



H.Res. 240—Amending the rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress (Hastings)

On January 4, 2004, the House passed H.Res.5, the Rules for the 109th Congress. As part of H.Res.5, additional subparagraphs were added to the procedures of the Committee on Standards of Official Conduct, otherwise known as the Ethics Committee. H.Res. 5 passed 220-195
<http://clerk.house.gov/evs/2005/roll006.xml>.

Tonight, the House will consider H.Res. 240 (text temporarily available at <http://www.house.gov/rules/109hres240text.pdf>) **H.Res. 240 will reverse the 109th House Ethics rule changes and reinstate the 108th House Ethics rules.**

H.Res. 240 replaces the ethics portion of the 109th House Rules with the 108th Ethics Rules. In other words, by voting for H.Res. 240, Members will be voting to revert to the Ethics Rules that governed the 108th Congress. For your reference, we have included a side-by-side to help you see what changes were made in the 109th Rules compared to the 108th Rules. **Tonight's resolution will reinstate the Rules from the 108th Congress, the boxes on the left hand side of the page.**

Rule Change #1

108th House Rule

Rule XI, clause 3(k) provides that upon receipt of an ethics complaint, the chairman and ranking minority member have 45 days to dismiss the complaint and require no action of the committee, establish an investigative subcommittee for further review of the complaint, or request a 45 day extension for additional time to make a decision regarding the complaint. Additionally, this clause provides for the automatic establishment of an investigative subcommittee if the chairman and ranking minority member do not make a recommendation before the allotted time (45 or 90 days) expires. However, if either the chairman or ranking minority member places on the committee's agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may only be established by an affirmation vote of a **majority** of the members of the committee.

(Source: Jefferson's Manual Rules and Practice House of Representatives 108th Congress: Page 568-69)

Rule Change #1

109th House Rules (Adopted Jan. 4, 2005)

Changes in the 109th Rules require the Committee, if a complaint is dismissed and does not require House action, to notify any individual involved (and any other Member, officer, or employee whose conduct is referenced in addition to the person against whom the original complaint was made) and allow them the opportunity to be heard in the event the committee alleges violations of House rules. Individuals will be allowed to review the content of the complaint, and either accept it or contest it, in writing (in which case, these views will be part of the official public record), or contesting it by requesting in writing that the committee establish an adjudicatory subcommittee to review the allegations. Additionally, if an adjudicatory subcommittee is established (for the original complaint), the letter will not be issued to the respondent, because its issuance would be considered "a statement of alleged violations."

(Sources: Text of H.Res. 5 and
<http://www.congress.gov/erp/rs/pdf/RS22034.pdf>)

Rule Change #2

108th House Rule

Rule XI, clause 3 (p)(5) requires the Committee to notify any individual against whom a complaint is placed with the Committee in the following instances:

- The chairman and ranking minority member determine that information the committee has received constitutes a compliant;
- A complaint or allegation is transmitted to an investigative subcommittee;
- An investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or
- An investigative subcommittee votes to expand the scope of its investigation.

(Source: Jefferson's Manual Rules and Practice House of Representatives 108th Congress: Page 572-73)

Rule Change #2

109th House Rules (Adopted Jan. 4, 2005)

Changes in the 109th Rules allow the respondent, upon notification of the filed complaint, seven calendar days to respond in writing. Additionally, any other Member, officer, or employee whose conduct is referenced in addition to the person against whom the original complaint was made, will also have seven days to respond by either submitting views for the official public record in writing or requesting the committee to establish an adjudicatory subcommittee as if the letter constituted "a statement of alleged violations."

(Sources: Text of H.Res. 5 and <http://www.congress.gov/erp/rs/pdf/RS22034.pdf>)

Rule Change #3

108th House Rule

Rule XI, clause 3(k)(1)(B) provides for the automatic establishment of an investigative subcommittee if the chairman and ranking minority member do not make a recommendation before the allotted time (45 or 90 days) expires.

(Source: Jefferson's Manual Rules and Practice House of Representatives 108th Congress: Page 568)

Rule Change #3

109th House Rules (Adopted Jan. 4, 2005)

Changes in the 109th Rules providing for *automatic dismissal* of a complaint that the chairman and ranking minority member do not address within the allotted time from (45 or 90 days). Previously, inaction by the chairman or ranking member on a complaint within the time allotted, automatically sent the complaint to an investigative subcommittee. (Source: Text of H.Res. 5 and

<http://www.congress.gov/erp/rs/pdf/RS22034.pdf>)

Rule Change #4

108th House Rule

Rule XI, clause (3)(p)

This section outlines the due process rights of respondents during Committee proceedings. It details various rights including attorney rights, notification timeframe, and access to submitted evidence.

(Source: Jefferson's Manual Rules and Practice House of Representatives 108th Congress: Pages 572-575)

Rule Change #4

109th House Rules (Adopted Jan. 4, 2005)

House Rules for the 109th Congress amend Rule XI, clause (3)(p) (see above) to allow respondents and witnesses in Ethics Committee investigations to have the counsel of their choice, even if the same counsel represents another respondent or witness in the same case.

(Sources: Text of H.Res. 5 and

<http://www.congress.gov/erp/rs/pdf/RS22034.pdf>)