

110TH CONGRESS  
1ST SESSION

# H. R. 1754

To establish the House Ethics Commission, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. HILL (for himself, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, Mr. MAHONEY of Florida, Mr. MCNERNEY, Mr. COHEN, Mr. VISCLOSKY, Mr. ELLSWORTH, Ms. CASTOR, Mr. BRALEY of Iowa, and Mr. WALZ of Minnesota) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the House Ethics Commission, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “House Ethics Commis-  
5       sion Establishment Act of 2007”.

6       **SEC. 2. ESTABLISHMENT OF HOUSE ETHICS COMMISSION.**

7       (a) ESTABLISHMENT.—There is established an inde-  
8       pendent ethics commission within the legislative branch of

1 the Government to be known as the House Ethics Com-  
2 mission (in this Act referred to as the “Commission”).

3 (b) MEMBERSHIP AND TERMS OF OFFICE.—(1) The  
4 Commission shall consist of 12 individuals. Six former  
5 Democratic Members shall be appointed by the Republican  
6 leader and 6 former Republican Members by the Demo-  
7 cratic leader of the House of Representatives. Except as  
8 provided by paragraph (2), the terms of all members of  
9 the Commission shall be 2 years and no member may serve  
10 for more than 6 years.

11 (2) Of the members first appointed—

12 (A) 2 appointed by each leader shall be for a  
13 term of 2 years;

14 (B) 2 appointed by each leader shall be for a  
15 term of 4 years; and

16 (C) 2 appointed by each leader shall be for a  
17 term of 6 years;

18 as designated by each such leader at the time of appoint-  
19 ment.

20 (c) CHAIRMAN AND VICE CHAIRMAN.—The chairman  
21 and the vice chairman of the Commission shall be selected  
22 by the members of the Commission at its first meeting.  
23 No member may serve for more than one 2-year term as  
24 chairman and no member may serve for more than one  
25 2-year term as vice chairman.

1 (d) QUALIFICATIONS.—Only former Members of the  
2 House of Representatives shall be eligible for appointment  
3 to the Commission.

4 (1) DISQUALIFICATIONS FOR APPOINTMENTS.—

5 (A) LOBBYING.—No individual who has  
6 been a lobbyist registered under the Lobbying  
7 Disclosure Act of 1995 or engages in, or is oth-  
8 erwise employed in, lobbying of the Congress or  
9 who is an agent of a foreign principal registered  
10 under the Foreign Agents Registration Act  
11 within the 4-year period immediately preceding  
12 appointment shall be eligible for appointment  
13 to, or service on, the Commission.

14 (B) INCOMPATIBLE OFFICE.—No member  
15 of the Commission appointed under subsection  
16 (b) may be an elected public official or an offi-  
17 cer or employee of the Government.

18 (2) VACANCIES.—A vacancy on the Commission  
19 shall be filled in the manner in which the original  
20 appointment was made.

21 (e) COMPENSATION.—Members shall each be entitled  
22 to receive the daily equivalent of the maximum annual rate  
23 of basic pay in effect for Level III of the Executive Sched-  
24 ule for each day (including travel time) during which they

1 are engaged in the actual performance of duties vested in  
2 the Commission.

3 (f) QUORUM.—A majority of the members of the  
4 Commission shall constitute a quorum.

5 (g) MEETINGS.—The Commission shall meet at the  
6 call of the chairman or a majority of its members.

7 **SEC. 3. DUTIES OF COMMISSION.**

8 The Commission is authorized—

9 (1) to investigate any alleged violation, by a  
10 Member, officer, or employee of the House of Rep-  
11 resentatives, of any law, rule, regulation, or other  
12 standard of conduct applicable to the conduct of  
13 such Member, officer, or employee in the perform-  
14 ance of his duties or the discharge of his responsibil-  
15 ities, and after notice and hearing (unless the right  
16 to a hearing is waived by the Member, officer, or  
17 employee), shall report to the House of Representa-  
18 tives its findings of fact and recommendations, if  
19 any, upon the final disposition of any such investiga-  
20 tion, and such action as the Commission may deem  
21 appropriate in the circumstances;

22 (2) to issue any letter of reproof or admonish-  
23 ment with respect to such an alleged violation;

24 (3) to report to the appropriate Federal or  
25 State authorities any substantial evidence of a viola-

1       tion, by a Member, officer, or employee of the House  
2       of Representatives, of any law applicable to the per-  
3       formance of his duties or the discharge of his re-  
4       sponsibilities, which may have been disclosed in a  
5       Commission investigation; and

6               (4) to adopt rules governing its procedures to  
7       provide protections to respondents comparable to  
8       those that were provided by clause 3 of rule XI of  
9       the Rules of the House of Representatives in effect  
10      immediately before the amendments to such rule  
11      made by section 8.

12 **SEC. 4. POWERS OF COMMISSION.**

13       (a) HEARINGS AND EVIDENCE.—The Commission or,  
14      on the authority of the Commission, the chairman or vice  
15      chairman, may, for the purpose of carrying out this Act—

16               (1) hold such hearings and sit and act at such  
17      times and places, take such testimony, receive such  
18      evidence, administer such oaths; and

19               (2) subject to subsection (b), require, by sub-  
20      poena or otherwise, the attendance and testimony of  
21      such witnesses and the production of such books,  
22      records, correspondence, memoranda, papers, and  
23      documents, as the Commission or the chairman or  
24      vice chairman may determine advisable.

