Martha and say what a fine young American family she is raising. This is an urgent challenge to us as leaders.

Thank you again for the opportunity to testify. I welcome any questions Members of the Subcommittee may have.

EXHIBIT 19

Gmail

Douglas Rivlin <grayriv@gmail.com>

Press Secretary position

2 messages

Fuentes, Jennice <Jennice.Fuentes@mail.house.gov> Mon, Feb 22, 2010 at 2:08 PM
To: Doug Scofield <[redacted]@scofieldcompany.com>
Cc: Douglas Rivlin <[redacted]@gmail.com>

Dear Doug,

Hope all is well...

We are speaking with Douglas Rivlin about the possibility of having him join our team as our new press person. Susan and I have both given him an idea of what is like to work here.

I think that it would be useful if you could talk to him about local press and all press demands unrelated to immigration. I thought you can help give Douglas a better idea of what to expect from the Chicago media market and our ongoing relationship with local papers and reporters. He also has a few questions for you...

Thanks and call me when you get a chance....

Jennice

Jennice Fuentes

Chief of Staff

Congressman Luis V. Gutierrez

2266 Rayburn House Office Building

Washington, D.C. 20515

Tel. (202) 225-8203 Fax (202) 225-7810

email: jennice.fuentes@mail.house.gov

Douglas Rivlin <[redacted]@gmail.com> Mon, Feb 22, 2010 at 3:29 PM
To: "Fuentes, Jennice" <Jennice.Fuentes@mail.house.gov>, Doug Scofield <[redacted]@scofieldcompany.com>

Doug:

I'm without easy access to phones for the rest of the day, but would love to call you later in the week. Is there a time and a number you'd like to suggest?. Otherwise, send me your number and I'll try you tomorrow.

My resume is attached, FYI.

I look forward to speaking with you.

Douglas Rivlin

(202) 547-[redacted] home/office

(202) 441-[redacted] mobile

[redacted]@gmail.com

From: Fuentes, Jennice [mailto:Jennice.Fuentes@mail.house.gov]
Sent: Monday, February 22, 2010 2:09 PM
To: Doug Scofield
Cc: Douglas Rivlin
Subject: Press Secretary position

[redacted]

douglas g rivlin resume 01-2010.doc
43K

EXHIBIT 20

From: Collins, Susan
Sent: Monday, January 14, 2013 9:42 AM
To: Rivlin, Douglas; '[redacted]@scofieldcompany.com'
Subject: From LVG

MEMORANDUM

TO: Doug Rivlin and Doug Scofield
FROM: Congressman Luis Gutierrez
RE: Coordinating Vacation Time

The serves as a reminder that Doug Rivlin should ensure that he coordinates his absences from the office, such as for vacation and time off, with Doug Scofield. My intention with this policy is to ensure that my office always has press and communications' coverage, should an unexpected speech or press inquiry arise while Doug Rivlin is out of the office.

Thank you for your attention in this matter.

EXHIBIT 21

Subject: Fwd acknowlegde reciept of email

From: Luis V. Gutierrez ([redacted]@yahoo.com)

To: [redacted]@scofieldcompany.com;

Date: Tuesday, September 4, 2012 8:39 AM

Sent from my iPad

Begin forwarded message:

> **From:** "Luis V. Gutierrez" <[redacted]@yahoo.com>
> **Date:** September 3, 2012 9:15:10 PM CDT
> **To:** Jennice Fuentes <Jennice.Fuentes@mail.house.gov>, Doug Scofield <[redacted]@scofieldcompany.com>
>
> Sent from my i Effective immediately Theresa Reyes will be in charge of north side office and Geo will be in charge of Cicero office. Slim Coleman will supervise them. Each Monday Coleman will meet with both district directors and cover issues as necessary. Sal will be placed in charge of special projects:his salary will be adjusted accordingly. Doug and Slim will evaluate district operations and report changes and improvements to me. The DC staff will have no supervisory role in the Chicago operations. All staff annual reviews will be conducted by Doug and Slim. The DC staff will have support role only in the Chicago operations. Slim and Doug will prepare an evaluation of Cicero staff at their six month anniversary and make recommendations as to their conditioned employment. Please inform Cicero staff of this upcoming event. Jennice will continue to supervise DC staff.

EXHIBIT 22

Subject **Joint Black Latino -- (Gutierrez - Davis) letter**
From <[redacted]@lycos.com>
To doug <[redacted]@scofieldcompany.com>
Date 2010-07-29 13:29

Doug:

Hi.

The Congressman asked me to send you this draft of a joint Gutierrez - Davis letter for a meeting of Black and Latino Chicago elected officials. The Congressman wants someone in your office to send it out and follow up with calls for RSVP, etc..

Thanks,

Enrique

July 28, 2010

Dear Colleagues;

With the 2010 General Election coming up in November and as we approach the 2011 municipal elections, we thought that it might be good for Black and Latino elected officials in Cook County to have some dialog in relationship to our political issues, concerns and directions.

To than end, and for no other purpose, we are inviting all of you to meet with us on Monday, August 9, 2010 at noon until 2:00pm for a lunch at Mi Tierra's restaurant, 2528 S. Kedzie and we trust as many will attend.

If you are Black, please respond to Danny K. Davis at 773-638-1998 and if Latino, you may respond to Luis Gutierrez at _____.

Thank you for your consideration and we all hope to see you there.

Sincerely,

Danny K. Davis

Member of Congress

Luis Gutierrez

Member of Congress

EXHIBIT 23

Subject: **FW: Black/Latino Luncheon Update**
From: Alyse Chadwick <[redacted]gscofieldcompany.com>
To: <[redacted]@lycos.com>
Date: 2010-10-06 19:04

- Gutierrez-Davis Letter of Invitation.doc (~38 KB)

Attached is the letter that Doug wrote and approved for the event. Of course, it was printed on Gutierrez's letterhead.

I will check with Doug regarding follow-up calls and get back with you.
-----Original Message-----
From: [redacted]@lycos.com [mailto:[redacted]@lycos.com]
Sent: Wednesday, October 06, 2010 1:54 PM
To: Alyse Chadwick
Subject: Re: Black/Latino Luncheon Update

Alyse:

Could you please send me a copy of the letter as sent?

Regarding the follow-up calls, could you please check with Doug if we need to get another person to supplement your efforts?

