

CONFIDENTIAL

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**REPORT**

Review No. 23-3357

The Board of the Office of Congressional Ethics (hereafter “the Board”), by a vote of no less than four members, on December 1, 2023, adopted the following report and ordered it to be transmitted to the Committee on Ethics of the United States House of Representatives (hereafter “the Committee”).

SUBJECT: Representative Jamaal Bowman

NATURE OF THE ALLEGED VIOLATION: Rep. Bowman may have willfully or knowingly given a false alarm of fire within the District of Columbia. If Rep. Bowman willfully or knowingly gave a false alarm of fire within the District of Columbia, then he may have violated House rules, District of Columbia law, or standards of conduct.

Rep. Bowman may have obstructed or attempted to impede an official House proceeding. If Rep. Bowman obstructed or attempted to impede an official House proceeding, then he may have violated House rules, federal law, or standards of conduct.

RECOMMENDATION: The Board recommends that the Committee further review the above allegation concerning Rep. Bowman because there is substantial reason to believe that Rep. Bowman willfully or knowingly gave a false alarm of fire within the District of Columbia.

The Board recommends that the Committee dismiss the above allegation concerning Rep. Bowman because there is not substantial reason to believe that Rep. Bowman obstructed or attempted to impede an official House proceeding.

VOTES IN THE AFFIRMATIVE: 6

VOTES IN THE NEGATIVE: 0

ABSTENTIONS: 0

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

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**FINDINGS OF FACT AND CITATIONS TO LAW**

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OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES

**FINDINGS OF FACT AND CITATIONS TO LAW**

Review No. 23-3357

On December 1, 2023, the Board of the Office of Congressional Ethics (hereafter “the Board”) adopted the following findings of fact and accompanying citations to law, regulations, rules, and standards of conduct (*in italics*).

**I. INTRODUCTION**

**A. Summary of Allegations**

1. Rep. Bowman may have willfully or knowingly given a false alarm of fire within the District of Columbia. If Rep. Bowman willfully or knowingly gave a false alarm of fire within the District of Columbia, then he may have violated House rules, District of Columbia law, or standards of conduct.
2. The Board recommends that the Committee further review the above allegation concerning Rep. Bowman because there is substantial reason to believe that Rep. Bowman willfully or knowingly gave a false alarm of fire within the District of Columbia.
3. Rep. Bowman may have obstructed or attempted to impede an official House proceeding. If Rep. Bowman obstructed or attempted to impede an official House proceeding, then he may have violated House rules, federal law, or standards of conduct.
4. The Board recommends that the Committee dismiss the above allegation concerning Rep. Bowman because there is not substantial reason to believe that Rep. Bowman obstructed or attempted to impede an official House proceeding.

**B. Jurisdictional Statement**

5. The allegations that were the subject of this review concern Rep. Jamaal Bowman, a Member of the United States House of Representatives from the 16th District of New York. The Resolution the United States House of Representatives adopted creating the OCE directs that, “[n]o review shall be undertaken ... by the [B]oard of any alleged violation that occurred before the date of adoption of this resolution.”<sup>1</sup> The House adopted this Resolution on March 11, 2008. Because the conduct under review occurred after March 11, 2008, review by the Board is also in accordance with the Resolution and House precedent.

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<sup>1</sup> H. Res. 895 of the 110th Congress § 1(e) (2008) (as amended) (hereafter the “Resolution”).

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**C. Procedural History**

6. The OCE received a written request for a preliminary review in this matter signed by at least two members of the Board on October 3, 2023. The preliminary review commenced on October 4, 2023.<sup>2</sup>
7. On October 4, 2023, the OCE notified Rep. Bowman of the initiation of the preliminary review and provided him with a statement of the nature of the review.<sup>3</sup> Rep. Bowman was notified of his right to be represented by counsel in this matter and notified that invoking his right to counsel would not be held negatively against him.<sup>4</sup>
8. At least three members of the Board voted to initiate a second-phase review in this matter on November 3, 2023. The second-phase review commenced on November 4, 2023.<sup>5</sup> The second-phase review was scheduled to end on or before December 18, 2023.
9. On November 7, 2023, the OCE notified Rep. Bowman and the Committee of the initiation of the second-phase review in this matter, and again notified Rep. Bowman of his right to be represented by counsel in this matter, and that invoking that right would not be held negatively against him.<sup>6</sup>
10. The Board voted to refer the matter to the Committee for further review and adopted these findings on December 1, 2023.
11. The report and its findings in this matter were transmitted to the Committee on December 11, 2023.

**D. Summary of Investigative Activity**

12. The OCE requested documentary and in some cases testimonial information from the following sources:
  - (1) Rep. Jamaal Bowman; and
  - (2) U.S. Capitol Police.

