

ENHANCING ETHICS ENFORCEMENT IN THE U.S. SENATE

By Campaign Legal Center (CLC)

Introduction

Ethics enforcement in the U.S. Senate is currently based on a system of self-policing, in which senators are responsible for investigating alleged wrongdoing as well as enforcing the rules against their own colleagues. This approach is demonstrably less effective than the method employed by the U.S. House of Representatives, where lawmakers have established an independent Office of Congressional Ethics (OCE) to conduct initial fact-finding and make referrals for disciplinary action. Specifically, a recent analysis found that of the 1,523 complaints sent to the U.S. Senate Select Committee on Ethics (Senate Ethics Committee) since 2007, zero resulted in any formal disciplinary sanctions.¹

The ineffectiveness of the present-day Senate Ethics Committee, and the need to improve upon it, are emblematic of the history of congressional ethics enforcement. In order to ensure integrity in Congress, the U.S. Constitution gives the House and the Senate authority to establish rules and impose discipline for improper behavior in each chamber.² In America's early years, lawmakers exercised this power inconsistently, often establishing ad-hoc committees to investigate individual allegations of wrongdoing.³ But much like the continual effort to create a more perfect union, congressional procedures for maintaining public trust in the institution have evolved over time.

By the 1960s, Congress had adopted a general code of ethics for government service, as well as established standing committees on ethics in both chambers.⁴ These developments mirrored growing concerns about corruption and influence-peddling during an era in which the public increasingly demanded that elected officials use their power for the benefit of the people, not for their personal or financial gain.

Today, it is well understood that Congressmembers gain invaluable information that could be exploited, and they face endless attempts to influence their decisions. Numerous laws have therefore been enacted to provide transparency, accountability, and guardrails against

¹ Dave Levinthal & Matt Laslo, *0-for-1,523: Senators attempt to explain why they never punish other senators for ethics violations*, RAW STORY (Feb. 22, 2023), <https://www.rawstory.com/raw-investigates/senate-ethics-violations/>.

² U.S. CONST., art. I, § 5.

³ Jacob Straus, CONG. RSCH. SERV., RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview* 1 (2015), <https://crsreports.congress.gov/product/pdf/RL/RL30764>.

⁴ *Id.* at 2-3.

corruption, including mandatory financial disclosures, limitations on fundraising practices, restrictions on gifts, etc.⁵ These rules have been essential to fulfilling voters' right to know whether their elected officials are acting both ethically and transparently. However, these procedures also remain imperfect, and the responsibility for calling for the enforcement of existing regulations, as well as proposing more effective policies, often falls to the public.

This paper is focused on one such challenge: the lack of an independent body in the Senate for ethics investigations. The following analysis demonstrates the substantial benefits the House's OCE has had on ethics enforcement. Considering the serious lack of accountability and transparency on the other side of Capitol Hill, the Senate should create a similar entity without delay. This overdue reform would significantly strengthen congressional ethics and help restore voters' confidence in their elected officials.

The Current Senate Ethics Enforcement System

The Senate's current ethics process does little to alleviate public concerns about corruption, and instead, further diminishes trust in the institution. According to a recent analysis of congressional records, the Senate Ethics Committee has received **1,523 complaints** alleging ethics violations since 2007.⁶ During these years, the Committee has only initiated **204 preliminary inquiries** into potential misconduct.⁷ Within that limited group, only **seven cases** led the Committee to issue letters of admonition calling out improper behavior (five released to the public and two kept private).⁸ The Committee has issued one more public letter of admonition since this analysis was conducted, but only after the relevant rules violation was broadcast on live television and could not be disputed.⁹

Stunningly, zero of the Committee's investigations since 2007 have resulted in any formal disciplinary sanctions.¹⁰ This means that the Senate Ethics Committee has not meaningfully punished anyone in more than fifteen years.

Determining disciplinary sanctions is just one of the three primary responsibilities of the Senate Ethics Committee:

- 1) It provides advice and guidance to senators, officers, and staff about existing ethics rules.

⁵ See e.g., U.S. SENATE SELECT COMM. ON ETHICS, *Rules & Standards of Conduct*, <https://www.ethics.senate.gov/public/index.cfm/ethicsrules>; U.S. HOUSE OF REPRESENTATIVES COMM. ON ETHICS, *Laws, Rules, and Standards of Conduct*, <https://ethics.house.gov/outside-employment-income/laws-rules-and-standards-conduct>.

