

110TH CONGRESS
1ST SESSION

S. 230

To provide greater transparency in the legislative process.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2007

Mr. FEINGOLD (for himself, Mr. OBAMA, Mr. LIEBERMAN, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide greater transparency in the legislative process.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lobbying and Ethics Reform Act of 2007”.

6 (b) TABLE OF CONTENTS.—

7 The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY

Sec. 101. Out of scope matters in conference reports.

Sec. 102. Conference report reforms.

Sec. 103. Elimination of floor privileges and other former Member benefits and privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.

- Sec. 104. Ban on gifts from lobbyists.
- Sec. 105. Travel restrictions and disclosure.
- Sec. 106. Post employment restrictions.
- Sec. 107. Public disclosure by Members of Congress of employment negotiations.
- Sec. 108. Conflicts of interest with respect to a spouse or immediate family Member of a Member.
- Sec. 109. Influencing hiring decisions.
- Sec. 110. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
- Sec. 111. Requirement of notice of intent to proceed.
- Sec. 112. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY

Subtitle A—Enhancing Lobbying Disclosure

- Sec. 211. Quarterly filing of Lobbying disclosure reports.
- Sec. 212. Quarterly reports on other contributions.
- Sec. 213. Public database of Lobbying disclosure information.
- Sec. 214. Disclosure by registered lobbyists of all past executive and Congressional employment.
- Sec. 215. Lobbying on behalf of recipients of federal funds.
- Sec. 216. Disclosure of lobbying for earmarks, and other additional disclosures.
- Sec. 217. Increased penalty for failure to comply with Lobbying disclosure requirements.
- Sec. 218. Disclosure of Lobbying activities by certain coalitions and associations.
- Sec. 219. Disclosure of enforcement for noncompliance.
- Sec. 220. Electronic filing of Lobbying disclosure reports.
- Sec. 221. Disclosure of paid efforts to stimulate grassroots Lobbying.
- Sec. 222. Electronic filing and public database for lobbyists for foreign governments.
- Sec. 223. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

- Sec. 231. Comptroller General audit and annual report.
- Sec. 232. Mandatory Senate ethics training for Members and staff.
- Sec. 233. Sense of the Senate regarding self-regulation within the Lobbying community.
- Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

- Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

- Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to Congressional employees.

TITLE III—SENATE OFFICE OF PUBLIC INTEGRITY

- Sec. 301. Establishment of Senate office of public integrity.

Sec. 302. Director.

Sec. 303. Duties and powers of the office.

Sec. 304. Investigations and interaction with the Senate select committee on ethics.

Sec. 305. Procedural rules.

Sec. 306. SOPI Employees under the congressional accountability Act.

Sec. 307. Effective date.

1 **TITLE I—LEGISLATIVE TRANS-**
 2 **PARENCY AND ACCOUNT-**
 3 **ABILITY**

4 **SEC. 101. OUT OF SCOPE MATTERS IN CONFERENCE RE-**
 5 **PORTS.**

6 (a) IN GENERAL.—A point of order may be made by
 7 any Senator against consideration of a conference report
 8 that includes any matter not committed to the conferees
 9 by either House. The point of order shall be made and
 10 voted on separately for each item in violation of this sec-
 11 tion.

12 (b) DISPOSITION.—If the point of order against a
 13 conference report under subsection (a) is sustained,
 14 then—

15 (1) the matter in such conference report shall
 16 be deemed to have been struck;

17 (2) when all other points of order under this
 18 section have been disposed of—

19 (A) the Senate shall proceed to consider
 20 the question of whether the Senate should re-
 21 cede from its amendment to the House bill, or
 22 its disagreement to the amendment of the

1 House, and concur with a further amendment,
 2 which further amendment shall consist of only
 3 that portion of the conference report not
 4 deemed to have been struck;

5 (B) the question shall be debatable; and

6 (C) no further amendment shall be in
 7 order; and

8 (3) if the Senate agrees to the amendment,
 9 then the bill and the Senate amendment thereto
 10 shall be returned to the House for its concurrence
 11 in the amendment of the Senate.

12 (c) SUPERMAJORITY WAIVER AND APPEAL.—This
 13 section may be waived or suspended in the Senate only
 14 by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen
 15 and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of
 16 the Senate, duly chosen and sworn, shall be required in
 17 the Senate to sustain an appeal of the ruling of the Chair
 18 on a point of order raised under this section.

19 **SEC. 102. CONFERENCE REPORT REFORMS.**

20 (a) IN GENERAL.—

21 (1) AMENDMENT.—Rule XXVIII of all the
 22 Standing Rules of the Senate is amended by adding
 23 at the end the following:

24 “7. It shall not be in order to consider a conference
 25 report unless—

1 “(1) such report is available to all Members and
2 made available to the general public by means of the
3 Internet for at least 48 hours before its consider-
4 ation; and

5 “(2) the text of such report has not been
6 changed after the Senate signatures sheets have
7 been signed by a majority of the Senate conferees.”.

8 (2) EFFECTIVE DATE.—This subsection shall
9 take effect 60 days after the date of enactment of
10 this title.

11 (3) IMPLEMENTATION.—Not later than 60 days
12 after the date of enactment of this title, the Sec-
13 retary of the Senate, in consultation with the Clerk
14 of the House of Representatives, the Government
15 Printing Office, and the Committee on Rules and
16 Administration, shall develop a website capable of
17 complying with the requirements of paragraph 7 of
18 rule XXVIII of the Standing Rules of the Senate, as
19 added by paragraph (1).

20 (b) CONFERENCE COMMITTEE PROTOCOLS.—It is
21 the sense of Senate that—

22 (1) conference committees should hold regular,
23 formal meetings of all conferees that are open to the
24 public or televised;

1 (2) all conferees should be given adequate no-
2 tice of the time and place of all such meetings; and

3 (3) all conferees should be afforded an oppor-
4 tunity to participate in full and complete debates of
5 the matters that such conference committees may
6 recommend to their respective Houses.

7 **SEC. 103. ELIMINATION OF FLOOR PRIVILEGES AND OTHER**
8 **FORMER MEMBER BENEFITS AND PRIVI-**
9 **LEGES FOR FORMER MEMBERS, SENATE OF-**
10 **FICERS, AND SPEAKERS OF THE HOUSE WHO**
11 **ARE LOBBYISTS OR SEEK FINANCIAL GAIN.**

12 (a) FLOOR PRIVILEGES.—Rule XXIII of the Stand-
13 ing Rules of the Senate is amended by—

14 (1) inserting “1.” before “Other”;

15 (2) inserting after “Ex-Senators and Senators
16 elect” the following: “, except as provided in para-
17 graph 2”;

18 (3) inserting after “Ex-Secretaries and ex-Ser-
19 geants at Arms of the Senate” the following: “, ex-
20 cept as provided in paragraph 2”;

21 (4) inserting after “Ex-Speakers of the House
22 of Representatives” the following: “, except as pro-
23 vided in paragraph 2”; and

24 (5) adding at the end the following:

1 “2. (a) The floor privilege provided in paragraph 1
2 shall not apply when the Senate is in session to an indi-
3 vidual covered by this paragraph who is—

4 “(1) a registered lobbyist or agent of a foreign
5 principal; or

6 “(2) in the employ of or represents any party
7 or organization for the purpose of influencing, di-
8 rectly or indirectly, the passage, defeat, or amend-
9 ment of any legislative proposal.

10 “(b) The Committee on Rules and Administration
11 may promulgate regulations to allow individuals covered
12 by this paragraph floor privileges for ceremonial functions
13 and events designated by the Majority Leader and the Mi-
14 nority Leader.”.

15 (b) OTHER BENEFITS AND PRIVILEGES.—A former
16 Member of the Senate may not exercise privileges to use
17 Senate or House gym or exercise facilities or member-only
18 parking spaces if such Member is—

19 (1) a registered lobbyist or agent of a foreign
20 principal; or

21 (2) in the employ of or represents any party or
22 organization for the purpose of influencing, directly
23 or indirectly, the passage, defeat, or amendment of
24 any legislative proposal.

1 **SEC. 104. BAN ON GIFTS FROM LOBBYISTS.**

2 (a) IN GENERAL.—Rule XXXV of the Standing
3 Rules of the Senate is amended by—

4 (1) in paragraph 1(a), by—

5 (A) inserting “(A)” after “(2)”; and

6 (B) adding at the end the following:

7 “(B) This clause shall not apply to a gift from any
8 person or entity required to register pursuant to section
9 4(a) of the Lobbying Disclosure Act of 1995, or any indi-
10 vidual or entity identified as a lobbyist or a client in any
11 current registration or report filed under such Act.”; and

12 (2) in paragraph 1, by adding at the end the
13 following:

14 “(g) For purposes of this paragraph, a gift of a ticket
15 to a sporting or entertainment event shall be valued at
16 the face value printed on the ticket, provided that in the
17 case of a ticket without a face value, or in the case of
18 a ticket to a sky box, club seat, or any other premium
19 seat, the ticket shall be valued at the highest cost of a
20 ticket with a face value for the event.”.

21 (b) NATIONAL PARTY CONVENTIONS.—Paragraph
22 (1)(d) of the Standing Rules of the Senate is amended
23 by adding at the end the following:

24 “5. A Member may not participate in an event hon-
25 oring that Member at a national party convention if such
26 event is paid for by any person or entity required to reg-

1 ister pursuant to section 4(a) of the Lobbying Disclosure
2 Act of 1995, or any individual or entity identified as a
3 lobbyist or a client in any current registration or report
4 filed under such Act.”.

