

109TH CONGRESS
2^D SESSION

H. R. 5677

To provide for ethics and lobbying reform.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2006

Mr. SHAYS (for himself and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Administration and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for ethics and lobbying reform.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethics and Lobbying
5 Reform Act of 2006”.

1 **TITLE I—MISCELLANEOUS**
2 **ETHICS REFORMS.**

3 **SEC. 101. DISCLOSURE OF PAID EFFORTS TO STIMULATE**
4 **GRASSROOTS LOBBYING.**

5 (a) DEFINITIONS.—Section 3 of the Lobbying Dislo-
6 sure Act of 1995 (in this title referred to as the “Act”)
7 (2 U.S.C. 1602) is amended—

8 (1) in paragraph (7), by adding at the end the
9 following: “Lobbying activities include paid efforts to
10 stimulate grassroots lobbying, but do not include
11 grassroots lobbying.”; and

12 (2) by adding at the end the following:

13 “(17) GRASSROOTS LOBBYING.—The term
14 ‘grassroots lobbying’ means the voluntary efforts of
15 members of the general public to communicate their
16 own views on an issue to Federal officials or to en-
17 courage other members of the general public or seg-
18 ments thereof to do the same.

19 “(18) PAID EFFORTS TO STIMULATE GRASS-
20 ROOTS LOBBYING.—

21 “(A) IN GENERAL.—The term ‘paid efforts
22 to stimulate grassroots lobbying’ means any
23 paid attempt in support of lobbying contacts on
24 behalf of a client to influence the general public
25 or segments thereof to contact one or more cov-

1 ered legislative or executive branch officials (or
2 Congress as a whole) to urge such officials (or
3 Congress) to take specific action with respect to
4 a matter described in section 3(8)(A), except
5 that such term does not include any commu-
6 nications by an entity directed to its members,
7 employees, officers, or shareholders.

8 “(B) PAID ATTEMPT TO INFLUENCE THE
9 GENERAL PUBLIC OR SEGMENTS THEREOF.—

10 The term ‘paid attempt to influence the general
11 public or segments thereof’ does not include an
12 attempt to influence directed at less than 500
13 members of the general public.

14 “(C) REGISTRANT.—For purposes of this
15 paragraph, a person or entity is a member of
16 a registrant if the person or entity—

17 “(i) pays dues or makes a contribu-
18 tion of more than a nominal amount to the
19 registrant;

20 “(ii) makes a contribution of more
21 than a nominal amount of time to the reg-
22 istrant;

23 “(iii) is entitled to participate in the
24 governance of the registrant;

1 “(iv) is 1 of a limited number of hon-
2 orary or life members of the registrant; or

3 “(v) is an employee, officer, director
4 or member of the registrant.

5 “(19) GRASSROOTS LOBBYING FIRM.—The term
6 ‘grassroots lobbying firm’ means a person or entity
7 that—

8 “(A) is retained by 1 or more clients to en-
9 gage in paid efforts to stimulate grassroots lob-
10 bying on behalf of such clients; and

11 “(B) receives income of, or spends or
12 agrees to spend, an aggregate of \$25,000 or
13 more for such efforts in any calendar quarter.”.

14 (b) REGISTRATION.—Section 4(a) of the Act (2
15 U.S.C. 1603(a)) is amended—

16 (1) in the flush matter at the end of paragraph
17 (3)(A), by adding at the end the following: “For
18 purposes of clauses (i) and (ii), the term ‘lobbying
19 activities’ shall not include paid efforts to stimulate
20 grassroots lobbying.”; and

21 (2) by adding after paragraph (3) the following:

22 “(4) FILING BY GRASSROOTS LOBBYING
23 FIRMS.—Not later than 45 days after a grassroots
24 lobbying firm is first retained by a client to engage
25 in paid efforts to stimulate grassroots lobbying, such

1 grassroots lobbying firm shall register with the Sec-
2 retary of the Senate and the Clerk of the House of
3 Representatives.”.

4 (c) SEPARATE ITEMIZATION OF PAID EFFORTS TO
5 STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the
6 Act (2 U.S.C. 1604(b)) is amended—

7 (1) in paragraph (3)—

8 (A) by inserting “or a grassroots lobbying
9 firm” after “lobbying firm”; and

10 (B) by inserting after “total amount of all
11 income” the following: “(including a separate
12 good faith estimate of the total amount of in-
13 come specifically relating to paid efforts to
14 stimulate grassroots lobbying and, within that
15 amount, a good faith estimate of the total
16 amount specifically relating to paid adver-
17 tising)”;

18 (2) in paragraph (4), by inserting after “total
19 expenses” the following: “(including a good faith es-
20 timate of the total amount of expenses specifically
21 relating to paid efforts to stimulate grassroots lob-
22 bing and, within that total amount, a good faith es-
23 timate of the total amount specifically relating to
24 paid advertising)”;

1 (3) by adding at the end the following flush
2 sentence:

3 “Subparagraphs (B) and (C) of paragraph (2) shall not
4 apply with respect to reports relating to paid efforts to
5 stimulate grassroots lobbying.”.

6 (d) GOOD FAITH ESTIMATES AND DE MINIMIS
7 RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS
8 LOBBYING.—

9 (1) IN GENERAL.—Section 5(c) of the Act (2
10 U.S.C. 1604(c)) is amended by adding at the end
11 the following new paragraph:

12 “(3) Estimates of income or expenses specifi-
13 cally relating to paid efforts to stimulate grassroots
14 lobbying shall be made as follows:

15 “(A) Estimates of amounts in excess of
16 \$25,000 shall be rounded to the nearest
17 \$20,000.

18 “(B) In the event income or expenses do
19 not exceed \$25,000, the registrant shall include
20 a statement that income or expenses totaled
21 less than \$25,000 for the reporting period.”.

