

ADOPTED BY THE COMMITTEE ON ETHICS ON JULY 29, 2015

**114TH CONGRESS, 1ST SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**IN THE MATTER OF OFFICIALLY-CONNECTED TRAVEL BY HOUSE MEMBERS
TO AZERBAIJAN IN 2013**

July 31, 2015



Mr. DENT from the Committee on Ethics submitted the following

REPORT

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* Representative Yvette Clarke did not participate in the Committee's proceedings in this matter pursuant to Committee Rule 9(d).

Charles W. Dent, Pennsylvania
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Linda T. Sánchez, California
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ONE HUNDRED FOURTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

July 30, 2015

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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, "In the Matter of Officially-Connected Travel by House Members to Azerbaijan in 2013."

Sincerely,

Charles W. Dent
Chairman

Linda T. Sánchez
Ranking Member

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R E P O R T

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee)¹ hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

In May 2013, 10 House Members and 32 House employees took part in officially-connected travel to Turkey and/or Azerbaijan (the “Trips”), which included attendance at a conference in Baku, Azerbaijan, entitled “U.S.-Azerbaijan: Vision for the Future” (the “Conference”). Though the Conference had several corporate sponsors, Conference agendas provided to travelers before the event listed two American non-profit organizations—the Turquoise Council of Americans and Eurasians (TCAE) and the Assembly of the Friends of Azerbaijan (AFAZ)—as the Conference’s organizers. Several American non-profit organizations with Turkic affiliations, including TCAE, separately invited the Members to travel to Azerbaijan. The itineraries of those trips also included attendance at the Conference.

Each of the House Members and employees who took part in the Trips sought and received the Committee’s approval to accept the Trips as privately-sponsored, officially-connected travel prior to accepting the travel invitations. Each of the non-profits, in required disclosure forms filed with the Committee, certified that it was the sole sponsor of its trips. Each non-profit also stated that it had not accepted funding from any other source to directly or indirectly finance any portion of the Trips. Those statements were made on disclosure forms containing multiple clear warnings, in bold text, that “[w]illful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001.”

¹ The Committee notes that Representative Yvette Clarke, a Member of the Committee, recused herself from this matter before the Committee took any action in the matter.

The Committee approved the Trips for each Member based on the travelers' submissions, which included the sponsors' statements and representations. Nothing in those submissions gave the Committee reason to doubt the truth or accuracy of the purported sponsors' representations regarding the sources of the Trips' funding. However, more than a year after the Trips occurred, questions arose about whether the Trips complied with the requirements for privately-sponsored officially-connected travel.

Soon after the start of the 114th Congress, the Chairman and Ranking Member authorized Committee staff to investigate these and other related allegations pursuant to Committee Rule 18(a). Separately, the Office of Congressional Ethics (OCE) initiated a review of allegations surrounding the Trips. On May 8, 2015, OCE referred to the Committee allegations that the nine Members received impermissible gifts of travel and tangible gifts in connection with the Trips.

The Committee conducted an extensive investigation. Each Member fully cooperated with the Committee. The Committee issued 12 subpoenas and 18 voluntary requests for information, and collected nearly 190,000 pages of materials, including supplemental materials provided by OCE. The Committee also interviewed ten witnesses. However, the Committee could not complete its investigation, because many potential witnesses refused to cooperate with the investigation and were outside of the Committee's authority to compel because they were in Azerbaijan or other foreign countries. In addition, Kemal Oksuz, who was in many respects the central witness to most of the substantive allegations in question, invoked his Fifth Amendment right to refuse to testify. Mr. Oksuz also refused to comply with a subpoena for documents issued to him by the Committee.

Despite these limitations, the Committee's investigation uncovered evidence of concerted, possibly criminal, efforts by various non-House individuals and entities to mislead the House travelers and the Committee about the Trips' true sponsors and the funding sources used to pay for Member and House employee travel to Azerbaijan. However, the evidence was inconclusive as to who actually funded the travel expenses.

The evidence demonstrates that the House travelers submitted their forms in good faith, and there is no evidence that the House travelers knew, or should have known, of the sponsors' false statements regarding the true source of funding for the travel. Because the House travelers acted in good faith, and the evidence was inconclusive as to the true source of funds for the travel, the Committee concluded that the Trips did not constitute an impermissible gift of travel, and decided that no further action is required regarding the House travelers' acceptance of any trip expenses.

Separate and apart from the travel expenses that were the subject of the Committee's preapproval process, evidence indicates that many House travelers received various tangible gifts during the Trips. In general, Committee approval to accept privately-sponsored, officially-connected travel is limited to accepting costs related to the trip, not to tangible gifts that may be offered to a traveler.

The tangible gifts received by House travelers on the Trips in this matter may have been permissible under the House Gift Rule. However, the various provisions of the Gift Rule that may have permitted acceptance of these gifts require knowledge of the donor to assess whether a particular provision of the Gift Rule applies.

The Committee could not determine the source of these gifts. Since the donor was unknown, it is unlikely that many of the tangible gifts could be accepted under any provision of the House Gift Rule. However, either on their own initiative or at the Committee's recommendation, all Members have voluntarily remedied, or committed to remedy, any impermissible gifts received in connection with the Trips. In addition, the Committee has contacted House staff who participated in the trips and provided guidance to them about tangible gifts they may have received. Therefore, the Committee will take no further action with respect to any House Member or employee in this matter.

II. HOUSE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

A. Jurisdiction of the Committee

Article 1, Section 5, of the United States Constitution vests with the House the authority to “punish its Members for disorderly behavior.”² To implement its Constitutional duty, the House has adopted a Code of Official Conduct (Code) and has given the Committee exclusive jurisdiction over the interpretation of the Code.³

The Committee is authorized to investigate any alleged violation by a Member or employee of the House “of the Code of Official Conduct or of a law, rule, regulation, or other standard of conduct applicable to the conduct of such Member . . . or employee in the performance of the duties or the discharge of the responsibilities of such individual.”⁴

In addition to its investigative jurisdiction, the Committee is also authorized by House Rules⁵ and various federal statutes⁶ to enforce various standards of conduct applicable to House Members, officers, and employees and to promulgate and enforce related regulations, including with respect to gifts from foreign governments, financial disclosure, and privately-sponsored, officially connected travel, as described in greater detail below.

B. Gifts from Foreign Governments

Article 1, Section 9, Clause 8 of the United States Constitution, commonly referred to as the Emoluments Clause, prohibits federal government officials, including House Members and

² U.S. CONST. art. I, § 5.

³ House Rule XXIII; House Rule X, clause 1(g).

⁴ House Rule XI, clause 3(a)(2).

⁵ House Rule X, clause 1(g), 11(g)(4); House Rule XI, clause 3; House Rule XXV, clause 5(h).

⁶ See, e.g., 5 U.S.C. §§ 7342, 7351, 7353; 5 U.S.C. app. 4 §§ 101 *et seq.*, 503(1)(A).

employees, from accepting “any present . . . of any kind whatever, from any . . . foreign State,” without the consent of Congress. Congress has consented to the acceptance of certain emoluments through the vehicles of the Foreign Gifts and Decorations Act (FGDA)⁷ and Mutual Educational and Cultural Exchange Act (MECEA).⁸ The House Gift Rule also expressly permits acceptance of a gift the acceptance of which is authorized by the FGDA, MECEA, or any other statute.⁹

MECEA authorizes the Secretary of State to approve cultural exchange programs that finance “visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons”¹⁰ Travel subject to an approved MECEA program is not subject to Committee preapproval. However, all expenses must be paid by the foreign government host of the MECEA trip, and none may be paid by any private source.¹¹

With respect to travel, the FGDA allows House Members and employees to accept travel paid for by a foreign government only if the travel takes place entirely outside the United States. Such travel must also be consistent with the interests of the United States and must be permitted under FGDA regulations issued by the Committee.¹² The FGDA defines “foreign government” to include not only foreign governments *per se*, but also international or multinational organizations whose membership is composed of units of foreign governments, and any agent or representative of such a government or organization while acting as such.¹³ The FGDA also covers gifts from “quasi-governmental” organizations closely affiliated with, or funded by, a foreign government.

A Member, officer, or employee may accept travel expenses from a unit of a foreign government only under one of these two statutory grants of authority.

In addition to its travel provisions, the FGDA also authorizes House Members, officers, and employees to accept “a gift of minimal value tendered and received as a souvenir or mark of courtesy.”¹⁴ The FGDA also expressly authorizes the Committee to prescribe regulations to permit the receipt of gifts of foreign travel or expenses for foreign travel.¹⁵ Under the Act and the implementing regulations issued by the Committee, “minimal value” is redefined every three years by the General Services Administration.¹⁶ In 2013, “minimal value” for FGDA purposes

⁷ 5 U.S.C. § 7342.

⁸ 22 U.S.C. §§ 2451 *et seq.*

⁹ House Rule XXV, clause 5(a)(3)(N).

