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ONE HUNDRED ELEVENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

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STATEMENT OF THE CHAIR AND RANKING REPUBLICAN MEMBER REGARDING THE ACTIVITIES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR THE FIRST HALF OF THE FIRST SESSION OF THE 111TH CONGRESS

We write to update you about the activities of the Committee on Standards of Official Conduct through the end of June 2009. Below we have included a table summarizing statistics relating to the Committee's work through June 30, 2009, along with a brief summary of the Committee's accomplishments through the end of June 2009.

About the Committee

The Committee on Standards of Official Conduct is tasked with interpreting and enforcing the House's ethics rules. The Committee has sole jurisdiction over the interpretation of the Code of Official Conduct, which governs the acts of Members and staff. The Committee is the only standing House committee with equal numbers of Democratic and Republican members. The Committee's staff is required by rule to be—and it is—professional and nonpartisan.

Much, if not most, of the Committee's work is conducted confidentially. Members and staff are, by and large, prohibited from discussing the Committee's work. Confidentiality promotes compliance with the rules and, in the investigative context, permits the Committee to independently investigate matters fully without interference or undue influence.

Nevertheless, the Committee's duty to maintain confidentiality can make the Committee appear insufficiently accountable or transparent. The Committee, to the extent our confidentiality obligations permit, intends to be transparent, and it will be accountable. To that end, we are submitting the Committee's first semi-annual report on its activities.

The Committee's Responsibilities

The Committee manages five critical responsibilities:

1. **Training.** The Committee provides mandatory annual ethics training to over 10,000 employees of the House. In addition, the Committee provides additional, mandatory training for senior staff. Trainings take the form of in-person and computer-based seminars, briefings and interactive

presentations. The Committee is in the process of updating its online training materials and has put into place systems for monitoring and enforcing compliance with the House's training requirements.

2. **Advice and Education.** The Committee provides both formal and informal guidance to Members and employees of the House. Through published guidance, the Committee updates the House on the ethical standards regulating the conduct of Members and staff. It also provides confidential written guidance to Members and staff on specific questions. In addition, the Committee's staff gives informal, confidential advice to Members, staff and the public every day. The Committee has recently set a goal of completing responses to written requests for advice within two weeks of submission and has made significant progress toward improving the timeliness of responses to requests for formal advice.
3. **Travel.** The Committee is responsible for reviewing and approving all privately-sponsored travel related to official duties offered to Members and staff. The Committee is in the process of reviewing its travel regulations. Exercising its oversight jurisdiction, the Committee, with the benefit of two years' experience implementing the House's travel rules, expects to revise its travel regulations in the near future.
4. **Financial Disclosure.** The Committee reviews and certifies all financial disclosure reports Members, candidates and senior staff are required to file. These are time-intensive reviews, which require the dedication of substantial staff resources to complete. The Committee is putting into place systems for monitoring and enforcing compliance with the House's financial disclosure rules.
5. **Investigations.** The Committee investigates and adjudicates allegations of impropriety and violations of House ethics rules by Members and staff. The Committee actively investigates allegations against Members and staff, using a mix of informal and formal investigative techniques to determine the validity of factual allegations, explore potential rules violations and recommend appropriate sanctions and corrective actions. Where appropriate, the Committee refers matters to federal and state law enforcement authorities.

In addition, the Committee performs other critical functions to ensure compliance with House ethics rules. Several of these functions are noted in the table below, which summarizes the Committee's activities for the first half this year.

Semi-Annual Committee Report

Correspondence		
Type	Total	
	Advisory Opinions	Travel
Received (from 1/1/09 to 6/30/09)	357	921
Mailed (from 1/1/09 to 6/30/09)	311	848
≤ 2 week turnaround from 5/1/09 to 6/30/09	80.32% (49 out of 61)	
≤ 2 week turnaround from 1/1/09 to 4/29/09	39.04% (98 out of 251)	
Informal Advice and Inquiries (5/1/09 to 6/30/09)		
	Total	
Phone Calls	2,876	
Emails	813	
Training (1/1/09 to 6/30/09)		
	Total	
Total # of House employees	10,553 (as of June 30, 2009)	
Employees having completed training (as of 6/30/09)	2,861	
Training briefings (scheduled training sessions)	20	
Targeted briefings (briefings for individual House offices)	34	
Investigations		
	Total	
Investigative Subcommittees carried over from the 110th Congress	1	
Investigative Subcommittees commenced during the 111th Congress	1	
Investigative matters carried over from the 110th Congress	11	
Investigative matters commenced during the 111th Congress	15	
Publicly Disclosed Resolutions	2	
Confidential Resolutions	2	
Referrals from the Office of Congressional Ethics	6	
Referrals from Inspectors General	2	
Financial Disclosures (111th Congress)		
	Total	
FD Reports Filed by Members and Staff	2,083	
FD Reports Filed by Candidates	120	
Total Filed	2,203	
FD Reports reviewed by temporary auditors (Pre-Screened)	1,972	
FD Reports reviewed by Committee staff (Members and Staff)	972	
FD Reports reviewed (Candidates)	12	
FD Reports still to be reviewed by Committee staff (as of 6/30/09)	988	
FD Reports not received (includes extensions not yet filed)	547	
Committee Memoranda (from 1/1/09 to 6/30/09)		
	Total	
"Pink Sheets"	3	
Press Statements	7	
Forms Received (from 1/1/09 to 6/30/09)		
	Total	
Recusals	14	
Negotiations	33	
Blind Trusts	2	
Legal Defense Fund	8	
Foreign Gifts and Travel Reports	10	
Meetings (from 1/1/09 to 6/30/09)		
	Total	
Full Committee meetings	10	
Subcommittee meetings	8	
Committee Rules Working Group meetings	3	
Personnel		
	Total	
Current Staff	15	
New Employees hired	5	