22 (2) TAX REPORTING.—Section 15 of the Act (2
23 U.S.C. 1610) is amended—

24 (A) in subsection (a)—

1 (i) in paragraph (1), by striking
2 “and” after the semicolon;

3 (ii) in paragraph (2), by striking the
4 period and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(3) in lieu of using the definition of paid ef-
8 forts to stimulate grassroots lobbying in section
9 3(18), consider as paid efforts to stimulate grass-
10 roots lobbying only those activities that are grass-
11 roots expenditures as defined in section 4911(c)(3)
12 of the Internal Revenue Code of 1986.”; and

13 (B) in subsection (b)—

14 (i) in paragraph (1), by striking
15 “and” after the semicolon;

16 (ii) in paragraph (2), by striking the
17 period and inserting “; and”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(3) in lieu of using the definition of paid ef-
21 forts to stimulate grassroots lobbying in section
22 3(18), consider as paid efforts to stimulate grass-
23 roots lobbying only those activities that are grass-
24 roots expenditures as defined in section 4911(c)(3)
25 of the Internal Revenue Code of 1986.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on January 1, 2007.

3 **SEC. 102. REQUIREMENT OF FULL PAYMENT AND DISCLO-**
4 **SURE OF CHARTER FLIGHTS.**

5 (a) HOUSE OF REPRESENTATIVES.—

6 (1) IN GENERAL.—Clause 5(a)(3)(A) of rule
7 XXV of the Standing Rules of the House of Rep-
8 resentatives is amended—

9 (A) by inserting “(1)” after “(A)”; and

10 (B) by adding at the end the following:

11 “(2) Market value for a flight on an aircraft
12 that is not licensed by the Federal Aviation Adminis-
13 tration to operate for compensation or hire shall be
14 the fair market value of a charter flight. The Com-
15 mittee on Standards of Official Conduct shall make
16 public information received under this subparagraph
17 as soon as possible after it is received.”.

18 (2) DISCLOSURE.—Clause 5 of rule XXV of the
19 Standing Rules of the House of Representatives is
20 amended by adding at the end the following:

21 “(g) A Member, officer, or employee who takes a
22 flight described in paragraph (a)(3)(A)(2) shall, with re-
23 spect to the flight, file a report with the Clerk of the
24 House of Representatives for public disclosure within 10
25 days after the flight—

1 “(1) the date of the flight;

2 “(2) the destination of the flight and all other
3 persons on the flight, other than those operating the
4 aircraft; and

5 “(3) the purpose of the trip.”

6 (b) SENATE.—

7 (1) IN GENERAL.—Paragraph 1(c)(1) of rule
8 XXXV of the Standing Rules of the Senate is
9 amended—

10 (A) by inserting “(A)” after “(1)”; and

11 (B) by adding at the end the following:

12 “(B) Market value for a flight on an aircraft
13 that is not licensed by the Federal Aviation Adminis-
14 tration to operate for compensation or hire shall be
15 the fair market value of a charter flight. The Select
16 Committee on Ethics shall make public information
17 received under this subparagraph as soon as possible
18 after it is received.”

19 (2) DISCLOSURE.—Paragraph 1 of rule XXXV
20 of the Standing Rules of the Senate is amended by
21 adding at the end the following:

22 “(h) A Member, officer, or employee who takes a
23 flight described in subparagraph (c)(1)(B) shall, with re-
24 spect to the flight, file a report with the Secretary of the

1 Senate for public disclosure within 10 days after the
2 flight—

3 “(1) the date of the flight;

4 “(2) the destination of the flight;

5 “(3) all other persons on the flight, other than
6 those operating the aircraft; and

7 “(4) the purpose of the trip.”.

8 (c) CANDIDATES.—Subparagraph (B) of section
9 301(8) of the Federal Election Campaign Act of 1971 (42
10 U.S.C. 431(8)(B)) is amended—

11 (1) in clause (xiii), by striking “and” at the
12 end;

13 (2) in clause (xiv), by striking the period and
14 inserting “; and”; and

15 (3) by adding at the end the following :

16 “(xv) any travel expense for a flight
17 on an aircraft that is not licensed by the
18 Federal Aviation Administration to operate
19 for compensation or hire, but only if the
20 candidate or the candidate’s authorized
21 committee or other political committee
22 pays within 7 days after the date of the
23 flight to the owner, lessee, or other person
24 who provides the use of the aircraft an
25 amount not less than the normal and usual

1 charter fare or rental charge for a com-
2 parable commercial aircraft of appropriate
3 size.”.

4 **SEC. 103. GIFTS.**

5 Clause 5 of rule XXV of the Rules of the House of
6 Representatives is amended—

7 (1) in subparagraph (a)(1), by striking subdivi-
8 sion (B) and by striking “(A)”;

9 (2) by adding at the end of subparagraph
10 (a)(2)(A) the following new sentence: “The term
11 ‘gift’ also includes payments or other disbursements
12 made, or arranged to be made, for a party, recep-
13 tion, or other event in the honor or recognition of a
14 Member, Delegate, Resident Commissioner, officer,
15 or employee that is held at a national party conven-
16 tion.”; and

17 (3) in subparagraph (a)(4)(C), by striking “un-
18 less” and all that follows thereafter and inserting a
19 period.

20 **SEC. 104. PROHIBITION ON PRIVATELY FUNDED TRAVEL.**

21 Clause 5(b)(1)(A) of rule XXV of the Standing Rules
22 of the House of Representatives is amended by inserting
23 “or from a nongovernmental organization that retains or
24 employs registered lobbyists or agents of a foreign prin-
25 cipal” after “foreign principal”.

1 **SEC. 105. PROHIBITING LOBBYIST ORGANIZATION AND**
2 **PARTICIPATION IN CONGRESSIONAL TRAVEL.**

3 (a) IN GENERAL.—Clause 5 of rule XXV of the
4 Standing Rules of the House of Representatives is amend-
5 ed by redesignating paragraphs (e), (f), and (g) as para-
6 graphs (g), (h), and (i), respectively, and by inserting after
7 paragraph (d) the following:

8 “(e) A Member, Delegate, Resident Commissioner,
9 officer, or employee of the House may not accept transpor-
10 tation or lodging on any trip that is planned, organized,
11 requested, arranged, or financed in whole or in part by
12 a lobbyist or agent of a foreign principal, or in which a
13 lobbyist participates.

