



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

March 1, 2021

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, DC 20515-0895
Email: oce@mail.house.gov

Re: Ethics Complaint re Rep. Tom O'Halleran (AZ)

Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interest over the interests of the public good. We request the Office of Congressional Ethics investigate Representative Tom O'Halleran for violating House ethics rules that forbid Members from using official taxpayer-funded resources for political purposes.¹

The Tom O'Halleran campaign website includes multiple direct links to his official Member website, committee websites, and official Youtube accounts.² For instance, an issue subpage on O'Halleran's campaign website (located at: <https://www.tomohalleran.com/blog/bill-would-remove-barriers-to-federal-health-data-2>) links directly to the House Energy and Commerce Committee website (located at: <https://republicans-energycommerce.house.gov/news/bipartisan-bill-tears-down-health-data-barrier-for-native-americans/>). As shown in Exhibit A, there are numerous instances of O'Halleran's campaign linking to taxpayer funded websites.

¹ House Ethics Manual, at 123. This ethics rule enforces federal law. 31 U.S.C. sec. 1301(a) ("appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law").

² See Exhibit A.

House ethics rules require strict separation between campaign and official acts: a Member is prohibited from using official resources for any campaign and political purposes.³ Official resources includes anything funded by taxpayers, such as a Member's official website and social media accounts, as well as Committee webpages.⁴ In fact, with respect to campaign websites, the ethics rules clearly state:

“Member campaign websites . . . may not include a link to the Member's House website; and The Member's House website may not be advertised on his or her campaign website or in materials issued by the campaign.”⁵

O'Halleran has committed a clear violation by linking to his official congressional website and YouTube page and official committee website from his campaign website. As a Member of the House, O'Halleran is required to abide by **all** ethics rules and the House Ethics Manual.⁶ The foundational principal that Members cannot use their official position or resources for private or political gain is embodied throughout and in numerous specific rules.⁷ Moreover, in this case, the ethics rule is very clear and specific: Members are forbidden from using their campaign websites to link to their official taxpayer funded website. It is troubling when our Members cannot even follow the most basic and straightforward ethics rules. The Office of Congressional Ethics is

³ House Ethics Manual, at 123. Additionally, several other ethical considerations also are embodied in the rule, for instance: “The laws and rules referenced in this section reflect ‘the basic principle that government funds should not be spent to help incumbents gain reelection.’” House Ethics Manual, at 123 (*citing Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff'd*, 461 U.S. 911 (1983)). A Member's official website and social media accounts are prohibited from including any personal, political, or campaign information, links to campaign-related websites, and “grassroots lobbying or solicit[ing] support for a Member's position.” Comm. on House Admin., U.S. House of Reps., Member's Congressional Handbook, at 31.

On the other hand, campaign funds may not be used for official expenses, including “communications” such as official website and official audio and video recordings and materials. House Ethics Manual, at 177-78.

⁴ “In addition to their official HOUSE.GOV website, a Member may establish profiles, pages, channels or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public (Social Media Accounts). Member-controlled content on Social Media Accounts is subject to the same requirements as content on Member websites.” Comm. on House Admin., U.S. House of Reps., Member's Congressional Handbook (available at <https://cha.house.gov/member-services/handbooks/members-congressional-handbook#Members-Handbook-Comms-Websites>).

Committee websites are paid for with official funds and are an official resources. See Comm. on House. Admin., U.S. House of Reps., Committee Handbook, at 19 (available at: https://cha.house.gov/sites/democrats.cha.house.gov/files/2021_117th_Committee_Congressional_Handbook_2_16.pdf).

⁵ House Ethics Manual, at 131 (emphasis added).

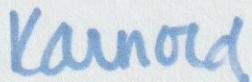
⁶ The conduct of Members of the House is governed by number of different sources, including criminal law, the Code of Official Conduct, and the Code of Ethics for Government Service, which are incorporated into the House Ethics Manual. House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House or Reps., at 2-4 (2008 ed.), available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf. In addition, Members must “conduct themselves at all times in a manner that reflects creditably on the House” and adhere to the spirit as well as the letter of the ethics rules. House Ethics Manual, at 1, 12 (citing House Rule 23, Cl. 1), 16 (citing House Rule 23, Cl. 2), 186.

