

112TH CONGRESS
1ST SESSION

H. R. 2340

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2011

Mr. QUIGLEY (for himself and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Ethics, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Transparency in Gov-
3 ernment Act of 2011”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—IMPROVING ACCESS TO INFORMATION ABOUT
MEMBERS OF CONGRESS

- Sec. 101. Greater disclosure and electronic filing of personal financial information.
- Sec. 102. Greater disclosure of travel reports.
- Sec. 103. Greater disclosure of gift reports.
- Sec. 104. Greater disclosure of earmarks.

TITLE II—ENHANCING PUBLIC ACCESS TO THE WORK OF
CONGRESSIONAL COMMITTEES, LEGISLATION, AND VOTES

- Sec. 201. Increase transparency of committee work.
- Sec. 202. Increase transparency of committee schedules through the Clerk.
- Sec. 203. Increased transparency of recorded votes.

TITLE III—ENHANCING PUBLIC ACCESS TO CONGRESSIONAL
RESEARCH SERVICE

- Sec. 301. Enhance access to CRS.

TITLE IV—LOBBYING DISCLOSURE

- Sec. 401. Short title.
- Sec. 402. Modifications to enforcement.
- Sec. 403. Definition of lobbyist.
- Sec. 404. Expedited online registration of lobbyists; expansion of registrants.
- Sec. 405. Disclosure of additional information by lobbyists.
- Sec. 406. Disclosure of political contributions.
- Sec. 407. Effective date.

TITLE V—TRANSPARENCY IN FEDERAL CONTRACTING

- Sec. 501. Improving application programming interface and Web site data elements.
- Sec. 502. Improving data quality.
- Sec. 503. Requirements relating to reporting of award data.
- Sec. 504. Recipient performance transparency.
- Sec. 505. Improvement of Federal Awardee Performance and Integrity Information System Database.
- Sec. 506. Federal contractor compliance.
- Sec. 507. Unique identifying number.

TITLE VI—EXECUTIVE BRANCH TRANSPARENCY

Sec. 601. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communications.

TITLE VII—STRENGTHENING THE FREEDOM OF INFORMATION ACT

Sec. 701. Digital access to completed responses to the Freedom of Information Act.

TITLE VIII—ENFORCEMENT

Sec. 801. Audits by the Government Accountability Office.

1 **TITLE I—IMPROVING ACCESS TO**
 2 **INFORMATION ABOUT MEM-**
 3 **BERS OF CONGRESS**

4 **SEC. 101. GREATER DISCLOSURE AND ELECTRONIC FILING**
 5 **OF PERSONAL FINANCIAL INFORMATION.**

6 (a) ADDITIONAL FINANCIAL DISCLOSURE REQUIRE-
 7 MENTS.—(1) Section 102(a)(1)(B) of the Ethics in Gov-
 8 ernment Act of 1978 is amended in clause (iv) by striking
 9 “\$15,000” and inserting “\$25,000” and by striking
 10 clauses (v) through (ix) and inserting the following new
 11 clauses:

12 “(v) greater than \$25,000 but not
 13 more than \$100,000, round to the nearest
 14 \$10,000,

15 “(vi) greater than \$100,000 but not
 16 more than \$1,000,000, round to the near-
 17 est \$100,000, or

18 “(vii) greater than \$1,000,000, round
 19 to the nearest \$1,000,000.”.

1 (2) Section 102(d)(1) of the Ethics in Government
2 Act of 1978 is amended by striking “(3), (4), (5), and
3 (8)” an inserting “(5) and (8)”.

4 (3) Section 102(d) of the Ethics in Government Act
5 of 1978 is amended by redesignating paragraph (2) as
6 paragraph (3) and by inserting after paragraph (1) the
7 following new paragraph:

8 “(3) The categories for reporting the amount or value
9 of the items covered in paragraphs (3) or (4) of subsection
10 (a) are as follows:

11 “(A) not more than \$15,000;

12 “(B) greater than \$15,000 but not more than
13 \$25,000;

14 “(C) greater than \$25,000 but not more than
15 \$100,000, round to the nearest \$10,000;

16 “(D) greater than \$100,000 but not more than
17 \$1,000,000, round to the nearest \$100,000; and

18 “(E) greater than \$1,000,000, round to the
19 nearest \$1,000,000.”.

20 (b) MORE FREQUENT DISCLOSURE OF FINANCIAL
21 TRANSACTIONS INVOLVING LARGE SUMS OF MONEY.—

22 (1) Section 101 of the Ethics in Government Act of 1978
23 is amended by adding at the end the following new sub-
24 section:

1 “(i) In addition to any other report required to be
2 filed by a Member of Congress or officer or employee of
3 the Congress, each such individual is required to file a
4 quarterly report on April 30, July 30, October 30, and
5 January 30 of each year covering the preceding calendar
6 quarter if that individual (or the spouse or any dependent
7 child of that individual) purchased, sold, or exchanged any
8 property described in subsection (a)(5) valued at not less
9 than \$250,000 during that calendar quarter. For any such
10 transaction of not less than \$250,000, such report shall
11 contain all of the information required under subsection
12 (a)(5).”.

