

Testimony of Chairman Michael Guest
Before Committee on House Administration
March 1, 2023

Good afternoon, Chairman Steil, Ranking Member Morelle, and Members of the Committee. First, I want to thank you for the work each of you do to serve this Institution. Few Members aspire to serve on House Administration – or the Ethics Committee – but the work we do is critical and important to the daily functions of the House.

Thank you for inviting me to testify before the Committee on House Administration on the budget request for the House Committee on Ethics. My partner on our Committee, Ranking Member Susan Wild, and I are aware of the current budget environment. Small businesses and hardworking families are required to live on a balanced budget - and so should Congress. We are stewards of the taxpayer's dollar; and the House, including the Committee on Ethics, is no different.

The Ethics Committee is unique in many ways. One of the most important ways is that it exists to serve the House of Representatives, Members, House officers and employees – in addition to the American people. The Committee has three main unique functions. First, the Office of Advice and Education confidentially answers questions and provides ethics training to the House community. Second, the Committee is charged with investigating and adjudicating alleged violations of the House rules or related statutes. Third, the Committee reviews financial disclosure statements filed by Members, candidates, senior staff, and shared staff. We do not have Majority and Minority assigned staff. All staff at the Committee is nonpartisan. Even my counsel and the Ranking Member's counsel perform their duties in a nonpartisan fashion.

The work of the Committee is important and expansive. Last Congress, our nonpartisan staff worked incredibly hard. The Advice and Education division prepared 750 formal written advisory opinions; reviewed and recommended approval of more than 2,900 requests to accept privately-sponsored, officially-connected travel; fielded more than 36,000 informal telephone calls, emails, and in-person requests for guidance; prepared 25 advisory pink sheets; and provided ethics training to over 14,000 Members, officers, and employees. The Advice and Education Division is currently staffed by 6 attorneys and 2 professional staff. If I do the quick math, that means each A&E attorney fielded 6,000 calls, emails and in person requests for guidance last Congress.

The Financial Disclosure Division (which is currently staffed by 2 attorneys and 2 professional staff) received nearly 9,400 Financial Disclosure Statements and more than 4,000 Periodic Transaction Reports filed by Members, officers, senior staff, and House candidates last Congress.

The Investigations Division conducted fact-gathering on 72 separate investigative matters; impaneled three Investigative Subcommittees, or ISCs, held 12 ISC meetings; filed 11 reports with the House; publicly addressed 50 matters; resolved 6 additional matters; conducted 42 voluntary witness interviews; and reviewed over 125,000 pages of documents. The division also reviewed 111 fine notifications from the Sergeant at Arms and 47 Member appeals of those mask and magnetometer related fines. Currently, the Investigations Division is staffed by 6 attorneys and 2 professional staff.

The opportunity to serve the House community continues to grow and modernize. To fulfill that opportunity, the Ethics Committee is requesting an additional \$658,600 or a 17% increase in funding for 2023, to do two specific things: (1) to acquire additional technology to help modernize the Committee's advisory

resources, and (2) to hire approximately 7 additional staff to assist with the increased workload and modernization process.

Over the last decade, several new laws and rules have substantially increased the Committee's workload. The Committee also hired a new Financial Disclosure Director, whose decades of experience in executive branch financial disclosure has led the Committee to set new goals for what the Committee should be doing proactively to help our filers comply with requirements. For example, we are working with the Clerk's office to fix a recurring problem with the filing software. If a Member or senior staff tries to close the electronic filing system before completing a filing, they should receive a notification that the filing was not submitted. We are also working with the Clerk's office to gain permissions for Ethics counsel to create profiles for new filers, send notifications to filers, and to delete and purge records.

Meanwhile, the Committee will continue to modernize its guidance in both substance and method of delivery. In December, the Committee successfully tested a new, more interactive training at New Member Orientation, including live QR Code-accessible surveys and actual Press Headlines featuring past Member ethics mistakes. The Committee plans to roll out more training improvements, some of which involve licensing technology and securing assistance with video production and editing. The Committee would like to develop position-specific short videos for best practices and quick advice on the Committee website.

Key to modernization is maintaining a current Ethics Manual. I am sure that each of you is familiar with the old red 2008 House Ethics Manual. For too many years, the 2008 Manual has been out of date. At the end of the 117th Congress - and prior to New Member Orientation in December - the Committee worked with House Creative Services to create an updated 2022 PRINT version of the House Ethics Manual.

The online 2022 PRINT is available on the Committee website and includes updated sections on Gifts and Travel. Other sections of the Manual will be updated in the future, possibly as a result of the comprehensive review to be conducted by the 118th Congress House Ethics Task Force. The Task Force will conduct the first comprehensive review of House Ethics Rules and Regulations in more than 30 years, and report recommended improvements to the bipartisan leadership.

Today, the Committee will order some bound copies of the 2022 PRINT Manual, but the updated online version will allow customers to access future updates as changes occur, more easily search the Manual online for relevant information, and print a current Manual at any time. In addition, the Committee is planning to help Members and staff more easily find the information they need, through significant improvements to its website.

The House Ethics Rules can be confusing and counterintuitive, and the Committee is working to provide new tools to help. To assist Members with calculating stock trade due dates if transactions and notifications occur on different days, the Committee developed and launched a new online tool called the Periodic Transaction Report Due Date Calculator at the beginning of this Congress. The Committee hired a web vendor to help with the launch, a step in planned improvements that will modernize the Committee's work.

The Committee is requesting an additional \$242,158 or another 5.4% increase in funding in 2024, to account for a planned larger staff and potential cost of living adjustments for existing staff to improve staff retention. Because the Committee's primary competition for government ethics lawyers is the Executive Branch, in recent years, we have attempted to target cost of living adjustments that are similar to those in the Executive Branch.

Please accept my appreciation for your time and your consideration of the Committee's requests.