

Union Calendar No. 522

117TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
117-706

SUMMARY OF ACTIVITIES
ONE HUNDRED SEVENTEENTH CONGRESS

R E P O R T
OF THE
COMMITTEE ON ETHICS



JANUARY 2, 2023.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ETHICS,
Washington, DC, January 2, 2023.

Hon. CHERYL L. JOHNSON,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. JOHNSON: Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "Summary of Activities 117th Congress."

Sincerely,

SUSAN WILD,
Chairwoman.
MICHAEL GUEST,
Acting Ranking Member.

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Ms. WILD and Mr. GUEST, from the Committee on Ethics,
submitted the following

R E P O R T

ACKNOWLEDGEMENT

The Committee acknowledges the tragic loss of its former Ranking Member Representative Jackie Walorski of Indiana. Ranking Member Walorski's dedication to public service and the institution is missed by all.

OVERVIEW

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

In the 117th Congress, the Committee was led initially by Chairman Theodore E. Deutch and Ranking Member Jackie Walorski and then by Chairwoman Susan Wild and Acting Ranking Member Michael Guest. The Members appointed at the beginning of the Congress were Dean Phillips, Veronica Escobar, Mondaire Jones, Dave Joyce, John H. Rutherford, and Kelly Armstrong.

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

and senior staff are required to file; and investigating and adjudicating allegations of misconduct and violations of rules, laws, or other standards of conduct.

The Committee met 24 times in the 117th Congress, including 15 times in 2021 and 9 times in 2022.

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

- Issued nearly 750 formal advisory opinions regarding ethics rules;
- Reviewed and approved more than 2,900 requests to accept privately-sponsored, officially-connected travel;
- Fielded more than 36,000 informal telephone calls, emails, and in-person requests for guidance on ethics issues;
- Released 25 advisory memoranda on various ethics topics to the House;
- Provided training to over 14,000 House Members, officers, and employees each year, and reviewed their certifications for satisfying the House's mandatory training requirements;
- Received nearly 9,400 Financial Disclosure Statements and amendments filed by House Members, officers, senior staff, and House candidates; and
- Received more than 4,000 Periodic Transaction Reports filed by House Members, officers, and senior staff, containing thousands of transactions.

In the 117th Congress, the Committee also had responsibility to consider appeals of fines imposed by the Sergeant at Arms pursuant to House Resolutions 38 and 73, and House Rule II, clause 3(g). In the 117th Congress, the Committee was notified of 111 fines involving 20 Members and considered appeals of 47 of those fines.

In addition, the Committee actively investigates allegations against House Members, officers, and employees, using a mix of investigative techniques to determine the validity of factual allegations, explore potential rules violations, and recommend appropriate sanctions and corrective actions. The Committee's options for investigating a matter include fact-gathering under Committee Rules 16(c) or 18(a), the impanelment of investigative subcommittees (ISC), consideration of formal complaints, and the review of transmittals from the Office of Congressional Ethics (OCE). Committee review of a matter in any of these formats is an "investigation" under House and Committee rules. Also, it is not uncommon for a matter to be investigated by the Committee in more than one of these formats over the course of the Committee's overall review of that matter. For example, as discussed further in this report, from time to time the Committee may begin an investigation under Committee Rule 18(a) and subsequently determine that it is appropriate to continue the investigation through an ISC.

The initiation or status of an investigative matter may or may not be publicly disclosed, depending on the circumstances of the individual matter. However, the fact that the Committee is investigating a particular matter, opts to investigate a matter in one format instead of another, is required or chooses to make a public statement regarding a pending investigative matter, or that a House Member, officer, or employee is referenced in an investigative matter should not be construed as a finding or suggestion that

the Member, officer, or employee has committed any violation of the rules, law, or standards of conduct.

During the 117th Congress, within the scope of its investigative responsibilities, the Committee:

- Commenced or continued investigative fact-gathering regarding 72 separate investigative matters;
- Impaneled three ISCs, in the matters of Delegate Michael San Nicolas, Representative Jeff Fortenberry, and Representative Madison Cawthorn;
- Held 12 ISC meetings;
- Filed 11 reports with the House totaling approximately 350 pages regarding various investigative matters;
- Publicly addressed 50 matters, described in Section VI of this report;
- Resolved 6 additional matters;
- Conducted 42 voluntary witness interviews;
- Authorized the issuance of 1 subpoena;
- Conducted 1 interview pursuant to subpoena; and
- Reviewed over 125,000 pages of documents.

There were a total of 26 investigative matters pending before the Committee as of January 2, 2023.

All of the Committee's work as summarized in this report is made possible by the Committee's talented professional, non-partisan staff. The Members of the Committee wish to acknowledge their hard work and dedication to the Committee and the House. In addition, the Committee wishes to thank its departing Members for their service and for the thoughtfulness and collegiality they showed during their time on the Committee.

I. INTRODUCTION

House Rule XI, clause 1(d), requires each committee to submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under that rule and House Rule X. This report summarizes the activities of the Committee for the entirety of the 117th Congress.

The jurisdiction of the Committee on Ethics is defined in clauses 3(g), 4(d)(1) and 6(c)(5) of House Rule II, clauses 1(g) and 11(g)(4) of House Rule X, clause 3 of House Rule XI, and clause 5(h) of House Rule XXV. The text of those provisions is attached as Appendix I to this Report.

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

est Leadership and Open Government Act (HLOGA) are administered, in part, by the Committee.

II. ADVICE AND EDUCATION

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

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

The duties of the Office of Advice and Education are also addressed in Committee Rule 3, which sets out additional requirements and procedures for the issuance of Committee advisory opinions.

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

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

The Committee believes that a broad, active program for advice and education is an extremely important means for attaining understanding of, and compliance with, the ethics rules. The specifics of the Committee's efforts in the areas of publications, briefings, and advisory opinion letters during the 117th Congress are set forth below. In addition, on a daily basis, Committee staff attorneys provided informal advice in response to inquiries received from Members, staff persons, and third parties in telephone calls and e-mails directed to the Committee office, as well as in person. During the 117th Congress, Committee attorneys responded to more than 36,000 phone calls and e-mail messages seeking advice, and participated in many informal meetings with Members, House staff, or outside individuals or groups regarding specific ethics matters.

PUBLICATIONS

The Committee's major publication is the *House Ethics Manual*. The Manual provides detailed explanations of all aspects of the ethics rules and statutes applicable to House Members, officers, and employees. Topics covered by the Manual include the acceptance of gifts or travel, campaign activity, casework, outside employment, and involvement with official and outside organizations. In the 117th Congress, the Committee issued an updated print of the Manual, including revised travel and gift sections. The Committee also updated the *Highlights of the House Ethics Rules*. All current Committee publications, including the *House Ethics Manual 2022 Print* and the *Highlights of the House Ethics Rules 2022 Print*, are available from the Committee's office and their text is posted in a mobile-friendly searchable format on the Committee's website: <https://ethics.house.gov>.

The Committee updates and expands upon the materials in the Manual, as well as highlights matters of particular concern, through the issuance of general advisory memoranda to all House Members, officers, and employees. The memoranda issued during the 117th Congress were as follows:

- The 2021 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (February 8, 2021);
- Ethics Guidance Regarding Financial Interest in Funding Requests (April 12, 2021);
- Upcoming Financial Disclosure Filing Deadline & Automatic Extension (April 26, 2021);
- Reminder of Financial Disclosure Filing Deadline & Assistance Available (July 19, 2021);
- Reminder of Financial Disclosure Filing Deadline (August 6, 2021);
- Reminder of Financial Disclosure Filing Deadline (August 10, 2021);
- Joint Afghanistan Guidance (August 30, 2021);
- Important Information Relating to Hurricane Ida (September 10, 2021);
- Joint Guidance Regarding Redistricting (September 10, 2021);
- Reminder about Annual Ethics Training Requirements for 2021 (December 3, 2021);

- Joint Guidance Regarding Important Information Relating to Central U.S. Tornados (December 14, 2021);
- Foreign Gifts and Decorations Act CY2021 Reporting (December 15, 2021);
- The 2022 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 13, 2022);
- Joint Guidance Regarding Ukraine Humanitarian Relief Efforts (March 4, 2022);
- Upcoming Financial Disclosure Clinics & Training (April 14, 2022);
- Guest Policy Change and Reminder of Gift Rules for Attendance at Events (September 19, 2022);
- Annual Member Ethics Training Now Live (September 22, 2022);
- Joint Guidance Relating to Hurricanes Fiona and Ian (September 29, 2022);
- Upcoming Live Ethics Training Session (October 7, 2022);
- Two Upcoming Live, In-Person Ethics Training Sessions (October 24, 2022);
- Member Swearing-in Events (November 29, 2022);
- Reminder about Annual Ethics Training Requirement for 2022 (December 15, 2022);
- Foreign Gifts and Decorations Act CY 2022 Reporting Reminder (December 15, 2022);
- Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers (December 15, 2022); and
- Negotiations for Future Employment and Restrictions on Post-Employment for House Staff (December 15, 2022).

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

The Committee also submits a report each month of the Committee's activities to the Committee on House Administration (CHA). Finally, with this report, the Committee has sought to provide as much transparency as is appropriate. In addition to the many numbers referred to throughout this report, the Committee publishes the following summary chart in the interest of transparency.

Committee Report (numbers are approximate)	2021	2022	TOTAL
Formal Advice and Approval			
Advisory Opinion Requests Received	410	332	742
Advisory Opinions Mailed	380	283	663
Travel Requests Received	1,229	2,115	3,344
Travel Opinions Mailed	1,018	1,882	2,900
Informal Advice (including Financial Disclosure)			
Phone Calls (approximate)	8,777	9,862	18,639
Emails (approximate)	9,991	7,004	16,995
Training			
Total # of House Employees (as of Dec 31, 2022)			
Employees having completed training	14,427	12,268	26,695
Training briefings (scheduled training sessions)	50	33	83
Personal Advisory Meetings with Members, officers, and employees	90	200	390
Investigations			
Investigative Matters carried over from the 116th Congress	13		13
Investigative Matters commenced in the 117th Congress	30	29	59
Investigative Subcommittees carried over from the 116th Congress	1		1
Investigative Subcommittees commenced	1	1	2
Publicly Disclosed Resolutions	4	28	32
Confidential Resolutions	5	1	6
Referrals received from the Office of Congressional Ethics	10	8	18
Financial Disclosures			
FD Reports filed by Members, officers, and employees	3,405	3,597	7,002
FD Reports filed by Candidates	643	999	1,642
FD Reports and amendments reviewed by Committee staff	3,854	4,018	7,872
PTRs filed by Members, officers, and employees	2,110	1,978	4,088
Total FD Reports and PTRs filed by all filers	6,158	6,574	12,732
Committee Publications			
Pink Sheets/General Advisories	12	13	25
Public Statements	61	42	103
Investigative Reports	4	7	11
Miscellaneous Oversight			
Recusals	35	66	101
Negotiations	93	194	287
Qualified Blind Trusts	4	6	--
Legal Expense Funds	9	10	--
Foreign Gifts and Travel Reports	10	11	21
Meetings			
Full Committee Meetings	15	9	24
Subcommittee Meetings	2	10	12
Personnel			
Lowest Total Staff Level	21	21	--
Highest Total Staff Level	24	27	--

ETHICS TRAINING

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

Pursuant to its obligations under Rule XI, the Committee held 49 ethics training sessions during 2021 and 33 during 2022. During the 117th Congress, all Members, officers, and employees were permitted to fulfill their training requirement either through attending a training session in person or by viewing an on-line presentation. The training sessions for new Members and employees provided a general summary of the House ethics rules in all areas, such as gifts, travel, campaign activity, casework, involvement with outside entities, and outside employment. The live and on-line sessions for existing Members and employees covered specific topics, such as gifts and travel or campaign work, on a more in-depth basis. The Committee also had several different options that senior staff could use to fulfill their requirement of one additional hour of training. The on-line training provided a general overview of ethics rules of particular interest to senior staff. The live training sessions focused in depth on a single topic of importance for senior staff.

In 2021, the Committee trained 310 employees at live ethics briefings, and more than 14,700 used one of the on-demand training options. During 2022, the Committee trained 630 employees at live ethics briefings, and more than 14,200 through one of the on-demand training options. The total number of employees who completed ethics training for 2022 will be determined after January 31, 2023, the date that House Rule XI established as the deadline for employees to certify completion of the ethics training requirement for 2022.

In addition to the training required under House Rule XI, the Committee also provided training in several other contexts. The House will include 74 new Members in the 118th Congress, most of whom have not previously served in the House. The Committee made a presentation to the Members-elect of the 118th Congress during New Member Orientation and participated in two issue-specific panels. The Committee also met with numerous departing Members and staff to counsel them on the ethics rules related to their transition to private life and the post-employment restrictions. The Committee also provided training open to all House Members, officers, and employees on the financial disclosure rules, which are discussed further in Section III.

²In 2022, the senior staff rate was \$135,468 per year, or a monthly salary above \$11,289. This figure is subject to change each year, and the Committee issues a general advisory memorandum to all House Members, officers, and employees announcing changes in this and other salary thresholds relevant to ethics rules.

³The requirement that new Members receive training within 60 days of commencement of their service to the House was added to House Rule XI in the 114th Congress.

Committee staff also participated in approximately 5 briefings sponsored by or held for the members of outside organizations. In addition, Committee staff led approximately 6 briefings for visiting international dignitaries from a variety of countries, including North Macedonia, Ukraine, and Kosovo.

ADVISORY OPINION LETTERS

The Committee's Office of Advice and Education, under the direction and supervision of the Committee's Chair and Ranking Member, prepared and issued 663 private advisory opinions during the 117th Congress: 380 in 2021 and 283 in 2022.

Opinions issued by the Committee in the 117th Congress addressed a wide range of subjects, including various provisions of the gift rule, Member or staff participation in fund-raising activities of charities and for other purposes, the outside earned income and employment limitations, campaign activity by staff, and the post-employment restrictions.

TRAVEL APPROVAL LETTERS

As discussed above, House Rule XXV, clause 5(d)(2), which was enacted at the start of the 110th Congress, charged each House Member or employee with obtaining approval of the Committee prior to undertaking any travel paid for by a private source on matters connected to the individual's House duties. Since 2007, the Committee has conducted a thorough review of each proposed privately-sponsored trip.

Committee approval of a proposed trip does not reflect an endorsement of the trip sponsor or a determination regarding the safety or security of a proposed trip. Instead, Committee approval is limited to the question of whether the proposed trip complies with the relevant laws, rules, or regulations. To that end, the Committee's nonpartisan, professional staff recommends changes where necessary to bring a proposed trip into compliance with relevant laws, rules, or regulations and, on occasion, informs House Members and employees that a proposed trip is not permissible. The Committee recognizes both the significant benefit the public receives when their Representatives and their Representatives' staff receive hands-on education and experience, as well as the mandate that outside groups be appropriately limited in what gifts and support they are allowed to provide to Members of Congress and congressional staff.

The Committee is directed by House Rules to develop and revise as necessary guidelines and regulations governing the acceptance of privately-sponsored, officially-connected travel by House Members, officers, and employees.⁴ The Committee issued initial travel regulations in a pair of memoranda dated February 20 and March 14, 2007. At the end of the 112th Congress, the Committee adopted new travel regulations (Travel Regulations). The new Travel Regulations were issued on December 27, 2012, and were effective for all trips beginning on or after April 1, 2013. In the 116th Congress, the Committee adopted revised Travel Regulations and FGDA Regulations. The new Travel Regulations were effective for all trips starting on or after April 1, 2021. In general, the Committee re-

⁴ House Rule XXV, clause 5(i).

quires that any House Member, officer, or employee who wishes to accept an offer of privately-sponsored, officially-connected travel must submit all required paperwork to the Committee at least 30 days prior to the start of the trip.⁵ However, the 30-day requirement does not apply to certain types of trips, and the Committee retains authority to approve requests submitted after that deadline in exceptional circumstances.⁶ When the Committee opts to approve a request filed after the general deadline, the approval letter sent to the traveler—which must ultimately be publicly disclosed—notes that fact.

Under the travel approval process established by the Committee to implement this rule, the Committee reviewed more than 1,200 requests to accept privately-sponsored, officially-connected travel, and issued letters approving more than 1,000 such requests in 2021. In 2022, the Committee reviewed over 2,100 requests to accept privately-sponsored, officially-connected travel, and issued letters approving over 1,800 such requests.

House Rules and the Committee’s Travel Regulations require all House Members, officers, and employees who receive Committee approval to accept privately-sponsored, officially-connected travel to file detailed paperwork about the trip with the Clerk within 15 days of the conclusion of the trip.⁷ The Committee also reviewed the post-travel disclosure forms filed by the traveler for each approved trip and requested amendments or other remedial action by the traveler when deemed necessary.⁸

The post-travel filings are made available to the public in a searchable online database on the Clerk’s website, at http://clerk.house.gov/public_disc/giftTravel-search.aspx. The public, the media, and outside groups have used this valuable resource for years, and the Committee anticipates that they will continue to do so. The Committee requires those Members, officers, and employees who are required to file financial disclosure statements, as discussed in Section III, to also provide information about privately-sponsored, officially-connected travel on their financial disclosure filings, but the public should be aware that much more detailed and timely public filings regarding such travel are required, and the most authoritative source of those filings is the Clerk’s website.

III. FINANCIAL DISCLOSURE

Title I of the Ethics in Government Act of 1978 (EIGA), as amended (5 U.S.C. app. §§ 101–111), requires certain officials in all branches of the federal government, as well as candidates for federal office, to file publicly-available Financial Disclosure Statements (Statements). These Statements disclose information concerning the filer’s finances, as well as those of certain family members. By May 15 of each year, these “covered individuals” are required to file a Statement that provides information for the preceding calendar year. In addition, the Stop Trading on Congress

⁵ Travel Regulations at Part 500—Committee Approval Process.

⁶ *Id.* at § 501.1.

⁷ House Rule XXV, clause 5(b)(1)(A)(ii); Travel Regulations at Part 600—Post-Travel Disclosure.

⁸ From time to time, a traveler may inadvertently fail to file all of the required paperwork with their post-travel submission. That is not an indication that the information was not provided to the Committee prior to the trip and before the Committee approved the request, only that the traveler’s subsequent submission was incomplete.

sional Knowledge Act (STOCK Act) amended EIGA in 2012 to add a requirement that financial disclosure filers must report certain securities transactions over \$1,000 within 30 days of notice, but no later than 45 days after the transaction. The Committee has termed these interim reports “Periodic Transaction Reports” or “PTRs.”

Financial disclosure filings are not intended to be net worth statements, nor are they well suited to that purpose. As the Commission on Administrative Review of the 95th Congress stated in recommending broader financial disclosure requirements: “The objectives of financial disclosure are to inform the public about the financial interests of government officials in order to increase public confidence in the integrity of government and to deter potential conflicts of interest.”⁹

All Members of the House, including Members who are serving the first year of their first term, are required to file a Statement. In addition, any officer or employee of the House who was paid at or above 120 percent of the minimum pay for Executive Branch GS-15 (the “senior staff” rate) for at least 60 days in a calendar year must file a Statement on or before May 15 of the following year. Certain other employees, including those designated by a Member as a “principal assistant” for financial disclosure purposes and employees who are shared staff of three or more offices, are also subject to some financial disclosure filing requirements.

Starting in 2013, financial disclosure filers were able to use an online electronic filing system to draft and submit their Statements and PTRs. Thanks to a very industrious collaboration with the Clerk of the House to create the online system, and extensive outreach and education, nearly all Members and staff used the online electronic filing system to submit their calendar year 2021 Statements. Specifically, 95% of Members and House staff used the online system to draft and submit their 2021 Statements.

The Committee engages in substantial training efforts to assist filers with completing their Statements and PTRs. In 2021, the Committee held two briefings for Members, officers, and employees. In 2022, the Committee held three briefings for Members, officers, and employees and three walk-in clinics to support filers’ use of the electronic filing system for Statements and PTRs.

For the 117th Congress, the Committee continued its long-standing practice of Committee staff meeting with Members, officers, and employees of the House to assist filers with their Statements and PTRs. Committee staff responded to telephone, e-mail, and in-person questions from filers on an as-needed basis, in addition to reviewing drafts of Statements and PTRs. The Committee encourages all financial disclosure filers to avail themselves of opportunities to seek and receive information and assistance.

For calendar year 2021, the Legislative Resource Center of the Clerk’s office referred a total of 4,048 Financial Disclosure Statements to the Committee for review. Of those, 3,405 were Statements filed by current or new House Members or employees, and 643 were Statements filed by candidates for the House. The Clerk’s office also referred a total of 1,514 PTRs to the Committee for re-

⁹House Comm’n on Admin. Review, *Financial Ethics*, H. Doc. 95-73, 96th Cong., 1st Sess. 6 (1977).

view. The Committee received 653 PTRs from Members and 861 PTRs from officers and employees.

For calendar year 2022, the Legislative Resource Center of the Clerk's office referred a total of 4,596 Statements to the Committee for review.¹⁰ Of those, 3,597 were Statements filed by current or new House Members or employees, and 999 were Statements filed by candidates for the House. The Clerk's office also referred a total of 1,397 PTRs to the Committee for review. The Committee received 590 PTRs from Members and 807 PTRs from officers and employees.

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

On February 28, 2022, and March 2, 2022, the Committee received referrals from the Office of Congressional Ethics (OCE) regarding allegations that several Members may have failed to timely file Periodic Transaction Reports (PTRs) for various reportable transactions. These referrals are discussed in more detail below. The Committee voted to dismiss the referrals. The Committee concluded that there was not clear evidence that the errors and omissions in the Members' PTRs were knowing or willful and that the Members were generally unclear on the requirements relating to PTR filings. The Committee worked with each Member, and they all made diligent efforts to take appropriate remedial actions and ensure their continued compliance with applicable financial disclosure requirements. Accurate and timely FD filings are an important part of the House's conflict of interest protections, and the Committee takes the statutory FD requirements and its oversight of them very seriously. The Committee is working to address various programmatic issues raised by the referrals.

More information about financial disclosure, including the Committee's instruction booklet for filers and blank copies of Statement and PTR forms, is available on the Committee's website, at <https://ethics.house.gov/financial-disclosure>. In addition, financial disclosure filings of Members and candidates and other information about financial disclosure is available on the Clerk's website, at http://clerk.house.gov/public_disc/financial.aspx.

IV. COMMITTEE RULES

After the beginning of each Congress, the Committee must adopt rules for that Congress. On February 25, 2021, the Committee met and adopted the Committee rules for the 117th Congress. The sub-

¹⁰ In 2021, due to the unprecedented challenges created by the COVID-19 pandemic, the Committee exercised its authority under EIGA to automatically grant all House Members and employees who were required to file an annual Financial Disclosure Statement the full 90-day extension permitted by law.

stance of the Committee rules for the 117th Congress was largely identical to the amended rules adopted in the 116th Congress.¹¹

A copy of the Committee Rules for the 117th Congress is included as Appendix III to this Report.

VI. FINE APPEALS

On January 12, 2021, the House passed House Resolution 38, which stated, in part, that during a period in which the Speaker has announced a public health emergency due to a novel coronavirus to be in effect, “the Sergeant-at-Arms [(SAA)] is authorized and directed to impose a fine against a Member, Delegate, or the Resident Commissioner for the failure to wear a mask in contravention of the Speaker’s announced policies of January 4, 2021.”¹² A fine imposed under House Resolution 38 “shall be treated as though imposed under clause 3(g) of rule II.”¹³ The relevant portion of House Rule II, adopted in the 115th Congress, establishes a process for fines imposed by the SAA against Members for the use of electronic devices to take recordings on the House floor; the Rule provides for a \$500 fine for the first offense and a \$2,500 fine for any subsequent offense. Under House Rule II, a Member who is fined by the SAA pursuant to that rule “may appeal the fine in writing to the Committee on Ethics not later than 30 calendar days” after notification of the fine.¹⁴ The Committee has 30 calendar days to consider the appeal, and a fine will be upheld unless the appeal is agreed to by a majority of the Committee.¹⁵ Upon a determination regarding the appeal, the Chair of the Committee shall notify the Member, the Speaker, the SAA, and the Chief Administrative Officer, and shall make the notification publicly available.¹⁶

On February 2, 2021, the House passed House Resolution 73, which directed the SAA to fine Members for failure to complete security screening prior to entrance to the House Chamber. Fines pursuant to House Resolution 73 operated in a similar manner to fines pursuant to House Resolution 38. A Member who was fined pursuant to House Resolution 73 could appeal the fine to the Committee; the Committee had 30 days to consider any appeal; if a majority of the Committee did not agree to the appeal within that time, the fine was upheld; and upon a determination on the appeal, the Chair of the Committee was directed to notify the Member, the Speaker, the SAA, and the Chief Administrative Officer, and to make the notification publicly available.¹⁷ Unlike House Resolution 38 fines, the Chair of the Committee was also required to make public the initial notification of the fine, prior to the Committee’s determination on the matter.¹⁸ House Resolution 73 also provided

¹¹In the 112th Congress, as a result of the efforts of a working group formed to assess the Committee’s rules and procedures, numerous changes were made to the Committee’s investigative rules, including changes to Committee Rules 4, 9, 17A, 18, 19 and 23. Those changes were adopted by the Committee on May 18, 2012. House Comm. on Ethics, *Summary of Activities One Hundred Twelfth Congress*, H. Rept. 112–730, 112th Cong. 2nd Sess. 21 (2012).

¹²H. Res. 38 Sec. 4(a)(1) (117th Cong.).

¹³See *id.* Sec. 4(a)(2); see also H. Res. 85 Sec. 8(b) (117th Cong.).

¹⁴House Rule II, clause 3(g)(3)(B).

¹⁵House Rule II, clause 3(g)(3)(C).

¹⁶*Id.*

¹⁷H. Res. 73. Sec. 1(a)–(b) (117th Cong.).

¹⁸H. Res. 73. Sec. 1(a)(3) (117th Cong.).

for a \$5,000 fine for the first offense and a \$10,000 fine for any subsequent offense.

Implementation and adjudication of the fine appeal process under House Resolution 38 and House Resolution 73 was a significant drain on the Committee's resources in the 117th Congress. On March 9, 2021, the Committee adopted its "Special Policies and Procedures Relating to Fine Notifications and Appeals." The SAA sent the Committee 101 notifications of fines pursuant to House Resolution 38 and 10 notifications of fines pursuant to House Resolution 73. The Committee received 37 timely appeals of fines pursuant to House Resolution 38 and 10 timely appeals of fines pursuant to House Resolution 73. The Committee held 5 executive session meetings in which 9 Members met with the Committee to present their arguments for their appeal. The Committee voted on each timely appeal, including holding votes at 11 executive session meetings. A majority of the Members of the Committee did not agree to the any of the appeals of fines pursuant to House Resolution 38. A majority of the Members agreed to six appeals of fines pursuant to House Resolution 73.

VII. DISSEMINATION OF MANIPULATED MEDIA

On January 8, 2021, the House passed House Resolution 8, which stated, in part, that the Committee was directed to report to the House, not later than December 31, 2021, any recommended amendments to the Code of Official Conduct, as well as any accompanying regulations, intended to address the circumstances and instances, if any, for which a Member, Delegate, Resident Commissioner, officer, or employee of the House "may be subject to discipline for dissemination by electronic means, including by social media, of any image, video, or audio file that has been distorted or manipulated with the intent to mislead the public."¹⁹

The Committee did not recommend any amendments to the Code of Official Conduct or any accompanying regulations. However, the Committee has previously issued guidance on this topic.

On January 28, 2020, the Committee circulated a general advisory opinion to the House community addressing the "Intentional Use of Audio-Visual Distortions & Deep Fakes."²⁰ In that general advisory opinion, the Committee advised that Members "must exercise care in communicating, especially when using electronic communication[.]"²¹ The Committee explained that "Members have a duty, and a First Amendment right, to contribute to the public discourse, including through parody and satire. However, manipulation of images and videos that are intended to mislead the public can harm the discourse and reflect discredibly on the House," and "Members, officers, and employees posting deep fakes or other audio-visual distortions intended to mislead the public may be in violation of the Code of Official Conduct."²² Accordingly, the Committee advised that "[p]rior to disseminating any image, video, or audio file by electronic means, including social media, Members and staff are expected to take reasonable efforts to consider wheth-

¹⁹H. Res. 8 Sec. 3(y) (117th Cong.).

²⁰Comm. on Ethics, *Intentional Use of Audio-Visual Distortions & Deep Fakes* (Jan. 28, 2020).

²¹*Id.* at 1.

²²*Id.*

er such representations are deep fakes or intentionally distorted to mislead the public.”²³

VIII. INVESTIGATIONS

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

As a general matter, the Committee’s investigative jurisdiction extends to current House Members, officers and employees.²⁴ When a Member, officer, or employee, who is the subject of a Committee investigation, resigns, the Committee loses jurisdiction over the individual. In the 117th Congress, four individuals resigned from the House while the Committee had an open investigation regarding them.

The Committee may not undertake an investigation of an alleged violation that occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.²⁵

In most cases, the Committee only investigates matters that allegedly occurred while the individual was a House Member, officer, or employee. However, the Committee has asserted jurisdiction over alleged conduct that may have violated laws, regulations, or standards of conduct, which occurred prior to a Member’s swearing-in but in connection with a successful campaign for the House of Representatives. Further, the Committee is required to investigate whenever a Member, officer, or employee of the House is convicted of a felony, regardless of whether the underlying conduct occurred while the individual was a Member, officer, or employee of the House.

As a general matter, the Committee’s investigations are conducted either pursuant to authorization by the Chair and Ranking Member, under Committee Rule 18(a), or pursuant to a vote by the Committee to impanel an ISC. Most investigations are conducted pursuant to Committee Rule 18(a).²⁶ Even those investigations that ultimately result in the formation of an ISC usually begin as Committee Rule 18(a) investigations. Committee Rule 18(a) and ISC investigations differ only in process, not substance. In both kinds of investigations, Committee staff is authorized by Members of the Committee to interview witnesses, request documents and information, and engage in other investigative actions. Further, both the Committee and ISC may authorize subpoenas for documents and

²³ *Id.* at 2.

²⁴ House Rule XI, clause 3(a)(2).

²⁵ House Rule XI, clause 3(b)(3).

²⁶ An investigation of a formal complaint or information offered as a complaint pursuant to Committee Rule 15 is conducted pursuant to a similar rule, Committee Rule 16(c), until an ISC is impaneled or the question of whether to impanel one is placed on the Committee’s agenda.

witness testimony.²⁷ Members of the Committee can, and do, attend and participate in voluntary interviews with witnesses in both 18(a) and ISC investigations.

The Committee may opt to investigate a matter under Committee Rule 18(a) rather than an ISC for a number of reasons. For example, investigating pursuant to Committee Rule 18(a) preserves the Committee's ability both to deploy its limited resources in the most efficient manner possible, and to maintain the confidentiality of its investigations. In general, the Committee publicly announces when it has voted to impanel an ISC. In contrast, most investigations conducted pursuant to Committee Rule 18(a) are confidential. Maintaining the confidentiality of investigations minimizes the risk of interference and protects the identities of complainants. Indeed, in past investigations, employees of a Member have brought allegations of misconduct to the Committee when they have remained in the employ of the Member and faced intimidation or reprisal.²⁸ Maintaining a confidential investigation also avoids unnecessarily tarnishing a Member's reputation before a determination of wrongdoing has been made.

The fact that an investigation is conducted in a confidential manner does not preclude the Committee from making a public statement at the end of the investigation. For example, in recent Congresses, the Committee has issued public reports to the House and/or letters of reproof in a number of investigative matters that were initiated by the Committee and that had not previously been publicly disclosed by the Committee.²⁹

Whether the Committee investigates a matter under Committee Rule 18(a) or through an ISC, by rule, the Committee may choose to exercise its investigative authority in several different scenarios.³⁰ However, most Committee investigations begin when the Committee, on its own initiative, undertakes an investigation. In the 117th Congress, the Committee commenced or continued investigative fact-gathering regarding 72 separate investigative matters, most of which were begun at the Committee's initiative. Those matters also included referrals from the OCE. In the 117th Congress, the OCE referred 18 matters to the Committee, 15 with a recommendation for further review, 2 with a recommendation that all of the allegations be dismissed, and one that was referred without a recommendation due to a tie vote of OCE's Board.

²⁷The mechanism for issuing a subpoena by the Committee or an ISC does differ. Where an ISC has been impaneled, it can authorize a subpoena, to be signed by the Committee's Chair and Ranking Member. If the investigation is at the Committee Rule 18(a) stage, the full Committee can vote to issue a subpoena to be signed by the Chair.

²⁸See, e.g., House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong. 2d Sess. (2012).

²⁹See, e.g., House Comm. on Ethics, *In the Matter of Allegations Relating to Elizabeth Esty*, H. Rept. 115-1093, 115th Cong. 2d Sess. (2018); House Comm. on Ethics, *In the Matter of Allegations Relating to Representative David McKinley*, H. Rept. 114-795, 114th Cong. 2d Sess. (2016); House Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey*, H. Rept. 113-664, 113th Cong. 2d Sess. (2014).

³⁰Specifically, the Committee may exercise its investigative authority when: (1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee; (2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee; (3) the Committee, on its own initiative, undertakes an investigation; (4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; (5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or (6) a referral from the OCE is transmitted to the Committee. See Committee Rule 14(a).

In the 116th Congress, the House issued a reprimand and a fine at the recommendation of the Committee and an investigative subcommittee in one matter. The Committee also issued a reproof in one matter. Including those two matters, since 2008, the Committee has recommended that the House issue a censure in one matter, recommended in two matters that the House issue a reprimand, and issued 15 reprovals. Nine of those resolutions followed investigations initiated by the Committee under its own authority, while nine of those resolutions followed recommendations by the OCE that the Committee review the allegations. In addition to these formal sanctions, the Committee has admonished 6 Members, officers, and employees since 2008.³¹

The OCE is an independent office within the House created by a House resolution in the 110th Congress after the release of a report of the Democratic Members of the Special Ethics Task Force on Ethics Enforcement (Task Force Report).³² According to the Task Force Report, the OCE Board has the responsibility to review information on allegations of misconduct by Members, officers, and employees of the House and make recommendations to the Committee for the Committee's official consideration and action.

Two OCE Board members may initiate a review by notifying all other OCE Board members in writing. The OCE Board then has 30 calendar days to consider the matter in a preliminary review phase and may vote to either terminate the review or progress to the second-phase review. Once in the second phase, the OCE Board has 45 calendar days (with a possible one-time extension of 14 days) to complete consideration of the matter and refer it to the Committee with a recommendation for dismissal, further review, or as unresolved due to a tie vote. The OCE Board's referral may not contain any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review. The Task Force believed that "the timeline requirements instituted by the new process are critical: matters will spend at most three months under consideration by the Board of the OCE before being referred to the Committee for resolution."³³ The Task Force considered whether to give the OCE either direct or indirect subpoena power. But the Task Force Report ultimately decided not to give the OCE subpoena power based on a number of factors. Instead, the Task Force Report stated that the Board's referral may include recommendations for the issuance of subpoenas by the Committee where Members feel it appropriate.

When the Committee receives a referral from the OCE, it is required to review the referral "without prejudice or presumptions as to the merit of the allegations."³⁴ The Committee thus makes an independent determination about how to proceed in the matter based on the information before the Committee, which may include not only the OCE referral and supporting documents provided to the Committee by the OCE, but other information. It is not uncommon that the Committee's review will require more than 90 days

³¹An admonishment is not a formal sanction of the Committee or the House. It is a warning that certain conduct can be found in violation of House Rules and potentially lead to sanction.

³²Special Task Force on Ethics Enforcement, *Report of the Democratic Members of the Special Task Force on Ethics Enforcement*, (H. Rept. 110-1, 110th Cong. 1st Sess.) (Comm. Print 2007).

³³*Id.* at 14. The 18 OCE referrals received by the Committee in the 117th Congress were transmitted an average of 122 days after the start of the preliminary review phase.

³⁴Committee Rule 17A(a).

because of the need to review documents, interview witnesses, and/or assess the legal significance of evidence, among other investigative steps. Some investigations may require the review of tens of thousands, if not hundreds of thousands, of pages of documents. For example, in the 116th Congress one investigation that spanned multiple Congresses required the Committee to review more than 200,000 pages of documents to resolve the matter.³⁵

In some instances, the Committee may be asked to defer its investigation by another law enforcement entity, generally the U.S. Department of Justice (DOJ). The Committee typically honors such requests, barring unusual circumstances. For one thing, parallel investigations pose the risk of compromising one another. Also, for the most serious criminal violations, only DOJ can pursue a prosecution to seek imprisonment, the most serious possible consequence for a violation of law.³⁶ Provided that the Committee still retains jurisdiction, a decision by the Committee to defer does not preclude the Committee from continuing its investigation later, regardless of the outcome of the other entity's investigation. In addition, a decision by the Committee to defer an investigation does not itself indicate that any violation has occurred or reflect any judgment on behalf of the Committee. In the 117th Congress, the Committee did opt to defer several investigations at the request of DOJ, as described further below.

The Committee also received information offered as a referral from the Select Committee to Investigate the January 6th Attack on the United States Capitol. The information was received by the Committee on December 27, 2022.

The Committee publicly addressed 50 investigative matters during the 117th Congress. In addition to confidential matters, the Committee also carried over several public matters from the 116th Congress. In the 117th Congress, the Committee continued to address the matters concerning Representative Sanford Bishop, Representative Bill Huizenga, Representative Steven Palazzo, and Delegate Michael San Nicolas. A chronological overview of public statements made by the Committee in the 117th Congress regarding investigative matters follows.

On March 1, 2021, the Committee made public the OCE Report in the matter of Delegate Michael F.Q. San Nicolas.

On March 1, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Steven Palazzo.

On April 9, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would review allegations that Representative Matt Gaetz may have engaged in sexual misconduct and/or illicit drug use, shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe, improper gratuity, or impermissible gift.

³⁵ House Comm. on Ethics, *In the Matter of Allegations Relating to Representative David Schweikert*, H. Rept. 116-46, 116th Cong. 2d Sess. (2020).

³⁶ DOJ will not lose jurisdiction to continue an investigation and pursue prosecution, if it determines that is appropriate, in the event that a Member or employee leaves the House, whether through resignation or defeat for reelection.

On April 9, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would review allegations that Representative Tom Reed may have engaged in sexual misconduct.