14 “(f) Before a Member, Delegate, Resident Commis-
15 sioner, officer, or employee of the House may accept trans-
16 portation or lodging otherwise permissible under this para-
17 graph from any person, such individual shall obtain 30
18 days before such trip a written certification from such per-
19 son (and provide a copy of such certification to the Com-
20 mittee on Standards of Official Conduct) that—

21 “(1) the trip was not planned, organized, re-
22 quested, arranged, or financed in whole, or in part
23 by a registered lobbyist or agent of a foreign prin-
24 cipal and was not organized at the request of a reg-
25 istered lobbyist or agent of a foreign principal;

1 “(2) registered lobbyists will not participate in
2 or attend the trip; and

3 “(3) the person did not accept, from any
4 source, funds specifically earmarked for the purpose
5 of financing the travel expenses.

6 The Committee on Standards of Official Conduct shall
7 make public information received under this paragraph as
8 soon as possible after it is received.”.

9 (b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of
10 rule XXV of the Rules of the House of Representatives
11 is amended—

12 (1) by striking “of expenses reimbursed or to be
13 reimbursed”;

14 (2) in subdivision (E), by striking “and” after
15 the semicolon;

16 (3) in subdivision (F), by striking the period
17 and inserting “; and”; and

18 (4) by adding at the end the following:

19 “(G) a description of meetings and events at-
20 tended during such travel, except when disclosure of
21 such information is deemed by the Member, or the
22 supervisor under whose direct supervision the em-
23 ployee works, to jeopardize the safety of an indi-
24 vidual or otherwise interfere with the official duties

1 of the Member, Delegate, Resident Commissioner,
2 officer, or employee.”.

3 (c) PUBLIC AVAILABILITY.—Subparagraph (5) of
4 rule XXV(b) of the Rules of the House of Representatives
5 is amended to read as follows:

6 “(5) The Clerk of the House shall make available to
7 the public all advance authorizations, certifications, and
8 disclosures filed pursuant to subparagraph (1) and sub-
9 paragraph (3)(G) as soon as possible after they are re-
10 ceived.”.

11 **SEC. 106. DISCLOSURE OF LOBBYIST CONTRIBUTIONS.**

12 (a) IN GENERAL.—Section 5(b) of the Act (2 U.S.C.
13 1604(b)) is amended—

14 (1) in paragraph (3), by striking “and” after
15 the semicolon;

16 (2) in paragraph (4), by striking the period and
17 inserting a semicolon; and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) for each registrant (and for any political
21 committee, as defined in 301(4) of the Federal Elec-
22 tion Campaign Act of 1971 (2 U.S.C. 431(4)), affili-
23 ated with the registrant), and for each employee list-
24 ed as a lobbyist by the registrant under paragraph
25 (2)(C)—

1 “(A) the name of each Federal candidate,
2 officeholder, or leadership PAC, or political
3 party committee, to whom a contribution was
4 made, and the date and amount of such con-
5 tribution; and

6 “(B) the name of each Federal candidate
7 or officeholder, or leadership PAC of such can-
8 didate or officeholder, or political party com-
9 mittee, for whom a fundraising event was
10 hosted, co-hosted, or otherwise sponsored, the
11 date and location of the event, and the total
12 amount raised by the event; and

13 “(6) the date, recipient, and amount of funds
14 contributed or disbursed by, or arranged, by the reg-
15 istrant or an employee listed as a lobbyist by the
16 registrant under paragraph (2)(C)—

17 “(A) to pay the costs of an event to honor
18 or recognize a covered legislative branch official
19 or covered executive branch official;

20 “(B) to, or on behalf of, an entity that is
21 named for a covered legislative branch official
22 or covered executive branch official, or to a per-
23 son or entity in recognition of such official;

24 “(C) to an entity that is established, fi-
25 nanced, maintained, or controlled by a covered

1 legislative branch official or covered executive
2 branch official, or an entity designated by such
3 official; or

4 “(D) to pay the costs of a meeting, retreat,
5 conference, or other similar event held by, or
6 for the benefit of, 1 or more covered legislative
7 branch officials or covered executive branch of-
8 ficials;

9 except that this paragraph shall not apply to any
10 payment or reimbursement made from funds re-
11 quired to be reported under section 304 of the Fed-
12 eral Election Campaign Act of 1971 (2 U.S.C.
13 434).”.

14 (b) CONFORMING AMENDMENT.—Section 3 of the
15 Act (2 U.S.C. 1602) is amended by adding at the end the
16 following new paragraph:

17 “(19) LEADERSHIP PAC.—The term ‘leader-
18 ship PAC’ means, with respect to an individual hold-
19 ing Federal office, an unauthorized political com-
20 mittee (as defined in the Federal Election Campaign
21 Act of 1971) which is associated with such indi-
22 vidual.”.

1 **SEC. 107. EXTENSION OF THE POST-EMPLOYMENT RE-**
2 **STRICTION PERIOD.**

3 (a) **LENGTH OF POST-EMPLOYMENT RESTRICTION**
4 **PERIOD.**—Section 207(e) of title 18, United States Code,
5 is amended in each of paragraphs (1)(A), (2)(A), (3),
6 (4)(A), and (5)(A) by striking “1 year” and inserting “2
7 years.”

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 subsection (a) shall take effect on the date of enactment
10 of this Act, but shall not apply to any Member of Congress
11 or any officer who leaves office, or to any employee whose
12 employment terminates, before the date of enactment of
13 this Act.

14 **TITLE II—ESTABLISHMENT OF**
15 **OFFICE OF PUBLIC INTEGRITY**

16 **SEC. 201. ESTABLISHMENT OF OFFICE OF PUBLIC INTEG-**
17 **RITY.**

18 There is established, as an independent office within
19 the legislative branch of the Government, the Office of
20 Public Integrity (in this title referred to as the “Office”).

