

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4988

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. HEFLEY (for himself, Mr. HULSHOF, Mr. GUTKNECHT, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. SHADEGG, Mr. WELDON of Pennsylvania, Mr. BEAUPREZ, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committees on Standards of Official Conduct and the Judiciary, 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

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## A BILL

To amend the Rules of the House of Representatives to strengthen 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “House Ethics Reform Act of 2006”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

## TITLE I—TRAINING

- Sec. 101. Mandatory annual ethics training;  
 Sec. 102. Ethics officers.

## TITLE II—ETHICS INVESTIGATION

- Sec. 201. Ethics investigatory powers and procedures.  
 Sec. 202. Letters of admonition.  
 Sec. 203. Due process rights of respondents.  
 Sec. 204. Simplification of settlement during ethics process.

## TITLE III—ETHICS COMMITTEE REFORM

- Sec. 301. Amendment to Code of Official Conduct to add the Code of Ethics for Government Service.  
 Sec. 302. Renaming the Committee on Standards of Official Conduct the Ethics Committee.  
 Sec. 303. Terms of service of chairman and ranking minority member of Ethics Committee.  
 Sec. 304. Removal of chairman and ranking minority member of Ethics Committee.  
 Sec. 305. Prohibited consultations.  
 Sec. 306. Removal of Ethics Committee staff.

## TITLE IV—TRAVEL

- Sec. 401. Required certification that congressional travel meets certain conditions.  
 Sec. 402. Disclosure by lobbyists of activities related to congressional travel.  
 Sec. 403. Enhanced travel records for privately-funded official travel.  
 Sec. 404. Member and employee travel on corporate jets.

## TITLE V—LOBBYISTS

- Sec. 501. Immediate electronic disclosure of lobbyist and foreign agent registrations.

## TITLE VI—GIFT RULE

- Sec. 601. Disclosure of gifts.

## TITLE VI—FINANCIAL DISCLOSURE

- Sec. 701. Posting of lobbying registration and disclosure statements on House of Representatives Internet site.

1                   **TITLE I—TRAINING**2   **SEC. 101. MANDATORY ANNUAL ETHICS TRAINING;**

- 3            Clause 3 of rule XI of the Rules of the House of Rep-  
 4   resentatives is amended by adding at the end the following  
 5   new paragraph:

1 ***Ethics training***

2 “(r) Within 120 days after an individual takes office  
3 each Congress in the case of a Member, Delegate, or Resi-  
4 dent Commissioner or 120 days after the individual is ap-  
5 pointed in the case of an officer, the Ethics Committee  
6 shall—

7 “(1) provide comprehensive ethics training for  
8 each Member, Delegate, Resident Commissioner, and  
9 officer of the House; and

10 “(2) provide regular comprehensive ethics train-  
11 ing for each ethics officer.

12 The committee shall maintain an up-to-date list on its  
13 website on the Internet of the names of all Members, Dele-  
14 gates, and the Resident Commissioner who have received  
15 such training.”.

16 **SEC. 102. ETHICS OFFICERS.**

17 Clause 3 of rule XI of the Rules of the House of Rep-  
18 resentatives (as amended by section 101) is further  
19 amended by adding at the end the following new para-  
20 graph:

21 ***Ethics officers***

22 “(s)(1) Each Member, Delegate, Resident Commis-  
23 sioner, officer, standing committee, and permanent select  
24 committee of the House shall—

25 “(A) designate an employee to serve as the eth-  
26 ics officer for that office;

1           “(B) notify the Ethics Committee of the name  
2           and e-mail address of the ethics officer; and

3           “(C) notify the Ethics Committee whenever a  
4           new ethics officer is designated.

5           “(2) Each ethics officer shall—

6           “(A) certify to the Ethics Committee that ethics  
7           notices have been distributed to and received by each  
8           employee of the Member, Delegate, Resident Com-  
9           missioner, officer, standing committee, and perma-  
10          nent select committee of the House by whom such  
11          ethics officer is employed; and

12          “(B) provide each employee and the Member,  
13          Delegate, Resident Commissioner, or officer by  
14          whom such ethics officer is employed all pertinent  
15          information provided by the Ethics Committee at  
16          each regular ethics training session.

