

House Calendar No. \_\_

115TH CONGRESS

*2d Session*

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HOUSE OF REPRESENTATIVES

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REPORT

115—

SUMMARY OF ACTIVITIES  
ONE HUNDRED FIFTEENTH CONGRESS

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R E P O R T

OF THE

COMMITTEE ON ETHICS



January 2, 2019.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

XX-XXX

WASHINGTON : 2019

**ADOPTED BY THE COMMITTEE ON ETHICS ON JANUARY 2, 2019**

**115TH CONGRESS, 2ND SESSION  
U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON ETHICS**

**SUMMARY OF ACTIVITIES  
115TH CONGRESS**

**JANUARY 2, 2019**

Ms. BROOKS from the Committee on Ethics submitted the following

**REPORT**

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Susan W. Brooks, Indiana

*Chairwoman*

Kenny Marchant, Texas

Leonard Lance, New Jersey

Mimi Walters, California

John Ratcliffe, Texas

Theodore E. Deutch, Florida

*Ranking Member*

Yvette D. Clarke, New York

Jared Polis, Colorado

Anthony Brown, Maryland

Steve Cohen, Tennessee

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Susan W. Brooks, Indiana  
*Chairwoman*  
Theodore E. Deutch, Florida  
*Ranking Member*



ONE HUNDRED FIFTEENTH CONGRESS

# U.S. House of Representatives

COMMITTEE ON ETHICS

January 2, 2019

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Anthony Brown, Maryland  
Steve Cohen, Tennessee

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 115th Congress."

Sincerely,

Susan W. Brooks  
Chairwoman

Theodore E. Deutch  
Ranking Member



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**SUMMARY OF ACTIVITIES**  
**ONE HUNDRED FIFTEENTH CONGRESS**

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January 2, 2019—Committed to the Committee of the Whole House on the State of the

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Ms. BROOKS and Mr. DEUTCH, from the Committee on Ethics, submitted the

following

**REPORT**

*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 115th Congress, the Committee was led by Chairwoman Susan W. Brooks and Ranking Member Theodore E. Deutch. The Members appointed at the beginning of the Congress were Patrick Meehan, Yvette Clarke, Trey Gowdy, Jared Polis, Kenny Marchant, Anthony Brown, Leonard Lance, and Steve Cohen. In January 2018, Representative Mimi Walters replaced Representative Trey Gowdy, and Representative John Ratcliffe replaced Representative Patrick Meehan.

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. As discussed at greater length in Section V, in the 115th Congress the Committee also worked with others in the House to draft and pass legislation to improve the process for reporting and addressing allegations of workplace misconduct in the legislative branch.



The Committee met 27 times in the 115th Congress, including 15 times in 2017, and 12 times in 2018.

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

- Issued more than 740 formal advisory opinions regarding ethics rules;
- Reviewed and approved more than 4,000 requests to accept privately-sponsored, officially-connected travel;
- Fielded nearly 48,000 informal telephone calls, emails, and in-person requests for guidance on ethics issues;
- Released 16 advisory memoranda on various ethics topics to the House;
- Provided training to approximately 9,000 House Members, officers, and employees each year, and reviewed their certifications for satisfying the House’s mandatory training requirements;
- Received nearly 9,500 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 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 18(a) and 18(c), the impanelment of investigative subcommittees (ISCs), 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 115th Congress, within the scope of its investigative responsibilities, the Committee:

- Commenced or continued investigative fact-gathering regarding 56 separate investigative matters;
- Impanelled seven new ISCs, in the matters of Representative Chris Collins, Representative Blake Farenthold, Representative Trent Franks, Representative Duncan Hunter, Representative Ruben Kihuen, Representative Patrick Meehan, and Representative David Schweikert;
- Held 24 ISC meetings;
- Filed 11 reports with the House totaling over 2,500 pages regarding various investigative matters;
- Released 1 staff report totaling over 150 pages;
- Publicly addressed 29 matters, described in Section V of this report;
- Resolved 16 additional matters;
- Conducted 80 voluntary witness interviews;
- Authorized the issuance of 12 subpoenas; and
- Reviewed over 433,000 pages of documents.

All votes taken in the ISCs were unanimous. There were a total of 8 investigative matters pending before the Committee as of January 2, 2019.

All of the Committee's work as summarized in this report is made possible by the Committee's talented professional, nonpartisan 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, Representative Lance, Representative Polis, and Representative Walters, 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 115th Congress.

The jurisdiction of the Committee on Ethics is defined in clauses 4(d)(1) 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 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 Chairwoman 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 Chairwoman 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 Chairwoman 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.<sup>1</sup>

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 115th 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 115th Congress, Committee attorneys responded to more than 46,000 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 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 115th Congress were as follows:

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

- The 2017 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 17, 2017);
- Upcoming Financial Disclosure Clinics & Training (April 7, 2017);
- Helping the Victims of Hurricane Harvey (September 2, 2017);
- Reminder about Annual Ethics Training Requirements for 2017 (December 20, 2017);
- Current Guidance on Sexual Harassment and Employment Discrimination in the Congressional Workplace (December 22, 2017);
- The 2018 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees (January 5, 2018);
- Ethics Guidance Related to Operations During a Lapse in Appropriations (January 19, 2018);
- Campaign Activity Guidance (June 7, 2018);
- Cryptocurrencies: Financial Disclosure Requirements and Other Ethics Ramifications (June 18, 2018);
- Guidance on Personal Endorsement of Promotion by Members of the House of Representatives (August 24, 2018);
- Important Information Relating to Hurricane Florence (September 14, 2018);
- Holiday Guidance on the Gift Rule (November 29, 2018);
- Reminder About Annual Ethics Training Requirements (December 20, 2018);
- Member Swearing-in Receptions (December 20, 2018);
- Negotiations for Future Employment and Restrictions on Post-Employment for House Staff (January 2, 2019);
- Negotiations for Future Employment and Restrictions on Post-Employment for House Members and Officers (January 2, 2019).

A copy of each of these advisory memoranda is included as Appendix II to this Report. In addition, these memoranda are available to the House and the public on the Committee's website: <https://ethics.house.gov>.

Copies of all current Committee publications are available from the Committee's office, and their text is posted on the Committee's website. 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 annually publishes the following summary chart in the interest of transparency.

<b>Committee Report (numbers are approximate)</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>Formal Advice and Approval</b>			
Advisory Opinion Requests Received	439	374	813
Advisory Opinions Mailed	400	341	741
Percentage of Opinions Mailed within 2 weeks	64.25%	65.51%	65%
Percentage of Opinions Mailed within 4 weeks	83.50%	78.24%	81%
<b>Travel</b>			
Travel Requests Received	2,536	2,288	4,824
Travel Opinions Mailed	2,052	1,984	4,036
Percentage of Travel Opinions Mailed within 2 weeks	1.17%	0.75%	1%
Percentage of Travel Opinions Mailed within 4 weeks	23.88%	41.48%	33%
<b>Informal Advice (including Financial Disclosure)</b>			
Phone Calls (approximate)	13,491	13,967	27,458
Emails (approximate)	9,145	9,527	18,672
<b>Training</b>			
Total # of House Employees (as of Dec. 31, 2018)	9,553	9,308	----
Employees having completed training	8,942	----	----
Training briefings (scheduled training sessions)	67	90	157
Personal Advisory Meetings with Members, officers, and employees	799	689	1,488
<b>Investigations</b>			
Investigative Matters carried over from the 114th Congress	12	----	12
Investigative Matters commenced in the 115th Congress	22	22	44
<b>Subcommittees</b>			
Investigative Subcommittees carried over from the 114th Congress	1	----	1
Investigative Subcommittees commenced	3	4	7
<b>Resolutions</b>			
Publicly Disclosed Resolutions	6	8	14
Confidential Resolutions	7	9	16
<b>Referrals</b>			
Referrals received from the Office of Congressional Ethics	6	8	14
<b>Financial Disclosures</b>			
FD Reports filed by Members, officers, and employees	3,092	2,878	5,970
FD Reports filed by Candidates	761	1,288	2,049
FD Reports and amendments reviewed by Committee staff	4,489	5,009	9,498
PTRs filed by Members, officers, and employees	2,106	2,205	4,311
Total FD Reports and PTRs filed by all filers	6,595	7,214	13,809
<b>Committee Publications</b>			
Pink Sheets/General Advisories	5	11	16
Public Statements	24	30	54
Investigative Reports	4	8	12
<b>Miscellaneous Oversight</b>			
Recusals	60	79	137
Negotiations	89	150	237
Qualified Blind Trusts	2	3	5
Legal Expense Funds	5	6	11
Foreign Gifts and Travel Reports	13	9	24
<b>Meetings</b>			
Full Committee Meetings	15	12	27
Subcommittee Meetings	1	23	24
<b>Personnel</b>			
Lowest Total Staff Level	24	27	----
Highest Total Staff Level	29	29	----

## 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.<sup>2</sup> Rule XI requires new House Members and employees to complete ethics training within 60 days of the commencement of their service to the House.<sup>3</sup>

Pursuant to its obligations under Rule XI, the Committee held 67 ethics training sessions during 2017 and 90 during 2018. During the 115th 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.