5 **SEC. 105. TRAVEL RESTRICTIONS AND DISCLOSURE.**

6 (a) RESTRICTION OF PRIVATELY FUNDED TRAV-
7 EL.—

8 (1) PROHIBITION.—Paragraph 2(a) of rule
9 XXXV of the Standing Rules of the Senate is
10 amended—

11 (A) in clause (1), by striking “from an in-
12 dividual” and all that follows through “prohib-
13 ited by this rule” and inserting “for necessary
14 transportation, lodging, and related expenses
15 for travel to a meeting, speaking engagement,
16 factfinding trip, or similar event in connection
17 with his duties as an officeholder shall be con-
18 sidered as a reimbursement to the Senate and
19 not a gift prohibited by this rule when it is
20 from a private source other than a registered
21 lobbyist or agent of a foreign principal or a pri-
22 vate entity that retains or employs registered
23 lobbyists or agents of a foreign principal (except
24 as provided in clause (3))”; and

25 (B) by adding at the end the following:

1 “(3) A reimbursement (including payment in
 2 kind) to a Member, officer, or employee of the Sen-
 3 ate for any purpose described in clause (1) also shall
 4 be considered as a reimbursement to the Senate and
 5 not a gift prohibited by this rule (without regard to
 6 whether the source retains or employs registered lob-
 7 byists or agents of a foreign principal) if it is, under
 8 regulations prescribed by the Select Committee on
 9 Ethics to implement this provision—

10 “(A) directly from an institution of higher
 11 education within the meaning of section 101 of
 12 the Higher Education Act of 1965; or

13 “(B) provided only for attendance at or
 14 participation in 1-day of an event (exclusive of
 15 travel time and an overnight stay).

16 Regulations prescribed to implement this provision
 17 may permit a 2-night stay when determined by the
 18 committee on a case-by-case basis to be practically
 19 required to participate in 1-day of an event.”.

20 (2) EFFECTIVE DATE.—The amendments made
 21 by paragraph (1) shall take effect on March 1, 2007.

22 (b) LOBBYIST ORGANIZATIONS AND PARTICIPATION
 23 IN CONGRESSIONAL TRAVEL.—

24 (1) IN GENERAL.—Rule XXXV of the Standing
 25 Rules of the Senate is amended by redesignating

1 paragraphs 3, 4, 5, and 6 as paragraphs 5, 6, 7, and
2 8, respectively, and by inserting after paragraph 2
3 the following:

4 “3. (a) A Member, officer, or employee of the Senate
5 may not accept a reimbursement (including payment in
6 kind) for transportation, lodging, or related expenses for
7 a trip on which the traveler is accompanied on any seg-
8 ment by a registered lobbyist or agent of a foreign prin-
9 cipal.

10 “(b) A Member, officer, or employee of the Senate
11 may not accept a reimbursement (including payment in
12 kind) for transportation, lodging, or related expenses
13 under the exception in paragraph 2(a)(3)(B) of this rule
14 for a trip that is financed in whole or in part by a private
15 entity that retains or employs registered lobbyists or
16 agents of a foreign principal unless any involvement of a
17 registered lobbyist or agent of a foreign principal in the
18 planning, organization, request, or arrangement of the trip
19 is de minimis under rules prescribed by the Select Com-
20 mittee on Ethics to implement paragraph 2(a)(3).

21 “(c) A Member, officer, or employee of the Senate
22 may not accept a reimbursement (including payment in
23 kind) for transportation, lodging, or related expenses for
24 a trip (other than a trip permitted under paragraph
25 2(a)(3)(B)) if such trip is in any part planned, organized,

1 requested, or arranged by a registered lobbyist or agent
2 of a foreign principal.

3 “4. A Member, officer, or employee of the Senate
4 shall, before accepting travel otherwise permissible under
5 paragraph 2(a) from any private source—

6 “(A) provide to the Select Committee on Ethics
7 before such trip a written certification signed by the
8 source or (in the case of a corporate person) by an
9 officer of the source—

10 “(i) that the trip will not be financed in
11 any part by a registered lobbyist or agent of a
12 foreign principal;

13 “(ii) that the source either—

14 “(I) does not retain or employ reg-
15 istered lobbyists or agents of a foreign
16 principal;

17 “(II) is an institution of higher edu-
18 cation within the meaning of section 101
19 of the Higher Education Act of 1965; or

20 “(III) certifies that the trip meets the
21 requirements specified in rules prescribed
22 by the Committee on Standards of Official
23 Conduct to implement paragraph
24 2(a)(3)(B) and specifically details the ex-
25 tent of any involvement of a registered lob-

1 byist or agent of a foreign principal in the
2 planning, organization, request, or ar-
3 rangement of the trip considered to qualify
4 as de minimis under such rules;

5 “(iii) that the source will not accept from
6 another source any funds earmarked directly or
7 indirectly for the purpose of financing any as-
8 pect of the trip; and

9 “(iv) that the trip will not in any part be
10 planned, organized, requested, or arranged by a
11 registered lobbyist or agent of a foreign prin-
12 cipal, except as otherwise may be permitted
13 under rules prescribed by the Select Committee
14 on Ethics to implement paragraph (2)(a)(3);
15 and

16 “(B) provide the Select Committee on Eth-
17 ics (in the case of an employee, from the super-
18 vising Member or officer), in writing—

19 “(i) a detailed itinerary of the trip;

20 “(ii) a determination that the trip—

21 “(I) is primarily educational (ei-
22 ther for the invited person or for the
23 organization sponsoring the trip);

1 “(II) is consistent with the offi-
2 cial duties of the Member, officer, or
3 employee; and

4 “(III) does not create an appear-
5 ance of use of public office for private
6 gain; and

7 “(iii) has a minimal or no recreational
8 component.”.

9 (2) CONFORMING CHANGES IN CROSS-REF-
10 ERENCES.—Rule XXXV of the Standing Rules of
11 the Senate is amended—

12 (A) in paragraph 1(c)(5), by striking
13 “paragraph 3(c)” and inserting “paragraph
14 5(c)”; and

15 (B) in paragraph 5(b) (as redesignated),
16 by striking “paragraph 4” and inserting “para-
17 graph 6”.

18 (3) TIMELINESS OF INFORMATION.—Paragraph
19 2(a)(1)(B) of rule XXXV of the Standing Rules of
20 the Senate is amended by striking “30 days” and in-
21 serting “15 days”.

22 (4) CONFORMING AMENDMENT.—Paragraph
23 2(c) of rule XXXV of the Standing Rules of the
24 Senate is amended by striking “of expenses reim-
25 bursed or to be reimbursed”.

1 (5) PUBLIC AVAILABILITY.—Paragraph 2(e) of
2 rule XXXV of the Standing Rules of the Senate is
3 amended to read as follows:

4 “(e) The Secretary of the Senate shall make all ad-
5 vance authorizations, certifications, and disclosures filed
6 pursuant to this paragraph available for public inspection
7 as soon as possible after they are received.”.

8 (6) EFFECTIVE DATE.—The amendments made
9 by this subsection shall take effect on March 1,
10 2007.

11 (c) EXPENSES FOR OFFICIALLY CONNECTED TRAV-
12 EL.—Paragraph 2 of rule XXXV of the Standing Rules
13 of the Senate is amended by adding at the end the fol-
14 lowing:

15 “(f) Not later than 45 days after the date of adoption
16 of this paragraph and at annual intervals thereafter, the
17 Select Committee on Ethics shall develop and revise, as
18 necessary—

19 “(1) guidelines on judging the reasonableness of
20 an expense or expenditure for purposes of this
21 clause, including the factors that tend to establish—

22 “(A) a connection between a trip and offi-
23 cial duties;

24 “(B) the reasonableness of an amount
25 spent by a sponsor;

1 “(C) a relationship between an event and
2 an officially connected purpose; and

3 “(D) a direct and immediate relationship
4 between a source of funding and an event; and

5 “(2) regulations describing any additional infor-
6 mation it will require individuals subject to this
7 clause to submit to the committee in order to obtain
8 the prior approval of the committee for any travel
9 covered by this clause, including any required certifi-
10 cations.

11 “(g) In developing and revising guidelines under sub-
12 paragraph (f)(1), the committee shall take into account
13 the maximum per diem rates for official Government trav-
14 el published annually by the General Services Administra-
15 tion, the Department of State, and the Department of De-
16 fense.”.

17 (d) ADDITIONAL DISCLOSURE.—Paragraph 2(c) of
18 rule XXXV of the Standing Rules of the Senate is amend-
19 ed by—

20 (1) striking “and” after the semicolon at the
21 end of clause (5);

22 (2) redesignating clause (6) as clause (7); and

23 (3) inserting after clause (5) the following:

24 “(6) a description of meetings and events at-
25 tended; and”.

1 (e) DISCLOSURE AND PAYMENT OF NONCOMMERCIAL
2 AIR TRAVEL.—

3 (1) RULES.—

4 (A) DISCLOSURE AND PAYMENT.—Para-
5 graph 2 of rule XXXV of the Standing Rules
6 of the Senate, as amended by subsection (c), is
7 amended by adding at the end the following:

8 “(h) A Member, officer, or employee of the Senate
9 shall—

10 “(1) disclose a flight on an aircraft operated by
11 a carrier not licensed by the Federal Aviation Ad-
12 ministration to operate for compensation or hire, ex-
13 cluding a flight on an aircraft owned, operated, or
14 leased by a governmental entity taken in connection
15 with the duties of the Member, officer, or employee
16 as an officeholder or Senate officer or employee;

17 “(2) reimburse the owner or lessee of the air-
18 craft for the pro rata share of the fair market value
19 of such flight (as determined by dividing the fair
20 market value of the normal and usual charter fare
21 or rental charge for a comparable plane of appro-
22 priate size by the number of members, officers, or
23 employees of the Congress on the flight);

24 “(3) with respect to the flight, file a report with
25 the Secretary of the Senate, including the date, des-

1 tination, and owner or lessee of the aircraft, the pur-
 2 pose of the trip, and the persons on the trip, except
 3 for any member of the crew who is operating such
 4 flight; and

5 “(4) not travel on any such flight if any other
 6 passenger on such flight is—

7 “(A) a registered lobbyist under the Lob-
 8 bying Disclosure Act of 1995;

9 “(B) listed as a lobbyist on a current reg-
 10 istration or report filed under that Act; or

11 “(C) an employee of an entity that employs
 12 or retains lobbyists, except that this subpara-
 13 graph shall not apply to any member of the
 14 crew who is operating such flight.”.

