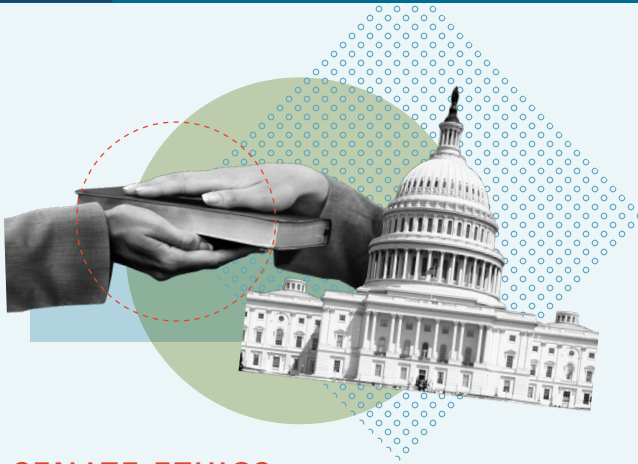




# THE CASE FOR AN INDEPENDENT U.S. SENATE ETHICS OFFICE

## Examining the Failed Effort to Enforce Ethics in the Senate



### SENATE ETHICS COMMITTEE VS. OFFICE OF CONGRESSIONAL ETHICS

In comparing congressional ethics enforcement data since 2010 for the U.S. Senate and the House of Representatives, [the difference is stark](#). While the Senate Ethics Committee and House Office of Congressional Ethics (“the OCE”) dismiss a similar number of complaints, the OCE found evidence of a violation 43% of the time, compared to the Senate’s 3%. The OCE produced a public report 45% of the time, and the Senate only produced a public report for 4% of complaints. Even when the Senate Ethics Committee finds evidence of a violation, its commitment to enforcement is severely lacking. Not a single one of the [Senate Ethics Committee’s investigations](#) since 2007 has resulted in any formal disciplinary sanctions, meaning the Senate Ethics Committee has not punished a senator for ethical misconduct in more than 15 years.

This shows that the Senate’s process for ethics enforcement is significantly less effective than the House’s and therefore does not hold officials accountable. Every time the Senate Ethics Committee fails to review alleged misconduct or hold lawmakers accountable for rules violations, it further entrenches the precedent

that self-interested, corrupt behavior by elected officials is acceptable and will not be punished.

These metrics are not the result of the Senate conducting fewer investigations—the Senate investigated 195 complaints over the last 14 years, while the OCE investigated 249. Nor are the investigations substantially different. [CLC analyzed 20 years of past ethics cases](#) in both chambers and found allegations with similar details about issues such as insider trading, accepting campaign contributions connected with official acts, and STOCK Act violations. Despite these similarities, the Senate either dismissed such complaints or did not act on them at all, while the OCE found evidence of ethics violations and published detailed findings of fact for voters.

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. Proposals to create an independent ethics committee, like the OCE, to investigate wrongdoing, and to require members of Congress to cooperate with that committee had support from more than [80% of voters](#).

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### HISTORY OF THE OFFICE OF CONGRESSIONAL ETHICS

In 2005, the House of Representatives faced a crisis of decreased public trust as a result of ethics scandals running rampant through the chamber. [Five members](#) in two years were embroiled in ethics scandals ranging from bribery to campaign finance violations, and even involvement in the infamous Jack Abramoff scandal.

The onslaught of these scandals made clear that the House Ethics Committee's system of self-policing was ineffective and left member's unethical and illegal behavior virtually unchecked. In 2007, then-Speaker of the House Nancy Pelosi and Minority Leader John Boehner announced the creation of the Special Task Force on Ethics Enforcement.

The task force released a report recommending that the House create the OCE as an independent office within the House tasked with reviewing allegations of misconduct and making recommendations to the House Ethics Committee. The resolution creating the OCE passed in 2008, and ever since, the Office has been a marked success. The OCE is operating effectively and efficiently and in a non-partisan way, improving transparency and ethics enforcement in the House.

The Senate, however, has made no such effort to improve ethics enforcement, relying on the same broken system of self-policing the House overhauled in 2008.

## HOW TO FIX SENATE ETHICS

The Senate should use the OCE as a successful model for promoting independent ethics investigations by adopting its structure, powers, and procedures that allow for more effective enforcement. These include: (1) board members appointed in concurrence by both the Senate majority and minority leaders; (2) an investigative process that requires investigations to be completed within specific timeframes; and (3) reports of the body's findings that must be made public in most circumstances.



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**The Case For An Independent Senate Ethics Office**

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- 2 An investigative process that requires investigations to be completed within specific timeframes
- 3 Reports of the body's findings that must be made public in most circumstances

The Senate should further enhance an independent ethics office and improve on the model in the following ways:

- The codification of the independent entity under federal law and not Senate Rules.
- 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.



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