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SUMMARY

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Senate Select Committee on Ethics: A Brief History of Its Evolution and Jurisdiction

The U.S. Constitution provides each House of Congress with the sole authority to establish rules and punish and expel Members. From 1789 to 1964, the Senate dealt individually with cases of disciplinary action against Members, often forming ad hoc committees to investigate and make recommendations when acts of wrongdoing were brought to the chamber's attention. Events of the 1960s, including the investigation of Secretary to the Majority Robert G. "Bobby" Baker, for alleged corruption and influence peddling, prompted the creation of a permanent ethics committee and the writing of a Code of Conduct for Members, officers, and staff of the Senate.

The Senate Select Committee on Ethics was first established in 1964. This bipartisan, six-member committee investigates alleged violations of the rules of the Senate and recommends disciplinary actions. In the 95th Congress (1977-1978), the Senate expanded the committee's jurisdiction and altered its procedures to implement revisions to the Senate Code of Official Conduct. Also, to reflect these changes the committee was renamed the Select Committee on Ethics.

This report briefly outlines the background of ethics enforcement in the Senate, including the creation of the Select Committee on Standards and Conduct and the subsequent renaming of the committee as the Select Committee on Ethics. The report also provides a brief overview of the Senate Code of Conduct and on the Select Committee's current jurisdiction and procedures.

For additional information on ethics in the Senate, please see CRS Report RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview*, by Jacob R. Straus.

Contents

Tables

Appendixes

Contacts

Introduction

To ensure that Members of Congress uphold high standards, the U.S. Constitution provides sole authority to establish rules and punish and expel Members to the House of Representatives and the Senate, respectively. Article I, Section 5, clause 2 provides that "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."[1]

In the 18th and 19th centuries, the Senate used its authority to establish ethics rules and to punish individual Members sparingly.[2] Former Senate historian Richard Baker observed that "[f]or nearly two centuries, a simple and informal code of behavior existed. Prevailing norms of general decency served as the chief determinants of proper legislative conduct."[3] During that time, Congress often dealt with ethics issues "on a case-by-case basis, [and then] only with the most obvious acts of wrongdoing, those clearly 'inconsistent with the trust and duty of a member.'"[4]

Events in the early 1960s, including charges of corruption and influence peddling against Secretary to the Majority Robert G. "Bobby" Baker, prompted the Senate Committee on Rules and Administration, which had jurisdiction over "[m]atters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same,"[5] to hold hearings on financial and business activities of current and former Members, officers, and employees of the Senate.[6]

This report examines the history and evolution of the Senate Select Committee on Ethics, including the committee's jurisdiction and investigative procedure. It does not deal with changes to criminal law (as defined in Title 18, *U.S. Code*), with criminal prosecutions of Members of Congress, or with the specifics of disciplinary cases in the Senate.[7]

Creating a Permanent Ethics Committee

Prior to the 88th Congress (1963-1964), no standard mechanism existed for discipline of Senators. During the 88th Congress, the Senate created the first ethics committee, the Select Committee on

[1] U.S. Congress, House, "Article I, Section 5, clause 2," The Constitution of the United States, 108th Cong., 1st sess., H.Doc. 108-96 (Washington: GPO, 2003), p. 4.

[2] Richard Allan Baker, *The Senate of the United States: A Bicentennial History* (Malabar, FL: Robert K. Krieger Publishing Company, 1988), p. 109. For more information on Senate censure and expulsion cases, see U.S. Congress, Senate Committee on Agriculture, Nutrition, and Forestry, *United States Senate Election, Expulsion and Censure Cases: 1793-1990*, prepared by Anne M. Butler and Wendy Wolff, U.S. Senate Historical Office, 103rd Cong., 1st sess., S.Doc. 103-33 (Washington: GPO, 1995).

[3] Richard Baker, "The History of Congressional Ethics," in Bruce Jennings and Daniel Callahan, eds., *Representation and Responsibility: Exploring Legislative Ethics* (New York: Plenum Press, 1985), p. 4 (hereinafter, Baker, "The History of Congressional Ethics").

[4] Baker, "The History of Congressional Ethics," p. 3.

[5] U.S. Congress, Senate, *Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate*, 88th Cong., 1st sess., S.Doc. 1 (Washington: GPO, 1963), §25.1p, p. 37.

[6] U.S. Congress, Senate Committee on Rules, *Authorizing an Investigation into the Financial, Business or Other Interests or Activities of Present or Former Members, Officers, or Employees of the Senate, Volume 1*, hearing pursuant to S. Res. 212 and S.Res. 367, 89th Cong., 1st sess., February 4, 1965 (Washington: GPO, 1965); and U.S. Congress, Senate Committee on Rules, *Authorizing an Investigation into the Financial, Business or Other Interests or Activities of Present or Former Members, Officers, or Employees of the Senate, Volume 2*, hearing pursuant to S. Res. 212 and S. Res. 367, 89th Cong., 1st sess., February 5, 1965 (Washington: GPO, 1965).

[7] For more information on the enforcement of codes of conduct in the House of Representatives and the Senate, see CRS Report RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview*, by Jacob R. Straus.

Standards and Conduct. In the 95th Congress (1977-1978), the Senate changed the committee's name to the Committee on Ethics.

Select Committee on Standards and Conduct

Ethics reform became more salient in the Senate after Secretary to the Majority Robert G. "Bobby" Baker resigned on October 8, 1963, following allegations that he had misused his official position for personal financial gain.[8] Following Mr. Baker's resignation, the Senate agreed to a resolution (S.Res. 212) to "inquire into the financial and business interests of any officer, employee, or former employee of the Senate."[9] The resolution directed the Committee on Rules and Administration to conduct an investigation into current and former officers' and employees' financial and business interests. The resolution stated,

> *Resolved*, That the Committee on Rules and Administration or any duly authorized subcommittee thereof is authorized and directed to make a study and investigation with respect to any financial or business interests or activities of any officer or employee or former officer or employee of the Senate, for the purpose of ascertaining (1) whether any such interests or activities have involved conflicts of interest or other impropriety, and (2) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities. The Committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendation as it may deem desirable.[10]

Pursuant to the S.Res. 212, the Committee on Rules and Administration held a series of hearings to investigate the general business interests and activities of Senate officials and employees.[11] In the report issued following the hearings, the committee recognized that serious allegations had been made against a former employee, and that no specific rules or regulations governed the duties and activities of Members, officers, or employees of the Senate. The committee also concluded that many of Baker's outside activities were in conflict with his official duties and made several recommendations, including adoption of public financial disclosure rules and other guidelines for Senate employees.[12]

Following the investigation into Mr. Baker, additions to the Senate rules—calling for public financial disclosure reports and more controls on staff involvement with Senate campaign funds—were introduced to implement the committee's recommendations.[13]

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[8] For example, see Sen. Wayne Morse, "Resignation of Robert G. Baker as Secretary of the Majority for the Senate," remarks in the Senate, *Congressional Record*, vol. 109, part 14 (October 8, 1963), p. 18942.

[9] "Inquiry into Financial or Business Interests of any Officer, Employee, or Former Employee of the Senate," *Congressional Record*, vol. 109, part 14 (October 10, 1963), p. 19153.

[10] U.S. Congress, Senate Committee on Rules and Administration, *Financial or Business Interests of Officers or Employees of the Senate*, report pursuant to S.Res. 212, 88th Cong., 2nd sess., July 8, 1964, S.Rept. 88-1175 (Washington: GPO, 1964), p. 5.

[11] U.S. Congress, Senate Committee on Rules and Administration, *Financial or Business Interests of Officers or Employees of the Senate*, hearings pursuant to S.Res. 212, parts 1-27, 88th Cong., 1st and 2nd sess., 1963-1964 (Washington: GPO, 1964); and U.S. Congress, Senate Committee on Rules and Administration, *Construction of the District of Columbia Stadium, and Matters Related Thereto*, hearings pursuant to S.Res. 212 and S.Res. 367, parts 1-13, 88th Cong., 2nd sess., and 89th Cong., 1st sess., 1964-1965 (Washington: GPO, 1964-1965).

