

ANDREW S. CLYDE  
9TH DISTRICT, GEORGIA

COMMITTEE ON  
HOMELAND SECURITY  
SUBCOMMITTEES:

CYBERSECURITY, INFRASTRUCTURE  
PROTECTION, AND INNOVATION  
BORDER SECURITY, FACILITATION,  
AND OPERATIONS

COMMITTEE ON  
OVERSIGHT AND REFORM  
SUBCOMMITTEES:

GOVERNMENT OPERATIONS  
ECONOMIC AND CONSUMER POLICY

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1009**

WASHINGTON OFFICE  
521 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-9893

GAINESVILLE DISTRICT OFFICE  
210 WASHINGTON STREET NW  
SUITE 202  
GAINESVILLE, GA 30501  
(470) 768-6520

October 22, 2021

The Honorable Theodore E. Deutch  
Chairman, Committee on Ethics  
House of Representatives  
1015 Longworth House Office Building  
Washington, D.C. 20515

Subj: APPEAL OF NOTIFICATION OF VIOLATION OF HOUSE RESOLUTION 38

Chairman Deutch,

This letter records my official appeal of notifications of violation of House Resolution 38 on the dates of October 1, 12, 19, 20, 22, 25, 26, and 27 of 2021.

As you are aware, the Constitution establishes that “each House may determine the rules of its proceedings.” This provision allows for the House of Representatives to vote on the adoption of rules by which the body governs itself. On January 12<sup>th</sup>, 2021, the House of Representatives adopted House Resolution 38 (H.Res. 38), of which Sec. 4(a)(1) states, “[T]he Sergeant-at-Arms is authorized and directed to impose a fine against a Member...for the failure to wear a mask in contravention of the Speaker’s announced policies of January 4, 2021.”

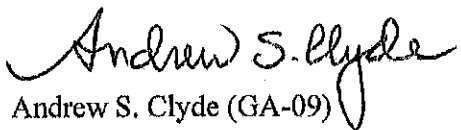
The language of H.Res. 38 does not provide for a modification of enforcement of the Speaker of the House’s announced January 4<sup>th</sup> policy by any member of this body, but explicitly provides for enforcement of the stated January 4<sup>th</sup> policy. Being that the Speaker chose to update the House’s “mask policy” on May 11<sup>th</sup>, 2021, which no longer confers with the rule as adopted by the House on January 12<sup>th</sup>, H.Res. 38 may no longer be used to enforce fines unless the House chooses to vote to amend the rule to apply its enforcement mechanism to the Speaker’s updated policy issued on May 11<sup>th</sup>.

Moreover, as you are aware, President Biden addressed the House chamber on April 28<sup>th</sup>, 2021 without a mask as required by the January 4<sup>th</sup> policy, indicating a deeply troubling example of selective enforcement.

As you are also aware, the 27<sup>th</sup> Amendment to the Constitution prohibits an increase or decrease to member compensation until an election of Representatives shall have intervened. Not only is the Speaker’s updated policy of May 11<sup>th</sup> unenforceable under the adopted rule of H.Res. 38, but any such rule affecting an adjustment of member compensation in the same Congress is a direct violation of the 27<sup>th</sup> Amendment.

Considering the concerns outlined here, I respectfully request that my appeal be granted, and any citation related to a violation of H.Res. 38 be permanently voided.

Sincerely,

A handwritten signature in cursive script that reads "Andrew S. Clyde". The signature is written in black ink and is positioned above the printed name.

Andrew S. Clyde (GA-09)

Member of Congress

cc: The Honorable Jackie Walorski  
Ranking Member, Committee on Ethics