15 (B) FAIR MARKET VALUE OF NONCOMMER-
 16 CIAL AIR TRAVEL.—Paragraph 1(c)(1) of rule
 17 XXXV of the Standing Rules of the Senate is
 18 amended—

19 (i) by inserting (A) after (1); and

20 (ii) by adding at the end the fol-
 21 lowing:

22 “(B) Fair market value for a flight on an air-
 23 craft operated by a carrier not licensed by the Fed-
 24 eral Aviation Administration to operate for com-
 25 pensation or hire shall be the fair market value of

1 the normal and usual charter fare or rental charge
2 for a comparable plane of comparable size.”.

3 (C) REIMBURSEMENT.—Paragraph 1 of
4 rule XXXVIII of the Standing Rules of the
5 Senate is amended by adding at the end the fol-
6 lowing:

7 “(c) Use of an aircraft operated by a carrier not li-
8 censed by the Federal Aviation Administration to operate
9 for compensation or hire shall be valued for purposes of
10 reimbursement under this rule as provided in paragraph
11 2(h)(2) of rule XXXV.”.

12 (D) CLARIFICATION OF REASONABLE EX-
13 PENDITURES FOR NONCOMMERCIAL AIR TRAV-
14 EL.—Rule XXXV of the Standing Rules of the
15 Senate is amended by—

16 (i) in paragraph 7(a) (as redesign-
17 nated), by striking “and” after the semi-
18 colon;

19 (ii) in paragraph 7(b) (as redesign-
20 nated), by striking the period and inserting
21 “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(c) the term ‘reasonable expenditures for
25 transportation’ does not include travel on an

1 aircraft operated by a carrier not licensed by
2 the Federal Aviation Administration to operate
3 for compensation or hire.”.

4 (2) FECA.—

5 (A) DISCLOSURE.—Section 304(b) of the
6 Federal Election Campaign Act of 1971 (2
7 U.S.C. 434(b)) is amended—

8 (i) by striking “and” at the end of
9 paragraph (7);

10 (ii) by striking the period at the end
11 of paragraph (8) and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing new paragraph:

15 “(9) in the case of a principal campaign com-
16 mittee of a candidate, leadership PAC, or political
17 party committee, any flight taken by the candidate
18 during the reporting period on an aircraft operated
19 by a carrier not licensed by the Federal Aviation Ad-
20 ministration to operate for compensation or hire, to-
21 gether with the following information:

22 “(A) The date of the flight.

23 “(B) The destination of the flight.

24 “(C) The owner or lessee of the aircraft.

25 “(D) The purpose of the flight.

1 “(E) The persons on the flight, except for
2 any member of the crew who is operating such
3 flight.”.

4 (B) EXCLUSION OF PAID FLIGHT FROM
5 DEFINITION OF CONTRIBUTION.—Subparagraph
6 (B) of section 301(8) of the Federal Election
7 Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is
8 amended—

9 (i) in clause (xiii), by striking “and”
10 at the end;

11 (ii) in clause (xiv), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(xv) any travel expense for a flight
16 taken by the candidate, leadership PAC, or
17 political party committee on an aircraft op-
18 erated by a carrier not licensed by the
19 Federal Aviation Administration to operate
20 for compensation or hire: Provided, That—

21 “(I) the candidate (or the author-
22 ized committee of the candidate),
23 leadership PAC, or political party
24 committee pays to the owner, lessee,
25 or other individual who provides the

1 airplane the pro rata share of the fair
2 market value of such flight (as deter-
3 mined by dividing the fair market
4 value of the normal and usual charter
5 fare or rental charge for a comparable
6 plane of comparable size by the num-
7 ber of candidates on the flight) by not
8 later than 7 days after the date on
9 which the flight is taken; and

10 “(II) no passenger on such flight
11 is—

12 “(aa) a registered lobbyist
13 under the Lobbying Disclosure
14 Act of 1995;

15 “(bb) listed as a lobbyist on
16 a current registration or report
17 filed under that Act; or

18 “(cc) an employee of an en-
19 tity that employs or retains lob-
20 byists, except that this paragraph
21 shall not apply to any member of
22 the crew who is operating such
23 flight.”.

24 (C) ADDITIONAL DEFINITION.—Section 301
25 of the Federal Election Campaign Act of 1971

1 (2 U.S.C. 431) is amended by adding at the
2 end the following:

3 “(27) LEADERSHIP PAC.—The term ‘leadership
4 PAC’ means with respect to an individual holding
5 Federal office, an unauthorized political committee
6 which is associated with an individual holding Fed-
7 eral office, except that such term shall not apply in
8 the case of a political committee of a political
9 party.”.

10 **SEC. 106. POST EMPLOYMENT RESTRICTIONS.**

11 (a) IN GENERAL.—Paragraph 8 of rule XXXVII of
12 the Standing Rules of the Senate is amended to read as
13 follows:

14 “8. A Member of the Senate shall not engage in any
15 lobbying activity, as such term is defined in section 3(7)
16 of the Lobbying Disclosure Act of 1995, in the 2 years
17 after leaving the employment of the Senate.”.

18 (b) EFFECTIVE DATE.—This section shall take effect
19 60 days after the date of enactment of this title.

20 **SEC. 107. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS**
21 **OF EMPLOYMENT NEGOTIATIONS.**

22 Rule XXXVII of the Standing Rules of the Senate
23 is amended by adding at the end the following:

24 “13. (a) A Member shall not directly negotiate or
25 have any arrangement concerning prospective private em-

1 ployment as a lobbyist until after the election for his or
 2 her successor has been held.

3 “(b) An employee on the staff of a Member or on
 4 the staff of a committee whose rate of pay is equal to or
 5 greater than 75 percent of the rate of pay of a Member
 6 and employed at such rate for more than 60 days in a
 7 calendar year shall not directly negotiate or have any ar-
 8 rangement concerning prospective private employment
 9 with an organization that retains or employs lobbyists, un-
 10 less such employee provides written notification to the Se-
 11 lect Committee on Ethics within 3 business days after the
 12 commencement of such negotiation or arrangement, and
 13 obtains the advice of the committee on any actions that
 14 such employee should take to avoid any potential conflicts
 15 of interest.”.

16 **SEC. 108. CONFLICTS OF INTEREST WITH RESPECT TO A**
 17 **SPOUSE OR IMMEDIATE FAMILY MEMBER OF**
 18 **A MEMBER.**

19 (a) SPOUSE OR IMMEDIATE FAMILY MEMBER AS
 20 LOBBYIST.—Rule XXXVII of the Standing Rules of the
 21 Senate is amended by inserting at the end the following:

22 “14. (a) If a Member’s spouse or immediate family
 23 member registers as a lobbyist under the Lobbying Dis-
 24 closure Act of 1995 or is listed as a lobbyist on a current
 25 registration or report filed under that Act, or is employed

1 or retained by such a registered lobbyist for the purpose
2 of influencing legislation, the Member shall prohibit all
3 staff employed by that Member (including staff in per-
4 sonal, committee and leadership offices) from having any
5 lobbying contact with the Member's spouse or immediate
6 family member.

7 “(b) In this paragraph, the term ‘immediate family
8 member’ means the son, daughter, stepson, stepdaughter,
9 son-in-law, daughter-in-law, mother, father, stepmother,
10 stepfather, mother-in-law, father-in-law, brother, sister,
11 stepbrother, or stepsister of the Member.”.

12 (b) PAYMENT OF CAMPAIGN FUNDS.—

13 (1) STANDING RULES.—Paragraph 2 of rule
14 XXXVIII of the Standing Rules of the Senate is
15 amended by adding at the end the following: “In
16 this paragraph, the term ‘personal use’ shall include
17 use by a spouse or immediate family member as de-
18 fined by paragraph 10 of rule XXXVII.”

19 (2) FECA.—Section 313(b) of the Federal
20 Election Campaign Act of 1971 (2 U.S.C. 439a(b))
21 is amended—

22 (A) in paragraph (2)—

23 (i) in subparagraph (H), by striking
24 “and” at the end;

1 (ii) in subparagraph (I), by striking
2 the period at the end and inserting “;
3 and”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(J) payments to a spouse or other imme-
7 diate family member.”; and

8 (B) by adding at the end the following:

9 “(3) DEFINITION.—In this subsection, the term
10 ‘immediate family member’ means the son, daughter,
11 stepson, stepdaughter, son-in-law, daughter-in-law,
12 mother, father, stepmother, stepfather, mother-in-
13 law, father-in-law, brother, sister, stepbrother, or
14 stepsister of a candidate.”.

15 **SEC. 109. INFLUENCING HIRING DECISIONS.**

16 Rule XLIII of the Standing Rules of the Senate is
17 amended by adding at the end the following:

18 “6. No Member shall, with the intent to influence on
19 the basis of partisan political affiliation an employment
20 decision or employment practice of any private entity—

21 “(1) take or withhold, or offer or threaten to
22 take or withhold, an official act; or

23 “(2) influence, or offer or threaten to influence
24 the official act of another.”.

1 **SEC. 110. SENSE OF THE SENATE THAT ANY APPLICABLE**
 2 **RESTRICTIONS ON CONGRESSIONAL BRANCH**
 3 **EMPLOYEES SHOULD APPLY TO THE EXECU-**
 4 **TIVE AND JUDICIAL BRANCHES.**

5 It is the sense of the Senate that any applicable re-
 6 strictions on Congressional branch employees in this title
 7 should apply to the Executive and Judicial branches.

8 **SEC. 111. REQUIREMENT OF NOTICE OF INTENT TO PRO-**
 9 **CEED.**

10 (a) IN GENERAL.—The majority and minority leaders
 11 of the Senate or their designees shall recognize a notice
 12 of intent of a Senator who is a member of their caucus
 13 to object to proceeding to a measure or matter only if the
 14 Senator—

15 (1) submits the notice of intent in writing to
 16 the appropriate leader or their designee; and

17 (2) within 3 session days after the submission
 18 under paragraph (1), submits for inclusion in the
 19 Congressional Record and in the applicable calendar
 20 section described in subsection (b) the following no-
 21 tice:

22 “I, Senator ____, intend to object to proceeding to
 23 ____, dated ____.”.

