

109TH CONGRESS  
2D SESSION

# H. R. 4799

To establish the Office of Public Integrity as an independent office within the legislative branch of the Government, to reduce the duties of the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2006

Mr. SHAYS (for himself and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Rules 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 establish the Office of Public Integrity as an independent office within the legislative branch of the Government, to reduce the duties of the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate, 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,*

1 **SECTION 1. ESTABLISHMENT OF OFFICE OF PUBLIC INTEG-**  
2 **RITY.**

3       There is established, as an independent office within  
4 the legislative branch of the Government, the Office of  
5 Public Integrity (hereinafter referred to as the “Office”).

6 **SEC. 2. DIRECTOR.**

7       (a) APPOINTMENT OF DIRECTOR.—(1) The Office  
8 shall be headed by a Director who shall be appointed joint-  
9 ly by the Speaker of the House of Representatives, the  
10 majority leader of the Senate, and the minority leaders  
11 of the House of Representatives and the Senate. The selec-  
12 tion and appointment of the Director shall be without re-  
13 gard to political affiliation and solely on the basis of fit-  
14 ness to perform the duties of the Office.

15       (2)(A) No individual who has been a registered lob-  
16 byist under the Lobbying Disclosure Act of 1995 or an  
17 agent of a foreign government under the Foreign Agents  
18 Registration Act within 5 years of the date of appointment  
19 shall be eligible for appointment as the Director.

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

22       (C) The Director shall possess demonstrated integ-  
23 rity, independence, and public credibility and shall have  
24 training or experience in law enforcement, the judiciary,  
25 or as a member of a Federal, State, or local ethics enforce-  
26 ment agency.

1 (b) VACANCY.—A vacancy in the directorship shall be  
2 filled in the manner in which the original appointment was  
3 made.

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

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

8 (1) disability that substantially prevents the Di-  
9 rector from carrying out his duties;

10 (2) incompetence;

11 (3) neglect of duty; or

12 (4) malfeasance, including a felony or conduct  
13 involving moral turpitude.

14 In removing the Director, a statement of the reasons for  
15 removal shall be provided in writing to the Director by  
16 the members who voted for removing the Director and  
17 shall be made public.

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

22 **SEC. 3. DUTIES AND POWERS OF THE OFFICE.**

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

24 (1) to receive, monitor, and oversee financial  
25 disclosure and other reports filed by Members of

1 Congress and officers and employees of Congress  
2 under the Ethics in Government Act of 1978, and  
3 reports filed by registered lobbyists under the Lob-  
4 bying Disclosure Act of 1995;

5 (2) to investigate any alleged violation, by a  
6 Member, officer, or employee of the House of Rep-  
7 resentatives or the Senate, of any rule or other  
8 standard of conduct applicable to the conduct of  
9 such Member, officer, or employee under applicable  
10 House or Senate rules in the performance of his du-  
11 ties or the discharge of his responsibilities;

12 (3) to present a case of probable ethics viola-  
13 tions to the Committee on Standards of Official  
14 Conduct of the House of Representatives or the Sen-  
15 ate Select Committee on Ethics;

16 (4) to make recommendations to the Committee  
17 on Standards of Official Conduct of the House of  
18 Representatives or the Senate Select Committee on  
19 Ethics that it report to the appropriate Federal or  
20 State authorities any substantial evidence of a viola-  
21 tion by a Member, officer, or employee of the House  
22 of Representatives or the Senate of any law applica-  
23 ble to the performance of his duties or the discharge  
24 of his responsibilities, which may have been disclosed  
25 in an investigation by the Office;

1           (5) to provide information and informal guid-  
2           ance to Members, officers and employees of the  
3           House of Representatives and the Senate regarding  
4           any rules and other standards of conduct applicable  
5           to such individuals in their official capacities, and  
6           develop and carry out periodic educational briefings  
7           for Members, officers, and employees of the House  
8           of Representatives on those laws, rules, regulations,  
9           or other standards;

