



FACT SHEET

HOUSE ETHICS COMMITTEE INVESTIGATION CLEARS U.S. REPRESENTATIVE CAROLYN CHEEKS KILPATRICK (D-MICH)

February 26, 2010

The U.S. House Committee on Standards of Official Conduct (“House Ethics Committee”) has just announced that it has completely cleared U.S. Rep. Carolyn C. Kilpatrick (D-Mich.) in its investigation of the attendance, by several Members of the Congressional Black Caucus, of the Carib News Foundation Conference in 2008. The House Ethics Committee fully adopted the finding of an Investigative Subcommittee that ***Congresswoman Kilpatrick “did not knowingly violate any provision of the House gift rule or other applicable rules of conduct when she accepted payment or reimbursement of travel to the 2008 conference.”*** House Ethics Committee, *Investigation Into Officially Connected Travel of House Member to Attend the Carib News Foundation Multinational Business Conferences*, 111th Cong., 2d Sess. p. 11 (Feb. 25, 2010)(“House Ethics Report”). The House Ethics Report concludes that ***“Representative Kilpatrick followed the procedures in place at the time for pre-travel approval and did, in fact, receive approval from the Standard Committee.....”*** House Ethics Report, p. 183.

Under its procedural rules, the House Ethics Committee was also required to release a report prepared earlier by the Office of Congressional Ethics (“OCE”), an office set up by the House to review ethics complaints against House Members before they are referred to the Ethics Committee. The OCE Report—as the House Ethics Committee also explained—was improperly conducted, is inaccurate in numerous respects, misapplies the ethics rules and is devoted, in large part, to a 2007 trip that Congresswoman Kilpatrick did not attend and that has nothing to do with her.

Here are the facts relating to the Congresswoman’s attendance of the 2008 Carib News Conference and the Ethics Committee investigation of that trip:

House Rules on Privately-Sponsored Travel. At the beginning of the 110th Congress (2007), the House adopted new rules about payment of expenses by private companies and organizations for travel by Members of the House. Under the rules, a Member is permitted to accept, from a private source, travel expenses for international travel related to the official duties of the Member—for example, attendance at a meeting or a speaking engagement—for a trip of up to seven days, exclusive of travel time. (House Rule 25, clause 5(b)(1)(A), (b)(4); House Ethics Manual pp. 90, 93 (2008 ed.)). The new rules provide, however, that a Member *cannot* accept travel expenses from an entity that employs or retains registered lobbyists, unless the trip is limited to one day. (House Rule 25, clause 5(b)(1)(C); House Ethics Manual, pp. 92-93).

The rules allow a Member participating in an officially-connected trip to accept travel expenses, from the private source, for one relative. (House Rule 25, clause, 5(b)(4)(D); House Ethics Manual, p. 101).

The new rules also set up a procedure for mandatory advance approval of privately-sponsored travel, by the House Ethics Committee, so that Members can be sure they are complying with the rules. *First*, the private sponsor must fill out, and submit to the Member's office, a "Private Sponsor Travel Certification Form" in which the entity sponsoring the trip must, among other things, certify who is paying the expenses for the trip. *Second*, the Member fills out a "Privately Sponsored Travel: Traveler Form," providing information about the proposed trip, and attaching the "Private Sponsor" form. *Third*, the Ethics Committee then reviews the information and decides whether to approve the trip; if it does approve, it issues a written approval letter to the Member. *Fourth*, after the trip, the Member must fill out a "Post-Travel Disclosure Form," setting out, among other things, the amount of expenses actually reimbursed by the private sponsor—information the Member is supposed to obtain from the sponsor.

The Carib News Conference and Its Sponsor: Carib News is a weekly newspaper that has been in existence for 28 years, serving the Caribbean –American community. A private foundation established by the publication, the Carib News Foundation, is devoted to strengthening ties between the Caribbean American and African-American communities in the U.S. For the last 13 years, first the company, then the Foundation, have sponsored an annual Caribbean Multi-National Business Conference, bringing together federal and state officials and business leaders from the U.S. and leaders of the Caribbean nations.