¹⁰ 22 U.S.C. § 2452(a)(2)(i).

¹¹ Comm. on Standards of Official Conduct, *House Ethics Manual* (2008) at 110-111.

¹² *House Ethics Manual* at 109.

¹³ 5 U.S.C. § 7342(a)(2)(B).

¹⁴ *Id.* § 7342(c)(1)(A).

¹⁵ *Id.* § 7342(c)(1)(B)(ii); Comm. on Standards of Official Conduct, Regulations for the Acceptance of Decorations and Gifts; *House Ethics Manual* at 389-93.

¹⁶ 5 U.S.C. § 7342(a)(5); *House Ethics Manual* at 391.

was \$350.¹⁷ This provision on minimal value gifts clearly applies to gifts of tangible items. In addition, the Committee has interpreted this provision to permit Members and staff to accept, from a foreign government, meals, entertainment, and local travel in the United States when related to official duties. However, the Committee’s interpretation does not allow the acceptance of such meals, entertainment, or local travel offered by a lobbyist or agent of a foreign government, because such gifts are not properly deemed as having been “tendered as a souvenir or mark of courtesy” as required by the FGDA.

The FGDA further allows a Member or staff person to accept (but not to retain) a gift of more than minimal value when refusal of the gift “would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States.”¹⁸ Such gifts, however, are deemed to be accepted on behalf of the United States and become the property of the United States. Within 60 days of accepting such a gift, a Member or staff person must turn the gift over to the Clerk of the House for disposal or, with the consent of this Committee, the recipient may retain the gift for display in his or her office or other official use.¹⁹

At the time such a gift is deposited for disposal or official use, the recipient must also complete and sign a foreign gifts disclosure form, and file it with the Committee.²⁰ If a Member or employee is uncertain whether the value of a gift exceeds “minimal value,” the Clerk’s office can arrange for an appraisal.²¹ Under the Committee’s foreign gifts regulations, the disclosure statements filed by Members and employees are publicly available at the Committee’s office, and their contents are published annually in the *Federal Register*.²²

C. Ethics in Government Act

The Ethics in Government Act of 1978 (EIGA), as amended, mandates annual financial disclosure by all senior federal personnel, including all Members and some employees of the House.²³ The EIGA designates the Committee as the “supervising ethics office” of House Members, officers, and employees for purposes of financial disclosure and provides that the Committee is to administer the Act with regard to those individuals.²⁴

With respect to gifts, financial disclosure filers must disclose on an annual Financial Disclosure Statement “[t]he identity of the source, a brief description, and the value of all gifts

¹⁷ Federal Management Regulation; Change in Consumer Price Index Minimal Value, 76 Fed. Reg. 30,550 (May 26, 2011). Effective January 1, 2014, “minimal value” increased to \$375. Federal Management Regulation; Change in Consumer Price Index Minimal Value, 79 Fed. Reg. 18,477 (Apr. 2, 2014).

¹⁸ 5 U.S.C. § 7342(c)(1)(B).

¹⁹ *Id.* § 7342(c)(2), (a)(6)(A). There is a process by which a Member may purchase with their personal funds an item worth more than minimal value that has been presented to them by a foreign government. However, this is a complicated multi-part process involving the Clerk, the General Services Administration, and the Department of State, and in any event the Member must first turn the item over to the Clerk.

²⁰ *Id.* § 7342(c)(3).

²¹ *Id.* § 7342(g)(2)(B), (a)(6)(A).

²² *House Ethics Manual* at 393.

²³ 5 U.S.C. app. 4 §§ 101 *et seq.* House Rule XXVI, clause 2, adopts Title I of EIGA as a rule of the House.

²⁴ 5 U.S.C. app. 4 § 111(2).

aggregating more than the minimal value[.]”²⁵ With respect to travel, financial disclosure filers also must disclose “[t]he identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value[.]”²⁶ For both disclosures, “minimal value” is established by the same formula as in the FGDA.²⁷ As noted above, in 2013, “minimal value” for FGDA purposes was \$350.²⁸

D. Ethics Reform Act

Pursuant to the Ethics Reform Act of 1989, the Committee’s nonpartisan staff is charged with “providing information and guidance to Members, officers and employees of the House regarding any laws, rules, regulations, and other standards of conduct applicable to such individuals in their official capacities, and any interpretations and advisory opinions of the committee.”²⁹ The Ethics Reform Act prohibits the Committee from initiating an investigation based on “information provided to the [Committee] by a Member, officer or employee of the House of Representatives when seeking advice regarding prospective conduct . . . if such Member, officer or employee acts in accordance with the written advice of the committee.”³⁰ “The Ethics Reform Act of 1989 guarantees that no one may be put in jeopardy by making such a request.”³¹ The Committee formalized these requirements in its own rules, noting the procedures for obtaining a written advisory opinion, and confirming that it would “take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.”³² Such protections apply equally to requests for approval of privately-sponsored travel.³³

E. House Rule XXIV

House Rule XXIV prohibits a Member, Delegate, or Resident Commissioner from maintaining an unofficial office account. This prohibition applies to accounts maintained by third parties for a Member’s benefit, even if they are not maintained for the Member’s direct use. It further extends to any process whereby funds are received or expended regardless of whether an actual account or repository is maintained.³⁴ Thus, private, in-kind contribution of goods or services for official purposes are banned under House Rule XXIV.³⁵ However, one exception to this rule allows Members to use funds from their principal campaign accounts for official

²⁵ *Id.* § 102(a)(2)(A).

²⁶ *Id.* § 102(a)(2)(B).

²⁷ *Id.* § 102(a)(2)(A), (B).

²⁸ *Supra* note 17.

²⁹ 2 U.S.C. § 4711(i).

³⁰ *Id.*

³¹ *House Ethics Manual* at 21.

³² Committee Rule 3(k).

³³ Committee Rule 3(f).

³⁴ *House Ethics Manual* at 328.

³⁵ *Id.*

expenses with some restrictions.³⁶ For example, expenses for officially-connected travel may be reimbursed out of the principal campaign account and not violate the unofficial office account prohibition.³⁷ Additionally, a Member may use personal funds to pay any official expenses.³⁸ However, House employees may not reimburse official expenses from their own funds. For this reason, although Members may repay the costs for privately-sponsored travel out of their personal or campaign funds, were employees to do so, they might run afoul of House Rule XXIV.

F. House Rule XXV, clause 5

1. Gifts Generally

House Rule XXV, clause 5 (the Gift Rule), governs the acceptance of gifts by Members, officers, and employees of the House. The Gift Rule provides that a Member, officer, or employee may not knowingly accept any gift except as provided in the rule. The rule is comprehensive, *i.e.*, a House Member or staff person may not accept anything of value from anyone—whether in one’s personal life or one’s official life—unless acceptance is allowed under one of the rule’s provisions.

The Gift Rule defines the term “gift” in an extremely broad manner: “. . . a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.”³⁹ This provision goes on to state, “[t]he term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”⁴⁰ Accordingly, when a Member, officer, or employee is offered a tangible item, a service, or anything else, he or she must first determine whether the item has monetary value. If it does, then the individual may accept it only in accordance with provisions of the Gift Rule. This is so even if the donor obtained the gift without charge.

The Gift Rule includes one general provision on acceptable gifts, and 23 provisions that describe additional, specific kinds of gifts that may be accepted. The general provision of the Gift Rule allows a Member, officer, or employee to accept a gift, other than cash or cash equivalent, having a value of less than \$50, provided that the source of the gift is not a registered lobbyist, foreign agent, or private entity that retains or employs such individuals.⁴¹ The cumulative value of gifts that may be accepted under the general provision from any one source in a calendar year must be less than \$100.⁴² Gifts having a value of less than \$10 do not count toward this annual limit.⁴³ While the rule does not require Members and staff to maintain formal

³⁶ House Rule XXIV, clause 1(b)(1).

³⁷ *House Ethics Manual* at 176.

³⁸ *Id.* at 329.

³⁹ House Rule XXV, clause 5(a)(2)(A).

⁴⁰ *Id.*

⁴¹ House Rule XXV, clause 5(a)(1)(B).

⁴² *Id.*

⁴³ *Id.*

records of the gifts accepted under this provision, the rule does require that Members and staff make a good faith effort to comply with its terms.⁴⁴

Many of the 23 specific provisions in the Gift Rule are unlikely to be applicable in this matter.⁴⁵ However, a few could be applicable. For example, Members, officers, and employees may accept “[a]n item of nominal value such as a greeting card, baseball cap, or a T-shirt.”⁴⁶ A Member, officer, or employee may also accept “[i]nformational materials that are sent to the office of the Member, Delegate, Resident Commissioner, officer, or employee of the House in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.”⁴⁷ Finally, Members, officers and employees may accept any gift authorized by the FGDA.⁴⁸

2. Privately-Sponsored Travel

In addition to the provisions discussed above, the Gift Rule also permits Members and staff to accept unsolicited travel expenses paid for by a private source under certain circumstances.⁴⁹ In 2007, the House Rules were amended to require House Members and employees to seek prior written approval of the Committee before accepting travel paid for by a private source. The Gift Rule provides that if the traveler receives advance authorization from the Committee, the necessary travel costs “shall be considered a reimbursement to the House and not a gift prohibited by” the Gift Rule.⁵⁰

The Committee is also authorized 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.⁵¹ 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 effective for all trips beginning on or after April 1, 2013.⁵² Those revised Travel Regulations were in effect for the trips at issue in this matter.

