

SUMMARY OF ACTIVITIES
ONE HUNDRED NINTH CONGRESS

January 2, 2007.—Committed to the Committee of the Whole House on the State of the Union and
ordered to be printed

Mr. HASTINGS and Mr. BERMAN, from the Committee on Standards of Official Conduct, submitted the
following

REPORT

I. INTRODUCTION

House Rule XI, Clause 1(d), requires each committee to submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under that rule and House Rule X during the Congress ending on January 3 of that year.

The jurisdiction of the Committee on Standards of Official Conduct (“Committee”) is defined in Clauses 1(q) and 11(g)(4) of House Rule X, Clause 3 of House Rule XI, and Clause 5(f) of House Rule XXV. The text of those provisions is as follows:

Rule X, Clause 1(q)

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4 . . .

* * *

(q) Committee on Standards of Official Conduct.

The Code of Official Conduct.

Rule X, Clause 11(g)(4)

(4) The Committee on Standards of Official Conduct shall investigate any unauthorized disclosure of intelligence or intelligence-related information by a Member, Delegate, Resident Commissioner, officer, or employee of the House in violation of subparagraph (3) and report to the House concerning any allegation that it finds to be substantiated.

Rule XI, Clause 3

Committee on Standards of Official Conduct

3. (a) The Committee on Standards of Official Conduct has the following functions:

(1) The committee may recommend to the House from time to time such administrative actions as it may consider appropriate to establish or enforce standards of official conduct for Members, Delegates, the Resident Commissioner, officers, and employees of the House. A letter of reproof or other administrative action of the committee pursuant to an investigation under subparagraph (2) shall only be issued or implemented as a part of a report required by such subparagraph.

(2) The committee may investigate, subject to paragraph (b), an alleged violation by a Member, Delegate, Resident Commissioner, officer, 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, Delegate, Resident Commissioner, officer, or employee in the performance of his duties or the discharge of his responsibilities. After notice and hearing (unless the right to a hearing is waived by the Member, Delegate, Resident Commissioner, officer, or employee), the committee shall report to the House its findings of fact and recommendations, if any, for the final disposition of any such investigation and such action as the committee may consider appropriate in the circumstances.

(3) The committee may report to the appropriate Federal or State authorities, either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee, any substantial evidence of a violation by a Member, Delegate, Resident Commissioner, officer, or employee of the House, of a law applicable to the performance of his duties or the discharge of his responsibilities that may have been disclosed in a committee investigation.

(4) The committee may consider the request of a Member, Delegate, Resident Commissioner, officer, or employee of the House for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, Delegate, Resident Commissioner, officer, or employee. With appropriate deletions to ensure the privacy of the person concerned, the committee may publish such opinion for the guidance of other Members, Delegates, the Resident Commissioner, officers, and employees of the House.

(5) The committee may consider the request of a Member, Delegate, Resident Commissioner, officer, or employee of the House for a written waiver in exceptional circumstances with respect to clause 4 of rule XXIII.

(b)(1)(A) Unless approved by an affirmative vote of a majority of its members, the Committee on Standards of Official Conduct may not report a resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House,

or, except as provided in subparagraph (2), undertake an investigation of such conduct.

(B)(i) Upon the receipt of information offered as a complaint that is in compliance with this rule and the rules of the committee, the chairman and ranking minority member jointly may appoint members to serve as an investigative subcommittee.

(ii) The chairman and ranking minority member of the committee jointly may gather additional information concerning alleged conduct that is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or either of them has placed on the agenda of the committee the issue of whether to establish an investigative subcommittee.

(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only—

(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner; or

(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that he believes the information is submitted in good faith and warrants the review and consideration of the committee.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Standards of Official Conduct, the chairman and ranking minority member shall establish jointly an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(3) The committee may not undertake an investigation of an alleged violation of a law, rule, regulation, or standard of conduct that was not in effect at the time of the alleged violation. The committee may not undertake an investigation of such an alleged violation that occurred before the third previous Congress unless the committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(4) A member of the committee shall be ineligible to participate as a member of the committee in a committee proceeding relating to the member's official conduct. Whenever a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker shall designate a Member, Delegate, or Resident Commissioner from the same political party as the ineligible member to act in any proceeding of the committee relating to that conduct.

(5) A member of the committee may disqualify himself from participating in an investigation of the conduct of a Member, Delegate, Resident Commissioner,

officer, or employee of the House upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks to be disqualified. If the committee approves and accepts such affidavit of disqualification, the chairman shall so notify the Speaker and request the Speaker to designate a Member, Delegate, or Resident Commissioner from the same political party as the disqualifying member to act in any proceeding of the committee relating to that case.

(6) Information or testimony received, or the contents of a complaint or the fact of its filing, may not be publicly disclosed by any committee or staff member unless specifically authorized in each instance by a vote of the full committee.

