

HEARING BEFORE THE HOUSE COMMITTEE ON OVERSIGHT AND REFORM

FEBRUARY 6, 2019

TESTIMONY OF WALTER M. SHAUB, JR.
FORMER DIRECTOR, U.S. OFFICE OF GOVERNMENT ETHICS
SENIOR ADVISOR, CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON

Chairman Cummings, Ranking Member Jordan, and members of the Committee, thank you for the invitation to appear before the committee to talk about the framework for government ethics in the executive branch and the reforms proposed in H.R. 1, the For the People Act. I applaud the members of this committee and other members of Congress for putting together this thoughtful piece of legislation and moving it quickly into the legislative process. This is an important bill that proposes necessary reforms to restore government integrity.

Before leaving government in July 2017, I served as Director of the Office of Government Ethics (“OGE”). I spent almost 14 years of my life working for OGE, having come up through the ranks as a career public servant. In that time, I worked closely with the Bush, Obama and Trump White Houses. Between my time at OGE and my work related to federal employment law, I have devoted my entire professional career to government ethics and the merit systems principles. I have first-hand experience implementing government ethics reforms and am intimately familiar with the limitations of the existing executive branch ethics program. Based on this experience, I know how urgently the ethics program needs reform. I am here today to endorse H.R. 1 and offer a few suggestions for refining it. First, I would like to tell you about the program OGE administers and the ethics crisis in the executive branch.

I. The Office of Government Ethics

Although its roots date back much further, the current framework for ethics in government was born out of the Watergate scandal in the 1970s. The betrayal of American values by a sitting President profoundly shook the public’s trust in government. Congress responded by enacting sweeping government reforms that included the Ethics in Government Act of 1978, the Inspector General Act of 1978, and the Civil Service Reform Act of 1978.

Among other things, the Ethics in Government Act established a special prosecutor position, new financial disclosure requirements, a blind trust program and a number of new substantive restrictions on federal officials. The Ethics in Government Act also created OGE, initially establishing it as a component of the Office of Personnel Management (“OPM”). Nothing in that law would have directly prevented the events that set into motion the demise of the Nixon presidency, nor would the law have prevented the conduct described in the Nixon articles of impeachment. Nevertheless, the law provided the executive branch with what President Jimmy Carter called “added tools to ensure that the Government is open, honest, and is free from conflicts of interest.” More broadly, the law aimed to foster an ethical culture in government that might earn back some of the public’s trust. President Carter spoke of restoring “public confidence in the integrity of our Government.” A little over two decades later, Senator

Susan Collins (R-ME) would echo this sentiment, explaining that “the whole purpose of our ethics laws is to assure the public that federal officials are making decisions that are free from conflicts of interest, the purpose of the laws, thus, is to promote public confidence in the decisions of government officials.”

In pursuit of this aim, the Ethics in Government Act, as amended, declares OGE the “supervising ethics office” for the federal executive branch. The law grants OGE responsibility for providing “overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency.” As this statutory language makes clear, the primary objective of the executive branch ethics program is one of *prevention*.

The mission of prevention is distinct from enforcement. The Ethics in Government Act severely restricts OGE’s authority to do much more than offer advice and, when necessary, sound the alarm. Its language includes discussion of investigative and corrective action, but in practice it gives OGE no real power to conduct investigations or take corrective action against executive branch officials.

In 1988, Congress passed a law that would move OGE out of OPM and make it a separate agency, as well as upgrade the Director position by designating it as an Executive Schedule Level III position. As part of this reorganization, Congress imposed new procedural restrictions on OGE’s limited authority to order an official to cease an ongoing violation. The next year, Congress passed the Ethics Reform Act of 1989, which, among other things, gave OGE authority to “notify” financial disclosure filers of steps that would be “appropriate” to resolve conflicts of interest and disclosure issues identified through its review of their financial disclosure reports.

The Ethics Reform Act did not, however, give OGE any significant new investigative or enforcement authority. If a filer were to disregard OGE’s notification of appropriate steps needed to resolve ethics issues, OGE could only notify the head of the filer’s agency or the President. In deciding not to give OGE investigative authority, Congress may have concluded that the investigative authority of the special prosecutor position, which was renamed the Independent Counsel in 1983, sufficiently protected the executive branch. But Congress later let the authorizing provisions for the Independent Counsel position expire in 1999.