17          Nothing in this paragraph shall be construed to impose  
18          any liability on any ethics officer for any ethic violations  
19          of any such employee.”.

20                                   **TITLE II—ETHICS**  
21                                   **INVESTIGATION**

22          **SEC. 201. ETHICS INVESTIGATORY POWERS AND PROCE-**  
23                                   **DURES.**

24          Clause 3 of rule XI of the Rules of the House of Rep-  
25          resentatives (as amended by section 102) is further

1 amended by adding at the end the following new para-  
2 graph:

3 ***“Investigatory powers and procedures***

4 “(s) The committee shall adopt rules to—

5 “(1) authorize the chairman and ranking mi-  
6 nority member of the committee the power to au-  
7 thorize and issue subpoenas after they jointly deter-  
8 mine, pursuant to paragraph (k)(1), that informa-  
9 tion submitted to the committee meets the require-  
10 ments of the rules of the committee for what con-  
11 stitutes a complaint and before the establishment of  
12 an investigative subcommittee or when the com-  
13 mittee undertakes an investigation on its own initia-  
14 tive;

15 “(2)(A) provide the committee with the author-  
16 ity to issue a Letter of Admonition to any Member,  
17 Delegate, Resident Commissioner, officer, or em-  
18 ployee of the House upon dismissal of a complaint,  
19 pursuant to paragraph (k)(1) or when the committee  
20 undertakes an investigation on its own initiative,  
21 after informal fact-finding or at the conclusion of an  
22 investigation as an additional alternative to a Letter  
23 of Repeval;

24 “(B) require that each such Letter of Admoni-  
25 tion includes the following statement: ‘Resolution of

1 a complaint or investigation by a Letter of Admoni-  
2 tion is appropriate where, according to the informa-  
3 tion before the committee, the respondent's conduct  
4 either violates or raises concerns under the Rules of  
5 the House of Representatives and standards of con-  
6 duct, but the circumstances, including the complete-  
7 ness of the information before the committee and  
8 the nature of the violation, indicate that a formal in-  
9 vestigation or sanction is not warranted.'; and

10 “(C) provide that whenever the committee de-  
11 termines, by a majority vote, that there is evidence  
12 that a violation within the jurisdiction of the com-  
13 mittee has occurred, but that the alleged violation is  
14 inadvertent, technical, or otherwise of a de minimis  
15 nature, the committee may issue a public or private  
16 Letter of Admonition, which shall not be considered  
17 a sanction and which shall not be subject to appeal  
18 to the House.”.

19 **SEC. 202. LETTERS OF ADMONITION.**

20 Clause 3(a) of rule XI of the Rules of the House of  
21 Representatives is amended by adding at the end the fol-  
22 lowing new subparagraph:

23 “(6) At any time after receipt of information  
24 offered as a complaint pursuant to this clause or in  
25 the case of an investigation undertaken by the com-

1       mittee on its own initiative, the committee may, if  
2       it deems appropriate, issue a Letter of Admonition  
3       to the applicable Member, Delegate, Resident Com-  
4       missioner, officer, or employee of the House.”.

5       **SEC. 203. DUE PROCESS RIGHTS OF RESPONDENTS.**

6       Clause 3(p) of rule XI of the Rules of the House of  
7       Representatives is amended by striking “and” at the end  
8       of subparagraph (7), by striking the period and inserting  
9       “; and” at the end of subparagraph (8), and by adding  
10      at the end the following new subparagraph:

11             “(9)(A) whenever the committee or an inves-  
12             tigative subcommittee proposes to issue a letter (in-  
13             cluding a letter of admonition) or other document  
14             that includes comments critical of the conduct of a  
15             Member, Delegate, Resident Commissioner, officer,  
16             or employee of the House, it shall provide prior no-  
17             tice and equal opportunity to respond;

18             “(B) a Member, Delegate, Resident Commis-  
19             sioner, officer, or employee of the House has the  
20             right to notification of the decision of the committee  
21             to dismiss a complaint, send a letter pursuant to  
22             paragraph (k)(1)(A), create an investigative sub-  
23             committee, or any other committee action, including  
24             a report or letter that alleges that such individual

1 has or may have violated the Code of Official Con-  
2 duct; and

3 “(C) a Member, Delegate, Resident Commis-  
4 sioner, officer, or employee of the House shall have  
5 7 calendar days to respond in writing to any letter  
6 or notice provided pursuant to this subparagraph,  
7 and that any such response shall be appended to the  
8 report or letter.”.

