

Chairman Jo Bonner

Committee on Ethics

Testimony before the Committee on House Administration

November 30, 2011

Good afternoon Chairman Lungren, Ranking Member Brady, and members of the Committee. Thank you for inviting Congresswoman Sanchez and me to share with you today – to the best of our ability – some of the budget challenges facing the Ethics Committee. I trust the Committee on House Administration – more than most – appreciates the fact that some of our funding challenges are made even more difficult given the Ethics Committee’s own strict rules of confidentiality, which, by necessity, might prevent me from answering some of the normal questions you would have for committee chairmen and ranking members that come to you in search of additional funding..

As you well know, the Ethics Committee has a distinct and vital role within this body and in many ways is more like your own committee in that our mission is mostly internal and non-legislative.

In much of our work, particularly in our Advice and Education and Financial Disclosure offices, our objective is to have a customer-service oriented focus, such as the offices of the General Counsel and the Parliamentarian. In addition, the Committee serves as the internal agency disciplinary office – a role of equal importance that also presents unique responsibilities and challenges for our investigative team.

In all of these roles, as your committee staff experiences with their own responsibilities, we do not have the luxury of setting our own workload or agenda.

Our Committee’s core mission is – and has always been – to provide fair, prompt and thorough advice and education and to conduct investigations – whenever that aspect of our work is required – in a professional, non-partisan environment that is always driven by the facts and in search of the truth. To that end, by far our largest consumption of resources is a top-notch,

professional, non-partisan staff, who handle our every day advice, education, review and investigation functions. Unfortunately, by the very nature of our work, and consistent with Committee precedents, this Committee does have matters on occasion that require an increase in staffing or even the employment of an outside counsel. I'd like to give you some sense of what that workload looks like.

While public adjudicatory hearings happen on average once a decade, at one time last year the Committee was looking at two such hearings within two months of each other. This would have been an unprecedented occurrence.

While one of the aforementioned matters was concluded before the end of the 111th Congress, the Committee is still working on the second matter and has employed an outside counsel to help it get through the challenges that matter has presented. Needless to say, the entire membership of our Committee appreciates your and your staff's assistance in working to approve and finance that contract. Obviously, there is no guarantee that the trend of Members invoking their rights, under our rules, to a public hearing may not continue to grow.

While the Ranking Member will describe for you the ever-increasing workload before our Committee, I want to turn to how we've been handling that workload, and how we have shouldered - and intend to continue to shoulder - the financial burdens that all other offices in the House and most importantly, the American People, have been sharing.

After an admittedly controversial end to our work in the 111th Congress, the Committee began this Congress with a downslide of staffing. On January 1st, we had 23 staff positions filled, out of a permitted cap of 29. While the Ranking Member and I worked very hard together to find the best non-partisan, professional staff we could to fill those ranks, we reached a low point of 15 staff sometime in June. At about the same time, we had found - and brought on - a new Staff Director and Chief Counsel who is unquestionably non-partisan and professional. As a result, I am pleased to report that the pathway toward fully staffing our Committee has followed on our new Staff Director's leadership and personal example.

As I said, as of January 1st we had 23 staffers on the books. Today, we have 24 full time staff. But without having to reduce anyone's salary and mostly by attrition of higher salaried staff and leveling of base salaries, we are spending less on these 24 outstanding individuals than we were previously spending on the 23 staffers that worked in the 111th Congress.

In other words, as so many others are having to do, we at the Ethics Committee are trying to find new ways of doing more but costing less. Indeed, personnel is about 95% of our total budget, as currently 15 of our 24 staffers are experienced attorneys.

In anticipation of possible additional budget cuts, and in line with what the rest of the House and the rest of the Country is facing, we have stopped hiring. We have asked our staff to do everything possible to continue to meet and maintain your expectations as our customers. As the Ranking Member will also discuss, this is an ever-increasing challenge, but one that we take on with a sense of mission and duty and shared sacrifice.

Finally, I have been asked to discuss the unusual circumstance of requiring the assistance of an outside counsel.

As the leadership of your committee was briefed earlier this year, Billy Martin has taken on an immense and vitally important task for us and is conducting his work with the utmost thoroughness, fairness, independence and impartiality that would be expected and required. From what I have been told, our hopes and estimates for a quick resolution to Mr. Martin's work may not be realized. While no final conclusions have been reached about whatever the "next steps" in this process might encompass, it is highly possible that the contract with Mr. Martin will need to be extended into next year. It is necessary therefore, in order to avoid over-obligating and to ensure the consistent progress in this matter and the rest of our work, to plan for such contingencies before the Committee reviews and acts on the step by step recommendations of our outside counsel.

The good news, though, is that we anticipate that the funding required for this year's work by the outside counsel will be well below the \$500,000 estimated. More importantly, using a surplus in our budget left over due to the time we have been short-staffed this year, we have not had to come to you to ask for a re-authorization to cover his 2011 bills. We consider this a significant accomplishment that we take pride in.

For next year, however, it is clear that at least one of our major investigative matters may require a contract, or other significant expenses for hearings and travel, such that if our budget follows the standard formula, we will need to return to your Committee in short order for a re-authorization. We have considered the work ahead and the stage of progress to date, and we

believe that we will inevitably require a re-authorization of \$350,000 to be safe from over-obligating and to ensure that our duties to be thorough and fair do not suffer dramatically.

As we have been requested to do, we are proposing to deal with the outside counsel contract and the growing workload at this time, rather than returning to you at a later date. Therefore, we propose to add a good faith and fair estimate of our special investigative needs to an amount that begins at our current budget for 2012 of \$3,043,775. That additional request is \$350,000, to total \$3,393,775 for 2012.

We truly appreciate the hard and careful work you all are putting in to this process, and I am happy to answer any questions you have after the Ranking Member has shared her thoughts.