

105TH CONGRESS
1ST SESSION

H. RES. 168

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1997

Mr. LIVINGSTON (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

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

1 *Resolved,*

2 **SECTION 1. USE OF NON-COMMITTEE MEMBERS.**

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

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

7 “(i) the Speaker (or his designee) shall des-
8 ignate a list of 10 Members from the majority party;

9 and

1 “(ii) the minority leader (or his designee) shall
2 designate a list of 10 Members from the minority
3 party;
4 who are not members of the Committee on Standards of
5 Official Conduct and who may be assigned to serve as a
6 member of an investigative subcommittee of that commit-
7 tee during that Congress. Members so chosen shall be an-
8 nounced to the House.

9 “(B) Whenever the chairman and ranking minority
10 member of the Committee on Standards of Official Con-
11 duct jointly determine that Members designated under
12 subdivision (A) should be assigned to serve on an inves-
13 tigative subcommittee of that committee, they shall each
14 select the same number of Members of his respective party
15 from the list to serve on that subcommittee.”.

16 (b) CONFORMING RULES AMENDMENT.—Clause
17 6(b)(2)(A) of rule X of the Rules of the House of Rep-
18 resentatives is amended by inserting after the first sen-
19 tence the following new sentence: “Service on an investiga-
20 tive subcommittee of the Committee on Standards of Offi-
21 cial Conduct pursuant to paragraph (a)(3) shall not be
22 counted against the limitation on subcommittee service.”.

1 **SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON**
2 **STANDARDS OF OFFICIAL CONDUCT.**

3 The second sentence of clause 6(a)(2) of rule X of
4 the Rules of the House of Representatives is amended to
5 read as follows: “No Member shall serve as a member of
6 the Committee on Standards of Official Conduct for more
7 than two Congresses in any period of three successive Con-
8 gresses (disregarding for this purpose any service per-
9 formed as a member of such committee for less than a
10 full session in any Congress), except that a Member hav-
11 ing served on the committee for two Congresses shall be
12 eligible for election to the committee as chairman or rank-
13 ing minority member for one additional Congress. Not less
14 than two Members from each party shall rotate off the
15 committee at the end of each Congress.”.

16 **SEC. 3. COMMITTEE AGENDAS.**

17 The Committee on Standards of Official Conduct
18 shall adopt rules providing that the chairman shall estab-
19 lish the agenda for meetings of the committee, but shall
20 not preclude the ranking minority member from placing
21 any item on the agenda.

22 **SEC. 4. COMMITTEE STAFF.**

23 (a) COMMITTEE RULES.—The Committee on Stand-
24 ards of Official Conduct shall adopt rules providing that:

25 (1)(A) The staff is to be assembled and re-
26 tained as a professional, nonpartisan staff.

1 (B) Each member of the staff shall be profes-
2 sional and demonstrably qualified for the position
3 for which he is hired.

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

7 (D) No member of the staff shall engage in any
8 partisan political activity directly affecting any con-
9 gressional or presidential election.

10 (E) No member of the staff or outside counsel
11 may accept public speaking engagements or write for
12 publication on any subject that is in any way related
13 to his or her employment or duties with the commit-
14 tee without specific prior approval from the chair-
15 man and ranking minority member.

16 (F) No member of the staff or outside counsel
17 may make public, unless approved by an affirmative
18 vote of a majority of the members of the committee,
19 any information, document, or other material that is
20 confidential, derived from executive session, or clas-
21 sified and that is obtained during the course of em-
22 ployment with the committee.

23 (2)(A) All staff members shall be appointed by
24 an affirmative vote of a majority of the members of
25 the committee. Such vote shall occur at the first

1 meeting of the membership of the committee during
2 each Congress and as necessary during the Con-
3 gress.

4 (B) Subject to the approval of Committee on
5 House Oversight, the committee may retain counsel
6 not employed by the House of Representatives when-
7 ever the committee determines, by an affirmative
8 vote of a majority of the members of the committee,
9 that the retention of outside counsel is necessary
10 and appropriate.

11 (C) If the committee determines that it is nec-
12 essary to retain staff members for the purpose of a
13 particular investigation or other proceeding, then
14 such staff shall be retained only for the duration of
15 that particular investigation or proceeding.