As a result, OGE lacks any real enforcement authority and there is an investigative gap in the executive branch. OGE can request records and information from agencies, can ask them to conduct investigations, and can recommend disciplinary action; however, OGE is powerless if they ignore its requests and recommendations. In theory, OGE can also order employees to cease ongoing ethics violations, but the statutory restrictions imposed in 1988 render this authority unusable. OGE cannot use this authority to order employees to cease ongoing violations of the various criminal conflict of interest laws because OGE is statutorily prohibited from making any finding related to criminal law. Even as to noncriminal matters, such as ongoing violations of the misuse of position and gift regulations, the amended Ethics in Government Act gives a suspected violator the power to decide whether OGE may conduct a fact-finding hearing. The Department of Justice (“DOJ”) has interpreted the law as requiring an

Administrative Law Judge (“ALJ”) – rather than OGE’s Director – to preside over any such hearing and has forced OGE to incorporate this requirement in its corrective action regulation.

Thus, any attempt by OGE to order an employee to cease an ongoing noncriminal violation would follow a tortured route to a likely futile end. The process begins with OGE asking the employee to stop a suspected ongoing violation. If the employee refuses, OGE next asks the administration to put a stop to the employee’s suspected violation. If the administration also refuses, OGE can invoke its corrective action procedure. But if the employee requests a fact-finding hearing, OGE must then request assignment of an ALJ by the same administration that previously refused to stop the violation. If the administration refuses to assign an ALJ, OGE’s process grinds to a halt. If, on the other hand, the administration assigns an ALJ, OGE bears the burden of proving to the ALJ that a violation has occurred and is ongoing. OGE will find it difficult to meet its burden of proof because, as a practical matter, it has no real means to gather evidence from an uncooperative administration before the hearing. If, despite all these obstacles, OGE completes this process and is able to issue an order directing the employee to stop the violation, OGE will be powerless in the event that the employee and the administration choose to ignore its order.

In contrast to OGE, other executive branch entities have investigative authority and enforcement authority. The public is now well familiar with DOJ’s special counsel position, currently held by Robert S. Mueller III, which is a lineal descendent of the Ethics in Government Act’s Independent Counsel position, though with reduced independence. (The final rule noticing the special counsel regulations in 1999 explained that, “The Attorney General is promulgating these regulations to replace the procedures set out in the Independent Counsel Reauthorization Act of 1994.”) There is also the Office of Special Counsel (“OSC”), a separate agency unrelated to DOJ’s special counsel. OSC was created by the same wave of reforms that created OGE, but Congress gave OSC investigative authority over violations of the Hatch Act, an ethics law that prohibits misuse of official position to influence a partisan election, and certain prohibited personnel practices. OSC can also initiate disciplinary proceedings against career-level officials. In addition, Inspectors General have authority to conduct investigations in the major executive branch agencies, but they lack jurisdiction over dozens of small agencies and the White House.

In the absence of the enforcement tools possessed by other government entities, OGE possesses only the soft power that comes from the ability of its Director to persuade or shame officials into doing the right thing. In reality, the ethics program rests delicately on a set of ethical norms that depend on the President to set an ethical example and make ethics a priority for his administration. Tone from the top is everything. The program works reasonably well if the President is committed to government ethics or is sensitive to public opinion. The program is destined to fail if the President lacks a commitment to government ethics and is impervious to shame.

This arrangement was never ideal, but it worked fairly well in many respects for nearly four decades. My own experiences working closely with the administrations of George W. Bush and Barack Obama convinced me that government ethics is not a partisan issue. Both of those administrations were enthusiastic supporters of OGE. In fact, one of OGE’s biggest sources of leverage was the willingness of the White House Counsel’s office to intervene if an agency or

senior official ignored the guidance of ethics officials. A second source of leverage was OGE's ability to withhold certification of the financial disclosure reports of presidential nominees until they committed to resolve their conflicts of interest, inasmuch as the Senate traditionally would not schedule a confirmation hearing until a nominee obtained this certification. OGE's only other source of leverage was its ability to object publicly if government officials strayed from the ethical norms undergirding the ethics program. In a report accompanying OGE's first reauthorization in 1983, the Senate Committee on Governmental Affairs emphasized the importance of OGE being able to go public with its concerns. Traditionally, OGE found that the mere possibility that it could go public was generally enough to prevent problems. That was certainly my experience in the Bush and Obama administrations, but not in the Trump administration.