10          (6) to give consideration to the request of any  
11          Member, officer, or employee of the House of Rep-  
12          resentatives or the Senate for a formal advisory  
13          opinion or other formal ruling, subject to the review  
14          of the Committee on Standards of Official Conduct  
15          of the House of Representatives or the Senate Select  
16          Committee on Ethics, as applicable, with respect to  
17          the general propriety of any current or proposed  
18          conduct of such Member, officer, or employee and,  
19          with appropriate deletions to assure the privacy of  
20          the individual concerned, to publish such opinion for  
21          the guidance of other Members, officers, and em-  
22          ployees of the House of Representatives or the Sen-  
23          ate;

1           (7) to conduct periodic and random reviews and  
2       audits of reports filed with it to ensure compliance  
3       with all applicable laws and rules; and

4           (8) to provide informal guidance to registrants  
5       under the Lobbying Disclosure Act of 1995 of their  
6       responsibilities under such Act.

7       (b) POWERS.—

8           (1) OBTAINING INFORMATION.—Upon request  
9       of the Office, the head of any agency or instrumen-  
10      tality of the Government shall furnish information  
11      deemed necessary by the Director to enable the Of-  
12      fice to carry out its duties.

13          (2) REFERRALS TO THE DEPARTMENT OF JUS-  
14      TICE.—Whenever the Director has reason to believe  
15      that a violation of the Lobbying Disclosure Act of  
16      1995 may have occurred, he shall refer that matter  
17      to the Department of Justice for it to investigate.

18          (3) GENERAL AUDITS.—The Director shall have  
19      the authority to conduct general audits of filings  
20      under the Lobbying Disclosure Act of 1995.

1 **SEC. 4. INVESTIGATIONS AND INTERACTION WITH THE**  
2 **HOUSE COMMITTEE ON STANDARDS OF OFFI-**  
3 **CIAL CONDUCT OR THE SENATE SELECT**  
4 **COMMITTEE ON ETHICS.**

5 (a) INITIATION OF ENFORCEMENT MATTERS.—(1)

6 An investigation may be initiated by the filing of a com-  
7 plaint with the Office by a Member of Congress or an out-  
8 side complainant, or by the Office on its own initiative,  
9 based on any information in its possession. The Director  
10 shall not accept a complaint concerning a Member of Con-  
11 gress within 60 days of an election involving such Member.

12 (2) In the case of a complaint that is filed, the Direc-  
13 tor shall within 30 days make an initial determination as  
14 to whether the complaint should be dismissed or whether  
15 there are sufficient grounds to conduct an investigation.  
16 The subject of the complaint shall be provided by the Di-  
17 rector with an opportunity during the 30-day period to  
18 challenge the complaint. In any case where the Director  
19 decides to dismiss a complaint, the Director can determine  
20 the complaint to be frivolous.

21 (3) Whenever the Director determines that a com-  
22 plaint is frivolous, the Director shall not accept any future  
23 complaint filed by that same person and the complainant  
24 shall be required to pay for the costs of the Office result-  
25 ing from such complaint. The Director may refer the mat-  
26 ter to the Department of Justice to collect such costs.

1       (4) For any investigation conducted by the Office at  
2 its own initiative, the Director shall make a preliminary  
3 determination of whether there are sufficient grounds to  
4 conduct an investigation. Before making that determina-  
5 tion, the subject of the investigation shall be provided by  
6 the Director with an opportunity to submit information  
7 to the Director that there are not sufficient grounds to  
8 conduct an investigation.