24 (b) CALENDAR.—The Secretary of the Senate shall
 25 establish for both the Senate Calendar of Business and
 26 the Senate Executive Calendar a separate section entitled

1 “Notices of Intent to Object to Proceeding”. Each section
 2 shall include the name of each Senator filing a notice
 3 under subsection (a)(2), the measure or matter covered
 4 by the calendar that the Senator objects to, and the date
 5 the objection was filed.

6 (c) REMOVAL.—A Senator may have an item with re-
 7 spect to the Senator removed from a calendar to which
 8 it was added under subsection (b) by submitting for inclu-
 9 sion in the Congressional Record the following notice:

10 “I, Senator _____, do not object to proceeding to
 11 _____, dated _____.”.

12 **SEC. 112. EFFECTIVE DATE.**

13 Except as otherwise provided in this title, this title
 14 shall take effect on the date of enactment of this title.

15 **TITLE II—LOBBYING TRANS-**
 16 **PARENCY AND ACCOUNT-**
 17 **ABILITY**

18 **Subtitle A—Enhancing Lobbying**
 19 **Disclosure**

20 **SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE**
 21 **REPORTS.**

22 (a) QUARTERLY FILING REQUIRED.—Section 5 of
 23 the Lobbying Disclosure Act of 1995 (in this title referred
 24 to as the “Act”) (2 U.S.C. 1604) is amended—

25 (1) in subsection (a)—

1 (A) in the subsection heading, by striking
2 “Semiannual” and inserting “Quarterly”;

3 (B) by striking “the semiannual period”
4 and all that follows through “July of each
5 year” and inserting “the quarterly period begin-
6 ning on the 20th day of January, April, July,
7 and October of each year, or on the first busi-
8 ness day after the 20th day if that day is not
9 a business day”; and

10 (C) by striking “such semiannual period”
11 and inserting “such quarterly period”; and

12 (2) in subsection (b)—

13 (A) in the matter preceding paragraph (1),
14 by striking “semiannual report” and inserting
15 “quarterly report”;

16 (B) in paragraph (2), by striking “semi-
17 annual filing period” and inserting “quarterly
18 period”;

19 (C) in paragraph (3), by striking “semi-
20 annual period” and inserting “quarterly pe-
21 riod”; and

22 (D) in paragraph (4), by striking “semi-
23 annual filing period” and inserting “quarterly
24 period”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) DEFINITION.—Section 3(10) of the Act (2
2 U.S.C. 1602) is amended by striking “six month pe-
3 riod” and inserting “three-month period”.

4 (2) REGISTRATION.—Section 4 of the Act (2
5 U.S.C. 1603) is amended—

6 (A) in subsection (a)(3)(A), by striking
7 “semiannual period” and inserting “quarterly
8 period”; and

9 (B) in subsection (b)(3)(A), by striking
10 “semiannual period” and inserting “quarterly
11 period”.

12 (3) ENFORCEMENT.—Section 6(a)(6) of the Act
13 (2 U.S.C. 1605(6)) is amended by striking “semi-
14 annual period” and inserting “quarterly period”.

15 (4) ESTIMATES.—Section 15 of the Act (2
16 U.S.C. 1610) is amended—

17 (A) in subsection (a)(1), by striking “semi-
18 annual period” and inserting “quarterly pe-
19 riod”; and

20 (B) in subsection (b)(1), by striking “semi-
21 annual period” and inserting “quarterly pe-
22 riod”.

23 (5) DOLLAR AMOUNTS.—

24 (A) REGISTRATION.—Section 4 of the Act
25 (2 U.S.C. 1603) is amended—

1 (i) in subsection (a)(3)(A)(i), by strik-
2 ing “\$5,000” and inserting “\$2,500”;

3 (ii) in subsection (a)(3)(A)(ii), by
4 striking “\$20,000” and inserting
5 “\$10,000”;

6 (iii) in subsection (b)(3)(A), by strik-
7 ing “\$10,000” and inserting “\$5,000”;
8 and

9 (iv) in subsection (b)(4), by striking
10 “\$10,000” and inserting “\$5,000”.

11 (B) REPORTS.—Section 5 of the Act (2
12 U.S.C. 1604) is amended—

13 (i) in subsection (c)(1), by striking
14 “\$10,000” and “\$20,000” and inserting
15 “\$5,000” and “\$10,000”, respectively; and

16 (ii) in subsection (c)(2), by striking
17 “\$10,000” both places such term appears
18 and inserting “\$5,000”.

19 **SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBU-**
20 **TIONS.**

21 Section 5 of the Act (2 U.S.C. 1604) is amended by
22 adding at the end the following:

23 “(d) QUARTERLY REPORTS ON OTHER CONTRIBU-

24 TIONS.—

1 “(1) IN GENERAL.—Not later than 45 days
2 after the end of the quarterly period beginning on
3 the 20th day of January, April, July, and October
4 of each year, or on the first business day after the
5 20th if that day is not a business day, each reg-
6 istrant under paragraphs (1) or (2) of section 4(a),
7 and each employee who is listed as a lobbyist on a
8 current registration or report filed under this Act,
9 shall file a report with the Secretary of the Senate
10 and the Clerk of the House of Representatives con-
11 taining—

12 “(A) the name of the registrant or lob-
13 byist;

14 “(B) the employer of the lobbyist or the
15 names of all political committees associated
16 with the registrant;

17 “(C) the name of each Federal candidate
18 or officeholder, leadership PAC, or political
19 party committee, to whom aggregate contribu-
20 tions equal to or exceeding \$200 were made by
21 the lobbyist, the registrant, or a political com-
22 mittee associated with the registrant during the
23 past calendar year, and the date and amount of
24 each contribution made within the past quarter;

1 “(D) the name of each Federal candidate
2 or officeholder, leadership PAC, or political
3 party committee for whom a fundraising event
4 was hosted, co-hosted, or otherwise sponsored
5 by the lobbyist, the registrant, or a political
6 committee associated with the registrant within
7 the past quarter, and the date, location, and
8 total amount raised at such event;

9 “(E) the name of each Federal candidate
10 or officeholder, leadership PAC, or political
11 party committee for whom aggregate contribu-
12 tions equal to or exceeding \$200 were collected
13 or arranged during the past calendar year, and
14 to the extent known the aggregate amount of
15 such contributions within the past quarter for
16 each recipient;

17 “(F) the name of each covered legislative
18 branch official or covered executive branch offi-
19 cial for whom the lobbyist, the registrant, or a
20 political committee associated with the reg-
21 istrant provided, or directed or caused to be
22 provided, any payment or reimbursements for
23 travel and related expenses in connection with
24 the duties of such covered official, including for
25 each such official—

1 “(i) an itemization of the payments or
2 reimbursements provided to finance the
3 travel and related expenses, and to whom
4 the payments or reimbursements were
5 made with the express or implied under-
6 standing or agreement that such funds will
7 be used for travel and related expenses;

8 “(ii) the purpose and final itinerary of
9 the trip, including a description of all
10 meetings, tours, events, and outings at-
11 tended;

12 “(iii) whether the registrant or lob-
13 byist traveled on any such travel;

14 “(iv) the identity of the listed sponsor
15 or sponsors of such travel; and

16 “(v) the identity of any person or en-
17 tity, other than the listed sponsor or spon-
18 sors of the travel, who directly or indirectly
19 provided for payment of travel and related
20 expenses at the request or suggestion of
21 the lobbyist, the registrant, or a political
22 committee associated with the registrant;

23 “(G) the date, recipient, and amount of
24 funds contributed, disbursed, or arranged by

1 the lobbyist, the registrant, or a political com-
2 mittee associated with the registrant—

3 “(i) to pay the cost of an event to
4 honor or recognize a covered legislative
5 branch official or covered executive branch
6 official;

7 “(ii) to, or on behalf of, an entity that
8 is named for a covered legislative branch
9 official, or to a person or entity in recogni-
10 tion of such official;

11 “(iii) to an entity established, fi-
12 nanced, maintained, or controlled by a cov-
13 ered legislative branch official or covered
14 executive branch official, or an entity des-
15 ignated by such official; or

16 “(iv) to pay the costs of a meeting, re-
17 treat, conference, or other similar event
18 held by, or for the benefit of, 1 or more
19 covered legislative branch officials or cov-
20 ered executive branch officials;

21 “(H) the date, recipient, and amount of
22 any gift (that under the standing rules of the
23 House of Representatives or Senate counts to-
24 wards the \$100 cumulative annual limit de-
25 scribed in such rules) valued in excess of \$20

1 given by the lobbyist, the registrant, or a polit-
2 ical committee associated with the registrant to
3 a covered legislative branch official or covered
4 executive branch official; and

5 “(I) the name of each Presidential library
6 foundation and Presidential inaugural com-
7 mittee, to whom contributions equal to or ex-
8 ceeding \$200 were made by the lobbyist, the reg-
9 istrant, or a political committee associated with
10 the registrant during the past calendar year, and
11 the date and amount of each such contribution
12 within the past quarter.

13 “(2) RULES OF CONSTRUCTION.—For purposes
14 of this subsection, contributions, donations, or other
15 funds—

16 “(A) are ‘collected by’ a lobbyist, reg-
17 istrant, or political committee associated with
18 the registrant where funds donated by a person
19 other than the lobbyist, registrant, or political
20 committee associated with the registrant are re-
21 ceived by the lobbyist, registrant, or political
22 committee associated with the registrant for, or
23 forwarded by the lobbyist, registrant, or polit-
24 ical committee associated with the registrant to,
25 a Federal candidate or officeholder, leadership

1 PAC or political party committee, or other re-
2 cipient; and

3 “(B) are ‘arranged by’ a lobbyist, reg-
4 istrant, or political committee associated with
5 the registrant where funds donated by a person
6 other than the lobbyist, registrant, or political
7 committee associated with the registrant are re-
8 ceived by a Federal candidate or officeholder,
9 leadership PAC, political party committee, or
10 other recipient, and the lobbyist, registrant, or
11 political committee associated with the reg-
12 istrant has actual knowledge that the recipient
13 is aware that the contributions were solicited,
14 arranged, or directed to the recipient by the
15 lobbyist, registrant, or political committee asso-
16 ciated with the registrant.