⁶ Levinthal & Laslo, *supra* note 1.

⁷ *Id.*

⁸ *Id.*

⁹ Mariana Alfaro, *Lindsey Graham publicly admonished for fundraising on Capitol grounds*, WASH. POST (Mar. 24, 2023), <https://www.washingtonpost.com/politics/2023/03/23/lindsey-graham-publicly-admonished-fundraising-capitol-grounds/>.

¹⁰ Levinthal & Laslo, *supra* note 1.

- 2) It investigates allegations and complaints of wrongdoing by senators, officers, and staff.
- 3) It decides whether a violation of ethics rules has occurred, as well as what disciplinary sanctions or other consequences such violations should incur.¹¹

The Senate Ethics Committee has a total of six members, including three from the majority party and three from the minority party. It is therefore designed to be bipartisan, and its staff is comprised of nonpartisan employees hired jointly by the Chair and Vice-Chair of the Committee (who are themselves designated by the majority and minority party, respectively).¹²

The Senate Ethics Committee can initiate investigations on its own, as well as in response to complaints filed by other senators, staff, the public, or external organizations (including watchdogs like CLC).¹³ If initiated, an investigation begins with a “preliminary inquiry” to determine where there is “substantial evidence” of a violation of applicable ethics rules.¹⁴ If “substantial evidence” is found by its members, the Committee will then issue charges and complete an “adjudicative review” to decide on the merits of those charges, as well as any appropriate punishment.¹⁵ Throughout this process, the Committee has the discretion to issue public statements about its investigations and work or keep such information confidential.¹⁶

Disciplinary sanctions can include referral to a violator’s party conference for further punishment, financial restitution, censure, and expulsion (or for staff, termination of employment).¹⁷ In addition, the Committee can also issue public or private letters of admonition for violations and improper behavior.¹⁸

Because the Senate Ethics Committee is comprised of elected officials that conduct both the investigation and adjudication of potential wrongdoing by their colleagues, it represents a system of self-policing. This approach has proven itself extremely ineffective. For a variety of reasons – including partisanship, the discomfort of investigating one’s colleagues and coworkers, and the desire for collegiality among lawmakers whose political support may be needed later – senators have been able break the rules with little to no consequence.

Clearly, with more than 1,500 complaints since 2007, the Committee’s ongoing inactivity and inaction is not because the Senate is free of scandal or improper behavior. In the 117th Congress alone, evidence arose that senators allegedly used their position to receive special

11 Jacob Straus, CONG. RSCH. SERV., RL30650, *Senate Select Committee on Ethics: A Brief History of Its Evolution and Jurisdiction* 12 (Updated March 22, 2021), <https://crsreports.congress.gov/product/pdf/RL/RL30650/21>; Committee Information, U.S. SENATE SELECT COMM. ON ETHICS, <https://www.ethics.senate.gov/public/index.cfm/aboutus>.

12 Committee Information, *supra* note 11.

13 Straus, *Senate Select Committee on Ethics*, *supra* note 11, at 13.

14 Straus, *Enforcement of Congressional Rules of Conduct*, *supra* note 3, at 13-14.

15 *Id.*

16 Straus, *Senate Select Committee on Ethics*, *supra* note 11, at 13.

17 *Id.*

18 Straus, *Enforcement of Congressional Rules of Conduct*, *supra* note 3, at 14.

treatment from police during a traffic stop,¹⁹ converted campaign funds to personal use to promote book sales that generated royalties,²⁰ and failed to disclose stock purchases worth up to \$1.2 million.²¹ These cases are just a small sample of the alleged ethics violations during the last Congress, yet none resulted in any public action by the Senate Ethics Committee.

This ineffectiveness stands in stark contrast to the independent investigation process used in the House of Representatives. The following sections will detail this comparison and demonstrate why it is essential that the Senate focus on ethics reform in its own chamber.

The Current House Ethics Enforcement System

The U.S. House of Representatives Committee on Ethics (House Ethics Committee) is broadly similar to the Senate Ethics Committee in both its structure and jurisdiction. It has 10 members evenly divided between the two political parties, a nonpartisan staff, and three primary duties: providing ethics advice, investigating alleged wrongdoing in its chamber, and adjudicating rules violations.²² However, the House's system for ethics enforcement diverges dramatically from the Senate due to the existence of OCE, which supplements and supports the House Ethics Committee.

