

(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 Transmit Administration.

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