RESOLUTION

To implement the recommendations of the bipartisan House Ethics Reform Task Force.

Resolved,

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SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) Rules Amendment.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

“(3)(A) At the beginning of each Congress—

“(i) the Speaker (or his designee) shall designate a list of 10 Members from the majority party; and
“(ii) the minority leader (or his designee) shall designate a list of 10 Members from the minority party; who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced to the House.

“(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that Members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of Members of his respective party from the list to serve on that subcommittee.”.

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: “Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.”.
SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: “No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two Members from each party shall rotate off the committee at the end of each Congress.”

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.
(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a non-partisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first
meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) ADDITIONAL COMMITTEE STAFF.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each
may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

5 SEC. 5. MEETINGS AND HEARINGS.

(a) House Rules.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

“(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

“(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.”.

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting “(except the Committee on Standards of Official Conduct)” after “thereof”.
(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting ``(except the Committee on Standards of Official Conduct)'' after ``thereof''.

(b) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

“(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have ac-
cess to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

‘I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.’

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.”.

SEC. 7. PUBLIC DISCLOSURE

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.
SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) RECORDS.—The last sentence in clause 2(e)(1)
of rule XI of the Rules of the House of Representatives
is amended by adding before the period at the end the
following: “, except that in the case of rolleCall votes in
the Committee on Standards of Official Conduct taken in
executive session, the result of any such vote shall not be
made available for inspection by the public without an af-
firmative vote of a majority of the members of the commit-
tee”.

(b) REPORTS.—Clause 2(l)(2)(B) of rule XI of the
Rules of the House of Representatives is amended by add-
ing at the end the following new sentence: “The preceding
sentence shall not apply to votes taken in executive session
by the Committee on Standards of Official Conduct.”.

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OF-
FERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause
4(e)(2)(B) of rule X of the Rules of the House of Rep-
resentatives is amended by striking “or submitted to”, by
inserting “(I)” after “(i)”, by striking “a complaint” and
inserting “information offered as a complaint”, and by
adding after subdivision (I) the following new subdivision:
“(II) upon receipt of information offered as a
complaint, in writing and under oath, from an indi-
vidual not a Member of the House provided that a
Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or”.

(b) **DIRECT FILING.**—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

“(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.”.

**SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.**

(a) **PROCEDURAL REQUIREMENTS.**—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith
reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) TIME FOR DETERMINATION.—The Committee on Standards of Official Conduct shall amend its rules re-
garding complaints to provide that whenever information
offered as a complaint is submitted to the committee, the
chairman and ranking minority member shall have 14 cal-
endar days or 5 legislative days, whichever occurs first,
to determine whether the information meets the require-
ments of the committee’s rules for what constitutes a com-
plaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY
MEMBER REGARDING PROPERLY FILED COM-
PLAINTS.

(a) COMMITTEE RULES.—The Committee on Stand-
ards of Official Conduct shall adopt rules providing that
whenever the chairman and ranking minority member
jointly determine that information submitted to the com-
mittee meets the requirements of the committee’s rules for
what constitutes a complaint, they shall have 45 calendar
days or 5 legislative days, whichever is later, after the date
that the chairman and ranking minority member deter-
mine that information filed meets the requirements of the
committee’s rules for what constitutes a complaint, unless
the committee by an affirmative vote of a majority of its
members votes otherwise, to—

(1) recommend to the committee that it dispose
of the complaint, or any portion thereof, in any
manner that does not require action by the House,
which may include dismissal of the complaint or res-
olution of the complaint by a letter to the Member,
officer, or employee of the House against whom the
complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the appli-
cable 45-calendar day or 5-legislative day period by
one additional 45-calendar day period when they de-
determine more time is necessary in order to make a
recommendation under paragraph (1).

(b) HOUSE RULES.—Clause 4(e)(2)(A) of rule X of
the Rules of the House of Representatives is amended by
inserting ``(i)'' after ``(A)'', by striking “and no” and in-
serting “and, except as provided by subdivision (ii), no’’,
and by adding at the end the following:

“(ii)(I) Upon the receipt of information offered as a
complaint that is in compliance with this rule and the com-
mittee rules, the chairman and ranking minority member
may jointly appoint members to serve as an investigative
subcommittee.