[12] Senate Committee on Rules and Administration, *Financial or Business Interests of Officers or Employees of the Senate* (1964), pp. 63-67.

[13] U.S. Congress, Senate Committee on Rules and Administration, *Proposed Rules XLI and XLII to the Standing Rules of the Senate*, report to accompany S.Res. 337, 88th Cong., 2nd sess., S.Rept. 88-1125 (Washington: GPO, 1964).

Additionally, the Committee on Rules and Administration considered the creation of a separate ethics committee. In a committee report on proposed amendments to Senate rules, Senator John Sherman Cooper discussed an amendment he proposed, but which did not pass the committee, to create a select committee on standards and conduct.

> I regret that a resolution which I offered was rejected by the majority party representation on the committee. The resolution which I offered would have established a select committee on standards and conduct, composed of six members, three from each of the parties, to be appointed by the President of the Senate. This committee would be authorized to receive complaints of unethical, improper, illegal conduct of members, officers, or employees of the Senate, to make investigation of allegations of such conduct, to propose rules and regulations, to give advisory opinions, and to make recommendations to the Senate regarding disciplinary action if required.
>
> I believe the establishment of such a committee made up of distinguished Members of the Senate would act as a deterrent upon possible violations, and in the exercise of jurisdiction, would have the confidence of the Senate and the public. I do not consider that such a special select committee should be considered as a policing committee, but one which, as I have said, would deter possible violations and deal with them with utmost dispatch and fairness.[14]

On July 1, 1964, Senator B. Everett Jordan filed a resolution (S.Res. 338) to amend the jurisdiction of the Committee on Rules and Administration and allow the committee

> to investigate every alleged violation of the rules of the Senate, and to make appropriate findings of fact and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing. In any case in which the committee determines that any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment.[15]

Consideration of S.Res. 338 began on July 24, 1964.[16] During debate, Senator Cooper proposed an amendment similar to his proposed amendment in the Committee on Rules and Administration. The amendment proposed to remove jurisdiction over ethical issues from the Committee on Rules and Administration and create a permanent, bipartisan Select Committee on Standards and Conduct.[17] In proposing his amendment, Senator Cooper summarized why he thought the Senate should create a select committee instead of granting disciplinary authority to the Committee on Rules and Administration.

> First, in the event that an investigation into the affairs of a Member of the Senate or an employee becomes necessary, it is to give assurance that the investigation would be

[14] Senate Committee on Rules and Administration, *Proposed Rules XLI and XLII to the Standing Rules of the Senate* (1964), p. 13.

[15] Sen. B. Everett Jordan, "Amendment of Rule XXV, Relating to the Jurisdiction of Committee on Rules and Administration–Report of a Committee (S.Rept. No. 1147)," *Congressional Record*, vol. 110, part 12 (July 1, 1964), p. 15661. See also "Resolution Amendment of Rule XXV Standing Rules of the Senate Relative to the Jurisdiction of the Committee on Rules and Administration," *Congressional Record*, vol. 110, part 12 (July 1, 1964), p. 15661; and U.S. Congress, Senate Committee on Rules and Administration, *Amending Rule XXV of the Standing Rules of the Senate Relative to the Jurisdiction of the Committee on Rules and Administration*, report to accompany S.Res. 338, 88th Cong., 2nd sess., S.Rept. 88-1147 (Washington: GPO, 1964).

[16] The resolution had previously been passed over when it was called up from the Senate calendar. "Bills and Joint Resolution Passed Over," *Congressional Record*, vol. 110, part 12 (July 2, 1964), p. 15794.

[17] Sen. John Cooper, "Amendment of Rules XXV Relating to Jurisdiction of Committee on Rules and Administration," Senate debate, *Congressional Record*, vol. 110, part 13 (July 24, 1964), pp. 16929-16940.

> complete and, so far as possible, would be accepted by the Senate and by the public as being complete.
>
> Second—and this is important to all Members and to all employees of the Senate—it is to provide that an investigation, which could touch their rights and their offices as well as their honor, would be conducted by a select committee which by reason of its experience and its judgment, would give assurance that their right and honor would be justly considered.[18]

Senator Cooper's amendment was adopted by a vote of 50 to 33.[19] Subsequently, the Senate agreed to S.Res. 338, as amended, to create a Select Committee on Standards and Conduct and for the first time created a continuing internal disciplinary body.[20]

Members of the Select Committee on Standards and Conduct were first appointed in July 1965, allowing the Committee on Rules and Administration to complete the Baker investigation.[21] In October 1965, the committee elected a chair and vice chair,[22] appointed its first staff, and began developing standards of conduct for the Senate.[23]

Select Committee on Ethics

On March 11, 1975, Senator Adlai Stevenson introduced S.Res. 109 to "establish a temporary select committee to study the Senate committee system."[24] Agreed to in March 1976, the temporary select committee held hearings in July and September.[25] Among items considered was the combination of the Select Committee on Standards and Conduct and the Committee on Rules and Administration. In a letter from Senator Howard Cannon, chair of the Select Committee on Standards, the ethics committee expressed opposition to this idea. In part, the letter read,

> The Select Committee on Standards and Conduct took note of the tentative decision of your Committee to recommend the consolidation of this Committee with the Committee on Rules and Administration. While we are mindful of the promised benefit of reducing the number of Committees which Senators must attend, we strongly believe that your decision would fatally damage any usefulness our Committee might have as well as to impugn any system of ethics in the Senate.

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[18] Sen. Cooper, "Amendment of Rules XXV Relating to Jurisdiction of Committee on Rules and Administration," pp. 16929-16930.

[19] Sen. Cooper, "Amendment of Rules XXV Relating to Jurisdiction of Committee on Rules and Administration," pp. 16938-16939.

[20] Sen. Cooper, "Amendment of Rules XXV Relating to Jurisdiction of Committee on Rules and Administration," p. 16939.

[21] "Announcement of the Appointment of the Select Committee on Standards and Conduct," *Congressional Record*, vol. 111, part 12 (July 9, 1965), p. 16179. Senators John Stennis, Mike Monroney, Eugene McCarthy, Wallace Bennett, John Cooper, and James Pearson were appointed to the committee.

[22] Senator John Stennis was elected chair and Senator Wallace Bennett was elected vice chair. Sen. Stephen Young, "The Senate Ethics Committee," remarks in the Senate, *Congressional Record*, vol. 112, part 12 (July 14, 1966), pp. 15658-15659.

[23] U.S. Congress, Senate Select Committee on Ethics, *Senate Ethics Manual*, 2003 Edition, 108th Cong., 1st sess., S.Pub. 108-1 (Washington: GPO, 2003), p. 10 (hereinafter, *Senate Ethics Manual*).

[24] Sen. Adlai Stevenson, "Senate Resolution 109—Submission of a Resolution to Establish a Temporary Select Committee to Study the Senate Committee System," *Congressional Record*, vol. 121, part 5 (March 11, 1975), pp. 6031-6037.

[25] U.S. Congress, Senate Temporary Select Committee to Study the Senate Committee System, *Senate Committee System*, 94th Cong., 2nd sess., July 20-22, 1976 (Washington: GPO, 1976); and U.S. Congress, Senate Temporary Select Committee to Study the Senate Committee System, *Senate Committee System, Part 2*, 94th Cong., 2nd sess., September 14 and 15, 1976 (Washington: GPO, 1976).

