

Wasserman	Waxman	Wexler
Schultz	Weiner	
Watson	Welch (VT)	

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—55

Alexander	Gutierrez	Rangel
Bachus	Hinchey	Renzi
Boucher	Hoekstra	Rogers (KY)
Butterfield	Hooley	Ros-Lehtinen
Capito	Jones (OH)	Rush
Clay	Kilpatrick	Solis
Costa	Klein (FL)	Stark
Culberson	Lewis (GA)	Tancredo
Davis (AL)	Lewis (KY)	Thompson (MS)
DeLauro	McCaul (TX)	Udall (CO)
Dingell	McCrery	Walsh (NY)
Emerson	Miller (NC)	Waters
Everett	Miller, George	Watt
Feeney	Mitchell	Wilson (OH)
Franks (AZ)	Oberstar	Woolsey
Gingrey	Peterson (MN)	Wynn
Gohmert	Peterson (PA)	Yarmuth
Graves	Pryce (OH)	
Grijalva	Radanovich	

□ 2040

Ms. BERKLEY and Ms. WATSON and Messrs. BERMAN, MARSHALL, MCCOTTER, DELAHUNT, MORAN of Virginia and VISCLOSKEY changed their vote from "yea" to "nay."

Mrs. WILSON of New Mexico, Mrs. CUBIN and Mrs. BONO MACK and Messrs. BARTLETT of Maryland, GILCHREST, GOODE, ADERHOLT, CALVERT, SAXTON, GALLEGLY, DEAL of Georgia, BRADY of Texas, MANZULLO, FOSSELLA, BUYER, WALDEN of Oregon, KELLER of Florida, ISSA, SESSIONS, PUTNAM, BURGESS, BARRETT of South Carolina, DAVIS of Kentucky, GARRETT of New Jersey, INGLIS of South Carolina, LOBIONDO, LATOURETTE, PORTER, WHITFIELD of Kentucky, STEARNS, MICA, HALL of Texas, WOLF, BILBRAY and BROWN of South Carolina changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS—Continued

The SPEAKER pro tempore. The Chair understands that the gentleman from Hawaii has been yielded 1 minute from the gentlewoman from Ohio.

The gentleman is recognized for 1 minute.

Mr. ABERCROMBIE. Mr. Speaker, may I ask the gentlewoman whether she would yield an additional minute.

Ms. SUTTON. Mr. Speaker, if the gentleman needs an additional minute, I am going to give him mine.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 2 minutes.

Mr. ABERCROMBIE. Thank you.

Mr. Speaker, we have got a new grand jury in the House, the Office of Congressional Ethics, and we have the House Ethics Committee. We have two identical, competing committees by design. Now, I defy anybody in this House to go to your next Rotary Club meet-

ing and try to explain what that is all about.

Any referral to the Office of Congressional Ethics will be seen as tantamount to a guilty verdict. Any other conclusion by the House Ethics Committee will be seen as a coverup. Mark my words, that is exactly what is going to happen.

This is about ethics, not criminal prosecution. I have heard words like "corruption" used around here as if we are some sinkhole of depravity. If a criminal matter is at issue, it should be in the hands of the Federal Attorney, not appointees of the Speaker or the majority leader.

I can't figure out where the ethics complaints come from. Are they dropped off at the door? What criteria will be applied by the OCE? This is about the House, and its membership should decide whether any Member has failed to meet its standards, not appointees who have not served or are not currently Members of the House.

An ethics investigation is by definition peer review. Any appointee to the Office of Congressional Ethics who has not served in the House has no credibility in terms of judging Members or the conduct of House standards.

And does anybody believe that complaints won't be in the media immediately, regardless of validity? The press irritation with the House Ethics Committee is because it has actually practiced confidentiality.

This is an invitation to ideological mischief and character assassination. We say this is about our ability to police ourselves. The effect will be just the opposite. The House Ethics Committee no longer has any discernable function other than to affirm whatever has been referred to it.

All this makes me sad, and it makes me angry. I have devoted every bit of energy in my life for nine terms to this House. I revere the opportunity for service in the people's House. With this proposal we are indicting ourselves. We are retreating before those who would tear this House down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for an additional minute.

Mr. ABERCROMBIE. We are retreating before those who would tear this House down, who denigrate our commitment and make us out to be little more than crooks and knaves and hustlers.

We are the guardians of the Nation's liberty. We are the defenders of its constitutional imperatives. We are the people's House. We should be proud to stand up for this House, its institution and its legacy. Instead, we cringe before our critics and turn over our obligation to govern ourselves to others.

If we have no respect for ourselves, how can we expect it from anybody

else? I have faith and trust in my constituents. I have faith and trust in you, my colleagues of the House. We need to have faith and trust in each other.

The regard and affection I have for every Member of this House is deep and abiding, the affection I started when I was the last man to be sworn in by Tip O'Neill before he retired when Bob Michel was here. In that spirit, I love the House of Representatives. It defines my life. It should define yours.

This proposal is not worthy of the House and our responsibility to it. Turn it down.

□ 2045

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I take a back seat to no one in this House on loving this institution.

The issue, my friends, is not whether we have respect for one another. Too often, it is demonstrable on this floor that we don't.

The issue is, Will the American people have respect for us? That is the issue. That is the critical issue that confronts us this evening. Not because any of us are pointing fingers at anybody else in this House.

But unless you were sound asleep prior to the last election, unless you were living in another country in another land in another time, you know what the people thought about this, the people's House that we love. That, my friends, is why we are in the majority, because the people thought changes were necessary in this House.

The people asked for change. They asked for accountability. There have been some things said on this House floor that are not accurate. Mr. TIAHRT said that Ms. PELOSI, the Speaker, and Mr. BOEHNER, the minority leader, would make independent appointments to this.

Mr. CAPUANO changed that as a result of the suggestions of these Members. It was a good change because it meant that Mr. BOEHNER and Ms. PELOSI are going to have to agree on six people.

It has been said on this House just now that this replaces the Ethics Committee. It absolutely does not. Does it complement it? I think it does, but it does not replace it. Nor does it substitute its judgment for the Ethics Committee.

The Ethics Committee can continue to operate as it does now and can initiate, it does not need to wait on this committee. It can initiate the defense of the ethics of this House, 435 of us elected by our neighbors and friends. We are all sad when one of us comes short of the expectations of our constituents, as we should, because we know only too well, those of us who have served for significant periods of time in the public's fear, that the acts of each of us is often attributed to the rest of us.

There needs to be a confidence level among the American people in the people's House. How are they going to

have that confidence? I suggest to you that it is my belief, as one who is not for many of the things that the so-called groups are for, who think that it is going to change, it will not change, many times, the substance of what we deal with.

I happen to have come to the conclusion that this proposal that Mr. CAPUANO and others have made, and I regret the fact that this is not a bipartisan proposal. One of my best friends in life, not just that served here in this House, is Senator BEN CARDIN. Many of you know how close he and I are. He and Bob Livingston worked on the last major ethics reform together and came together in a bipartisan fashion.

I am one who works in a bipartisan fashion. Ask Bob Ney and the Help America Vote Act. Ask Steve Bartlett on the Americans with Disabilities Act. I believe in operating that way. I wish this were a bipartisan product.

If we had the vote on the Republican alternative, I would vote against it. Why would I vote against it? Because it has within its framework submitting to the Justice Department after 45 days a complaint that the Ethics Committee has not dealt with. I don't think that is appropriate for a violation of the rules. It should be within the bosom of this body. This proposal copies it there.

This does not give subpoena power to people to go on fishing expeditions. It gives to six people, selected jointly by Mr. BOEHNER and Speaker PELOSI, who I hope and believe that they will agree upon people of very high integrity and good common sense. Because when they say, and somebody comes along and says in a press conference, STENY HOYER has violated the rules, none of us can protect ourselves against that. That's the business we are in. We are all targets and we are all vulnerable.

But it is my belief that this body will be composed of the kinds of people that I think Speaker PELOSI and Mr. BOEHNER will appoint, and not Members.

I am a lawyer. I will tell you, the public is not too convinced that lawyers are good at self-regulation. Some of you are doctors. The public is not particularly convinced that doctors are good self-regulators, or CPAs or other professions.

That's what we are talking about. We are talking about to the American public we do act properly, we do keep the faith. We are honest, and we are prepared to answer for our conduct and give confidence to you, the American people, that it is the people's House, not our House, the people's House.

I suggest to you, my friends, that whatever can happen, whatever could happen, whatever scenario you fear can happen right now with the existing process, all this does, it adds a complementary body, hopefully, and I believe, of citizens of very high repute who will, in turn, be able to say to the American public, yes, this group of Americans is honest, hardworking, and serving you well.

Are there, from time to time, exceptions? There are. But let us have the confidence to tell to the American people our conduct is, and we want it to be, above reproach, and we do not fear the oversight and accountability that this proposal suggests. I urge my colleagues, have confidence in those that Mr. BOEHNER and Ms. PELOSI will appoint. Have confidence in yourselves and in your colleagues, and let us this night give confidence to our constituents and the American people.

Vote for this proposal.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining. The gentlewoman from Ohio has 8 minutes remaining.

Mr. DREIER. Mr. Speaker, my friend from Maryland has just advocated vigorously bipartisanship in this process.

I am now happy to yield 2 minutes to the coauthor of a bipartisan proposal, my friend from Chattanooga, Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, I stood right here a few years ago against my party in favor of reform. I got scars on my back from standing for reform. But I heard JOHN TANNER say when I got to Congress that neither party has an exclusive on integrity and ideas, and I believe that is true.

I want to tell you tonight, on the same platform I stood a few years ago when I joined then minority in this reform, there is good reform and there is bad reform. This is bad reform. I don't care what you say about it, how kind you are about it, this is bad reform. It is not good for the institution. It is not workable.

Mr. Speaker, I submit for the RECORD a four-page document by Ken Kellner, the senior counsel for your majority Ethics Committee, explaining all the problems.

REVIEW OF TASK FORCE PROPOSAL

BILL: I looked over the draft resolution forwarded by Rep. Smith. I suggest you review it closely as well. Review of the draft was not to critique the need for or merits of the proposal, but to identify areas in which the proposal would interfere with the operations of the Committee. We cannot anticipate all plausible areas of concern prior to actual implementation, but I did the best I could.