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<sup>2</sup> A preliminary review is “requested” in writing by members of the Board of the OCE. The request for a preliminary review is received by the OCE on a date certain. According to the Resolution, the timeframe for conducting a preliminary review is 30 days from the date of receipt of the Board’s request.

<sup>3</sup> Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Bowman (October 4, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> According to the Resolution, the Board must vote (as opposed to make a written authorization) on whether to conduct a second-phase review in a matter before the expiration of the 30-day preliminary review. If the Board votes for a second phase, the second phase commences the day after the preliminary review ends.

<sup>6</sup> Letter from Omar S. Ashmawy, Chief Counsel and Staff Dir., Office of Cong. Ethics, to Rep. Bowman (November 7, 2023).

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## II. THE OCE FOUND SUBSTANTIAL REASON TO BELIEVE REP. BOWMAN WILLINGLY AND KNOWINGLY GAVE A FALSE ALARM OF FIRE WITHIN THE DISTRICT OF COLUMBIA

### A. Applicable Law, Rules, and Standards of Conduct

#### 13. District of Columbia Statutes

*Code of the District of Columbia Chapter 13 § 22-1319 provides that “[i]t shall be unlawful for any person or persons to willfully or knowingly give a false alarm of fire within the District of Columbia.”*

#### 14. Code of Government Ethics

*“Any person in Government service should: . . . (2) Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.”*<sup>7</sup>

#### 15. House Rules

*Pursuant to House Rule 23, cl.1: “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”*

*Pursuant to House Rule 23, cl.2: “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”*

#### 16. House Ethics Manual

*The Code of Ethics for Government Service articulates broad ethical guidelines for “all Government employees, including officeholders.” Among other things, the Code stresses that any person in government service should “[a]dhere to the highest moral principles” and “[u]phold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.”*<sup>8</sup>

### B. Rep. Bowman Willingly and Knowingly Gave a False Alarm of Fire Within the District of Columbia

17. Rep. Jamaal Bowman has been a Member of Congress since 2021 and was recently re-elected in 2022 to represent New York’s 16th Congressional District.<sup>9</sup>

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<sup>7</sup> Code of Ethics for Government Service, ¶ 2 H. Cong. Res. 175, 72 Stat., Part 2, B12 (1958).

<sup>8</sup> Committee on Standards and Official Conduct, House Ethics Manual (2022 Print) at 19. <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf> [hereinafter “HOUSE ETHICS MANUAL”] (emphasis in original).

<sup>9</sup> *Bioguide Search*, Biographical Directory of the United States Congress, <https://bioguide.congress.gov/search/bio/B001223> (last visited December 8, 2023).

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18. On October 25, 2023, the Office of the Attorney General of the District of Columbia publicly announced that it had reached a decision to charge Rep. Bowman with “willfully or knowingly [triggering] a false fire alarm within the District of Columbia,” in violation of D.C. Code § 22-1319(A).<sup>10</sup>
19. Rep. Bowman subsequently pled guilty to the one-count charge of triggering a false fire alarm pursuant to a deferred sentencing agreement—admitting the government “would have proven with competent evidence beyond a reasonable doubt that [he] . . . pulled the alarm down, even though he knew there was no fire or other emergency.”<sup>11</sup>
20. As part of the plea agreement, Rep. Bowman fulfilled his requirement to draft and deliver an apology letter to the U.S. Capitol Police Chief.<sup>12</sup> Moreover, Rep. Bowman is required to abide by two additional conditions during the stipulated three-month sentencing period: 1) not to violate any law or court order during the period of the agreement and 2) not to be arrested during the period of the agreement.<sup>13</sup>
21. During this review, the OCE requested documents and communications related to the September 30, 2023 incident involving the triggering of a fire alarm in the Cannon House Office Building. Rep. Bowman, through his counsel, provided the OCE documents which included communications via Signal App amongst Rep. Bowman’s campaign staff discussing the false alarm incident and information concerning the House vote on funding bill, HR 5860.
22. Evidence obtained by the OCE demonstrates that Rep. Bowman knowingly and willfully triggered a false alarm of fire in the Cannon House Building prompting a building-wide evacuation. As detailed below, Rep. Bowman’s actions and subsequent representations, call into question the veracity of his initial statements immediately following the incident.
23. In addition to providing statements that have been viewed by the OCE as being less than credible, Rep. Bowman failed to take appropriate steps to mitigate the risk of unnecessary harm to staff of the U.S. House of Representatives, Members of Congress, and potentially the civilian public during the building-wide evacuation process.

