

100TH CONGRESS
2D SESSION

H. RES. 526

To amend the Rules of the House of Representatives to establish a Public Review Board and an Inspector General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 1988

Mr. DIOGUARDI (for himself and Mr. FRANK) 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 Public Review Board and an Inspector General, and for other purposes.

1 *Resolved,*

2 SECTION 1. PUBLIC REVIEW BOARD OF THE HOUSE OF
3 REPRESENTATIVES.

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

6 "RULE LI.

7 "PUBLIC REVIEW BOARD.

8 "1. There is established a permanent board to be known
9 as the Public Review Board (hereinafter in this rule and in
10 rule LII referred to as the 'Board').

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

14 “(b)(1) Not more than 3 members of the Board shall be
15 of the same political party. No member of the Board shall be
16 or have ever been a Member of Congress, nor shall any
17 Member of the Board be a relative of any Member of Con-
18 gress, or an officer or employee of any government, or a
19 person registered under the Federal Regulation of Lobbying
20 Act or the Foreign Agents Registration Act of 1938 or have
21 been any such individual during the 5-year period ending on
22 the date such member’s term on the Board would have
23 begun.

24 “(2) If any member of the Board becomes a Member of
25 Congress or relative of a Member of Congress, an officer or

1 employee of any government, or registered under any law
2 described in paragraph (1), he may not continue as a member
3 of the Board.

4 “(3) As used in this paragraph, the term ‘relative’
5 means a father, mother, son, daughter, brother, sister, uncle,
6 aunt, first cousin, nephew, niece, spouse, father-in-law,
7 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
8 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
9 stepbrother, stepsister, half brother, or half sister.

10 “(c) Members of the Board shall be compensated at the
11 rate of basic pay payable for level V of the Executive
12 Schedule.

13 “(d) The chairperson of the Board shall be elected by
14 the members of the Board.

15 “(e) The Board shall meet at the call of the chairperson
16 or a majority of its members. Four members of the Board
17 shall constitute a quorum, but two or more may hold hearings
18 (if they are not all members of the same political party).

19 “3. The Board shall have a Director who shall be elect-
20 ed by the Board who shall be paid at the rate of basic pay
21 payable for level V of the Executive Schedule. The Director
22 may appoint and fix the pay of such additional personnel as
23 the Director considers appropriate.

24 “4. (a)(1) The Board is authorized—

1 “(A) to recommend to the Committee on Stand-
2 ards of Official Conduct from time to time such admin-
3 istrative actions as it may deem appropriate to estab-
4 lish or enforce standards of official conduct for Mem-
5 bers, officers, and employees of the House;

6 “(B) to investigate, subject to subparagraph (2) of
7 this paragraph, any alleged violation, by a Member, of-
8 ficer, or employee of the House, of the Code of Official
9 Conduct or of any law, rule, regulation, or other stand-
10 ard of conduct applicable to the conduct of such
11 Member, officer, or employee in the performance of his
12 duties or the discharge of his responsibilities, and after
13 notice and hearing, to submit to the Committee on
14 Standards of Official Conduct a written recommenda-
15 tion of such action as the Board may deem appropriate
16 in the circumstances; and

17 “(C) to report to the appropriate Federal or State
18 authorities, with the approval of the House, any sub-
19 stantial evidence of a violation, by a Member, officer,
20 or employee of the House, of any law applicable to the
21 performance of his duties or the discharge of his re-
22 sponsibilities, which may have been disclosed in an in-
23 vestigation by the Board or the Inspector General; and

24 “(2)(A) No report or recommendation relating to the of-
25 ficial conduct of a Member, officer, or employee of the House

1 shall be made by the Board, and no investigation of such
2 conduct shall be undertaken by the Board, unless approved
3 by the affirmative vote of a majority of the members of the
4 Board.

5 “(B) Except in the case of an investigation undertaken
6 by the Board on its own initiative, the Board may undertake
7 an investigation relating to the official conduct of an individ-
8 ual Member, officer, or employee of the House of Represent-
9 atives only—

10 “(i) upon receipt of a complaint, in writing and
11 under oath, made by or submitted to a Member of the
12 House and transmitted to the Board by such Member,

13 “(ii) upon receipt of a complaint, in writing and
14 under oath, directly from an individual not a Member
15 of the House if the Board finds that such complaint has
16 been submitted by such individual to at least one
17 Member of the House who has refused, in writing, to
18 transmit such complaint to the Board, or

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

21 “(C) No investigation shall be undertaken by the Board
22 of any alleged violation of a law, rule, regulation, or standard
23 of conduct not in effect at the time of the alleged violation.

24 “(D) No information or testimony received, or the con-
25 tents of a complaint or the fact of its filing, shall be publicly

1 disclosed by any Board or staff member unless specifically
2 authorized in each instance by a majority vote of the entire
3 Board.

4 “5. (a)(1) For the purpose of carrying out any of its
5 functions and duties under this rule, the Board is authorized
6 (subject to subparagraph (2)(A) of this paragraph)—

7 “(A) to sit and act at such times and places
8 within the United States, whether the House is in ses-
9 sion, has recessed, or has adjourned, and to hold such
10 hearings, and

11 “(B) to require, by subpoena or otherwise, the at-
12 tendance and testimony of such witnesses and the pro-
13 duction of such books, records, correspondence, memo-
14 randums, papers, and documents as it deems necessary.
15 The chairman of the Board, or any member designated
16 by such chairman, may administer oaths to any wit-
17 ness.

