

SENATE RESOLUTION 385—EX-PRESSING THE GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE ARMED FORCES WHO SERVE AS MILITARY RECRUITERS, COMMENDING THEIR SELFLESS SERVICE IN RECRUITING YOUNG MEN AND WOMAN TO SERVE IN THE UNITED STATES MILITARY, PARTICULARLY IN SUPPORT OF THE GLOBAL WAR ON TERRORISM

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 385

Whereas the Armed Forces are an all volunteer force, which makes recruiting the necessary number of volunteers for each individual service a challenging task;

Whereas the military recruiters have enabled the individual branches of the Armed Forces to meet the demands of the modern battlefield through the enlistment of quality soldiers, sailors, airmen, and Marines;

Whereas military recruiters work long strenuous hours, in rural and urban areas of the country, and away from the traditional military support systems;

Whereas military recruiters, like many of their deployed colleagues, have forfeited and sacrificed time with their families and placed their mission above all else;

Whereas military recruiters support the global war on terrorism by filling our Nation's military ranks with qualified personnel needed to combat and eradicate terrorists through military power;

Whereas, in the past fiscal year, military recruiters provided the Nation with more than 200,000 new active duty, reserve, officer, and enlisted accessions;

Whereas military recruiters have provided young men and women across the Nation the opportunity to further their education through the use of congressionally mandated incentives such as the Montgomery GI Bill, and various college loan repayment programs, thereby allowing returning veterans greater opportunity to achieve their full potential as successful members of society;

Whereas military recruiters are the face and voice of the Armed Forces in communities in every State across the Nation, as well as Puerto Rico, Europe, Korea, and Guam;

Whereas military recruiters develop close working relationships with families, schools, business professionals, and numerous civic organizations;

Whereas military recruiters are an essential element of the Department of Defense and play a key role in the security of our Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the men and women of our Armed Forces who serve as military recruiters for their service to our country and their dedicated, professional, and noteworthy performance of duty during difficult times of sustained combat and the global war on terrorism; and

(2) reaffirms its commitment to supporting all aspects of the recruiting services of the Armed Forces, by providing sufficient legislative support and incentives in order that recruiters may continue to meet and exceed the personnel requirements of the Armed Forces.

SENATE CONCURRENT RESOLUTION 82—TO ESTABLISH A PROCEDURE FOR THE APPOINTMENT OF INDEPENDENT CONGRESSIONAL ETHICS OFFICE TO INVESTIGATE ETHICS VIOLATIONS IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. KERRY submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 82

*Resolved by the Senate (the House of Representatives concurring).*

**SECTION 1. CONGRESSIONAL ETHICS OFFICER.**

(a) ESTABLISHMENT.—There is established in the legislative branch an independent authority to be known as the Congressional Ethics Office to be headed by a Congressional Ethics Officer.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Congressional Ethics Officer shall be appointed in accordance with paragraph (2).

(2) APPOINTMENT.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the chairman and ranking member of the Committee on Standards of Official Conduct of the House of Representatives, and the chairman and the ranking member of the Select Committee on Ethics of the Senate shall nominate the Congressional Ethics Officer at the beginning of a Congress. The Congressional Ethics Officer shall be confirmed by both the Senate and the House of Representatives.

(c) TERMS.—

(1) IN GENERAL.—The Congressional Ethics Officer shall serve a term of 2 years and may be reappointed for 2 additional terms.

(2) DEATH OR RESIGNATION.—In the case of the death or resignation of the Congressional Ethics Officer a successor shall be appointed in the same manner to serve the remaining term of that Congressional Ethics Officer.

(d) REMOVAL.—The Congressional Ethics Officer may be removed only by resolution of the Senate or the House of Representatives.

(e) DUTIES.—It shall be the duty of the Congressional Ethics Officer to—

(1) receive requests for review of an allegation described in section 2(b);

(2) make such informal preliminary inquiries in response to such a request as the Congressional Ethics Officer deems to be appropriate;

(3) if, as a result of those inquiries, the Congressional Ethics Officer determines that a full investigation is not warranted, submit a report pursuant to section 2(f); and

(4) if, as a result of those inquiries, the Congressional Ethics Officer determines that there is probable cause, the Congressional Ethics Officer—

(A) may determine a full investigation is warranted and conduct such investigation; and

(B) shall provide a full report of the investigation which shall be available for public inspection to either the Select Committee on Ethics of the Senate or the Committee on Standards of Official Conduct of the House of Representatives.

