

104TH CONGRESS
1ST SESSION

H. R. 2797

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 1995

Mr. VOLKMER introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethics Reform Act
5 of 1995”.

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

6 **SEC. 101. EXERCISE OF CONGRESSIONAL RULEMAKING**
7 **POWER.**

8 The provisions of this title amending the Rules of the
9 House of Representatives are enacted by Congress—

10 (1) as an exercise of the rulemaking power of
11 the House of Representatives and the Senate, re-
12 spectively, and as such they shall be considered a
13 part of the rules of the House of Representatives
14 and such rules shall supersede other rules only to
15 the extent that they are inconsistent therewith; and

16 (2) with full recognition of the constitutional
17 right of the House of Representatives to change
18 such rules at any time in the same manner and to
19 the same extent as in the case of any other rule of
20 such House.

21 **SEC. 102. TERMINATION OF THE COMMITTEE ON STAND-**
22 **ARDS OF OFFICIAL CONDUCT.**

23 (a) TERMINATION.—

24 (1) RULES.—Rule X of the Rules of the House
25 of Representatives is amended—

1 (A) in clause 1—

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

3 (ii) by redesignating paragraphs (q),

4 (r), and (s) as paragraphs (p), (q), and (r),

5 respectively; and

6 (B) in clause 4—

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

8 (ii) by redesignating paragraphs (f),

9 (g), (h), and (i) as paragraphs (e), (f), (g),

10 and (h), respectively.

11 (2) LAW.—The Ethics Reform Act of 1989

12 (Public Law 101–194) is amended by striking sub-

13 sections (b), (c), (d), and (i) of section 803 (2

14 U.S.C. 29d).

15 (b) CONFORMING AMENDMENTS.—

16 (1) RULES.—

17 (A) Clause 3(e) of rule VI of the Rules of

18 the House of Representatives is amended —

19 (i) by striking “Committee on Stand-

20 ards of Official Conduct” and inserting

21 “Independent Commission on Congres-

22 sional Ethics”; and

23 (ii) by striking “clause 4(e)(1)(C) of

24 rule X” and inserting “section 203(3) the

25 Ethics Reform Act of 1995”.

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

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

7 (i) by striking subparagraph (2); and
8 (ii) by striking “(1)”.

9 (D) Clause 2(e)(2) of rule XI of such
10 Rules is amended by striking “, except that in
11 the case of records in the Committee on Stand-
12 ards of Official Conduct” and all that follows
13 through “prior approval of the committee”.

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

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

21 (G) Clause 4(a) of rule XI of such Rules
22 is amended—

23 (i) by striking “and the Committee on
24 Standards of Official Conduct” and all
25 that follows;

1 (ii) by inserting “and” before “the
2 Committee on Rules”; and

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

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

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

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

11 (ii) by inserting “and” before “the
12 Committee on Rules”.

13 (J) Clause 1 of rule XXXII of such Rules
14 is amended by striking “Committee on Stand-
15 ards of Official Conduct” and inserting “Inde-
16 pendent Commission on Congressional Ethics”.

17 (K) Clause 4 of rule XLIII of such Rules
18 is amended by striking “Committee on Stand-
19 ards of Official Conduct pursuant to clause
20 4(e)(1)(E) of rule X” and inserting “Committee
21 on Rules”.

22 (L) Clause 12(b) of rule XLIII of such
23 Rules is amended by striking “Committee on
24 Standards of Official Conduct” and inserting

1 “Independent Commission on Congressional
2 Ethics”.

3 (M) Clause (1) of rule XLIV of such Rules
4 is amended by striking “Committee on Stand-
5 ards of Official Conduct” and inserting “Inde-
6 pendent Commission on Congressional Ethics”.

7 (N) Clause 2(5) of rule XLVII of such
8 Rules is amended by striking “Committee on
9 Standards of Official Conduct” and inserting
10 “Independent Commission on Congressional
11 Ethics”.

12 (O) Clause 5 of rule XLVIII of such Rules
13 is amended by striking “of the Committee on
14 Standards of Official Conduct and”.

15 (P) Clause 7(d) of rule XLVIII of such
16 Rules is amended by striking “Committee on
17 Standards of Official Conduct” and inserting
18 “Independent Commission on Congressional
19 Ethics”.