1. The new "Office" or "Board" is expressly authorized to take up matters on its own initiative and to conduct interviews and obtain testimony in its "review" of such matters. See Section 1(c)(1)(A). This raises several concerns, listed below:

As the Committee noted in its earlier feedback to the task force, the interview of witnesses by both the new entity and the Committee might result in conflicting statements that would undermine the value of testimony from that witness.

Statements from witnesses would also likely be obtained prematurely due to the time deadlines imposed on the new entity. Sometimes there are valid investigative reasons not to reveal the existence of an investigation to a witness until other witnesses are interviewed or other evidence obtained.

In the course of its proceedings, the new entity might reveal critical evidence or information to key witnesses. The failure of those witnesses to keep this information confidential may be very harmful to the integrity of any future Committee inquiry.

The "self-initiation" discretion could undermine current rules that limit complaints to those filed by Members. An agent could provide information to the new entity that would trigger review under its rules. There is no accountability as to the source of information, unlike with respect to "complainants," who must certify that the "information is submitted in good faith and warrants the review and consideration of the Committee," and who must provide a copy of the complaint and all attachments to the respondent. See Committee Rules (d) and (e).

2. The new entity must "transmit to the individual who is the subject of the second-phase review the written report and findings of the board[.]" See Section 1(c)(2)(C)(ii). In addition, the report will include "findings of fact," "a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview [] and the reasons therefore," and a recommendation for the issuance of subpoenas where appropriate."

It is a bad idea for the Committee's purposes that the "written report and findings of the board" be transmitted both to the Committee and to the individual under review. This will provide information to a potential respondent at an inappropriate stage, including alerting the respondent as to witnesses who have been identified as potential recipients of subpoenas. At a minimum, this would provide opportunities for the coordination (or appearance of coordination) of testimony. Potential respondents would also be alerted as to difficulties encountered in obtaining information from certain witnesses. This could discourage negotiated outcomes if a respondent knows that certain individuals are not cooperating witnesses.

This process is not sensitive to the need for confidentiality of witness information at the early stages of an investigation. Members, staff, and private individuals should be able to provide information in confidence, at least at the initial stages. The new rules may have an anti-whistleblower effect and possibly employment ramifications for individuals as well. For example, what if it is revealed that a current employee is providing or refusing to provide information about his or her employing Member? A previous ethics task force was "mindful" of the need to "protect the confidentiality of a witness prior to publicly disclosing" a statement of alleged violation. Report of the Ethics Reform Task Force on H. Res. 168, 105th Cong., 1st Sess. at 25 (June 17, 1997).

The proposal is also inconsistent with Committee rules and practices that keep investigative information confidential. Under Committee Rule 26(f), evidence gathered by an Investigative Subcommittee that would potentially be used to prove a violation "shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials . . . shall be made public until" a Statement of Alleged Violation is made public by the Committee or an adjudicatory hearing is commenced.

There is no rule or precedent in effect for the new entity for dealing with concerns of the Department of Justice in cases of concurrent jurisdiction. As noted, under the proposed process, there is considerable potential for the making of inconsistent statements by witnesses and for the release of confidential information. If this occurs, it could easily undermine active criminal investigations.

The Board may make "findings of fact" as part of their submission. This is generally a

function for a trier of fact after an opportunity for a defendant/respondent to cross-examine witnesses or challenge the evidence. What if the findings differ from those reached by the Committee?

3. There appears to be a requirement that the Committee publicly disclose Board submissions to the Committee. See Section 3(2). This would occur if the Committee declines to empanel an Investigative Subcommittee or if one year has passed from the date of the referral from the new entity.

This means that the Committee must release the Board's findings, even if the Committee has already determined to handle the matter non-publicly. This is inconsistent with the discretion now with the Committee (and investigative bodies generally) to exercise judgment as to what matters to address in a non-public fashion. With the possibility of review by the new entity and public disclosure of conduct, there will be greatly reduced incentive for witnesses and investigated parties to cooperate with the Committee or to do so with complete cooperation and candor.

This procedure also may place artificial pressure on an Investigative Subcommittee to complete its work in well less than a year, regardless of the impact on the investigation. While such a time period may be sufficient, neither the Department of Justice nor other law enforcement entities and regulatory bodies, are subject to such limitations as they would generally impact adversely on the completeness of an inquiry.

4. A provision in the proposal provides that the Office will cease its review of a matter on the request of the Committee "because of the ongoing investigation of such matter by the Committee." See Section 1(d).

This rule should be clarified to make clear that it includes informal fact-finding efforts by the Chair and Ranking Member of the Committee. Otherwise, this important rule may only have effect in the unusual case of empanelled subcommittees. New language could be "because of the ongoing review of this matter by the Committee in accordance with the Committee's rules." Section 1(d) and Section 3(3) should be revised.

5. If the new entity ceases such review at the request of the Committee it will "so notify any individual who is the subject of the review." See Section 1(d).

There are valid circumstances under which the Committee would not want to notify an individual that it is undertaking review of a matter until it is ready to do so for valid investigative and privacy reasons. In general, it is not the routine practice of law enforcement entities to notify individuals. Such disclosures could trigger protective behaviors that might undermine an investigation, as well as lead individuals to hire of attorneys (perhaps unnecessarily and at considerable expense). [By analogy, would it be appropriate in all cases to notify a respondent that the Committee has referred evidence of criminal conduct to the Department of Justice? In many cases, it is in the interests of criminal law enforcement that such referrals be made in confidence.]

6. The new entity must adopt a "rule requiring that there be no ex parte communications between any member of the board and any individual who is the subject of any review by the board." See Section 1(c)(2)(E)(iv).

This provision should be revised to prohibit communications from any interested persons and any member of the board, as well as make explicit that ex parte contacts include those made by counsel. A useful provision to examine in considering ex parte prohibitions is the provision contained in Federal Election Commission regulations

pertaining to contacts with any Commissioner. See 11 C.F.R. §201.2.

KENNETH E. KELLNER,
Senior Counsel, Committee on
Standards of Official Conduct.

They kept a lid on it till today, and the bill is up tonight, and here it is. It is bad reform.

If you think that the steroid and baseball hearings are a distraction over the business of the people of this country, wait until tomorrow when this goes into effect, when outsiders are firing political shots at each other, listening to people back home want us to quit bickering and sniping and firing shots at each other and get these important things done for them.

The gentlelady said she yields the customary time. This is not a customary process. The rule was shut down. There are no substitutes, there is no recommit, there are no alternatives, and there is no consideration of a bipartisan alternative by two people with integrity who have been working together for weeks to have a day to say, no, this is a better approach.

Have former Members, first time ever that outsiders are part of this process, but they are former Members. They have no ax to grind. They will call it like it is. Let's take a logical step.

But let me tell you, if this is based on trying to hold the House, that's a false strategy. When we put our reelection as a majority above the people's business and honor and integrity we lost, and we should have, and you are doing the same thing.

Don't do this, House. It's not good for this country, and it's not good for us.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, a member of the bipartisan Ethics Task Force, Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, it is the unfortunate reality that the House of Representatives has seen its share of unethical behavior on the part of public officials elected to represent and serve their constituents. Moreover, this problem is not one confined to Democrats or Republicans. Rather, it is a problem that we all need to recognize and take steps to address.

For these reasons, and with the interest of the American people in mind, we need a fair and just manner to investigate any allegations of unethical behavior by a Member of the House. With this goal in mind, the gentleman from Massachusetts (Mr. CAPUANO) introduced H. Res. 895, and I support his efforts.

H. Res. 895 takes every possible step to ensure equality, fairness, and non-partisanship in addressing questions of ethics. It establishes a new independent Office of Congressional Ethics within the House of Representatives to be governed by a board that will be comprised of six members jointly appointed by the Speaker of the House and the minority leader.

To further ensure fairness and prevent preferential treatment, current Members of the House of Representa-

tives and lobbyists are not eligible to serve as board members. Moreover, removal of a board member may only occur with the approval of both the Speaker and the House minority leader.

The Office of Congressional Ethics could include former Members of the House, but all of the members of the board would be qualified by virtue of their exceptional public standing. This office has the potential to clean up politics and, in turn, restore the public's faith in politics in the political process.

This has the support of Common Cause, U.S. PIRG, and two very well-respected scholars in government and politics, Thomas Mann of the Brookings Institute and Norm Ornstein of the American Enterprise Institute.

I support H. Res. 895 and urge my colleagues to vote in favor of this reform.

Mr. DREIER. Mr. Speaker, may I inquire of my friend from Ohio how many speakers she has remaining.

Ms. SUTTON. We have several more speakers.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina, a member of the bipartisan Ethics Task Force, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, as a member of the Ethics Task Force, I rise today to support the establishment of the Independent Office of Congressional Ethics for the House of Representatives.

The 110th Congress, under new leadership, has already adopted a comprehensive package of rules, lobbying, and earmark reforms. Today we can take another positive step by creating the Office of Congressional Ethics. The proposal before us is the result of a year-long effort by the Ethics Task Force ably and fairly led by our distinguished colleague, Mr. CAPUANO.

Some have argued tonight that this proposal takes reform too far, others not far enough. I believe that the office would improve on the current ethics enforcement process in two important ways.

First, it will provide a mechanism for a quick and impartial review of potential ethics violations, bypassing the bipartisan conflicts that have bogged down enforcement.

Secondly, it will ensure accountability and transparency by requiring reasonable reporting and public disclosure of the activities of the office and the Ethics Committee.

□ 2100

A number of changes have been made to strengthen the proposal and address Member concerns. The proposal is not perfect, but it is a move in the right direction. I support H. Res. 895, and I urge my colleagues to do so as well.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the ethics task force.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, the American people deserve elected Members of the House of Representatives who will perform their duties with the highest standards of decorum and ethical conduct.

When a Member of this body fails to follow the rules of the House, violates ethical standards, or brings dishonor upon this House, it is our duty and our responsibility to act. The people we serve expect no less. The ethics process needs improvement, so let us act to ensure the integrity of this House.

I was appointed by Speaker PELOSI to serve as a member of the Special Task Force on Ethics Enforcement, and I would like to commend Chairman CAPUANO for his forthright leadership, his patience, and his respect for this institution. It was also a pleasure working with Ranking Member LAMAR SMITH and all my Democratic and Republican colleagues on the task force.

