

**Campaign Legal Center • Common Cause • Democracy 21
League of Women Voters • Public Citizen • U.S. PIRG**

September 30, 2009

David Skaggs, Chairman
Porter J. Goss, Co-Chairman
Office of Congressional Ethics
1017 Longworth HOB
Washington, DC 20515

Dear Chairman Skaggs and Co-Chairman Goss:

Our organizations are writing to inform you of our views regarding the limited circumstances under which the Committee on Standards of Official Conduct (Ethics Committee) can remove a matter from the Office of Congressional Ethics (OCE).

The organizations include Campaign Legal Center, Common Cause, Democracy 21, League of Women Voters, Public Citizen and U.S. PIRG.

Under the rules adopted by the OCE to implement the House resolution establishing the Office, the OCE is required to cease an inquiry and refer the matter to the Ethics Committee “because of an ongoing investigation of such matter by an *investigatory subcommittee*” of the Committee (emphasis added).

This means that the Ethics Committee can assert jurisdiction and take a matter away from the OCE only if the Committee has “an ongoing investigation” of the matter being conducted by an “investigatory subcommittee.”

Questions have been raised in recent months as to whether the House Ethics Committee could on its own establish additional circumstances in which the Committee could take matters away from the OCE.

We strongly believe the answer to this is clear: the Committee cannot do so.

As you are aware, the matter of limiting the instances in which a matter could be removed from the OCE by the Ethics Committee was a very important issue during the deliberations that led to the creation of the OCE. One of the major reasons for the establishment of the OCE was to address the problem of ethics matters disappearing in the past into a “black hole” at the Ethics Committee and never being addressed, without anyone having to take formal responsibility for the failure of Congress to do anything about the ethics matter.

It was considered essential by supporters of the OCE that the Committee could not accomplish the same “black hole” result simply by prematurely taking a matter away from the OCE. This issue was addressed in the House rules adopted to create the OCE by giving the Committee only a carefully limited ability to take a matter from the OCE.

The internal rules adopted by the OCE properly implement the meaning and purpose of the Resolution passed by the full House to establish the OCE. They require that an Ethics Committee “investigatory subcommittee” must be underway before any matter can be taken away from the OCE by the Ethics Committee.

The Ethics Committee, furthermore, does not have the power on its own to change either the Resolution adopted by the full House to create the OCE or the rules adopted by the OCE to implement the Resolution.

We strongly urge the OCE to follow the House Resolution and its own rules, and to reject any effort by the Ethics Committee, should it occur, to remove an ethics matter from the OCE absent the establishment of an investigatory subcommittee.

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