

June 14, 2011

Omar Ashmawy
Staff Director and Chief Counsel
Office of Congressional Ethics
1017 Longworth HOB
Washington, DC 20515

Re: Request for Investigation into Conduct of Speaker John Boehner (R-OH)

Dear Mr. Ashmawy:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the Office of Congressional Ethics investigate Speaker John Boehner (R-OH) for violating the Antideficiency Act and House rules.

Background

On February 23, 2011, Attorney General Eric Holder sent a letter to Speaker Boehner advising him that President Obama had determined that Section 3 of the Defense of Marriage Act (“DOMA”), 1 U.S.C. § 7, violates the equal protection component of the Fifth Amendment to the U.S. Constitution.¹ As a result, the Department of Justice (“DOJ”) would no longer defend Section 3’s constitutionality in pending litigation.² At the time, DOJ was defending the statute’s constitutionality in at least 10 cases.³

In response, Speaker Boehner announced he would convene a meeting of the Bipartisan Legal Advisory Group (“BLAG”) to authorize the House of Representatives to take action to defend DOMA.⁴ BLAG is a five-member group of House leaders through which the House

¹ See Letter from Attorney General Holder to Speaker Boehner, February 23, 2011 (attached as Exhibit A).

² *Id.* By statute, the Attorney General must report to Congress when he or she determines to refrain from defending the constitutionality of a federal statute. 28 U.S.C. § 530D(a)(1)(B)(ii).

³ See Letter from Assistant Attorney General Ronald Weich to House General Counsel Kerry Kircher, February 25, 2011 (attached as Exhibit B).

⁴ See Press Release, Speaker John Boehner, Statement by House Speaker John Boehner (R-OH) regarding the Defense of Marriage Act, March 4, 2011 (attached as Exhibit C).

articulates its institutional position in litigation.⁵ On March 9, 2011, BLAG voted to authorize Speaker Boehner to direct the Office of General Counsel to take appropriate steps to defend DOMA, including intervening in pending cases or submitting briefs amicus curiae, retaining outside counsel to conduct the litigation on behalf of BLAG, and coordinating the litigation with outside counsel.⁶ That same day, Speaker Boehner directed the Office of General Counsel to initiate a legal defense of DOMA.⁷

The Rules of the House of Representatives establish the Office of General Counsel “for the purpose of providing legal assistance and representation to the House.”⁸ The rules specify the Office of General Counsel “shall function pursuant to the direction of the Speaker,” and that “[t]he Speaker shall appoint and set the annual rate of pay for employees of the Office of General Counsel.”⁹ The Office of General Counsel is funded through annual Legislative Branch Appropriations Acts. For fiscal year 2011, Congress appropriated \$1,415,000 for the “salaries and expenses” of the Office of General Counsel.¹⁰

⁵ See Unopposed Motion of the Bipartisan Legal Advisory Group of the U.S. House of Representatives to Intervene for a Limited Purpose at 1, n.1, *Windsor v. U.S.*, No. 10-cv-8435 (S.D.N.Y.) (“Windsor Motion”) (attached as Exhibit D). BLAG currently consists of Speaker Boehner, Majority Leader Eric Cantor (R-VA), Majority Whip Kevin McCarthy (R-CA), Minority Leader Nancy Pelosi (D-CA), and Minority Whip Steny Hoyer (D-MD). *Id.*

⁶ See Majority Leader Eric Cantor, Authority to Intervene or File Amicus, May 9, 2011 (attached as Exhibit E); Windsor Motion at 1, n.1. Minority Leader Pelosi and Minority Whip Hoyer voted against granting Speaker Boehner this authority. See Press Release, Minority Leader Nancy Pelosi, Pelosi Statement After Bipartisan Legal Advisory Group Vote on DOMA, March 9, 2011 (attached as Exhibit F).

⁷ See Press Release, House Speaker John Boehner, House Will Ensure DOMA Constitutionality is Determined by Court, March 9, 2011 (attached as Exhibit G).

⁸ Rule II, cl. 8, Rules of the House of Representatives, 112th Cong. (2011). The establishment of the Office of General Counsel under this rule is referenced in 2 U.S.C. § 130f(c)(1).

