

oversight function provided for in clause 3(g) with respect to the problems of small business.

The committee's oversight jurisdiction [Rule X clause 3(g), *House Rules and Manual* §693 (1979)], reads as follows:

(g) The Committee on Small Business shall have the function of studying and investigating, on a continuing basis, the problems of all types of small business.

The standing committee was the successor to the permanent Select Committee on Small Business, which had been incorporated into the rules as a permanent select committee, but without legislative jurisdiction, in the 92d Congress;⁽⁹⁾ prior to that time, a Select Committee on Small Business had been created by separate House resolution in each Congress since 1941.⁽¹⁰⁾

§49. Committee on Standards of Official Conduct

The Committee on Standards of Official Conduct was established on Apr. 13, 1967,⁽¹¹⁾ with instruc-

9. H. Res. 5, 117 CONG. REC. 134-144, 92d Cong. 1st Sess., Jan. 22, 1971.
10. See H. Res. 294, 87 CONG. REC. 9418-28, 77th Cong. 1st Sess., Dec. 4, 1941.
11. 113 CONG. REC. 9448, 90th Cong. 1st Sess. (H. Res. 418).

tions to "recommend as soon as practicable . . . such changes in laws, rules, and regulations, as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House." The committee became a permanent standing committee on Apr. 3, 1968,⁽¹²⁾ at which time its jurisdiction was redefined, and a code of "Official Conduct" and provisions for "Financial Disclosure" were made part of the House rules. On July 8, 1970,⁽¹³⁾ the committee was granted certain legislative and investigative authority over the subjects of lobbying and the reporting of campaign contributions.

The jurisdiction of the Committee on Standards of Official Conduct pursuant to the 1973 rules⁽¹⁴⁾ and the procedures which governed the exercise of that jurisdiction were as follows:

- (a) Measures relating to the Code of Official Conduct.
- (b) Measures relating to financial disclosure by Members, officers, and employees of the House of Representatives.

12. 114 CONG. REC. 8812, 90th Cong. 2d Sess. (H. Res. 1099).
13. 116 CONG. REC. 23136, 91st Cong. 2d Sess. (H. Res. 1031).
14. Rule XI clause 19, *House Rules and Manual* §720 (1973). See Rule X clause 1(t), *House Rules and Manual* §689 (1979).

(c) Measures relating to activities designed to (1) assist in defeating, passing, or amending any legislation by the House or (2) influence, directly or indirectly, the passage or defeat of any legislation by the House.

(d) Measures relating to the raising, reporting, and use of campaign contributions for candidates for the office of Representative in the House of Representatives and of Resident Commissioner to the United States from Puerto Rico.

(e) The committee is authorized (1) to recommend to the House of Representatives, from time to time, such legislative or administrative actions as the committee may deem appropriate to establish or enforce standards of official conduct for Members, officers, and employees of the House of Representatives; (2) to investigate, subject to paragraph (f) of this clause, any alleged violation, by a Member, officer, or employee of the House of Representatives, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities and, after notice and a hearing, shall recommend to the House of Representatives, by resolution or otherwise, such action as the committee may deem appropriate in the circumstances; (3) to report to the appropriate Federal or State authorities, with approval of the House of Representatives, any substantial evidence of a violation, by a Member, officer, or employee of the House of Representatives, of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in a

committee investigation; and (4) to give consideration to the request of a Member, officer, or employee of the House of Representatives, for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, officer, or employee and, with appropriate deletions to assure the privacy of the individual concerned, to publish such opinion for the guidance of other Members, officers, and employees of the House of Representatives.

(f)(1) No resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, officer, or employee of the House of Representatives shall be made, and no investigation of such conduct shall be undertaken, unless approved by the affirmative vote of not less than seven members of the committee. (2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, officer, or employee of the House of Representatives only (A) upon receipt of a complaint, in writing and under oath, made by or submitted to a Member of the House of Representatives and transmitted to the committee by such Member, or (B) upon receipt of a complaint, in writing and under oath, directly from an individual not a Member of the House of Representatives if the committee finds that such complaint has been submitted by such individual to not less than three Members of the House of Representatives who have refused, in writing, to transmit such complaint to the committee. (3) No investigation shall be undertaken of any alleged violation of a law,

rule, regulation, or standard of conduct not in effect at the time of the alleged violation. (4) A member of the committee shall be ineligible to participate, as a member of the committee, in any committee proceeding relating to his official conduct. In any case in which a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker of the House of Representatives shall designate a Member of the House of Representatives from the same political party as the ineligible member of the committee to act as a member of the committee in any committee proceeding relating to the official conduct of such ineligible member.