Today I rise in strong support of this resolution to establish an Office of Congressional Ethics. I commend Speaker PELOSI for her courage to take on this challenge for the well-being of this House.

With the passage of this resolution, we will create an independent Office of Congressional Ethics. This office will be separate from the Ethics Committee. It will have an appointed board comprised of distinguished Americans who are not Members of this House.

This independent board will review ethics complaints and make formal recommendations to the Ethics Committee for dismissal or for further investigation. This resolution leaves the power of all final decisions to the Ethics Committee. The resolution also establishes time lines for the Ethics Committee to act on referred investigations and requires that the committee make public statements about actions or inactions on these matters. I believe that improving this process will benefit the Members and reassure the public that ethics is a priority of this Congress.

Clearly this proposal is not perfect. It is a compromise, and it commences an ongoing effort to ensure that ethics remain at the forefront of this Congress. Even while preparing for floor action, Speaker PELOSI and Chairman CAPUANO made significant changes in order to address this concern.

I support the resolution and urge my colleagues to do so as well.

Mr. DREIER. Mr. Speaker, I say to my friend we have a couple of speakers remaining, and if she has more than that, we will continue to reserve the balance of our time.

Ms. SUTTON. We have two and myself to close.

Mr. DREIER. At this time I am very happy to yield 2 minutes to our hard-working friend from Stillwater, Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, this rule finds a way to create an ethics resolution that could encourage unethical behavior. This rule could create a place

where potentially artificially manufactured scandal could be given a show trial by partisan inquisitors for the purpose of creating doubt about the character of Members of this Congress, all under the color of respectability, credibility, and authority.

Mr. Speaker, it is ingenious because partisans remove themselves as the original accusers. Incredibly, after a 90-day period of show trials, the unreformed Ethics Committee in Congress will again take up the case, returning us to where we were before all this started, with no reform.

In effect, the bill creates a bureaucracy of smear and witch hunt. It institutionalizes the politics of personal destruction with a potential of creating show trials with a public expense account.

Mr. Speaker, this is a deeply ironic proposal that instead of combating corruption could reward it, and I urge all Members of this body to vigorously oppose this rule.

Ms. SUTTON. Mr. Speaker, at this time I yield 1 minute to the gentleman from Massachusetts, the chairman of the ethics task force, Mr. CAPUANO.

Mr. CAPUANO. Mr. Speaker, I just want to point out a couple of things that have been said. I think the general attitudes have all been mentioned, but there are a couple of points.

Relative to this memo that came out today dated November 9, just in case people don't notice, the draft didn't come out until December 19. Almost every point made in that memo was addressed in the draft that was submitted December 19. There were a few things we couldn't address because they go to the basic point of whether you can have an independent entity or not. I can list it, and I will list it, but I didn't have time to do it between the time we got it and the time of the debate, but you will have a memo on your desk within the next few days addressing every single point made in that memo that was addressed in the proposal.

As far as bipartisanship, I think people need to know I have a list of at least 10 items that were taken up specifically as Republican proposals, starting with term limits for the OCE board members and joint appointments of the OCE board members. Those are Republican proposals we adopted. There are several others we will go into at a later time.

Finally, people have to understand that this is not something brand new. It might be new to Congress, but more than 25 States already have independent commissions that review their legislators. If it is okay by them, why are you so afraid of it here?

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, bipartisanship is something that everyone has said we need to have as we deal with this issue. The distinguished Speaker, my fellow Californian, Ms. PELOSI, said when she was minority leader that ethics reform must be done in a bipartisan way.

The majority leader, Mr. HOYER, stood in the well when this bill was pulled 2 weeks ago and said he wanted to see this work done in a bipartisan way. Mr. WAMP and Mr. HILL have worked in a bipartisan way. We need to have bipartisanship.

I am going to urge my colleagues to vote "no" on the previous question so in fact we can do what the American people want us to do, work in a bipartisan way because the integrity of this institution is absolutely essential if we are going to succeed in governing.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, it is my honor to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady from Ohio, Congresswoman SUTTON, for yielding and for managing this very challenging bill this evening with such dignity.

This is an important time for us, my colleagues, because we are sending a message to the American people as to who we are. We know each other to be honorable individuals who come here with the best motivation. Our title "Representative" is our job description, to represent the people of our districts. We gain respect for each other as we work on issues across the aisle, across the region, across generations in every way, representing the beautiful diversity of our country.

Unfortunately, the American people do not share our view of ourselves here in the Congress and our reputation has received tarnish. Part of that tarnish came from a culture of corruption that preceded the Democratic takeover of this Congress. When I became Speaker of the House, I said it was necessary to drain the swamp that is Washington, D.C. so that the people will understand that we are here for the people's interest and not the special interests.

And so this legislation that is before us today represents what I believe is necessary for us to convey to the American people what we owe them: our best effort to have this Congress live up to the highest ethical standard.

And I know of what I speak because I had the responsibility to serve on the Ethics Committee for 6 years when we took up some terrible issues. The bank scandal, remember that? Many of you weren't here yet, but it was a horrible time. The Newt Gingrich case, it was a horrible time. During that time, as divided as we were, Democrat and Republican, I would pray at night that something exculpatory would come along, something that would say we don't need to continue this case because there is evidence that these charges are not true. It is hard, it is hard to pass judgment on your colleagues. It is very difficult.

And I say that in the most bipartisan way, and we worked together on that committee in a very bipartisan way during some very difficult times.

After 6 years, I thought my service was over; and I had to spend another year on what Mr. HOYER referenced as the Livingston-Cardin Committee to rewrite the rules. We thought we did a really good job; but, obviously, a review of them some years later said we have to do more.

But that has been the story of ethics in the Congress. Since the Ethics Committee was first created in 1967, the House has set increasingly higher standards of conduct to guide Members because public service is a public trust. As I said, in recent years that trust has been eroded, and we have come here to drain the swamp.

Just last year on the first day of the Congress, the New Direction Congress, the House implemented new and sweeping changes to the gift and travel restrictions. Last September we passed the historic Honest Leadership and Open Government Act, historic lobbying and ethics reform that is now the law of the land.

Today, the New Direction Congress will, for the first time, open the ethics process up to the participation of our fellow citizens, which will make this institution more accountable to the people who sent us here, the American people. I welcome their assistance.

I want to say a word about Mr. CAPUANO. I want to thank him for his service to our country. In recognizing him, I want to recognize the participation of all of the members, Democrats and Republicans, on the task force, for their service to this House; and I believe there was a good-faith effort made to keep this process as bipartisan as possible. And that is the best you can do. If at the end of the day there is not a willingness to make the reforms necessary to restore the confidence of the American people in the Congress of the United States, then you cannot be held back because some do not want to act.

Mr. CAPUANO, I believe, led this effort in a way that was bipartisan and sensitive to the institution's history and traditions. And I must say that I received, early on, compliments from his co-Chair, the Republican co-Chair of the committee, about working with Mr. CAPUANO. He said something like, I am sorry you appointed him because he is very good to work with. That was supposed to be a joke.

In any event, I would like to extend special thanks to him for undertaking this very difficult task, not only in trying to make something that is important work, but also to convince our colleagues that this is the route to take.

Now as I said, I served on the committee under the old rules and I helped write the new rules, and there is always a time to revisit all of it. And there will be a time to revisit these rules as well.

A special thanks to my friend, Mr. DAVID HOBSON, for his work on the task force and for his many years of distinguished service in the Congress. We

will miss his thoughtful deliberations and his contributions to our country. Thank you, DAVID HOBSON.

As I mentioned, I served on the Ethics Committee during some very, very difficult times; and I want to extend my deep respect and appreciation to those who serve on this committee now and who have served past and present. Until you have undergone that, until you have undergone that, you cannot really understand how difficult it is. And how happy you are when your term of office ends. But I want to salute them, all of them, past and present, for their important work.

I have deep respect for what Mr. CAPUANO, striving to work in a bipartisan way, has tried to achieve. Adopting the Capuano Task Force recommendations will provide the public and the House with the assurance that credible, credible allegations of wrongdoing will be addressed by the Ethics Committee in a timely fashion. I emphasize the word "credible" because I have no doubt that the main target of this, and who do you think the main target of any outside groups to this group will be? You're looking at her. You are looking at her.

But I am willing to take that risk because I also trust, yes, I also trust, my polite colleagues, I also trust that this group will rid itself of frivolous, baseless complaints and send a message to those who would file repeated frivolous complaints that is their price to pay to do this. I consider this a protection.

It will bring an additional measure of transparency to the ethics enforcement process. It creates this transparency, I think it is important to note, without compromising the House's constitutional prerogatives to discipline its Members without interfering with the work of the Ethics Committee and without altering the substantive rules governing the conduct of the committee's deliberations.

I fully realize that bringing non-Members to this enforcement mechanism is not only a step forward; it is a departure. It is a departure from the traditions of the House.

To those who have those concerns, I pledge that I will work closely with my friend, the Republican leader, Mr. BOEHNER, to jointly appoint the members of this new Office of Congressional Ethics, fair men and women who understand the importance of nonpartisan behavior and the compelling need to act fairly to protect the interests of the public, the House, and especially the Members.

□ 2115

Finally, Mr. Speaker, I pledge that the House leadership, and I know I heard, listened with great interest to what Mr. HOYER had to say about this, and thank you, Mr. HOYER, for your extraordinary leadership on making Congress more accountable and live up to a high ethical standard. Our leadership will closely monitor the work of the new Office of Congressional Ethics and

continually review all reasonable proposals intended to guarantee the highest ethical conduct and a more transparent and effective ethics process. Whether they relate to the new panel or the Ethics Committee itself, if additional changes are required, we will propose them.

And since I mentioned Mr. HOYER's name, I want to associate myself with one of the remarks he made. I thought it was 30 days. Mr. HOYER said 45 days. But in a very short period of time, according to the proposal that the Republicans are putting forth, in a very short period of time if the Ethics Committee had not disposed of those charges, they would go to the Justice Department. They would go to the Justice Department.

Well, the Ethics Committee is about the rules of the House, about conducting ourselves in a way that brings honor to the House. Many of those issues are not matters for the Justice Department. The Justice Department knows when its jurisdiction should weigh in.