Perhaps we can get enough confirmations by Friday, but what if we don't?

Thanks for all your help,

Enrique

----- Original Message -----
From: "Alyse Chadwick" <[redacted]gscofieldcompany.com>
To: [redacted]@lycos.com
Sent: Wednesday, October 6, 2010 10:22:45 AM GMT -05:00 US/Canada Eastern
Subject: RE: Black/Latino Luncheon Update

Thanks Enrique,

I can send another round of updates again today, but I'm out of the office most of the day tomorrow at an event, and will probably not have time to make a round of calls Thursday, but I will send a final update Friday before I head out of town.

Thank you,
Alyse

-----Original Message-----
From: [redacted]@lycos.com [mailto:[redacted]@lycos.com]
Sent: Tuesday, October 05, 2010 5:43 PM
To: Alyse Chadwick
Subject: Re: Black/Latino Luncheon Update

Alyse:

Thank you for the update.

Please keep the updates coming!

Thanks,

Enrique

----- Original Message -----
From: "Alyse Chadwick" <[redacted]scofieldcompany.com>
To: [redacted]ALYCOS.COM
Sent: Tuesday, October 5, 2010 1:36:31 PM GMT -05:00 US/Canada Eastern
Subject: Elect/Latino Luncheon Update

Hi Enrique,

The following elected officials have confirmed attendance for the Oct. 11 lunch:

Alderman Ariel E. Reboyras

Commissioner Joseph Berrios

Commissioner Edwin Reyes

Rep. Luis Arroyo

Sen. Iris Martinez

So far, one person has confirmed that they are not attending:

Rep. Linda Chapa LaVia

My contact at Congressman Davis's office has not made RSVP calls yet -- she will send me a preliminary update tomorrow.

Thank you,

Alyse Chadwick

The Scofield Company

325 W Huron St. Ste 701

Chicago, IL 60654

(312) 280-[redacted] (p)

(312) 280-[redacted] (f)
[redacted]@profilegroupmg.com

September 30, 2010

Dear Colleagues;

We are writing once again to invite you to join with fellow African-American and Latino elected officials in Cook County to continue a dialogue about our common priorities and concerns. We believed our previous meeting led to a useful and honest exchange of ideas and we hope we can build on that progress.

We invite you to meet with us at 1:00 p.m. for lunch on Monday, October 11, 2010. We will be meeting at Wallace's Catfish Corner, 2800 W. Madison. We have no specific political agenda or goal; our simple purpose is to highlight areas of importance and to talk about ways that we can all work together effectively.

We are very hopeful that you can attend. We ask you to please RSVP to Congressman Gutierrez at 312-280-7702.

Thank you for your consideration and we hope to see you there.

Sincerely,

Danny K. Davis

Member of Congress

Luis Gutierrez

Member of Congress

EXHIBIT 24

Groovy, thanks

From: Rivlin, Douglas [mailto:Douglas.Rivlin@mail.house.gov]
Sent: Thursday, May 30, 2013 2:26 PM
To: Singer, Paul
Subject: your inquiry

Doug Scofield, the Congressman's former Chief of Staff, through the Scofield Company, works with District staff on a wide range of concerns, training them to run the office and handle constituent services, management and everything else they do. He trained me and still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches.

I hope that helps.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810
Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

EXHIBIT 25

From: Collins, Susan
Sent: Thursday, May 30, 2013 6:47 PM
To: Rivlin, Douglas
Subject: Fw: Scofield & Co.

FYI. Jamie is not in a hurry, so that is good. I'll get his reaction tomorrow. Susan

From: Fleet, Jamie
Sent: Thursday, May 30, 2013 06:25 PM
To: Collins, Susan
Subject: Re: Scofield & Co.

We need to discuss this phrase tomorrow: still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches.

From: Collins, Susan
Sent: Thursday, May 30, 2013 06:11 PM
To: Fleet, Jamie
Subject: Fw: Scofield & Co.

Hi Jamie,

I'll work on getting you the contract (the one that finance approves every Congress) and monthly vouchers. Let me know if anything else will be helpful.

There was no other conversation or exchange between our press guy and the reporter besides the email below. Let's discuss. Happy to call you again this evening if that is preferable. Thanks. Susan

From: Rivlin, Douglas
Sent: Thursday, May 30, 2013 05:36 PM
To: Collins, Susan
Subject: Scofield & Co.

Response from reporter:

Groovy, thanks

From: Rivlin, Douglas [mailto:Douglas.Rivlin@mail.house.gov]
Sent: Thursday, May 30, 2013 2:26 PM
To: Singer, Paul
Subject: your inquiry

Doug Scofield, the Congressman's former Chief of Staff, through the Scofield Company, works with District staff on a wide range of concerns, training them to run the office and handle constituent services, management and everything else they do. He trained me and still works with me on some press issues, especially Chicago-related press and who is who, and helps draft or edit some statements and speeches.

I hope that helps.

Douglas G. Rivlin

Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER
Washington, DC 20515-1304

douglas.rivlin@mail.house.gov // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810
Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04)
U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER
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douglas.rivlin@mail.house.gov // http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810
Follow Congressman Gutierrez on Twitter, Facebook, and YouTube.

EXHIBIT 26

Rivlin, Douglas

From:	[redacted]@scofieldcompany.com
Sent:	Tuesday, June 04, 2013 1:26 PM
To:	Rivlin, Douglas
Cc:	Collins, Susan
Subject:	RE: USA Today

Well, I never lobbied for the Chicago Botanical Garden and I don't know anything about an earmark for them and had nothing to do with it. They were briefly a pr client. I never personally did any work for them at all -- it would have been other staff members of the company, and it wouldn't have had anything to do with Luis. I had no contact, ever, with anyone on the Congressional staff, or Luis, about the Botanical Garden. The public citizen quote that my clients are getting earmarks just isn't accurate. We should probably also note that I do not appear in the district on lvg's behalf. I can't recall ever doing that since I left.

On the food depository, I would re-emphasize that I simply did not talk to Luis about money. A member of Congress supporting an appropriation for a food bank that feeds hungry people in his district is both routine and admirable, and in this case not caused or initiated by me -- it was led by Lipinski and Durbin. I think it's worth noting again that I have never been a federal lobbyist, and that I lobby at the state level. Almost exclusively for non-profits.

