

December 21, 2022

The Honorable Kevin McCarthy
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
2433 Rayburn House Office Building
Washington, DC 20515

Dear Leaders McCarthy and Jeffries,

We the undersigned urge the continued support of the Office of Congressional Ethics (OCE) in the 118th Congress. We call on the U.S. House of Representatives (the House) to reauthorize and strengthen OCE in the new year by giving OCE the ability to issue subpoenas to 3rd parties; allowing OCE to publish a written report about a non-cooperative member as soon as it refers the investigation to the House Committee on Ethics; and requiring the Speaker to nominate OCE board members through concurrence with the minority leader, not consultation.

OCE provides independent, nonpartisan oversight and accountability, which increases public confidence in the House and its members. The existence of OCE is one of the only safeguards against corruption in Congress, and it is an essential one. The Senate, by contrast, has no such independent investigative body, and the ethics investigation process in that chamber is opaque and viewed as merely window dressing.

In addition to reauthorizing OCE, the House should make three improvements to allow OCE to act more effectively. First, it should give OCE the ability to subpoena third parties during investigations. Currently, OCE does not have any subpoena power, and its investigations can be stonewalled by third parties ignoring OCE requests for information. Subpoena powers for third parties would facilitate the investigatory process and allow the independent professional investigators at OCE to work efficiently without reliance on the amenability of third parties.

Second, the House should explicitly permit OCE reports about lawmakers who refuse to cooperate during an investigation to be made public immediately upon transferal to the House Committee on Ethics. This will give a member's constituents the real-time knowledge that their member tried to impede an OCE investigation, preventing the member from hiding behind the long delay mandated by the current rules.

Finally, the House Rules regarding how OCE board members are selected should return to their original application, where a board member must be chosen subject

to the concurrence of the minority leader, not in consultation with the minority leader. To maintain the nonpartisan nature of OCE's board, the majority and minority leaders should agree on a board member's appointment. Mere consultation may lead to the majority leader choosing partisan individuals to join the board, damaging OCE's independence and nonpartisanship.

Importantly, the 118th Congress should not repeat past attempts to weaken OCE. For example, Speaker Boehner's first misstep was not committing to reauthorize OCE, and he faced constituent backlash as a result.¹ In 2017, Congress again planned to dismantle OCE, but widespread public outrage resulted in its reauthorization.² Even the appearance of congressional action to harm OCE will yield voter disapproval.

The continued operation of OCE is crucial for maintaining truly independent and nonpartisan ethics oversight. Reauthorizing OCE with the three improvements recommended in this letter will strengthen OCE further. For these reasons, we urge you to reauthorize OCE in the 118th Congress.

Sincerely,

Campaign for Accountability
Campaign Legal Center
Citizens for Responsibility and Ethics in Washington (CREW)
Demand Progress
Government Accountability Project
Issue One
Professor James A. Thurber
Project On Government Oversight (POGO)
Public Citizen
RepresentUs
Stand Up America
Taxpayers for Common Sense
Taxpayers Protection Alliance
20/20 Vision DC

¹ Susan Crabtree, *Ohio Tea Party splits with Boehner on ethics*, The Hill (Nov. 18, 2010) <https://thehill.com/homenews/campaign/75606-ohio-tea-party-splits-with-boehner-on-ethics/>.

² The Data Team, *Congress abandons effort to kill ethics office*, The Economist (Jan. 3, 2017) <https://www.economist.com/graphic-detail/2017/01/03/congress-abandons-effort-to-kill-ethics-office>.