This is about the facts, the rules of the House, and sometimes the law of the land. It's not about hearsay, rumor, suspicion, I thought so, somebody told me. It's about the facts, the rules and the law of the land. That is all that matters. That is all that matters.

I think that this evening this Congress has an opportunity to send a message to the American people, and as we do, each and every one of us does as well. Our votes will speak for themselves. We are willing to take a chance to make a vote on something we might have written differently. And I don't know one bill I've ever voted for that I wouldn't have, something you might have written differently, but something that can strive to remove the doubt that is in the minds of the American people about the integrity of this body.

I hope that you will all join in voting for this. It is worthy of your support. I know that, with my vote, I will be able to say I did everything I could, respecting the work of those who undertook this for practically 1 year to come up with a proposal that was fair, that was effective, and that helped us drain the swamp and say to our bosses, the people who sent us here, we honor you with our service, and we pledge to you that we will always serve in a Congress that upholds the highest ethical standard.

This is an important vote. I urge our colleagues to vote "aye." And I thank Mr. CAPUANO once again for his extraordinary leadership.

Mr. DREIER. Mr. Speaker, we can attain the bipartisanship that the distinguished Speaker and the majority leader would like us to have. We can do so by defeating the previous question so that we can make that in order.

I am happy to yield the balance of our time to my friend from Westchester, Ohio, the distinguished Republican leader, Mr. BOEHNER.

Mr. BOEHNER. My colleagues, rebuilding the bonds of trust between those of us who serve in this institution and the American people should be our highest priority. And I think the American people have every right to expect the highest ethical standards of every Member of this institution, and I think it is our obligation to deliver on that commitment to the American people.

Clearly, the Speaker believes that we need to establish this Office of Congressional Ethics because the Ethics Committee process is broken. Let me say, I agree with her. It is broken. It didn't work under Republican control here for at least the last 5 or 6 years that we had the majority in this House, and the lack of evidence that I've seen over the last 15 months, it's not worked well under the Democratic majority either.

In December of 2006, as the Speaker was waiting to take her position, she and I sat down and we talked about this. I expressed to her at the time my serious reservations about some outside, independent group that was responsible to no one. And I mentioned to the Speaker at the time that I thought that our obligations, as the leaders of this institution, were to stand up to make sure that this process really did work.

I think every Member of this institution wants the Ethics Committee process to work fairly, to work honestly, and to work in a bipartisan fashion, because it is our obligation to the American people and the obligation of each and every one of us, for the future of this institution, to make sure that this process works fairly, honestly, and in a bipartisan way.

I was here in 1991. Some of you were. Most of you weren't. I was standing right on the back wall when I and some of my colleagues had information that we read in USA Today about Members of Congress bouncing 8,300-some-odd checks the year before at the House bank. Some of us wanted to know why or how, what was going on at the House bank. And before we could get to the microphones with our privileged resolution, the Speaker of the House was down here in the well of the House. The majority leader was down here in the well of the House. Even the Republican leader was here in the well of the House, and all three of them basically said the same thing: We didn't do anything wrong, and we won't do it again.

So, for those of you that have concerns about the habits of this institution to sweep these issues under the rug, I saw it, and I've seen it since on both sides of the aisle.

When we will not rise up to meet our responsibility as Members, to judge each other and to hold ourselves to a higher ethical standard, I know that tendency. And for those new Members that are here who want to bring this process and make it more transparent and make it more open, trust me, there's no one who will work more

closely with you to make it happen. The Ethics Committee process, again, I'm going to say it again, needs to work fairly, it needs to work honestly, and it needs to work in a bipartisan fashion.

In 2005 and 2006, the then minority leader, Ms. PELOSI, the minority whip, Mr. HOYER, castigated the majority to no end over the issue of, it might have been in 2004 and 2005, over the issue of making changes to the ethics process and the ethics rules in a partisan manner. And I agreed with them. And those changes were later rescinded by a vote in this House.

But over the last 15 months, three times we've had bipartisan, I mean partisan changes to the rules brought to the floor of this House and forced down Members' throats. Three times. Tonight is the fourth time, the fourth time that we've gone down the same path that people decried and decried. And I think all of us on both sides of the aisle know that if this process is going to work fairly and honestly and in a bipartisan manner, it needs to be written in a bipartisan manner. No other way around it.

The members of the task force, MIKE CAPUANO, the gentleman from Massachusetts, the other three Democrat members, LAMAR SMITH and the other three Republican members really did hard work and really tried to come to some agreement. But when you start to create this outside entity, as an excuse, as a way of saying we're doing something, instead of actually fixing the problem, that's where we could never come to an agreement.

I look around this House and I know that there are a majority of the Members of this House who are opposed to the creation of this Office of Congressional Ethics. I see you. I know who you are. You all know it.

We've been through this process. The 18 years that I've been here, we've been through this process of self-flagellating ourselves and introducing new ethics packages, passing them on the floor of the House, all of it, all of it under some rules of public pressure.

But what we really have never done is to create an ethics process that does work fairly and honestly in a bipartisan manner. I don't know what goes on down there, and I understand there's a reason for some secrecy, but to have some idea that something is moving in the ethics process would be helpful, to know that they are investigating case number whatever it is and that it will move.

But I do think that the proposal that we have tonight before us is partisan. I don't think it'll work. And I don't think it's in the best interest of the American people or this institution.

The current Ethics Committee is made up of five members appointed by the Speaker and five members appointed by the minority leader. It's bipartisan. The problem we have is that the process itself has not worked. And it's been frankly 10 years since it's

worked very well. Now, there's a lot of ways to make it work. I think more transparency and more accountability. And I think Members could come to an agreement on making that process work, although I do believe the most important thing that will make it work is a commitment by the leaders on both sides of the aisle to say, we expect the Ethics Committee to work; we expect them to do our job. And the two leaders need to stand there and uphold those Members and the work that they do on behalf of this entire House. It can happen.

But the new proposal is three Members appointed by the Speaker and three Members appointed by myself and we have to come to an agreement. We have six Members that we could, six Members on this outside organization that we could agree on.

Now, the Speaker and I have come to some agreements here over the last couple of weeks, and it's been a very nice and wonderful experience. But to think that we can come to an agreement on six people to serve on this outside panel strikes me as a stretch. I can't imagine who in their right mind would want to serve on this outside panel because of the fighting that's going to occur, not by Members, but by partisan groups on both sides who are going to want to be filing frivolous complaints. And the problem with this outside process is that it does not have the secrecy and accountability that's necessary to ensure that Members' reputations aren't drug through the mud by some partisan charge that may have no basis in fact at all. None.

Now, if the bipartisan process that we have called the Ethics Committee doesn't work, why would we think that this bipartisan outside Ethics Committee is going to work any better?

I just want to say that this institution means a lot to me. It means a lot to, I think, all of us who serve. And before I came to the floor, I was watching the proceedings from my office, and I saw the new Member, the gentleman from Illinois, sitting here, probably was scratching his head wondering on his first day in Congress he's in the middle of this big partisan fight. It's not usually this way. But I've got to tell you that it really isn't usually this way.

What we're about to undertake here is something that will never be undone, if we do it. And if we do it wrong, which I believe it is being done wrong, it will be something that this institution and its Members will live with for a long, long time to come.

□ 2130

And I think there's only one real answer, and I want all of my colleagues to really seriously consider doing the right thing tonight. I think that we ought to defeat the previous question. I think that we ought to send this back to a committee that can, in a bipartisan way, find a way to make the Ethics Committee process work in the fair,

honest and bipartisan manner in which we all want it to work. Let's not paper over the problem. Let us go fix the problem, and the problem is the Ethics Committee process itself.

And so I would ask my colleagues to thank the great work of the bipartisan group of Members who tried to put this together, thank them for their job and the job they did for this institution. But let's also reject this proposal, agree that we will work together in a bipartisan way to do the right thing for our Members, our colleagues, this institution and for the American people.

Defeat the previous question.

Ms. SUTTON. Mr. Speaker, I insert a March 11 letter from the Ethics Committee chairwoman, Stephanie Tubbs Jones, into the RECORD at this point.

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,

Washington, DC, March 11, 2008.

DEAR COLLEAGUES: Today, I am disappointed that the Ranking Member of the Ethics Committee, Representative Doc Hastings, would violate the Ethics Committee's confidentiality rules by releasing a confidential communication between two attorneys who work for the Committee.

Both Representative Hastings and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House Leadership with reviewing the ethics process itself. In his letter, Representative Hastings said "Upon receipt of his letter, I shared Rep. Smith's request with Chairwoman Tubbs Jones and urged her to join me in submitting official comments to Rep. Capuano's task force on behalf of our Committee—a request to which she did not agree". That is not true. We did however agree to send a letter outlining the functions of the ethics committee process which is signed by both Representative Hastings and myself. (This letter is available upon request). We also agreed to allow our counsel to attend some of the meetings of the outside ethics committee and to address some of the concerns we raised. Some of these concerns are reflected in the Office of Congressional Ethics' final product.

Indeed the Oath of Office, Rule 7(a), proscribes this conduct when we declare "I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Rule 7(d) provides that Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact of nature of any complaints; (ii) executive session proceedings; (iii) Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee, of the House.

Today, Representative Hastings stated he had no desire to release "the memo" if this matter had not come to the floor. If Representative Hastings was as altruistic as he claims to be having had this memo since No-

vember 2007, he would have initiated a process whereby our counsel could have time to prepare a response that might have been available for public review after being approved by the Chair and Ranking Member. This "memo" was actually an internal email communication between lawyers of the Committee and not approved for release by the Chair or Ranking Member. By releasing the said internal communication, Representative Hastings could in fact reduce the confidence that the nonpartisan counsel has in communicating with members uncertain that their work product would be kept confidential.

Representative Hastings' reliance on Rule 7(g) which states, "Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee of any subcommittee, does not relieve him of the obligation to comply with the rules of confidentiality."

As Chair of the Ethics Committee, I have taken great strides not to give an opinion on the proposed Office of Congressional Ethics and I had hoped that my ranking member could place himself above the fray and not act for a partisan purpose. I see now that he cannot.

I do not seek to have sanctions brought against Representative Hastings at this time in hope that we can continue the work of this bipartisan committee. I do however want to make it clear that if he continues to release confidential communication, I will seek to have him sanctioned for violations of the Code of Official Conduct.