17 “(3) DEFINITIONS.—In this subsection, the fol-
18 lowing definitions shall apply:

19 “(A) GIFT.—The term ‘gift’—

20 “(i) means a gratuity, favor, discount,
21 entertainment, hospitality, loan, forbear-
22 ance, or other item having monetary value;
23 and

24 “(ii) includes, whether provided in
25 kind, by purchase of a ticket, payment in

1 advance, or reimbursement after the ex-
2 pense has been incurred—

3 “(I) gifts of services;

4 “(II) training;

5 “(III) transportation; and

6 “(IV) lodging and meals.

7 “(B) LEADERSHIP PAC.—The term ‘lead-
8 ership PAC’ means with respect to an indi-
9 vidual holding Federal office, an unauthorized
10 political committee which is associated with an
11 individual holding Federal office, except that
12 such term shall not apply in the case of a polit-
13 ical committee of a political party.”.

14 **SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
15 **FORMATION.**

16 (a) DATABASE REQUIRED.—Section 6 of the Act (2
17 U.S.C. 1605) is amended—

18 (1) in paragraph (7), by striking “and” at the
19 end;

20 (2) in paragraph (8), by striking the period and
21 inserting “; and”; and

22 (3) by adding at the end the following:

23 “(9) maintain, and make available to the public
24 over the Internet, without a fee or other access

1 charge, in a searchable, sortable, and downloadable
2 manner, an electronic database that—

3 “(A) includes the information contained in
4 registrations and reports filed under this Act;

5 “(B) directly links the information it con-
6 tains to the information disclosed in reports
7 filed with the Federal Election Commission
8 under section 304 of the Federal Election Cam-
9 paign Act of 1971 (2 U.S.C. 434); and

10 “(C) is searchable and sortable, at a min-
11 imum, by each of the categories of information
12 described in section 4(b) or 5(b).”.

13 (b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of
14 the Act is amended by inserting before the semicolon the
15 following: “and, in the case of a report filed in electronic
16 form under section 5(e), shall make such report available
17 for public inspection over the Internet not more than 48
18 hours after the report is filed”.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to carry out paragraph (9) of section 6(a) of
22 the Act, as added by subsection (a).

1 **SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL**
2 **PAST EXECUTIVE AND CONGRESSIONAL EM-**
3 **PLOYMENT.**

4 Section 4(b)(6) of the Act (2 U.S.C. 1603) is amend-
5 ed by striking “or a covered legislative branch official”
6 and all that follows through “as a lobbyist on behalf of
7 the client,” and inserting “or a covered legislative branch
8 official.”.

9 **SEC. 215. LOBBYING ON BEHALF OF RECIPIENTS OF FED-**
10 **ERAL FUNDS.**

11 The Lobbying Disclosure Act of 1995 is amended by
12 adding after section 5 the following:

13 **“SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.**

14 “(a) IN GENERAL.—A recipient of Federal funds
15 shall file a report as required by section 5(a) containing—

16 “(1) the name of any lobbyist registered under
17 this Act to whom the recipient paid money to lobby
18 on behalf of the Federal funding received by the re-
19 cipient; and

20 “(2) the amount of money paid as described in
21 paragraph (1).

22 “(b) DEFINITION.—In this section, the term ‘recipi-
23 ent of Federal funds’ means the recipient of Federal funds
24 constituting an award, grant, or loan.”.

1 **SEC. 216. DISCLOSURE OF LOBBYING FOR EARMARKS, AND**
2 **OTHER ADDITIONAL DISCLOSURES.**

3 (a) **ADDITIONAL DEFINITIONS.**—Section 3 of the Act
4 (2 U.S.C. 1602) is amended by adding at the end the fol-
5 lowing:

6 “(17) **EARMARK.**—The ‘earmark’ means a pro-
7 vision or report language included primarily at the
8 request of a Member or Members of Congress pro-
9 viding, authorizing or recommending a specific
10 amount of discretionary budget authority, credit au-
11 thority, or other spending authority for a contract,
12 loan, loan guarantee, grant, loan authority, or other
13 expenditure with or to an entity, or targeted to a
14 specific State, locality or Congressional district,
15 other than through a statutory or administrative for-
16 mula-driven or competitive award process.

17 “(18) **LIMITED TAX BENEFIT.**—The term ‘lim-
18 ited tax benefit’ means—

19 “(A) any revenue-losing provision that—

20 “(i) provides a Federal tax deduction,
21 credit, exclusion or preference to 10 or
22 fewer beneficiaries under the Internal Rev-
23 enue Code of 1986; and

24 “(ii) contains eligibility criteria that
25 are not uniform in application with respect

1 to potential beneficiaries of such provision;
2 or

3 “(B) any Federal tax provision which pro-
4 vides one beneficiary temporary or permanent
5 transition relief from a change to the Internal
6 Revenue Code of 1986.

7 “(19) LIMITED TARIFF BENEFIT.—The term
8 ‘limited tariff benefit’ means a provision modifying
9 the Harmonized Tariff Schedule of the United
10 States in a manner that benefits 10 or fewer enti-
11 ties.”.

12 (b) REGISTRATION DISCLOSURES.—Section
13 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amend-
14 ed by inserting “, including earmarks, limited tax benefits,
15 and limited tariff benefits” after “lobbying activities”.

16 (c) REPORTS BY REGISTERED LOBBYISTS.—

17 (1) IN GENERAL.—Section 5(b)(2)(A) of the
18 Act (2 U.S.C. 1604(b)(2)(A)) is amended to read as
19 follows:

20 “(A) a list of the specific issues upon
21 which a lobbyist employed by the registrant en-
22 gaged in lobbying activities, including—

23 “(i) to the maximum extent prac-
24 ticable, a list of bill numbers and ref-

1 erences to specific executive branch ac-
2 tions;

3 “(ii) each earmark, limited tax ben-
4 efit, or limited tariff benefit for which the
5 registrant engaged in lobbying activities;

6 “(iii) the Member of Congress, if
7 known, requesting the earmark, limited tax
8 benefit, or limited tariff benefit; and

9 “(iv) the legislation that contains the
10 earmark, limited tax benefit, or limited
11 tariff benefit, or to which the earmark,
12 limited tax benefit, or limited tariff benefit
13 is being offered, including the bill number,
14 if known;”.

15 (2) FURTHER IDENTIFICATION OF CLIENTS.—
16 Section 5(b) of the Act (2 U.S.C. 1604(b)) is
17 amended—

18 (A) in paragraph (3), by striking “and”
19 after the semicolon;

20 (B) in paragraph (4), by striking the pe-
21 riod and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(5) for each client, immediately after listing
24 the client, an identification of whether the client is
25 a public entity, including a State or local govern-

1 ment or a department, agency, special purpose dis-
2 trict, or other instrumentality controlled by a State
3 or local government, or a private entity.”.

4 **SEC. 217. INCREASED PENALTY FOR FAILURE TO COMPLY**
5 **WITH LOBBYING DISCLOSURE REQUIRE-**
6 **MENTS.**

7 Section 7 of the Act (2 U.S.C. 1606) is amended by
8 striking “\$50,000” and inserting “\$100,000”.

9 **SEC. 218. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
10 **TAIN COALITIONS AND ASSOCIATIONS.**

11 (a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2
12 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

13 “(B) participates in a substantial way in
14 the planning, supervision or control of such lob-
15 bying activities;”.

16 (b) NO DONOR OR MEMBERSHIP LIST DISCLO-
17 SURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is
18 amended by adding at the end the following:

19 “‘No disclosure is required under paragraph (3)(B)
20 if it is publicly available knowledge that the organization
21 that would be identified is affiliated with the client or has
22 been publicly disclosed to have provided funding to the cli-
23 ent, unless the organization in whole or in major part
24 plans, supervises or controls such lobbying activities.
25 Nothing in paragraph (3)(B) shall be construed to require

1 the disclosure of any information about individuals who
2 are members of, or donors to, an entity treated as a client
3 by this Act or an organization identified under that para-
4 graph.”.

5 **SEC. 219. DISCLOSURE OF ENFORCEMENT FOR NON-**
6 **COMPLIANCE.**

7 Section 6 of the Act (2 U.S.C. 1605) is amended—

8 (1) by inserting “(a)” before “The Secretary of
9 the Senate”;

10 (2) in paragraph (8), by striking “and” at the
11 end;

12 (3) in paragraph (9), by striking the period and
13 inserting “; and”;

14 (4) after paragraph (9), by inserting the fol-
15 lowing:

16 “(10) provide to the Committee on Homeland
17 Security and Governmental Affairs of the Senate
18 and the Committee on Government Reform of the
19 House of Representatives the aggregate number of
20 lobbyists and lobbying firms, separately accounted,
21 referred to the United States Attorney for the Dis-
22 trict of Columbia for noncompliance as required by
23 paragraph (8) on a semi-annual basis”; and

24 (5) by inserting at the end the following:

1 “(b) ENFORCEMENT REPORT.—The United States
 2 Attorney for the District of Columbia shall report to the
 3 Committee on Homeland Security and Governmental Af-
 4 fairs and the Committee on the Judiciary of the Senate
 5 and the Committee on Government Reform and the Com-
 6 mittee on the Judiciary of the House of Representatives
 7 on a semi-annual basis the aggregate number of enforce-
 8 ment actions taken by the Attorney’s office under this Act
 9 and the amount of fines, if any, by case, except that such
 10 report shall not include the names of individuals or per-
 11 sonally identifiable information.”.

12 **SEC. 220. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
 13 **REPORTS.**

14 (a) LOBBYING DISCLOSURE.—Section 5 of the Act
 15 (2 U.S.C. 1604) is amended by adding at the end the fol-
 16 lowing:

17 “(e) ELECTRONIC FILING REQUIRED.—A report re-
 18 quired to be filed under this section shall be filed in elec-
 19 tronic form, in addition to any other form. The Secretary
 20 of the Senate and the Clerk of the House of Representa-
 21 tives shall use the same electronic software for receipt and
 22 recording of filings under this Act.”.

