

House Amends Ethics Rules Regarding Employment Negotiations

January 2009

On January 6, 2009, the House of Representatives amended its rule on disclosure of employment negotiations and agreements so that the rule now requires such disclosures by "lame-duck" Members.

Before the amendment, House Rule 27, clause 1—created by the Honest Leadership and Open Government Act of 2007—provided that Members could not "directly negotiate or have any agreement of future employment until after his or her successor has been elected," *unless* the Member disclosed the negotiations/agreement to the Committee on Standards of Official Conduct within three business days of commencement of the negotiations/agreement. A Member whose successor had been elected—that is, a "lame-duck" Member—was not required to disclose employment negotiations or agreements to the Committee.

With the recent House rules change, *all* Members—including lame-duck Members—must now disclose employment negotiations and agreements to the Committee. As before, the rule continues to require House officers and very senior staff to disclose negotiations and agreements for future employment to the Standards Committee within three business days.

Note that these disclosures are to the Committee on Standards of Official Conduct; they are not public disclosures. Public disclosure of employment negotiations or agreements by House Members occurs only where—as required by House Rule 27—the Member has recused himself or herself from "a matter in which there is a conflict of interest or an appearance of a conflict" arising from the Member's employment negotiations or agreement with a prospective employer.

Authors

Robert L. Walker
Of Counsel, Deputy General Counsel
202.719.7585
rlwalker@wiley.law