

February 11, 2020

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W. Suite 1110
Washington, DC 20024

Dear Mr. Ashmawy,

I respectfully request that the Office of Congressional Ethics (“OCE”) investigate Representative Pramila Jayapal’s use of public office for political gain. Representative Jayapal directly tied solicitations for campaign contributions to a House Rules Committee hearing on a bill that she introduced. The House Ethics Manual makes clear that this is cut and dry abuse of public office for political gain: “no solicitation of a campaign or political contribution may be linked to any action taken or to be taken by a Member...in his or her official capacity.”¹ House Rules also make clear that “[b]roadcast coverage and recordings of House floor proceedings may not be used for any political purpose under House Rule 5, clause 2(c)(1).”² In soliciting contributions in connection with her bill, Representative Jayapal implies that without monetary support the bill will not move forward. To so clearly state that official action requires a political contribution is an indefensible public shakedown. The conduct of Representative Jayapal is in clear contravention of House rules and merits OCE’s further investigation.

I. Background

On April 30, 2019, the House Rules Committee held a hearing on the Medicare for All Act of 2019, a bill introduced by Representative Jayapal of Washington’s 7th Congressional District.³ On the same day as the hearing, Representative Jayapal’s campaign Facebook solicited contributions via a direct link to the House Rules Committee hearing broadcast on C-SPAN (see figure 1). The post said to watch the testimony on C-SPAN and then “help me keep this momentum going by pitching in \$5.”

¹ Committee on Standards of Official Conduct, U.S. House of Representatives, House Ethics Manual, 150 (2008). *See also* Committee on Standards of Official Conduct, at 79.

² Committee on Standards of Official Conduct, *supra* note 1, at 128. *See also* 116th Congress, Rules of the House of Representatives, Rule 11, Cl. 4(b) (2019).

³ Press Release, Committee on Rules, U.S. House of Representatives, [Chairman McGovern, Congresswoman Jayapal, and Congresswoman Dingell Announce Historic Rules Committee Hearing on the Medicare for All Act](#) (Apr. 23, 2019); Press Release, Representative Pramila Jayapal, U.S. House of Representatives, [Jayapal, Dingell and more than 100 Co-Sponsors Introduce Medicare For All Act of 2019](#) (Feb. 28, 2019).



Figure 1. Facebook post from @pramila.jayapal on April 30, 2019.⁴

On that same day, Representative Pramila Jayapal’s campaign Twitter account announced that the hearing was being broadcast on C-SPAN and included a link to make a contribution to her campaign (see figure 2). The Twitter post said to watch the testimony on C-SPAN and then “pitch in \$5 today to keep this momentum going strong!”



Figure 2. Tweet from @PramilaJayapal on April 30, 2019.⁵

II. Law

According to the House Ethics Manual, “a solicitation for campaign or political contributions may not be linked with an official action taken or to be taken by a House Member or

⁴ Pramila Jayapal (@pramila.jayapal), [Facebook](#) (Apr. 30, 2019).

⁵ Pramila Jayapal (@PramilaJayapal), [Twitter](#) (Apr. 30, 2019).

employee, and a Member may not accept any contribution that is linked with an action that the Member has taken or is being asked to take.”⁶

18 U.S.C. § 201 makes it a crime for a public official, including a member, officer, or employee of the U.S. House, to ask for or receive gifts, money, or other things of value in connection with the performance of official duties.⁷

Broadcast coverage and recordings of House floor proceedings may not be used for any political purpose under House Rule 5, clause 2(c)(1).

Pursuant to House Rule 11, clause 4(b), radio and television tapes and television film of any coverage of a committee proceeding may not be used for any partisan political campaign purpose or be made available for such use.