On May 20, 2021, the Committee announced it had unanimously voted to re-authorize an ISC for the 117th Congress to review allegations involving Delegate Michael F.Q. San Nicolas.

On July 26, 2021, the Committee transmitted a Report to the House regarding allegations relating to Representative Joyce Beatty.

On July 30, 2021, the Committee transmitted a Report to the House regarding allegations relating to Representative Hank Johnson.

On September 28, 2021, the Committee transmitted a Report to the House regarding allegations relating to Representative Al Green.

On September 28, 2021, the Committee transmitted a Report to the House regarding allegations relating to Representative Sheila Jackson Lee.

On October 21, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Tom Malinowski.

On October 21, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Alex Mooney.

On October 21, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Jim Hagedorn.

On November 29, 2021, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding John Sample.

On December 3, 2021, the Committee announced it had unanimously voted to establish an ISC with regard to allegations that Representative Jeff Fortenberry accepted illegal campaign contributions and engaged in a scheme to falsify or conceal material facts and/or made false statements, during a federal investigation into his campaign committee's alleged acceptance of illegal campaign contributions.

On January 24, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Rep. Doug Lamborn.

On February 7, 2022, the Committee transmitted a Report to the House regarding allegations relating to Representative Jamaal Bowman.

On March 22, 2022, the Committee announced that a majority of the Committee did not vote to dismiss allegations referred by the OCE regarding Representative Ilhan Omar.

On April 1, 2022, the Committee released a statement that Representative Jeff Fortenberry had resigned from Congress, and, as a consequence, the ISC and the Committee no longer had jurisdiction over him.

On May 23, 2022, the Committee transmitted a Report to the House regarding allegations relating to Representative Madison Cawthorn.

On May 23, 2022, the Committee announced it had unanimously voted to establish an ISC with regard to allegations that Rep-

representative Madison Cawthorn improperly promoted a cryptocurrency in which he may have had an undisclosed financial interest, and/or engaged in an improper relationship with an individual employed on his congressional staff.

On May 23, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Ronny Jackson.

On May 23, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Alex Mooney.

On May 31, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Pat Fallon.

On May 31, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Chris Jacobs.

On May 31, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative John Rutherford.

On June 24, 2022, the Committee transmitted a Report to the House regarding allegations relating to Delegate Michael F.Q. San Nicolas, and announced its referral of substantial evidence of potential violations of federal criminal law to the Department of Justice.

On July 22, 2022, the Committee transmitted a Report to the House regarding allegations relating to Representative Judy Chu.

On July 29, 2022, the Committee transmitted a Report to the House regarding allegations relating to the arrests of Members of the House during a protest outside the United States Supreme Court on July 19, 2022.

On July 29, 2022, the Committee announced its dismissal of allegations referred by OCE regarding Representatives Pat Fallon, Chris Jacobs, and Thomas Suozzi.

On July 29, 2022, the Committee transmitted a Report to the House regarding allegations relating to Representative Andy Levin.

On August 24, 2022, the Committee announced its dismissal of allegations referred by OCE regarding Representative John Rutherford.

On November 21, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Carolyn Maloney.

On November 28, 2022, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Kaiali'i Kahele.

On December 6, 2022, the Committee transmitted a Report to the House regarding allegations relating to Representative Madison Cawthorn.

These investigative matters are described in more detail below, in alphabetical order. Copies of all of the Committee's public statements related to these matters are included as Appendix IV to this Report. Those statements, along with any attachments referenced in the statements, are available on the Committee's website. All of the Committee's Reports as filed with the House are also available on the Committee's website.

In the Matter of Allegations Relating to the Arrests of Members of the House During a Protest Outside the United States Supreme Court on July 19, 2022

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on July 27, 2022, to consider the arrests of Representatives Alma Adams, Cori Bush, Katherine Clark, Madeline Dean, Veronica Escobar, Sara Jacobs, Barbara Lee, Andy Levin, Carolyn Maloney, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Jan Schakowsky, Jackie Speier, Rashida Tlaib, Nydia Velázquez, and Bonnie Watson Coleman for crowding, obstructing, or incommoding, during a protest outside the United States Supreme Court Building in Washington, D.C., on July 29, 2022. Each Member paid or stated that they intended to pay a \$50 collateral payment, whereupon the local court would dispose of the charge. The legal proceedings related to the arrests were expected to be resolved with no further action.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of the Members. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On July 29, 2022, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Joyce Beatty

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on July 20, 2021, to consider the arrest of Representative Joyce Beatty for crowding, obstructing, or incommoding, during a protest inside a Senate Office Building in Washington, D.C., on July 15, 2021. Representative Beatty forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to Representative Beatty's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Beatty. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On July 26, 2021, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Sanford Bishop, Jr.

On February 10, 2020, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Sanford Bishop, Jr.'s campaign committee reported disbursements that were not attributable to bona fide campaign or political purposes, and that Representative Bishop authorized expenditures from his Members' Representational Allowance (MRA) that were not for permissible official expenses, in violation of federal law, House rules and other standards of conduct.

On July 31, 2020, the Committee released the OCE Report and Findings, along with Representative Bishop's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Bishop was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Jamaal Bowman

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on February 4, 2022, to consider the arrest of Representative Jamaal Bowman for unauthorized entry during a protest outside the Capitol Building in Washington, D.C., on January 20, 2022. Representative Bowman stated he intended to pay a \$200 collateral payment, whereupon the local court would dispose of the charge. The legal proceedings related to Representative Bowman's arrest were expected to be resolved with no further action.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Bowman. In reaching this decision, the Committee considered the scope and nature of the violations and determined it to be one for which review by an ISC was not warranted. On February 7, 2022, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Madison Cawthorn

On May 23, 2022, the Committee announced that it had unanimously voted on May 11, 2022, to establish an ISC with jurisdiction to investigate whether Representative Madison Cawthorn may have: improperly promoted a cryptocurrency in which he had an undisclosed financial interest, and/or had an improper relationship with a member of his congressional staff.

At the completion of its investigation, the ISC unanimously concluded there was substantial evidence that Representative Cawthorn promoted a cryptocurrency in which he had a financial interest in violation of rules protecting against conflicts of interest; that he failed to file timely reports to the House disclosing his transactions relating to the cryptocurrency; and that his purchase of the cryptocurrency was on more generous terms than were available to the general public, resulting in an improper gift. The ISC also unanimously concluded that Representative Cawthorn did not engage in an improper relationship with a member of his congressional staff.

On November 16, 2022, the ISC unanimously voted to adopt and transmit a Report to the full Committee detailing the violations and the facts giving rise to those violations. The ISC Report also recommended the Report serve to admonish Representative Cawthorn, and that the Committee direct Representative Cawthorn to repay the approximate value of the gift he received to a suitable charity and to pay applicable late fees for his late filings of PTRs.

On December 6, 2022, the Committee made public its Report, in which it adopted the ISC's Report and recommendations, directing that Representative Cawthorn repay \$14,237.49 to a suitable charity not later than December 31, 2022, and to pay \$1,000 in late filing fees to the U.S. Treasury and file an additional PTR related to a sale of the cryptocurrency not later than December 20, 2022. Representative Cawthorn filed the additional PTR and has publicly stated that he donated \$15,000 to two nonprofit organizations.

In the Matter of Allegations Relating to Representative Madison Cawthorn

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on May 11, 2022, to consider misdemeanor charges filed against Representative Madison Cawthorn for driving with a revoked license and speeding in North Carolina. Representative Cawthorn has paid a fine to resolve one of the charges and intends to pay any fines associated with the remaining charges.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Cawthorn. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On May 24, 2022, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Judy Chu

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on July 20, 2022, to consider the arrest of Representative Judy Chu for crowding, obstructing, or incommoding, during a protest outside the Capitol Building in Washington, D.C., on June 30, 2022. Representative Chu forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to Representative Chu's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Chu. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On July 26, 2022, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Pat Fallon

On March 2, 2022, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Pat Fallon may have violated House rules, standards of conduct, and federal law by failing to file timely PTRs for various reportable transactions. On May 31, 2022, the Committee released the OCE Report and Findings, along with Representative Fallon's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On July 29, 2022, the Committee released a public statement noting it found no clear evidence that the errors and omissions in Representative Fallon's PTRs were knowing or willful and that he was generally unclear on the requirements relating to PTR filings. Accordingly, the Committee unanimously voted to dismiss the matter and to take no further action.

In the Matter of Allegations Relating to Representative Jeff Fortenberry

On October 19, 2021, criminal charges against Representative Jeff Fortenberry were filed in the United States District Court for the Central District of California. The Committee unanimously voted to establish an ISC to determine whether Representative Fortenberry violated the Code of Official Conduct or any law, rule, regulation or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to allegations that: Representative Fortenberry's 2016 congressional campaign may have accepted illegal contributions; and Representative Fortenberry engaged in a scheme to falsify and conceal material facts and/or made false statements, during a federal investigation into his campaign committee's alleged acceptance of illegal campaign contributions. The Committee, following precedent, unanimously recommended to the ISC that it defer consideration of the matter in response to a request from DOJ.

On March 26, 2022, Representative Fortenberry announced his resignation from the House, effective March 31, 2022, at which time the ISC and the Committee lost jurisdiction to continue its investigation.

In the Matter of Allegations Relating to Representative Matt Gaetz

On April 9, 2021, the Committee announced that it was investigating, pursuant to Committee Rule 18(a), allegations that Representative Matt Gaetz may have engaged in sexual misconduct and/or illicit drug use, shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe, improper gratuity, or impermissible gift. The Committee, following precedent, deferred consideration of the matter in response to a request from DOJ.

At the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Gaetz was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Al Green

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on September 22, 2021, to consider the arrest of Representative Al Green for crowding, obstructing, or incommoding, during a protest outside the Capitol Building in Washington, D.C., on August 3, 2021. Representative Green stated he intended to pay a \$50 collateral payment, whereupon the local court would dispose of the charge. The legal proceedings related to Representative Green's arrest were expected to be resolved with no further action.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Rep-

representative Green. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On September 28, 2021, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Jim Hagedorn

On July 23, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Jim Hagedorn may have used official funds to contract for franking services with companies owned or controlled by his staff members and that Representative Hagedorn's campaign committee, Friends of Hagedorn may have used private office space at no cost or for a rate below market value. The Committee released the OCE Report and Findings, along with Representative Hagedorn's response, on October 21, 2021, and noted in the public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a). On February 17, 2022, Representative Hagedorn passed away, at which time the Committee lost jurisdiction to continue its investigation.

In the Matter of Allegations Relating to Representative Bill Huizenga

On August 16, 2019, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Bill Huizenga's campaign committee reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes and accepted contributions from individuals employed in his congressional office, in violation of federal law, House rules and other standards of conduct. The OCE also reviewed an allegation that Representative Huizenga authorized expenditures from his MRA for impermissible official expenses, but the OCE recommended the Committee dismiss that allegation. On November 14, 2019, the Committee released the OCE Report and Findings and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Huizenga was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Ronny Jackson, Jr.

On December 22, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Ronny Jackson, Jr.'s campaign committee reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes.

On May 23, 2022, the Committee released the OCE Report and Findings, along with Representative Jackson's response, and noted

in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Jackson was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Sheila Jackson Lee

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on September 22, 2021, to consider the arrest of Representative Sheila Jackson Lee for crowding, obstructing, or incommoding, during a protest outside a Senate Office Building in Washington, D.C., on July 29, 2021. Representative Jackson Lee forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to Representative Jackson Lee's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Jackson Lee. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On September 28, 2021, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Chris Jacobs

On February 28, 2022, the OCE forwarded to the Committee a Report regarding allegations that Representative Chris Jacobs may have violated House rules, standards of conduct, and federal law by failing to file timely PTRs for various reportable transactions. OCE did not make a recommendation regarding the allegations because of a tie vote of the OCE Board. On May 31, 2022, the Committee released the OCE Report, along with Representative Jacobs's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On July 29, 2022, the Committee released a public statement announcing it found no clear evidence that the errors and omissions in Representative Jacobs's PTRs were knowing or willful and that he was generally unclear on the requirements relating to PTR filings. Accordingly, the Committee unanimously voted to dismiss the matter and to take no further action.

In the Matter of Allegations Relating to Representative Hank Johnson

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on July 28, 2021, to consider the arrest of Representative Hank Johnson for crowding, obstructing, or incommoding, during a protest outside a Senate Office Building in Washington, D.C., on July 22, 2021. Representative Johnson forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to Representative Johnson's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Johnson. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On July 30, 2021, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Kaiali'i Kahele

On August 30, 2022, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Kaiali'i Kahele may have misused official resources for campaign or political purposes. The OCE also reviewed an allegation that Representative Kahele took official action motivated by financial interest or that he dispenses special favors or privileges, but recommended dismissal of that allegation.

On November 28, 2022, the Committee released the OCE Report and Findings, along with Representative Kahele's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Kahele did not seek reelection to the House, and the Committee will not have jurisdiction to continue the investigation after January 3, 2023.

In the Matter of Allegations Relating to Representative Mike Kelly

On July 23, 2021, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Mike Kelly's wife may have purchased stock based on confidential or material nonpublic information that Representative Kelly had learned during his official job duties. The Committee released the OCE Report and Findings, along with Representative Kelly's response, on October 21, 2021, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Kelly was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Doug Lamborn

On October 25, 2021, the Committee received a Report and Findings from OCE recommending further review of allegations that Representative Doug Lamborn may have misused official resources for personal and non-official purposes; and that Representative Lamborn may have solicited or accepted improper gifts from subordinates. The Committee released the OCE Report and Findings, along with Representative Lamborn's response, on January 24, 2022, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Lamborn was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Andy Levin

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on July 27, 2022, to consider the arrest of Representative Andy Levin for crowding, obstructing, or incommoding, during a protest outside the Capitol Building in Washington, D.C., on July 20, 2022. Representative Levin forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to Representative Levin's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Levin. In reaching this decision, the Committee considered the scope and nature of the violations, and determined it to be one for which review by an ISC was not warranted. On July 29, 2022, the Committee submitted a Report to the House describing the facts and its findings regarding this matter, as well as its determination to take no further action in this matter.

In the Matter of Allegations Relating to Representative Tom Malinowski

On July 23, 2021, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Tom Malinowski may have violated House rules, standards of conduct, and federal law by failing to properly disclose stocks that he purchased or sold or failing to properly file PTRs for any of the stock transactions he made between 2019 and 2020. On October 21, 2021, the Committee released the OCE Report and Findings, along with Representative Malinowski's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

As of the conclusion of the 117th Congress, the Committee had not completed its review into this matter. Representative Malinowski lost his bid for reelection to the House and the Committee will no longer have jurisdiction to continue its investigation after January 3, 2023.

In the Matter of Allegations Relating to Representative Carolyn Maloney

On June 23, 2022, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Carolyn Maloney may have solicited or accepted impermissible gifts associated with her attendance at the Metropolitan Museum of Art's Met Gala. The Committee released the OCE Report and Findings, along with Representative Maloney's response, on November 21, 2022, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Maloney lost her bid for reelection to the House and the Committee will no longer have jurisdiction to continue the investigation after January 3, 2023.

In the Matter of Allegations Relating to Representative Alex Mooney

On July 23, 2021, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that: Representative Alex Mooney's campaign committees reported campaign disbursements that are not legitimate and verifiable campaign expenditures attributable to a bona fide campaign or political purposes; and Representative Mooney's campaign committees omitted required information from its Federal Election Commission candidate committee reports. The Committee released the OCE Report and Findings on October 21, 2021, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On December 22, 2021, the OCE forwarded to the Committee a second Report and Findings in which it recommended further review of allegations that: Representative Mooney's campaign committees reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; Representative Mooney may have authorized expenditures from his MRA that were not for permissible official expenses; Representative Mooney may have used official resources, including staff time, for unofficial or campaign purposes; and Representative Mooney may have withheld, concealed, or otherwise falsified information during the prior OCE review. The Committee released the OCE Report and Findings on May 23, 2022, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

At the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Mooney was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Marie Newman

On October 25, 2021, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Marie Newman promised federal employment to a potential primary opponent for the purpose of procuring political support. The Committee released the OCE Report and Findings, along with Representative Newman's response, on January 21, 2022, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Newman lost her bid for reelection to the House and the Committee will no longer have jurisdiction to continue the investigation after January 3, 2023.

In the Matter of Allegations Relating to Representative Alexandria Ocasio-Cortez

On June 23, 2022, the OCE forwarded to the Committee a Report and Findings regarding Representative Alexandria Ocasio-Cortez.

At the conclusion of the 117th Congress, the Committee had not completed its investigation into this matter. Representative Ocasio-Cortez was reelected to the House for the 118th Congress.

In the Matter of Allegations Relating to Representative Ilhan Omar

On December 22, 2021, the OCE forwarded to the Committee a Report in which it recommended dismissal of allegations that Representative Ilhan Omar may have omitted required information from her annual financial disclosure reports and may have received an advance payment on royalties relating to her memoir. On March 22, 2022, the Committee released the OCE Report. OCE did not transmit findings to the Committee, so no findings were published. The Committee noted in the public statement that a majority of the Committee did not vote to dismiss the matter, House Rule XI, clause 3 and Committee Rule 17A provide for no specific further action, and that the Committee would not further review the matter.

In the Matter of Allegations Relating to Representative Steven Palazzo

On September 2, 2020, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Steven Palazzo's principal campaign committee, Palazzo for Congress, made disbursements that were not for legitimate and verifiable campaign expenditures; Representative Palazzo improperly used or authorized the use of his MRA for personal and/or campaign purposes; and Representative Palazzo used his official position and/or congressional resources to procure special assistance for his family member. The Committee released the OCE Report and Findings, along with Representative Palazzo's response, on March 1, 2021, and noted in the public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

Representative Palazzo lost his bid for reelection to the House and the Committee will no longer have jurisdiction to continue the investigation after January 3, 2023.

In the Matter of Allegations Relating to Representative Tom Reed

On April 9, 2021, the Committee announced that it was investigating, pursuant to Committee Rule 18(a), allegations that Representative Tom Reed may have engaged in sexual misconduct, in violation of House Rules, laws, or other standards of conduct. On March 10, 2022, Representative Reed announced his resignation from the House, effective immediately, at which time the Committee lost jurisdiction to continue its investigation.

In the Matter of Allegations Relating to Representative John Rutherford

On February 28, 2022, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative John Rutherford may have violated House rules, standards of conduct, and federal law by failing to file timely PTRs for various reportable transactions. On May 31, 2022, the Committee released the OCE Report and Findings, along with Representative Rutherford's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On August 24, 2022, the Committee released a public statement noting it found no clear evidence that the errors and omissions in Representative Rutherford's PTRs were knowing or willful and that

he was generally unclear on the requirements relating to PTR filings. Accordingly, the Committee unanimously voted to dismiss the matter and to take no further action.

In the Matter of Allegations Relating to John Sample

On August 26, 2021, OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that John Sample may have been involved in and benefited from the use of official funds to procure services from companies owned or controlled by congressional staff members, including himself. The Committee released the OCE Report and Findings on November 29, 2021, and noted in the public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On August 9, 2022, Mr. Sample resigned from the office of the First Congressional District of Minnesota, at which point the Committee lost jurisdiction to continue its investigation.

In the Matter of Allegations Relating to Delegate Michael F.Q. San Nicolas

On October 24, 2019, the Committee announced that it was investigating, pursuant to Committee Rule 18(a), allegations that Delegate Michael F.Q. San Nicolas may have engaged in a sexual relationship with an individual on his congressional staff, converted campaign funds to personal use, and/or accepted improper or excessive campaign contributions.

On June 12, 2020, the Committee announced that it had unanimously voted on March 11, 2020, to establish an ISC with jurisdiction to investigate whether Delegate San Nicolas may have: engaged in a sexual relationship with an individual on his congressional staff; converted campaign funds to personal use; accepted improper and/or excessive campaign contributions; reported campaign disbursements that may not be legitimate and verifiable campaign expenditures attributable to bona fide campaign or political purposes; omitted required information from or disclosed false information in reports filed with the Federal Election Commission; made false statements to government investigators or agencies; and/or improperly interfered or attempted to interfere in a government investigation of related allegations. The Committee determined to take that action following the receipt of a Report and Findings from OCE regarding the matter.

On May 20, 2021, the Committee announced that it unanimously voted to re-authorize an ISC for the 117th Congress to review the same allegations involving Delegate San Nicolas.

At the completion of its investigation, the ISC unanimously concluded that there was “substantial evidence that Delegate San Nicolas: accepted improper and/or excessive campaign contributions; engaged in a conspiracy to hide the proceeds of an illicit campaign contribution; knowingly caused his campaign committee to file false or incomplete reports with the FEC; and attempted to interfere with [the] Committee’s investigation (including OCE’s referral to the Committee) by causing his congressional staff to contact a likely witness in the Committee’s investigation in an attempt to persuade the witness to lie.” The ISC considered whether to seek a House-level sanction but, in light of the “potential violations of

federal criminal law” and the applicable statutes of limitations, recommended that the Committee refer the matter to DOJ for further review.

On June 23, 2022, the Committee submitted to the House its Report regarding this matter, in which the Committee agreed with the ISC’s findings and recommendations. The Committee concluded that Delegate San Nicolas’ conduct may have violated several campaign finance laws, federal conspiracy law, and laws against witness tampering and obstruction of Congress. The Committee voted unanimously to refer this matter to DOJ.

In the Matter of Allegations Relating to Representative Thomas Suozzi

On February 28, 2022, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Thomas Suozzi may have violated House rules, standards of conduct, and federal law by failing to file timely PTRs for various reportable transactions. On July 29, 2022, the Committee released the OCE Report and Findings, along with Representative Suozzi’s response, and noted in a public statement that the Committee found no clear evidence that the errors and omissions in Representative Suozzi’s PTRs were knowing or willful and that he was generally unclear on the requirements relating to PTR filings. Accordingly, the Committee unanimously voted to dismiss the matter and to take no further action.

APPENDIX I

Rule II, clause 3(g)

(g)(1) The Sergeant-at-Arms is authorized and directed to impose a fine against a Member, Delegate, or the Resident Commissioner for the use of an electronic device for still photography or for audio or visual recording or broadcasting in contravention of clause 5 of rule XVII and any applicable Speaker's announced policy on electronic devices.

(2) A fine imposed pursuant to this paragraph shall be \$500 for a first offense and \$2,500 for any subsequent offense.

(3)(A) The Sergeant-at-Arms shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker, the Chief Administrative Officer, and the Committee on Ethics of any such fine.

(B) Such Member, Delegate, or Resident Commissioner may appeal the fine in writing to the Committee on Ethics not later than 30 calendar days or five legislative days, whichever is later, after notification pursuant to subdivision (A).

(C) Upon receipt of an appeal pursuant to subdivision (B), the Committee on Ethics shall have a period of 30 calendar days or five legislative days, whichever is later, to consider the appeal. The fine will be upheld unless the appeal is agreed to by a majority of the Committee. Upon a determination regarding the appeal or if no appeal has been filed at the expiration of the period specified in subdivision (B), the chair of the Committee on Ethics shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker, the Sergeant-at-Arms, and the Chief Administrative Officer. The Speaker shall promptly lay such notification before the House.

(4) The Sergeant-at-Arms and the Committee on Ethics are authorized to establish policies and procedures for the implementation of this paragraph.

Rule II, clause (4)(d)(1)

(d)(1) Upon notification from the chair of the Committee on Ethics pursuant to clause 3(g)(3)(C), the Chief Administrative Officer shall deduct the amount of any fine levied under clause 3(g) from the net salary otherwise due the Member, Delegate, or the Resident Commissioner.

Rule II, clause (6)(c)(5)

(c) Subject to the policy direction and oversight of the Committee on House Administration, the Inspector General shall only—

* * *

(5) report to the Committee on Ethics information involving possible violations by a Member, Delegate, Resident Commissioner, officer, or employee of the House of any rule of the House or of any law applicable to the performance of official duties or the discharge of official responsibilities that may require referral to the appropriate Federal or State authorities under clause 3(a)(3) of rule XI.

Rule X, clause 1(g)

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

* * *

(g) **Committee on Ethics.**

The Code of Official Conduct.

Rule X, clause 11 (g)(4)

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

Rule XI, clause 3

Committee on Ethics

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The committee shall have the functions designated in titles I and V of the Ethics in Government Act of 1978 [on financial disclosure and the limitations on outside earned income and outside employment], in sections 7342 [the Foreign Gifts and Decorations Act], 7351 [on gifts to superiors], and 7353 [on gifts] of title 5, United States Code, and in clause 1(g)(4) of rule X.

(8)(A) Except as provided by subdivisions (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the chair of the Committee on Ethics shall make public the written report and findings of the board unless the chair and ranking member, acting jointly, decide or the committee votes to withhold such information for not more than one additional period of the same duration, in which case the chair shall—

(i) upon the termination of such additional period, make public the written report and findings; and

(ii) upon the day of such decision or vote, make a public statement that the matter, relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, Delegate, Resident Commissioner, officer, or employee of the House who is the subject of the applicable referral, has been extended.

At least one calendar day before the committee makes public any written report and findings of the board, the chair shall notify such board and the applicable Member, Delegate, Resident Commissioner, officer, or employee of that fact and transmit to such individual a copy of the statement on the committee's disposition of, and any committee report on, the matter.

(B)(i) Notwithstanding subdivision (A)(i), if the committee votes to dismiss a matter which is the

subject of a referral from the board of the Office of Congressional Ethics, the committee is not required to make public the written report and findings described in such subdivision unless the committee's vote is inconsistent with the recommendation of the board. For purposes of the previous sentence, a vote by the committee to dismiss a matter is not inconsistent with a report from the board respecting the matter as unresolved due to a tie vote.

(ii) Notwithstanding subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation to dismiss or as unresolved due to a tie vote, and the matter is extended for an additional period as provided in subdivision (A), the committee is not required to make a public statement that the matter has been extended.

(iii) Except as provided by subdivision (E), if the committee establishes an investigative subcommittee respecting any such matter, then the report and findings of the board shall not be made public until the conclusion of the investigative subcommittee process and the committee shall issue a public statement of the establishment of an investigative subcommittee, which statement shall include the name of the applicable Member, Delegate, Resident Commissioner, officer, or employee, and shall set forth the alleged violation. If any such investigative subcommittee does not conclude its review within one year after the board transmits a report respecting any matter, then the committee shall make public the report and upon the expiration of the Congress in which the report is made public, the committee shall make public any findings.

(C)(i) If, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on the matter—

(I) notwithstanding subdivision (A)(i), the committee is not required to make public the written report and findings described in such subdivision, except that if the recommendation of the board with respect to the report is that the matter requires further review, the committee shall make public the written report but not the findings; and

(II) before the end of the first day (excluding Saturdays, Sundays, and public holidays) after the day that the committee agrees to the request, the committee shall make a public statement that it is deferring taking action on the matter at the request of such authority.

(ii) If, upon the expiration of the one-year period that begins on the date the committee makes the public statement described in item (i)(II), the committee has not acted on the matter, the committee shall make a new public statement that it is still deferring taking action on the matter, and shall make a new statement upon the expiration of each succeeding one-year period during which the committee has not acted on the matter.

(D) The committee may not receive any referral from the board of the Office of Congressional Ethics within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate. The committee may delay any reporting requirement under this subparagraph that falls within that 60-day period until the end of such period and in that case, for purposes of subdivision (A), days within the 60-day period shall not be counted.

(E) If, at the close of any applicable period for a reporting requirement under this subparagraph with respect to a referral from the board of the Office of Congressional Ethics, the vote of the committee is a tie or the committee fails to act, the report and the findings of the board shall be made public by the committee, along with a public statement by the chair explaining the status of the matter.

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

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

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

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

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

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

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

Committee agendas

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

Committee staff

(g)(l) The committee shall adopt rules providing that—

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

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

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

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

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

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

obtained during the course of employment with the committee.

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

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

(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

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

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

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

Meetings and hearings

(h) The committee shall adopt rules providing that—

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

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

Public disclosure

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

Requirements to constitute a complaint

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

Duties of chair and ranking minority member regarding properly filed complaints

(k)(l) The committee shall adopt rules providing that whenever the chair and ranking minority

member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, Delegate, Resident Commissioner, officer, or employee of the House against whom the complaint is made;

(B) establish an investigative subcommittee; or

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

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

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

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

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

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

Investigative and adjudicatory subcommittees

(m) The committee shall adopt rules providing that—

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

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

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

members of any adjudicatory subcommittee;

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

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

Standard of proof for adoption of statement of alleged violation

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

Subcommittee powers

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

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

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

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

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

Due process rights of respondents

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

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

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

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

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

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

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

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

(5) a respondent shall receive written notice whenever—

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

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

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

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

(E) the committee or an investigative subcommittee determines to take into evidence the trial transcript or exhibits admitted into evidence at a criminal trial pursuant to subparagraph (9);

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

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

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

(9) in any investigation permitted by House or committee rules, in addition to any other evidence which the committee or an investigative subcommittee may consider, if the respondent has been convicted by a court of record for a crime which is related to the subject of the investigation, the committee or investigative subcommittee may take into evidence the trial transcript and all exhibits admitted into evidence at the trial.

Committee reporting requirements

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

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

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

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

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

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

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

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

(r) Upon receipt of any written notification from the board of the Office of Congressional Ethics that the board is undertaking a review of any alleged conduct of any Member, Delegate, Resident Commissioner, officer, or employee of the House and if the committee is investigating such matter, the committee may at any time so notify the board and request that the board cease its review and refer the matter to the committee for its consideration. If at the end of the applicable time period (including any permissible extension) the committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities, the committee shall so notify the board of the Office of Congressional Ethics in writing. The committee may not request the same matter from the board more than one time.

(s) The committee may not take any action that would deny any person any right or protection provided under the Constitution of the United States.

Rule XXV, clause 5(h)

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

APPENDIX II



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

February 8, 2021

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Theodore E. Deutch, Chairman
Jackie Walorski, Ranking Member

SUBJECT: The 2021 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

All Members of the House are subject to certain public disclosure requirements and employment restrictions both during and after their service in the House. Specifically:

1. Financial disclosure filing requirements, including both annual financial disclosure (FD) statements and Periodic Transaction Reports (PTRs);
2. Restrictions on outside employment;
3. Notification requirements for disclosure of negotiations for private employment and related recusals; and
4. Post-employment restrictions.

House employees may also be subject to these requirements and restrictions, depending on their salary level. This memorandum provides details on the current triggering salary figures for Calendar Year (CY) 2021 for each of the categories noted above and summarizes them in a table on page 6. It is each individual employee's responsibility to know whether their salary level subjects them to these standards of conduct and, if so, to comply with them. Please note that this memorandum is not a comprehensive list of every rule or standard of conduct that applies to House staff, but an overview of key standards that are triggered by salary level. Any Member, officer, or employee who has questions about these requirements and restrictions or about the various rules is encouraged to contact the Committee's Office of Advice and Education at extension 5-7103.

FINANCIAL DISCLOSURE

House officers and employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year are subject to financial disclosure filing requirements, provided that the officer or employee “performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year.”¹ The GS-15, step 1, basic pay rate for CY 2021 is \$110,460.² The applicable 120% calculation for that rate is therefore **\$132,552**, or a monthly salary of equal to or more than \$11,046. This rate is referred to as the “senior staff rate.”

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$132,552) for at least **60 days**³ during **2021** must file an FD statement on or before May 16, 2022.⁴ (Temporary increases in an employee’s basic rate of pay – such as to pay out a bonus – count toward this threshold, but “lump sum” payments do not.⁵) In addition, any new employee paid at or above the senior staff rate must file a “new employee” FD statement within 30 days of assuming employment with the House.⁶ A new employee may request an extension of the new employee FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.⁷ Finally, any staff who are paid at or above the senior staff rate on January 3, 2021 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain

¹ Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. app. §§ 101(d) and (f).

² Exec. Order No. 13970, 86 Fed. Reg. 421 (Dec. 31, 2020).

³ The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee’s base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file an FD. This is true even if the pay change affects only part of a month.

⁴ 5 U.S.C. app. §§ 101(d) and (f). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that financial disclosure obligations do not apply to those whose combined House salary and annuity are at or above the threshold rate for the specified time period (*but see* note 26, below). FD statements are due May 15 annually. In the event that May 15 or another filing deadline under the EIGA falls on a weekend or a holiday, the filing deadline shall be on the next business day.

⁵ See Comm. on Ethics *2008 Ethics Manual* at 283-84, available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf; Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at p. 2 (Calendar Year 2019), available at <https://ethics.house.gov/financial-disclosure/financial-disclosure-forms-and-filing>.

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

⁷ A request for an extension must be made using either a form available on the Committee’s website or through the electronic financial disclosure filing system at <https://fd.house.gov>.

financial transactions.⁸ PTRs are not annual filings, but must be filed within 30 days of a purchase, sale, or exchange of more than \$1,000 in stocks, bonds, and other securities.⁹

Please note that the requirement to file an FD statement covering calendar year 2020 applies to officers and employees whose basic rate of pay for at least 60 days in 2020 was **\$131,239** or more (a monthly salary at or above \$10,936). Annual FD statements covering CY 2020 are due on Monday, May 17, 2021, for those individuals who continue to be Members, officers, or employees of the House on that date.¹⁰ A filer may request an extension of the annual FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.¹¹

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.¹² A filer may request an extension of the termination FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.¹³

THE OUTSIDE EARNED INCOME LIMIT AND OUTSIDE EMPLOYMENT RESTRICTIONS¹⁴

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income¹⁵

⁸ 5 U.S.C. app. § 103(l).

⁹ For detail on the PTR requirement, see the Committee's August 17, 2012 advisory memorandum "Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended," which is available on the Committee website (<https://ethics.house.gov>), under the links for Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month for Members and any staff who are paid at the senior staff rate on the first day of the 2021 pay cycle (January 3, 2021). Staff who are paid at or above the senior staff rate for more than 60 days later in 2021 – even if on a temporary basis – will also be subject to the PTR requirement for the remainder of the calendar year and will be required to file an annual FD in 2022.

¹⁰ See *supra* note 4.

¹¹ See *supra* note 7.

¹² See 5 U.S.C. app. § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available FD statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing, by sending a letter, completing a form available for that purpose, or filing a notice through the electronic financial disclosure filing system.

¹³ See *supra* note 7.

¹⁴ For detailed information concerning limitations and prohibitions for *uncompensated outside positions*, see the Committee's December 11, 2019 advisory memorandum "Outside Position Regulations," which is available on the Committee's website (<https://ethics.house.gov>), under the links for Reports/General Advisories.

¹⁵ The term "outside earned income" means any "wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered" by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include, among other things, the individual's salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

attributable to each calendar year.¹⁶ As noted above, the senior staff rate for CY 2021 is **\$132,552**, or a monthly salary equal to or greater than \$11,046. The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of that year. As of January 1, 2021, the rate of basic pay for Executive Level II was \$197,300.¹⁷ Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2021 is **\$29,595**.¹⁸

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the substantive types of outside employment for which they may receive compensation and must receive prior approval to receive certain types of compensation.¹⁹ These include prohibitions on receiving any compensation for practicing a profession that involves a fiduciary relationship, receiving any compensation for affiliating with a firm that provides professional services involving a fiduciary relationship, or permitting such a firm to use one's name.²⁰ Receipt of compensation for service as an officer or member of a board of directors is also prohibited.²¹ Prior written approval from the Committee on Ethics is required to accept compensation for teaching and to receive copyright royalties.²² Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's website (<https://ethics.house.gov/house-ethics-manual>).

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS

House Members, officers, and certain House employees must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a *private* entity.²³ House employees subject to this disclosure requirement are those employees who are paid greater than 75% of the basic rate of pay for Members (employees earning more than **\$130,500 or 10,875 monthly**).²⁴ This amount is referred to as the post-employment rate.

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

¹⁷ Exec. Order No. 13,901, 84 Fed. Reg. 72,218 (Dec. 30, 2019) (setting Executive Schedule rates for the first pay period starting after January 1, 2020); Exec. Order No. 13,970, 86 Fed. Reg. 421 (Dec. 31, 2020) (setting Executive Schedule rates for the first pay period starting after January 1, 2021).

¹⁸ This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or \$14,797.50. See 5 U.S.C. app. § 501(a)(2); House Rule 25, cl. 1(b).

¹⁹ See 5 U.S.C. app. § 502(a); House Rule 25, cls. 1-4.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ See House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

²⁴ See *id.*; see also Section 7 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 Dec. 27, 2020), prohibiting a scheduled cost-of-living pay raise for Members. As a result, Member pay will remain at \$174,000 for 2021.

In addition, House Members, officers, and employees paid more than the post-employment rate must recuse themselves from “any matter in which there is a conflict of interest or an appearance of a conflict” with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.²⁵

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and employees paid at or above the post-employment rate is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both memoranda, which are dated December 18, 2020, are available on the Committee’s website (<https://ethics.house.gov>) under “Reports/General Advisories,” and forms for making the notifications regarding job negotiations or recusal are available under “Forms/Post-Employment.”

POST-EMPLOYMENT RESTRICTIONS

House Members and officers, and employees paid at or above the post-employment rate, are subject to post-employment restrictions.²⁶ In general, a former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the twelve month period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. As noted above, the post-employment rate is \$130,500, or a monthly salary of \$10,875 or more.

Additionally, the triggering salary for employees of other House offices (such as the Chaplain, Chief Administrative Officer, Clerk, General Counsel, Historian, Inspector General, Law Revision Counsel, Legislative Counsel, Office of Congressional Ethics, Parliamentarian, and Sergeant at Arms) is Executive Schedule Level IV.²⁷ For 2021, that salary is **\$172,500**, or a monthly salary more than \$14,375.

Information on the post-employment restrictions applicable to Members, officers, and employees paid at or above the post-employment rate is available in the two Committee advisory memoranda referenced in the previous section.²⁸

²⁵ House Rule 27, cl. 4; STOCK Act § 17.

²⁶ 18 U.S.C. § 207. With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period (*but see* note 4, above).

²⁷ “[O]ther legislative offices” also includes employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Publishing Office, Library of Congress, Congressional Budget Office, and Capitol Police. *See* 18 U.S.C. § 207(e)(9)(G).

²⁸ Most of the post-employment restrictions apply to employees paid more than \$130,500. As discussed in the general advisory memorandum for former staff, however, one provision applies to all former House staff – regardless of rate of pay – and restricts use of confidential information obtained during personal and substantial participation in ongoing trade or treaty agreements.

