

109TH CONGRESS
2D SESSION

S. 2186

To establish a commission to strengthen confidence in Congress.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2006

Mr. COLEMAN (for himself, Mr. NELSON of Nebraska, Mr. ALLARD, Mr. ENZI, Mr. BURNS, Mr. COBURN, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a commission to strengthen confidence in
Congress.

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 “Commission to
5 Strengthen Confidence in Congress Act of 2006”.

6 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7 There is established in the legislative branch a com-
8 mission to be known as the “Commission to Strengthen
9 Confidence in Congress” (in this Act referred to as the
10 “Commission”).

1 **SEC. 3. PURPOSES.**

2 The purposes of the Commission are to—

3 (1) evaluate and report the effectiveness of cur-
4 rent congressional ethics requirements, if penalties
5 are enforced and sufficient, and make recommenda-
6 tions for new penalties;

7 (2) weigh the need for improved ethical conduct
8 with the need for lawmakers to have access to exper-
9 tise on public policy issues;

10 (3) determine and report minimum standards
11 relating to official travel for Members of Congress
12 and staff;

13 (4) evaluate the range of gifts given to Mem-
14 bers of Congress and staff, determine and report the
15 effects on public policy, and make recommendations
16 for limits on gifts;

17 (5) evaluate and report the effectiveness and
18 transparency of congressional disclosure laws and
19 recommendations for improvements;

20 (6) assess and report the effectiveness of the
21 ban on Member of Congress and staff from lobbying
22 their former office for 1 year and make rec-
23 ommendations for altering the time frame;

24 (7) make recommendations to improve the proc-
25 ess whereby Members of Congress can earmark pri-

1 orities in appropriations Acts, while still preserving
 2 congressional power of the purse;

3 (8) evaluate the use of public and privately
 4 funded travel by Members of Congress and staff,
 5 violations of Congressional rules governing travel,
 6 and make recommendations on limiting travel; and

7 (9) investigate and report to Congress on its
 8 findings, conclusions, and recommendations for re-
 9 form.

10 **SEC. 4. COMPOSITION OF COMMISSION.**

11 (a) MEMBERS.—The Commission shall be composed
 12 of 10 members, of whom—

13 (1) the chair and vice chair shall be selected by
 14 agreement of the majority leader and minority lead-
 15 er of the House of Representatives and the majority
 16 leader and minority leader of the Senate;

17 (2) 2 members shall be appointed by the senior
 18 member of the Senate leadership of the Republican
 19 Party, 1 of which is a former member of the Senate;

20 (3) 2 members shall be appointed by the senior
 21 member of the Senate leadership of the Democratic
 22 Party, 1 of which is a former member of the Senate;

23 (4) 2 members shall be appointed by the senior
 24 member of the leadership of the House of Represent-

atives of the Republican Party, 1 of which is a
former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior
member of the leadership of the House of Represent-
atives of the Democratic Party, 1 of which is a
former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five
members of the Commission shall be Democrats and
5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An in-
dividual appointed to the Commission may not be an
officer or employee of the Federal Government or
any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of
Congress that individuals appointed to the Commis-
sion should be prominent United States citizens,
with national recognition and significant depth of ex-
perience in professions such as governmental service,
government consulting, government contracting, the
law, higher education, historian, business, public re-
lations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All mem-
bers of the Commission shall be appointed on a date
3 months after the date of enactment of this Act.

1 (5) INITIAL MEETING.—The Commission shall
2 meet and begin the operations of the Commission as
3 soon as practicable.

4 (c) QUORUM; VACANCIES.—After its initial meeting,
5 the Commission shall meet upon the call of the chairman
6 or a majority of its members. Six members of the Commis-
7 sion shall constitute a quorum. Any vacancy in the Com-
8 mission shall not affect its powers, but shall be filled in
9 the same manner in which the original appointment was
10 made.

11 **SEC. 5. FUNCTIONS OF COMMISSION.**

12 The functions of the Commission are to submit to
13 Congress a report required by this Act containing such
14 findings, conclusions, and recommendations as the Com-
15 mission shall determine, including proposing organization,
16 coordination, planning, management arrangements, proce-
17 dures, rules and regulations—

18 (1) related to section 3; or

19 (2) related to any other areas the commission
20 unanimously votes to be relevant to its mandate to
21 recommend reforms to strengthen ethical safeguards
22 in Congress.

23 **SEC. 6. POWERS OF COMMISSION.**

24 (a) HEARINGS AND EVIDENCE.—The Commission or,
25 on the authority of the Commission, any subcommittee or

1 member thereof, may, for the purpose of carrying out this
2 Act—

3 (1) hold such hearings and sit and act at such
4 times and places, take such testimony, receive such
5 evidence, administer such oaths; and

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

13 (b) SUBPOENAS.—

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

16 (A) by the agreement of the chair and the
17 vice chair; or

18 (B) by the affirmative vote of 6 members
19 of the Commission.

20 (2) SIGNATURE.—Subject to paragraph (1),
21 subpoenas issued under this subsection may be
22 issued under the signature of the chairman or any
23 member designated by a majority of the Commis-
24 sion, and may be served by any person designated

1 by the chairman or by a member designated by a
2 majority of the Commission.