21 **SEC. 202. DIRECTOR.**

22 (a) **APPOINTMENT OF DIRECTOR.**—(1) The head of
23 the Office shall be a Director, who shall be appointed
24 jointly by the Speaker of the House of Representatives,
25 the majority leader of the Senate, and the minority leaders
26 of the House of Representatives and the Senate. The Di-

1 rector shall be selected and appointed without regard to
2 political affiliation and solely on the basis of fitness to per-
3 form the duties of the Office.

4 (2)(A) An individual is ineligible for appointment as
5 the Director if the individual, within the preceding 5 years,
6 has been a registered lobbyist under the Lobbying Dislo-
7 sure Act of 1995 or an agent of a foreign principal under
8 the Foreign Agents Registration Act of 1938, as amended,
9 in a case in which the foreign principal was the govern-
10 ment of a foreign country.

11 (B) The Director may not have been a Member of
12 the House of Representatives or a Senator.

13 (C) The Director shall possess demonstrated integ-
14 rity, independence, and public credibility and shall have
15 training or experience in law enforcement, the judiciary,
16 or as a member of a Federal, State, or local ethics enforce-
17 ment agency.

18 (b) VACANCY.—A vacancy in the office of Director
19 shall be filled in the manner in which the original appoint-
20 ment was made.

21 (c) TERM OF OFFICE.—The Director shall serve for
22 a term of 5 years and may be reappointed.

23 (d) REMOVAL.—The Director may be removed by a
24 majority of the appointing authority for—

- 1 (1) disability that substantially prevents the Di-
2 rector from carrying out his or her duties;
3 (2) incompetence;
4 (3) neglect of duty; or
5 (4) malfeasance, including a felony or conduct
6 involving moral turpitude.

7 In removing the Director, a statement of the reasons for
8 removal shall be provided in writing to the Director by
9 the members who voted for removing the Director and
10 shall be made public.

11 (e) COMPENSATION.—The Director shall be com-
12 pensated at the annual rate of basic pay prescribed for
13 level V of the Executive Schedule under section 5316 of
14 title 5, United States Code.

15 **SEC. 203. DUTIES AND POWERS OF THE OFFICE.**

16 (a) DUTIES.—The Office is authorized—

- 17 (1) to receive, monitor, and oversee financial
18 disclosure and other reports filed by Members of
19 Congress and officers and employees of Congress
20 under the Ethics in Government Act of 1978, and
21 reports filed by registered lobbyists under the Lob-
22 bying Disclosure Act of 1995;
23 (2) to investigate any alleged violation, by a
24 Member, officer, or employee of the House of Rep-
25 resentatives or the Senate, of any rule or other

1 standard of conduct applicable to the conduct of
2 such Member, officer, or employee under applicable
3 House or Senate rules in the performance of the du-
4 ties, or the discharge of the responsibilities, of such
5 Member, officer, or employee;

6 (3) to present a case of probable ethics viola-
7 tions to the Committee on Standards of Official
8 Conduct of the House of Representatives or the Se-
9 lect Committee on Ethics of the Senate;

10 (4) to make recommendations to the Committee
11 on Standards of Official Conduct of the House of
12 Representatives or the Select Committee on Ethics
13 of the Senate that the committee report to the ap-
14 propriate Federal or State authorities any substan-
15 tial evidence of a violation by a Member, officer, or
16 employee of the House of Representatives or the
17 Senate of any law applicable to the performance of
18 the duties, or the discharge of the responsibilities, of
19 such Member, officer, or employee, that may have
20 been disclosed in an investigation by the Office;

21 (5) to provide information and informal guid-
22 ance to Members, officers, and employees of the
23 House of Representatives and the Senate regarding
24 any rules and other standards of conduct applicable
25 to such individuals in their official capacities, and

1 develop and carry out periodic educational briefings
2 for Members, officers, and employees of the House
3 of Representatives and the Senate, on those laws,
4 rules, regulations, or other standards;

5 (6) to consider the request of any Member, offi-
6 cer, or employee of the House of Representatives or
7 the Senate for a formal advisory opinion or other
8 formal ruling, subject to the review of the Com-
9 mittee on Standards of Official Conduct of the
10 House of Representatives or the Select Committee
11 on Ethics of the Senate, as applicable, with respect
12 to the general propriety of any current or proposed
13 conduct of such Member, officer, or employee and,
14 with appropriate deletions to assure the privacy of
15 the individual concerned, to publish such opinion for
16 the guidance of other Members, officers, and em-
17 ployees of the House of Representatives or the Sen-
18 ate;

19 (7) to conduct periodic and random reviews and
20 audits of reports filed with it to ensure compliance
21 with all applicable laws and rules; and

22 (8) to provide informal guidance to registrants
23 under the Lobbying Disclosure Act of 1995 of their
24 responsibilities under such Act.

25 (b) POWERS.—

1 (1) OBTAINING INFORMATION.—Upon request
2 of the Office, the head of any agency or instrumen-
3 tality of the Government shall furnish information
4 that the Director considers necessary to enable the
5 Office to carry out its duties.

6 (2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe
7 that a violation of the Lobbying Disclosure Act of
8 1995 may have occurred, the Director shall refer
9 that matter to the Department of Justice for inves-
10 tigation.
11

12 (3) GENERAL AUDITS.—The Director may con-
13 duct general audits of filings under the Lobbying
14 Disclosure Act of 1995.

15 **SEC. 204. INVESTIGATIONS AND INTERACTION WITH THE**
16 **HOUSE COMMITTEE ON STANDARDS OF OFFI-**
17 **CIAL CONDUCT OR THE SENATE SELECT**
18 **COMMITTEE ON ETHICS.**

19 (a) INITIATION OF ENFORCEMENT MATTERS.—(1)
20 The Office may initiate an investigation under section
21 203(a)(2) when a complaint is filed with the Office by a
22 Member of Congress or an outside complainant, or upon
23 its own initiative, based on any information the Office pos-
24 sesses. The Director may not accept a complaint con-

1 cerning a Member of Congress within 60 days before an
2 election involving such Member.

