office are not owners of authority but agents of public purpose—concerning which there can be no disagreement and to which all Federal employees unquestionably should adhere. It is not a mandate. It creates no new crime or penalty. Nor does it impose any positive legal requirement for specific acts or omissions. (Emphasis added.)

Thus, even assuming that House Concurrent Resolution 175 may have "died" with the adjournment of the particular Congress in which it was adopted, as one commentator seems to suggest, the traditional standards of ethical conduct which were expressed therein did not.

§ 2. Committee Functions

Prior to the 90th Congress, there was no standing or permanent committee in the House to investigate and report on improper conduct of Members, officers, and employees. Prior to that time, select temporary committees were ordinarily created to consider allegations of improper conduct against Members, although in some instances such questions were considered by standing committees.[5]

The rules of the House were amended in the 90th Congress to make the Committee on Standards of Official Conduct a standing committee of the House.[6] In that Congress, the House adopted a resolution[7] which provided that measures relating to the Code of Official Conduct or to financial disclosure be referred to the committee. It also authorized the committee to recommend to the House appropriate legislative and administrative actions to establish or enforce standards of official conduct for Members, officers, and employees; to investigate alleged violations of the Code of Official Conduct, or of any applicable law, rule, regulation, or

5. For example, House Committee on Military Affairs, 2 Hinds' Precedents § 1274, 41st Cong. (1870); House Committee on the Judiciary, 3 Hinds' Precedents § 2652, 37th Cong. I (1861); House Committee on Elections, 3 Hinds' Precedents § 2653, 39th Cong. (1865); Committee on House Administration (misuse of contingency funds), 112 CONG. REC. 27711, 89th Cong. 2d Sess., Oct. 19, 1966 [H. Res. 1047], and (congressional conflict of interest), 109 CONG. REC. 4940, 88th Cong. 1st Sess., Mar. 28, 1963.

6. The House Committee on Standards of Official Conduct was created in the 90th Congress, 113 CONG. REC. 9448, 90th Cong. 1st Sess., Apr. 13, 1967 [H. Res. 418]; jurisdiction redefined, 114 CONG. REC. 8802, 90th Cong. 2d Sess., Apr. 3, 1968 [H. Res. 1099, amending H. Res. 418]. Rule X clause 1(s) and Rule XI clause 19, *House Rules and Manual* (1973).

7. 114 CONG. REC. 8777 et seq., 90th Cong. 2d Sess., Apr. 3, 1968 [H. Res. 1099, amending H. Res. 418].

other standard of conduct, and, after a notice and hearing, recommend to the House, by resolution or otherwise, appropriate action; to report to the appropriate federal or state authorities, with approval of the House, any substantial evidence of a violation of any applicable law disclosed in a committee investigation. The committee was also authorized to give advisory opinions respecting current or proposed conduct. Thus, in the 91st Congress, second session [116 CONG. REC. 1077, Jan. 26, 1970] the Committee on Standards of Official Conduct published Advisory Opinion No. 1, on the role of a Member of the House of Representatives in communicating with executives and independent federal agencies either directly or through the Member's authorized employee. See § 10, infra.

Resolutions recommending action by the House as a result of an investigation by the committee relating to the official conduct of a Member, officer, or employee, were made privileged. For a discussion of sanctions which may be invoked against a Member, see §§ 12–18, infra.

In 1970, Rule XI was amended to confer upon the Committee on Standards of Official Conduct jurisdiction over measures relating to (1) lobbying activities affecting the House, and (2) raising, reporting, and use of campaign contributions for candidates for the House; and the committee was given authority to investigate those matters and report its findings to the House.[8]

The Committee on Standards of Official Conduct is authorized, under Rule XI clause 19, to issue and publish advisory opinions with respect to the general propriety of any current or proposed conduct of a Member, officer, or employee of the House, upon request of any such person.[9]

The Senate, in 1964, created a permanent committee designated as the Select Committee on Standards and Conduct to receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate.[10] In 1968 the Senate amended its rules to preclude certain business activities of its officers and employees, to regulate certain aspects of campaign financing, and to require the disclosure of Senators' financial interests.[11]

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8. 116 CONG. REC. 23136–41, 91st Cong. 2d Sess., July 8, 1970 [H. Res. 1031].

9. See, for example, the advisory opinion in § 10, infra.

10. 110 CONG. REC. 16938, 88th Cong. 2d Sess., July 24, 1964 [S. Res. 338, amended].

11. 114 CONG. REC. 7406, 90th Cong. 2d Sess., Mar. 22, 1968 [S. Res. 266, to