⁷ See House Ethics Manual, at 1 (Members cannot use their office for private gain), 123-24 (Members cannot use official resources for any campaign for political purpose).

responsible for ensuring each Representative fulfills the public trust inherent to the office and complies with the House's ethical standards. Therefore, we urge the Board to immediately investigate and stop Representative O'Halleran's ongoing ethics violations related to his campaign website.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,



Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust

Exhibit A: The campaign website shown on the right column links to the official taxpayer funded website shown on the left column.

Campaign Website

The Tribal Health Data Improvement Act is introduced by Rep. Tom O'Halleran, D-Arizona, along with Democrats and Republicans from other jurisdictions. The bill would require that tribal public health authorities be notified in writing, public health data if it would require the U.S. Department of Health and Human Services to give tribes, the Indian Health Service, or any other agency access to such data.

A provision requires the Centers for Disease Control and Prevention to provide tribes with the same public health data as it provides to the rest of the country.

The measure passed the House on Sept. 27 (by a vote of 218-209) in the Senate, Indian Affairs Committee.

This legislation aims to address longstanding health data issues that have been a barrier to tribal communities' ability to improve their health outcomes. The bill would require that tribal public health authorities be notified in writing, public health data if it would require the U.S. Department of Health and Human Services to give tribes, the Indian Health Service, or any other agency access to such data.

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https://www.tomohalleran.com/blog/bill-would-remove-barriers-to-federal-health-data-2

Official Member/Committee Website

WASHINGTON, DC – Energy and Commerce Committee members Rep. Greg Clardy (R-NY), Consumer Protection and Commerce Subcommittee Republican Leader Colby King (R-MN), Energy and Commerce Subcommittee Member Rep. Tom O'Halleran (D-AZ), Rep. Ben Ray Lujan (D-NM), Rep. Tom O'Halleran (D-AZ) and Rep. Fred Upton (R-MI), D-CAP, introduced the following statement on H.R. 7946, the Tribal Health Data Improvement Act of 2020, a bill that would require that tribal public health authorities be notified in writing, public health data.

Washington, DC – Energy and Commerce Committee members Rep. Greg Clardy (R-NY), Consumer Protection and Commerce Subcommittee Republican Leader Colby King (R-MN), Energy and Commerce Subcommittee Member Rep. Tom O'Halleran (D-AZ), Rep. Ben Ray Lujan (D-NM), Rep. Tom O'Halleran (D-AZ) and Rep. Fred Upton (R-MI), D-CAP, introduced the following statement on H.R. 7946, the Tribal Health Data Improvement Act of 2020, a bill that would require that tribal public health authorities be notified in writing, public health data.

https://republicans-energycommerce.house.gov/news/bipartisan-bill-tears-down-health-data-barrier-for-native-americans/

WASHINGTON, Today, Congress passed the House Energy and Climate Change Act, which includes the Tribal Power Act, which increases funding for the DOE's Office of Indian Energy and requires the Secretary of Energy to assess electricity access in tribal communities and consult with tribal governments in the design and conduct of the study.

The bill would require that tribal public health authorities be notified in writing, public health data if it would require the U.S. Department of Health and Human Services to give tribes, the Indian Health Service, or any other agency access to such data.

https://www.tomohalleran.com/blog/house-passes-ohalleran-led-energy-and-climate-package

September 23, 2019 | Press Release

WASHINGTON—Today, Congressman Tom O'Halleran (AZ-03) introduced the Expanding Access to Sustainable Energy (EASE) Act, bipartisan legislation to promote the adoption of energy storage technologies for rural electric cooperatives.

Energy storage technology is increasingly being looked at as a solution to increasing energy efficiency, limiting carbon emissions, and saving money for consumers," said Rep. O'Halleran. "However, as our energy needs continue to grow, it is important that the needs of our rural energy providers are not overlooked. I introduced the EASE Act to assist rural electric cooperatives in developing and implementing energy storage technology."

Electric cooperatives power more than 15 million homes, schools, and farms, and serve 42 million people across America. O'Halleran's EASE Act would establish a grant program within the Department of Energy for rural electric cooperatives to identify, evaluate, and design energy storage projects. The legislation includes the Department to provide rural electric cooperatives with technical assistance and to provide Congress with a report detailing the cost savings and environmental benefits gained from energy storage technology integration.

