

110TH CONGRESS  
1ST SESSION

# H. R. 1136

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mr. BLUMENAUER (for himself and Mr. WALDEN of Oregon) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Rules and the Judiciary, 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 abolish the Committee on Standards of Official Conduct in the House of Representatives, establish an Independent Ethics Commission, and provide for the transfer of the duties and functions of the committee to the 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 2007”.

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.—(A) Clause 1 of rule X of the  
10 Rules of the House of Representatives is amended  
11 by striking paragraph (q) and by redesignating  
12 paragraphs (r), (s), and (t) as paragraphs (q), (r),  
13 and (s), respectively.

14 (B) Rule XI of the Rules of the House of Rep-  
15 resentatives is amended by striking clause 3 and re-  
16 designating clauses 4 through 6 as clauses 3  
17 through 5, respectively.

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

22 (b) CONFORMING AMENDMENTS.—

23 (1) RULES.—

24 (A) Clause 6(c)(5) of rule II of the Rules  
25 of the House of Representatives is amended—

1 (i) by striking “Committee on Stand-  
2 ards of Official Conduct” and inserting  
3 “Independent Ethics Commission”; and

4 (ii) by striking “clause 3(a)(3) of rule  
5 XI” and inserting “section 202(3) the Eth-  
6 ics Reform Act of 2007”.

7 (B) Clause 1(m)(1) of rule X of such  
8 Rules is amended by striking “(other than  
9 those relating to the Code of Official Con-  
10 duct)”.

11 (C) Clause 2(a)(16) of the Rules of the  
12 House of Representatives is amended by strik-  
13 ing “Committee on Standards of Official Con-  
14 duct” and inserting “Independent Ethics Com-  
15 mission”.

16 (D) Clause 5 of rule X of such Rules is  
17 amended—

18 (i) in subparagraph (a), by striking  
19 subparagraph (3) and by redesignating  
20 subparagraph (4) as subparagraph (3);  
21 and

22 (ii) in subparagraph (b), by striking  
23 item (ii) and by redesignating item (iii) as  
24 item (ii).

1           (E) Clause 2(g)(1) of rule XI of such  
2 Rules is amended by striking “(other than the  
3 Committee on Standards of Official Conduct or  
4 its subcommittees)” each place it appears.

5           (F) Clause 2(m)(3)(A) of rule XI of such  
6 Rules is amended by—

7                 (i) striking “(i) Except as provided in  
8 subdivision (A)(ii), a” and inserting “A”;  
9 and

10                (ii) striking item (ii).

11           (G) Clause 3 of rule XIII of such Rules is  
12 amended—

13                 (i) by striking the last sentence of  
14 subparagraph (b); and

15                 (ii) in subparagraph (d)(3)(B), by  
16 striking “, or the Committee on Standards  
17 of Official Conduct” and by inserting “or”  
18 before “the Committee on Rules”.

19           (H) Clause 5(a) of rule XIII of such Rules  
20 is amended by striking subparagraph (5).

21           (I) Clause 12 of rule XXIII of such Rules  
22 is amended by striking “Committee on Stand-  
23 ards of Official Conduct” and inserting “Inde-  
24 pendent Ethics Commission”.

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

5           (K) Clause 3(b) of rule XXV of such Rules  
6           is amended by striking “Committee on Stand-  
7           ards of Official Conduct” and inserting “Inde-  
8           pendent Ethics Commission”.

9           (L) Clause 5 of rule XXV of such Rules is  
10          amended by striking “Committee on Standards  
11          of Official Conduct” each place it appears and  
12          inserting “Independent Ethics Commission”.

13          (M) Clause 1 of rule XVI of such Rules is  
14          amended by striking “Committee on Standards  
15          of Official Conduct” and inserting “Inde-  
16          pendent Ethics Commission”.

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

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

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

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

3 (D) Section 103(j)(1) of the Ethics in Gov-  
4 ernment Act of 1978 (5 U.S.C. App.).

5 (E) Section 109(1) of the Ethics in Gov-  
6 ernment Act of 1978 (5 U.S.C. App.).

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

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

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

13 (I) Sections 416(e) and 503 of the Con-  
14 gressional Accountability Act of 1995 (2 U.S.C.  
15 1416(e) and 1433).

