

109TH CONGRESS
2^D SESSION

H. R. 4920

To amend the Rules of the House of Representatives to reform the ethics process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2006

Mr. CASTLE 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 amend the Rules of the House of Representatives to reform the ethics process, and for other purposes.

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 “Accountability and
5 Transparency in Ethics Act”.

1 **TITLE I—OUTSIDE INVESTIGA-**
2 **TIONS COMMISSION AS SEPA-**
3 **RATE INVESTIGATORY ARM**

4 **SEC. 101. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**
5 **SION.**

6 (a) **ESTABLISHMENT.**—There is established an inde-
7 pendent ethics commission within the legislative branch of
8 the Government to be known as the Investigations Com-
9 mission (in this title referred to as the “Commission”).

10 (b) **MEMBERSHIP AND CHAIR.**—The Commission
11 shall consist of 7 individuals, 3 appointed by the Speaker,
12 3 by the minority leader of the House of Representatives,
13 and 1 appointed jointly by the Speaker and the minority
14 leader and who shall serve as chairman.

15 (c) **QUALIFICATIONS.**—

16 (1) **SPECIFIC QUALIFICATIONS.**—(A) Only
17 former Members of Congress and retired Federal
18 judges shall be eligible for appointment to the Com-
19 mission.

20 (B) **RETIRED JUDGE.**—

21 (i) **IN GENERAL.**—The term “retired
22 judge” means any judge who has retired from
23 the office and is not serving as a judge pursu-
24 ant to recall or otherwise.

25 (ii) **JUDGE.**—The term “judge”—

1 (I) means any judge of a court cre-
2 ated by Act of Congress under article III
3 or article I of the United States Constitu-
4 tion; and

5 (II) includes any bankruptcy judge or
6 magistrate judge.

7 (2) DISQUALIFICATIONS FOR APPOINTMENTS.—

8 (A) LOBBYING.—No individual who has
9 been a lobbyist registered under the Lobbying
10 Disclosure Act of 1995 or engages in, or is oth-
11 erwise employed in, lobbying of the Congress or
12 who is an agent of a foreign principal registered
13 under the Foreign Agents Registration Act
14 within the 5-year period immediately preceding
15 appointment shall be eligible for appointment
16 to, or service on, the Commission.

17 (B) INCOMPATIBLE OFFICE.—No member
18 of the Commission appointed under subsection
19 (b) may be an elected public official or an offi-
20 cer or employee of the Federal Government.

21 (3) VACANCIES.—A vacancy on the Commission
22 shall be filled in the manner in which the original
23 appointment was made.

24 (d) TERM OF OFFICE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), membership on the Commission shall be
3 for 3 Congresses. A member of the Commission who
4 is appointed to a term of office shall only be eligible
5 for appointment for a single term of office.

6 (2) FIRST APPOINTMENTS.—Of the members
7 first appointed to the Commission, 2 appointed by
8 the Speaker, 2 appointed by the minority leader, and
9 1 appointed jointly by them shall have a term of of-
10 fice of 3 Congresses, and the other 4 shall have
11 terms of 2 Congresses.

12 (e) COMPENSATION.—Members of the Commission
13 shall each be paid at a rate equal to the rate of basic pay
14 for level V of the Executive Schedule.

15 (f) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum.

17 (g) MEETINGS.—The Commission shall meet at the
18 call of the chairperson or a majority of its members.

19 **SEC. 102. DUTIES OF COMMISSION.**

20 The Commission is authorized—

21 (1) to investigate any alleged violation, by a
22 Member, officer, or employee of the House of Rep-
23 resentatives, of any law, rule, regulation, or other
24 standard of conduct applicable to the conduct of
25 such Member, officer, or employee in the perform-

1 ance of his duties or the discharge of his responsibil-
2 ities, and after notice and hearing (unless the right
3 to a hearing is waived by the Member, officer, or
4 employee), shall report to the Committee on Stand-
5 ards of Official Conduct of the House of Representa-
6 tives its findings of fact and recommendations, if
7 any, upon the final disposition of any such investiga-
8 tion, and such action as the Commission may deem
9 appropriate in the circumstances;

10 (2) to report to the appropriate Federal or
11 State authorities, with the approval of the House of
12 Representatives, any substantial evidence of a viola-
13 tion, by a Member, officer, or employee of the House
14 of Representatives, of any law applicable to the per-
15 formance of his duties or the discharge of his re-
16 sponsibilities, which may have been disclosed in a
17 Commission investigation; and

18 (3) adopt rules governing its procedures to af-
19 ford protections to respondents comparable those
20 that were provided by clause 3 of rule XI of the
21 Rules of the House of Representatives in effect im-
22 mediately before the amendments to such rule made
23 by section 107.

