

110TH CONGRESS
2D SESSION

H. RES. 1018

Amending the Rules of the House of Representatives to establish the House Ethics Commission.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2008

Mr. HILL (for himself, Mr. WAMP, Mr. BOYD of Florida, Mr. MOORE of Kansas, Mr. MATHESON, Mr. DONNELLY, Mr. MELANCON, Mr. MAHONEY of Florida, Mr. SULLIVAN, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. SMITH of New Jersey, and Mr. GOODE) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to establish the House Ethics Commission.

1 *Resolved,*

2 ESTABLISHMENT OF THE HOUSE ETHICS COMMISSION

3 SECTION 1. The Rules of the House of Representa-
4 tives are amended by redesignating rules XXVII and
5 XXVIII as rules XXVIII and XXIX, respectively, and by
6 inserting after rule XXVI the following new rule:

1 “RULE XXVII

2 “HOUSE ETHICS COMMISSION

3 “1. There is established in the House an independent
4 commission to be known as the House Ethics Commission
5 (hereinafter in this rule referred to as the ‘Commission’).

6 “2. (a) The Commission shall consist of 12 individ-
7 uals. Three current Democratic Members and three
8 former Democratic Members shall be appointed by the Re-
9 publican leader and three current Republican Members
10 and three former Republican Members by the Democratic
11 leader. Except as provided by paragraph (b), the terms
12 of all members of the Commission shall be two years and
13 no member may serve for more than six years.

14 “(b) Of the members first appointed—

15 “(1) two appointed by each leader shall be for
16 a term of two years;

17 “(2) two appointed by each leader shall be for
18 a term of four years; and

19 “(3) two appointed by each leader shall be for
20 a term of six years;

21 as designated by each such leader at the time of appoint-
22 ment.

23 “(c) The chairman and the vice chairman of the Com-
24 mission shall be selected by the members of the Commis-
25 sion at its first meeting. No member may serve for more

1 than one two-year term as chairman and no member may
2 serve for more than one two-year term as vice chairman.

3 “(d)(1) Only former and current Members of the
4 House shall be eligible for appointment to the Commis-
5 sion.

6 “(2)(A) No individual who has been a lobbyist reg-
7 istered under the Lobbying Disclosure Act of 1995 or en-
8 gages in, or is otherwise employed in, lobbying of the Con-
9 gress or who is an agent of a foreign principal registered
10 under the Foreign Agents Registration Act within the
11 four-year period immediately preceding appointment shall
12 be eligible for appointment to, or service on, the Commis-
13 sion.

14 “(B) Except as provided by subparagraph (a), no
15 member of the Commission may be an elected public offi-
16 cial or an officer or employee of the Government.

17 “(3) A vacancy on the Commission shall be filled in
18 the manner in which the original appointment was made.

19 “(e) Members shall each be entitled to receive the
20 daily equivalent of the maximum annual rate of basic pay
21 in effect for Level III of the Executive Schedule for each
22 day (including travel time) during which they are engaged
23 in the actual performance of duties vested in the Commis-
24 sion.

1 “(f) A majority of the members of the Commission
2 shall constitute a quorum.

3 “(g) The Commission shall meet at the call of the
4 chairman or a majority of its members.

5 “3. The Commission is authorized—

6 “(1) to investigate any alleged violation, by a
7 Member, officer, or employee of the House, of any
8 law, rule, regulation, or other standard of conduct
9 applicable to the conduct of such Member, officer, or
10 employee in the performance of his duties or the dis-
11 charge of his responsibilities, and after notice and
12 hearing (unless the right to a hearing is waived by
13 the Member, officer, or employee), shall report to
14 the House its findings of fact and recommendations,
15 if any, upon the final disposition of any such inves-
16 tigation, and such action as the Commission may
17 deem appropriate in the circumstances;

18 “(2) to issue any letter of reproof or admon-
19 ishment with respect to such an alleged violation;

20 “(3) to report to the appropriate Federal or
21 State authorities any substantial evidence of a viola-
22 tion, by a Member, officer, or employee of the
23 House, of any law applicable to the performance of
24 his duties or the discharge of his responsibilities,

1 which may have been disclosed in a Commission in-
2 vestigation; and

3 “(4) to adopt rules governing its procedures to
4 provide protections to respondents comparable to
5 those that were provided by clause 3 of rule XI in
6 effect immediately before the amendments to such
7 rule before the date of adoption of this rule.