“(II) The chairman and ranking minority member of
the committee may jointly gather additional information
concerning alleged conduct which is the basis of a com-
plaint or of information offered as a complaint until they
have established an investigative subcommittee or the
chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.”.

(c) Disposition of Properly Filed Complaints by Chairman and Ranking Minority Member if No Action Taken by Them Within Prescribed Time Limit.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) House Rules.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:
“If a complaint is not disposed of within the applicable
time periods set forth in the rules of the Committee on
Standards of Official Conduct, then the chairman and
ranking minority member shall jointly establish an inves-
tigative subcommittee and forward the complaint, or any
portion thereof, to that subcommittee for its consideration.
However, if, at any time during those periods, either the
chairman or ranking minority member places on the agen-
da the issue of whether to establish an investigative sub-
committee, then an investigative subcommittee may be es-
tablished only by an affirmative vote of a majority of the
members of the committee.”.

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY
MEMBER REGARDING INFORMATION NOT
CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct
shall adopt rules providing that whenever the chairman
and ranking minority member jointly determine that infor-
mation submitted to the committee does not meet the re-
quirements for what constitutes a complaint set forth in
the committee rules, they may—
(1) return the information to the complainant
with a statement that it fails to meet the require-
ments for what constitutes a complaint set forth in
the committee’s rules; or
(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and
(3) the chairman and ranking minority member
of the committee may serve as members of an inves-
tigative subcommittee, but may not serve as non-vot-
ing, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATE-
MENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct
shall amend its rules to provide that an investigative sub-
committee may adopt a statement of alleged violation only
if it determines by an affirmative vote of a majority of
the members of the committee that there is substantial
reason to believe that a violation of the Code of Official
Conduct, or of a law, rule, regulation, or other standard
of conduct applicable to the performance of official duties
or the discharge of official responsibilities by a Member,
officer, or employee of the House of Representatives has
occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) Subpoena Power.—

(1) House rules.—Clause 2(m)(2)(A) of rule
XI of the Rules of the House of Representatives is
amended—

(A) in the second sentence by striking
“The” and inserting “Except as provided by
the next sentence, the”; and
(B) by inserting after the second sentence
the following new sentence: “In the case of the
Committee on Standards of Official Conduct or
any subcommittee thereof, a subpoena may be
authorized and issued by the committee only
when authorized by a majority of the members
voting (a majority being present) or by a sub-
committee only when authorized by an affirm-
tative vote of a majority of its members.”.

(2) COMMITTEE RULES.—The Committee on
Standards of Official Conduct shall adopt rules pro-
viding that an investigative subcommittee or an ad-
judicatory subcommittee may authorize and issue
subpoenas only when authorized by an affirmative
vote of a majority of the members of the subcommit-
tee.

(b) EXPANSION OF SCOPE OF INVESTIGATIONS.—
The Committee on Standards of Official Conduct shall
adopt rules providing that an investigative subcommittee
may, upon an affirmative vote of a majority of its mem-
bers, expand the scope of its investigation without the ap-
proval of the committee.

(e) AMENDMENTS OF STATEMENTS OF ALLEGED
VIOLATION.—The Committee on Standards of Official
Conduct shall adopt rules to provide that—
(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such
evidence is withheld, the subcommittee shall inform
the respondent that evidence is being withheld and
of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall,
directly or indirectly, contact the subcommittee or
any member thereof during the period of time set
forth in paragraph (1) except for the sole purpose of
settlement discussions where counsels for the re-

(3) if, at any time after the issuance of a state-
ment of alleged violation, the committee or any sub-
committee thereof determines that it intends to use
evidence not provided to a respondent under parra-
graph (1) to prove the charges contained in the
statement of alleged violation (or any amendment
thereof), such evidence shall be made immediately
available to the respondent, and it may be used in
any further proceeding under the committee’s rules;

(4) evidence provided pursuant to paragraph
(1) or (3) shall be made available to the respondent
and his or her counsel only after each agrees, in
writing, that no document, information, or other ma-
terials obtained pursuant to that paragraph shall be
made public until—
(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;
(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent’s counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and
transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent’s waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the
report together with the respondent’s views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent’s views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking “with the approval of the House” and inserting “either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee”.

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SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

“(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

“(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.”.

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and
(3) make such other amendments to its rules as necessary to conform such rules to this resolution.