16 (3) Outside counsel may be dismissed prior to
17 the end of a contract between the committee and
18 such counsel only by an affirmative vote of a major-
19 ity of the members of the committee.

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

22 (b) ADDITIONAL COMMITTEE STAFF.—In addition to
23 any other staff provided for by law, rule, or other author-
24 ity, with respect to the Committee on Standards of Official
25 Conduct, the chairman and ranking minority member each

1 may appoint one individual as a shared staff member from
2 his or her personal staff to perform service for the commit-
3 tee. Such shared staff may assist the chairman or ranking
4 minority member on any subcommittee on which he serves.

5 **SEC. 5. MEETINGS AND HEARINGS.**

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

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

15 “(B) Notwithstanding clause 2(g)(2) of rule XI, hear-
16 ings of an adjudicatory subcommittee or sanction hearings
17 held by the Committee on Standards of Official Conduct
18 shall be held in open session unless the subcommittee or
19 committee, in open session by an affirmative vote of a ma-
20 jority of its members, closes all or part of the remainder
21 of the hearing on that day to the public.”.

22 (2)(A) The first sentence of clause 2(g)(1) of rule XI
23 of the Rules of the House of Representatives is amended
24 by inserting “(except the Committee on Standards of Offi-
25 cial Conduct)” after “thereof”.

1 (B) The first sentence of clause 2(g)(2) of rule XI
2 of the Rules of the House of Representatives is amended
3 by inserting “(except the Committee on Standards of Offi-
4 cial Conduct)” after “thereof”.

5 (b) COMMITTEE RULES.—The Committee on Stand-
6 ards of Official Conduct shall adopt rules providing that—

7 (1) all meetings of the committee or any sub-
8 committee thereof shall occur in executive session
9 unless the committee or subcommittee by an affirm-
10 ative vote of a majority of its members opens the
11 meeting or hearing to the public; and

12 (2) any hearing held by an adjudicatory sub-
13 committee or any sanction hearing held by the com-
14 mittee shall be open to the public unless the commit-
15 tee or subcommittee by an affirmative vote of a ma-
16 jority of its members closes the hearing to the pub-
17 lic.

18 **SEC. 6. CONFIDENTIALITY OATHS.**

19 Clause 4(e) of rule X of the Rules of the House of
20 Representatives is amended by adding at the end the fol-
21 lowing:

22 “(4) Before any member, officer, or employee of the
23 Committee on Standards of Official Conduct, including
24 members of any subcommittee of the committee selected
25 pursuant to clause 6(a)(3) and shared staff, may have ac-

1 cess to information that is confidential under the rules of
2 the committee, the following oath (or affirmation) shall
3 be executed:

4 ‘I do solemnly swear (or affirm) that I will not dis-
5 close, to any person or entity outside the Committee
6 on Standards of Official Conduct, any information
7 received in the course of my service with the com-
8 mittee, except as authorized by the committee or in
9 accordance with its rules.’

10 Copies of the executed oath shall be retained by the Clerk
11 of the House as part of the records of the House. This
12 subparagraph establishes a standard of conduct within the
13 meaning of subparagraph (1)(B). Breaches of confiden-
14 tiality shall be investigated by the Committee on Stand-
15 ards of Official Conduct and appropriate action shall be
16 taken.”.

17 **SEC. 7. PUBLIC DISCLOSURE**

18 The Committee on Standards of Official Conduct
19 shall adopt rules providing that, unless otherwise deter-
20 mined by a vote of the committee, only the chairman or
21 ranking minority member, after consultation with each
22 other, may make public statements regarding matters be-
23 fore the committee or any subcommittee thereof.

1 **SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.**

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

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

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

18 (a) FILINGS SPONSORED BY MEMBERS.—Clause
19 4(e)(2)(B) of rule X of the Rules of the House of Rep-
20 resentatives is amended by striking “or submitted to”, by
21 inserting “(I)” after “(i)”, by striking “a complaint” and
22 inserting “information offered as a complaint”, and by
23 adding after subdivision (I) the following new subdivision:

24 “(II) upon receipt of information offered as a
25 complaint, in writing and under oath, from an indi-
26 vidual not a Member of the House provided that a

1 Member of the House certifies in writing to the com-
2 mittee that he or she believes the information is sub-
3 mitted in good faith and warrants the review and
4 consideration of the committee, or”.