"The needs of rural America have been left on the back burner for far too long," continued O'Halleran. "This legislation would help close the gap between rural and urban energy markets by giving rural energy providers access to the resources necessary to begin planning to way to integrate these innovative technologies into their electric grids as well."

Original cosponsors of the EASE Act include Representatives Markwayne Mullin (OK-05), Conor Lamb (PA-01), and Ralph Norman (SC-06). The bill has also received support from the National Rural Electric Cooperative Association.

https://ohalleran.house.gov/newsroom/press-releases/o-halleran-introduces-bipartisan-legislation-assist-rural-electric

tomohalleran.com/blog/house-passes-ohalleran-led-energy-and-climate-package

WATCH O'Halleran speak in support of H.R. 4447 on this House Floor this morning. [HERE.](#)

The lead bill driving the Clean Economy Jobs and Innovation Act is O'Halleran's EASE Act, which establishes a program at the Department of Energy (DOE) to provide grants and technical assistance to rural electric cooperatives to assist with designing and implementing energy storage and grid modernization projects. H.R. 4447 also includes O'Halleran's bipartisan Tribal Power Act, which increases funding for the DOE's Office of Indian Energy and requires the Secretary of Energy to assess electricity access in tribal communities and consult with tribal governments in the design and conduct of the study.

WATCH O'Halleran speak in support of the EASE Act, [HERE](#), and the Tribal Power Act, [HERE.](#)

This legislative package combines the work of over 40 critical pieces of energy and environment legislation from the House of Representatives, many of which are bipartisan and bill from Members across our party and our nation, whose efforts have led the state implications of climate change in every separate way," said O'Halleran on the House Floor. "and the Clean Economy Jobs and Innovation Act does more than just update our nation's energy infrastructure—the new programs, initiatives, and federal projects laid out within this bill create tens of thousands of new, good-paying energy jobs that support a family."

H.R. 4447 invests in electric grid modernization and security, increases the availability and affordability of renewable energy and storage technologies, and makes targeted investments in the American energy workforce as our nation transitions towards renewable energy by:

- creating and funding a DOE career skills program to train workers for the construction and installation of energy-efficient building technologies;

https://www.tomohalleran.com/blog/house-passes-ohalleran-led-energy-and-climate-package

ohalleran.house.gov/newsroom/press-releases/o-halleran-mullin-tribal-power-act-passes-out-energy-and-commerce-committee

WASHINGTON—Monday, Congressman Tom O'Halleran (D-AZ-03) and Congressman Markwayne Mullin (R-OK-02) introduced H.R. 5501, the Tribal Power Act, bipartisan legislation to ensure tribal governments can access the federal resources and assistance they need to advance their energy development initiatives. Yesterday, the House Energy and Commerce Subcommittee on Energy voted to advance the bill to the full Committee for consideration.

O'Halleran's bill would ensure tribal communities can access affordable, reliable energy sources by reauthorizing and increasing funding for the Department of Energy's Indian Energy Education Planning and Management Assistance Program.

"While nationwide electrification began in the 1930s, many Native American communities in my district still lack basic access to electricity—as many as 15,000 families on the Navajo Nation alone," said Rep. O'Halleran. "This legislation will aid tribal communities in building out electrification operations, as well as updating and expanding new energy infrastructure. I was pleased to see bipartisan support of this important bill in committee and look forward to voting in favor of this legislation on the House floor."

"Too often Indian Country gets left behind in energy development," said Rep. Mullin. "The Tribal Power Act will help tribes get the resources they need to become energy efficient and enhance their energy infrastructure. I am glad it passed out of the Energy Subcommittee yesterday and I look forward to working with my colleagues to get it across the finish line."

https://ohalleran.house.gov/newsroom/press-releases/o-halleran-mullin-tribal-power-act-passes-out-energy-and-commerce-committee

tomohalloran.com/blog/passes-ohalloran-led-energy-and-climate-package

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The lead bill driving the Clean Economy Jobs and Innovation Act is O'Halleran's [EASE Act](#), which establishes a program at the Department of Energy (DOE) to provide grants and technical assistance to rural electric cooperatives to assist with designing and demonstrating energy storage and microgrid projects. H.R. 4447 also includes O'Halleran's bipartisan [Tribal Power Act](#), which increases funding for the DOE's Office of Indian Energy and requires the Secretary of Energy to assess electricity access in tribal communities and consult with tribal governments in the design and conduct of the study.