CALENDAR YEAR 2021

Item	2021 Amount
Outside earned income & outside employment threshold - Outside employment fiduciary restrictions if paid at rate for more than 90 days during 2021	\$132,552 (\$11,046/mo)
Outside earned income limit	\$29,595
Financial Disclosure/PTR threshold - Annual FD required in May 2022 if paid at rate for 60 days or more in CY 2021 - PTRs required during CY 2021 if: - Paid at rate on first day of calendar year or first day of House employment (if later); <i>or</i> - Paid at rate for any two pay periods during CY 2021 (e.g., if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year	\$132,552 (\$11,046/mo)
Written disclosure of job negotiations and recusals required if paid <i>more than</i> the post-employment rate	\$130,500 (\$10,875/mo)
Post-Employment threshold for employees of Member, committee, or leadership offices	\$130,500 (\$10,875/mo)
Post-Employment threshold for employees of “other legislative offices” (see p. 5)	\$172,500 (\$14,375/mo)

Theodore E. Deutch, Florida
Chairman
 Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
 Dean Phillips, Minnesota
 Veronica Escobar, Texas
 Mondaire Jones, New York

Michael Guest, Mississippi
 Dave Joyce, Ohio
 John H. Rutherford, Florida
 Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives
 COMMITTEE ON ETHICS

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April 14, 2021

MEMORANDUM FOR ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: Committee on Ethics
 Theodore E. Deutch, Chairman
 Jackie Walorski, Ranking Member

SUBJECT: Ethics Guidance Regarding Financial Interest in Funding Requests

House Rule 23, clause 17, requires that a Member, Delegate, or Resident Commissioner¹ who requests an earmark or a limited tax or tariff benefit provide certain information regarding the request and its purpose to the committee of jurisdiction, including a certification that neither the Member nor the Member's spouse has a financial interest in the request. Congressionally Directed Funding and Community Project Funding are examples of funding requests² that trigger the certification requirement. In addition to requirements in the House rules, each committee with jurisdiction over a funding request, as well as the Democratic Caucus or Republican Conference may establish supplemental policies or restrictions for funding requests. For example, House Members may also have to certify that their *immediate family* does not have a financial interest in the funding request.³ This advisory memorandum is intended to provide some general guidance based on questions the Committee has received concerning the certification requirement. Members with specific questions should contact the Committee's Office of Advice and Education at (202) 225-7103.

Certification Requirement

House Rule 23, clause 17 imposes a disclosure requirement on a Member who "requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers)." The committees with jurisdiction over funding requests shall determine whether any particular funding request triggers the certification

¹ Hereinafter, Members, Delegates, and the Resident Commissioner are referred to collectively as "Members."

² Hereinafter, this memorandum will refer to all relevant requests as "funding requests."

³ Comm. on Appropriations, Appropriations Requests, at <https://appropriations.house.gov/appropriations-requests> (last visited Apr 7, 2021).

requirement. Congressionally Directed Funding and Community Project Funding are examples of funding requests that trigger the certification requirement. A Member who submits a funding request must provide a written statement to the chair and ranking member of the committee of jurisdiction of the bill, resolution, or report that contains the following information:

- the name of the Member;
- in the case of an earmark, the name and address of the intended recipient, or if there is no intended recipient, the location of the activity;
- in the case of a limited tax or tariff benefit, the name of the beneficiary;
- the purpose of the earmark or limited tax or tariff benefit; and
- a certification that both the Member and the Member's spouse have no financial interest in the earmark or limited tax or tariff benefit.

Application of the rule to funding requests is determined by a number of key terms, including "financial interest," "earmark," "limited tax benefit," and "limited tariff benefit." The latter three terms are defined in House Rule 21, clauses 9(d), (e), and (f).⁴

"Financial Interest" in a Funding Request

Whether a Member or a Member's spouse has a financial interest in a funding request will most frequently depend on the specific facts and circumstances regarding both the proposed spending provision and the personal financial circumstances of the Member and spouse. In the great majority of cases, Members should readily be able to determine whether they have a financial

⁴ The terms "earmark," "limited tax benefit," and "limited tariff benefit" are defined below. The term "financial interest" will be discussed in detail in this memorandum.

(d) For the purpose of this clause, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(e) For the purpose of this clause, the term "limited tax benefit" means--

(1) any revenue-losing provision that--

(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

(f) For the purpose of this clause, the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

interest. **Members are encouraged to consult the Ethics Committee for guidance with any fact-specific questions they may have concerning whether they or their spouse have a financial interest in a funding request.**⁵ The Ethics Committee nevertheless provides the following general guidance.

A financial interest would exist in a funding request when it would be reasonable to conclude that the provision would have a direct and foreseeable⁶ effect on the pecuniary interests of the Member or the Member's spouse.

Such interests may relate to one's financial assets, liabilities, or other interests of the Member or spouse, such as ownership of certain financial instruments or investments in stocks, bonds, mutual funds, or real estate. A financial interest may also derive from a salary, indebtedness, job offer, or other similar interest. Many of these interests are required to be reported on the Member's annual Financial Disclosure Statement.

A financial interest would not include remote, inconsequential, or speculative interests. For example, if a Member proposed a funding request benefiting a certain company, the Member generally would not be considered to have a financial interest in the provision by owning shares in a diversified mutual fund, employee benefit plan (*e.g.*, the Thrift Savings Plan or similar state benefit plan), or pension plan that, in turn, holds stock in the company. However, a Member or Member's spouse with a majority ownership interest in a certain company seeking funding likely does have a financial interest in the funding.

As a general matter, a contribution to a Member's principal campaign committee or leadership PAC does not constitute the type of "financial interest" referred to in the rule. Nevertheless, a political contribution tied to an official action may raise other considerations. It is impermissible to solicit or accept a campaign contribution that is linked to any action taken or asked to be taken by a Member in the Member's official capacity – such as a funding request that a Member has made or been asked to make. Accepting a contribution under these circumstances may implicate the federal gift statute or the criminal provisions on illegal gratuities or bribery (*e.g.*, *quid pro quo*).⁷

⁵ As noted later in this Memorandum, Members should consult with the Committee on Appropriations and the relevant committee of jurisdiction for questions concerning policies or restrictions that are supplemental to House Rule 23, clause 17.

⁶ An effect is foreseeable if it is anticipated or predictable. For additional guidance, see 5 C.F.R. § 2640.103(a)(3), which defines a similar term, "predictable," as "a real, as opposed to a speculative, possibility that the matter will affect the financial interest." This regulation also defines the term "direct" as "a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest," and states that a "particular matter that has an effect on a financial interest only as a consequence of its effects on the general economy does not have a direct effect within the meaning of this part."

⁷ See 5 U.S.C. § 7353; 18 U.S.C. § 201; *see also* House Rule 23, clause 3 (providing that a Member "may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress").

If a Member determines that they or their spouse have a financial interest in a funding request, the Member should not request the provision nor ask another Member to request the measure on their behalf.

Other Requirements

In addition to requirements in the House rules, each committee of jurisdiction may establish supplemental policies or restrictions for funding requests.⁸ Members should consult with the particular committee of jurisdiction for guidance concerning any supplemental policies or restrictions before making a funding request. Members should also consult with the Democratic Caucus or Republican Conference, as applicable, to seek additional requirements before submitting a funding request.

Using the Appropriations Committee's FY 2022 Community Project Funding as an example, in making such funding requests, Members are *further* required to do the following:

- post their requests and certifications of no financial interest on their official websites (*i.e.*, house.gov) simultaneously when their requests are made to the Committee on Appropriations;
- prioritize their requests (maximum of 10 requests per Member) when submitting to the Member database;
- provide evidence of community support that were compelling factors in their decision to select the requested projects; and
- certify that they, their spouse, and their *immediate family* have no financial interest in the projects they request. For purposes of the certification requirement, the Committee on Appropriations has defined *immediate family* as father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.⁹

Frequently Asked Questions

Q. Do I have a financial interest in a funding request for a public university's medical research study where my spouse is chair of the English department?

A. A financial interest in a funding request exists "when it would be reasonable to conclude that the provision would have a direct and foreseeable effect on the pecuniary interests of the

⁸ Comm. on Appropriations, "DeLauro Announces Community Project Funding in Fiscal Year 2022," at <https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022> (last visited April 7, 2021).

⁹ Comm. on Appropriations, Appropriations Requests, at <https://appropriations.house.gov/appropriations-requests> (last visited Apr 7, 2021).

Member or the Member's spouse."¹⁰ The outside employment of a Member's spouse may constitute a financial interest in a funding request benefiting the spouse's employer when, for example, the funding request would affect the spouse's salary, the employer's ability to pay the salary, or the existence of the position (or where the spouse held an ownership interest in the employer). Your spouse's compensation will not be affected by the funding request, nor will your spouse receive any other financial gain or benefit from the funding request. Therefore, there is no financial interest.

Q. A public university in my district has requested funding for a medical study where my spouse is the principal investigator and has intellectual property rights. Do I have a financial interest?

A. It is reasonable to conclude that the funding request will directly and foreseeably affect your spouse's financial interest, given that your spouse is the principal investigator and has intellectual property rights. Therefore, there is a financial interest.

Q. Do I have a financial interest in a funding request if my spouse's company bids on a government contract that may receive funding if awarded the contract?¹¹

A. In this scenario, it is not conclusive that the spouse's company will win the government contract. As stated above, the Committee has determined a financial interest does not include a "remote, inconsequential, or speculative interest."¹² Therefore, there is no financial interest.

Q. Do I have a financial interest in a funding request for an airport if I own property near the airport?

A. The Committee has previously advised a financial interest does not exist if (1) the upgrades to the airport will not affect the property's use or provide any other direct or unique benefits to the property; and (2) any change in the value of the property resulting from the funding would be incremental and indirect, and would be experienced as a member of a class of area property owners, merely as a consequence of the airport's general effect on the economy.

Q. Does my board membership on a non-profit prohibit me from seeking funding on its behalf? I do not have a financial interest.

A. Generally, Members may seek funding requests for entities in which they have an affiliation provided there is no financial interest. However, Members are prohibited from

¹⁰ See Comm. on Ethics, *2008 Ethics Manual* at 239, available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf [hereinafter *2008 House Ethics Manual*].

¹¹ We note that the criminal statute prohibiting Members from entering into a contract with the United States does not appear to apply to contracts between a Member's spouse and the U.S. government. 18 U.S.C. § 431. See *2008 House Ethics Manual* at 201.

¹² See *2008 House Ethics Manual* at 239.

dispensing special favors or privileges to anyone, whether for remuneration or not.¹³ Accordingly, any requests on behalf of an organization with which you have an affiliation should be based on its merits and in relation to requests made on behalf of other similar entities located in the district.

Q. Can I make a funding request on behalf of a non-profit whose director donated to my campaign?

A. Generally, a contribution to a Member’s campaign or leadership PAC does not constitute “financial interest” under House 23, clause 17. However, Members should be mindful of appearance and *quid pro quo* concerns with any connection between political contributions and official actions.¹⁴

Q. Is signing a letter of support for funding considered a formal “request” for funding?

A. The committees with jurisdiction over funding requests are responsible for determining whether any particular spending provision constitutes a “request” for funding. Accordingly, Members with questions regarding whether their proposed conduct constitutes a “request” should consult with the particular committee of jurisdiction for guidance.

Q. Besides the House rules, are there any other requirements for requesting funding?

A. Each committee of jurisdiction may establish supplemental policies or restrictions regarding funding requests in addition to the House rules (*e.g.*, the Committee on Appropriations in FY22 requiring Members to certify that their immediate family has no financial interest in the funding request).¹⁵ For questions regarding guidelines for submitting a funding request, please contact the particular committee of jurisdiction for guidance. Members should also consult the Democratic Caucus or Republican Conference for additional requirements for funding requests.

Committee staff are available to provide advice to House Members and employees. Please direct questions to the Committee’s Advice and Education staff at (202) 225-7103. It may also be necessary to consult with the Committee on Appropriations and/or the specific committee of jurisdiction.

¹³ Code of Ethics for Government Service ¶ 5, H. Con. Res. 175, 85th Cong., 2d Sess., 72 Stat. pt 2, B12 (1958).

¹⁴ See *supra* note 7 and accompanying text.

¹⁵ Comm. on Appropriations, “DeLauro Announces Community Project Funding in Fiscal Year 2022,” at <https://appropriations.house.gov/news/press-releases/delauro-announces-community-project-funding-in-fiscal-year-2022> (last visited April 7, 2021).

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

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COMMITTEE ON ETHICS

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April 26, 2021

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Jackie Walorski, Ranking Member

SUBJECT: Upcoming Financial Disclosure Filing Deadline & Automatic Extension

The Ethics in Government Act (EIGA) subjects all Members of the House and certain House employees to financial disclosure (FD) filing requirements. In general, Members and staff who are subject to FD filing requirements must file two types of reports: 1) annual FD Statements, which must be filed regardless of a filer's holdings or financial activity, as well as upon beginning and terminating House employment, and 2) periodic transaction reports (PTRs) that a filer may be required to file throughout the year on an ongoing basis, depending on their actual financial activity. The purpose of this memorandum is to remind filers of the filing requirement and to detail the step the Committee is taking to address the difficulties of complying with the May 17, 2021 annual FD deadline.

Automatic Extension for Annual Financial Disclosure Statements

The Committee has automatically granted all House Members and employees who are required to file an annual FD Statement the full 90-day extension permitted by EIGA. Therefore, the deadline for all annual filers is now August 13, 2021. Annual filers are welcome to submit FD Statements as soon as practicable, or any time before August 13, 2021. There is no need to request the extension or take any other action. As the Committee is granting an extension to the maximum extent allowed by law, the Committee is not authorized to grant any additional extensions. This automatic extension does not apply to staffers filing new employee reports or termination reports. Additionally, this automatic extension does not apply to candidates for the U.S. House of Representatives.¹

¹ EIGA also does not permit the Committee to grant extensions for PTRs.

Which Staff Must File Financial Disclosure Statements

House staff may be subject to financial disclosure filing requirements for a number of reasons, including 1) they are paid at or above the senior staff rate for 60 days or more during the calendar year, even if on a temporary basis; 2) they are designated a “principal assistant” for financial disclosure filing purposes by their employing Member; or 3) they are a shared employee of three or more offices, regardless of their rate of pay.

“Senior Staff” are those House employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year. Therefore, House employees who were paid at the rate of \$131,239 (\$10,936 monthly salary) for at least 60 days during 2020 will be required to file a Statement by August 13, 2021.² It is each employee’s responsibility to know if you are senior staff and to comply with the ethics requirements that attach to that designation.

At least one employee in every Member’s personal office must file an annual FD Statement. Most offices will have at least one employee who is paid at or above the senior staff rate and therefore is required to file an annual FD Statement. If a Member does not have an employee paid at or above the senior staff rate, the Member must designate at least one current employee as a “principal assistant” to file an annual FD Statement. To designate a principal assistant, the Member must sign and transmit to the Clerk of the House a letter that identifies the designee. A form for this purpose is available on the Clerk’s website, <https://clerk.house.gov>.

Some shared employees are also required to file an annual FD Statement pursuant to a Committee on House Administration Resolution. Each House employee who is employed simultaneously by three or more offices for more than 60 days in a calendar year is required to file an annual FD Statement the following year regardless of their rate of pay.

Financial Disclosure Trainings

The Committee will offer senior staff trainings that will satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117th Congress (staff must choose one or the other). These trainings will cover general information about the requirement to file FD Statements and PTRs. In addition, the trainings will end with an opportunity for participants to ask questions about financial disclosure generally. Each training will take place virtually on the following dates and times:

Trainings		
Date	Time	Platform
Wednesday, April 28	2pm-3pm EST	Congressional Staff Academy
Thursday, May 6	2pm-3pm EST	Congressional Staff Academy

² For 2021, senior staff are House officers and employees whose basic rate of pay is equal to or greater than \$132,552 (\$11,046 monthly salary) for at least 60 days during 2021.

Members, officers, and employees are invited to attend FD trainings. To receive credit for one of the trainings, senior staff are **required to pre-register** using the following steps:

1. Go to the Congressional Staff Academy page on HouseNet;
2. Click “Access the Staff Academy Website to Sign Up for Trainings”;
3. Click on the calendar icon on the top right of the screen;
4. Search for “Financial Disclosure Webinar” on April 28 or May 6; and
5. Follow the prompts to register for your training of choice.

How to File Financial Disclosure Statements

Annual FD Statements may be filed with the Legislative Resource Center (LRC) by 1) using the online filing system available at <https://fd.house.gov>; 2) mailing in pre-printed forms; or by 3) delivering pre-printed forms to the LRC. These forms may not be filed by email, scan, or fax.

The Committee strongly encourages all filers to use the online filing system for submission. The system can be used from any place where internet access is available and does not require any physical contact with the LRC. The login and password for the system remain the same from year to year. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance.

Financial disclosure forms may also be filed by mailing hard copies of the pre-printed forms to the LRC, located in the Cannon House Office Building, Room B-81. In-person delivery to the LRC is also available until 3pm EST (5pm EST when the House is in session). Members must submit the original, signed form with 2 photocopies. Staff must submit the original, signed form with 1 photocopy. Forms may also be sent to the following mailing address:

The Clerk, U.S. House of Representatives
Legislative Resource Center
B-81 Cannon House Office Building
Washington, DC 20515-6612.

Prescreening of draft financial disclosure statements is available to Members. To have Committee staff review a draft filing and receive feedback before it is filed, simply email a PDF draft of the filing to financial.disclosure@mail.house.gov with “MEMBER PRESCREEN REQUEST” in the subject line. The Committee staff will respond promptly to requests in the order in which they are received.

Additional information about financial disclosure requirements may be found on the Committee’s website at <https://ethics.house.gov> under the “Financial Disclosure” tab.

If you have any questions regarding financial disclosure, please contact the Committee at (202) 225-7103 or financial.disclosure@mail.house.gov.

* * *

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Reminder of Financial Disclosure Filing Deadline & Assistance Available

Reminder of Financial Disclosure Filing Deadline & Assistance Available

Sending Office: Committee on Ethics
Sent By: EthicsCommittee@mail.house.gov

July 19, 2021

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics

Theodore E. Deutch, Chairman

Jackie Walorski, Ranking Member

SUBJECT: Reminder of Financial Disclosure Filing Deadline & Assistance Available

The Committee has automatically granted all House Members and employees who are required to file an annual financial disclosure (FD) statement the full 90-day extension of the May 15th filing deadline as permitted by the Ethics in Government Act (EIGA). **Please be reminded that the deadline is August 13, 2021, less than four weeks away. By law, no further extension is allowed beyond August 13, 2021.** This automatic extension does not apply to Members or staffers filing new employee reports or termination reports. Additionally, this automatic extension does not apply to candidates for the U.S. House of Representatives.

Assistance Available with Financial Disclosure

Committee staff are available by phone and by email to provide FD guidance. Simply call the Committee at (202) 225-7103 to speak to a member of our FD team. You may also email your inquiries to financial.disclosure@mail.house.gov for assistance. Members requesting a prescreen of a draft filing should email a PDF version of the draft to this email address with "MEMBER PRESCREEN" in the subject line. Please submit Member prescreen requests as soon as possible if you would like to receive feedback prior to the August 13, 2021 filing deadline.

In addition, the Committee will offer virtual senior staff trainings that will satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117th Congress. These trainings will cover general information about the requirement to file FD statements and

12/21/22, 12:35 PM

Reminder of Financial Disclosure Filing Deadline & Assistance Available

Periodic Transaction Reports. These trainings will take place on the following dates, at the listed times, and via the WebEx audio platform:

Senior Staff Financial Disclosure Trainings		
	Time	Virtual Audio Platform

12/21/22, 12:35 PM

Reminder of Financial Disclosure Filing Deadline & Assistance Available

Date		
Wednesday, July 21	2:00 p.m. – 3:00 p.m.	WebEx
Tuesday, August 3	11:00 a.m. – 12:00 p.m.	WebEx

All attendees are ***required to pre-register*** for each training with the Congressional Staff Academy Website. (From the Congressional Staff Academy homepage, click on “Ethics Trainings” in the “Required Trainings” Section on the right side of the page. Then, select one of the trainings entitled “Senior Staff Training – Financial Disclosure”.)

How to File Financial Disclosure Statements

Annual FD Statements may be filed with the Legislative Resource Center (LRC) by 1) using the online filing system available at <https://fd.house.gov> or by 2) mailing/delivering pre-printed forms. These forms may not be filed by email, scan, or fax.

The Committee strongly encourages all filers to use the online filing system for submission. The system can be used from any place where internet access is available and does not require any physical contact with the LRC. The login and password for the system remain the same from year to year. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance.

Financial disclosure forms may also be filed by mailing or hand-delivering hard copies of the pre-printed forms to the LRC. In-person delivery to the LRC in B-81 Cannon House Office Building is available Monday through Friday from 9 a.m. to 6 p.m. Eastern Standard Time (subject to change during congressional recess). Members must submit the original, signed form with 2 photocopies. Staff must submit the original, signed form with 1 photocopy. Forms may be sent to the following mailing address:

The Clerk, U.S. House of Representatives
 Legislative Resource Center
 B-81 Cannon House Office Building
 Washington, DC 20515-6612.



If you have any questions regarding financial disclosure, please contact the Committee at (202) 225-7103 or financial.disclosure@mail.house.gov.

* * *

12/21/22, 12:35 PM

Reminder of Financial Disclosure Filing Deadline & Assistance Available

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Reminder of Financial Disclosure Filing Deadline



Sending Office: Committee on Ethics
Sent By: EthicsCommittee@mail.house.gov

August 6, 2021

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Jackie Walorski, Ranking Member

SUBJECT: Reminder of Financial Disclosure Filing Deadline

Please be reminded that the extended deadline to file an annual financial disclosure statement (FD) is **Friday, August 13, 2021**, exactly 1 week from today. Pursuant to the Ethics in Government Act, **no further extension is allowed beyond August 13, 2021.**

How to File Financial Disclosure Statements

Annual FD Statements may be filed electronically with the Legislative Resource Center (LRC) by using the online filing system available at <https://fd.house.gov>. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance. Email, scan, or fax submission is not allowed.

In the alternative, FD forms may also be filed by mailing or hand-delivering hard copies of the pre-printed forms to the LRC located at:

The Clerk, U.S. House of Representatives

Legislative Resource Center

12/21/22, 12:36 PM

Reminder of Financial Disclosure Filing Deadline

B-81 Cannon House Office Building

Washington, DC 20515-6612

Assistance Available with Financial Disclosure

Committee staff are available by phone at (202) 225-7103, and by email at financial.disclosure@mail.house.gov, to provide FD guidance. Members requesting a prescreen of a draft filing should email a PDF version of the draft to this email address with "MEMBER PRESSCREEN" in the subject line. Please submit Member prescreen requests as soon as possible if you would like to receive feedback prior to the August 13, 2021 extended filing deadline.

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**REMINDER OF FINANCIAL
DISCLOSURE FILING
DEADLINE**

Sending Office: Committee on Ethics
Sent By: EthicsCommittee@mail.house.gov

August 10, 2021

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Jackie Walorski, Ranking Member

SUBJECT: Reminder of Financial Disclosure Filing Deadline

Please be reminded that the extended deadline to file an annual financial disclosure statement (FD) is **Friday, August 13, 2021**. Pursuant to the Ethics in Government Act, **no further extension is allowed beyond August 13, 2021**.

How to File Financial Disclosure Statements

Annual FD Statements may be filed electronically with the Legislative Resource Center (LRC) by using the online filing system available at <https://fd.house.gov>. If you need to have your login or password reset, please call the LRC at (202) 226-5200 for assistance. Email, scan, or fax submission is not allowed.

In the alternative, FD forms may also be filed by mailing or hand-delivering hard copies of the pre-printed forms to the LRC located at:

The Clerk, U.S. House of Representatives

Legislative Resource Center

B-81 Cannon House Office Building

12/21/22, 12:36 PM

REMINDER OF FINANCIAL DISCLOSURE FILING DEADLINE

Washington, DC 20515-6612

Assistance Available with Financial Disclosure

Committee staff are available by phone at (202) 225-7103, and by email at financial.disclosure@mail.house.gov, to provide FD guidance. Members requesting a prescreen of a draft filing should email a PDF version of the draft to this email address with "MEMBER PRESCREEN" in the subject line. Please submit Member prescreen requests as soon as possible if you would like to receive feedback prior to the August 13, 2021 extended filing deadline.

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Congress of the United States
House of Representatives

August 30, 2021

Afghanistan Humanitarian Relief Efforts

Dear Colleague:

Several offices have contacted the Committee on House Administration, the House Communications Standards Commission (Commission), and the Committee on Ethics to inquire about the use of official resources to provide information to constituents and/or about the extent to which official resources may be used to help those affected by the issues arising out of the situation in Afghanistan. We want to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

Solicitations

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

U.S. Department of State

<https://www.state.gov/afghanistan-inquiries/>

United States Agency for International Development (USAID)

<https://www.usaid.gov/afghanistan/hart>

Department of Veterans Affairs

<https://blogs.va.gov/Vantage/93577/lets-talk-about-afghanistan-resources-veterans-families/>

All of the above information may be communicated to your constituents via the usual and customary official communication tools, including the congressional frank, subject to applicable statutes and House rules and regulations. In addition, a Member may post on an official website, channel, or page (including official Twitter or Facebook pages) a directory of and/or links to third-party organizations that are germane to the official content of the Member's official postings. However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are ***not*** permitted under the rules of the House.

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

However, it would be permissible for Members to link to official *government* websites that give **details about the delivery of relief aid, including information about how Members' constituents** may provide aid or assistance during a crisis. With respect to the emergency in Afghanistan, it would be permissible to provide links to any of the government websites noted above. It is permissible to notify constituents about the existence of these websites, provided franking regulations are followed. Members may also post on official websites and social media accounts.

Official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives. However, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code, including, for example, § 501(c)(3) charitable organizations such as the American Red Cross. These personal efforts do not require Ethics Committee approval, but they may not use official resources (including staff on official time; House telephones, office equipment, or supplies; and official mailing lists). Other restrictions also apply.

Members who wish to solicit on behalf of an organization not recognized under IRC § 170(c) must seek approval from the Committee on Ethics, which considers and decides on solicitation requests on behalf of non-qualified entities on a case-by-case basis. For example, solicitations of donations directly to specific individuals, as opposed to § 501(c)(3) charities, would need prior Ethics Committee approval. Members may use the ["Solicitation Waiver Request" form](#) to request permission to assist with solicitations for individuals and organizations not recognized under IRC § 170(c), **which is on the Committee on Ethics' website at <https://ethics.house.gov>**. Please note the Committee will not approve requests for fundraising activities that provide a direct personal or **financial benefit to the requestor or the requestor's immediate family**.

We hope this information is helpful to **inform your constituency of our nation's response and the aid and resources supporting the relief efforts**.

For questions regarding:

- official resources in general, please contact the Committee on House Administration at [\(202\) 225-2061](tel:202-225-2061) (majority) or [\(202\) 225-8281](tel:202-225-8281) (minority)

- official communications, please contact the Commission at [\(202\) 225-9337](tel:(202)225-9337) (majority) or [\(202\) 226-0647](tel:(202)226-0647) (minority)
- personal or campaign resources and solicitations, please contact the Committee on Ethics at [\(202\) 225-7103](tel:(202)225-7103).

Sincerely,

Chairperson Zoe Lofgren
Committee on House Administration

Ranking Member Rodney Davis
Committee on House Administration

Chairman Ted Deutch
Committee on Ethics

Ranking Member Jackie Walorski
Committee on Ethics

Congress of the United States
House of Representatives

September 10, 2021

Important Information Relating to Hurricane Ida

Dear Colleague:

Several offices have contacted the Committee on House Administration, the Communications Standards Commission, and the Committee on Ethics to inquire about the extent to which official resources may be used to help those impacted by Hurricane Ida. We would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

When a state of emergency is declared, Members whose districts are directly affected may provide constituents with information to assist those impacted. This information may include addresses and telephone numbers of entities involved in relief efforts being coordinated by the federal government. In the past, Members have provided contact information for blood drives conducted by the American Red Cross in conjunction with the Federal Emergency Management Agency (FEMA). However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are not permitted under the rules of the House. **To summarize, for Members directly affected, contact information for government entities, as well as private entities directly involved in relief efforts organized by the federal government, may be sent as a mass communication (emails, advertisements, flyers for handout, and posters) and posted on your official website and social media accounts. However, any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.**

The Committee on House Administration recommends use of these government established websites for information on the relief efforts:

www.usa.gov/hurricane-ida
www.usa.gov/disasters-and-emergencies
www.fema.gov/disaster/hurricane-ida
www.fema.gov
www.ready.gov/hurricanes
www.noaa.gov/ida
www.nhc.noaa.gov/
www.weather.gov/safety/hurricane
www.opm.gov/policy-data-oversight/snow-dismissal-procedures/hurricane-guidance/

Members have asked to what extent they may use their official resources to solicit or collect donations of goods, funds, or services on behalf of charities and other private organizations involved in such efforts. We understand the good intentions of those making such inquiries, but the rules of the House preclude Members from using official resources for any purpose other than

in support of the conduct of the Member's official and representational duties on behalf of the district the Member currently represents. This rule has been interpreted to mean that charitable solicitations using official resources are not permitted. Please contact the Committee on Ethics with any questions surrounding this rule. **To summarize, Members and staff may not use official resources to solicit anything for charities.**

While official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code – including, for example, § 501(c)(3) charitable organizations such as the Red Cross or Team Rubicon – without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; and official mailing lists). Other restrictions also apply. Solicitations on behalf of non-qualified entities or individuals are decided on a case-by-case basis through the submission to the Committee on Ethics of a written request for permission to make such solicitations. For example, solicitations of donations directly for individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Committee on Ethics approval. For more information about solicitations for § 501(c)(3) or other entities, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Committee on Ethics at 5-7103. **To summarize, Members and staff may solicit for charities in their personal capacities only.**

If you have any questions regarding the use of your:

1. Official resources in general, please contact the Committee on House Administration at (202) 225-2061 (majority) or (202) 225-8281 (minority);
2. Communications resources, please contact the Communications Standards Commission at (202) 225-9337 (majority) or (202) 226-0647 (minority); or
3. Personal or campaign resources, or the loan of your name and personal title to private solicitations or initiatives in support of the relief efforts, please contact the Committee on Ethics at (202) 225-7103.

Sincerely,

Chairperson Zoe Lofgren
Committee on House Administration

Ranking Member Rodney Davis
Committee on House Administration

Chairman Ted Deutch
Committee on Ethics

Ranking Member Jackie Walorski
Committee on Ethics

Congress of the United States
House of Representatives

Committee on Ethics and Committee on House Administration

JOINT GUIDANCE REGARDING REDISTRICTING

September 10, 2021

Although congressional redistricting is constitutionally mandated, the redistricting process is a state function with little direct effect on official duties. Nevertheless, our Committees recognize that redistricting can affect Members' official work in various ways. This memorandum offers guidance on what Members may and may not do with official resources where redistricting is concerned. As with most questions concerning the use of official resources, there are permutations and exceptions. Therefore, please contact our Committees if you have a specific question. The Committee on Ethics may be reached at 5-7103. The Committee on House Administration may be reached at 5-2061 (majority) or 5-8281 (minority).

Use of Official House Resources Related to Redistricting

As with the use of official resources in general, Members may not use the Members' Representational Allowance (MRA) for political purposes in connection with congressional redistricting. Like other citizens, Members may engage in political activities designed to influence the outcome of redistricting, but they may not do so at public expense.

The Committee on House Administration recognizes, however, that constituents and others may contact Members with questions about redistricting and how it might affect them now, or in the future. Members may use the MRA to keep abreast of the current status of redistricting. Members may reply to constituent inquiries on the subject in the same manner as they would reply on any matter. Members should use caution and common sense to limit the use of the MRA to discussion of only the redistricting process. Similarly, Members may be reimbursed for expenses of attending public meetings of a state legislative committee or redistricting commission to testify, for example, about how dividing cohesive communities among multiple districts might complicate constituent casework. But a Member may not seek reimbursement for expenses of attending delegation meetings to discuss how certain redistricting plans might affect future elections.

The *Members' Congressional Handbook* restricts the use of official resources for activities outside Members' current districts. Members may not use official funds, including the use of staff resources, to conduct "town hall" meetings or other official gatherings outside their districts, with the exception of holding a joint town hall meeting with a home state Senator or with a Member in an adjacent district.¹ The rules also prevent use of official resources for travel other than "to

¹ See generally Comm. on House Admin., *Members' Congressional Handbook*, <https://cha.house.gov/handbooks/members-congressional-handbook>.

support the conduct of the official and representational duties of a Member ... with respect to the district from which the Member ... is elected.”² Under the franking statute and *Communications Standards Manual*, a Member may not send any unsolicited mass communication outside the congressional district from which the Member was elected.³

In addition, as a general matter, Members may not devote official resources to performing casework for individuals who live outside the district. When contacted by persons living in other districts, Members may, however, use official funds to refer them to their own Representative or Senators.

Finally, in addition to the redistricting process as it is carried out in a Member’s state, redistricting as a general matter may be the subject of federal legislation and policy- or rulemaking by Congress or federal agencies. In this context, as distinct from the execution of redistricting in a Member’s state to redraw particular congressional district lines, Member may also appropriately use official resources in the same manner as they may for other official policy matters.

In summary, below are the general rules regarding the use of official resources related to redistricting:

- Members may use the MRA to notify constituents on the current status of redistricting, limited only to the redistricting process.
- Members may be reimbursed for expenses of attending public meetings of a state legislative committee or redistricting commission to testify, but may not seek reimbursement for attending any meeting discussing how redistricting may affect future elections.
- Members may not conduct “town hall” meetings outside of their district except if holding a joint town hall meeting with the home state Senator or a Member in an adjacent district.
- As a general matter, Members may not send unsolicited communications to or perform casework for individuals outside of their district. Members may respond to an individual who lives outside their district to refer that individual to their own Representative or Senators.
- Members and staff may only travel outside of the district if conducting official business that directly relates to the Member’s official and representational duties to the district from which elected and which they currently represent.
- Members may not use MRA funds or official resources in general for an activity the primary purpose of which relates exclusively to an area outside their current district, which may be considered for inclusion in a redrawn version of the district, and Members may not send communications to any such area.

² 2 U.S.C. § 5341; see *Members’ Congressional Handbook*.

³ 39 U.S.C. § 3210(a)(7) and the *Communications Standards Manual*.

Use of Campaign Resources Related to Redistricting

Although a Member may not use official resources to host or participate in events outside their district, the Member may sponsor events in those areas using campaign staff and resources, to the extent the sponsorship is allowed under federal election laws and regulations. Remember that any activity where a Member uses campaign staff and resources is considered a campaign event, not an official event.⁴ Therefore, no official resources may be used to support or organize such an event and official activities should not occur at these events. Please contact the congressional liaisons at the Federal Election Commission (FEC) for information concerning the appropriate use of campaign resources for political purposes. They can be reached at (202) 694-1006.

Participation in Legal Challenges to Redistricting

Members may wish to participate in fundraising for groups raising legal challenges to a state's redistricting process. To solicit on behalf of these groups, Members should contact the Committee on Ethics for further guidance. Members may need to seek and receive prior formal written permission to assist with any solicitation efforts. Whether or not such prior approval is required, all solicitations on behalf of redistricting efforts are subject to the same restrictions applicable to all other solicitations made by Members and staff (e.g., use of official resources is prohibited, etc.).⁵

A Member may also want to personally challenge the redistricting process in the Member's state. If a Member wishes to establish a Legal Expense Fund for that purpose, the Member must receive formal written permission from the Committee on Ethics. The Committee's Legal Expense Fund regulations are available on the Committee's website.⁶ If a Member would like to use campaign funds to challenge redistricting, the Member should contact the Committee on Ethics and the FEC's congressional liaisons for further guidance.

Solicitations by Members related to redistricting may be subject to limits on campaign sources and amounts. Members should contact the FEC's congressional liaisons to further discuss those limits.

* * * * *

⁴ Although House Rule 24 allows the use of campaign funds for certain types of official expenses, these are limited. House Rule 24, cls. 1-2; see Comm. on Ethics, *2008 House Ethics Manual* at 173-177.

⁵ See Comm. on Ethics, *2008 House Ethics Manual* at 347-349; Comm. on Ethics, *Member, Officer, and Employee Participation in Fundraising Activities* (May 2, 2019).

⁶ Comm. on Ethics, *Revised Legal Expense Fund Regs.* (Dec. 20, 2011), <https://ethics.house.gov/financial-disclosure-pink-sheets/revised-legal-expense-fund-regulations>.

Theodore E. Deutch, Florida
Chairman
 Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
 Dean Phillips, Minnesota
 Veronica Escobar, Texas
 Mondaire Jones, New York

Michael Guest, Mississippi
 Dave Joyce, Ohio
 John H. Rutherford, Florida
 Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives

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December 3, 2021

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
 Theodore E. Deutch, Chairman
 Jackie Walorski, Ranking Member

SUBJECT: Reminder about Annual Ethics Training Requirements for 2021

This memorandum is a reminder to all offices about ethics training requirements. The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.^[1] The Committee offers ethics training both through online video courses and in-person training sessions. For the 117th Congress to date, the Committee has held 46 in-person ethics training sessions and provided ethics training to more than 10,135 Members^[2], officers, and employees.

New House Members and employees must complete a specifically designated ethics training session within 60 days of joining the House.^[3] Existing House Members, officers, and employees are required to take one hour of general ethics training each calendar year. In addition, the Committee requires all senior staff^[4] – whether new or existing employees – to complete an additional hour of specialized training at least once per Congress.

By January 31 of each year, all House Members and employees must certify to the Ethics Committee that they have completed ethics training during the preceding calendar year.^[5] Employees who fully completed one of the online training options available through the Congressional Staff Academy will have made their necessary certification to the Committee. The following are the ethics training requirements for 2021 for Members, officers, and employees of the House, as well as the details of how to complete the registration and/or certification process for both live and online ethics training programs.

2021 ETHICS TRAINING REQUIREMENTS

Members

New House Members must complete a training session specifically designated for new Members within 60 days of joining the House. A “new” Member for the purposes of the 2021 training requirement is an individual who was *first* sworn in on or after January 3, 2021. Before

each Congress, the Committee on Ethics provides ethics training for incoming new Members at the New Member Orientation organized by the Committee on House Administration. The Committee on Ethics also provides this training for new Members elected through a special election within the new Members' first 60 days.