As far as the Sunlight quote -- though I know we can't change it -- I'm not being paid for political work and he hasn't even really made the case that I'm involved in political work. He's made the case that I've done too much official work. That's very different and an important distinction. The Congressman can also hire an outside vendor to produce franked mail, and I believe that also has to go through House admin for approval. Certainly the piece itself goes through franking approval.

The case they can make is that I do government work outside the scope of the contract, though if you read the contract it really is quite broad. We are following the language of a repeatedly approved House contract, and the worst that can be said is that I might occasionally do more government, official work than is specifically authorized.

Here's what to think about moving forward -- I presume we need to do a different contract or change my role. I don't think we want to say "you're right, we are wrong," but at some point, quickly, maybe for whatever follow-up we get once the story runs, we want to be able to say, "While we believe the office and Doug Scofield appropriately followed the language of a contract that was repeatedly approved by the House, Congressman Gutierrez never wants to allow even the appearance of any conflict, so we have done x." I don't know what x is, and I would like to stay involved, but I think we have to make sure we are unassailable on whatever we do moving forward. I want to do it right, and you do to. I think the reporter is way over the top, but let's do whatever is necessary, and we should do it quickly. House admin might kill, or revise the contract anyway, so let's be out in front of it. I presume lvg agrees, but maybe we should all get on the phone.

Another option would be to send House admin a list of the things I do now, ask them to weigh in on whether anything that should be changed, and just make the changes they recommend. In any case, we should be proactive about being above reproach. We want to make a change before somebody tells us we have to do it. Just let me know what is the best way to do that.

-----Original Message-----
From: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>
Sent: Tuesday, June 4, 2013 12:48pm

To: "Douglas Scofield ([redacted]@scofieldcompany.com)" <[redacted]@scofieldcompany.com>, "Collins, Susan" <Susan.Collins@mail.house.gov>
Subject: USA Today

More from the reporter. He has quotes from two "Good Gov't." types, including Kathy Kiely of the Sunlight Foundation (a former USA Today reporter).

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

From: Singer, Paul [mailto:[redacted]@usatoday.com]
Sent: Tuesday, June 04, 2013 12:31 PM
To: Rivlin, Douglas
Subject: RE: Scofield Company Contract

Doug - thanks for this.

I have to say - I have never seen anything like this. Scofield is functioning in nearly any non-legislative capacity you need, including appearing at "non-legislative" meetings on the Congressman's behalf and participating in media strategy and communications. He is functioning basically as a staff member ... yet without any of the conflict of interest requirements that would apply to a staff member. In fact, I think he ends up being one of the top 5 paid people in the office (I haven't run these numbers, but will), and the scope of his activities extends to "other relevant and appropriate areas..." which is essentially limited only to being non-legislative.

And his non-legislative work also includes production of franked mail touting the Congressman's legislative agenda.

How is this not the equivalent of being a staff member?

As you said, House Admin says they have reviewed the contract, (though they don't seem to have noticed that it refers to two different entities - Scofield Company and Scofield Communications. I presume this is simply a result of printing out the old contract on new letterhead.)

Kathy Kiely of Sunlight Foundation describes the relationship this way: "Are taxpayers paying the congressman's political consultant?... "It looks like classic Chicago cronyism," Kiely said. "It's really tantamount to a political patronage job."

And while I understand your point that Lipinski may have been the lead on the food bank, it does not change the fact that Scofied was working for the Congressman and the food bank when the Congressman appeared at a food bank event. One could imagine - though we can't prove and thus can't write - that Scofield had a hand in both the Congressman's statement at the food bank and the food bank's press release thanking the Congressman. And there is also the Botanical Garden which was listed on the website as a Scofield client when Gutierrez requested an earmark ... and who knows what else that I have not yet found.

Leading to this from Lisa Gilbert at Public Citizen: "While not technically illegal, it is at the very least unsavory for a former staffer to be simultaneously on the payroll of a Member and representing clients in his district who are requesting and gaining earmarks from the Congressman. The conflict of interest is apparent."

From: Rivlin, Douglas [mailto:Douglas.Rivlin@mail.house.gov]
Sent: Tuesday, June 04, 2013 11:42 AM
To: Singer, Paul
Subject: Scofield Company Contract

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

EXHIBIT 27

LUIS V. GUTIERREZ

MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS

2408 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203

DISTRICT OFFICES

3210 WEST NORTH AVENUE
CHICAGO, IL 60647
(773) 342-0774

5631 WEST CERMAK ROAD
CICERO, IL 60804
(708) 652-5100

Congress of the United States
House of Representatives
Washington, DC 20515–1304

COMMITTEES:

JUDICIARY

SUBCOMMITTEES:
IMMIGRATION AND BORDER SECURITY

CRIME, TERRORISM, HOMELAND SECURITY, AND INVESTIGATIONS

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SUBCOMMITTEE:
TECHNICAL, HUMINT, ANALYSIS AND COUNTERINTELLIGENCE

June 13, 2013

Mr. Doug Scofield
Scofield Communications
234 Home Ave.
Oak Park, IL 60302

Dear Mr. Scofield,

As per our conversation, I am cancelling our contract for non-legislative services with Scofield Communications, LLC, effective today, June 13, 2013. Thank you for your assistance in helping me to better serve my constituents of the 4th district.

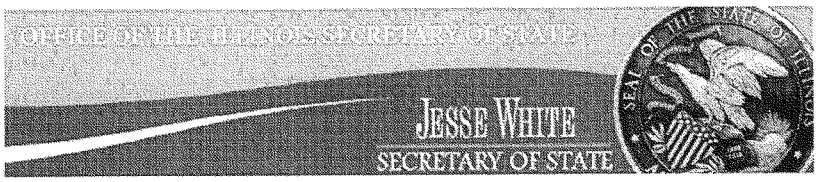
Sincerely,

Luis V. Gutierrez
Member of Congress

LVG_OCE_109

PRINTED ON RECYCLED PAPER

EXHIBIT 28



Lobbying Entity Search Information

Entity Name:	SCOFIELD COMMUNICATIONS		
Entity ID:	3655		
Reg Year:	2003	Registration Date:	05/22/2003
Entity Address:	234 HOME AVENUE OAK PARK, IL 60302	Term. Date:	N/A
Phone:	(708) 386-3143	Fax:	(708) 445-8745

