

# OFFICE OF CONGRESSIONAL ETHICS

ADOPTED DECEMBER 9, 2022

## CODE OF CONDUCT

The Board of the Office of Congressional Ethics (OCE) adopts this Code of Conduct pursuant to the authority granted to the Office by H. Res. 895 Section 1.(c)(2)(F)(iv). This Code applies to the Board and staff of the OCE. In addition, the Code of Official Conduct, and all other relevant statutes, regulations, rules and standards of conduct applicable to House employees, apply to the staff of the OCE.

### *1. General Ethical Standards*

A Member of the Board shall conduct him or herself at all times in a manner that shall reflect creditably on the Board and the Office of Congressional Ethics.

### *2. Statement of Principles*

The Board and staff shall endeavor at all times to uphold the highest ethical standards. In so doing, the Board and staff will be guided by the following principles.

- (a) Upholding this Code and applicable rules of the U.S. House of Representatives in all activities of the OCE;
- (b) Discharging all official duties in a non-partisan manner;
- (c) Maintaining objectivity in the review of all allegations against any Member, Officer or staff person;
- (d) Acting in a manner that is faithful to the letter and spirit of the transparency and confidentiality provisions of H. Res. 895 of the 110<sup>th</sup> Congress, as amended;
- (e) Serving as good stewards of public funds and House resources; and
- (f) Remaining free of conflicts of interest.

### *3. Oath of Board Members and Staff*

Before any individual who is appointed to serve on the board (including an individual who is an alternate) or before any individual is hired to be a staff member of the Office may do so, the individual shall execute a signed document containing the following statement: “I agree not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after I am no longer a member of the board or staff of the Office of Congressional Ethics.”.

#### *4. Compensation, Gifts and Gratuities for board Service*

A member of the Board may not receive compensation for his service on the Board from any source other than the per diem provided for under H. Res. 895 of the 110<sup>th</sup> Congress, as amended.

A member of the Board may not receive compensation and may not permit compensation to accrue to his or her beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his or her position on the Board.

A member of the Board may not accept or solicit a gift or gratuity linked to any official action a Board member has taken or is asked to take.

#### *5. Financial Disclosure*

Members of the board and senior staff (to the extent required by the House Code of Official Conduct) shall file annual financial disclosure reports with the Clerk of the House on or before May 15 of each calendar year after any year in which they perform the duties of that position. Such reports shall be on a form prepared by the Clerk that is substantially similar to form 450 of the Office of Government Ethics. The Clerk shall send a copy of each such report filed with the Clerk within the seven-day period beginning on the date on which the report is filed to the Committee on Ethics and shall have them printed as a House document and made available to the public.

*6. Disqualification for Financial Conflict of Interest or Other Affiliations*

If any matter before the Board or transaction with the Office involves a close relative, partner, client or business associate of a Board member, or any person or organization with which a board member is affiliated, is negotiating or has any arrangement concerning prospective employment or financial interest, that member:

(1) shall promptly so notify the other members of the Board when that member first learns of the transaction or matter;

(2) shall not participate in any Board action, discussion or deliberation of the matter;

(3) shall not at any time discuss the merits or the status of the matter formally or informally with any member of the Board, with any current member of the staff, or with any former member of the staff who, while employed by the Office, had access to confidential information about the matter;

(4) shall not at any time examine the Board's files or records pertaining to the matter; and

(5) shall not, while the matter is pending before the Board, discuss its merits or status with anyone whose interest gave rise to the disqualification or with their representatives.

In addition, if a Board member has a connection with a vendor, consultant or other contractor with whom the Board is considering entering into any relationship, which would give rise to a perception of conflict of interest, the Board member shall

disclose that fact to the Board when the Board member first learns that the Board is considering entering into any such relationship.

Staff shall review the financial disclosure forms submitted by each Board member for any potential conflicts prior to presenting any transaction to the Board in any form.