Significant Accomplishments

Conforming Revisions to Committee Rules

Revisions to House rules over the past few years required conforming amendments to the Committee's rules. The Committee did the revisions in two steps. First, the Committee adopted interim rules at its organizational meeting on February 10, 2009. The interim rules conformed the Committee's rules to the more gender-neutral language adopted in the House rules for the 111th Congress. At that time, the Committee announced that it would be conducting a more thorough review of its rules to incorporate new provisions in House Rule 11 regarding the newly established Office of Congressional Ethics (OCE).

In April 2009, the Committee formed a bipartisan working group led by Representative Ben Chandler and Representative John Kline to review and make recommendations for further, more substantive conforming amendments to the Committee's rules. The working group met formally three times to discuss proposed amendments to the rules. It also consulted with the Office of the Parliamentarian, House Office of Legislative Counsel, and the House General Counsel to ensure the Committee's rules revisions conform to the provisions of the House rules, applicable legislation and the Constitution. The working group's recommended revisions were ultimately adopted by Committee vote on June 9, 2009.

The revisions incorporated House Rule 11 and H. Res. 895 (110th Congress), which established the OCE and created the process by which matters are referred to the Committee from the OCE and eventually subjected to public disclosure. The Committee's rules address the three pillars underlying the creation of the OCE: promoting accountability of the Committee; increasing the transparency of the Committee; and ensuring the independence of both the Committee and the OCE.

A section-by-section summary of the conforming amendments to the Committee's rules is included immediately below.

Summary of Rules Changes

Rule 2—Definitions. Conforms the Committee's rules to extant House rules governing the Committee's role as an investigative authority. Incorporates definitions relevant to the OCE.

Rule 3—Advisory Opinions and Waivers. Clarifies that the privately-sponsored travel approval process is part of the Committee's Advisory Opinion process. Permits a Member, officer or House employee to request a copy of his or her own travel approval or advisory opinion request, along with the Committee's response to the request.

Rule 4—Financial Disclosure. Establishes that the Committee has declined to exercise jurisdiction over review of the timeliness and completeness of financial

disclosure reports filed by the Board of the OCE with the Clerk of the House. This provision promotes OCE's independence.

Rule 7—Confidentiality. Conforms the Committee's confidentiality provisions to the public disclosure requirements for referrals from the OCE and permits limited disclosures of Committee investigative information to the Board of the OCE when the Committee requests a referral.

Rule 9—Quorums and Member Disqualification. Conforms the Committee's member disqualification rule to changes made in the House Rules for the 111th Congress.

Rule 12—Broadcasts of Committee and Subcommittee Proceedings. Removes the provision allowing witnesses to terminate audio and video coverage consistent with the elimination of this provision in the House rules.

Rule 14—Committee Authority to Investigate—General Policy. Conforms the Committee's rules to extant House rules governing the Committee's role as an investigative authority. Incorporates authority to investigate, consistent with new House rules, based on referrals from the OCE.

Rule 17—Processing of Complaints. Removes the provision regarding member disqualification to clarify its broader application to all investigative subcommittees.

Rule 17A—Referrals from the Board of the Office of Congressional Ethics. Incorporates provisions from new House rules detailing the Committee's process for processing referrals from the OCE, including the timeframes for required public disclosure of OCE referrals. Establishes the process the Committee will follow when it receives an OCE referral pursuant to House Rule 11, clause 3. Provides that the Committee must, in virtually all cases, make public OCE's reports and findings regarding referred matters, as well as make public statements regarding the status of the Committee's reviews of referred matters. The public disclosures follow strict timelines. The rule sets out the basic disclosure process and timeframes for disclosure in detail.

Provides that public disclosures required under the rule will be released by the Committee on the Committee's Web site.