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

1 (R) Clause 13 of rule LI of such Rules is
2 amended by striking “and the Rules of the
3 House Committee on Standards of Official Con-
4 duct”.

5 (2) LAW.—The following provisions are each
6 amended by striking “the Committee on Standards
7 of Official Conduct of the House of Representatives”
8 and inserting “the Independent Commission on Con-
9 gressional Ethics”:

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

12 (B) Section 7342(a)(6)(A) of title 5, Unit-
13 ed States Code.

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

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

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

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

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

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

1 **SEC. 103. REFERENCE TO COMMITTEE ON STANDARDS OF**
2 **OFFICIAL CONDUCT.**

3 Any reference in a law, regulation, document, paper,
4 or other record of the United States to the “Committee
5 on Standards of Official Conduct of the House of Rep-
6 resentatives” shall be deemed to be a reference to the
7 “Independent Commission on Congressional Ethics”.

8 **SEC. 104. TRANSITION PROVISIONS.**

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

14 **TITLE II—ESTABLISHMENT OF**
15 **COMMISSION**

16 **SEC. 201. ESTABLISHMENT OF COMMISSION.**

17 There is established an independent commission with-
18 in the legislative branch of the Federal Government to be
19 known as the Independent Commission on Congressional
20 Ethics (in this title referred to as the “Commission”).

21 **SEC. 202. MEMBERSHIP OF COMMISSION.**

22 (a) NUMBER AND APPOINTMENT.—The Commission
23 shall be composed of five retired or senior Federal judges
24 as follows:

25 (1) Two individuals appointed by the Speaker
26 of the House of Representatives.

1 (2) Two individuals appointed by the Minority
2 Leader of the House of Representatives.

3 (3) One individual appointed by the individuals
4 appointed under paragraphs (1) and (2).

5 (b) TERMS.—The term of office for a member of the
6 Commission shall be four years. A member shall be eligible
7 for two terms of office.

8 (c) VACANCIES.—A vacancy in the Commission shall
9 be filled in the manner in which the original appointment
10 was made.

11 (d) REMOVAL.—Any member of the Commission may
12 be removed from office by a majority decision of the ap-
13 pointing authorities described in subsection (a), but only
14 for—

15 (1) disability that substantially prevents the
16 member from carrying out the duties of the member;

17 (2) incompetence;

18 (3) neglect of duty; or

19 (4) malfeasance, including a felony or conduct
20 involving moral turpitude.

21 (e) COMPENSATION.—

22 (1) RATE OF PAY.—Except as provided in para-
23 graph (2), each member of the Commission shall
24 serve without pay or benefits.

1 (2) TRAVEL EXPENSES.—Each member of the
2 Commission may receive travel expenses, including
3 per diem in lieu of subsistence, in accordance with
4 sections 5702 and 5703 of title 5, United States
5 Code.

6 (f) QUORUM.—A majority of the members of the
7 Commission shall constitute a quorum.

8 (g) CHAIRPERSON.—

9 (1) ELECTION.—The Commission shall elect a
10 Chairperson of the Commission from among its
11 members at its first meeting.

12 (2) TERM.—The term of the Chairperson shall
13 be two years.

14 (h) MEETINGS.—

15 (1) IN GENERAL.—The Commission shall meet
16 at the call of the Chairperson or a majority of its
17 members.

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

21 **SEC. 203. DUTIES OF COMMISSION.**

22 The Commission is authorized—

23 (1) to recommend to the House of Representa-
24 tives, from time to time, such administrative actions
25 as it may deem appropriate to establish or enforce

1 standards of official conduct for Members, officers,
2 and employees of the House of Representatives;

3 (2) to investigate any alleged violation, by a
4 Member, officer, or employee of the House of Rep-
5 resentatives, of any law, rule, regulation, or other
6 standard of conduct applicable to the conduct of
7 such Member, officer, or employee in the perform-
8 ance of his duties or the discharge of his responsibil-
9 ities, and after notice and hearing (unless the right
10 to a hearing is waived by the Member, officer, or
11 employee), shall report to the House of Representa-
12 tives its findings of fact and recommendations, if
13 any, upon the final disposition of any such investiga-
14 tion, and such action as the Commission may deem
15 appropriate in the circumstances;