⁹ *Id.*

¹⁰ The appropriation for fiscal year 2011 was made through the Department of Defense and Full-Year Continuing Appropriations Act, 2011, Pub. L. No. 112-10 (2011). Section 1101(a)(5) established the level of funding for the Office of General Counsel as the same level as in the Legislative Branch Appropriations Act, 2010, Pub. L. No. 111-68, Division A (2009).

Questions about the source of funding for the litigation were raised even before BLAG voted to authorize hiring outside counsel to conduct a legal defense of DOMA's constitutionality. During the March 9 BLAG meeting, Minority Leader Nancy Pelosi (D-CA) and Minority Whip Steny Hoyer (D-MD) asked House General Counsel Kerry Kircher about the costs of the litigation.¹¹ On March 11, 2011, Minority Leader Pelosi sent Speaker Boehner a letter noting Mr. Kircher had acknowledged his office "lacked the personnel and the budget to absorb those substantial litigation duties."¹²

Despite admitted insufficient funds, at Speaker Bohener's directive, on April 14th, Mr. Kircher signed a contract retaining the law firm King & Spalding to represent BLAG as a party or an amicus in civil actions litigating the constitutionality of Section 3 of DOMA.¹³ Under the contract, the general counsel agreed to pay King & Spalding "a sum not to exceed to \$500,000."¹⁴ Anticipating the litigation might cost more than \$500,000, the contract included a provision allowing the cap to be raised by written agreement of the parties.¹⁵ King & Spalding's fees were to be based on a blended rate of \$520 per hour for attorney time and at 75 percent of the firm's usual and customary rates for non-attorney time.¹⁶ Payments could be made on a partial basis from time to time in the amounts approved by the general counsel,¹⁷ and the firm agreed to submit bills monthly.¹⁸ The contract was to terminate when the litigation was complete or on January 3, 2013.¹⁹ In addition, the general counsel had the right to terminate the agreement at

¹¹ See Chris Johnson, Boehner Panel Directs Counsel To Defend DOMA, *Washington Blade*, March 9, 2009 (attached as Exhibit H); Letter from Minority Leader Pelosi to Speaker Boehner, March 11, 2011 (attached as Exhibit I).

¹² *Id.*

¹³ See Contract for Legal Services between the General Counsel and King & Spalding, signed April 14, 2011 (attached as Exhibit J).

¹⁴ *Id.* ¶ 2.

¹⁵ *Id.*

¹⁶ *Id.* ¶ 3.

¹⁷ *Id.* ¶ 2.

¹⁸ *Id.* ¶ 3.

¹⁹ *Id.* ¶ 8.

any time for any reason or no reason, in which case payment would be based on work performed.²⁰

Speaker Boehner responded to Minority Leader Pelosi on April 18, 2011, stating it was his intent that funds DOJ would have spent on the litigation “be diverted to the House for reimbursement of any costs incurred by and associated with the House, and not DOJ, defending DOMA,” and adding he would welcome Minority Leader Pelosi joining him in support of “redirecting those resources.”²¹ Speaker Boehner further asserted that in the interim, he had “directed House Counsel and House Administration Committee to assure that sufficient resources and associated expertise, including outside counsel, are available for appropriately defending the federal statute.”²² In response, Minority Leader Pelosi again raised questions about funding the litigation.²³

Just days after the contract with King & Spalding was made public, the firm withdrew from the representation.²⁴ The lawyer primarily responsible for the litigation, former Solicitor General Paul Clement, immediately resigned from King & Spalding and joined Bancroft PLLC (“Bancroft”).²⁵ On April 25, 2011, Mr. Kircher signed a new contract to defend DOMA’s constitutionality with Bancroft, with identical terms to those in the King & Spalding contract.²⁶

Mr. Kircher and interim Chief Administrative Officer Daniel Strodel testified about the contract and the litigation to defend DOMA’s constitutionality at a May 13, 2011 hearing of the

²⁰ *Id.* ¶ 1.

²¹ *See* Letter from Speaker Boehner to Minority Leader Pelosi, April 18, 2011 (attached as Exhibit K).

²² *Id.*

²³ *See* Letter from Minority Leader Pelosi to Speaker Boehner, April 18, 2011 (attached as Exhibit L); Letter from Minority Leader Pelosi to Speaker Boehner, April 20, 2011 (attached as Exhibit M).

²⁴ *See* Josh Gerstein, DOMA Defense in Turmoil, *Politico*, April 25, 2011 (attached as Exhibit N).