1 **SEC. 103. POWERS OF COMMISSION.**

2 (a) HEARINGS AND EVIDENCE.—The Commission or,
3 on the authority of the Commission, any subcommittee or
4 member thereof, may, for the purpose of carrying out this
5 title—

6 (1) hold such hearings and sit and act at such
7 times and places, take such testimony, receive such
8 evidence, administer such oaths; and

9 (2) subject to subsection (b), require, by sub-
10 poena or otherwise, the attendance and testimony of
11 such witnesses and the production of such books,
12 records, correspondence, memoranda, papers, and
13 documents, as the Commission or such designated
14 subcommittee or designated member may determine
15 advisable.

16 (b) SUBPOENAS.—

17 (1) IN GENERAL.—A subpoena may be issued
18 under this subsection only—

19 (A) by the agreement of the chair and the
20 vice chair; or

21 (B) by the affirmative vote of 5 members
22 of the Commission.

23 (2) SIGNATURE.—Subject to paragraph (1),
24 subpoenas issued under this subsection may be
25 issued under the signature of the chairman or any
26 member designated by a majority of the Commis-

1 sion, and may be served by any person designated
2 by the chairman or by a member designated by a
3 majority of the Commission.

4 (c) OBTAINING INFORMATION.—Upon request of the
5 Commission, the head of any agency or instrumentality
6 of the Government shall furnish information deemed nec-
7 essary by the panel to enable it to carry out its duties.

8 (d) TREATMENT OF TIE VOTES.—Whenever the vote
9 to conduct an investigation has the same number of mem-
10 bers voting in the affirmative as in the negative, then the
11 professional staff, pursuant to rules adopted by the Com-
12 mission, shall conduct a fact-finding investigation and re-
13 port its findings and recommendations to the Commission.
14 Such report would either recommend a dismissal of the
15 complaint or the commencement of a formal investigation.
16 The Commission shall, upon receipt of the findings and
17 recommendation, make the report public. An affirmative
18 vote of a majority of the members of the Commission
19 would be required to commence a formal investigation if
20 the Commission determines that the matter merits further
21 inquiry.

22 **SEC. 104. PROCEDURAL RULES.**

23 (a) MAJORITY APPROVAL.—No report or rec-
24 ommendation relating to the official conduct of a Member,
25 officer, or employee of the House of Representatives shall

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

5 (b) INVESTIGATIONS.—Except in the case of an in-
6 vestigation undertaken by the Commission on its own ini-
7 tiative, the Commission may undertake an investigation
8 relating to the official conduct of an individual Member,
9 officer, or employee of the House of Representatives
10 only—

11 (1) upon receipt of a complaint, in writing and
12 under oath, made by or submitted to a Member of
13 the House of Representatives and transmitted to the
14 Commission by such Member, or

15 (2) upon receipt of a complaint, in writing and
16 under oath, directly from any citizen of the United
17 States.

18 (c) PROHIBITION OF CERTAIN INVESTIGATIONS.—No
19 investigation shall be undertaken by the Commission of
20 any alleged violation of a law, rule, regulation, or standard
21 of conduct not in effect at the time of the alleged violation.

22 (d) DISCLOSURE.—No information or testimony re-
23 ceived, or the contents of a complaint or the fact of its
24 filing, shall be publicly disclosed by any member of the

1 Commission or staff of the Commission unless specifically
2 authorized in each instance by a vote of the Commission.

3 **SEC. 105. STAFF OF COMMISSION.**

4 The Commission may appoint and fix the compensa-
5 tion of such staff as the Commission considers necessary
6 to perform its duties. The director shall be appointed
7 jointly by the Speaker and minority leader and shall be
8 paid at a rate not exceed the rate of basic pay payable
9 for Level V of the Executive Schedule.

