



PROGRAM FOR PUBLIC CONSULTATION

SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MARYLAND

STOCK TRADES BY MEMBERS OF CONGRESS

– Questionnaire –

SAMPLE PROVIDED BY: Nielsen Scarborough

SAMPLE SIZE: 2,625 Respondents

FIELD DATES: May 19-30, 2023

MARGIN OF ERROR: +/- 1.9%

[Ethics Regulations Regarding Stock Trades made by Members of Congress]

This survey is on the question of whether Members of Congress and other federal government officials should be able to hold or trade stocks in individual companies.

Currently, Members of Congress can do so. There has been concern this could create a conflict of interest. Members of Congress get information that the public does not get, that can have an impact on the value of stocks or assets they may trade. Members of Congress and other federal officials also make decisions that affect the business prospects of companies they may hold stock or assets in.

In 2012, a law was passed to address this concern. It requires Members of Congress to disclose all of their stock trades so that the public, ethics boards in Congress, and federal agencies can see if there is any conflict of interest and investigate any possible “insider trading.” Insider trading is when someone buys or sells stock based on information that is not available to the public and is a felony that comes with prison time.

There is currently a debate over whether it is enough to require just the disclosure of stock trading for Members of Congress, or if there should be greater restrictions.

A proposal has been put forward in Congress that would actually ban Members of Congress (and family members that live with them) from trading stocks in individual companies.¹

For any such stocks that they already own, they would have to either:

- Sell them -OR-
- Put them in a “blind trust,” which an independent person manages and decides which stocks to buy or sell.

However, Members of Congress would still be able to buy or sell shares of mutual funds or index funds that include stocks in numerous companies. You will now get a chance to evaluate arguments for and against this proposal. In the end, you will be able to give your final recommendation.

Here is an argument in favor:

Q1. There are too many potential conflicts of interest when Members of Congress can hold and trade stocks in individual companies. Members often take actions that significantly affect companies and industries, which they may have stocks in. Banning stock trading would give the public greater trust that their officials are serving the interest of the nation, not their own wallet. This is an easy way to prevent corruption and restore trust in government.

¹ TRUST in Congress Act, [H.R. 345](#), Rep. Spanberger; Ban Congressional Stock Trading Act, [S. 3494](#), Sen. Ossoff; [H.R. 3003](#), Bipartisan Restoring Faith in Government Act, Rep. Fitzpatrick

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref/DK
National	61.5%	30.8%	92.3%	4.7%	2.4%	7.1%	0.5%
Republicans	61.6%	30.7%	92.3%	5.4%	1.7%	7.1%	0.6%
Democrats	64.2%	28.6%	92.8%	3.9%	2.7%	6.6%	0.5%
Independents	54.8%	36.4%	91.2%	5.2%	3.6%	8.8%	0.0%
Cook's PVI (D-R)							
Very red	59.6%	30.9%	90.5%	6.9%	2.2%	9.1%	0.4%
Somewhat red	66.9%	27.9%	94.8%	2.7%	2.3%	5.0%	0.3%
Lean red	56.0%	35.1%	91.1%	5.8%	2.6%	8.4%	0.6%
Lean blue	61.7%	31.8%	93.5%	4.0%	2.0%	6.0%	0.5%
Somewhat blue	60.9%	29.4%	90.3%	6.4%	2.6%	9.0%	0.7%
Very blue	62.6%	30.8%	93.4%	3.3%	2.9%	6.2%	0.3%

Here is an argument against:

Q2. This proposed legislation is not necessary. We already have laws against insider trading, and Members of Congress can be investigated and charged just like anyone else. Plus, there's already a law that requires Members of Congress to report all their stock trades, so everyone can see what they are doing. Since that law was passed, a major study found that Members don't do any better in the stock market than the general public.² Clearly, the law is working as intended and no more is needed.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref/DK
National	7.4%	20.4%	27.8%	29.9%	41.6%	71.5%	0.7%
Republicans	7.3%	18.0%	25.3%	27.8%	46.1%	73.9%	0.8%
Democrats	7.0%	22.7%	29.7%	31.5%	38.1%	69.6%	0.7%
Independents	8.3%	20.6%	28.9%	31.1%	39.4%	70.5%	0.6%
Cook's PVI (D-R)							
Very red	6.7%	19.2%	25.9%	28.9%	44.3%	73.2%	0.9%
Somewhat red	4.2%	20.5%	24.7%	29.1%	45.6%	74.7%	0.6%
Lean red	7.7%	16.4%	24.1%	29.3%	46.2%	75.5%	0.4%
Lean blue	8.9%	22.2%	31.1%	30.8%	37.4%	68.2%	0.7%
Somewhat blue	8.0%	25.1%	33.1%	31.4%	34.5%	65.9%	1.0%
Very blue	8.9%	18.2%	27.1%	30.7%	41.4%	72.1%	0.8%