(7) The committee shall have the functions designated in titles I and V of the Ethics in Government Act of 1978 [on financial disclosure and the limitations on outside earned income and outside employment], in sections 7342 [the Foreign Gifts and Decorations Act], 7351 [on gifts to superiors], and 7353 [on gifts] of title 5, United States Code, and in clause 11(g)(4) of rule X.

(c)(1) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or a subcommittee thereof shall occur in executive session unless the committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(2) Notwithstanding clause 2(g)(2) of rule XI, each hearing of an adjudicatory subcommittee or sanction hearing of the Committee on Standards of Official Conduct shall be held in open session unless the committee or subcommittee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.

(d) Before a member, officer, or employee of the Committee on Standards of Official Conduct, including members of a subcommittee of the committee selected under clause 5(a)(4) of rule X and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules."

Copies of the executed oath shall be retained by the Clerk as part of the records of the House. This paragraph establishes a standard of conduct within the meaning of paragraph (a)(2). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.

(e)(1) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, considers appropriate in the circumstances.

(2) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.

Committee agendas

(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

Committee staff

(g)(1) The committee shall adopt rules providing that—

(A) the staff be assembled and retained as a professional, nonpartisan staff;

(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each

may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

Meetings and hearings

(h)(1) The committee shall adopt rules providing that—

(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

Public disclosure

(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

Requirements to constitute a complaint

(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

Duties of chairman and ranking minority member regarding properly filed complaints

(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(B) establish an investigative subcommittee; or

(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee

meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

Duties of chairman and ranking minority member regarding information not constituting a complaint

(l) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

Investigative and adjudicatory subcommittees

(m) The committee shall adopt rules providing that—

(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

Standard of proof for adoption of statement of alleged violation

(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that

there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

Subcommittee powers

(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

(3) The committee shall adopt rules to provide that—

(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

Due process rights of respondents

(p) The committee shall adopt rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no

document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

Committee reporting requirements

(q) The committee shall adopt rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

House Rule XXV, Clause 5(f)

(f) All the provisions of this clause [the gift rule] shall be interpreted and enforced solely by the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct is authorized to issue guidance on any matter contained in this clause.

In addition, a number of provisions of statutory law confer authority on the Committee. Specifically, for purposes of the statutes on gifts to Federal employees (5 U.S.C. § 7353) and gifts to superiors (5 U.S.C. § 7351), both the Committee and the House of Representatives are the "supervising ethics office" of House Members, officers, and employees. In addition, as discussed further in Part III below, for House Members and staff, the Committee is both the "supervising ethics office" with regard to financial disclosure and the "employing agency" for certain purposes under the Foreign Gifts and Decorations Act. Finally, the outside employment and earned income limitations are administered by the Committee with respect to House Members and staff (5 U.S.C. app. 4 § 503(1)(A)).

II. ADVICE AND EDUCATION

Pursuant to a provision of the Ethics Reform Act of 1989 (2 U.S.C. § 29d(i)), the Committee maintains an Office of Advice and Education, which is staffed as directed by the Committee's Chairman and Ranking Minority Member. Under the statute, the primary responsibilities of the Office include the following:

- Providing information and guidance to House Members, officers, and employees on the laws, rules, and other standards of conduct applicable to them in their official capacities;
- Drafting responses to specific advisory opinion requests received from House Members and staff, and submitting them to the Chairman and Ranking Minority Member for review and approval;
- Drafting advisory memoranda on the ethics rules for general distribution to House Members and staff, and submitting them to the Chairman and Ranking Member, or the full Committee, for review and approval; and
- Developing and conducting educational briefings for Members and staff.

The duties of the Office of Advice and Education are also addressed in Committee Rule 3, which sets out additional requirements and procedures for the issuance of Committee advisory opinions.

Under Committee Rule 3(i), the Committee will keep confidential any request for advice from a Member, officer, or employee, as well as any response to such a request. As a further inducement to Members and staff to seek Committee advice whenever they have any uncertainty on the applicable laws, rules, or standards, statutory law (2 U.S.C. § 29d(i)(4)) provides that no information provided to the Committee by a

Member or staff person when seeking advice on prospective conduct may be used as a basis for initiating a Committee investigation, if the individual acts in accordance with the Committee's written advice. In the same vein, Committee Rule 3(j) provides that the Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion of the Committee if the conduct conforms to the specific facts addressed in the opinion. In addition, the Committee understands that federal courts may consider the good faith reliance of a House Member, officer, or employee on written Committee advice as a defense to Justice Department prosecution regarding certain statutory violations.