13 (2)(A) Clause 1 of rule XXVI of the Rules of the
14 House of Representatives is amended by inserting “(a)”
15 after “1.” and by adding at the end the following new
16 paragraphs:

17 “(b) If any report is filed with the Clerk for a
18 calendar quarter pursuant to section 101(i) of the
19 Ethics in Government Act of 1978, the Clerk shall
20 compile all such reports sent to the Clerk by Mem-
21 bers and have them printed as a House document,
22 which shall be made available to the public, as soon
23 as practicable.

24 “(c) Each individual required to file a report
25 with the Clerk under title I under the Ethics in Gov-

1 ernment Act of 1978 shall file and maintain such re-
2 port in electronic form.”.

3 (B) Comparable language to be added by the Senate.

4 (c) AVAILABILITY ON THE INTERNET OF REPORTS
5 FILED UNDER THIS TITLE WITH THE CLERK OF THE
6 HOUSE OR THE SECRETARY OF THE SENATE.—Section
7 103 of the Ethics in Government Act of 1978 is amended
8 by adding at the end the following new subsection:

9 “(1) The Clerk of the House of Representatives and
10 the Secretary of the Senate shall each make available any
11 report filed with them under this title within 48 hours of
12 the applicable submission deadline on the website of the
13 Clerk or the Secretary, as applicable, in a searchable, sort-
14 able, downloadable, machine-readable format.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to reports filed for calendar years
17 or calendar quarters beginning after the date of enactment
18 of this Act.

19 **SEC. 102. GREATER DISCLOSURE OF TRAVEL REPORTS.**

20 (a) FOREIGN TRAVEL.—Clause 8(b)(3) of rule X of
21 the Rules of the House of Representatives is amended by
22 adding at the end the following new sentence: “Within 48
23 hours after any such report is filed with the chair of a
24 committee, the chair shall post the report on the Internet

1 site of the committee in a searchable, sortable,
2 downloadable, machine-readable format.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply to travel commencing after the
5 date of enactment of this Act.

6 **SEC. 103. GREATER DISCLOSURE OF GIFT REPORTS.**

7 (a) REQUIRING CLERK OF THE HOUSE TO POST RE-
8 PORTS ON INTERNET NOT LATER THAN 48 HOURS
9 AFTER RECEIPT.—(1) Clause 5(b)(5) of rule XXV of the
10 Rules of the House of Representatives is amended—

11 (A) by striking “shall make available” and
12 inserting “shall post on the public Internet site
13 of the Clerk and otherwise make available”; and

14 (B) by striking “as possible” and inserting
15 the following: “as possible, but in no event later
16 than 48 hours,”.

17 (2) Comparable language to be added by the Senate.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to reports filed on
20 or after the date of the adoption of this resolution.

21 **SEC. 104. GREATER DISCLOSURE OF EARMARKS.**

22 (a) ELECTRONIC DISCLOSURE BY MEMBERS.—(1)
23 Rule XXIII of the Rules of the House of Representatives
24 is amended by redesignating clause 18 as clause 19 and
25 by inserting after clause 17 the following:

1 “18. A Member, Delegate, or Resident Commissioner
2 who requests a congressional earmark, a limited tax ben-
3 efit, or a limited tariff benefit shall, within 24 hours after
4 making such request—

5 “(1) post on his or her public website for the
6 remainder of the Congress the following—

7 “(A) the name and address of the intended
8 recipient;

9 “(B) whether the intended recipient is a
10 for-profit or not-for-profit entity;

11 “(C) the requested amount (only in the
12 case of congressional earmarks); and

13 “(D) an explanation of the request, includ-
14 ing the purpose, and why it is a valuable use
15 of taxpayer funds;

16 “(2) electronically submit to the committee of
17 subject-matter jurisdiction the webpage address
18 where such information is posted;

19 “(3) identify each request as having been sub-
20 mitted to the committee of subject-matter jurisdic-
21 tion; and

22 “(4) display on the homepage of such website a
23 hypertext link that contains the words ‘Earmarks’,
24 ‘Appropriations Requests’, ‘Limited Tax Benefits’,
25 or ‘Limited Tariff Benefits’ and that directs to such

1 webpage address, and maintain that link for at least
2 30 calendar days after the last such request is made
3 during the Congress.”.

4 (2) The last sentence of clause 16 of rule XXIII of
5 the Rules of the House of Representatives is amended by
6 striking “and clause 17” and inserting “, clause 17, and
7 clause 18”.