23 (b) SENATE CANDIDATES REQUIRED TO FILE ELEC-
 24 TION REPORTS IN ELECTRONIC FORM.—

1 (1) IN GENERAL.—Section 304(a)(11)(D) of
2 the Federal Election Campaign Act of 1971 (2
3 U.S.C. 434(a)(11)(D)) is amended to read as fol-
4 lows:

5 “(D) As used in this paragraph, the terms
6 ‘designation’, ‘statement’, or ‘report’ mean a
7 designation, statement, or report, respectively,
8 which—

9 “(i) is required by this Act to be filed
10 with the Commission; or

11 “(ii) is required under section 302(g)
12 to be filed with the Secretary of the Senate
13 and forwarded by the Secretary to the
14 Commission.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 302(g)(2) of the Federal Elec-
17 tion Campaign Act of 1971 (2 U.S.C.
18 432(g)(2)) is amended by inserting “or 1 work-
19 ing day in the case of a designation, statement,
20 or report filed electronically” after “2 working
21 days”.

22 (B) Section 304(a)(11)(B) of the Federal
23 Election Campaign Act of 1971 (2 U.S.C.
24 434(a)(11)(B)) is amended by inserting “or
25 filed with the Secretary of the Senate under

1 section 302(g)(1) and forwarded to the Com-
2 mission” after “Act”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply to any designation,
5 statement, or report required to be filed after the
6 date of enactment of this Act.

7 **SEC. 221. DISCLOSURE OF PAID EFFORTS TO STIMULATE**
8 **GRASSROOTS LOBBYING.**

9 (a) DEFINITIONS.—Section 3 of the Act (2 U.S.C.
10 1602), as amended by section 216, is further amended—

11 (1) in paragraph (7), by adding at the end of
12 the following: “Lobbying activities include paid ef-
13 forts to stimulate grassroots lobbying, but do not in-
14 clude grassroots lobbying.”; and

15 (2) by adding at the end of the following:

16 “(20) GRASSROOTS LOBBYING.—The term
17 ‘grassroots lobbying’ means the voluntary efforts of
18 members of the general public to communicate their
19 own views on an issue to Federal officials or to en-
20 courage other members of the general public to do
21 the same.

22 “(21) PAID EFFORTS TO STIMULATE GRASS-
23 ROOTS LOBBYING.—

24 “(A) IN GENERAL.—The term ‘paid efforts
25 to stimulate grassroots lobbying’ means any

1 paid attempt in support of lobbying contacts on
2 behalf of a client to influence the general public
3 or segments thereof to contact one or more cov-
4 ered legislative or executive branch officials (or
5 Congress as a whole) to urge such officials (or
6 Congress) to take specific action with respect to
7 a matter described in section 3(8)(A), except
8 that such term does not include any commu-
9 nications by an entity directed to its members,
10 employees, officers, or shareholders.

11 “(B) PAID ATTEMPT TO INFLUENCE THE
12 GENERAL PUBLIC OR SEGMENTS THEREOF.—
13 The term ‘paid attempt to influence the general
14 public or segments thereof’ does not include an
15 attempt to influence directed at less than 500
16 members of the general public.

17 “(C) REGISTRANT.—For purposes of this
18 paragraph, a person or entity is a member of
19 a registrant if the person or entity—

20 “(i) pays dues or makes a contribu-
21 tion of more than a nominal amount to the
22 entity;

23 “(ii) makes a contribution of more
24 than a nominal amount of time to the enti-
25 ty;

1 “(iii) is entitled to participate in the
2 governance of the entity;

3 “(iv) is 1 of a limited number of hon-
4 orary or life members of the entity; or

5 “(v) is an employee, officer, director
6 or member of the entity.

7 “(22) GRASSROOTS LOBBYING FIRM.—The term
8 ‘grassroots lobbying firm’ means a person or entity
9 that—

10 “(A) is retained by 1 or more clients to en-
11 gage in paid efforts to stimulate grassroots lob-
12 bying on behalf of such clients; and

13 “(B) receives income of, or spends or
14 agrees to spend, an aggregate of \$25,000 or
15 more for such efforts in any quarterly period.”.

16 (b) REGISTRATION.—Section 4(a) of the Act (2
17 U.S.C. 1603(a)) is amended—

18 (1) in the flush matter at the end of paragraph
19 (3)(A), by adding at the end the following: “For
20 purposes of clauses (i) and (ii), the term ‘lobbying
21 activities’ shall not include paid efforts to stimulate
22 grassroots lobbying.”; and

23 (2) by inserting after paragraph (3) the fol-
24 lowing:

1 “(4) FILING BY GRASSROOTS LOBBYING
2 FIRMS.—Not later than 45 days after a grassroots
3 lobbying firm first is retained by a client to engage
4 in paid efforts to stimulate grassroots lobbying, such
5 grassroots lobbying firm shall register with the Sec-
6 retary of the Senate and the Clerk of the House of
7 Representatives.”.

8 (c) SEPARATE ITEMIZATION OF PAID EFFORTS TO
9 STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the
10 Act (2 U.S.C. 1604(b)) is amended—

11 (1) in paragraph (3), by—

12 (A) inserting after “total amount of all in-
13 come” the following: “(including a separate
14 good faith estimate of the total amount of in-
15 come relating specifically to paid efforts to
16 stimulate grassroots lobbying and, within that
17 amount, a good faith estimate of the total
18 amount specifically relating to paid adver-
19 tising)”; and

20 (B) inserting “or a grassroots lobbying
21 firm” after “lobbying firm”;

22 (2) in paragraph (4), by inserting after “total
23 expenses” the following: “(including a good faith es-
24 timate of the total amount of expenses relating spe-
25 cifically to paid efforts to stimulate grassroots lob-

1 bying and, within that total amount, a good faith es-
2 timate of the total amount specifically relating to
3 paid advertising)”; and

4 (3) by adding at the end the following:

5 “Subparagraphs (B) and (C) of paragraph (2) shall
6 not apply with respect to reports relating to paid efforts
7 to stimulate grassroots lobbying activities.”.

8 (d) GOOD FAITH ESTIMATES AND DE MINIMIS
9 RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS
10 LOBBYING.—

11 (1) IN GENERAL.—Section 5(c) of the Act (2
12 U.S.C. 1604(c)) is amended to read as follows:

13 “(c) ESTIMATES OF INCOME OR EXPENSES.—For
14 purposes of this section, the following shall apply:

15 “(1) Estimates of income or expenses shall be
16 made as follows:

17 “(A) Estimates of amounts in excess of
18 \$10,000 shall be rounded to the nearest
19 \$20,000.

20 “(B) In the event income or expenses do
21 not exceed \$10,000, the registrant shall include
22 a statement that income or expenses totaled
23 less than \$10,000 for the reporting period.

1 “(2) Estimates of income or expenses relating
2 specifically to paid efforts to stimulate grassroots
3 lobbying shall be made as follows:

4 “(A) Estimates of amounts in excess of
5 \$25,000 shall be rounded to the nearest
6 \$20,000.

7 “(B) In the event income or expenses do
8 not exceed \$25,000, the registrant shall include
9 a statement that income or expenses totaled
10 less than \$25,000 for the reporting period.”.

11 (2) TAX REPORTING.—Section 15 of the Act (2
12 U.S.C. 1610) is amended—

13 (A) in subsection (a)—

14 (i) in paragraph (1), by striking
15 “and” after the semicolon;

16 (ii) in paragraph (2), by striking the
17 period and inserting “; and”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(3) in lieu of using the definition of paid ef-
21 forts to stimulate grassroots lobbying in section
22 3(18), consider as paid efforts to stimulate grass-
23 roots lobbying only those activities that are grass-
24 roots expenditures as defined in section 4911(c)(3)
25 of the Internal Revenue Code of 1986.”; and

- 1 (B) in subsection (b)—
- 2 (i) in paragraph (1), by striking
- 3 “and” after the semicolon;
- 4 (ii) in paragraph (2), by striking the
- 5 period and inserting “; and”; and
- 6 (iii) by adding at the end the fol-
- 7 lowing:
- 8 “(3) in lieu of using the definition of paid ef-
- 9 forts to stimulate grassroots lobbying in section
- 10 3(18), consider as paid efforts to stimulate grass-
- 11 roots lobbying only those activities that are grass-
- 12 roots expenditures as defined in section 4911(c)(3)
- 13 of the Internal Revenue Code of 1986.”.

14 **SEC. 222. ELECTRONIC FILING AND PUBLIC DATABASE FOR**

15 **LOBBYISTS FOR FOREIGN GOVERNMENTS.**

16 (a) ELECTRONIC FILING.—Section 2 of the Foreign

17 Agents Registration Act (22 U.S.C. 612) is amended by

18 adding at the end the following:

19 “(g) ELECTRONIC FILING OF REGISTRATION STATE-

20 MENTS AND UPDATES.—A registration statement or up-

21 date required to be filed under this section shall be filed

22 in electronic form, in addition to any other form that may

23 be required by the Attorney General.”.

1 (b) PUBLIC DATABASE.—Section 6 of the Foreign
2 Agents Registration Act (22 U.S.C. 616) is amended by
3 adding at the end the following:

4 “(d) PUBLIC DATABASE OF REGISTRATION STATE-
5 MENTS AND UPDATES.—

6 “(1) IN GENERAL.—The Attorney General shall
7 maintain, and make available to the public over the
8 Internet, without a fee or other access charge, in a
9 searchable, sortable, and downloadable manner, an
10 electronic database that—

11 “(A) includes the information contained in
12 registration statements and updates filed under
13 this Act;

14 “(B) directly links the information it con-
15 tains to the information disclosed in reports
16 filed with the Federal Election Commission
17 under section 304 of the Federal Election Cam-
18 paign Act of 1971 (2 U.S.C. 434); and

19 “(C) is searchable and sortable, at a min-
20 imum, by each of the categories of information
21 described in section 2(a).

22 “(2) ACCOUNTABILITY.—Each registration
23 statement and update filed in electronic form pursu-
24 ant to section 2(g) shall be made available for public

1 inspection over the internet not more than 48 hours
2 after the registration statement or update is filed.”.