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

18 **SEC. 102. REFERENCE TO COMMITTEE ON STANDARDS OF**  
19 **OFFICIAL CONDUCT.**

20 Any reference in a law, regulation, document, paper,  
21 or other record of the United States to the “Committee  
22 on Standards of Official Conduct of the House of Rep-  
23 resentatives” shall be deemed to be a reference to the  
24 “Independent Ethics Commission”.

1     **TITLE II—ESTABLISHMENT OF**  
2                     **COMMISSION**

3     **SEC. 201. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**  
4                     **SION.**

5             (a) **ESTABLISHMENT.**—There is established an inde-  
6     pendent commission within the legislative branch of the  
7     Government to be known as the Independent Ethics Com-  
8     mission (in this title referred to as the “Commission”).

9             (b) **MEMBERSHIP.**—(1) The Commission shall consist  
10    of 11 individuals, 5 appointed by the Speaker, 5 by the  
11    minority leader of the House of Representatives, and one  
12    selected by the members of the Commission. Appointments  
13    of the members of the Commission by the Speaker and  
14    the minority leader shall be completed not later than 90  
15    days after the date of the enactment of this Act.

16            (2) The Speaker and the minority leader shall each  
17    make such appointments after consulting with a broad  
18    cross section of the membership of the House of Rep-  
19    resentatives.

20            (c) **CHAIRMAN.**—The chairman shall be appointed  
21    from members of the Commission jointly by the Speaker  
22    and the minority leader of the House of Representatives.

23            (d) **QUALIFICATIONS.**—

24                 (1) **SPECIFIC QUALIFICATIONS.**—Selection and  
25    appointment of members shall be without regard to

1 political affiliation and solely on the basis of fitness  
2 to perform the duties of the office. To be eligible for  
3 appointment to the Commission, an individual shall  
4 be a former Member of the House of Representa-  
5 tives.

6 (2) DISQUALIFICATIONS FOR APPOINTMENTS.—

7 (A) LOBBYING.—No individual who is a  
8 lobbyist registered under the Lobbying Disclo-  
9 sure Act of 1995 or engages in, or is otherwise  
10 employed in, lobbying of the Congress or who is  
11 an agent of a foreign principal registered under  
12 the Foreign Agents Registration Act shall be el-  
13 igible for appointment to, or service on, the  
14 Commission.

15 (B) INCOMPATIBLE OFFICE.—No member  
16 of the Commission appointed under subsection  
17 (b) may hold or have held within 2 years of the  
18 date of appointment the position of Member of  
19 the House of Representatives.

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

23 (e) TERM OF OFFICE.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), membership on the Commission shall be



1 for 2 Congresses. A member of the Commission who  
2 is appointed to a term of office shall only be eligible  
3 for appointment for a single term of office.

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

6 (A) 3 appointed by the Speaker and 3 ap-  
7 pointed by the minority leader shall have a term  
8 of office of 3 Congresses, 1 of whom shall be  
9 the Chair, as designated at the time of appoint-  
10 ment by the Speaker, and

11 (B) 4 shall have a term of office of 1 Con-  
12 gress.

13 (f) REMOVAL.—

14 (1) AUTHORITY.—Any member of the Commis-  
15 sion may be removed from office by agreement of  
16 the appointing authorities described in subsection  
17 (b), but only for—

18 (A) disability that substantially prevents  
19 the member from carrying out the duties of the  
20 member,

21 (B) incompetence,

22 (C) neglect of duty,

23 (D) malfeasance, including a felony or con-  
24 duct involving moral turpitude, or

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

5           (2) STATEMENT OF REASONS FOR REMOVAL.—

6           In removing a member of the Commission, the  
7           Speaker and the minority leader of the House of  
8           Representatives shall state in writing to the member  
9           of the Commission being removed the specific rea-  
10          sons for the removal.

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

14          (g) COMPENSATION.—Each member of the Commis-  
15          sion shall be compensated at a rate equal to the daily  
16          equivalent of the annual rate of basic pay prescribed for  
17          level IV of the Executive Schedule under section 5315 of  
18          title 5, United States Code, for each day (including travel  
19          time) during which such member is engaged in the per-  
20          formance of the duties of the Commission.

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

23          (i) MEETINGS.—

1           (1) IN GENERAL.—The Commission shall meet  
2           at the call of the chairperson or a majority of its  
3           members.

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

7           (j) DEFINITION—As used in this title, the term  
8           “Member” or “Member of the House of Representatives”  
9           means any Representative in, or Delegate or Resident  
10          Commissioner to, the Congress.