No Printable Copies of Filed Registrations Available

No Printable Copies of Filed Expenditures Available

Authorized Agent

Name:	SCOFIELD, DOUGLAS		
Address:	234 HOME AVENUE OAK PARK, IL 60302		
Phone:		Ext:	

Exclusive Lobbyist(s)

Name	File Date	Termination Date
SCOFIELD, DOUGLAS	05/22/2003	N/A

Contractual Firm(s)

Name *(Note: Firms not displaying a link are not registered)*	File Date	Termination Date
No Firms on record		

Client(s)

Name *(Note: Clients not displaying a link are not registered)*	File Date	Termination Date
AMERICAN INSURANCE ASSOCIATION	09/05/2003	N/A
CABLE TELEVISION & COMMUNICATIONS ASSOCIATION OF ILLINOIS	05/22/2003	N/A
ENVIRONMENTAL LAW & POLICY CENTER OF THE MIDWEST	05/22/2003	N/A
ILLINOIS INSURANCE ASSOCIATION	05/22/2003	N/A
ILLINOIS MATHEMATICS & SCIENCE ACADEMY	05/22/2003	N/A
MORGAN STANLEY & CO., INC.	09/05/2003	N/A
MT. SINAI HOSPITAL	05/22/2003	N/A
SERVICE EMPLOYEES INTERNATIONAL UNION	05/22/2003	N/A

TEACH FOR AMERICA	09/05/2003	N/A

Sub Client(s)

Name *(Note: Sub Clients not displaying a link are not registered)*	File Date	Termination Date
No Sub Clients on record		

Lobbying Intent

Prior to 2006 information not available on system

Executive Legislative Administrative

Description

State Agencies Intended To Be Lobbied

Subject Matter

Return to the Search Screen

EXHIBIT 29

William O. Lipinski
3d District, Illinois

COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, DC 20515
March 31, 2004

The Honorable James T. Walsh
Chairman
Appropriations Subcommittee on VA, HUD and Independent Agencies
H-143 Capitol
Washington, DC 20515

Dear Chairman Walsh:

We are writing to express our strong support for an earmark in the HUD-Economic Development Initiative (EDI) for FY 2005 VA, HUD and Independent Agencies Appropriations Bill in the amount of $2 million. The funds would be used to benefit an exemplary non-profit agency that works every day to meet the needs of hungry people throughout the Congressional Districts we serve.

Specifically, these funds would be used to assist in the construction of a new facility for the operations and programs of the Greater Chicago Food Depository. The Greater Chicago Food Depository is building a new model food bank and training facility to serve hungry individuals and families in Cook County.

The Greater Chicago Food Depository is Chicago's food bank. The Food Depository's mission is "providing food to hungry people while striving to end hunger in our community." Since it was founded in 1979, the Food Depository has grown rapidly and dramatically to meet the very real needs of our communities. Today, the Food Depository distributes more than 42 million pounds of food per year and serves 309,655 unduplicated clients annually through its network of 600 member pantries, soup kitchens and shelters in Cook County. The Food Depository has member agencies in every one of the districts we represent. Many of the pantries, soup kitchens and shelters in our communities simply would not be able to meet the demands of hungry people were it not for the exemplary work of the Food Depository.

The expanded facility will enable to the Food Depository to distribute as much as 80 million pounds of food annually to a network of more than 600 organizations. This project comes at a critical time – the number of individuals and families seeking emergency and supplemental food has risen dramatically during the last three years. The Food Depository provides food for more than 300,000 people annually – more than one-third of whom are children under the age of 18. The new facility will add additional capabilities, including onsite shopping and a training facility for our member agencies.

LVG_OCE_114

13-7135_0129

COE.GUTIERREZ.009547

You can be assured that the funds would be spent efficiently and effectively. In 2002, the Greater Chicago Food Depository was honored with the first Alford-Axelson Award for Nonprofit Managerial Excellence. In 2003, Executive Director Michael P. Mulqueen was named one of the nation's "best bosses" by *Fortune Small Business* and Winning Workplaces. Over the years, the Food Depository's work has been recognized through such awards as the Sara Lee Corporation's first Chicago Spirit Award, the Chicago Community Trust's James Brown IV Award of Excellence for Outstanding Community Service, and America's Second Harvest Award for Foodbanking Excellence. In addition, the Food Depository has worked to provide as much of the funding as possible for the much-needed new facility. The appropriation requested represents less than 10 percent of the total funding required.

By appropriating these funds, you will help the Food Depository to reach a simple, but vital, goal. You will help to assure that the Food Depository will be able to deliver more food to hungry people. We strongly support this effort and appreciate your consideration of this request.

Sincerely,

WILLIAM O. LIPINSKI

LUIS GUTIERREZ

RAHM EMANUEL

BOBBY RUSH

DANNY K. DAVIS

EXHIBIT 30

IBS PST

From: Fuentes, Jennice
Sent: Tuesday, July 20, 2004 5:27 PM
To: 'Doug Scofield'
Subject: RE: Banc One, Barbara Stewart letter

by the way, is it kosher for us to send this kind of letter? ...i assume that it is...did you ever do it when you were here?

Jennice Fuentes

Chief of Staff

Congressman Luis V. Gutierrez

2367 Rayburn HOB

Washington, D.C. 20515

Tel. (202) 225-8203

Fax (202) 225-7810

email: jennice.fuentes@mail.house.gov

-----Original Message-----
From: Doug Scofield [mailto:[redacted]@scocomm.com]
Sent: Tuesday, July 20, 2004 4:16 PM
To: Fuentes, Jennice
Subject: Banc One, Barbara Stewart letter

Jennice,

Here is the draft letter to JP Morgan-Chase. Let me know how it looks. What do you think is the timing for any decision regarding the appropriation? Thanks, as always.

Also, Food Depository success will help me to clear my mind and find a wealthy and handsome husband for you.

EXHIBIT 31

IBS PST

From:	Kotarac, Tom
Sent:	Monday, November 22, 2004 4:53 PM
To:	Collins, Susan
Subject:	Please review 'FY 2005 ApprWhatewe got'
Follow Up Flag:	Review
Flag Status:	Flagged

Please review the attached document. Susan, see if anything's missing, I think this should be complete

FY 2005
ApprWhatewe g...