WATCH O'Halleran speak in support of the EASE Act, [HERE](#) and the Tribal Power Act, [HERE](#).

This legislative package combines the work of over 40 critical pieces of energy and environment legislation from the House of Representatives, many of which are bipartisan, and has been introduced in every legislative body and our nation's state legislatures. "We have led the charge on climate change in every legislative body," said O'Halleran on the House Floor. "And the Clean Economy Jobs and Innovation Act does more than just update our nation's energy infrastructure; the new programs, activities, and federal projects laid out within this bill create tens of thousands of new, good-paying energy jobs that support a family."

H.R. 4447 invests in electric grid modernization and security, increases the availability and affordability of renewable energy and storage technology, and makes targeted investments in the American energy workforce as our nation transitions towards renewable energy by:

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<https://www.tomohalloran.com/blog/house-passes-ohalloran-led-energy-and-climate-package>



O'Halleran Speaks on Tribal Power Act

77 views · Jan 9, 2020

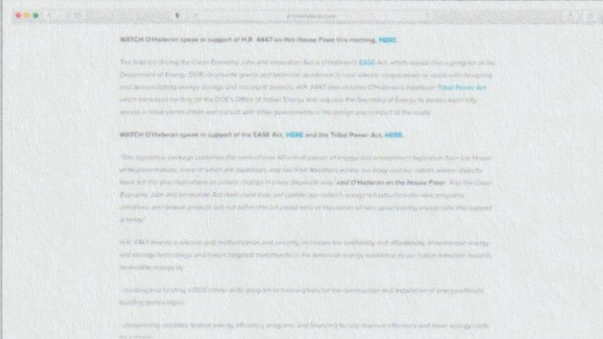
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Rep. O'Halleran speaks on the Tribal Power Act and the importance of supporting tribal energy development goals in an Energy and Commerce Committee markup.

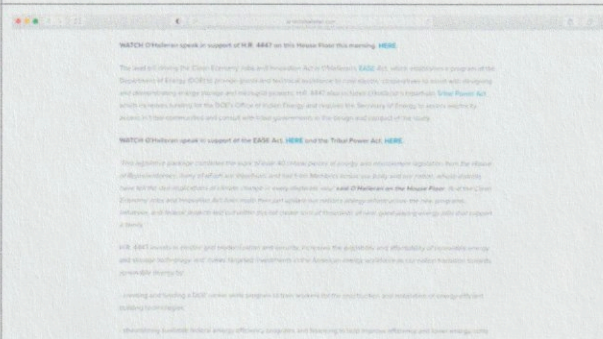
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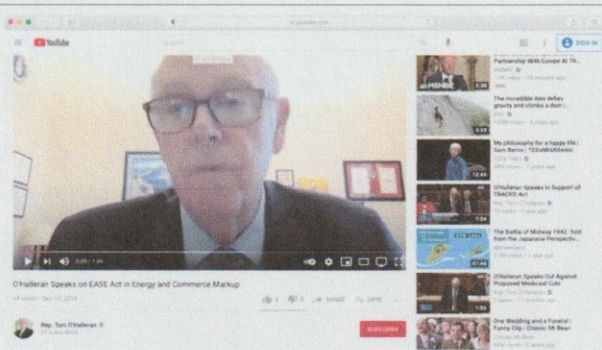
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tomohalleran.com

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WHILE SENATE REPUBLICANS ATTEMPT TO RAM THROUGH A SUPREME COURT NOMINEE, HOUSE DEMOCRATS WORK ON COVID RELIEF FOR THE PEOPLE

By David Gordon

Senate Republicans and their Trump-Zelenski Fox Island Allies in the White House are showing they do not have the right priorities for the American People.

First, they waited until the last moment in July to conduct negotiations with the Democrats on the latest COVID-19 relief bill.

<https://www.tomohalleran.com/blog/while-senate-republicans-attempt-to-ram-through-a-supreme-court-nominee-house-democrats-work-on-covid-relief-for-the-people>

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<https://problemsolverscaucus-gottheimer.house.gov/media/press-releases/problem-solvers-caucus-unveil-march-common-ground-covid-stimulus-framework>