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<sup>10</sup> See Nicholas Wu & Kyle Cheney, *D.C.’s Attorney General Charges Jamaal Bowman For Triggering Fire Alarm*, POLITICO (October 25, 2023) <https://www.politico.com/live-updates/2023/10/25/congress/latest-on-bowman-fire-alarm-funding-capitol-police-001235751>; see also Charging Document for the case of District of Columbia v. Jamaal Anthony Bowman, 2023 CDC 007748 [hereinafter “Bowman”] (United States District Court for the District of Columbia, October 25, 2023), available at [https://eaccess.dccourts.gov/eaccess/search.page.3?x=A3Dvm\\*RIYJrayYxWJZLH1INN5B92oVRqyI3TFTvLUys3-J1f8RUZsZTZpc\\*uSvGjwzpjJYhFu56c17t2wzpciiIWSNcVLhiJLV-VFNLiwLTemeUhpOVRTskBCxzvHpi8Z0Pmjml-q2tVkuMB2u414EOYEwOqUUUnUi6LWCN1jvvA](https://eaccess.dccourts.gov/eaccess/search.page.3?x=A3Dvm*RIYJrayYxWJZLH1INN5B92oVRqyI3TFTvLUys3-J1f8RUZsZTZpc*uSvGjwzpjJYhFu56c17t2wzpciiIWSNcVLhiJLV-VFNLiwLTemeUhpOVRTskBCxzvHpi8Z0Pmjml-q2tVkuMB2u414EOYEwOqUUUnUi6LWCN1jvvA).

<sup>11</sup> See Bowman, PROFFER OF FACTS.

<sup>12</sup> See Bowman, PLEA AGREEMENT.

<sup>13</sup> See Bowman, DEFERRED SENTENCING AGREEMENT.

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i. Background

24. On Saturday, September 30, 2023, former House Speaker Kevin McCarthy unveiled a stopgap funding bill.<sup>14</sup> In an effort to delay a vote on the House bill H.R. 5860, House Democrats deployed procedural maneuvers to stall the process.<sup>15</sup>
25. On September 30, 2023 at approximately 12:03 pm, Rep. Bowman entered the Cannon House Office Building's second floor rotunda, seeking to utilize an exit located near Independence Avenue SE.<sup>16</sup> Rep. Bowman explained to OCE staff that he normally uses this exit because it, in his view, offers the most expedient route to the U.S. Capitol Building.<sup>17</sup>
26. Rep. Bowman told the OCE that as he approached the exit leading to Independence Avenue SE he noticed that this area had been marked as an emergency exit.<sup>18</sup> At the time of the incident, Rep. Bowman explained that he observed at least three posted signs, one being a standing sign—approximately two feet in length—strategically placed several feet in front of the exit doors and two additional signs posted atop of the push bars of both exit doors.<sup>19</sup> Each sign—red in color with white printed lettering—stated rather unambiguously that this specific egress point had been designated as “Emergency Exit only.”<sup>20</sup>



*Image of Standing Emergency Exit Sign*<sup>21</sup>

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<sup>14</sup> Mychael Schnell, *House sends Senate bill to avert government shutdown*, THE HILL (Sept. 30, 2023) <https://thehill.com/homenews/house/4231914-house-sends-senate-bill-to-avert-government-shutdown/>.

<sup>15</sup> *Id.*

<sup>16</sup> See Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 1.

<sup>17</sup> See Transcript of Rep. Bowman, (“Rep. Bowman Transcript”), March 23, 2023 (Exhibit 1 at 23-3357\_0016-17).

<sup>18</sup> *Id.* at 23-3357\_0017-18.

<sup>19</sup> *Id.*; see also Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 2.

<sup>20</sup> See Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 2.

<sup>21</sup> See Emergency Standing Door Sign Document (Exhibit 2 at 23-3357\_0039).

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*Image of Emergency Exit Signs atop Push Bar*<sup>22</sup>

27. At approximately 12:04 pm, Rep. Bowman—despite, as he told the OCE, being consciously aware that use of the exit was restricted to emergencies only—deliberately bypassed the aforementioned standing sign and proceeded toward the exit doors.<sup>23</sup> As confirmed by video evidence, upon reaching the exit, Rep. Bowman removed each of the exit signs placed atop of the push bars—knocking over one sign while continuing to hold onto the other in his left hand—before attempting to open the exit doors.<sup>24</sup>
28. Although the instructions written on the posted signs stated, “PUSH UNTIL ALARM SOUNDS (3 SECONDS) DOOR WILL UNLOCK IN 30 SECONDS,” Rep. Bowman merely pressed each push bar once—for a duration of less than a second apiece—before turning away and heading toward the fire alarm pull station positioned on the nearby wall.<sup>25</sup>
29. Rep. Bowman then proceeded to pull the lever on the fire alarm station despite the object being clearly identified as a fire alarm—causing an almost instantaneous audible alarm to sound throughout the Cannon House Office Building.<sup>26</sup>

<sup>22</sup> See Emergency Door Signs Document (Exhibit 3 at 23-3357\_0041).