Here is another argument in favor:

Q3. The laws we have now are not enough. It's very difficult to prove insider trading, and it's even harder when the only people who know the private information that Members are getting are other high-level officials. And even if insider trading is rare, it's better to be safe and ban such stock trading. The public needs to know that Members could never use their position of power to gain an advantage.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref/DK
National	58.1%	30.9%	89.0%	6.8%	3.6%	10.4%	0.6%
Republicans	60.5%	28.1%	88.6%	7.1%	3.7%	10.8%	0.8%
Democrats	57.7%	33.3%	91.0%	5.3%	3.2%	8.5%	0.6%
Independents	53.7%	31.9%	85.6%	9.9%	4.3%	14.2%	0.2%
Cook's PVI (D-R)							
Very red	60.1%	28.5%	88.6%	6.6%	4.2%	10.8%	0.6%
Somewhat red	65.3%	24.9%	90.2%	7.0%	2.5%	9.5%	0.3%
Lean red	57.6%	31.3%	88.9%	7.0%	3.7%	10.7%	0.4%
Lean blue	55.2%	35.6%	90.8%	4.6%	4.0%	8.6%	0.7%
Somewhat blue	50.8%	38.1%	88.9%	6.5%	3.5%	10.0%	1.1%
Very blue	60.6%	25.4%	86.0%	10.2%	3.3%	13.5%	0.5%

² NBER. (2020) [Relief Rally: Senators As Feckless As the Rest of Us at Stock Picking](#). Compare to previous findings which showed advantage to Members: SSRN. (2016) [Trading on Private Information: Evidence from Members of Congress](#)

Here is another argument against:

Q4. These restrictions could deter many good people from becoming Members, especially people from the business community.³ Having to sell stocks or put them in a blind trust could cost them a significant amount of money or lose key opportunities. A person should not be banned from participating fully in the market just because of the job they have.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref/DK
National	6.2%	19.5%	25.7%	25.0%	48.6%	73.6%	0.8%
Republicans	4.2%	20.7%	24.9%	27.1%	47.3%	74.4%	0.7%
Democrats	7.4%	15.9%	23.3%	23.5%	52.4%	75.9%	0.7%
Independents	7.7%	24.8%	32.5%	23.4%	43.0%	66.4%	1.1%
Cook's PVI (D-R)							
Very red	5.5%	18.0%	23.5%	28.5%	47.3%	75.8%	0.7%
Somewhat red	6.7%	16.7%	23.4%	24.1%	51.9%	76.0%	0.6%
Lean red	5.9%	16.8%	22.7%	28.1%	48.3%	76.4%	0.9%
Lean blue	7.4%	23.7%	31.1%	23.1%	45.5%	68.6%	0.4%
Somewhat blue	6.3%	21.1%	27.4%	27.2%	44.0%	71.2%	1.4%
Very blue	4.8%	20.1%	24.9%	20.1%	54.1%	74.2%	1.0%

Q5. Prohibit Members of Congress (in the House and Senate) and the family that lives with them, from trading stocks in individual companies. They would still be allowed to buy or sell shares of mutual funds or index funds that include stocks in numerous companies.

How acceptable do you find this proposal on a scale of 0-10, where 0=Not at all acceptable, 5=Just tolerable and 10=very acceptable?

