



## Congress of the United States House of Representatives

March 29, 2007

The Honorable Nancy Pelosi  
Speaker of the House  
H-232, U.S. Capitol  
Washington, D.C. 20515

Dear Speaker Pelosi:

The American people have every right to expect the highest ethical standards here in the people's House. Yet, less than three months into the 110<sup>th</sup> Congress it has become clear that House ethics rules are hopelessly broken. Members on both sides of the aisle are understandably frustrated because they know you can't "clean up Congress" with confusing rules that are as difficult to comply with as they are to enforce.

It is equally clear that until the ethics rules are repaired through a genuinely bipartisan process, they will continue to lack the credibility needed to ensure broad compliance, effective enforcement and widespread public acceptance.

As you know, sweeping changes to House ethics rules imposed at the start of this Congress were drafted in secret by the incoming Majority without consulting either the Minority or the staff of the nonpartisan Ethics Committee. The new rules were then rammed through the House with no opportunity to carefully analyze the proposals or to improve them in any way. The consequences of this ill-considered approach are now being felt by Members and staff on both sides of the aisle:

- A staffer may attend an evening reception hosted by a corporation and consume shrimp, champagne, sliced filet and canapés....but may not accept a slice of pizza or a \$7 box lunch provided by the very same corporation at a policy briefing the next day. [see Ethics Committee "pink sheet", Feb 6, 2007 (pp. 4-5)]
- Although Members and staff may play in a \$1,000 per person charity golf tournament to benefit a local scholarship fund, they are prohibited from similarly helping the American Red Cross raise funds for Katrina victims by playing in *its* golf tournament – solely because the Red Cross employs lobbyists. [see Ethics Committee "pink sheet", Jan 19, 2007 (p. 7)]
- In order to go on a "first date" with someone who happens to be a lobbyist, a staffer must agree to pay for his or her full share of the lunch or dinner, as well as anything else of value, such as a movie, concert or ballgame. [see Ethics Committee "pink sheet", Feb 6, 2007 (p.2)]

- A Member may accept \$200 tickets for the Final Four from Ohio State (public university), but not \$20 tickets to a preseason game from Xavier University (private university). [see Gifts & Travel, House Ethics Committee, April 2000 (p. 37)]
- A Member may accept a \$15 t-shirt or \$20 hat from the Farm Bureau, but not a \$12 mug or mouse pad. Similarly, a \$4 latte is OK – but a \$4 sandwich is not. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p.5)]
- A Member who has his own airplane is prohibited from flying it for any purpose – official, campaign or personal – even at his own expense. [see Ethics Committee letter to Rep. Stevan Pearce, Feb 16, 2007]
- A staffer invited to a post-season barbecue for her daughter’s soccer team may not attend once she learns that it will be held in the home of a player whose father is a lobbyist. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p. 2)]
- Although a Member may not accept dinner from a lobbyist who uses his own funds or those of his firm, he *may* accept dinner from the very same lobbyist using a credit card provided by his state or local government clients. [see clause 5(a)(3)(O) of House Rule XXV]
- A corporate executive who is not a lobbyist may not use his expense account to take a Member out to dinner, but may – in many cases – take the same Member to dinner using his personal funds. [see Ethics Committee “pink sheet”, Feb 6, 2007 (p. 3)]
- A Member may not take a privately-funded trip if a lobbyist accompanies him to and from Washington; but the same Member may spend five days in Brussels discussing global warming with environmental group lobbyists -- as long as none of them are on the same flights to and from the meeting. [see Ethics Committee “pink sheet”, March 14, 2007 (p. 2)]

It’s no surprise that Members deeply committed to following the rules are confused and concerned by the current state of disarray in the House.

Making matters worse, the chaos inflicted on Members and staff by careless (or worse) Democrat rule writers has now infected the legislative process as well. For example, confusion over the proper application of congressional earmark rules has made it possible for Democratic leaders to certify as “earmark free” a multi-billion dollar Continuing Resolution that any knowledgeable observer will confirm was laden with them.

Moreover, the failure of the House Ethics Committee to provide official guidance to Members seeking to comply with newly adopted earmark “conflict of interest” rules until after the deadline for submission of earmark requests had expired has unnecessarily disrupted the FY 08 appropriations process by delaying for more than a month processing of many Member earmark requests, and complicated efforts to make the earmark process more transparent.

This latter incident underscores the folly of Democrats rushing to unilaterally impose complicated and contradictory new rules on the House, and then denying an entirely reasonable joint request by the Chairman and Ranking Republican of the Ethics Committee for the additional resources the panel needs to carry out its added responsibilities to Members.

Sadly, Democrat leaders straining to legitimize their campaign rhetoric have instead left Members – on both sides of the aisle – more vulnerable than ever to violating rules that are hard to define, riddled with logical inconsistencies, and utterly unlikely to prevent the sort of abuses that have properly sparked so much public outrage.

After all, few of the “Culture of Corruption” violations by Duke Cunningham and Bob Ney – or alleged violations by William Jefferson and Alan Mollohan – would have been prevented had the recently passed ethics changes been in effect last year.

Rather, the principled path to a more ethical Congress is through clearcut, common sense rules that are widely communicated and firmly enforced. And, as you and your fellow Democrat leaders argued so persuasively during the last Congress, the process of developing those rules must be transparent and genuinely bipartisan.

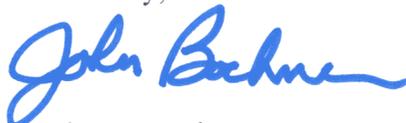
To that end, I ask that you join me in appointing a bipartisan working group tasked with analyzing House ethics rules -- and recommending fair, sensible and understandable revisions that working group members believe would improve both compliance and enforcement.

As with the Livingston-Cardin ethics task force in 1997, the working group should be led by co-chairs and evenly divided between majority and minority members. I propose that it consist of six to eight members, including a member of the ethics committee from each party (but neither its chairman nor ranking minority member), one elected leader from each party, and one or two additional Members from each side of the aisle.

I further propose that we direct the working group to report back its recommendations no later than July 1, 2007 to allow time for the House to consider its proposed revisions to the Rules of the House prior to the August recess.

Madame Speaker, I have been encouraged by recent public statements made by you and members of your staff noting your desire to correct evident problems with several of the new rules. Thus, I hope you will commit to work constructively with me to ensure that any revisions to the Code of Conduct and other House rules are imbued with the sort of credibility that you have often pointed out can only result from a thoroughly bipartisan effort.

Sincerely,



John A. Boehner  
Republican Leader