FY 2005 Appropriations: Member Project Requests

VA-Hud

- La-Raza HOPE fund: $4,800,000
- Chicago Park District, Davis Square Park: $194,000

Labor-H

- Alivio Medical Center: $550,000
- Chicago Public Schools, Child Parent Center Program: $600,000

Energy and Water

- Latino Development and Technology Center (LDTAC), Humboldt Park: $250,000

Transportation and Treasury

- Chicago Transit Authority, Blue Line Douglas Branch: $85,000,000

This is the FY05 disbursement according to the Full Funding Grant Agreement.

Commerce, Justice, State

- National Training and Information Center - NTIC: $0 -- A long story, but NTIC is still under investigation by the DOJ Inspector General. Walsh's office has received a commitment from Appropriations staff that they will work with the IG to bring this investigation to a close.

- Illinois Police Academy, Technology Funding: $50,000 (Serrano's staff gave us $15,000 more than we requested)

Other Projects we Supported, but Did Not Take the Lead On

Labor-H

- Access Community Health Network: $500,000

VA-HUD

- Greater Chicago Food Depository: $539,500

EXHIBIT 32

Rivlin, Douglas

From: [redacted]@scofieldcompany.com
Sent: Tuesday, June 04, 2013 10:04 AM
To: Collins, Susan
Cc: Rivlin, Douglas
Subject: RE: Food Bank

I agree with Susan. I might heighten the language about this being routine support for a good cause and good project, that the Congressman supported the project and didn't need any convincing to support it.

Do we need to tell them it's in a list of other projects supported but not taken the lead on? I think that's fine if you think more disclosure with this guy is helpful, but it might just give him an excuse to heighten lvg's involvement in the money, and to be honest, I really don't think he had much to do with it.

I also think the sentence about me not telling my client I secured them 500k, while true, just emphasizes my state lobbying, which we don't want to do. I would keep my role simple, and I think we can be more emphatic -- lvg and Doug Scofield did not have any discussions about funding for the food depository.

I strongly believe that is accurate. I think what I did was talk to him about visiting. I really don't remember much of anything about the money, and I think lvg's role was incidental. Didn't hurt, I'm sure, but the food Depository has always been close to Durbin, and my guess is that the Senator is probably really the one who made it happen.

-----Original Message-----
From: "Collins, Susan" <Susan.Collins@mail.house.gov>
Sent: Tuesday, June 4, 2013 9:18am
To: "Rivlin, Douglas" <Douglas.Rivlin@mail.house.gov>, "Douglas Scofield ([redacted]@scofieldcompany.com)" <[redacted]@scofieldcompany.com>
Subject: RE: Food Bank

I am inclined to re-word the last phrase (it is a fine line between taking lots of credit years back and now trying to distance ourselves from such credit)

even if the Member's support was expressed through another Member's leadership via a sign-on letter.

Susan Collins
Congressman Luis V Gutierrez
202-225-8203

From: Rivlin, Douglas
Sent: Tuesday, June 04, 2013 8:59 AM
To: Douglas Scofield ([redacted]@scofieldcompany.com); Collins, Susan
Subject: Food Bank

This is what I plan to send the reporter, unless you have edits.

Looking at our records, it appears that the money the Greater Chicago Food Depository received through the 2005 Omnibus Approps bill was actually something Rep. William Lipinski asked for (and probably Sen. Dick Durbin as well, who served on the conference committee for that bill).

Rep. Gutierrez signed onto a letter (along with Lipinski, Rush, Davis, and Emanuel, all the Chicago Dems at the time, it appears). The letter, on Lipinski letterhead, is attached (this is the letter as it was when our office signed on and we assume the other signatures were gathered but William Lipinski is no longer in office, so we could not confirm that).

In an undated internal Gutierrez memo labeled "2005 Appropriations: Member Project Requests" from that time, a staff member listed out the appropriations requests we made that year that made it into the final Approps bill. They include eight different projects in five Approps categories and then lists two "Projects we Supported, But Did Not Take The Lead On" which lists Lipinski's VA-HUD project to secure funding for the Greater Chicago Food Depository.

In talking to the Congressman and Doug Scofield about this, neither of them have any memory of having discussed an Approps matter for the Food Depository, nor does Scofield remember doing any lobbying for this matter (he is not a federal lobbyist), which includes having no memory of telling his client he successfully secured a block of federal money (something he would logically take credit for if he had in fact done anything to help get it).

This leads me to strongly believe that it is extraordinarily unlikely that Doug Scofield and the Congressman ever spoke about the proposed appropriation for the Greater Chicago Food Depository or that Scofield lobbied the Congressman (or anyone else) about the Approps request.

Members of Congress regularly sign on to letters and community groups regularly are generous in their praise for a Member speaking at a Hunger Awareness Day event they sponsor some time later, even if the credit is more appropriately directed at Lipinski.

Douglas G. Rivlin
Director of Communication
Office of Rep. Luis V. Gutierrez (IL-04) U.S. House of Representatives
2408 Rayburn HOB <---- NOTE NEW ROOM NUMBER Washington, DC 20515-1304

douglas.rivlin@mail.house.gov<mailto:douglas.rivlin@mail.house.gov> //
http://twitter.com/douglasrivlin
phone: (202) 225-8203 // fax: (202) 225-7810 Follow Congressman
Gutierrez<http://www.gutierrez.house.gov/> on Twitter<http://www.twitter.com/luisgutierrez>,
Facebook<http://www.facebook.com/RepGutierrez>, and
YouTube<http://www.youtube.com/RepLuisGutierrez>.

EXHIBIT 33

LUIS V. GUTIERREZ
MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS
WASHINGTON OFFICE:
2367 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-8203
(202) 225-1012 (FAX)
DISTRICT OFFICE:
2539 WEST DIVISION STREET
CHICAGO, IL 60622
(773) 342-0774
(773) 342-0773 (FAX)

Congress of the United States
House of Representatives
Washington, DC 20515–1504

COMMITTEES
FINANCIAL SERVICES
SUBCOMMITTEES:
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
CHAIRMAN
HOUSING AND COMMUNITY OPPORTUNITY
INTERNATIONAL MONETARY POLICY AND TRADE
JUDICIARY
SUBCOMMITTEES:
IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY AND INTERNATIONAL LAW

March 22, 2010

The Honorable Rosa DeLauro, Chair
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
House Appropriations Committee
2362-A Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Kingston, Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
House Appropriations Committee
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman DeLauro and Ranking Member Kingston:

As you work on the FY 2011 Agriculture Appropriations bill, I ask your support for the following programs of critical importance to the 4th District of Illinois. I have listed them in order of priority.