9 **SEC. 204. SIMPLIFICATION OF SETTLEMENT DURING ETH-**  
10 **ICS PROCESS.**

11 Clause 3(p) of rule XI of the Rules of the House of  
12 Representatives (as amended by section 303) is further  
13 amended by striking “and” at the end of subparagraph  
14 (8), by striking the period and inserting “; and” at the  
15 end of subparagraph (9), and by adding at the end the  
16 following new subparagraph:

17 “(10) a respondent may negotiate a settlement  
18 at any time after an investigation pursuant to a  
19 complaint or undertaken at its own initiative is un-  
20 dertaken by the committee.”.



1     **TITLE III—ETHICS COMMITTEE**  
2                     **REFORM**

3     **SEC. 301. AMENDMENT TO CODE OF OFFICIAL CONDUCT TO**  
4                     **ADD THE CODE OF ETHICS FOR GOVERN-**  
5                     **MENT SERVICE.**

6             Rule XXIII of the Rules of the House of Representa-  
7     tives is amended by redesignating clause 14 as clause 15  
8     and by inserting after clause 13 the following new clause:

9             “14. A Member, Delegate, Resident Commissioner,  
10     officer, or employee of the House should:

11             “(A) Put loyalty to the highest moral principles  
12             and to country above loyalty to Government, per-  
13             sons, party, or department.

14             “(B) Uphold the Constitution, laws, and legal  
15             regulations of the United States and of all govern-  
16             ments therein and never be a party to their evasion.

17             “(C) Give a full day’s labor for a full day’s pay;  
18             giving to the performance of his duties his earnest  
19             effort and best thought.

20             “(D) Seek to find and employ more efficient  
21             and economical ways of getting tasks accomplished.

22             “(E) Never discriminate unfairly by the dis-  
23             pensing of special favors or privileges to anyone,  
24             whether for remuneration or not; and never accept,  
25             for himself or his family, favors or benefits under

1 circumstances which might be construed by reason-  
2 able persons as influencing the performance of his  
3 governmental duties.

4 “(F) Make no private promises of any kind  
5 binding upon the duties of office, since a Govern-  
6 ment employee has no private word which can be  
7 binding on public duty.

8 “(G) Engage in no business with the Govern-  
9 ment, either directly or indirectly, which is incon-  
10 sistent with the conscientious performance of his  
11 governmental duties.

12 “(H) Never use any information coming to him  
13 confidentially in the performance of governmental  
14 duties as a means for making private profit.

15 “(I) Expose corruption wherever discovered.

16 “(J) Uphold these principles, ever conscious  
17 that public office is a public trust.”.

18 **SEC. 302. RENAMING THE COMMITTEE ON STANDARDS OF**  
19 **OFFICIAL CONDUCT THE ETHICS COM-**  
20 **MITTEE.**

21 The Rules of the House of Representatives are  
22 amended by striking “Committee on Standards of Official  
23 Conduct” each place it appears and inserting “Ethics  
24 Committee”.

1 **SEC. 303. TERMS OF SERVICE OF CHAIRMAN AND RANKING**  
2 **MINORITY MEMBER OF ETHICS COMMITTEE.**

3 Clause 5(a)(3)(C) of rule X of the Rules of the House  
4 of Representatives is amended by striking “fourth” and  
5 inserting “sixth” and by striking “five” and inserting  
6 “seven”.

7 **SEC. 304. REMOVAL OF CHAIRMAN AND RANKING MINOR-**  
8 **ITY MEMBER OF ETHICS COMMITTEE.**

9 Clause 5(a)(3) of rule X of the Rules of the House  
10 of Representatives is amended by adding at the end the  
11 following new subdivision:

12 “(D) The chairman or the ranking minority member  
13 of the Ethics Committee may be removed before the end  
14 of a Congress only by the affirmative vote of two-thirds  
15 of the total membership of the House.”.