(g) The Committee on Standards of Official Conduct, acting as a whole or by subcommittee, is authorized to conduct investigations and studies, from time to time, of the laws, rules, regulations, procedures, practices, and activities pertaining to (1) lobbying activities as described in subparagraphs (1) and (2) of paragraph (c) of this clause, or (2) the raising, reporting, and use of political campaign contributions as described in paragraph (d) of this clause, or (3) both. Each such investigation and study may include all pertinent matters which would assist the Congress in connection with necessary remedial legislation. The committee may obtain the views of all parties familiar with the subject matter covered by the investigation and study. The committee shall report to the House (or to the Clerk of the House if the House is not in session) the results of each such investigation and study, together with such recommendations as the committee considers advisable.

(h) For the purpose of carrying out the foregoing provisions of this clause,

the committee, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

Further insight into the jurisdiction of the committee may be obtained through examination of the rules establishing a code of conduct⁽¹⁵⁾ and the financial disclosure requirements.⁽¹⁶⁾ Measures relating to these matters were incorporated by reference as falling within the committee's realm.⁽¹⁷⁾

In 1973 the relevant provisions read as follows:

RULE XLIII

CODE OF OFFICIAL CONDUCT

There is hereby established by and for the House of Representatives the following code of conduct, to be known as the "Code of Official Conduct":

15. Rule XLIII, *House Rules and Manual* § 939 (1979).
16. Rule XLIV, *House Rules and Manual* § 940 (1979).
17. See Rule XI clauses 19(a), (b), *House Rules and Manual* § 720 (1973).

1. A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

4. A Member, officer, or employee of the House of Representatives shall accept no gift of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress.

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures. He shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

7. A Member of the House of Representatives shall treat as campaign

contributions all proceeds from testimonial dinners or other fund raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

8. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

As used in this Code of Official Conduct of the House of Representatives— (a) the terms “Member” and “Member of the House of Representatives” include the Resident Commissioner from Puerto Rico and each Delegate to the House; and (b) the term “officer or employee of the House of Representatives” means any individual whose compensation is disbursed by the Clerk of the House of Representatives.

RULE XLIV

FINANCIAL DISCLOSURE

Members, officers, principal assistants to Members and officers, and professional staff members of committees shall, not later than April 30, 1969, and by April 30 of each year thereafter, file with the Committee on Standards of Official Conduct a report disclosing certain financial interests as provided in this rule. The interest of a spouse or any other party, if constructively controlled by the person reporting, shall be considered to be the same as the interest of the person reporting. The report shall be in two parts as follows:

PART A

1. List the name, instrument of ownership, and any position of manage-

ment held in any business entity doing a substantial business with the Federal Government or subject to Federal regulatory agencies, in which the ownership is in excess of \$5,000 fair market value as of the date of filing or from which income of \$1,000 or more was derived during the preceding calendar year. Do not list any time or demand deposit in a financial institution, or any debt instrument having a fixed yield unless it is convertible to an equity instrument.

2. List the name, address, and type of practice of any professional organization in which the person reporting, or his spouse, is an officer, director, or partner, or serves in any advisory capacity, from which income of \$1,000 or more was derived during the preceding calendar year.

3. List the source of each of the following items received during the preceding calendar year: (a) Any income for services rendered (other than from the United States Government) exceeding \$5,000. (b) Any capital gain from a single source exceeding \$5,000, other than from the sale of a residence occupied by the person reporting. (c) Reimbursement for expenditures (other than from the United States Government) exceeding \$1,000 in each instance. (d) Honorariums from a single source aggregating \$300 or more.

4. List each creditor to whom the person reporting was indebted for a period of ninety consecutive days or more during the preceding calendar year in an aggregate amount in excess of \$10,000, excluding any indebtedness specifically secured by the pledge of assets of the person reporting of appropriate value.