The Committee believes that a broad, active program for advice and education is an extremely important means for attaining understanding of, and compliance with, the ethics rules. The specifics of the Committee's efforts in the areas of publications, briefings, and advisory opinion letters during the 109th Congress are set forth below. In addition, on a daily basis Committee staff attorneys provided informal advice in response to inquiries received from Members, staff persons, and others in telephone calls and e-mails directed to the Committee office, and in meetings.

PUBLICATIONS

The Committee's major publications are the *House Ethics Manual* and two more recently issued booklets that update portions of the Manual. One of the booklets, *Rules of the U.S. House of Representatives on Gifts and Travel* (issued in April 2000), provides a detained explanation of gift and travel rules applicable to House Members, officers and employees. The other booklet, *Laws, Rules and Standards of Conduct on Campaign Activity* (issued in December 2001), provides guidance for House

Members, officers and employees when they engage in campaign or political activity. These two booklets supersede Chapters 2 and 8, respectively, of the 1992 *House Ethics Manual*.

The Committee updates and expands upon the materials in the Manual and the booklets, as well as highlights matters of particular concern, through the issuance of advisory memoranda and letters to all Members and staff. The letters and memoranda issued during the 109th Congress were as follows:

- The 2005 Outside Earned Income Limit, and the Salary Levels at which the Outside Earned Income and Employment Limitations, the Financial Disclosure Requirement, and the Post-Employment Restrictions Apply in 2005 (February 10, 2005),
- The 2006 Outside Earned Income Limit and the Salary Levels at which the Outside Earned Income and Employment Limitations, the Financial Disclosure Requirement, and the Post-Employment Restrictions Apply in 2006 (February 8, 2006),
- Interim Process for Voluntary Certification of Privately Funded Travel Taken in Connection with Official Duties (May 10, 2006),
- Use of Campaign Funds and Campaign-Funded Resources for Official House Purposes (July 26, 2006),
- Laws, Rules, and Standards of Conduct Governing Campaign Activity (July 26, 2006),
- Post-Employment and Related Restrictions for Members and Officers (September 29, 2006),

- Post-Employment and Related Restrictions for Staff (September 29, 2006),
- Ethics Laws and Rules for Departing Members and Staff (November 13, 2006), and
- Member Swearing-in Receptions and Attendance at Related Events (December 15, 2006).

In addition to the advisory memoranda listed above, the Committee issued updated versions of its summary memorandum, *Highlights of the House Ethics Rules*, in February 2005 and February 2006. Copies of all Committee publications are available from the Committee office, and their text is posted on the Committee's website.

BRIEFINGS

As part of its outreach and educational efforts during the 109th Congress, the Committee conducted numerous briefings on the ethics rules for Members, staff, and others.

In addition to briefings on financial disclosure (discussed in the next section), Committee staff held seven briefings on the ethics rules during 2005 and 2006 that were open to all House Members, officers, and employees. Five of those briefings provided a general overview of the ethics rules, and the other two, held in late 2006, were focused on the rules applicable to campaign activity. Finally, together with the Committee on House Administration, the Committee participated in two general briefings, one in 2005 and one in 2006, on the rules related to Member participation in the Congressional Art Competition.

The Committee also held two briefings exclusively for Members on the ethics rules. In addition, the Committee made a presentation to the Members-elect of the 110th

Congress as part of the New Member Orientation. As part of that presentation, the Committee provided to each incoming Member a copy of the *Highlights of the House Ethics Rules* memorandum and a memorandum noting points of particular interest to Members-elect. The Committee also offered to each incoming Member the opportunity to schedule an individual briefing for the Member and the Member's staff on the ethics rules.

In addition to these general presentations, Committee staff led more than 150 briefings tailored to the needs of an individual Member office, committee, or other House office.

Committee staff also participated in nine briefings sponsored by the Congressional Research Service for district office employees and in approximately six briefings sponsored by outside organizations. The Committee also had an information booth at the House Services Fair held annually by the Chief Administrative Officer. In addition, Committee staff led approximately six briefings for visiting international dignitaries. Visitors from countries in South America and the Far East were particularly interested in the House ethics rules and enforcement procedures.

The Committee will continue this outreach activity in the 110th Congress.

ADVISORY OPINION LETTERS

The Committee's Office of Advice and Education, under the direction and supervision of the Committee's Chairman and Ranking Minority Member, prepared more than 965 private advisory opinions during the 109th Congress. Opinions issued by the Committee in the 109th Congress addressed a wide range of subjects, including

various provisions of the gift rule, travel funded by outside entities, Member or staff participation in fund-raising activities of charities and for other purposes, the outside earned income and employment limitations, campaign activity by staff, and the post-employment restrictions.