In 2017, the Committee trained more than 2,100 employees in person at live ethics briefings, and more than 6,200 used one of the on-line training options. During 2018, the Committee trained nearly 2,200 employees in person at live ethics briefings, and more than 5,600 through one of the on-line training options. The total number of employees who completed ethics training for 2018 will be determined after January 31, 2019, the date that House Rule XI established as the deadline for employees to certify completion of the ethics training requirement for 2018.

In addition to the training required under House Rule XI, the Committee also provided training in several other contexts. The House will include approximately 90 new Members in the 116th Congress, most of whom have not previously served in the House. The Committee made a presentation to the Members-elect of the 116th 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 are discussed further in Section III. Finally, together with CHA, the Committee participated in two

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<sup>2</sup> In 2018, the senior staff rate was \$126,148 per year, or a monthly salary above \$10,512. 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.

<sup>3</sup> The 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.



general briefings, one in 2017 and one in 2018, on the rules related to Member participation in the Congressional Art Competition.

Committee staff also participated in approximately 50 briefings sponsored by or held for the members of outside organizations. In addition, Committee staff led approximately 17 briefings for visiting international dignitaries from a variety of countries, including Argentina, Nigeria, and Kenya.

The Committee will continue this outreach activity in the 116th Congress.

#### ADVISORY OPINION LETTERS

The Committee's Office of Advice and Education, under the direction and supervision of the Committee's Chairwoman and Ranking Member, prepared and issued approximately 750 private advisory opinions during the 115th Congress: 400 in 2017 and 341 in 2018. Opinions issued by the Committee in the 115th 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. 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.<sup>4</sup> 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

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<sup>4</sup> House Rule XXV, clause 5(i).

effective for all trips beginning on or after April 1, 2013. In the 115th 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.

In general, the Committee requires 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.<sup>5</sup> 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.<sup>6</sup> 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 2,500 requests to accept privately-sponsored, officially-connected travel, and issued letters approving more than 2,000 such requests in 2017. In 2018, the Committee reviewed nearly 2,300 requests to accept privately-sponsored, officially-connected travel, and issued letters approving nearly 2,000 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.<sup>7</sup> 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.<sup>8</sup>

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](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.

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<sup>5</sup> House Comm. on Ethics, *Travel Guidelines and Regulations* (Dec. 27, 2012) (Travel Regulations) at Part 500 – Committee Approval Process, available at <https://ethics.house.gov/sites/ethics.house.gov/files/documents/travel%20regs.pdf>.

<sup>6</sup> *Id.* at § 501.1.

<sup>7</sup> House Rule XXV, clause 5(b)(1)(A)(ii); Travel Regulations at Part 600 – Post-Travel Disclosure.

<sup>8</sup> 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.

### 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 Congressional Knowledge Act (STOCK Act) amended EIGA in 2012 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."

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."<sup>9</sup>

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. Most Members, officers and employees who are otherwise required to file Statements must file a termination report within 30 days of the termination of their employment with the House.

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, a majority of all Members and staff used the online electronic filing system to submit their calendar year 2018 Statements. Specifically, 83% of Members and 90% of House staff used the online system to draft and submit their 2018 Statements.

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

For the 115th 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-

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

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 2017, the Legislative Resource Center of the Clerk's office referred a total of 4,489 Financial Disclosure Statements to the Committee for review. Of those, 3,728 were Statements filed by current or new House Members or employees, and 761 were Statements filed by candidates for the House. The Clerk's office also referred a total of 2,106 PTRs to the Committee for review. The Committee received 803 PTRs from Members and 1,303 PTRs from officers and employees.

For calendar year 2018, the Legislative Resource Center of the Clerk's office referred a total of 5,009 Statements to the Committee for review. Of those, 3,721 were Statements filed by current or new House Members or employees, and 1,288 were Statements filed by candidates for the House. The Clerk's office also referred a total of 2,205 PTRs to the Committee for review. The Committee received 831 PTRs from Members and 1,374 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.

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](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 March 22, 2017, the Committee met and adopted the Committee rules for the 115th Congress. The substance of the Committee rules for the 115th Congress was largely identical to the amended rules adopted in the 114th Congress.<sup>10</sup>

A copy of the Committee Rules for the 115th Congress is included as Appendix III to this Report.

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<sup>10</sup> 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).

## V. WORKPLACE MISCONDUCT

As the Committee stated publicly on numerous occasions during the 115th Congress, the Committee views allegations of sexual discrimination and other violations of workplace rights with the utmost seriousness. The Committee’s mandate to enforce the Code of Official Conduct and other violations of House Rules, laws and standards of conduct extends to allegations of workplace misconduct, including allegations related to sexual harassment and other forms of discrimination. No employee in any workplace should be subjected to such mistreatment because of the profound impact upon them as a person. When congressional employees are subject to work environments that are unfair and unprofessional, such workplace misconduct also impedes the work of the House.

Sexual harassment and employment discrimination are prohibited by both federal statute and the Code of Official Conduct. The Congressional Accountability Act (CAA) extends the protections of Title VII of the Civil Rights Act of 1964 to Congress, prohibiting harassment or discrimination of individuals in congressional offices on the basis of race, color, national origin, sex, religion, age, or disability.<sup>11</sup> The CAA established the Office of Compliance (OOC), now named the Office of Congressional Workplace Rights, an independent office that administers formal and informal procedures to resolve disputes and provides monetary awards and other appropriate remedies for congressional employees if a violation is found. Clause 9 of the Code of Official Conduct similarly prohibits any Member, officer, or employee of the House from discriminating against any individual “with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status, disability, age, or national origin of such individual.” The Committee has long held the Code’s prohibition on sex discrimination includes sexual harassment, and clause 9 as a whole should be interpreted in light of judicial and administrative decisions construing Title VII. On February 6, 2018, the House passed Resolution 724, which amended clause 9 to affirm that “committing an act of sexual harassment against such an individual” is included among the prohibited forms of discrimination.

Although the Committee has precedent for investigating allegations of sexual harassment and other workplace misconduct under the laws, rules, and standards of conduct that were in place at the start of the 115th Congress, during the 115th Congress, the Members of the Committee unanimously supported a bipartisan proposal to reform the CAA and strengthen workplace rights and protections for congressional employees. In particular, the Committee called for changes to (1) clarify when and how the Office of Congressional Workplace Rights must provide information to the Committee about allegations of misconduct, and (2) ensure Members are held personally accountable for settlements paid with public funds to resolve claims of sexual harassment against them, even if they leave the Committee’s jurisdiction. The Committee noted that it had requested information from the OOC, about allegations of violations of the CAA by Members and staff, but the OOC had concluded that it lacked authority under existing law to provide

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<sup>11</sup> 2 U.S.C. §§ 1311 *et seq.*

such information to the Committee.<sup>12</sup> The Committee worked with the CHA and a bipartisan group of Members on legislation to include these and other reforms to the existing process.

On February 6, 2018, the House passed a bill that included provisions requested by the Committee H.R. 4924, the Congressional Accountability Act of 1995 Reform Act, with overwhelming bipartisan support.<sup>13</sup> The same day, the House also passed Resolution 724, which amended clause 9 to affirm that “committing an act of sexual harassment against such an individual” is included among the prohibited forms of discrimination. This resolution also created an Office of Employee Advocacy specifically to provide legal counsel to House employees who need advice or legal representation about their rights under the CAA. This office can provide free legal representation to employees in matters before the Office of Congressional Workplace Rights or the Committee. On May 24, 2017, the Senate passed S. 2952, its version of the legislation to reform the CAA. The Senate transmitted its version to the House on May 29, 2018.