> By its very nature it is indispensable to an ethics committee of the Congress to be bipartisan in membership, to conduct any worthy investigation without control of its budget by any other committee, to be served by a nonpartisan staff, to advice and counsel with Senators, and to exercise prudent judgment in the conduct of its business. Consolidation of any ethics committee with a more-normal type of committee is likely to destroy all of these characteristics and to overwhelm any ethics identity. Unlike other committees, moreover, the Senate Committee on Standards and Conduct is mandated to directly assist the Senate in the discharge of a Constitutional responsibility.[26]

Subsequently, the temporary select committee recommended that the functions of the Select Committee on Standards and Conduct should be combined with the Committee on Rules and Administration.[27]

While no further action was taken by the 94th Congress (1975-1976), the issue was readdressed during the 95th Congress (1977-1978). In a report on S.Res. 4, a resolution to amend the Senate committee system, the Committee on Rules and Administration rejected the idea of combining the Committee on Standards with the Committee on Rules and Administration and instead recommended establishment of a newly constituted bipartisan ethics committee to demonstrate to the public the "seriousness with which the Senate views congressional conduct."[28]

In February 1977, the Senate agreed to S.Res. 4 and created the permanent Select Committee on Ethics to replace the Select Committee on Standards and Conduct.[29] Initially, membership on the new select committee was limited to six years. In the 96th Congress (1979-1980), the Senate adopted S.Res. 271, and removed the six-year service limitation.[30]

Senate Code of Conduct

In the 1940s, public criticism regarding potential conflicts of interest by Members of Congress supplementing their income from speeches and outside activities led to concern over the lack of disclosure of Members' finances.[31] In 1946, Senator Wayne Morse introduced the first public financial disclosure legislation to require annual, public financial disclosure reports by Senators (S.Res. 306).[32] In remarks on the introduction of the resolution, Senator Morse defended Members' right to earn outside income, but believed that the American people were entitled to know about alternate income sources. Commenting on the resolution's purpose, Senator Morse stated,

> I may say that my resolution is bottomed upon the very sound philosophical principle enunciated by Plutarch that Caesar's wife must be above suspicion. Likewise, I feel that,

[26] U.S. Congress, Senate Temporary Select Committee to Study the Senate Committee System, *Senate Committee System, Part 2*, hearing, 94th Cong., 2nd sess., September 14-15, 1976 (Washington: GPO, 1976), pp. 159-160.

[27] U.S. Congress, Senate Temporary Select Committee to Study the Senate Committee System, *First Report with Recommendation, Structure of the Senate Committee System: Jurisdictions, Numbers and Sizes, and Limitations on Membership and Chairmanships, Referral Procedures, and Scheduling*, 94th Cong., 2nd sess., November 15, 1976, S.Rept. 94-1395 (Washington: GPO, 1976), pp. 95-96.

[28] U.S. Congress, Senate Rules and Administration Committee, *Committee System Reorganization Amendments of 1977*, report to accompany S.Res. 4, 95th Cong., 1st sess., S.Rept. 95-2 (Washington: GPO, 1977), pp. 4-5.

[29] "Senate Committee Reorganization," *Congressional Record*, vol. 123, part 3 (February 1, 1977), p. 2886.

[30] "Elimination of Certain Requirements for Membership on the Select Committee on Ethics," *Congressional Record*, vol. 125, part 23 (October 31, 1979), p. 30266.

[31] For example, see Joseph S. Clark, "Some Ethical Problems of Congress," *Annals of the American Academy of Political and Social Science, Ethics in America: Norms and Deviations*, vol. 363 (January 1966), pp. 12-22.

[32] Sen. Wayne Morse, "Reports by Senators on Sources of Outside Income," remarks in the Senate, *Congressional Record*, vol. 92, part 8 (July 23, 1946), p. 9741.

> so far as the public's evaluation of Members of the Senate is concerned, they must be above suspicion. Hence, I think my resolution which calls for the filing with the Secretary of the Senate of all sources and amounts of senatorial income is in keeping with the public's right to know what influences may possibly be brought to bear upon Members of the Senate in the performance of their legislative duties.[33]

No action was taken on Senator Morse's proposal.

In 1958, Congress established the first Code of Ethics for Government Service (Code of Ethics).[34] Initially proposed in 1951 by Representative Charles Bennett, the Code of Ethics was adopted following a House investigation of presidential chief of staff Sherman Adams, who was alleged to have received gifts from an industrialist being investigated by the Federal Trade Commission.[35] The Code of Ethics for Government Service standards continue to be recognized as ethical guidance in the House and Senate. The Code of Ethics is not legally binding, however, because it was adopted by congressional resolution, not by law.[36]

In October 1965, as one of its first actions, the Select Committee on Standards and Conduct recommended rules of conduct for Members, officers, and employees of the Senate.[37] In March 1968, the Select Committee on Standards and Conduct reported a resolution (S.Res. 266) making four additions to the Standing Rules of the Senate.[38] After several days of debate, the Senate adopted a new code of conduct.[39] The four areas covered by the new code of conduct were (1) outside employment of officers and employees, (2) raising and permissible uses of campaign

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[33] U.S. Congress, Senate Committee on Rules and Administration, *Financial or Business Interests of Officers or Employees of the Senate*, hearings pursuant to S.Res. 212, part 23, 88th Cong., 1st and 2nd sess., May 27, 1964 (Washington: GPO, 1964), pp. 2021-2027. Senator Morse continued to introduce versions of a financial disclosure resolution through the 1960s. Ultimately, Senator Morse attempted to expand disclosure requirements to all three branches of government.

[34] 72 Stat. B12, H.Con.Res. 175, July 11, 1958. See also "Code of Ethics For Government Service," *Congressional Record*, vol. 103, part 12 (August 28, 1957), p. 16297; and "Code of Ethics For Government Service," *Congressional Record*, vol. 104, part 10 (July 11, 1958), p. 13556.

[35] Rep. Charles Bennett, "Code of Ethics for Government Service," remarks in the House, *Congressional Record*, vol. 97, part 5 (June 26, 1951), pp. 7176-7178; and testimony of Rep. Charles Bennett, in U.S. Congress, House Committee on Post Office and Civil Service, *Code of Ethics For Government Service*, hearings, 84th Cong., 2nd sess., March 29, 1956 (Washington: GPO, 1956), pp. 3-5.

[36] Because the code was adopted by concurrent resolution rather than statute, it does not have the force of law and technically expired at the end of the Congress adopting it. The Code of Ethics for Government Service, however, is cited by many House and Senate investigations. For example, see U.S. Congress, House Committee on Standards of Official Conduct, *Investigation of Certain Allegations Related to Voting on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003*, report, 108th Cong., 2nd sess., H.Rept. 108-722 (Washington: GPO, 2004), p. 38; and U. S. Congress, Senate Select Committee on Ethics, *Korean Influence Investigation*, report, 95th Cong., 2nd sess., S. Rept. 95-1314 (Washington: GPO, 1975), pp. 5-6.

[37] Work on the first code of conduct began in 1965 and was interrupted by several disciplinary cases, one of the cases resulted in the June 1967 censure of a Senator for the conversion of campaign funds to personal use. For more information, see U.S. Congress, Senate Select Committee on Standards and Conduct, *Standards of Conduct for Members of the Senate, Officers and Employees of the Senate*, report to accompany S.Res. 266, 90th Cong., 2nd sess., S.Rept. 90-1015 (Washington: GPO, 1968), p. 3; and "Seating and Disciplining Members," in *Guide to Congress*, 5th ed., vol. II (Washington: Congressional Quarterly, 2000), pp. 930-931.

[38] U.S. Congress, Senate Select Committee on Standards and Conduct, *Standards of Conduct for Members of the Senate, Officers and Employees of the Senate*, report to accompany S.Res. 266, 90th Cong., 2nd sess., S.Rept. 90-1015 (Washington: GPO, 1968).