8 (b) ELECTRONIC DISCLOSURE BY COMMITTEES.—
9 Rule XI of the Rules of the House of Representatives is
10 amended by adding at the end the following new clause:

11 “ **Earmark disclosure websites**

12 “(s)(1) Any committee that accepts any request of
13 a Member, Delegate, or Resident Commissioner for a con-
14 gressional earmark, a limited tax benefit, or a limited tar-
15 iff benefit shall maintain a public website with an earmark
16 disclosure webpage that contains the following for each
17 such request—

18 “(A) the bill name;

19 “(B) the name, State, and district of that indi-
20 vidual;

21 “(C) the name and address of the intended re-
22 cipient;

23 “(D) whether the intended recipient is a for-
24 profit or not-for-profit entity;

1 “(E) the requested amount (only in the case of
2 congressional earmarks);

3 “(F) a brief description; and

4 “(G) the applicable department or agency of the
5 Government, and the account or program (if pro-
6 vided to the committee in the request);

7 and is in a downloadable format that is searchable and
8 sortable by such characteristics.

9 “(2) Any written statement received by a committee
10 under clause 17(a) of rule XXIII shall be posted on the
11 earmark disclosure webpage of the committee.

12 “(3) The earmark disclosure webpage of a committee
13 shall list the names of any Member, Delegate, and Resi-
14 dent Commissioner who requests a congressional earmark,
15 a limited tax benefit, or a limited tariff benefit and link
16 directly to their webpage addresses referred to in clause
17 18(2) of rule XXIII.

18 “(4) The earmark disclosure webpage of a committee
19 shall post the information required under subparagraphs
20 (1) through (3) within one week of receipt, and shall main-
21 tain that information on that webpage for the remainder
22 of the Congress.

23 “(5) For purposes of this paragraph, the terms ‘con-
24 gressional earmark’, ‘limited tax benefit’, and ‘limited tar-

1 iff benefit' shall have the meaning given them in clause
2 9 of rule XXI.”.

3 (c) POINT OF ORDER.—Clause 9 of rule XXI of the
4 Rules of the House of Representatives is amended by re-
5 designating paragraphs (e), (f), and (g) as paragraphs (f),
6 (g), and (h), respectively, and by inserting after paragraph
7 (d) the following:

8 “(e) It shall not be in order to consider any bill or
9 joint resolution, or an amendment thereto or conference
10 report thereon, that carries a congressional earmark, lim-
11 ited tax benefit, or limited tariff benefit for which a Mem-
12 ber, Delegate, or Resident Commissioner failed to comply
13 with any applicable requirement of clause 18 of rule
14 XXIII.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to requests for congressional ear-
17 marks, limited tax benefits, and limited tariff benefits
18 made after the date this resolution is agreed to.

19 (e) CENTRALIZED DATABASE FOR EARMARKS, LIM-
20 ITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS.—
21 (1) The Clerk of the House of Representatives, the Sec-
22 retary of the Senate, and the chairs of the Committee on
23 Appropriations of the House of Representatives and the
24 Senate shall collaborate to create one centralized database
25 where all requests for earmark, limited tax benefits, and

1 limited tariff benefits are available on the Internet in a
2 searchable, sortable, downloadable format to the public.
3 The data available to the public for each earmark should
4 include—

5 (A) an identification of the bill into which the
6 earmark is to be inserted;

7 (B) the name, State, and district of the Mem-
8 ber of Congress requesting the earmark;

9 (C) the name and address of the intended re-
10 cipient;

11 (D) whether the intended recipient is a for-prof-
12 it or not-for-profit entity;

13 (E) the requested amount (only in the case of
14 congressional earmarks);

15 (F) a brief description of the earmark; and

16 (G) the applicable department or agency of the
17 Government, and the account or program (if pro-
18 vided to the committee in the request).

19 (2) The centralized database for earmarks referred
20 to in paragraph (1) shall be implemented within six
21 months after the date of enactment of this Act.

1 **TITLE II—ENHANCING PUBLIC**
2 **ACCESS TO THE WORK OF**
3 **CONGRESSIONAL COMMIT-**
4 **TEES, LEGISLATION, AND**
5 **VOTES**

6 **SEC. 201. INCREASE TRANSPARENCY OF COMMITTEE**
7 **WORK.**

8 (a) IN THE HOUSE OF REPRESENTATIVES.—Clause
9 1 of rule XI of the Rules of the House of Representatives
10 is amended by adding at the end the following new para-
11 graph:

12 “(e) (1) Each committee shall post on its Internet
13 website the public hearings and markup schedules of the
14 committee and each of its subcommittees at the same time
15 that information is made available to members of the com-
16 mittee.

17 “(2) For each hearing and markup for which infor-
18 mation is posted under subparagraph (1), the committee
19 shall post on its Internet website within 45 days the fol-
20 lowing: the topic, related legislation, testimony of wit-
21 nesses, opening statements of the chair and ranking mi-
22 nority member, transcripts, and audio and video record-
23 ings.

24 “(3) Within 24 hours after a committee or sub-
25 committee orders any bill or resolution to be reported, the

1 committee or subcommittee, as applicable, shall post on
2 its Internet website all amendments that were agreed to,
3 except for technical and conforming changes authorized by
4 the committee or subcommittee.”.

5 (b) IN THE SENATE.—Comparable language to be
6 added by the Senate.