18 “(2)(A) A subpoena may be authorized and issued
19 by the Board under subparagraph (1)(B) in the conduct
20 of any investigation or series of investigations or activi-
21 ties, only when authorized by a majority of the mem-
22 bers voting, a majority being present. The power to
23 authorize and issue subpoenas under subparagraph
24 (1)(B) may be delegated to the chairman of the Board
25 pursuant to such rules and under such limitations as

1 the Board may prescribe. Authorized subpoenas shall
2 be signed by the chairman of the Board or by any
3 member designated by the Board.

4 “(B) Compliance with any subpoena issued by the
5 Board under subparagraph (1)(B) may be enforced only
6 as authorized or directed by the House.”.

7 **SEC. 2. INSPECTOR GENERAL OF THE HOUSE OF REPRESENT-**
8 **ATIVES.**

9 The Rules of the House of Representatives are amended
10 by inserting at the end thereof the following new rule:

11 **“RULE LII.**

12 **“INSPECTOR GENERAL.**

13 “1. (a) There is established the position of Inspector
14 General of the House of Representatives.

15 “(b) The Inspector General shall be nominated by the
16 Speaker and the minority leader and approved by vote of the
17 House, at the commencement of each Congress, to continue
18 in office until a successor is nominated and approved. Any
19 individual serving in this position may be removed by an af-
20 firmative vote of not less than two-thirds of the Members of
21 the House present and voting, a quorum being present. A
22 vacancy shall be filled in the manner in which the original
23 appointment was made. No individual may serve as Inspector
24 General for more than 10 years.

1 “(c) The Inspector General should be a person of appro-
2 priate educational training who has had significant successful
3 experience in developing and managing financial and oper-
4 ational audit programs for large and complex organizations
5 and whose experience would be relevant to the audit man-
6 agement of a legislative organization.

7 “2. The Inspector General shall be paid at the rate of
8 basic pay payable for level V of the Executive Schedule. The
9 Inspector General may appoint and fix the pay of such addi-
10 tional personnel as the Inspector General considers appro-
11 priate.

12 “3. (a) The Inspector General shall have the following
13 functions:

14 “(1) Provide policy direction for, and, randomly
15 and on a periodic basis, to conduct, supervise, and co-
16 ordinate audits and investigations relating to, the finan-
17 cial operations of the House.

18 “(2) Recommend to the House policies for, and to
19 conduct, supervise, and coordinate other activities car-
20 ried out by the House to promote economy and effi-
21 ciency in the administration of, and the prevention and
22 detection of fraud and abuse in, its operations.

23 “(3) Promptly notify the Board of any evidence of
24 fraud or the violation of any law, rule, regulation, or
25 other standard of conduct applicable to the conduct of

1 a Member, officer, or employee of the House in the
2 performance of his duties or the discharge of his
3 responsibilities.

4 “(4) Promptly notify the Board of any evidence of
5 fraud or other serious problem, abuse, or deficiency re-
6 specting the financial operations of the House, recom-
7 mend appropriate corrective action to the Board, and
8 monitor the carrying out of such corrective action.

9 “(5) Prepare, and have printed as a House docu-
10 ment and made available to the public, a report, to be
11 transmitted by March 1 of each calendar year to the
12 House, setting forth with respect to the immediately
13 preceding calendar year the following information:

14 “(A) A summary of all recommendations and
15 notifications made to the Board under subpara-
16 graphs (3) and (4).

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

19 “(C) An identification of each recommenda-
20 tion contained in a previous annual report which
21 recommendation has not been carried out to the
22 satisfaction of the Inspector General.

23 “(D) A list of all audit reports and investiga-
24 tions referred to in subparagraph (1) which were

1 completed during the calendar year covered by
2 this report.

3 "4. (a) Upon the written request of the Inspector Gener-
4 al, any Member, officer, or committee of the House shall
5 promptly provide the Inspector General access to all books,
6 records, correspondence, memorandums, papers, and docu-
7 ments relating to financial operations of the House.

8 "(b) The Inspector General shall notify the Board when-
9 ever any Member, officer, or committee of the House does
10 not comply with paragraph (a)."

11 **SEC. 3. ELIMINATION OF CERTAIN DUTIES OF THE COMMIT-**
12 **TEE ON STANDARDS OF OFFICIAL CONDUCT.**

13 (a) Clause 1(t) of rule X of the Rules of the House of
14 Representatives is amended by striking out "with respect to
15 recommendations, studies, investigations, and reports" and
16 by striking out ", and the functions designated in title I of the
17 Ethics in Government Act of 1978".

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

20 "(e)(1) The Committee on Standards of Official Conduct
21 is authorized and directed to—

22 "(A) within 5 legislative days transmit to the
23 House, by resolution or otherwise, any recommenda-
24 tion submitted to the committee by the Board under
25 clause 4(a)(1)(B) of rule II; and

1 “(B) give consideration to the request of any
2 Member, officer, or employee of the House for an advisory
3 opinion with respect to the general propriety of
4 any current or proposed conduct of such Member, officer,
5 or employee and, with appropriate deletions to
6 assure the privacy of the individual concerned, to publish
7 such opinion for the guidance of other Members,
8 officers, and employees of the House.

9 “(2) No advisory opinion relating to the official conduct
10 of a Member, officer, or employee of the House shall be made
11 by the committee, unless approved by the affirmative vote of
12 a majority of the members of the Board.”.

13 (c) Clause 1 of rule XLIV of the Rules of the House of
14 Representatives is amended by striking out “Committee on
15 Standards of Official Conduct” and by inserting in lieu
16 thereof “Public Review Board”.

17 **SEC. 4. EFFECTIVE DATE.**

18 The amendments made by this resolution shall take
19 effect immediately prior to noon January 3, 1989.

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