

111TH CONGRESS
2^D SESSION

H. RES. 1416

Amending the Rules of the House of Representatives regarding the public disclosure by the Committee on Standards of Official Conduct of written reports and findings of the board of the Office of Congressional Ethics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2010

Ms. FUDGE (for herself, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. CLARKE, Mr. WATT, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, and Mr. CARSON of Indiana) submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on House Administration, 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

RESOLUTION

Amending the Rules of the House of Representatives regarding the public disclosure by the Committee on Standards of Official Conduct of written reports and findings of the board of the Office of Congressional Ethics, and for other purposes.

1 *Resolved,*

1 **SECTION 1. DISCLOSURES BY THE COMMITTEE ON STAND-**
2 **ARDS OF OFFICIAL CONDUCT.**

3 (a) Clause 3(b)(8) of rule XI of the Rules of the
4 House of Representatives is amended to read as follows:

5 “(8)(A)(i) If the board of the Office of Congressional
6 Ethics transmits a report respecting any matter with a
7 recommendation to dismiss or that is unresolved due to
8 a tie vote, the committee shall not make a public state-
9 ment.

10 “(ii) If the committee establishes an investigative
11 subcommittee respecting any such matter, the report and
12 findings of the board of the Office of Congressional Ethics
13 shall not be made public until the committee has taken
14 its final vote on the investigative subcommittee’s conclu-
15 sions. Such investigative subcommittee shall conclude its
16 review within one year after the board transmits a report
17 respecting any matter. However, the committee shall make
18 public the report and findings upon conclusion of review
19 of the matter if misconduct is found, but no report shall
20 be released if dismissal is recommended or if the matter
21 is unresolved due to a tie vote. At least one calendar day
22 before the committee makes public any written report or
23 findings of the board, the chairman shall notify such board
24 and the applicable Member, officer, or employee of that
25 fact and transmit to such individual a copy of the state-

1 ment on the committee’s disposition of, and any committee
2 report on, the matter.

3 “(B) If, after receipt of a written report and any find-
4 ings and supporting documentation regarding a referral
5 from the board of the Office of Congressional Ethics or
6 of a referral of the matter from the board pursuant to
7 a request under paragraph (r), the committee agrees to
8 a request from an appropriate law enforcement or regu-
9 latory authority to defer taking action on the matter, then
10 the committee shall make no public disclosure unless and
11 until the committee has acted on the matter.

12 “(C) The committee may not receive any referral
13 from the board of the Office of Congressional Ethics with-
14 in 60 days before a Federal, State, or local election in
15 which the subject of the referral is a candidate. The com-
16 mittee may delay any reporting requirement under this
17 subdivision that falls within that 60-day period.”

18 (b) Clause 3(e)(1) of rule XI of the Rules of the
19 House of Representatives is amended by inserting “or a
20 report regarding a referral from the board of the Office
21 of Congressional Ethics” before “is deemed frivolous”.

1 **SEC. 2. PROCEDURES OF THE OFFICE OF CONGRESSIONAL**
2 **ETHICS.**

3 (a) In applying House Resolution 895 (110th Con-
4 gress) during the 111th Congress, the following shall
5 apply:

6 (1) Notwithstanding the procedure set forth in
7 section 1(c) of such House Resolution 895 to under-
8 take a preliminary review of any alleged violation of
9 a Member, officer, or employee of the House, such
10 a preliminary review may only be undertaken within
11 7 calendar days (excluding Saturdays, Sundays, and
12 public holidays) by the board of the Office of Con-
13 gressional Ethics after receipt, after the date of
14 adoption of this resolution, of a sworn complaint
15 from a citizen asserting personal knowledge of any
16 alleged violation by that Member, officer, or em-
17 ployee of any law, rule, regulation, or other standard
18 of conduct applicable to such individual in the per-
19 formance of his duties or the discharge of his re-
20 sponsibilities.

21 (2) If, after the date of adoption of this resolu-
22 tion, the Committee on Standards of Official Con-
23 duct votes to dismiss any matter as frivolous or un-
24 founded that is referred from the board of the Office
25 of Congressional Ethics and directs that all records
26 of the Office of Congressional Ethics respecting such

1 matter be sealed, then the office shall immediately
2 seal such records.

3 (b) The board of the Office of Congressional Ethics
4 is authorized and directed to amend its rules to define the
5 standard of proof required to—

6 (1) undertake a preliminary review;

7 (2) commence a second-phase review of any
8 matter under consideration; and

9 (3) refer any matter to the Committee on
10 Standards of Official Conduct.

11 **SEC. 3. EFFECTIVE DATE.**

12 The amendments made by section 1 shall apply to
13 referrals from the board of the Office of Congressional
14 Ethics received by the Committee on Standards of Official
15 Conduct after the date of adoption of this resolution.

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