Existing Members must complete one hour of training by **December 31, 2021**. Please have a staff member contact the Committee for a password to complete online ethics training.

The Committee records Members who have completed ethics training. Members may have their staff email the Committee at ethics.training@mail.house.gov to request confirmation that they have completed the required ethics training.

"New" House Employees

All new employees must complete ethics training within 60 days of beginning House employment. A "new" House employee for purposes of the 2021 training requirement is an individual who first began employment with the House on or after January 3, 2021. Any former House employee who returns to House employment after a gap of more than 90 consecutive calendar days is considered to be a "new" employee. Fellows and interns paid by the House for more than 60 days also must comply with this requirement.¹⁶¹

On March 11, 2020, the Committee waived the *live* training requirement for new employees who work in Capitol Hill offices until further notice. New employees who work in Capitol Hill offices may complete the 2021 House Ethics Training.

Existing House Employees

"Existing" (*i.e.*, not new) House employees must complete one hour of training before the end of the calendar year. For 2021, this means all existing House employees must complete one hour of training by **December 31, 2021**. **There are no extensions to this deadline, for any reason.** In addition, employees who are senior staff may have an additional hour of training to complete, as explained more fully in the next section. Employees are responsible for determining whether they are considered senior staff.

As a general matter, existing employees will fulfill their general ethics training requirement by completing the 2021 House Ethics Training.

Senior Staff Training

All employees who are "senior staff"¹⁷¹ are required to take an additional hour of training at least once per Congress on issues primarily of concern to senior staff or supervisors. For the 117th Congress, this means all senior staff must complete one hour of training by **January 3, 2023**. This "senior staff" hour is required *in addition to* the one-hour 2021 House Ethics Training all officers and staff are required to complete annually. Senior staff employees may fulfill the requirement for an additional hour by completing the 117th Congress: Senior Staff Ethics Training through the Congressional Staff Academy website or having attended a live training session.

Briefings that satisfy the senior staff training requirement include general sessions on issues of concern to senior staff, sessions on completing financial disclosure (FD) statements or Periodic Transaction Reports (PTRs), or sessions on the post-employment restrictions. However, employees may *not* complete more than one hour of senior staff training in lieu of completing their annual general ethics training requirement.

Summary

Position	Training Required	Deadline
New Member	Email ethics.training@mail.house.gov for online training	Within first 60 days
Existing Member	Email ethics.training@mail.house.gov for online training	December 31, 2021
New Staff	2021 House Ethics Training	Within first 60 days
Existing Staff	2021 House Ethics Training	December 31, 2021
New Senior Staff	2021 House Ethics Training <i>and</i> 117th Congress: Senior Staff Ethics Training or attending a live briefing	Within first 60 days
		January 3, 2023
Existing Senior Staff	2021 House Ethics Training <i>and</i> 117th Congress: Senior Staff Ethics Training or attending a live briefing	December 31, 2021
		January 3, 2023

ONLINE REGISTRATION & CERTIFICATION PROCESS

Members

Members may have their staff email the Committee at ethics.training@mail.house.gov for a password to complete online ethics training and/or to request confirmation that they have completed the required ethics training.

Employees

Employees can complete ethics training online by accessing the training through the Congressional Staff Academy website. Ethics training can be found under the “annual training” tab. Employees must complete the entire online training program to receive credit and use a House computer to access the Congressional Staff Academy website to complete the training online. Employees who do not have access to a House computer or do not have a House email account should email the Ethics Committee at ethics.training@mail.house.gov to make alternate arrangements for completing their training.

After completing an online training program, the system will automatically log the employee as “complete.” This information is automatically transmitted to the Ethics Committee. Thus, once the system labels an employee as “complete,” the employee has satisfied the annual training and certification requirement. Employees will be able to check their Congressional Staff Academy transcript at any time to verify the completion of their own annual ethics training requirement.

Each House employee is responsible for completing their ethics training requirement and certifying completion. Employees can view past training history on the Congressional Staff Academy website under the “learning” tab and by clicking “view my transcript.”

A chief of staff (or staff director or other supervisors) can confirm employee ethics training completion by requesting each staff person to provide either the email they received after attending an in-person training or a printout of their Training Completion Certificate from the Congressional Staff Academy website.

FAILURE TO COMPLY WITH THE TRAINING REQUIREMENTS

Failure to satisfy the annual training requirement is a violation of House rules^[8] and may result in any of the specified disciplinary sanctions for House Members and employees, including the publication of noncompliant House Members and employees’ names, additional ethics training, or other actions the Committee deems appropriate. If you have any questions regarding this guidance, please feel free to contact the Committee’s Office of Advice and Education at ethics.training@mail.house.gov.

^[1] House Rule 11, clause 3(a)(6)(A). The Committee defines an “officer or employee” as an individual appointed to a position of employment in the U.S. House of Representatives by an authorized employing authority who is receiving a salary disbursed by the Chief Administrative Officer or is on a leave without pay or furlough status. This definition includes fellows and interns paid by the House.

^[2] For all purposes in this memorandum, “Member” is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

^[3] House Rule 11, clause 3(a)(6)(B)(i).

^[4] “Senior staff” for training purposes are employees who are paid at the “senior staff annual salary rate” for at least 60 days in either (or both) calendar years of a Congress. For 2021, the senior staff annual salary rate is \$132,552, or a monthly pay rate at or above \$11,046. Please note that the senior staff annual salary rate is subject to change in 2022.

^[5] House Rule 11, clause 3(a)(6)(B)(ii).

^[6] Detailees, fellows not paid by the House, unpaid interns, and any individuals who are employed by the House and paid for fewer than 60 days are not required to attend ethics training in 2021. The Ethics Committee nonetheless encourages these individuals to complete ethics training, so they become familiar with the House ethics rules while working in a House office or for a House committee.

^[7] See *supra* note 3.

^[8] See House Rule 11, clause 3(a)(6)(B)(ii).

Congress of the United States
House of Representatives

December 14, 2021

Important Information Relating to Central U.S. Tornadoes

Dear Colleague:

On December 10 and 11, 2021, a number of states in the central U.S. suffered devastating damage from a historic series of tornadoes. In anticipation that offices will have questions about the extent to which official resources may be used to help those impacted, the Committee on House Administration, the Communications Standards Commission, and the Committee on Ethics offer this overview of the applicable rules, regulations, and procedures.

When a state of emergency is declared, Members whose districts are directly affected may provide constituents with information to assist those impacted. This information may include addresses and telephone numbers of entities involved in relief efforts being coordinated by the federal government. In the past, Members have provided contact information for blood drives conducted by the American Red Cross in conjunction with the Federal Emergency Management Agency (FEMA). However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are not permitted under the rules of the House. **To summarize, for Members directly affected, contact information for government entities, as well as private entities directly involved in relief efforts organized by the federal government, may be sent as a mass communication (emails, advertisements, flyers for handout, and posters) and posted on your official website and social media accounts. However, any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.**

The Committee on House Administration recommends use of these government established websites for information on the relief efforts:

www.usa.gov/help-disaster-survivors
www.usa.gov/disasters-and-emergencies
www.fema.gov/assistance/volunteer-donate
www.fema.gov
www.ready.gov/tornadoes
www.weather.gov/safety/tornado

Members may also understandably ask whether and to what extent they may use their official resources to solicit or collect donations of goods, funds, or services on behalf of charities and other private organizations involved in such efforts. We understand the good intentions of those making such inquiries, but the rules of the House preclude Members from using official resources for any purpose other than in support of the conduct of the Member's official and representational duties on behalf of the district the Member currently represents. This rule has been interpreted to mean that charitable solicitations using official resources are not permitted. Please contact the Committee on Ethics with any questions surrounding this rule. **To summarize, Members and staff may not use official resources to solicit anything for charities.**

While official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code – including, for example, § 501(c)(3) charitable organizations such as the Red Cross or Team Rubicon – without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; and official mailing lists). Other restrictions also apply. Solicitations on behalf of non-qualified entities or individuals are decided on a case-by-case basis through the submission to the Committee on Ethics of a written request for permission to make such solicitations. For example, solicitations of donations directly for individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Committee on Ethics approval. For more information about solicitations for § 501(c)(3) or other entities, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Committee on Ethics at 5-7103. **To summarize, Members and staff may solicit for charities in their personal capacities only.**

If you have any questions regarding the use of your:

1. Official resources in general, please contact the Committee on House Administration at (202) 225-2061 (majority) or (202) 225-8281 (minority);
2. Communications resources, please contact the Communications Standards Commission (Franking) at (202) 225-9337 (majority) or (202) 226-0647 (minority);
or
3. Personal or campaign resources, or the loan of your name and personal title to private solicitations or initiatives in support of the relief efforts, please contact the Committee on Ethics at (202) 225-7103.

Sincerely,

Chairperson Zoe Lofgren
Committee on House Administration

Ranking Member Rodney Davis
Committee on House Administration

Chairman Ted Deutch
Committee on Ethics

Ranking Member Jackie Walorski
Committee on Ethics

FOREIGN GIFTS AND DECORATIONS ACT CY2021 REPORTING



Sending Office: Committee on Ethics
Sent By: EthicsCommittee@mail.house.gov

The Constitution prohibits federal government officials, including Members and employees of Congress, from receiving “any present ... of any kind whatever” from a foreign state or a representative of a foreign government without the consent of the Congress. Congress has consented to the acceptance of certain gifts from foreign governments through the vehicles of the Foreign Gifts and Decorations Act (“FGDA”) and the Mutual Educational and Cultural Exchange Act (“MECEA”).

Pursuant to the FGDA, 5 U.S.C. § 7342, Members, officers, and employees may accept and keep a tangible gift valued at less than minimal value from a foreign government that is tendered and received as a souvenir or mark of courtesy, including a meal, entertainment, or local travel within the United States. (For FGDA purposes, a “foreign government” includes any foreign national, state, municipal, or local government, but also any unit of foreign governmental authority, any international or multinational organization whose membership is composed of any unit of a foreign government, and any agent or representative of any such unit or organization acting in that capacity.) Tangible gifts valued at more than minimal value from a foreign government may only be accepted when refusal would be deemed likely to cause offense or embarrassment or otherwise adversely affect foreign relations of the United States. However, such gifts are deemed to have been accepted on behalf of the United States government, and the recipient must both deposit the gift with the Clerk of the House *within 60 days* of accepting it and file a disclosure report with the Committee on Ethics (Committee). The FGDA does not permit the acceptance of gifts of travel abroad (such as transportation, food, lodging, and entertainment) unless the travel takes place entirely outside of the United States and is related to official duties or is received under a program approved by the Department of State under MECEA, 22 U.S.C. § 2452. Reports concerning gifts of travel outside the United States accepted under the FGDA must be filed with the Committee *within 30 days* of accepting the gift of travel, regardless of value.

The FGDA requires the Committee to compile a list of certain tangible gifts or gifts of travel that House Members, officers, and employees, or their spouse or dependent, accepted from a foreign government or a multinational organization during the preceding calendar year. The Committee is required to send this list for 2021 to the Secretary of State by January 31, 2022, for publication in the *Federal Register*. The Committee’s form for reporting gifts received under the FGDA is available on the Committee’s website at

12/21/22, 12:37 PM

FOREIGN GIFTS AND DECORATIONS ACT CY2021 REPORTING

this [link](#). Any Member, officer, or employee who accepted any tangible gifts worth more than \$415 or gifts of travel outside the United States, regardless of value, from a foreign government under the FGDA during calendar year 2021, or whose spouse or dependent accepted such gifts, and who has not already reported the gifts to the Committee must complete the [form](#) and return it to the Committee by January 15, 2022.

Please be aware that, as required by federal regulation, the General Services Administration defined the amount that constitutes “minimal value” for gifts received in the time period 2020-2022. For gifts received during this time period, “minimal value” is \$415. More information about gifts from foreign governments, including the FGDA regulations previously issued by the Committee, is available in the Ethics Manual. The Ethics Manual is available on the Committee’s website, at this [link](#). If you have any questions regarding acceptance of tangible gifts or gifts of travel from a foreign government, please call the Committee at 5-7103.

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Susan Wild, Pennsylvania
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Mondaire Jones, New York

Michael Guest, Mississippi
Dave Joyce, Ohio
John H. Rutherford, Florida
Kelly Armstrong, North Dakota



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U.S. House of Representatives

COMMITTEE ON ETHICS

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January 13, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Theodore E. Deutch, Chairman
Jackie Walorski, Ranking Member

SUBJECT: The 2022 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees

All Members of the House are subject to certain public disclosure requirements and employment restrictions both during and after their service in the House. Specifically:

1. Financial disclosure filing requirements, including both annual financial disclosure (FD) statements and Periodic Transaction Reports (PTRs);
2. Restrictions on outside employment;
3. Notification requirements for disclosure of negotiations for private employment and related recusals; and
4. Post-employment restrictions.

House employees may also be subject to these requirements and restrictions, depending on their salary level. This memorandum provides details on the current triggering salary figures for Calendar Year (CY) 2022 for each of the categories noted above and summarizes them in a table on page 6. It is each individual employee's responsibility to know whether their salary level subjects them to these standards of conduct and, if so, to comply with them. Please note that this memorandum is not a comprehensive list of every rule or standard of conduct that applies to House staff, but an overview of key standards that are triggered by salary level. Any Member, officer, or employee who has questions about these requirements and restrictions or about the various rules is encouraged to contact the Committee's Office of Advice and Education at extension 5-7103.

FINANCIAL DISCLOSURE

House officers and employees whose “rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days at any time during a calendar year are subject to financial disclosure filing requirements, provided that the officer or employee “performs the duties of his [or her] position or office for a period in excess of sixty days in that calendar year.”¹ The GS-15, step 1, basic pay rate for CY 2022 is \$112,890.² The applicable 120% calculation for that rate is therefore **\$135,468**, or a monthly salary of equal to or more than \$11,289. This rate is referred to as the “senior staff rate.”

As a result, House officers and employees whose basic rate of pay is equal to or greater than the senior staff rate (\$135,468) for at least **60 days**³ during **2022** must file an FD statement on or before May 15, 2023.⁴ (Temporary increases in an employee’s basic rate of pay – such as to pay out a bonus – count toward this threshold, but “lump sum” payments do not.⁵) In addition, any new employee paid at or above the senior staff rate must file a “new employee” FD statement within 30 days of assuming employment with the House.⁶ A new employee may request an extension of the new employee FD filing deadline of up to 90 days, but the request must be received by the Committee or on before the original filing deadline.⁷ Finally, any staff who are paid at or above the senior staff rate on January 3, 2022 (or their first day of employment, if later in the year) must file reports (PTRs) on an ongoing basis throughout the year regarding certain

¹ Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. §§ 109(13) and 101(d) (hereinafter all citations to the EIGA will be to the appropriate federal code citation). In addition, all House Members are subject to financial disclosure filing requirements. 5 U.S.C. app. §§ 101(d) and (f).

² Exec. Order No. 14061, 86 Fed. Reg. 73601 (Dec. 22, 2021).

³ The House payroll department operates on a 30-day payroll cycle, meaning that each monthly pay period, regardless of its actual length, is counted as 30 days. Thus, a change to an employee’s base rate of pay in any two months during the calendar year (even non-consecutive months) may trigger the requirement to file an FD. This is true even if the pay change affects only part of a month.

⁴ 5 U.S.C. app. §§ 101(d) and (f). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that financial disclosure obligations do not apply to those whose combined House salary and annuity are at or above the threshold rate for the specified time period (*but see* note 26, below).

⁵ See Comm. on Ethics 2008 *Ethics Manual* at 283-84, available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf; Comm. on Ethics, *Instruction Guide, Financial Disclosure Statements and Periodic Transaction Reports*, at p. 2 (Calendar Year 2020), available at <https://ethics.house.gov/financial-disclosure/financial-disclosure-forms-and-filing>.

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

⁷ A request for an extension must be made using either a form available on the Committee’s website or through the electronic financial disclosure filing system at <https://fd.house.gov>.

financial transactions.⁸ PTRs are not annual filings, but must be filed within 30 days of a purchase, sale, or exchange of more than \$1,000 in stocks, bonds, and other securities.⁹

Please note that the requirement to file an FD statement covering calendar year 2021 applies to officers and employees whose basic rate of pay for at least 60 days in **2021** was **\$132,552** or more (a monthly salary at or above \$11,046). Annual FD statements covering CY 2021 are due on Monday, May 16, 2022, for those individuals who continue to be Members, officers, or employees of the House on that date.¹⁰ A filer may request an extension of the annual FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.¹¹

In addition, House Members, officers, and employees paid at or above the senior staff rate for 60 days or more in a calendar year who terminate their House employment during that calendar year are required to file an FD statement within 30 days of their termination.¹² A filer may request an extension of the termination FD filing deadline of up to 90 days, but the request must be received by the Committee on or before the original filing deadline.¹³

**THE OUTSIDE EARNED INCOME LIMIT
AND OUTSIDE EMPLOYMENT RESTRICTIONS**¹⁴

House officers and employees whose rate of basic pay is equal to or greater than the senior staff rate for **more than 90 days** are subject to limits on the amount of outside earned income¹⁵

⁸ 5 U.S.C. app. § 103(l).

⁹ For detail on the PTR requirement, see the Committee’s August 17, 2012 advisory memorandum “Periodic Reporting of Personal Financial Transactions Pursuant to the STOCK Act, as amended,” which is available on the Committee website (<https://ethics.house.gov>), under the links for Reports/General Advisories. Note that the STOCK Act may require the filing of PTRs as often as once per month for Members and any staff who are paid at the senior staff rate on the first day of the 2022 pay cycle (January 3, 2022). Staff who are paid at or above the senior staff rate for more than 60 days later in 2022 – even if on a temporary basis – will also be subject to the PTR requirement for the remainder of the calendar year and will be required to file an annual FD in 2023.

¹⁰ See *supra* note 4.

¹¹ See *supra* note 7.

¹² See 5 U.S.C. app. § 101(e). The only exception is for filers who, within 30 days of their termination from the House, accept a position with the federal government that requires the filing of a publicly-available FD statement. Departing employees who are exempt from filing under these circumstances must notify the Clerk of the House of that fact in writing, by sending a letter, completing a form available for that purpose, or filing a notice through the electronic financial disclosure filing system.

¹³ See *supra* note 7.

¹⁴ For detailed information concerning limitations and prohibitions for *uncompensated outside positions*, see the Committee’s December 11, 2019 advisory memorandum “Outside Position Regulations,” which is available on the Committee’s website (<https://ethics.house.gov>), under the links for Reports/General Advisories.

¹⁵ The term “outside earned income” means any “wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered” by a House Member, officer, or employee. House Rule 25, cl. 4(d)(1). It does not include, among other things, the individual’s salary from the House, nor does it include income for services rendered before the individual was employed by the House. *Id.* at cls. 4(d)(1)(A), (B).

attributable to each calendar year.¹⁶ As noted above, the senior staff rate for CY 2022 is **\$135,468**, or a monthly salary equal to or greater than \$11,289. The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of that year. As of January 1, 2022, the rate of basic pay for Executive Level II was \$199,300.¹⁷ Accordingly, the outside earned income limit for House Members, officers, and employees paid at or above the senior staff rate for CY 2022 is **\$29,895**.¹⁸

Members, officers, and House employees paid at or above the senior staff rate for more than 90 days are also subject to a number of specific limitations on the substantive types of outside employment for which they may receive compensation and must receive prior approval to receive certain types of compensation.¹⁹ These include prohibitions on receiving any compensation for practicing a profession that involves a fiduciary relationship, receiving any compensation for affiliating with a firm that provides professional services involving a fiduciary relationship, or permitting such a firm to use one's name.²⁰ Receipt of compensation for service as an officer or member of a board of directors is also prohibited.²¹ Prior written approval from the Committee on Ethics is required to accept compensation for teaching and to receive copyright royalties.²² Detailed information regarding these limitations may be found on pages 213 to 238 of the *2008 House Ethics Manual*, which is available on the Committee's website (<https://ethics.house.gov/house-ethics-manual>).

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSALS

House Members, officers, and certain House employees must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a *private* entity.²³ House employees subject to this disclosure requirement are those employees who are paid greater than 75% of the basic rate of pay for Members (employees earning more than **\$130,500 or 10,875 monthly**).²⁴ This amount is referred to as the post-employment rate.

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

¹⁷ Exec. Order No. 13970, 86 Fed. Reg. 421 (Dec. 31, 2020) (setting Executive Schedule rates for the first pay period starting after January 1, 2021); Exec. Order No. 14061, 86 Fed. Reg. 73601 (Dec. 22, 2021) (setting Executive Schedule rates for the first pay period starting after January 1, 2022).

¹⁸ This amount is proportionally reduced when an individual becomes a Member, officer, or senior employee during the calendar year. For example, an individual who is hired into a senior staff position on July 1 has an outside earned limit that is one-half of the full amount, or \$14,947.50. See 5 U.S.C. app. § 501(a)(2); House Rule 25, cl. 1(b).

¹⁹ See 5 U.S.C. app. § 502(a); House Rule 25, cls. 1-4.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ See House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter STOCK Act) § 17.

²⁴ See *id.*; see also Section 7 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020), prohibiting a scheduled cost-of-living pay raise for Members; Section 3 of the Further Extending Government

In addition, House Members, officers, and employees paid more than the post-employment rate must recuse themselves from “any matter in which there is a conflict of interest or an appearance of a conflict” with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.²⁵

Information on the disclosure and recusal requirements related to seeking private employment applicable to Members, officers, and employees paid at or above the post-employment rate is available in two Committee advisory memoranda, one for Members and officers and one for staff. Copies of both memoranda, which are dated December 18, 2020, are available on the Committee’s website (<https://ethics.house.gov>) under “Reports/General Advisories,” and forms for making the notifications regarding job negotiations or recusal are available under “Forms/Post-Employment.”

POST-EMPLOYMENT RESTRICTIONS

House Members and officers, and employees paid at or above the post-employment rate, are subject to post-employment restrictions.²⁶ In general, a former employee of a Member, committee, or leadership office is subject to the restrictions if, for at least **60 days** during the twelve month period preceding termination of House employment, the employee was paid at a rate equal to or greater than 75% of the basic rate of pay for Members at the time of termination. As noted above, the post-employment rate is \$130,500, or a monthly salary of \$10,875 or more.

Additionally, the triggering salary for employees of other House offices (such as the Chaplain, Chief Administrative Officer, Clerk, General Counsel, Historian, Inspector General, Law Revision Counsel, Legislative Counsel, Office of Congressional Ethics, Parliamentarian, and Sergeant at Arms) is Executive Schedule Level IV.²⁷ For 2022, that salary is **\$176,300**, or a monthly salary more than \$14,691.

Information on the post-employment restrictions applicable to Members, officers, and employees paid at or above the post-employment rate is available in the two Committee advisory memoranda referenced in the previous section.²⁸

Funding Act, Pub. L. No. 117-70 (Dec. 3, 2021), providing for continuing appropriations through February 18, 2022, at 2021 levels. As a result, Member pay remains at \$174,000.

²⁵ House Rule 27, cl. 4; STOCK Act § 17.

²⁶ 18 U.S.C. § 207. With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period (*but see* note 4, above).

²⁷ “[O]ther legislative offices” also includes employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Publishing Office, Library of Congress, Congressional Budget Office, and Capitol Police. *See* 18 U.S.C. § 207(e)(9)(G).

²⁸ Most of the post-employment restrictions apply to employees paid at or above \$130,500. As discussed in the general advisory memorandum for former staff, however, one provision applies to all former House staff – regardless of rate of pay – and restricts use of confidential information obtained during personal and substantial participation in ongoing trade or treaty agreements.

CALENDAR YEAR 2022

Item	2022 Amount
Outside earned income & outside employment threshold - Outside employment fiduciary restrictions if paid at rate for more than 90 days during 2022	\$135,468 (\$11,289/mo)
Outside earned income limit	\$29,895
Financial Disclosure/PTR threshold - Annual FD required in May 2023 if paid at rate for 60 days or more in CY 2022 - PTRs required during CY 2022 if: - Paid at rate on first day of calendar year or first day of House employment (if later); <i>or</i> - Paid at rate for any two pay periods during CY 2022 (e.g., if get bonus or pay raise during calendar year), subject to PTR requirement for remainder of year	\$135,468 (\$11,289/mo)
Written disclosure of job negotiations and recusals required if paid <i>more than</i> the post-employment rate	\$130,500 (\$10,875/mo)
Post-Employment threshold for employees of Member, committee, or leadership offices	\$130,500 (\$10,875/mo)
Post-Employment threshold for employees of “other legislative offices” (see p. 5)	\$176,300 (\$14,691/mo)

Congress of the United States
House of Representatives

March 4, 2022

Ukraine Humanitarian Relief Efforts

Dear Colleague:

Several offices have contacted the Committee on House Administration (CHA), the Communications Standards Commission (Commission), and the Committee on Ethics (Ethics) to inquire about the use of official resources to provide information to constituents and/or about the extent to which official resources may be used to help those affected by the issues arising out of the war and ensuing humanitarian crisis situation in Ukraine. We want to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

Solicitations

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

U.S. Department of State

<https://www.state.gov/united-with-ukraine/>

United States Agency for International Development (USAID)

<https://www.usaid.gov/usaid-response-ukraine>

All of the above information may be communicated to your constituents via the usual and customary official communication tools, including the congressional frank, subject to applicable statutes and House rules and regulations. In addition, a Member may post on an official website, channel, or page (including official Twitter or Facebook pages) a directory of and/or links to third-party organizations that are germane to the official content of the Member's official postings. However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are not permitted under the rules of the House.

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

However, it would be permissible for Members to link to official government websites that give details about the delivery of relief aid, including information about how Members' constituents may provide aid or assistance during a crisis. With respect to the emergency in Ukraine, it would be permissible to provide links to any of the government websites noted above. It is permissible to notify constituents about the existence of these websites, provided franking regulations are followed. Members may also post on official websites and social media accounts.

Official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives. However, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code, including, for example, § 501(c)(3) charitable organizations such as the American Red Cross. These personal efforts do not require Ethics approval, but they may not use official resources (including staff on official time; House telephones, office equipment, or supplies; and official mailing lists). Other restrictions also apply.

Members who wish to solicit on behalf of an organization not recognized under IRC § 170(c) must seek approval from Ethics, which considers and decides on solicitation requests on behalf of non-qualified entities on a case-by-case basis. For example, solicitations of donations directly to specific individuals, as opposed to § 501(c)(3) charities, would need prior Ethics approval. Members may use the "[Solicitation Waiver Request](#)" form to request permission to assist with solicitations for individuals and organizations not recognized under IRC § 170(c), which is on the Ethics website at <https://ethics.house.gov>. Please note Ethics will not approve requests for fundraising activities that provide a direct personal or financial benefit to the requestor or the requestor's immediate family.

We hope this information is helpful to inform your constituency of our nation's response and the aid and resources supporting the relief efforts.

For questions regarding:

- official resources in general, please contact the CHA at (202) 225-2061 (majority) or (202) 225-8281 (minority);
- official communications, please contact the Commission at (202) 225-9337 (majority) or (202) 226-0647 (minority); or
- personal or campaign resources and solicitations, please contact Ethics at (202) 225-7103.

Sincerely,

Chairperson Zoe Lofgren
Committee on House Administration

Ranking Member Rodney Davis
Committee on House Administration

Chairman Ted Deutch
Committee on Ethics

Ranking Member Jackie Walorski
Committee on Ethics

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
Dave Joyce, Ohio
John H. Rutherford, Florida
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS
U.S. House of Representatives

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April 14, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Jackie Walorski, Ranking Member

SUBJECT: Upcoming Financial Disclosure Clinics & Training

The Committee on Ethics will offer three Financial Disclosure Clinics in advance of the upcoming May 16, 2022, due date for the filing of all annual Financial Disclosure Statements (FD Statements).¹ In addition, the Committee will hold three Senior Staff Financial Disclosure Trainings before the May 16th deadline.

As a reminder, all Members are subject to financial disclosure filing requirements. House staff may be subject to financial disclosure filing requirements for a number of reasons, which include 1) they are paid at or above the senior staff rate for 60 days or more during the calendar year, even if on a temporary basis; 2) they are designated a "principal assistant" for financial disclosure filing purposes by their employing Member; or 3) they are a shared employee of three or more offices, regardless of their rate of pay.²

In addition to the Clinics and Training sessions, the Committee's nonpartisan staff is available to review forms in advance of filing for House Members, officers, and employees. Employees, however, must submit their forms to the Committee for prescreening no later than Monday, May 2, 2022, to ensure that the prescreening is completed by the filing deadline. You may email your prescreen request to financial_disclosure@mail.house.gov with the subject line "Prescreen Request."

¹ The Committee is authorized by statute to grant extensions of the annual filing deadline of up to ninety (90) days. Extensions may be requested through the [FD Online Reporting system](#); or by delivering the [paper extension request form](#) to financial_disclosure@mail.house.gov.

² House officers and employees who were paid at the rate of \$132,552 (\$11,046 monthly salary) for at least 60 days during 2021 will be required to file a Statement by May 16, 2022. For 2022, senior staff are House officers and employees whose basic rate of pay is equal to or greater than \$135,468 for at least 60 days during 2022.

Financial Disclosure Clinics give filers a chance to work closely with financial disclosure staff to address individual filers' questions. Filers are encouraged to bring with them their laptops and financial statements. Financial Disclosure Clinics also serve to help filers use the online filing system to input and submit Statements and Periodic Transaction Reports. **Please note that participation in the Clinics will not satisfy any House-mandated training requirements.**

The date, time, and location for each Clinic is provided below. Committee staff will be available for the entire time for each Clinic. Attendees are welcome to walk in at any time and may stay for as long as they need. You can find this and additional information about financial disclosure requirements on the [Committee's Website](#).

Clinics		
Date	Time	Location
Thursday, April 21	10:00am – 1:00pm EDT	LHOB B248
Wednesday, April 27	10:00am – 1:00pm EDT	LHOB B248
Monday, May 2	1:00pm – 5:00pm EDT	LHOB B248

In addition to the Clinics, the Committee will offer Senior Staff Training that **will** satisfy either the annual ethics training requirement or the additional hour of training required for senior staff for the 117th Congress (staff must choose one or the other). Senior staff training provides additional ethics guidance to staff who are required to file Statements pursuant to the Ethics in Government Act (EIGA). This training will cover general information about the requirement to file Financial Disclosure and Periodic Transaction Reports. The date, time, and location for each training is provided below.

Training is being offered in-person or via Webex. To receive credit for this training, senior staff are **required to pre-register** by clicking on the links provided in the "Location" section.

Trainings		
Date	Time	Location
Wednesday, April 20	1:30pm – 2:30pm EDT	RHOB 2186 Gold Room or via Webex
Tuesday, April 26	2:00pm – 3:00pm EDT	CHOB 401 or via Webex
Thursday, May 5	3:00pm – 4:00pm EDT	RHOB 2186 Gold Room or via WebEx

Financial Disclosure Clinics and Training sessions are offered as an additional service to the House. The Committee's nonpartisan staff is also available to provide one-on-one assistance. This includes meeting with a filer's spouse, accountant, or attorney to answer any filing questions. For assistance with financial disclosure questions or to schedule a meeting, please call the Committee at (202) 225-7103.

The Committee strongly recommends that filers use the [FD Online Reporting system](#) to submit all filings. Filers can grant access to designated third-party preparers. A blank copy of the paper form can be downloaded from the [Committee's website](#). Committee staff will provide assistance to both paper filers and online filers. If you need to make a filing, but did not receive login information, or if you have lost your temporary password, please contact the Legislative Resource Center at (202) 226-5200 for assistance.

* * *

If you have any questions, please contact the Committee at (202) 225-7103.



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

September 19, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Michael Guest, Acting Ranking Member

SUBJECT: Guest Policy Change and Reminder of Gift Rules for Attendance at Events

This memorandum announces a policy change by which the Committee has simplified its guidance concerning guests at events¹ in order to reduce confusion and promote compliance with the House Gift Rule.²

The memorandum is also a reminder to Members, officers, and employees of the rules for accepting free attendance at events and offers a quick reference guide for the event attendance rules.³ Remember that you may never solicit, or ask for anything of value,⁴ including free attendance at an event, whether you ask for your own free attendance or someone else's. You also may not accept anything that has been solicited for you.

Guest Policy Change

Prior Guidance: Different exceptions to the House Gift Rule contained various rules for what kind of guests Members, officers, or employees could bring to an event if offered free attendance for a guest.

New Guidance: If you are offered free attendance at an event for yourself and a guest, which otherwise complies with the House Gift Rule, you may accept the offer for any kind of guest.⁵

¹ The Committee makes this change to guidance concerning who may accompany you to an event pursuant to its general waiver authority under House Rule 25, cl. 5(a)(3)(T). Nothing in this memorandum alters who may accompany you on privately-sponsored travel or on other officially-connected travel.

² House Rule 25, clause 5.

³ This guidance is not exhaustive and merely highlights event-specific exceptions to the Gift Rule. Please contact the Ethics Committee at (202) 225-7103 if you have questions about the event-specific exceptions or if none of these exceptions apply to your situation. Additional exceptions may still permit you to accept free attendance.

⁴ Anti-Solicitation Statute, 5 U.S.C. § 7353.

⁵ Event organizers may set their own limitations on guests. Nothing in this memorandum should be interpreted to override that.

Reception

What It Is: A reception is often a collegial gathering. A reception may be organized for the purposes of networking or socializing and does not have to include programing related to your official duties. Your attendance may be personal or official.

Requirements of the Exception: The food offered is limited to appetizers, hors d'oeuvres, and drinks. The food offered does not include even low-cost items that could be considered a meal, such as a pizza or hot dog. The setting is other than one-on-one. The invitation may come from anyone.

What You May Accept if Offered: Free attendance for yourself and one other person, appetizers, drinks, and informational materials.

Widely-Attended Event

What It Is: A widely-attended event is an event related to your official work where you speak on a topic related to your work for the House, you learn something related to your work, or where the event is otherwise related to your representational role. Large events, such as conferences, forums, and large fly-in dinners are often widely-attended events.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. You must determine that attendance at the event is related to your official duties. The event organizer must expect at least 25 other attendees from a broad group of people other than Congressional attendees or the event organizer's own employees.

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation,⁶ and informational materials.

Educational Event

What It Is: The main purpose of an educational event is for you to learn something that will help you better understand a topic related to the work you do for the House in a small group setting, such as a roundtable or a briefing. Often, educational events are structured to enhance discussion.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event sponsor. The main purpose of the event must be educational, such as a lecture, seminar, or discussion. The event sponsor must be a university, foundation, think tank, or similar nonprofit, non-advocacy organization. The event sponsor may not be a registered federal lobbyist or foreign agent nor employ or retain a registered federal lobbyist or foreign agent.

What You May Accept from the Sponsor if Offered: Free attendance for yourself and one other person; appetizers, drinks, and/or a meal; and informational materials.

Constituent Event

What It Is: The main purpose of a constituent event is to meet with constituent groups in a smaller group setting. Constituent events can include attendance at a monthly meeting with the local chamber of commerce or fly-in dinners that do not meet the numerical requirement for a widely-attended event.

Requirements of the Exception: For this exception to apply, you must receive the invitation from a civic association, veteran group, trade association, or similar organization comprised of constituents. The event must be regularly scheduled. You must determine that the event is related to your official

⁶Local transportation is defined as less than 35 miles.

or representational duties. The event must be open to members of the constituent group, rather than just its officers or board members.

What You May Accept from the Constituent Group if Offered: Free attendance for yourself and one other person; appetizers, drinks, and/or a meal; and informational materials.

Business Site Visit

What It Is: The main purpose of a business site visit is to enable you to tour a factory or other business to better understand its operations.

Requirements of the Exception: For this exception to apply, you must receive the invitation from site management. The local transportation offered must not begin or end in Washington, D.C. The meal offered must take place in a group setting with employees of the organization, rather than just with board members or management.

What You May Accept from Site Management if Offered: Free attendance for yourself and one other person, local transportation from an airport or other terminus to the business site, a meal at the business site in a group setting, and related informational materials.

Charitable Fundraising Event

What It Is: A charitable fundraising event is one where the event organizer raises funds or in-kind donations for an Internal Revenue Code (IRC) § 170(c) organization. Most commonly, these are 501(c)(3) charitable organizations. Some charitable fundraising events are referred to as galas. Your attendance is personal.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. At least half of the event proceeds must benefit an IRC § 170(c) organization.

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation; long-distance transportation and one night of lodging from the event organizer; informational materials; and entertainment at the event.

Political Event

What It Is: A political event is often a fundraiser where the proceeds will benefit a federal campaign or candidate. Political events are not always fundraisers. Your attendance is personal.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event sponsor. The sponsor must be an IRC § 527 organization. Most commonly, these are principal campaign committees, PACs, or parties.

What You May Accept from the Sponsor if Offered: Free attendance at the event for yourself and invited guests;⁷ appetizers, drinks, and/or meals; local transportation; long-distance transportation; lodging; informational materials; and entertainment at the event.

⁷ House Rule 25, cl. 5(a)(3)(G)(iii) allows you to accept anything a political organization offers in connection with a political event, including free attendance for multiple guests.