Sincerely,

STEPHANIE TUBBS JONES,
Chairwoman.

Mr. Speaker, when the laws and congressional rules are violated, the American people suffer. They suffer in policy and they suffer in spirit. They're cheated out of their right to proper representation. When Americans went to the polls in the last election, they sent a clear message that they are concerned about the state of our government. The American people want to know that we are here for them, not for the lobbyists, not for special interests and not for self-interest. They deserve nothing less. That is what this is about.

I urge a "yes" vote on the previous question and on the rule.

Mr. DINGELL. Mr. Speaker, I have a number of concerns about the resolution before us today. First, I am concerned that granting the power and authority to investigate Members of Congress to an independent, outside entity cedes away too much of the power granted to the legislative branch by the Constitution of the United States. We need to be clear about what it is we are doing today; we are altering the scheme created by Framers of the Constitution in a way that weakens this body.

The Constitution grants Members of Congress important protections that allow us to carry out our official duties free from the threat of investigation by an outside entity. Among other things, the immunity provided by the speech and debate clause allows us too vigorously pursue our oversight responsibilities without fear of retribution. Rather than allow some outside body to decide the standards that should be used to judge whether a Member of Congress is capable and responsible enough to carry out his or her duties, the Constitution vests that power in the voters, and with Congress itself.

I understand the problem that this resolution is attempting to address: People in this country are losing faith in the institutions of government. I believe that delegating the authority for investigating Members of Congress to an outside entity only confirms these fears. I believe that rather than giving into the skepticism and cynicism inherent in this view, we need to show people that government is responsible and that it can work.

If the Committee on Standards and Conduct is no longer capable of carrying out this responsibility, by all means we should find a way to reform it, empower it, and give it the tools it needs to uphold the integrity of this body. However, it seems to me that it would be unwise and unnecessary for us to tell the American people that we are no longer capable of policing our own.

Regardless of what we do here today, it will remain up to the voters to decide who represents them in this body. As the dean of the House, I have had the privilege to serve in this body and represent the people of my District for many years. During my time in the House I have witnessed politicians be indicted, be forced to resign because of public pressure, and be investigated and reprimanded by the House. I have also seen politicians accused of wrongdoing, or tarnished by the mere appearance of wrongdoing, who have been given the opportunity to make their case before the voters and return to this body.

In today's world, where the Internet and 24 hour cable news amplify and repeat almost any charge, regardless of its veracity, it seems unlikely that many Members of Congress will be able to avoid public scrutiny if they commit illegal or unethical acts. The question before us is not whether we want those who commit such acts to go unpunished, but what is the best way to ensure that they are held accountable. While I respect the views of those who believe an independent office is necessary, I cannot bring myself to agree. Ultimately, I will place my faith in the voters and in this body to ensure that the House of Representatives remains a strong and honorable institution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 895, establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes, introduced by my distinguished colleague from Massachusetts, Representative CAPUANO. This important legislation will establish an independent Office of Congressional Ethics in the House of Representatives that will address concerns about House transparency and accountability.

Ethics and legal scandals plagued the Republican Congress. The cozy relationship between Congress and special interests we saw during the 109th Congress resulted in serious lobbying scandals, such as those involving Jack Abramoff.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exit polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new direction Congress. That is why as our first responsibility in fulfilling the mandate of this critical election, Democrats offered and passed last year an aggressive ethics reform package. Today, we are here to pass yet another piece of ethics legislation, illuminating that this Democratic Congress has nothing to hide. We are committed to accountability and financial transparency and as such will continue to pass ethics legislation until we are satisfied that any and all ethics concerns have been addressed. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

This important legislation amends Rule XXVI, Financial Disclosure, of the Rules of the House by requiring members of the board of the Office of Congressional Ethics to file annual financial disclosure reports with the Clerk of the House. It furthermore Amends Rule XI, Procedures of Committees and Unfinished Business, to permit the Committee on Standards of Official Conduct to undertake an investigation upon receipt of a report regarding a referral from the Office of Congressional Ethics and sets forth provisions concerning the public disclosure of board findings. The rules outlined within this legislation state that the board is directed to address any joint allegation within 7 calendar days, ensuring that any and all allegations are expediently handled. Through the creation of the Office of Congressional Ethics, the House will significantly increase the transparency and accountability of its ethics enforcement process through greater timely reporting by a body of individuals who are independent from the House.

Mr. Speaker, it is wholly fitting and proper that the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. "Jerry" Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the Presidency, President Ford assured the Nation: "My fellow Americans, our long National nightmare is over." By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution, we must commit ourselves to being the most honest, most ethical, most responsive Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we must establish an independent Office of Congressional Ethics, and as such I offer my whole-hearted support to this legislation.

Mr. Speaker, I am proud to support H. Res. 895 and I urge my colleagues to join me in supporting this important legislation.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on any question arising without intervening business.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 17, as follows:

[Roll No. 121]

YEAS—207

Ackerman	Gutierrez	Neal (MA)
Allen	Hall (NY)	Obey
Altmire	Hare	Oliver
Andrews	Harman	Ortiz
Arcuri	Hastings (FL)	Pallone
Baca	Hereth Sandlin	Pascarell
Baldwin	Higgins	Pastor
Barrow	Hinche	Payne
Bean	Hinojosa	Pelosi
Becerra	Hiron	Perlmuter
Berkley	Hodes	Peterson (MN)
Berman	Holden	Pomeroy
Berry	Holt	Price (NC)
Bishop (GA)	Honda	Rahall
Bishop (NY)	Hoyer	Ramstad
Blumenauer	Inslee	Reyes
Boren	Israel	Richardson
Boswell	Jackson (IL)	Rodriguez
Boyda (KS)	Jackson-Lee	Ross
Brady (PA)	(TX)	Rothman
Braley (IA)	Jefferson	Roybal-Allard
Butterfield	Johnson (GA)	Ruppersberger
Capps	Johnson (IL)	Ryan (OH)
Capuano	Johnson, E. B.	Salazar
Cardoza	Jones (NC)	Sanchez, Linda
Carnahan	Jones (OH)	T.
Carney	Kagen	Sanchez, Loretta
Castle	Kanjorski	Sarbanes
Castor	Kennedy	Schakowsky
Clarke	Kildee	Schiff
Cleaver	Kind	Schwartz
Clyburn	Klein (FL)	Scott (GA)
Cohen	Lampson	Scott (VA)
Conyers	Langevin	Serrano
Cooper	Larsen (WA)	Sestak
Costa	Larson (CT)	Shea-Porter
Courtney	Lee	Sherman
Cramer	Levin	Sires
Crowley	Lewis (GA)	Slaughter
Cuellar	Lipinski	Smith (WA)
Cummings	Loeb sack	Snyder
Davis (AL)	Lofgren, Zoe	Solis
Davis (CA)	Lowe	Space
Davis (IL)	Lynch	Spratt
DeFazio	Mahoney (FL)	Stark
DeGette	Maloney (NY)	Stupak
Delahunt	Markey	Sutton
DeLauro	Marshall	Tauscher
Dicks	Matheson	Taylor
Doggett	Matsui	Thompson (CA)
Donnelly	McCarthy (NY)	Tierney
Doyle	McCollum (MN)	Towns
Edwards	McDermott	Tsongas
Ellison	McGovern	Udall (CO)
Ellsworth	McIntyre	Udall (NM)
Emanuel	McNerney	Van Hollen
Engel	McNulty	Velázquez
Eshoo	Meek (FL)	Visclosky
Etheridge	Michaud	Walz (MN)
Farr	Miller (NC)	Wasserman
Fattah	Miller, George	Schultz
Foster	Mollohan	Watson
Frank (MA)	Moore (KS)	Watt
Giffords	Moore (WI)	Waxman
Gillibrand	Moran (VA)	Weiner
Gonzalez	Murphy (CT)	Welch (VT)
Gordon	Murphy, Patrick	Wexler
Green, Al	Murtha	Wilson (OH)
Green, Gene	Nadler	Wu
Grijalva	Napolitano	Yarmuth

NAYS—206

Abercrombie	Bartlett (MD)	Boehner
Aderholt	Barton (TX)	Bonner
Akin	Biggert	Bono Mack
Alexander	Billbray	Boozman
Bachmann	Billakis	Boustany
Bachus	Bishop (UT)	Boyd (FL)
Baird	Blackburn	Brady (TX)
Barrett (SC)	Blunt	Broun (GA)

Brown (SC)	Hastings (WA)	Pence
Brown, Corrine	Hayes	Peterson (PA)
Brown-Waite,	Heller	Petri
Ginny	Hensarling	Pickering
Buchanan	Herger	Pitts
Burgess	Hill	Platts
Burton (IN)	Hobson	Poe
Buyer	Hoekstra	Porter
Calvert	Hulshof	Price (GA)
Camp (MI)	Hunter	Putnam
Campbell (CA)	Inglis (SC)	Regula
Cannon	Issa	Rehberg
Cantor	Johnson, Sam	Reichert
Carter	Jordan	Reynolds
Chabot	Kaptur	Rogers (AL)
Chandler	Keller	Rogers (KY)
Clay	King (IA)	Rogers (MI)
Coble	King (NY)	Rohrabacher
Cole (OK)	Kingston	Roskam
Conaway	Kirk	Royce
Costello	Kline (MN)	Ryan (WI)
Crenshaw	Knollenberg	Sali
Cubin	Kucinich	Saxton
Culberson	Kuhl (NY)	Schmidt
Davis (KY)	LaHood	Sensenbrenner
Davis, David	Lamborn	Sessions
Davis, Tom	Latham	Shadegg
Deal (GA)	LaTourette	Sha's
Dent	Latta	Shimkus
Diaz-Balart, L.	Lewis (CA)	Shuler
Diaz-Balart, M.	Lewis (KY)	Shuster
Dingell	Linder	Simpson
Doolittle	LoBiondo	Skelton
Drake	Lucas	Smith (NE)
Dreier	Lungren, Daniel	Smith (NJ)
Duncan	E.	Smith (TX)
Ehlers	Mack	Souder
Emerson	Manzullo	Stearns
English (PA)	Marchant	Sullivan
Everett	McCarthy (CA)	Tanner
Fallin	McCaul (TX)	Terry
Feeney	McCotter	Thornberry
Ferguson	McCrery	Tiahrt
Filner	McHenry	Tiberti
Flake	McHugh	Turner
Forbes	McKeon	Upton
Fortenberry	McMorris	Walberg
Fossella	Rodgers	Walden (OR)
Fox	Meeks (NY)	Walsh (NY)
Franks (AZ)	Melancon	Wamp
Frelinghuysen	Mica	Waters
Gallegly	Miller (FL)	Weldon (FL)
Garrett (NJ)	Miller (MI)	Weller
Gerlach	Miller, Gary	Westmoreland
Gilchrest	Moran (KS)	Whitfield (KY)
Gingrey	Murphy, Tim	Wilson (NM)
Gohmert	Musgrave	Wilson (SC)
Goode	Myrick	Wittman (VA)
Goodlatte	Neugebauer	Wolf
Granger	Nunes	Young (AK)
Graves	Paul	Young (FL)
Hall (TX)	Pearce	

NOT VOTING—17

Boucher	Oberstar	Rush
Capito	Pryce (OH)	Tancredo
Davis, Lincoln	Radanovich	Thompson (MS)
Hooley	Rangel	Thomson
Kilpatrick	Renzi	Wynn
Mitchell	Ros-Lehtinen	

□ 2159

Messrs. JOHNSON of Illinois, HINCHAY, BUTTERFIELD, STUPAK, BISHOP of Georgia, and CLEAVER changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. BLUNT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. BLUNT. Am I right that the rules of the House read, "A Record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote?"