[39] "Senatorial Standards of Conduct," *Congressional Record*, vol. 114, part 6 (March 19, 1968), pp. 6941-6943 and 6948-6960; "Standards of Conduct," *Congressional Record*, vol. 114, part 6 (March 20, 1968), pp. 7129-7134 and 7137-7154; "Standards of Conduct," *Congressional Record*, vol. 114, part 6 (March 21, 1968), pp. 7249-7279; and "Standards of Conduct," *Congressional Record*, vol. 114, part 6 (March 22, 1968), pp. 7369-7383 and 7388-7408.

funds, (3) political fund-raising activities of Senate staff, and (4) annual financial disclosures by senatorial candidates as well as Members, officers, and designated employees of the Senate.[40]

Formal Code of Conduct

Following the Watergate scandal in the Nixon Administration, reforms "such as electoral changes, designed to prevent the recurrence of the Watergate type of offense" were initiated in the executive branch.[41] Subsequently, the Senate began to examine their own activities and behavior.[42] On January 18, 1977, Senate Majority Leader Robert Byrd and Minority Leader Howard Baker jointly introduced S.Res. 36, to establish a temporary Select Committee on Official Conduct.[43] As part of a larger discussion on raising salaries for all federal employees, Senator Baker expressed his belief that establishing a formal code of conduct was an essential piece of raising government salaries.

> The increase in compensation for Members of Congress will, no doubt, be considered and voted upon in the very near future. It is imperative, therefore, that prompt attention be given to questions relating to ethical conduct and financial disclosure.
>
> For this reason, the distinguished majority leader and I have agreed to propose the establishment of an ad hoc committee to study all questions relating to a Senate code of conduct. The committee will have 15 members, including a chairman and vice chairman, of which eight will be of the majority party and seven of the minority party. It will be instructed to study all matters relating to the standards and conduct of Members of the Senate and to make its report and recommendations no later than March 1.
>
> In this manner, Mr. President, I believe that the Senate can proceed to adoption of an equitable code of conduct as quickly as possible and with the benefit of the ad hoc committee's report.[44]

S.Res. 36 was adopted by unanimous consent.

The Select Committee on Official Conduct held hearings in February 1977[45] and issued a final report on March 10.[46] The Select Committee reported a resolution (S.Res. 110) to amend the Code of Conduct and propose additions to the Standing Rules of the Senate (then numbered XLII to L), which would become the Code of Official Conduct. The proposed rules changes included the first public financial disclosure requirements for Senators and officers and employees of the Senate; limits on gifts, outside earnings, and the use of the frank;[47] and prohibited unofficial office accounts and lame-duck foreign travel. There was also a provision prohibiting

[40] *Senate Ethics Manual*, p. 124.

[41] Leroy N. Rieselbach, "In the Wake of Watergate: Congressional Reform?," *The Review of Politics*, vol. 36, no. 3 (July 1974), pp. 371-372.

[42] Rieselbach, "In the Wake of Watergate: Congressional Reform?," p. 391.

[43] "Establishment of Special Committee to Propose a Code of Conduct," *Congressional Record*, vol. 123, part 2 (January 18, 1977), pp. 1361-1363.

[44] Sen. Howard Baker, "Establishment of Special Committee to Propose a Code of Conduct," remarks in the Senate, *Congressional Record*, vol. 123, part 2 (January 18, 1977), p. 1362.

[45] U.S. Congress, Senate Special Committee on Official Conduct, *Senate Code of Conduct*, hearing on S.Res. 36, 95th Cong., 1st sess., February 1 and 2, 1977 (Washington: GPO, 1977).

[46] U.S. Congress, Senate Special Committee on Official Conduct, *Senate Code of Official Conduct*, report to accompany S.Res. 110, 95th Cong., 1st sess., S.Rept. 95-49 (Washington: GPO, 1977).

[47] For more information on the congressional franking privilege, see U.S. Congress, Senate Select Committee on Ethics, "Franking, Mass Mailing, and Letterhead," at https://www.ethics.senate.gov/public/index.cfm/franking.

discrimination in staff employment.[48] On April 1, 1977, S.Res. 110 was agreed to and the Select Committee recommendations were adopted.[49]

In 2007, pursuant to the Honest Leadership and Open Government Act, several sections of the Senate Code of Official Conduct were amended.[50] These included placing restrictions on former Senators and senior staff who become federally registered lobbyists;[51] requiring disclosure by Senators and staff of post-employment job negotiations; implementing protections against Senators from influencing hiring decisions based on political affiliation; and amending the Senate gift rules.[52]

Current Code of Official Conduct

The current Senate Code of Official Conduct can be found in Rules 34 through 43 of the Standing Rules of the Senate.[53] Additionally, federal statutes contain numerous provisions which prohibit or restrict certain activities by Members and employees. Discussion of the prohibitions and restrictions pursuant to federal law are included in the *Senate Ethics Manual*. **Table 1** provides a list of Standing Rules of the Senate that are included in the Code of Official Conduct.

Table 1. Standing Rules of the Senate Included in the Code of Official Conduct

Rule	Description
Rule XXXIV	Public Financial Disclosure[a]
Rule XXXV	Gifts
Rule XXXVI	Outside Earned Income
Rule XXXVII	Conflict of Interest
Rule XXXVIII	Official Accounts
Rule XXXIX	Foreign Travel
Rule XL	Franking Privilege, Radio, and T.V.
Rule XLI	Political Fund Activity
Rule XLII	Equal Employment Opportunity

[48] U.S. Congress, Senate Special Committee on Official Conduct, *Senate Code of Official Conduct*, report to accompany S.Res. 110, 95th Cong., 1st sess., S.Rept. 95-49 (Washington: GPO, 1977), pp. 2-3. Title II of S.Res. 110 created procedures for the Select Committee on Ethics. Title III recommended that the Senate Committee on Rules and Administration, the Senate Committee on Appropriations, the Senate Committee on Finance, the Senate Committee on Foreign Relations, and the Senate Committee on Governmental Affairs conduct studies addressing issues identified by the Select Committee, but that the committee did not have time to address. "For example, in the course of studying the use of "unofficial office accounts" and the resulting problems, the Committee concluded that the uses of such accounts were closely tied to relatively narrow restrictions on permissible uses of official allowances. For that reason, the Committee is recommending that the Committees on Rules and Appropriations study the adequacy and permissible uses of official allowances and report their recommendations to the Senate."

[49] "Official Conduct Amendments of 1977," *Congressional Record*, vol. 123, part 8 (April 1, 1977), pp. 10044-10068.

[50] P.L. 110-81, 121 Stat. 735 (2007).

[51] For more information on post-employment restrictions, see CRS Report R44292, *The Lobbying Disclosure Act at 20: Analysis and Issues for Congress*, by Jacob R. Straus.

[52] For more information on Senate gift rules, see U.S. Congress, Senate, Select Committee on Ethics, "Gifts," at https://www.ethics.senate.gov/public/index.cfm/gifts.

[53] U.S. Congress, Senate, *Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate*, 116th Cong., 2nd sess., S.Doc. 116-1 (Washington: GPO, 2020), §§34-43, pp. 60-90 (hereinafter, *Senate Manual*).

Rule	Description
Rule XLIII	Representation by Members

Source: U.S. Congress, Senate Committee on Rules and Administration, *United States Senate Handbook*, 111th Congress, 2nd session, October 30, 2010, pp. I-14. Text of the Standing Rules of the Senate is contained in the *Senate Manual*, §§34-43, pp. 60-90.

Note:

a. Rule XXXIV deems Title I of the Ethics in Government Act as a rule of the Senate. The Ethics in Government Act establishes requirements for covered officials, including Senators, Senate officers, and certain employees of the Senate to file annual financial disclosure statements with the Senate Select Committee on Ethics. For more general information on financial disclosure, see CRS Report R47320, *Financial Disclosure in the U.S. Government: Frequently Asked Questions*, by Jacob R. Straus; and U.S. Congress, Senate Select Committee on Ethics, "Financial Disclosure," at https://www.ethics.senate.gov/public/index.cfm/financialdisclosure.