8 “4. (a) The Commission or, on the authority of the
9 Commission, the chairman or vice chairman, may, for the
10 purpose of carrying out its duties—

11 “(1) hold such hearings and sit and act at such
12 times and places, take such testimony, receive such
13 evidence, administer such oaths; and

14 “(2) subject to paragraph (b), require, by sub-
15 poena or otherwise, the attendance and testimony of
16 such witnesses and the production of such books,
17 records, correspondence, memoranda, papers, and
18 documents, as the Commission or the chairman or
19 vice chairman may determine advisable.

20 “(b) A subpoena may be issued only under the signa-
21 ture of the chairman or the vice chairman, and may be
22 served by any person designated by the chairman or the
23 vice chairman.

24 “(c) Upon request of the Commission, the head of
25 any agency or instrumentality of the Government shall

1 furnish information deemed necessary by the panel to en-
2 able it to carry out its duties.

3 “5. (a) No report or recommendation relating to the
4 official conduct of a Member, officer, or employee of the
5 House shall be made by the Commission, and no investiga-
6 tion of such conduct shall be undertaken by the Commis-
7 sion, unless approved by the affirmative vote of a majority
8 of the members of the Commission.

9 “(b) Except in the case of an investigation under-
10 taken by the Commission on its own initiative, the Com-
11 mission may undertake an investigation relating to the of-
12 ficial conduct of an individual Member, officer, or em-
13 ployee of the House only—

14 “(1) upon receipt of a complaint, in writing and
15 under oath, made by or submitted to a Member and
16 transmitted to the Commission by such Member,

17 “(2) upon receipt of a complaint from the
18 chairman of the Committee on Standards of Official
19 Conduct, in writing and under oath, made by that
20 committee, or

21 “(3) upon receipt of a complaint from four of
22 its members of whom two are Democratic and two
23 are Republican.

24 “(c) No investigation shall be undertaken by the
25 Commission of any alleged violation of a law, rule, regula-

1 tion, or standard of conduct not in effect at the time of
2 the alleged violation.

3 “(d) No information or testimony received, or the
4 contents of a complaint or the fact of its filing, shall be
5 publicly disclosed by any member of the Commission or
6 staff of the Commission unless specifically authorized in
7 each instance by a vote of the Commission.

8 “6. The Commission may appoint and fix the com-
9 pensation of such staff as the Commission considers nec-
10 essary to perform its duties. The director shall be ap-
11 pointed jointly by the Speaker and minority leader and
12 shall be paid at a rate not to exceed the rate of basic pay
13 payable for Level III of the Executive Schedule.

14 “7. (a) Upon receipt by the Committee on Standards
15 of Official Conduct of any report of the Commission, the
16 Speaker shall have the report printed in the Congressional
17 Record.

18 “(b) Within 14 calendar days after a report referred
19 to in paragraph (a) is printed in the Congressional Record,
20 that portion of the report recommending action by the
21 House respecting any alleged violation, by a Member, offi-
22 cer, or employee of the House, of any law, rule, regulation,
23 or other standard of conduct applicable to the conduct of
24 such Member, officer, or employee in the performance of
25 his duties or the discharge of his responsibilities shall be

1 introduced (by request) in the House by the Speaker, for
2 himself and the minority leader in the form of a resolution.
3 This resolution shall constitute a question of privilege
4 under rule IX. Any Member favoring the resolution may
5 call it up as a question of privilege but only on the third
6 day after the calendar date upon which such Member an-
7 nounces to the House his intention to do so.

8 “8. As used in this rule, the term ‘Member’ means
9 any Representative in, or Delegate or Resident Commis-
10 sioner to, the Congress.”.

11 AMENDMENTS TO THE RULES OF THE HOUSE TO CHANGE
12 THE DUTIES OF THE COMMITTEE ON STANDARDS OF
13 OFFICIAL CONDUCT

14 SEC. 2. Clause 3 of rule XI of the Rules of the House
15 of Representatives is amended as follows:

16 (1) In paragraph (a), strike subparagraphs (1),
17 (2), and (3), and redesignate subparagraphs (4),
18 (5), and (6), as subparagraphs (1), (2), and (3), re-
19 spectively.

20 (2)(A) Paragraph (b)(1) is amended by striking
21 “(A)”, by striking “a resolution, report, rec-
22 ommendation, or” and inserting “an”, and by strik-
23 ing “, or, except as provided in subparagraph (2),
24 undertake an investigation”, and by striking subdivi-
25 sion (B).