7 **SEC. 202. INCREASE TRANSPARENCY OF COMMITTEE**
8 **SCHEDULES THROUGH THE CLERK.**

9 Clause 2 of rule II of the Rules of the House of Rep-
10 resentatives is amended by adding at the end the following
11 new paragraph:

12 “(l) The House Committees shall provide to the
13 Clerk, in a structured data format, a complete list
14 of all public hearing and markup schedules of com-
15 mittees and subcommittees as soon as publically
16 available; and the Clerk shall post this information
17 on its website, including links to committee
18 websites.”.

19 **SEC. 203. INCREASED TRANSPARENCY OF RECORDED**
20 **VOTES.**

21 (a) ADDITIONAL DUTIES OF THE CLERK OF THE
22 HOUSE AND THE SECRETARY OF THE SENATE.—The
23 Clerk of the House of Representative and the Secretary
24 of the Senate shall post on the public Internet site of the
25 Office of the Clerk or of the Secretary, respectively, a

1 record, organized by the name of each Member or Senator,
2 in a structured data format, of the recorded votes of that
3 Member or Senator, including the roll, date, issue, ques-
4 tion, result, and title or description of the vote, and any
5 cost estimate of the Congressional Budget Office related
6 to the vote.

7 (b) WEB LINK.—Each Member shall provide a link
8 to the Clerk of the House of Representatives of a list of
9 recorded votes from that Member’s Web site, and each
10 Senator shall provide a link to the Secretary of the Senate
11 of a list of recorded votes from that Senator’s Web site.

12 (c) DEFINITION.—As used in this section, the term
13 “Member” means a Representative in Congress, a delegate
14 to Congress, or the Resident Commissioner from Puerto
15 Rico.

16 (d) EFFECTIVE DATE.—This section shall apply to
17 recorded votes occurring after the date of enactment of
18 this Act.

19 **TITLE III—ENHANCING PUBLIC**
20 **ACCESS TO CONGRESSIONAL**
21 **RESEARCH SERVICE**

22 **SEC. 301. ENHANCE ACCESS TO CRS.**

23 (a) AVAILABILITY OF CRS INFORMATION ON THE
24 INTERNET.—Except as provided by subsection (b) and (c),
25 the Clerk of the House of Representatives, in consultation

1 with the Director of Congressional Research Service (here-
2 after in this section referred to as “CRS”), shall make
3 publically available on the Internet the following CRS in-
4 formation:

- 5 (1) CRS Issue Briefs;
- 6 (2) CRS Reports that are available to Members
7 of Congress through the CRS Web site; and
- 8 (3) CRS Authorization of Appropriations and
9 Appropriations Products.

10 (b) EXEMPTION FOR CONFIDENTIAL INFORMA-
11 TION.—Information deemed confidential by the Director
12 of CRS and any document that is a confidential research
13 request made by an individual, office, or committee shall
14 be exempt from disclosure under subsection (a).

15 (c) ADDITIONAL EXEMPTIONS.—The Clerk of the
16 House of Representatives, in consultation with the Direc-
17 tor of CRS, shall—

- 18 (1) remove the personal information of CRS
19 employees, including names and phone numbers;
- 20 (2) remove material that may infringe the copy-
21 right of a work protected under title 17, United
22 States Code; and
- 23 (3) make any changes to information that s/he
24 deems necessary to ensure its accuracy and cur-
25 rency.

1 (d) CONFORMING PROVISION.—Nothing in this sec-
2 tion shall be construed to require the Director of CRS to
3 respond to any inquiry made by a member of the public
4 respecting the information covered by this section.

5 (e) ACCESS TO CRS WEB SITE.—Members and
6 standing committees of the House of Representatives shall
7 provide a link to the CRS database on their Web sites.

8 (f) ESTABLISHING, MAINTAINING, AND UPDATING
9 THE DATABASE.—Within 6 months after the date of en-
10 actment of this Act, the Clerk of the House of Representa-
11 tives shall establish the database necessary to carry out
12 this section. The Clerk shall be responsible for maintain-
13 ing and updating the information on that database.

14 **TITLE IV—LOBBYING** 15 **DISCLOSURE**

16 **SECTION 401. SHORT TITLE.**

17 This title may be cited as the “Lobbyist Disclosure
18 Enhancement Act”.

19 **SEC. 402. MODIFICATIONS TO ENFORCEMENT.**

20 (a) LOBBYING DISCLOSURE ACT TASK FORCE.—

21 (1) ESTABLISHMENT.—The Attorney General
22 shall establish the Lobbying Disclosure Act Enforce-
23 ment Task Force (in this subsection referred to as
24 the “Task Force”).