Common Event Exceptions to the House Gift Rule

Gift Rule Exception	Requirements	What You May Accept IF OFFERED								
		Your Free Attendance	Free Attendance for Any Kind of Guest	Info. Materials	Appetizers and Drinks	Meal	Local Travel	Long-Distance Travel	Lodging	Entertainment
Reception	<ul style="list-style-type: none"> • Invitation from anyone • Food limited to appetizers, drinks • Other than one-on-one setting 	✓	✓	✓	✓	✗	✗	✗	✗	✗
Widely-Attended Event	<ul style="list-style-type: none"> • Invitation from the event organizer • Related to your official duties • Organizer expects ≥ 25 attendees from broad group 	✓	✓	✓	✓	✓	✓	✗	✗	✗
Educational Event	<ul style="list-style-type: none"> • Invitation from the sponsor • Sponsor is nonadvocacy organization • Sponsor is not, and does not, retain or employ federal lobbyist or foreign agent • Purpose is educational 	✓	✓	✓	✓	✓	✗	✗	✗	✗
Constituent Event	<ul style="list-style-type: none"> • Invitation from constituent group • Event regularly scheduled • Related to your official duties • Event open to members of group 	✓	✓	✓	✓	✓	✗	✗	✗	✗
Business Site Visit	<ul style="list-style-type: none"> • Invitation from site management • Transportation not to/from DC • Meal in communal setting 	✓	✓	✓	✗	✓	✓	✗	✗	✗
Charitable Fundraising Event	<ul style="list-style-type: none"> • Invitation from the event organizer • At least half of the proceeds benefit an IRC § 170(c) organization • Attendance is personal 	✓	✓	✓	✓	✓	✓	✓	✓	✓
Political Event	<ul style="list-style-type: none"> • Invitation from the sponsor • Sponsor is IRC § 527 organization • Attendance is personal 	✓	✓	✓	✓	✓	✓	✓	✓	✓

Annual Member Ethics Training Now Live



Sending Office: Committee on Ethics
Sent By: EthicsCommittee@mail.house.gov

September 22, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Theodore E. Deutch, Chairman
Michael Guest, Acting Ranking Member

SUBJECT: Annual Member Ethics Training Now Live

The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.^[1] 2022 Annual Ethics Training for current Members is now live and available for all Members who were sworn in prior to January 1, 2022. **The deadline for current Members to complete their annual ethics training is December 31, 2022.** Current Members may have their staff email the Committee at ethics.training@mail.house.gov to request the link to complete the online annual ethics training. The Committee records Members who have completed ethics training.

New House Members, sworn in January 1, 2022, or after, must complete a specifically designated ethics training session within 60 days of joining the House.^[2] Newly-sworn in Members may have their staff email the Committee at ethics.training@mail.house.gov to schedule a New Member training.

By January 31 of each year, all House Members and employees must certify to the Ethics Committee that they have completed ethics training during the preceding calendar year.^[3] Employees who fully completed one of the online training options available through the Congressional Staff Academy will have made their necessary certification to the Committee. Online training for Members may only be

completed using the link provided by the Committee; online training for Members is not available through the Congressional Staff Academy.

FAILURE TO COMPLY WITH THE TRAINING REQUIREMENTS

Failure to satisfy the annual training requirement is a violation of House rules^[4] and may result in any of the specified disciplinary sanctions for House Members and employees, including the publication of noncompliant House Members and employees' names, additional ethics training, or other actions the Committee deems appropriate. If you have any questions regarding this guidance, please feel free to contact the Committee's Office of Advice and Education at ethics.training@mail.house.gov.

^[1] House Rule 11, cl. 3(a)(6)(A). The Committee defines an "officer or employee" as an individual appointed to a position of employment in the U.S. House of Representatives by an authorized employing authority who is receiving a salary disbursed by the Chief Administrative Officer or is on a leave without pay or furlough status. This definition includes fellows and interns paid by the House. For the purposes of this memorandum, "Member" is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

^[2] House Rule 11, cl. 3(a)(6)(B)(i).

^[3] House Rule 11, cl. 3(a)(6)(B)(ii).

^[4] See House Rule 11, cl. 3(a)(6)(B)(ii).

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Congress of the United States
House of Representatives

September 29, 2022

Important Information Relating to Hurricanes Fiona and Ian

Dear Colleague:

Several offices have contacted the Committee on House Administration, the Communications Standards Commission, and the Committee on Ethics to inquire about the extent to which official resources may be used to help those impacted by Hurricanes Fiona and Ian. We would like to take this opportunity to provide a review of the applicable rules, regulations, and procedures.

- A. For Members directly affected, information for government entities, as well as private entities directly involved in relief efforts organized by the federal, state, or local government, may be sent as a mass communication (emails, advertisements, flyers for handout, and posters) and posted on your official website and social media accounts. However, any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.**

When a state of emergency is declared, Members whose districts are directly affected may provide constituents with information to assist those impacted. This information may include addresses and telephone numbers of entities involved in relief efforts being coordinated by the federal, state, or local government. In the past, Members have provided contact information for blood drives conducted by the American Red Cross in conjunction with the Federal Emergency Management Agency (FEMA). However, referrals to organizations or links to sites whose primary purpose is the solicitation of goods, funds, or services on behalf of individuals or organizations are not permitted under the rules of the House.

In addition, although federal law and regulations of the Communications Standards Commission generally restrict unsolicited mass communications into congressional districts in the 60 days before a general election in which a Member is a candidate, there is a specific exception to permit Members to share vital information with their constituents in the event of a disaster. The Commission has determined that Members who represent districts affected by Hurricanes Fiona and Ian may send unsolicited mass communications to their constituents. Any such unsolicited mass communications must be reviewed by the Communications Standards Commission prior to distribution.

The Committee on House Administration recommends use of these government established websites for information on the relief efforts, as well as relevant state and local government websites:

www.usa.gov/disasters-and-emergencies
www.disasterassistance.gov
www.fema.gov/blog/just-time-preparedness-hurricane-ian

www.ready.gov/hurricanes

www.noaa.gov

www.nhc.noaa.gov/

www.opm.gov/policy-data-oversight/snow-dismissal-procedures/hurricane-guidance/

B. Members and staff may not use official resources to solicit anything for charities.

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

C. Members and staff may solicit for charities in their personal capacities only.

While official resources may not be used to solicit contributions for charitable organizations or to imply that such organizations or purposes have been endorsed by the House of Representatives, Members and staff may solicit in their personal capacities on behalf of organizations that are qualified under § 170(c) of the Internal Revenue Code – including, for example, § 501(c)(3) charitable organizations such as the Red Cross or Team Rubicon – without first obtaining Committee on Ethics approval. These personal efforts may not use official resources (including official staff time; office telephones, e-mail, and equipment; and official mailing lists). Other restrictions also apply. Solicitations on behalf of non-qualified entities or individuals are decided on a case-by-case basis through the submission to the Committee on Ethics of a written request for permission to make such solicitations. For example, solicitations of donations directly for individuals suffering as a result of the crisis, as opposed to § 501(c)(3) charities assisting sufferers, would need prior Committee on Ethics approval. For more information about solicitations for § 501(c)(3) or other entities, please review pages 347-49 of the *2008 House Ethics Manual* or contact the Committee on Ethics at 5-7103.

D. The Federal Election Commission (FEC) has advised us that Members' campaigns may provide information for federal, state and local government entities, as well as 501(c)3 charitable entities involved in relief efforts, and may share this information on the Member's campaign website and campaign social media accounts. Any questions regarding other local or community resources should be directed to the FEC's congressional liaison office at (202) 694-1006.

If you have any questions regarding the use of your:

1. Official resources in general, please contact the Committee on House Administration at (202) 225-2061 (majority) or (202) 225-8281 (minority).
2. Communications resources, please contact the Communications Standards Commission at (202) 225-9337 (majority) or (202) 226-0647 (minority).

3. Personal or campaign resources, or the loan of your name and personal title to private solicitations or initiatives in support of the relief efforts, please contact the Committee on Ethics at (202) 225-7103.

Sincerely,

Chairperson Zoe Lofgren
Committee on House Administration

Chairman Ted Deutch
Committee on Ethics

Ranking Member Rodney Davis
Committee on House Administration

Acting Ranking Member Michael Guest
Committee on Ethics



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

October 7, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan Wild, Acting Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Upcoming Live Ethics Training Session

This memorandum is a reminder to all offices about ethics training requirements and provides information about an upcoming live ethics training session. The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.^[1] The training requirement may be satisfied by attending a live training session, completing a training session through the Congressional Staff Academy, or by completing the Member Annual Ethics Training. By January 31 of each year, all House Members and employees must certify to the Committee that they have completed ethics training during the preceding calendar year.^[2] Employees who fully completed one of the online training options available through the Congressional Staff Academy or attend a live training session will have made their necessary certification to the Committee.

The Committee is pleased to announce an upcoming date for live training that will satisfy the ethics training requirement for new employees and existing employees. If you would like to attend, we recommend pre-registration as seating is limited. You may pre-register by clicking on the link provided in the “Location” section.

UPCOMING LIVE TRAINING SESSION

2022 House Ethics Training		
Date	Time	Location
Tuesday, October 18	10:00am-11:00am EDT	HVC 201

If you have any questions regarding ethics training requirements, please feel free to contact the Committee’s Office of Advice and Education at ethics.training@mail.house.gov.

^[1] House Rule 11, clause 3(a)(6)(A). The Committee defines an “officer or employee” as an individual appointed to a position of employment in the U.S. House of Representatives by an authorized employing authority who is receiving a salary disbursed by the Chief Administrative Officer or is on a leave without pay or furlough status. This definition includes fellows and interns paid by the House. For all purposes in this memorandum, “Member” is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

^[2] House Rule 11, clause 3(a)(6)(B)(ii).



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

October 24, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan Wild, Acting Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Two Upcoming Live, In-Person Ethics Training Sessions

This memorandum is a reminder to all offices about ethics training requirements and provides information about an upcoming live ethics training session. The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.^[1] The training requirement may be satisfied by attending a live training session, completing a training session through the Congressional Staff Academy, or by completing the Member Annual Ethics Training. By January 31 of each year, all House Members and employees must certify to the Committee that they have completed ethics training during the preceding calendar year.^[2] Employees who fully completed one of the online training options available through the Congressional Staff Academy or attend a live training session will have made their necessary certification to the Committee.

The Committee is pleased to announce two upcoming dates for **live, in-person** training that will satisfy the ethics training requirement for new employees and existing employees. If you would like to attend, we recommend pre-registration as seating is limited. You may pre-register by clicking on the link provided in the "Location" section.

UPCOMING LIVE TRAINING SESSIONS

2022 House Ethics Training		
Date	Time	Location
Monday, November 14	10:00am-11:00am EDT	H-137, The Capitol
Friday, December 9	10:00am-11:00am EDT	HVC 201

If you have any questions regarding ethics training requirements, please feel free to contact the Committee's Office of Advice and Education at ethics.training@mail.house.gov.

^[1] House Rule 11, clause 3(a)(6)(A). The Committee defines an “officer or employee” as an individual appointed to a position of employment in the U.S. House of Representatives by an authorized employing authority who is receiving a salary disbursed by the Chief Administrative Officer or is on a leave without pay or furlough status. This definition includes fellows and interns paid by the House. For all purposes in this memorandum, “Member” is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

^[2] House Rule 11, clause 3(a)(6)(B)(ii).



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

November 29, 2022

MEMORANDUM FOR ALL MEMBERS, MEMBERS-ELECT, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan Wild, Acting Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Member Swearing-in Events

This memorandum summarizes the ethics rules relating to the receptions that Members may wish to hold or attend in connection with their swearing-in.¹ The major rules that apply in these areas are briefly summarized below, and guidance on specific circumstances is available by calling the Committee at (202) 225-7103 or writing to the Committee at ethicscommittee@mail.house.gov.

Member Swearing-in Receptions. You may wish to host a reception or similar event for your constituents in connection with your swearing-in. You may use your principal campaign committee funds to pay the costs of such a reception, even if the reception is held in your office or another House room.² However, swearing-in events held in House rooms or district offices may not be campaign or political in nature. A swearing-in event would likely be campaign or political if, for example, the list of invitees were limited to only campaign contributors. The Committee understands the Members' Representational Allowance may not be used for receptions that are purely social activities or social events, including swearing-in receptions.³

You may not allow a lobbying firm or other private entity to pay the costs of a reception or other event hosted by you in connection with your swearing-in. Accepting private subsidy of

¹ Members are subject to House Rules upon swearing-in.

² See Comm. on Ethics, *House Ethics Manual 2022 Print* at 127, 160. Even though these events are paid for with campaign funds, they are still official in nature. Therefore, no campaign activity, including soliciting for campaign donations, may occur during these events or on House grounds.

³ Please contact the Committee on House Administration for any additional questions about the use of official House funds.

your official events is an impermissible gift under the House Gift Rule.⁴ However, as discussed further below, a private entity may host its own event in your honor, subject to certain limitations.

Attendance at Privately-Sponsored Events. Acceptance of free attendance at swearing-in related events sponsored by private entities are subject to the House gift rule. Thus, a Member or staff person may accept such an offer only if acceptance is allowed under one of the provisions of the gift rule. Some examples of applicable gift rule exceptions include receptions, widely-attended events, and gifts worth less than \$50. A private entity may also wish to host an event in your honor.

Reception

What It Is: A reception is often a collegial gathering. A reception may be organized for the purposes of networking or socializing and does not have to include programing related to your official duties. Your attendance may be personal or official.

Requirements of the Exception: The food offered is limited to appetizers, hors d'oeuvres, and drinks. The food offered does not include even low-cost items that could be considered a meal, such as a pizza or hot dog. The setting is other than one-on-one. The invitation may come from anyone.⁵

What You May Accept if Offered: Free attendance for yourself and one other person, appetizers, drinks, and informational materials.

Widely-Attended Event

What It Is: A widely-attended event is an event related to your official work where you speak on a topic related to your work for the House, you learn something related to your work, or where the event is otherwise related to your representational role. Large events, such as conferences, forums, and large fly-in dinners are often widely-attended events.

Requirements of the Exception: For this exception to apply, you must receive the invitation from the event organizer(s), and not from a financial sponsor. You must determine that attendance at the event is related to your official duties. The event organizer must expect at least 25 other attendees from a broad group of people other than Congressional attendees or the event organizer's own employees.⁶

⁴ House Rule 25, cl. 5.

⁵ House Rule 25, cl. 5(a)(3)(U).

⁶ Individuals who are officials of other branches or levels of government count toward the required minimum of 25, but spouses and others who accompany the congressional Members and staff do not count toward the required minimum. See House Rule 25, cl. 5(a)(4)(A); *House Ethics Manual*, Gifts Chapter, XI.J.ii, https://ethics.house.gov/house-ethics-manual/gifts#_Widely-Attended_Events.

What You May Accept from Event Organizer if Offered: Free attendance at the event for yourself and one other person; appetizers, drinks, and/or meals; local transportation;⁷ and informational materials.

Less than \$50

What It Is: The less than \$50 exception can be used as a catch-all exception to the gift rule, if another, more specific exception does not apply.

Requirements of the Exception: You may accept anything that is \$49.99 or less in a single instance from a single donor. The entity offering the gift may not be a registered federal lobbyist, a foreign agent, or an organization that employs or retains lobbyists or foreign agents. This exception has a \$99.99 cap per year, per donor, per recipient.⁸

What You May Accept if Offered: Gifts including free attendance that total no more than \$49.99 in a single instance. Cash and cash equivalents are prohibited.

Events in Your Honor

What It Is: An event nominally in your honor is an event “in honor of” you, but where you are not the host, nor do you receive any particular benefit. An event in your honor is not considered a gift to you. The event could be a widely-attended event, a reception, or any other type of event. The event could be in honor of a single Member or employee or a group of Members or employees.

Requirements of the Exception: For an event to be nominally in your honor, the identity of the event organizer must be made clear to all participants. You may not be listed as the host or sponsor of the event, nor may you be involved in the planning and organizing of the event. You may not receive any particular benefit from the event. You may not ask the event sponsor to host the event, nor may you ask others for support for the event, both monetary and in-kind.⁹

What You May Accept from Event Organizer if Offered: The full cost of the event will not be a gift to you. However, the event must meet a gift exception to accept free attendance.

Detailed information on the provisions of the gift rule regarding attendance at events is available in the Committee’s *House Ethics Manual 2022 Print*, the text of which is on the Committee’s website, <https://ethics.house.gov/house-ethics-manual>. A quick reference chart is on the following page.

* * *

Please note that the Committee’s guidance is subject to change if the 118th Congress adopts changes to the ethics rules. Members and staff with questions on the matters addressed

⁷ Local transportation is defined as less than 35 miles.

⁸ House Rule 25, cl. 5(a)(1)(B)(i).

⁹ See *House Ethics Manual*, Gifts Chapter, XI.J.viii, https://ethics.house.gov/house-ethics-manual/gifts#_Events_in_Honor.

above should contact the Committee after the 118th Congress has convened to seek further guidance about any such rule changes. Any questions on these subjects should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

Common Swearing-In Events

Gift Rule Exception	Requirements	What You May Accept IF OFFERED					
		Your Free Attendance	Free Attendance for Any Kind of Guest	Info. Materials	Appetizers and Drinks	Meal	Local Travel
Reception	<ul style="list-style-type: none"> • Invitation from anyone • Food limited to appetizers, drinks • Other than one-on-one setting 	✓	✓	✓	✓	✗	✗
Widely-Attended Event	<ul style="list-style-type: none"> • Invitation from the event organizer • Related to your official duties • Organizer expects ≥ 25 attendees from broad group 	✓	✓	✓	✓	✓	✓
Less than \$50	<ul style="list-style-type: none"> • Total value is \$49.99 or less • Not offered by lobbyist, foreign agent, or lobbying firm • Less than \$100 annual limit 	✓*	✓*	✓*	✓*	✓*	✓*
Events in Your Honor	<ul style="list-style-type: none"> • No involvement in planning or organizing • No soliciting for support • Event organizer is clear 	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception	Must Meet a Gift Exception

* If the total value of what you receive is \$49.99 or less.



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

December 15, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan Wild, Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Reminder about Annual Ethics Training Requirements for 2022

This memorandum is a reminder to all offices about ethics training requirements. The Committee on Ethics is required to provide annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House.¹ The Committee offers ethics training both through online video courses and in-person training sessions. For the second session of the 117th Congress to date, the Committee has held 33 in-person ethics training sessions and provided ethics training to more than 12,553 Members,² officers, and employees.

New House Members and employees must complete an ethics training session within 60 days of joining the House.³ Existing House Members, officers, and employees are required to take one hour of general ethics training each calendar year. In addition, the Committee requires all senior staff⁴ – whether new or existing employees – to complete an additional hour of specialized training at least once per Congress.

¹ House Rule 11, clause 3(a)(6)(A). The Committee defines an “officer or employee” as an individual appointed to a position of employment in the U.S. House of Representatives by an authorized employing authority who is receiving a salary disbursed by the Chief Administrative Officer or is on a leave without pay or furlough status. This definition includes fellows and interns paid by the House.

² For all purposes in this memorandum, “Member” is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

³ House Rule 11, clause 3(a)(6)(B)(i).

⁴ “Senior staff” for training purposes are employees who are paid at the “senior staff annual salary rate” for at least 60 days in either (or both) calendar years of a Congress. For 2022, the senior staff annual salary rate is

By January 31 of each year, all House Members and employees must certify to the Ethics Committee that they have completed ethics training during the preceding calendar year.⁵ Employees who fully completed one of the online training options available through the Congressional Staff Academy will have made their necessary certification to the Committee. The following are the ethics training requirements for 2022 for Members, officers, and employees of the House, as well as the details of how to complete the registration and/or certification process for both live and online ethics training programs.

2022 ETHICS TRAINING REQUIREMENTS

Members

New House Members must complete a training session specifically designated for new Members within 60 days of joining the House. A “new” Member for the purposes of the 2022 training requirement is an individual who was *first* sworn in on or after January 3, 2022. Before each Congress, the Committee on Ethics provides ethics training for incoming new Members at the New Member Orientation organized by the Committee on House Administration. The Committee on Ethics also provides this training for new Members elected through a special election within the new Members’ first 60 days.

Existing Members must complete one hour of training by **December 31, 2022**. Please have a staff member contact the Committee at ethics.training@mail.house.gov for a link to complete online ethics training.

The Committee records Members who have completed ethics training. Members may have their staff email the Committee at ethics.training@mail.house.gov to request confirmation that they have completed the required ethics training.

“New” House Employees

All new employees must complete ethics training within 60 days of beginning House employment. A “new” House employee for purposes of the 2022 training requirement is an individual who first began employment with the House on or after January 3, 2022. Any former House employee who returns to House employment after a gap of more than 90 consecutive calendar days is considered to be a “new” employee. Fellows and interns paid by the House for more than 60 days also must comply with this requirement.⁶

\$135,468, or a monthly pay rate at or above \$11,289. Please note that the senior staff annual salary rate is subject to change in 2023.

⁵ House Rule 11, clause 3(a)(6)(B)(ii).

⁶ Detailees, fellows not paid by the House, unpaid interns, and any individuals who are employed by the House and paid for fewer than 60 days are not required to attend ethics training in 2022. The Ethics Committee nonetheless encourages these individuals to complete ethics training, so they become familiar with the House ethics rules while working in a House office or for a House committee.

On March 11, 2020, the Committee waived the *live* training requirement for new employees who work in Capitol Hill offices until further notice. New employees who work in Capitol Hill offices may complete the 2022 House Ethics Training available through the Congressional Staff Academy.

Existing House Employees

“Existing” (*i.e.*, not new) House employees must complete one hour of training before the end of the calendar year. For 2022, this means all existing House employees must complete one hour of training by **December 31, 2022**. **There are no extensions to this deadline, for any reason.** In addition, employees who are senior staff may have an additional hour of training to complete, as explained more fully in the next section. Employees are responsible for determining whether they are considered senior staff.

As a general matter, existing employees will fulfill their general ethics training requirement by completing the 2022 House Ethics Training.

Senior Staff Training

All employees who are “senior staff”⁷ are required to take an additional hour of training at least once per Congress on issues primarily of concern to senior staff or supervisors. For the 117th Congress, this means all senior staff must complete one hour of training by **January 3, 2023**. This “senior staff” hour is required *in addition to* the one-hour House Ethics Training all officers and staff are required to complete annually. Senior staff employees may fulfill the requirement for an additional hour by completing the 117th Congress: Senior Staff Ethics Training through the Congressional Staff Academy website or having attended a live training session.

Briefings that satisfy the senior staff training requirement include general sessions on issues of concern to senior staff, sessions on completing financial disclosure (FD) statements or Periodic Transaction Reports (PTRs), or sessions on the post-employment restrictions. However, employees may *not* complete more than one hour of senior staff training in lieu of completing their annual general ethics training requirement.

Summary

Position	Training Required	Deadline
New Member	Email ethics.training@mail.house.gov to schedule a one-on-one training	Within first 60 days

⁷ See *supra* note 4.

Existing Member	Email ethics.training@mail.house.gov for link to online training	December 31, 2022
New Staff	2022 House Ethics Training	Within first 60 days
Existing Staff	2022 House Ethics Training	December 31, 2022
New Senior Staff	2022 House Ethics Training <i>and</i> 117th Congress: Senior Staff Ethics Training or attending a live briefing	Within first 60 days
		January 3, 2023
Existing Senior Staff	2022 House Ethics Training <i>and</i> 117th Congress: Senior Staff Ethics Training or attending a live briefing	December 31, 2022
		January 3, 2023

ONLINE REGISTRATION & CERTIFICATION PROCESS

Members

Members may have their staff email the Committee at ethics.training@mail.house.gov for the link to complete online ethics training and/or to request confirmation that they have completed the required ethics training.

Employees

Employees can complete ethics training online by accessing the training through the Congressional Staff Academy website. Ethics training can be found under the “annual training” tab. Employees must complete the entire online training program to receive credit and use a House computer to access the Congressional Staff Academy website to complete the training online. Employees who do not have access to a House computer or do not have a House email account should email the Ethics Committee at ethics.training@mail.house.gov to make alternate arrangements for completing their training.

After completing an online training program, the system will automatically log the employee as “complete.” This information is automatically transmitted to the Ethics Committee. Thus, once the system labels an employee as “complete,” the employee has satisfied the annual training and certification requirement. Employees will be able to check their Congressional Staff Academy transcript at any time to verify the completion of their own annual ethics training requirement.

Each House employee is responsible for completing their ethics training requirement and certifying completion. Employees can view past training history on the Congressional Staff Academy website under the “learning” tab and by clicking “view my transcript.”

A chief of staff (or staff director or other supervisors) can confirm employee ethics training completion by requesting each staff person to provide either the email they received after attending an in-person training or a printout of their Training Completion Certificate from the Congressional Staff Academy website.

FAILURE TO COMPLY WITH THE TRAINING REQUIREMENTS

Failure to satisfy the annual training requirement is a violation of House rules⁸ and may result in any of the specified disciplinary sanctions for House Members and employees, including the publication of noncompliant House Members and employees' names, additional ethics training, or other actions the Committee deems appropriate. If you have any questions regarding this guidance, please feel free to contact the Committee's Office of Advice and Education at ethics.training@mail.house.gov.

⁸ See House Rule 11, clause 3(a)(6)(B)(ii).



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

December 15, 2022

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan Wild, Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Foreign Gifts and Decorations Act CY 2022 Reporting Reminder

The Constitution prohibits federal government officials, including Members and employees of Congress, from receiving “any present ... of any kind whatever” from a foreign state or a representative of a foreign government without the consent of the Congress. Congress has consented to the acceptance of certain gifts from foreign governments through the vehicles of the Foreign Gifts and Decorations Act (“FGDA”) and the Mutual Educational and Cultural Exchange Act (“MECEA”).

Annual Reporting Requirements

The FGDA requires the Committee to compile a list of certain tangible gifts or gifts of travel that House Members, officers, and employees, or their spouse or dependent, accepted from a foreign government or a multinational organization during the preceding calendar year. The Committee is required to send this list for 2022 to the Secretary of State by January 31, 2023, for publication in the *Federal Register*. **Any Member, officer, or employee who accepted any tangible gifts worth more than \$415 or gifts of travel outside the United States, regardless of value, from a foreign government under the FGDA during calendar year 2022, or whose spouse or dependent accepted such gifts, and who has not already reported the gifts to the Committee must complete this [form](#) and return it to the Committee by January 15, 2023.**

If you are an annual financial disclosure filer, you may also need to report these gifts on your annual financial disclosure statement. You may find more information about financial disclosure reporting of foreign gifts in the [FGDA Regulations](#) issued by the Committee.

What You May Accept

Pursuant to the FGDA, Members, officers, and employees may accept and keep a tangible gift valued at less than minimal value from a foreign government that is tendered and received as a souvenir or mark of courtesy, including a meal, entertainment, or local travel within the United States. For FGDA purposes, a “foreign government” includes any foreign national, state, municipal, or local government, but also any unit of foreign governmental authority, any international or multinational organization whose membership is composed of any unit of a foreign government, and any agent or representative of any such unit or organization acting in that capacity. Tangible gifts valued at more than minimal value from a foreign government may only be accepted when refusal would be deemed likely to cause offense or embarrassment or otherwise adversely affect foreign relations of the United States. However, such gifts are deemed to have been accepted on behalf of the United States government, and the recipient must both deposit the gift with the Clerk of the House *within 60 days* of accepting it and file a disclosure report with the Committee.

The FGDA does not permit the acceptance of gifts of travel abroad (such as transportation, food, lodging, and entertainment) unless the travel takes place entirely outside of the United States and is related to official duties or is received under a program approved by the Department of State under MECEA. Reports concerning gifts of travel outside the United States accepted under the FGDA must be filed with the Committee *within 30 days* of accepting the gift of travel, regardless of value.

What is Minimal Value

The General Services Administration sets the amount that constitutes “minimal value.” For gifts received from 2020 to 2022, “minimal value” is \$415. More information about gifts from foreign governments, including the FGDA regulations previously issued by the Committee, is available in the [House Ethics Manual](#). If you have any questions regarding acceptance of tangible gifts or gifts of travel from a foreign government, please call the Committee at 5-7103.



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

December 15, 2022

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Susan Wild, Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers

The purpose of this memorandum is to remind you about issues of concern to House Members¹ and officers² who are negotiating for future employment or departing from employment with the House of Representatives.³ The matters discussed here include negotiations for future employment, post-employment restrictions, financial disclosure requirements (Termination Reports), and outside employment and earned income restrictions.⁴ Although this memorandum will be of particular interest to departing Members, current Members should also familiarize themselves with these restrictions, particularly the criminal restrictions on post-employment communications. Current Members and staff are reminded that they may not assist in the violation of these restrictions.

¹ This Memorandum uses the term "Member" to refer to House Members, Delegates, and the Resident Commissioner.

² The elected officers of the House are the Clerk, Sergeant-at-Arms, Chaplain, and Chief Administrative Officer. *See* House Rule 2, cl. 1.

³ The restrictions discussed herein apply uniformly to House Members, Delegates, the Resident Commissioner, and officers, except where noted with regard to the elected House officers.

⁴ The Committee has issued a separate memorandum addressing a similar range of issues for departing employees of the House and certain other legislative offices. Employees who are seeking future employment or departing House employment should consult that memorandum, titled "Negotiations for Future Employment and Restrictions on Post-Employment for House Staff," rather than this memorandum, for guidance.

In addition, the Committee would like to take this opportunity to note one statutory provision that applies to **all House Members and staff**. House Members and staff may not use confidential information obtained by means of personal and substantial participation in ongoing trade or treaty negotiations for one year prior to leaving House employment in the course of representing, aiding, or advising anyone other than the United States regarding those ongoing negotiations.⁵ As with other provisions of this statute, this prohibition lasts for one year after departure from the House payroll.⁶

NEGOTIATING FOR FUTURE EMPLOYMENT

In the past, the Committee's general guidance on job negotiations has been that House Members and employees are free to pursue future employment while still employed by the House, subject to certain ethical constraints. This memorandum provides more detailed guidance on the issues presented by such negotiations, as well as mandatory disclosure obligations such negotiations may trigger.

The general guidance applicable to any Member who wishes to engage in negotiations for future employment is as follows. First and foremost, it would be improper for a Member to permit the prospect of future employment to influence the official actions of the Member.⁷ Some Members may determine to use an agent (e.g., a "headhunter") to solicit job offers on their behalf in order to avoid any appearance of improper activity. Regardless of whether job negotiations are undertaken personally or through an agent, the following generally-applicable principles must be observed.

The term "negotiation" is not defined in the relevant statute or House rule. In its past guidance, the Committee has given deference to court decisions interpreting a related federal criminal statute that bars Executive Branch employees from participating in matters affecting the financial interests of an entity with which the employee is "negotiating or has any arrangement" concerning future employment.⁸ Those decisions found that the term "negotiation" should be construed broadly.⁹ However, these decisions make a distinction between "negotiations," which

⁵ 18 U.S.C. § 207(b). For purposes of this provision, the term "trade negotiation" means "negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988 and does not include any action taken before that determination is made" and the term "treaty" means "an international agreement made by the President that requires the advice and consent of the Senate." *Id.* at § 207(b)(2).

⁶ *Id.*

⁷ See House Rule 23, cl. 3; Code of Ethics for Government Service §§ 5, 6, reprinted in *House Ethics Manual 2022 Print* at 355.

⁸ 18 U.S.C. § 208.

⁹ See, e.g., *United States v. Schaltenbrand*, 930 F.2d 1554, 1559 (11th Cir. 1991); *United States v. Conlon*, 628 F.2d 150, 155 (D.C. Cir. 1980).

trigger the rule, and “[p]reliminary or exploratory talks,” which do not.¹⁰ The term “negotiations” connotes “a communication between two parties with a view toward reaching an agreement” and in which there is “active interest on both sides.”¹¹ Thus, merely sending a copy of one’s résumé to a private entity is not considered “negotiating” for future employment.

Other, more general, ethical rules also bear on the subject of employment negotiations. The House Code of Official Conduct prohibits House Members, officers, and employees from receiving compensation “by virtue of influence improperly exerted” from a congressional position.¹² The Code of Ethics for Government Service forbids anyone in government service from accepting “favours or benefits under circumstances which might be construed by reasonable persons as influencing the performance” of governmental duties.¹³ Federal criminal law prohibits a federal official from soliciting or accepting a “bribe” – i.e., anything of value given in exchange for being influenced in an official act.¹⁴ Although bribery necessarily entails a *quid pro quo* arrangement, the same statute also bans seeking or accepting “illegal gratuities” – i.e., anything given because of, or in reward for, a future or past official act, whether or not the official action would be, or would have been, taken absent the reward.¹⁵

In light of these restrictions, Members should be particularly careful in negotiating for future employment, especially when negotiating with anyone who could be substantially affected by the Member’s performance of official duties.¹⁶ It may be prudent for the Member to have an exchange of correspondence with any serious negotiating partner, stipulating that the prospective employer will receive no official favors in connection with the job negotiations. Because Members will be subject to the post-employment restrictions, which are addressed later in this memorandum, they may also wish to establish in correspondence with any prospective employer that the future employer understands that (1) it will receive no official favors as a result of the job negotiations, and (2) the Member is subject to post-employment restrictions, which should be briefly outlined.¹⁷ Departing Members who are lawyers should consult their local bar associations concerning the

¹⁰ *Schaltenbrand*, 930 F.2d at 1558-59.

¹¹ *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990) (quoting jury instruction); see also *Schaltenbrand*, 930 F.2d at 1558, 1559 n.2.

¹² House Rule 23, cl. 3.

¹³ Code of Ethics for Government Service ¶ 5, reprinted in *House Ethics Manual 2022 Print* at 355.

¹⁴ 18 U.S.C. § 201(b)(2)(A).

¹⁵ *Id.* § 201(c)(1)(B).

¹⁶ See Code of Ethics for Government Service ¶ 5, reprinted in *House Ethics Manual 2022 Print* at 355.

¹⁷ See 18 U.S.C. § 207. These restrictions are explained in detail later in this memorandum. Briefly, House Members may not contact any Member, officer, or employee of the House or Senate on official business for one year after leaving office, nor may they assist any foreign government or foreign political party in seeking to influence a decision of any federal official during that year. House officers may neither contact the individual’s former congressional office on official business for one year after leaving House employment, nor assist any foreign entity, i.e., a foreign government or foreign political party, in seeking to influence a decision of any federal official during that year.

application of rules governing their involvement in matters in which they participated personally and substantially during their time with the House.¹⁸ In addition, as addressed in the next section of this memorandum, Members must disclose employment negotiations in writing to the Ethics Committee.

Finally, as a reminder, Members should not be actively involved in personally selling or endorsing goods or services in which they or their family have a financial interest. Thus, as Members prepare to terminate their House service, they should refrain from allowing their name to be used in the selling or endorsing of a company, product, or service. The Committee strongly recommends that any Member with a question about how they may discuss work they may engage in after they leave the House contact the Committee for additional guidance about their specific situation.

Provided that Members conduct themselves in accordance with the considerations discussed above, they may engage in negotiations for employment in the same manner as any other job applicant. Discussions may specifically address salary, duties, benefits, and other terms.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSAL REQUIREMENTS

Members must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a *private* entity.¹⁹ As stated above, the term “negotiation” is not defined in the relevant statute or House rule. The Committee views negotiations using the standard discussed earlier in this memorandum, namely that there has been “a communication between two parties with a view to reaching an agreement” and in which there is “discussion and active interest on both sides.”²⁰ For example, an exploratory conversation or an initial interview may not constitute “negotiations,” but an interview after the “exploratory” stage would if there is active interest on both sides, even if the terms of employment are not yet discussed.

¹⁸ A former Member who joins a law firm should also be aware that a separate statutory provision, 18 U.S.C. § 203, has been interpreted to prohibit a former federal official who joins a firm from sharing in fees attributable to representational services in federally related matters when those services were provided by the firm while the individual was still employed by the government. *See, e.g.*, Application of 18 U.S.C. § 203 to Former Employee’s Receipt of Attorney’s Fees in Qui Tam Action, 26 Op. O.L.C. 10 (2002), <https://www.justice.gov/olc/file/623846/download>.

Please note that 18 U.S.C. § 203 is a federal criminal statute within the jurisdiction of the U.S. Department of Justice; therefore, Members may wish to seek guidance from outside counsel prior to accepting fees that may implicate 18 U.S.C. § 203.

¹⁹ House Rule 27, cl. 1; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter “STOCK Act”) § 17.

²⁰ *See Hedges*, 912 F.2d at 1403 n.2.

In addition, Members must recuse themselves from “any matter in which there is a conflict of interest or an appearance of a conflict” with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.²¹ Members who recuse themselves also must, at that time, file their negotiation notification with the Clerk in the Legislative Resource Center (B-135 Cannon House Office Building) for public disclosure.²²

The Committee has issued forms, available on the Committee website (<https://www.ethics.house.gov>), to be used for these notification requirements. When notifying the Committee of negotiations or agreements for future employment or compensation, Members and officers should complete and sign an employment negotiation form, formally titled the “Notification of Negotiations or Agreement for Future Employment.” The completed form must be submitted to the Committee, but all filers should keep a copy of their submission, as explained below.

There is a separate form for notifying the Committee of recusal, titled the “Statement of Recusal.” All Members and officers who recuse themselves from official matters pursuant to House Rule 27 must complete and submit the recusal form to the Committee. At that time, Members must *also* submit to the Clerk a copy of the completed employment negotiation form regarding that private entity, which they had previously submitted to the Committee. The Clerk will make that form available for public disclosure. As noted above, the requirement to make a simultaneous filing with the Clerk of the corresponding job negotiation form applies only to Members and not to House officers or employees.

Forms may be sent by email to EthicsCommittee@mail.house.gov.

The terms “conflict” and “appearance of conflict” are not defined in the rule. The Committee has stated that a “conflict of interest becomes problematic when a Member uses his position to enhance his personal financial interests or his personal financial interests impair his judgment in conducting his public duties.”²³ Members should also avoid situations that might be viewed as presenting even a risk that the Member might be improperly influenced by personal financial interests.²⁴

²¹ House Rule 27, cl. 4.

²² *Id.* House Rule 27 does not require House employees to file their notice of negotiation with the Clerk.

²³ House Comm. on Standards of Official Conduct, *In the Matter of Representative Sam Graves*, H. Rep. No. 111-320, at 16 (2009); *see also* House Bipartisan Task Force on Ethics, 101st Cong. Report on H.R. 3660 (Comm. Print 1989), *reprinted in* 135 Cong. Rec. 30740 at 30742 (daily ed. Nov. 21, 1989) (“A conflict of interest is generally defined as a situation in which an official’s private financial interests conflict or appear to conflict with the public interest.”); House Rule 23, cl. 3 (“A Member . . . may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”).