16 **SEC. 305. PROHIBITED CONSULTATIONS.**

17 Clause 3 of rule XI of the Rules of the House of Rep-  
18 resentatives (as amended by section 301) is further  
19 amended by adding at the end the following new para-  
20 graph:

21 ***Prohibited consultations***

22 “(t) Neither the chairman nor the ranking minority  
23 member of the committee may consult or otherwise discuss  
24 with the Speaker or the majority or minority leader, or  
25 the staff of any such Member, any investigation by the

1 committee (or any subcommittee thereof), including sched-  
2 uling matters.”.

3 **SEC. 306. REMOVAL OF ETHICS COMMITTEE STAFF.**

4 Clause 3(g)(3)(A) of rule XI of the Rules of the  
5 House of Representatives is amended by adding at the end  
6 the following new sentence: “Any existing staff member  
7 may only not be rehired at the beginning of a Congress  
8 or may only be removed by the affirmative vote of a major-  
9 ity of the total membership of the committee.”.

10 **TITLE IV—TRAVEL**

11 **SEC. 401. REQUIRED CERTIFICATION THAT CONGRES-**  
12 **SIONAL TRAVEL MEETS CERTAIN CONDI-**  
13 **TIONS.**

14 Clause 5 of rule XXV of the Rules of the House of  
15 Representatives is amended by redesignating paragraphs  
16 (e) and (f) as paragraphs (g) and (h), respectively, and  
17 by inserting after paragraph (d) the following new para-  
18 graphs:

19 “(e) Before a Member, Delegate, Resident Commis-  
20 sioner, officer, or employee of the House may accept a gift  
21 of transportation or lodging permissible under this clause  
22 from any person, such Member, Delegate, Resident Com-  
23 missioner, officer, or employee of the House, as applicable,  
24 shall obtain a written certification from the Ethics Com-

1 mittee (and provide a copy of such certification to the  
2 Clerk) that—

3 “(1) the trip was not planned, organized, ar-  
4 ranged, or financed by a registered lobbyist or for-  
5 eign agent and was not organized at the request of  
6 a registered lobbyist or foreign agent;

7 “(2) the person did not accept, from any  
8 source, funds specifically earmarked for the purpose  
9 of financing the travel expenses; and

10 “(3) the trip is permissible under these rules.

11 The Clerk shall make public on its website on the Internet  
12 information received under this paragraph within 10 days.

13 “(f) Before a Member, Delegate, Resident Commis-  
14 sioner, officer, or employee of the House, or a spouse or  
15 dependent thereof, may take a privately-funded trip, that  
16 Member, Delegate, Resident Commissioner, officer, or em-  
17 ployee shall provide the complete itinerary and total esti-  
18 mated cost of that trip and the Ethics Committee shall  
19 have determined that the proposed funding and itinerary  
20 complies with all rules of the House, including the certifi-  
21 cation required by paragraph (d).”.

22 **SEC. 402. DISCLOSURE BY LOBBYISTS OF ACTIVITIES RE-**  
23 **LATED TO CONGRESSIONAL TRAVEL.**

24 (a) **PAYMENTS TO ORGANIZATIONS THAT FUND**  
25 **CONGRESSIONAL TRAVEL.**—Whenever a lobbyist required

1 to register under the Lobbying Disclosure Act of 1995  
2 provides funding to an organization that funds official  
3 travel of a Member of Congress, the lobbyist shall, not  
4 more than 48 hours after providing those funds, disclose  
5 to the Clerk of the House of Representatives—

- 6 (1) the organization;
- 7 (2) the Member;
- 8 (3) the amount of the funds; and
- 9 (4) the date and nature of the travel.