11       **SEC. 202. DUTIES OF COMMISSION.**

12          The Commission is authorized—

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

18               (2)(A) to investigate any alleged violation, by a  
19               Member, officer, or employee of the House of Rep-  
20               resentatives, of any law, rule, regulation, or other  
21               standard of conduct applicable to the conduct of  
22               such Member, officer, or employee in the perform-  
23               ance of his duties or the discharge of his responsibil-  
24               ities, and after notice and hearing (unless the right  
25               to a hearing is waived by the Member, officer, or

1 employee), shall report to the House of Representa-  
2 tives its findings of fact and recommendations, if  
3 any, upon the final disposition of any such investiga-  
4 tion, and such action as the Commission may deem  
5 appropriate in the circumstances;

6 (B) to issue any letter of reproof or admonish-  
7 ment with respect to such an alleged violation;

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

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

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

10          (6) to review all reports filed by Members, offi-  
11       cers, and employees of the House of Representatives  
12       and lobbyists for inconsistencies or mutual interests  
13       and expenditures between any of them and lobbyists.

14 **SEC. 203. PROCEDURAL RULES.**

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

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

1 officer, or employee of the House of Representatives  
2 only—

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

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

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

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

1 Commission or staff of the Commission unless specifically  
2 authorized in each instance by a vote of the full Commis-  
3 sion.

4 **SEC. 204. STAFF OF COMMISSION.**

5       The Commission may appoint and fix the compensa-  
6 tion of such staff as the Commission considers necessary  
7 to perform its duties. The director shall be appointed  
8 jointly by the Speaker and minority leader for a term of  
9 7 years and shall be paid at a rate not exceed the rate  
10 of basic pay payable for Level IV of the Executive Sched-  
11 ule. The director shall be eligible for reappointment for  
12 one additional term of 7 years.

13 **SEC. 205. ADVICE AND EDUCATION.**

14       (a) ESTABLISHMENT.—The Independent Commission  
15 on House Ethics shall establish within the Commission an  
16 Office on Advice and Education (hereinafter in this section  
17 referred to as the “Office”) under the supervision of the  
18 chairman of the Commission.

19       (b) STAFF.—The head of the Office shall be ap-  
20 pointed by the chairman and the Office shall be comprised  
21 of such staff as the chairman determines is necessary to  
22 carry out the responsibilities of the Office.

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

1           (1) Providing information and guidance to  
2       Members, officers and employees of the House re-  
3       garding any laws, rules, regulations, and other  
4       standards of conduct applicable to such individuals  
5       in their official capacities, and any interpretations  
6       and advisory opinions of the Commission.

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

12          (3) Recommending to the Commission for its  
13      consideration formal advisory opinions of general ap-  
14      plicability.

15          (4) Developing and carrying out, subject to the  
16      approval of the chairman, periodic educational brief-  
17      ings for Members, officers and employees of the  
18      House on those laws, rules, regulations, or other  
19      standards of conduct applicable to them.

20      (d) SPECIAL RULE.—No information provided to the  
21      Commission by a Member, officer or employee of the  
22      House of Representatives when seeking advice regarding  
23      prospective conduct of such Member, officer or employee  
24      may be used as the basis for initiating an investigation



1 if such Member, officer or employee acts in accordance  
2 with the written advice of the Commission.

3 **SEC. 206. LOBBYING DISCLOSURE ACT AMENDMENTS.**

4 (a) TRANSFER OF FUNCTIONS TO INDEPENDENT  
5 ETHICS COMMISSION.—The Lobbying Disclosure Act of  
6 1995 (2 U.S.C. 1601 et seq.) is amended—

7 (1) in section 4—

8 (A) in subsection (a)(1), by striking “Sec-  
9 retary of the Senate and the Clerk of the House  
10 of Representatives” and inserting “Independent  
11 Ethics Commission”; and

12 (B) in subsection (d), by striking “Sec-  
13 retary of the Senate and the Clerk of the House  
14 of Representatives” and inserting “Independent  
15 Ethics Commission”;

16 (2) in section 6, by striking “Secretary of the  
17 Senate and the Clerk of the House of Representa-  
18 tives” and inserting “Independent Ethics Commis-  
19 sion”;

20 (3) in section 7, by striking “Secretary of the  
21 Senate or the Clerk of the House of Representa-  
22 tives” and inserting “Independent Ethics Commis-  
23 sion”; and

24 (4) in section 8, by striking “Secretary of the  
25 Senate or the Clerk of the House of Representa-

1       tives” and inserting “Independent Ethics Commis-  
2       sion”.