Campaign receipts shall not be included in this report.

Information filed under part A shall be maintained by the Committee on Standards of Official Conduct and made available at reasonable hours to responsible public inquiry, subject to such regulations as the committee may prescribe including, but not limited to, regulations requiring identification by name, occupation, address, and telephone number of each person examining information filed under part A, and the reason for each such inquiry.

The committee shall promptly notify each person required to file a report under this rule of each instance of an examination of his report. The committee shall also promptly notify a Member of each examination of the reports filed by his principal assistants and of each examination of the reports of professional staff members of committees who are responsible to such Member.

PART B

1. List the fair market value (as of the date of filing) of each item listed under paragraph 1 of part A and the income derived therefrom during the preceding calendar year.

2. List the amount of income derived from each item listed under paragraphs 2 and 3 of part A, and the amount of indebtedness owed to each creditor listed under paragraph 4 of part A.

The information filed under this part B shall be sealed by the person filing and shall remain sealed unless the Committee on Standards of Official Conduct, pursuant to its investigative authority, determines by a vote of not less than seven members of the committee that the examination of such in-

formation is essential in an official investigation by the committee and promptly notifies the Member concerned of any such determination. The committee may, by a vote of not less than seven members of the committee, make public any portion of the information unsealed by the committee under the preceding sentence and which the committee deems to be in the public interest.

Any person required to file a report under this rule who has no interests covered by any of the provisions of this rule shall file a report, under part A only of this rule, so stating.

In any case in which a person required to file a sealed report under part B of this rule is no longer required to file such a report, the committee shall return to such person, or his legal representative, all sealed reports filed by such person under part B and remaining in the possession of the committee.

As used in this rule—(1) the term “Members” includes the Resident Commissioner from Puerto Rico and each Delegate to the House; and (2) the term “committees” includes any committee or subcommittee of the House of Representatives and any joint committee of Congress, the expenses of which are paid from the contingent fund of the House of Representatives.

In the course of analyzing the scope of the committee’s jurisdiction, it should be noted that the Committee on Rules is expressly excluded from responsibility over “rules or joint rules relating to the Code of Official Conduct or relating to financial disclosure by a

Member, officer, or employee of the House” (in the 95th Congress, the Committee on Rules regained jurisdiction over financial disclosure rules).⁽¹⁸⁾ Thus, the Committee on Standards of Official Conduct has been charged with exclusive responsibilities in regard to the Code of Official Conduct (Rule XLIII). Secondly, the procedural safeguards which are incorporated in the rules significantly affect the committee’s investigatory and advisory roles. Thus, no action—not even an advisory opinion—will be undertaken by the committee unless seven of its 12 members (the party ratio of which is one to one) choose to proceed. No complaint will be considered unless it is in writing, under oath, submitted or transmitted by a Member or unless its submission is made by a nonmember after its transmission has been rejected, in writing, by three Members. Moreover, no action not in violation of a law, rule, regulation, or standard at the time of its commission will be investigated. And, no member of the committee may partake in any proceeding relating to his own official conduct.

As the precedents indicate, the committee has issued advisory

18. Rule XI clause 17(a), *House Rules and Manual* §715 (1973) and Rule X clause 1(q)(1), *House Rules and Manual* §686 (1979).

opinions and reports pursuant to its responsibilities⁽¹⁹⁾ and has also dealt with such matters as roll call irregularities and recommendations with respect thereto.⁽²⁰⁾

In the 94th Congress, jurisdiction over the raising, reporting, and use of campaign contributions for candidates for the House was transferred to the Committee on House Administration.⁽¹⁾ And Special Committees to Investigate Campaign Expenditures are no longer created, since the Committee on House Administration, with jurisdiction over that subject, now has standing investigatory power as do other standing committees [Rule XI clause 2(m), *House Rules and Manual* §718 1979)].⁽²⁾

In the 95th Congress, the jurisdiction of the Committee on Standards of Official Conduct over lobbying activities and over financial disclosure were removed from the committee, leaving it with jurisdiction over measures relating

to the Code of Official Conduct and the special functions now provided in Rule X clause 4(e)⁽³⁾ [transferred from Rule XI clause 19(e),⁽⁴⁾ carried in full above]:⁽⁵⁾

(e)(1) The Committee on Standards of Official Conduct is authorized: (A) to recommend to the House from time to time such administrative actions as it may deem appropriate to establish or enforce standards of official conduct for Members, officers, and employees of the House; (B) to investigate, subject to subparagraph (2) of this paragraph, any alleged violation by a Member, officer, or employee of the House, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, and, after notice and hearing, to recommend to the House by resolution or otherwise, such action as the committee

19. See Ch. 12 §§9.1, 10, 13.1, 15.2, and the appendix thereto, *supra*.

20. 49.2, *infra*.

