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ONE HUNDRED TWELFTH CONGRESS

## U.S. House of Representatives

COMMITTEE ON ETHICS

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### STATEMENT OF THE CHAIRMAN AND RANKING MEMBER

### OF THE COMMITTEE ON ETHICS

### REGARDING THE MATTER OF REPRESENTATIVE MAXINE WATERS

The Committee on Ethics has voted unanimously to extend the contract of William R. Martin to continue his service as outside counsel to the Committee in the matter of Representative Maxine Waters. The Committee's goal has been and remains to resolve this matter as expeditiously as possible, but due to unavoidable delays, additional time is needed for outside counsel to complete his initial review and report his findings and conclusions to the full Committee, which will then determine whether the matter should proceed. The Committee's decision to extend the contract does not indicate that the Committee has made any findings or reached any conclusions, or reflect any judgment on behalf of the Committee.

In July 2011, the Committee announced that it had retained Mr. Martin to review, advise, and assist the Committee in completing this matter. The decision to retain outside counsel reflected the high priority of this unique matter and the need to resolve it with the utmost care, diligence, and integrity. Hiring an outside counsel allowed for an independent review and a faster resolution than if the Committee staff were to handle it alone. In addition, retaining outside counsel in this matter has allowed the Committee and its staff to continue to work diligently on its large number of other pending investigative matters, as well as its substantial ongoing work within its advice and education, financial disclosure, travel, and training responsibilities.

To date, Mr. Martin and his team have performed a substantial amount of work to move this matter forward. Mr. Martin has reviewed tens of thousands of pages of documents, interviewed numerous witnesses, and conducted extensive legal research regarding the nature of due process rights which attach to Members of Congress appearing before this Committee. While significant progress has been made, Mr. Martin's review and recommendations regarding due process allegations will not be complete by the end of the first session of the 112<sup>th</sup> Congress, which is the termination date of the initial contract. Mr. Martin has suggested to the Committee that he not present his recommendations regarding substantive issues of due process, including

whether any fact witnesses should consider recusal from this matter, until the factual review is complete.

The new contract has an expiration date of July 31, 2012, and authorizes expenditures of between \$50,000 and \$500,000. The Committee has not concluded either that the entirety of the matter will be completed by that date or that outside counsel will need the full amount of time and/or funding to complete his initial review and any subsequent work, if necessary.

Instead, both the expiration date and amount of funding are intended to provide both outside counsel and the Committee with the flexibility to finish this matter as promptly as a thorough, diligent, and fair review of the allegations and relevant facts will allow. As with the initial contract, pursuant to Committee rules, any cancellation, further extension, or amendment to the contract must be approved by a majority vote of the Members of the Committee, acting consistent with integrity and fairness.

The Committee notes that the initial contract with Mr. Martin also authorized expenditures of between \$50,000 and \$500,000, but that to date, the cost of services provided under the initial contract is approximately \$300,000. The range designated in the new contract was fully contemplated in the Committee's request to the Committee on House Administration for funding in the second session of the 112<sup>th</sup> Congress. The Committee on House Administration has approved both the funding request and the new contract with Mr. Martin, consistent with its rules. Representative Waters and her counsel were informed of the new contract.

At the end of each stage in the matter, the Committee will consider what, if any, statement is appropriate to keep the House and the public informed of the activities of the Committee. Until the next such appropriate time, however, neither the Committee nor outside counsel will have further public comment on this matter.

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