Jurisdiction

Pursuant to S.Res. 338 (88th Congress), the Select Committee on Standards and Conduct was given the authority to (1) investigate allegations of improper conduct which may reflect upon the Senate; (2) investigate violations of laws, rules, and regulations of the Senate relating to the conduct of Members, officers, and employees in their official duties; (3) recommend disciplinary action, when appropriate; and (4) recommend additional Senate rules to insure proper conduct.[54] Following the creation of the Select Committee on Ethics, the Senate adopted S.Res. 110 (95th Congress) and transferred the jurisdiction of the former Select Committee on Standards and Conduct and made the new committee responsible for enforcing and interpreting the Senate Code of Official Conduct.[55]

Additions to Jurisdiction

Since 1973, several additions have been made to the Select Committee on Ethics' jurisdiction. The additions have included use of the frank, disclosure of intelligence material, acceptance of foreign gifts, administration of public financial disclosure forms, and enforcement of fair employment practices.

Franking Privilege

In 1973, Congress passed legislation (P.L. 93-191) clarifying the proper use of the franking privilege by Members of Congress and authorizing the Select Committee on Standards and Conduct to provide assistance and counsel to Senators and staff on the use of the frank.[56]

[54] S.Res. 338 (88th Congress), adopted on July 24, 1964. See "Proposed Amendment of Rule XXV of the Standing Rules of the Senate Relative to the Jurisdiction of the Committee on Rules and Administration," *Congressional Record*, vol. 110, part 13 (July 24, 1964), pp. 16929-16940; and *Senate Manual*, §§77-80, pp. 128-137.

[55] U.S. Congress, Senate Rules and Administration Committee, *Committee System Reorganization Amendments of 1977*, report to accompany S.Res. 4, 95th Cong., 1st sess., S.Rept. 95-1 (Washington: GPO, 1977), pp. 4-5; and "Official Conduct Amendments of 1977," *Congressional Record*, vol. 123, part 8 (April 1, 1977), pp. 10044-10068.

[56] P.L. 93-191; 87 Stat. 737 (1973). For more information on the Franking Privilege, see U.S. Congress, Senate Select Committee on Ethics, "Franking, Mass Mailing, and Letterhead," at https://www.ethics.senate.gov/public/index.cfm/franking.

Intelligence Information Disclosure

When the Senate Select Committee on Intelligence was created in 1976, the Ethics Committee was given specific jurisdiction to investigate any unauthorized disclosure of intelligence information by a Senator, officer, or employee of the Senate and to report to the Senate on any substantiated allegation.[57]

Acceptance of Foreign Gifts

In August 1977, following the enactment of P.L. 95-105 (FY1978 Foreign Relations Authorization Act), which amended the Foreign Gifts and Decorations Act of 1966, the Select Committee on Ethics was designated the "employing agency" for the Senate and was authorized to issue regulations governing the acceptance by Senators and staff of gifts, trips, and decorations from foreign governments.[58]

Public Financial Disclosure Forms

In August 1979, the Select Committee on Ethics was given responsibility for administering the Senate public financial disclosure requirements contained in the Ethics in Government Act of 1978.[59] Pursuant to amendments in the Ethics Reform Act of 1989, the Ethics Committee was named as the "supervising ethics office" for laws governing gifts to federal employees[60] and gifts by employees to their supervisors.[61]

Fair Employment Practices

In 1991, Title III (Government Employee Rights Act of 1991) of the Civil Rights Act of 1991 established the Senate Office of Fair Employment Practices. The Office of Fair Employment Practices was designed to adjudicate discrimination complaints and gave the Select Committee on Ethics jurisdiction to review, upon request, decisions of the office.[62] In 1995, authority to review discrimination cases was transferred to the Office of Congressional Workplace Rights (formerly the Office of Compliance) with the passage of the Congressional Accountability Act (CAA).[63]

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[57] "Proposed Standing Committee on Intelligence Activities," *Congressional Record*, vol. 122, part 11 (May 13, 1976), p. 13992.

[58] P.L. 95-105; 91 Stat. 863 (1977). For more information on the acceptance of foreign gifts, see U.S. Congress, Senate, Select Committee on Ethics, "Gifts," at https://www.ethics.senate.gov/public/index.cfm/gifts.

[59] 5 U.S.C. §§13101-13111. For more information on financial disclosure, see U.S. Congress, Senate Select Committee on Ethics, "Financial Disclosure," at https://www.ethics.senate.gov/public/index.cfm/financialdisclosure.

[60] 5 U.S.C. §7353.

[61] 5 U.S.C. §7351.

[62] P.L. 102-166; 105 Stat. 1088-1092 (1991); and "Civil Rights Act of 1991," *Congressional Record*, vol. 137, part 20 (October 30, 1991), pp. 29018-29020.

[63] P.L. 104-1, 109 Stat. 3 (1995); 2 U.S.C. §1302. The Congressional Accountability Act applied 11 laws to the legislative branch, from which it had previously been exempt. These laws are: Fair Labor Standards Act of 1938 (29 U.S.C. §201 et seq.); Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.); Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Age Discrimination in Employment Act of 1967 (29 U.S.C. §621 et seq.); Family and Medical Leave Act of 1993 (29 U.S.C. §2611 et seq.); Occupational Safety and Health Act of 1970 (29 U.S.C. §651 et seq.); Title 5, Chapter 71 of the *U.S. Code* (federal service labor-management relations); Employee Polygraph Protection Act of 1988 (29 U.S.C. §2001 et seq.); Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.); Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.), and Title 38, Chapter 43 of the *U.S. Code* (veterans' employment and re-employment). For more information on the Congressional Accountability Act, see CRS Legal Sidebar LSB10384, *The Congressional Accountability Act of 1995 Reform Act: An Overview*, by Christine J.
(continued...)

The Ethics Committee continues to have jurisdiction over disciplinary cases that could result from an Office of Compliance investigation under Senate Rule 42.[64]

Insider Trading and Financial Disclosure

On April 4, 2012, Congress passed the STOCK Act (Stop Trading on Congressional Knowledge Act) to affirm that no exemption exists from "insider trading" laws and regulations for Members of Congress and congressional employees.[65] Pursuant to the act, the Senate Select Committee on Ethics is required to

> issue interpretive guidance of the relevant rules ... [for the Senate], including rules on conflicts of interest and gifts, clarifying that a Member of Congress and an employee of Congress may not use nonpublic information derived from such person's position as a Member of Congress or employee of Congress or gained from the performance of such person's official responsibilities as a means for making a private profit.[66]

Pursuant to the STOCK Act, the Select Committee on Ethics has issued two sets of guidance on the implementation of the law: one to provide a summary of STOCK Act requirements for Senate Staff,[67] reminders of periodic transaction and financial disclosure requirements, and disclosure forms;[68] and a second to provide guidance on insider trading restrictions under securities laws and Senate ethics rules.[69]

Current Jurisdiction

Pursuant to changes made since 1977, the Select Committee on Ethics currently has jurisdiction over the following areas:

1. receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the

Back. For more information on the Office of Congressional Workplace Rights (formerly the Office of Compliance), see CRS In Focus IF10775, *Office of Compliance: Background Information*, by Ida A. Brudnick.

[64] U.S. Congress, Senate, "Rule XLII—Employment Practices," *Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate*, 116th Cong., 2nd sess., S.Doc. 116-1 (Washington: GPO, 2020), §42, and *Senate Ethics Manual*, pp. 14, 330.

[65] P.L. 112-105, 126 Stat. 291 (2012). Shortly after initial passage, Congress amended the STOCK Act to push back the effective date for filing financial disclosure forms required under the act to September 30, 2012 (P.L. 112-173, 126 Stat. 1310 [2012]), December 8, 2012 (P.L. 112-178, 126 Stat. 1408 [2012]), and April 15, 2013 (P.L. 112-207, 126 Stat. 1495 [2012]). In the 113th Congress, Congress further amended the law to apply on-line financial disclosure reporting only to Members of Congress, congressional candidates, the President, the Vice President, and executive branch officers at levels I and II of the Executive Schedule who require nomination by the President and confirmation by the Senate (P.L. 113-7, 127 Stat. 438 [2013]).