3 (2) Within 30 days after a complaint is filed under
4 paragraph (1), the Director shall make an initial deter-
5 mination of whether the complaint should be dismissed or
6 whether there are sufficient grounds to conduct an inves-
7 tigation under section 203(a)(2). The Director shall pro-
8 vide to the individual who is the subject of the complaint
9 an opportunity, during that 30-day period, to challenge
10 the complaint. If the Director decides to dismiss a com-
11 plaint, the Director can determine the complaint to be friv-
12 olous.

13 (3) If the Director determines that a complaint is
14 frivolous, the Director may not accept any future com-
15 plaint filed by the person who filed the complaint, and the
16 complainant shall be required to pay for the costs of the
17 Office resulting from the complaint. The Director may
18 refer the matter to the Department of Justice to collect
19 those costs.

20 (4) If the Office begins an investigation under section
21 203(a)(2) on its own initiative, the Director shall make
22 a preliminary determination of whether there are suffi-
23 cient grounds to conduct the investigation. Before making
24 that determination, the Director shall provide to the indi-
25 vidual who is the subject of the investigation an oppor-

1 tunity to submit information to the Director that there
2 are not sufficient grounds to conduct an investigation.

3 (5) If the Director determines that there are suffi-
4 cient grounds to conduct an investigation under section
5 203(a)(2)—

6 (A) the Director shall notify the Committee on
7 Standards of Official Conduct or the Senate Select
8 Committee on Ethics, as applicable, of this deter-
9 mination;

10 (B) the applicable committee may overrule the
11 determination of the Director if, within 10 legislative
12 days—

13 (i) the committee by an affirmative, roll-
14 call vote of two-thirds of the full committee
15 votes to overrule the determination of the Di-
16 rector;

17 (ii) the committee issues a public report
18 detailing its reasoning for overruling the Direc-
19 tor;

20 (iii) the vote of each member of the com-
21 mittee on such roll- call vote is included in the
22 report; and

23 (iv) dissenting members are allowed to
24 issue their own report detailing their reasons
25 for disagreeing with the majority vote; and

1 (C) if the applicable committee votes to overrule
2 the determination of the Director pursuant to sub-
3 paragraph (B), the Director may publish and make
4 available to the general public a report detailing the
5 reasons that the Director concluded there were suffi-
6 cient grounds to conduct an investigation.

7 (b) CONDUCTING INVESTIGATIONS.—(1) If the Direc-
8 tor determines that there are sufficient grounds to conduct
9 an investigation under section 203(a)(2) and the Direc-
10 tor’s determination is not overruled under subsection
11 (a)(5), the Director shall conduct an investigation to de-
12 termine whether probable cause exists that a violation oc-
13 curred.

14 (2) As part of an investigation, the Director may—

15 (A) administer oaths;

16 (B) issue subpoenas;

17 (C) compel the attendance of witnesses and the
18 production of papers, books, accounts, documents,
19 and testimony; and

20 (D) take the deposition of witnesses.

21 (3) If a person disobeys or refuses to comply with
22 a subpoena, or if a witness refuses to testify to a matter,
23 that person may be held in contempt of Congress.

24 (c) PRESENTATION OF CASE TO HOUSE COMMITTEE
25 ON STANDARDS OF OFFICIAL CONDUCT OR SENATE SE-

1 LECT COMMITTEE ON ETHICS.—(1) If the Director deter-
2 mines, upon conclusion of an investigation, that probable
3 cause exists that an ethics violation has occurred, the Di-
4 rector shall notify the Committee on Standards of Official
5 Conduct of the House of Representatives or the Senate
6 Select Committee on Ethics, as applicable, of that deter-
7 mination.

8 (2) The applicable committee may overrule the deter-
9 mination of the Director if, within 10 legislative days—

10 (A) the committee by an affirmative, roll-call
11 vote of two-thirds of the full committee votes to
12 overrule the determination of the Director;

13 (B) the committee issues a public report detail-
14 ing its reasoning for overruling the Director;

15 (C) the vote of each member of the committee
16 on the roll-call vote is included in the report; and

17 (D) dissenting members are allowed to issue
18 their own report detailing their reasons for dis-
19 agreeing with the majority vote.

20 (3) If the applicable committee votes to overrule the
21 determination of the Director pursuant to paragraph (2),
22 the Director may publish and make available to the gen-
23 eral public a report detailing the reasons that the Director
24 concluded there were sufficient grounds to present the
25 case to the committee.

1 (4)(A) If the Director determines there is probable
2 cause that an ethics violation has occurred and the Direc-
3 tor's determination is not overruled, the Director shall
4 present the case and evidence to the Committee on Stand-
5 ards of Official Conduct of the House of Representatives
6 or the Select Committee on Ethics of the Senate, as appli-
7 cable, to hear and make a determination pursuant to its
8 rules.

9 (B) The applicable committee shall vote upon wheth-
10 er the individual who is the subject of the investigation
11 has violated any rules or other standards of conduct appli-
12 cable to that individual in his official capacity. Such votes
13 shall be a roll-call vote of the full committee, a quorum
14 being present. The committee shall issue a public report
15 which shall include the vote of each member of the com-
16 mittee on the roll-call vote. Dissenting members may issue
17 their own report detailing their own reasons for dis-
18 agreeing with the majority vote.

19 (f) SANCTIONS.—Whenever the Committee on Stand-
20 ards of Official Conduct of the House of Representatives
21 or the Select Committee on Ethics of the Senate finds that
22 an ethics violation has occurred, the Director shall rec-
23 ommend appropriate sanctions to the committee and
24 whether a matter should be referred to the Department
25 of Justice for investigation.

1 (g) LEGISLATIVE DAYS.—In this section, the term
2 “legislative days” means all days other than those days
3 described in section 154(b) of the Trade Act of 1974 (19
4 U.S.C. 2194(b)).