The SPEAKER pro tempore. The gentleman is correct.

Mr. BLUNT. Mr. Speaker, am I correct that that was a rule change that was made this Congress this year?

The SPEAKER pro tempore. At the start of this Congress, that is correct.

Mr. BLUNT. Mr. Speaker, parliamentary inquiry. Am I right in inquiring that the majority has said that any vote that doesn't change for 3 minutes and then changes is a vote being changed for the purpose of changing votes?

The SPEAKER pro tempore. Has the gentleman asked the chair to interpret what the majority has said?

Mr. BLUNT. May I restate my parliamentary inquiry, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may restate the parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry. Mr. Speaker, if the rule is violated that the majority put in the rules package this year, does that eviscerate the vote?

The SPEAKER pro tempore. An alleged violation of 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker. Does this rule have any impact at all?

□ 2200

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, I would like to inquire of the Chair, what is the procedure to move ahead to ensure that we have enforcement of rule IX?

The SPEAKER pro tempore. As previously stated, an alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized.

Mr. BLUNT. If the vote is necessary for another vote to occur, what's the parliamentary way to challenge that vote before the subsequent vote occurs?

The SPEAKER pro tempore. The challenge would occur collaterally—that is, after the fact.

Mr. FRANK of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, is blatant hypocrisy a violation of the rules of the House?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for purposes of parliamentary inquiry.

Mr. BLUNT. What is the proper motion to ask that that vote be reconsidered?

The SPEAKER pro tempore. Any Member on the prevailing side may move to reconsider.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BOEHNER. Mr. Speaker, did I understand that to challenge the vote on the previous question that it would rise to a question of the privileges of the House? Is that correct?

The SPEAKER pro tempore. Such a matter could qualify as a question of privilege.

Mr. BOEHNER. Mr. Speaker, I believe that the privileges of the House have been dishonored, that the rules have been violated.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry? The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. Mr. Speaker, when could I introduce a privileged motion?

The SPEAKER pro tempore. A privileged resolution may be entertained after the conclusion of the pending rule.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. If I can't offer a privileged resolution until this business has been completed, there will have been a vote taken on final passage of this rule, which basically takes my remedy away from me. I believe that under the rule as written by the majority that a vote cannot be held open solely for the purpose of trying to change the outcome. It was violated.

The SPEAKER pro tempore. The Chair has described the challenge as collateral.

An alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

The question is on the resolution.

Mr. BOEHNER. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The motion to adjourn is not in order.

Mrs. CUBIN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Wyoming is recognized for purposes of a parliamentary inquiry.

Ms. CUBIN. Mr. Speaker, I'm under the impression that the delegates from the territories' vote cannot be counted when it makes a difference in the outcome of the vote. So could you tell me when those votes can be considered and when they can't be considered?

The SPEAKER pro tempore. The rule to which the gentlewoman refers is applicable to the Committee of the Whole only.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption will be followed by 5-minute votes on any question arising without intervening business; and the motion to suspend the rules on H. Res. 936.

The vote was taken by electronic device, and there were—yeas 229, nays 182, answered “present” 4, not voting 15, as follows:

[Roll No. 122]

YEAS—229

Ackerman	Green, Gene	Murphy, Patrick
Allen	Grijalva	Murphy, Tim
Altmire	Gutierrez	Nadler
Andrews	Hall (NY)	Napolitano
Arcuri	Hare	Neal (MA)
Baca	Harman	Obey
Baldwin	Hastings (FL)	Oliver
Barrow	Hayes	Ortiz
Bean	Heller	Pallone
Becerra	Herseth Sandlin	Pascarell
Berkley	Higgins	Payne
Berman	Hill	Pelosi
Berry	Hinojosa	Perlmutter
Bilirakis	Hirono	Peterson (MN)
Bishop (NY)	Hodes	Platts
Blumenauer	Holden	Pomeroy
Boren	Holt	Porter
Boswell	Honda	Price (NC)
Boucher	Hoyer	Rahall
Boyda (KS)	Hulshof	Ramstad
Brady (PA)	Inslee	Reyes
Braley (IA)	Israel	Reynolds
Brown-Waite,	Jackson (IL)	Richardson
Ginny	Jefferson	Rodriguez
Buchanan	Johnson (GA)	Ross
Butterfield	Johnson (IL)	Rothman
Capps	Johnson, E. B.	Ruppersberger
Capuano	Jones (NC)	Ryan (OH)
Cardoza	Kagen	Salazar
Carnahan	Kanjorski	Sánchez, Linda
Carney	Keller	T.
Castle	Kennedy	Sarbanes
Castor	Kildee	Schakowsky
Chabot	Kind	Schiff
Clarke	Kirk	Schwartz
Clyburn	Klein (FL)	Scott (GA)
Cohen	Knollenberg	Scott (VA)
Conyers	Kucinich	Serrano
Cooper	Kuhl (NY)	Sestak
Costa	Lampson	Shays
Courtney	Langevin	Shea-Porter
Cramer	Larsen (WA)	Sherman
Crowley	Larson (CT)	Sires
Cuellar	Lee	Levin
Cummings	Levin	Lewis (GA)
Davis (AL)	Lewis (GA)	Lipinski
Davis (CA)	Lipinski	LoBiondo
Davis (IL)	LoBiondo	Loebach
Davis, Lincoln	Loebach	Lofgren, Zoe
DeFazio	Lofgren, Zoe	Lowey
DeGette	Lowey	Lynch
DeLauro	Lynch	Mahoney (FL)
Dent	Mahoney (FL)	Maloney (NY)
Diaz-Balart, L.	Maloney (NY)	Markey
Diaz-Balart, M.	Markey	Marshall
Dicks	Marshall	Matheson
Doggett	Matheson	Matsui
Donnelly	Matsui	McCarthy (NY)
Edwards	McCarthy (NY)	McCollum (MN)
Ellison	McCollum (MN)	McDermott
Ellsworth	McDermott	McGovern
Emanuel	McGovern	McHugh
Engel	McHugh	McIntyre
English (PA)	McIntyre	McNerney
Eshoo	McNerney	McNulty
Etheridge	McNulty	Meek (FL)
Farr	Meek (FL)	Meeks (NY)
Fattah	Meeks (NY)	Michaud
Fossella	Michaud	Miller (MI)
Foster	Miller (MI)	Miller (NC)
Frank (MA)	Miller (NC)	Miller, George
Gerlach	Miller, George	Mollohan
Giffords	Mollohan	Moore (KS)
Gillibrand	Moore (KS)	Moore (WI)
Gonzalez	Moore (WI)	Moran (KS)
Gordon	Moran (KS)	Moran (VA)
Graves	Moran (VA)	Murphy (CT)
Green, Al	Murphy (CT)	

NAYS—182

Abercrombie	Forbes	Nunes
Aderholt	Fortenberry	Pastor
Akin	Fox	Paul
Alexander	Franks (AZ)	Pearce
Bachmann	Frelinghuysen	Pence
Bachus	Gallely	Peterson (PA)
Baird	Garrett (NJ)	Petri
Barrett (SC)	Gilchrest	Pickering
Bartlett (MD)	Gingrey	Pitts
Barton (TX)	Gohmert	Poe
Biggart	Goode	Price (GA)
Bilbray	Goodlatte	Putnam
Bishop (GA)	Granger	Regula
Bishop (UT)	Hall (TX)	Rehberg
Blackburn	Hastings (WA)	Reichert
Blunt	Hensarling	Rogers (AL)
Boehner	Hersberger	Rogers (KY)
Bonner	Hinchey	Rogers (MI)
Bono Mack	Hobson	Rohrabacher
Boozman	Hoekstra	Roskam
Boustany	Hunter	Royce
Boyd (FL)	Inglis (SC)	Ryan (WI)
Brady (TX)	Issa	Sali
Broun (GA)	Jackson-Lee	Sanchez, Loretta
Brown (SC)	(TX)	Saxton
Brown, Corrine	Johnson, Sam	Schmidt
Burgess	Jordan	Sensenbrenner
Burton (IN)	Kaptur	Sessions
Buyer	King (IA)	Shadegg
Calvert	King (NY)	Shimkus
Camp (MI)	Kingston	Shuler
Campbell (CA)	Kline (MN)	Shuster
Cannon	LaHood	Simpson
Cantor	Lamborn	Skelton
Carter	Latham	Smith (NE)
Chandler	LaTourette	Smith (NJ)
Clay	Latta	Smith (TX)
Cleaver	Lewis (CA)	Stark
Coble	Lewis (KY)	Stearns
Cole (OK)	Linder	Sullivan
Conaway	Lucas	Tanner
Costello	Lungren, Daniel	Terry
Crenshaw	E.	Thornberry
Cubin	Mack	Tiahrt
Culberson	Manzullo	Tiberi
Davis (KY)	Marchant	Turner
Davis, David	McCarthy (CA)	Upton
Davis, Tom	McCaul (TX)	Walberg
Deal (GA)	McCotter	Walden (OR)
Dingell	McCrery	Walsh (NY)
Doolittle	McHenry	Wamp
Drake	McKeon	Waters
Dreier	McMorris	Weldon (FL)
Duncan	Rodgers	Weller
Ehlers	Melancon	Westmoreland
Emerson	Mica	Whitfield (KY)
Everett	Miller (FL)	Wilson (NM)
Fallin	Miller, Gary	Wilson (SC)
Feeney	Murtha	Wolf
Ferguson	Musgrave	Young (AK)
Filner	Myrick	Young (FL)
Flake	Neugebauer	

ANSWERED "PRESENT"—4

Delahunt	Jones (OH)
Doyle	Roybal-Allard

NOT VOTING—15

Capito	Pryce (OH)	Rush
Hooley	Radanovich	Tancredo
Kilpatrick	Rangel	Thompson (MS)
Mitchell	Renzi	Woolsey
Oberstar	Ros-Lehtinen	Wynn

□ 2227

Mr. GILCREST changed his vote from "yea" to "nay."