II. The Ethics Crisis

We now find ourselves in an ethics crisis that jeopardizes not only public trust in government but also national security. This crisis has exposed the fragility of the framework for executive branch ethics. The trigger was the government's departure from ethical norms.

The point of departure was January 11, 2017. On that date, then President-elect Donald Trump held a press conference in which he broke with the norm that had been followed by every president elected since the enactment of the Ethics in Government Act. During the press conference, President-elect Trump's private attorney explained that he would not be divesting any part of his sprawling empire of conflicting financial interests. Instead, President-elect Trump took the meaningless step of placing his assets in a revocable trust. The trust is not blind, he has not diminished his financial interest in its assets, and two of his sons serve as trustees of the trust. From a conflicts of interest perspective, the trust serves absolutely no purpose whatsoever.

As a result of this departure from a critical ethical norm, the citizens of this nation have no way of knowing how the President's personal financial interests may be influencing public policy. We do not even know the full scope of his financial interests. The applicable financial disclosure requirements do not require him to disclose needed information about his privately held companies, such as the nature of their business activities, the extent of their liabilities, the identities of their lenders or business partners, and their sources and amounts of income. President Trump has compounded the problem by breaking with the related tradition of past Presidents and presidential candidates releasing their tax returns.

Despite his decision to retain conflicting assets, President Trump has not even tried to mitigate his conflicts of interest. He has not, for instance, directed his high-level appointees to refrain from visiting his properties or even chosen to refrain from visiting them himself. To the contrary, he and members of his administration are frequently seen at his properties, including at events sponsored by outside organizations. In addition, he has not chosen to provide the public with supplemental disclosures of information regarding the activities and liabilities of his businesses. As a result, we know little about how President Trump's conflicting financial interests are influencing his conduct in office.

What we do know about his conduct has only raised more questions. Did his financial interests influence his response to the recent brutal murder of a Washington Post journalist – a resident of my home state – by individuals associated with the Saudi government? Did they influence his administration’s foot-dragging with respect to the imposition of sanctions on certain Russian businesses? Did they influence the announcement in December that his administration would seek to lift sanctions on the business interests of Russian oligarch Oleg Deripaska? Did they influence his decision to help Chinese telecommunications giant ZTE after China lent money to a project in Indonesia that may benefit the Trump Organization and after China granted his daughter trademarks? Did they influence the decision to scrap the roughly decade-long planning for the relocation of the FBI headquarters, which could have created an opening for a competitor to move in near his Washington, D.C. hotel? What other policies might have been influenced by President Trump’s vast portfolio of retained financial interests?

The truth is that we have no way of knowing at this point, but the burden of proof is not on the people. The people have entrusted the President with great power; it is his responsibility to demonstrate that he is using that power solely to advance their interests and not his or his family’s interests. Instead, what he has shown us is his willingness to misuse public office for private gain. President Trump has visited his own properties on about 30% of his days in office, and each one of these visits has the appearance of an advertisement for those properties. He often touts his properties, as he did just this past weekend when he tweeted: “Great morning at Trump National Golf Club in Jupiter, Florida with @JackNicklaus and @TigerWoods!” Money appears to have flowed from the federal government, his presidential campaign and his inaugural fund to the Trump Organization or individuals associated, directly or indirectly, with the Trump Organization. Foreign governments, state governments, businesses, political organizations, candidates, charities and others who seek to influence the federal government also appear to be funneling money to him through his properties.

The government’s ethical norms have included an expectation that modern presidents and other executive branch officials will seek to avoid even the appearance of a conflict. But, at a time when the Trump administration was expanding its reliance on private prisons, GEO Group, a government contractor that operates private prisons, hosted an event at one of his properties. For three dues-paying members of Mar-a-Lago, the perks of membership at the President’s club appear to have included the opportunity to help oversee the Department of Veterans Affairs. Some of his nominees and appointees appear to be dues paying members of his clubs. Last October, the Washington Post ran a piece titled, *How \$100,000 of pay-for-play access changed U.S. Syria policy*, describing what may have been instances of an individual effectively buying access to the President and seeming to influence policy as a result. Another Trump associate, Sheldon Adelson, reportedly gave \$5 million to President Trump’s inauguration, and Adelson and his wife gifted half a million dollars to a secretive legal defense fund for members of President Trump’s campaign and administration who are caught up in investigations related to the 2016 election. Mr. Adelson appears to have influenced Trump administration policies, and his wife even received a presidential medal. At a minimum, there is a strong appearance of pay-to-play in the Trump administration. President Trump has chosen to do nothing to allay this concern, and the reality may be worse than anything we fear.