Congresswoman Kilpatrick has attended several of the conferences in the past. She did *not* attend the 2007 Conference. In 2008, she was invited, by the leader of the Government of St. Maarten, N.A., to attend and speak at the 2008 Conference, to be held in St. Maarten, from November 6th through the 9th, 2008. As then-Chair of the Congressional Black Caucus, the Congresswoman was invited to speak at the opening business session, on "Building Alliances for Progress," together with the leader of the St. Maarten Government; and to attend the other workshops and panel presentations, as well as a closed door meeting limited to Members of Congress and Prime Ministers and ministers of Government of several Caribbean nations.

The Congresswoman determined that she would accept the invitation to attend and speak at the 2008 Conference.

Congresswoman Kilpatrick Followed All of the Proper Procedures. Following the proper procedures, the Congresswoman's office obtained from the trip sponsor the filled-out "Private Sponsor Travel Certification Form" (attached to this Fact Sheet as Tab 1). That form, filled out and signed by Karl Rodney, head of Carib News, represented that Carib News Foundation itself was paying all the costs of the trip—specifically, that "the trip sponsor(s) has not accepted from any other source funds earmarked directly or indirectly to finance any aspect of the trip." (Tab 1, item 3). On item 9(b) of the Form, Carib News stated that the trip sponsor, *i.e.*, Carib News itself, does not retain any registered lobbyists.

The Congresswoman then filled out and signed the “Privately Sponsored Travel: Traveler Form” (attached to this Fact Sheet as Tab 2). She submitted that form to the Ethics Committee, together with the “Private Sponsor Travel Certification Form.” Rep. Kilpatrick’s form indicated that she would not be accompanied by a family member. The Congresswoman then submitted a revised form, however, indicating that she would be accompanied by her sister “at the sponsor’s expense.” (Revised form attached to this Fact Sheet as Tab 3).

On October 21, 2009, the House Ethics Committee issued a letter to the Congresswoman approving the proposed trip and the payment of travel expenses by Carib News for the Congresswoman and her sister (attached to this Fact Sheet as Tab 4).

Rep. Kilpatrick did attend the event, spoke as scheduled and attended most of the workshops and panels, including the closed session with Members of Congress and leaders of the governments of several Caribbean nations. The Congresswoman was accompanied by her sister, whose travel expenses were covered by Carib News; and by her daughter and granddaughter, whose travel expenses were paid for by the Congresswoman herself, from her personal funds.

Following the trip, the Congresswoman filled out the “Member/Officer Post-Travel Disclosure Form” (attached to this Fact Sheet as Tab 5). That form instructs the Member to “Obtain actual dollar amounts from the sponsor” to be reported as the amounts of travel expenses paid. The Congresswoman’s office did obtain that information from the sponsor; see fax from Carib News attached to the Post-Travel Form, Tab 5. That information was fully and accurately reported on the Post-Travel Form.

OCE/Ethics Committee Proceedings. Peter Flaherty, president of a right-wing group called the “National Legal and Policy Center,” attended the 2008 Conference, uninvited, taped the proceedings and took photos. He then charged, in the press, that various corporate sponsors, which retained lobbyists, were acknowledged during the Conference as sponsors and may have actually paid the costs of the Conference.

On March 6, 2009, the OCE began a preliminary review of the trip with respect to the participation of Rep. Kilpatrick and four other members of the Congressional Black Caucus. On March 27, 2009, OCE determined to undertake a more extended investigation. OCE conducted numerous interviews and examined extensive documentation. OCE forwarded its report to the House Ethics Committee on May 29, 2009.

On June 24, 2009, the House Ethics Committee, as permitted under its rules, established an Investigative Subcommittee to investigate the allegations on behalf of the Committee. The Investigative Subcommittee reviewed the OCE Report, conducted its own interviews and reviewed all of the relevant documents.

The Investigative Subcommittee concluded that Congresswoman Kilpatrick had *not* violated any of the House Ethics rules. That conclusion was adopted by the full Ethics Committee on February 25, 2010, and, in accordance with its rules, the Ethics Committee reported that conclusion to the House.