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

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

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

12 (a) PROCEDURAL REQUIREMENTS.—The Committee
13 on Standards of Official Conduct shall amend its rules re-
14 garding procedural requirements governing information
15 submitted as a complaint pursuant to clause 4(e)(2)(B)(ii)
16 of rule X of the Rules of the House of Representatives
17 to provide that—

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

23 (A) information received from another in-
24 dividual who the complainant has a good faith

1 reason to believe has personal knowledge of
2 such conduct; or

3 (B) his personal review of—

4 (i) documents kept in the ordinary
5 course of business, government, or per-
6 sonal affairs; or

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

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

12 (2) a complainant or an individual from whom
13 the complainant obtains information will be found to
14 have personal knowledge of conduct which is the
15 basis of the violation alleged in the information of-
16 fered as a complaint if the complainant or that indi-
17 vidual witnessed or was a participant in such con-
18 duct; and

19 (3) an individual who submits information of-
20 fered as a complaint consisting solely of information
21 contained in a news or opinion source or publication
22 that he believes to be true does not have the req-
23 uisite personal knowledge.

24 (b) TIME FOR DETERMINATION.—The Committee on
25 Standards of Official Conduct shall amend its rules re-

1 guarding complaints to provide that whenever information
2 offered as a complaint is submitted to the committee, the
3 chairman and ranking minority member shall have 14 cal-
4 endar days or 5 legislative days, whichever occurs first,
5 to determine whether the information meets the require-
6 ments of the committee's rules for what constitutes a com-
7 plaint.

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

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

23 (1) recommend to the committee that it dispose
24 of the complaint, or any portion thereof, in any
25 manner that does not require action by the House,

1 which may include dismissal of the complaint or res-
2 olution of the complaint by a letter to the Member,
3 officer, or employee of the House against whom the
4 complaint is made;

5 (2) establish an investigative subcommittee; or

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

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

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

21 “(II) The chairman and ranking minority member of
22 the committee may jointly gather additional information
23 concerning alleged conduct which is the basis of a com-
24 plaint or of information offered as a complaint until they
25 have established an investigative subcommittee or the

1 chairman or ranking minority member has placed on the
2 committee agenda the issue of whether to establish an in-
3 vestigative subcommittee.”.

4 (c) DISPOSITION OF PROPERLY FILED COMPLAINTS
5 BY CHAIRMAN AND RANKING MINORITY MEMBER IF NO
6 ACTION TAKEN BY THEM WITHIN PRESCRIBED TIME
7 LIMIT.—The Committee on Standards of Official Conduct
8 shall adopt rules providing that if the chairman and rank-
9 ing minority member jointly determine that information
10 submitted to the committee meets the requirements of the
11 committee rules for what constitutes a complaint, and the
12 complaint is not disposed of within the applicable time pe-
13 riods under subsection (a), then they shall establish an
14 investigative subcommittee and forward the complaint, or
15 any portion thereof, to that subcommittee for its consider-
16 ation. However, if, at any time during those periods, either
17 the chairman or ranking minority member places on the
18 agenda the issue of whether to establish an investigative
19 subcommittee, then an investigative subcommittee may be
20 established only by an affirmative vote of a majority of
21 the members of the committee.

22 (d) HOUSE RULES.—Clause 4(e)(2)(B) of rule X of
23 the Rules of the House of Representatives is amended by
24 adding at the end the following new sentences:

1 “If a complaint is not disposed of within the applicable
2 time periods set forth in the rules of the Committee on
3 Standards of Official Conduct, then the chairman and
4 ranking minority member shall jointly establish an inves-
5 tigative subcommittee and forward the complaint, or any
6 portion thereof, to that subcommittee for its consideration.
7 However, if, at any time during those periods, either the
8 chairman or ranking minority member places on the agen-
9 da the issue of whether to establish an investigative sub-
10 committee, then an investigative subcommittee may be es-
11 tablished only by an affirmative vote of a majority of the
12 members of the committee.”.