On November 19, 2018, the Committee sent a letter to the House and Senate leadership signed by all ten Members of the Committee, urging quick action by Congress to pass the much-needed reforms contained in the House bill.<sup>14</sup> On December 13, 2018, Congress passed the Congressional Accountability Act of 1995 Reform Act, which enacts a number of provisions called for by the Committee. On December 21, 2018, the President signed the measure into law. The Committee looks forward to working with other House offices to implement these reforms in the 116th Congress.

Even with reform to the CAA, there are limits to the reach of federal employment law statutes, which are structured around providing a civil remedy. Members and their staff, however, are held to a higher standard of conduct. The Code of Official Conduct requires Members, officers and employees of the House to “behave at all times in a manner that shall reflect creditably on the House,” and adhere to “the spirit and the letter” of House Rules. Accordingly, conduct that does not violate the “letter” of anti-discrimination laws may still be contrary to the spirit of the House’s prohibition on discriminatory conduct or otherwise be found to bring discredit to the House. Under those rules, Members may be held accountable not just for their own inappropriate behavior; they must also take steps to prevent and correct workplace misconduct by their employees that occurs in their offices. Moreover, amid an evolving national conversation about harassment and discrimination in the workplace and elsewhere, the House should be a leader.

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<sup>12</sup> See e.g. Letter from Comm. on Ethics to Office of Compliance Executive Director Susan Tsui Grundmann, Dec. 1, 2017, available at

<https://ethics.house.gov/sites/ethics.house.gov/files/20171201%20COE%20to%20OOC.pdf>

<sup>13</sup> See e.g. House Comm. on Ethics, Statement of the Chairwoman and Ranking Member of the Committee on Ethics, Feb. 6, 2018, available at <https://ethics.house.gov/press-release/statement-chairwoman-and-ranking-member-committee-ethics-0> (discussing the House bill and the Committee’s view of the importance of ethics provisions).

<sup>14</sup> Letter from Comm. on Ethics to Speaker Paul D. Ryan, Minority Leader Nancy Pelosi, Majority Leader Mitch McConnell & Minority Leader Charles E. Schumer, Nov. 19, 2018, available at <https://ethics.house.gov/sites/ethics.house.gov/files/20171201%20COE%20to%20OOC.pdf>

The Committee has investigated and will continue to investigate allegations of sexual harassment and other workplace misconduct, and, where such allegations are substantiated, to sanction Members or staffers for such conduct. In the 115th Congress, the Committee publicly announced investigations into five Members and one House employee for allegations relating to sexual harassment. The Committee also impaneled an ISC in a matter involving Representative Blake Farenthold that the OCE referred for dismissal in the 114th Congress. Despite the OCE's recommendation in that matter, the Committee determined that the allegations of inappropriate sexual conduct were concerning and merited further review. On March 30, 2018, the ISC informed Representative Farenthold it had scheduled a vote on a Statement of Alleged Violation (SAV) to occur on April 11, 2018, and would provide him a copy of the SAV upon execution of a non-disclosure agreement, both of which are necessary prerequisites under House Rules to recommend a House floor sanction.<sup>15</sup> Representative Farenthold resigned on April 6, 2018, before the ISC could complete its work.<sup>16</sup> He was not the only investigation subject to resign before the Committee could resolve a matter; four other subjects of publicly disclosed investigations opened this Congress into harassing or discriminatory behavior chose to resign after being provided the required notice of the Committee's actions. Once a Member or employee resigns from the House, the Committee no longer has jurisdiction over them.

## VI. 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.<sup>17</sup> When a Member, officer, or employee, who is the subject of a Committee investigation, resigns, the Committee loses jurisdiction over the individual. In the 115th Congress, six 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

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<sup>15</sup> See e.g. House Comm. on Ethics, Statement of the Chairwoman and Ranking Member of the Committee on Ethics Regarding Representative Blake Farenthold, Apr. 12, 2018, available at <https://ethics.house.gov/press-release/statement-chairwoman-and-ranking-member-committee-ethics-regarding-representative-17>.

<sup>16</sup> *Id.*

<sup>17</sup> House Rule XI, clause 3(a)(2)

alleged violation is directly related to an alleged violation that occurred in a more recent Congress.<sup>18</sup>

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 during an initial 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 Chairwoman 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). (A self-report by a Member, officer, or employee of the House under Committee Rule 18(c) requesting a Committee review of their own conduct is considered an investigation by the Committee and is considered in accordance with 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 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 witness testimony.<sup>19</sup> 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 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.<sup>20</sup> Maintaining a confidential investigation also avoids unnecessarily tarnishing a Member's reputation before a determination of wrongdoing has been made.

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<sup>18</sup> House Rule XI, clause 3(b)(3).

<sup>19</sup> The mechanism for issuing a subpoena by the Committee or an ISC does differ. Where an ISC has been impanelled, it can authorize a subpoena, to be signed by the Committee's Chairwoman 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 Chairwoman.

<sup>20</sup> See, e.g., Comm. on Ethics, *In the Matter of Allegations Relating to Representative Laura Richardson*, H. Rept. 112-642, 112th Cong. 2d Sess. (2012).



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.<sup>21</sup>

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.<sup>22</sup> However, most Committee investigations begin when the Committee, on its own initiative, undertakes an investigation. In the 115th Congress, the Committee commenced or continued investigative fact-gathering regarding 56 separate investigative matters, most of which were begun at the Committee's initiative. Those matters also included referrals from the OCE. In the 115th Congress, the OCE referred 14 matters to the Committee, 12 with a recommendation for further review and 2 with a recommendation that all of the allegations be dismissed.

In the 115th Congress, the Committee issued reproofs in four matters, one following an investigation conducted by an ISC. Including those four matters, since 2008, the Committee has recommended that the House issue a censure in one matter, recommended in another matter that the House issue a reprimand, and issued 14 reproofs. Nine of those resolutions followed investigations initiated by the Committee under its own authority, while seven of those resolutions followed recommendations by the OCE that the Committee review the allegations.

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).<sup>23</sup> 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

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<sup>21</sup> See, e.g., Comm. on Ethics, *In the Matter of Allegations Relating to Elizabeth Esty*, H. Rept. 115-1093, 115th Cong. 2d Sess. (2018); Comm. on Ethics, *In the Matter of Allegations Relating to Representative David McKinley*, H. Rept. 114-795, 114th Cong. 2d Sess. (2016); Comm. on Ethics, *In the Matter of Allegations Relating to Representative Phil Gingrey*, H. Rept. 113-664, 113th Cong. 2d Sess. (2014).

<sup>22</sup> 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; (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).

<sup>23</sup> Special Task Force on Ethics Enforcement, 110th Cong., Report of the Democratic Members of the Special Task Force on Ethics Enforcement (Comm. Print 2007).

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."<sup>24</sup> 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.

The ethics process has not undergone any significant changes since the creation of the OCE. The Task Force Report recommended an ongoing review of the ethics process. In the spirit of that recommendation for ongoing review, the Committee held extensive meetings with the OCE. Those meetings were productive and identified several ways the Committee and the OCE could increase the fairness, efficiency, transparency, and accuracy of the ethics process.

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."<sup>25</sup> 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.<sup>26</sup>

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

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<sup>24</sup> *Id.* at 14. The 14 OCE referrals received by the Committee in the 115th Congress were transmitted an average of 120 days after the start of the preliminary review phase.

<sup>25</sup> Committee Rule 17A(a).

<sup>26</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Don Young*, H. Rept. 113-487, 113th Cong. 2d Sess. at 2 (2014). That investigation was begun at the Committee's initiative under Committee Rule 18(a). Subsequently, the Committee established an ISC to continue the investigation. Ultimately, the Committee issued a public report and letter of reproof to the Member.

serious possible consequence for a violation of law.<sup>27</sup> 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 115th Congress, the Committee did opt to defer several investigations at the request of DOJ, as described further below.

The Committee publicly addressed 29 investigative matters during the 115th Congress. In addition to confidential matters, the Committee also carried over several public matters from the 114th Congress. In the 115th Congress, the Committee continued to address the matters concerning Representatives Blake Farenthold, Luis Gutiérrez, Duncan Hunter, Cathy McMorris Rodgers, Mark Meadows, Markwayne Mullin, Robert Pittenger, Bobby Rush, and Roger Williams. A chronological overview of public statements made by the Committee in the 115th Congress regarding investigative matters follows.

