

109TH CONGRESS
2^D SESSION

H. R. 4948

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2006

Mr. BLUMENAUER (for himself and Mr. WALDEN of Oregon) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Rules and 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 Ethics Commission, and provide for the transfer of the duties and functions of the committee to the 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 2006”.

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. TERMINATION OF THE COMMITTEE ON STAND-**
7 **ARDS OF OFFICIAL CONDUCT.**

8 (a) TERMINATION.—

9 (1) RULES.—(A) Clause 1 of rule X of the
10 Rules of the House of Representatives is amended
11 by striking paragraph (q) and by redesignating
12 paragraphs (r), (s), and (t) as paragraphs (q), (r),
13 and (s), respectively.

14 (B) Rule XI of the Rules of the House of Rep-
15 resentatives is amended by striking clause 3 and re-
16 designating clauses 4 through 6 as clauses 3
17 through 5, respectively.

18 (2) LAW.—The Ethics Reform Act of 1989
19 (Public Law 101–194) is amended by striking sub-
20 sections (b), (c), (d), and (i) of section 803 (2
21 U.S.C. 29d).

22 (b) CONFORMING AMENDMENTS.—

23 (1) RULES.—

24 (A) Clause 6(c)(5) of rule II of the Rules
25 of the House of Representatives is amended—

1 (i) by striking “Committee on Stand-
2 ards of Official Conduct” and inserting
3 “Independent Ethics Commission”; and

4 (ii) by striking “clause 3(a)(3) of rule
5 XI” and inserting “section 202(3) the Eth-
6 ics Reform Act of 2006”.

7 (B) Clause 1(m)(1) of rule X of such
8 Rules is amended by striking “(other than
9 those relating to the Code of Official Con-
10 duct)”.

11 (C) Clause 2(a)(16) of the Rules of the
12 House of Representatives is amended by strik-
13 ing “Committee on Standards of Official Con-
14 duct” and inserting “Independent Ethics Com-
15 mission”.

16 (D) Clause 5 of rule X of such Rules is
17 amended—

18 (i) in subparagraph (a), by striking
19 subparagraph (3) and by redesignating
20 subparagraph (4) as subparagraph (3);
21 and

22 (ii) in subparagraph (b), by striking
23 item (ii) and by redesignating item (iii) as
24 item (ii).

1 (E) Clause 2(g)(1) of rule XI of such
2 Rules is amended by striking “(other than the
3 Committee on Standards of Official Conduct or
4 its subcommittees)” each place it appears.

5 (F) Clause 2(m)(3)(A) of rule XI of such
6 Rules is amended by—

7 (i) striking “(i) Except as provided in
8 subdivision (A)(ii), a” and inserting “A”;
9 and

10 (ii) striking item (ii).

11 (G) Clause 3 of rule XIII of such Rules is
12 amended—

13 (i) by striking the last sentence of
14 subparagraph (b); and

15 (ii) in subparagraph (d)(3)(B), by
16 striking “, or the Committee on Standards
17 of Official Conduct” and by inserting “or”
18 before “the Committee on Rules”.

19 (H) Clause 5(a) of rule XIII of such Rules
20 is amended by striking subparagraph (5).

21 (I) Clause 12 of rule XXIII of such Rules
22 is amended by striking “Committee on Stand-
23 ards of Official Conduct” and inserting “Inde-
24 pendent Ethics Commission”.

1 (J) Clause 2(e) of rule XXV of such Rules
2 is amended by striking “Committee on Stand-
3 ards of Official Conduct” and inserting “Inde-
4 pendent Ethics Commission”.

5 (K) Clause 3(b) of rule XXV of such Rules
6 is amended by striking “Committee on Stand-
7 ards of Official Conduct” and inserting “Inde-
8 pendent Ethics Commission”.

9 (L) Clause 5 of rule XXV of such Rules is
10 amended by striking “Committee on Standards
11 of Official Conduct” each place it appears and
12 inserting “Independent Ethics Commission”.