10 **SEC. 106. ACTION ON HOUSE ETHICS COMMISSION REC-**
11 **COMMENDATIONS.**

12 (a) PRINTING OF REPORTS IN CONGRESSIONAL
13 RECORD.—Upon receipt by the Committee on Standards
14 of Official Conduct of the House of Representatives of any
15 report of the House Ethics Commission, the chairman of
16 the committee shall have the report printed in the Con-
17 gressional Record.

18 (b) COMMITTEE CONSIDERATION OF HOUSE ETHICS
19 COMMISSION RECOMMENDATIONS.—After a report re-
20 ferred to in subsection (a) is printed in the Congressional
21 Record recommending action by the Committee on Stand-
22 ards of Official Conduct of the House of Representatives
23 respecting any alleged violation by a Member, officer, or
24 employee of the House of Representatives, of any law,
25 rule, regulation, or other standard of conduct applicable

1 to the conduct of such Member, officer, or employee in
2 the performance of his duties or the discharge of his re-
3 sponsibilities, the committee shall vote upon whether to
4 dismiss the underlying complaint, establish an adjudica-
5 tory subcommittee, or proceed to consider the matter in
6 the full committee.

7 **SEC. 107. AMENDMENTS TO THE RULES OF THE HOUSE TO**
8 **CHANGE THE DUTIES OF THE COMMITTEE ON**
9 **STANDARDS OF OFFICIAL CONDUCT.**

10 (a) HOUSE RULES AMENDMENTS.—Clause 3 of rule
11 XI of the Rules of the House of Representatives is amend-
12 ed as follows:

13 (1) Paragraph (a)(2) is amended by striking
14 the first sentence and by inserting “before the
15 House Ethics Commission” after “hearing” in the
16 second sentence.

17 (2)(A) Paragraph (b)(1) is amended by striking
18 “(A)”, by striking “, or, except as provided in sub-
19 paragraph (2), undertake an investigation”, and by
20 striking subdivision (B).

21 (B) Paragraph (b) is further amended by strik-
22 ing subparagraphs (2), (3), and (5) and by redesignig-
23 nating subparagraphs (4), (6), and (7) as subpara-
24 graphs (2), (3), and (4), respectively.

25 (3) Strike paragraphs (k), (l), (m), and (n).

1 (4) Paragraph (o) is amended by striking
2 “(1)”, by striking “an investigative subcommittee
3 or”, by striking subparagraphs (2) and (3), and by
4 redesignating such paragraph as paragraph (k).

5 (5) Strike paragraphs (p) and (q).

6 (b) CONFORMING AMENDMENTS.—Section 803 of the
7 Ethics Reform Act of 1989 (2 U.S.C. 29d) is amended—
8 (1) by striking subsection (c); and
9 (2) in subsection (d), by striking “an investiga-
10 tive subcommittee” each place it appears and insert-
11 ing “the House Ethics Commission”.

12 **SEC. 108. EFFECTIVE DATE.**

13 This title shall take effect immediately prior to noon
14 on January 3, 2007.

15 **TITLE II—BETTER ORGANIZA-**
16 **TION OF OVERSIGHT AND AC-**
17 **COUNTABILITY**

18 **SEC. 201. MANDATORY ANNUAL ETHICS TRAINING FOR**
19 **MEMBERS AND HOUSE EMPLOYEES.**

20 Clause 3 of rule XI of the Rules of the House of Rep-
21 resentatives is amended by adding at the end the following
22 new paragraphs:

23 “(r)(1) The committee shall provide annual ethics
24 training to each Member, Delegate, Resident Commis-
25 sioner, and employee of the House of Representatives

1 which shall include knowledge of the Code of Official Con-
2 duct, related House rules, and applicable provisions of law.

3 “(2) A new employee of the House shall receive train-
4 ing under this section not later than 30 days after begin-
5 ning service to the House.

6 “(3) At the end of each session of Congress, the
7 chairman of the committee shall have printed in the Con-
8 gressional Record the names of any such individuals who
9 failed to participate in such training during that session.

10 “(s)(1) The committee shall provide an 8-hour ethics
11 training course to persons desiring to register as lobbyists
12 under the Lobbying Disclosure Act of 1995 during a Con-
13 gress. The committee shall issue to any person who suc-
14 cessfully completes such training a license to engage in
15 lobbying activities under that Act during that Congress.
16 Such license shall be valid only during that Congress. A
17 fee shall be charged for each license in an amount deter-
18 mined by the committee.

