



February 1, 2023

Senator Christopher A. Coons, Chairman
Senator James Lankford, Vice Chairman
U.S. Senate Select Committee on Ethics
220 Hart Building
United States Senate
Washington, DC 20510

Submitted electronically via mailbox_office@ethics.senate.gov

Dear Senators Coons and Lankford:

On behalf of Campaign Legal Center, I am writing today to express our severe concerns about the U.S. Senate Select Committee on Ethics' (the "Ethics Committee") 2022 annual report. This report shows that the Committee dismissed nearly all the ethics complaints it received and issued no public discipline for violations. Specifically, you disclosed that you received 92 allegations of ethics violations and only 22 matters were investigated with a preliminary inquiry. Of those investigations, 15 were dismissed and the only discipline for ethics violations was one private letter of admonition. This lack of accountability for ethics violations diminishes public trust in the Senate, and we ask that you take strong action in the new Congress to reverse this decades-long trend.

Chairman Coons, when you joined the Ethics Committee in 2014, you stated that it was "an honor and a responsibility to help protect and defend the integrity of the Senate." Despite this statement and your leadership as Chair, the Ethics Committee continues to conceal details about complaints and those who violate the rules. Since 2021, the Ethics Committee has reported receiving 190 allegations of misconduct and investigated only 54 cases with preliminary inquiries. Of the matters investigated, 34 were dismissed. During the past two years, the Ethics Committee has not released

any details about the nature of its investigations into the alleged violations received.

The ineffectiveness of the Ethics Committee extends beyond the last few years. CLC conducted [a comparative study](#) to evaluate ethics enforcement in the U.S. House and Senate from 2009 to 2020. We found that the Ethics Committee is significantly less transparent than the House’s Office of Congressional Ethics (“OCE”) and does not hold officials accountable. Only 3% of Senate ethics investigations resulted in a finding of a violation, compared to the House’s 41%. Additionally, the Ethics Committee produced a public report only 5% of the time, while the OCE produced a public report for 43% of its investigations.

The data in your annual reports from 2009 to 2022 establish conclusively that the public cannot rely on the Ethics Committee to actively enforce ethics rules. To hold lawmakers accountable, the Senate clearly needs and should create an independent office for ethics investigations. Such an office could be modeled after the OCE, which has operated independently from the House Ethics Committee since its creation in 2008.

Voters have a right to know that ethics compliance is a priority in both chambers of Congress. Creating an independent investigative body in the Senate, similar to the House, will build public confidence that allegations of misconduct will be reviewed and published. As the Chair and Vice Chair of the Ethics Committee, we call on you to lead the charge for increased ethics enforcement and transparency in the U.S. Senate.

Respectfully submitted,

_____/s/_____

Kedric L. Payne
Vice President, General Counsel, and
Senior Director, Ethics

_____/s/_____

Danielle Caputo
Legal Counsel, Ethics

cc:

Senator Brian Schatz
Senator James E. Risch
Senator Jeanne Shaheen
Senator Deb Fischer