13 (M) Clause 1 of rule XVI of such Rules is
14 amended by striking “Committee on Standards
15 of Official Conduct” and inserting “Inde-
16 pendent Ethics Commission”.

17 (2) LAW.—The following provisions are each
18 amended by striking “Committee on Standards of
19 Official Conduct” and inserting “Independent Ethics
20 Commission”:

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

23 (B) Section 7342(a)(6)(A) of title 5,
24 United States Code.

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

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

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

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

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

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

13 (I) Sections 416(e) and 503 of the Con-
14 gressional Accountability Act of 1995 (2 U.S.C.
15 1416(e) and 1433).

16 (J) Section 803 of the Ethics Reform Act
17 of 1989 (2 U.S.C 29d).

18 **SEC. 102. REFERENCE TO COMMITTEE ON STANDARDS OF**
19 **OFFICIAL CONDUCT.**

20 Any reference in a law, regulation, document, paper,
21 or other record of the United States to the “Committee
22 on Standards of Official Conduct of the House of Rep-
23 resentatives” shall be deemed to be a reference to the
24 “Independent Ethics Commission”.

1 **TITLE II—ESTABLISHMENT OF**
2 **COMMISSION**

3 **SEC. 201. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**
4 **SION.**

5 (a) **ESTABLISHMENT.**—There is established an inde-
6 pendent commission within the legislative branch of the
7 Government to be known as the Independent Ethics Com-
8 mission (in this title referred to as the “Commission”).

9 (b) **MEMBERSHIP.**—(1) The Commission shall consist
10 of 11 individuals, 5 appointed by the Speaker, 5 by the
11 minority leader of the House of Representatives, and one
12 selected by the members of the Commission. Appointments
13 of the members of the Commission by the Speaker and
14 the minority leader shall be completed not later than 90
15 days after the date of the enactment of this Act.

16 (2) The Speaker and the minority leader shall each
17 make such appointments after consulting with a broad
18 cross section of the membership of the House of Rep-
19 resentatives.

20 (c) **CHAIRMAN.**—The chairman shall be appointed
21 from members of the Commission jointly by the Speaker
22 and the minority leader of the House of Representatives.

23 (d) **QUALIFICATIONS.**—

24 (1) **SPECIFIC QUALIFICATIONS.**—Selection and
25 appointment of members shall be without regard to

1 political affiliation and solely on the basis of fitness
2 to perform the duties of the office. To be eligible for
3 appointment to the Commission, an individual shall
4 be a former Member of the House of Representa-
5 tives.

6 (2) DISQUALIFICATIONS FOR APPOINTMENTS.—

7 (A) LOBBYING.—No individual who is a
8 lobbyist registered under the Lobbying Disclo-
9 sure Act of 1995 or engages in, or is otherwise
10 employed in, lobbying of the Congress or who is
11 an agent of a foreign principal registered under
12 the Foreign Agents Registration Act shall be el-
13 igible for appointment to, or service on, the
14 Commission.

15 (B) INCOMPATIBLE OFFICE.—No member
16 of the Commission appointed under subsection
17 (b) may hold or have held within 2 years of the
18 date of appointment the position of Member of
19 the House of Representatives.

20 (3) VACANCIES.—A vacancy on the Commission
21 shall be filled in the manner in which the original
22 appointment was made.

23 (e) TERM OF OFFICE.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), membership on the Commission shall be

1 for 2 Congresses. A member of the Commission who
2 is appointed to a term of office shall only be eligible
3 for appointment for a single term of office.

4 (2) FIRST APPOINTMENTS.—Of the members
5 first appointed to the Commission—

6 (A) 3 appointed by the Speaker and 3 ap-
7 pointed by the minority leader shall have a term
8 of office of 3 Congresses, 1 of whom shall be
9 the Chair, as designated at the time of appoint-
10 ment by the Speaker, and

11 (B) 4 shall have a term of office of 1 Con-
12 gress.