19 “(2) Training under subparagraph (1) shall cover in-
20 formation on the code of conduct and disclosure require-
21 ments applicable to Members, officers, and employees of
22 the House, including rules relating to acceptance of gifts
23 (including travel and meals), and financial disclosure re-
24 quirements under the Ethics in Government Act of 1978.

1 “(3) The committee shall suspend the license of any
2 person who commits an offense under chapter 11 of title
3 18, United States Code (relating to bribery, graft, and
4 conflicts of interest), or who violates section 7(b) of the
5 Lobbying Disclosure Act of 1995 (relating to penalties for
6 offering certain gifts).”.

7 **SEC. 202. ETHICS COMMITTEE ADVANCED AUTHORIZATION**
8 **OF TRAVEL.**

9 Clause 5(b) of rule XXV of the Rules of the House
10 of Representatives is amended by inserting at the end the
11 following new subparagraph:

12 “(6) Before a Member, Delegate, Resident Commis-
13 sioner, officer, or employee of the House may take a pri-
14 vately-funded trip—

15 “(A) that individual shall provide the estimated
16 cost of the trip, the name of the entity paying for
17 the trip, the purpose of the trip, and the proposed
18 itinerary to the Committee on Standards of Official
19 Conduct; and

20 “(B) that committee issues a letter stating that
21 the trip complies with the applicable rules of the
22 House.”.

1 **SEC. 203. STRENGTHENING NONPARTISANSHIP AND PRO-**
2 **FESSIONALISM OF THE COMMITTEE ON**
3 **STANDARDS OF OFFICIAL CONDUCT.**

4 Clause 3(g)(1)(A) of rule XI of the Rules of the
5 House of Representatives is amended by inserting “and
6 may only be removed from their positions for cause” be-
7 fore the semicolon.

8 **TITLE III—LOBBYING REFORMS**

9 **SEC. 301. TRANSFER OF FUNCTIONS UNDER LOBBYING DIS-**
10 **CLOSURE ACT TO COMMITTEE ON STAND-**
11 **ARDS OF OFFICIAL CONDUCT.**

12 (a) **FILING OF REGISTRATIONS.**—Section 4 of the
13 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is
14 amended—

15 (1) in subsection (a)(1), by striking “Clerk”
16 and inserting “Committee on Standards of Official
17 Conduct”; and

18 (2) in subsection (d), by striking “Clerk” and
19 inserting “Committee on Standards of Official Con-
20 duct”.

21 (b) **PENALTIES.**—Section 7 of the Lobbying Dislo-
22 sure Act of 1995 (2 U.S.C. 1606) is amended by striking
23 “Clerk” and inserting “Committee on Standards of Offi-
24 cial Conduct”.

25 (c) **RULES OF CONSTRUCTION.**—Section 8(e) of the
26 Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(e)) is

1 amended by striking “Clerk” and inserting “Committee
2 on Standards of Official Conduct”.

3 (d) ESTIMATES BASED ON TAX REPORTING SYS-
4 TEM.—Section 15(c)(1) of the Lobbying Disclosure Act of
5 1995 (2 U.S.C. 1610(c)(1)) is amended by striking
6 “Clerk” and inserting “Committee on Standards of Offi-
7 cial Conduct”.

8 **SEC. 302. REGISTRATION FEES.**

9 Section 4(a)(1) of the Lobbying Disclosure Act of
10 1995 (2 U.S.C. 1603(a)(1)) is amended by adding at the
11 end the following: “The Committee on Standards of Offi-
12 cial Conduct of the House of Representatives shall charge
13 a fee for each registration filed with the committee, in an
14 amount determined by the committee.”.

15 **SEC. 303. TIMING OF REPORTS; ELECTRONIC FILING.**

16 Section 5 of the Lobbying Disclosure Act of 1995 (2
17 U.S.C. 1604) is amended—

18 (1) in subsection (a)—

19 (A) in the heading, by striking “RE-
20 PORT.—No later than” and inserting “AND
21 QUARTERLY REPORTS.—

22 “(1) FILING IN THE SENATE.—No later than”;

23 (B) by striking “and the Clerk of the
24 House of Representatives”; and

1 (C) by striking the last sentence and in-
2 serting the following:

3 “(2) FILING IN THE HOUSE.—No later than 30
4 days after the end of each 3-month period beginning
5 on the first day of each calendar quarter of each
6 year in which a registrant is registered under section
7 4, each registrant shall file a report with the Com-
8 mittee on Standards of Official Conduct of the
9 House of Representatives on its lobbying activities
10 during that 3-month period.