In addition to issuing private advisory opinions, the Committee also instituted for the first time a new process for approval of officially-connected congressional trips sponsored by private entities. The process, described in the Committee's advisory memorandum of May 10, 2006, was created by the Committee as a means for private entities to obtain advanced, written approval (labeled "certification") from the Committee for any trip they planned to sponsor for House Members or staff. Under the certification process, prospective trip sponsors would provide detailed information to the Committee concerning the proposed trip. If a majority of Committee members approved the trip, the trip sponsor would receive a written letter from the Committee indicating that the trip was in compliance with House rules. The certification process was a voluntary one, instituted by the Committee in response to changes to the House rules that were proposed in House Resolution 4975, which is also discussed in sections IV and V of this Report.

III. FINANCIAL DISCLOSURE, FOREIGN GIFTS & DECORATIONS, AND TRAVEL DISCLOSURE

Title I of the Ethics in Government Act of 1978, as amended (5 U.S.C. app. 4 §§ 101-111), requires certain officials in all branches of the Federal Government, as well as candidates for Federal office, to file publicly available statements that set out financial information regarding themselves and their families. On May 15th of each year, the covered

individuals are required to file a statement that provides information for the preceding calendar year.

The Act 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 officials. The Committee establishes policy, issues instructions, and designs the Financial Disclosure Statements to be filed by Members, officers, legislative branch employees, and candidates for the House. After statements are filed with the Legislative Resource Center of the Clerk of the House, they are forwarded to the Committee to be reviewed for compliance with the law. Accountants from the General Accounting Office assist the Committee in its review efforts.

Each year the Committee publishes a detailed instruction booklet that is sent to each person required to file with the Clerk of the House. For the 2006 filings (covering calendar year 2005), the Committee issued two separate instruction booklets, one for current House Members and employees and a second for candidates and new employees. Prior to the May 15th filing date, the Committee also held three briefings on the financial disclosure requirements that were open to all Members, officers, and employees. At Member request, Committee staff also met on an individual basis with any Member who had questions regarding the preparation of the Member's statement. In addition, Committee staff members responded, by telephone, e-mail, or in person, to numerous questions on the financial disclosure filing requirements. Upon request, Committee staff reviewed statements in draft form, prior to their being formally filed with the Clerk, for compliance with the disclosure requirements in order to reduce errors and the need for amendments. The Committee

encourages all financial disclosure filers to avail themselves of this service for their future filings.

In calendar years 2005 and 2006, the Legislative Resource Center referred a total of 5,600 financial disclosure statements to the Committee for review under the statute. Of those, 4,626 were statements filed by current, new, or terminated House Members or employees, and 1,004 were statements filed by candidates for the House. Where the Committee review indicates that a filed statement has a deficiency, such as a failure to include required information, the Committee requests an amendment from the filer. The Committee also follows up with any filer whose statement indicates non-compliance with applicable law, such as the outside employment and earned income limitations. Where the Committee finds that a Member or staff person has received income in violation of any of these limitations, the Committee determines the appropriate remedy for the violation, which may include a requirement that the individual repay the amount that was improperly received.

Pursuant to its responsibilities under 5 U.S.C. § 7342, the Committee also continued its activities in implementing the Foreign Gifts and Decorations Act, including the disclosure and reporting requirements of the Act, and responded to questions from Members and staff regarding the Act. The regulations that the Committee has issued under the Act are published in the Committee's *Gifts & Travel* booklet. Reports of gifts from foreign governments (including travel and travel expenses) that Members and staff file in accordance with this Act are available for public inspection at the Committee office upon reasonable notice. Pursuant to the Act, the contents of those reports are published in the *Federal Register* on an annual basis.

The Committee staff also reviews the Member Travel Disclosure Forms and the Employee Travel Disclosure Forms that are filed with the Legislative Resource Center (which makes the forms available to the public) pursuant to the gift rule (House Rule XXV, cl. 5). Where the Committee finds that a Member or staff person has improperly accepted travel or expenses, the Committee determines the appropriate remedy, which may include a requirement that reimbursement be made with personal funds.

IV. LEGISLATION

On April 6, 2006, the Committee met to mark up certain provisions of H. Res. 4975, the Lobbying Accountability and Transparency Act, which in part made changes to certain of the ethics rules enforced by the Committee. The Committee voted unanimously on that date to report the bill favorably, without amendment.

V. HEARINGS

On May 3, 2006, the House passed H. Res. 4975, the Lobbying Accountability and Transparency Act of 2006. If enacted, that Act, among other provisions, would have prohibited House Members and staff from accepting payment of travel expenses from a private source for officially-connected travel unless the trip was first certified by the Committee as being in conformance with House rules. The Act also directed the Committee to issue a report proposing changes to House Rule XXV regarding the acceptance of gifts and travel expenses by Members and staff.