⁴⁴ *Id.*

⁴⁵ *See e.g.*, House Rule XXV, clause 5(a)(3)(C) (permitting acceptance of gifts from a relative).

⁴⁶ *Id.* clause 5(a)(3)(W).

⁴⁷ *Id.* clause 5(a)(3)(I). The intent of the phrase “sent to the office” is that a Member or staff person may not accept, under this provision, an additional courtesy copy of a publication that is sent to his or her home. The intent of that language is not to preclude acceptance of a book or other appropriate informational material at, for example, a reception or other event. *See House Ethics Manual* at 55.

⁴⁸ House Rule XXV, clause 5(a)(3)(N).

⁴⁹ *Id.* clause 5(c)-(d).

⁵⁰ *Id.* clause 5(b)(1)(A) and (C).

⁵¹ *Id.* clause 5(i).

⁵² Comm. on Ethics, Travel Guidelines and Regulations (Travel Regulations), Dec. 27, 2012, *available at* <http://ethics.house.gov/sites/ethics.house.gov/files/documents/travel%20regs.pdf>.

The Travel Regulations define three different types of trip sponsors: (1) Primary Trip Sponsors,⁵³ (2) Grantmaking Sponsors,⁵⁴ and (3) Non-Grantmaking Sponsors.⁵⁵ The Committee requires trip sponsors to complete a form in advance of a trip. The Committee has separate forms for each type of trip sponsor.

A Primary Trip Sponsor “must have some bona fide role in planning, organizing, conducting, or participating in the trip.”⁵⁶ A Primary Trip Sponsor may pay for trip expenses with its own funds, accept outside funds to pay for trip expenses, or both.⁵⁷ If a Primary Trip Sponsor accepts outside funds to pay for trip expenses, the individual or entity giving the funds will also be considered a trip sponsor if the grant is “based on a request or award that expressly mentioned the participation or attendance, or possible participation or attendance, of House Members or employees.”⁵⁸

A Grantmaking Sponsor is a public charity or private foundation that underwrites, in whole or in part, a trip expense, “with express or implicit knowledge or understanding that one or more House Members or employees may participate or attend that trip or event, or otherwise may be beneficiaries of the gift or donation.”⁵⁹ If a Grantmaking Sponsor does not have a direct role in the organizing, planning, or conducting of a trip or event, it must “certify that it conducts an audit or review of its grant, gift, or donation to ensure that the funds are spent in accordance with the terms of its grant or donation.”⁶⁰

A Non-Grantmaking Sponsor is an individual or entity that underwrites, in whole or in part, a trip expense, “with express or implicit knowledge or understanding that one or more House Members or employees may participate or attend that trip or event, or otherwise may be beneficiaries of the gift or donation.”⁶¹ If a Non-Grantmaking Sponsor does not have direct involvement in planning, organizing, conducting, or participating in the trip, it must “provide contributions in exchange for a tangible benefit[.]”⁶² A “tangible benefit” may include booth rental space, advertising at an event, or public designation as a sponsor of an event. Individuals or entities that provide contributions in exchange for a tangible benefit “at an event that would occur without regard to congressional participation are not considered a trip sponsor.”⁶³

Under the Committee’s Travel Regulations, a trip “without regard to congressional participation” is defined as a trip “that would occur even without the attendance of one or more

⁵³ Travel Regulations § 104(u).

⁵⁴ *Id.* § 104(i).

⁵⁵ *Id.* § 104(s).

⁵⁶ *Id.* § 202.

⁵⁷ *Id.* § 104(u).

⁵⁸ *Id.* § 104(ee).

⁵⁹ *Id.* § 104(i).

⁶⁰ *Id.*

⁶¹ *Id.* § 104(s).

⁶² *Id.*

⁶³ *Id.* § 104(ee).

House Members or employees.”⁶⁴ The Travel Regulations go on to state that “[s]uch events may include, but are not limited to, an annual meeting of a trade group, a trade show, or a conference that is open to the public.”⁶⁵ Conversely, a trip “with regard to congressional participation” is a trip “that would not occur without, or is otherwise dependent upon, the attendance of one or more House Members or employees.”⁶⁶

All of the trip sponsor forms and the Committee’s Travel Regulations include very clear warnings about the seriousness with which the Committee views the truthfulness of statements made to it during the travel review process, and the possibility of criminal penalties for false statements. All of the Committee’s trip sponsor forms include at least one warning that “[w]illful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001.” (emphasis in original.) In addition, the signature block of each type of sponsor form is preceded by the statement, “I certify by my signature that the information contained in this form is true, complete, and correct to the best of my knowledge.” A similar warning also appears in the Travel Regulations, which state that “Any individual, acting on behalf of a prospective or past trip sponsor, who makes materially false or misleading statements to the Committee concerning a trip sponsor or any trip that is being, or was, offered pursuant to these regulations may be subject to criminal penalties under the False Statements Act (18 U.S.C. § 1001).”⁶⁷

House Rule XXV, clause 5(b)(1)(A)(ii) requires that all House Members and employees who accept privately-sponsored travel must disclose the expenses to the Clerk of the House within 15 days after the travel is completed. The Committee has created forms for the purposes of these disclosures. The post-travel disclosures must include copies of (1) the Traveler Form submitted to the Committee prior to the trip; (2) the trip sponsor forms submitted to the Committee prior to the trip; (3) the list of House Members and employees who were invited; (4) the actual agenda and description of activities in which the traveler participated during the trip; (5) a copy of the approval letter or other written communication from the Committee authorizing the traveler’s participation in the trip; and (6) a copy of the Sponsor Post-Travel Disclosure Form, certifying the actual costs incurred by the traveler. It is the responsibility of a trip sponsor to certify on the Sponsor Post-Travel Disclosure Form the actual amount of travel costs paid on behalf of, or reimbursed to, a traveler, and to provide that form to the traveler within 10 days of their return from travel.⁶⁸ The Sponsor Post-Travel Disclosure Form contains the same “false statements” warning and certification warning as the pre-travel approval forms.

All post-travel disclosures for privately-sponsored travel are made available on the Clerk’s Web site shortly after filing.⁶⁹ The Clerk’s easy to use database allows the public to

⁶⁴ *Id.* § 104(hh).

⁶⁵ *Id.*

⁶⁶ *Id.* § 104(gg).

⁶⁷ *Id.* § 206.

⁶⁸ *Id.* § 603.1.

⁶⁹ At no point in the post-travel disclosure process does the Committee provide anything to the Clerk’s office. All components of the post-travel filing are provided by the traveler. Any incompleteness in a post-travel disclosure by a traveler is simply an indication that the traveler did not submit all of the required paperwork, not an indication that

search privately-sponsored trips by Member name, travel dates, private sponsor name, destination, or any combination of those fields. A user also has the option of downloading all private travel reports by year, going back to 2007.

3. Impermissible Gifts

The restrictions of the Gift Rule also do not apply to anything that a Member, officer, or employee “does not use and promptly returns to the donor.”⁷⁰ The Gift Rule also provides that a Member, officer, or employee may accept “[a]nything for which the [official] pays the market value.”⁷¹ Thus, when a Member or employee receives a gift that is unacceptable under the Gift Rule, the recipient generally must either return the gift or pay the market value of the gift.⁷² The Gift Rule provides additional options with regard to perishable items: “[w]hen it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.”⁷³ By extension, if the return of a gift is impossible—e.g., if the identity of the donor is unknown—the recipient may “return” the item by donating it to charity or destroying it, or the recipient may keep the item by paying the fair market value to the U.S. Treasury.

III. BACKGROUND

A. Committee Preapproval of Privately-Sponsored Officially-Connected Travel

Since the House rule changes regarding privately-sponsored travel in 2007, the Committee has conducted a thorough review of each proposed privately-sponsored trip. 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 traveler did not submit the appropriate pre-travel paperwork to the Committee or that the Committee approved a trip without having received and reviewed the appropriate forms.

⁷⁰ House Rule XXV, clause 5(a)(3)(A).

⁷¹ *Id.* Generally, for the purpose of the Gift Rule, items are valued at their retail, rather than wholesale prices. Often an item may be priced differently at different stores. A gift may be valued at the lowest price at which the item is available to the general public. (Other valuation criteria apply to certain items, such as tickets to entertainment events that do not have a listed face value and travel on private aircraft.) See *House Ethics Manual* at 73.