Created in 2008 after a series of scandals led to reform, OCE is an independent, nonpartisan entity that can review ethics complaints from the public, as well as conduct initial investigations into potential misconduct by representatives, House officers, and staff.²³ It is led by an eight-person board of directors (with six voting members and two alternates) who are private citizens and cannot serve in Congress, work as lobbyists, or be employed by the federal government.²⁴ Half of the directors are appointed by the Speaker of the House and half are appointed by the House Minority Leader.²⁵

Together, the board oversees an impartial staff of lawyers and other experts who conduct fact-finding, request documents, solicit witness testimony, and draft reports on purported ethics violations.²⁶ Based on this investigatory work, OCE makes referrals for further action to the

19 CAMPAIGN FOR ACCOUNTABILITY, *Request for Investigation of Senator Marsha Blackburn (R-TN)* (Apr. 9, 2021), <https://www.documentcloud.org/documents/20611871-cfa-complaint-senate-ethics-sen-marsha-blackburn>.

20 CAMPAIGN LEGAL CTR., *Letter from CLC to Senate Ethics Committee Regarding Senator Cruz* (Apr. 7, 2021), https://campaignlegal.org/sites/default/files/2021-04/Letter%20from%20CLC%20to%20Senate%20Ethics%20Committee%20Regarding%20Senator%20Cruz_%20April%207%202021.pdf (Although the Federal Election Commission ultimately dismissed a complaint regarding this same conduct, the important point for this report remains: the Senate Ethics Committee never took any public action in response to this allegation, thereby failing to address public concerns about potentially unethical behavior).

21 Kimberly Leonard & Madison Hall, *Two prominent Democratic lawmakers violated a federal conflicts-of-interest law. Again.*, BUS. INSIDER (June 14, 2022), <https://www.businessinsider.com/democrats-hickenlooper-raskin-stock-trades-congress-2022-6>; Dave Levinthal, *Sen. Dianne Feinstein fails to disclose husband's stock purchase, says she's willing to pay a fine.*, BUS. INSIDER (Jan. 27, 2021), <https://www.businessinsider.com/dianne-feinstein-senate-california-stock-purchase-disclosure-2021-1>.

22 Committee Information, U.S. HOUSE OF REPRESENTATIVES COMM. ON ETHICS, <https://ethics.house.gov/about>.

23 Jacob Straus, CONG. RSCH. SERV., R40760, *House Office of Congressional Ethics: History, Authority, and Procedures* (Updated March 31, 2023), <https://crsreports.congress.gov/product/pdf/R/R40760>.

24 *Guide to the Office of Congressional Ethics*, U.S. OFFICE OF CONG. ETHICS <https://oce.house.gov/learn/citizen-s-guide>.

25 *Id.*

26 *Id.*

House Ethics Committee, which retains the power to conduct its own inquiries, as well as exclusive authority to decide whether a violation has occurred and if punishment is necessary.²⁷

OCE investigations follow a two-stage process. First, OCE can begin a “preliminary review” of alleged misconduct if at least two members of the board (including one appointed by the Speaker and one by the Minority Leader) find a “reasonable basis” to believe an ethics violation has occurred.²⁸ OCE staff are then given 30 days to gather initial evidence.²⁹ If at least three board directors find “probable cause” to believe an ethics violation has occurred based on this preliminary evidence, OCE staff are given another 45 days to conduct a “second-phase review” (with a 14-day extension option).³⁰

Upon completion of this second stage, the board must review all the evidence gathered and determine if there is a “substantial reason to believe” that an ethics violation occurred.³¹ The board must then refer its findings to the House Ethics Committee. If at least four directors agree, this referral can be accompanied by a report that recommends either further review of the alleged misconduct or dismissal of the matter by the House Ethics Committee.³²

If the House Ethics Committee determines that enforcement action may be necessary – based either on an OCE referral or its own initiative – it empanels an investigatory subcommittee of its members to review alleged wrongdoing.³³ If that subcommittee finds there is “substantial reason” to believe an ethics violation has occurred, it will transmit relevant charges to an adjudicatory subcommittee comprised of other members who were not party to the investigation.³⁴ This second subcommittee will then decide whether a rules violation has been proven by “clear and convincing evidence,” as well as recommend any warranted disciplinary action.³⁵ Like the Senate, the House Ethics Committee’s sanctions can include referral to other authorities, expulsion, censure, reprimands, termination of employment, and letters of admonition.³⁶

Under most circumstances, the House Ethics Committee must publicly release any report it receives from OCE. This release is required within 45 days of OCE making a referral to the Committee unless the members vote to extend this period by another 45 days.³⁷ The

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Straus, *Enforcement of Congressional Rules of Conduct*, *supra* note 3, at 7.