Although the Act was not enacted during the 109th Congress, the Committee undertook to carry out some of its directives on a voluntary basis. The travel certification process is described above in Section II of this Report. In order to gather information regarding current and proposed rules on privately-funded travel, on June 7, 2006, the Committee held a public hearing, during which it heard testimony from representatives of entities that have sponsored past congressional travel and an interest group that advocates changes in the rules governing such travel.

VI. COMMITTEE RULES

On May 4, 2005, the Committee met and adopted Committee rules for the 109th Congress, which were identical to the Committee rules for the 108th Congress. A copy of the Committee rules for the 109th Congress is included as Appendix I to this Report.

VII. INVESTIGATIONS

On March 30, 2006, the Committee voted to carry over from the 108th Congress the matter concerning Representative James McDermott. On May 17, 2006, the Committee voted to establish an investigative subcommittee to investigate the conduct of Representative Robert W. Ney with regard to his acceptance of gifts, travel, or other benefits in exchange for actions taken in his capacity as a Member of Congress. Also on May 17, 2006, the Committee voted to establish an investigative subcommittee to investigate allegations that Representative William J. Jefferson or his family received money or other benefits in exchange for actions taken in his capacity as a Member of

Congress. Also on May 17, 2006, the Committee issued a statement that it was closing its investigation of Representative Tom DeLay.

On October 5, 2006, the Committee adopted a resolution establishing an investigative subcommittee to investigate the conduct of any House Members, officer, or employee related to information concerning any improper interaction between Members and current or former participants in the House Page Program.

These investigative matters are described in more detail below.

Representative James McDermott

A complaint was filed by Representative David L. Hobson against Representative James McDermott on November 16, 2004 during the 108th Congress. Representative Hobson's complaint alleged that, in January 1997, Representative McDermott violated certain laws, rules and standards of conduct in disclosing to the news media the contents of an intercepted telephone conversation.

On December 22, 2004, the Chairman and Ranking Minority Member of the Committee determined, under Committee Rule 16(b)(2), to establish an Investigative Subcommittee and to forward portions of the complaint to that subcommittee. Representative Judy Biggert was designated to serve as Chairman of the Investigative Subcommittee, and Representative Lucille Roybal-Allard was designated to serve as its Ranking Minority Member. The other two members of the Investigative Subcommittee were Representative Phil English and Representative Robert C. Scott.

On March 20, 2006, the Committee voted to carry over the matter regarding Representative McDermott to the 109th Congress. The members of the Investigative Subcommittee remained those appointed in 2004.

On December 8, 2006, the Committee on Standards of Official Conduct voted to adopt the Report of the Investigative Subcommittee, "In the Matter of Representative James McDermott," dated December 6, 2006, as the Report of the full Committee in this matter. The Report was transmitted to the House of Representatives on December 19, 2006. The Investigative Subcommittee concluded in its Report that Representative McDermott's actions "were not consistent with the spirit of the Committee's rules." The Investigative Subcommittee decided against additional proceedings in this matter, and recommended to the full Committee that the Report of the Investigative Subcommittee be released to the public. The Report was released to the public on December 8, 2006.

Representative Robert W. Ney

On May 17, 2006, the Committee voted to establish an Investigative Subcommittee to determine whether Representative Robert W. Ney violated any House rule, law, regulation, or other standard of conduct with respect to allegations that he received gifts, travel benefits, campaign contributions, or other items of value from Jack Abramoff, Michael Scanlon, Tony Rudy, Neil Volz, or any individuals or entities associated with any of them, in exchange for action taken by Representative Ney in his capacity as a Member of Congress. This action was undertaken following the guilty pleas by the four named individuals in federal court to numerous charges, including conspiracy to bribe public officials. The factual recitations in the guilty pleas of those individuals included details indicating that one of the public officials involved was Representative Ney.

Representative Lamar S. Smith served as Chairman of the Investigative Subcommittee, and Representative Gene Green served as its Ranking Minority Member.

The other two Members designated to serve on the Investigative Subcommittee were Representative Marsha Blackburn and Representative Xavier Becerra.

On October 13, 2006, Representative Ney pleaded guilty in federal district court to conspiracy to commit multiple offenses – including honest services fraud, making false statements, and violations of his former chief of staff's one-year lobbying ban – and with making false statements to the House. As part of his plea, Representative Ney admitted that he corruptly solicited and accepted things of value, including trips, meals, concert and sporting tickets, thousands of dollars worth of gambling chips, and tens of thousands of dollars of campaign contributions and in-kind contributions such as free fundraisers, from certain lobbyists and a foreign businessman, with the intent to be influenced and induced to take official actions. Ney also admitted conspiring to aid and abet violations of the federal one-year lobbying ban by his former chief of staff. He further admitted to making false statements to the House on travel and financial disclosure forms filed the Clerk of the House. He is due to be sentenced in federal court on both counts on January 19, 2007.