This bad tone from the top has infected appointees of this administration. As of this hearing, four cabinet secretaries have stepped down under the cloud of ethics issues: Secretaries Tom Price, Scott Pruitt, David Shulkin, and Ryan Zinke. The Director of the Centers for Disease Control, Brenda Fitzgerald, and the Director of the Bureau of Indian Affairs, Bryan Rice, resigned amid ethics concerns. Several presidential appointees and advisors appear to have resigned under the cloud of an investigation, ethics or conduct issues, or security clearance concerns, including Michael Flynn, Sebastian Gorka, Carl Higbie, John McEntee, Rob Porter, Elizabeth Walsh, Taylor Weyeneth and possibly others. OSC has determined that several Trump appointees violated the Hatch Act, including Jessica Ditto, Nikki Haley, Dan Scavino, Raj Shah, Madeleine Westerhout, Helen Aguirre Ferre, Alyssa Farah, and Jacob Wood. Counselor to the President Kellyanne Conway has the rare distinction of being a presidential appointee who has violated both the ethical standards of conduct and, on not one but two occasions, the Hatch Act. Secretary Elaine Chao did a series of interviews with her father that seemed to promote his personal business interests. In addition, there are dozens of pending ethics-related investigations of Trump administration officials, including investigations that involve agency heads.

In the midst of this crisis, OGE is conducting exactly zero investigations – because OGE has no real investigative authority and no practical ability to impose corrective action on any executive branch official. The Trump administration has simply ignored OSC’s Hatch Act findings. The administration also continues to ignore the guidance of career ethics officials, a fact made evident by acting Attorney General Matthew Whitaker, who has admitted to ignoring his agency’s ethics officials, and Attorney General nominee William Barr, who has admitted that he plans to ignore agency ethics officials whenever he disagrees with them. In short, the ethics crisis in the executive branch is spreading, and reform is desperately needed.

III. House Bill H.R. 1 – the For The People Act

The bill under consideration, H.R. 1, the For The People Act, does much to kick off what I hope will be a wave of ethics reform. I like that H.R. 1 increases OGE’s independence, gives OGE some needed teeth, strengthens ethics laws, and increases transparency. The bill is not merely focused on the current crisis but also addresses longstanding issues with the executive branch ethics program. Far from focusing only on the current administration, this bill proposes new integrity measures that would apply to all future Presidents regardless of party affiliation. I urge Congress to pass this bill.

Parts of H.R. 1 address issues that predate the current administration, and I’m glad to see this committee begin to address these issues with some long-overdue reforms. For example, when former Treasury Secretary Jack Lew initially left Wall Street to join the State Department in 2009, he received a large bonus from his employer. His employment contract let him keep this bonus specifically because he landed a high-level position in the new Obama administration. Big payouts for people going into government raise questions about their continuing loyalty to former employers, and I’m glad to see a provision in H.R. 1 addressing this issue. I would recommend expanding this provision to include a four-year recusal obligation on the part of any appointee who received a discretionary payment *before or after* entering government. Language could be added to 18 U.S.C. § 208 prohibiting an individual from participating personally and substantially as a government official in any particular matter affecting the financial interests of a

person or entity that made a discretionary payment exceeding \$10,000 after learning the individual was being considered for a position in, or was employed by, the United States government. An exception could apply if the payment would have been made even if the individual had gone to work for a nongovernmental employer.

H.R. 1 would establish a number of other helpful restrictions. I especially like that this bill would lengthen the post-employment restriction for senior employees from the current period of one year to a period of two years after they leave government. I think the bill also goes far toward ensuring the integrity of government operations by requiring recusal from certain matters involving former employers and clients. The bill would also increase transparency by requiring disclosure of certain information about a political appointee's prior work soliciting donations for political organizations. The bill would remove a number of the procedural restrictions, at 5 U.S.C. app. § 402(f), that have prevented OGE from using its authority to take corrective action. I'm also pleased to see that this bill enhances the continuity of OGE's operations by granting a one-year extension of the Director's five-year term until a replacement can be appointed. Another key provision would make OGE's Director removable only for cause, which would help insulate the ethics program from political pressure.