1. H. Res. 5, 121 CONG. REC. 20–22, 94th Cong. 1st Sess., Jan. 14, 1975.

2. Rule XI clause 2(m) resulted from the adoption of the Committee Reform Amendments of 1974, H. Res. 988, 120 CONG. REC. 34447–70, 93d Cong. 2d Sess., Oct. 8, 1974.

3. *House Rules and Manual* §698 (1979).

4. *House Rules and Manual* §720 (1973).

5. H. Res. 5, 123 CONG. REC. 53–70, 95th Cong. 1st Sess., Jan. 4, 1977. The clause was transferred by the Committee Reform Amendments of 1974, which also permitted a majority of the committee, rather than seven members, to authorize an investigation. Subparagraph (E) was added to the clause by H. Res. 5, in the 95th Congress, to provide a mechanism for a committee member to disqualify himself from participating in an investigation.

may deem appropriate in the circumstances; (C) to report to the appropriate Federal or State authorities, with the approval of the House, any substantial evidence of a violation, by a Member, officer, or employee of the House, of any law applicable to the performance of his duties or the discharge of his responsibilities, which may have been disclosed in a committee investigation; and (D) to give consideration to the request of any Member, officer, or employee of the House for an advisory opinion with respect to the general propriety of any current or proposed conduct of such Member, officer, or employee and, with appropriate deletions to assure the privacy of the individual concerned, to publish such opinion for the guidance of other Members, officers, and employees of the House.

(2)(A) No resolution, report, recommendation, or advisory opinion relating to the official conduct of a Member, officer, or employee of the House shall be made by the Committee on Standards of Official Conduct, and no investigation of such conduct shall be undertaken by such committee, unless approved by the affirmative vote of a majority of the members of the committee.

(B) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, officer, or employee of the House of Representatives only—

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

(ii) upon receipt of a complaint, in writing and under oath, directly from an individual not a Member of the House if the committee finds that such complaint has been submitted by such individual to not less than three Members of the House who have refused, in writing, to transmit such complaint to the committee.

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

(D) A member of the committee shall be ineligible to participate, as a member of the committee, in any committee proceeding relating to his or her official conduct. In any case in which a member of the committee is ineligible to act as a member of the committee under the preceding sentence, the Speaker of the House shall designate a Member of the House from the same political party as the ineligible member of the committee to act as a member of the committee in any committee proceeding relating to the official conduct of such ineligible member.

(E) A member of the committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House upon the submission in writing and under oath of an affidavit of disqualification stating that he cannot render an impartial and unbiased decision in the case in which he seeks to disqualify himself. If the committee approves and accepts such affidavit of disqualification, the chairman shall so notify the Speaker and request the Speaker to designate a Member of the House from the same political party as the disqualifying member of the com-

mittee to act as a member of the committee in any committee proceeding relating to such investigation.

Lobbying Activities; Campaign Contributions

§ 49.1 The rules were 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; the committee was also given authority to investigate those matters and to report its findings to the House.

On July 8, 1970,⁽⁶⁾ by direction of the Committee on Rules, William M. Colmer, Chairman of that committee, called up House Resolution 1031 and asked for its immediate consideration. The Clerk then read the resolution, as follows:

Resolved, That (a) clause 19 of rule XI of the Rules of the House of Representatives⁽⁷⁾ is amended by inserting

6. 116 CONG. REC. 23136, 91st Cong. 2d Sess.