3 **SEC. 223. EFFECTIVE DATE.**

4 This subtitle and the amendments made by this sub-
5 title shall take effect July 1, 2007.

6 **Subtitle B—Oversight of Ethics and**
7 **Lobbying**

8 **SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL**
9 **REPORT.**

10 (a) **AUDIT REQUIRED.**—The Comptroller General
11 shall audit on an annual basis lobbying registration and
12 reports filed under the Lobbying Disclosure Act of 1995
13 to determine the extent of compliance or noncompliance
14 with the requirements of that Act by lobbyists and their
15 clients.

16 (b) **ANNUAL REPORTS.**—Not later than April 1 of
17 each year, the Comptroller General shall submit to Con-
18 gress a report on the review required by subsection (a).
19 The report shall include the Comptroller General’s assess-
20 ment of the matters required to be emphasized by that
21 subsection and any recommendations of the Comptroller
22 General to—

23 (1) improve the compliance by lobbyists with
24 the requirements of that Act; and

1 (2) provide the Secretary of the Senate and the
2 Clerk of the House of Representatives with the re-
3 sources and authorities needed for effective oversight
4 and enforcement of that Act.

5 **SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR**
6 **MEMBERS AND STAFF.**

7 (a) TRAINING PROGRAM.—The Select Committee on
8 Ethics shall conduct ongoing ethics training and aware-
9 ness programs for Members of the Senate and Senate
10 staff.

11 (b) REQUIREMENTS.—The ethics training program
12 conducted by the Select Committee on Ethics shall be
13 completed by—

14 (1) new Senators or staff not later than 60
15 days after commencing service or employment; and

16 (2) Senators and Senate staff serving or em-
17 ployed on the date of enactment of this Act not later
18 than 120 days after the date of enactment of this
19 Act.

20 **SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGU-**
21 **LATION WITHIN THE LOBBYING COMMUNITY.**

22 It is the sense of the Senate that the lobbying com-
23 munity should develop proposals for multiple self-regu-
24 latory organizations which could provide—

1 (1) for the creation of standards for the organi-
2 zations appropriate to the type of lobbying and indi-
3 viduals to be served;

4 (2) training for the lobbying community on law,
5 ethics, reporting requirements, and disclosure re-
6 quirements;

7 (3) for the development of educational materials
8 for the public on how to responsibly hire a lobbyist
9 or lobby firm;

10 (4) standards regarding reasonable fees to cli-
11 ents;

12 (5) for the creation of a third-party certification
13 program that includes ethics training; and

14 (6) for disclosure of requirements to clients re-
15 garding fee schedules and conflict of interest rules.

16 **SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.**

17 The Committee on Standards of Official Conduct of
18 the House of Representatives and the Select Committee
19 on Ethics of the Senate shall each issue an annual report
20 due no later than January 31, describing the following:

21 (1) The number of alleged violations of Senate
22 or House rules including the number received from
23 third parties, from Members or staff within each
24 House, or inquiries raised by a Member or staff of
25 the respective House or Senate committee.

1 (2) A list of the number of alleged violations
2 that were dismissed—

3 (A) for lack of subject matter jurisdiction;

4 or

5 (B) because the committees failed to pro-
6 vide sufficient facts as to any material violation
7 of the House or Senate rules beyond mere alle-
8 gation or assertion.

9 (3) The number of complaints in which the
10 committee staff conducted a preliminary inquiry.

11 (4) The number of complaints that staff pre-
12 sented to the committee with recommendations that
13 the complaint be dismissed.

14 (5) The number of complaints that the staff
15 presented to the committee with recommendation
16 that the investigation proceed.

17 (6) The number of ongoing inquiries.

18 (7) The number of complaints that the com-
19 mittee dismissed for lack of substantial merit.

20 (8) The number of private letters of admonition
21 or public letters of admonition issued.

22 (9) The number of matters resulting in a dis-
23 ciplinary sanction.

1 **Subtitle C—Slowing the Revolving**
2 **Door**

3 **SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OF-**
4 **FICERS, EMPLOYEES, AND ELECTED OFFI-**
5 **CIALS OF THE EXECUTIVE AND LEGISLATIVE**
6 **BRANCHES.**

7 (a) **VERY SENIOR EXECUTIVE PERSONNEL.**—The
8 matter after subparagraph (C) in section 207(d)(1) of title
9 18, United States Code, is amended by striking “within
10 1 year” and inserting “within 2 years”.

11 (b) **RESTRICTIONS ON LOBBYING BY MEMBERS OF**
12 **CONGRESS AND EMPLOYEES OF CONGRESS.**—Subsection
13 (e) of section 207 of title 18, United States Code, is
14 amended—

15 (1) in paragraph (1)(A), by striking “within 1
16 year” and inserting “within 2 years”;

17 (2) by striking paragraphs (2) through (5) and
18 inserting the following:

19 “(2) **CONGRESSIONAL STAFF.**—

20 “(A) **PROHIBITION.**—Any person who is an
21 employee of a House of Congress and who,
22 within 2 years after that person leaves office,
23 knowingly makes, with the intent to influence,
24 any communication to or appearance before any
25 of the persons described in subparagraph (B),

1 on behalf of any other person (except the
2 United States) in connection with any matter
3 on which such former employee seeks action by
4 a Member, officer, or employee of either House
5 of Congress, in his or her official capacity, shall
6 be punished as provided in section 216 of this
7 title.

8 “(B) CONTACT PERSONS COVERED.—per-
9 sons referred to in subparagraph (A) with re-
10 spect to appearances or communications are
11 any Member, officer, or employee of the House
12 of Congress in which the person subject to sub-
13 paragraph (A) was employed. This subpara-
14 graph shall not apply to contacts with staff of
15 the Secretary of the Senate or the Clerk of the
16 House of Representatives regarding compliance
17 with lobbying disclosure requirements under the
18 Lobbying Disclosure Act of 1995.

19 “(3) MEMBERS OF CONGRESS AND ELECTED
20 OFFICERS.—Any person who is a Member of Con-
21 gress or an elected officer of either House of Con-
22 gress and who, within 2 years after that person
23 leaves office, knowingly engages in lobbying activities
24 on behalf of any other person (except the United
25 States) in connection with any matter on which such

1 former Member of Congress or elected officer seeks
2 action by a Member, officer, or employee of either
3 House of Congress shall be punished as provided in
4 section 216 of this title.”;

5 (3) in paragraph (6)—

6 (A) by striking “paragraphs (2), (3), and
7 (4)” and inserting “paragraph (2)”;

8 (B) by striking “(A)”;

9 (C) by striking subparagraph (B); and

10 (D) by redesignating the paragraph as
11 paragraph (4); and

12 (4) by redesignating paragraph (7) as para-
13 graph (5).

14 (c) VERY SENIOR EXECUTIVE PERSONNEL.—

15 (1) IN GENERAL.—The matter after subpara-
16 graph (C) in section 207(d)(1) of title 18, United
17 States Code, is amended to read as follows:

18 “and who, within 2 years after the termination of
19 that persons service in that position, engages in lobbying
20 activities directed at any person described in paragraph
21 (2), on behalf of any other person (except the United
22 States), shall be punished as provided in section 216 of
23 this title.”.

24 (2) CONFORMING AMENDMENT.—The first sen-
25 tence of section 207(h)(1) of title 18, United States

1 Code, is amended by inserting “and subsection (d)”
2 after “subsection (c)”.

3 (d) SENIOR EXECUTIVE PERSONNEL.—Section
4 207(c)(1) of title 18, United States Code, is amended by
5 striking “within 1 year after” and inserting “within 2
6 years after”.

7 (e) DEFINITION OF LOBBYING ACTIVITY.—Section
8 207(i) of title 18, United States Code, is amended—

9 (1) in paragraph (2), by striking “and” after
10 the semicolon;

11 (2) in paragraph (3), by striking the period and
12 inserting “; and”; and

13 (3) by adding at the end the following:

14 “(4) the term ‘lobbying activities’ has the same
15 meaning given such term in section 3(7) of the Lob-
16 bing Disclosure Act (2 U.S.C. 1602(7)).”.

17 (f) EFFECTIVE DATE.—The amendments made by
18 subsection (b) shall take effect 60 days after the date of
19 enactment of this Act.

1 **Subtitle D—Ban on Provision of**
2 **Gifts or Travel by Lobbyists in**
3 **Violation of the Rules of Con-**
4 **gress**

5 **SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
6 **EL BY REGISTERED LOBBYISTS TO MEMBERS**
7 **OF CONGRESS AND TO CONGRESSIONAL EM-**
8 **PLOYEES.**

9 The Lobbying Disclosure Act of 1995 is amended by
10 adding at the end the following:

11 **“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
12 **EL BY REGISTERED LOBBYISTS TO MEMBERS**
13 **OF CONGRESS AND TO CONGRESSIONAL EM-**
14 **PLOYEES.**

15 “(a) PROHIBITION.—Any person described in sub-
16 section (b) may not knowingly make a gift or provide trav-
17 el to a Member, Delegate, Resident Commissioner, officer,
18 or employee of Congress, unless the gift or travel may be
19 accepted under the rules of the House of Representatives
20 or the Senate.

21 “(b) PERSON DEFINED.—A person subject to the
22 prohibition described in subsection (a) includes any—

23 “(1) lobbyist that registers under section
24 4(a)(1);

1 “(2) organization that employs 1 or more lobby-
2 ists and registers under section 4(a)(2);

3 “(3) employee listed as a lobbyist on a current
4 registration or report filed under this Act; and

5 “(4) entity identified as a client on a current
6 registration or report filed under this Act.

7 “(c) PENALTY.—Any person who violates this section
8 shall be subject to penalties provided in section 7.”.

9 **TITLE III—SENATE OFFICE OF**
10 **PUBLIC INTEGRITY**

11 **SEC. 301. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC**
12 **INTEGRITY.**

13 There is established, as an office within the Senate,
14 the Senate Office of Public Integrity (referred to in this
15 title as the “Office”).

16 **SEC. 302. DIRECTOR.**

17 (a) APPOINTMENT OF DIRECTOR.—

18 (1) IN GENERAL.—The Office shall be headed
19 by a Director who shall be appointed by the Presi-
20 dent Pro Tempore of the Senate upon the joint rec-
21 ommendation of the majority leader of the Senate
22 and the minority leader of the Senate. The selection
23 and appointment of the Director shall be without re-
24 gard to political affiliation and solely on the basis of
25 fitness to perform the duties of the Office.