[66] P.L. 112-105, §3.

[67] U.S. Congress, Senate, Select Committee on Ethics, *Stock Act Requirements for Senate Staff*, 112th Cong., 2nd sess., (June 15, 2012), at https://www.ethics.senate.gov/public/_cache/files/3478144e-32c3-4bed-bb77-a48bdfe65dc7/stock-act-requirements-for-senate-staff.pdf.

[68] U.S. Congress, Senate, Select Committee on Ethics, *Periodic Transaction Requirements*, 112th Cong., 2nd sess. (June 15, 2021), at https://www.ethics.senate.gov/public/_cache/files/3feffe08-91b6-487f-9074-8e188cb0af62/periodic-transaction-requirements.pdf.

[69] U.S. Senate, Senate, Select Committee on Ethics, *Restrictions on Insider Trading Under Securities Laws and Ethics Rules*, 112th Cong., 2nd sess. (December 4, 2012), at https://www.ethics.senate.gov/public/_cache/files/8c923399-2dc0-4ef6-a0d2-9ef564fc7038/restrictions-on-insider-trading-under-securities-laws-and-ethics-rules.pdf.

Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

2. recommend, when appropriate, disciplinary action against Members and staff;[70]
3. recommend rules or regulations necessary to insure appropriate Senate standards of conduct;
4. report violations of any law to the proper Federal and State authorities;
5. regulate the use of the franking privilege in the Senate;
6. investigate unauthorized disclosures of intelligence information;
7. implement the Senate public financial disclosure requirements of the Ethics in Government Act;
8. regulate the receipt and disposition of gifts from foreign governments received by Members, officers, and employees of the Senate;
9. render advisory opinions on the application of Senate rules and laws to Members, officers, and employees;
10. for complaints filed under the Government Employee Rights Act of 1991 respecting conduct occurring prior to January 23, 1996, review, upon request, any decision of the Senate Office of Fair Employment Practices;[71]
11. develop and implement programs for Members, officers, and employees to educate them about standards of conduct applicable in the performance of their official duties;[72]
12. "conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff";[73] and
13. issue an annual report on the number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the committee, and including the number of allegations dismissed or on which the committee took the specific actions.[74]

[70] In addition to bringing matters to the full Senate for expulsion, censure, or reprimand, the Committee, pursuant to S.Res. 338 (88th Congress) §§2(a)(3) and 2(d)(3), as amended by S.Res. 222 (106th Congress), also has the authority to issue, on its own, "letters of admonition" for misconduct not warranting full Senate discipline (i.e., "if a violation is inadvertent, technical or otherwise of deminimis nature" [see *Senate Ethics Manual*, p. 15]). For more information on "Letters of Admonition," see Committee Rules 3(g)(2) and 4(g)(2)(iii) and (iv) in U.S. Congress, Senate, Select Committee on Ethics, *Rules of Procedure*, 117th Cong., 2nd sess., adopted February 23, 1978, revised, November 1999, reprinted October 2021, at https://www.ethics.senate.gov/public/_cache/files/01f06ea2-b5e1-4887-9250-dc84bdf88cb5/2021—blue-book—rules-of-procedure.pdf; and CRS Report RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview*, by Jacob R. Straus.

[71] *Senate Ethics Manual*, p. 4.

[72] *Senate Ethics Manual*, p. 17; and "Official Conduct Amendments of 1977," *Congressional Record*, vol. 123, part 8 (April 1, 1977), pp. 10044-10068.

[73] P.L. 110-81, §553, 121 Stat. 773 (2007); 2 U.S.C. §4722. For more information on ethics training, see U.S. Congress, Senate, Select Committee on Ethics, "Training," at https://www.ethics.senate.gov/public/index.cfm/training.

[74] P.L. 110-81, §554, 121 Stat. 773 (2007); 2 U.S.C. §4723.

Procedure

The Senate requires the Select Committee on Ethics to publish its procedures.[75] The Ethics Committee may initiate an inquiry or investigate allegations brought by Senators, Senate officers, Senate staff, or outside individuals and groups. While the committee does not have formal procedural requirements for filing a complaint, the committee can issue public statements regarding a specific inquiry. If the committee chooses not to issue a public statement, all allegations are treated confidentially and the committee has a practice of neither confirming nor denying that a matter is before the committee. "Upon completion of its investigative process, the Committee may recommend to the Senate or party conference an appropriate sanction for a violation or improper conduct, including, for Senators, censure, expulsion, or party discipline and, for staff members, termination of employment."[76]

In 1977, the Senate created the Code of Official Conduct.[77] Additionally, the Senate Select Committee on Ethics was provided with the authority to receive complaints, investigate alleged violations of the Senate Code of Official Conduct, publish necessary regulations to implement the code and required the Committee to publish advisory opinions in the *Congressional Record*, if requested by specified individuals.[78]

[75] Procedures for the Select Committee on Ethics are established pursuant to S.Res. 338 (88th Congress), as amended; P.L. 93-191 (87 Stat. 737 [1973]); S.Res. 400 (94th Congress), and 5 U.S.C. §7342. P.L. 93-191 amended then current law on franked mail and required that the Select Committee on Standards and Conduct (now the Select Committee on Ethics) provide "guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail…." S.Res. 400 (94th Congress), restricted the unauthorized disclosure of intelligence information. The Select Committee on Ethics was specifically tasked "to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate…." For more information, see U.S. Congress, Senate Committee on Rules and Administration, Proposed Standing Committee on Intelligence Activities, report to accompany S.Res. 400, 94th Cong., 2nd sess., April 29, 1976, S.Rept. 94-470 (Washington: GPO, 1976), p. 45; "Proposed Standing Committee on Intelligence Activities," debate in the Senate, Congressional Record, vol. 122, part 12 (May 19, 1976), pp. 14643-14679. 5 U.S.C. §7342 covers the receipt and disposition of foreign gifts and decorations given to federal employees as defined by 5 U.S.C. §2105, including Members of Congress.

[76] *Senate Ethics Manual*, p. 4. For Select Committee procedures, see U.S. Congress, Senate Select Committee on Ethics, *Rules of Procedure*, committee print, adopted February 23, 1978, revised November 1999, Reprinted March 2007, 110th Cong., 1st sess., S.Prt. 110-17 (Washington: GPO, 2007). *Rules of Procedure* has historically been printed on a yearly basis, with the most recent reprinting in 2007. For more information on enforcement of rules of conduct, see CRS Report RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview*, by Jacob R. Straus.

[77] S.Res, 110, Title II (95th Congress). S.Res. 110 amended S.Res. 338 (1964), which authorized the Ethics Committee.

[78] U.S. Congress, Senate Special Committee on Official Conduct, *Senate Code of Official Conduct*, report to accompany S.Res. 110, 95th Cong., 1st sess., S.Rept. 95-49 (Washington: GPO, 1977), pp. 2-3.

Appendix A. Membership on the Senate Select Committee on Standards and Conduct, 1965-1976

Created in the 89th Congress (1965-1966), a total of 14 Senators served on the Senate Select Committee on Standards and Conduct prior to its being disbanded with the creation of the Senate Select Committee on Ethics in the 95th Congress (1977-1978). **Table A-1** provides a list of all Members who served on the Senate Select Committee on Standards and Conduct, their party affiliation, and their state. Majority party Members are listed first.

