

103^D CONGRESS
1ST SESSION

H. RES. 43

To amend the Rules of the House of Representatives to establish a Citizens' Commission on Congressional Ethics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1993

Mr. WELDON (for himself and Mr. ANDREWS of New Jersey) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

To amend the Rules of the House of Representatives to establish a Citizens' Commission on Congressional Ethics, and for other purposes.

1 *Resolved,*

2 **SECTION 1. CITIZENS' COMMISSION ON CONGRESSIONAL**
3 **ETHICS.**

4 The Rules of the House of Representatives are
5 amended by adding at the end the following new rule:

6 "RULE LII.

7 "CITIZENS' COMMISSION ON CONGRESSIONAL ETHICS.

8 "1. There is established a permanent commission to
9 be known as the Citizens' Commission on Congressional

1 Ethics (hereinafter in this rule and in rule VI referred
2 to as the 'commission').

3 “2. (a) The commission shall be composed of 14
4 members who are specially qualified to serve on the com-
5 mission by virtue of their demonstrated integrity, inde-
6 pendence, impartiality, and good judgment. Seven mem-
7 bers of the commission shall be nominated by the Speaker
8 and 7 by the minority leader and approved by vote of the
9 House, at the commencement of each Congress, to con-
10 tinue in office until the beginning of the next Congress.
11 Any individual serving in this position may be removed
12 by an affirmative vote of not less than two-thirds of the
13 Members of the House present and voting, a quorum being
14 present. A vacancy shall be filled in the manner in which
15 the original appointment was made. No member may serve
16 on the commission for more than 6 years.

17 “(b)(1) Not more than 7 members of the commission
18 shall be of the same political party. No member of the
19 commission shall be or have ever been a Member of Con-
20 gress, nor shall any Member of the commission be a rel-
21 ative of any Member of Congress, or an officer or employee
22 of any government, or a person registered under the Fed-
23 eral Regulation of Lobbying Act or the Foreign Agents
24 Registration Act of 1938 or have been any such individual

1 during the 5-year period ending on the date such mem-
2 ber's term on the commission would have begun.

3 “(2) If any member of the commission becomes a
4 Member of Congress or relative of a Member of Congress,
5 an officer or employee of any government, or registered
6 under any law described in paragraph (1), he may not con-
7 tinue as a member of the commission.

8 “(3) As used in this paragraph, the term ‘relative’
9 means a father, mother, son, daughter, brother, sister,
10 uncle, aunt, first cousin, nephew, niece, spouse, father-in-
11 law, mother-in-law, son-in-law, daughter-in-law, brother-
12 in-law, sister-in-law, stepfather, stepmother, stepson, step-
13 daughter, stepbrother, stepsister, half brother, or half sis-
14 ter.

15 “(c) Members of the commission shall be com-
16 pensated at the rate of pay recommended by the Commit-
17 tee on House Administration and approved by the House
18 of Representatives.

19 “(d) The chairperson of the commission shall be
20 elected by the members of the commission.

21 “(e) The commission shall meet at the call of the
22 chairperson or a majority of its members. Eight members
23 of the commission shall constitute a quorum, but 2 or
24 more may hold hearings (if they are not all members of
25 the same political party).

1 “3. The commission shall have a Director who shall
2 be elected by the commission who shall be paid at the rate
3 of basic pay payable for level V of the Executive Schedule.
4 The Director may appoint and fix the pay of such addi-
5 tional personnel as the Director considers appropriate.

