

105TH CONGRESS
1ST SESSION

H. R. 957

To abolish the Committee on Standards of Official Conduct in the House of Representatives, establish an Independent Commission on House Ethics, and provide for the transfer of the duties and functions of the committee to the Independent Commission.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1997

Mr. SHAYS (for himself and Mr. McHALE) introduced the following bill; which was referred to the Committee on Rules

A BILL

To abolish the Committee on Standards of Official Conduct in the House of Representatives, establish an Independent Commission on House Ethics, and provide for the transfer of the duties and functions of the committee to the Independent Commission.

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 “Ethics Reform Act
5 of 1997”.

1 **TITLE I—TERMINATION OF COM-**
2 **MITTEE ON STANDARDS OF**
3 **OFFICIAL CONDUCT IN THE**
4 **HOUSE OF REPRESENTA-**
5 **TIVES**

6 **SEC. 101. TERMINATION OF THE COMMITTEE ON STAND-**
7 **ARDS OF OFFICIAL CONDUCT.**

8 (a) TERMINATION.—

9 (1) RULES.—Rule X of the Rules of the House
10 of Representatives is amended—

11 (A) in clause 1—

12 (i) by striking paragraph (p); and

13 (ii) by redesignating paragraphs (q),
14 (r), and (s) as paragraphs (p), (q), and (r),
15 respectively; and

16 (B) in clause 4—

17 (i) by striking paragraph (e); and

18 (ii) by redesignating paragraphs (f),
19 (g), (h), and (i) as paragraphs (e), (f), (g),
20 and (h), respectively.

21 (2) LAW.—The Ethics Reform Act of 1989
22 (Public Law 101–194) is amended by striking sub-
23 sections (b), (c), (d), and (i) of section 803 (2
24 U.S.C. 29d).

25 (b) CONFORMING AMENDMENTS.—

1 (1) RULES.—

2 (A) Clause 3(e) of rule VI of the Rules of
3 the House of Representatives is amended—

4 (i) by striking “Committee on Stand-
5 ards of Official Conduct” and inserting
6 “Independent Commission on House Eth-
7 ics”; and

8 (ii) by striking “clause 4(e)(1)(C) of
9 rule X” and inserting “section 203(3) the
10 Ethics Reform Act of 1997”.

11 (B) Clause 1(m)(1) of rule X of such
12 Rules is amended by striking “(other than rules
13 or joint rules relating to the Code of Official
14 Conduct)”.

15 (C) Clause 6(a) of rule X of such Rules is
16 amended—

17 (i) by striking subparagraph (2); and

18 (ii) by striking “(1)”.

19 (D) Clause 2(e)(2) of rule XI of such
20 Rules is amended by striking “, except that in
21 the case of records in the Committee on Stand-
22 ards of Official Conduct” and all that follows
23 through “prior approval of the committee”.

1 (E) Clause 2(g)(2) of rule XI of such
2 Rules is amended by striking “, with the excep-
3 tion of the Committee on Standards of Official
4 Conduct,”.

5 (F) Clause 2(i)(1) of rule XI of such Rules
6 is amended by striking “the Committee on
7 Standards of Official Conduct,”.

8 (G) Clause 4(a) of rule XI of such Rules
9 is amended—

10 (i) by striking “and the Committee on
11 Standards of Official Conduct” and all
12 that follows;

13 (ii) by inserting “and” before “the
14 Committee on Rules”; and

15 (iii) by striking the semicolon after
16 “order of business” and inserting a period.

17 (H) Clause 6(a)(2) of rule XI of such
18 Rules is amended by striking “the Committee
19 on Standards of Official Conduct and”.

20 (I) Clause 7(d) of rule XIII is amended—

21 (i) by striking “and the Committee on
22 Standards of Official Conduct,”; and

23 (ii) by inserting “and” before “the
24 Committee on Rules”.

1 (J) Clause 1 of rule XXXII of such Rules
2 is amended by striking “Committee on Stand-
3 ards of Official Conduct” and inserting “Inde-
4 pendent Commission on House Ethics”.

5 (K) Clause 12(b) of rule XLIII of such
6 Rules is amended by striking “Committee on
7 Standards of Official Conduct” and inserting
8 “Independent Commission on House Ethics”.

9 (L) Clause (1) of rule XLIV of such Rules
10 is amended by striking “Committee on Stand-
11 ards of Official Conduct” and inserting “Inde-
12 pendent Commission on House Ethics”.

13 (M) Clauses 2(5) and 3(2) of rule XLVII
14 of such Rules are amended by striking “Com-
15 mittee on Standards of Official Conduct” and
16 inserting “Independent Commission on House
17 Ethics”.