5 **SEC. 205. CHANGES IN EXISTING LAW AND IN THE RULES**
6 **OF THE HOUSE OF REPRESENTATIVES.**

7 (a) RULES OF THE HOUSE.—(1) Paragraphs (a)
8 through (e) of clause 3 of rule XI of the Rules of the
9 House of Representatives are amended to read as follows:

10 “(a) The Committee on Standards of Official Con-
11 duct has the following functions:

12 “(1) The committee may recommend to the
13 House from time to time such administrative actions
14 as it may consider appropriate to establish or en-
15 force standards of official conduct for Members, Del-
16 egates, the Resident Commissioner, officers, and em-
17 ployees of the House. A letter of reproof or other
18 administrative action of the committee pursuant to
19 an investigation by the Office of Public Integrity re-
20 ferred to in subparagraph (2) shall only be issued or
21 implemented as a part of a report required by such
22 subparagraph.

23 “(2) The committee may hear, in an adjudica-
24 tory capacity, a case presented to it by the Director
25 of the Office of Public Integrity (in this clause re-

1 ferred to as the ‘Director’) of an alleged violation by
2 a Member, Delegate, Resident Commissioner, officer,
3 or employee of the House of the Code of Official
4 Conduct or of a rule or other standard of conduct
5 applicable to the conduct of such Member, Delegate,
6 Resident Commissioner, officer, or employee in the
7 performance of his or her duties or the discharge of
8 his or her responsibilities. After notice and hearing
9 (unless the right to such a hearing is waived by the
10 Member, Delegate, Resident Commissioner, officer,
11 or employee), the committee shall report to the
12 House its findings of fact and recommendations, if
13 any, for the final disposition of any such investiga-
14 tion and such action as the committee may consider
15 appropriate in the circumstances.

16 “(3) After the Director determines that there
17 are sufficient grounds to pursue an investigation of
18 any individual referred to in subparagraph (2) or
19 that there is probable cause to believe that a viola-
20 tion has occurred, the committee may overrule this
21 determination by a two-thirds vote of the committee
22 within 10 legislative days after being so notified by
23 the Director. Any such vote shall be recorded and
24 made available to the public. If the committee re-
25 verses the Director’s determination to proceed with

1 the case, then the committee shall file in a timely
2 manner a report to the House and made available to
3 the general public explaining its decision. Committee
4 members who voted against reversing the Director's
5 determination may file their own public reports on
6 the matter.

7 “(4) The committee may report to the appro-
8 priate Federal or State authorities, either with the
9 approval of the House or by an affirmative vote of
10 a majority of the members of the committee, any
11 substantial evidence of a violation by a Member,
12 Delegate, Resident Commissioner, officer, or em-
13 ployee of the House, of a law applicable to the per-
14 formance of his or her duties or the discharge of his
15 or her responsibilities that may have been disclosed
16 to the committee by the Director as the result of an
17 investigation.

18 “(b)(1) Unless approved by an affirmative vote of a
19 majority of its members, the Committee on Standards of
20 Official Conduct may not report a resolution, report, or
21 recommendation relating to the official conduct of a Mem-
22 ber, Delegate, Resident Commissioner, officer, or em-
23 ployee of the House.

24 “(2) A member of the committee shall be ineligible
25 to participate as a member of the committee in a com-

1 mittee proceeding relating to the member's official con-
2 duct. Whenever a member of the committee is ineligible
3 to act as a member of the committee under the preceding
4 sentence, the Speaker shall designate a Member, Delegate,
5 or Resident Commissioner from the same political party
6 as the ineligible member to act in any proceeding of the
7 committee relating to that conduct.

8 “(3) A member of the committee may disqualify him-
9 self or herself from participating in an investigation of the
10 conduct of a Member, Delegate, Resident Commissioner,
11 officer, or employee of the House upon the submission in
12 writing and under oath of an affidavit of disqualification
13 stating that the member cannot render an impartial and
14 unbiased decision in the case in which the member seeks
15 to be disqualified. If the committee approves and accepts
16 such affidavit of disqualification, the chairman shall so no-
17 tify the Speaker and request the Speaker to designate a
18 Member, Delegate, or Resident Commissioner from the
19 same political party as the disqualifying member to act
20 in any proceeding of the committee relating to that case.

21 “(4) Information or testimony received, or the con-
22 tents of a complaint or the fact of its filing, may not be
23 publicly disclosed by any committee or staff member un-
24 less specifically authorized in each instance by a vote of
25 the full committee.

1 “(c)(1) Notwithstanding clause 2(g)(1) of rule XI,
2 each meeting of the Committee on Standards of Official
3 Conduct or a subcommittee thereof shall occur in executive
4 session unless the committee or subcommittee, by an af-
5 firmative vote of a majority of its members, opens the
6 meeting to the public.

7 “(2) Notwithstanding clause 2(g)(2) of rule XI, each
8 adjudicatory hearing of the Committee on Standards of
9 Official Conduct shall be held in open session unless the
10 committee, in open session by an affirmative vote of a ma-
11 jority of its members, closes all or part of the remainder
12 of the hearing on that day to the public.

13 “(d) Before a member, officer, or employee of the
14 Committee on Standards of Official Conduct may have ac-
15 cess to information that is confidential under the rules of
16 the committee, the following oath (or affirmation) shall
17 be executed:

18 “‘I do solemnly swear (or affirm) that I will
19 not disclose, to any person or entity outside the
20 Committee on Standards of Official Conduct, any in-
21 formation received in the course of my service with
22 the committee, except as authorized by the com-
23 mittee or in accordance with its rules.’

24 Copies of the executed oath shall be retained by the Clerk
25 as part of the records of the House. This paragraph estab-

1 lishes a standard of conduct within the meaning of para-
2 graph (a)(2). Breaches of confidentiality shall be inves-
3 tigated by the Committee on Standards of Official Con-
4 duct and appropriate action shall be taken.”.

5 (2) Clause 3 of rule XI of the Rules of the House
6 of Representatives is amended—

7 (A) by redesignating paragraphs (f) through (i)
8 as paragraphs (e) through (h), respectively;

9 (B) by striking paragraphs (j) through (q); and

10 (C) in paragraph (g), as redesignated, by strik-
11 ing “any hearing held by an adjudicatory sub-
12 committee or” both places it appears.