<sup>23</sup> See Rep. Bowman Transcript (Exhibit 1 at 23-3357\_0017-18); see also Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 2.

<sup>24</sup> See Rep. Bowman Transcript (Exhibit 1 at 23-3357\_0019-20).

<sup>25</sup> See Cannon House Office Building Video Surveillance footage (Exhibit 4 at 23-3357\_0043 [12:04 PM])

<sup>26</sup> *Id.*; see also Rep. Bowman Transcript (Exhibit 1 at 23-3357\_0022); see also Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 2.



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*Image of Fire Alarm Station* <sup>27</sup>

30. In addition to causing the loud noise, strobe flashing lights were also immediately activated.<sup>28</sup>
31. After having triggered the fire alarm, video evidence confirms that Rep. Bowman calmly walked away from the secured area and headed toward another exit that also appeared to lead to Independence Avenue SE.<sup>29</sup> When it became clear that the area was similarly secured, Rep. Bowman then jogged back across the Rotunda toward the staircase where he first entered.<sup>30</sup>
32. Rep. Bowman continued down the staircase from the second floor of the Rotunda toward the first floor.<sup>31</sup> Shortly thereafter, Rep. Bowman exited the Cannon House Office Building near New Jersey Ave. SE, moving at a normal pace as he walked past several U.S. Capitol Police Officers.<sup>32</sup>
33. Once out of eyesight of U.S. Capitol Police Officers positioned near the New Jersey Ave. SE exit, Rep. Bowman continued jogging toward the U.S. Capitol Building.<sup>33</sup>

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<sup>27</sup> See Emergency Fire Alarm Document (Exhibit 5 at 23-3357\_0045).

<sup>28</sup> See Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 2.

<sup>29</sup> See Cannon House Office Building Video Surveillance footage (Exhibit 4 at 23-3357\_0043 [12:04 – 12:05 PM]).

<sup>30</sup> See Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 2.

<sup>31</sup> *Id.*

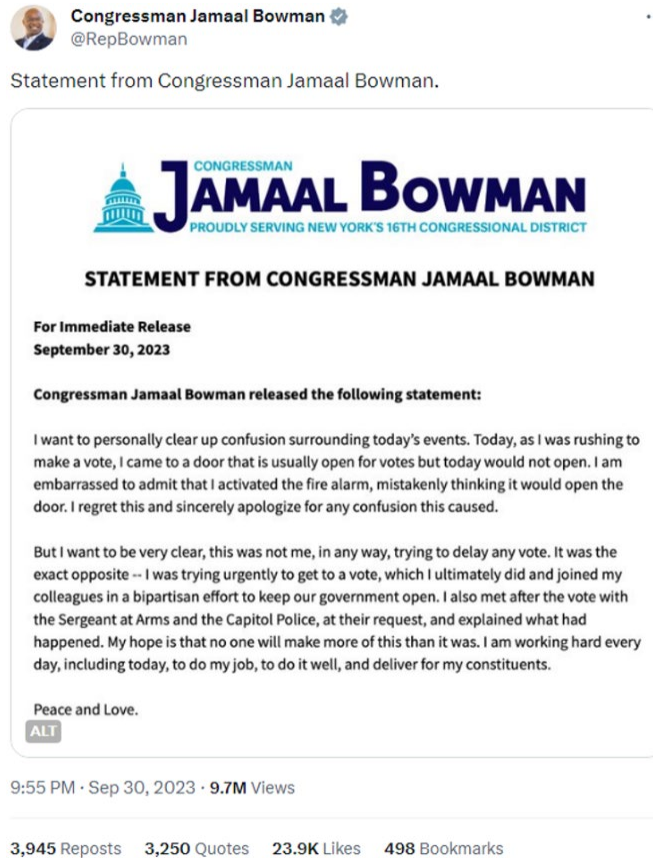
<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 3.

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ii. Rep. Bowman's Actions and On-the-Record Statements Contradict Representations Made in His Initial Public Statements

34. Following mounting criticism and calls for the Department of Justice to investigate Rep. Bowman for his actions in triggering a false alarm of fire in the Cannon House Building earlier in the day, Rep. Bowman sought to “personally clear up confusion” and extinguish the controversy.<sup>34</sup> To this end, Rep. Bowman released an official statement where he claimed that he “mistakenly” activated the fire alarm “thinking it would open the door.”<sup>35</sup>



*Image of Rep. Bowman's Official Statement*<sup>36</sup>

35. However, OCE staff obtained evidence appearing to contradict Rep. Bowman's claim that he mistakenly activated the fire alarm.