²⁴ *See* Staff of H. Comm. on the Judiciary, 85th Cong., *Federal Conflict of Interest Legislation 1* (Comm. Print 1958) (“Within reasonable limits, also, the importance of public confidence in the integrity of the Federal

Among the “official matters” covered by the recusal provision discussed above is abstention from voting, or affirmatively taking official actions, on matters that would affect an outside party with whom the Member is negotiating, or from whom the Member has accepted employment. This inquiry has traditionally been governed solely by House Rule 3, which states that abstention from voting on the House floor is not warranted unless the Member has “a direct personal or pecuniary interest in” the matter.²⁵ Longstanding House precedent interpreted this rule to mean that Members may vote on any matter that affects them merely as part of a large class of individuals or entities rather than with particularity.²⁶ Thus, for example, Members who were veterans were permitted to vote on military pay and pensions, which affected them only as members of a class of thousands of individuals who held or had held similar positions.²⁷ Historical practice has established that, with regard to House Rule 3, there is no authority to force a House Member to abstain from voting, and the decision on whether abstention from voting was necessary has been left for individual Members to determine for themselves under the circumstances.²⁸

However, as described above, a House rule now also imposes a requirement that Members who are negotiating for future employment “shall recuse” themselves “from any matter in which there is a conflict of interest or an appearance of a conflict for that Member.”²⁹ At a minimum, Members faced with a vote on a matter that directly impacts a private entity with which they are negotiating would have difficulty balancing the duty they owe to their constituents with the recusal provisions of House Rule 27. Members are strongly encouraged to abstain from voting on legislation that provides a benefit targeted to any entity with which the Member is negotiating or from which the Member has accepted future employment. Members likewise are discouraged from sponsoring legislation or earmarks for such an entity. In addition, House Rule 23, clause 17 requires that Members who request an earmark certify to the chairman and ranking member of the committee of jurisdiction that the Member and the Member’s spouse have “no financial interest” in the earmark.³⁰ Any earmark benefitting an entity with which a Member is negotiating or has

service justifies the requirement that the Federal employee shall avoid the appearance of evil, as well as evil itself.”); Code of Ethics for Government Service ¶ 3, *reprinted in House Ethics Manual 2022 Print* at 355 (“Any person in government service should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”); *see also* House Rule 23, cl. 2 (“A Member . . . shall adhere to the spirit and letter of the Rules of the House . . .”).

²⁵ House Rule 3, cl. 1.

²⁶ *See* 5 Asher C. Hinds, *Hinds’ Precedents of the House of Representatives* § 5952 at 503-04 (1907) (hereinafter “*Hinds’ Precedents*”); *see also* Jason A. Smith, *Parliamentarian, Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Seventeenth Congress*, H.R. Doc. No. 116-177 (2021), § 673 (hereinafter “*House Rules and Manual*”).

²⁷ *See Hinds’ Precedents* § 5952, at 503-04; *see also House Ethics Manual 2022 Print* at 234-35.

²⁸ *See Hinds’ Precedents* §§ 5950, 5952 at 502-04; *see also House Rules and Manual* § 672.

²⁹ House Rule 27, cl. 4.

³⁰ House Rule 23, cl. 17.

accepted future employment could be deemed to provide a financial interest to the Member under this provision.

BENEFITS OFFERED BY PROSPECTIVE EMPLOYERS DURING JOB NEGOTIATIONS

Members may accept “[f]ood, refreshments, lodging, transportation, and other benefits . . . customarily provided by a prospective employer in connection with bona fide employment discussions.”³¹ Thus, subject to the limitations set out in the rule, a Member may accept travel expenses from an entity with which the Member is interviewing for a position and to meet prospective colleagues. Such travel is *not* subject to the requirement for prior, written approval from the Committee that applies to privately-funded travel undertaken as part of one’s House duties. However, travel expenses that exceed \$415 from any one source must be disclosed on Schedule H (“Travel Payments and Reimbursements”) of the termination financial disclosure statement required of departing Members.³² In addition, any agreement for future employment also must be disclosed on Schedule F (“Agreements”) of that statement, if the agreement was entered into prior to the employee’s last date on House payroll.³³

POST-EMPLOYMENT RESTRICTIONS

Since 1989, legislative branch officials, including certain employees, have been subject to restrictions on their post-House employment under the Ethics Reform Act.³⁴ These limitations are part of the federal criminal code, and they apply to Members and officers of the House,³⁵ as well as to employees of House Member, committee, and leadership offices who are paid at least 75% of a Member’s salary, inclusive of any federal civil service or military annuity.³⁶ For these covered individuals, the law establishes a one-year “cooling-off period” measured from the date of the individual’s departure from the House payroll.³⁷ For Members who are not re-elected to the House, this date will be January 3 of the year following the election (not the date of adjournment *sine die*),³⁸ unless the Member resigns prior to that date.

Set out below is a detailed description of prohibited and permitted post-employment activities of former Members under the statute. This explanation is followed by a table that briefly

³¹ House Rule 25, cl. 5(a)(3)(G)(ii).

³² 5 U.S.C. app. § 102(a)(2)(B).

³³ *Id.* § 102(a)(7)(A).

³⁴ 18 U.S.C. § 207 (e), (f).

³⁵ *Id.* § 207(e)(1).

³⁶ *Id.* § 207(e)(7).

³⁷ *Id.* § 207(e).

³⁸ *See* U.S. Const. amend. XX, § 2 (establishing the start of the congressional session at noon on January 3).

summarizes the statutory restrictions. Please note that the statute, as part of the criminal code, is enforced by the Department of Justice (DOJ), rather than by the Ethics Committee. While the Ethics Committee interpretations of 18 U.S.C. § 207 are not binding on DOJ, those interpretations are based on the Committee's analysis of the terms and purposes of the statute, as well as any applicable opinions or guidance of DOJ or the U.S. Office of Government Ethics (OGE) of which the Committee is aware. Accordingly, a Member (or former Member) who has any concerns about the applicability of the post-employment restrictions to his or her proposed conduct should contact the Ethics Committee for guidance.³⁹ The Committee also recommends Members seek guidance from outside counsel.

Prohibited Activity

Under the statute, former Members may **not**, for a period of **one year** after leaving office:

- ✕ **Knowingly communicate with or appear before any Member, officer, or employee of the House or the Senate,**⁴⁰ or current employees of any other legislative office,⁴¹ with the intent to influence, on behalf of any other person, the official actions or decisions of such Member, officer, or employee.⁴² The statute excepts certain representations made on behalf of specific types of entities. These exceptions are described below in the context of "permissible activity."

³⁹ It should be noted that one court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official's supervising ethics office. *Hedges*, 912 F.2d at 1404-06.

⁴⁰ Unlike former Members, former elected officers of the House are unrestricted in their post-employment interactions with all Senate personnel and may similarly interact with employees of "other legislative offices." See 18 U.S.C. § 207(e)(1)(B)(iii). Put another way, during the statutory "cooling-off" period, a former House officer is restricted from contacting only Members, officers, and employees *of the House*.

⁴¹ "[O]ther legislative offices" include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. The term also includes any other House legislative branch office not covered by the other provisions of the statute, such as the Clerk, Parliamentarian, Office of General Counsel, and Chief Administrative Officer. See 18 U.S.C. § 207(e)(9)(G).

⁴² 18 U.S.C. § 207(e)(1).

- ✗ Knowingly **represent a foreign entity, i.e., a foreign government or foreign political party**, before any federal official (including any Member of Congress) with the intent to influence a decision of such official in carrying out his or her official duties.⁴³
- ✗ Knowingly **aid or advise a foreign entity, i.e., a foreign government or foreign political party**, with the intent to influence a decision of any federal official (including any Member of Congress) in carrying out his or her official duties.⁴⁴
- ✗ **Use confidential information obtained by means of personal and substantial participation in ongoing trade or treaty negotiations** within one year preceding their departure from office, in the course of representing, aiding, or advising anyone other than the United States regarding those ongoing negotiations.⁴⁵

As to the prohibition against making any “communication to or appearance before” anyone in the legislative branch, former Members should be aware of the broad manner in which the DOJ has defined those terms.⁴⁶ A DOJ opinion defines “communication” as “the act of imparting or transmitting information with the intent that the information be attributed to the former official.”⁴⁷

⁴³ *Id.* §§ 207(f)(1)(A) and (i)(1)(B). Section § 207 restricts activities with respect to a “foreign entity, which is defined as either the “government of a foreign country” or a “foreign political party” as those terms are, in turn, defined in the Foreign Agents Registration Act (22 U.S.C. § 611(c), (f)). *See id.* § 207(f)(3). A U.S. Office of Legal Counsel (OLC) opinion of August 13, 2008, concluded that a foreign corporation is to be considered a foreign entity for purposes of 18 U.S.C. § 207(f) if it “exercises sovereign authority or functions de jure (i.e., by formal delegation) or de facto.” *See Application of 18 U.S.C. § 207(f) to a Former Senior Employee*, 32 Op. O.L.C. 115 (2008), <https://www.justice.gov/sites/default/files/olc/opinions/attachments/2015/06/23/op-olc-v032-p0115.pdf>); *see also* OGE, Legal Advisory 16-08: Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees, at 10 (Sept. 23, 2016), [https://www.oge.gov/web/oge.nsf/All%20Documents/3741DC247191C8B88525803B0052BD7E/\\$FILE/LA-16-08.pdf?open](https://www.oge.gov/web/oge.nsf/All%20Documents/3741DC247191C8B88525803B0052BD7E/$FILE/LA-16-08.pdf?open)). Also pertinent to these provisions of the statute is an OLC opinion of June 22, 2004, which concludes that 18 U.S.C. § 207(f) covers representational contacts with Members of Congress. *See Application of 18 U.S.C. § 207(f) to a Former Senior Employee*, 28 Op. O.L.C. 97 (2001), www.justice.gov/sites/default/files/olc/opinions/2004/06/31/op-olc-v028-p0097_0.pdf).

⁴⁴ 18 U.S.C. § 207(f)(1)(B).

⁴⁵ *Id.* § 207(b).

⁴⁶ 18 U.S.C. § 207. The provisions of 18 U.S.C. § 207 should not be confused with those of the Lobbying Disclosure Act (2 U.S.C. §§ 1601 *et seq.*). In other words, merely because a particular activity does not constitute “lobbying” for purposes of that Act does **not** mean that the activity is permissible under 18 U.S.C. § 207.

⁴⁷ “Communications” Under 18 U.S.C. § 207, 25 Op. O.L.C. 59, 61 (2001), http://www.justice.gov/sites/default/files/olc/opinions/2001/01/31/op-olc-v025-p0059_0.pdf). In that opinion, the OLC provides the following illustrative examples: “A high-ranking official who aggressively publicizes the fact that he is leaving an agency to start a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm, almost certainly intends that the report will be attributed to him. Similarly, a former official who is not introduced by name, but participates on a conference call with his former agency colleagues, almost certainly intends this his colleagues will recognize his voice.” *Id.* at 62-63.

Further, an advisory memorandum issued by OGE for Executive Branch employees states, “[a]n ‘appearance’ extends to a former employee’s mere physical presence at a proceeding when the circumstances make it clear that his attendance is intended to influence the United States.”⁴⁸ The provision is broad enough that it precludes a former Member even from, for example, requesting or scheduling, for or on behalf of any other person, a meeting with any current Member, officer, or employee on official business.⁴⁹ While OGE guidance is merely persuasive, rather than binding, on Committee interpretations of the statute, this Committee endeavors when possible to interpret the statute in a manner consistent with OGE practice.

In addition to the one-year “cooling-off period” restrictions set out above, Members should further be aware of a permanent federal statutory restriction that prohibits any U.S. citizen acting without authority of the United States from:

- ✗ Directly or indirectly **commencing or carrying on any correspondence or intercourse with any foreign government**, or any officer or agent thereof, with the intent to influence the measures or conduct of any foreign government or of any officer or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.⁵⁰

Permissible Activity

Under federal statutory law, former Members **may, immediately** upon leaving office:

- ✓ **Aid or advise clients** (other than foreign entities, i.e., foreign governments or foreign political parties) **concerning how to lobby Congress**, provided the former Member makes no appearance before or communication to Members or employees of Congress. Such a “background role” would not pose the contemplated risk of improper influence since the current officials would not be aware of the former official’s participation.⁵¹ However, any such participation must remain behind-the-scenes; during the one-year

⁴⁸ *Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees*, note 43 above, at 3.

⁴⁹ Committee interpretations of the statute contained in this memorandum are based on analysis of the statutory terms and purposes, and opinions and guidance, issued by DOJ and OGE. However, as noted above, 18 U.S.C. § 207 is a criminal statute, and Committee interpretations of it are not binding on DOJ (*but see* note 39, above).

⁵⁰ 18 U.S.C. § 953 (the Logan Act). An eighteenth-century law, the Logan Act restricts private correspondence with foreign governments. This statute, which appears to have been a reaction to the attempts of one citizen to engage in private diplomacy, has never been the basis of a prosecution, and this Committee has publicly questioned its constitutionality. House Comm. on Standards of Official Conduct, 95th Cong. Manual of Offenses and Procedures, Korean Influence Investigation 18-19 (Comm. Print 1977). Members should be aware, however, that the law remains part of the criminal code.

⁵¹ Former Members who are lawyers may have additional restrictions, as explained above in note 18.

“cooling-off” period, former Members must not permit their name to be openly associated with contacts made by other persons.⁵²

- ✓ **Contact Executive Branch** officials with the intent to influence official action so long as not representing a foreign entity, i.e., a foreign government or foreign political party.⁵³
- ✓ **Contact state government officials** with the intent to influence state government actions or decisions. Former Members should comply with any state laws governing such contacts.
- ✓ **Contact one foreign government on behalf of another** foreign government.⁵⁴
- ✓ **Contact Members, officers and employees of the House and Senate and other Legislative Branch officials** under any of the following circumstances:
 - The former Member is carrying out official duties on behalf of the **federal government** or the District of Columbia;⁵⁵
 - The former Member is acting as an **elected official of a state or local government**;⁵⁶

⁵² As noted above, the major restrictions set forth in 18 U.S.C. § 207(e) focus on communications and appearances. By contrast, if a former Member plays a background role, and does not appear in person or convey his or her name on any communications, the law does not appear to prohibit that person from advising those who seek official action from the Congress (with the exception of the provision that applies to all former employees relating to ongoing trade or treaty negotiations). This construction is consistent with regulations promulgated by OGE, interpreting a comparable prohibition that applies to Executive Branch personnel. See 5 C.F.R. § 2637.201(b)(3), (6). This matter is also addressed in the 2001 OLC opinion that is cited in note 47 above, including with regard to activities that do not constitute permissible “behind-the-scenes” activities.

⁵³ Former Members who are representing a tribal government as an employee of the tribe or as an officer or employee of the United States assigned to a tribe have an additional restriction on contacts with the Executive Branch and certain other entities. Such individuals must first notify the head of the department, agency, court, or commission being contacted of “any personal and substantial involvement” they had in the matter while a Member. See 25 U.S.C. § 5323(j) (formerly 25 U.S.C. § 450i(j)); 18 U.S.C. § 207(j)(1)(B).

⁵⁴ No federal statute expressly permits such contacts, but so far as the Committee is aware, no federal statute prohibits such contacts. Thus, it appears that such contacts are permissible under federal law. Members who intend to undertake such activity, however, should carefully review the Foreign Agents Registration Act (22 U.S.C. §§ 611 *et seq.*) (FARA) to ensure compliance with its requirements. Briefly stated, FARA provides that anyone who acts within the United States under the direction or control of a foreign principal to influence official decisions, official policies, or public opinion on behalf of a foreign principal must register with DOJ. See generally 22 U.S.C. §§ 611 *et seq.*; U.S. Dep’t of Justice (DOJ), FARA FAQs, www.justice.gov/nsd-fara.

⁵⁵ 18 U.S.C. § 207(j)(1)(A).

⁵⁶ *Id.*

- The former Member is an **employee** (not a private consultant or other independent contractor) of a **state or local government**, or an agency or instrumentality thereof, acting on its behalf;⁵⁷
 - The former Member is an **employee** of an accredited, degree-granting **institution of higher education** and is acting on behalf of such institution,⁵⁸ or
 - The former Member is an **employee** of a **charitable hospital or medical research organization** and is acting on behalf of such hospital or organization.⁵⁹
- ✓ **Represent or give aid or advice to international organizations** of which the United States is a member if the Secretary of State certifies in advance that such activities are in the interest of the United States.⁶⁰ Otherwise, former Members must wait one year before engaging in such activities.
 - ✓ Make statements or communications as an **employee of a candidate, authorized campaign committee, national or state party, or political committee**, if acting on behalf of that committee or party.⁶¹ However, if the former Member is employed by a person or entity who represents, aids, or advises only such persons or entities, the communications would be prohibited.⁶²
 - ✓ **Make statements based upon the “special knowledge”** of the former Member concerning the particular area that is the subject of the statement, if no compensation is received in connection therewith.⁶³

⁵⁷ *Id.* § 207(j)(2)(A).

⁵⁸ *Id.* § 207(j)(2)(B). The statute uses the definition of “institution of higher education” contained in § 101 of the Higher Education Act of 1965 (20 U.S.C. §§ 1001 *et seq.*). As a general matter, the definition includes only nonprofit, degree-granting educational institutions located in the United States or its territories. *See* 20 U.S.C. § 1001(a)-(b).

⁵⁹ 18 U.S.C. § 207(j)(2)(B). For this exception to apply, the hospital or medical research organization must be exempted under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). *Id.*

⁶⁰ *Id.* § 207(j)(3).

⁶¹ *Id.* § 207(j)(7)(A).

⁶² *Id.* § 207(j)(7)(B)(ii)(II).

⁶³ *Id.* § 207(j)(4). “Special knowledge” is not defined in the statute. The Federal Register, which provides rules on the application of the statute to employees in the Executive Branch, states that a “former employee has special knowledge concerning a subject area if he is familiar with the subject area as a result of education, interaction with experts, or other unique or particularized experience.” 5 C.F.R. § 2641.301(d)(1). In addition, in the proposed rulemaking for this provision, OGE emphasized that it regarded its interpretation of this exception as

- ✓ **Give testimony under oath**, or make statements required to be made under penalty of perjury.⁶⁴
- ✓ **Contact staff of the Clerk of the House** regarding the Member's compliance with the disclosure requirements under the Lobbying Disclosure Act.⁶⁵
- ✓ **Make political contributions** to, and **sponsor or attend political fundraisers** for, current Members of Congress, *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁶⁶
- ✓ **Interact socially with current Members of Congress and staff** *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁶⁷

Example 1. Member *A* retires to accept an appointed position in an Executive Branch agency. *A* may immediately contact Congress on behalf of the agency.

Example 2. Member *B* retires to become governor of his state. *B* may immediately contact Congress on behalf of his state.

Example 3. Member *C* retires to become the president of a private, non-profit university. *C* may immediately contact Congress on behalf of the school.

Example 4. Member *D* retires and moves back to her home state. *D* may immediately contact state government officials on behalf of any clients.

Example 5. Member *E* retires to become a lobbyist. During her first year out of office, *E* lobbies only Executive Branch personnel, *E* never contacts Members or employees of Congress on behalf of clients, and *E* has no foreign clients. *E* is complying with the law.

Example 6. During his one-year "cooling-off" period, former Member *F* wishes to call a current Member to request that she meet with representatives of one of his clients to discuss legislation of interest to the client. *F* would not be present at the

being "relatively narrow." See 73 Fed. Reg. 36183 (June 25, 2008). Although these definitions are not binding on the Ethics Committee, they provide guidance as to how the term should be interpreted.

⁶⁴ 18 U.S.C. § 207(j)(6).

⁶⁵ *Id.* § 207(c)(8).

⁶⁶ *See id.* § 207.

⁶⁷ *See id.*

meeting. *F* would violate the statute by requesting the meeting, in that the request would be a communication intended to influence official action.

Example 7. During his first year out of office, former Member *G* wishes to contact a current Member to urge him to support federal funding for a non-profit organization operated by a friend of *G*. The non-profit organization is not a client of *G*, and *G* would receive no compensation for making the contact. *G* would violate the statute by doing so, in that the statute bars such contacts regardless of whether the former official would be compensated for them.

Example 8. During her one-year “cooling-off” period, former Member *H*, who has become a lobbyist, is asked by a current Member about the views of one of her clients on a pending piece of legislation. *H* would violate the statute if she were to state her client’s views to the current Member, in that there is no exception in the statute for covered communications that are solicited by a current Member or staff person. However, it may be permissible for *H* to refer the Member to one of her colleagues who is not subject to post-employment restrictions.

ACTIVITY DURING ONE-YEAR COOLING OFF PERIOD

Entity Contacted by Former Member

	Congress	Executive Branch	Foreign Entity	State Governments
Private Entity	✗ May advise entity behind scenes immediately	✓	✓	✓
Federal, State, or Local Government	✓ If elected official or employee of the federal, state, or local government	✓	✓	✓
Tribal Government	✗ May advise entity behind scenes immediately	▲ If employed by tribe or U.S.; must inform head of agency or department of any personal and substantial involvement in matter while a Member	✓	✓
Foreign Entity	✗ Must wait 1 year before contacting Congress or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	✗ Must wait 1 year before contacting Executive Branch or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	✓	✓ Must register with the Justice Department if acting as a foreign agent in the U.S.
International Org. of which U.S. is a Member	▲ If Secretary of State classifies the subject matter as one of national interest, former Member may immediately advise international organization and contact Congress directly; otherwise, must wait 1 year to do either	▲ If Secretary of State classifies the subject matter as one of national interest, former Member may immediately advise international organization and contact executive branch directly; otherwise, must wait 1 year to do either	✓	✓
Accredited U.S. College or University	✓ If an employee of the college or university	✓	✓	✓
Charitable Hospital or Medical Research Organization	✓ If an employee of the hospital or organization	✓	✓	✓
Candidate, Political Campaign, or Party	✓ If employee of candidate, authorized campaign committee, or federal or state party or committee, unless employed by entity that advises only such entities	✓	✓	✓

✓ May contact immediately
 ▲ May contact if additional steps are taken
 ✗ May not contact within one-year cooling off period

Entity Represented by Former Member

Penalties

Each violation of the post-employment restrictions set forth in the statute is a felony punishable by imprisonment up to one year (or up to five years for willful violations) and a fine of up to \$102,446 for each violation or the value of the compensation received for the act that violated the restrictions, whichever is greater.⁶⁸ The statute further authorizes the Attorney General to seek an injunction prohibiting a person from engaging in conduct that violates the act.⁶⁹

By its terms, 18 U.S.C. § 207 governs the conduct of **former** Members, officers, and employees, and does not apply to the conduct of **current** Members, officers, and employees. However, the post-employment restrictions have been the subject of close attention by DOJ, as reflected in the guilty pleas by former House staff and others to criminal violations of the statute.⁷⁰ Therefore, current Members and staff who receive or otherwise participate in improper contacts by a covered former employee should be aware that, depending on the circumstances, they may be subject to criminal or House disciplinary action. The examples involving § 207 violations indicate that a Member who aids and abets a covered former employee in the violation may be prosecuted for conspiracy to violate the post-employment restrictions.⁷¹

Example 9. Staff member *I* resigned as chief of staff for Member *J* last month to become a registered federal lobbyist for a local non-profit organization. *I* is a covered employee and subject to the post-employment ban for a year. *I* asks *J* to support increased funding for the non-profit and schedules a time for them to discuss the matter further. If *J* accepts the meeting with *I*, he could be considered aiding and abetting *I* to violate her post-employment restrictions.

Furthermore, in an Ethics Committee disciplinary case that was completed in the 106th Congress, a Member admitted to engaging in several forms of conduct that violated House rules requiring that each Member and staff person “conduct himself at all times in a manner that shall reflect creditably on the House.”⁷² One of those violations was his engaging in a pattern and practice of knowingly allowing his former chief of staff to appear before and communicate with him in his official capacity during the one-year period following her resignation, “in a manner that created the appearance that his official decisions might have been improperly affected.”⁷³

⁶⁸ See 18 U.S.C. § 216; see also 28 C.F.R. 85.5 (2020).

⁶⁹ See 18 § 216(c).

⁷⁰ See, e.g., *United States v. Jack A. Abramoff*, Docket No. 06-CR-001 (D.D.C.) (hereinafter “*Abramoff* action”). In addition, in September 2006, former Representative Robert W. Ney pleaded guilty to conspiracy to violate, among other statutes, the post-employment restrictions for former covered employees (hereinafter “*Ney* action”). Also note, in September 2012, a former Senate staffer, Doug Hampton, was sentenced to one year probation for violating the post-employment restriction (hereinafter “*Hampton* action”).

⁷¹ See, e.g., *Abramoff* and *Ney* actions, note 67 above.

⁷² House Rule 23, cl. 1; see also House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. “Bud” Shuster*, H. Rep. 106-979, vol. I (July 19, 2002) (hereinafter “*Shuster* Report”).

⁷³ House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Sixth Congress*, H. Rep. 106-1044, at 10, 13, 16 (2000); see also *Shuster* Report, note 72 above, vol. I; see also, Senate Select Comm. on Ethics, *Report of the Preliminary Inquiry into the Matter of Senator John E. Ensign* (May 10, 2011),

FLOOR PRIVILEGES OF A FORMER MEMBER

The type of work that a Member does after leaving office may limit the Member's future floor privileges. While former Members generally are entitled to admission to the Hall of the House, this privilege is not extended to those who: (1) are registered lobbyists or agents of a foreign principal; (2) have any direct personal or pecuniary interest in any pending legislation; *or* (3) work for or represent anyone "for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal."⁷⁴ In short, a Member may not take advantage of his or her status as a former Member to lobby current Members on the House floor (that is, those areas restricted to the public). Unlike the post-employment restrictions, this rule has no time limit.⁷⁵

In addition, a resolution adopted at the start of the 117th Congress provides that former Member and officers, as well as their spouses, who are registered federal lobbyists or agents of a foreign principal are also prohibited from access "to any exercise facility which is made available exclusively to Members and former Members, officers and former officers" during the 117th Congress.⁷⁶

FINANCIAL DISCLOSURE REQUIREMENTS FOLLOWING DEPARTURE FROM HOUSE EMPLOYMENT

A departing Member of Congress must file a final Financial Disclosure Statement, called a "Termination Report," within 30 days of leaving office.⁷⁷ Extensions of up to 90 days are available upon written request to the Committee when made prior to the original due date.⁷⁸

The Termination Report, filed on the same form as the annual report, covers all financial activity through the end of the Member's term.⁷⁹ Schedule F ("Agreements") of the report requires disclosure of any agreement entered into by the filer, oral or written, with respect to future employment.⁸⁰ Thus, if a Member accepts a future position while still on the House payroll, the Member will have to disclose the agreement on the Member's public termination filing. The date of the agreement, the future employer, the position or title and the starting date must be disclosed,

https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=676ADD17-2C7F-40F7-A4D9-B35526E4DA97.

⁷⁴ House Rule 4, cl. 4(a).

⁷⁵ Departing Members may also wish to review a memorandum issued by the Congressional Research Service, *Selected Privileges and Courtesies Extended to Former Members of Congress*, Report No. R41121 (Dec. 5, 2014).

⁷⁶ H. Res. 8 § 3(d) (adopted Jan. 4, 2021). Although this restriction applies only during the 117th Congress, departing Members should note that similar language has been adopted in previous Congresses.

⁷⁷ 5 U.S.C. app. § 101(c).

⁷⁸ *Id.* § 101(g); Comm. on Ethics, *2021 Instruction Guide for Completing Financial Disclosure Statements and Periodic Transaction Reports* (hereinafter "2021 FD and PTR Instructions") at 7.

⁷⁹ *Id.* § 101(c). For Members who serve out their full term, this date will be January 3; Members who retire earlier than the end of the term will have different end date.

⁸⁰ *Id.* § 102(a)(7).

but the amount of the compensation need not be reported.⁸¹ The Member will also have to disclose, on Schedule H (“Travel Payments and Reimbursements”) of the Termination Report, any travel reimbursements exceeding \$415 received from any source in connection with job-search activity.⁸²

However, a departing Member who, prior to thirty days after leaving office, has accepted another federal position requiring the filing of a *public* financial disclosure statement need not file a Termination Report.⁸³ Any departing Member who is not required to file a Termination Report for this reason must notify the Clerk *in writing* of that fact.⁸⁴

USE OF EXCESS CAMPAIGN FUNDS

Members are prohibited by House rules from converting campaign funds to personal use.⁸⁵ Federal election law, as implemented by a set of regulations issued by the Federal Election Commission (FEC), bans the use of excess campaign funds for personal purposes by anyone, incumbents and non-incumbents alike.⁸⁶ All campaign resources (including equipment, furniture, and vehicles) are subject to the same restrictions.⁸⁷ A Member may not keep campaign property upon retirement from Congress unless he or she pays the campaign fair market value.⁸⁸ In valuing the property, the Member may take into account the fact that it has been used.⁸⁹

Example 10. Member *K* would like to keep the car owned by his campaign when he retires. If he pays the campaign the car’s fair market value, *K* may do so.

As to excess campaign funds, among the permissible uses under statutory law are donation to charities described in § 170(c) of the Internal Revenue Code,⁹⁰ and contribution to any national, state, or local committee of a political party.⁹¹ A former Member may use campaign funds to defray the costs of winding down his or her congressional office for a period of up to six months after leaving office.⁹² In addition, both the FEC and the Ethics Committee have ruled that a retiring Member may use campaign funds to pay the expenses of moving both congressional office

⁸¹ See *id.*; see also 2021 FD and PTR Instructions at 34.

⁸² 5 U.S.C. app. § 102(a)(2)(B). Such travel must be disclosed on the Member’s Financial Disclosure Statement even if the Member ultimately remains in Congress rather than accepting private employment.

⁸³ *Id.* § 101(e).

⁸⁴ See 2021 FD and PTR Instructions at 5. A form for this purpose is available on the Committee’s website, at https://ethics.house.gov/sites/ethics.house.gov/files/Complete%20Termination%20Exemption%20Form_0.pdf.

⁸⁵ House Rule 23, cl. 8.

⁸⁶ 52 U.S.C. § 30114(b)(1); 11 C.F.R. § 113.2(e).

⁸⁷ See generally 52 U.S.C. § 30114(b)(1); 11 C.F.R. § 113.1.

⁸⁸ 11 C.F.R. §§ 113.1(g)(3) and 113.2(e).

⁸⁹ 11 C.F.R. § 113.1(g)(3).

⁹⁰ 52 U.S.C. § 30114(a)(3); 11 C.F.R. § 113.2(b); see also 11 C.F.R. § 113.1(g)(2).

⁹¹ 52 U.S.C. § 30114(a)(4); 11 C.F.R. § 113.2(c).

⁹² 11 C.F.R. § 113.2(a)(2).

furnishings and personal household furnishings and effects back to the Member's home state.⁹³ A retiring Member should consult with FEC staff on the specifics of statutory law and FEC rules on the use or disposition of excess campaign funds, including with regard to maintaining those funds for use in a future campaign, or making donations to other candidates.

OUTSIDE EMPLOYMENT AND EARNED INCOME RESTRICTIONS

All departing Members remain subject to all House rules, including the gift rule and the limitations on outside employment and earned income,⁹⁴ even after adjournment *sine die*, until the end of their term, unless they elect to resign earlier. These rules are particularly important to bear in mind for a departing Member whose prospective employer suggests that the Member start work prior to leaving office. In calendar year 2022, a Member may not receive outside earned income (including, for example, a signing bonus) in excess of \$29,895, and **no** earned income may be received for: (1) providing professional services involving a fiduciary relationship, including the practice of law, or any consulting or advising; (2) being employed by an entity that provides such services; or (3) serving as a board member or officer of any organization.⁹⁵ Regardless of whether compensation is received, a Member may not allow his or her name to be used by an organization that provides fiduciary services. In addition, a Member may not receive any honoraria (i.e., a payment for a speech, article, or appearance),⁹⁶ although he or she may receive compensation for teaching, if the Member first secures specific prior permission from this Committee.⁹⁷

Example 11. Member *L* plans to join a law firm when she leaves office. Since this is a firm providing professional services of a fiduciary nature, *L* may not commence employment with the firm until the new Congress is sworn in, unless she resigns early.

ACCEPTANCE OF OFFICIALLY CONNECTED TRAVEL FUNDED BY A PRIVATE SOURCE

Several rules may affect a departing Member's travel decisions. House rules prohibit the use of committee funds and local currencies owned by the United States to pay for travel by a Member: (1) after the date of a general election in which he or she was not elected to the succeeding Congress; or (2) in the case of a Member who is not a candidate in a general election, after the **earlier** of the date of the general election or adjournment *sine die* of Congress.⁹⁸

⁹³ FEC, Advisory Opinion 1996-14 (May 31, 1996), <https://saos.fec.gov/aodocs/1996-14.pdf>; *House Ethics Manual 2022 Print* at 162.

⁹⁴ House Rule 25, cls. 1-5. The outside employment and earned income limitations are also codified at 5 U.S.C. app. §§ 501-502.

⁹⁵ House Rule 25, cls. 1-4; *see also* 5 U.S.C. app. §§ 501-502.

⁹⁶ House Rule 23, cl. 5; House Rule 25, cl. 1(a)(2).

⁹⁷ House Rule 25, cl. 2(e).

⁹⁸ House Rule 24, cl. 10.

With regard to privately-funded travel that is fact-finding in nature, because the gift rule requires that such travel be related to official duties,⁹⁹ it is questionable whether a departing Member may accept an invitation for a such travel that would take place after the adjournment *sine die* of the House. As of that time, the official responsibilities that may justify acceptance of travel expenses for such a purpose will practically have come to an end. However, this consideration does not limit the ability of a departing Member to accept travel expenses from a private source for the purpose of enabling the Member to participate substantially in an officially-related event, such as to give a speech.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

⁹⁹ House Rule 25, cl. 5(b)(1)(A); *see also* House Rule 25, cl. 5(b)(3)(G).



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

December 15, 2022

MEMORANDUM TO ALL HOUSE MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan Wild, Chairwoman
Michael Guest, Acting Ranking Member

SUBJECT: Negotiations for Future Employment and Restrictions on Post-Employment for House Staff

The purpose of this memorandum is to remind you about issues of concern to staff members¹ who are negotiating for future employment or departing from employment with the House of Representatives or one of the legislative branch offices.² The matters discussed here include negotiations for future employment, post-employment restrictions, financial disclosure requirements (Termination Reports), and outside employment and earned income restrictions. Although this memorandum will be of particular interest to departing staff, current staff and their employing Members should also familiarize themselves with these restrictions, particularly the criminal restrictions on post-employment communications.³ Current Members and staff are reminded that they may not assist in the violation of these restrictions.

In addition, the Committee would like to take this opportunity to note one statutory provision that applies to **all House Members and staff**. House Members and staff may not use

¹ The terms “staff” and “employee” are used interchangeably throughout this memorandum to refer to persons who are employed by a Member, committee, leadership office, or other legislative offices (*see note 2, below*). Relevant distinctions among these categories of employees are noted as necessary.

² “[O]ther legislative offices” include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. It also includes any other House legislative branch office not covered by the other provisions, such as the Clerk, Parliamentarian, Office of General Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

³ This guidance, as well as some additional requirements and restrictions, also applies to House Members and officers, and is addressed in a separate memorandum entitled “Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers.” This staff memorandum will not specifically mention the requirements for Members and officers, or how they differ from those pertaining to House staff. Members and officers seeking guidance should consult the companion memorandum referenced above.

confidential information obtained by means of personal and substantial participation in ongoing trade or treaty negotiations for one year prior to leaving House employment in the course of representing, aiding, or advising anyone other than the United States regarding those ongoing negotiations.⁴ As with other provisions of this statute, this prohibition lasts for one year after departure from the House payroll.⁵

NEGOTIATING FOR FUTURE EMPLOYMENT

In the past, the Committee's general guidance on job negotiations has been that House Members and employees are free to pursue future employment while still employed by the House, subject to certain ethical constraints. This memorandum provides more detailed guidance on the issues presented by such negotiations, as well as mandatory disclosure obligations such negotiations may trigger.

The general guidance applicable to any House employee, regardless of salary level, who wishes to engage in negotiations for future employment, is as follows. First and foremost, it would be improper for a House employee to permit the prospect of future employment to influence the official actions of the employee, or the employing office of the employee.⁶ Some employees may determine to use an agent (e.g., a "headhunter") to solicit job offers on their behalf in order to avoid any appearance of improper activity. Regardless of whether job negotiations are undertaken personally or through an agent, the following generally-applicable principles must be observed.

The term "negotiation" is not defined in the relevant statute or House rule. In its past guidance, the Committee has given deference to court decisions interpreting a related federal criminal statute that bars Executive Branch employees from participating in matters affecting the financial interests of an entity with which the employee is "negotiating or has any arrangement" concerning future employment.⁷ Those decisions found that the term "negotiation" should be construed broadly.⁸ However, these decisions make a distinction between "negotiations," which trigger the rule, and "[p]reliminary or exploratory talks," which do not.⁹ The term "negotiations" connotes "a communication between two parties with a view toward reaching an agreement" and

⁴ 18 U.S.C. § 207(b). For purposes of this provision, the term "trade negotiation" means "negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made" and the term "treaty" means "an international agreement made by the President that requires the advice and consent of the Senate." *Id.* at § 207(b)(2).

⁵ *Id.*

⁶ See House Rule 23, cl. 3; Code of Ethics for Government Service §§ 5, 6, reprinted in *House Ethics Manual 2022 Print* at 355.

⁷ 18 U.S.C. § 208.

⁸ See, e.g., *United States v. Schaltenbrand*, 930 F.2d 1554, 1559 (11th Cir. 1991); *United States v. Conlon*, 628 F.2d 150, 155 (D.C. Cir. 1980).

⁹ See *Schaltenbrand*, 930 F.2d at 1558-59.

in which there is “active interest on both sides.”¹⁰ Thus, merely sending a copy of one’s résumé to a private entity is not considered “negotiating” for future employment.

Other, more general, ethical rules also bear on the subject of employment negotiations. The House Code of Official Conduct prohibits House Members, officers, and employees from receiving compensation “by virtue of influence improperly exerted” from a congressional position.¹¹ The Code of Ethics for Government Service forbids anyone in government service from accepting “favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance” of governmental duties.¹² Federal criminal law prohibits a federal official from soliciting or accepting a “bribe” – i.e., anything of value given in exchange for being influenced in an official act.¹³ Although bribery necessarily entails a *quid pro quo* arrangement, the same statute also bans seeking or accepting “illegal gratuities” – i.e., anything given because of, or in reward for, a future or past official act, whether or not the official action would be, or would have been, taken absent the reward.¹⁴

In light of these restrictions, all House employees should be particularly careful in negotiating for future employment, especially when negotiating with anyone who could be substantially affected by the performance of the employee’s official duties.¹⁵ It may be prudent for the employee to have an exchange of correspondence with any serious negotiating partner, stipulating that the prospective employer will receive no official favors in connection with the job negotiations. Those employees who will be subject to the post-employment restrictions, which are addressed later in this memorandum, may also wish to establish in correspondence with any prospective employer that the future employer understands that (1) it will receive no official favors as a result of the job negotiations, and (2) the employee is subject to post-employment restrictions, which should be briefly outlined.¹⁶ Departing employees who are lawyers should consult their local bar associations concerning the application of rules governing their involvement in matters in which they participated personally and substantially during their time with the House.¹⁷ In

¹⁰ *United States v. Hedges*, 912 F.2d 1397, 1403 n.2 (11th Cir. 1990) (quoting jury instruction); *see also Schaltenbrand*, 930 F.2d at 1558, 1559 n.2.