13 (f) REMOVAL.—

14 (1) AUTHORITY.—Any member of the Commis-
15 sion may be removed from office by agreement of
16 the appointing authorities described in subsection
17 (b), but only for—

18 (A) disability that substantially prevents
19 the member from carrying out the duties of the
20 member,

21 (B) incompetence,

22 (C) neglect of duty,

23 (D) malfeasance, including a felony or con-
24 duct involving moral turpitude, or

1 (E) holding an office or employment or en-
2 gaging in an activity that disqualifies the indi-
3 vidual from service as a member of the Com-
4 mission under subsection (d)(2).

5 (2) STATEMENT OF REASONS FOR REMOVAL.—
6 In removing a member of the Commission, the
7 Speaker and the minority leader of the House of
8 Representatives shall state in writing to the member
9 of the Commission being removed the specific rea-
10 sons for the removal.

11 (3) VACANCIES.—A vacancy on the Commission
12 shall be filled in the manner in which the original
13 appointment was made.

14 (g) COMPENSATION.—Each member of the Commis-
15 sion shall be compensated at a rate equal to the daily
16 equivalent of the annual rate of basic pay prescribed for
17 level IV of the Executive Schedule under section 5315 of
18 title 5, United States Code, for each day (including travel
19 time) during which such member is engaged in the per-
20 formance of the duties of the Commission.

21 (h) QUORUM.—A majority of the members of the
22 Commission shall constitute a quorum.

23 (i) MEETINGS.—

1 (1) IN GENERAL.—The Commission shall meet
2 at the call of the chairperson or a majority of its
3 members.

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

7 (j) DEFINITION—As used in this title, the term
8 “Member” or “Member of the House of Representatives”
9 means any Representative in, or Delegate or Resident
10 Commissioner to, the Congress.

11 **SEC. 202. DUTIES OF COMMISSION.**

12 The Commission is authorized—

13 (1) to recommend to the House of Representa-
14 tives, from time to time, such administrative actions
15 as it may deem appropriate to establish or enforce
16 standards of official conduct for Members, officers,
17 and employees of the House of Representatives;

18 (2)(A) to investigate any alleged violation, by a
19 Member, officer, or employee of the House of Rep-
20 resentatives, of any law, rule, regulation, or other
21 standard of conduct applicable to the conduct of
22 such Member, officer, or employee in the perform-
23 ance of his duties or the discharge of his responsibil-
24 ities, and after notice and hearing (unless the right
25 to a hearing is waived by the Member, officer, or

1 employee), shall report to the House of Representa-
2 tives its findings of fact and recommendations, if
3 any, upon the final disposition of any such investiga-
4 tion, and such action as the Commission may deem
5 appropriate in the circumstances;

6 (B) to issue any letter of reproof or admonish-
7 ment with respect to such an alleged violation;

8 (3) to report to the appropriate Federal or
9 State authorities, with the approval of the House of
10 Representatives, any substantial evidence of a viola-
11 tion, by a Member, officer, or employee of the House
12 of Representatives, of any law applicable to the per-
13 formance of his duties or the discharge of his re-
14 sponsibilities, which may have been disclosed in a
15 Commission investigation;

16 (4) to give consideration to the request of any
17 Member, officer, or employee of the House of Rep-
18 resentatives for an advisory opinion with respect to
19 the general propriety of any current or proposed
20 conduct of such Member, officer, or employee and,
21 with appropriate deletions to assure the privacy of
22 the individual concerned, to publish such opinion for
23 the guidance of other Members, officers, and em-
24 ployees of the House of Representatives;

1 (5) to provide information and guidance to
2 Members, officers, and employees of the House of
3 Representatives regarding any laws, rules, regula-
4 tions, and other standards of conduct applicable to
5 such individuals in their official capacities, and de-
6 velop and carry out periodic educational briefings for
7 Members, officers, and employees of the House of
8 Representatives on those laws, rules, regulations, or
9 other standards; and

10 (6) to review all reports filed by Members, offi-
11 cers, and employees of the House of Representatives
12 and lobbyists for inconsistencies or mutual interests
13 and expenditures between any of them and lobbyists.