²⁵ *Id.*

²⁶ *See* Contract for Legal Services between the General Counsel and Bancroft PLLC, signed April 25, 2011 (attached as Exhibit O).

House Appropriations Legislative Branch Subcommittee.²⁷ Mr. Kircher explained he had been “directed by the leadership of the House” to sign the contract, and was “advised” by the House leadership that the funds for the litigation were “not coming out of the budget of the Office of the General Counsel.”²⁸ Instead, he was told the funds were being “reprogrammed from other sources in the House,” and that Speaker Boehner’s office and members of the House Appropriations Committee were involved in the reprogramming process.²⁹ Mr. Kircher added he did not know where the funds would come from or if any reprogramming had already occurred.³⁰ Mr. Strodel testified his office had not received any request for reprogramming.³¹

As of June 13, 2011, Bancroft had intervened on behalf of BLAG in at least six cases.³²

Violations

The Antideficiency Act

The Antideficiency Act is part of a statutory scheme that limits the ability of federal agencies to spend and obligate money. Specifically, the act provides that an “officer or employee of the United States Government” may not: (1) “make or authorize an expenditure or obligation exceeding the amount available in an appropriation or fund for the expenditure or obligation”; or (2) “involve either government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.”³³ The purpose of the act is to prevent government officials from spending money or incurring obligations at a rate which would exhaust appropriations before the end of the fiscal year and thus would require additional

²⁷ A transcript of the hearing is attached as Exhibit P.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² See *Commonwealth of Massachusetts v. U.S. Dep’t of Health & Human Servs.*, No. 10-2204 (1st Cir.); *Gill v. OPM*, Nos. 10-2207 & 10-2214 (1st Cir.); *Dragovich, et al. v. Dep’t of the Treasury, et al.*, No. 10-1564 (N.D. Cal.); *Golinski v. OPM*, No. 10-00257 (N.D. Cal.); *Pedersen, et al. v. OPM, et al.*, No. 10-cv-1750 (D. Conn.); *Windsor v. U.S.*, No. 10-cv-8435 (S.D.N.Y.).

³³ 31 U.S.C. § 1341(a)(1)(A-B). See also 2 U.S. Gov’t Accountability Office, *Principles of Federal Appropriations Law*, 6-36 (3d ed. 2010).

appropriations.³⁴ The statute applies to all government officers and employees, including those in the legislative branch.³⁵

The Antideficiency Act can be violated in several ways. Obligating the government through a contract to make a payment for more than the amount remaining in an appropriation violates the statute,³⁶ as does making a payment when the appropriation is exhausted.³⁷ The act also can be violated by involving the government in a contract for the payment of money before appropriations have been made for that purpose.³⁸ In other words, “government officials may not make payments or commit the United States to make payments at some future time unless there is enough money in the ‘bank’ to cover the cost in full. The ‘bank,’ of course, is the available appropriation.”³⁹

A government officer or employee who violates these provisions “shall be subject to” administrative discipline, including suspension from duty without pay or removal from office.⁴⁰ An officer or employee who “knowingly and willfully” violates these provisions “shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both.”⁴¹ In addition, when an Antideficiency Act violation occurs, the head of the agency must immediately report the violation, all relevant facts, and a statement of actions taken to the President and Congress, and forward a copy of the report to the Comptroller General.⁴²

Speaker Boehner violated the act by directing the general counsel to enter into a contract obligating his office to pay up to \$500,000 for Bancroft’s litigation services defending DOMA’s constitutionality. As with many contracts, the precise amount of the obligation incurred could not be known at the time the contract was entered. In these circumstances, an agency must use

³⁴ 2 *Principles of Federal Appropriations Law*, 6-34-6-35.

³⁵ *Id.*, 6-38.

³⁶ *Id.*, 6-46-6-48.

³⁷ *Id.*, 6-41.

³⁸ *Id.*, 6-36, 6-51-6-52.

³⁹ *Id.*, 6-37.

⁴⁰ 31 U.S.C. § 1349(a).

⁴¹ 31 U.S.C. § 1350.