25 (2) FUNCTIONS.—The Task Force—

1 (A) shall have primary responsibility for
2 investigating and prosecuting each case referred
3 to the Attorney General under section 6(a)(8)
4 of the Lobbying Disclosure Act of 1995 (2
5 U.S.C. 1605(a)(8));

6 (B) shall collect and disseminate informa-
7 tion with respect to the enforcement of the Lob-
8 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
9 seq.);

10 (C) shall audit, at a minimum on an an-
11 nual basis, and as frequently as deemed nec-
12 essary by the Task Force, the extent of compli-
13 ance or noncompliance with the requirements of
14 the Lobbying Disclosure Act of 1995 by lobby-
15 ists, lobbying firms, and registrants under that
16 Act through a random sampling of lobbying
17 registrations and reports filed under that Act
18 during each calendar year; and

19 (D) shall establish, publicize, and operate a
20 toll-free telephone number to serve as a hotline
21 for members of the public to report noncompli-
22 ance with lobbyist disclosure requirements
23 under the Lobbying Disclosure Act of 1995,
24 and shall develop a mechanism to allow mem-

1 bers of the public to report such noncompliance
2 online.

3 (b) REFERRAL OF CASES TO THE ATTORNEY GEN-
4 ERAL.—Section 6(a) of the Lobbying Disclosure Act of
5 1995 (2 U.S.C. 1605(a)) is amended—

6 (1) in paragraph (8), by striking “United
7 States Attorney for the District of Columbia” and
8 inserting “Attorney General”; and

9 (2) in paragraph (11), by striking “United
10 States Attorney for the District of Columbia” and
11 inserting “Attorney General”.

12 (c) RECOMMENDATIONS FOR IMPROVED ENFORCE-
13 MENT.—The Attorney General may make recommenda-
14 tions to Congress with respect to—

15 (1) the enforcement of and compliance with the
16 Lobbying Disclosure Act of 1995; and

17 (2) the need for resources available for the en-
18 hanced enforcement of the Lobbying Disclosure Act
19 of 1995.

20 (d) INFORMATION IN ENFORCEMENT REPORTS.—
21 Section 6(b)(1) of the Lobbying Disclosure Act of 1995
22 (2 U.S.C. 1605(b)(1)) is amended by striking “by case”
23 and all that follows through “public record” and inserting
24 “by case and name of the individual lobbyists or lobbying
25 firms involved, any sentences imposed”.

1 **SEC. 403. DEFINITION OF LOBBYIST.**

2 Section 3(10) of the Lobbying Disclosure Act of 1995
3 (2 U.S.C. 1602(10)) is amended by striking “, other than
4 an individual” and all that follows through “period”.

5 **SEC. 404. EXPEDITED ONLINE REGISTRATION OF LOBBY-**
6 **ISTS; EXPANSION OF REGISTRANTS.**

7 Section 4(a)(1) of the Lobbying Disclosure Act of
8 1995 (2 U.S.C. 1603(a)(1)) is amended—

9 (1) by striking “45 days” and inserting “5
10 days”;

11 (2) by striking “, or on the first business day
12 after such 45th day if such 45th day is not a busi-
13 ness day,” and inserting “, or on the first business
14 day occurring after such 5th day if such 5th day
15 does not occur on a business day,”; and

16 (3) by inserting “online” after “shall register”.

17 **SEC. 405. DISCLOSURE OF ADDITIONAL INFORMATION BY**
18 **LOBBYISTS.**

19 Section 5(b)(2)(A) of the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1604(b)(2)(A)) is amended—

21 (1) by striking “(A)” and inserting “(A)(i)”;

22 (2) by adding “and” after the semicolon; and

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

24 “(ii) for each issue listed under clause (i),
25 a list identifying—

1 “(I) each covered executive branch of-
2 ficial with whom the lobbyist engaged in
3 lobbying activities;

4 “(II) each covered legislative branch
5 official with whom the lobbyist engaged in
6 lobbying activities and—

7 “(aa) if the official is an em-
8 ployee of a Member of Congress, the
9 name of that Member of Congress; or

10 “(bb) if the official is an em-
11 ployee described in clause (ii), (iii),
12 (iv), or (v) of section 3(4), the name
13 of the Member or Members of Con-
14 gress who hired the official or for
15 whom the official performs duties as
16 such official; and

17 “(III) the date of each lobbying con-
18 tact;”.

19 **SEC. 406. DISCLOSURE OF POLITICAL CONTRIBUTIONS.**

20 Section 5(d)(1) of the Lobbying Disclosure Act of
21 1995 (2 U.S.C. 1604(d)(1)) is amended—

22 (1) in the matter preceding subparagraph (A),
23 by striking “30 days after” and all that follows
24 through “30th day is not” and inserting “20 days
25 after the end of the quarterly period beginning on

1 the first day of January, April, July, and October of
2 each year, or on the first business day after such
3 20th day if such 20th day is not”; and

4 (2) by striking “semiannual period” each place
5 it appears and inserting “quarterly period”.

6 **SEC. 407. EFFECTIVE DATE.**

7 (a) SECTION 402.—Section 402 and the amendments
8 made by that section take effect upon the expiration of
9 the 90-day period beginning on the date of the enactment
10 of this Act.

11 (b) AMENDMENTS.—The amendments made by sec-
12 tions 403, 404, 405, and 406 take effect on the first day
13 of the first quarterly period described in section 5(a) of
14 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a))
15 that begins after the end of the 90-day period beginning
16 on the date of the enactment of this Act.