18 (N) Clause 5 of rule XLVIII of such Rules
19 is amended by striking “of the Committee on
20 Standards of Official Conduct and”.

21 (O) Clause 7(d) of rule XLVIII of such
22 Rules is amended by striking “Committee on
23 Standards of Official Conduct” and inserting
24 “Independent Commission on House Ethics”.

(P) Clause 7(e) of rule XLVIII of such Rules is amended by striking “Committee on Standards of Official Conduct” and inserting “Independent Commission on House Ethics”.

(Q) Clauses 1(e)(5) and (20), 1(e), 2(d)(1), and 6 of rule LI are amended by striking “Committee on Standards of Official Conduct” and inserting “Independent Commission on House Ethics”.

(2) LAW.—The following provisions are each amended by striking “Committee on Standards of Official Conduct” and inserting “Independent Commission on House Ethics”:

(A) Section 5(e) of Public Law 93–191 (2 U.S.C. 501(e)).

(B) Section 7342(a)(6)(A) of title 5, United States Code.

(C) Section 7353(d)(1) of title 5, United States Code.

(D) Section 103(j)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(E) Section 109(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(F) Section 109(18)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

1 (G) Section 111(2) of the Ethics in Gov-
 2 ernment Act of 1978 (5 U.S.C. App.).

3 (H) Section 503(1)(A) of the Ethics in
 4 Government Act of 1978 (5 U.S.C. App.).

5 (I) Sections 416(e) and 503 of the Con-
 6 gressional Accountability Act of 1995 (2 U.S.C.
 7 1416(e) and 1433).

8 (J) Section 803 of the Ethics Reform Act
 9 of 1989 (2 U.S.C. 29d).

10 **SEC. 102. REFERENCE TO COMMITTEE ON STANDARDS OF**
 11 **OFFICIAL CONDUCT.**

12 Any reference in a law, regulation, document, paper,
 13 or other record of the United States to the “Committee
 14 on Standards of Official Conduct of the House of Rep-
 15 resentatives” shall be deemed to be a reference to the
 16 “Independent Commission on House Ethics”.

17 **TITLE II—ESTABLISHMENT OF**
 18 **COMMISSION**

19 **SEC. 201. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**
 20 **SION.**

21 (a) ESTABLISHMENT.—There is established an inde-
 22 pendent commission within the legislative branch of the
 23 Government to be known as the Independent Commission
 24 on House Ethics (in this title referred to as the “Commis-
 25 sion”).

1 (b) MEMBERSHIP.—The Commission shall consist of
2 7 individuals appointed jointly by the Speaker and the mi-
3 nority leader of the House of Representatives. Appoint-
4 ments of the members of the Commission shall be com-
5 pleted not later than 90 days after the date of the enact-
6 ment of this Act.

7 (c) CHAIR.—The Chair shall be appointed from mem-
8 bers of the Commission jointly by the Speaker and the
9 minority leader of the House of Representatives.

10 (d) QUALIFICATIONS.—

11 (1) SPECIFIC QUALIFICATIONS.—Selection and
12 appointment of members shall be without regard to
13 political affiliation and solely on the basis of fitness
14 to perform the duties of the office.

15 (2) DISQUALIFICATIONS FOR APPOINTMENTS.—

16 (A) LOBBYING.—No individual who en-
17 gages in, or is otherwise employed in, lobbying
18 of the Congress and who is required under the
19 Federal Regulation of Lobbying Act to register
20 with the Clerk of the House of Representatives
21 or the Secretary of the Senate shall be eligible
22 for appointment to, or service on, the Commis-
23 sion.

24 (B) INCOMPATIBLE OFFICE.—No member
25 of the Commission appointed under subsection

(b) may hold or have held within 8 years of the date of appointment the position of Member of the House of Representatives, Senator, or officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch.

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

(e) TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), membership on the Commission shall be for 3 Congresses. A member of the Commission who is appointed to a term of office shall only be eligible for appointment for a single term of office.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Commission—

(A) 3 shall have a term of office of 3 Congresses, 1 of whom shall be the Chair, as designated at the time of appointment by the persons specified in subsection (b),

(B) 2 shall have a term of office of 2 Congresses, and

(C) 2 shall have a term of office of 1 Congress.