⁷² *Id.* At times when a Member, officer, or employee is unexpectedly presented with a gift at an event, he or she may be uncertain whether it can be accepted under the Gift Rule. In that circumstance, the individual may receive the gift and wait until after the event to review the provisions of the Gift Rule and make a decision on the gift’s acceptability.

⁷³ House Rule XXV, clause 5(a)(6).

In April and May 2013, the Committee received pre-travel approval requests for at least 10 House Members and 32 House employees to accept reimbursement of privately-sponsored travel expenses for the Trips. Each House traveler submitted all of the required pre-travel approval forms to the Committee prior to traveling. The review and approval process required the travelers to fill out and submit separate forms detailing the Trips' itineraries (which were often customized for each traveler), and information about the organization and funding of the Trips. One of the forms each traveler submitted to the Committee was a Primary Trip Sponsor Form.

Five different sponsors were identified as sponsors on the forms. In particular, the Members and some staff were invited by TCAE, the Council of Turkic American Associations (CTAA), and the Turkic American Federation of the Midwest (TAFM). The remaining House employees were invited by two other organizations: the Turkic American Alliance (TAA) and the Turkic American Federation of the Southeast (TAFS).

Each named sponsor completed a Primary Trip Sponsor Form, and on that form the sponsor stated that it was the sole sponsor of its trips. Each named sponsor also certified that, as the primary trip sponsor, it had "not accepted from any other source funds intended directly or indirectly to finance any aspect of the trip." As noted previously, the Primary Trip Sponsor Form includes multiple clear warnings that "[w]illful or knowing misrepresentations on this form may be subject to criminal prosecution pursuant to 18 U.S.C. § 1001." (emphasis in original.) The signature block of each type of sponsor form is also preceded by the statement, "I certify by my signature that the information contained in this form is true, complete, and correct to the best of my knowledge." Committee staff reviewed these forms and asked Members and sponsors for additional information where necessary.

While there were some similarities between the 42 Primary Trip Sponsor Forms submitted to the Committee, they were not all identical. For example, each sponsor submitted different itineraries for their trips. All of the itineraries included a visit to the "U.S.-Azerbaijan: Vision for Future" conference (the Conference). One of the sponsors, TCAE, was also listed as one of two organizers of the Conference. However, the Conference was not the only item on the different itineraries. Even on the days of the Conference, and on Trips sponsored by TCAE, the House travelers were scheduled both to attend portions of the Conference but also to participate in numerous non-Conference activities, such as meetings with the U.S. Ambassador to Azerbaijan, various Azeri government officials, and officials from the State Oil Company of the Azerbaijan Republic (SOCAR).

Ultimately, 10 Members and 32 House employees received approval from the Committee, in the form of a letter from the Chairman and Ranking Member, to participate in the Trips. After the Trips, the sponsors provided each of the travelers with a completed sponsor post-travel disclosure form—which as noted above includes a clear warning about the False Statements Act and a certification about the truthfulness of the disclosures—confirming the expenses paid by the private sponsors in connection with the Trips. The House travelers then included this information provided by the sponsors in the post-travel disclosure paperwork they filed with the Clerk of the House.

B. Initial Press Reports

On July 26, 2014, a press report alleged that the Conference was “sponsored” by entities other than the two named organizers of the Conference.⁷⁴ The evidence for this “sponsorship” was that the Conference was “festooned with the logos of SOCAR’s powerful energy allies, including BP and ConocoPhillips,” and a statement from BP that it paid \$10,000 for the Conference and paid more again for a follow up event that was scheduled to take place in Washington, D.C. the next year. The article further noted: that the two organizers of the Conference, TCAE and AFAZ, were both led by Mr. Oksuz and shared an address in Houston, Texas; that TCAE had “bare bones” tax filings; and that, according to Foreign Agent Registration Act filings in 2014, AFAZ received significant funding from SOCAR. The article also included a statement from an “expert in congressional ethics” asserting that corporate sponsorship of the Conference was “game over for whoever signed the House pre-trips forms stating falsely that there was no such sponsorship.”⁷⁵

After the initial press report was published, Committee staff reviewed the allegations. The staff noted that allegations of corporate “sponsorship” only referred to support for the Conference itself, not the Trips more generally, and that the Conference was only one part of the Trips. Further, the mere corporate sponsorship of a large event, such as the Conference, is not a *per se* violation of the Travel Regulations. Nor is the failure to note such sponsors, necessarily, problematic. The Travel Regulations plainly state that entities that provide financial support for an event, in exchange for a tangible benefit—such as advertising or named sponsorship at an event—are not “sponsors” for purposes of the Travel Regulations, if the event is held without regard to congressional participation. Indeed, House travelers routinely attend large conferences with dozens of corporate sponsors. Consistent with the Travel Regulations, the Committee does not automatically treat each corporate sponsor as a sponsor of the travel to such large conferences.

C. OCE Review

On January 29, 2015, OCE notified the Committee that it had initiated preliminary reviews of ten Members regarding the Trips. One of those ten Members did not travel to Azerbaijan on private sponsorship, but rather as part of a larger officially-connected trip paid for by the Oversight Committee. OCE did not move to a second-phase review for that Member. However, on March 2, 2015, OCE notified the Committee that it was moving to a second-phase review for the other nine Members. OCE did not initiate a review of any of the House staffers who participated in the Trips.

Under House rules, upon receipt of a notification from OCE that it is undertaking a review of a matter, “if the [Ethics Committee] is investigating such matter, the committee may at

⁷⁴ Will Tucker & Lise Olsen, “Lawmakers’ Trips to Baku Conference Raise Ethics Questions,” HOUSTON CHRON., July 26, 2014, available at <http://www.houstonchronicle.com/news/houston-texas/houston/article/Lawmakers-trips-to-Baku-conference-raise-ethics-5649142.php>.

⁷⁵ *Id.*

any time so notify [OCE] and request that [OCE] cease its review and refer the matter to the committee for its consideration.”⁷⁶ This procedure, referred to as “cease-and-refer,” has been included in OCE’s organizing resolution since the House created OCE and has been retained in every Congress since when the House renewed OCE’s charter. The Special Task Force for Ethics Enforcement (Task Force) that recommended creation of OCE explained two reasons why it included the cease-and-refer mechanism in OCE’s organizing resolution. First, the Task Force noted there may be “certain cases where a matter may already be the subject of an undisclosed Standards Committee investigation in which the OCE may wish to avoid interference.”⁷⁷ Second, in some matters “the Committee may possess more complete information than OCE regarding an alleged violation and may be better equipped to handle the matter.”⁷⁸

The Task Force further intended that “[t]he board of the OCE must cooperate with such requests from the ... Committee at any point in the process.”⁷⁹ Accordingly, Section 1(d)(1) of House Resolution 895 from the 110th Congress (H. Res. 895), the resolution that founded OCE, makes OCE’s compliance with a “cease-and-refer” request mandatory. H. Res. 895 further states that, when responding to a cease-and-refer request, OCE “shall send a written report to the committee containing a statement that, upon the request of that committee, the matter is referred to it for its consideration, but no findings.”⁸⁰ Although OCE may not refer “findings” to the Committee following a cease-and-refer request, no provision of its organizing resolution would preclude OCE from sharing any materials it has gathered to date with the Committee as “supporting documentation.” Those materials could aid the Committee’s ongoing investigation, and the Committee would retain the ability to publish those materials in any public report or other statement.

Under the cease-and-refer mechanism, once the Committee has requested that OCE cease its review of a matter and refer it to the Committee, the review of that matter by the Committee is subject to the same deadlines and public reporting requirements as any other matter referred to the Committee by OCE.⁸¹ One additional requirement applies: if the Committee is unable to reach “final resolution” of a matter received from OCE pursuant to a cease-and-refer request

⁷⁶ See House Rule XI, clause 3(r).

⁷⁷ *Report of the Democratic Members of the Special Task Force on Ethics Enforcement*, H. Rep. 110-1, 110th Cong. 1st Sess. at 17 (December 2007).

⁷⁸ *Id.* at 18.

⁷⁹ *Id.* at 17.

⁸⁰ See H. Res. 895 § 1(d)(1).