17 **TITLE V—TRANSPARENCY IN**
18 **FEDERAL CONTRACTING**

19 **SEC. 501. IMPROVING APPLICATION PROGRAMMING INTER-**
20 **FACE AND WEB SITE DATA ELEMENTS.**

21 (a) IN GENERAL.—Section 2 of the Federal Funding
22 Accountability and Transparency Act of 2006 (Public Law
23 109–282; 31 U.S.C. 6101 note) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (2)(A)(ii), by striking
2 “and delivery orders” and inserting “lease
3 agreements and assignments, and delivery or-
4 ders”;

5 (B) in paragraph (3)—

6 (i) in subparagraph (C), by striking
7 “and” after the semicolon;

8 (ii) in subparagraph (D), by striking
9 the period and inserting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(E) programmatically search and access
13 all data in a serialized machine readable format
14 (such as XML) via a web-services application
15 programming interface.”; and

16 (C) by inserting after paragraph (3) the
17 following new paragraph:

18 “(4) CONGRESSIONALLY DIRECTED SPENDING
19 ITEM.—The term ‘congressionally directed spending
20 item’ means a provision or report language included
21 primarily at the request of a Member of Congress
22 providing, authorizing, or recommending a specific
23 amount of discretionary budget authority, credit au-
24 thority, or other spending authority for a contract,
25 loan, loan guarantee, grant, loan authority, or other

1 expenditure with or to an entity, or targeted to a
2 specific State, locality, or congressional district,
3 other than through a statutory or administrative for-
4 mula-driven or competitive award process.”; and

5 (2) in subsection (b)(1)—

6 (A) in subparagraph (E), by striking
7 “and” after the semicolon;

8 (B) by redesignating subparagraph (F) as
9 subparagraph (J); and

10 (C) by inserting after subparagraph (E)
11 the following new subparagraphs:

12 “(G) to the extent possible, the Federal
13 agency, including the bureau, office, or subdivi-
14 sion, that authorized the Federal award;

15 “(H) after January 1, 2012, for all con-
16 tracts, subcontracts, purchase orders, task or-
17 ders, lease agreements and assignments, and
18 delivery orders—

19 “(i) information about the extent of
20 competition in making the award, includ-
21 ing the number of bids or proposals deter-
22 mined to be responsive during the competi-
23 tive process, and if the award was not com-
24 peted, the legal authority and specific ra-

1 tionale for making the award without full
2 and open competition;

3 “(ii) the full amount of money that is
4 awarded under a contract or, in the case of
5 lease agreements or assignments, the
6 amount paid to the Government, and the
7 full amount of any options to expand or
8 extend under a contract;

9 “(iii) the amount of the profit incen-
10 tive, such as award fees;

11 “(iv) the type of contract, such as
12 fixed price, cost plus pricing, labor hour
13 contracts, and time and materials con-
14 tracts;

15 “(v) an indication if the contract is
16 the result of legislative mandates, set-
17 asides, preference program requirements,
18 or other criteria, and whether the contract
19 is multi-year, consolidated, or performance
20 based; and

21 “(vi) an indication if the contract is a
22 congressionally directed spending item;

23 “(I) after January 1, 2012, for all grants,
24 subgrants, loans, awards, cooperative agree-
25 ments, and other forms of financial assistance,

1 an indication if the funding is a congressionally
2 directed spending item; and”.

3 (b) **EFFECTIVE DATE.**—Except as otherwise pro-
4 vided, the amendments made by subsection (a) shall be
5 implemented not later than 6 months after the date of
6 the enactment of this Act.

7 **SEC. 502. IMPROVING DATA QUALITY.**

8 (a) **IN GENERAL.**—The Federal Funding Account-
9 ability and Transparency Act of 2006 (Public Law 109–
10 282; 31 U.S.C. 6101 note), as amended by section 501,
11 is further amended by adding at the end the following:

12 **“SEC. 5. IMPROVING DATA QUALITY.**

13 “(a) **INSPECTOR GENERAL DATA AUDIT.**—Each In-
14 spector General shall annually audit for the previous fiscal
15 year the data used on the website created by this Act for
16 the relevant Federal agency of the Inspector General, in
17 compliance with generally accepted Government auditing
18 standards, and submit a report on such audit to the Direc-
19 tor of the Office of Management and Budget that includes
20 at least the following:

21 “(1) A review of data used for the website to
22 verify accuracy of the data and assess the process
23 used for improving data quality.

24 “(2) A review of a statistically representative
25 sample of Federal awards to determine whether Fed-

1 eral agencies have appropriate measures in place to
2 review data submissions under this Act for accuracy
3 and completeness.

4 “(3) An identification and report on new stand-
5 ards that Inspector General recommends for imple-
6 mentation by agencies to improve data quality.

7 “(b) OMB REPORT.—Not later than April 1 of each
8 year, the Director of the Office of Management and Budg-
9 et shall make each report submitted under subsection (a)
10 for the previous fiscal year available to the public, includ-
11 ing a review of the findings of the audit and recommenda-
12 tions to improve data quality, through the website created
13 by this Act.”.