³⁴ *Id.*; U.S. HOUSE OF REPRESENTATIVES COMM. ON ETHICS, 117TH CONG., House Ethics Committee Rules at 31 (Feb. 25, 2021).

<https://ethics.house.gov/sites/ethics.house.gov/files/documents/20210225%20Committee%20Rules%20for%20the%20117th%20Congress%20%28FINAL%29.pdf>

³⁵ House Ethics Committee Rules, *supra* note 23, at 36.

³⁶ *Guide to the Office of Congressional Ethics*, *supra* note 24; Straus, *House Office of Congressional Ethics*, *supra* note 23, at 20.

³⁷ *Guide to the Office of Congressional Ethics*, *supra* note 24.

Committee can also delay the public release of an OCE report up to a year if it decides to empanel an investigative subcommittee and take further action on a case.³⁸ The Committee is only allowed to keep an OCE report confidential if OCE recommends dismissal of a matter and the committee members also vote to dismiss.³⁹

This required transparency and the independence of OCE’s investigators are the twin prongs of the House’s more successful ethics enforcement. Although the House Ethics Committee retains ultimate authority on adjudicatory decisions, the utilization of an independent entity to conduct initial fact-finding means that lawmakers cannot turn a blind eye to misdeeds by their colleagues. Impartial investigators can dutifully search where the evidence leads, without regard for partisanship or concern for collegiality among political colleagues.

According to recent testimony before the Committee on House Administration, **OCE’s board has authorized 242 cases since its establishment.**⁴⁰ Of those, **118 involved Democrats and 124 involved Republicans.**⁴¹ OCE found substantial reason to believe an ethics violation occurred in **104 of these total cases**, referring those matters to the House Ethics Committee for further review.⁴² Remarkably, **52 of those referrals involved Republicans and 52 involved Democrats.**⁴³ Although this equal split is coincidental, these overall metrics are a testament to OCE’s genuine nonpartisanship.

In addition, the mandate that OCE reports are generally released to the public ensures the evidence sees the light of day and promotes accountability. The House Ethics Committee is less likely to ignore a meritorious complaint if its members know their constituents will be able to learn about the possible violation. Potential violators are also less likely to misbehave if the risk of enforcement action is meaningful, and if they know that their constituents will hear about their conduct.

While the OCE process is clear, the Office of Congressional Ethics is not perfect. There are a variety of ways it can still be improved. Most prominently, OCE should be codified permanently. OCE is currently established through the biennial House Rules Package and must be reauthorized in each new Congress.⁴⁴ This leads to uncertainty every two years over whether OCE will continue to exist, or if adopted changes could impede its work. If the House passed legislation to make OCE a permanent entity, it would bring more stability and consistency to the chamber’s ethics enforcement process.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Oversight of the Office of Congressional Ethics*, Hearing Before the Subcomm. on Oversight of the H. Comm. on Administration, 118th Cong. (June 13, 2023) (Statement of Chairman Paul Vinovich, Co-Chairman Mike Barnes, and Omar Ashmawy).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Delaney Marsco, CAMPAIGN LEGAL CTR., *CLC Joins More Than 25 Groups in Urging Congress to Codify OCE* (Jan. 17, 2023) <https://campaignlegal.org/update/clc-joins-more-25-groups-urging-congress-codify-occe>.

Beyond codification, there are at least three other key reforms that the House ought to consider. First, lawmakers should give OCE the ability to subpoena third parties during its investigations. Currently, OCE does not have any subpoena power, and its fact-finding can be blocked by individuals who refuse to cooperate with requests for information.⁴⁵

Second, OCE reports about legislators who refuse to cooperate during an investigation should be made public immediately upon referral to the House Ethics Committee.⁴⁶ This transparency would give a member's constituents real-time knowledge if their representative tries to impede an OCE investigation. This would also prevent OCE board members or violators from hiding behind the delays built into current rules.