7. This clause defined the jurisdiction of the Committee on Standards of Official Conduct [H. Jour. 1435, 91st Cong. 1st Sess. (1969)] and did not

immediately below paragraph (b) thereof the following new paragraphs:

“(c) Measures relating to activities designed to (1) assist in defeating, passing, or amending any legislation by the House or (2) influence, directly or indirectly, the passage or defeat of any legislation by the House.

“(d) Measures relating to the raising, reporting, and use of campaign contributions for candidates for the office of Representative in the House of Representatives and of Resident Commissioner to the United States from Puerto Rico.”.

(b) Clause 19 of rule XI of the Rules of the House of Representatives is further amended by inserting immediately below paragraph (d) thereof the following new paragraph:

“(g) The Committee on Standards of Official Conduct, acting as a whole or by subcommittee, is authorized to conduct investigations and studies, from time to time, of the laws, rules, regulations, procedures, practices, and activities pertaining to (1) lobbying activities as described in subparagraphs (1) and (2) of paragraph (c) of this clause, or (2) the raising, reporting, and use of political campaign contributions as described in paragraph (d) of this clause, or (3) both. Each such investigation and study may include all pertinent matters which would assist the Congress in connection with necessary remedial legislation. The committee may obtain the views of all parties familiar with the subject matter covered by the investigation and study. The com-

then include [Rule XI clause 19, *House Rules and Manual* §720 (1973)] paragraphs “(c),” “(d),” and “(g).”

mittee shall report to the House (or to the Clerk of the House if the House is not in session) the results of each such investigation and study, together with such recommendations as the committee considers advisable.”.

Sec. 2. The Committee on Standards of Official Conduct shall conduct its first investigation and study under authority of the amendments made by the first section of this resolution during the remainder of the Ninety-first Congress, and shall submit to the House (or to the Clerk of the House if the House is not in session), at the earliest practicable date prior to the close of the Ninety-first Congress, a report of the results of that investigation and study. Such report shall contain such recommendations as the committee considers advisable, including a draft of proposed legislation to carry out such recommendations.

As debate on the measure commenced, Mr. Colmer noted that the resolution comprised part of the entire congressional reorganization effort:

One of the facets of this reorganization program was the question of amending the House rules with reference to lobbying activities. This matter gave your rules committee, and particularly the subcommittee, considerable concern. It was finally decided that because of the depth and the complexity of the matter that the appropriate place for the lobbying provision was in the Standing Committee on Standards of Official Conduct.

So, primarily, this resolution authorizes the Committee on Standards of Official Conduct to make a study of

this matter and report back to the Congress by the end of this session. It also provides that the subject of campaign contributions shall likewise be studied and a report made back to this Congress by the Committee on Standards of Official Conduct.

Shortly thereafter, Mr. H. Allen Smith, of California, further elaborated on the position of the Committee on Rules in recommending the proposed jurisdictional change:⁽⁸⁾

There are several reasons why the Committee on Rules believes that the jurisdiction over both the Federal lobby statute, as well as over campaign fund raising and usage, should be vested in the Committee on Standards of Official Conduct. First, in its short period of existence, the committee has proven itself to be more than able in discharging its present responsibilities. Second, matters contained in this resolution are of a nature as to clearly fall within the natural jurisdiction of that committee, and they are so inter-related that divided jurisdiction over them cannot be effectively discharged. Additionally, by vesting this jurisdiction with the committee, the House will be giving this important matter to a committee which does not have substantial duties in other areas that could compete for its energies and time.

Further, the committee has an able and adequate staff and sufficient office space to assume this additional responsibility. In addition, it is a bipartisan

8. 116 CONG. REC. 23137, 91st Cong. 2d Sess.

committee from the standpoint of its membership—there being six Democrats and six Republicans. It also has adequate provisions to maintain confidential information.

The resolution also requires that during the remainder of the 91st Congress a study and investigation shall be conducted, and a report containing “such recommendations as the committee considers advisable, including a draft of proposed legislation to carry out such recommendations” must be made to the House. The Committee on Rules has recommended this provision because of the need to bring the Federal Regulation of Lobbying Act up to date now, rather than later.