14 **SEC. 503. REQUIREMENTS RELATING TO REPORTING OF**
15 **AWARD DATA.**

16 (a) REVISION OF GUIDANCE.—The Director of the
17 Office of Management and Budget shall revise the Office’s
18 guidance to Federal agencies on reporting Federal awards
19 to clarify—

20 (1) the requirement that award titles describe
21 the award’s purpose; and

22 (2) requirements for validating and docu-
23 menting agency award data submitted by Federal
24 agencies.

1 (b) INCLUSION OF CITY INFORMATION.—The Direc-
2 tor of the Office of Management and Budget shall include
3 information on the city where work is performed in the
4 Office’s public reporting of the completeness of agency
5 data submissions.

6 **SEC. 504. RECIPIENT PERFORMANCE TRANSPARENCY.**

7 (a) IN GENERAL.—The Federal Funding Account-
8 ability and Transparency Act of 2006 (Public Law 109–
9 282; 31 U.S.C. 6101 note), as amended by sections 501
10 and 502, is further amended by adding at the end the
11 following:

12 **“SEC. 6. RECIPIENT PERFORMANCE TRANSPARENCY AND**
13 **PAST PERFORMANCE.**

14 “The Director of the Office of Management and
15 Budget shall ensure that the unique identifier required in
16 section 2(b)(1)(E) that is used to link information about
17 the entity receiving the award on the searchable website
18 is also used to link information about that entity on the
19 Federal Awardee Performance Integrity Information Sys-
20 tem.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall be implemented not later than June
23 30, 2012.

1 **SEC. 505. IMPROVEMENT OF FEDERAL AWARDEE PER-**
2 **FORMANCE AND INTEGRITY INFORMATION**
3 **SYSTEM DATABASE.**

4 (a) REQUIREMENT TO INCLUDE IN DATABASE 10
5 YEARS OF INFORMATION ON CERTAIN PERSONS AWARD-
6 ED FEDERAL CONTRACTS OR GRANTS.—Section 872 of
7 the Duncan Hunter National Defense Authorization Act
8 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
9 4555) is amended in subsection (c) by striking “5-year”
10 and inserting “10-year”.

11 (b) REQUIREMENT TO INCLUDE INFORMATION IN
12 DATABASE REGARDING CERTAIN JUDGMENTS AND SET-
13 TLEMENTS.—Section 872 of such Act is further amended
14 in subsection (c)(1) by adding at the end the following
15 new subparagraphs:

16 “(E) In an administrative proceeding, any
17 administrative judgment that does not contain
18 an explicit finding or acknowledgment of fault.

19 “(F) In a civil proceeding, any settlement
20 that does not contain an explicit finding or ac-
21 knowledgment of fault.”.

22 **SEC. 506. FEDERAL CONTRACTOR COMPLIANCE.**

23 (a) SELF-REPORTING REQUIREMENT.—Subsection
24 (f) of section 2313 of title 41, United States Code, is
25 amended to read as follows:

26 “(f) SELF-REPORTING REQUIREMENT.—

1 “(1) CONTRACTS IN EXCESS OF SIMPLIFIED AC-
2 QUISITION THRESHOLD.—No funds appropriated or
3 otherwise made available by any Act may be used for
4 any Federal contract for the procurement of prop-
5 erty or services in excess of the simplified acquisition
6 threshold unless the contractor has first made the
7 certifications set forth in section 52.209–5 of the
8 Federal Acquisition Regulation.

9 “(2) CONTRACTS IN EXCESS OF \$500,000.—No
10 funds appropriated or otherwise made available by
11 any Act may be used for any Federal contract for
12 the procurement of property or services in excess of
13 \$500,000 unless the contractor—

14 “(A) certifies that the contractor has sub-
15 mitted to the Administrator the information re-
16 quired under subsection (c) and that such infor-
17 mation is current as of the date of such certifi-
18 cation; or

19 “(B) certifies that the contractor has cu-
20 mulative active Federal contracts and grants
21 with a total value of less than \$10,000,000.”.

22 (b) PERIODIC INSPECTION OR REVIEW OF CONTRACT
23 FILES.—Section 2313(e)(2) of such title is amended by
24 adding at the end the following new subparagraph:

1 “(C) PERIODIC INSPECTION OR REVIEW.—
2 The Inspector General of each Federal agency
3 shall periodically—

4 “(i) conduct an inspection or review of
5 the contract files required under subpara-
6 graph (B) to determine if the agency is
7 providing appropriate consideration of the
8 information included in the database cre-
9 ated pursuant to subsection (c); and

10 “(ii) submit a report containing the
11 results of the inspection or review con-
12 ducted under clause (i) to the Committee
13 on Homeland Security and Governmental
14 Affairs of the Senate and the Committee
15 on Oversight and Government Reform of
16 the House of Representatives.”.