36. Surveillance video obtained by the OCE shows Rep. Bowman deliberately pulling the fire alarm lever without ever looking back to determine whether the alarm facilitated the opening of the emergency doors.<sup>37</sup>

<sup>34</sup> See Jamaal Bowman (@RepBowman), Rep. Bowman's official statement issued on September 30, 2023, TWITTER (last visited December 8, 2023) <https://twitter.com/RepBowman/status/1708299648782262656?s=20>.

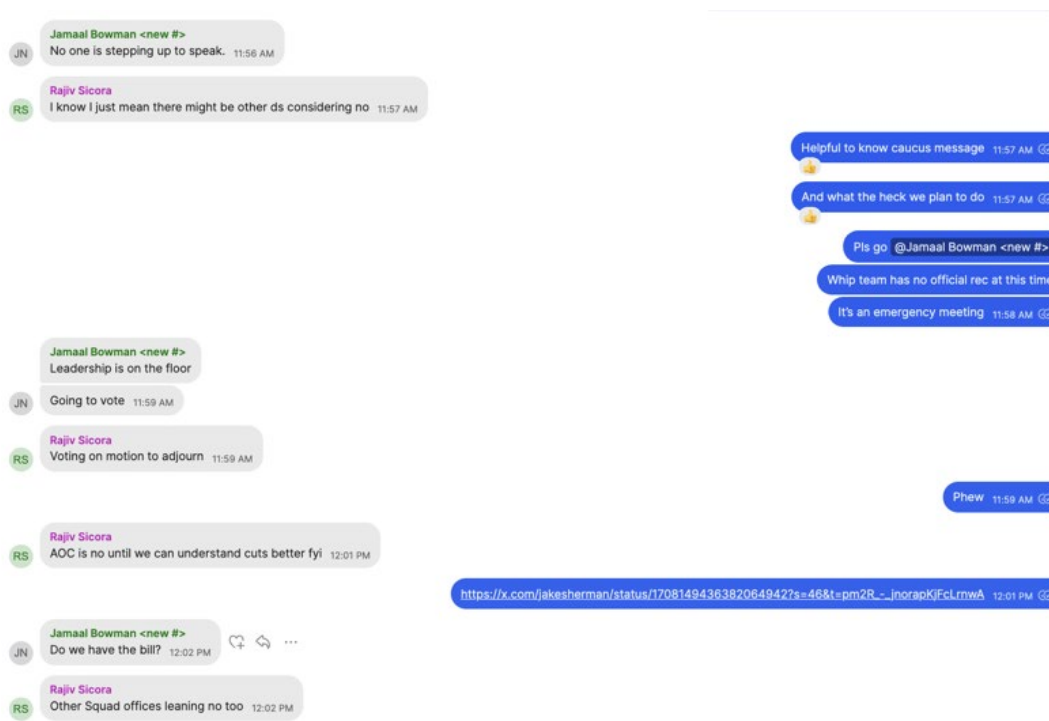
<sup>35</sup> *Id.*

<sup>36</sup> See Rep. Bowman's Official Statement Document (Exhibit 6 at 23-3357\_0047).

<sup>37</sup> See Cannon House Office Building Video Surveillance footage (Exhibit 4 at 23-3357\_0043 [12:04 PM]).

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37. Indeed, as highlighted above, Rep. Bowman casually walked away from the secured area upon triggering the fire alarm, appearing seemingly disinterested in actually departing through the exit.<sup>38</sup>
38. More importantly, at the time of this incident, the House stood adjourned. Rep. Bowman, contrary to statements issued by his office, was enroute to an emergency Caucus (Democrat) meeting—not to cast an imminent vote.<sup>39</sup>
39. At approximately 11:58 am, Rep. Bowman received several messages via Signal private messaging app from Sarah Idrissu, Chief of Staff, alerting him of the emergency meeting.<sup>40</sup> Ms. Idrissu informed Rep. Bowman that Members were instructed to meet in room HVC215 within the U.S. Capitol Building.<sup>41</sup>



*Image of Signal Communications*<sup>42</sup>

40. The above message exchange demonstrates that although Rep. Bowman may have initially believed a vote on the continuing resolution was imminent, Rep. Bowman had already been made aware of the emergency meeting and that it was necessary for him to attend—prior to activating the fire alarm.

<sup>38</sup> See discussion *infra* paragraph 31.