9       (5) Whenever the Director determines that there are  
10 sufficient grounds to conduct an investigation—

11           (A) the Director shall notify the Committee on  
12 Standards of Official Conduct or the Senate Select  
13 Committee on Ethics, as applicable, of this deter-  
14 mination;

15           (B) the applicable committee may overrule the  
16 determination of the Director if, within 10 legislative  
17 days—

18               (i) the committee by an affirmative, roll-  
19 call vote of two-thirds of the full committee  
20 votes to overrule the determination of the Di-  
21 rector;

22               (ii) the committee issues a public report  
23 detailing its reasoning for overruling the Direc-  
24 tor;



1 (iii) the vote of each member of the com-  
2 mittee on such roll- call vote is included in the  
3 report; and

4 (iv) dissenting members are allowed to  
5 issue their own report detailing their reasons  
6 for disagreeing with the majority vote; and

7 (C) if the applicable committee votes to overrule  
8 the determination of the Director pursuant to sub-  
9 paragraph (B), the Director may publish and make  
10 available to the general public a report detailing the  
11 reasons that the Director concluded there were suffi-  
12 cient grounds to conduct an investigation.

13 (b) CONDUCTING INVESTIGATIONS.—(1) If the Direc-  
14 tor determines that there are sufficient grounds to conduct  
15 an investigation and his determination is not overruled  
16 under subsection (a)(5), the Director shall conduct an in-  
17 vestigation to determine if probable cause exists that a vio-  
18 lation occurred.

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

20 (A) administer oaths;

21 (B) issue subpoenas;

22 (C) compel the attendance of witnesses and the  
23 production of papers, books, accounts, documents,  
24 and testimony; and

25 (D) take the deposition of witnesses.

1       (3) If a person disobeys or refuses to comply with  
2 a subpoena, or if a witness refuses to testify to a matter,  
3 he may be held in contempt of Congress.

4       (c) PRESENTATION OF CASE TO HOUSE COMMITTEE  
5 ON STANDARDS OF OFFICIAL CONDUCT OR SENATE SE-  
6 LECT COMMITTEE ON ETHICS.—(1) If the Director deter-  
7 mines, upon conclusion of an investigation, that probable  
8 cause exists that an ethics violation has occurred, the Di-  
9 rector shall notify the Committee on Standards of Official  
10 Conduct of the House of Representatives or the Senate  
11 Select Committee on Ethics, as applicable, of this deter-  
12 mination.

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

15               (A) the committee by an affirmative, roll-call  
16 vote of two-thirds of the full committee votes to  
17 overrule the determination of the Director;

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

20               (C) the vote of each member of the committee  
21 on such roll-call vote is included in the report; and

22               (D) dissenting members are allowed to issue  
23 their own report detailing their reasons for dis-  
24 agreeing with the majority vote.

1       (3) If the applicable committee votes to overrule the  
2 determination of the Director pursuant to paragraph (2),  
3 the Director may publish and make available to the gen-  
4 eral public a report detailing the reasons that he concluded  
5 there were sufficient grounds to present such case to the  
6 committee.

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

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

24       (f) SANCTIONS.—Whenever the Committee on Stand-  
25 ards of Official Conduct of the House of Representatives

1 or the Senate Select Committee on Ethics finds that an  
2 ethics violation has occurred, the Director shall rec-  
3 ommend appropriate sanctions to the committee and  
4 whether a matter should be referred to the Department  
5 of Justice for investigation.

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

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

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

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

24 “(2) The committee may hear, in an adjudica-  
25 tory capacity, a case presented to it by the Director

1 of the Office of Public Integrity (hereinafter referred  
2 to in this clause as the ‘Director’) of an alleged vio-  
3 lation by a Member, Delegate, Resident Commis-  
4 sioner, officer, or employee of the House of the Code  
5 of Official Conduct or of a rule or other standard of  
6 conduct applicable to the conduct of such Member,  
7 Delegate, Resident Commissioner, officer, or em-  
8 ployee in the performance of his duties or the dis-  
9 charge of his responsibilities. After notice and hear-  
10 ing (unless the right to such a hearing is waived by  
11 the Member, Delegate, Resident Commissioner, offi-  
12 cer, or employee), the committee shall report to the  
13 House its findings of fact and recommendations, if  
14 any, for the final disposition of any such investiga-  
15 tion and such action as the committee may consider  
16 appropriate in the circumstances.