10 (b) MEMBERSHIP IN ORGANIZATION THAT FUNDS  
11 CONGRESSIONAL TRAVEL.—Whenever a lobbyist required  
12 to register under the Lobbying Disclosure Act of 1995 be-  
13 comes a member of an organization that funds official  
14 travel of a Member of Congress, the lobbyist shall, not  
15 more than 48 hours after becoming a member of the orga-  
16 nization or after the organization funds the travel, as the  
17 case may be, disclose to the Clerk of the House of Rep-  
18 resentatives—

- 19 (1) the organization;
- 20 (2) the Member;
- 21 (3) the amount of the funds; and
- 22 (4) the date and nature of the travel.

23 (c) IN-PERSON LOBBYING CONTACT DURING CON-  
24 GRESSIONAL TRAVEL.—Whenever a lobbyist required to  
25 register under the Lobbying Disclosure Act of 1995 has

1 an in-person lobbying contact with a covered legislative  
2 branch official while the official is on official travel, the  
3 lobbyist shall, not more than 48 hours after the lobbying  
4 contact, disclose to the Clerk of the House of Representa-  
5 tives—

6 (1) the official;

7 (2) the date and nature of the lobbying contact;

8 and

9 (3) the client on whose behalf the lobbying con-  
10 tact was made.

11 **SEC. 403. ENHANCED TRAVEL RECORDS FOR PRIVATELY-**  
12 **FUNDED OFFICIAL TRAVEL.**

13 (a) ENHANCED TRAVEL RECORDS.—Clause  
14 5(b)(1)(A)(ii) of rule XXV of the Rules of the House of  
15 Representatives is amended by—

16 (1) inserting “a detailed description of each of”  
17 before “the expenses”;

18 (2) striking “30 days” and inserting “10 days”;

19 and

20 (3) inserting “, including a description of all  
21 meetings, tours, events, and outings during such  
22 travel” before the period at the end thereof.

23 (b) ELECTRONIC FORM.—Clause 5(b)(1)(A) of rule  
24 XXV of the Rules of the House of Representatives is  
25 amended by adding at the end the following new sentence:

1 “The disclosures required by this subdivision shall be  
2 made to the Clerk in electronic form and posted on its  
3 website on the Internet.”.

4 **SEC. 404. MEMBER AND EMPLOYEE TRAVEL ON COR-**  
5 **PORATE JETS.**

6 Clause 5(b) of rule XXV of the Rules of the House  
7 of Representatives is amended by adding at the end the  
8 following new subparagraph:

9 “(6) Not later than 10 days after completion of travel  
10 on a flight on an aircraft that is not licensed by the Fed-  
11 eral Aviation Administration to operate for compensation  
12 or hire, excluding a flight on an aircraft owned, operate,  
13 or leased by a governmental entity, taken in connection  
14 with the duties of the Member, Delegate, Resident Com-  
15 missioner, officer, or employee approved by the Ethics  
16 Committee, that individual shall file with the Clerk a de-  
17 scription of meetings and events attended during such  
18 travel and the names of all passengers who accompanied  
19 that individual during the travel, except when disclosure  
20 of such information is deemed by the Member, Delegate,  
21 Resident Commissioner, or supervisor under whose direct  
22 supervision the employee is employed to jeopardize the  
23 safety of an individual or adversely affect national secu-  
24 rity. Such information shall be posted by the Clerk on a  
25 public database and on the Member’s, Delegate’s, or Resi-



1 dent Commissioner’s official website not later than 10  
2 days after the completion of the travel, except when disclo-  
3 sure of such information is deemed by the Member, Dele-  
4 gate, or Resident Commissioner to jeopardize the safety  
5 of an individual or adversely affect national security.”.

## 6 **TITLE V—LOBBYISTS**

### 7 **SEC. 501. IMMEDIATE ELECTRONIC DISCLOSURE OF LOB-** 8 **BYIST AND FOREIGN AGENT REGISTRATIONS.**

9 (a) PROMPT REGISTRATION REQUIRED.—Any person  
10 required to register under the Lobbying Disclosure Act of  
11 1995 (2 U.S.C. 1601 et seq.) or the Foreign Agents Reg-  
12 istration Act of 1938, as amended (22 U.S.C. 611 et seq.),  
13 shall, in addition to any other requirements imposed by  
14 either such Act or other law, register with the Clerk of  
15 the House of Representatives within 10 days. Each such  
16 registration shall be filed electronically, in a form accept-  
17 able to the Clerk of the House.