¹¹ House Rule 23, cl. 3.

¹² Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual 2022 Print* at 355.

¹³ 18 U.S.C. § 201(b)(2)(A).

¹⁴ *Id.* § 201(c)(1)(B).

¹⁵ *See* Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual 2022 Print* at 355.

¹⁶ *See* 18 U.S.C. § 207. These restrictions are explained in detail later in this memorandum. Briefly, covered House employees may not contact their former employing Member or Members on official business for one year after leaving office, nor may they assist any foreign entity, i.e., a foreign government or foreign political party, in seeking to influence a decision of any federal official during that year.

¹⁷ A former employee who joins a law firm should also be aware that a separate statutory provision, 18 U.S.C. § 203, has been interpreted to prohibit a former federal official who joins a firm from sharing in fees attributable to representational services in federally related matters where those services were provided by the firm while the individual was still employed by the government. *See, e.g.*, Application of 18 U.S.C. § 203 to Former Employee’s Receipt of Attorney’s Fees in Qui Tam Action, 26 Op. O.L.C. 10 (2002), <https://www.justice.gov/olc/file/623846/download>.

addition, as addressed in the next section of this memorandum, those employees subject to the post-employment restrictions must disclose employment negotiations in writing to the Ethics Committee.

Provided that employees conduct themselves in accordance with the considerations discussed above, they may engage in negotiations for employment in the same manner as any other job applicant. Discussions may specifically address salary, duties, benefits, and other terms.

DISCLOSURE OF EMPLOYMENT NEGOTIATIONS AND RECUSAL REQUIREMENTS

Certain House staff must notify the Committee within three (3) business days after they commence any negotiation or agreement for future employment or compensation with a *private* entity.¹⁸ Staff subject to this disclosure requirement are those employees of the House who are paid at or above an annual rate of \$130,500 (\$10,875 per month) for any two months during the preceding twelve month period, including any federal civil service or military annuities.¹⁹ This rate is referred to as the post-employment rate.

The term “negotiation” is not defined in the relevant statute or House rule. The Committee views negotiations using the standard discussed earlier in this memorandum, namely that there has been “a communication between two parties with a view to reaching an agreement” and in which there is “discussion and active interest on both sides.”²⁰ For example, an exploratory conversation or an initial interview may not constitute “negotiations,” but an interview after the “exploratory” stage would if there is active interest on both sides, even if the terms of employment are not yet discussed. In addition, staff paid at or above the post-employment rate must recuse themselves from “any matter in which there is a conflict of interest or an appearance of a conflict” with the private entity with which they are negotiating or have an agreement for future employment or compensation, and they must notify the Ethics Committee in writing of such recusal.²¹

Please note that 18 U.S.C. § 203 is a federal criminal statute within the jurisdiction of the U.S. Department of Justice; therefore, staff may wish to seek guidance from outside counsel prior to accepting fees that may implicate 18 U.S.C. § 203.

¹⁸ House Rule 27, cl. 2; Stop Trading on Congressional Knowledge Act, Pub. L. No. 112-105 (Apr. 4, 2012) (hereinafter “STOCK Act”) § 17. House Rule 27, clause 1, which imposes a similar restriction on House Members, limits the disclosure requirement for Members to negotiations with *private* employers. While the express language of clause 2, which covers employees, does not limit its terms to negotiations with private employers, the Committee has read the two clauses consistently as excluding from the disclosure requirement any job negotiations with government entities for both Members and employees.

¹⁹ House Rule 27, clause 2, imposes the disclosure requirement on any “employee of the House earning in excess of 75 percent of the salary paid to a Member.” In 2022, that rate is \$130,500 per year for most House employees; *see also* Section 5 of the Further Consolidated Appropriations Act, 2022, Pub. L. No. 117-103 Mar. 15, 2022), prohibiting a scheduled cost-of-living pay raise for Members. As a result, Member pay remained at \$174,000 for 2022.

²⁰ *See Hedges*, 921 F.2d at 1403 n.2.

²¹ House Rule 27, cl. 4.

The terms “conflict” and “appearance of conflict” also are not defined in the rule. The Committee has stated that a “conflict of interest becomes problematic when [an employee] uses his position to enhance his personal financial interests or his personal financial interests impair his judgment in conducting his public duties.”²² Employees should also avoid situations that might be viewed as presenting even a risk that the individual might be improperly influenced by personal financial interests.²³

The Committee has issued forms, available on the Committee website (<https://www.ethics.house.gov>), to be used for these notification requirements. When notifying the Committee of negotiations or agreements for future employment or compensation, required staff should complete and sign an employment negotiation form, formally titled the “Notification of Negotiations or Agreement for Future Employment.”²⁴ The completed form must be submitted to the Committee. All filers should keep a copy of their submission for their records. There is a separate form for notifying the Committee of recusal, titled the “Statement of Recusal.” Staff subject to the post-employment restrictions who recuse themselves from official matters pursuant to House Rule 27 and/or the STOCK Act must complete and submit the recusal form to the Committee.²⁵

Forms may be sent by email to EthicsCommittee@mail.house.gov.

BENEFITS OFFERED BY PROSPECTIVE EMPLOYERS DURING JOB NEGOTIATIONS

House employees may accept “[f]ood, refreshments, lodging, transportation, and other benefits . . . customarily provided by a prospective employer in connection with bona fide employment discussions.”²⁶ Thus, subject to the limitations set out in the rule, a House employee may accept travel expenses from an entity with which the individual is interviewing for a position and to meet prospective colleagues. Such travel is *not* subject to the requirement for prior, written

²² House Comm. on Standards of Official Conduct, *In the Matter of Representative Sam Graves*, H. Rep. No. 111-320, at 16 (2009); *see also* House Bipartisan Task Force on Ethics, 101st Cong., Report on H.R. 3660, (Comm. Print 1989), *reprinted in* 135 Cong. Rec. 30740 at 30742 (daily ed. Nov. 21, 1989) (“A conflict of interest is generally defined as a situation in which an official’s private financial interests conflict or appear to conflict with the public interest.”); House Rule 23, cl. 3 (“A Member . . . may not receive compensation and may not permit compensation to accrue to the beneficial interest of such individual from any source, the receipt of which would occur by virtue of influence improperly exerted from the position of such individual in Congress.”).

²³ *See* Staff of H. Comm. on the Judiciary, 85th Cong., Federal Conflict of Interest Legislation 1 (Comm. Print 1958) (“Within reasonable limits, also, the importance of public confidence in the integrity of the Federal service justifies the requirement that the Federal employee shall avoid the appearance of evil, as well as evil itself.”); Code of Ethics for Government Service ¶ 5, *reprinted in House Ethics Manual 2022 Print* at 355 (“Any person in government service should . . . never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.”); *see also* House Rule 23, cl. 2 (“[An] . . . employee of the House shall adhere to the spirit and letter of the Rules of the House . . .”).

²⁴ House Rule 27, cls. 1-3.

²⁵ *Id.*, cl. 4. Clause 4 does not require staff to file their notice of negotiation with the Clerk, as is required of House Members.

²⁶ House Rule 25, cl. 5(a)(3)(G)(ii).

approval from the Committee that applies to privately-funded travel undertaken as part of one's House duties. However, travel expenses that exceed \$415 from any one source must be disclosed on Schedule H ("Travel Payments and Reimbursements") of the Termination Report required of departing senior employees.²⁷ Such travel must be disclosed on the employee's Financial Disclosure Statement even if the individual ultimately remains employed by the House rather than accepting private employment.²⁸ In addition, any agreement for future employment also must be disclosed on Schedule F ("Agreements") of that statement, if the agreement was entered into prior to the employee's last date on House payroll.²⁹

POST-EMPLOYMENT RESTRICTIONS

Since 1989, legislative branch officials, including certain employees, have been subject to restrictions on their post-House employment under the Ethics Reform Act.³⁰ These limitations are part of the federal criminal code, and they apply to Members and officers of the House, as well as to employees of House Member, committee, and leadership offices who are paid at least 75% of a Member's salary, inclusive of any federal civil service or military annuity.³¹ The basic rate of pay for Members in calendar year 2022 is \$174,000, and thus the post-employment threshold for individuals who terminate their employment with a Member, committee, or leadership office in 2022 is **\$130,500**. The threshold rate for other years is available from the Ethics Committee. For employees of "other legislative offices,"³² the basic rate of pay triggering the restrictions is level IV of the Executive Schedule, which for 2022 is **\$176,300**.³³ Please note that this rate of pay is subject to change in 2023.

An employee is subject to these restrictions if the employee is paid at or above the threshold rate for at least 60 days during the one-year period preceding termination of the employee's House service.³⁴ Accordingly, it is possible for an employee who is usually paid below the threshold rate to become subject to the post-employment restrictions by the receipt of a "bonus" or merit adjustment that is paid by adjusting the employee's basic rate of pay in two or more months, even

²⁷ Please note that the requirement to file a Financial Disclosure Statement covering calendar year 2022 applies to officers and employees whose basic rate of pay for at least 60 days in 2022 was \$135,468, or a monthly salary at or above \$11,289. Staff paid at this rate are referred to as "senior staff." See Ethics in Government Act (EIGA) §§ 109(13) and 101(d), 5 U.S.C. app. §§ 109(13) and 101(d).

²⁸ 5 U.S.C. app. § 102(a)(2)(B).

²⁹ *Id.* § 102(a)(7)(A).

³⁰ See 18 U.S.C. § 207(e), (f).

³¹ *Id.* § 207(e)(7). With regard to House employees who are federal civil service or military annuitants, it is the view of the Ethics Committee that the post-employment restrictions apply to those whose combined House salary and annuity were at or above the threshold rate for the specified time period.

³² For the definition of "other legislative offices," see note 2, above.

³³ 18 U.S.C. § 207(e)(7)(B).

³⁴ *Id.* § 207(e)(7).

if the adjustment is intended to be temporary.³⁵ Employees who are subject to the restrictions are referred to as “covered” individuals.

For covered individuals, the law establishes a one-year “cooling-off period” that begins from the date of the individual’s departure from the House payroll.³⁶ When an office continues an individual on the payroll for the purpose of paying for accrued leave after the individual’s services to the House have ceased, the one-year cooling-off period will not begin until after the individual’s final day on the House payroll. In general, House employees whose pay is **below** the threshold are **not** subject to the post-employment restrictions set out in the statute, with the exception of the provision described earlier in this memorandum regarding participation in trade and treaty negotiations, and no other provision of federal statutory law or the House rules establishes any comparable restrictions on post-employment activity.

Set out below is a detailed description of prohibited and permitted post-employment activities of former staff under the statute. This explanation is followed by a table that briefly summarizes the statutory restrictions. Please note that the statute, as part of the criminal code, is enforced by the Department of Justice (DOJ), rather than by the Ethics Committee. While the Ethics Committee interpretations of 18 U.S.C. § 207 are not binding on DOJ, those interpretations are based on the Committee’s analysis of the terms and purposes of the statute, as well as any applicable opinions or guidance of DOJ or the U.S Office of Government Ethics (OGE) of which the Committee is aware. Accordingly, an employee (or former employee) who has any concerns about the applicability of the post-employment restrictions to his or her proposed conduct should contact the Ethics Committee for guidance.³⁷ The Committee also recommends covered employees seek guidance from outside counsel.

Prohibited Activity

Under the statute, a covered former employee may **not**, for a period of **one year** after House employment:

- ✗ **Knowingly communicate with or appear before the employee’s former employing office or committee** with the intent to influence, on behalf of any other person, the official actions or decisions of a Member, officer, or employee in such office or on such committee.³⁸ An individual who was employed by more than one House office (i.e., “shared staff”) during the individual’s last twelve months of employment with the House is subject to the post-employment restrictions with respect to each of the individual’s

³⁵ The Committee has determined that lump sum payments, when properly used by an employing office, do not constitute part of the recipient’s “basic rate of pay.” See *House Ethics Manual 2022 Print* at 240, n.112.

³⁶ *Id.* § 207(e)(3)-(7).

³⁷ It should be noted that one court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was undertaken in good faith reliance upon erroneous legal advice received from the official’s supervising ethics office. *Hedges*, 912 F.2d at 1404-06.

³⁸ *Id.*

employing offices if the employee's combined House salaries exceeded the triggering threshold.

The statute excepts certain representations made on behalf of specific types of entities, as described below in the context of "permissible activity." With regard to restricted activity, the statute specifically provides that:

- Covered former employees on the **personal staff**³⁹ of a Member may not seek official action, on behalf of other persons, from that Member or from any of the Member's employees.⁴⁰
- Covered former **committee staff**⁴¹ may not seek official action, on behalf of other persons, from any current Member or employee of the employing committee or from any Member who was on the committee during the last 12 months the former employee worked there.⁴² This restriction bars contacts with any of these individuals on any subject relating to official business, regardless of whether it pertains to matters within the committee's jurisdiction.⁴³
- Covered former employees on the **leadership staff**⁴⁴ may not seek official action, on behalf of other persons, from current Members of the leadership⁴⁵ or any current staff of those Members.⁴⁶

³⁹ *Id.* § 207(e)(9)(E).

⁴⁰ *Id.* § 207(e)(3). The statute expressly prohibits contacting any employee of a Member whom the departed employee is prohibited from contacting. *Id.* § 207(e)(3)(B)(ii).

⁴¹ *Id.* § 207(e)(9)(A). For the purposes of the statute, a **detailee** is deemed to be an employee of both the entity from which the detailee comes and the House committee to which the individual is detailed. *Id.* § 207(g).

⁴² *Id.* § 207(e)(4).

⁴³ *Id.* (barring communication or appearances on "any matter" on which the former employee seeks action).

⁴⁴ *Id.* § 207(e)(9)(H).

⁴⁵ The "leadership" of the House of Representatives consists of the Speaker; majority leader; minority leader; majority whip; minority whip; chief deputy majority whip; chief deputy minority whip; assistant minority leader; chairman of the Democratic Steering and Policy Committee; chairman and vice chairman of the Democratic Caucus; chairman, vice chairman, and secretary of the Republican Conference; chairman of the Republican Research Committee; chairman of the Republican Policy Committee; and any similar position created after the statute took effect. 18 U.S.C. § 207(e)(9)(L).

⁴⁶ *See id.* §§ 207(e)(5)(B) and (e)(9)(H).

- Covered former employees of any **other legislative office**⁴⁷ may not seek official action, on behalf of other persons, from current officers and employees of that legislative office.⁴⁸
- ✗ Knowingly **represent a foreign entity, i.e., a foreign government or foreign political party**, before any federal official (including any Member of Congress) with the intent to influence a decision of such official in official duties.⁴⁹
- ✗ Knowingly **aid or advise a foreign entity, i.e., a foreign government or foreign political party**, with the intent to influence a decision of any federal official (including any Member of Congress) in carrying out his or her official duties.⁵⁰
- ✗ **Use confidential information obtained by means of personal and substantial participation in ongoing trade or treaty negotiations** within one year preceding the employee's departure from the House payroll, in the course of representing, aiding, or advising anyone other than the United States regarding those ongoing negotiations.⁵¹

As to the prohibition against making any “communication to or appearance before” anyone in the legislative branch, covered former employees should be aware of the broad manner in which DOJ has defined those terms.⁵² A DOJ opinion defines “communication” as “the act of

⁴⁷ “[O]ther legislative offices” include employees of the Architect of the Capitol, United States Botanic Garden, Government Accountability Office, Government Printing Office, Library of Congress, Office of Technology Assessment, Congressional Budget Office, and Capitol Police. The term also includes any other House legislative branch office not covered by the other provisions of the statute, such as the Clerk, Parliamentarian, Office of General Counsel, and Chief Administrative Officer. *See* 18 U.S.C. § 207(e)(9)(G).

⁴⁸ 18 U.S.C. §§ 207(e)(6) and (e)(9)(G).

⁴⁹ *Id.* §§ 207(f)(1)(A) and (i)(1)(B). Section § 207 restricts activities with respect to a “foreign entity,” which is defined as either the “government of a foreign country” or a “foreign political party” as those terms are, in turn, defined in the Foreign Agents Registration Act (22 U.S.C. § 611(e), (f)). *See id.* § 207(f)(3). A U.S. Office of Legal Counsel (OLC) opinion of August 13, 2008, concluded that a foreign corporation is to be considered a foreign entity for purposes of 18 U.S.C. § 207(f) if it “exercises sovereign authority or functions de jure (i.e., by formal delegation) or de facto.” *See* Application of 18 U.S.C. § 207(f) to a Former Senior Employee, 32 Op. O.L.C. 115 (2008), <https://www.justice.gov/sites/default/files/olc/opinions/attachments/2015/06/23/op-olc-v032-p0115.pdf>); *see also* OGE, Legal Advisory 16-08: Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees, at 10 (Sept. 23, 2016), [https://www.oge.gov/web/oge.nsf/All%20Documents/3741DC247191C8B88525803B0052BD7E/\\$FILE/LA-16-08.pdf?open](https://www.oge.gov/web/oge.nsf/All%20Documents/3741DC247191C8B88525803B0052BD7E/$FILE/LA-16-08.pdf?open)). Also pertinent to these provisions of the statute is an OLC opinion of June 22, 2004, which concludes that 18 U.S.C. § 207(f) covers representational contacts with Members of Congress. *See* Application of 18 U.S.C. § 207(f) to a Former Senior Employee, 28 Op. O.L.C. 97 (2001), www.justice.gov/sites/default/files/olc/opinions/2004/06/31/op-olc-v028-p0097_0.pdf.

⁵⁰ 18 U.S.C. § 207(f)(1)(B).

⁵¹ *Id.* § 207(b).

⁵² 18 U.S.C. § 207. The provisions of 18 U.S.C. § 207 should not be confused with those of the Lobbying Disclosure Act (2 U.S.C. §§ 1601 *et seq.*). In other words, merely because a particular activity does not constitute “lobbying” for purposes of that Act does **not** mean that the activity is permissible under 18 U.S.C. § 207.

imparting or transmitting information with the intent that the information be attributed to the former official.”⁵³

Further, an advisory memorandum issued by OGE for Executive Branch employees states, “[a]n ‘appearance’ extends to a former employee’s mere physical presence at a proceeding when the circumstances make it clear that his attendance is intended to influence the United States.”⁵⁴ The provision is broad enough that it precludes a covered former employee even from, for example, requesting or scheduling, for or on behalf of any other person, a meeting with any Member, officer, or employee whom the individual is prohibited from contacting on official business.⁵⁵ While OGE guidance is merely persuasive, rather than binding, on Committee interpretations of the statute, this Committee endeavors when possible to interpret the statute in a manner consistent with OGE practice.

In addition to these one-year “cooling-off period” restrictions, departing employees should also be aware of a permanent federal statutory restriction that prohibits any U.S. citizen acting without authority of the United States from:

- ✕ Directly or indirectly **commencing or carrying on any correspondence or intercourse with any foreign government**, or any officer or agent thereof, with the intent to influence the measures or conduct of any foreign government or of any officer or agent thereof in relation to any disputes or controversies with the United States, or to defeat the measures of the United States.⁵⁶

⁵³ “Communications” Under 18 U.S.C. § 207, 25 Op. O.L.C. 59, 61 (2001), http://www.justice.gov/sites/default/files/olc/opinions/2001/01/31/op-olc-v025-p0059_0.pdf. In that opinion, the OLC provides the following illustrative examples: “A high-ranking official who aggressively publicizes the fact that he is leaving an agency to start a one-man consulting firm, then submits a report to the agency shortly thereafter under the name of that firm, almost certainly intends that the report will be attributed to him. Similarly, a former official who is not introduced by name, but participates on a conference call with his former agency colleagues, almost certainly intends this his colleagues will recognize his voice.” *Id.* at 62-63.

⁵⁴ *Introduction to the Primary Post-Government Employment Restrictions Applicable to Former Executive Branch Employees*, note 49 above, at 3.

⁵⁵ Committee interpretations of the statute contained in this memorandum are based on analysis of the statutory terms and purposes, and opinions and guidance, issued by DOJ and OGE. However, as noted above, 18 U.S.C. § 207 is a criminal statute, and Committee interpretations of it are not binding on the Justice Department (*but see* note 37, above).

⁵⁶ 18 U.S.C. § 953 (the Logan Act). An eighteenth-century law, the Logan Act restricts private correspondence with foreign governments. This statute, which appears to have been a reaction to the attempts of one citizen to engage in private diplomacy, has never been the basis of a prosecution, and this Committee has publicly questioned its constitutionality. House Comm. on Standards of Official Conduct, 95th Cong., Manual of Offenses and Procedures, Korean Influence Investigation 18-19 (Comm. Print 1977). Members should be aware, however, that the law remains part of the criminal code.

Permissible Activity

Under federal statutory law, covered former employees **may, immediately** upon leaving office:

- ✓ **Contact Members, officers, and employees of the Senate, and – except for those officials specified above in the section on “Prohibited Activity” – Members, officers, and employees of the House and other Legislative Branch offices**, with intent to influence official action so long as not representing a foreign entity, i.e., a foreign government or foreign political party.
- ✓ **Aid or advise clients** (other than foreign entities, i.e., foreign governments or foreign political parties) **concerning how to lobby Congress**, provided the former employee makes no appearance before or communication to those officials specified above in the “Prohibited Activity” section. Such a “background role” would not pose the contemplated risk of improper influence since the current officials would not be aware of the former employee’s participation.⁵⁷ However, any such participation must remain behind-the-scenes; during the one-year “cooling-off” period, former employees must not permit their name to be openly associated with such contact by other persons.⁵⁸
- ✓ **Contact Executive Branch** officials with the intent to influence official action so long as not representing a foreign entity, i.e., a foreign government or foreign political party.⁵⁹
- ✓ **Contact state government officials** with the intent to influence state government actions or decisions. Former employees should comply with any state laws governing such contacts.
- ✓ **Contact one foreign government on behalf of another** foreign government.⁶⁰

⁵⁷ Former employees who are lawyers may have additional restrictions, as explained above in note 17 of this Memorandum.

⁵⁸ As noted above, the major restrictions set forth in 18 U.S.C. § 207(e) focus on communications and appearances. By contrast, if a covered former employee plays a background role, and does not appear in person or convey his or her name on any communications, the law does not appear to prohibit that person from advising those who seek official action from the Congress (with the exception of the provision that applies to all former employees relating to ongoing trade or treaty negotiations). This construction is consistent with regulations promulgated by OGE, interpreting a comparable prohibition that applies to Executive Branch personnel. *See* 5 C.F.R. § 2637.201(b)(3), (6). This matter is also addressed in the 2001 OLC opinion that is cited in note 49 above, including with regard to activities that do not constitute permissible “behind-the-scenes” activities.

⁵⁹ Covered former employees who are representing a tribal government as an employee of the tribe or as an officer or employee of the United States assigned to a tribe have an additional restriction on contacts with the Executive Branch and certain other entities. Such individuals must first notify the head of the department, agency, court, or commission being contacted of “any personal and substantial involvement” they had in the matter while a federal employee. *See* 25 U.S.C. § 5323(j) (formerly 25 U.S.C. § 450i(j)); 18 U.S.C. § 207(j)(1)(B).

⁶⁰ No federal statute expressly permits such contacts, but so far as the Committee is aware, no federal statute prohibits such contacts. Thus, it appears that such contacts are permissible under federal law. Covered former employees who intend to undertake such activity, however, should carefully review the Foreign Agents Registration Act (22 U.S.C. §§ 611 *et seq.*) (FARA) to ensure compliance with its requirements. Briefly stated, FARA provides that

- ✓ **Contact any Members, officers, and employees of the House and Senate and other Legislative Branch officials** on official business under any of the following circumstances:
 - The former employee is carrying out official duties on behalf of the **federal government** or the District of Columbia;⁶¹
 - The former employee is acting as an **elected official of a state or local government**;⁶²
 - The former employee is an **employee** (not a private consultant or other independent contractor) of a **state or local government**, or an agency or instrumentality thereof, acting on its behalf;⁶³
 - The former employee is an **employee** of an accredited, non-profit, degree-granting **institution of higher education** and is acting on behalf of such institution;⁶⁴ or
 - The former employee is an **employee** of a **charitable hospital or medical research organization** and is acting on behalf of such hospital or organization.⁶⁵
- ✓ **Represent or give aid or advice to international organizations** of which the United States is a member if the Secretary of State certifies in advance that such activities are in the interest of the United States.⁶⁶ Otherwise, covered employees must wait one year before engaging in such activities.
- ✓ Make statements or communications as an **employee of a candidate, authorized campaign committee, national or state party, or political committee**, if acting on behalf of that committee or party.⁶⁷ However, if the former employee is employed by a

anyone who acts within the United States under the direction or control of a foreign principal to influence official decisions, official policies, or public opinion on behalf of a foreign principal must register with the Justice Department. *See generally* 22 U.S.C. §§ 611 *et seq.*; U.S. Dep't of Justice (DOJ), FARA FAQs, www.justice.gov/nsd-fara.

⁶¹ 18 U.S.C. § 207(j)(1)(A).

⁶² *Id.*

⁶³ *Id.* (j)(2)(A).

⁶⁴ *Id.* § 207(j)(2)(B). The statute uses the definition of "institution of higher education" contained in § 101 of the Higher Education Act of 1965 (20 U.S.C. §§ 1001 *et seq.*). As a general matter, the definition includes only nonprofit, degree-granting educational institutions located in the United States or its territories. *See* 20 U.S.C. § 1001(a)-(b).

⁶⁵ 18 U.S.C. § 207(j)(2)(B). For this exception to apply, the hospital or medical research organization must be exempted under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)). *Id.*

⁶⁶ *Id.* § 207(j)(3).

⁶⁷ *Id.* § 207(j)(7)(A).

person or entity who represents, aids, or advises only such persons or entities, the communications would be prohibited.⁶⁸

- ✓ **Make statements based upon the “special knowledge”** of the former employee concerning the particular area that is the subject of the statement, if **no compensation** is received in connection therewith.⁶⁹
- ✓ **Give testimony under oath**, or make statements required to be made under penalty of perjury.⁷⁰
- ✓ **Contact staff of the Clerk of the House** regarding the individual’s compliance with the disclosure requirements under the Lobbying Disclosure Act.⁷¹
- ✓ **Make political contributions** to, and **sponsor or attend political fundraisers** for, current Members of Congress, *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁷²
- ✓ **Interact socially with current Members of Congress and staff** *provided that* no appearances or communications are made with the intent to influence, on behalf of any other person, the official actions or decisions of current Members or staff.⁷³

Unless stated otherwise, each of the following examples assumes that the staffer is a covered former employee because their compensation while on House payroll triggered the substantive post-employment restrictions.

Example 1. Staff member *A* resigns from her position on Member *B*’s personal staff. She may not contact *B* or anyone on his staff for one year (except on behalf of an exempt organization), but she may contact any other Member or staff member on behalf of anyone other than a foreign entity, i.e., a foreign government or foreign political party, as soon as she leaves the House payroll.

Example 2. Staff member *C* resigns from his position on the Ways and Means Committee. He may not contact any current member or employee of Ways and

⁶⁸ *Id.* § 207(j)(7)(B)(ii)(II).

⁶⁹ *Id.* § 207(j)(4). “Special knowledge” is not defined in the statute. The Federal Register, which provides rules on the application of the statute to employees in the Executive Branch, states that a “former employee has special knowledge concerning a subject area if he is familiar with the subject area as a result of education, interaction with experts, or other unique or particularized experience.” 5 C.F.R. § 2641.301(d)(1). In addition, in the proposed rulemaking for this provision, OGE emphasized that it regarded its interpretation of this exception to be “relatively narrow.” See 73 Fed. Reg. 36183 (June 25, 2008). Although these definitions are not binding on the Ethics Committee, they provide guidance as to how the term should be interpreted.

⁷⁰ 18 U.S.C. § 207(j)(6).

⁷¹ *Id.* § 207(e)(8).

⁷² See *id.* § 207.

⁷³ See *id.*

Means, or any Member who was on that committee during *C*'s last year of congressional service, on behalf of any non-exempt person or entity, for one year. He may, however, contact any other Member or staff member on any issue, except on behalf of a foreign entity, i.e., a foreign government or foreign political party.

Example 3. Staff member *D*, who is not a covered employee, resigns from her position on Member *E*'s staff to become a lobbyist. *D* may immediately lobby *E* or any other Member for any client.

Example 4. Staff member *F* resigns from Member *G*'s staff to accept a position in an Executive Branch agency. *F* may contact *G* immediately on behalf of the agency.

Example 5. Staff member *H* resigns from his congressional position to join the staff of the Governor of his state. As a state employee, *H* may contact anyone in Congress, including his former employing Member, on behalf of the state.

Example 6. Staff member *I* resigns her congressional position and moves back to her home state. *I* may contact state government officials on behalf of any clients.

Example 7. Staff member *J* resigns his position with Member *K* and begins work as a lobbyist at a lobbying firm. One of *J*'s clients is a state university. *J* may not lobby *K* on behalf of the university (or any other client) for one year following his departure from the House. However, if *J* were an employee of the university rather than an outside retained lobbyist, contact with *K* on behalf of the university would be permitted.

Example 8. Staff member *L* resigns his congressional position to become a lobbyist. For the first year after leaving the Hill, *L* lobbies only Executive Branch personnel, and *L* has no foreign clients. *L* is complying with the law.

Example 9. During his final year of House employment, staff member *M* worked for Member *N* from January to June 30, and for a committee from July 1 through December 30. December 30 was *M*'s final day on the House payroll. *M* was paid more than 75% of a Member's salary while in each position. *M* may not contact *N* or the committee on behalf of any non-exempt person or entity for one year following his termination from each employer. Thus, *M* would be barred from contacting *N* until July 1 of the following year and current and former members of the committee and current committee staff until December 31 of the following year.

Example 10. Staff member *M*, from the previous example, was paid less than the triggering rate in the Member's office, then she accepted a promotion to a committee that did pay more than the triggering rate. *M* would not be restricted from contacting the Member office once she ends her employment with the House.

Example 11. During his one-year "cooling-off" period, former staff member *O* wishes to call his former employing Member to request that she meet with representatives of one of his clients to discuss legislation of interest to the client. *O*

would not be present at the meeting. *O* would violate the statute by requesting the meeting because the request would be a communication intended to influence official action.

Example 12. During his first year after leaving House employment, *P* wishes to contact a current employee of that committee to urge him to support federal funding for a non-profit organization operated by a friend of *P*. The non-profit organization is not a client of *P*, and *P* would receive no compensation for making the contact. *P* would violate the statute by doing so because the statute bars such contacts regardless of whether the former employee would be compensated for them.

ACTIVITY DURING ONE-YEAR COOLING OFF PERIOD

Entity Contacted by Former Employee

	Former Congressional Office/Committee	Executive Branch	Foreign Entity	State Governments
Private Entity	✗ Must wait 1 year before contacting former Congressional office or committee directly. May immediately advise entity behind scenes. May contact other Congressional offices immediately	✓	✓	✓
Federal, State, or Local Government	✓ If elected official or employee of the federal, state, or local government	✓	✓	✓
Tribal Government	✗ May advise entity behind scenes immediately	▲	✓	✓
Foreign Entity	✗ Must wait 1 year before contacting any Congressional office or committee directly or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	✗ Must wait 1 year before contacting Executive Branch or advising foreign government behind scenes. Must register with Justice Department if acting as a foreign agent in the U.S.	✓	✓ Must register with the Justice Department if acting as a foreign agent in the U.S.
International Org. of which U.S. is a Member	▲ If Secretary of State classifies the subject matter as one of national interest, may immediately advise international organization and contact Congress directly; otherwise, must wait 1 year to do either	▲ If Secretary of State classifies the subject matter as one of national interest, may immediately advise international organization and contact executive branch directly; otherwise, must wait 1 year to do either	✓	✓
Accredited U.S. College or University	✓ If an employee of the college or university	✓	✓	✓
Charitable Hospital or Medical Research Organization	✓ If an employee of the hospital or organization	✓	✓	✓
Candidate, Political Campaign, or Party	✓ If employee of candidate, authorized campaign committee, or federal or state party or committee, unless employed by entity that advises only such entities	✓	✓	✓

Entity Represented by Former Employee

✓	May contact immediately
▲	May contact if additional steps are taken
✗	May not contact within one-year cooling off period

Penalties

Each violation of the post-employment restrictions set forth in the statute is a felony punishable by imprisonment up to one year (or up to five years for willful violations) and a fine of up to \$102,446 for each violation or the value of the compensation received for the act which violated the restrictions, whichever is greater.⁷⁴ The statute further authorizes the Attorney General to seek an injunction prohibiting a person from engaging in conduct that violates the act.⁷⁵

By its terms, 18 U.S.C. § 207 governs the conduct of **former** Members, officers and employees, and does not apply to the conduct of **current** Members, officers and employees. However, the post-employment restrictions have been the subject of close attention by DOJ, as reflected in the guilty pleas by former House staff and others to criminal violations of the statute.⁷⁶ Therefore, current Members and staff who receive or otherwise participate in improper contacts by a covered former employee should be aware that, depending on the circumstances, they may be subject to criminal or House disciplinary action. The examples involving § 207 violations indicate that a Member who aids and abets a covered former employee in the violation may be prosecuted for conspiracy to violate the post-employment restrictions.⁷⁷

Example 13. Staff member *Q* resigned as chief of staff for Member *R* last month to become a registered federal lobbyist for a local non-profit organization. *R* is a covered employee and subject to the post-employment ban for a year. *Q* asks several of *R*'s current employees to support increased funding for the non-profit and schedules a time for them to discuss the matter further. If *R*'s employees accept the meeting with *Q*, they could be considered aiding and abetting *Q* to violate her post-employment restrictions. Furthermore, in an Ethics Committee disciplinary case that was completed in the 106th Congress, a Member admitted to engaging in several forms of conduct that violated House rules requiring that each Member and staff person “conduct himself at all times in a manner that shall reflect creditably on the House.”⁷⁸ One of those violations was his engaging in a pattern and practice of knowingly allowing his former chief of staff to appear before and communicate with him in his official capacity during the one-year period following her

⁷⁴ See 18 U.S.C. § 216; see also 28 C.F.R. § 85.5 (2020).

⁷⁵ See 18 U.S.C. § 216(c).

⁷⁶ See, e.g., *United States v. Jack A. Abramoff*, Docket No. 06-CR-001 (D.D.C.) (hereinafter “*Abramoff* action”). Similarly, in September 2006, former Representative Robert W. Ney pleaded guilty to conspiracy to violate, among other statutes, the post-employment restrictions for former covered employees (hereinafter “*Ney* action”). Also note, in September 2012, a former Senate staffer, Doug Hampton, was sentenced to one year probation for violating the post-employment restriction (hereinafter “*Hampton* action”).

⁷⁷ See, e.g., *Abramoff* and *Ney* actions, note 71 above.

⁷⁸ House Rule 23, cl. 1; see also House Comm. on Standards of Official Conduct, *In the Matter of Representative E.G. “Bud” Shuster*, H. Rep. 106-979, vol. I (July 19, 2002) (hereinafter “*Shuster Report*”).

resignation, “in a manner that created the appearance that his official decisions might have been improperly affected.”⁷⁹

FINANCIAL DISCLOSURE REQUIREMENTS FOLLOWING DEPARTURE FROM HOUSE EMPLOYMENT

A departing staff member who was required to file a Financial Disclosure statement because of the employee’s rate of pay must file a final Financial Disclosure Statement, called a Termination Report, within 30 days of leaving the House payroll.⁸⁰ However, an employee in a Member’s office who has filed only because the employee was designated as a “Principal Assistant” does not have to file a Termination Report unless the individual was designated as principal assistant to a Member leaving the House.⁸¹ Extensions of up to 90 days are available upon written request to the Committee when made prior to the original due date.⁸² Please note that the salary threshold for filing disclosure statements is higher than that which triggers the post-employment restrictions discussed above. For 2022, “senior staff” for financial disclosure purposes is anyone paid at annual salary rate of \$135,468 (or a monthly salary of \$11,289) for 60 days or more.⁸³

The Termination Report, filed on the same form as the annual report, covers all financial activity through the filer’s last day on the House payroll.⁸⁴ Schedule F (“Agreements”) of the report requires disclosure of any agreement entered into by the filer, oral or written, with respect to future employment.⁸⁵ Thus, if a senior staff employee accepts a future position while still on the House payroll, the employee will have to disclose the agreement on the individual’s Termination Report. The date of the agreement, the future employer, the position or title and the starting date must be disclosed, but the amount of the compensation need not be reported.⁸⁶ The employee will also have to disclose, on Schedule H (“Travel Payments and Reimbursements”) of the report, any travel reimbursements exceeding \$415 received from any source in connection with job-search activity.⁸⁷

⁷⁹ House Comm. on Standards of Official Conduct, *Summary of Activities, One Hundred Sixth Congress*, H. Rep. 106-1044, at 10, 13, 16 (2000); see also Shuster Report, *supra* note 78 above, vol. 1; see also, Senate Select Comm. on Ethics, *Report of the Preliminary Inquiry into the Matter of Senator John E. Ensign* (May 10, 2011), https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=676ADD17-2C7F-40F7-A4D9-B35526E4DA97.

⁸⁰ 5 U.S.C. app. § 101(e).

⁸¹ See Comm. on Ethics, *2021 Instruction Guide for Completing Financial Disclosure Statements and Periodic Transaction Reports* (hereinafter “2021 FD and PTR Instructions”) at 5.

⁸² 5 U.S.C. app. § 101(g)(1); see also *2021 FD and PTR Instructions* at 7.

⁸³ See 5 U.S.C. app. § 109(13)(B)(i). The 60 days do not have to be consecutive; being paid at the senior staff rate for any two months of the calendar year triggers the requirement to file a Termination Report.

⁸⁴ *Id.* § 101(e).

⁸⁵ *Id.* § 102(a)(7).

⁸⁶ See *id.*; see also *2021 FD and PTR Instructions* at 34.