⁸¹ Despite unsupported statements to the contrary, a request from the Committee that OCE “cease-and-refer” a matter is not an attempt by the Committee to “bury” the matter. Indeed, referrals to the Committee under the “cease-and-refer” rules come with their own strict time deadlines and mandatory public disclosure requirements. In fact, when a matter is the subject of a “cease-and-refer” request, House rules require that the referral eventually be made public. In contrast, one option available to OCE while reviewing a matter is to refer the matter to the Committee with a recommendation that the Committee dismiss the matter. In such a case, if the Committee agrees with the recommendation to dismiss a matter there is no public disclosure requirement. Since the start of the 111th Congress, OCE has referred 85 matters to the Committee—34 of which included a recommendation that the Committee dismiss the matter. The Committee’s “cease-and-refer” request in this case thus actually ensured that there would be public disclosure of the matter, and foreclosed the possibility that there would be no public disclosure of the matter.

within the applicable timeframes and notifies OCE that it has been unable to resolve the matter, OCE resumes its review of the matter.⁸² For purposes of determining whether the Committee has resolved a matter received following a cease-and-refer request or must return it to OCE, the Task Force intended that “final resolution shall include dismissal of the matter the Committee requested early from the OCE, establishment of an investigative subcommittee regarding the matter, or a conclusion or action which clearly indicates that the matter will no longer be considered by the Committee.”⁸³

The Committee unanimously voted to make a cease-and-refer request with regard to the nine separate OCE reviews related to the Trips because both rationales articulated by the Task Force as the basis for creating the cease-and-refer provision were present in this matter. First, the Committee had an ongoing investigation, and had already requested information from relevant parties. Second, the Committee possessed more complete information than OCE and is uniquely qualified to handle the matter. The Committee already had in its possession significant additional information (*e.g.*, materials generated during the trip approval process) and as discussed above is the only entity authorized to issue and enforce regulations for the House regarding privately-sponsored, officially-connected travel and the acceptance of gifts under the FGDA.

Finally, any recommendation from OCE to the Committee in these matters would have necessarily been superfluous. An OCE referral simply provides a recommendation to the Committee that it further review a matter or dismiss it—the referral may not include “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.”⁸⁴ Here, any recommendation would have been redundant because the Committee had already decided to investigate the matter and had begun that investigation. The Committee voted to make a cease-and-refer request in order to conserve significant House resources and to ensure a more effective, efficient investigation.

On March 4, 2015, the Chairman and Ranking Member sent a letter to OCE formally requesting that OCE cease its review of the Trips, and refer the matter immediately to the Committee. OCE did not immediately refer the matter to the Committee.⁸⁵ On April 21, 2015, the Committee further requested that when OCE referred the matter to the Committee, OCE should send the Committee all the evidence that OCE had gathered to date, again in the interest of efficiency.

⁸² See House Rule XI, clause 3(r); H. Res. 895 § 1(d)(2).

⁸³ *Report of the Democratic Members of the Special Task Force on Ethics Enforcement*, H. Rep. 110-1, 110th Cong. 1st Sess. at 17-18 (December 2007).

⁸⁴ See H. Res. 895 § 1(c)(2)(C). OCE may also inform the Committee that its review of the matter is unresolved due to a tie vote of the Board.

⁸⁵ OCE received the Committee’s cease and refer request on March 4, but did not respond until March 10, when the Co-Chairs informed the Committee by letter that its Board would not even discuss the Committee’s request until March 27, 2015.

On May 8, 2015, OCE referred nine Reports to the Committee regarding the Trips and approximately 10,000 pages of evidence it had collected. In its referral, OCE noted that it had requested documentary, and in some cases testimonial, information from dozens of sources, including the House travelers, the named trip sponsors, other attendees of the Conference, the corporate sponsors of the Conference, the travel agent who arranged travel for the approximately 350 attendees of the Conference, and the hotels at which Conference attendees stayed.⁸⁶ OCE noted in its referral that there were several sources from which it could not obtain information, including Mr. Oksuz, TCAE, and AFAZ.⁸⁷ In addition, OCE sent the Committee nine documents that it labeled as its “findings.” However, as discussed earlier, due to the Committee’s cease-and-refer request, OCE had no authority to send findings to the Committee. On June 17, 2015, the Committee unanimously voted to treat OCE’s referrals as referrals pursuant to the cease-and-refer rules. The Committee reviewed and considered the information included in the “findings” as supporting documentation, which OCE’s charter does not expressly prohibit it from providing to the Committee with a referral pursuant to a cease-and-refer request.

D. Committee Investigation

The Committee issued 12 subpoenas and 18 voluntary requests for information, and collected nearly 190,000 pages of materials, including supplemental materials provided by OCE. The Committee also interviewed ten witnesses, including one witness under oath. The Committee subpoenaed an eleventh person: Kemal Oksuz, who was in many respects the central witness to most of the substantive allegations in question. On June 9, 2015, Mr. Oksuz, through counsel, invoked his Fifth Amendment right to refuse to testify, as discussed further below. Mr. Oksuz also refused to comply with a subpoena for documents issued to him by the Committee.⁸⁸

The Committee obtained evidence from several sources from which OCE was unable to obtain evidence, or did not seek evidence. For example, TCAE and AFAZ both produced documents to the Committee. In addition, the Committee received bank records from Wells Fargo for both TCAE and AFAZ and documentary and testimonial evidence from Resul Aksoy, who worked with Mr. Oksuz at TCAE.⁸⁹

⁸⁶ Indeed, much of this review occurred after OCE received the Committee’s cease-and-refer request. The materials transmitted by OCE to the Committee include citations to 21 interviews of witnesses, including the dates of those interviews. Of those 21 interviews, only 1 interview had been conducted prior to March 4, 2015, when the Committee informed OCE that it had voted to make a cease and refer request for these matters.

⁸⁷ OCE also asserted that of the Members who went on the Trips refused to cooperate with OCE. However, each of those Members only did so after learning that the Committee had made a cease-and-refer request to OCE. Each Member fully cooperated with the Committee.

⁸⁸ As discussed in Section III.E. of this report, *infra*, shortly after OCE referred the nine matters regarding the Azerbaijan Trips to the Committee, public reports indicated that the press had received at least part of one of OCE’s referrals to the Committee regarding the Trips. The public reports about the matter came after the Committee had sought information from Mr. Oksuz, but before it could actually interview him. It was only after the public reports regarding OCE’s review that Mr. Oksuz invoked his Fifth Amendment rights.

⁸⁹ Mr. Aksoy, who one witness told OCE was Mr. Oksuz’s “number two person,” told the Committee he was not interviewed by OCE.

However, in addition to documentary and testimonial evidence not obtained from Mr. Oksuz, other potentially relevant evidence was also unavailable. Such evidence included documents and testimony from: the Azerbaijan offices of Practical Solutions Group (PSG); several possible corporate sponsors of the Conference (Azeri MI Drilling Fluids, Ltd., Caspian Drilling Company, Ltd., BP, and M-I SWACO); various hotels that allegedly provided accommodations to Members, including the Four Seasons Baku; and BAKIAD, a non-profit entity based in Turkey, similar to the U.S. Chamber of Commerce, that may have been involved in travel for Members and staff who traveled to Turkey as part of the Trips.

On June 22, 2015, the Committee announced that it had voted to extend its review of OCE's nine referrals for an additional 45-day period.

On July 16, 2015, the Committee sent letters to six of the nine Members who participated in the Trips, recommending that they return or otherwise remedy certain tangible gifts they received while on the Trips.⁹⁰ All six Members complied immediately and took or committed to take the corrective action the Committee recommended in its letters.

On July 29, 2015, the Committee unanimously voted to release this Report and take no further action with respect to the Members in question. Pursuant to House Rule XI, clause 3(a)(3) and Committee Rules 7(d) and 28, the Committee also voted to refer the matter to the Department of Justice for further investigation of the purported sponsors of the Trips, who are outside the Committee's jurisdiction. Finally, the Committee, pursuant to House Rule XI, clause 3(r), voted to release OCE's Reports as required under the cease-and-refer procedure. Because the cease-and-refer rules only require the Committee to release OCE's Reports, any release of other materials sent by OCE is within the discretion of the Committee. The Committee decided not to release publicly any other materials, because those materials contain evidence of possible criminal misconduct by several non-House individuals and entities, and the Committee determined that any such release could interfere with a potential investigation by the Department of Justice.

E. Unauthorized Disclosure of Investigation

Although the Committee is required to make public the materials transmitted to it by OCE in certain circumstances, the Committee is the only entity either required or authorized to make those materials public.⁹¹ In addition, those public disclosures are subject to certain conditions, such as a requirement that the Committee provide notice of a public release to the subject of an investigation. Unfortunately, that was not the case in this matter.

In any matter referred to the Committee by OCE either 1) following a cease and refer request from the Committee to OCE or 2) after OCE has completed a second-phase review and referred a matter to the Committee with a recommendation that the Committee further review the

⁹⁰ Prior to that date, the other three Members who received gifts during the Trips returned or otherwise disposed of them.

⁹¹ House Rule XI, clause 3(b)(8); H. Res. 895, Sec. 1(f).

matter, the Committee must make a public statement acknowledging its review of the matters in the OCE referral after an initial review period.⁹² However, in the event that the Committee has extended its review for an initial 45-day review period—as was the case here—although the Committee would be required to make a public statement, it would not be required to disclose additional substantive details of the investigation at that time.

On May 13, 2015, five days after OCE transmitted the nine referrals in this matter to the Committee, *The Washington Post* published a lengthy story on its Web site reporting that OCE had reviewed allegations related to privately-sponsored travel by House Members and staffers to Azerbaijan in 2013 and had referred the matters to the Committee.⁹³ The newspaper's story was based on and quoted from materials transmitted to the Committee by OCE. The Committee did not authorize the release of those materials, and such an unauthorized release may have violated House Rules and other standards of conduct. Moreover, the unauthorized disclosure of the materials directly impacted the Committee's investigation, which began well before OCE transmitted the materials to the Committee.