On March 23, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE regarding Representative Duncan Hunter. Following precedent, the Committee unanimously voted to defer consideration of its investigation in response to a request from DOJ.

On April 6, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would review public allegations that Representative Devin Nunes may have made unauthorized disclosures of classified information.

On August 1, 2017, the Committee transmitted a Report to the House regarding allegations relating to Representative Ben Ray Luján.

On August 1, 2017, the Committee transmitted a Report to the House regarding allegations relating to Representative Roger Williams.

On August 9, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative John Conyers, Jr. retained an employee who did not perform duties commensurate with the compensation the employee received and certified that the compensation met applicable House standards.

On August 9, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that House employee Michael Collins received outside earned income in excess of amounts permitted by House rules and federal law.

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<sup>27</sup> 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 September 11, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Delegate Madeleine Bordallo may have rented a home she owns to the Japanese Consulate for profit; may have received free lodging, meals and amenities at a resort; may have used official funds to pay for her lodging and meals at a resort; and may have used her congressional staff to perform personal services.

On September 14, 2017, the Committee transmitted a Report to the House regarding the arrest during a protest of Representative Luis V. Gutiérrez.

On October 13, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Chris Collins may have shared material nonpublic information in the purchase of stock in a company for which he served on the board; may have purchased discounted company stock that was offered to him based on his status as a Member of the House; and may have attended a meeting with a federal agency in which he requested actions to assist his company.

On November 21, 2017, the Committee announced that, pursuant to Committee Rule 18(a), it would review public allegations that Representative John Conyers, Jr. may have engaged in sexual harassment of members of his staff, discriminated against certain staff on the basis of age, and used official resources for impermissible personal purposes.

On December 1, 2017, the Committee announced that it had requested the (now named the Office of Congressional Workplace Rights) provide the Committee with all records in its possession related to any claims of sexual harassment, discrimination, retaliation, or any other employment practice prohibited by the CAA involving alleged conduct by any current Member, Delegate, Resident Commissioner, officer, or employee of the House.

On December 7, 2017, the Committee announced the closure of its review related to Representative Devin Nunes.

On December 7, 2017, the Committee unanimously voted to establish an ISC with regard to allegations that Representative Trent Franks engaged in conduct that constitutes sexual harassment and/or retaliation for opposing sexual harassment.

On December 7, 2017, the Committee unanimously voted to establish an ISC with regard to allegations that Representative Blake Farenthold, or any person acting on his behalf, sexually harassed a former member of his staff, discriminated against her on the basis of her gender, and retaliated against her for complaining of discriminatory conduct, and allegations that Representative Farenthold made inappropriate statements to other members of his official staff.

On December 15, 2017, the Committee announced that, pursuant to Committee Rule 18(a), the Committee would review allegations that Representative Ruben Kihuen may have engaged in sexual harassment.

On December 21, 2017, the Committee unanimously voted to expand the jurisdiction of the ISC's inquiry regarding Representative Blake Farenthold to include allegations that Representative Farenthold, or any person acting on his behalf, sexually harassed, discriminated against, or retaliated against any member of his congressional staff while they were employed in his office; used official resources, including staff time, to benefit his congressional campaigns; required members of his congressional staff to work on his congressional campaigns; and made false statements or omissions in testimony to the Committee.

On December 21, 2017, the Committee unanimously voted to establish an ISC with regard to allegations that Representative Ruben Kihuen engaged in conduct that constitutes sexual harassment.

On December 21, 2017, the Committee transmitted a Report to the House regarding the arrests during a protest of Representative Judy Chu and Representative Luis Gutiérrez.

On January 22, 2018, the Committee announced that, pursuant to Committee Rules 18(a) and 18(c), it would review allegations that Representative Patrick Meehan may have engaged in sexual harassment and misused official resources.

On February 6, 2018, the Chairwoman and Ranking Member of the Committee released a statement in support of legislation to reform the CAA.

On February 27, 2018, the Committee unanimously voted to establish an ISC with regards to allegations that Representative Patrick Meehan, and/or his former Chief of Staff, Mr. Brian Schubert, engaged in conduct that constitutes sexual harassment, retaliation, or misuse of official resources.

On March 22, 2018, the Committee transmitted a Report to the House regarding allegations relating to Representative Bobby L. Rush.

On March 22, 2018, the Committee transmitted a Report to the House regarding allegations relating to Representative Luis V. Gutiérrez.

On March 23, 2018, the Committee announced that it continued to defer consideration of the matter regarding Representative Duncan Hunter in response to a request from DOJ.

On May 24, 2018, the Committee released a statement discussing the matters of Representative Blake Farenthold and Representative Patrick Meehan, and calling for passage of legislation to reform the CAA.

On April 4, 2018, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative John J. Duncan, Jr. converted campaign funds for personal use and failed to ensure his campaign committee complied with applicable laws regarding contributions from employees.

On April 12, 2018, the Chairwoman and Ranking Member of the Committee, in consultation and with unanimous agreement of the full Committee, released a statement regarding the investigation into allegations regarding Representative Blake Farenthold, noting that Representative Farenthold had resigned from Congress and, accordingly, the ISC no longer had jurisdiction over him and the Committee would take no further action.

On June 28, 2018, the Committee announced it had unanimously voted to establish an ISC to investigate allegations that Representative David Schweikert, and/or his Chief of Staff, Mr. Oliver Schwab, misused official resources; Representative Schweikert accepted improper campaign contributions from Mr. Schwab and other individuals employed in his congressional office; Mr. Schwab received outside earned income in excess of amounts permitted by House Rules and federal law; and that Mr. Schwab failed to file full and complete financial disclosure statements.

On July 26, 2018, the Committee transmitted a Report to the House regarding the arrest during a protest of Representative Pramila Jayapal.

On August 10, 2018, the Committee transmitted a Report to the House regarding allegations relating to Representative Markwayne Mullin.

On September 6, 2018, the Committee announced that, pursuant to Committee Rule 18(e)(2), it had unanimously voted to establish an ISC to review allegations that Representative Chris Collins engaged in unlawful conspiracy, securities fraud, and wire fraud; purchased discount stock that was not available to the public; took official actions on behalf of a company in which he had a significant financial interest; and made false statements to, withheld information from, or otherwise misled federal investigators. Following precedent, the Committee unanimously voted to defer consideration on its investigation in response to a request from DOJ.

On September 6, 2018, the Committee announced that, pursuant to Committee Rule 18(e)(2), it had unanimously voted to establish an ISC to review allegations that Representative Duncan Hunter engaged in unlawful conspiracy, fraud, falsification of campaign finance records, and prohibited use of campaign contributions. Following precedent, the Committee unanimously voted to defer consideration on its investigation in response to a request from DOJ.

On November 16, 2018, the Committee transmitted a Report to the House regarding allegations relating to Representative Mark Meadows.

On November 16, 2018, the Committee transmitted a Report to the House regarding allegations relating to Representative Ruben Kihuen.

On December 4, 2018, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Thomas Garrett used his congressional staff to perform unofficial work and personal errands.

On December 17, 2018, the Committee announced that, pursuant to Committee Rule 18(a), it would continue to review allegations referred by the OCE that Representative Rod Blum omitted required information from his financial disclosure reports, permitted the use of official resources to support a private business in which he held a financial interest, and permitted a private business in which he held a financial interest to employ fair or deceptive trade practices.

On December 20, 2018, the Committee transmitted a Report to the House regarding allegations relating to Representative Elizabeth Esty.

On December 20, 2018, the Committee unanimously voted to expand the jurisdiction of the ISC's inquiry regarding Representative David Schweikert to include allegations that Representative Schweikert used official resources to benefit his campaign or pressured congressional staff to perform political activity, authorized compensation to an employee who did not perform duties commensurate with his House employment, received loans or gifts from a congressional employee, and omitted required information from his annual House financial disclosure statements and Federal Election Commission candidate committee reports.

On January 2, 2019, the Chairwoman and Ranking Member of the Committee released a statement regarding Representative Thomas Garrett.