Project Requests:

1. **Urban Horticulture and Marketing Initiative, Chicago Botanical Gardens -- $620,000**

   AG: National Institute of Food and Agriculture, Extension AG141

The project is a broadly supported and well-leveraged initiative to use horticulture and gardening as a tool for education, community development, employment, rehabilitation and employment of ex-offenders, and the provision of healthy vegetables to at risk populations in locations that too often lack access to such foods. The project develops and implements a horticulture-based job training model that produces and markets crops and provides employment and training to under- and unemployed workers consistent with industry-benchmarked standards.

Program Requests:

1. Commodity Supplemental Food Program	$176.788 million
2. Human Slaughter - HMSA	$2 million
3. Animal Welfare	$22.33 million
4. Horse Protection Act	$900,000
5. Investigative & Enforcement Services	$14.213 million
6. Animal Fighting Enforcement	$90 million
7. Veterinary Student Loan Forgiveness	$5 million
8. Emergency Management Systems/Disaster Planning and Response for Animals	$1.017 million

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COE.GUTIERREZ.009549

I appreciate your consideration of my requests. Should you need any additional information, please contact Virginia Zigras on my staff at x[redacted]

Sincerely,

Luis V. Gutierrez
Member of Congress

LVG_OCE_103

13-7135_0133

EXHIBIT 34

From: Melanie Scofield [[redacted]@scofieldcompany.com]
Sent: Tuesday, July 24, 2007 3:59 PM
To: Fuentes, Jennice
Cc: 'Scott Winterroth'; [redacted]@scofieldcompany.com
Subject: FW: IPRAC Federal Funding
Attachments: FY08 THUD Form.doc; FY2008 Form.doc

My memory is returning on this as we go along.

I just met with Scott Winterroth in our office, who reminded me that this year when the paperwork was due he was working with you on this. I think Tom by this point had already gone to Durbin's office.

Scott filled out the form you provided and returned it to you on March 12. I'll also forward your response just so you have it for your records. That was the last correspondence there was on this except conversations that took place between Doug and Luis.

Melanie

Melanie Scofield
The Scofield Company
730 N. Franklin, Ste. 310
(312) 280-[redacted]
f: (312) 280-[redacted]
[redacted]@scofieldcompany.com

From: Scott Winterroth [mailto:[redacted]@scofieldcompany.com]
Sent: Tuesday, July 24, 2007 2:45 PM
To: [redacted]@scofieldcompany.com
Subject: FW: IPRAC Federal Funding

Scott Winterroth
The Scofield Company
730 N. Franklin, Ste. 310
Chicago, IL 60610
312-280-[redacted] Phone
312-280-[redacted] Fax
[redacted]@scofieldcompany.com

From: Scott Winterroth [mailto:[redacted]@scocomm.com]
Sent: Monday, March 12, 2007 5:41 PM
To: jennice.fuentes@mail.house.gov
Subject: IPRAC Federal Funding

Jennice,

Attached is a completed form for IPRAC's federal funding request. I also attached the form that was sent to me in a word document file, which I can't manipulate. I'm not sure if there is a website somewhere where we can copy and paste this information into to submit.

I'm leaving the office but if this requires immediate assistance please feel free to contact me on my cell 847.553.6020.

Are you aware of any co-signers?

Thank you,
Scott Winterroth
The Scofield Company
730 N. Franklin, Ste. 310
Chicago, IL 60610
312-280-[redacted] Phone
312-280-[redacted] Fax

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies - FY 2008 Funding Request Form

Top of Form

Member Information

*** Member:** Van Hollen, Chris

*** Staff Contact:**

*** Phone Number:**

*** Email Address:** @mail.house.gov

Related Cosigners:

Abercrombie, Neil
Ackerman, Gary
Aderholt, Robert
Akin, W.
Alexander, Rodney
Allen, Thomas
Altmire, Jason
Andrews, Robert
Arcuri, Michael

Request Information

*** Agency:**

*** Request Type:**

- (●) Project Request - Example: $150,000 for Interstate 100, City, State
- ( ) Program Request - Example: Support the President's request for Maritime ship disposal
- ( ) Language Request, not applicable for dollar amounts, projects, or earmarks - Example: Maintain the provision prohibiting funding for the Civil Aviation Authority

*** Account:**

*** Priority:** 1 is highest

*** Project Name:** Brief description of the project and location (city, county, state, etc.).

LVG_COE-00316

COE.GUTIERREZ.00316

NOTE: This description may be used in the House report and must be as accurate as possible for the agency to allocate the money to the correct project for the proper use. Example: Main Road widening and resurfacing, City, State.

*** Detailed project description, including any previous funding:** (such as in an appropriations act or SAFETEA-LU) or authorizations in statute (such as designation as a high priority corridor in title 23, United States Code):

*** Requesting Amount:** $

*** State/Local Share of project cost:** NOTE: Most projects require a State and/or local match of at least 20% of the project's total cost. Example: A $1,000,000 project with a 20% match would be $800,000 Federal and $200,000 State/Local funding. %

*** or** $

*** How much of the request can be spent in FY08?** $

*** If this is a highway, transit, rail, or aviation request, did you check eligibility**

with the State DOT, FTA, FRA, or FAA?:

*** If yes, did the State DOT, FTA, FRA, or FAA indicate the project is eligible under the account requested?**

*** If this is an FHWA request, is the project considered by the State and/or regional transportation officials as critical to their needs?**

If this is a highway request, is the project on the State's transportation improvement plan?

○ Yes ○ No

Please attach with the member's letter a letter of support from these officials, and if you cannot, explain why not:

Subcommittee on Transportation, Treasury, Housing and Urban Development, The Judiciary, and District of Columbia
FY08 Funding Request Form
(Economic Development Initiative)

Member Information

Member Name: Congressman Luis Gutierrez (D-IL)

Staff point of contact and direct phone number: Tom Kotarac, 202-225-[redacted]

Related members or co-signers:

Request Information

Agency:
Housing and Urban Development (HUD)

Request Type:
Project Request - $500,000 for Institute of Puerto Rican Arts & Culture capital project.