25       (b) SUBPOENAS.—

1           (1) IN GENERAL.—A subpoena may be issued  
2           only under the signature of the chairman or the vice  
3           chairman, and may be served by any person des-  
4           ignated by the chairman or the vice chairman.

5           (c) OBTAINING INFORMATION.—Upon request of the  
6 Commission, the head of any agency or instrumentality  
7 of the Government shall furnish information deemed nec-  
8 essary by the panel to enable it to carry out its duties.

9 **SEC. 5. PROCEDURAL RULES.**

10          (a) MAJORITY APPROVAL.—No report or rec-  
11 ommendation relating to the official conduct of a Member,  
12 officer, or employee of the House of Representatives shall  
13 be made by the Commission, and no investigation of such  
14 conduct shall be undertaken by the Commission, unless  
15 approved by the affirmative vote of a majority of the mem-  
16 bers of the Commission.

17          (b) INVESTIGATIONS.—Except in the case of an in-  
18 vestigation undertaken by the Commission on its own ini-  
19 tiative, the Commission may undertake an investigation  
20 relating to the official conduct of an individual Member,  
21 officer, or employee of the House of Representatives  
22 only—

23               (1) upon receipt of a complaint, in writing and  
24               under oath, made by or submitted to a Member of

1 the House of Representatives and transmitted to the  
2 Commission by such Member, or

3 (2) upon receipt of a complaint from the chair-  
4 man of the Committee on Standards of Official Con-  
5 duct of the House of Representatives, in writing and  
6 under oath, made by that committee.

7 (c) PROHIBITION OF CERTAIN INVESTIGATIONS.—No  
8 investigation shall be undertaken by the Commission of  
9 any alleged violation of a law, rule, regulation, or standard  
10 of conduct not in effect at the time of the alleged violation.

11 (d) DISCLOSURE.—No information or testimony re-  
12 ceived, or the contents of a complaint or the fact of its  
13 filing, shall be publicly disclosed by any member of the  
14 Commission or staff of the Commission unless specifically  
15 authorized in each instance by a vote of the Commission.

16 **SEC. 6. STAFF OF COMMISSION.**

17 The Commission may appoint and fix the compensa-  
18 tion of such staff as the Commission considers necessary  
19 to perform its duties. The director shall be appointed  
20 jointly by the Speaker and minority leader and shall be  
21 paid at a rate not to exceed the rate of basic pay payable  
22 for Level III of the Executive Schedule.

23 **SEC. 7. ACTION ON COMMISSION RECOMMENDATIONS.**

24 (a) PRINTING OF REPORTS IN CONGRESSIONAL  
25 RECORD.—Upon receipt by the Committee on Standards

1 of Official Conduct of the House of Representatives of any  
2 report of the Commission, the Speaker of the House of  
3 Representatives shall have the report printed in the Con-  
4 gressional Record.

5 (b) HOUSE CONSIDERATION OF INDEPENDENT ETH-  
6 ICS COMMISSION RECOMMENDATIONS.—Within 14 cal-  
7 endar days after a report referred to in subsection (a) is  
8 printed in the Congressional Record, that portion of the  
9 report recommending action by the House of Representa-  
10 tives respecting any alleged violation, by a Member, offi-  
11 cer, or employee of the House of Representatives, of any  
12 law, rule, regulation, or other standard of conduct applica-  
13 ble to the conduct of such Member, officer, or employee  
14 in the performance of his duties or the discharge of his  
15 responsibilities shall be introduced (by request) in the  
16 House by the Speaker of the House, for himself and the  
17 minority leader of the House in the form of a resolution.  
18 This resolution shall constitute a question of privilege  
19 under rule IX of the Rules of the House of Representa-  
20 tives. Any Member favoring the resolution may call it up  
21 as a question of privilege but only on the third day after  
22 the calendar date upon which such Member announces to  
23 the House his intention to do so.

1 **SEC. 8. AMENDMENTS TO THE RULES OF THE HOUSE TO**  
2 **CHANGE THE DUTIES OF THE COMMITTEE ON**  
3 **STANDARDS OF OFFICIAL CONDUCT.**

4 (a) HOUSE RULES AMENDMENTS.—Clause 3 of rule  
5 XI of the Rules of the House of Representatives is amend-  
6 ed as follows:

7 (1) In paragraph (a), strike subparagraphs (1),  
8 (2), and (3), and redesignate subparagraphs (4),  
9 (5), and (6), as subparagraphs (1), (2), and (3), re-  
10 spectively.

11 (2)(A) Paragraph (b)(1) is amended by striking  
12 “(A)”, by striking “a resolution, report, rec-  
13 ommendation, or” and inserting “an”, and by strik-  
14 ing “, or, except as provided in subparagraph (2),  
15 undertake an investigation”, and by striking subdivi-  
16 sion (B).

17 (B) Paragraph (b) is further amended by strik-  
18 ing subparagraphs (2), (3), (4), and (5) and by re-  
19 designating subparagraphs (6) and (7) as subpara-  
20 graphs (2) and (3), respectively.

21 (3) Strike paragraphs (j) (k), (l), (m), (n), (o),  
22 (p), and (q).

23 (b) CONFORMING AMENDMENTS.—Section 803 of the  
24 Ethics Reform Act of 1989 (2 U.S.C. 29d) is amended  
25 by striking subsections (c) and (d).

1 **SEC. 9. EFFECTIVE DATE.**

2       This Act shall take effect upon the date of its enact-  
3 ment, except that sections 3, 4, and 8 shall not take effect  
4 until the later of 6 months after such date of enactment  
5 or immediately prior to noon January 3, 2009.

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