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

24 (4) to give consideration to the request of any
25 Member, officer, or employee of the House of Rep-

1 representatives for an advisory opinion with respect to
2 the general propriety of any current or proposed
3 conduct of such Member, officer, or employee and,
4 with appropriate deletions to assure the privacy of
5 the individual concerned, to publish such opinion for
6 the guidance of other Members, officers, and em-
7 ployees of the House of Representatives; and

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

17 **SEC. 204. PROCEDURAL RULES.**

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

1 (b) INVESTIGATIONS.—Except in the case of an in-
2 vestigation undertaken by the Commission on its own ini-
3 tiative, the Commission may undertake an investigation
4 relating to the official conduct of an individual Member,
5 officer, or employee of the House of Representatives
6 only—

7 (i) upon receipt of a complaint, in writing and
8 under oath, made by or submitted to a Member of
9 the House of Representatives and transmitted to the
10 Commission by such Member, or

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

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

1 that the alleged violation is directly related to any alleged
2 violation which occurred in a more recent Congress.

3 (d) DISCLOSURE.—No information or testimony re-
4 ceived, or the contents of a complaint or the fact of its
5 filing, shall be publicly disclosed by any member of the
6 Commission or staff of the Commission unless specifically
7 authorized in each instance by a vote of the full Commis-
8 sion.

9 **SEC. 205. STAFF OF COMMISSION.**

10 (a) STAFF.—The Commission may appoint and fix
11 the compensation of such staff as the Commission consid-
12 ers necessary to perform its duties.

13 (b) DETAILED PERSONNEL.—The Commission may,
14 with the prior consent of the department or agency of the
15 Federal Government concerned, use on a reimbursable or
16 nonreimbursable basis the services of personnel of any
17 such department or agency, including the services of mem-
18 bers or personnel of the General Accounting Office Per-
19 sonnel Appeals Board.

20 (c) CONSULTANTS.—In carrying out the functions of
21 the Commission, the Commission may procure the tem-
22 porary (not to exceed one year) or intermittent services
23 of consultants.

1 **TITLE III—DISCHARGE OF COM-**
2 **MISSION REPORT FROM COM-**
3 **MITTEE ON RULES IN THE**
4 **HOUSE OF REPRESENTA-**
5 **TIVES**

6 **SEC. 301. DISCHARGE OF COMMITTEE.**

7 (1) If the Rules Committee in the House of Rep-
8 resentatives to which the report has been referred has not
9 reported it at the end of 30 legislative days after the intro-
10 duction, it is in order to move either to discharge the com-
11 mittee from further consideration of the report or to dis-
12 charge the committee from further consideration of any
13 other resolution introduced with respect to the same mat-
14 ter, except that a motion to discharge—

15 (A) may only be made on the second legislative
16 day after the calendar day on which the Member
17 making the motion announces to the House his in-
18 tention to do so; and

19 (B) is not in order after the Committee has re-
20 ported a resolution with respect to the same matter.

21 (2) A motion to discharge under paragraph (1) may
22 be made only by an individual favoring the resolution, and
23 is highly privileged in the House; and debate thereon shall
24 be limited to not more than 1 hour, the time to be divided
25 in the House equally between those favoring and those op-

1 posing the resolution. An amendment to the motion is not
2 in order, and it is not in order to move to reconsider the
3 vote by which the motion is agreed to or disagreed to.

4 **SEC. 302. FLOOR CONSIDERATION IN THE HOUSE OF REP-**
5 **RESENTATIVES.**

6 (1) A motion in the House of Representatives to pro-
7 ceed to the consideration of the resolution shall be highly
8 privileged and not debatable. An amendment to the motion
9 shall not be in order, nor shall it be in order to move to
10 reconsider the vote by which the motion is agreed to or
11 disagreed to.

12 (2) Debate in the House of Representatives on a reso-
13 lution shall be limited to not more than 6 hours, which
14 shall be divided equally between those favoring the resolu-
15 tion and those opposing the resolution. A further motion
16 to limit debate shall not be debatable. No amendment to,
17 or motion to recommit, the resolution shall be in order.
18 It shall not be in order to move to reconsider the vote
19 by which a resolution is agreed to or disagreed to.

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