Finally, the process for selecting OCE board members should be revised to ensure they are chosen subject to the concurrence of the Speaker and House Minority Leader, rather than by consultation between the two.⁴⁷ To maintain and strengthen the nonpartisan nature of OCE, the majority and minority leaders need to agree on a board member's appointment.

Even without these reforms, OCE is central to a demonstrably more effective ethics enforcement process in the House compared to the Senate. The following section will illustrate this difference to bolster the case for creating a similar body in the U.S. Senate.

Comparison of Effectiveness between House and Senate Ethics Enforcement

In February 2021, CLC conducted a comparative study to evaluate 10 years of ethics enforcement in the U.S. House and Senate.⁴⁸ This report specifically analyzed congressional ethics enforcement data from 2009-2020.

During this decade, the Senate Ethics Committee and the House's OCE dismissed a similar percentage of complaints alleging misconduct, 52% and 56% respectively. However, of the matters that proceeded to an investigation, the Senate only found an ethics violation in 3% of its cases, whereas OCE found a violation in 41%. Moreover, the Senate produced a public report only 5% of the time, while OCE produced a public report for 43% of its investigations.⁴⁹

⁴⁵ Letter Calling on Congress to Reauthorize and Strengthen the Office of Congressional Ethics, CAMPAIGN LEGAL CTR. (Dec. 21, 2022), <https://campaignlegal.org/sites/default/files/2022-12/OCE%20Reauthorization%20Letter.pdf>.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ CAMPAIGN LEGAL CTR., *Congressional Ethics Enforcement: 2009 - 2020 Senate Ethics Committee v. Office of Congressional Ethics*, <https://campaignlegal.org/sites/default/files/2021-02/OCE%20v.%20Senate%20Ethics%20Committee.pdf>.

⁴⁹ *Id.*

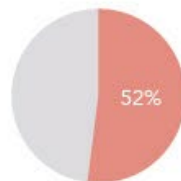
Congressional Ethics Enforcement: 2009 - 2020

Senate Ethics Committee v. Office of Congressional Ethics

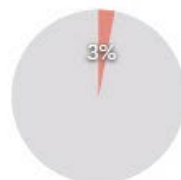
Year	Investigations		Dismissals		Violations		Public Reports	
	Senate	OCE	Senate	OCE	Senate	OCE	Senate	OCE
2009-2010	25	69	16	46	1	22	3	23
2011-2012	13	32	6	15	2	13	2	15
2013-2014	2	36	1	20	0	16	0	18
2015-2016	12	35	8	17	0	18	0	16
2017-2018	27	22	13	9	1	11	1	13
2019-2020	43	18	19	11	0	7	0	7
TOTAL	122	212	63	118	4	87	6	92

% of investigated Senate complaints that:

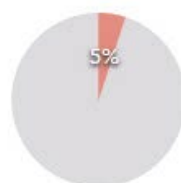
were dismissed



resulted in a finding of violation

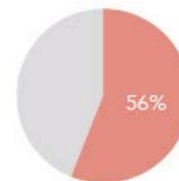


produced a public report

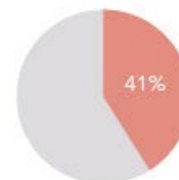


% of investigated OCE complaints that:

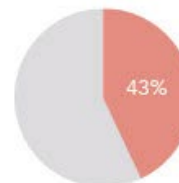
were dismissed



resulted in a finding of violation



produced a public report



This comparative data illustrates that the Senate's process for ethics enforcement is significantly less transparent than the House. In addition, it clearly does not meaningfully hold officials accountable. By contrast, the House's use of an independent investigator like OCE, coupled with stricter rules requiring transparency for its reports, ensures that more bad actors are held responsible for their misdeeds.

For example, during the 117th Congress, OCE publicly found substantial reason to believe that Congressmembers had converted campaign funds to personal use to pay for improvements to their residential property,⁵⁰ promised federal employment to a primary opponent to receive political support,⁵¹ and failed to disclose stock purchases worth up to \$21 million.⁵² OCE referred all of these violations to the House Ethics Committee for further action, and its public reports ensured that voters were able to learn of their elected officials' misdeeds.

