

ADOPTED BY THE COMMITTEE ON ETHICS ON JANUARY 2, 2015

**113TH CONGRESS, 2ND SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**SUMMARY OF ACTIVITIES
113TH CONGRESS**

JANUARY 2, 2015

KMC

Mr. CONAWAY from the Committee on Ethics submitted the following

REPORT

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REPORT STAFF

Thomas A. Rust, *Chief Counsel/Staff Director*

Deborah Sue Mayer, *Director of Investigations*

Tonia Smith, *Director of Advice and Education*

Jackie M. Barber, *Counsel to the Chairman*

Daniel J. Taylor, *Counsel to the Ranking Member*

Brittany M. Bohren, *Investigator*

C. Tucker Carr, *Investigative Clerk*

Molly McCarty, *Advice and Education Clerk*

Patrick McMullen, *Senior Counsel*

Tamar Nedzar, *Senior Counsel*

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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

January 2, 2015

Thomas A. Rust
Staff Director and Chief Counsel

Joanne White
Administrative Staff Director

Jackie M. Barber
Counsel to the Chairman

Daniel J. Taylor
Counsel to the Ranking Member


1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392


The Honorable Karen L. Haas
Clerk, House of Representatives
Washington, DC 20515

Dear Ms. Haas:

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

Sincerely,


K. Michael Conaway
Chairman


Linda T. Sánchez
Ranking Member

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SUMMARY OF ACTIVITIES

ONE HUNDRED THIRTEENTH CONGRESS

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

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

REPORT

Acknowledgement

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

Overview

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

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

The Committee's core responsibilities include providing training, advice, and education to House Members, officers, and employees; reviewing and approving requests to accept privately-sponsored travel related to official duties; reviewing and certifying all financial disclosure reports Members, candidates for the House, officers, and senior staff are required to file; and investigating and adjudicating allegations of misconduct and violations of rules, laws, or other standards of conduct.

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

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

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

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

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

- Commenced or continued investigative fact-gathering regarding 89 separate investigative matters;
- Empanelled four new investigative subcommittees, in the matters of Representative Robert E. Andrews, Representative Don Young, Representative Michael G. Grimm, and Representative Henry J. "Trey" Radel III;

- Held 23 investigative subcommittee meetings;
- Filed 10 reports with the House totaling nearly 1,900 pages regarding various investigative matters;
- Publicly addressed 34 matters, described in Section V of this report;
- Resolved 44 additional matters;
- Conducted 78 voluntary witness interviews;
- Authorized the issuance of 60 subpoenas; and
- Reviewed more than 430,000 pages of documents.

All votes taken in the investigative subcommittees were unanimous. In addition to the publicly-disclosed matters discussed in this report, there were a total of 24 investigative matters pending before the Committee as of January 2, 2015.

I. INTRODUCTION

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

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

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

II. ADVICE AND EDUCATION

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

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

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

¹ For example, a federal court held that it is a complete defense to a prosecution for conduct assertedly in violation of a related federal criminal strict-liability statute (18 U.S.C. § 208) that the conduct was

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

PUBLICATIONS

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

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

- Change to Financial Disclosure Reporting Obligations and Reminder Regarding Periodic Transaction Reporting Requirement (January 23, 2013);
- The 2013 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 24, 2013);
- New Travel Forms (March 1, 2013);
- Ethics Guidance Related to Sequestration (March 8, 2013);
- REMINDER: Travel Approval Requests Must Be Submitted at least 30 Days Before the Trip (June 12, 2013);
- Notice With Regard to Financial Disclosure of Spouse Assets (July 24, 2013);
- Reminder about the 2013 Annual Ethics Training Requirement and Upcoming Training Dates (September 30, 2013);

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).

- Reminder about the Limitation on Participating in Initial Public Offerings (November 5, 2013);
- Helping the Victims of the Philippines Typhoon (November 14, 2013);
- Holiday Guidance on the Gift Rule (December 4, 2013);
- Announcement of the New Electronic Filing System for Financial Disclosure Statements and Periodic Transaction Reports (January 14, 2014);
- The 2014 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 15, 2014);
- Update to Guidance on the Disclosure of Privately-Sponsored Travel (July 11, 2014);
- Campaign Activity Guidance (August 15, 2014);
- Holiday Guidance on the Gift Rule (December 4, 2014);
- Reminder About the 2014 Annual Ethics Training Requirement (December 22, 2014);
- Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers (December 23, 2014); and
- Negotiations for Future Employment and Restrictions on Post-Employment for House Staff (December 23, 2014).