	(0-4)	5	(6-10)	Ref./DK
National	14.3%	9.5%	75.4%	0.9%
Republicans	14.5%	9.9%	75.1%	0.5%
Democrats	11.2%	8.0%	79.4%	1.3%
Independents	20.6%	12.0%	66.7%	0.7%
Cook's PVI (D-R)				
Very red	15.8%	10.2%	73.2%	0.8%
Somewhat red	13.9%	6.9%	78.7%	0.4%
Lean red	14.3%	9.4%	75.1%	1.1%
Lean blue	13.7%	11.0%	74.2%	1.1%
Somewhat blue	13.0%	11.6%	74.1%	1.3%
Very blue	15.7%	8.2%	75.7%	0.4%

Q6. In conclusion, do you favor or oppose this proposal?

	Favor	Oppose	Ref/DK
National	86.2%	13.3%	0.5%
Republicans	86.6%	13.1%	0.3%
Democrats	88.3%	11.0%	0.7%
Independents	80.5%	18.9%	0.6%
Cook's PVI (D-R)			
Very red	85.0%	15.0%	0.0%
Somewhat red	89.3%	10.5%	0.2%
Lean red	88.8%	10.7%	0.6%
Lean blue	85.5%	13.8%	0.7%
Somewhat blue	83.2%	15.7%	1.0%
Very blue	85.0%	14.8%	0.3%

³ WSJ. (2022) [The Misguided Rush to Ban Congress's Stock Trades](#)

[White House and Supreme Court]

Another proposal is to prohibit the President, the Vice President,⁴ and Supreme Court Justices⁵ from trading stocks in individual companies.

Currently, these top-level officials are not required by law to disclose their stock trades. Many Presidents and Vice Presidents, though, have voluntarily disclosed their stock trading.

The proposal is for any stocks in individual companies that they already own, the President, the Vice President and Supreme Court Justices would have to either:

- Sell them -OR-
- Put them in a “blind trust” which an independent person manages and decides which stocks to buy or sell.

Q7. How acceptable do you find this proposal?

	(0-4)	5	(6-10)	Ref./DK
National	12.3%	7.3%	79.8%	0.7%
Republicans	12.6%	7.2%	79.9%	0.3%
Democrats	9.8%	5.8%	83.2%	1.2%
Independents	17.1%	10.7%	71.4%	0.8%
Cook's PVI (D-R)				
Very red	12.4%	5.8%	81.2%	0.5%
Somewhat red	9.8%	6.1%	83.8%	0.3%
Lean red	12.8%	6.2%	80.2%	0.8%
Lean blue	12.9%	9.6%	76.5%	1.0%
Somewhat blue	11.2%	8.3%	79.7%	0.8%
Very blue	14.5%	6.9%	77.8%	0.7%

Q8. In conclusion, do you favor or oppose this proposal?

	Approve	Disapprove	Ref/DK
National	87.3%	12.3%	0.4%
Republicans	86.9%	12.7%	0.4%
Democrats	90.0%	9.7%	0.4%
Independents	81.9%	17.4%	0.6%
Cook's PVI (D-R)			
Very red	88.7%	10.9%	0.4%
Somewhat red	87.8%	11.3%	0.9%
Lean red	89.3%	10.6%	0.1%
Lean blue	83.9%	15.7%	0.4%
Somewhat blue	87.1%	12.2%	0.7%
Very blue	87.8%	12.2%	0.0%

[All Federal Employees]

One more proposal is to prohibit **all** federal employees from trading stocks in individual companies.⁶

⁴ PORTFOLIO Act, [H.R. 389](#), Rep Schweikert.

⁵ Judicial Ethics and Anti-Corruption Act of 2023, [S. 1908](#), Sen Warren, [H.R. 3973](#), Rep. Jayapal

⁶ PORTFOLIO Act, [H.R. 389](#), Rep Schweikert.

Currently, for senior employees in federal agencies, there are ethics rules against owning any stocks which could create a conflict of interest, and ethics boards which determine whether that is the case. If they are caught violating those rules, they would face penalties or be fired.

The proposal is for any stocks in individual companies that federal employees already own, they would have to either:

- Sell them -OR-
- Put them in a “blind trust” which an independent person manages and decides which stocks to buy or sell.