1 (f) REMOVAL.—

2 (1) AUTHORITY.—Any member of the Commis-
3 sion may be removed from office by agreement of
4 the appointing authorities described in subsection
5 (b), but only for—

6 (A) disability that substantially prevents
7 the member from carrying out the duties of the
8 member,

9 (B) incompetence,

10 (C) neglect of duty,

11 (D) malfeasance, including a felony or con-
12 duct involving moral turpitude, or

13 (E) holding an office or employment or en-
14 gaging in an activity that disqualifies the indi-
15 vidual from service as a member of the Com-
16 mission under subsection (d)(2).

17 (2) STATEMENT OF REASONS FOR REMOVAL.—

18 In removing a member of the Commission, the
19 Speaker and the minority leader of the House of
20 Representatives shall state in writing to the member
21 of the Commission being removed the specific rea-
22 sons for the removal.

23 (3) VACANCIES.—A vacancy on the Commission
24 shall be filled in the manner in which the original
25 appointment was made.

1 (g) COMPENSATION.—Members of the Commission
2 shall each be paid at a rate equal to the rate of basic pay
3 for level IV of the Executive Schedule.

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

6 (i) MEETINGS.—

7 (1) IN GENERAL.—The Commission shall meet
8 at the call of the Chairperson or a majority of its
9 members.

10 (2) INITIAL MEETING.—The Commission shall
11 hold its initial meeting not later than 60 days after
12 the date on which appointments are completed.

13 **SEC. 202. DUTIES OF COMMISSION.**

14 The Commission is authorized—

15 (1) to recommend to the House of Representa-
16 tives, from time to time, such administrative actions
17 as it may deem appropriate to establish or enforce
18 standards of official conduct for Members, officers,
19 and employees of the House of Representatives;

20 (2) to investigate any alleged violation, by a
21 Member, officer, or employee of the House of Rep-
22 resentatives, of any law, rule, regulation, or other
23 standard of conduct applicable to the conduct of

1 such Member, officer, or employee in the perform-
2 ance of his duties or the discharge of his responsibil-
3 ities, and after notice and hearing (unless the right
4 to a hearing is waived by the Member, officer, or
5 employee), shall report to the House of Representa-
6 tives its findings of fact and recommendations, if
7 any, upon the final disposition of any such investiga-
8 tion, and such action as the Commission may deem
9 appropriate in the circumstances;

10 (3) to report to the appropriate Federal or
11 State authorities, with the approval of the House of
12 Representatives, any substantial evidence of a viola-
13 tion, by a Member, officer, or employee of the House
14 of Representatives, of any law applicable to the per-
15 formance of his duties or the discharge of his re-
16 sponsibilities, which may have been disclosed in a
17 Commission investigation;

18 (4) to give consideration to the request of any
19 Member, officer, or employee of the House of Rep-
20 resentatives for an advisory opinion with respect to
21 the general propriety of any current or proposed
22 conduct of such Member, officer, or employee and,
23 with appropriate deletions to assure the privacy of
24 the individual concerned, to publish such opinion for

1 the guidance of other Members, officers, and em-
2 ployees of the House of Representatives; and

3 (5) to provide information and guidance to
4 Members, officers and employees of the House of
5 Representatives regarding any laws, rules, regula-
6 tions, and other standards of conduct applicable to
7 such individuals in their official capacities, and de-
8 velop and carry out periodic educational briefings for
9 Members, officers, and employees of the House of
10 Representatives on those laws, rules, regulations, or
11 other standards.

12 **SEC. 203. PROCEDURAL RULES.**

13 (a) MAJORITY APPROVAL.—No resolution, report,
14 recommendation, or advisory opinion relating to the offi-
15 cial conduct of a Member, officer, or employee of the
16 House shall be made by the Commission, and no investiga-
17 tion of such conduct shall be undertaken by the Commis-
18 sion, unless approved by the affirmative vote of a majority
19 of the members of the Commission.

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

1 (1) upon receipt of a complaint, in writing and
2 under oath, made by or submitted to a Member of
3 the House of Representatives and transmitted to the
4 Commission by such Member, or

5 (2) upon receipt of a complaint, in writing and
6 under oath, directly from an individual not a Mem-
7 ber of the House of Representatives if the Commis-
8 sion finds that such complaint has been submitted
9 by such individual to not less than three Members
10 of the House who have refused, in writing, to trans-
11 mit such complaint to the Commission.

12 (c) PROHIBITION OF CERTAIN INVESTIGATIONS.—No
13 investigation shall be undertaken by the Commission of
14 any alleged violation of a law, rule, regulation, or standard
15 of conduct not in effect at the time of the alleged violation;
16 nor shall any investigation be undertaken by the Commis-
17 sion of any alleged violation which occurred before the
18 third previous Congress unless the Commission determines
19 that the alleged violation is directly related to any alleged
20 violation which occurred in a more recent Congress.