At the time *The Washington Post* published its story, it was more than five weeks before the Committee would have to make any public disclosure of the OCE referral. In addition, the Committee had issued a number of subpoenas to various individuals, and had issued requests for information to a number of entities in foreign countries. Discussions with all of those parties about their cooperation with the Committee's investigation were ongoing.

The story in *The Washington Post* quoted extensively from materials prepared by OCE, named the Members under review, and included numerous allegations about American and foreign entities and individuals outside the House. Following publication of the story, Kemal Oksuz, who was in many respects the central witness to most of the substantive allegations in question, invoked his Fifth Amendment right and refused to comply with Committee subpoenas seeking his testimony and documents. Foreign entities outside of the Committee's jurisdiction to compel cooperation also subsequently declined to cooperate with the Committee's investigation.

As such, the unauthorized disclosure of the material to *The Washington Post* impeded the Committee's ongoing investigation, and prevented it from gathering information critical to its investigation.

Anonymous leaks of ongoing ethics investigations are damaging to the Members involved, the ethics process, and the whole House. This is particularly true in this case. The Committee takes this matter very seriously. It is regrettable that the unauthorized disclosure impaired the Committee's investigation and impacted the notice rights that are mandated by House Rules for all subjects of an OCE referral.

⁹² Committee Rule 17A(b)(1).

⁹³ The next day, a similar story was published on the newspaper's front page. Scott Higham, Steven Rich, & Alice Crites, *Lawmakers Took Trip Paid for by Foreign Firm*, WASH. POST, May 14, 2015, at A1.

IV. FINDINGS

A. Scope of Findings

The Committee's investigation was broader in scope than OCE's review. OCE's reviews concerned House Members who traveled to Azerbaijan in May 2013. The Committee's investigation included not just Members, but also the 32 House employees who traveled to Azerbaijan during this timeframe. In addition to reviewing the conduct of House Members, OCE also spent considerable time and resources looking at the conduct of individuals and entities other than Members, officers, and employees of the House. However, this review did not uncover any evidence of wrongdoing by any House Member, officer, or employee; OCE noted in its Reports that the nine subjects of its referrals "did not knowingly accept" any impermissible gift of travel.

The Committee's investigation also uncovered additional evidence of criminal activity by the non-House individuals and entities. As it has done in the past, the Committee has determined that the evidence of criminal activity should be forwarded to the Department of Justice for further investigation.⁹⁴ However, the Committee's investigation was primarily concerned with: (1) what things of value did the House Members and employees receive; (2) was the acceptance of these items permissible under the applicable laws, rules, regulations, and other standards of conduct; (3) was there any evidence that the House Members and employees took any official action in connection with the receipt of these things of value; and (4) based on the foregoing facts, is any corrective action necessary. The Committee's investigation and its findings only looked at the conduct of non-House individuals and entities to the extent that it impacted the answers to these questions.

Following the Committee's extensive investigation, the Committee made the following findings.

B. What Did the House Members and Employees Receive?

In 2013, 10 House Members and 32 House employees accepted privately-sponsored travel to Azerbaijan. Some of those House travelers also traveled to Turkey. This travel was accepted after review and approval by the Committee. On the Trips, the Members and employees accepted airfare to and from the U.S., and in some cases between Turkey and Azerbaijan. The Members and employees also accepted local transportation, lodging, and meals. The airfare, local transportation, lodging, and meals accorded with the expenses that were preapproved by the Committee.

While in Azerbaijan, several of the House travelers also accepted tangible gifts. Among other things, Members received some combination of small and medium-sized rugs, tea sets,

⁹⁴ See Comm. on Ethics, *In the Matter of the Investigation into Officially Connected Travel of House Members to Attend the Carib News Foundation Multinational Business Conferences in 2007 and 2008*, H. Rep. 111-422, 111th Cong. 2nd Sess. (2010).

briefcases, CDs, DVDs, picture books, and scarves. Such items were not preapproved by the Committee. In fact, each of the Committee's preapproval letters included a standard warning regarding the possible receipt of gifts from foreign governments while on official travel.⁹⁵

C. Was the Acceptance Permissible?

1. Travel Expenses

All House travelers sought and received preapproval from the Committee to accept the various travel expenses accepted while on the Trips. This preapproval came in the form of a letter signed by the Chairman and Ranking Member of the Committee. By both statute and Committee rule, such a written letter from the Committee providing advice regarding a House traveler's prospective conduct acts as a shield against later adverse actions from the Committee against that traveler if such Member, officer, or employee acts in accordance with the written advice of the Committee. Such protections do not attach if the travel does not conform to the facts underlying the Committee's approval.

The Committee's investigation uncovered evidence that raised significant questions as to the true source of the funding for the travel expenses related to the Trips. Neither the Committee nor OCE found any evidence that any House travelers knew of issues regarding the true source of the funding for the travel expenses. Indeed, even following an extensive investigation, the Committee could not establish the actual source of funding for the travel expenses.

Much of the relevant evidence regarding this question is outside of the Committee's authority to compel, either because it resides outside of the U.S. or may be protected by the Constitutional protection against self-incrimination. Thus, no additional investigating could resolve these questions.

The pre-travel approval forms identified five American non-profit organizations as the sole sources of funding for the Trips. These non-profit groups supplied the travelers with itineraries and other documents relating to the Trips' logistics. The named trip sponsors prepared and signed disclosure forms that the House travelers provided to the Committee when seeking the Committee's approval for the Trips. In those forms, each non-profit stated that it was the sole sponsor of its trips and that it had not accepted any funds intended to finance any aspect of the trip, either directly or indirectly, from any other source.

The evidence indicates that many of the American non-profits named as sponsors did not actually pay for the House Members' and employees' travel expenses. Instead, the vast majority of funding for the travel expenses appears to have come from TCAE, and possibly AFAZ. Those

⁹⁵ Those warnings read, in relevant part, "House Members may accept, under the [FGDA], gifts 'of minimal value [currently \$350] tendered as a souvenir or mark of courtesy' by a foreign government. Any tangible gifts valued in excess of \$350 received from a foreign government must, within 60 days of acceptance, be disclosed on a Form for Disclosing Gifts from Foreign Governments and either turned over to the Clerk of the House, or, with the written approval of the Committee, retained for official use."

two entities, which operated out of the same office suite in Houston, Texas, and were both led by Mr. Oksuz, paid for and arranged the airfare for approximately 350 attendees of the Conference, including 10 House Members and 32 House employees. These entities made large, undifferentiated payments to Tursan Travel, a travel agent, which then booked the airfare for the 350 travelers to Azerbaijan. There is no evidence that any of the other non-profit entities reimbursed TCAE or AFAZ for these expenses.

During the investigation, Tursan Travel produced a number of invoices purporting to show separate airfare expenditures by AFAZ and TCAE, with travel for House Members and staff attributed to TCAE and non-House travel paid by AFAZ. However, evidence gathered by the Committee indicates that the travel agency did not create the invoices based on the actual tickets purchased. Notably, the amounts listed on those invoices match neither the amounts listed in the Sponsor Post-Travel Disclosures as amounts paid for the Members' transportation, nor the amounts listed in flight itineraries sent to the Members before the Trips.⁹⁶ When asked why airfare amounts listed on those invoices did not match airline itinerary documents, the travel agent said that he created the invoices based on directions from Mr. Oksuz and TCAE's Executive Director, Resul Aksoy. The travel agent said that the TCAE staff told him what amounts to invoice for each traveler's flights and whether each ticket purchase should be invoiced to TCAE or AFAZ. Mr. Aksoy, however, has denied any knowledge of or involvement with the invoices, stating that this was all handled by Mr. Oksuz, and Mr. Oksuz has refused to testify. The investigation did not reveal any credible documentary evidence to support the travel agent's assertions.⁹⁷

In the month leading up to the Conference, TCAE and AFAZ received large payments from PSG and SOCAR, respectively.⁹⁸ PSG is a consulting firm based in Azerbaijan with connections to SOCAR. SOCAR is an energy company that is wholly owned by the Republic of Azerbaijan. Without these cash infusions, neither TCAE nor AFAZ would have had sufficient funds to cover the payments to the travel agent. The payments from PSG were tied to a "Consulting Agreement" with TCAE for the Conference. The payments from SOCAR to AFAZ were tied to a "Sponsorship Agreement" for the Conference between AFAZ and SOCAR.⁹⁹

⁹⁶ In some cases, the differences between the invoiced amount and the fare listed on airline itineraries and post-travel forms submitted to the Committee are substantial. Airline itineraries list fares for Member travel ranging from \$530 more than the Tursan Travel invoice fare to \$1,000 less. The differences with the post-travel forms are even greater: for one Member, the invoiced fare is \$5,270 less than the ticket price indicated on the post-travel form.