⁴² 31 U.S.C. § 1351.

its “best estimate” of the amount in establishing the amount of the liability and “charge” that amount to the year in which the contractual obligation was created.⁴³ For example, the Government Accountability Office determined the proper procedure for determining DOJ’s obligation for court-appointed attorneys - an amount that would vary from case to case - was to estimate the obligation based on past average costs per case and statutory limits on compensation for court-appointed attorneys and charge that amount to the fiscal year during which the attorneys were appointed.⁴⁴

Here, the best estimate of the amount the general counsel will be obligated to pay Bancroft is \$500,000, the amount included in the contract. Bancroft has already intervened in six cases, all at different stages of litigation. Some are pending in district courts and may require extensive litigation, including discovery, motions briefing, trial, and/or appeals. Others are on appeal and largely will require drafting legal briefs. Considering the controversy surrounding DOMA, one or more of the cases may end up before the Supreme Court.⁴⁵ At Bancroft’s rate of \$520 per hour for attorney time, the fees will reach \$500,000 in approximately 160 attorney hours per case Bancroft already is litigating, fewer hours when non-attorney time and other expenses are included.

Congress appropriated \$1,415,000 for the Office of General Counsel for fiscal year 2011.⁴⁶ The \$500,000 contract represents more than 35 percent of the office’s total appropriation. With more than two-thirds of the fiscal year having passed, the office will not have sufficient funds to pay for both its remaining salaries and expenses and the DOMA defense as Mr. Kircher acknowledged in his testimony. By authorizing an obligation for more than the amount available in the appropriation for the Office of General Counsel, Speaker Boehner violated the Antideficiency Act.

⁴³ *Id.*, 7-23.

⁴⁴ 50 Comp. Gen. 589.

⁴⁵ See Richard E. Cohen, Boehner Finds Litigation Suits Him, *Politico*, May 23, 2011.

⁴⁶ Technically, the \$1,415,000 appropriation for salaries and expenses of the Office of General Counsel is an earmark of the lump-sum appropriation for the salaries of officers and employees of the House. 2 *Principles of Federal Appropriations Law*, 6-32 (identifying as an earmark a similar provision for the salaries and expenses of the Office of the Chief Administrative Officer). Spending or obligating funds in excess of a maximum amount specifically earmarked in a lump-sum appropriation violates the Antideficiency Act just as spending in excess of a broader appropriation does. *Id.*, 6-41, 6-81.

In addition, Speaker Boehner violated the act by directing the general counsel to enter into a contract incurring obligations beyond fiscal year 2011. The contract terminates when the litigation is complete or on January 3, 2013. It is virtually impossible, however, for all of the DOMA cases in which Bancroft intervened to be completed by September 30, 2011, the end of the fiscal year. While the contract allows the general counsel to terminate the contract at any time, reserving a right to terminate “does not save the contract from the prohibition against binding the government in advance of appropriations.”⁴⁷ As a result, the contract creates a liability beyond the fiscal year in which it was entered in violation of the Antideficiency Act.

Speaker Boehner is ultimately responsible for these violations. The Antideficiency Act applies to officers and employees who either “make” or “authorize” an expenditure or obligation in excess of the amount available.⁴⁸ Under House rules, Speaker Boehner directs the Office of General Counsel, appoints the general counsel, and sets the salaries for all of the office’s employees. Speaker Boehner exercised his authority in this case, ordering the Office of General Counsel to initiate a legal defense of DOMA, directing the general counsel and House Administration Committee to ensure that sufficient resources for outside counsel are made available, and participating in efforts to reprogram funds to pay for the litigation. As a result, Speaker Boehner authorized the obligations and expenditures in violation of the Antideficiency Act.

31 U.S.C. § 1301(a) and 31 U.S.C. § 1352

Two other statutes, 31 U.S.C. § 1301(a) and 31 U.S.C. § 1352, bar Speaker Boehner from using funds from an appropriation outside the Office of the General Counsel to defend DOMA or reprogramming funds from other appropriations for the litigation without statutory authority.

Section 1301(a) provides that appropriations “shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.” Under the statute, funds may be used only for the purpose for which they were appropriated, and authorized items may not be charged to the wrong appropriation.⁴⁹ When there is a specific appropriation for a

⁴⁷ *Id.*, 6-54 (citing 28 Comp. Gen. 553 (1949)); *see also id.*, 6-55 (“it is not enough for the government to retain the option to terminate at any time if sufficient funds are not available”).

⁴⁸ 31 U.S.C. § 1341(a)(1)(A).