21 (d) DISCLOSURE.—No information or testimony re-
22 ceived, or the contents of a complaint or the fact of its
23 filing, shall be publicly disclosed by any member of the
24 Commission or staff of the Commission unless specifically

1 authorized in each instance by a vote of the full Commis-
2 sion.

3 **SEC. 204. STAFF OF COMMISSION.**

4 The Commission may appoint and fix the compensa-
5 tion of such staff as the Commission considers necessary
6 to perform its duties.

7 **SEC. 205. ADVICE AND EDUCATION.**

8 (a) ESTABLISHMENT.—The Independent Commission
9 on House Ethics shall establish within the Commission an
10 Office on Advice and Education (hereinafter in this section
11 referred to as the “Office”) under the supervision of the
12 chairman of the Commission.

13 (b) STAFF.—The Office shall be headed by a director
14 who shall be appointed by the chairman and shall be com-
15 prised of such staff as the chairman determines is nec-
16 essary to carry out the responsibilities of the Office.

17 (c) DUTIES AND RESPONSIBILITIES.—The primary
18 duties and responsibilities of the Office shall include:

19 (1) Providing information and guidance to
20 Members, officers and employees of the House re-
21 garding any laws, rules, regulations, and other
22 standards of conduct applicable to such individuals
23 in their official capacities, and any interpretations
24 and advisory opinions of the Commission.

1 (2) Submitting to the chairman of the Commis-
2 sion any written request from any such Member, of-
3 ficer or employee for an interpretation of applicable
4 laws, rules, regulations, or other standards of con-
5 duct, together with any recommendations thereon.

6 (3) Recommending to the Commission for its
7 consideration formal advisory opinions of general ap-
8 plicability.

9 (4) Developing and carrying out, subject to the
10 approval of the chairman, periodic educational brief-
11 ings for Members, officers and employees of the
12 House on those laws, rules, regulations, or other
13 standards of conduct applicable to them.

14 (d) SPECIAL RULE.—No information provided to the
15 Commission by a Member, officer or employee of the
16 House of Representatives when seeking advice regarding
17 prospective conduct of such Member, officer or employee
18 may be used as the basis for initiating an investigation
19 under clause 4(e)(1)(B) of rule X of the Rules of the
20 House of Representatives, if such Member, officer or em-
21 ployee acts in accordance with the written advice of the
22 Commission.

TITLE III—GENERAL PROVISIONS

SEC. 301. TRANSITION PROVISIONS.

In the case of investigations pending before the Committee on Standards of Official Conduct on the day before the date of the enactment of this Act, the proceedings shall be continued by the Independent Commission on House Ethics.

SEC. 302. ACTION ON ETHICS COMMISSION RECOMMENDATIONS.

(a) PRINTING OF REPORTS IN CONGRESSIONAL RECORD.—Upon the receipt by the House of Representatives of any report of the Independent Commission on House Ethics made to the House of Representatives under section 202(2), the Speaker shall have the report printed in the Congressional Record.

(b) HOUSE CONSIDERATION OF ETHICS COMMISSION RECOMMENDATIONS.—Within 30 calendar days after a report referred to in subsection (a) is printed in the Congressional Record, that portion of the report recommending action by the House of Representatives respecting any alleged violation, by a Member, officer, or employee of the House of Representatives, of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of

1 his duties or the discharge of his responsibilities shall be
2 introduced (by request) in the House by the majority lead-
3 er of the House, for himself and the minority leader of
4 the House in the form of a resolution. This resolution shall
5 constitute a question of privilege under rule IX of the
6 Rules of the House of Representatives. Any Member favor-
7 ing the resolution may call it up as a question of privilege
8 but only on the third day after the calendar date upon
9 which such Member announces to the House his intention
10 to do so.

11 **SEC. 303. EXERCISE OF CONGRESSIONAL RULEMAKING**
12 **POWER.**

13 The provisions of title I amending the Rules of the
14 House of Representatives and sections 301 and 302 are
15 enacted by Congress—

16 (1) as an exercise of the rulemaking power of
17 the House of Representatives, and as such they shall
18 be considered a part of the rules of the House of
19 Representatives and such rules shall supersede other
20 rules only to the extent that they are inconsistent
21 therewith; and

22 (2) with full recognition of the constitutional
23 right of the House of Representatives to change
24 such rules at any time in the same manner and to

- 1 the same extent as in the case of any other rule of
- 2 such House.