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

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

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

ETHICS TRAINING

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

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

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

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

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

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

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

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

ADVISORY OPINION LETTERS

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

TRAVEL APPROVAL LETTERS

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

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

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

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

III. FINANCIAL DISCLOSURE

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

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

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

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

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

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

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

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

IV. COMMITTEE RULES

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

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

V. INVESTIGATIONS

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

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

well as Committee Rules 13 through 28, describe specific guidelines and procedures for the exercise of that authority.

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

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

Whether the Committee investigates a matter under Committee Rule 18(a) or through an ISC, by rule, the Committee may choose to exercise its investigative authority in several different scenarios.⁶ However, most Committee investigations begin when the Committee, on its own initiative, undertakes an investigation. In the 113th Congress, the

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

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

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

Committee commenced or continued investigative fact-gathering regarding 89 separate investigative matters, most of which were begun at the Committee's initiative. Those matters also included referrals from the OCE. In the 113th Congress, the OCE referred 21 matters to the Committee, 15 with a recommendation for further review and 6 with a recommendation for dismissal.

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

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

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

⁸ Committee Rule 17A(a).

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

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

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

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

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

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

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

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

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

On September 11, 2013, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Michele Bachmann used her leadership PAC to compensate a campaign consultant for work performed for her presidential campaign, used campaign resources to promote the sale of her book, and received improper in-kind contributions to her presidential campaign from her book publisher.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These investigative matters are described in more detail below, in alphabetical order. Copies of all of the Committee's public statements related to these matters are included as Appendix IV to this Report.

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

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

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

On February 4, 2014, Representative Andrews announced that he was resigning from the House, effective February 18, 2014. On the date of Representative Andrews'

resignation, the ISC's and the Committee's jurisdiction to continue its investigation of Representative Andrews ended.

In the Matter of Allegations Related to Representative Michele Bachmann

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

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

Representative Timothy H. Bishop

On June 13, 2013, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Timothy H. Bishop may have violated 18 U.S.C. § 201, as well as House Rule XXIII, clause 1, where he allegedly solicited a campaign contribution from a constituent seeking official action from his office. The Committee released the Report and Findings, along with Representative Bishop's response, on September 11, 2013, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

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

In the Matter of Allegations Related to Representative Paul Broun

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

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

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

In the Matter of Allegations Related to Representative Vern Buchanan

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

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

*In the Matter of Allegations Related to Representative Judy Chu*¹¹

In June 2011, the Chairman and Ranking Member of the Committee for the 112th Congress authorized Committee staff to investigate allegations, pursuant to Committee Rule 18(a), that Representative Judy Chu's Chief of Staff and Legislative Director had required other staff to perform campaign-related work in the House office, during regular working hours. The Committee investigated the allegations and determined that Representative Chu's Chief of Staff and Legislative Director directed members of Representative Chu's staff to perform campaign-related work using official resources on a sporadic and limited basis. The investigation did not reveal any evidence that Representative Chu was aware of any improper use of official resources for campaign purposes.

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

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

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

*In the Matter of Allegations Related to Representative Phil Gingrey*¹²

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

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

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

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

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

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

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

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

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

On April 25, 2014, the U.S. Attorney for the Eastern District of New York filed an indictment against Representative Grimm in federal district court, charging him with obstructing the tax law, conspiracy to defraud the United States, aiding and abetting tax evasion, health care fraud, wire fraud, mail fraud, unlawful employment of aliens, obstruction of an official proceeding, and perjury. On May 23, 2014, the Committee issued a public statement indicating that on May 8, 2014, the Committee voted unanimously to establish an ISC with jurisdiction to determine whether Representative Grimm violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to the allegations forming the basis for the criminal charges against him. The Committee further stated that DOJ had asked the Committee to defer consideration of the matter, and the Committee agreed to do so.