Account:

Priority (1 is highest):
1

Project Request Amount:
$ 500,000

Actual Recipient Name:
Institute of Puerto Rican Arts & Culture

Locality and State:
4th Congressional District, Humboldt Park, Chicago, Illinois

Project Description:
The Institute of Puerto Rican Arts & Culture (IPRAC) is an arts and educational institution devoted to providing the community with visual arts, arts education, performance and exhibition programming that furthers the Puerto Rican arts tradition, as well as a library and archive project that will serve as historical documentation of Chicago's Puerto Rican community.

Since its creation in 2001, IPRAC's programming has included art exhibits, film screenings, lectures and panel discussions. IPRAC also provides interactive arts education programming to both youth and adults in the community, such as workshops in the cultural arts, painting, drawing and printmaking. IPRAC also produced arts and education and programming through collaborations with several organizations and institutions, such as the Chicago Park District, the Field Museum, DePaul University and The University of Illinois' Latin-American and Latino Studies Program.

IPRAC promotes greater cross-cultural understanding and awareness among children, adults and future generations of the contributions of people from Puerto Rico in the making of Chicago and the nation. Once open, it will be a cultural center for all people – the only self-standing cultural institute in the nation devoted to showcasing and preserving Puerto Rican arts and historic exhibitions year-round.

In 2003, IPRAC reached a 15-year lease agreement with the Chicago Park District to occupy the historic Humboldt Park Stables building located in the heart of Chicago's Puerto Rican community. This building was constructed in 1885 as the receptory and stables for Humboldt Park and served as the headquarters for master of American landscape architecture and Superintendent of Chicago's West Park System Jens Jensen. The building is on the National Register of Historic Places. A fire in 1992 destroyed 40 percent of the roof and second floor.

Exterior restoration was completed by the Chicago Park District in 1998, but the interior of the building is in need of complete renovation. With the support of public and private funders, IPRAC broke ground on the interior renovation in the spring of 2006. Upon completion, the renovated building will provide two main gallery halls, a theater, arts education studios and a library and archive space.

Economic Development and IPRAC

The Institute of Puerto Rican Arts & Culture (IPRAC) is critical to the Humboldt Park community, a neighborhood on Chicago's Northwest Side. Humboldt Park is in the midst of economic revitalization but has an extreme shortage of cultural, arts and performance venues. The economic development plan for Humboldt Park has included the creation of the "Paseo Boricua," a small business district located on a mile-long stretch of Division Street, a $20 million investment by the City of Chicago to clean up the 207-acre public park and the exterior restoration of the Humboldt Park Stables building, now known as IPRAC.

IPRAC is located within 207 acres of public green space at the entrance to Paseo Boricua. This economic development project has resulted in a turnaround from a 70% vacancy rate to a 90% occupancy rate in the Paseo Boricua business district, as well as a significant reduction in crime. As a result, visitors and community residents are returning to Humboldt Park for shopping, entertainment and recreation.

Fundraising Overview

With the leadership of the Board of Director's, IPRAC is currently implementing a major fundraising campaign to cover the cost of interior renovations of this historic building. The estimated expense of interior renovations is $6 million. To date the organization has raised **$4.8 million**, which includes a capital grant from the State of Illinois, foundation grants and corporate and individual gifts.

Funding Request

Based on our timetable for opening in fall 2007, IPRAC seeks $500,000 in federal funding to toward the remaining $1.2 million needed to complete the interior renovation of this historic building to serve as a cultural destination for the community, residents of Chicago and visitors from around the nation.

Local Share:
$

Prior Year Funding:

IPRAC FUNDING RECEIVED/PLEDGED IN 2006

Private

ComEd	150,000	over 4 years
Events	46,500	
Individuals	24,270	
Northern Trust	15,000	over two years
Banco Popular	15,000	
Puerto Rican Cultural Center	10,000	
Hispanic Housing Devel. Corp.	5,000	
	265,000	

Government

TIF	1,000,000
Community Development Block Grant	82,000
Illinois Arts Council	9,000
	1,091,000

EXHIBIT 35

From: Fernandez, Enrique
Sent: Thursday, August 02, 2007 11:19 AM
To: Fuentes, Jennice
Subject: FW: IPRAC Federal Funding

FYI

-----Original Message-----
From: Scott Winterroth [mailto:[redacted]@scofieldcompany.com]
Sent: Thursday, August 02, 2007 10:28 AM
To: Fernandez, Enrique
Cc: Angelo, Natalie
Subject: RE: IPRAC Federal Funding

Enrique & Natalie,

Thank you very much for all your help. We truly appreciate it. If you need anything from our end, please don't hesitate to ask.

Thanks,
Scott Winterroth
The Scofield Company
730 N. Franklin, Ste. 310
Chicago, IL 60610
312-280-[redacted] Phone
312-280-[redacted] Fax
[redacted]@scofieldcompany.com

From: Fernandez, Enrique [mailto:Enrique.Fernandez@mail.house.gov]
Sent: Wednesday, August 01, 2007 4:02 PM
To: 'Scott Winterroth'
Subject: RE: IPRAC Federal Funding

Scott:

Attached, please find our suggestions for the letter.

Please let un know if we may be of further assistance.

Thanks,

Enrique

-----Original Message-----
From: Scott Winterroth [mailto:[redacted]@scofieldcompany.com]
Sent: Tuesday, July 31, 2007 5:37 PM
To: Fernandez, Enrique
Subject: RE: IPRAC Federal Funding

Yes, we what him to protect and support the $150,000 Congressman Gutierrez has secured in the house.

Scott Winterroth
The Scofield Company

730 N. Franklin, Ste. 310
Chicago, IL 60610
312-280-[redacted] Phone
312-280-[redacted] Fax
[redacted]@scofieldcompany.com

From: Fernandez, Enrique [mailto:Enrique.Fernandez@mail.house.gov]
Sent: Tuesday, July 31, 2007 4:09 PM
To: 'Scott Winterroth'
Subject: RE: IPRAC Federal Funding

I just wanted to point the fact out to you.