Messrs. MEEKS of New York, McHUGH, WITTMAN of Virginia, ORTIZ, HINOJOSA, REYNOLDS, HILL, and ENGLISH of Pennsylvania changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WEINER). By the adoption of House Resolution 1031, House Resolution 895, as amended, stands adopted.

The text of House Resolution 895, as amended, is as follows:

H. RES. 895

Resolved,

SECTION 1. ESTABLISHMENT OF THE OFFICE OF CONGRESSIONAL ETHICS.

(a) ESTABLISHMENT.—For the purpose of assisting the House in carrying out its responsibilities under article I, section 5, clause 2 of the Constitution (commonly referred to as the "Discipline Clause"), there is established in the House an independent office to be known as the Office of Congressional Ethics (hereinafter in this section referred to as the "Office").

(b) BOARD.—(1) The Office shall be governed by a board consisting of six individuals of whom three shall be nominated by the Speaker subject to the concurrence of the minority leader and three shall be nominated by the minority leader subject to the concurrence of the Speaker. The Speaker shall nominate at least one alternate board member subject to the concurrence of the minority leader and the minority leader shall nominate at least one alternate board member subject to the concurrence of the Speaker. If any vacancy occurs in the board, then the most senior alternate board member nominated by the same individual who nominated the member who left the board shall serve on the board until a permanent replacement is selected. If a permanent appointment is not made within 90 days, the alternate member shall be deemed to have been appointed for the remainder of the term of the member who left the board and the Speaker or the minority leader, as applicable, shall nominate a new alternate subject to the concurrence of the other leader.

(2) The Speaker and the minority leader each shall appoint individuals of exceptional public standing who are specifically qualified to serve on the board by virtue of their education, training, or experience in one or more of the following fields: legislative, judicial, regulatory, professional ethics, business, legal, and academic.

(3) The Speaker shall designate one member of the board as chairman. The minority leader shall designate one member of the board as cochairman. The cochairman shall act as chairman in the absence of the chairman.

(4)(A) Selection and appointment of members of the board shall be without regard to political affiliation and solely on the basis of fitness to perform their duties.

(B)(i) No individual shall be eligible for appointment to, or service on, the board who—

(I) is a lobbyist registered under the Lobbying Disclosure Act of 1995;

(II) has been so registered at any time during the year before the date of appointment;

(III) engages in, or is otherwise employed in, lobbying of the Congress;

(IV) is an agent of a foreign principal registered under the Foreign Agents Registration Act;

(V) is a Member; or

(VI) is an officer or employee of the Federal Government.

(ii) No individual who has been a Member, officer, employee of the House may be appointed to the board sooner than one year after ceasing to be a Member, officer, or employee of the House.

(5) A vacancy on the board shall be filled for the unexpired portion of the term, utilizing the process set forth in paragraph (1).

(6)(A) Except as provided by subparagraph (B), terms on the board shall be for two Congresses. A member of the board may not serve during more than four consecutive Congresses.

(B) Of the individuals appointed in the 110th Congress to serve on the board, 4 shall

be designated at the time of appointment to serve only for the remainder of that Congress. Any such individual may be reappointed for an additional term of two Congresses.

(C) Any member of the board may be removed from office for cause by the Speaker and the minority leader, acting jointly, but not by either, acting alone.

(7) A member of the board shall not be considered to be an officer or employee of the House, but shall receive a per diem equal to the daily equivalent of the minimum rate of basic pay payable for GS-15 of the General Schedule for each day (including travel time) during which such member is engaged in the performance of the duties of the board.

(8) A majority of the members of the board shall constitute a quorum.

(9) The board shall meet at the call of the chairman or a majority of its members pursuant to its rules.

(c) POWERS.—The board is authorized and directed to:

(1)(A) Within 7 calendar days (excluding Saturdays, Sundays, and public holidays) after receipt of a joint written request from 2 members of the board (one of whom was nominated by the Speaker and one by the minority leader) to all board members to undertake a preliminary review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, along with a brief description of the specific matter, initiate a preliminary review and notify in writing—

(i) the Committee on Standards of Official Conduct of that preliminary review and provide a statement of the nature of the review; and

(ii) any individual who is the subject of the preliminary review and provide such individual with a statement of the nature of the review.

(B) Within 30 calendar days or 5 legislative days, whichever is later, after receipt of a request under subparagraph (A), complete a preliminary review.

(C) Before the end of the applicable time period, vote on whether to commence a second-phase review of the matter under consideration. An affirmative vote of at least 3 members of the board is required to commence a second-phase review. If no such vote to commence a second-phase review has succeeded by the end of the applicable time period, the matter is terminated. At any point before the end of the applicable time period, the board may vote to terminate a preliminary review by the affirmative vote of not less than 4 members. The board shall notify, in writing, the individual who was the subject of the preliminary review and the Committee on Standards of Official Conduct of its decision to either terminate the preliminary review or commence a second-phase review of the matter. If the board votes to terminate the preliminary review, then it may send a report and any findings to such committee.

(2)(A)(i) Except as provided by item (ii), complete a second-phase review within 45 calendar days or 5 legislative days, whichever is later, after the board commences such review.

(ii) Extend the period described in subparagraph (A) for one additional period of 14 calendar days upon the affirmative vote of a majority of its members, a quorum being present.

(B) Transmit to the Committee on Standards of Official Conduct a recommendation that a matter requires further review only upon the affirmative vote of not less than 4 members of the board.

(C) Upon the completion of any second-phase review undertaken—

(i) transmit to the Committee on Standards of Official Conduct the following—

(I) a written report composed solely of—

(aa) a recommendation that the committee should dismiss the matter that was the subject of such review;

(bb) a statement that the matter requires further review; or

(cc) a statement that the matter is unresolved because of a tie vote; and

the number of members voting in the affirmative and in the negative and a statement of the nature of the review and the individual who is the subject of the review;

(II) its findings, if any, composed solely of—

(aa) any findings of fact;

(bb) a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview, and the reasons therefor;

(cc) a recommendation for the issuance of subpoenas where appropriate, if any; and

(dd) a citation of any relevant law, rule, regulation, or standard of conduct;

but not the names of any cooperative witnesses or any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review; and

(III) any supporting documentation; and

(ii) transmit to the individual who is the subject of the second-phase review the written report of the board described in clause (i).

(D) Hold such hearings as are necessary and sit and act only in executive session at such times and places and solicit such testimony and receive such relevant evidence as may be necessary to carry out its duties.

(E) Pay witnesses appearing before the Office in the same manner as prescribed by clause 5 of rule XI of the Rules of the House of Representatives.

(F) Adopt rules to carry out its duties, which shall include each of the following:

(i) A rule providing that—

(I) the board may vote to terminate a preliminary review on any ground, including that the matter under review is de minimis in nature; and

(II) the board may vote to recommend to the Committee on Standards of Official Conduct that the committee should dismiss a matter that was the subject of a second-phase review on any ground, including that the matter under review is de minimis in nature.

(ii) A rule requiring that all witnesses sign a statement acknowledging their understanding that the text of section 1001 of title 18, United States Code (popularly known as the False Statements Act) applies to their testimony and to any documents they provide.

(iii) A rule requiring that there be no ex parte communications between any member of the board or staff of the Office and any individual who is the subject of any review by the board or between any member and any interested party, and that no Member, officer, or employee of the House may communicate with any member of the board or staff of the Office regarding any matter under review by the board except as authorized by the board.

(iv) A rule that establishes a code of conduct to govern the behavior of its members and staff, which shall include the avoidance of conflicts of interest.

(d) REQUESTS FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—(1) Notwithstanding any other provision of this section, upon receipt of a written request from the Committee on Standards of Official Conduct

that the board cease its review of any matter and refer such matter to the committee because of the ongoing investigation of such matter by the committee, the board shall refer such matter to the committee and cease its preliminary or second-phase review, as applicable, of that matter and so notify any individual who is the subject of the review. In any such case, the board shall send a written report to the committee containing a statement that, upon the request of that committee, the matter is referred to it for its consideration, but not any findings.

(2) If the Committee on Standards of Official Conduct notifies the board in writing that it is unable to resolve any matter described in paragraph (1), the board shall immediately begin or continue, as the case may be, a second-phase review of the matter.

(e) LIMITATIONS ON REVIEW.—No review shall be undertaken by the board of any alleged violation of law, rule, regulation or standard of conduct not in effect at the time of the alleged violation; nor shall any review be undertaken by the board of any alleged violation that occurred before the date of adoption of this resolution.

(f) PROHIBITION ON PUBLIC DISCLOSURE.—(1)(A) When an individual becomes a member of the board or staff of the Office, that individual shall execute the following oath or affirmation in writing: “I do solemnly swear (or affirm) that I will not disclose to any person or entity outside of the Office any information received in the course of my service with the Office, except as authorized by the board as necessary to conduct official business or pursuant to its rules.”. Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House.

(B) No testimony received or any other information obtained as a member of the board or staff of the Office shall be publicly disclosed by any such individual to any person or entity outside the Office. Any communication to any person or entity outside the Office may occur only as authorized by the board as necessary to conduct official business or pursuant to its rules.