13 (3) Clause 5(a)(4) of rule X of the Rules of the House
14 of Representatives is repealed.

15 (b) CHANGES IN ETHICS IN GOVERNMENT ACT OF
16 1978.—Title I of the Ethics in Government Act of 1978
17 is amended as follows:

18 (1) Section 101(h) is amended by striking “the
19 congressional ethics committees” and inserting “the
20 Director of the Office of Public Integrity”.

21 (2) Section 103 is amended—

22 (A) in subsection (h)(1)(A)—

23 (i) in clause (i)(I), by striking “Clerk
24 of the House of Representatives” and in-

1 serting “Director of the Office of Public
2 Integrity”;

3 (ii) in clause (i)(II), by striking “Sec-
4 retary of the Senate” and inserting “Di-
5 rector of the Office of Public Integrity”;

6 (iii) in clause (ii), by striking
7 “1989—” and all that follows through the
8 end and inserting “1989, the Director of
9 the Office of Public Integrity; and”;

10 (B) in subsection (i), by striking “Clerk of
11 the House of Representatives or Secretary of
12 the Senate, as the case may be” and inserting
13 “Director of the Office of Public Integrity”;

14 (C) by striking subsection (j) and redesign-
15 ating subsection (k) as subsection (j); and

16 (D) in subsection (j) (as redesignated)—

17 (i) by striking “Clerk of the House of
18 Representatives and Secretary of the Sen-
19 ate” and inserting “Director of the Office
20 of Public Integrity”; and

21 (ii) by striking “Clerk and the Sec-
22 retary” both places it appears and insert-
23 ing “Director of the Office of Public Integ-
24 rity”.

25 (3) Section 105 is amended—

1 (A) by striking “Clerk of the House of
2 Representatives, and the Secretary of the Sen-
3 ate” each place it appears and inserting “Direc-
4 tor of the Office of Public Integrity”;

5 (B) by striking “Clerk or the Secretary of
6 the Senate, as the case may be” each place it
7 appears and inserting “Director of the Office of
8 Public Integrity”;

9 (B) by striking “Clerk, or Secretary of the
10 Senate, as the case may be” and inserting “Di-
11 rector of the Office of Public Integrity”; and

12 (D) in subsection (d)—

13 (i) by striking “Clerk of the House of
14 Representatives or the Secretary of the
15 Senate” and inserting “Director of the Of-
16 fice of Public Integrity”; and

17 (ii) by striking “Clerk or the Sec-
18 retary of the Senate, as the case may be”
19 and inserting “Director of the Office of
20 Public Integrity”.

21 (4) paragraph (1) of section 109 is repealed.

22 (5) Section 111(2) is amended by striking “Se-
23 lect Committee on Ethics of the Senate and the
24 Committee on Standards of Official Conduct of the

1 House of Representatives, as appropriate,” and in-
2 sserting “Director of the Office of Public Integrity”.

3 (d) CHANGES IN LOBBYING DISCLOSURE ACT OF
4 1995.—

5 (1) TRANSFER OF JURISDICTION TO OFFICE OF
6 PUBLIC INTEGRITY.—

7 (A) FILING OF REGISTRATIONS.—Section
8 4 of the Lobbying Disclosure Act of 1995 (2
9 U.S.C. 1603) is amended—

10 (i) in subsection (a)(1), by striking
11 “Secretary of the Senate and the Clerk of
12 the House of Representatives” and insert-
13 ing “Director of the Office of Public Integ-
14 rity”; and

15 (ii) in subsection (d), by striking
16 “Secretary of the Senate and the Clerk of
17 the House of Representatives” and insert-
18 ing “Director of the Office of Public Integ-
19 rity”.

20 (B) REPORTS BY REGISTERED LOBBY-
21 ISTS.—Section 5(a) of the Lobbying Disclosure
22 Act of 1995 (2 U.S.C. 1604(a)) is amended by
23 striking “Secretary of the Senate and the Clerk
24 of the House of Representatives” and inserting
25 “Director of the Office of Public Integrity”.

1 (C) DISCLOSURE AND ENFORCEMENT.—
2 Section 6 of the Lobbying Disclosure Act of
3 1995 (2 U.S.C. 1605) is amended by striking
4 “Secretary of the Senate and the Clerk of the
5 House of Representatives” and inserting “Di-
6 rector of the Office of Public Integrity”.

7 (D) PENALTIES.—Section 7 of the Lob-
8 bying Disclosure Act of 1995 (2 U.S.C. 1606)
9 is amended by striking “Secretary of the Senate
10 or the Clerk of the House of Representatives”
11 and inserting “Director of the Office of Public
12 Integrity”.

13 (E) RULES OF CONSTRUCTION.—Section
14 8(e) of the Lobbying Disclosure Act of 1995 (2
15 U.S.C. 1607(e)) is amended by striking “Sec-
16 retary of the Senate or the Clerk of the House
17 of Representatives” and inserting “Director of
18 the Office of Public Integrity”.

19 (F) ESTIMATES BASED ON TAX REPORTING
20 SYSTEM.—Section 15(c)(1) of the Lobbying
21 Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is
22 amended by striking “Secretary of the Senate
23 and the Clerk of the House of Representatives”
24 and inserting “Director of the Office of Public
25 Integrity”.

1 (2) FILING IN ELECTRONIC FORM.—

2 (A) REGISTRATIONS.—Section 4 of the
3 Lobbying Disclosure Act of 1995 (2 U.S.C.
4 1603) is amended by adding at the end the fol-
5 lowing:

6 “(e) FILING IN ELECTRONIC FORM.—A registration
7 required to be filed under this section shall be filed in elec-
8 tronic form, in addition to any other form that may be
9 required by the Office of Public Integrity.”.

