

ALAN GRAYSON
9TH DISTRICT, FLORIDA

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY
SUBCOMMITTEE ON ENERGY,
RANKING MEMBER

SUBCOMMITTEE ON ENVIRONMENT
SUBCOMMITTEE ON OVERSIGHT

COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON
WESTERN HEMISPHERE

SUBCOMMITTEE ON
MIDDLE EAST AND NORTH AFRICA

HELSINKI COMMISSION, MEMBER

USHR OCE OCT07'15 AM09:38

Congress of the United States
House of Representatives
Washington, DC 20515-0909

303 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-9889

ORLANDO DISTRICT OFFICE
5842 SOUTH SEMORAN BOULEVARD
ORLANDO, FL 32822
(407) 615-8889

KISSIMMEE DISTRICT OFFICE
101 CHURCH STREET
SUITE 550
KISSIMMEE, FL 34741
(407) 518-4983

grayson.house.gov

The Honorable David Skaggs
Office of Congressional Ethics
U.S. House of Representatives
425 3rd Street, S.W., Suite 1110
Washington, D.C. 20024

RE: **Complaint against Representatives**
Kevin McCarthy and Harold "Trey" Gowdy

Dear Mr. Skaggs:

Pursuant to Rule 3(a) of the Office of Congressional Ethics Rules for the Conduct of Investigations, this letter constitutes a complaint against Representatives Kevin McCarthy and Harold "Trey" Gowdy for flagrant violations of 31 U.S.C. § 1301(a) and the regulations implementing that statute by the House Committee on Administration, in the Committees' Congressional Handbook. Specifically, Representatives Kevin McCarthy and Trey Gowdy violated federal law and House rules by using official funds appropriated to the Select Committee on Benghazi to pay political or campaign-related expenses.

Federal law requires that appropriated funds may only be used for the purposes for which they were appropriated.¹ House Administration Committee regulations implement this law by requiring that: "Committee funds may only be used to support the conduct of official business of the committee. Committee funds may not be used to defray any personal, political or campaign-related expenses"² The House Ethics Manual stresses that this general prohibition against the use of

¹ 31 U.S.C. § 1301(a).

² Committee on House Administration, U.S. House of Representatives, *Committees' Congressional Handbook* (1999).

official resources for campaign or political purposes "applies not only to any Member campaign for re-election, but rather to **any** campaign or political undertaking" (emphasis in original).³ The prohibition applies to "campaigns for the Presidency" and it applies "whether the Member is a candidate or is merely seeking to support or assist (or oppose) a candidate in such a campaign."⁴

House Resolution No. 567 established the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi (the "Select Committee on Benghazi") for the purpose of conducting an investigation of the attacks on United States facilities in Benghazi, Libya on September 11, 2012.⁵ The resolution specified that the operations of the Select Committee on Benghazi "shall be paid out of applicable accounts of the House of Representatives" (which are appropriated funds), and required that these appropriated funds "be expended in accordance with regulations prescribed by the Committee on House Administration."⁶ Accordingly, no funds appropriated to the Select Committee on Benghazi may be used for political or campaign-related purposes, and specifically (as noted *supra*) not to "oppose a candidate in . . . a campaign."

Representative Kevin McCarthy and Trey Gowdy have violated federal law and House rules by using funds appropriated to the Select Committee on Benghazi to oppose the Presidential candidacy of Hillary Clinton. On September 29, 2015, Representative McCarthy appeared on *The Sean Hannity Show* on Fox News, and he stated that the true purpose of the Select Committee on Benghazi was not to investigate the tragic death of four Americans killed during the terrorist attacks on U.S. facilities in Libya, but rather to drive down the poll numbers of Presidential candidate Hillary Clinton. Specifically, Representative McCarthy stated that: "Everybody thought Hillary Clinton was unbeatable, right? We put together a Benghazi special committee, a select committee. What are her numbers today? Her numbers are dropping. Why? 'Cause she is untrustable. But no one would've known any of that had happened had we not fought and made that happen."⁷ This is a clear and unequivocal misuse of appropriated funds for political purposes, which is prohibited by the regulations of the Committee on House Administration.

³ Committee on Standards of Official Conduct, *House Ethics Manual* 124 (2008 ed.).

⁴ *Id.*

⁵ H. Res. 567, § 3(a), 113th Cong., 2nd Sess. (2014).

⁶ H. Res. 567, § 5(c), 113th Cong., 2nd Sess. (2014).

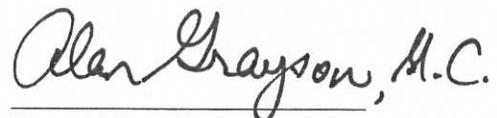
⁷ Vox, "A Top Republican Was Accidentally Honest About the Benghazi Investigation," <http://www.vox.com/2015/9/30/9423339/kevin-mccarthy-benghazi>

Congressman Gowdy is the Chair of the Benghazi Committee. He has dragged out the work of the Committee for 17 months already, a period longer than Congress investigated Watergate. According to public reports, the Committee hasn't held a single hearing since January. Congressman Gowdy evidently has dragged out the work of the Committee so that it would coincide with the Democratic Presidential Primary race. In the meantime, the Committee under Gowdy's leadership has subpoenaed State Department employees and others close to former Secretary Clinton, in an apparent effort to generate anti-Clinton information and disinformation.

Accordingly, the Office of Congressional Ethics should conduct a complete investigation regarding the extent to which Representative McCarthy, Representative Gowdy and others unknown illegally used appropriated funds for political or campaign-related purposes.

I understand that 18 U.S.C. § 1001 applies to the information that I am providing. To the best of my ability, I affirm that the evidence submitted was not obtained in violation of any law, rule or regulation.

Sincerely,


Rep. Alan Grayson