

The Next Steps for Congressional Ethics Reform

By Rep. Earl Blumenauer and Rep. Greg Walden

As elected officials who grew up in the Oregon tradition of political openness and integrity of public service, we are pleased to provide a bipartisan plan for ethics reform. We are strongly committed to transparency in government and we thank you for the opportunity to outline what we see as the next step to take in the continuing process of increasing congressional accountability: the creation of an independent, bipartisan Office of Public Integrity.

A smooth functioning and credible ethics process is critical for both the reputations of individual members of Congress and for the future of the institution itself. A process that has lost credibility with the public does disservice to those who abide by the rules while serving here as well as the institution itself. To address these issues, we have crafted legislation, the Ethics Reform Act of 2007, which would comprehensively deal with accountability and oversight of Congress in a way that we cannot accomplish under the current system. This bill, H.R. 1136, abolishes the Committee on Standards of Official Conduct and instead establishes an independent ethics review process, similar to that found in many states.

The present system is both slow and awkward. Given the enormous demands on our schedules, few members feel they have the time to devote to such an important duty as oversight. And few members are comfortable investigating and sitting in judgment of colleagues and friends. In short, service on the “Ethics Committee” can seem more of a punishment than a prize.

If the intent of having members of Congress sit in judgment of their colleagues is to provide both a Constitutional check on impropriety and maintain public confidence in the institution, then the present system is failing both the test of timely justice and of public opinion. The system can be reformed to lift day-to-day work above partisanship and keep any punishment of violators the purview of the Congress. We can provide greater fairness for members under review and for the public who demand greater accountability.

What Congress needs is an independent ethics review process governed by a body without a stake in the political process. Yet, the members of this panel should understand the reality of public service and the need to ensure the integrity of that service through adherence to the rules.

Our legislation proposes the creation of an 11-member outside panel with a full-time professional staff to provide oversight, investigations, and recommendations for ethical enforcement. Ten of the members would be former House members – five selected by each party – who have been out of office at least two years. These panel members would bring the experience of public service and the understanding of the complexity of our duties. These ten members would select an eleventh member.

Professional staff, headed by an executive director, would serve this independent body. The Speaker of the House and the Minority Leader of the House would choose the executive director in a manner similar to the appointment of the director of the Congressional Budget Office. The executive director would serve for a seven-year term and could be reappointed only once.

In addition to taking over the investigation and review functions of the Committee on Standards of Official Conduct, the new ethics panel would maintain all records, advise offices on ethics rules, and conduct periodic audits to ensure compliance with reporting requirements and rules.

Any recommendations of the Commission that go beyond advisory opinions or letters of reproof and admonishment would be brought to the full House for a vote. Actions that fall short of official discipline would not require action of the House.

In addition to performing and strengthening the general duties currently performed by the Committee on Standards of Official Conduct, the Commission's duties would be extended to overseeing the actions of lobbyists by bringing the Lobbying Disclosure Act under its jurisdiction. The Commission would review the filings of lobbyists and post filings online quarterly for public viewing at no charge. The Commission would review all reports filed by Members, officers, and employees at the House and lobbyists for inconsistencies or mutual interests and expenditures between them.

In closing, our proposal provides the changes that many of us seek and our constituents demand. It codifies the transparency, independence, and compliance that some of us took for granted during our service in public office. We urge the task force to recommend the creation of an Office of Public Integrity, and to adopt the framework we have outlined. Instituting an independent ethics mechanism can only benefit Congress, and ultimately, the American people.