10 (B) REPORTS.—Section 5 of the Lobbying
11 Disclosure Act of 1995 (2 U.S.C. 1604) is
12 amended by adding at the end the following:

13 “(d) FILING IN ELECTRONIC FORM.—A report re-
14 quired to be filed under this section shall be filed in elec-
15 tronic form, in addition to any other form that may be
16 required by the Office of Public Integrity. The Office shall
17 make such filings available to the public on the Internet
18 in a searchable database.”.

19 **SEC. 206. FORMAL ADVISORY OPINIONS AND INTERPRETA-**
20 **TIONS.**

21 The Office shall have the authority to provide formal
22 advisory opinions and interpretations of rules and other
23 standards of conduct applicable to Members, officers, and
24 employees of the House of Representatives and the Sen-
25 ate. The Committee on Standards of Official Conduct of

1 the House of Representatives or the Select Committee on
2 Ethics of the Senate, by a two-thirds vote of the full com-
3 mittee, may revise or overturn any such formal ruling by
4 the Office that is applicable to the Members, officers, and
5 employees of that House of Congress. Any such vote shall
6 be recorded and made publicly available, and shall be ac-
7 companied by a written explanation for that action. Dis-
8 senting members are allowed to issue their own report de-
9 tailing reasons for disagreeing with the majority vote.

10 **SEC. 207. PROCEDURAL RULES.**

11 (a) PROHIBITION OF CERTAIN INVESTIGATIONS.—
12 No investigation shall be undertaken by the Office of any
13 alleged violation of a law, rule, regulation, or standard of
14 conduct not in effect at the time of the alleged violation;
15 nor shall any investigation be undertaken by the Office
16 of any alleged violation which occurred before the third
17 Congress preceding the Congress in which the investiga-
18 tion would be undertaken unless the Office determines
19 that the alleged violation is directly related to an alleged
20 violation which occurred in a more recent Congress.

21 (b) DISCLOSURE.—Information or testimony re-
22 ceived, or the contents of a complaint or the fact of its
23 filing, may be publicly disclosed by the Director or by the
24 staff of the Office only if authorized by the Director.

1 **SEC. 208. ADMINISTRATION.**

2 (a) **STAFF AND SUPPORT SERVICES.**—The Director
3 may appoint and fix the compensation of such staff as the
4 Director considers necessary, including deputy directors
5 for ethics matters relating to the House of Representatives
6 and to the Senate, a general counsel, and such investiga-
7 tors, auditors, and other staff as the Director considers
8 necessary.

9 (b) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The
10 Director and other members of the staff of the Office shall
11 be appointed without regard to the provisions of title 5,
12 United States Code, governing appointments in the com-
13 petitive service, and shall be paid without regard to the
14 provisions of chapter 51 and subchapter III of chapter 53
15 of such title relating to classification and General Schedule
16 pay rates.

17 (c) **EXPERTS AND CONSULTANTS.**—The Director
18 may procure temporary and intermittent services under
19 section 3109(b) of title 5, United States Code.

20 (d) **PHYSICAL FACILITIES.**—The Architect of the
21 Capitol, in consultation with the appropriate entities in the
22 legislative branch, shall locate and provide suitable office
23 space for the operation of the Office on a nonreimbursable
24 basis. The facilities shall serve as the headquarters of the
25 Office and shall include all necessary equipment and

1 incidentals required for the proper functioning of the Of-
2 fice.

3 (e) ADMINISTRATIVE SUPPORT SERVICES AND
4 OTHER ASSISTANCE.—

5 (1) IN GENERAL.—Upon the request of the Di-
6 rector, the Architect of the Capitol and the Adminis-
7 trator of General Services shall provide to the Direc-
8 tor on a nonreimbursable basis such administrative
9 support services as the Director may request.

10 (2) ADDITIONAL SUPPORT.—In addition to the
11 assistance set forth in paragraph (1), departments
12 and agencies of the United States may provide the
13 Director such services, funds, facilities, staff, and
14 other support services as the Director considers ad-
15 visable and as may be authorized by law.

16 (f) USE OF MAILS.—The Office may use the United
17 States mails in the same manner and under the same con-
18 ditions as Federal agencies and shall, for purposes of the
19 frank, be considered a commission of Congress as de-
20 scribed in section 3215 of title 39, United States Code.

21 (g) PRINTING.—For purposes of costs relating to
22 printing and binding, including the cost of personnel de-
23 tailed from the Government Printing Office, the Office
24 shall be deemed to be a committee of the Congress.

1 **SEC. 209. EXPENSES.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated such sums as may be
4 necessary to carry out this title.

5 (b) FINANCIAL AND ADMINISTRATIVE SERVICES.—
6 The Director may place orders and enter into agreements
7 for goods and services with the head of any agency, or
8 major organizational unit within an agency, in the legisla-
9 tive or executive branch of the Government in the same
10 manner and to the same extent as agencies are authorized
11 to do so under sections 1535 and 1536 of title 31, United
12 States Code.

13 (c) WITNESS FEES AND ALLOWANCES.—Witnesses
14 before the Office shall be paid the same fee and mileage
15 allowances as are paid subpoenaed witnesses in the courts
16 of the United States.

17 **SEC. 210. REPORTS BY COMPTROLLER GENERAL.**

18 Not later than 90 days after the date of enactment
19 of this Act, and at the close of the 110th Congress and
20 at the close of each Congress thereafter, the Comptroller
21 General shall submit a report to each House of Congress
22 of the level of funding necessary for the Office to effec-
23 tively carry out its duties under this title.

24 **SEC. 211. TRANSFER OF RECORDS.**

25 Ninety days after the effective date of this title, the
26 Office of Public Records in the Senate and the Office of

1 the Clerk of the House of Representatives shall transfer
2 all records to the Office of Public Integrity with respect
3 to their former duties under the Lobbying Disclosure Act
4 of 1995 and the Ethics in Government Act of 1978.

5 **SEC. 212. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as provided by subsection
7 (b) and by section 210, this title shall take effect on Janu-
8 ary 1, 2007.

9 (b) EXCEPTION.—Sections 202, 208, and 209 shall
10 take effect on the date of enactment of this Act.

○