⁴⁹ 1 *Principles of Federal Appropriations Law*, 4-6.

particular item, only that appropriation may be used for that purpose, even if there is a more general appropriation broad enough to cover the same item.⁵⁰ Otherwise, agencies could evade or exceed spending limits established by legislation. The purpose of an appropriation primarily is determined by the language of the appropriation act itself, but other sources also may be consulted.⁵¹

Here, \$1,415,000 was appropriated specifically for the “salaries and expenses” of the Office of General Counsel. The purpose of the appropriation is to fund the office, which was established “for the purpose of providing legal assistance and representation to the House.”⁵² This specific purpose precludes the use of funds from other appropriations to pay for legal representation to the House, including representation by outside counsel to defend DOMA’s constitutionality.

It is not clear if funds from other appropriations already have been used to pay Bancroft for the six cases in which it has intervened on behalf of BLAG. Mr. Kircher testified he was advised by House leadership that his office’s budget would not be used to defend DOMA, and Speaker Boehner suggested the money would come from sources other than the Office of General Counsel’s appropriation. Using other funds to pay for the litigation costs, however, would violate 31 U.S.C. § 1301(a).

Mr. Kircher also testified he was told by House leadership the money to pay Bancroft for its litigation services would be “reprogrammed from other sources in the House,” and that Speaker Boehner’s office and members of the House Appropriation Committee were involved in the reprogramming process. Under 31 U.S.C. § 1532, an amount in one appropriation may be withdrawn from the account and credited to another only when authorized by law.⁵³ There has been no such authorization here. In certain circumstances, an agency may “reprogram” funds within an appropriation - that is, use funds within the appropriation for purposes other than those contemplated at the time of appropriation without statutory authority.⁵⁴ An agency, however,

⁵⁰ *Id.*, 2-21, 4-12. This rule applies when an appropriation for a specific purpose is included as an earmark in a general appropriation. *Id.*, 2-22.

⁵¹ *Id.*, 4-9.

⁵² Rule II, cl. 8, Rules of the House of Representatives, 112th Cong. (2011).

⁵³ 1 *Principles of Federal Appropriations Law*, 2-24.

⁵⁴ *Id.*, 2-30.

may not reprogram funds in violation of specific statutory limitations,⁵⁵ such as when there is a specific appropriation for a particular item.

It is unclear whether Speaker Boehner or members of the House Appropriations Committee already have reprogrammed funds from other appropriations to pay for Bancroft's defense of DOMA, but doing so would violate 31 U.S.C. § 1532.

House Rules

In violating the Antideficiency Act and other federal laws, Speaker Boehner violated the Code of Ethics for Government Service. Late last year, the House censured Rep. Charlie Rangel (D-NY) for violating federal law and House rules. Count XI of the Statement of Alleged Violation against Rep. Rangel charged him with violating clause 2 of the Code of Ethics for Government Service. Specifically, the Committee on Standards of Official Conduct found that by failing to pay taxes in violation of the Internal Revenue Code, Rep. Rangel violated the Code of Ethics for Government Service, which provides:

any person in Government service should:

...

2. Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.⁵⁶

Ultimately, on December 2, 2010, the House censured Rep. Rangel for his conduct.⁵⁷

By censuring Rep. Rangel, the House held that failing to uphold the Constitution, laws and legal regulations of the United States is an ethics violation. As a result, by violating the Antideficiency Act and possibly other federal statutes, Speaker Boehner violated the Code of Ethics for Government Service.

Finally, Speaker Boehner likely violated House Rule 23, which requires all members of the House to conduct themselves "at all times in a manner that reflects creditably on the

⁵⁵ *Id.*, 2-31; *see also Yankton Sioux Tribe v. Kempthorne*, 442 F. Supp. 2d 774, 786 (D.S.D. 2006) (an agency is not restricted in its ability to reprogram unless there is a specific statutory limitation on the use of a lump sum appropriation).

⁵⁶ Committee on Standards of Official Conduct, Investigative Subcommittee in the Matter of Charles B. Rangel, Statement of Alleged Violation, adopted June 17, 2010; *see also* 72 Stat., Part 2, B12 (1958), H. Con. R. 175, 85th Cong. (cited in the House Ethics Manual at 20, 355).

⁵⁷ 156 Cong. Rec. H7899 (December 2, 2010).