Under the resolution establishing OCE, the Ethics Committee was required to publicly release the OCE Report as well as the Ethics Committee's own report.

The OCE Report. Much of the OCE Report is devoted to a review of allegations relating to the Ethics Committee's approval of the 2007 Carib News Conference, which Rep. Kilpatrick did not attend, and to attacking the former Chair of the Ethics Committee, the late Rep. Stephanie Tubbs Jones (D-Ohio) and her staff. OCE itself concedes that these allegations "did not involve Congresswoman Kilpatrick." (OCE Report p. 5).

The OCE Report faults Rep. Kilpatrick for three things: (1) accepting reimbursement of expenses from corporations that retain lobbyists; (2) under-reporting the value of travel reimbursements received; and (3) having more than one family member accompany her on the trip. As explained in the Congresswoman's sworn statement in response to the OCE Report, these findings are absolutely baseless. Those findings completely misconstrue the House Rules and ignore the evidence presented to OCE.

(1) **Knowledge of Other Sponsors.** OCE's investigation—based on interviews, documents and other information never seen by or made available to Rep. Kilpatrick until OCE's Report was released—revealed that corporations had made in fact contributions to Carib News earmarked to cover the costs of the Conference. OCE does not suggest that Rep. Kilpatrick had any reason to know this when she submitted the travel forms. Rather, OCE contends that "once at the conference, Congresswoman Kilpatrick was presented with evidence that other corporations were sponsors" (OCE Report p. 7 ¶16). That so-called "evidence" consists of the facts that (i) there were signs hung behind the speaker's podium at the conference displaying the logos of several corporations and (ii) during Rep. Kilpatrick's remarks at the Conference, she stated, in passing, "and to the sponsors, by the way, all of you we couldn't do this, be with you, help Karl if you weren't here with us so we say thank you..." (OCE Report, p. 11 ¶¶ 24, 27-28).

The signs, however, did not designate the corporations as sponsors of the Conference, and there was no information available to Rep. Kilpatrick before, during or after the Conference to suggest that any corporation had earmarked any contribution to cover the costs of the Conference. Rep. Kilpatrick understood nothing more from the signage, and meant nothing more in her remarks, than that the corporations were participants in the conference, as speakers/panelists, and/or had contributed at some point generally to support the work of Carib News.

OCE suggests that Members of Congress have some kind of independent obligation to investigate the sponsor of travel even after the Ethics Committee has reviewed and approved the trip. (OCE Report, pp. 13-14 ¶32). But no Member has the capability to conduct such an investigation. And a basic purpose of the new pre-approval process for privately-sponsored travel, obviously, is to allow Members to rely on that process as a means of ensuring compliance with the rules. That is precisely what Rep. Kilpatrick did.

The House Ethics Committee concluded that “Representative Kilpatrick followed the procedure in place at the time for pre-travel approval and did, in fact receive approval from the Standards Committee to attend the 2008 conference.... *Because Representative Kilpatrick did not have any knowledge of the true source of funding for this trip, the Subcommittee does not find that she violated any law, House Rule, regulation or any other standard of conduct.* She was therefore entitled to rely upon the Standards Committee’s approval of her trip.....” House Ethics Report, p. 183 (emphasis added).

(2) **Reporting of Travel Reimbursements.** The OCE Report faults Rep Kilpatrick for allegedly under-reporting, on the Post-Travel Disclosure Form, the value of travel expenses paid for her by Carib News. Specifically, OCE contends that the Congresswoman should have reported the cost of airfare as being about \$200 more based on fine print appearing on the airline ticket; and should have reported a value for her hotel room based on a figure appearing in an online hotel registration document. OCE suggests that these other documents showed the “true value” of the travel and that this “true value” is what should have been reported. (OCE Report p. 5 ¶8(c)).