(f) COMPENSATION OF CONGRESSIONAL ETHICS OFFICER.—

(1) IN GENERAL.—The Congressional Ethics Officer shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which he or she is en-

gaged in the performance of the duties of the Congressional Ethics Officer.

(2) TRAVEL EXPENSES.—The Congressional Ethics Officer and members of the Congressional Ethics Officer staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Congressional Ethics Officer.

(g) STAFF.—

(1) IN GENERAL.—The Congressional Ethics Officer may, without regard to the civil service laws and regulations, appoint, and terminate an executive director and such other additional personnel as are necessary to enable the Congressional Ethics Officer to perform his or her duties. The staff of the Congressional Ethics Office shall be nonpartisan.

(2) STAFF COMPENSATION.—The Congressional Ethics Officer may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Congressional Ethics Officer without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) TEMPORARY SERVICES.—The Congressional Ethics Officer may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) STAFFING.—Except at a time when additional personnel are needed to assist the Congressional Ethics Officer in his or her review of a particular request for review under section 2, the total number of staff personnel employed by or detailed to the Congressional Ethics Officer under this subsection shall not exceed 50.

(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

**SEC. 2. REVIEW OF ALLEGATIONS OF MISCONDUCT AND VIOLATIONS OF ETHICS LAWS.**

(a) DEFINITIONS.—As used in this section, the term “officer or employee of Congress” means—

(1) an elected officer of the Senate or the House of Representatives who is not a member of the Senate or the House of Representatives;

(2) an employee of the Senate or the House of Representatives, any committee or subcommittee of the Senate or the House of Representatives, or any member of the Senate or the House of Representatives;

(3) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(4) an employee of a joint committee of Congress.

(b) REQUEST FOR REVIEW.—Any person, including a person who is not an officer or employee of Congress, may present to the Congressional Ethics Officer a request to review and investigate an allegation of—

(1) improper conduct that may reflect upon the Senate or the House of Representatives;

(2) a significant violation of law;

(3) a violation of the Senate Code of Official Conduct (rules XXXIV, XXXV, XXXVII, XXXVIII, XXXIX, XL, XLI, and XLII of the Standing Rules of the Senate) or the ethics rules of the House of Representatives; or

(4) a significant violation of a rule or regulation of the Senate or the House of Representatives, relating to the conduct of a person in the performance of his or her duties as a member, officer, or employee of the Senate or the House of Representatives.

(c) SWORN STATEMENT.—

(1) IN GENERAL.—A request for review under subsection (b) shall be accompanied by a sworn statement, made under penalty of perjury under the laws of the United States, of facts within the personal knowledge of the person making the statement alleging improper conduct or a violation described in subsection (b).

(2) FALSE STATEMENT.—If the Congressional Ethics Officer determines that any part of a sworn statement presented under paragraph (1) may have been a false statement made knowingly and willfully, the Congressional Ethics Officer may refer the matter to the Attorney General for prosecution.

(d) PROTECTION FROM FRIVOLOUS CHARGES.—

(1) IN GENERAL.—Any person who—

(A) knowingly files with the Congressional Ethics Office a false complaint of misconduct on the part of any legislator or any other person shall be subject to a \$10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison; or

(B) encourages another person to file a false complaint of misconduct on the part of any legislator or other person shall be subject to a \$10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison.

(2) SUBSEQUENT COMPLAINTS.—Any person subject to either of the penalties in paragraph (1) may not file a complaint with the Congressional Ethics Office again.

(3) BAN ON FILINGS PRIOR TO ELECTION.—The Congressional Ethics Office may not accept charges filed in the—

(A) 30 days prior to a primary election for which the Member in question is a candidate; and

(B) 60 days prior to a general election for which the Member in question is a candidate.

(e) SUBPOENA.—The Congressional Ethics officer may bring a civil action to enforce a subpoena only when directed to do so by the adoption of a resolution by the Senate or the House of Representatives, as appropriate.

