

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.

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## 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

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## 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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