



June 16, 2014

The Honorable Barbara Boxer  
Chair  
Senate Select Committee on Ethics  
220 Hart  
Washington, DC 20510

The Honorable Johnny Isakson  
Ranking Member  
Senate Select Committee on Ethics  
220 Hart  
Washington, DC 20510

Dear Senators Boxer and Isakson:

We are writing to urge the Senate Select Committee on Ethics to undertake a review of current procedures and rules and to make changes that will improve the Committee's process for dealing with allegations of ethics violations. The public accurately perceives this process as insular and opaque, thus damaging public confidence in the institution you, as Chair and the Ranking Member of the Committee, are charged with upholding. We hope you will consider the following proposed changes in the spirit they are intended, as constructive improvements to the ethics process, as evidenced by their efficacy in the U.S. House of Representatives and other legislative bodies:

First, we urge you to take the lead in pushing for the U.S. Senate to create an independent office for ethics investigations, modeled after the Office of Congressional Ethics established in 2008 by the House. While further improvements are still needed to make the OCE work at peak efficiency, the OCE has gone a long way to rebuilding public confidence in a House ethics process whose reputation was in tatters. Under the bipartisan leadership of former Representatives David Skaggs (D-CO) and Porter Goss (R-FL), the OCE provides a voice of reason in an increasingly politicized atmosphere, issuing findings that reflect a reasonable, common sense approach to ethics enforcement. It is important to note that almost every one of its recommendations to date has been on a unanimous, bipartisan basis.

Because we understand that creation of a Senate OCE is not immediately attainable, we urge you to consider other reforms to the Senate ethics process that will improve transparency and restore the public's trust.

Too little information on the status of investigations is publicly available. The Senate Ethics Committee process is often described as a "black hole" into which allegations go to "cool off" and perhaps disappear. While we appreciate that ongoing investigations are sensitive and necessitate discretion, the Committee has taken these understandable considerations to the extreme. Information goes in and no information is generally and routinely available until (with no public timetable) a final disposition is reached. This gives the impression of a "white wash" that protects Senate members at the expense of upholding reasonable ethical standards.

This situation serves the interests of neither Senators nor the public. The public's lack of trust in the current process undermines the legitimacy of even the most well-reasoned decisions of the Committee. We urge you to consider a revised procedure that creates timetables for public

reports on the status of investigations. Certainly, such timetables can and should be waived under extraordinary circumstances, such as when an investigation is put on hold pursuant to a review by the Department of Justice. Any steps toward disclosure would improve an investigatory process that is closed and perceived as unaccountable.

Second, we urge you to update current requirements on ethics training for Senators and Senate personnel. Each Senator and Senate staff should go no longer than four years without a training session that would serve both as a refresher and update, as well as reminder of ethics rules.

Third, we urge the Committee to review current travel rules to ensure they sufficiently protect against abuses of the current exception for privately financed travel exception. Allowing private entities to use the reimbursement of travel expenses creates an opportunity for gaining unfair access to and influence with on Senators. In the aftermath of the Supreme Court's decision in the *Citizens United* case, many new outside entities have formed with names that do not provide meaningful information as to whom the group represents or by whom it is funded. Consequently, the current disclosure rules, especially those governing pass-through transactions, do not accurately reveal the sources of funds underwriting Senate travel. The Committee should adjust its procedures to accommodate this new reality when determining what constitutes permissible, privately-financed travel.

Fourth, we urge the Committee to make public recommendations for effective implementation of the STOCK Act. While the law may need to be improved to facilitate effective implementation, it is imperative that any such changes do not eviscerate or undermine the core purpose of the law.

Lastly, we urge the Committee to initiate soon a robust educational outreach effort to Senate staff regarding permissible campaign activities. Mistakes often happen in this area due to an excessive focus on a Senator's reelection, insufficient understanding of rules and ineffective oversight. The Senate Ethics Committee can help preempt violations or scandals by providing educational programs and advisory opinions, which will in turn raise the general awareness and education level of Senate staff in this area.

As approval ratings of Congress remain mired in the low teens, the Senate Ethics Committee has a meaningful and important role to play in protecting the integrity of the institution and restoring the public's trust in the Senate as our leader in democratic self-governance. The opportunity to take action is now. Maintaining the status quo in Senate ethics enforcement ensures continued public cynicism that undermines our democratic values and institutions.

We are happy to discuss any of these issues with you or your staff.

Sincerely,

Meredith McGehee  
Policy Director  
Campaign Legal Center

Lisa Gilbert  
Director, Congress Watch  
Public Citizen

Craig Holman  
Government Affairs Lobbyist  
Public Citizen's Congress Watch