⁸⁷ 5 U.S.C. app. § 102(a)(2)(B).

However, a departing employee who, prior to thirty days after leaving office, has accepted another federal position requiring the filing of a *public* financial disclosure statement need not file a Termination Report.⁸⁸ Any departing employee who is not required to file a Termination Report for this reason must notify the Clerk *in writing* of that fact.⁸⁹

OUTSIDE EMPLOYMENT AND EARNED INCOME RESTRICTIONS

Departing staff remain subject to all House rules, including the gift rule and the limitations on outside employment and earned income,⁹⁰ as long as they remain on the House payroll. These rules are particularly important to bear in mind when an employee's prospective employer suggests that the individual begin work early, including, for example, while still drawing pay for accrued annual leave.⁹¹ In calendar year 2022, a senior staff employee may not receive outside earned income (including, for example, a signing bonus) in excess of \$29,895, and **no** earned income may be received for: (1) providing professional services involving a fiduciary relationship, including the practice of law, or any consulting or advising; (2) being employed by an entity that provides such services; or (3) serving as a board member or officer of any organization.⁹² Regardless of whether compensation is received, a senior staff employee may not allow his or her name to be used by an organization that provides fiduciary services. In addition, a senior staff employee may not receive any honoraria (i.e., a payment for a speech, article, or appearance),⁹³ although he or she may receive compensation for teaching, if the employee first secures specific prior permission from this Committee.⁹⁴

Example 14. Staff member *S*, who earns more than the qualifying senior staff rate of \$135,468, plans to join a law firm when he leaves his official position. Since this is a firm providing professional services of a fiduciary nature, *S* may not commence his new employment until he is off the congressional payroll.

⁸⁸ *Id.* § 101(e).

⁸⁹ See 2021 FD and PTR Instructions at 5. A form for this purpose is available on the Committee's website, at https://ethics.house.gov/sites/ethics.house.gov/files/Complete%20Termination%20Exemption%20Form_0.pdf.

⁹⁰ House Rule 25, cls. 1-5. The outside employment and earned income limitations are also codified at 5 U.S.C. app. §§ 501-502.

⁹¹ Staff members contemplating future employment with the U.S. Senate, the Architect of the Capitol or any other department or agency of the U.S. government should bear in mind that federal law prohibits "dual compensation" in excess of an annually-adjusted dollar limit for simultaneous employment by the House and any of those entities. 5 U.S.C. § 5533(c)(1). For 2022, the limit is \$39,603. Pursuant to the statute, a departing House employee may not commence employment with any of the above-named governmental entities while receiving from the House payments for accrued annual leave if the employee's aggregated gross annual salaries from the two positions would exceed the statutory limit. *Id.*

⁹² House Rule 25, cls. 1-4; see also 5 U.S.C. app. §§ 501-502.

⁹³ House Rule 23, cl. 5; House Rule 25, cl. 1(a)(2).

⁹⁴ House Rule 25, cl. 2(e).

**ACCEPTANCE OF OFFICIALLY CONNECTED
TRAVEL FUNDED BY A PRIVATE SOURCE**

After the adjournment *sine die* of Congress, it is questionable whether any employee of a departing Member may participate in any privately-funded travel that is fact-finding in nature. The gift rule requires that such travel be related to official duties,⁹⁵ but as of that time, the official responsibilities that may justify participation in such a trip will practically have come to an end. However, this consideration does not limit the ability of an employee of a departing Member to accept travel from a private source for the purpose of enabling the individual to participate substantially in an officially related event, such as to give a speech.

* * *

Any questions on these matters should be directed to the Committee's Office of Advice and Education at (202) 225-7103.

⁹⁵ *Id.*, cl. 5(b)(1)(A).

APPENDIX III

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RULES

COMMITTEE ON ETHICS

Adopted February 25, 2021
117th Congress

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

COMMITTEE ON ETHICS

UNITED STATES HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

THEODORE E. DEUTCH, Florida, *Chairman*
SUSAN WILD, Pennsylvania
DEAN PHILLIPS, Minnesota
VERONICA ESCOBAR, Texas
MONDAIRE JONES, New York

JACKIE WALORSKI, Indiana, *Ranking Member*
MICHAEL GUEST, Mississippi
DAVID JOYCE, Ohio
JOHN RUTHERFORD, Florida
KELLY ARMSTRONG, North Dakota

THOMAS A. RUST, *Staff Director and Chief Counsel*

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FOREWORD

The Committee on Ethics is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES***Rule 1. General Provisions***

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 117th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

Rule 2. Definitions

(a) “Committee” means the Committee on Ethics.

(b) “Complaint” means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) “Inquiry” means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) “Investigate,” “Investigating,” and/or “Investigation” mean review of the conduct of a Member, officer, or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) “Board” means the Board of the Office of Congressional Ethics.

(f) “Referral” means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer, or employee, including any accompanying findings or other supporting documentation.

(g) “Investigative Subcommittee” means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) “Statement of Alleged Violation” means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) “Adjudicatory Subcommittee” means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) “Sanction Hearing” means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) “Respondent” means a Member, officer, or employee of the House of Representatives who is the subject of an investigation.

(l) “Office of Advice and Education” refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) “Member” means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee’s Travel Guidelines and Regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members,

officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's Travel Guidelines and Regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file, any form required by the Committee's Travel Guidelines and

Regulations may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. § 1001.

(g) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications, or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(l) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file reports required to be filed under Title I of the Ethics in Government Act and that such

individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any reports required to be filed under Title I of the Ethics in Government Act filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days per Statement, including any amendment required by the Committee in accordance with clause (m). No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under Title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of \$200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff who shall review reports required to be filed under Title I of the Ethics in Government Act and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each report required to be filed under Title I of the Ethics in Government Act shall be reviewed within 60 days after the date of filing.

(l) If the reviewing staff believes that additional information is required because (1) the report required to be filed under Title I of the Ethics in Government Act appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the report required to be filed under Title I of the Ethics in Government Act is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised report required to be filed under Title I of the Ethics in Government Act or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other reports required to be filed under Title I of the Ethics in Government Act. The individual designated by the Committee to review the original report required to be filed under Title I of the Ethics in Government Act shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the report required to be filed under Title I of the Ethics in Government Act is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the

explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any report required to be filed under Title I of the Ethics in Government Act requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a report required to be filed under Title I of the Ethics in Government Act or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee, and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

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

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

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

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

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

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

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

Rule 7. Confidentiality

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

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

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

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

(c) Committee members and staff shall not disclose any evidence or information relating to any investigation or proceeding of the Committee or a subcommittee to any person or organization outside the Committee, unless authorized by the Committee.

(d) This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer, or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by the Chair or Ranking Minority Member will be kept confidential by the Board.

(e) A Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after the respondent has been given full opportunity to respond pursuant to Rule 22. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged

Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(f) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(g) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

Rule 8. Subcommittees—General Policy and Structure

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for the Committee or an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is a respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adopting or amending of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproof.

(6) Adopting a recommendation to the House of Representatives that a sanction be imposed.

(7) Adopting a report relating to the conduct of a Member, officer, or employee.

(8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Committee Records

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 12. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 13. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 14. Committee Authority to Investigate—General Policy

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint, in writing and under oath, by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint, in writing and under oath, by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is indicted or otherwise formally charged with criminal conduct or is convicted of a felony in a Federal, State, or local court;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5);

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5);

(3) determinations regarding appeals from fines imposed by the Sergeant-at-Arms for the use of electronic devices in contravention of applicable House rules or policies, pursuant to House Rule II, clause 3(g); and

(4) information received from the Office of Congressional Workplace Rights, pursuant to the Congressional Accountability Act of 1995.

Rule 15. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, “Signed and sworn to (or affirmed) before me on (date) by (the name of the person)”) setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the “complainant”);

(2) the name and position or title of the respondent(s);

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent(s).

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days before a Federal, State, or local election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 16. Duties of Committee Chair and Ranking Minority Member

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days,

whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to –

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what

constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 17. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent(s) within 5 days with notice that the complaint conforms to the applicable rules.

(b) A respondent may, within 30 days of the Committee's notification in clause (a), provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from a respondent or obtain additional information relevant to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent(s) shall be notified in writing regarding the Chair and Ranking Minority Member's determination under Rule 16(e) or the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

Rule 17A. Referrals from the Board of the Office of Congressional Ethics

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(g) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45-day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board, the Chair shall notify in writing the Board and the Member, officer,

or employee who is the subject of the referral of the impending public release of these documents. At the same time, the Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45-day period pursuant to paragraph (b)(1), the Chair shall—

(1) make a public statement on the day of such decision or vote that the matter referred from the Board has been extended; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the matter is extended for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the matter has been extended pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process. The Committee shall issue a public statement noting the establishment of an investigative subcommittee, which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b) –

(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60-day period until after the date of the election in which the subject of the referral is a candidate. For purposes of calculating any applicable period under this Rule, any days within the 60-day period before such an election and the date of the election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter

or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

Rule 18. Committee-Initiated Inquiry or Investigation

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established. The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An investigation shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Chair and Ranking Minority Member have the discretion to gather information pursuant to subsection (a) of this Rule, and the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee, at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State, or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

(3) In addition to any other evidence which the Committee or investigative subcommittee may consider, the Committee or investigative subcommittee may take into evidence any information related to the subject of an investigation contained in trial transcripts and all exhibits admitted into evidence at trial.

Rule 19. Investigative Subcommittee

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative

subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) A respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The members of the Committee shall engage in a collegial discussion regarding such objection. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all evidence or testimony produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The investigative subcommittee, through any of its members or the staff, shall ask the respondent(s) and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide

written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent(s) an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) Required testimony shall be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or any individual designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with a respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the

House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation, or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

(h) An investigative subcommittee may transmit a single report regarding multiple respondents, but shall adopt a separate Statement of Alleged Violation for each respondent where applicable.

Rule 20. Amendments to Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation any time before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 21. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an

affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

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

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

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

Rule 22. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has

replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or public holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

Rule 23. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The members of the Committee shall engage in a collegial discussion regarding such objection. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) The subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. A subpoena for

documents may specify terms of return other than at a meeting or hearing of the subcommittee. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g)(1)-(4), (6)-(7) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that committee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses committee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) No later than two weeks or 5 legislative days after the Chair of the Committee designates members to serve on an adjudicatory subcommittee, whichever is later, the Chair of the adjudicatory subcommittee shall establish a schedule and procedure for the hearing and for prehearing matters. The procedures may be changed either by the Chair of the adjudicatory subcommittee or a by a majority vote of the members of the subcommittee. If the Chair makes prehearing rulings upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, the Chair shall make available those rulings to all subcommittee members at the time of the ruling.

(j) The procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer

any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(k) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair and Ranking Minority Member of the subcommittee shall open the hearing with equal time and during which time, the Chair shall state the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses) and other evidence offered by Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(l) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(m) Each witness appearing before the subcommittee shall be furnished a printed or electronic copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(n) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(o) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing

evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated. Committee counsel or respondent's counsel may move the adjudicatory subcommittee to make a finding that there is no material fact at issue. If the adjudicatory subcommittee finds that there is no material fact at issue, the burden of proof will be deemed satisfied.

(p) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(q) The findings of the adjudicatory subcommittee shall be reported to the Committee.

***Rule 24. Sanction Hearing and Consideration of Sanctions
or Other Recommendations***

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations.

Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

- (1) Dismissal from employment.
- (2) Reprimand.
- (3) Fine.
- (4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 25. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a respondent, it shall make such information known and available to the respondent as soon as practicable, but in no event later than the transmittal of evidence

supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 26. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

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

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) If the Committee issues a report with respect to a claim referred to the Committee by the Office of Congressional Workplace Rights pursuant to Section 416(e) of the Congressional Accountability Act of 1995, the Committee shall ensure that the report does not directly disclose the identity or position of the individual who filed the claim.

(h) A respondent shall receive written notice whenever-

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

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

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first;

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee; and

(5) the Committee or an investigative subcommittee determines to take into evidence the trial transcript or exhibits admitted into evidence at a criminal trial pursuant to Rule 18(e)(3).

(i) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle an investigation, in whole or in part, on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(j) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(k) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent(s) informing the respondent(s) of such vote.

(l) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(m) Prior to their testimony, witnesses shall be furnished a printed or electronic copy of the Committee's Rules and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(n) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(o) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers, and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(p) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to

maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 27. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

Rule 28. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

APPENDIX IV

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U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

The Committee on Ethics has scheduled a public meeting to be held in 1015 Longworth House Office Building and via Cisco WebEx on Thursday, February 25, 2021, at 3:00 p.m. to consider organizational matters relating to the start of the 117th Congress. Public access will be available virtually through the Committee's website.

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
Dave Joyce, Ohio
John H. Rutherford, Florida
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives
COMMITTEE ON ETHICS

Thomas A. Rust
Staff Director and Chief Counsel

David W. Arrojo
Counsel to the Chairman

Kelle A. Strickland
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

FOR RELEASE: Upon Receipt

March 1, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
DELEGATE MICHAEL F.Q. SAN NICOLAS**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on March 1, 2021 to release the following statement:

On February 10, 2020, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Delegate Michael F.Q. San Nicolas.

Pursuant to House Rule XI, clause 3(b)(8)(B)(iii) and Committee Rule 17A(f)(2), the Committee is making public OCE's Report in the matter referred to the Committee on February 10, 2020.

The Committee notes that the mere fact of an investigation into these allegations does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

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Theodore E. Deutch, Florida
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Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
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FOR RELEASE: Upon Receipt

March 1, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE STEVEN PALAZZO**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on March 1, 2021, to release the following statement:

On September 2, 2020, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Steven Palazzo. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), and 17A(j) the Chairman and Ranking Member jointly decided on December 17, 2020, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Palazzo and Representative Palazzo's submission to the Committee.

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Theodore E. Deutch, Florida
Chairman
 Jackie Watorski, Indiana
Ranking Member
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 Mondaire Jones, New York
 Michael Gust, Mississippi
 Dave Joyce, Ohio
 John H. Rutherford, Florida
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FOR RELEASE: Upon Receipt

April 9, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
 OF THE COMMITTEE ON ETHICS REGARDING
 REPRESENTATIVE MATT GAETZ**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

The Committee is aware of public allegations that Representative Matt Gaetz may have engaged in sexual misconduct and/or illicit drug use, shared inappropriate images or videos on the House floor, misused state identification records, converted campaign funds to personal use, and/or accepted a bribe, improper gratuity, or impermissible gift, in violation of House Rules, laws, or other standards of conduct. The Committee, pursuant to Committee Rule 18(a), has begun an investigation and will gather additional information regarding the allegations.

The Committee notes that the mere fact that it is investigating these allegations, and publicly disclosing its review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee. No other public comment will be made on this matter except in accordance with Committee rules.

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FOR RELEASE: Upon Receipt

April 9, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE TOM REED**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

The Committee is aware of public allegations that Representative Tom Reed may have engaged in sexual misconduct, in violation of House Rules, laws, or other standards of conduct. The Committee, pursuant to Committee Rule 18(a), has begun an investigation and will gather additional information regarding the allegations.

The Committee notes that the mere fact that it is investigating these allegations, and publicly disclosing its review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee. No other public comment will be made on this matter except in accordance with Committee rules.

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FOR RELEASE: Upon Receipt

May 20, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
DELEGATE MICHAEL F.Q. SAN NICOLAS**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 18, the Committee unanimously voted to re-authorize an Investigative Subcommittee (ISC) for the 117th Congress to review allegations involving Delegate Michael F.Q. San Nicolas.

The Honorable Darren Soto will serve as Chair of the ISC, and the Honorable Jackie Walorski will serve as the Ranking Member. The other two members of the ISC are the Honorable Dina Titus and the Honorable Vicky Hartzler.

The Committee notes that the mere fact of an investigation into these allegations does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

###

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Ranking Member

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FOR RELEASE: Upon Receipt

July 26, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JOYCE BEATTY**

On July 26, 2021, the Committee released the attached Report regarding allegations relating to Representative Joyce Beatty.

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Theodore E. Deutch, Florida
Chairman
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Susan Wild, Pennsylvania
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FOR RELEASE: Upon Receipt

July 30, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE HANK JOHNSON**

On July 30, 2021, the Committee released the attached Report regarding allegations relating to Representative Hank Johnson.

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Chairman
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U.S. House of Representatives

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Facsimile: (202) 225-7392

FOR RELEASE: Upon Receipt

September 7, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE JIM HAGEDORN**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Jim Hagedorn, which was transmitted to the Committee by the Office of Congressional Ethics on July 23, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Thursday, October 21, 2021.

###

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
Dave Joyce, Ohio
John H. Rutherford, Florida
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

Thomas A. Rust
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FOR RELEASE: Upon Receipt

September 7, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE MIKE KELLY**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Mike Kelly, which was transmitted to the Committee by the Office of Congressional Ethics on July 23, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Thursday, October 21, 2021.

###

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FOR RELEASE: Upon Receipt

September 7, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE TOM MALINOWSKI**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Tom Malinowski, which was transmitted to the Committee by the Office of Congressional Ethics on July 23, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Thursday, October 21, 2021.

###

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FOR RELEASE: Upon Receipt

September 7, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ALEX MOONEY**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Alex Mooney, which was transmitted to the Committee by the Office of Congressional Ethics on July 23, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Thursday, October 21, 2021.

###

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ONE HUNDRED SEVENTEENTH CONGRESS

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FOR RELEASE: Upon Receipt

September 28, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE AL GREEN**

On September 28, 2021, the Committee released the attached Report regarding allegations relating to Representative Al Green.

###

Theodore E. Deutch, Florida
Chairman
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FOR RELEASE: Upon Receipt

September 28, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE SHEILA JACKSON LEE**

On September 28, 2021, the Committee released the attached Report regarding allegations relating to Representative Sheila Jackson Lee.

###

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Chairman
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FOR RELEASE: Upon Receipt

October 12, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
JOHN SAMPLE**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding John Sample, which was transmitted to the Committee by the Office of Congressional Ethics on August 27, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, November 29, 2021.

###

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FOR RELEASE: Upon Receipt**October 21, 2021**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE JIM HAGEDORN**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on October 21, 2021, to release the following statement:

On July 23, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Jim Hagedorn. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on September 6, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Hagedorn and Representative Hagedorn's submission to the Committee.

###

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FOR RELEASE: Upon Receipt

October 21, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE MIKE KELLY**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on October 21, 2021, to release the following statement:

On July 23, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Mike Kelly. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on September 6, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Kelly and Representative Kelly's submission to the Committee.

###

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FOR RELEASE: Upon Receipt**October 21, 2021**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE TOM MALINOWSKI**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on October 21, 2021, to release the following statement:

On July 23, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Tom Malinowski. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on September 6, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Malinowski and Representative Malinowski's submission to the Committee.

###

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FOR RELEASE: Upon Receipt**October 21, 2021**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ALEX MOONEY**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on October 21, 2021, to release the following statement:

On July 23, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Alex Mooney. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on September 6, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Mooney.

###

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FOR RELEASE: Upon Receipt**November 29, 2021**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
JOHN SAMPLE**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined on November 25, 2021, to release the following statement:

On August 27, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding John Sample. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on October 12, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against John Sample.

###

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FOR RELEASE: Upon Receipt

December 3, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE JEFF FORTENBERRY**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On October 19, 2021, criminal charges against Representative Jeff Fortenberry were filed in the United States District Court for the Central District of California. Pursuant to Committee Rule 18(e)(2) and Section 3(e) of House Resolution 8 of the 117th Congress, within 30 days of a Member being indicted or otherwise formally charged with criminal conduct, the Committee shall either establish an Investigative Subcommittee or report to the House describing its reasons for not establishing an Investigative Subcommittee.

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 18(e), the Committee unanimously voted to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether: Representative Fortenberry's 2016 congressional campaign may have accepted illegal contributions; and Representative Fortenberry engaged in a scheme to falsify and conceal material facts and/or made false statements, during a federal investigation into his campaign committee's alleged acceptance of illegal campaign contributions.

The Honorable Susan Wild will serve as Chair of the Investigative Subcommittee, and the Honorable Michael Guest will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Colin Allred and the Honorable David Rouzer.

The Department of Justice has asked the Committee to defer consideration of the matters in the Investigative Subcommittee's jurisdiction. The Committee, following precedent, unanimously recommended to the Investigative Subcommittee that it defer action on its investigation at this time. No other public comment will be made on this matter except in accordance with Committee rules.

###

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U.S. House of Representatives

COMMITTEE ON ETHICS

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FOR RELEASE: Upon Receipt

December 9, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE DOUG LAMBORN**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Doug Lamborn, which was transmitted to the Committee by the Office of Congressional Ethics on October 25, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, January 24, 2022.

###

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Ranking Member

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Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

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FOR RELEASE: Upon Receipt

December 9, 2021

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE MARIE NEWMAN**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Marie Newman, which was transmitted to the Committee by the Office of Congressional Ethics on October 25, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, January 24, 2022.

###

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FOR RELEASE: Upon Receipt**January 24, 2022**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE DOUG LAMBORN**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On October 25, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Doug Lamborn. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on December 9, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Lamborn and Representative Lamborn's submission to the Committee.

###

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FOR RELEASE: Upon Receipt

January 24, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE MARIE NEWMAN**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On October 25, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Marie Newman. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on December 9, 2021, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Newman and Representative Newman's submission to the Committee.

###

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FOR RELEASE: Upon Receipt

February 7, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JAMAAL BOWMAN**

On February 7, 2022, the Committee released the attached Report regarding allegations relating to Representative Jamaal Bowman.

###

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
Dave Joyce, Ohio
John H. Rutherford, Florida
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

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FOR RELEASE: Upon Receipt

February 7, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ALEX MOONEY**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Alex Mooney, which was transmitted to the Committee by the Office of Congressional Ethics on December 22, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, May 23, 2022.

###

Theodore E. Deutch, Florida
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FOR RELEASE: Upon Receipt**March 22, 2022**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ILHAN OMAR**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On December 22, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding allegations that Representative Ilhan Omar may have omitted required information from her annual financial disclosure reports and may have received an advance payment on royalties relating to her memoir. In its referral, OCE unanimously recommended that the Committee dismiss the matter.

A majority of the Committee did not vote to dismiss the matter. Pursuant to House Rule XI, clause 3(b)(8)(E) and Committee Rule 17A(g), the Committee hereby publishes OCE's Report relating to allegations against Representative Omar. OCE did not transmit findings to the Committee in this matter, so no findings are published.

House Rule XI, clause 3 and Committee Rule 17A provide for no specific further action. The Committee will not further review the matter.

###

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Kelly Armstrong, North Dakota



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FOR RELEASE: Upon Receipt

April 1, 2022

**STATEMENT REGARDING THE INVESTIGATIVE SUBCOMMITTEE
IN THE MATTER OF REPRESENTATIVE JEFF FORTENBERRY**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement regarding the Investigative Subcommittee in the Matter of Representative Jeff Fortenberry:

On October 19, 2021, criminal charges against Representative Jeff Fortenberry were filed in the United States District Court for the Central District of California. On November 17, 2021, in accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 18(e)(2), the Committee unanimously voted to establish an Investigative Subcommittee with jurisdiction to determine whether: Representative Fortenberry's 2016 congressional campaign may have accepted illegal contributions; and Representative Fortenberry engaged in a scheme to falsify and conceal material facts and/or made false statements, during a federal investigation into his campaign committee's alleged acceptance of illegal campaign contributions. The Department of Justice asked the Committee to defer consideration of the matters in the Investigative Subcommittee's jurisdiction. The Committee, following precedent, unanimously recommended to the Investigative Subcommittee that it defer action on its investigation at that time.

On March 24, 2022, Representative Fortenberry was convicted of one count of engaging in a scheme to falsify and conceal material facts and two counts of making false statements following a jury trial.

The House received Representative Fortenberry's notice of resignation on March 26, 2022, effective at the close of business on March 31, 2022. As a consequence, the Investigative Subcommittee and the Committee no longer have jurisdiction over him. The Committee considers this matter closed.

No other public statement will be made on this matter except in accordance with Committee rules.

###

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Ranking Member

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FOR RELEASE: Upon Receipt

April 7, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE RONNY JACKSON**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Ronny Jackson, which was transmitted to the Committee by the Office of Congressional Ethics on December 22, 2021.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, May 23, 2022.

###

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Kelly Armstrong, North Dakota



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FOR RELEASE: Upon Receipt

April 14, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE JOHN RUTHERFORD**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative John Rutherford, which was transmitted to the Committee by the Office of Congressional Ethics on February 28, 2022.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Tuesday, May 31, 2022.

###

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Ranking Member

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Kelly Armstrong, North Dakota



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FOR RELEASE: Upon Receipt

April 14, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE THOMAS SUOZZI**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Thomas Suozzi, which was transmitted to the Committee by the Office of Congressional Ethics on February 28, 2022.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Friday, July 29, 2022.

###

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Ranking Member

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FOR RELEASE: Upon Receipt

April 18, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE PAT FALLON**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Pat Fallon, which was transmitted to the Committee by the Office of Congressional Ethics on March 2, 2022.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Tuesday, May 31, 2022.

###

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Chairman
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Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
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Michael Guest, Mississippi
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Kelly Armstrong, North Dakota



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FOR RELEASE: Upon Receipt**May 23, 2022**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE MADISON CAWTHORN**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

In accordance with House Rule XI, clause 3, and Committee Rules 10(a)(2) and 18, the Committee unanimously voted on May 11, 2022, to establish an Investigative Subcommittee. Pursuant to the Committee's action, the Investigative Subcommittee shall have jurisdiction to determine whether Representative Madison Cawthorn may have: improperly promoted a cryptocurrency in which he may have had an undisclosed financial interest, and engaged in an improper relationship with an individual employed on his congressional staff.

The Honorable Veronica Escobar will serve as Chair of the Investigative Subcommittee, and the Honorable Michael Guest will serve as the Ranking Member. The other two members of the Investigative Subcommittee are the Honorable Lisa Blunt Rochester and the Honorable Michelle Fischbach.

The Committee notes that the mere fact of establishing an Investigative Subcommittee does not itself indicate that any violation has occurred. No other public comment will be made on this matter except in accordance with Committee rules.

###

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Chairman
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Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
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John H. Rutherford, Florida
Kelly Armstrong, North Dakota



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FOR RELEASE: Upon Receipt

May 23, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MADISON
CAWTHORN**

On May 23, 2022, the Committee released the attached Report regarding allegations relating to Representative Madison Cawthorn.

###

Theodore E. Deutch, Florida
Chairman
 Jackie Watorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
 Dean Phillips, Minnesota
 Veronica Escobar, Texas
 Mondaire Jones, New York

Michael Guest, Mississippi
 Dave Joyce, Ohio
 John H. Rutherford, Florida
 Kelly Armstrong, North Dakota



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FOR RELEASE: Upon Receipt

May 23, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
 OF THE COMMITTEE ON ETHICS REGARDING
 REPRESENTATIVE RONNY JACKSON**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On December 22, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Ronny Jackson. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), and 17A(j), the Chairman and Ranking Member jointly decided on April 7, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Jackson and Representative Jackson's submission to the Committee.

###

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FOR RELEASE: Upon Receipt

May 23, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ALEX MOONEY**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On December 22, 2021, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Alex Mooney. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Chairman and Ranking Member jointly decided on February 7, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Mooney.

###

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FOR RELEASE: Upon Receipt

May 31, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE PAT FALLON**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On March 2, 2022, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Pat Fallon. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on April 18, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Fallon and Representative Fallon's submission to the Committee.

###

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FOR RELEASE: Upon Receipt

May 31, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE CHRIS JACOBS**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On February 28, 2022, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Chris Jacobs. In its referral, OCE did not make a recommendation regarding the allegations because of a tie vote of the OCE Board. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report relating to allegations against Representative Jacobs and Representative Jacobs' submission to the Committee. OCE did not transmit findings to the Committee in this matter, so no findings are published.

###

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Chairman
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Ranking Member

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ONE HUNDRED SEVENTEENTH CONGRESS

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FOR RELEASE: Upon Receipt

May 31, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE JOHN RUTHERFORD**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On February 28, 2022, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative John Rutherford. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Chairman and Ranking Member jointly decided on April 14, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Rutherford and Representative Rutherford's submission to the Committee.

###

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ONE HUNDRED SEVENTEENTH CONGRESS

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FOR RELEASE: Upon Receipt**JUNE 24, 2022**

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
DELEGATE MICHAEL F.Q. SAN NICOLAS**

Pursuant to House Rule XI Clause 3(q)(1), today the Chairman of the Committee on Ethics, Representative Theodore E. Deutch, and the Ranking Member, Representative Jackie Walorski, submitted a report to the House of Representatives in the Matter of Allegations Relating to Delegate San Nicolas. The full Committee report includes the report of the Investigative Subcommittee (ISC) in this matter.

At the completion of its investigation, the ISC unanimously concluded that there was substantial evidence that Delegate San Nicolas: accepted improper excessive campaign contributions; engaged in a conspiracy to hide the proceeds of the illicit campaign contributions; knowingly caused his campaign committee to file false or incomplete reports with the Federal Election Commission; and attempted to improperly influence a witness in connection with this Committee's investigation. In light of the Delegate's impending retirement from the House and the potential for expiration of applicable statutes of limitations, the ISC recommended that the Committee refer these allegations to the Department of Justice.

The Committee on Ethics has unanimously voted to adopt the ISC's report, and with it, refer the substantial evidence of potential violations of federal criminal law to the Department of Justice for such further action as it deems appropriate.

The Committee thanks the members of the Investigative Subcommittee for their hard work, dedication, and service to the Committee and to the House. Representative Darren Soto served as Chair of the Investigative Subcommittee. Representative Jackie Walorski served as Ranking Republican Member. Representatives Dina Titus and Vicky Hartzler also served on the Subcommittee. Each of these members devoted substantial time and effort to the investigation, and the Committee thanks each of them for their service.

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ONE HUNDRED SEVENTEENTH CONGRESS

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FOR RELEASE: Upon Receipt

July 22, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE JUDY CHU**

On July 22, 2022, the Committee released the attached Report regarding allegations relating to Representative Judy Chu.

###

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
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FOR RELEASE: Upon Receipt

July 29, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING THE ARRESTS OF MEMBERS OF THE
HOUSE DURING A PROTEST OUTSIDE THE UNITED STATES SUPREME COURT
ON JULY 19, 2022**

On July 29, 2022, the Committee released the attached Report regarding allegations relating to the arrests of Members of the House during a protest outside the United States Supreme Court on July 19, 2022.

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Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
Dave Joyce, Ohio
John H. Rutherford, Florida
Kelly Armstrong, North Dakota



ONE HUNDRED SEVENTEENTH CONGRESS

U.S. House of Representatives
COMMITTEE ON ETHICS

Thomas A. Rust
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FOR RELEASE: Upon Receipt

July 29, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE PAT FALLON, REPRESENTATIVE CHRIS JACOBS, AND
REPRESENTATIVE THOMAS SUOZZI**

Pursuant to Committee Rule 7, the Chairman and Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On February 28, 2022, and March 2, 2022, the Committee received referrals from the Office of Congressional Ethics (OCE) regarding allegations that Representative Pat Fallon, Representative Chris Jacobs, and Representative Thomas Suozzi may have failed to timely file Periodic Transaction Reports (PTRs) for various reportable transactions.

The Committee unanimously voted to dismiss the referrals. The Committee concluded that there was not clear evidence that the errors and omissions in the Members' PTRs were knowing or willful and that the Members were generally unclear on the requirements relating to PTR filings. The Committee has worked with each Member, and they have all made diligent efforts to take appropriate remedial actions and ensure their continued compliance with applicable financial disclosure requirements. The Committee previously published OCE's referrals relating to Representative Fallon and Representative Jacobs. Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Suozzi and Representative Suozzi's submission to the Committee.

The Committee takes the statutory financial disclosure requirements and its oversight of them very seriously. It is working to address various programmatic issues raised by these referrals and will publicly address them at a later date.

###

Theodore E. Deutch, Florida
Chairman
Jackie Walorski, Indiana
Ranking Member

Susan Wild, Pennsylvania
Dean Phillips, Minnesota
Veronica Escobar, Texas
Mondaire Jones, New York

Michael Guest, Mississippi
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FOR RELEASE: Upon Receipt

July 29, 2022

**STATEMENT OF THE CHAIRMAN AND RANKING MEMBER OF THE
COMMITTEE ON ETHICS REGARDING REPRESENTATIVE ANDY LEVIN**

On July 29, 2022, the Committee released the attached Report regarding allegations relating to Representative Andy Levin.

###



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

August 4, 2022

STATEMENT ON THE PASSING OF RANKING MEMBER JACKIE WALORSKI

The Committee on Ethics mourns the tragic loss of its Ranking Member, Representative Jackie Walorski. Representative Walorski first served as a Member of an investigative subcommittee in the 115th Congress, then became a Member of the full Committee in the 116th Congress, and served as the Committee's Ranking Member in the 117th Congress.

Ranking Member Walorski demonstrated a commitment to upholding the integrity of the House throughout her service. The Committee is charged with overseeing the House's Code of Official Conduct, which provides first and foremost that Members shall act at all times in a manner that reflects creditably upon the House. Ranking Member Walorski embodied that standard through her consistent compassion, fairness, and dedication to public service and the institution. She will be deeply missed.

The Committee Members and staff extend our heartfelt condolences to the Ranking Member's family and staff, as well as to the families of her dedicated staff, Emma Thomson and Zach Potts, who also passed away.

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U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

August 24, 2022

**STATEMENT OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE JOHN RUTHERFORD**

On February 28, 2022, the Committee received a referral from the Office of Congressional Ethics regarding allegations that Representative John Rutherford may have failed to timely file Periodic Transaction Reports (PTRs) for various reportable transactions.

The Committee voted to dismiss the referral. The Committee concluded that there was not clear evidence that the errors and omissions in Representative Rutherford's PTRs were knowing or willful and that he was generally unclear on the requirements relating to PTR filings. The Committee has worked with Representative Rutherford, and he has made diligent efforts to take appropriate remedial actions and ensure his continued compliance with applicable financial disclosure requirements.

The Committee takes the statutory financial disclosure requirements and its oversight of them very seriously. It is working to address various programmatic issues raised by the referral and will publicly address them at a later date.

###



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

October 5, 2022

**STATEMENT REGARDING THE NEW LEADERSHIP
FOR THE COMMITTEE ON ETHICS**

For the remainder of the 117th Congress, the Committee on Ethics (Committee) will be led by its new Acting Chairwoman Susan Wild and Acting Ranking Member Michael Guest. Both Acting Chairwoman Wild and Acting Ranking Member Guest have served on the Committee since the start of the 116th Congress. In that time, they have served in various Committee leadership roles, including leading investigative subcommittees and a working group. They look forward to working together to further the vital mission of the Committee.

The Committee wishes to acknowledge the leadership of its former Chairman Ted Deutch and its former Ranking Member the late Jackie Walorski.

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U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

October 7, 2022

**STATEMENT OF THE ACTING CHAIRWOMAN AND ACTING RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE CAROLYN B. MALONEY**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Acting Chairwoman and Acting Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Carolyn B. Maloney, which was transmitted to the Committee by the Office of Congressional Ethics on June 23, 2022.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before Monday, November 21, 2022.

###



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

October 14, 2022

**STATEMENT OF THE ACTING CHAIRWOMAN AND ACTING RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE KAIALI'I KAHELE**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Acting Chairwoman and Acting Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Kaiali'i Kahele, which was transmitted to the Committee by the Office of Congressional Ethics on August 30, 2022.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter on or before November 28, 2022.

###



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

November 21, 2022

**STATEMENT OF THE ACTING CHAIRWOMAN AND ACTING RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE CAROLYN B. MALONEY**

Pursuant to Committee Rule 7, the Acting Chairwoman and Acting Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On June 23, 2022, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Carolyn B. Maloney. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Acting Chairwoman and Acting Ranking Member jointly decided on October 7, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Maloney and Representative Maloney's submission to the Committee.

###



U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

November 28, 2022

**STATEMENT OF THE ACTING CHAIRWOMAN AND ACTING RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE KAIALPI KAHELE**

Pursuant to Committee Rule 7, the Acting Chairwoman and Acting Ranking Member of the Committee on Ethics (Committee) determined to release the following statement:

On August 30, 2022, the Committee received a referral from the Office of Congressional Ethics (OCE) regarding Representative Kaiali'i Kahele. Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A) and 17A(c)(1), the Acting Chairwoman and Acting Ranking Member jointly decided on October 14, 2022, to extend the Committee's review of the matter. In order to gather additional information necessary to complete its review, the Committee will review the matter pursuant to Committee Rule 18(a). The Committee notes that the mere fact of conducting further review of a referral, and any mandatory disclosure of such further review, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

In order to comply with Committee Rule 7 regarding confidentiality, out of fairness to all respondents, and to assure the integrity of its work, the Committee will refrain from making further public statements on this matter pending completion of its initial review.

Pursuant to Committee Rule 17A, the Committee hereby publishes OCE's Report and Findings relating to allegations against Representative Kahele and Representative Kahele's submission to the Committee.

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U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

December 6, 2022

**STATEMENT OF THE ACTING CHAIRWOMAN AND ACTING RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING REPRESENTATIVE MADISON
CAWTHORN**

On December 6, 2022, the Committee released the attached Report regarding allegations relating to Representative Madison Cawthorn.

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U.S. House of Representatives

COMMITTEE ON ETHICS

Washington, DC 20515

FOR RELEASE: Upon Receipt

December 7, 2022

**STATEMENT OF THE ACTING CHAIRWOMAN AND ACTING RANKING MEMBER
OF THE COMMITTEE ON ETHICS REGARDING
REPRESENTATIVE ALEXANDRIA OCASIO-CORTEZ**

Pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rules 17A(b)(1)(A), 17A(c)(1), and 17A(j), the Acting Chairwoman and Acting Ranking Member of the Committee on Ethics have jointly decided to extend the matter regarding Representative Alexandria Ocasio-Cortez, which was transmitted to the Committee by the Office of Congressional Ethics on June 23, 2022.

The Committee notes that the mere fact of a referral or an extension, and the mandatory disclosure of such an extension and the name of the subject of the matter, does not itself indicate that any violation has occurred, or reflect any judgment on behalf of the Committee.

The Committee will announce its course of action in this matter following its organizational meeting and adoption of Committee Rules in the 118th Congress.

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