14 **SEC. 203. PROCEDURAL RULES.**

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

22 (b) INVESTIGATIONS.—Except in the case of an in-
23 vestigation undertaken by the Commission on its own ini-
24 tiative, the Commission may undertake an investigation
25 relating to the official conduct of an individual Member,

1 officer, or employee of the House of Representatives
2 only—

3 (1) upon receipt of a complaint, in writing and
4 under oath, made by or submitted to a Member of
5 the House of Representatives and transmitted to the
6 Commission by such Member, or

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

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

23 (d) DISCLOSURE.—No information or testimony re-
24 ceived, or the contents of a complaint or the fact of its
25 filing, shall be publicly disclosed by any member of the

1 Commission or staff of the Commission unless specifically
2 authorized in each instance by a vote of the full Commis-
3 sion.

4 **SEC. 204. STAFF OF COMMISSION.**

5 The Commission may appoint and fix the compensa-
6 tion of such staff as the Commission considers necessary
7 to perform its duties. The director shall be appointed
8 jointly by the Speaker and minority leader for a term of
9 7 years and shall be paid at a rate not exceed the rate
10 of basic pay payable for Level IV of the Executive Sched-
11 ule. The director shall be eligible for reappointment for
12 one additional term of 7 years.

13 **SEC. 205. ADVICE AND EDUCATION.**

14 (a) ESTABLISHMENT.—The Independent Commission
15 on House Ethics shall establish within the Commission an
16 Office on Advice and Education (hereinafter in this section
17 referred to as the “Office”) under the supervision of the
18 chairman of the Commission.

19 (b) STAFF.—The head of the Office shall be ap-
20 pointed by the chairman and the Office shall be comprised
21 of such staff as the chairman determines is necessary to
22 carry out the responsibilities of the Office.

23 (c) DUTIES AND RESPONSIBILITIES.—The primary
24 duties and responsibilities of the Office shall include:

1 (1) Providing information and guidance to
2 Members, officers and employees of the House re-
3 garding any laws, rules, regulations, and other
4 standards of conduct applicable to such individuals
5 in their official capacities, and any interpretations
6 and advisory opinions of the Commission.

7 (2) Submitting to the chairman of the Commis-
8 sion any written request from any such Member, of-
9 ficer or employee for an interpretation of applicable
10 laws, rules, regulations, or other standards of con-
11 duct, together with any recommendations thereon.

12 (3) Recommending to the Commission for its
13 consideration formal advisory opinions of general ap-
14 plicability.

15 (4) Developing and carrying out, subject to the
16 approval of the chairman, periodic educational brief-
17 ings for Members, officers and employees of the
18 House on those laws, rules, regulations, or other
19 standards of conduct applicable to them.

20 (d) SPECIAL RULE.—No information provided to the
21 Commission by a Member, officer or employee of the
22 House of Representatives when seeking advice regarding
23 prospective conduct of such Member, officer or employee
24 may be used as the basis for initiating an investigation

1 if such Member, officer or employee acts in accordance
2 with the written advice of the Commission.

3 **SEC. 206. LOBBYING DISCLOSURE ACT AMENDMENTS.**

4 (a) TRANSFER OF FUNCTIONS TO INDEPENDENT
5 ETHICS COMMISSION.—The Lobbying Disclosure Act of
6 1995 (2 U.S.C. 1601 et seq.) is amended—

7 (1) in section 4—

8 (A) in subsection (a)(1), by striking “Sec-
9 retary of the Senate and the Clerk of the House
10 of Representatives” and inserting “Independent
11 Ethics Commission”; and

12 (B) in subsection (d), by striking “Sec-
13 retary of the Senate and the Clerk of the House
14 of Representatives” and inserting “Independent
15 Ethics Commission”;

16 (2) in section 6, by striking “Secretary of the
17 Senate and the Clerk of the House of Representa-
18 tives” and inserting “Independent Ethics Commis-
19 sion”;

20 (3) in section 7, by striking “Secretary of the
21 Senate or the Clerk of the House of Representa-
22 tives” and inserting “Independent Ethics Commis-
23 sion”; and

24 (4) in section 8, by striking “Secretary of the
25 Senate or the Clerk of the House of Representa-

1 tives” and inserting “Independent Ethics Commis-
2 sion”.