Following his guilty plea, Representative Ney resigned from the House as of November 3, 2006. As a result of his resignation, the Committee no longer has jurisdiction over Representative Ney.

Representative William J. Jefferson

On May 17, 2006, the Committee voted to establish an Investigative Subcommittee to determine whether Representative William J. Jefferson violated any House rule, law, regulation, or other standard of conduct with respect to allegations that he or his family members received cash, stock shares, agreements for future profits,

offers of employment, travel benefits, or other items of value from certain individuals or entities in exchange for action taken by Representative Jefferson in his capacity as a Member of Congress or as a result of his status as a Member of Congress. This action was undertaken following guilty pleas by two individuals, one of whom was a former staff member of Representative Jefferson, in federal court to conspiracy to bribe a public official, whom they specifically identified as Representative Jefferson.

Representative Melissa Hart was appointed as Chairman of the Investigative Subcommittee, and Representative Stephanie Tubbs Jones served as its Ranking Minority Member. The other two members of the Investigative Subcommittee were Representative Tom Latham and Representative Adam Schiff.

Representative Tom DeLay

On June 15, 2004, then-Representative Chris Bell filed a complaint against Representative Tom DeLay. The complaint included three counts against Representative DeLay. Two of those counts were addressed by the Committee during the 108th Congress; details on the substance and disposition of those counts are provided in the Committee's *Summary of Activities for the 108th Congress*.

The remaining count of the complaint alleged that Representative DeLay had used Texans for Republican Majority ("TRMPAC"), a political action committee with which he was affiliated, to direct corporate funds to campaigns for state-level offices in Texas in violation of the Texas election code. During the 108th Congress, the Committee determined to defer action on this count in accordance with Committee Rule 15(f) pending further action on the matter in Texas state court and the outcome of a continuing investigation by the District Attorney of Travis County, Texas.

On May 11, 2006, Representative DeLay informed the Speaker that he was resigning his House seat effective June 9, 2006. The Committee issued a statement on May 17, 2006 announcing that, in light of Representative DeLay's impending departure from the House, it was closing its investigation on the remaining count of the Bell complaint without taking any action on that count.

In that same May 17 statement, the Chairman and Ranking Minority Member also noted that allegations had been made concerning Representative DeLay's participation in certain overseas trips funded by private entities. The Chairman and Ranking Minority Member stated that, but for Representative DeLay's resignation from the House, they would have recommended that the full Committee vote on whether to form an investigative subcommittee to seek additional information on that matter.

Investigation of Allegations Related to Improper Conduct Involving Members and Current or Former House Pages

On October 5, 2006, the Committee adopted a resolution which established an Investigative Subcommittee to investigate the action, or lack of action, by House Members, officers, and employees with regard to information concerning the alleged improper conduct of Members towards current or former participants in the House page program. This investigation was undertaken following media reports made in late September 2006 that Representative Mark Foley had engaged in electronic mail or instant messaging of a suggestive or sexual nature with former participants in the House page program. Representative Foley resigned from the House on September 29, 2006, immediately following widespread reporting of the matter by the media. That same day, the House, by unanimous vote, referred to the Committee House Resolution 1065, expressing the desire of the House that the Committee convene an investigative

subcommittee "to fully and expeditiously determine the facts connected with Representative Foley's conduct and the response thereto."

The Investigative Subcommittee was convened pursuant to Committee Rules 1(c), 14(a)(3), and 18(a), which authorize the Committee to establish an investigative subcommittee on its own initiative, in an effort to determine the extent to which any Members, officers, or House employees may have been aware of any improper conduct by Representative Foley, or any other Member, with current or former participants in the page program prior to the September 2006 media reports.

The resolution adopted by the Committee provided as follows:

Whereas certain allegations have arisen related to communications and interactions between former Representative Mark Foley and current or former participants in the U.S. House of Representatives Page Program; and

Whereas certain additional allegations have arisen regarding the conduct of certain Members and employees of the House related to communications and interactions between former Representative Mark Foley and current or former participants in the U.S. House of Representatives Page Program; and

Whereas the conduct of a Member, officer, or employee of the House, in connection with the aforementioned allegations, may have violated the Code of Official Conduct or one or more law, rule, regulation, or other standard of conduct applicable to the conduct of a Member, officer, or employee of the House in the performance of his or her duties or the discharge of his or her responsibilities; and

Whereas the Committee has authority to investigate such conduct pursuant to House Rule XI, clauses 3(a)(2) and (3)(b)(2), and pursuant to Committee Rules 14(a)(3) and 18; and

Whereas the Committee has determined pursuant to Committee Rule 1(c) that the interests of justice require the adoption of special procedures in order for the Committee to carry out its investigative and enforcement responsibilities with respect to the aforementioned allegations;