6 “4. (a)(1) The commission is authorized—

7 “(A) to recommend to the Committee on Stand-
8 ards of Official Conduct from time to time such ad-
9 ministrative actions as it may deem appropriate to
10 establish or enforce standards of official conduct for
11 Members, officers, and employees of the House;

12 “(B) to investigate, subject to subparagraph (2)
13 of this paragraph, any alleged violation, by a Mem-
14 ber, officer, or employee of the House, of the Code
15 of Official Conduct or of any law, rule, regulation,
16 or other standard of conduct applicable to the con-
17 duct of such Member, officer, or employee in the
18 performance of his duties or the discharge of his re-
19 sponsibilities, and after notice and hearing, to sub-
20 mit to the Committee on Standards of Official Con-
21 duct a written recommendation of such action as the
22 commission may deem appropriate in the cir-
23 cumstances; and

24 “(C) to report to the appropriate Federal or
25 State authorities, with the approval of the House,

1 any substantial evidence of a violation, by a Member,
2 officer, or employee of the House, of any law appli-
3 cable to the performance of his duties or the dis-
4 charge of his responsibilities, which may have been
5 disclosed in an investigation by the commission or
6 the Inspector General; and

7 “(2)(A) No report or recommendation relating to the
8 official conduct of a Member, officer, or employee of the
9 House shall be made by the commission, and no investiga-
10 tion of such conduct shall be undertaken by the commis-
11 sion, unless approved by the affirmative vote of a majority
12 of the members of the commission.

13 “(B) Except in the case of an investigation under-
14 taken by the commission on its own initiative, the commis-
15 sion may undertake an investigation relating to the official
16 conduct of an individual Member, officer, or employee of
17 the House of Representatives only—

18 “(i) upon receipt of a complaint, in writing and
19 under oath, made by or submitted to a Member of
20 the House and transmitted to the commission by
21 such Member,

22 “(ii) upon receipt of a complaint, in writing and
23 under oath, directly from an individual not a Mem-
24 ber of the House if the commission finds that such
25 complaint has been submitted by such individual to

1 at least one Member of the House who has refused,
2 in writing, to transmit such complaint to the com-
3 mission, or

4 “(iii) upon receipt of a written complaint made
5 by the Inspector General.

6 “(C) No investigation shall be undertaken by the
7 commission of any alleged violation of a law, rule, regula-
8 tion, or standard of conduct not in effect at the time of
9 the alleged violation.

10 “(D) No information or testimony received, or the
11 contents of a complaint or the fact of its filing, shall be
12 publicly disclosed by any commission or staff member un-
13 less specifically authorized in each instance by a majority
14 vote of the entire commission.

15 “5. (a)(1) For the purpose of carrying out any of its
16 functions and duties under this rule, the commission is
17 authorized (subject to subparagraph (2)(A))—

18 “(A) to sit and act at such times and places
19 within the United States, whether the House is in
20 session, has recessed, or has adjourned, and to hold
21 such hearings, and

22 “(B) to require, by subpoena or otherwise, the
23 attendance and testimony of such witnesses and the
24 production of such books, records, correspondence,
25 memorandums, papers, and documents as it deems

1 necessary. The chairman of the commission, or any
2 member designated by such chairman, may admin-
3 ister oaths to any witness.

4 “(2)(A) A subpoena may be authorized and issued by
5 the commission under subparagraph (1)(B) in the conduct
6 of any investigation or series of investigations or activities,
7 only when authorized by a majority of the members voting,
8 a majority being present. The power to authorize and issue
9 subpoenas under subparagraph (1)(B) may be delegated
10 to the chairman of the commission pursuant to such rules
11 and under such limitations as the commission may pre-
12 scribe. Authorized subpoenas shall be signed by the chair-
13 man of the commission or by any member designated by
14 the commission.

15 “(B) Compliance with any subpoena issued by the
16 commission under subparagraph (1)(B) may be enforced
17 only as authorized or directed by the House.”.

18 **SEC. 2. ADDITIONAL DUTIES OF INSPECTOR GENERAL OF**
19 **THE HOUSE OF REPRESENTATIVES.**

20 Clause 2 of rule VI of the Rules of the House of Rep-
21 resentatives is amended by redesignating paragraph (d)
22 as paragraph (f) and by adding at the end the following
23 new paragraphs:

1 “(a) In addition to the functions set forth in para-
2 graph (c), the Inspector General shall have the following
3 functions:

4 “(1) Provide policy direction for, and, randomly
5 and on a periodic basis, to conduct, supervise, and
6 coordinate audits and investigations relating to, the
7 financial operations of the House.