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 Representative Rod Blum*

On July 19, 2018, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Rod Blum may have violated federal law, House rules, and other standards of conduct when he omitted required information from his financial disclosure reports; permitted the use of official House resources to support or promote a private business in which he holds a financial interest; and permitted a private business in which he holds a financial interest to employ unfair or deceptive trade practices. The Committee released the OCE Report and Findings, along with Representative Blum's response, on December 17, 2018, 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 115th Congress the Committee had not completed its investigation into this matter. Representative Blum lost his bid for reelection to the House, and the Committee will no longer have jurisdiction over him after January 3, 2019.

*In the Matter of Allegations Relating to Delegate Madeleine Bordallo*

On June 12, 2017, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Delegate Madeleine Bordallo may have violated federal law, House rules, and other standards of conduct when she received rental profit from the Japanese Consulate in Hagatna, Guam, for property she owns in Tamuning, Guam; accepted gifts of free lodging, meals and amenities at the Outrigger Guam Beach Resort; and used official funds to pay for lodging and meals at the Outrigger Guam Beach Resort while in her home district. The OCE also reviewed an allegation that Delegate Bordallo used official resources for personal purposes to the extent that her congressional staff, during official time, performed personal services for her in connection with her rental property and the Miss World Guam Pageant, but the OCE recommended the Committee dismiss that allegation. The Committee released the OCE Report and Findings, along with Delegate Bordallo's response, on September 11, 2017, 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 115th Congress the Committee had not completed its investigation into this matter. Delegate Bordallo lost her bid for reelection to the House and the Committee will not have jurisdiction over her after January 3, 2019.

*In the Matter of Allegations Relating to Representative Chris Collins*

On July 14, 2017, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Chris Collins may have violated federal law, House rules, and other standards of conduct by sharing material nonpublic information in the purchase of stock of a company for which he served on the board, and by taking official actions or requesting official actions that would assist a single entity in which he had a significant financial interest. The OCE also reviewed allegations that Representative Collins purchased discounted stock that was not available to the public and that was offered to him based on his status as a Member of the House, in violation of House rules, standards of conduct, and federal law, but the OCE recommended the Committee dismiss that allegation. The Committee released the OCE Report and Findings, along with Representative Collins's response, on October 12, 2017, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On August 8, 2018, the U.S. Attorney for the Southern District of New York filed an indictment against Representative Collins in federal district court, charging him with conspiracy, securities fraud, wire fraud, and making false statements. On September 6, 2018, the Committee unanimously voted to establish an ISC to determine whether Representative Collins violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to allegations that he engaged in unlawful conspiracy,



securities fraud, and wire fraud; purchased discount stock that was not available to the public; took official actions on behalf of a company in which he had a significant financial interest; and made false statements to, withheld information from, or otherwise misled federal investigators. The Committee, following precedent, unanimously recommended to the ISC that it defer action on its investigation in response to a request from DOJ. Proceedings in federal court are pending.

At the conclusion of the 115th Congress, the Committee continues to defer its investigation of this matter at the request of DOJ. Representative Collins was reelected to the House for the 116th Congress.

*In the Matter of Allegations Relating to Michael Collins*

On May 11, 2017, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Michael Collins, an employee of the House, may have violated House rules and other standards of conduct when he improperly received compensation for practicing a profession that involved a fiduciary relationship with a campaign committee and for serving as an officer to a campaign committee, and that Mr. Collins may have received outside income in excess of the outside earned income limit applicable to senior staff. The Committee released the OCE Report and Findings, along with Mr. Collins' response, on August 9, 2017, 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 115th Congress, the Committee had not completed its investigation into this matter. Mr. Collins remains employed by the House for the 116th Congress.

*In the Matter of Allegations Relating to Representative John Conyers, Jr.*

On May 11, 2017, the OCE transmitted to the Committee a Report and Findings in which it recommended further review of allegations that Representative John Conyers, Jr. may have violated federal law, House rules, and other standards of conduct when he paid compensation to his former Chief of Staff during a period of time in 2016 in which she may not have performed any official work for his congressional office. On August 6, 2017, the Committee released the OCE Report and Findings, along with Representative Conyers' response, and noted in a public statement that it was continuing to review the allegations pursuant to Committee Rule 18(a).

On November 21, 2017, the Chairwoman and Ranking Member announced that the Committee was aware of public allegations that Representative Conyers may have engaged in sexual harassment of members of his staff, discriminated against certain staff on the basis of age, and used official resources for impermissible personal purposes. Pursuant to Committee Rule 18(a), the Committee began an investigation regarding those allegations. On December 4, 2017, Representative Conyers announced his resignation from the House, effective December 5, 2017, at which time the Committee lost jurisdiction to continue its investigations.

*In the Matter of Allegations Relating to Representative John J. Duncan, Jr.*

On January 4, 2018, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative John J. Duncan, Jr.'s campaign committee and leadership PAC expended funds that were not attributable to bona fide campaign or political purposes, and Representative Duncan failed to ensure that his campaign committee complied with applicable laws regarding contributions from employees, in violation of federal law, House rules, and other standards of conduct.

On April 4, 2018, the Committee released the OCE Report and Findings, along with Representative Duncan'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 115th Congress, the Committee had not completed its investigation into this matter. Representative Duncan did not run for reelection to the House for the 116th Congress, and the Committee will not have jurisdiction over him after January 3, 2019.

*In the Matter of Allegations Relating to Representative Elizabeth Esty*<sup>28</sup>

On April 2, 2018, Representative Esty sent a letter to the Chairwoman and Ranking Member of the Committee requesting that the Committee, pursuant to Committee Rule 18(c), review the circumstances surrounding her dismissal of her former Chief of Staff, Tony Baker, and determine whether there was any wrongdoing on her part. Representative Esty terminated Mr. Baker's employment in her office in 2016 pursuant to a confidential severance and release agreement after Representative Esty conducted an investigation into his behavior, including allegations that he harassed and abused a former female staffer.

The Committee investigated Representative Esty's handling of Mr. Baker's conduct and specifically considered whether Representative Esty failed to take appropriate steps to prevent and correct Mr. Baker's misconduct, or improperly paid Mr. Baker a lump sum severance payment upon his termination. The Committee concluded that, while Representative Esty could have better handled the investigation into Mr. Baker's behavior and his termination, her actions did not warrant any further action by the Committee. The Committee noted Representative Esty sought and relied upon legal guidance from the Office of House Employment Counsel.

On December 20, 2018, the Committee submitted a Report to the House of Representatives 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 Relating to Representative Blake Farenthold*

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<sup>28</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Elizabeth Esty*, H. Rept. 115-1093, 115th Cong. 2d Sess. (2018).

On June 29, 2015, the OCE forwarded to the Committee a Report and Findings regarding whether Representative Blake Farenthold sexually harassed a former member of his staff, discriminated against her on the basis of her gender, and retaliated against her for complaining about the alleged unlawful treatment in violation of federal law, House Rule XXIII, clause 9, and the CAA. In its referral, the OCE unanimously recommended the Committee dismiss the matter. On September 28, 2015, the Committee released the OCE Report and announced, due to the seriousness of the allegations referred by the OCE, it would continue to review the allegations under Committee Rule 18(a).

On December 7, 2017, the Committee announced it had voted to establish an ISC with jurisdiction to investigate the allegations referred by the OCE, as well as allegations that Representative Farenthold made inappropriate statements to other members of his official staff. The Committee determined to take that action based upon a discretionary review of the allegations, as well as the evidence obtained pursuant to Committee Rule 18(a).

On December 21, 2017, the Committee voted unanimously to expand the jurisdiction of the ISC's inquiry to include: (1) allegations of sexual harassment, discrimination, or retaliation by Representative Farenthold, or any person acting on his behalf, toward any member of his congressional staff while they were employed in his congressional office; (2) allegations that Representative Farenthold's congressional staff may have used House resources, including staff time, to benefit his congressional campaigns; (3) allegations that Representative Farenthold, or any person acting on his behalf, may have required members of his congressional staff to work on his congressional campaigns; and (4) allegations that Representative Farenthold may have made false statements or omissions in testimony to the Committee.

The ISC expeditiously investigated the allegations within its jurisdiction. In addition to reviewing the evidence obtained pursuant to Committee Rule 18(a), the ISC issued and received responses to seven requests for information, reviewed approximately 12,000 pages of documents, and interviewed six witnesses. The ISC provided an opportunity for Representative Farenthold to appear for a voluntary interview, but he declined to do so in the time frame offered by the ISC; he did present a written statement regarding the allegations.