11 “(3) SEPARATE REPORTS.—A separate report
12 under this subsection shall be filed for each client of
13 the registrant.”; and

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

15 “(d) ELECTRONIC FILING.—Each report filed under
16 paragraph (2) of subsection (a) shall be filed in electronic
17 form, in addition to any other form that may be required
18 by the Committee on Standards of Official Conduct of the
19 House of Representatives.”.

20 **SEC. 304. ELECTRONIC DATABASE.**

21 Section 6 of the Lobbying Disclosure Act of 1995 (2
22 U.S.C. 1605) is amended—

23 (1) by striking “The Secretary” and inserting

24 “(a) IN GENERAL.—The Secretary”; and

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

1 “(b) ELECTRONIC DATABASE.—The Committee on
2 Standards of Official Conduct of the House of Representa-
3 tives shall maintain, and make available to the public over
4 the Internet, without a fee or other access charge, in a
5 searchable, sortable, and downloadable manner, an elec-
6 tronic database that—

7 “(1) includes the information contained in re-
8 ports filed with the committee under this Act; and

9 “(2) is searchable and sortable, at a minimum,
10 by each of the categories of information described in
11 section 5(b).”.

12 **SEC. 305. PENALTIES FOR OFFERING GIFTS.**

13 Section 7 of the Lobbying Disclosure Act of 1995 (2
14 U.S.C. 1606) is amended—

15 (1) by striking “Whoever” and inserting “(a)
16 IN GENERAL.—Whoever”; and

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

18 “(b) PENALTIES FOR OFFERING CERTAIN GIFTS.—

19 Any person who is—

20 “(1) a lobbyist registered under this Act,

21 “(2) a lobbyist who is an employee of an orga-
22 nization registered under this Act, or

23 “(3) the client of any such lobbyist or organiza-
24 tion,

1 and who offers to a covered legislative branch employee
2 who is Representative in, or Delegate or Resident Com-
3 missioner to, the Congress, or any officer or employee of
4 the House of Representatives, any gift, knowing that such
5 gift violates the rules of the House of Representatives,
6 shall, upon proof thereof by a preponderance of the evi-
7 dence, be subject to a civil fine of not more than
8 \$50,000.”.

9 **SEC. 306. REVOLVING DOOR.**

10 Section 207(e) of title 18, United States Code, is
11 amended—

12 (1) by striking paragraphs (1) through (6) and
13 inserting the following:

14 “(1) PROHIBITIONS.—Any person who is a cov-
15 ered legislative branch official and who—

16 “(A) within 1 year after the date on which
17 that person leaves office or on which the em-
18 ployment of that person terminates, as the case
19 may be, or

20 “(B) before the end of the Congress during
21 which that person leaves office or on which the
22 employment of that person terminates, as the
23 case may be,

24 whichever period is longer, knowingly makes, with
25 the intent to influence, any communication to or ap-

1 pearance before any of the persons described in
2 paragraph (2), on behalf of any other person (except
3 the United States) in connection with any matter
4 which such former covered legislative branch official
5 seeks action by a Member, officer, or employee of ei-
6 ther House of Congress, in his or her official capac-
7 ity, shall be punished as provided in section 216 of
8 this title.

9 “(2) PERSONS WHO MAY NOT BE CON-
10 TACTED.—The persons referred to in paragraph (1)
11 with respect to appearances or communications by a
12 former covered legislative branch official are any
13 Member, officer, or employee of either House of
14 Congress, and any employee of any other legislative
15 office of the Congress.

16 “(3) COVERED LEGISLATIVE BRANCH OFFI-
17 CIAL.—For purposes of paragraphs (1) and (2), the
18 term ‘covered legislative branch official’ means any
19 Member, officer, or employee of either House of
20 Congress, and any employee of any other legislative
21 office of the Congress.”; and

22 (2) by redesignating paragraph (7) as para-
23 graph (4).

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