As the debate proceeded, several Members proposed questions regarding the jurisdiction to be accorded the Committee on Standards of Official Conduct pursuant to the resolution. Mr. Durward G. Hall, of Missouri, for one, prompted the following exchange with B. F. Sisk, of California, Chairman of the Committee on Rules’ Subcommittee on the Reorganization of Congress: ⁽⁹⁾

. . . Mr. Speaker,⁽¹⁰⁾ I would like to ask the gentleman about the language on page 2 of House Resolution 1031, beginning about on line 7, where it says the Committee on Standards of Official Conduct is delegated authority:

To conduct investigations and studies, from time to time, of the

9. *Id.* at pp. 23137, 23138.

10. Hale Boggs (La.), Speaker pro tempore.

laws, rules, regulations, procedures, practices, and activities pertaining to (1) lobbying activities as described in subparagraphs (1) and (2) of paragraph (c) of this clause, or

Mr. Speaker, in the gentleman’s opinion does that also apply to and permit such studies and investigations—by which I presume the committee means surveillance and review and oversight—of executive agencies that might be lobbying the legislative branch? To point this up, I have an old telegram in my hand here from a certain department, which is not only a threat that unless Congress acts certain things will happen; but it also states that the executive branch will make certain recommendations to do or not to do certain things to the interest of our constituents, if Congress does not act within such a time in a certain and allegedly proper way.

This is, of course, a telegram paid for at the taxpayers’ expense in direct violation of existing law. I, for one, would certainly hope it would be in the purview of this new committee under this resolution, and that the gentleman would so indicate at this time, in order to preclude such lobbying activities of the legislative branch by the executive.

Is that the gentleman’s interpretation of the intent?

MR. SISK: Let me thank my colleague from Missouri very much for the statement he has made. I join him in his concern about some of the activities which he has discussed.

It is my understanding that his statement is correct, that the language is sufficiently broad here to permit the Committee on Standards of Official Conduct to make a study and to look into that phase of it and to make legis-

lative recommendations as to handling that part of what we might call the executive lobbying, along with all other kinds and types of lobbying.

My answer would be "yes," emphatically it would be my understanding that is the intent of the language herein contained.

Shortly thereafter, Mr. Samuel N. Friedel, of Maryland, expressed his reservations that House Resolution 103 would encroach upon the jurisdiction of the Committee on House Administration which committee he chaired:

Under rule XI, section 9(k) relating to the jurisdiction of the Committee on House Administration the rule⁽¹¹⁾ reads:

Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

I believe the proposal, so far as the lobby is concerned, might be in order, but I believe the rest is usurping the jurisdiction of the Committee on House Administration. We have a bill right now before our committee relating to elections, campaign contributions and expenditures and the reporting thereof. We have had hearings on this subject. We intend to pursue it all the way through. We are pursuing this under our assigned authority concerned with corrupt practices of which contributions and expenditures are a part.

Obviously the purpose of this resolution would encroach upon the jurisdic-

tion of the Committee on House Administration.

MR. SISK: If the gentleman will permit me to comment, of course, it was certainly not the intention of the Committee on Rules, or of the subcommittee, to invade in any sense the jurisdiction of the Committee on House Administration. As we interpret the rule which the gentleman read, which I have before me, there would be no jurisdictional question, at least in our opinion.

As the gentleman knows, the committee does have jurisdiction over contested elections and over matters which arise therefrom, and has a subcommittee which looks into these matters.

MR. FRIEDEL: And also contributions and disbursements which are within the Corrupt Practices Act.

The discussion between Mr. Sisk and Mr. Friedel on this point continued with Mr. Sisk observing that:

. . . It is not the intent of the subcommittee nor of the Committee on Rules, as I understand it . . . to turn over to the Committee on Standards of Official Conduct the matter of contested elections or the matter of dealing specifically with elections of the President and Vice President, et cetera, as listed here under subsection (k). . . .

On the other hand, it was the decision of the committee to turn over to them the lobbying. The question then arose as to campaign expenditures and possible ramifications, as would be of concern to the American public as well as Members of Congress, as it might

11. See Rule XI clause 9(k), *House Rules and Manual* §693 (1973).

tie to lobbying activities. It was felt that these two items should go together. . . .

Again, as I say, there is no intent to invade or step on the toes of our good friends on the Committee on House Administration.