Conclusion

Every time the Senate Ethics Committee fails to review alleged misconduct or hold lawmakers accountable for rules violations, it establishes a dangerous precedent that self-interested, corrupt behavior by elected officials – or at least the appearance of such behavior – is acceptable and will not be punished. This contributes to declining trust in Congress. Unsurprisingly, voters strongly support ethics reform.

According to a November 2021 poll conducted by CLC, nearly 90% of voters believe that ethics enforcement should be an “extremely important” or “very important” priority for Congress. This includes 90% of Democrats, 92% of Independents, and 88% of Republicans. Additionally, 92% of those polled support increasing the enforcement of ethics rules in Congress. Proposals to create an independent ethics committee to investigate wrongdoing, and to require members of Congress to cooperate with that committee, garnered support from more than 80% of voters.⁵³

Ethics reform is not only good for lawmakers and voters, but it also restores trust in Congress. For the Senate in particular, the public can no longer rely on lawmakers to self-police

50 OCE Referral Regarding Rep. Steven Palazzo, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (Aug. 28, 2020).

<https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/OCE%20Rev.%2020-2124%20-%20Referral.pdf>.

51 OCE Referral Regarding Rep. Marie Newman, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (Oct. 15, 2021).

<https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/OCE%20Rev.%2021-3052%20Referral.pdf>.

52 OCE Referral Regarding Rep. Tom Malinowski, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (July 16, 2021).

<https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/Review%2021-1051%20Referral.pdf>; OCE Referral Regarding Rep. John Rutherford, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (Feb. 18, 2022).

https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/OCE%20Rev.%20No.%2021-7423%20Referral_0.pdf; OCE Referral Regarding Rep. Chris Jacobs, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (Feb. 24, 2022).

https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/Confidential_OCE%20Rev.%2021-9620_Report.pdf; OCE Referral Regarding Rep. Pat Fallon, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (Feb. 18, 2022).

<https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/OCE%20Rev.%20No.%2021-3355%20Referral.pdf>; OCE Referral Regarding Rep. Thomas Suozzi, U.S. OFFICE OF CONG. ETHICS, 117TH CONGRESS (Feb. 18, 2022).

https://oce.house.gov/sites/congressionalethics.house.gov/files/documents/OCE%20Rev.%20No.%2021-6367_Referral.pdf.

53 CAMPAIGN LEGAL CTR., *Summary of Poll Findings on Ethics Reform* (Nov. 2, 2021), <https://campaignlegal.org/document/summary-poll-findings-ethics-reform>.

misconduct. Without a major change, voters cannot be sure that senators will prioritize the needs of their constituents over their own personal and financial gain, or the wishes of donors and special interests.

The best way to reduce concerns about corruption and promote accountability is for the Senate to immediately create an independent entity for ethics investigations. This reform will not only help lawmakers fulfill their constitutional responsibility to ensure proper behavior in Congress, but also strengthen American democracy overall. It is an essential next step in the continual evolution of our ethics laws.

Checklist of Recommended Reforms

The Senate should use the House's OCE as a successful model for promoting independent ethics investigations and for more effective enforcement, as well as improve upon that model where possible.

Key elements of any effort to enhance Senate ethics ought to include:

- The codification of a permanent, independent entity to review alleged ethical violations and make referrals for disciplinary action to the Senate Ethics Committee.
- The appointment of non-partisan leadership for this independent entity, to be chosen by concurrence between the leaders of the majority and minority parties in the Senate.
- The establishment of impartial and transparent procedures for this independent entity to follow when conducting investigations, including the hiring of expert staff and the ability to release its reports directly to the public.
- The empowerment of this independent entity with the authority to subpoena third parties, as well as to publish real-time information on legislators who refuse to cooperate with its investigations.

While the Senate considers these reforms, the House can and should still improve its ethics enforcement process by:

- Permanently codifying OCE to promote consistency and stability in the chamber's handling of misconduct.
- Granting OCE the power to subpoena third parties during its investigations to prevent stonewalling by individuals who refuse to cooperate with fact-finding.
- Immediately making public OCE reports about legislators who refuse to cooperate during an investigation, which will give voters real-time knowledge if their representative is attempting to impede the ethics process.
- Requiring OCE Board Members to be chosen by concurrence between the Speaker and House Minority Leader, in order to ensure true nonpartisanship in appointees.