18 (b) ELECTRONIC DATABASE AVAILABLE TO PUB-  
19 LIC.—The Clerk of the House of Representatives shall  
20 maintain, and make available to the public, an electronic  
21 database of all registrations filed under subsection (a).  
22 Such electronic database shall be established within 180  
23 days after the date of enactment of this Act.

## TITLE VI—GIFT RULE

### 2 SEC. 601. DISCLOSURE OF GIFTS.

3 (a) DISCLOSURE BY MEMBERS.—Clause 5(a) of rule  
4 XXV of the Rules of the House of Representatives is  
5 amended by adding at the end the following new subpara-  
6 graph:

7 “(7) Whenever a Member, Delegate, Resident Com-  
8 missioner, officer, or employee receives a gift having a  
9 value of at least \$20 and that is not from a family member  
10 or described in subparagraph (3), that individual shall  
11 publicly disclose on the Member’s, Delegate’s, or Resident  
12 Commissioner’s official website a description of the gift,  
13 its estimated value, and the identity of the person pro-  
14 viding such gift within 10 days and provide such informa-  
15 tion to the Clerk. The Clerk shall make public this infor-  
16 mation on its website on the Internet as soon as possible  
17 after it is received, but not later than 60 days after such  
18 receipt.”.

19 (b) DISCLOSURE BY LOBBYISTS AND AGENTS OF  
20 FOREIGN PRINCIPALS.—

21 (1) DISCLOSURE.—Whenever a person required  
22 to register under the Lobbying Disclosure Act of  
23 1995 (2 U.S.C. 1601 et seq.) or the Foreign Agents  
24 Registration Act of 1938, as amended (22 U.S.C.  
25 611 et seq.), or an employee of that person, gives a

1 gift that must be disclosed under clause 5(a)(7) of  
2 rule XXV of the Rules of the House of Representa-  
3 tives, that person shall, in addition to any other re-  
4 quirements imposed by either such Act or other law,  
5 disclose to the Clerk of the House of Representa-  
6 tives, within 10 days after the gift is given—

7 (A) the nature and amount of the gift; and

8 (B) the identity of the recipient of the gift.

9 The Clerk shall make public this information as soon as  
10 possible after it is received, but not later than 60 days  
11 after such receipt.

12 (2) PENALTIES.—The penalties under the Lob-  
13 bying Disclosure Act of 1995 shall apply to persons  
14 required to register under that Act who violate para-  
15 graph (1), and the penalties under the Foreign  
16 Agents Registration Act of 1938, as amended, shall  
17 apply persons required to register under that Act  
18 who violate paragraph (1).

## 19 **TITLE VI—FINANCIAL** 20 **DISCLOSURE**

21 **SEC. 701. POSTING OF LOBBYING REGISTRATION AND DIS-**  
22 **CLOSURE STATEMENTS ON HOUSE OF REP-**  
23 **RESENTATIVES INTERNET SITE.**

24 (a) IN GENERAL.—Not later than 30 days after re-  
25 ceipt, the Clerk of the House of Representatives shall post

1 on the official public Internet site of the House of Rep-  
2 resentatives each registration and report filed with and re-  
3 tained by the Clerk under the Lobbying Disclosure Act  
4 of 1995 (2 U.S.C. 1601 et seq.), in a manner similar to  
5 the manner by which the Secretary of the Senate posts  
6 on the official Internet site of the Senate the registrations  
7 and reports filed with and retained by the Secretary under  
8 such Act.

9 (b) PROVIDING NOTICE ON FORMS.—The Clerk shall  
10 include on each registration and report form prepared and  
11 provided by the Clerk for purposes of the Lobbying Disclo-  
12 sure Act of 1995 a statement that the completed form will  
13 be posted on the official public Internet site of the House  
14 of Representatives in accordance with subsection (a).

15 (c) EFFECTIVE DATE.—This section shall apply with  
16 respect to all registrations and reports filed with the Clerk  
17 of the House of Representatives on or after the date of  
18 the enactment of this Act.

○