But the disclosure form does *not* call for reporting the “value” of the travel. It calls for reporting what the sponsor *paid* for the travel. And the form specifically instructs Members to “Obtain actual dollar amounts from the sponsor.” (See Tab 5 to this Fact Sheet, item 9). That instruction is appropriate because the rules call for reporting the amount of actual “expenses reimbursed.” (House Rule 25, clause 5(b)(1)(A)(ii)). What the sponsor paid could well differ, of course, from the “value” of the transportation or hotel because of bulk discounts, special convention rates, etc. What Rep. Kilpatrick reported is precisely what she was required to report—the amount paid by the sponsor, as reported *by* the sponsor *to* the Member of Congress.

(3) **Family Members Accompanying the Congresswoman.** The OCE Report faults Rep. Kilpatrick for “violat[ing] the limitation that Member may only bring one family member with them” on privately sponsored travel. (OCE Report p. 4 ¶5). That charge is absurd. The Ethics Committee approved payment by Carib News of travel expenses for Rep. Kilpatrick’s sister, and Rep. Kilpatrick paid the travel costs for two other family members—her daughter and granddaughter—herself, *out of her own personal funds.*

There is no “limitation” that a Member can only bring one family member with them. The limitation is that the Member of Congress *cannot accept payment of travel expenses* by the private sponsor, for more than one relative. The House Ethics Manual specifically states that, “A Member, officer or employee who wishes to be accompanied on a trip by more than one such individual...*may personally pay the travel expenses* of that individual....” (House Ethics Manual p. 101 footnote 19 (emphasis added)). That is precisely what Rep. Kilpatrick did.

* * *

The OCE Report is thus inaccurate about the facts and wrong about the rules. The House Ethics Committee, after a full review of this matter, correctly found that Rep. Kilpatrick acted in good faith belief that she was abiding by all of the ethics rules.

U.S. House of Representatives
Committee on Standards of Official Conduct

PRIVATE SPONSOR TRAVEL CERTIFICATION FORM
(provide directly to each House invitee)

This form should be completed by private entities offering to provide travel or reimbursement for travel to House Members, officers or employees under House Rule XXV, clause 5. A completed copy of the form (and any attachments) should be provided to each invited House Member, officer or employee, who will then forward it to the Committee. The trip sponsor should NOT submit the form directly to the Committee.

Private sponsors are urged to submit this form to each House invitee at least 30 days before travel is scheduled to begin. The failure to provide the Committee with adequate time to review the form and attachments may result in the invitee not receiving approval for the trip. The submission of an incomplete form will delay the review process. Before completing this form, sponsors are urged to carefully review the Committee's private travel guidelines and advisory memoranda detailing the rules and restrictions for private travel, as well as the instructions for completing this form. Sponsors should call the Committee with any questions prior to submitting the form. Please type form.

1. Sponsor(s) (who will be paying for the trip): CARIB NEWS FOUNDATION

2. I represent that the trip will not be financed (in whole or in part) by a federally-registered lobbyist or a registered foreign agent (signify "yes" by checking box):

3. I represent that the trip sponsor(s) has not accepted from any other source funds earmarked directly or indirectly to finance any aspect of the trip (signify "yes" by checking box):

4. Is travel being offered to an accompanying family member of the House invitee(s)? Yes No

5. Provide names and titles of ALL House invitees; for each invitee, provide explanation of why the individual was invited (include additional pages if necessary): BASED ON COMMITTEE OR SUB-COMMITTEE WHICH IMPACTS US/CARIBBEAN RELATIONS ON WHICH THE MEMBER SERVES.

6. Dates of travel: NOVEMBER 8-9, 2008

7. Cities of departure - destination - return: VARIES - DEPENDING ON MEMBER

8. Attached is a detailed agenda of the activities taking place during the travel (i.e., an hourly description of planned activities) (signify "yes" by checking box):

9. I represent that (check one of the following):
 - a. The sponsor of the trip is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965: or
 - b. The sponsor of the trip does not retain or employ a federally registered lobbyist or registered foreign agent: or
 - c. The trip is for attendance at a one-day event and lobbyist involvement in planning, organizing, requesting, or arranging the trip was de minimis under the Committee's travel regulations.