3       (b) TIMING OF REPORTS; ELECTRONIC FILING.—  
4 Section 5 of the Lobbying Disclosure Act of 1995 (2  
5 U.S.C. 1604) is amended—

6               (1) by amending subsection (a) to read as fol-  
7       lows:

8       “(a) QUARTERLY REPORTS.—No later than 30 day  
9 after the end of the 3-month period beginning on January  
10 1, April 1, July 1, and October 1 of each year in which  
11 a registrant is registered under section 4, each registrant  
12 shall file a report with the Independent Ethics Commis-  
13 sion on its lobbying activities during that 3-month period.  
14 A separate report shall be filed for each client of the reg-  
15 istrant.”; and

16               (2) by adding at the end the following:

17       “(d) ELECTRONIC FILING.—Each report filed under  
18 subsection (a) shall be filed in electronic form, in addition  
19 to any other form that may be required by the Inde-  
20 pendent Ethics Commission.”.

21       (c) AVAILABILITY OF ELECTRONIC FILINGS.—Sec-  
22 tion 6(4) of the Lobbying Disclosure Act of 1995 (2  
23 U.S.C. 1605) is amended—

24               (1) by striking “(4)” and inserting “(4)(A) sub-  
25       ject to subparagraph (B),”; and

1 (2) by adding at the end the following:

2 “(B) not later than 30 days after reports are  
3 filed in electronic form under section 5(d), make  
4 such reports available to the public over the Inter-  
5 net, without a fee or other access charge;”.

## 6 **TITLE III—GENERAL** 7 **PROVISIONS**

### 8 **SEC. 301. TRANSITION PROVISIONS.**

9 In the case of investigations pending before the Com-  
10 mittee on Standards of Official Conduct on the day before  
11 6 months after the date of the enactment of this Act, the  
12 proceedings shall be continued by the Independent Ethics  
13 Commission.

### 14 **SEC. 302. ACTION ON INDEPENDENT ETHICS COMMISSION** 15 **RECOMMENDATIONS.**

16 (a) PRINTING OF REPORTS IN CONGRESSIONAL  
17 RECORD.—Upon the receipt by the House of Representa-  
18 tives of any report of the Independent Ethics Commission  
19 made to the House of Representatives under section  
20 202(2), the Speaker shall have the report printed in the  
21 Congressional Record.

22 (b) HOUSE CONSIDERATION OF INDEPENDENT ETH-  
23 ICS COMMISSION RECOMMENDATIONS.—Within 30 cal-  
24 endar days after a report referred to in subsection (a) is  
25 printed in the Congressional Record, that portion of the

1 report recommending action by the House of Representa-  
2 tives respecting any alleged violation, by a Member, offi-  
3 cer, or employee of the House of Representatives, of any  
4 law, rule, regulation, or other standard of conduct applica-  
5 ble to the conduct of such Member, officer, or employee  
6 in the performance of his duties or the discharge of his  
7 responsibilities shall be introduced (by request) in the  
8 House by the majority leader of the House, for himself  
9 and the minority leader of the House in the form of a  
10 resolution. This resolution shall constitute a question of  
11 privilege under rule IX of the Rules of the House of Rep-  
12 resentatives. Any Member favoring the resolution may call  
13 it up as a question of privilege but only on the third day  
14 after the calendar date upon which such Member an-  
15 nounces to the House his intention to do so.

16 **SEC. 303. EXERCISE OF CONGRESSIONAL RULEMAKING**  
17 **POWER.**

18 The provisions of title I amending the Rules of the  
19 House of Representatives and sections 301 and 302 are  
20 enacted by Congress—

21 (1) as an exercise of the rulemaking power of  
22 the House of Representatives, and as such they shall  
23 be considered a part of the rules of the House of  
24 Representatives and such rules shall supersede other

1 rules only to the extent that they are inconsistent  
2 therewith; and

3 (2) with full recognition of the constitutional  
4 right of the House of Representatives to change  
5 such rules at any time in the same manner and to  
6 the same extent as in the case of any other rule of  
7 such House.

8 **SEC. 304. EFFECTIVE DATE.**

9 This Act and the amendments made by it shall take  
10 effect 6 months after the date of its enactment, except  
11 that sections 201, 204, and 205 shall take effect upon its  
12 date of enactment.

○