Is the objective to ask the Senator to support the House position in the Approps Conference?

Enrique

> -----Original Message-----
> **From:** Scott Winterroth [mailto:[redacted]@scofieldcompany.com]
> **Sent:** Tuesday, July 31, 2007 5:10 PM
> **To:** Fernandez, Enrique
> **Subject:** RE: IPRAC Federal Funding
>
> Ok, thank you. Based on what the letter said last year, I thought I needed the House Bill.
>
> Thank you.
>
> Scott Winterroth
> The Scofield Company
> 730 N. Franklin, Ste. 310
> Chicago, IL 60610
> 312-280-[redacted] Phone
> 312-280-[redacted] Fax
> [redacted]@scofieldcompany.com
>
> ---
>
> **From:** Fernandez, Enrique [mailto:Enrique.Fernandez@mail.house.gov]
> **Sent:** Tuesday, July 31, 2007 4:01 PM
> **To:** 'Scott Winterroth'
> **Subject:** RE: IPRAC Federal Funding
>
> Scott:
>
> The Senate bill is S1789.
>
> I did not know you were asking about the Senate bill.
>
> Enrique
>
> > -----Original Message-----
> > **From:** Scott Winterroth [mailto:[redacted]@scofieldcompany.com]
> > **Sent:** Tuesday, July 31, 2007 3:54 PM
> > **To:** Fernandez, Enrique
> > **Subject:** IPRAC Federal Funding
> >
> > Enrique,
> >
> > Thank you so much for your help. Attached is our letter of support for Senator Durban to help secure the funds for IPRAC. Doug Scofield and Tom Kotarc have giving their input but I just want

to make sure everything is correct. IPRAC has a board of director's meeting tomorrow and I would like to bring the letter with me if possible.

Thank you so much,

Scott Winterroth
The Scofield Company
730 N. Franklin, Ste. 310
Chicago, IL 60610
312-280-[redacted] Phone
312-280-[redacted] Fax
[redacted]@scofieldcompany.com

August 2, 2006

The Honorable Richard Durbin
332 Dirksen Senate Building
Washington, D C. 20510

Dear Senator Durbin:

I am writing to respectfully request your support for an appropriation of $150,000 for the Institute of Puerto Rican Arts & Culture (IPRAC) that was included in the House Transportation, Housing and Urban Development HUD Appropriations Act (HR 3074). The funding was included under the EDI-Facilities Construction/Renovation agency in the Housing and Urban Development account.

IPRAC is a non-profit, 501(c) 3 organization that has undertaken the costly renovation of a historically and architecturally significant building located in the Chicago Park District. Their goal is to return the building to public use as a museum, offering arts and historic exhibitions, education programs and performances. Construction is well underway and scheduled for completion this spring. It is our understanding that it is on time and on budget.

I want to thank you for your long-standing support of the Puerto Rican community and respectfully request that you support and protect this appropriation of $150,000 in HUD Economic Development Initiative funds included in the FY 08 appropriations bill, during the Conference on the T-HUD Appropriations bill. This amount was secured by Congressman Luis V. Gutierrez on behalf of IPRAC in the VA-HUD Appropriations passed by the House.

IPRAC promotes greater cross-cultural understanding and awareness among children, adults and future generations of the contributions of people from Puerto Rico in the making of Chicago and the nation. Once open, it will be a cultural center for all people -- the only self-standing cultural institution in the continental United States devoted to showcasing and preserving Puerto Rican arts and historic exhibitions year-round.

IPRAC is critical to the Humboldt Park community, a neighborhood on Chicago's Northwest Side. Humboldt Park is in the midst of economic revitalization but has an extreme shortage of cultural, arts and performance venues. The economic development plan for Humboldt Park has included the creation of the "Paseo Boricua," a growing business district located on a mile-long stretch of Division Street and a $20 million investment by the City of Chicago to revitalize the 207-acre public park and restore the exterior of the Humboldt Park Stables building, now known as IPRAC.

I would like to thank you for considering this request. Should you have any questions feel free to call Mr_____ at (773) 486-[redacted] Thank you.

Sincerely,

EXHIBIT 36

What we had in our Scofield physical file (related to his contract w/ us). Our finance stand employee may have more, or maybe not.

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
January 1, 2008

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.

Fees

This agreement's duration, hours and fees are as follows:

From 01/01/2008 through 12/31/08

Scofield Communications will provide the services detailed in the "Scope of Work" at a rate of $4,500.^{00} per month.

The client will reimburse Scofield Communications for expenses related to the above work, such as mileage/travel (for distances greater than 10 miles), messenger service and other expenses incurred directly for the purposes of the office of the member of Congress. These expenses will be specifically itemized and documented with biweekly invoices.

This agreement shall continue until terminated by either party on fifteen (15) days written notice.

Confidentiality and Ethics

Scofield Communications will solely represent the interests of the Client and will not seek to influence executive, administrative or legislative action on behalf of any third party in the performance of service to the member of Congress.

During and after this agreement, Scofield Communications shall not use for its personal benefit, or disclose to or use for the direct or indirect benefit of any entity other than the member of Congress any confidential information relating to or dealing with business operations or activities of client.

We agree to the provisions of this proposal:

Doug Scofield
Scofield Communications

12.19.07
Date

Name and title (Print)

Signature

Date

Proposal for Retained Services
Scofield Communications and the
Office of Congressman Luis V. Gutierrez
January 1, 2009

The Office of Congressman Luis V. Gutierrez will retain Scofield Communications, LLC, to provide non-legislative, general office services to assist Congressman Gutierrez in his efforts to serve the people of the 4th Congressional District of the State of Illinois.

Scofield Communications is an independent contractor with sole responsibility for withholding and paying taxes, with respect to services under this agreement.

Scope of Work

Work may include:

- Staff development and training; which could include the following non-legislative areas:
    - Assisting staff or training staff in the areas of preparing remarks or press events.
    - Assisting or training staff with casework or community outreach efforts.
    - Providing staff with guidance and training as determined necessary by the member of Congress or Chief of Staff.
- Attending non-legislative meetings as determined necessary by the member of Congress or Chief of Staff.
- Assisting or training the staff to publicize programs and activities of Congressman Gutierrez
- Other relevant and appropriate areas as determined by the Member of Congress and Chief of Staff.