Special Policies and Procedures Relating to Fine Notifications and Appeals

Adopted by the Committee on Ethics – March 9, 2021

- 1. Upon receipt of a fine notification under House Rule II or H. Res. 73, the Committee will send a letter to the Sergeant at Arms, U.S. Capitol Police, and/or Chief Administrative Officer requesting that they preserve all records of any reviews, determinations, or decisions regarding the alleged violation(s) and any additional information, including video recordings of the alleged violation(s). Also, the Committee will send a letter to the Member notifying them of their right to appeal, the deadline by which to file an appeal, the Committee's special policies and procedures, and noting that an appeal to the Committee shall include a response to the findings issued by the Sergeant at Arms, and may include the basis for the appeal, a description of the occurrence precipitating the fine, any exculpatory information, any request to appear before the Committee, and any additional information that the appellant believes will assist the Committee in considering the appeal. In addition, for receipt of any fine notification under H. Res. 73, the Committee shall notify the Member of the Committee's obligation to publish the fine notification.
- 2. For a fine notification received under H. Res. 73, the Chair and Ranking Member will make the notification public within two business days of receipt. The Committee will provide the subject of the fine with notice of publication one business day prior to release.
- 3. The Chair and Ranking Member may make reductions to the public fine notification received under H. Res. 73 as they deem necessary to protect certain personally identifiable information or other sensitive details.
- 4. In appealing a fine to the Committee, the appellant may be represented by counsel at their own expense.
- 5. Upon receipt of an appeal of a fine, the Committee will send a letter confirming its receipt of the appeal and notifying the appellant that it will consider the appeal within 30 calendar days. Also, upon receipt of an appeal, the Committee will send a letter to the Sergeant at Arms, U.S. Capitol Police, and/or Chief Administrative Officer requesting that they provide the Committee with a copy of all records of any reviews, determinations, or decisions regarding the alleged violation(s) and any additional information, including video recordings of the alleged violation(s).
- 6. If the written appeal does not provide sufficient information to fully assess an appeal, the Chair and Ranking Member may jointly authorize staff to request additional information from the appellant.
- 7. If an appellant asserts there are factual errors with the findings and any supporting documentation, the Chair and Ranking Member will request a response from the Sergeant at Arms and the U.S. Capitol Police. The Chair and Ranking Member may also jointly seek additional information from other sources.
- 8. The Chair or Ranking Member, consistent with Committee Rule 5(b), may place consideration of an appeal on the agenda at any time. If no meeting of the Committee is scheduled to occur within 30 days of receipt of an appeal, the Chair will make reasonable efforts to convene a meeting during that time period.

- 9. Members of the Committee will be provided any information needed for consideration of the appeal not later than three days prior to any meeting in which the appeal will be considered, whenever possible.
- 10. The Committee may agree to an appeal if it determines the fine is (a) arbitrary and capricious, an abuse of discretion, or otherwise not consistent with law or with principles of fairness; (b) not made consistent with required procedures; or (c) unsupported by substantial evidence.
- 11. The Chair and Ranking Member will notify the Speaker, the Sergeant at Arms, Chief Administrative Officer, and the public of the determination regarding a fine appeal (or that no appeal has been filed) two business days after such determination (or the expiration of the appeal period), and will also publish the written appeal if the appellant so chooses. The Committee will provide the subject of the fine with notice of publication one business day prior to release.