

Ethics Provisions of the House Rules Resolution

January 2023

On January 9, 2023, by a vote of 220 to 213, the U.S. House of Representatives passed H. Res. 5 on “Adopting the Rules of the House of Representatives for the One Hundred Eighteenth Congress, and for other purposes.” A number of provisions of H. Res. 5, and of the rules of the House adopted by passage thereof, affect the House ethics process. The substantive ethics rules of the House – for example, rules concerning gifts, travel, use of official and campaign resources, financial disclosure – remain unaffected by H. Res 5, at least for now.

With the passage of H. Res. 5, the House re-authorized the Office of Congressional Ethics (OCE) for the current Congress. (The OCE – a bipartisan House office separate from the Committee on Ethics – investigates allegations of misconduct by House Members and staff and may refer findings to the Committee on Ethics for further action, if any.) In re-authorizing the OCE, however, the House ordered that any member of the OCE board currently serving more than eight years (the original limit on a board member’s term of service) “shall be considered removed from the board.” H. Res. 5 also requires the OCE to appoint its staff for the 118th Congress, and set their compensation, within 30 calendar days of passage of the rules resolution. In a public letter issued on January 4, 2023, a coalition of two dozen ethics watchdog groups opposed these changes, arguing that they “will weaken the [OCE].”

H. Res 5 also amends House Rule XI to require the Committee on Ethics to “adopt rules providing for a process to receive from the public outside information offered as a complaint.” Because the rules of the Committee on Ethics have long provided that “the Committee may consider any information in its possession” – including from the public or from the news media – “indicating that a Member, officer,

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or employee may have committed a violation,” the intent, purpose, and potential effect of this provision of the new House rules resolution are unclear.

Potentially affecting the House ethics process – and even the substantive ethics rules of the House – more broadly, H. Res 5 also directs the Speaker of the House “to establish a bipartisan task force to conduct a comprehensive review of House ethics rules and regulations.” The last bipartisan House ethics task force to be empaneled – the Special Task Force on Ethics Enforcement, established in January 2007 – led to the creation of the OCE.