Table A-1. Senate Select Committee on Standards and Conduct Membership

Senator	Party	State
	89th Congress (1965-1966)	
Stennis, John C.	D	MS
Monroney, A. S. Mike	D	OK
McCarthy, Eugene J.	DFL[a]	MN
Bennett, Wallace F.	R	UT
Cooper, John Sherman	R	KY
Pearson, James B.	R	KS
	90th Congress (1967-1968)	
Stennis, John C.	D	MS
Monroney, A. S. Mike	D	OK
McCarthy, Eugene J.	DFL[a]	MN
Bennett, Wallace F.	R	UT
Cooper, John Sherman	R	KY
Pearson, James B.	R	KS
	91st Congress (1969-1970)	
Stennis, John C.	D	MS
McCarthy, Eugene J.	DFL[a]	MN
Talmadge, Herman E.	D	GA
Bennett, Wallace F.	R	UT
Cooper, John Sherman	R	KY
Pearson, James B.	R	KS
Jordan, Leonard B.[b]	R	ID
	92nd Congress (1971-1972)	
Stennis, John C.	D	MS
Talmadge, Herman E.	D	GA
Spong, William B., Jr.	D	VA
Bennett, Wallace F.	R	UT

Senator	Party	State
Cooper, John Sherman	R	KY
Jordan, Leonard B.	R	ID
93rd Congress (1973-1974)		
Stennis, John C.	D	MS
Talmadge, Herman E.	D	GA
Cannon, Howard W.	D	NV
Bennett, Wallace F.	R	UT
Curtis, Carl T.	R	NE
Brooke, Edward W.	R	MA
94th Congress (1975-1976)		
Cannon, Howard W.	D	NV
Stennis, John C.	D	MS
Talmadge, Herman E.	D	GA
Curtis, Carl T.	R	NE
Brooke, Edward W.	R	MA
Young, Milton R.	R	ND

Source: Garrison Nelson, *Committees in the U.S. Congress 1947-1992* (Washington: Congressional Quarterly, Inc., 1994), pp. 284-285.

a. Democratic Farmer-Labor Party.

b. Senator Leonard Jordan was appointed on October 29, 1969, to replace Senator Pearson.

Appendix B. Membership on the Senate Select Committee on Ethics, 1977-Present

Beginning with the 95th Congress (1977-1978), **Table B-1** provides a list of all Members who have served on the Senate Select Committee on Ethics, their party affiliation, and their state. Majority party Senators are listed first.

Table B-1. Senate Select Committee on Ethics Membership

Senator	Party	State
95th Congress (1977-1978)		
Stevenson, Adlai E. III	D	IL
Ribicoff, Abraham A.	D	CT
Morgan, Robert B.	D	NC
Schmitt, Harrison H.	R	NM
Tower, John G.	R	TX
Weicker, Lowell P., Jr.	R	CT
Pearson, James B.[a]	R	KS
Mathias, Charles McC., Jr.[b]	R	MD
96th Congress (1979-1980)		
Stevenson, Adlai E. III	D	IL
Morgan, Robert B.	D	NC
Burdick, Quentin N.	D	ND
Heflin, Howell T.[c]	D	AL
Pryor, David H.[d]	D	AR
Schmitt, Harrison H.	R	NM
Hatfield, Mark O.	R	OR
Helms, Jesse A.	R	NC
Wallop, Malcolm[e]	R	WY
Cochran, Thad[f]	R	MS
97th Congress (1981-1982)		
Wallop, Malcolm	R	WY
Cochran, Thad	R	MS
Mattingly, Mack	R	GA
Helms, Jesse A.[g]	R	NC
Heflin, Howell T.	D	AL
Pryor, David H.	D	AR
Eagleton, Thomas F.	D	MO
98th Congress (1983-1984)		
Stevens, Theodore F.	R	AK

Senator	Party	State
Helms, Jesse A.	R	NC
Durenberger, David F.	R	MN
Heflin, Howell T.	D	AL
Pryor, David H.	D	AR
Eagleton, Thomas F.	D	MO
99th Congress (1985-1986)		
Rudman, Warren B.	R	NH
Helms, Jesse A.	R	NC
Kassebaum, Nancy Landon	R	KS
Heflin, Howell T.	D	AL
Pryor, David H.	D	AR
Long, Russell B.	D	LA
100th Congress (1987-1988)		
Heflin, Howell T.	D	AL
Pryor, David H.	D	AR
Sanford, Terry	D	NC
Rudman, Warren B.	R	NH
Helms, Jesse A.	R	NC
Kassebaum, Nancy Landon	R	KS
101st Congress (1989-1990)		
Heflin, Howell T.	D	AL
Pryor, David H.	D	AR
Sanford, Terry	D	NC
Rudman, Warren B.	R	NH
Helms, Jesse A.	R	NC
Lott, Trent	R	MS
102nd Congress (1991-1992)		
Heflin, Howell T.	D	AL
Pryor, David H.[h]	D	AR
Sanford, Terry[i]	D	NC
Bingaman, Jeff[j]	D	NM
Bryan, Richard[k]	D	NV
Rudman, Warren B.	R	NH
Lott, Trent	R	MS
Gorton, Slade	R	WA
Helms, Jesse[l]	R	NC
103rd Congress (1993-1994)		

Senator	Party	State
Bryan, Richard	D	NV
Mikulski, Barbara	D	MD
Daschle, Thomas	D	SD
McConnell, Mitch	R	KY
Stevens, Ted	R	AK
Smith, Robert	R	NH
Craig, Larry[m]	R	ID
104th Congress (1995-1996)		
McConnell, Mitch	R	KY
Smith, Robert	R	NH
Craig, Larry	R	ID
Bryan, Richard	D	NV
Mikulski, Barbara	D	MD
Dorgan, Byron	D	ND
Reid, Harry[n]	D	NV
Murray, Patty[o]	D	WA
105th Congress (1997-1998)		
Smith, Robert	R	NH
Roberts, Pat	R	KS
Sessions, Jeff	R	AL
Reid, Harry	D	NV
Murray, Patty	D	WA
Conrad, Kent	D	ND
106th Congress (1999-2000)		
Smith, Robert[p]	R	NH
Roberts, Pat	R	KS
Voinovich, George	R	OH
Reid, Harry	D	NV
Conrad, Kent	D	ND
Durbin, Richard	D	IL
107th Congress (2001-2002)		
Roberts, Pat	R	KS
Voinovich, George	R	OH
Thomas, Craig	R	WY
Reid, Harry[q]	D	NV
Akaka, Daniel	D	HI
Lincoln, Blanche	D	AR

Senator	Party	State
Inouye, Daniel[r]	D	HI
Reed, Jack[r]	D	RI
108th Congress (2003-2004)		
Voinovich, George	R	OH
Roberts, Pat	R	KS
Thomas, Craig	R	WY
Reid, Harry	D	NV
Akaka, Daniel	D	HI
Lincoln, Blanche	D	AR
109th Congress (2005-2006)		
Voinovich, George	R	OH
Roberts, Pat	R	KS
Thomas, Craig	R	WY
Johnson, Tim	D	SD
Akaka, Daniel	D	HI
Pryor, Mark	D	AR
Salazar, Ken[s]	D	CO
110th Congress (2007-2008)		
Johnson, Tim[t]	D	SD
Boxer, Barbara[t]	D	CA
Pryor, Mark L.	D	AR
Salazar, Ken	D	CO
Brown, Sherrod[u]	D	OH
Cornyn, John	R	TX
Roberts, Pat	R	KS
Thomas, Craig	R	WY
Isakson, Johnny[v]	R	GA
111th Congress (2009-2010)		
Boxer, Barbara	D	CA
Pryor, Mark L.	D	AR
Brown, Sherrod	D	OH
Isakson, Johnny	R	GA
Roberts, Pat	R	KS
Risch, James E.	R	ID
112th Congress (2011-2012)		
Boxer, Barbara	D	CA
Pryor, Mark L.	D	AR