⁹⁷ AFAZ did produce one document that purported to show that Tursan Travel invoiced AFAZ for some Member airfares, but given Mr. Oksuz's refusal to testify, and his central role in controlling AFAZ, the Committee could not determine whether AFAZ actually paid any invoiced amounts. The Committee also noted that Tursan Travel did not produce this invoice to the Committee, and the airfare amounts listed on the invoice to AFAZ do not match amounts listed on invoices Tursan Travel produced.

⁹⁸ In the materials submitted to the Committee, OCE noted that both TCAE and AFAZ used Wells Fargo bank and that OCE could not determine whether the entities had separate bank accounts. The Committee obtained records showing that the entities had separate bank accounts.

⁹⁹ There is some evidence that payments by PSG were, in fact, directed by SOCAR. PSG and SOCAR have a longstanding relationship. Also, SOCAR engaged PSG to plan and organize the U.S.-Azerbaijan Conference. Three days later, PSG entered into a separate Consulting Agreement with TCAE, whereby TCAE would work on

Both the Consulting Agreement and the Sponsorship Agreement included provisions whereby a majority of the fees would go towards paying an “International Preparation Fee (structure, employees, transportation).” Further, the Sponsorship Agreement between AFAZ and SOCAR specifically states that “[t]he Funding shall cover accommodation, traveling expenses, venue rental and all other related expenses and fees.” However, the agreements also provided that PSG and SOCAR would receive a tangible benefit—*i.e.*, named sponsorship rights and advertising.

No such parallel provision appeared in the Consulting Agreement between TCAE and PSG. TCAE produced an invoice it sent to PSG, listing services under their Consulting Agreement that included “Congressional Member Trips to Azerbaijan” and “Congressional Staff Trips to Azerbaijan,” in addition to a number of activities not related to the Conference. However, this document merely indicates that TCAE may have worked on Member and staff travel to the Conference as part of its agreement with PSG; it does not establish that PSG directed TCAE to invite Members and staff, and does not indicate whether PSG’s payment for TCAE’s work was funded by PSG or came from another source. Moreover, that invoice is dated for several months after the Conference, so it is not clear what level of knowledge, if any, PSG had with respect to TCAE inviting Members and staff to the Conference at the time of the Conference. And the Committee could not compel testimony from either Mr. Oksuz or any PSG employees in Azerbaijan to clarify these issues.

Even if there was sufficient evidence that the fees from PSG and SOCAR did contemplate congressional travel, PSG and SOCAR both received a tangible benefit in exchange for their sponsorship fees. Congressional travelers made up only 42 of the 350 Conference attendees who traveled to Azerbaijan. And there is no direct evidence that the Conference would not have occurred without, or was otherwise dependent upon, the attendance of one or more House Members or employees.

Thus, there is some evidence that some of the named trip sponsors did not pay for the airfare related to the Trips. However, the evidence as to which entity or entities actually funded the airfare expenses is inconclusive. There is even less evidence with regard to other travel expenses related to the Trips.

Regarding hotel expenses, there is no evidence of payments made by any entity for accommodations provided to House Members or employees while on the Trips. There is evidence that SOCAR had longstanding contracts and discounted rate agreements with two hotels where Conference attendees stayed: the Hilton Baku and the Four Seasons Baku. However, Counsel for SOCAR testified that the company’s internal review did not reveal any payments by SOCAR that specifically referenced the Conference. With one exception,¹⁰⁰ none

“convention organization” and “[s]ponsorship for International Flights for Speakers/Panelists and Guests.” However, there is no evidence that SOCAR actually paid PSG for services with regard to the Conference.

¹⁰⁰ TCAE’s and TAFM’s productions to the Committee included invoices from the Four Seasons Hotel Baku for Member room stays in Azerbaijan, yet the Committee found no bank records evidencing payment of the invoices amount by any of the non-profits.

of the documentary evidence produced by any of the named trip sponsors included receipts, reservation confirmations, or any other records evidencing hotel stays paid for by those entities for House Members or employees during the U.S.-Azerbaijan Conference. Though the Committee subpoenaed every hotel where congressional travelers stayed while attending the Conference, the Committee obtained no evidence regarding the source of the funds used to pay for the Members' hotel stays in Azerbaijan.

Finally, there is a complete lack of evidence concerning the source of the funds used for food and in-country travel expenses.

2. Tangible Gifts

The Gift Rule prohibits the acceptance of any gift unless it qualifies for one of the enumerated exceptions in the rule. Moreover, unlike the travel expenses, the House travelers did not seek or receive preapproval for receipt of the tangible gifts. In fact, the travel approval letters each included a standard warning regarding the travelers' responsibilities with respect to gifts from foreign governments.¹⁰¹

Several House travelers told the Committee that the gifts were left in their hotel rooms with no indication of who provided them. When the travelers inquired, they were apparently given different answers about the origins of similar gifts. For example, one Member received two rugs while in Baku. That Member contacted Mr. Oksuz to determine where the rugs came from. Mr. Oksuz told the Member that the rugs were a gift from AFAZ. By contrast, another Member received a small rug from Mr. Oksuz shortly after the Trip, but when that Member asked Mr. Oksuz who provided it, he said it was a gift from the "people of Azerbaijan." Mr. Oksuz, of course, has refused to testify before the Committee. Thus, on the limited evidence available, the Committee could not determine who provided the gifts to the Members. Some of the travelers returned or otherwise disposed of their gifts on their own initiative, either before or after the Committee's investigation began.

The lack of clarity with regard to the donor or donors of the gifts is problematic for some exceptions to the Gift Rule, but irrelevant to others. For example, the Gift Rule exceptions with respect to gifts worth less than \$50 and for those authorized by the FGDA require knowledge of the donor's identity before accepting the gift since those provisions permit acceptance of gifts from donors who meet certain criteria. The provision that permits acceptance of a gift worth less than \$50 does not apply to gifts from registered lobbyists or agents of a foreign principal or private entities that retain or employ registered lobbyists or agents of a foreign principal.¹⁰² The FGDA permits acceptance of certain gifts, but only from foreign governments, as defined in the statute and Committee regulations.¹⁰³ Other Gift Rule exceptions, such as those that permit acceptance of nominal value gifts and informational materials, apply regardless of the identity of the donor, since they are not limited to certain types of donors.

¹⁰¹ See n. 95, *supra*.

¹⁰² House Rule XXV, clause 5(a)(1)(B)(i).

¹⁰³ 5 U.S.C. § 7342(a)(2).

Thus, the tangible gifts that are items of nominal value or information materials, such as the CDs, DVDs, and picture books, appear to qualify for a Gift Rule exception. However, some of the larger gifts, such as the rugs, tea sets, scarves, and jewelry would likely only be acceptable under one of the Gift Rule exceptions that require knowledge of the donor's identity, and are thus not acceptable in this case.

D. Was There Any Evidence of Official Action Taken in Connection with the Things Received?

The Committee uncovered no evidence that any House Member or employee took any official action in connection with either the travel expenses or tangible gifts received during the Trips.

E. Is Any Corrective Action Necessary?

1. Travel Expenses

The Committee has publicly addressed the appropriate remedy for the acceptance of potentially improper privately-sponsored travel expenses four times.

In the 96th Congress, the Committee investigated allegations that House Members and staff had accepted travel expenses from both the South African government and foreign non-profit entities that may have been directed by the South African government.¹⁰⁴ The Committee decided to take no further action, despite some evidence that Members and staff accepted travel paid for by the South African government and the foreign non-profits. The Committee's staff report noted that, although acceptance of the travel expenses would otherwise be a violation of applicable rules or statutes, no further action was appropriate for two reasons. First, the Committee could not conclude its investigation because several witnesses were unavailable and one refused to testify without a grant of immunity. Second, the Committee found that Members and staff were not aware, when the travel occurred, that it was paid for by the South African government. The report stated that "common sense and the legislative history of the Code of Official Conduct lead to the conclusion that an essential predicate for finding a violation is knowledge by the recipient of the gift that it came from an improper source."¹⁰⁵

In the 111th Congress, the Committee investigated allegations that Members accepted impermissible travel expenses for attendance at two conferences in the Caribbean. In that matter, the Committee had clear evidence that improper trip sponsors, including foreign governments and corporations that employed or retain lobbyists, paid for the Members' travel expenses.¹⁰⁶ This evidence included testimony that one or more foreign governments paid for portions of the

¹⁰⁴ See Comm. on Standards of Official Conduct (Comm. Print) *South African Investigation*, (1980) (South African Investigation).

¹⁰⁵ *Id.* at 4.

¹⁰⁶ See *Carib News* (2010) at 107-08.

Member travel and documentary evidence that other improper, undisclosed sponsors paid for other parts of the travel. Moreover, there was evidence that those travel expenses had been intended specifically for Members of Congress, and not provided more broadly to other attendees of the conferences. The Committee requested that the Members pay back the travel expenses, despite having received written preapproval from the Committee, and despite the fact that most of the travelers had no knowledge of the improper funding sources.