10. If travel is for participation in a one-day event (i.e., if you checked Question 9(c)), check one of the following:
 - a. One-night's lodging and meals are being offered: or
 - b. Two-nights' lodging and meals are being offered:
 If "b" is checked, explain why the second night is warranted: _____

11. If the trip is not sponsored by an institution of higher education, I represent that a federally-registered lobbyist or foreign agent will not accompany House Members or employees on any segment of the trip (signify "yes" by checking box):
12. Private sponsors must have a direct and immediate relationship to the purpose of the trip or location being visited. Describe the role of each sponsor in organizing and conducting the trip: CARIB NEWS FOUNDATION (* SEE ATTACHED)
13. Describe each sponsor's organizational interest in the purpose of the trip: THE INTEREST OF CARIB NEWS FOUNDATION IS TO PROMOTE, INFORM, TRADE AND ESTABLISHMENT OF MEANINGFUL CONNECTIONS BETWEEN THE U.S AND THE CARIBBEAN
14. Describe the type and class of the transportation being provided. Indicate whether coach, business-class or first-class transportation will be provided. In addition, for travel via aircraft, please indicate if travel is being offered on a commercial flight, chartered flight or on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire (i.e., a private aircraft). If first-class fare is being provided, or if travel is via chartered or private aircraft, please provide an explanation describing why such travel is warranted: REGULAR SCHEDULED AIR SERVICE, ECONOMY CLASS
15. I represent that the expenditures related to local area travel during the trip will be unrelated to personal or recreational activities of the invitee(s). (signify "yes" by checking box):
16. I represent that either (check one of the following):
- a. The trip involves an event that is arranged or organized *without regard* to congressional participation and that meals provided to congressional participants are similar to those provided to or purchased by other event attendees: *or*
 - b. The trip involves events that are arranged or organized *specifically with regard* to congressional participation:
- If "b" is checked, detail the cost per day of meals (approximate cost may be provided): _____
17. Reason for selecting the location of the event or trip: SEE ATTACHED
18. Name of hotel or other lodging facility: SONESTA MAHO BEACH RESORT
19. Cost per night of hotel or other lodging facility (approximate cost may be provided): \$110.00
20. Reason(s) for selecting hotel or other lodging facility: HAS APPROPRIATE MEETING ROOMS

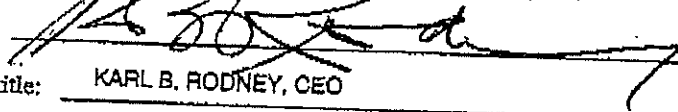
21. **TOTAL EXPENSES FOR EACH PARTICIPANT:**

<input type="checkbox"/> actual amounts <input type="checkbox"/> good faith estimates	Total Transportation Expenses per Participant	Total Lodging Expenses per Participant	Total Meal Expenses per Participant
For each Member, Officer, or employee	410	280	145
For each accompanying family member	410	0	145

	Other Expenses (dollar amount)	Identify Specific Nature of "Other" Expenses (e.g., taxi, parking, registration fee, etc.)
For each Member, Officer, or employee	\$150 \$ 25	Conference Registration Local transportation
For each accompanying family member		

22. I represent that reimbursement for miscellaneous travel expenses for the trip, such as travel to and from airports, security costs, interpreter fees, visa application fees, and similar expenses, will be for actual costs incurred and are necessary for the purpose of the trip (signify "yes" by checking box):

23. I certify that the information contained in this form is true, complete, and correct to the best of my knowledge.

Signature: 
 Name and title: KARL B. RODNEY, CEO
 Organization: CARIB NEWS FOUNDTION
 Address: 7 WEST 36th STREET, 8th FLOOR, NEW YORK, NY 10018
 Telephone number: (212) 944-1991
 Fax number: (212) 944-2089
 Email Address: CARIB-DESK@ATT.NET

The Committee staff may contact the above individual above if additional information is required.