1 (2) QUALIFICATIONS.—The Director shall pos-
2 sess demonstrated integrity, independence, and pub-
3 lic credibility and shall have training or experience
4 in law enforcement, the judiciary, civil or criminal
5 litigation, or as a member of a Federal, State, or
6 local ethics enforcement agency.

7 (b) VACANCY.—A vacancy in the directorship shall be
8 filled in the manner in which the original appointment was
9 made.

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

12 (d) REMOVAL.—

13 (1) AUTHORITY.—The Director may be re-
14 moved by the President Pro Tempore of the Senate
15 upon the joint recommendation of the Senate major-
16 ity and minority leaders for—

17 (A) disability that substantially prevents
18 the Director from carrying out the duties of the
19 Director;

20 (B) inefficiency;

21 (C) neglect of duty; or

22 (D) malfeasance, including a felony or con-
23 duct involving moral turpitude.

1 (2) STATEMENT OF REASONS.—In removing the
2 Director, a statement of the reasons for removal
3 shall be provided in writing to the Director.

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

8 **SEC. 303. DUTIES AND POWERS OF THE OFFICE.**

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

10 (1) to investigate any alleged violation by a
11 Member, officer, or employee of the Senate, of any
12 rule or other standard of conduct applicable to the
13 conduct of such Member, officer, or employee under
14 applicable Senate rules in the performance of his du-
15 ties or the discharge of his responsibilities;

16 (2) to present a case of probable ethics viola-
17 tions to the Select Committee on Ethics of the Sen-
18 ate;

19 (3) to make recommendations to the Select
20 Committee on Ethics of the Senate that it report to
21 the appropriate Federal or State authorities any
22 substantial evidence of a violation by a Member, offi-
23 cer, or employee of the Senate of any law applicable
24 to the performance of his duties or the discharge of

1 his responsibilities, which may have been disclosed in
2 an investigation by the Office; and

3 (4) subject to review by the Select Committee
4 on Ethics to approve, or deny approval, of trips as
5 provided for in paragraph 2(f) of rule XXXV of the
6 Standing Rules of the Senate.

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 law may have occurred, he shall
16 refer that matter to the Select Committee on Ethics
17 with a recommendation as to whether the matter
18 should be referred to the Department of Justice or
19 other appropriate authority for investigation or other
20 action.

21 **SEC. 304. INVESTIGATIONS AND INTERACTION WITH THE**
22 **SENATE SELECT COMMITTEE ON ETHICS.**

23 (a) INITIATION OF ENFORCEMENT MATTERS.—

24 (1) IN GENERAL.—An investigation may be ini-
25 tiated by the filing of a complaint with the Office by

1 a Member of Congress or an outside complainant, or
2 by the Office on its own initiative, based on any in-
3 formation in its possession. The Director shall not
4 accept a complaint concerning a Member of Con-
5 gress within 60 days of an election involving such
6 Member.

7 (2) FILED COMPLAINT.—

8 (A) TIMING.—In the case of a complaint
9 that is filed, the Director shall within 30 days
10 make an initial determination as to whether the
11 complaint should be dismissed or whether there
12 are sufficient grounds to conduct an investiga-
13 tion. The subject of the complaint shall be pro-
14 vided by the Director with an opportunity dur-
15 ing the 30-day period to challenge the com-
16 plaint.

17 (B) DISMISSAL.—The Director may dis-
18 miss a complaint if the Director determines—

19 (i) the complaint fails to state a viola-
20 tion;

21 (ii) there is a lack of credible evidence
22 of a violation; or

23 (iii) the violation is inadvertent, tech-
24 nical, or otherwise of a de minimis nature.

1 (C) REFERRAL.—In any case where the
2 Director decides to dismiss a complaint, the Di-
3 rector may refer the case to the Select Com-
4 mittee on Ethics of the Senate under paragraph
5 (3) to determine if the complaint is frivolous.

6 (3) FRIVOLOUS COMPLAINTS.—If the Select
7 Committee on Ethics of the Senate determines that
8 a complaint is frivolous, the committee may notify
9 the Director not to accept any future complaint filed
10 by that same person and the complainant may be re-
11 quired to pay for the costs of the Office resulting
12 from such complaint. The Director may refer the
13 matter to the Department of Justice to collect such
14 costs.

15 (4) PRELIMINARY DETERMINATION.—For any
16 investigation conducted by the Office at its own ini-
17 tiative, the Director shall make a preliminary deter-
18 mination of whether there are sufficient grounds to
19 conduct an investigation. Before making that deter-
20 mination, the subject of the investigation shall be
21 provided by the Director with an opportunity to sub-
22 mit information to the Director that there are not
23 sufficient grounds to conduct an investigation.

1 (5) NOTICE TO COMMITTEE.—Whenever the Di-
2 rector determines that there are sufficient grounds
3 to conduct an investigation—

4 (A) the Director shall notify the Select
5 Committee on Ethics of the Senate of this de-
6 termination; and

7 (B) the committee may overrule the deter-
8 mination of the Director if, within 10 legislative
9 days—

10 (i) the committee by an affirmative,
11 roll-call vote of two-thirds of the full com-
12 mittee votes to overrule the determination
13 of the Director;

14 (ii) the committee issues a public re-
15 port on the matter; and

16 (iii) the vote of each member of the
17 committee on such roll-call vote is included
18 in the report.

19 (b) CONDUCTING INVESTIGATIONS.—

20 (1) IN GENERAL.—If the Director determines
21 that there are sufficient grounds to conduct an in-
22 vestigation and his determination is not overruled
23 under subsection (a)(5), the Director shall conduct
24 an investigation to determine if probable cause exists
25 that a violation occurred.

1 (2) AUTHORITY.—As part of an investigation,
2 the Director may—

3 (A) administer oaths;

4 (B) issue subpoenas;

5 (C) compel the attendance of witnesses and
6 the production of papers, books, accounts, docu-
7 ments, and testimony; and

8 (D) himself, or by delegation to Office
9 staff, take the deposition of witnesses.

10 (3) REFUSAL TO OBEY.—If a person disobeys
11 or refuses to comply with a subpoena, or if a witness
12 refuses to testify to a matter, he may be held in con-
13 tempt of Congress.

14 (4) ENFORCEMENT.—If the Director deter-
15 mines that the Director is limited in the Director's
16 ability to obtain documents, testimony, and other in-
17 formation needed as part of an investigation because
18 of potential constitutional, statutory, or rules restric-
19 tions, or due to lack of compliance, the Director may
20 refer the matter to the Select Committee on Ethics
21 of the Senate for consideration and appropriate ac-
22 tion by the committee. The committee shall promptly
23 act on a request under this paragraph.

24 (c) PRESENTATION OF CASE TO SENATE SELECT
25 COMMITTEE ON ETHICS.—

1 (1) NOTICE TO COMMITTEES.—If the Director
2 determines, upon conclusion of an investigation, that
3 probable cause exists that an ethics violation has oc-
4 curred, the Director shall notify the Select Com-
5 mittee on Ethics of the Senate of this determination.

6 (2) COMMITTEE DECISION.—The Select Com-
7 mittee on Ethics may overrule the determination of
8 the Director if, within 30 legislative days—

9 (A) the committee by an affirmative, roll-
10 call vote of two-thirds of the full committee
11 votes to overrule the determination of the Di-
12 rector;

13 (B) the committee issues a public report
14 on the matter; and

15 (C) the vote of each member of the com-
16 mittee on such roll-call vote is included in the
17 report.

18 (3) DETERMINATION AND RULING.—

19 (A) REFERRAL.—If the Director deter-
20 mines there is probable cause that an ethics vio-
21 lation has occurred and the Director's deter-
22 mination is not overruled, the Director shall
23 present the case and evidence to the Select
24 Committee on Ethics of the Senate to hear and
25 make a determination pursuant to its rules.

1 (B) FINAL DECISION.—The Select Com-
2 mittee on Ethics shall vote upon whether the
3 individual who is the subject of the investiga-
4 tion has violated any rules or other standards
5 of conduct applicable to that individual in his
6 official capacity. Such votes shall be a roll-call
7 vote of the full committee, a quorum being
8 present. The committee shall issue a public re-
9 port which shall include the vote of each mem-
10 ber of the committee on such roll-call vote.

11 (d) SANCTIONS.—Whenever the Select Committee on
12 Ethics of the Senate finds that an ethics violation has oc-
13 curred, the Director shall recommend appropriate sanc-
14 tions to the committee and whether a matter should be
15 referred to the Department of Justice for investigation.

16 **SEC. 305. PROCEDURAL RULES.**

17 (a) PROHIBITION OF CERTAIN INVESTIGATIONS.—
18 No investigation shall be undertaken by the Office of any
19 alleged violation of a law, rule, regulation, or standard of
20 conduct not in effect at the time of the alleged violation.

21 (b) DISCLOSURE.—Information or testimony re-
22 ceived, or the contents of a complaint or the fact of its
23 filing, or recommendations made by the Director to the
24 committee, may be publicly disclosed by the Director or

1 by the staff of the Office only if authorized by the Select
2 Committee on Ethics of the Senate.

3 **SEC. 306. SOPI EMPLOYEES UNDER THE CONGRESSIONAL**
4 **ACCOUNTABILITY ACT.**

5 Section 101 of the Congressional Accountability Act
6 of 1995 (2 U.S.C. 3) is amended—

7 (1) in paragraph (3)—

8 (A) in subparagraph (H), by striking “or”;

9 (B) in subparagraph (I), by striking the
10 period and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(J) the Office of Public Integrity.”; and

13 (2) in paragraph (9), by striking “and the Of-
14 fice of Technology Assessment” and inserting “the
15 Office of Technology Assessment, and the Senate
16 Office of Public Integrity”.

17 **SEC. 307. EFFECTIVE DATE.**

18 (a) IN GENERAL.—Except as provided by subsection

19 (b), this title shall take effect on January 1, 2008.

20 (b) EXCEPTION.—Section 306 shall take effect upon
21 the date of enactment of this Act.

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