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

16 The Committee on Standards of Official Conduct
17 shall adopt rules providing that whenever the chairman
18 and ranking minority member jointly determine that infor-
19 mation submitted to the committee does not meet the re-
20 quirements for what constitutes a complaint set forth in
21 the committee rules, they may—

22 (1) return the information to the complainant
23 with a statement that it fails to meet the require-
24 ments for what constitutes a complaint set forth in
25 the committee’s rules; or

1 (2) recommend to the committee that it author-
2 ize the establishment of an investigative subcommit-
3 tee.

4 **SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMIT-**
5 **TEES.**

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

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

13 (B) adjudicatory subcommittees shall be com-
14 prised of the members of the committee who did not
15 serve on the investigative subcommittee (with equal
16 representation from the majority and minority par-
17 ties) whenever such subcommittee is established pur-
18 suant to the rules of the committee;

19 (2) at the time of appointment, the chairman
20 shall designate one member of the subcommittee to
21 serve as chairman and the ranking minority member
22 shall designate one member of the subcommittee to
23 serve as the ranking minority member of the inves-
24 tigative subcommittee or adjudicatory subcommittee;
25 and

1 (3) the chairman and ranking minority member
2 of the committee may serve as members of an inves-
3 tigative subcommittee, but may not serve as non-vot-
4 ing, ex officio members.

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

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

18 **SEC. 15. SUBCOMMITTEE POWERS.**

19 (a) SUBPOENA POWER.—

20 (1) HOUSE RULES.—Clause 2(m)(2)(A) of rule
21 XI of the Rules of the House of Representatives is
22 amended—

23 (A) in the second sentence by striking
24 “The” and inserting “Except as provided by
25 the next sentence, the”; and

1 (B) by inserting after the second sentence
2 the following new sentence: “In the case of the
3 Committee on Standards of Official Conduct or
4 any subcommittee thereof, a subpoena may be
5 authorized and issued by the committee only
6 when authorized by a majority of the members
7 voting (a majority being present) or by a sub-
8 committee only when authorized by an affirma-
9 tive vote of a majority of its members.”.

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

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

23 (c) AMENDMENTS OF STATEMENTS OF ALLEGED
24 VIOLATION.—The Committee on Standards of Official
25 Conduct shall adopt rules to provide that—

1 (1) an investigative subcommittee may, upon an
2 affirmative vote of a majority of its members, amend
3 its statement of alleged violation anytime before the
4 statement of alleged violation is transmitted to the
5 committee; and

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

11 **SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.**

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

14 (1) not less than 10 calendar days before a
15 scheduled vote by an investigative subcommittee on
16 a statement of alleged violation, the subcommittee
17 shall provide the respondent with a copy of the
18 statement of alleged violation it intends to adopt to-
19 gether with all evidence it intends to use to prove
20 those charges which it intends to adopt, including
21 documentary evidence, witness testimony, memo-
22 randa of witness interviews, and physical evidence,
23 unless the subcommittee by an affirmative vote of a
24 majority of its members decides to withhold certain
25 evidence in order to protect a witness, but if such

1 evidence is withheld, the subcommittee shall inform
2 the respondent that evidence is being withheld and
3 of the count to which such evidence relates;

4 (2) neither the respondent nor his counsel shall,
5 directly or indirectly, contact the subcommittee or
6 any member thereof during the period of time set
7 forth in paragraph (1) except for the sole purpose of
8 settlement discussions where counsels for the re-
9 spondent and the subcommittee are present;

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

19 (4) evidence provided pursuant to paragraph
20 (1) or (3) shall be made available to the respondent
21 and his or her counsel only after each agrees, in
22 writing, that no document, information, or other ma-
23 terials obtained pursuant to that paragraph shall be
24 made public until—

1 (A) such time as a statement of alleged
2 violation is made public by the committee if the
3 respondent has waived the adjudicatory hear-
4 ing; or

5 (B) the commencement of an adjudicatory
6 hearing if the respondent has not waived an ad-
7 judicatory hearing;

8 but the failure of respondent and his counsel to so
9 agree in writing, and therefore not receive the evi-
10 dence, shall not preclude the issuance of a statement
11 of alleged violation at the end of the period referred
12 to in paragraph (1);

