

105TH CONGRESS  
1ST SESSION

# H. RES. 61

To provide for independent investigations and factfinding for ethics investigations.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1997

Mr. HAMILTON (for himself and Mr. DREIER) submitted the following resolution; which was referred to the Committee on Rules

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## RESOLUTION

To provide for independent investigations and factfinding for ethics investigations.

1       *Resolved,*

2       **SECTION. 1. INDEPENDENT INVESTIGATIONS AND FACT-**  
3               **FINDING FOR ETHICS INVESTIGATIONS.**

4           (a) APPOINTMENT OF INDEPENDENT PANEL.—(1)

5       The Speaker and the minority leader of the House of Rep-  
6       resentatives shall appoint jointly 20 independent  
7       factfinders at the beginning of each Congress (but in the  
8       case of the One Hundred Fifth Congress within 30 cal-  
9       endar days after the adoption of this resolution) to carry

1 out investigations on behalf of the House of Representa-  
2 tives as required by the Committee on Standards of Offi-  
3 cial Conduct. Independent factfinders appointed under  
4 this section may include former Members of Congress,  
5 former officers or employees of the Congress, or other pri-  
6 vate citizens.

7 (2) No individual who engages in, or is otherwise em-  
8 ployed in, lobbying of the Congress and who is required  
9 under the Federal Regulation of Lobbying Act to register  
10 with the Clerk of the House of Representatives or the  
11 Secretary of the Senate shall be considered eligible for ap-  
12 pointment as an independent factfinder under this sub-  
13 section.

14 (b) COMPENSATION OF FACTFINDERS.—

15 (1) IN GENERAL.—Each independent factfinder  
16 shall be compensated at a rate equal to the daily  
17 equivalent of the annual rate of basic pay prescribed  
18 for level IV of the Executive Schedule under section  
19 5315 of title 5, United States Code, for each day  
20 (including travel time) during which the independent  
21 factfinder is engaged in the performance of his or  
22 her duties under this section.

23 (2) TRAVEL EXPENSES.—Each independent  
24 factfinder shall be allowed travel expenses, including  
25 per diem in lieu of subsistence, at rates authorized

1 for employees of agencies under subchapter I of  
 2 chapter 57 of title 5, United States Code, while  
 3 away from his or her home or regular place of busi-  
 4 ness in the performance of his or her duties under  
 5 this section.

6 **SEC. 2. USE OF INDEPENDENT FACTFINDERS BY THE COM-**  
 7 **MITTEE ON STANDARDS OF OFFICIAL CON-**  
 8 **DUCT.**

9 The Committee on Standards of Official Conduct of  
 10 the House of Representatives shall adopt rules—

11 (1) allowing the committee to decide whether to  
 12 use, on a case-by-case basis, 4 or 6 independent  
 13 factfinders appointed in lieu of a 4 or 6-member in-  
 14 vestigative subcommittee whenever the committee  
 15 votes to conduct a preliminary inquiry;

16 (2) providing for the joint selection of 4 or 6  
 17 independent factfinders by the chairman and rank-  
 18 ing minority party member from the pool of 20 inde-  
 19 pendent factfinders appointed pursuant to section  
 20 1(a);

21 (3) providing that whenever independent  
 22 factfinders are used in lieu of a 4 or 6-member in-  
 23 vestigative subcommittee—

24 (A) upon completion of an investigation,  
 25 the independent factfinders shall report their

1 findings of fact and recommendations, if any, to  
2 the committee;

3 (B) if the independent factfinders, by ma-  
4 jority vote, adopt a statement of alleged viola-  
5 tion, the entire committee shall be deemed to be  
6 an adjudicatory subcommittee and be governed  
7 by the rules adopted by the committee to carry  
8 out section 803(d) of the Ethics Reform Act of  
9 1989;

10 (4) providing that independent factfinders con-  
11 ducting an investigation pursuant to this subsection  
12 shall have the same power to investigate as vested  
13 in the investigative subcommittee, subject to the ap-  
14 proval of the chairman and ranking minority party  
15 member; and

16 (5) providing that the staff of the committee  
17 shall assist the independent factfinders in carrying  
18 out their responsibilities.

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