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

8 **SEC. 7. ADMINISTRATION.**

9 (a) COMPENSATION.—Except as provided in sub-
10 section (b), members of the Commission shall receive no
11 additional pay, allowances, or benefits by reason of their
12 service on the Commission.

13 (b) TRAVEL EXPENSES AND PER DIEM.—Each mem-
14 ber of the Commission shall receive travel expenses and
15 per diem in lieu of subsistence in accordance with sections
16 5702 and 5703 of title 5, United States Code.

17 (c) STAFF AND SUPPORT SERVICES.—

18 (1) STAFF DIRECTOR.—

19 (A) APPOINTMENT.—The Chair (or Co-
20 Chairs) in accordance with the rules agreed
21 upon by the Commission shall appoint a staff
22 director for the Commission.

23 (B) COMPENSATION.—The staff director
24 shall be paid at a rate not to exceed the rate
25 established for level V of the Executive Sched-

1 ule under section 5315 of title 5, United States
2 Code.

3 (2) STAFF.—The Chair (or Co-Chairs) in ac-
4 cordance with the rules agreed upon by the Commis-
5 sion shall appoint such additional personnel as the
6 Commission determines to be necessary.

7 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—
8 The staff director and other members of the staff of
9 the Commission shall be appointed without regard to
10 the provisions of title 5, United States Code, gov-
11 erning appointments in the competitive service, and
12 shall be paid without regard to the provisions of
13 chapter 51 and subchapter III of chapter 53 of such
14 title relating to classification and General Schedule
15 pay rates.

16 (4) EXPERTS AND CONSULTANTS.—With the
17 approval of the Commission, the staff director may
18 procure temporary and intermittent services under
19 section 3109(b) of title 5, United States Code.

20 (d) PHYSICAL FACILITIES.—The Architect of the
21 Capitol, in consultation with the appropriate entities in the
22 legislative branch, shall locate and provide suitable office
23 space for the operation of the Commission on a non-
24 reimbursable basis. The facilities shall serve as the head-
25 quarters of the Commission and shall include all necessary

1 equipment and incidentals required for the proper func-
2 tioning of the Commission.

3 (e) ADMINISTRATIVE SUPPORT SERVICES AND
4 OTHER ASSISTANCE.—

5 (1) IN GENERAL.—Upon the request of the
6 Commission, the Architect of the Capitol and the
7 Administrator of General Services shall provide to
8 the Commission on a nonreimbursable basis such ad-
9 ministrative support services as the Commission may
10 request.

11 (2) ADDITIONAL SUPPORT.—In addition to the
12 assistance set forth in paragraph (1), departments
13 and agencies of the United States may provide the
14 Commission such services, funds, facilities, staff,
15 and other support services as the Commission may
16 deem advisable and as may be authorized by law.

17 (f) USE OF MAILS.—The Commission may use the
18 United States mails in the same manner and under the
19 same conditions as Federal agencies and shall, for pur-
20 poses of the frank, be considered a commission of Con-
21 gress as described in section 3215 of title 39, United
22 States Code.

23 (g) PRINTING.—For purposes of costs relating to
24 printing and binding, including the cost of personnel de-

1 tailed from the Government Printing Office, the Commis-
2 sion shall be deemed to be a committee of the Congress.

3 **SEC. 8. SECURITY CLEARANCES FOR COMMISSION MEM-**
4 **BERS AND STAFF.**

5 The appropriate Federal agencies or departments
6 shall cooperate with the Commission in expeditiously pro-
7 viding to the Commission members and staff appropriate
8 security clearances to the extent possible pursuant to ex-
9 isting procedures and requirements, except that no person
10 shall be provided with access to classified information
11 under this Act without the appropriate security clearances.

12 **SEC. 9. COMMISSION REPORTS; TERMINATION.**

13 (a) ANNUAL REPORTS.—The Commission shall sub-
14 mit—

15 (1) an initial report to Congress not later than
16 July 1, 2006; and

17 (2) annual reports to Congress after the report
18 required by paragraph (1);

19 containing such findings, conclusions, and recommenda-
20 tions for corrective measures as have been agreed to by
21 a majority of Commission members.

22 (b) ADMINISTRATIVE ACTIVITIES.—During the 60-
23 day period beginning on the date of submission of each
24 annual report and the final report under this section, the
25 Commission shall—

1 (1) be available to provide testimony to commit-
2 tees of Congress concerning such reports; and

3 (2) take action to appropriately disseminate
4 such reports.

5 (c) TERMINATION OF COMMISSION.—

6 (1) FINAL REPORT.—At such time as a major-
7 ity of the members of the Commission determines
8 that the reasons for the establishment of the Com-
9 mission no longer exist, the Commission shall submit
10 to Congress a final report containing information de-
11 scribed in subsection (a).

12 (2) TERMINATION.—The Commission, and all
13 the authorities of this Act, shall terminate 60 days
14 after the date on which the final report is submitted
15 under paragraph (1), and the Commission may use
16 such 60-day period for the purpose of concluding its
17 activities.

18 **SEC. 10. FUNDING.**

19 There are authorized such sums as necessary to carry
20 out this Act.

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