Provides that the Committee may receive OCE referrals in two ways that trigger the disclosure process described in Committee Rule 17A. First, OCE's Board may vote to refer a matter to the Committee after completion of OCE's second-phase review. Second, the Committee may request a referral after receiving notice that OCE is reviewing a matter, provided the Committee is already investigating, or has already investigated, the matter pursuant to House Rule 11, clause 3(r). Under that House Rule, as codified in Committee Rule 17A(k), the Committee has the

authority to request that OCE refer a matter to the Committee at any stage of an OCE investigation. Because a request for a referral may only come from the Committee, it requires a vote of the full Committee.

Provides that the Committee may not request a matter and then allow it to languish in secret. Treats an early referral as identical to an OCE referral made at the end of a second-stage review. Provides that, if the Committee requests a referral from the OCE, the OCE will issue a report to the Committee when it makes its referral. In early referral cases, the rule applies the same strict timelines and public disclosure requirements applicable to all other OCE referrals. The Committee must act on the matter and release a copy of OCE's report, typically within 45 days, with the possibility of one 45-day extension. Consequently, if the Committee votes to dismiss a matter after requesting an early referral from OCE, the OCE's report will become public, along with a statement from the Committee announcing dismissal of the matter. The rule fosters accountability and ensures that the actions of both the Committee and the OCE are transparent to the House and to the public. (The Committee understands that the OCE, in such cases, would not be precluded from continuing its review based on new information made available to the OCE.)

Provides that, if the Committee is unable to resolve a matter before the public disclosure timeframes run (for example, by empanelling an investigative subcommittee), referred matters will revert back to the OCE for second-phase review and possible referral of the matter to the Committee. Provides that the Committee may only request one referral of the same matter from the OCE.

Rule 18—Committee-Initiated Inquiry or Investigation. Conforms the Committee's rules to House rules and long-standing Committee practice. Incorporates recent House resolutions requiring action by the Committee when a Member, officer or House employee is charged with criminal conduct.

Rule 19—Investigative Subcommittee. Adds a provision regarding member disqualification from investigative subcommittees to clarify its broader application to all investigative subcommittees.

Rule 23—Adjudicatory Hearings. Clarifies that member disqualification from adjudicatory subcommittees is also governed by the general member disqualification rule, consistent with the House rule revisions in the 111th Congress.

Staffing

Effective May 1, 2009, the Committee appointed a permanent staff director and chief counsel. In addition, the Committee has hired four additional staff members, including two attorneys and two investigators, three of whom will start with the Committee during July 2009. The Committee continues to actively interview additional candidates for numerous open staff positions. The addition of a permanent staff director has helped the Committee establish several significant policies (described below) that will enhance compliance with the ethical standards of the House. The addition of new staff will permit the Committee to fulfill its responsibilities in a more timely and effective manner.

Reduction in Advisory Opinion Backlog

At the beginning of this Congress, there was a substantial backlog of advisory opinion requests to which the Committee had yet to respond. Many of those requests were months delayed. In some cases, responses were delayed by as much as a year or more. The Committee has cleared the backlog and has established policies to improve its responsiveness to advisory opinion requests.

On May 1, 2009, the Committee established a target of responding to advisory opinion requests, where possible, within two weeks. From the beginning of the year through April 30, 2009, the Committee responded within two weeks to advisory opinion requests about 39% of the time. Since May 1, 2009, the Committee's response rate has jumped to over 80%. The policy change has greatly increased the turnaround time for responses, leading to more timely and effective advice to Members and staff on issues of concern to them. The policy also has encouraged Members and staff to seek confidential advice from the Committee before acting, promoting greater compliance with the House's ethics rules.

Improved Data Collection and Case Management

The Committee has significantly improved its data collection and case management. Data is being collected and monitored in ways it has not been before. For example, the Committee has for the first time started collecting much of the data included in the report above on an ongoing basis. The Committee has started tracking the length of time it takes to review advisory opinion and travel requests, allowing it to set targets for processing cases. In addition, the Committee is exploring ways to improve its processes and to expand its data collection.

Improved Compliance Controls

The Committee has significantly improved its processes for monitoring compliance with House rules, including the certification of mandated training for staff and the filing of financial disclosure reports. Specifically, the Committee has, since May 1, 2009, established specific policies to identify employees who, and offices that, have failed to properly certify compliance

with the House's mandatory training requirements for staff. In addition, the Committee has put into place policies to identify Members and senior staff who have failed to file financial disclosure reports. These policies will allow the Committee to notify noncompliant individuals and offices, seek corrective measures and take appropriate remedial actions.

Annual Review of Travel Regulations

The Committee has started its required annual review of its regulations governing privately-sponsored travel. It expects to report its findings to the House by the end of 2009.

Investigations

The Committee has been conscientiously fulfilling its mission to investigate alleged violations of the House's ethics rules. As can be seen from the report above, the Committee opened 15 new investigative matters from the beginning of the year through June 30, 2009. During that time, the Committee received six referrals from the OCE. In addition, the Committee continued investigating 11 matters held over from the 110th Congress. The Committee completed four investigative matters. The resolutions in two of those matters were publicly disclosed.

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