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November 23, 2015

The Honorable Charles Dent  
Chairman  
House Ethics Committee  
1015 Longworth HOB  
Washington, DC 20515

The Honorable Linda Sanchez  
Ranking Member  
House Ethics Committee  
1015 Longworth HOB  
Washington, DC 20515

The Honorable David Skaggs  
Co-Chair  
Office of Congressional Ethics  
H2-895  
Washington, DC 20515

The Honorable Judy Biggert  
Co-Chair  
Office of Congressional Ethics  
H2-895  
Washington, DC 20515

Dear Representatives Dent and Sanchez and Co-Chairs Skaggs and Biggert:

We urge the Office of Congressional Ethics and the House Ethics Committee to review for compliance with House ethics rules and standards actions taken by Representative Roger Williams (R-TX) during House consideration of the transportation reauthorization legislation during which he offered an amendment that would benefit his own business. It should further be determined whether he contacted the House Ethics Committee for guidance on his actions as outlined in the *House Ethics Manual* (“*Manual*”), Committee on Standards of Official Conduct (110th Cong.). We also urge you to undertake a review of House ethics rules with the goal of recommending ways to strengthen House ethics rules that deal with legislative actions in which the Member has a pecuniary interest. Current rules and guidance are insufficient to protect against conflicts of interest and often lead to questions and concerns about Members’ motivations in taking action of matters in which they have a pecuniary interest.

According to a November 18 report from the Center for Public Integrity (CPI) [\*Congressman-auto dealer accused of conflict of interest\*](#), Rep. Williams offered an amendment just before midnight on November 11 to “allow [automobile] dealers to rent or loan out vehicles even if they are subject to safety recalls. Rental car companies, meanwhile, don’t get the same treatment under the proposed law.”

Rep. Williams, whose amendment passed by voice vote, is a car dealer as he stated on the House floor when offering the amendment. Also speaking in favor of the amendment was another Representative who is a car dealer, Rep. Mike Kelly (R-PA). The Williams amendment was in response to a provision in the Senate version of the transportation bill covering recalled

rental cars. “The Williams’ amendment would make the act apply only to companies whose ‘primary’ business is renting cars, which would effectively exclude dealerships,” CPI reported.

### **Concerns Raised by Rep. Williams’ Actions**

House rules and standards regarding voting and other official activities on matters of personal interest state that “general ethical principles and historical practice provide specific guidance as to the limited circumstances when it is advisable that a Member abstain from voting on a particular matter.” *Manual* at 233.

As a starting point, the *Manual* cites House Rule 3, which states that “every Member... shall vote on each question put, **unless he has a direct personal or pecuniary interest in the event of such question.**” *Manual* at 233-34 (Emphasis added). The *Manual* goes on to explain that when a Member is part of a class of persons affected by the legislation, he need not recuse himself.

However, while the *Manual* states that there is no obligation for a Member to recuse himself when that Member is “affected only as a member of a class rather than as an individual,” it also cites advice that the House Ethics Committee has given to Members in the past, stating, “it would be inappropriate for them to vote or to introduce legislation directly affecting significant and uniquely held financial interests.” *Manual* at 237.

The *Manual* points out that questions have long arisen as to determining what constitutes a “class” to which a Member belongs. It explains that the House Rule 3, Clause 1 only applies to voting, but that a Member undertakes many other actions in connection with their official duties such as “sponsoring legislation, advocating or participating in an action by a House committee, or contacting an executive branch agency.” The *Manual* explains:

Such actions entail a degree of advocacy above and beyond that involved in voting, and thus a Member’s decision on whether to take any such action on a matter that may affect his or her financial interests requires added circumspection. Moreover, such actions may implicate the rules and standards... that prohibit the use of one’s official position for personal gain.

*Manual* at 237. Importantly, the *Manual* also stresses that prior to undertaking such non-vote advocacy implicating financial interests, a Member should clear it with the Ethics Committee:

Whenever a Member is considering taking any such action on a matter that may affect his or her financial interests, the Member should first contact the Standards Committee [now officially the House Ethics Committee] for guidance.

*Manual* at 237. As the Center for Public Integrity article notes, it is not clear whether Rep. Williams did indeed contact the Ethics Committee prior to introducing the amendment.

First, it is important for OCE to conduct an investigation to determine whether Rep. Williams violated House ethical standards, in particular, whether he contacted the Ethics Committee for guidance as directed in the *Manual*, and to submit those findings to the House Ethics Committee.

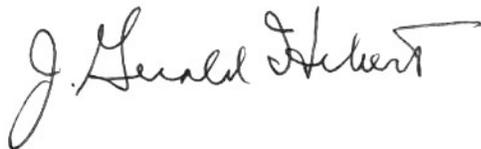
Second, the Committee should publicly recommend changes in House rules and standards to ensure they provide Members with the guidance they need regarding when they should recuse themselves from not only voting but other legislative activities.

Lastly, given the shortcomings of the current rules governing recusal, the Committee should publicly outline specific changes that should be made to House rules in order to protect against conflicts of interest and to ensure public confidence that a Member is not using his or her official position to further personal interests.

House ethics rules direct Members to conduct themselves at all times in a manner that shall reflect creditably on the House, to adhere to the letter and the spirit of the rules and, as the *Code of Ethics for Government Service* (which the *Manual* explicitly states is incorporated as part of the House ethics rules) states, to be “ever conscious that public office is a public trust.” The official actions taken by Rep. Williams raise reasonable doubts about his motivations for taking the action — questions that undermine public confidence in Congress as an institution. A public determination should be made as to whether Rep. Williams, in offering this amendment directly affecting his auto dealership, was in full compliance with House ethics rules. The House would be better served by providing Members with clearer, stronger guidance on taking official actions on matters in which they have a pecuniary interest.

Thank you for your consideration. We look forward to hearing your response.

Sincerely,



J. Gerald Hebert  
Executive Director



Meredith McGehee  
Policy Director