In the 113th Congress, the Committee issued two public reports regarding privately-sponsored travel.

In one matter, the Committee found that several staffers went on a multiday privately-sponsored trip to Turkey.¹⁰⁷ The staffers sought and received the Committee's written preapproval, but it was later discovered that one of the two trip sponsors employed or retain a lobbyist. The involvement of a sponsor that employed or retained a lobbyist thus made the trip improper under House Rules and the Committee's Travel Regulations. However, there was no evidence of any undisclosed foreign government or other foreign entity paying for travel expenses of the staffers. Given that the staffers had sought and received the Committee's approval and gone on the trip in good faith, the Committee decided not to require repayment of the expenses.

In another matter, the Committee investigated two different privately-sponsored trips taken by Members to Taiwan and ostensibly paid for by a private university in Taiwan.¹⁰⁸ Both Members sought and received the Committee's written preapproval of the trips. Evidence was later uncovered that the government of Taiwan may have paid for the Members' travel. However, the Committee could not conclusively determine whether the Taiwanese government paid for the travel. This was partially because neither the Taiwanese university nor the government of Taiwan cooperated with the Committee's investigation. Thus, the Committee determined that "such inconclusive evidence [was] insufficient to hold either Member accountable for reimbursement on that basis alone."¹⁰⁹ However, the Committee also found that one Member's trip was improper under House Rules and the Committee's Travel Regulations because of the ongoing involvement of a foreign agent in the trip. The Committee noted that the Member should have known the travel was improper because of the foreign agent's continued involvement. However, the Committee noted that the Member had already paid back the travel expenses, and thus, the Committee took no further action.

In this case, each House traveler sought and received the Committee's written preapproval to participate in the Trips. Neither the Committee nor OCE found that any of the House travelers knew, or had reason to know, that there were any issues with the travel. OCE informed the Committee that "there is no evidence that the Members of Congress knew that

¹⁰⁷ Comm. on Ethics, *In the Matter of Allegations Relating to Staff Travel Provided by the Turkish Coalition of America in August 2008*, H. Rep. 113-176, 113th Cong. 1st Sess. (2013).

¹⁰⁸ See Comm. on Ethics, *In the Matters of Allegations Relating to Travel to Taiwan by Representatives William Owens and Peter Roskam in 2011*, H. Rep. 113-266, 113th Cong. 1st Sess. (2013).

¹⁰⁹ *Id.* at 10.

additional, impermissible sponsors and organizers may have been involved in organizing and sponsoring the trip” and that “Members of Congress relied on the sponsors’ representations to them and the Committee on Ethics in good faith, and also relied in good faith on trip approval from the Committee on Ethics.” That is consistent with the Committee’s findings following an extensive investigation.

The Committee has uncovered some evidence that not all of the named sponsors paid all of the travel expenses related to Trips. However, after an extensive investigation, the Committee was unable to determine conclusively which entity or entities did ultimately fund the travel. As discussed above, following an unauthorized public disclosure and newspaper story about aspects of the investigation, the central witness to most of the substantive allegations in question invoked his Fifth Amendment right to refuse to testify and refused to comply with a subpoena for documents issued to him by the Committee. In addition, a number of other potential foreign witnesses also subsequently refused to cooperate with the investigation and are outside of the Committee’s authority to compel cooperation. The Committee has exhausted its options for gathering additional information from these parties.

The Committee has considered allegations relating to involvement in privately-sponsored travel by foreign governments and other entities that would have made such travel impermissible. Where the Committee has found direct, uncontroverted evidence that a foreign government paid for travel, and did so with the express intent that travel benefits be provided to House Members, the Committee has recommended that Members repay the cost of such travel—even where the Members acted in good faith, had appropriately sought and received Committee approval to accept the travel beforehand, and had no reason to be aware of the foreign government involvement.

Where: (1) Members sought and received Committee approval to accept travel and in good faith relied on the Committee’s approval; (2) the Committee was unable to establish that a foreign government or other source had involvement with the trip that would have rendered it impermissible; and (3) third parties beyond the Committee’s authority to compel cooperation refused to cooperate with the Committee’s investigation, the Committee has declined to recommend or require that House Members or employees repay the cost of the travel they accepted following Committee approval.

Therefore, consistent with the Committee’s precedent, the Committee has determined that the House Members and employees do not need to repay any of the travel expenses they accepted during the Trips.

2. Tangible Gifts

Recently, the Committee found that a Member accepted numerous gifts, including both tangible gifts and gifts of travel over many years.¹¹⁰ The Committee further found that, in many

¹¹⁰ Comm. on Ethics, *In the Matter of Allegations Relating to Representative Don Young*, H. Rep. 113-487, 113th Cong. 2d Sess. (2014).

instances, the Member should have known that gifts were improper. Thus, the Committee directed the Member to repay the value of the improper trips and gifts, to the total of \$59,063.74.¹¹¹

The remedy of repayment is consistent with how the Committee has historically treated impermissible gifts.¹¹² Indeed, the Committee has required repayment of improper gifts, even where the Member was initially unaware that they had received an improper gift.¹¹³

On July 16, 2015, the Committee, by letter to the six Members who received tangible gifts during the Trips and still had them in their possession, recommended that they return or otherwise remedy certain gifts. All six Members complied immediately; and took or committed to take the corrective action recommended by the Committee with respect to any impermissible tangible gifts.

V. CONCLUSION

In general, when a House Member, officer, or employee receives a gift that is not acceptable under the Gift Rule, the options for handling the unacceptable gift including paying the donor the gift's fair market value, returning the gift to the donor, donating the item to charity, turning the gift over to the Clerk, or destroying it, depending on the nature of the gift and the donor.¹¹⁴ All Members have voluntarily remedied, or committed to remedy, any impermissible tangible gifts received in connection with the Trips, and no further action with respect to those gifts is required. In addition, the Committee has contacted House staff who participated in the trips and provided guidance to them about tangible gifts they may have received.

When a House Member, officer, or employee seeks and receives advance written permission to accept a gift, that permission acts as a shield protect the individual from future action by this Committee, if the individuals conduct conforms to the Committee's written permission.

In this matter, the evidence was inconclusive as to the true source of travel expenses for the House travelers who accepted privately-sponsored travel to Azerbaijan. Although the Committee conducted a thorough and extensive investigation, its efforts to obtain testimony and evidence from key individuals and entities were impeded by the unauthorized public disclosure of materials relating to its investigation. This disclosure occurred prior to any public disclosure of the investigation by the Committee. Thus, the evidence was insufficient to overcome to protections afforded by the Committee's advance written approval.

¹¹¹ *Id.* at 1.

¹¹² *See e.g.*, Comm. on Standards of Official Conduct, *In the Matter of Representative Jay Kim*, H. Rep. 105-797, 105th Cong. 2d Sess. 26-27 (1998).

¹¹³ *See e.g.*, Comm. on Ethics, *In the Matter of Allegations Relating to Representative Jean Schmidt*, H. Rep. 112-195, 112th Cong. 1st Sess. 16-17 (2011).

¹¹⁴ *House Ethics Manual* at 57-59, 73-75.

However, the Committee's investigation uncovered evidence of concerted, possibly criminal efforts by various non-House individuals and entities to mislead the House travelers and the Committee about the Trips' true sponsors and the funding sources used to pay for Member and House employee travel to Azerbaijan. The Committee has jurisdiction to investigate allegations of misconduct by current House Members, officers, and employees. Accordingly, the Committee unanimously voted pursuant to House Rule XI, clause 3(a)(3) and Committee Rule 28 to refer the matter of third parties' conduct to the U.S. Department of Justice for such action as the Department deems necessary.

Through the issuance of 12 subpoenas and 18 voluntary requests for information, the Committee's investigation collected nearly 190,000 pages of materials, including about 10,000 pages of supplemental materials provided by OCE. Pursuant to Committee Rule 7(d), the Committee hereby authorizes the release of materials in the Committee's possession to the Department of Justice, as necessary for any further action the Department of Justice pursues as a result of this matter's referral.

The Committee intends to take no further action regarding this matter and thus considers it closed. This Report constitutes a final resolution of this matter under House Rule XI, clause 3(r).

The Chair is directed, upon providing the notices required pursuant to House Rule XI, clause 3(b)(8)(A), and Committee Rule 17A(b)(2), to file this report with the House. The filing of this report, along with its publication on the Committee's Web site, shall serve as publication of the OCE's Reports in these matters, pursuant to House Rule XI, clauses 3(b)(8)(A) and 3(r), and Committee Rules 17A(b)(3) and 17A(c)(2).

VI. STATEMENT UNDER HOUSE RULE XIII, CLAUSE 3(C)

The Committee made no special oversight findings in this Report. No budget statement is submitted. No funding is authorized by any measure in this Report.