<sup>39</sup> See Rep. Bowman, Idrissu, Sicora, Messages via Signal App. Document (Exhibit 7 at 23-3357\_0049).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

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41. In light of this evidence, the OCE finds the explanation provided by Rep. Bowman’s official statement and those published by his staff to be less than credible or otherwise misleading.<sup>43</sup>
- iii. Rep. Bowman Failed to Take Appropriate Steps to Mitigate the Potential Risk of Harm to Occupants of the Cannon House Office Building and Avoid Unnecessary Use of the U.S. Capitol Police Department’s Resources
42. During the course of this review, the OCE analyzed two separate but equally important concerns regarding the September 30, 2023 fire alarm incident: (1) whether Rep. Bowman sought to mitigate the risk of harm to occupants of the Cannon House Office Building after willfully creating a potentially chaotic and panicked environment; and (2) whether Rep. Bowman took appropriate steps to immediately assume accountability for his actions whereby ensuring U.S. Capitol Police did not expend unnecessary resources to oversee a building-wide evacuation.
43. The Board notes that Rep. Bowman did not take reasonable steps to mitigate the potential risk of harm to occupants of the Cannon House Building after causing the building to undergo a building-wide evacuation. Moreover, having examined statements made directly by Rep. Bowman and those released publicly by senior staff within his office, it is unclear whether Rep. Bowman considered such unintended consequences of his actions.
44. With respect to the second issue, Rep. Bowman also did not take steps to immediately assume responsibility for activating the fire alarm. In fact, rather than simply explain the circumstances of the incident to U.S. Capitol Police officers or the Sergeant at Arms after “mistakenly” triggering the fire alarm, Rep. Bowman calmly walked past three U.S. Capitol Police Officers as he exited the Cannon House Office Building—without ever addressing the incident or saying anything at all.<sup>44</sup>
45. OCE staff reviewed surveillance footage from multiple entry/exit points which show that, between the time Rep. Bowman activated the fire alarm in the Cannon House Office Building and the time he reached his apparent destination within the U.S. Capitol Building, Rep. Bowman came in close contact with at least eight different U.S. Capitol Police officers—providing him ample opportunity to explain the circumstances of the incident.<sup>45</sup>
46. Notably, upon reviewing internal communications between Rep. Bowman and senior staff within his office, it appears Rep. Bowman also did not discuss the activation of the fire alarm with his staff until after he had already agreed to speak with U.S. Capitol Police investigators.

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<sup>43</sup> See Daniella Diaz, Nicholas Wu, & Olivia Beavers, *Bowman Camp Slams ‘Nazi’ Republicans After Fire Alarm Flap*, POLITICO (October 2, 2023) <https://www.politico.com/live-updates/2023/10/02/congress/bowmans-damage-control-00119493>.

<sup>44</sup> See Jamaal Bowman (@RepBowman), Rep. Bowman’s official statement issued on September 30, 2023, TWITTER (last visited December 8, 2023) <https://twitter.com/RepBowman/status/1708299648782262656?s=20>.

<sup>45</sup> See New Jersey Avenue Cannon House Office Building Exit surveillance footage (Exhibit 4 at 23-3357\_0043 [12:05:52 PM]); see also U.S. Capitol House Carriage Door surveillance footage (Exhibit 4 at 23-3357\_0043 [12:08 PM]); see also Bowman, AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT at 3.

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47. However, Rep. Bowman did contemporaneously discuss specifics of the continuing resolution with Ms. Idrissu and Rajiv Sicora, his Legislative Director, during this relevant time period (beginning immediately after the activation of the fire alarm and leading up to Rep. Bowman’s conversation with U.S. Capitol Police)—which took place between approximately 1 PM and 1:15 PM.<sup>46</sup>
48. The timing of this discussion is noteworthy given Rep. Bowman’s decision to remain silent with respect to his earlier actions in the Cannon House Office Building.
49. During its interview, the OCE posed several questions to Rep. Bowman on this issue. The most important of which concerned his rationale for not taking the opportunity to have his staff proactively reach out to Capitol Police or the Sergeant-at-Arms to inform them of his actions—considering that at the time Rep. Bowman no longer appeared to be in a rush to “make an urgent vote.”<sup>47</sup>
50. In response, Rep. Bowman explained that his “whole mind” was singularly focused on the real prospect of a government shutdown, and he felt it was best to utilize the time available to relay important information about the continuing resolution to his staff.<sup>48</sup>
51. Rep. Bowman also stated that he ultimately believed the building alarm would eventually “stop” and after “everybody checks[,]” things would be “all good.”<sup>49</sup> Rep. Bowman went on to state, “I guess maybe I thought that would happen here.”<sup>50</sup>
52. While the OCE notes that Rep. Bowman has since taken responsibility for his actions with respect to the criminal case brought by the Office of the Attorney General of the District of Columbia, the Board finds Rep. Bowman’s reasoning for his actions and subsequent inactions to be incompatible with the broad ethical guidelines established for all Members of Congress.