Mr. Friedel responded by suggesting that those provisions of the resolution which pertained to campaign contributions be struck from the measure “because we have a reform bill before our [the Committee on House Administration’s sub-] committee on Federal elections involving specifically the matters of contributions and expenditures, which was referred to our committee under the rules of the House.”

Mr. Sisk replied, that:

. . . [A]ll this resolution before us does is to call for the Committee on Standards of Official Conduct to make a study, to make an investigation of the subjects of lobbying and campaign expenditures, and to report back to the House.

He additionally stated “. . . [I]f in their [the Committee on Standards of Official Conduct] recommendations they find that there might be a need for some changes in connection with campaign expenditures, that could very well be acted on legislatively by the gentleman’s [Mr. Friedel] committee [the Committee on House Administration] either ac-

cepting or rejecting the recommendations.”

At this juncture, Mr. John H. Kyl, of Iowa, a member of the Committee on House Administration, also expressed concern as to whether the passage of House Resolution 1031 might result in a duplication of jurisdictional authority. Mr. Kyl pointed out that before the Committee on Standards of Official Conduct could proceed with any investigation, the funds to be used would have to be approved by the Committee on House Administration. The latter committee, he added, maintained a firm policy of not providing funds for “any investigation which is a duplication of another committee’s investigation.” Continuing the discussion on this point, Mr. Kyl prompted the following exchange:⁽¹²⁾

MR. KYL: The point I am trying to make is unless this bill also removes authority from the House Administration Committee, then the House Administration Committee can in every instance deny funds for investigation, because the Committee on House Administration itself is, under the rules, given authority to cover exactly the same subject material.

MR. SMITH of California: Will the gentleman yield?

MR. SISK: Yes. I yield to the gentleman.

12. *Id.* at pp. 23139, 23140.

MR. SMITH of California: Let us talk about what we are discussing here for a minute. Let us read section (k) of the rule we are referring to, rule 9:

Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

Let us read what this resolution does. This says:

Measures relating to the raising, reporting, and use of campaign contributions for candidates.

It has to do with raising money and funds and giving effective authority to investigate if they are contested. We are not changing your authority at all. You are left in the same position. When we change the rules and give the authority, they will have to get some money to operate.

MR. KYL: Will the gentleman yield further?

MR. SISK: I am glad to yield to the gentleman.

MR. KYL: I would say to the other gentleman from California that again I am not in contention with his desire. What I am trying to indicate is unless your piece of legislation, your resolution, does remove from the House Administration Committee certain authority which it now has under the rules, they could effectively block every anticipated effort of the Ethics Committee.

MR. SMITH of California: I do not think so. That is not the way I read it. I do not think that committee would do it. The jurisdiction is clear. It is a changing of the rules of the House.

MR. SISK: Let me make clear—

MR. FRIEDEL: Mr. Speaker, will the gentleman yield?

MR. SISK: Yes, I yield to the gentleman from Maryland.

MR. FRIEDEL: This resolution embodies what the Committee on House Administration is doing at the present time. They are investigating these very matters. Of course, you can bring in legislation to correct and reform things that are wrong. However, we are doing it right now. It is a part of our basic jurisdiction under the rules of the House, Rule XI, section 9(k) wherein "corrupt practices" is spelled out, and campaign contributions and expenditures, and the reporting thereof constitute an important segment of the Corrupt Practices Act.

In the course of the remaining discussion, no other jurisdictional issues were addressed. House Resolution 1031 was agreed to, unanimously, on a roll call vote.⁽¹³⁾

Parliamentarian's Note: Notwithstanding the passage of House Resolution 1031, the Committee on House Administration retains jurisdiction under the rules⁽¹⁾ over "corrupt practices" and "Federal elections generally."

Roll Call Irregularities

§ 49.2 The Committee on Standards of Official Conduct informed the Speaker of its inquiry into roll call

13. *Id.* at p. 23140.

1. See Rule X clause 1(j)(11), *House Rules and Manual* § 679 (1979).

irregularities, and of its recommendation for an improved recording system in the House.