17 (c) ANNUAL REPORT.—The Comptroller General of
18 the United States shall annually submit a report to the
19 appropriate congressional committees describing the ex-
20 tent to which suspended or debarred contractors on the
21 Excluded Parties List System—

22 (1) are identified as having received Federal
23 contracts on USAspending.gov; or

1 (2) were granted waivers from Federal agencies
2 from suspension or debarment for purposes of enter-
3 ing into Federal contracts.

4 **SEC. 507. UNIQUE IDENTIFYING NUMBER.**

5 (a) STUDY.—The Inspector General of the General
6 Services Administration shall conduct a study on the use
7 of identifying numbers for Federal awardees to—

8 (1) determine if the system of awardee identi-
9 fying numbers in use as of the date of the enactment
10 of this Act is adequately tracking Federal awardees;

11 (2) assess the feasibility of developing and
12 adopting a new unique Federal awardee identifica-
13 tion system; and

14 (3) determine whether such system would more
15 effectively track Federal awardees.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Inspector General shall
18 submit to the appropriate congressional committees a re-
19 port on the study conducted under subsection (a).

1 **TITLE VI—EXECUTIVE BRANCH**
2 **TRANSPARENCY**

3 **SEC. 601. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
4 **SPONSORSHIP OF ALL FEDERAL ADVER-**
5 **TISING OR OTHER COMMUNICATIONS.**

6 (a) **REQUIREMENT.**—Every advertisement or other
7 communication paid for by an agency, either directly or
8 through a contract awarded by the agency, shall include
9 a prominent notice informing the target audience that the
10 advertisement or other communication is paid for by that
11 agency.

12 (b) **DEFINITIONS.**—In this section:

13 (1) **ADVERTISEMENT OR OTHER COMMUNICA-**
14 **TIONS.**—In this section, the term “advertisement or
15 other communication” includes—

16 (A) an advertisement disseminated in any
17 form, including print or by any electronic
18 means; and

19 (B) a communication by an individual in
20 any form, including speech, print, or by any
21 electronic means.

22 (2) **AGENCY.**—The term “agency” has the
23 meaning given that term under section 551 of title
24 5, United States Code.

1 **TITLE VII—STRENGTHENING**
2 **THE FREEDOM OF INFORMA-**
3 **TION ACT**

4 **SEC. 701. DIGITAL ACCESS TO COMPLETED RESPONSES TO**
5 **THE FREEDOM OF INFORMATION ACT.**

6 (a) REQUIREMENT.—

7 (1) DATABASE OF COMPLETED FOIA RE-
8 QUESTS.—Each agency shall make available all ma-
9 terials contained in the agency’s completed response
10 to a request under section 552 of title 5, United
11 States Code (in this section referred to as a “FOIA
12 request”) in a structured database or in a search-
13 able, sortable, downloadable, machine-readable data-
14 base within one month after the date the FOIA re-
15 quest was completed.

16 (2) ELECTRONIC FORMAT.—All information is
17 presumed to be available in an electronic format as
18 described in paragraph (1) unless the agency dem-
19 onstrates that excessive cost would place an undue
20 burden on the agency.

21 (b) PUBLIC AVAILABILITY.—All information included
22 in the agency’s completed response to a FOIA request
23 shall be made available to the public electronically and
24 without cost through each agency’s Web site.

1 (c) AGENCY DEFINED.—In this section, the term
2 “agency” has the meaning given that term under section
3 551 of title 5, United States Code.

4 **TITLE VIII—ENFORCEMENT**

5 **SEC. 801. AUDITS BY THE GOVERNMENT ACCOUNTABILITY** 6 **OFFICE.**

7 (a) AUDIT REQUIREMENT.—The Comptroller Gen-
8 eral shall conduct annual audits of the implementation of
9 the provisions in this Act, and shall submit annually to
10 the Committee on Oversight and Government Reform of
11 the House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate a report on the results of the audits.

14 (b) MATTERS COVERED BY AUDITS.—Audits con-
15 ducted under this section shall address whether the con-
16 gressional and executive branch data that is required to
17 be provided to the public through the Internet is each of
18 the following:

19 (1) COMPLETE.—Made available, except for
20 data that is subject to privacy, security, or privilege
21 exemptions.

22 (2) PRIMARY.—Collected at the source, with the
23 highest possible level of granularity, not in aggregate
24 or modified forms.

1 (3) **TIMELY.**—Made available as quickly as nec-
2 essary to preserve the value of the data.

3 (4) **ACCESSIBLE.**—Available to the widest range
4 of users for the widest range of purposes.

5 (5) **MACHINE PROCESSABLE.**—Reasonably
6 structured to allow automated processing.

7 (6) **NON-DISCRIMINATORY.**—Available to any-
8 one, with no registration requirement.

9 (7) **NON-PROPRIETARY.**—Available in a format
10 over which no entity has exclusive control.

11 (8) **LICENSE-FREE.**—Not subject to any copy-
12 right, patent, trademark, or trade secret regulation
13 (with reasonable privacy, security, and privilege re-
14 strictions).

15 (c) **CURRENT STANDARDS.**—Audits conducted under
16 this section shall also address whether the data provided
17 to the public under this Act is produced and maintained
18 using current standards for data publication.

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