13 (5) a respondent shall receive written notice
14 whenever—

15 (A) the chairman and ranking minority
16 member determine that information the com-
17 mittee has received constitutes a complaint;

18 (B) a complaint or allegation is transmit-
19 ted to an investigative subcommittee;

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

23 (D) an investigative subcommittee votes to
24 expand the scope of its investigation;

1 (6) whenever an investigative subcommittee
2 adopts a statement of alleged violation and a re-
3 spondent enters into an agreement with that sub-
4 committee to settle a complaint on which that state-
5 ment is based, that agreement, unless the respond-
6 ent requests otherwise, shall be in writing and
7 signed by the respondent and respondent's counsel,
8 the chairman and ranking minority member of the
9 subcommittee, and the outside counsel, if any;

10 (7) statements or information derived solely
11 from a respondent or his counsel during any settle-
12 ment discussions between the committee or a sub-
13 committee thereof and the respondent shall not be
14 included in any report of the subcommittee or the
15 committee or otherwise publicly disclosed without
16 the consent of the respondent; and

17 (8) whenever a motion to establish an investiga-
18 tive subcommittee does not prevail, the committee
19 shall promptly send a letter to the respondent in-
20 forming him of such vote.

21 **SEC. 17. COMMITTEE REPORTING REQUIREMENTS.**

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

24 (1) whenever an investigative subcommittee
25 does not adopt a statement of alleged violation and

1 transmits a report to that effect to the committee,
2 the committee may by an affirmative vote of a ma-
3 jority of its members transmit such report to the
4 House of Representatives; and

5 (2) whenever an investigative subcommittee
6 adopts a statement of alleged violation, the respond-
7 ent admits to the violations set forth in such state-
8 ment, the respondent waives his or her right to an
9 adjudicatory hearing, and the respondent's waiver is
10 approved by the committee—

11 (A) the subcommittee shall prepare a re-
12 port for transmittal to the committee, a final
13 draft of which shall be provided to the respond-
14 ent not less than 15 calendar days before the
15 subcommittee votes on whether to adopt the re-
16 port;

17 (B) the respondent may submit views in
18 writing regarding the final draft to the sub-
19 committee within 7 calendar days of receipt of
20 that draft;

21 (C) the subcommittee shall transmit a re-
22 port to the committee regarding the statement
23 of alleged violation together with any views sub-
24 mitted by the respondent pursuant to subpara-
25 graph (B), and the committee shall make the

1 report together with the respondent's views
2 available to the public before the commence-
3 ment of any sanction hearing; and

4 (D) the committee shall by an affirmative
5 vote of a majority of its members issue a report
6 and transmit such report to the House of Rep-
7 resentatives, together with the respondent's
8 views previously submitted pursuant to sub-
9 paragraph (B) and any additional views re-
10 spondent may submit for attachment to the
11 final report; and

12 (3) members of the committee shall have not
13 less than 72 hours to review any report transmitted
14 to the committee by an investigative subcommittee
15 before both the commencement of a sanction hearing
16 and the committee vote on whether to adopt the re-
17 port.

18 **SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.**

19 Clause 4(e)(1)(C) of rule X of the Rules of the House
20 of Representatives is amended by striking "with the ap-
21 proval of the House" and inserting "either with the ap-
22 proval of the House or by an affirmative vote of two-thirds
23 of the members of the committee".

1 **SEC. 19. FRIVOLOUS FILINGS.**

2 Clause 4(e) of rule X of the Rules of the House of
3 Representatives is amended by adding at the end the fol-
4 lowing:

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

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

14 **SEC. 20. TECHNICAL AMENDMENTS.**

15 The Committee on Standards of Official Conduct
16 shall—

17 (1) clarify its rules to provide that whenever the
18 committee votes to authorize an investigation on its
19 own initiative, the chairman and ranking minority
20 member shall establish an investigative subcommit-
21 tee to undertake such investigation;

22 (2) revise its rules to refer to hearings held by
23 an adjudicatory subcommittee as adjudicatory hear-
24 ings; and

- 1 (3) make such other amendments to its rules as
- 2 necessary to conform such rules to this resolution.

○