(C) The Office shall establish procedures necessary to prevent the unauthorized disclosure of any information received by the Office. Any breaches of confidentiality shall be investigated by the board and appropriate action shall be taken.

(2) Paragraph (1) shall not preclude presenting its report or findings or testifying before the Committee on Standards of Official Conduct by any member of the board or staff of the Office if requested by such committee pursuant to its rules.

(3) Before the board votes on a recommendation or statement to be transmitted to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall provide that individual the opportunity to present, orally or in writing (at the discretion of the board), a statement to the board.

(g) PRESENTATION OF REPORTS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Whenever the board transmits any report to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall designate a member of the board or staff to present the report to such committee if requested by such committee.

(h) COMPENSATION OF STAFF.—Upon the affirmative vote of at least 4 of its members, the board may appoint and fix the compensation of such professional, non-partisan staff as it considers necessary to perform its duties.

(i) TERMINATION OF STAFF.—Members of the staff may be terminated during a Con-

gress solely by the affirmative vote of at least 4 members of the board.

(j) REIMBURSEMENTS.—The board may reimburse its members and staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties in the same manner as is permissible for such expenses of other employees of the House.

(k) AGREEMENTS; RETENTION OF DOCUMENTS BY THE CLERK.—(1) Before any individual who is appointed to serve on the board (including an individual who is an alternate) or before any individual is hired to be a staff member of the Office may do so, the individual shall execute a signed document containing the following statement: “I agree not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after I am no longer a member of the board or staff of the Office of Congressional Ethics.”

(2) Copies of the signed and executed document shall be retained by the Clerk as part of the records of the House. The Clerk shall make the signatures a matter of public record, causing the names of each individual who has signed the document to be published in a portion of the Congressional Record designed for that purpose, and make cumulative lists of such names available on the web site of the Clerk.

(3) The following rules shall be applicable to the staff of the Office:

(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a non-partisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Office without specific prior approval from the chairman and cochairman.

(1) FUNDING.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the Office. Such payments shall be made on vouchers signed by the chairman of the board and approved in the manner directed by the Committee on House Administration. Amounts made available under this section shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(m) DEFINITION.—As used in this section, the term “Member” means any Representative in, or Delegate or Resident Commissioner to, the Congress.

SEC. 2. FINANCIAL DISCLOSURE REPORTS.

Rule XXVI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“3. Members of the board of the Office of Congressional Ethics shall file annual financial disclosure reports with the Clerk of the House on or before May 15 of each calendar year after any year in which they perform the duties of that position. Such reports shall be on a form prepared by the Clerk that is substantially similar to form 450 of the Office of Government Ethics. The Clerk shall send a copy of each such report filed with the Clerk within the seven-day period beginning on the date on which the report is filed to the Committee on Standards of Official Conduct and shall have them printed as a House document and made available to the public pursuant to clause 1.”.

SEC. 3. CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE.

Clause 3 of rule XI of the Rules of the House of Representatives is amended as follows:

(1) In paragraph (b)(2), strike “or” at the end of subparagraph (A), strike the period and insert “; or” at the end of subparagraph (B), and add at the end the following new subparagraph:

“(C) upon receipt of a report regarding a referral from the board of the Office of Congressional Ethics.”

(2) At the end of paragraph (b), add the following new subparagraph:

“(8)(A) Except as provided by subdivisions (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the chairman of the Committee on Standards of Official Conduct shall make public the written report and findings of the board unless the chairman and ranking member, acting jointly, decide or the committee votes to withhold such information for not more than one additional period of the same duration, in which case the chairman shall—

“(i) upon the termination of such additional period, make public the written report and findings; and

“(ii) upon the day of such decision or vote, make a public statement that the committee has voted to extend the matter relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, officer, or employee of the House who is the subject of the applicable referral.

At least one calendar day before the committee makes public any written report and findings of the board, the chairman shall notify such board and the applicable Member, officer, or employee of that fact and transmit to such individual a copy of the statement on the committee's disposition of, and any committee report on, the matter.

“(B)(i) Notwithstanding subdivision (A)(i), if the committee votes to dismiss a matter which is the subject of a referral from the board of the Office of Congressional Ethics, the committee is not required to make public the written report and findings described in such subdivision unless the committee's vote is inconsistent with the recommendation of the board. For purposes of the previous sentence, a vote by the committee to dismiss a matter is not inconsistent with a report from the board respecting the matter as unresolved due to a tie vote.

“(ii) Notwithstanding subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation to dismiss or as unresolved due to a tie vote, and the committee votes to extend the matter for an additional period as provided in subdivision (A), the committee is not required to make a public statement that the committee has voted to extend the matter.

“(iii) Except as provided by subdivision (E), if the committee establishes an investigative subcommittee respecting any such matter, then the report and findings of the board shall not be made public until the conclusion of the investigative subcommittee process and the committee shall issue a public statement of the establishment of an investigative subcommittee, which statement shall include the name of the applicable Member, officer, or employee, and shall set forth the alleged violation. If any such investigative subcommittee does not conclude its review within one year after the board transmits a report respecting any matter, then the committee shall make public the report

and upon the expiration of the Congress in which the report is made public, the committee shall make public any findings.

“(C)(i) If, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on the matter—

“(I) notwithstanding subdivision (A)(i), the committee is not required to make public the written report and findings described in such subdivision, except that if the recommendation of the board with respect to the report is that the matter requires further review, the committee shall make public the written report but not the findings; and

“(II) before the end of the first day (excluding Saturdays, Sundays, and public holidays) after the day that the committee agrees to the request, the committee shall make a public statement that it is deferring taking action on the matter at the request of such authority.

“(ii) If, upon the expiration of the one-year period that begins on the date the committee makes the public statement described in item (i)(II), the committee has not acted on the matter, the committee shall make a new public statement that it is still deferring taking action on the matter, and shall make a new statement upon the expiration of each succeeding one-year period during which the committee has not acted on the matter.

“(D) The committee may not receive any referral from the board of the Office of Congressional Ethics within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate. The committee may delay any reporting requirement under this subparagraph that falls within that 60-day period until the end of such period and in that case, for purposes of subdivision (A), days within the 60-day period shall not be counted.

“(E) If, at the close of any applicable period for a reporting requirement under this subparagraph with respect to a referral from the board of the Office of Congressional Ethics, the vote of the committee is a tie or the committee fails to act, the report and the findings of the board shall be made public by the committee, along with a public statement by the chairman explaining the status of the matter.”

(3) At the end, add the following new paragraph:

“(r) Upon receipt of any written notification from the board of the Office of Congressional Ethics that the board is undertaking a review of any alleged conduct of any Member, officer, or employee of the House and if the committee is investigating such matter, the committee may at any time so notify the board and request that the board cease its review and refer the matter to the committee for its consideration. If at the end of the applicable time period (including any permissible extension) the committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities, the committee shall so notify the board of the Office of Congressional Ethics in writing. The committee may not request the same matter from the board more than one time.”

SEC. 4. EFFECTIVE DATE.

This resolution and the amendments made by it shall take effect on the date of its adoption, except that the Office of Congressional Ethics shall not undertake any review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regu-

lation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities before 120 days after the date of adoption of this resolution.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 186, not voting 27, as follows:

[Roll No. 123]

YEAS—216

Abercrombie	Farr	McNerney
Ackerman	Fattah	McNulty
Allen	Feeney	Meek (FL)
Andrews	Filner	Meeks (NY)
Arcuri	Frank (MA)	Michaud
Baca	Gillibrand	Miller (NC)
Baird	Gonzalez	Miller, George
Baldwin	Gordon	Moore (KS)
Barrow	Graves	Moore (WI)
Bartlett (MD)	Green, Al	Moran (VA)
Bean	Grijalva	Murphy (CT)
Becerra	Gutierrez	Murphy, Patrick
Berkley	Hall (NY)	Nadler
Berman	Hare	Napolitano
Berry	Harman	Neal (MA)
Bishop (GA)	Hastings (FL)	Obey
Bishop (NY)	Herseth Sandlin	Oliver
Blumenauer	Higgins	Ortiz
Boren	Hill	Pallone
Boswell	Hinchey	Pastor
Boyd (FL)	Hinojosa	Paul
Boyd (KS)	Hirono	Payne
Brady (PA)	Hobson	Perlmutter
Braley (IA)	Hodes	Peterson (MN)
Brown (SC)	Holt	Pickering
Brown, Corrine	Honda	Pomeroy
Buchanan	Hoyer	Price (NC)
Butterfield	Inslee	Reyes
Capps	Israel	Richardson
Capuano	Jackson (IL)	Rodriguez
Cardoza	Jackson-Lee	Ross
Carnahan	(TX)	Rothman
Castor	Jefferson	Roybal-Allard
Chandler	Johnson (GA)	Ruppersberger
Clarke	Johnson (IL)	Ryan (OH)
Clay	Johnson, E. B.	Salazar
Cleaver	Jones (NC)	Sánchez, Linda
Clyburn	Jones (OH)	T.
Coble	Kagen	Sanchez, Loretta
Cohen	Kanjorski	Sarbanes
Cooper	Kaptur	Schakowsky
Costa	Kennedy	Schiff
Costello	Kildee	Schwartz
Courtney	Kind	Scott (GA)
Crowley	King (IA)	Scott (VA)
Cuellar	Klein (FL)	Serrano
Cummings	Langevin	Sestak
Davis (AL)	Larsen (WA)	Shea-Porter
Davis (CA)	Larson (CT)	Sherman
Davis (IL)	Lee	Shuler
Davis (KY)	Levin	Sires
Davis, Lincoln	Lewis (GA)	Skelton
DeFazio	Lewis (KY)	Slaughter
DeGette	Linder	Smith (WA)
Delahunt	Lipinski	Snyder
DeLauro	Loeb	Solis
Dicks	Lofgren, Zoe	Space
Dingell	Lowey	Stark
Doggett	Lynch	Sutton
Doolittle	Mahoney (FL)	Tanner
Doyle	Maloney (NY)	Tauscher
Edwards	Markey	Taylor
Ellison	Marshall	Thompson (CA)
Emanuel	Matheson	Tierney
Emerson	Matsui	Towns
Engel	McCollum (MN)	Tsongas
Eshoo	McGovern	Udall (CO)
Etheridge	McIntyre	Van Hollen