It is hereby resolved by the Committee:

1. That an Investigative Subcommittee be established with jurisdiction to conduct a full and complete inquiry and investigation into any conduct of House Members, officers

and staff related to information concerning improper conduct involving Members and current and former House Pages;

2. That the scope of the inquiry may extend to any matters related to the jurisdiction of the Investigative Subcommittee as set forth in this resolution;

3. That the Investigative Subcommittee is authorized to advise the public at large that it is interested in receiving information and testimony from any person with first-hand information regarding the matters within the jurisdiction of the Investigative Subcommittee;

4. That at the conclusion of its inquiry, the Investigative Subcommittee shall report to the Committee its findings, conclusions, and recommendations;

5. That the Members of the Investigative Subcommittee shall be designated pursuant to Committee Rule 19(a);

6. That Committee Rules 7 (Confidentiality), 8(a) (Subcommittees – General Policy and Structure), 9 (Quorums and Member Disqualification), and 10 (Vote Requirements) are fully applicable to this inquiry by the Investigative Subcommittee;

7. That the Investigative Subcommittee is authorized to obtain evidence and relevant information by the means and in the manner set forth in Committee Rules 19(b) – (c), except as those rules apply to respondents;

8. That witnesses before the Investigative Subcommittee shall be furnished with a copy of the special procedures for this inquiry (as set forth in this resolution), as well as accorded the rights set forth in Committee Rules 26(k) – (o);

9. That the Committee intends that all witnesses who provide testimony before the Investigative Subcommittee should be sequestered and should not communicate with any other witnesses regarding any aspect of their testimony unless the Investigative Subcommittee permits otherwise;

10. That except as otherwise provided in this Resolution, the Rules of the Committee shall be applicable in this matter and will be interpreted by the Investigative Subcommittee and the Committee in a manner not inconsistent with this Resolution.

In accordance with Committee Rule 19(a), Committee Chairman Doc Hastings and Ranking Minority Member Howard L. Berman designated themselves as chairman and ranking minority member, respectively, of the Investigative Subcommittee. The other two members of the Investigative Subcommittee were the next most senior

members of the Committee, Representative Judy Biggert and Representative Stephanie Tubbs Jones.

The evidence obtained by the Investigative Subcommittee during its inquiry included, but was not limited to, the sworn testimony of eight Members of the House (including members of the leadership and the House Page Board), three current or former officers of the House, and interviews and sworn testimony obtained from approximately 45 other witnesses, including House employees and former participants in the page program. During the inquiry, approximately 3,500 pages of transcribed sworn testimony and witness statements resulted from proceedings before the Investigative Subcommittee or interviews with Investigative Subcommittee counsel. In addition, the Investigative Subcommittee sought, via informal request or subpoena, and received several hundred pages of documents and records from witnesses it determined possessed relevant materials.

The Investigative Subcommittee completed its investigation in December 2006. Pursuant to its charge, at the conclusion of its inquiry, the Investigative Subcommittee prepared a report to the full Committee with the Investigative Subcommittee's findings, conclusions, and recommendations.

On December 8, 2006, the full Committee voted to allow the Investigative Subcommittee to release its Report, entitled "Investigation of Allegations Related to Improper Conduct Involving Members and Current or Former House Pages," to the public, which was done on December 8, 2006. On that same date, the full Committee voted to transmit the report of the Investigative Subcommittee to the House. The Report was transmitted to the House on December 19, 2006.

As explained in the Report, the Investigative Subcommittee found that, although some Members and employees of the House had knowledge regarding Representative Foley's conduct with current or former House pages, many of those individuals either did not take responsive action regarding that knowledge or acted with insufficient diligence or oversight. The Committee further found that none of the conduct of any Member or employee was sufficient to establish a violation of any provision of the House Code of Official Conduct. Accordingly, the Investigative Subcommittee recommended that the matter be closed without instituting any further investigative or adjudicative proceedings against any Member or employee.

The Report of the Investigative Subcommittee also recommended changes to the administration and oversight of the House page program. These recommendations included constituting the House Page Board with equal representation from both parties and requiring that the Page Board hold regular meetings.

VIII. OTHER COMMITTEE ACTIONS

Matter Related to the Conduct of Representative Randall "Duke" Cunningham: Representative Randall "Duke" Cunningham resigned from the House on December 1, 2005 after pleading guilty in federal court to engaging in a criminal conspiracy and tax evasion. Following his resignation, numerous news media reports suggested that Representative Cunningham and possibly other Members and staff were provided with hotel rooms, limousines, and other services in exchange for performing official acts.

On May 17, 2006, the Chairman and Ranking Minority Member publicly announced that they had begun informal fact-gathering related to this matter under Committee Rule 18(a).

