

110TH CONGRESS
1ST SESSION

H. R. 4239

To establish a House ethics commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. MURPHY of Connecticut (for himself and Mr. SPACE) 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

A BILL

To establish a 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 “Establishing The
5 House Independent Commission on Standards Act”.

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
9 the Government to be known as The House Independent

1 Commission on Standards (in this Act referred to as the
2 “Commission”).

3 (b) MEMBERSHIP AND TERMS OF OFFICE.—(1) The
4 Commission shall consist of 8 individuals. Four members
5 shall be appointed by the Republican leader, of whom 2
6 shall be former Democratic Members and 4 members shall
7 be appointed by the Democratic leader of the House of
8 Representatives, of whom 2 shall be former Republican
9 Members. Except as provided by paragraph (2), the terms
10 of all members of the Commission shall be 4 years.

11 (2) Of the members first appointed—

12 (A) 2 appointed by each leader shall be for a
13 term of 4 years; and

14 (B) 2 appointed by each leader shall be for a
15 term of 6 years;

16 as designated by each such leader at the time of appoint-
17 ment.

18 (3) No individual who has been a Member of the
19 House may be appointed to the Commission sooner than
20 2 years after the ceasing to be a Member of the House.

21 (c) CHAIRMAN AND VICE CHAIRMAN.—The chairman
22 and the vice chairman of the Commission shall be selected
23 by the members of the Commission at its first meeting.

24 (d) DISQUALIFICATIONS FOR APPOINTMENTS.—

1 (1) LOBBYING.—No individual who has been a
2 lobbyist registered under the Lobbying Disclosure
3 Act of 1995 or engages in, or is otherwise employed
4 in, lobbying of the Congress or who is an agent of
5 a foreign principal registered under the Foreign
6 Agents Registration Act within the 4-year period im-
7 mediately preceding appointment shall be eligible for
8 appointment to, or service on, the Commission.

9 (2) INCOMPATIBLE OFFICE.—No member of the
10 Commission appointed under subsection (b) may be
11 an elected public official or an officer or employee of
12 the Government.

13 (3) FINANCIAL BENEFIT.—No member of the
14 Commission appointed under subsection (b) may
15 serve on the board or be an officer of any entity that
16 has a direct financial interest in any matter before
17 the House of Representatives.

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

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

5 (h) 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 admonishment with re-
23 spect 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) PRIOR WRITTEN AUTHORIZATION.—A sub-
2 poena may be issued only upon the prior written ap-
3 proval of the chairman and ranking minority mem-
4 ber of the Committee on Standards of Official Con-
5 duct.

6 (2) ISSUANCE.—A subpoena may be issued only
7 under the signature of the chairman or the vice
8 chairman, and may be served by any person des-
9 ignated by the chairman or the vice chairman.

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

14 **SEC. 5. PROCEDURAL RULES.**

15 (a) MAJORITY APPROVAL.—No report or rec-
16 ommendation relating to the official conduct of a Member,
17 officer, or employee of the House of Representatives shall
18 be made by the Commission, and no investigation of such
19 conduct shall be undertaken by the Commission, unless
20 approved by the affirmative vote of a majority of the mem-
21 bers 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 from the Com-
8 mittee on Standards of Official Conduct of the
9 House of Representatives, in writing and under
10 oath, made by that committee.

11 (c) SUBMISSIONS.—(1) Any individual may submit a
12 letter to the Commission requesting that it undertake an
13 investigation on its own initiative of any alleged violation
14 by a Member, officer, or employee of the House of Rep-
15 resentatives, of any law, rule, regulation, or other stand-
16 ard of conduct applicable to the conduct of such Member,
17 officer, or employee in the performance of his duties or
18 the discharge of his responsibilities.

19 (2) The Commission shall make available forms to be
20 used in the submission of letters under paragraph (1).

21 (3) The submission of a letter to the Commission
22 under paragraph (1) does not necessitate any action by
23 the Commission.

1 (4) The Commission is authorized to adopt rules to
2 establish procedures for the consideration of submissions,
3 including a time frame for their consideration.

4 (5) The Commission shall adopt a rule not to com-
5 mence an investigation if it finds that the complaint or
6 submission respecting that investigation is frivolous, and
7 shall file a public report on such a complaint or submission
8 with the Committee on Standards of Official Conduct.

9 (d) PROHIBITION OF CERTAIN INVESTIGATIONS.—
10 No investigation shall be undertaken by the Commission
11 of any alleged violation of a law, rule, regulation, or stand-
12 ard of conduct not in effect at the time of the alleged viola-
13 tion.

14 (e) EFFECT OF ELECTIONS.—If the Commission re-
15 ceives any complaint or submission within 90 days before
16 an election in which the subject of the complaint or sub-
17 mission is a candidate, the Commission shall delay consid-
18 eration of that matter until after such election.

19 (f) DISCLOSURE.—No information or testimony re-
20 ceived, or the contents of a complaint or the fact of its
21 filing, shall be publicly disclosed by any member of the
22 Commission or staff of the Commission unless specifically
23 authorized in each instance by a vote of the Commission.

1 **SEC. 6. STAFF OF COMMISSION.**

2 The Commission may appoint and fix the compensa-
3 tion of a Staff Director and such other staff as the Com-
4 mission considers necessary to perform its duties. The
5 Staff Director shall be appointed jointly by the Speaker
6 and minority leader and shall be paid at a rate not to
7 exceed the rate of basic pay payable for Level III of the
8 Executive Schedule.

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

10 (a) PRINTING OF REPORTS IN CONGRESSIONAL
11 RECORD.—Upon receipt by the Committee on Standards
12 of Official Conduct of the House of Representatives of any
13 report of the Commission, the Speaker of the House of
14 Representatives shall have the report printed in the Con-
15 gressional Record.

16 (b) HOUSE CONSIDERATION OF INDEPENDENT ETH-
17 ICS COMMISSION RECOMMENDATIONS.—Within 14 cal-
18 endar days after a report referred to in subsection (a) is
19 printed in the Congressional Record, that portion of the
20 report recommending action by the House of Representa-
21 tives respecting any alleged violation, by a Member, offi-
22 cer, or employee of the House of Representatives, of any
23 law, rule, regulation, or other standard of conduct applica-
24 ble to the conduct of such Member, officer, or employee
25 in the performance of his duties or the discharge of his
26 responsibilities shall be introduced (by request) in the

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

9 **SEC. 8. AMENDMENTS TO THE RULES OF THE HOUSE TO**
 10 **CHANGE THE DUTIES OF THE COMMITTEE ON**
 11 **STANDARDS OF OFFICIAL CONDUCT.**

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

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

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

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

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

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

10 **SEC. 9. EFFECTIVE DATE.**

11 This Act shall take effect immediately before noon
12 January 3, 2009.

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