Significantly, H.R. 1 would also give OGE the ability to communicate directly with Congress on matters of importance to the government ethics program. Inspectors General, OSC and the Merit Systems Protection Board ("MSPB") can communicate directly with Congress, but OGE currently needs to clear communications with Congress through the Office of Management and Budget ("OMB"). This political review is an institutional weakness in the ethics program that deprives OGE of needed independence and Congress of needed information. There is no good reason for treating OGE differently than other parts of the government integrity system.

Along the same lines, I think it would strengthen OGE's independence if you would consider eliminating a requirement, at 5 U.S.C. app. § 402(a) - (b), that OGE must consult OPM before issuing or amending its own regulations. This unnecessary requirement, which OGE has asked the Committee to eliminate, is a holdover from OGE's time as a component of OPM that is completely unnecessary. OMB's regulatory review process affords all agencies, including OPM, ample opportunity to negotiate changes to OGE's draft regulations before OGE is permitted to publish a notice of proposed rulemaking. Requiring OGE to consult separately with OPM before initiating OMB's regulatory review process only serves to give the administration an additional opportunity to slow or stop OGE's regulatory efforts quietly.

Another important feature of H.R. 1 that may not get a lot of attention is its requirement of increased transparency for ethics records, including waivers of ethics requirements. The bill would require the executive branch to post many of these records online for public viewing. In section 8034, I would recommend eliminating the language "made available by agencies" in the proposed 5 U.S.C. app. § 402(f)(5)(A) to make online posting of all covered records mandatory. I would also recommend revising the description of covered records to read: "all approvals, authorizations, certifications, compliance reviews, determinations, directed divestitures, evidence of compliance with ethics agreements, noncareer public financial disclosure reports, notices of deficiency, program reviews, records regarding the approval or acceptance of gifts, recusals, regulatory or statutory advisory opinions, and waivers, as well as other categories of records

designated by the Director, that are issued or collected by executive branch officials under government ethics laws, executive orders, regulations or policies, except for classified records.” I would further recommend explicitly requiring that agencies, including the White House, create all of these types of written records in all cases and provide them to OGE.

The proposal in section 8034 to give OGE authority to impose disciplinary action would strengthen the ethics program. It would help to clarify in a committee report or in the bill that this language is not intended to override due process protections for career officials. Because the Constitution would prevent OGE from terminating a presidential appointee, I would recommend that you consider an additional enforcement provision applicable to presidential appointees. You could consider granting OGE authority to assess significant fines from presidential appointees or to pursue civil monetary penalties against them in court. The Ethics in Government Act already contains a provision, at 5 U.S.C. app. § 104, that authorizes OGE to assess modest late fees for tardy financial disclosure filings. You could establish large fines or monetary penalties in the event that a presidential appointee violates OGE’s standards of conduct regulations. You could similarly increase OSC’s authority with respect to Hatch Act violations by presidential appointees.

Another important provision of H.R. 1 would grant OGE subpoena authority. This provision would improve OGE’s ability to obtain records and information. You could also consider more broadly filling the investigative gap in the executive branch by creating an executive branch-wide Inspector General position, something I proposed in 2017 to the then Chair and Ranking Member of this committee. My proposal was that this special Inspector General would have ordinary investigative jurisdiction over career and noncareer appointees serving in the dozens of agencies that lack Inspectors General. The special Inspector General would also have supplemental jurisdiction over any presidential appointee serving anywhere in the executive branch, but only upon receipt of a referral indicating that OGE suspects a possible ethics violation.

In the section addressing the presidential transition, there is a commendable proposal that would require each President-elect to release a written ethics plan. This transparency measure would strengthen public confidence in presidential transitions because it would require the President-elect to disclose in detail how the presidential transition team manages ethics issues. In addition, this section would require disclosure of the steps that the President-elect will take to resolve personal conflicts of interest. I would encourage you to consider making this personal conflict of interest disclosure a component of the public financial disclosure reports that presidential candidates must file shortly after declaring their candidacy. I would also recommend adding a substantive requirement that the candidate must identify with specificity each financial interest that the candidate, if elected, would divest. Including this information in the candidates’ financial disclosures would empower voters to factor ethics into their evaluation of the candidates vying for their parties’ nominations. The competition among candidates might even produce a bidding war, with candidates who receive negative feedback from voters opting to amend their ethics plans to add more stringent ethics commitments.