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

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

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

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

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

10       “(3) A member of the committee may disqualify him-  
11 self from participating in an investigation of the conduct  
12 of a Member, Delegate, Resident Commissioner, officer,  
13 or employee of the House upon the submission in writing  
14 and under oath of an affidavit of disqualification stating  
15 that the member cannot render an impartial and unbiased  
16 decision in the case in which the member seeks to be dis-  
17 qualified. If the committee approves and accepts such affi-  
18 davit of disqualification, the chairman shall so notify the  
19 Speaker and request the Speaker to designate a Member,  
20 Delegate, or Resident Commissioner from the same polit-  
21 ical party as the disqualifying member to act in any pro-  
22 ceeding of the committee relating to that case.

23       “(4) Information or testimony received, or the con-  
24 tents of a complaint or the fact of its filing, may not be  
25 publicly disclosed by any committee or staff member un-

1 less specifically authorized in each instance by a vote of  
2 the full committee.

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

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

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

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



1 Copies of the executed oath shall be retained by the Clerk  
2 as part of the records of the House. This paragraph estab-  
3 lishes a standard of conduct within the meaning of para-  
4 graph (a)(2). Breaches of confidentiality shall be inves-  
5 tigated by the Committee on Standards of Official Con-  
6 duct and appropriate action shall be taken.”.

7 (2) Paragraphs (f) through (q) of clause 3 of rule  
8 XI of the Rules of the House of Representatives is amend-  
9 ed by redesignating paragraphs (f) through (i) as para-  
10 graphs (e) through (h), respectively, and by striking para-  
11 graphs (j) through (q), and in redesignated paragraph (g)  
12 by striking “any hearing held by an adjudicatory sub-  
13 committee or” both places it appears.

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

16 (b) STANDING RULES OF THE SENATE.—【Language  
17 to be inserted by the Senate.】

18 (c) CHANGES IN ETHICS IN GOVERNMENT ACT OF  
19 1978.—(1) The following provisions of the Ethics in Gov-  
20 ernment Act of 1978 are each amended as follows:

21 (A) In section 101(h), strike “the congressional  
22 ethics committees” and insert “the Director of the  
23 Office of Public Integrity”.

24 (B) In section 103(h)(1)(A), strike “Clerk of  
25 the House of Representatives” each place it appears

1       and insert “Director of the Office of Public Integ-  
2       rity”.

3           (C) In section 103(h)(1)(A), strike “Secretary  
4       of the Senate” each place it appears and insert “Di-  
5       rector of the Office of Public Integrity”.

6           (D) In section 103(i), strike “Clerk of the  
7       House of Representatives or Secretary of the Senate,  
8       as the case may be” and insert “Director of the Of-  
9       fice of Public Integrity”.

10          (E) In section 103, strike subsection (j) and re-  
11       designate subsection (k) as subsection (j).

12          (F) In subsection (j) (as redesignated), strike  
13       “Clerk of the House of Representatives and Sec-  
14       retary of the Senate” and insert “Director of the Of-  
15       fice of Public Integrity” and strike “Clerk and the  
16       Secretary” both places it appears and insert “Direc-  
17       tor of the Office of Public Integrity”.

18          (G) In section 105, strike “Clerk of the House  
19       of Representatives, and the Secretary of the Senate”  
20       each place it appears and insert “Director of the Of-  
21       fice of Public Integrity”.

22          (H) In section 105, strike “Clerk or the Sec-  
23       retary of the Senate, as the case may be” each place  
24       it appears and insert “Director of the Office of Pub-  
25       lic Integrity”.

1 (I) In section 105, strike “Clerk, or Secretary  
2 of the Senate, as the case may be” and insert “Di-  
3 rector of the Office of Public Integrity”.

4 (J) In section 105(d), strike “Clerk of the  
5 House of Representatives or the Secretary of the  
6 Senate” and insert “Director of the Office of Public  
7 Integrity”.

8 (K) In section 109, strike paragraph (1) and  
9 redesignate the succeeding paragraphs accordingly.