The Staff Director shall inform the Board of any matter which presents facts and legal issues similar to those in any other matter which is pending and in which a member of the Board is disqualified from participating. The disqualified member of the Board should thereupon determine whether he should participate in the similar case. That determination should be based on the degree to which resolution of the similar case would be dispositive of the case in which there is the disqualification.

Once a member of the Board has disqualified him or herself pursuant to this section, the staff will not send or otherwise make available to that member any materials pertaining to that matter.

A majority of the Board may vote to disqualify a Board member for conflict of interest.

Notwithstanding the above provisions, if three members of the Board are disqualified from participating in a specific Board action, discussion or deliberation, the disqualified members may nonetheless participate under a rule of necessity.

## *7. Recusal*

A Board member who determines he or she cannot review a matter before the Board in an impartial manner must recuse him or herself. A lack of impartiality may arise from personal or professional affiliations with a subject or other person involved in a matter before the Board.

A Board member who has engaged in political activity on behalf of a subject, or a subject's opponent in an election, or intends to do so, shall disclose such activity to the Board and shall, if that activity compromises that Board member's ability to act in an impartial manner, recuse him or herself.

Four members of the Board may vote to recuse a member for lack of impartiality.

If a Board member has made a political contribution to a subject or a subject's opponent in any election, or to any entity controlled by a subject or a subject's opponent, or to a legal defense fund either for a subject or a subject's opponent, in any election within the last five years, that Board member shall recuse him or herself from any matter involving allegations against that subject.

## *8. Prohibition on Public Disclosure*

When an individual becomes a member of the Board or staff of the Office, that individual shall execute the following oath or affirmation in writing: "I do solemnly swear (or affirm) that I will not disclose to any person or entity outside the Office any information received in the course of my service with the Office, except as authorized by the Board as necessary to conduct official business or pursuant to its

rules.” Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House.

No testimony received or any other information obtained as a member of the Board or staff of the Office shall be publicly disclosed by any such individual to any person or entity outside the Office. Any communication to any person or entity outside the Office may occur only as authorized by the Board as necessary to conduct official business or pursuant to its rules.

All staff and Board members shall abide by the procedures contained in the Office’s Investigative Procedures Manual that address prevention of unauthorized disclosure of any information received by the Office.

Any breach of confidentiality shall be investigated by the Board and appropriate action shall be taken.

These provisions do not preclude presenting its report or findings or testifying before the Committee on Ethics by any member of the Board or staff of the Office if requested by such committee pursuant to its rules.

*9. Requirements for Public Speaking By Board Members or Staff*

No member of the staff or Board 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 Office without specific prior approval from the chairman and co-chairman.

*10. Appearance Before the Office by Former Board Members or Staff*

No former member of the Board or staff shall, after the termination of his or her service or employment, represent any person or entity by making any formal appearance or any oral or written communication with the intent to influence a decision of the Board, until at least one year has elapsed since the termination of his or her service or employment.

*11. Anti-Harassment and Anti-Discrimination Policy*

The Office of Congressional Ethics is firmly committed to ensuring that all employees, interns, clerks, detailees, fellows, and Board Members work in an environment free from discrimination, harassment, or intimidation on the basis of race, color, religion<sup>1</sup>, sex, pregnancy, gender stereotyping, gender identity, sexual orientation, national origin, age (40 or over), disability, military status, genetic information, or any basis prohibited by the Congressional Accountability Act or House Rules. All Board members and staff shall abide by the Office's Anti-Harassment and Anti-Discrimination Model Policy.

*12. Prohibition on Partisan Activity By Board and Staff*

The Board as a whole and each member of the Board and the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

No member of the Board or staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

### *13. Certification*

Each member of the Board and staff shall certify that they have read and agree to abide by the provisions of this Code at the beginning of each Congress.

### *14. Violation; Recommendation of Resignation and Dismissal*

A majority of a quorum of the Board may recommend to a Board member who has willfully violated this Code of Conduct that he or she resign and, in the absence of a resignation, may recommend to the Speaker and the Minority Leader that the member be dismissed and replaced.