On June 19, 1969,⁽²⁾ Speaker John W. McCormack, of Massachusetts, laid before the House the following communication from Chairman Charles M. Price, of Illinois, and ranking minority member Leslie C. Arends, of Illinois, of the Committee on Standards of Official Conduct which was read and referred to the Committee on House Administration:

DEAR MR. SPEAKER: On September 27, 1968 you referred to this Committee a letter from the Clerk of the House of Representatives reporting on his investigation of recording irregularities in roll calls taken on September 9, 10, and 16, 1968. You stated, "It seems to me that the allegations set forth in the Clerk's (the Clerk of the House) letter are matters that may come within the jurisdiction of the Committee on Standards of Official Conduct." The Committee interpreted this referral as a request for it to move on its own initiative as provided in the Rules of the House. Accordingly on October 1, 1968, the Committee directed its staff to inquire into these irregularities.

The first phase of the inquiry sought to fix the responsibility for the specific irregularities referred to in the letter from the Clerk of the House. In pursuing this, the need became apparent for an examination of roll call mechan-

ics in general. The Committee now has drawn certain conclusions with respect to the specific irregularities but feels that until the institution of improved recording procedures, which it previously has recommended, it should continue to observe the working of the present system.

With respect to the responsibility for the irregularities referred, the Committee was satisfied that the Clerk of the House accurately reported the information he received. But, after deeper scrutiny of all facets of the situation, the Committee became convinced that the tally clerk's explanation, that he had made the specific erroneous entries "at the request of" another employee was not accurate. The Committee verified that the errors did, in fact, occur, but the most probable explanation is that the tally clerk's response to the Clerk of the House was an instinctively defensive reaction stemming from the complete state of exhaustion which he was experiencing at the time.

In the Committee's belief, several factors contributed to this condition in the tally clerk. At a point when legislative activity in the House was unusually high and with his assistant physically incapacitated and off the job, the tally clerk assumed the full burden of both positions. In the Committee's opinion, this burden was beyond his physical capacity to perform with accuracy, and led to impairment of his efficiency, culminating in the errors referred to as well as several others which were disclosed at about that time.

The Committee therefore reaffirms its earlier interim finding that neither the Member nor employees named in

2. 115 CONG. REC. 16629, 91st Cong. 1st Sess.

the original referral, nor any names subsequently disclosed, were parties to any complicity in these errors.

It may be argued that the tally clerk should have sought assistance during this period. Undoubtedly he would have done so had he recognized the effect the increasing work load was producing in his performance.

Addressing the larger matter of the entire system of tallying, the Committee has made what it feels is the most detailed analysis of the subject ever undertaken and has arrived at numerous statistical conclusions. All of these support the conviction that an unacceptably small percentage of the random error inherent in the present system is subsequently corrected by the Members. While these errors have had absolutely no effect on legislative results, they should be eliminated to the greatest extent possible. Early indications are that there has been some improvement in the 91st Congress to date in the correction of errors but not enough to obviate the need for a modernized system of roll call recording.

In view of the foregoing, the Committee renews its earlier recommendation for installation of a modernized voting system at the earliest possible date.

§ 50. Committee on Veterans' Affairs

The Committee on Veterans' Affairs was created on Jan. 2, 1947, as part of the Legislative Reorganization Act of 1946,⁽³⁾ and was

3. 60 Stat. 812.

accorded jurisdiction formerly held by the Committee on World War Veterans' Legislation (created in 1924),⁽⁴⁾ the Committee on Invalid Pensions (created in 1831),⁽⁵⁾ and the Committee on Pensions (created in 1825).⁽⁶⁾

In 1967,⁽⁷⁾ jurisdiction over veterans' cemeteries administered by the Department of Defense was transferred to the committee from the Committee on Interior and Insular Affairs.

In 1973, the jurisdiction of the committee under the rules read as follows:⁽⁸⁾

(a) Veterans' measures generally.

(b) Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior.

(c) Compensation, vocational rehabilitation, and education of veterans.

(d) Life insurance issued by the Government on account of service in the armed forces.

(e) Pensions of all the wars of the United States, general and special.

4. 7 Cannon's Precedents § 2077.

5. 4 Hinds' Precedents § 4258.

6. *Id.* at § 4260.

7. 113 CONG. REC. 29566, 90th Cong. 1st Sess., Oct. 20, 1967 (H. Res. 241).

8. Rule XI clause 20, *House Rules and Manual* § 722 (1973). See Rule X clause l(u), *House Rules and Manual* § 690 (1979).