First, here are some arguments for and against this proposal. Here is an argument in favor:

Q9. If someone decides to work for the federal government, then the public needs to know they are going to be free from any conflict of interest. There should not be exceptions. It is not enough to rely on ethics boards to investigate whether there are any conflicts of interest, there should be a strict ban. They can always put their money into another type of investment – just not in individual companies.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref/DK
National	28.0%	36.5%	64.5%	25.0%	9.5%	34.5%	0.9%
Republicans	31.0%	34.0%	65.0%	24.7%	9.4%	34.1%	1.0%
Democrats	25.7%	37.7%	63.4%	26.0%	9.6%	35.6%	1.0%
Independents	26.6%	39.7%	66.3%	23.2%	9.6%	32.8%	0.8%
Cook's PVI (D-R)							
Very red	26.9%	33.6%	60.5%	31.0%	7.9%	38.9%	0.5%
Somewhat red	35.0%	37.4%	72.4%	20.0%	6.9%	26.9%	0.7%
Lean red	26.8%	35.9%	62.7%	25.1%	10.7%	35.8%	1.4%
Lean blue	27.0%	37.6%	64.6%	23.8%	10.3%	34.1%	1.3%
Somewhat blue	22.0%	38.3%	60.3%	28.2%	10.8%	39.0%	0.7%
Very blue	29.9%	36.1%	66.0%	23.1%	10.1%	33.2%	0.8%

Here is an argument against:

Q10. The federal government employs nearly 2 million people all across the country. Most are just ordinary workers, such as Post Office employees. They do not have access to special information or make important decisions. And for senior officials who do have access to that kind of information, there are already stringent rules in place and if they violate them, it could cost them their job. It is unnecessary government overreach to put these restrictions on all those workers.

	Very convincing	Somewhat convincing	Total convincing	Somewhat unconvincing	Very unconvincing	Total unconvincing	Ref/DK
National	30.4%	40.6%	71.0%	15.6%	12.7%	28.3%	0.7%
Republicans	28.8%	39.4%	68.2%	16.1%	14.8%	30.9%	0.8%
Democrats	33.1%	41.9%	75.0%	14.4%	10.1%	24.5%	0.6%
Independents	27.9%	40.7%	68.6%	17.3%	13.6%	30.9%	0.5%
Cook's PVI (D-R)							
Very red	28.2%	41.6%	69.8%	16.7%	12.8%	29.5%	0.7%
Somewhat red	26.0%	44.2%	70.2%	13.6%	15.7%	29.3%	0.6%
Lean red	32.6%	37.1%	69.7%	15.9%	13.5%	29.4%	0.9%
Lean blue	33.0%	39.8%	72.8%	14.4%	12.1%	26.5%	0.7%
Somewhat blue	32.9%	40.2%	73.1%	17.8%	8.3%	26.1%	0.8%
Very blue	28.8%	41.4%	70.2%	16.9%	12.6%	29.5%	0.3%

Q11. How acceptable do you find the proposal to prohibit all federal employees from trading stocks in individual companies?

	(0-4)	5	(6-10)	Ref./DK
National	50.2%	15.4%	33.6%	0.8%
Republicans	46.9%	15.5%	36.4%	1.2%
Democrats	52.7%	15.6%	31.0%	0.8%
Independents	52.0%	14.6%	33.2%	0.2%
Cook's PVI (D-R)				
Very red	51.7%	16.0%	31.7%	0.5%
Somewhat red	47.6%	12.8%	39.2%	0.4%
Lean red	49.8%	15.4%	33.5%	1.3%
Lean blue	50.1%	15.4%	33.0%	1.4%
Somewhat blue	49.9%	16.8%	32.2%	1.1%
Very blue	52.6%	15.6%	31.6%	0.2%

Q12. In conclusion, do you favor or oppose this proposal?

	Approve	Disapprove	Ref/DK
National	39.9%	59.2%	0.9%
Republicans	41.6%	57.0%	1.3%
Democrats	37.1%	62.2%	0.7%
Independents	42.2%	57.1%	0.6%
Cook's PVI (D-R)			
Very red	39.8%	59.7%	0.5%
Somewhat red	43.4%	55.5%	1.2%
Lean red	40.9%	58.3%	0.7%
Lean blue	38.8%	60.4%	0.8%
Somewhat blue	36.3%	62.3%	1.5%
Very blue	40.2%	59.0%	0.7%