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

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

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

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

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

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

In the Matter of Allegations Related to Representative Alcee L. Hastings¹⁵

On November 8, 2011, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Alcee L. Hastings may have violated House Rule XXIII, clause 1, and the Congressional Accountability Act, 2 U.S.C. §§ 1311(a), 1317(a), where he allegedly sexually harassed a staffer of the United States Commission on Security and Cooperation in Europe. The Committee in the 112th Congress released the OCE's Report and Findings, along with Representative Hastings' response, on January 11, 2012, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

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

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

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

In the Matter of Allegations Related to Representative Cathy McMorris Rodgers

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

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

In the Matter of Allegations Related to Representative Gwen Moore¹⁶

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

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

In the Matter of Allegations Related to Representative Markwayne Mullin

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

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

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

*In the Matter of Allegations Related to Representative Tom Petri*¹⁷

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

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

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

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

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

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

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

*In the Matter of Allegations Related to Representatives William Owens and Peter Roskam*¹⁸

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

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

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

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

*In the Matter Regarding the Arrests of Members of the House during a Protest Outside the United States Capitol on October 8, 2013*¹⁹

In accordance with the requirements of H. Res. 451, H. Res. 5, Section 4(d) and Committee Rule 18(e)(2), the Committee convened on October 30, 2013, to consider the

¹⁸ House Comm. on Ethics, *In the Matters of Allegations Relating to Travel to Taiwan by Representatives William Owens and Peter Roskam in 2011*, H. Rept. 113-266, 113th Cong. 1st Sess. (2013).

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

arrest of Representatives Joseph Crowley, Keith Ellison, Al Green, Raul M. Grijalva, Luis V. Gutierrez, John Lewis, Charles B. Rangel, and Jan Schakowsky for blocking passage during a protest in front of the United States Capitol on October 8, 2013. Prior to that, each of the Representatives had forfeited a \$50.00 collateral payment, whereupon the charges against them had been dropped. The local proceedings related to these arrests were thus resolved.

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

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

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

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

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

In the Matter of Allegations Related to Representative Aaron Schock

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

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

In the Matter of Allegations Related to Representative Steve Stockman

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

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

*In the Matter of Allegations Relating to Staff Travel Provided by the Turkish Coalition of America in August 2008*²⁰

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

On June 13, 2013, after completing its own investigation, the Committee received referrals from the OCE regarding three of the travelers. These three travelers were the only travelers still employed by the House when the OCE began its investigation, and therefore were the only travelers subject to the OCE's jurisdiction. In its referrals the

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

OCE determined that the employees acted in good faith and were unaware that TCA employed a lobbyist.²¹

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

*In the Matter of Allegations Related to Representative John Tierney*²²

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

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

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

In the Matter of Allegations Related to Representative Ed Whitfield

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

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

²¹ Despite the lack of evidence of wrongdoing, the OCE referred the matter to the Committee with a recommendation for further review because "pursuant to precedent of the Committee on Ethics, a person's ignorance of the true source of travel expenses is not an absolute shield from liability for receipt of travel expenses from an improper source." While this is a true statement, the Committee determined that the precedents cited by the OCE were distinguishable from this case for several reasons.

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

*In the Matter of Allegations Related to Representative Don Young*²³

During the 111th Congress, pursuant to their authority under Committee Rule 18(a) the Chairman and Ranking Member authorized an investigation into allegations related to Representative Don Young's receipt of certain gifts related to travel expenses, as well as other things of value, which he received between 2003 and 2007. The Committee's investigation began after both Representative Young and DOJ sent letters to the Committee regarding the allegations, as well as materials relevant to the allegations. At the outset of the 112th Congress, the then-Chairman and Ranking Member reauthorized the investigation based on the information submitted by Representative Young and DOJ. The Committee received and reviewed over 150,000 pages of documents from DOJ and Representative Young, and also reviewed reports from witness interviews conducted by the Federal Bureau of Investigation (FBI) at DOJ's offices in Washington, D.C.

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

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

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

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

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

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

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

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

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

Other Committee investigative actions

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

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