Relatedly, I think the bill’s language expressing the sense of Congress that a President should divest conflicting assets is a positive step toward reestablishing the critical ethical norm

that existed prior to this administration. I would have found such statutory language helpful when I served as OGE's Director. I would also like to see Congress go further and require the President-elect to divest all assets that pose a substantial risk of conflicts of interest. Citizens for Responsibility and Ethics in Washington (CREW) and Public Citizen have issued a joint report proposing this requirement. With appropriate exceptions for minor or low-risk holdings and the availability of OGE's qualified blind and diversified trust process, Presidents can *and should* be held to ethical standards that are comparable to those that apply to their cabinet appointees.

I'll close by emphasizing that the integrity of a nation is at stake. The momentum of four decades of ethics reform came to an abrupt halt on January 11, 2017. The destruction of governmental norms did not stop with the ethics program, but the ethics program was the proverbial canary in the coal mine. Congress must act before the poisonous fumes of self-interest destroy what is left of the public's trust in government. Strengthening the ethics program is a good place to start. The Supreme Court has written that a conflict of interest is "an evil which endangers the very fabric of a democratic society, for a democracy is effective only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of . . . corruption."

Thank you for the opportunity to address the committee today. I respectfully request that this written testimony be entered into the record of this hearing. I am also happy to answer any questions members of the committee may have.

Walter M. Shaub, Jr.

Walter M. Shaub Jr. is an expert on government ethics, who served as the Senate-confirmed Director of the U.S. Office of Government Ethics (OGE) from January 2013 until July 2017. As OGE's Director, Shaub led both OGE's staff and the executive branch-wide ethics program. At the time, OGE was a 75-employee organization with a \$16 million annual budget, and the executive branch ethics program comprised approximately 4,500 agency ethics officials supporting a federal workforce of millions. The position also entailed *ex officio* roles on the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and CIGIE's Integrity Committee.

Shaub served at OGE for a total of nearly 14 years as a staff attorney, a supervisory attorney, Deputy General Counsel and, finally, Director. Shaub also served in the General Counsel offices of the U.S. Department of Health and Human Services and the U.S. Department of Veterans Affairs. Outside the government, Shaub has worked at Citizens for Responsibility and Ethics in Washington, the Campaign Legal Center, and the law firm of Shaw, Bransford, Veilleux & Roth, P.C. Since September 2017, Shaub has also been a CNN contributor. He has devoted his professional career to the subjects of government ethics, the merit systems principles, prohibited personnel practices, and federal labor and employment law.

Shaub received the 2018 Nesta Gallas Award for Exemplary Professional Service in Public Service from the American Society for Public Administration, as well as a 2018 Distinguished Alumni Award from James Madison University. He testified before the then House Oversight and Government Reform Committee at a December 2015 hearing on OGE's reauthorization.

Shaub is licensed to practice law in the Commonwealth of Virginia and the District of Columbia. He graduated with a J.D. from American University's Washington College of Law in 1996 and a B.A. in History from James Madison University in 1993.

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: House Committee on Oversight and Reform

Subcommittee: n/a (full committee)

Hearing Date: February 6, 2019

Hearing Subject:

The hearing will examine H.R. 1, the For the People Act, introduced by Rep. John Sarbanes on January 3, 2019. The Committee on Oversight and Reform will evaluate the proposals of H.R. 1 in the Committee's jurisdiction, including Title VIII of the bill, the Access to Congressionally Mandated Reports Act, and the Election Day Holiday Act. My testimony will focus primarily on government ethics provisions of H.R. 1.

Witness Name: Walter M. Shaub, Jr.

Position/Title: Senior Advisor, Citizens for Responsibility and Ethics in Washington

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

Citizens for Responsibility and Ethics in Washington (CREW) in Washington, D.C.
(I will be representing CREW. In addition, I will be testifying based on my own personal experience as a former Director of the U.S. Office of Government Ethics.)

If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

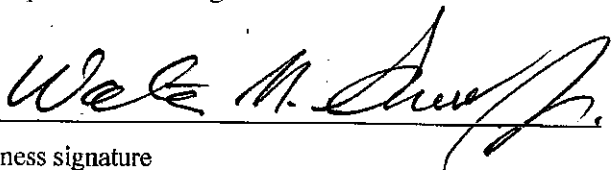
none

If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

none

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

February 4, 2019

Date

If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.

Written statement of proposed testimony

Curriculum vitae

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.