10 (L) In paragraph (2) of section 111, strike “Se-  
11 lect Committee on Ethics of the Senate and the  
12 Committee on Standards of Official Conduct of the  
13 House of Representatives, as appropriate,” and in-  
14 sert “Director of the Office of Public Integrity”.

15 (2) Section 803 of the Ethics Reform Act of 1989  
16 (2 U.S.C. 29d) is amended by striking “Committee on  
17 Standards of Official Conduct” and inserting “Office of  
18 Public Integrity”.

19 (d) CHANGES IN LOBBYING DISCLOSURE ACT OF  
20 1995.—

21 (1) TRANSFER OF JURISDICTION TO OFFICE OF  
22 PUBLIC INTEGRITY.—

23 (A) FILING OF REGISTRATIONS.—Section  
24 4 of the Lobbying Disclosure Act of 1995 (2  
25 U.S.C. 1603) is amended—

1 (i) in subsection (a)(1), by striking  
2 “Secretary of the Senate and the Clerk of  
3 the House of Representatives” and insert-  
4 ing “Office of Public Integrity”; and

5 (ii) in subsection (d), by striking  
6 “Secretary of the Senate and the Clerk of  
7 the House of Representatives” and insert-  
8 ing “Office of Public Integrity”.

9 (B) REPORTS BY REGISTERED LOBBY-  
10 ISTS.—Section 5(a) of the Lobbying Disclosure  
11 Act of 1995 (2 U.S.C. 1604(a)) is amended by  
12 striking “Secretary of the Senate and the Clerk  
13 of the House of Representatives” and inserting  
14 “Office of Public Integrity”.

15 (C) DISCLOSURE AND ENFORCEMENT.—  
16 Section 6 of the Lobbying Disclosure Act of  
17 1995 (2 U.S.C. 1605) is amended by striking  
18 “Secretary of the Senate and the Clerk of the  
19 House of Representatives” and inserting “Of-  
20 fice of Public Integrity”.

21 (D) PENALTIES.—Section 7 of the Lob-  
22 bying Disclosure Act of 1995 (2 U.S.C. 1606)  
23 is amended by striking “Secretary of the Senate  
24 or the Clerk of the House of Representatives”  
25 and inserting “Office of Public Integrity”.

1           (E) RULES OF CONSTRUCTION.—Section  
2           8(c) of the Lobbying Disclosure Act of 1995 (2  
3           U.S.C. 1607(c)) is amended by striking “Sec-  
4           retary of the Senate or the Clerk of the House  
5           of Representatives” and inserting “Office of  
6           Public Integrity”.

7           (F) ESTIMATES BASED ON TAX REPORTING  
8           SYSTEM.—Section 15(c)(1) of the Lobbying  
9           Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is  
10          amended by striking “Secretary of the Senate  
11          and the Clerk of the House of Representatives”  
12          and inserting “Office of Public Integrity”.

13          (2) FILING IN ELECTRONIC FORM.—

14               (A) REGISTRATIONS.—Section 4 of the  
15               Lobbying Disclosure Act of 1995 (2 U.S.C.  
16               1603) is amended by adding at the end the fol-  
17               lowing:

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

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

9       The Office shall have the authority to provide formal  
10 advisory opinions and interpretations of rules and other  
11 standards of conduct applicable to Members, officers, and  
12 employees of the House of Representatives and the Sen-  
13 ate. The Committee on Standards of Official Conduct of  
14 the House of Representatives or the Senate Select Com-  
15 mittee on Ethics, by a two-thirds vote of the full com-  
16 mittee may revise or overturn any such formal ruling by  
17 the Office that is applicable to the Members, officers, and  
18 employees of that House of Congress. Any such vote shall  
19 be recorded and made publicly available, and shall be ac-  
20 companied by a written explanation for that action. Dis-  
21 senting members are allowed to issue their own report de-  
22 tailing reasons for disagreeing with the majority vote.