Senator	Party	State
Brown, Sherrod	D	OH
Isakson, Johnny	R	GA
Roberts, Pat	R	KS
Risch, James E.	R	ID
113th Congress (2013-2014)		
Boxer, Barbara	D	CA
Pryor, Mark L.	D	AR
Brown, Sherrod	D	OH
Isakson, Johnny	R	GA
Roberts, Pat	R	KS
Risch, James E.	R	ID
114th Congress (2015-2016)		
Isakson, Johnny	R	GA
Roberts, Pat	R	KS
Risch, James E.	R	ID
Boxer, Barbara	D	CA
Coons, Christopher	D	DE
Schatz, Brian	D	HI
115th Congress (2017-2018)		
Isakson, Johnny	R	GA
Roberts, Pat	R	KS
Risch, Jim	R	ID
Coons, Christopher	D	DE
Schatz, Brian	D	HI
Shaheen, Jeanne	D	NH
116th Congress (2019-2020)		
Isakson, Johnny	R	GA
Roberts, Pat	R	KS
Risch, Jim	R	ID
Coons, Christopher	D	DE
Schatz, Brian	D	HI
Shaheen, Jeanne	D	NH
117th Congress (2021-2022)		
Coons, Christopher	D	DE
Schatz, Brian	D	HI
Shaheen, Jeanne	D	NH
Lankford, James	R	OK

Senator	Party	State
Risch, Jim	R	ID
Fischer, Deb	R	NE
118th Congress (2023-2024)		
Coons, Christopher	D	DE
Schatz, Brian	D	HI
Shaheen, Jeanne	D	NH
Lankford, James	R	OK
Risch, Jim	R	ID
Fischer, Deb	R	NE
119th Congress (2025-2026)		
Lankford, James	R	OK
Risch, Jim	R	ID
Fischer, Deb	R	NE
Coons, Christopher	D	DE
Schatz, Brian	D	HI
Shaheen, Jeanne	D	NH

Sources: 95th-111th Congresses—Garrison Nelson, *Committees in the U.S. Congress 1947-1992, vol. 1* (Washington: Congressional Quarterly, Inc., 1994), pp. 284-285; Garrison Nelson and Charles Steward III, *Committees in the U.S. Congress 1993-2010* (Washington: CQ Press, 2011).
112th Congress—"Senate Resolution 42—to Constitute the Majority Party's Membership on Certain Committees for the One Hundred Twelfth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition, vol. 157 (February 3, 2011), p. S551; "Senate Resolution 43—to Constitute the Minority Party's Membership on Certain Committees for the One Hundred Twelfth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition, vol. 157 (February 3, 2011), p. S551.
113th Congress—"Making Majority Party Appointments," *Congressional Record*, daily edition, vol. 159 (January 24, 2013), p. S296; "Making Minority Party Appointments," *Congressional Record*, daily edition, vol. 159 (January 24, 2013), p. S296.
114th Congress—"Making Majority Party Appointments for the 114th Congress," *Congressional Record*, daily edition, vol. 161 (January 7, 2015), p. S67; "Constituting the Minority Party's Membership on Certain Committee for the One Hundred Fourteenth Congress," *Congressional Record*, daily edition, vol. 161 (January 7, 2015), p. S68.
115th Congress—"Senate Resolution 7-To Constitute the Majority Party's Membership on Certain Committees for the One Hundred Fifteenth Congress, or Until Their Successors Are Chosen," *Congressional Record*, daily edition, vol. 163 (January 5, 2017), p. S117; and "Senate Resolution 8-To Constitute the Minority Party's Membership on Certain Committees for the One Hundred Fifteenth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition, vol. 163 (January 5, 2017), p. S117.
116th Congress—"Senate Resolution 12—To Constitute the Majority Party's Membership on Certain Committees for the One Hundred Sixteenth Congress, or Until Their Successors are Chosen," *Congressional Record*, vol. 164 (January 9, 2019), p. S105; "Senate Resolution 13—To Constitute the Minority Party's Membership on Certain Committees for the One Hundred Sixteenth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition, vol. 165 (January 9, 2019), p. S106.
117th Congress—"Senate Resolution 28—To Constitute the Majority Party's Membership on Certain Committees for the One Hundred Seventeenth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition, vol. 167 (February 3, 2021), p. S322; and "Senate Resolution 32—To Constitute the Minority Party's Membership on Certain Committees for the One Hundred Seventeenth Congress, or Until Their Successors are Chosen," *Congressional Record*, vol. 167 (February 3, 2021), p. S232.
118th Congress—"Senate Resolution 30—To Constitute the Majority Party's Membership on Certain Committees for the One Hundred Eighteenth Congress, or Until Their Successors are Chosen," *Congressional*

Record, daily edition, vol. 169 (February 2, 2023), p. S238; and "Senate Resolution 31—To Constitute the Minority Party's Membership on Certain Committees for the One Hundred Eighteenth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition, vol. 169 (February 2, 2023), pp. S238-S239. **119th Congress**—"Senate Resolution 16—To Constitute the Majority Party's Membership on Certain Committees for the One Hundred Nineteenth Congress, or Until Their Successors are Chose," *Congressional Record*, daily edition (January 7, 2025), pp. S42-S43; and "Senate Resolution 17—to Constitute the Minority Party's Membership on Certain Committees for the One Hundred Nineteenth Congress, or Until Their Successors are Chosen," *Congressional Record*, daily edition (January 7, 2025), p. S43.

a. Senator Pearson was temporarily appointed to the committee to replaced Senator Tower due to an inquiry in which Senator Tower recused himself.
b. Senator Mathias was appointed on April 13, 1978, to replace Senator Weicker.
c. Senator Heflin was appointed on October 31, 1979, to replace Senator Stevenson.
d. Senator Pryor was appointed on January 25, 1980, to replace Senator Burdick.
e. Senator Wallop was appointed on October 31, 1979, to replace Senator Schmitt.
f. Senator Cochran was appointed on January 28, 1980, to replace Senator Hatfield.
g. Senator Helms was appointed on January 21, 1981, to replace Senator Cochran.
h. Senator Pryor left the committee in May 1991, but returned on September 10, 1991, in place of Senator Bingaman, to serve during the completion of the "Keating Five" investigation. That investigation ended on November 20, 1991.
i. On August 2, 1991, Senator Sanford was named chairman of the committee for all matters except the "Keating Five" investigation.
j. Senator Bingaman was appointed to serve in place of Senator Pryor. However, he later declined to participate in the "Keating Five" investigation, and Senator Pryor was reappointed for that purpose. On August 2, 1991, Senator Bingaman was reappointed to serve for all committee matters except the "Keating Five" investigation.
k. Senator Bryan was appointed to serve for all matters except the "Keating Five" investigation.
l. Senator Helms was reappointed to serve during the 102nd Congress for the remainder of the "Keating Five" investigation.
m. Senator Craig was appointed on May 19, 1993, to replace Senate Stevens.
n. Senator Reid was appointed on January 23, 1996, to replace Senator Bryan.
o. Senator Murray was appointed on January 23, 1996, to replace Senator Mikulski.
p. Senator Smith became chairman of the Senate Environment and Public Works Committee on November 9, 1999, and Senator Roberts was appointed chairman of the Select Committee on Ethics the same day.
q. On June 6, 2000, when the Democrats took control of the Senate, Senator Reid became chairman of committee.
r. On February 4, 2002, with the passage of S.Res. 203, Senator Inouye was appointed to chair the committee in matters regarding the investigation of Senator Robert Torricelli, and Senator Reed was appointed to serve in place of Senator Akaka for this investigation. All other committee business for the 107th Congress was handled by the six members originally appointed.
s. Senator Salazar was appointed on January 18, 2006, to replace Senator Akaka.
t. On January 12, 2007, Senator Boxer was named chairman of the Senate Select Committee on Ethics in Senator Johnson's absence because of illness.
u. On April 17, 2007, Senator Brown was appointed to serve in place of Senator Salazar only for matters related to the committee's preliminary inquiry arising in connection with the firing of a U.S. attorney in New Mexico.
v. Senator Thomas died in office on June 4, 2007, and was replaced by Senator Isakson on June 13, 2007.

Author Information

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Acknowledgments

This report revises an earlier report by Mildred Amer, who retired as a Specialist in American National Government at CRS.

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