House.”⁵⁸ This ethics standard is considered to be “the most comprehensive provision” of the code.⁵⁹ When this section was first adopted, the Select Committee on Standards of Official Conduct of the 90th Congress noted it was included within the Code to deal with “flagrant” violations of the law that reflect on “Congress as a whole,” and that might otherwise go unpunished.⁶⁰ This rule has been relied on by the Ethics Committee in numerous prior cases in which the committee found unethical conduct, including: the failure to report campaign contributions,⁶¹ making false statements to the committee,⁶² criminal convictions for bribery,⁶³ accepting illegal gratuities,⁶⁴ and accepting gifts from persons with interest in legislation in violation of the gift rule.⁶⁵

⁵⁸ Rule 23, cl. 1.

⁵⁹ House Comm. on Standards of Official Conduct, House Ethics Manual, p. 12.

⁶⁰ House Comm. on Standards of Official Conduct, Report Under the Authority of H. Res. 418, H. Rep. No. 1176, 90th Cong., 2d Sess. 17 (1968).

⁶¹ House Comm. on Standards of Official Conduct, *In the Matter of Representative John J. McFall*, H. Rep. No. 95-1742, 95th Cong., 2d Sess. 2-3 (1978) (Count 1); *In the Matter of Representative Edward R. Roybal*, H. Rep. No. 95-1743, 95th Cong., 2d Sess. 2-3 (1978).

⁶² House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 95-1741, 95th Cong., 2d Sess. 4-5 (1978); H. Rep. No. 95-1743(Counts 3-4).

⁶³ House Comm. on Standards of Official Conduct, *In the Matter of Representative Michael J. Myers*, H. Rep. No. 96-1387, 96th Cong., 2d Sess. 2, 5 (1980); see 126 Cong. Rec. 28953-78 (Oct. 2, 1980) (debate and vote of expulsion); *In the Matter of Representative John W. Jenrette, Jr.*, H. Rep. No. 96-1537, 96th Cong., 2d Sess. 4 (1980) (Member resigned); *In the Matter of Representative Raymond F. Lederer*, H. Rep. No. 97-110, 97th Cong., 1st Sess. 4, 16-17 (1981) (Member resigned after Committee recommended expulsion). In another case, the Committee issued a Statement of Alleged Violation concerning bribery and perjury, but took no further action when the Member resigned (*In the Matter of Representative Daniel J. Flood*, H. Rep. No. 96-856, 96th Cong., 2d Sess. 4-16, 125-126 (1980)).

⁶⁴ House Comm. on Standards of Official Conduct, *In the Matter of Representative Mario Biaggi*, H. Rep. No. 100-506, 100th Cong., 2d Sess. 7, 9 (1988) (Member resigned while expulsion resolution was pending).

⁶⁵ House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 96-930, 96th Cong. 2d Sess. 4-5 (1980); see 126 Cong. Rec. 13801-20 (June 10, 1980) (debate and vote of censure).

Mr. Omar Ashmawy
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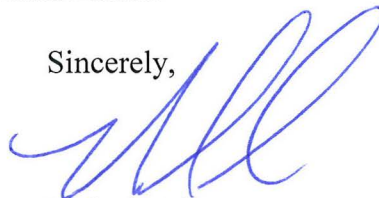
It does not reflect creditably on the House for the Speaker of the House to violate any federal law or House rule. As Speaker Boehner vocally and vociferously has called for a new era of government fiscal austerity, it is even more egregious for him to have violated federal laws designed to prevent the government from overspending. By authorizing the expenditure of funds the government does not have in violation of the Antideficiency Act and other laws, Speaker Boehner's conduct does not reflect creditably on the House.

Conclusion

The Office of Congressional Ethics should commence an immediate investigation and forward this matter to the House Committee on Standards of Official Conduct and any other relevant government authorities for appropriate action.⁶⁶

I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,



Melanie Sloan
Executive Director
Citizens for Responsibility and
Ethics in Washington

Encls.
cc: Office of the Inspector General

⁶⁶ As the violations raised in this complaint implicate financial irregularities, a copy is being forwarded to the House Office of the Inspector General, which is authorized to "provide audit, investigative, and advisory services to the House." Rule II, cl. 6, Rules of the House of Representatives, 112th Cong. (2011). The Office of the Inspector General may report to the Committee on Standards of Official Conduct information involving possible violations of any House rule or any law applicable to the performance of official duties or the discharge of official responsibilities that may require referral to appropriate federal authorities. *Id.*