### **III. THE OCE DID NOT FIND SUBSTANTIAL REASON TO BELIEVE REP. BOWMAN OBSTRUCTED OR ATTEMPTED TO IMPEDE AN OFFICAL HOUSE PROCEEDING**

#### **A. Applicable Law, Rules, and Standards of Conduct**

53. Code of Government Ethics

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<sup>46</sup> See Rep. Bowman, Idrissu, Sicora, Messages via Signal App. Document (Exhibit 7 at 23-3357\_0049).

<sup>47</sup> In response to growing backlash, Ms. Idrissu, published a statement on X, the social media website, that Rep. Bowman “did not realize he would trigger a building alarm as he was rushing to make an urgent vote.” See Sarah Idrissu (@SarahIdrissu), Statement in support of Rep. Bowman issued on September 30, 2023, TWITTER (last visited December 8, 2023) <https://twitter.com/SarahIdrissu/status/1708194899592425876>; see also Eden Villalovas, ‘Squad’ Democrat Jamaal Bowman Gets Fired Up When Asked Why He Changed Story On Alarm Stunt, WASHINGTON EXAMINER (November 03, 2023) <https://www.washingtonexaminer.com/news/house/squad-democrat-fired-up-changed-story-alarm-stunt>.

<sup>48</sup> See Rep. Bowman Transcript (Exhibit 1 at 23-3357\_0028-29).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

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*“Any person in Government service should: . . . (2) Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.”*<sup>51</sup>

#### 54. House Rules

*Pursuant to House Rule 23, cl.1: “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”*

*Pursuant to House Rule 23, cl.2: “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.”*

#### 55. Federal Statutes

##### Protection of Government Processes:

*18 U.S.C. § 1512 (c)(2) states that “[w]henever corruptly . . . otherwise obstructs, influences, or impedes an official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.”*

*D.C. Circuit courts have held that the term “‘corruptly’ must be construed according to its plain meaning . . . and there are a range of ways to prove a defendant’s [corrupt] intent or action[,]” such as presenting evidence sufficient to support a finding that the defendant used “unlawful means” to obstruct or impede an official proceeding.*<sup>52</sup>

#### 56. House Ethics Manual

*The House Ethics Manual states that “Members, officers, and employees of the House should: [c]onduct themselves at all times in a manner that reflects creditably on the House; [a]bide by the spirit as well as the letter of the House rules; and [a]dhere to the broad ethical standards expressed in the Code of Ethics for Government Service. They should not in any way use their office for private gain. Nor should they attempt to circumvent any House rule or standard of conduct.”*<sup>53</sup>

*The Manual also states: “The Code of Ethics for Government Service was adopted as a concurrent resolution expressing the ‘sense of Congress,’ rather than as a statute. [The House Ethics Committee] has concluded, however, that the ethical precepts set forth in this code ‘represent continuing traditional standards of ethical conduct to be observed by Members of the House at all times.’”*<sup>54</sup> *Moreover, the Manual provides that “the Code of Ethics for Government Service not only state[s] aspirational goals for public officials, but violations of provisions*

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<sup>51</sup> Code of Ethics for Government Service, ¶ 2 H. Cong. Res. 175, 72 Stat., Part 2, B12 (1958).

<sup>52</sup> See United States v. Robertson, No. 22-3062, 2023 U.S. App. LEXIS 27878, 2023 WL 6932346 (D.C. Cir. October 20, 2023).

<sup>53</sup> HOUSE ETHICS MANUAL at 1.

<sup>54</sup> *Id.* at 19-20 (internal citations omitted).

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Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended contained therein may also provide the basis for disciplinary action in accordance with House Rules.”<sup>55</sup>

**B. The OCE Did Not Find Substantial Reason to Believe Rep. Bowman Obstructed or Attempted to Impede an Official House Proceeding**

57. Within hours following the passage of House Bill HR 5860, news articles began to surface detailing the last-minute scramble to pass a continuing resolution to fund the government before the October 1, 2023 shutdown deadline.<sup>56</sup> Rep. Bowman, dominated the headlines of the overwhelming majority of these articles.
58. According to media reports, Rep. Bowman was believed to have triggered a fire alarm in the Cannon House Office Building just shortly before votes were scheduled to begin.<sup>57</sup> To some, the timing of the false alarm was suspicious in that it allegedly coincided with efforts by House Democrats to stall the voting process.<sup>58</sup>
59. During this review, the OCE analyzed whether Rep. Bowman sought to obstruct or otherwise attempt to interfere with the voting effort on House Bill HR 5860. Rep. Bowman cooperated considerably throughout the course of this investigation. In addition to participating in a formal interview with the OCE, Rep. Bowman also produced documents and communications.
60. The OCE analyzed documents and communications pertinent to discussions related to the continuing resolution, as well as those concerning the fire alarm incident.
61. The OCE did not identify any evidence to suggest that Rep. Bowman (1) was aware of any effort on the part of House Democrats to stall the House vote prior to triggering the fire alarm or (2) intended to interfere with the voting process concerning House Bill HR 5860.
62. Of note, the OCE specifically asked Rep. Bowman whether he was aware of any effort on the part of House Democrats to stall the House vote on House Bill HR 5860. Rep. Bowman’s answer was an unequivocal, “no.”<sup>59</sup>

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<sup>55</sup> *Id.* at 2-3.