If there are any questions regarding this form please contact the Committee at the following address:

Committee on Standards of Official Conduct
 U.S. House of Representatives
 HT-2, The Capitol
 Washington, DC 20515
 (202) 225-7103 (phone)
 (202) 225-7392 (general fax)
 (202) 226-7172 (fax for travel approvals)

Version date 4/2007 by Committee on Standards of Official Conduct

U.S. House of Representatives
Committee on Standards of Official Conduct

PRIVATELY SPONSORED TRAVEL: TRAVELER FORM
For Members, Officers, and Employees

This form should be completed by House Members, officers, or employees seeking Committee approval of privately-sponsored travel or reimbursement for travel under House Rule 25, clause 5. The completed form should be submitted directly to the Committee by each invited House Member, officer, or employee, together with the completed and signed Private Sponsor Travel Certification Form and any attachments. A copy of this form, minus this initial page, will be made available for public inspection. Please type form. Form (and any attachments) may be faxed to the Committee at (202) 225-7392.

YOUR COMPLETED REQUEST MUST BE SUBMITTED TO THE COMMITTEE NO LESS THAN 14 DAYS BEFORE YOUR PROPOSED DEPARTURE DATE. Absent exceptional circumstances, permission will not be granted for requests received less than 14 days before the trip commences.

Name of Traveler: Congresswoman Carolyn C. Kilpatrick

I certify that the information contained on both pages of this form is true, complete, and correct to the best of my knowledge.

Signature: Carolyn C. Kilpatrick

Name of Signatory (if other than traveler): _____

For staff, name of employing Member/Committee: _____

Office address: 2264 Rayburn House Office Building

Phone number: (202) 225-2261

Email address of contact person: ckkilpatrick@mail.house.gov

Check this box if the sponsoring entity is a media outlet and the traveler is a Member traveling to make a media appearance sponsored by that entity and these forms are being submitted to the Committee less than 14 days before the trip departure date.

NOTE: You must complete the contact information fields above, as Committee staff may need to contact you if additional information is required.

If there are any questions regarding this form please contact the Committee:

Committee on Standards of Official Conduct
U.S. House of Representatives
HT-2, The Capitol
Washington, DC 20515
(202) 225-7103 (phone)
(202) 225-7392 (fax)

U.S. House of Representatives
Committee on Standards of Official Conduct

PRIVATELY SPONSORED TRAVEL: TRAVELER FORM

1. Name of Traveler: Congresswoman Carolyn C. Kilpatrick
2. Sponsor(s) (who will be paying for the trip): Carib News Foundation
3. Travel destination(s): St. Maarten, NA
4. a. Date of Departure and Date of Return: Depart- November 6, 2008, Return November 9,
b. Will you be extending the trip at your personal expense? Yes No
If yes, dates at personal expense: _____
5. a. Will you be accompanied by a family member at the sponsor's expense? Yes No
b. If yes, name of accompanying family member: _____
c. Relationship to traveler: Spouse Child Other (specify): _____
6. a. Did the trip sponsor answer "yes" to Question 9(c) on the Trip Sponsor form (i.e., the travel is being sponsored by an entity that employs a lobbyist)? Yes No
b. If yes, check one of the following: N/A - Sponsor checked 9(a) or 9(b)
(1) Approval for one-night's lodging and meals is being requested: or
(2) Approval for two-nights' lodging and meals is being requested:
If "(2)" is checked, explain why the second night is warranted: _____
7. Private Sponsor Travel Certification Form is attached, including agenda, invitee list, and any other attachments (indicate that form is attached by checking box):
8. Explain why participation in the trip is connected to your individual official or representational duties:
I will participate in a Business Conference to give appropriate Congressional and current legislative perspective on the topic of discussi
"U.S. - Caribbean relati
9. FOR STAFF:
TO BE COMPLETED BY YOUR EMPLOYING MEMBER:

I hereby authorize the individual named above, an employee of the U.S. House of Representatives who works under my direct supervision, to accept expenses for the trip described in this request. I have determined that the above-described travel is in connection with my employee's official duties and that acceptance of these expenses will not create the appearance that the employee is using public office for private gain.

Date: _____

Signature of Employing Member

NOTE: This page must be submitted with your post-travel disclosure form within 15 days of your return, so you should maintain a photocopy of the completed form for your records.