Representative John Conyers: The Chairman and Ranking Minority Member, pursuant to Committee Rule 18(a), initiated an informal inquiry in December 2003 into reports that members of the congressional staff of Representative John Conyers had performed campaign activity on official time and in some instances using official resources, and that some staff members may have been compelled to do campaign work or personal work for Representative Conyers. The assertions, if true, could implicate a number of laws and House rules applicable to Members, including: House Rule 23, clause 1 (requiring the conduct of a Member or employee to reflect creditably on the House); House Rule 23, clause 8 (requiring that congressional staff perform official duties commensurate with compensation); 31 U.S.C. § 1301(a) and corresponding regulations of the Committee on House Administration (providing that official funds may be used only for the purposes appropriated); and 18 U.S.C. § 606 (prohibiting adverse personnel action or intimidation to secure money or services for a political purpose).

During the course of their inquiry, the Chairman and Ranking Member asked for and received information, including documents, from several sources, including Representative Conyers. Committee staff also interviewed witnesses regarding the allegations. In the course of providing information to the Committee, Representative Conyers acknowledged what he characterized as a "lack of clarity" in his communications with staff members regarding their official duties and responsibilities, and accepted responsibility for his actions. Representative Conyers also provided the

Committee with documents indicating that he had begun taking steps to provide clearer guidance to staff regarding the requirement that campaign work and official work be separate.

On December 29, 2006, the Chairman and Ranking Minority Member issued a public statement indicating that the matter would be resolved through the issuance of the public statement and the agreement by Representative Conyers to take a number of additional steps to ensure that his office complies with all rules and standards regarding campaign work by congressional staff. Among the conditions agreed to by Representative Conyers were: (1) prohibiting his personal congressional staff (other than his Chief of Staff) from performing any campaign-related work, including work done on a voluntary basis, during the 110th Congress, unless the staff member goes on leave without pay status from the House and obtains prior written approval from the Committee, and informing each member of his staff in writing of that prohibition; (2) distributing a memorandum to each member of his congressional staff setting forth the House rules concerning the performance of campaign and other non-official work by congressional staff; (3) requiring his congressional staff to attend a briefing conducted by Committee counsel on the application of, and compliance with, House rules concerning the performance of campaign work by congressional staff, and providing a similar briefing within his congressional office on an annual basis; and (4) maintaining a detailed time-keeping system for his staff.

Representative Tom Feeney: Representative Tom Feeney contacted the Committee in March 2005 after media reports regarding a trip he had taken to Scotland in August 2003. The media reports concerned allegations that the trip had been paid for by

lobbyist Jack Abramoff, rather than the trip sponsor he had reported, and that the trip may have been substantially recreational in nature, contrary to House rules. *See* House Rule 25, cls. 5(b)(1)(A), 5(b)(1)(B). Representative Feeney reported the cost of his participation in the trip as \$5,643. The Chairman and Ranking Minority Member instituted an informal investigation of the matter pursuant to Committee Rule 18(a), and concluded that the trip did not comply with House rules. Representative Feeney agreed to resolve the matter by paying the cost of the trip to the United States Treasury

Representative Curt Weldon: The Chairman and Ranking Minority Member, pursuant to Committee Rule 18(a), reviewed a trip taken by Representative Curt Weldon and ten of his family members in January 2003. Prior to taking the trip, Representative Weldon sought formal Committee guidance regarding whether the trip complied with gift rule provisions permitting a Member to accept travel and other benefits resulting from outside activities that are unrelated to official duties. Committee counsel advised Representative Weldon, through his staff, that he could not rely on that provision of the gift rule. Representative Weldon then sought a gift rule waiver from the Committee, but he withdrew that request prior to receiving a formal written response from the Committee.

Following the trip, Representative Weldon, through counsel, made a submission to the Committee asserting that the trip was unrelated to his official duties and was therefore not subject to certain gift rule limitations. After reviewing this submission, the Chairman and Ranking Minority Member concluded that the trip was in fact officially connected. As a result, payment by the trip sponsors for the participation in the trip by of family members of Representative Weldon in excess of the one family

member permitted by the gift rule was prohibited. By letter dated September 29, 2006, the Committee informed Representative Weldon that he was required to repay to the donors certain expenses of that trip, which exceeded \$23,000.

To date, Representative Weldon has not made the repayment as required by the Committee, but he has, through a letter from his counsel to the Committee dated December 29, 2006, expressed his intent to do so.

In addition to the publicly-disclosed matters discussed in this report, the Chairman and Ranking Minority Member of the Committee either commenced or continued from the 108th Congress fact-gathering under Committee Rule 18(a) regarding the conduct of nine other Members and one House employee. Of these matters, three were resolved during the 109th Congress without the empanelment of an investigative subcommittee or other formal action by the Committee, and the remaining matters are still pending.