(f) REFERRAL OF REPORTS TO THE SELECT COMMITTEE ON ETHICS OF THE SENATE, THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OF THE HOUSE OF REPRESENTATIVES OR THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—If, after making preliminary inquiries, the Congressional Ethics Officer finds probable cause that a violation of the ethics rules has occurred, the Congressional Ethics Officer shall submit to the members of the Senate, members of the House of Representatives, and the Department of Justice a report that—

(A) states findings of fact made as a result of the inquiries;

(B) states any conclusions that may be drawn with respect to whether there is substantial credible evidence that improper conduct or a violation of law may have occurred; and

(C) states its reasons for concluding that further investigation is not warranted.

(2) NO ACTION.—After submission of a report under paragraph (1), no action may be taken in the Senate or the House of Representatives to impose a sanction on a person who was the subject of the Congressional Ethics Officer's inquiries on the basis of any

conduct that was alleged in the request for review and sworn statement.

SEC. 3. ADDITIONAL RESPONSIBILITIES.

The Congressional Ethics Officer shall—

(1) periodically report to Congress any changes to the ethics law and regulations governing Congress that the Congressional Ethics Officer determines would improve the investigation and enforcement of such laws and regulations; and

(2) provide an annual report to Congress on the number of ethics complaints and a description of the ethics investigations undertaken during the prior year.

Mr. KERRY. Mr. President, today I am submitting a concurrent resolution establishing an independent Congressional Inspector General to investigate ethics violations in the Senate and the House of Representatives.

Every Member of Congress must be held to the highest ethical standards. Those who violate the public trust must be held accountable for their actions. Unfortunately, our current system does not measure up. Too often, Congress has been unable or unwilling to effectively investigate or appropriately punish those Members who commit serious ethical violations.

In December 2005, an NBC/Wall Street Journal poll showed that just five percent of Americans believe all Members of Congress are honest and trustworthy. The same poll showed that most Americans believe that most Members of Congress are dishonest and are not trustworthy.

This is simply unacceptable. We have to restore the faith of the American people in the Congress. Thus, I am submitting a resolution to establish an independent Congressional Inspector General with the authority to investigate and punish violations of the ethics rules by Members of Congress, Congressional staff and the Capitol Police.

The Congressional Inspector General will make a preliminary investigation into all ethical misconduct allegations to determine whether there is probable cause that a full investigation is warranted. The Congressional Inspector General has expansive authority to investigate ethics allegations, including improper conduct that may reflect upon the Senate or House of Representatives, significant violations of law, violations of the Senate Code of Official Conduct or the ethics rules of the House of Representatives, and violations of Congressional rules or regulations relating to the conduct of Members in their performance of official duties. If a full investigation is warranted, a public report will be developed for the House and Senate Ethics Committees or the Justice Department describing any credible evidence of improper conduct or a violation of law.

To insure that this new ethics process is not abused, anyone who knowingly files a false ethics complaint will be subject to a \$10,000 fine or the costs incurred by the investigation, whichever is greater. They could also be subject to up to one year in prison and will be banned from making further complaints.

The Congressional Inspector General will not be able to accept new charges filed 30 days prior to a primary election for which the Member of Congress in question is a candidate or 60 days prior to a general election for which the Member of Congress is a candidate.

The Congressional Inspector General will also provide periodic reports to Congress on how to update our ethics laws and how to improve the investigation and enforcement of current ethics laws. Finally, it would release an annual report of violations by Members of Congress and Congressional staff.

I also strongly support other legislation to develop independent oversight of the Congressional ethics process including the Congressional Ethics Enforcement Commission Act of 2006 that was introduced by Senator OBAMA earlier this year. I look forward to working with my colleagues to develop ethics reform legislation in the upcoming months.

We need to change the way business is done in Washington. We must convince the American people that our government responds to the needs of our people, not to special interests. This resolution will help restore the faith of the American people in their government. Together we can work to change our government for the better.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 1, 2006, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building to conduct a joint oversight hearing with the House Committee on Resources on the Settlement of Cobell v. Norton.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 28, 2006, at 9:30 a.m., to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2006, at 10:30 a.m., to conduct a hearing on the evaluation of the administration's FY 07 Budget for the Federal Transit Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.