Pursuant to Committee Rule 26(c), on March 30, 2018, the ISC informed Representative Farenthold it had scheduled a vote on a Statement of Alleged Violation in this matter, to occur on April 11, 2018.

On April 6, 2018, Representative Farenthold resigned from the House, at which time the ISC and the Committee lost jurisdiction to continue the investigation.

*In the Matter of Allegations Relating to Representative Trent Franks*

On December 7, 2017, the Committee unanimously voted to establish an ISC to determine whether Representative Trent Franks violated federal law, House rules, and other standards of conduct with respect to allegations that he engaged in conduct that constituted sexual harassment and/or retaliation for opposing sexual harassment.

Representative Franks resigned from the House on December 8, 2017, at which time the ISC and the Committee lost jurisdiction to continue its investigation.

*In the Matter of Allegations Relating to Representative Thomas Garrett*

On June 6, 2018, the Chairwoman and Ranking Member of the Committee authorized an investigation, pursuant to Committee Rule 18(a), into allegations that Representative Thomas Garrett may have improperly required, requested, or allowed members of his official staff to perform non-official, personal tasks for his or his wife's personal benefit. While the Committee's investigation was underway, on June 14, 2018, the OCE informed the Committee that it had initiated a preliminary review regarding Representative Garrett's use of official resources.

On September 5, 2018, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Garrett misused official resources by having congressional staff perform unofficial work and personal errands on his behalf. The OCE Report and Findings recommended dismissal of allegations that an employee in Representative Garrett's congressional office may have performed personal errands on his behalf while being paid by his congressional campaign committee.

On December 4, 2018, the Committee released the OCE Report and Findings, along with Representative Garrett's response. On January 2, 2019, the Chairwoman and Ranking Member issued a public statement and released a report of the Committee's nonpartisan, professional staff providing further detail on Committee staff's review of the allegations and their factual findings. Representative Garrett did not run for reelection to the House for the 116th Congress, and the Committee will not have jurisdiction over him after January 3, 2019.

*In the Matter of Allegations Relating to Representative Luis V. Gutiérrez (Protest Arrest)*<sup>29</sup>

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on September 13, 2017, to consider the arrest of Representative Luis V. Gutiérrez for incommoding or unlawful assembly during a protest outside the White House in Washington, D.C., on August 15, 2017. Representative Gutiérrez paid a \$50 fine and was released following his arrest. The legal proceedings related to Representative Gutiérrez's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Gutiérrez. 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.

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<sup>29</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Luis V. Gutiérrez*, H. Rept. 115-310, 115<sup>th</sup> Cong. 1<sup>st</sup> Sess. (2017).

On September 14, 2017, the Committee submitted a Report to the House describing the facts and its findings regarding this matter.

*In the Matter of Allegations Relating to Representative Luis V. Gutiérrez (Use of Official Funds)*<sup>30</sup>

On December 4, 2013, the OCE forwarded to the Committee in the 113th Congress a Report and Findings in which it recommended further review of allegations that Representative Luis V. Gutiérrez impermissibly used his Members' Representational Allowance (MRA) to pay his former Chief of Staff Doug Scofield, through his firm Scofield Communications, for services that may not be paid for using MRA funds. The OCE found substantial reason to believe Representative Gutiérrez used funds from his MRA for an impermissible purpose – to retain Mr. Scofield to provide services to his congressional office that more closely resembled those provided by an employee or consultant, rather than a contractor – in violation of federal law, CHA regulations, and House rules. The OCE also discussed an allegation that Representative Gutiérrez may have impermissibly granted special favors or benefits to entities that retained Scofield Communications as a lobbyist while the firm contracted with the Member's office, but did not find substantial reason to believe the allegation.

On May 5, 2014, the Committee released the OCE Report and Findings, along with Representative Gutiérrez's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

The Committee's extensive investigation included interviews of sixteen witnesses, including current and former members of Representative Gutiérrez's staff, current and former CHA staff who consulted Representative Gutiérrez's staff on the Scofield contract, Mr. Scofield, and Representative Gutiérrez. The Committee also collected over 10,000 pages of documents, including submissions by Representative Gutiérrez.

On March 22, 2018, the Committee in the 115th Congress unanimously voted to release a Report, which served as a reproof of Representative Gutiérrez for his conduct.

In its Report, the Committee found no evidence that Mr. Scofield received special privileges on behalf of his firm's clients, or that Mr. Scofield ever lobbied Representative Gutiérrez or his staff on behalf of any Scofield Communications client.

The Committee found that, even though an overwhelming majority of the work Mr. Scofield performed did accord with the terms of Scofield Communications' contract with Representative Gutiérrez's office, Mr. Scofield occasionally performed work that was either "legislative" in nature or otherwise exceeded the scope of that contract. Thus, the Committee concluded that Representative Gutiérrez impermissibly used MRA funds to pay Mr. Scofield for some work exceeding the contract's scope, and the limits of what a contractor retained to provide services to a Member's congressional office may do, as

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<sup>30</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Luis V. Gutiérrez*, H. Rept. 115-617, 115th Cong. 2d Sess. (2018).

defined by CHA. The Committee also concluded that the resulting violations, though unintentional, were significant enough to warrant a reproof.

In its Report, the Committee noted that Representative Gutiérrez was required to reimburse the U.S. Treasury for misspent MRA funds. While the Committee was unable to quantify the impermissible work or the associated MRA payments with exact precision, the Committee calculated a reimbursement amount, based on conservative estimation, of \$9,700, or approximately three percent of the total payments from Representative Gutiérrez's MRA to Scofield Communications from September 2007 until the contract's termination in June 2013. In December 2018, Representative Gutierrez's counsel informed the Committee that Representative Gutierrez fully intends to repay the amount and has taken steps towards effectuating that repayment.

*In the Matter of Allegations Relating to Representative Duncan Hunter*

On August 31, 2016, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Duncan Hunter may have violated federal law, House rules, and other standards of conduct by converting campaign funds to personal use. On March 23, 2017, the Committee announced that, following precedent, the Committee had voted unanimously to defer its review at the request of DOJ. The Committee made the OCE Report, but not its Findings, public at that time. On March 23, 2018, the Committee announced that it was continuing to defer its consideration of the matter at the request of DOJ.

On August 21, 2018, the U.S. Attorney for the Southern District of California filed an indictment against Representative Hunter in federal district court charging him with conspiracy, wire fraud, falsifying campaign finance records, prohibited use of campaign contributions, and false statements. On September 6, 2018, the Committee unanimously voted to establish an ISC with jurisdiction to investigate allegations that Representative Hunter engaged in unlawful conspiracy, fraud, falsification of campaign finance records, and prohibited use of campaign contributions. The Committee, following precedent, unanimously recommended to the ISC that it defer consideration of the matter in response to the request from DOJ.

At the conclusion of the 115th Congress, the Committee continues to defer its investigation of this matter at the request of DOJ. Representative Hunter was reelected to the House for the 116th Congress.

*In the Matter of Allegations Relating to Representative Ruben Kihuen*<sup>31</sup>

On December 21, 2017, the Committee unanimously voted to establish an ISC to investigate allegations that Representative Ruben Kihuen engaged in conduct that constitutes sexual harassment, in violation of House Rules, law, regulations, or other standards of conduct.

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<sup>31</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Ruben Kihuen*, H. Rept. 115-1041, 115th Cong. 2d Sess. (2018).

Over a nine-month period, the ISC reviewed over 2,700 pages of documents and interviewed twelve witnesses, including several women who publicly raised allegations against Representative Kihuen, corroborating witnesses, members of Representative Kihuen's campaign and congressional staffs, character witnesses proffered by Representative Kihuen, and Representative Kihuen himself. On September 26, 2018, the ISC transmitted a Report to the full Committee finding that Representative Kihuen made persistent and unwanted advances toward women who were required to interact with him as part of their professional responsibilities, and recommending that the Committee reprove Representative Kihuen.