8 “(2) Recommend to the House policies for, and
9 to conduct, supervise, and coordinate other activities
10 carried out by the House to promote economy and
11 efficiency in the administration of, and the preven-
12 tion and detection of fraud and abuse in, its oper-
13 ations.

14 “(3) Promptly notify the commission of any evi-
15 dence of fraud or the violation of any law, rule, reg-
16 ulation, or other standard of conduct applicable to
17 the conduct of a Member, officer, or employee of the
18 House in the performance of his duties or the dis-
19 charge of his responsibilities.

20 “(4) Promptly notify the commission of any evi-
21 dence of fraud or other serious problem, abuse, or
22 deficiency respecting the financial operations of the
23 House, recommend appropriate corrective action to
24 the commission, and monitor the carrying out of
25 such corrective action.

1 “(5) Prepare, and have printed as a House doc-
2 ument and made available to the public, a report, to
3 be transmitted by March 1 of each calendar year to
4 the House, setting forth with respect to the imme-
5 diately preceding calendar year the following infor-
6 mation:

7 “(A) A summary of all recommendations
8 and notifications made to the commission under
9 subparagraphs (3) and (4).

10 “(B) A summary of all recommendations
11 made to the House under subparagraph (2).

12 “(C) An identification of each rec-
13 ommendation contained in a previous annual re-
14 port which recommendation has not been car-
15 ried out to the satisfaction of the Inspector
16 General.

17 “(D) A list of all audit reports and inves-
18 tigations referred to in subparagraph (1) which
19 were completed during the calendar year cov-
20 ered by this report.

21 “(b)(1) Upon the written request of the Inspector
22 General, any Member, officer, or committee of the House
23 shall promptly provide the Inspector General access to all
24 books, records, correspondence, memorandums, papers,

1 and documents relating to financial operations of the
2 House.

3 “(2) The Inspector General shall notify the commis-
4 sion whenever any Member, officer, or committee of the
5 House does not comply with subparagraph (1).”.

6 **SEC. 3. ELIMINATION OF CERTAIN DUTIES OF THE COM-**
7 **MITTEE ON STANDARDS OF OFFICIAL CON-**
8 **DUCT.**

9 (a) Clause 1(t) of rule X of the Rules of the House
10 of Representatives is amended by striking “with respect
11 to recommendations, studies, investigations, and reports”
12 and by striking “, and the functions designated in title
13 I of the Ethics in Government Act of 1978”.

14 (b) Clause 4(e) of rule X of the Rules of the House
15 of Representatives is amended to read as follows:

16 “(e)(1) The Committee on Standards of Official Con-
17 duct is authorized and directed to—

18 “(A) within 5 legislative days transmit to the
19 House, by resolution or otherwise, any recommenda-
20 tion submitted to the committee by the commission
21 under clause 4(a)(1)(B) of rule LII; and

22 “(B) give consideration to the request of any
23 Member, officer, or employee of the House for an
24 advisory opinion with respect to the general propri-
25 ety of any current or proposed conduct of such

1 Member, officer, or employee and, with appropriate
2 deletions to assure the privacy of the individual con-
3 cerned, to publish such opinion for the guidance of
4 other Members, officers, and employees of the
5 House.

6 “(2) No advisory opinion relating to the official con-
7 duct of a Member, officer, or employee of the House shall
8 be made by the committee, unless approved by the affirm-
9 ative vote of a majority of the members of the commis-
10 sion.”.

11 (c) Clause 1 of rule XLIV of the Rules of the House
12 of Representatives is amended by striking “Committee on
13 Standards of Official Conduct” and by inserting “Citizens’
14 Commission on Congressional Ethics”.

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