<sup>56</sup> See Farnoush Amiri, *Rep. Jamaal Bowman Triggered a Fire Alarm in a House Office Building Amid Voting on a Funding Bill*, ASSOCIATED PRESS (September 30, 2023) <https://apnews.com/article/congress-fire-alarm-jamaal-bowman-house-bc9c1cca01fa918999621e0f7eb27165>; see also Melanie Zanona, Phillip Wang, & Kaanita Iyer, *New York Rep. Jamaal Bowman Pulls Fire Alarm in House Office Building But Says It Was An Accident*, CNN (September 30, 2023) <https://www.cnn.com/2023/09/30/politics/jamaal-bowman-pulls-fire-alarm/index.html>; see also Ginger Gibson and Rebecca Kaplan, *Rep. Bowman Under Investigation For Pulling Fire Alarm As McCarthy Compares It To Jan. 6*, NBC News (September 30, 2023) <https://www.nbcnews.com/politics/congress/jamaal-bowman-pulled-fire-alarm-rcna118230>.

<sup>57</sup> See Farnoush Amiri, *Rep. Jamaal Bowman Triggered a Fire Alarm in a House Office Building Amid Voting on a Funding Bill*, ASSOCIATED PRESS (September 30, 2023) <https://apnews.com/article/congress-fire-alarm-jamaal-bowman-house-bc9c1cca01fa918999621e0f7eb27165>.

<sup>58</sup> See Ginger Gibson and Rebecca Kaplan, *Rep. Bowman Under Investigation For Pulling Fire Alarm As McCarthy Compares It To Jan. 6*, NBC NEWS (September 30, 2023) <https://www.nbcnews.com/politics/congress/jamaal-bowman-pulled-fire-alarm-rcna118230>.

<sup>59</sup> See Rep. Bowman Transcript (Exhibit 1 at 23-3357\_0013).

Subject to the Nondisclosure Provisions of H. Res. 895 of the 110<sup>th</sup> Congress as Amended

63. Likewise, with respect to the issue of obstruction, OCE staff asked Rep. Bowman directly was it his intention to obstruct or otherwise interfere with the House vote, when he triggered the fire alarm. Again, Rep. Bowman firmly stated, “no.”<sup>60</sup>
64. The OCE also consulted with staff of the Architect of the Capitol concerning the fire alarm systems and security protocols within the various House Office buildings and the U.S. Capitol.<sup>61</sup> The OCE was assured that the triggering of the fire alarm and subsequent evacuation of the Cannon House Office Building did not have any perceivable impact on the ongoing operations in the U.S. Capitol Building.
65. In summary, the OCE was unable to identify evidence to support a finding that there was substantial reason to believe Rep. Bowman intended to obstruct or otherwise interfere with an official House proceeding.

#### IV. CONCLUSION

66. Based on the foregoing information, the Board finds that the evidence before it does support a finding that there is substantial reason to believe Rep. Bowman willfully and knowingly gave a false alarm in the District of Columbia.
67. Accordingly, the Board recommends that the Committee further review the above allegation that Rep. Bowman willfully and knowingly gave a false alarm of fire in the District of Columbia.
68. Based on the foregoing information, the Board finds that there is not substantial reason to believe that Rep. Bowman may have obstructed or attempted to impede an official House proceeding.
69. Accordingly, the Board recommends that the Committee dismiss the above allegation that Rep. Bowman may have obstructed or attempted to impede an official House proceeding.

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<sup>60</sup> *Id.* at 23-3357\_0032.

<sup>61</sup> The OCE made efforts to confirm whether the triggering of the fire alarm in the Cannon House Office Building impacted any on-going operations in the U.S. Capitol Building or nearby House Office Buildings. On October 26, 2023, the OCE had an informal conversation with the Chief Security Officer of the Architect of the Capitol. The OCE was advised that an activation of a fire alarm in the Cannon House Office Building would not cause the fire alarm system in the U.S. Capitol Building to activate—each fire alarm system operates independently of the other. Internal Memorandum on file with the OCE, October 27, 2023.