3 (b) TIMING OF REPORTS; ELECTRONIC FILING.—
4 Section 5 of the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1604) is amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) QUARTERLY REPORTS.—No later than 30 day
9 after the end of the 3-month period beginning on January
10 1, April 1, July 1, and October 1 of each year in which
11 a registrant is registered under section 4, each registrant
12 shall file a report with the Independent Ethics Commis-
13 sion on its lobbying activities during that 3-month period.
14 A separate report shall be filed for each client of the reg-
15 istrant.”; and

16 (2) by adding at the end the following:

17 “(d) ELECTRONIC FILING.—Each report filed under
18 subsection (a) shall be filed in electronic form, in addition
19 to any other form that may be required by the Inde-
20 pendent Ethics Commission.”.

21 (c) AVAILABILITY OF ELECTRONIC FILINGS.—Sec-
22 tion 6(4) of the Lobbying Disclosure Act of 1995 (2
23 U.S.C. 1605) is amended—

24 (1) by striking “(4)” and inserting “(4)(A) sub-
25 ject to subparagraph (B),”; and

1 (2) by adding at the end the following:

2 “(B) not later than 30 days after reports are
3 filed in electronic form under section 5(d), make
4 such reports available to the public over the Inter-
5 net, without a fee or other access charge;”.

6 **TITLE III—GENERAL**
7 **PROVISIONS**

8 **SEC. 301. TRANSITION PROVISIONS.**

9 In the case of investigations pending before the Com-
10 mittee on Standards of Official Conduct on the day before
11 6 months after the date of the enactment of this Act, the
12 proceedings shall be continued by the Independent Ethics
13 Commission.

14 **SEC. 302. ACTION ON INDEPENDENT ETHICS COMMISSION**
15 **RECOMMENDATIONS.**

16 (a) **PRINTING OF REPORTS IN CONGRESSIONAL**
17 **RECORD.**—Upon the receipt by the House of Representa-
18 tives of any report of the Independent Ethics Commission
19 made to the House of Representatives under section
20 202(2), the Speaker shall have the report printed in the
21 Congressional Record.

22 (b) **HOUSE CONSIDERATION OF INDEPENDENT ETH-**
23 **ICS COMMISSION RECOMMENDATIONS.**—Within 30 cal-
24 endar days after a report referred to in subsection (a) is
25 printed in the Congressional Record, that portion of the

1 report recommending action by the House of Representa-
2 tives respecting any alleged violation, by a Member, offi-
3 cer, or employee of the House of Representatives, of any
4 law, rule, regulation, or other standard of conduct applica-
5 ble to the conduct of such Member, officer, or employee
6 in the performance of his duties or the discharge of his
7 responsibilities shall be introduced (by request) in the
8 House by the majority leader of the House, for himself
9 and the minority leader of the House in the form of a
10 resolution. This resolution shall constitute a question of
11 privilege under rule IX of the Rules of the House of Rep-
12 resentatives. Any Member favoring the resolution may call
13 it up as a question of privilege but only on the third day
14 after the calendar date upon which such Member an-
15 nounces to the House his intention to do so.

16 **SEC. 303. EXERCISE OF CONGRESSIONAL RULEMAKING**
17 **POWER.**

18 The provisions of title I amending the Rules of the
19 House of Representatives and sections 301 and 302 are
20 enacted by Congress—

21 (1) as an exercise of the rulemaking power of
22 the House of Representatives, and as such they shall
23 be considered a part of the rules of the House of
24 Representatives and such rules shall supersede other

1 rules only to the extent that they are inconsistent
2 therewith; and

3 (2) with full recognition of the constitutional
4 right of the House of Representatives to change
5 such rules at any time in the same manner and to
6 the same extent as in the case of any other rule of
7 such House.

8 **SEC. 304. EFFECTIVE DATE.**

9 This Act and the amendments made by it shall take
10 effect 6 months after the date of its enactment, except
11 that sections 201, 204, and 205 shall take effect upon its
12 date of enactment.

○