The House Ethics Manual provides that “[t]he House buildings, and House rooms and offices – including district offices – are supported with official funds and hence are considered official resources. Accordingly, as a general rule, they may not be used for the conduct of campaign or political activities.”⁸

House Rule 23, clause 2 provides that members shall adhere to the spirit and the letter of House and committee rules. It has been interpreted to prohibit members from doing indirectly what they are barred from doing directly.⁹

III. Analysis

Representative Pramila Jayapal’s actions show that she impermissibly intertwined official House actions and resources with her campaign’s political activity. In two separate social media posts, Representative Jayapal’s campaign solicited contributions in order to keep “momentum going” for a bill she introduced, directly referencing or linking to broadcast coverage of a hearing for that bill.¹⁰ That hearing took place in room H-313 of the U.S. Capitol building.¹¹ While her conduct clearly shows disregard for House rules it also implicates federal anti-corruption laws.¹²

Criminal law and the Rules of the House prohibit members from soliciting a contribution linked to an official action.¹³ Members are also prohibited from accepting a contribution that a donor links to an official action that a member has taken or is being asked to take. By stating that her bill’s progress is predicated on donations, Representative Jayapal ties official actions to campaign contributions. Representative Jayapal has violated the prohibition that things of value cannot be solicited for performing her duly elected role. Here, Representative Jayapal’s predatory actions demonstrate at best, a willful ignorance of the rules, and at worst, a deliberate attempt to profit from official action.

⁶ Committee on Standards of Official Conduct, *supra* note 1.

⁷ 18 U.S.C. § 201; *see* Committee on Standards of Official Conduct, *supra* note 1, at 79.

⁸ Committee on Standards of Official Conduct, *supra* note 1, at 127.

⁹ Committee on Standards of Official Conduct, *supra* note 1, at 122.

¹⁰ Pramila Jayapal, *supra* note 4; Pramila Jayapal, *supra* note 5.

¹¹ Press Release, Committee on Rules, *supra* note 3.

¹² 116th Congress, Rules of the House of Representatives, Rule 5, Cl. 2(c)(1), Rule 11, Cl. 4(b), Rule 23 Cl. 2 (2019); 18 U.S.C. § 201.

¹³ 18 U.S.C. § 201; Committee on Standards of Official Conduct, *supra* note 1, at 79.

Additionally, Representative Jayapal used broadcast footage from official House proceedings to further a partisan political purpose. In this instance, the hearing for the Medicare for All Act of 2019 was held before the House Rules Committee and was broadcast on C-SPAN.¹⁴ C-SPAN provides unedited, live proceedings of the U.S. House of Representatives and the U.S. Senate.¹⁵ House rules forbid footage of committee proceedings from being used for partisan political campaign purposes.¹⁶ Representative Jayapal's misappropriation of the coverage of official House business to solicit contributions for her campaign is in violation of the Rules of the House.

Further, Representative Jayapal used official resources for campaign activities. House buildings, rooms, and offices are supported with official funds and therefore are considered to be official resources; they cannot be used for political or campaign activity.¹⁷ Representative Jayapal, by using a hearing being held in the U.S. Capitol to solicit campaign contributions, is in conflict with the provisions of the House Ethics Manual forbidding official resources from being used for campaign activities.

House Rule 23, clause 2 requires members to adhere not only to the spirit of the rules, but also to the letter of the rules, and has been interpreted to prohibit members from doing indirectly what they are barred from doing directly.¹⁸ If Representative Jayapal had sat in a smoke-filled room in a House office building and solicited a campaign contribution for advancing legislation, that would violate all principles of honest and decent government. Merely because she has taken that solicitation public via social media does not make it acceptable.

IV. Request for Action

I respectfully request the OCE to investigate Representative Pramila Jayapal's solicitation of campaign contributions with the use of House resources and in connection to official action of the U.S. House. Citizens depend on the OCE to investigate and, where due, refer for reprimand. The OCE should commence corrective action to deter future ethical transgressions in furtherance of the public trust.

Sincerely,



Caitlin Sutherland
Executive Director

¹⁴ C-SPAN, ["Medicare for All" House Hearing](#) (Apr. 30, 2019).

¹⁵ C-SPAN, [Our Mission](#).

¹⁶ 116th Congress, Rules of the House of Representatives, Rule 5, Cl. 2(c)(1), Rule 11, Cl. 4(b) (2019).

¹⁷ Committee on Standards of Official Conduct, *supra* note 1, at 127.

¹⁸ 116th Congress, Rules of the House of Representatives, Rule 23, Cl. 12 (2019); Committee on Standards of Official Conduct, *supra* note 1, at 122.