On November 15, 2018, the Committee voted to adopt the ISC's Report and release its own Report, with both serving as a reproof of Representative Kihuen. On the basis of Representative Kihuen's conduct towards employees of a firm working for his re-election campaign in 2017 and a staffer on his first successful campaign for Congress in 2016, the Committee determined that Representative Kihuen acted in a manner that did not reflect creditably upon the House and was contrary to the spirit of House rules prohibiting sexual harassment, in violation of House Rule XXIII, clauses 1 and 2.

*In the Matter of Allegations Relating to Representative Pramila Jayapal*<sup>32</sup>

In accordance with the requirements of and Committee Rule 18(e)(2), the Committee convened on July 25, 2018, to consider the arrest of Representative Pramila Jayapal for crowding, obstructing, or incommoding, during a protest inside a Senate Office Building in Washington, D.C., on June 28, 2018. Representative Jayapal forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to Representative Jayapal's arrest were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling an ISC related to the conduct of Representative Jayapal. 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, 2018, the Committee submitted a Report to the House describing the facts and its findings regarding this matter.

*In the Matter of Allegations Relating to Representative Ben Ray Luján*<sup>33</sup>

On May 11, 2017, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Ben Ray Luján may have violated House rules, laws, and other standards of conduct by allegedly conducting campaign or political activity from the House floor, soliciting a campaign

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<sup>32</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Pramila Jayapal*, H. Rept. 115-876, 115th Cong. 2d Sess. (2018).

<sup>33</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Ben Ray Luján*, H. Rept. 115-272, 115th Cong. 1st Sess. (2017).

contribution from a federal building, and/or using an image of a House floor proceeding for campaign or political purposes.

The Committee investigated the allegations and concluded that there was insufficient evidence to support the allegations that Representative Luján engaged in campaign or political activity, or solicited campaign contributions, from the House floor or any other federal building. The Committee did find that Representative Luján's campaign consultant used an image of House proceedings from the House recording system, without Representative Luján's knowledge, which is a technical violation of House Rule V, clause 2(c)(1). While Members are ultimately responsible for actions taken on their behalf by third parties, the Committee concluded that given the limited nature of the violation, as well as Representative Luján's subsequent efforts to prevent any recurrence of the violation, a sanction was not warranted. Accordingly, the Committee unanimously voted to dismiss the matter and to take no further action.

On August 1, 2017, 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 Relating 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 federal law, House rules, and other standards of conduct by using House resources for campaign activity and combining campaign and House resources for her campaign for a House leadership position. The Committee released the OCE 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 115th Congress the Committee had not completed its investigation into this matter. Representative McMorris Rodgers was reelected to the House for the 116th Congress.

*In the Matter of Allegations Relating to Representative Mark Meadows*<sup>34</sup>

On October 26, 2015, OCE notified the Committee that it had begun a preliminary review of allegations regarding Representative Mark Meadows and payments he made to his former Chief of Staff, Kenny West from May 21, 2015, when Mr. West resigned from Representative Meadows' office through August 15, 2015. On November 18, 2015, in the 114th Congress, Representative Meadows sent a letter to the then-Chairman and Ranking Member of the Committee requesting the Committee review his decision to continue paying Mr. West during the same time period. Representative Meadows also told the

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<sup>34</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Mark Meadows*, H. Rept. 115-1042, 115th Cong. 2d Sess. (2018).



Committee he declined to cooperate with a concurrent review the OCE was conducting into this issue.

On March 18, 2016, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Meadows violated federal law, House rules and other standards of conduct when he retained an employee who did not perform duties commensurate with the compensation the employee received, and certified that the compensation met applicable House standards. The OCE Report and Findings included evidence that, in October 2014, several female employees in Representative Meadows' congressional office made complaints to him of inappropriate behavior by Mr. West, including unwanted touching, inappropriate staring and unprofessional comments. Following those reports, Representative Meadows restricted Mr. West from his congressional offices and from contacting female employees. However, Mr. West remained Chief of Staff until April 2015 when his title was changed to Senior Advisor. Despite the change in his title and loss of supervisory responsibilities, Mr. West continued to receive the same salary from the House until August 15, 2015, a portion of which was "severance."

On August 17, 2016, the Committee released the OCE Report and Findings, along with Representative Meadows's response, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

During the 114th and 115th Congresses, the Committee reviewed whether Representative Meadows violated any federal law, House rules, or other standards of conduct when he continued to pay Mr. West his full salary after his female staff made allegations of inappropriate behavior against Mr. West. The Committee also considered whether Representative Meadows exercised reasonable care to prevent and promptly correct Mr. West's inappropriate behavior after he learned about it.

On November 15, 2018, the Committee voted unanimously to submit a Report to the House which served as a reproof of Representative Meadows for his conduct. In its Report, the Committee found that, during the time Mr. West was Chief of Staff after the allegations had been made against him, it was generally within Representative Meadows' discretion as the employing Member to change the terms and conditions of Mr. West's employment. However, the Committee found that when Mr. West was demoted to Senior Advisor, and when he was being paid "severance," his duties were not commensurate with his pay, in violation of House Rule XXIII, clause 8. The Committee directed Representative Meadows to reimburse the U.S. Treasury for the impermissible overpayment of Mr. West in the amount of \$40,625.02, in accordance with House regulations and Committee precedent.

With regard to Representative Meadows' handling of the alleged inappropriate behavior in his office, the Committee found Representative Meadows did not know about Mr. West's behavior until October 2014, when several of his female staff made complaints to him. In its Report, the Committee noted once Representative Meadows became aware of Mr. West's behavior, he should have done more to address that behavior and prevent it

from occurring again in the future. The Committee found that while Representative Meadows took some important immediate steps after learning about the inappropriate behavior, such as prohibiting Mr. West from entering the congressional offices and contacting female staff, and requesting an independent investigation, those steps were essentially all he did for nearly six months. The Committee found that Representative Meadows was ultimately responsible for ensuring that his office was free from discrimination and any perception of discrimination and that he failed to adequately do so, in violation of clauses 1 and 2 of House Rule XXIII.

*In the Matter of Allegations Relating to Representative Patrick Meehan*

On January 20, 2018, Representative Patrick Meehan wrote a letter to the Committee's Chairwoman, in which he requested that the Committee review the matter "[i]n light of the media reports regarding the settlement reached between his office and the former employee." On January 22, 2018, the Committee issued a public statement, noting that it had initiated a review of the allegations against Representative Meehan, pursuant to Committee Rules 18(a) and 18(c). The statement also noted that Representative Meehan was no longer a member of the Committee.

On February 27, 2018, the Committee unanimously voted to establish an ISC to investigate whether Representative Meehan and/or his Chief of Staff, Brian Schubert, engaged in conduct that constituted sexual harassment, retaliation, or misuse of official resources, in violation of House Rules, law, regulations, or other standards of conduct. Over the course of its investigation, the ISC authorized the issuance of three subpoenas and collected over 100 pages of information, including communications between Representative Meehan and the former staffer.

On February 28, 2018, Mr. Schubert resigned from his employment in the House, at which time the ISC and Committee lost their jurisdiction over him. On April 27, 2018, Representative Meehan announced his immediate resignation from the House, at which time the ISC and Committee lost their jurisdiction to continue the investigation.

In his official statement announcing his resignation, Representative Meehan stated he would reimburse the U.S. Treasury approximately \$39,000, within 30 days of his resignation, for the severance payment made from his MRA to the former staffer. The Committee subsequently received evidence from Representative Meehan's counsel that reimbursement of the severance payment was completed on May 18, 2018.

*In the Matter of Allegations Relating to Representative Markwayne Mullin*<sup>35</sup>

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 violated federal law, House rules and other standards of conduct when he personally endorsed goods or services provided by companies he or his family owned;

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<sup>35</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Markwayne Mullin*, H. Rept. 115-898, 115th Cong. 2d Sess. (2018).

received outside earned income, in excess of the applicable limits, from those companies; and served as a director and/or officer of the companies for compensation. The Committee released the OCE 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).

On August 10, 2018, the Committee voted to submit a Report to the House and take no further action against Representative Mullin. In its Report, the Committee noted the allegations raised several novel questions regarding the application of House rules and other standards of conduct to a Member's efforts to maintain and promote a family business. The Committee found that Representative Mullin participated in advertisements on behalf of companies he or his family owned after he became a Member, and received payments from those companies during that time. However, the Committee determined that Representative Mullin made a good faith effort to seek the Committee's informal guidance on numerous issues with respect to his family business and, to the extent Representative Mullin complied with the Committee's advice, it would be inequitable to subject his conduct to additional review. In its Report, the Committee noted its belief that the House would be better served by different guidance with respect to Member participation in advertisements, and clarified that, going forward, the Committee's guidance is that a Member should under no circumstances be actively involved in a personally selling or endorsing goods or services in which the Member has a financial interest.<sup>36</sup> The Committee also reiterated its longstanding guidance that, if a Member performs personal services for an S-Corporation business that generate significant income for the business, including participating in advertisements, then some part of the payments the Member receives from the business may be deemed earned income.