24 (a) PROHIBITION OF CERTAIN INVESTIGATIONS.—  
25 No investigation shall be undertaken by the Office of any

1 alleged violation of a law, rule, regulation, or standard of  
2 conduct not in effect at the time of the alleged violation;  
3 nor shall any investigation be undertaken by the Office  
4 of any alleged violation which occurred before the third  
5 previous Congress unless the Office determines that the  
6 alleged violation is directly related to any alleged violation  
7 which occurred in a more recent Congress.

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

12 **SEC. 8. ADMINISTRATION.**

13 (a) STAFF AND SUPPORT SERVICES.—The Director  
14 may appoint and fix the compensation of such staff as the  
15 Director considers necessary, including deputy directors  
16 for ethics matters relating to the House of Representatives  
17 and to the Senate, a general counsel, and such investiga-  
18 tors, auditors, and other staff as he deems necessary.

19 (b) APPLICABILITY OF CIVIL SERVICE LAWS.—The  
20 Director and other members of the staff of the Office shall  
21 be appointed without regard to the provisions of title 5,  
22 United States Code, governing appointments in the com-  
23 petitive service, and shall be paid without regard to the  
24 provisions of chapter 51 and subchapter III of chapter 53

1 of such title relating to classification and General Schedule  
2 pay rates.

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

6 (d) PHYSICAL FACILITIES.—The Architect of the  
7 Capitol, in consultation with the appropriate entities in the  
8 legislative branch, shall locate and provide suitable office  
9 space for the operation of the Office on a nonreimbursable  
10 basis. The facilities shall serve as the headquarters of the  
11 Office and shall include all necessary equipment and  
12 incidentals required for the proper functioning of the Of-  
13 fice.

14 (e) ADMINISTRATIVE SUPPORT SERVICES AND  
15 OTHER ASSISTANCE.—

16 (1) IN GENERAL.—Upon the request of the Di-  
17 rector, the Architect of the Capitol and the Adminis-  
18 trator of General Services shall provide to the Direc-  
19 tor on a nonreimbursable basis such administrative  
20 support services as the Commission may request.

21 (2) ADDITIONAL SUPPORT.—In addition to the  
22 assistance set forth in paragraph (1), departments  
23 and agencies of the United States may provide the  
24 Director such services, funds, facilities, staff, and



1 other support services as the Director may deem ad-  
2 visable and as may be authorized by law.

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

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

12 **SEC. 9. EXPENSES.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated such sums as may be  
15 necessary to carry out this Act.

16 (b) FINANCIAL AND ADMINISTRATIVE SERVICES.—  
17 The Director may place orders and enter into agreements  
18 for goods and services with the head of any agency, or  
19 major organizational unit within an agency, in the legisla-  
20 tive or executive branch of the Government in the same  
21 manner and to the same extent as agencies are authorized  
22 to do so under sections 1535 and 1536 of title 31, United  
23 States Code.

24 (c) WITNESS FEES AND ALLOWANCES.—Witnesses  
25 before the Office shall be paid the same fee and mileage

1 allowances as are paid subpoenaed witnesses in the courts  
2 of the United States.

3 **SEC. 10. REPORTS BY COMPTROLLER GENERAL.**

4 Not later than 90 days after the date of enactment,  
5 and at the close of the 110th Congress and at the close  
6 of each Congress thereafter, the Comptroller General shall  
7 submit a report to each House of Congress of the level  
8 of funding necessary for the Office to effectively carry out  
9 its duties under the Act.

10 **SEC. 11. TRANSFER OF RECORDS.**

11 Ninety days after the effective date of this Act, the  
12 Office of Public Records in the Senate and the Office of  
13 Clerk of the House of Representatives shall transfer all  
14 records to the Office with respect to their former duties  
15 under the Lobbying Disclosure Act of 1995 and the Ethics  
16 in Government Act of 1978.

17 **SEC. 12. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided by subsection  
19 (b) and by section 10, this Act shall take effect on Janu-  
20 ary 1, 2007.

21 (b) EXCEPTION.—Sections 2, 8, and 9 shall take ef-  
22 fect upon the date of enactment of this Act.

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