The Committee also determined that an accounting error led Representative Mullin to inadvertently receive \$40,000 from his former company, after he transferred ownership of that company to his spouse. The Committee found that, to bring himself into full compliance with the Committee's guidance, Representative Mullin must return \$40,000 to that company. The Committee found no evidence that Representative Mullin received compensation for his service as an officer or director of his family's companies.

*In the Matter of Allegations Relating to Representative Devin Nunes*

On April 6, 2017, the Committee announced that it was aware of public allegations that Representative Devin Nunes may have made unauthorized disclosures of classified information, in violation of House Rules, law, regulations, or other standards of conduct, and that the Committee, pursuant to Committee Rule 18(a), was investigating and gathering more information regarding these allegations. In the course of this investigation, the Committee sought the analysis of Representative Nunes's statements by classification experts in the Intelligence Community. Based solely on the conclusion of those

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<sup>36</sup> On August 24, 2018, the Committee issued a memorandum further articulating this clarification and expansion of its previous guidance. See Comm. on Ethics, *Guidance on Personal Endorsement or Promotion by Members of the House of Representatives* (Aug. 24, 2018), available at <https://ethics.house.gov/sites/ethics.house.gov/files/Personal%20Endorsement%20Pink%20Sheet.pdf>.

classification experts that Representative Nunes's statements did not disclose classified information, the Committee closed its investigation on December 7, 2017.

*In the Matter of Allegations Relating to Representative Robert Pittenger*

On November 18, 2015, the Committee unanimously voted to impanel an ISC with jurisdiction to determine whether Representative Robert Pittenger violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct in the performance of his duties or the discharge of his responsibilities, with respect to allegations that he received compensation for his involvement with a fiduciary business, a real estate investment firm known as Pittenger Land Investments, Inc. The Committee, following precedent, unanimously recommended to the ISC that it defer action on its investigation at that time in response to a request from DOJ.

In March 2017, DOJ closed its investigation of Representative Pittenger. As of the conclusion of the 115th Congress the Committee had not completed its investigation into this matter. Representative Pittenger lost his bid for reelection to the House and the Committee will no longer have jurisdiction over him after January 3, 2019.

*In the Matter Regarding the Arrests of Members of the House During a Protest Outside the United States Capitol on December 6, 2017<sup>37</sup>*

In accordance with the requirements of Committee Rule 18(e)(2), the Committee convened on December 21, 2017, to consider the arrest of Representatives Judy Chu and Luis V. Gutiérrez for crowding, obstructing, or incommoding during a protest outside the United States Capitol in Washington, D.C., on December 6, 2017. Representatives Chu and Gutiérrez each forfeited a \$50 collateral payment, whereupon the local court disposed of the charge. The legal proceedings related to these arrests were thus resolved.

After reviewing and considering this matter, the Committee voted against impaneling 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 December 21, 2017, the Committee submitted a Report to the House describing the facts and its findings regarding this matter.

*In the Matter of Allegations Relating to Representative Jim Renacci*

On August 9, 2018, the OCE forwarded to the Committee a Report and Findings regarding Representative Jim Renacci.

At the conclusion of the 115th Congress, the Committee had not completed its investigation into this matter. Representative Renacci did not run for reelection to the

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<sup>37</sup> Comm. on Ethics, *In the Matter Regarding the Arrests of Members of the House During a Protest Outside the United States Capitol on December 6, 2017*, H. Rept. 115-482, 115th Cong. 1st Sess. (2017).

House for the 116th Congress, and the Committee will not have jurisdiction over him after January 3, 2019.

*In the Matter of Allegations Relating to Representative Bobby L. Rush*<sup>38</sup>

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 may have violated House rules and standards of conduct when he received unpaid usage of office space. The OCE Report and Findings recommended dismissal of separate allegations that Representative Rush improperly converted campaign funds to personal use. The Committee released the OCE Report and Findings, along with Representative Rush'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).

Following its investigation, the Committee concluded that Representative Rush accepted a gift of rent-free office space, in violation of House rules and federal law. The Committee determined Representative Rush exceeded the gift limit by \$14,610. The Committee concluded that Representative Rush did not violate laws or House Rules that prohibit the conversion of campaign funds to personal use.

On March 22, 2018, the Committee submitted a Report to the House describing the facts and its findings in the matter and reproving Representative Rush. In its Report, the Committee found that Representative Rush must repay the value of the impermissible gift within six weeks of the publication of the Report. On May 18, 2018, Representative Rush provided a check in the amount of \$14,610 to the U.S. Treasury.

*In the Matter of Allegations Relating to Representative David Schweikert*

On April 16, 2018, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative David Schweikert and his then-Chief of Staff, Richard Oliver Schwab, may have authorized the misuse of or misused Representative Schweikert's MRA, Representative Schweikert may have failed to ensure that his campaign committees complied with applicable rules regarding contributions from congressional employees, Mr. Schwab may have improperly made personal outlays on behalf of Representative Schweikert's principal campaign committees, and Mr. Schwab may have received income beyond the outside earned income limit for senior staff.

On June 14, 2018, the Committee unanimously voted to establish an ISC to determine whether Representative Schweikert or Mr. Schwab violated the Code of Official Conduct or any law, rule, regulation or other applicable standard of conduct in the performance of their duties or the discharge of their responsibilities, with respect to allegations forming the basis for the OCE's referral.

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<sup>38</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Bobby L. Rush*, H. Rept. 115-618, 115th Cong. 2d Sess. (2018).

On July 9, 2018, Mr. Schwab left House employment after resigning from his position as Representative Schweikert's Chief of Staff. On the date of Mr. Schwab's resignation, the ISC's and the Committee's jurisdiction over Mr. Schwab ended.

On December 20, 2018, the Committee unanimously voted to expand the ISC's jurisdiction to include allegations that (1) Representative Schweikert may have used official resources to benefit his campaign or pressured congressional staff to perform political activity; (2) Representative Schweikert may have authorized compensation to an employee who did not perform duties commensurate with his House employment; (3) Representative Schweikert or his campaign committee may have received loans or gifts from a congressional employee; and (4) Representative Schweikert may have omitted required information from his annual House financial disclosure statements and Federal Election Commission candidate committee reports.

As of the conclusion of the 115th Congress, the ISC had not completed its investigation into this matter. Representative Schweikert was reelected to the House for the 116th Congress.

*In the Matter of Allegations Relating to Representative Roger Williams*<sup>39</sup>

On May 13, 2016, the OCE forwarded to the Committee a Report and Findings in which it recommended further review of allegations that Representative Roger Williams may have violated federal law, House rules, and other standards of conduct when he took an official action on a matter affecting his personal financial interest in an automobile dealership, by offering an amendment to certain surface transportation reauthorization legislation in the 114th Congress (the Williams Amendment). The Committee released the OCE Report and Findings, along with Representative Williams' response, on August 11, 2016, and noted in a public statement that the Committee was continuing to review the allegations pursuant to Committee Rule 18(a).

On August 1, 2017, 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 its Report, the Committee concluded that, while the Williams Amendment could have affected Representative Williams' personal financial interests, his actions in offering the amendment did not create a reasonable inference of inappropriate conduct. However, the Committee found that Representative Williams should have consulted the Committee for guidance, to identify in advance any potential limitations on his ability to offer and support the Williams Amendment, in order to avoid any inference of improper action.

Representative Williams' failure to consult the Committee aside, the Committee ultimately concluded that, based on the totality of the circumstances, Representative Williams' sponsorship of the Williams Amendment did not violate any law or House Rule.

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<sup>39</sup> Comm. on Ethics, *In the Matter of Allegations Relating to Representative Roger Williams*, H. Rept. 115-271, 115th Cong. 1st Sess. (2017)

Accordingly, the Committee unanimously voted to dismiss the matter and to take no further action.