

109TH CONGRESS
2^D SESSION

S. 2349

AN ACT

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,*

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1 **TITLE I—LEGISLATIVE TRANS-**
 2 **PARENCY AND ACCOUNT-**
 3 **ABILITY ACT OF 2006**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Legislative Trans-
 6 parency and Accountability Act of 2006”.

7 **SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE RE-**
 8 **PORTS.**

9 (a) IN GENERAL.—A point of order may be made by
 10 any Senator against consideration of a conference report
 11 that includes any matter not committed to the conferees
 12 by either House. The point of order shall be made and

1 voted on separately for each item in violation of this sec-
2 tion.

3 (b) DISPOSITION.—If the point of order against a
4 conference report under subsection (a) is sustained,
5 then—

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

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

10 (A) the Senate shall proceed to consider
11 the question of whether the Senate should re-
12 cede from its amendment to the House bill, or
13 its disagreement to the amendment of the
14 House, and concur with a further amendment,
15 which further amendment shall consist of only
16 that portion of the conference report not
17 deemed to have been struck;

18 (B) the question shall be debatable; and

19 (C) no further amendment shall be in
20 order; and

21 (3) if the Senate agrees to the amendment,
22 then the bill and the Senate amendment thereto
23 shall be returned to the House for its concurrence
24 in the amendment of the Senate.

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

8 **SEC. 103. EARMARKS.**

9 The Standing Rules of the Senate are amended by
 10 adding at the end the following:

11 “RULE XLIV

12 “EARMARKS

13 “1. In this rule—

14 “(1) the term ‘earmark’ means a provision that
 15 specifies the identity of a non-Federal entity to re-
 16 ceive assistance and the amount of the assistance;
 17 and

18 “(2) the term ‘assistance’ means budget author-
 19 ity, contract authority, loan authority, and other ex-
 20 penditures, and tax expenditures or other revenue
 21 items.

22 “2. It shall not be in order to consider any Senate
 23 bill or Senate amendment or conference report on any bill,
 24 including an appropriations bill, a revenue bill, and an au-
 25 thorizing bill, unless a list of—

26 “(1) all earmarks in such measure;

1 “(2) an identification of the Member or Mem-
2 bers who proposed the earmark; and

3 “(3) an explanation of the essential govern-
4 mental purpose for the earmark;

5 is available along with any joint statement of managers
6 associated with the measure to all Members and made
7 available on the Internet to the general public for at least
8 48 hours before its consideration.”.

9 **SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON**
10 **THE INTERNET.**

11 (a) IN GENERAL.—

12 (1) AMENDMENT.—Rule XXVIII of all the
13 Standing Rules of the Senate is amended by adding
14 at the end the following:

15 “7. It shall not be in order to consider a conference
16 report unless such report is available to all Members and
17 made available to the general public by means of the Inter-
18 net for at least 48 hours before its consideration.”.

19 (2) EFFECTIVE DATE.—This subsection shall
20 take effect 60 days after the date of enactment of
21 this title.

22 (b) IMPLEMENTATION.—Not later than 60 days after
23 the date of enactment of this title, the Secretary of the
24 Senate, in consultation with the Clerk of the House of
25 Representatives, the Government Printing Office, and the

1 Committee on Rules and Administration, shall develop a
 2 website capable of complying with the requirements of
 3 paragraph 7 of rule XXVIII of the Standing Rules of the
 4 Senate, as added by subsection (a).

5 **SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR**
 6 **FORMER MEMBERS, SENATE OFFICERS, AND**
 7 **SPEAKERS OF THE HOUSE WHO ARE LOBBY-**
 8 **ISTS OR SEEK FINANCIAL GAIN.**

9 Rule XXIII of the Standing Rules of the Senate is
 10 amended by—

11 (1) inserting “1.” before “Other”;

12 (2) inserting after “Ex-Senators and Senators
 13 elect” the following: “, except as provided in para-
 14 graph 2”;

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

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

21 (5) adding at the end the following:

22 “2. (a) The floor privilege provided in paragraph 1
 23 shall not apply to an individual covered by this paragraph
 24 who is—

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

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

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

12 **SEC. 106. BAN ON GIFTS FROM LOBBYISTS.**

13 Paragraph 1(a)(2) of rule XXXV of the Standing
14 Rules of the Senate is amended by—

15 (1) inserting “(A)” after “(2)”; and

16 (2) adding at the end the following:

17 “(B) This clause shall not apply to a gift from
18 a registered lobbyist or an agent of a foreign prin-
19 cipal.”.

20 **SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.**

21 (a) IN GENERAL.—Paragraph 2 of rule XXXV of the
22 Standing Rules of the Senate is amended by adding at
23 the end the following:

24 “(f)(1) Before a Member, officer, or employee may
25 accept transportation or lodging otherwise permissible

1 under this paragraph from any person, other than a gov-
2 ernmental entity, such Member, officer, or employee
3 shall—

4 “(A) obtain a written certification from such
5 person (and provide a copy of such certification to
6 the Select Committee on Ethics) that—

7 “(i) the trip was not financed in whole, or
8 in part, by a registered lobbyist or foreign
9 agent;

10 “(ii) the person did not accept, directly or
11 indirectly, funds from a registered lobbyist or
12 foreign agent specifically earmarked for the
13 purpose of financing the travel expenses;

14 “(iii) the trip was not planned, orga-
15 nized, or arranged by or at the request of
16 a registered lobbyist or foreign agent; and

17 “(iv) registered lobbyists will not par-
18 ticipate in or attend the trip;

19 “(B) provide the Select Committee on Ethics
20 (in the case of an employee, from the supervising
21 Member or officer), in writing—

22 “(i) a detailed itinerary of the trip; and

23 “(ii) a determination that the trip—

1 “(I) is primarily educational (either
2 for the invited person or for the organiza-
3 tion sponsoring the trip);

4 “(II) is consistent with the official du-
5 ties of the Member, officer, or employee;

6 “(III) does not create an appearance
7 of use of public office for private gain; and

8 “(iii) has a minimal or no recreational
9 component; and

10 “(C) obtain written approval of the trip from
11 the Select Committee on Ethics.

12 “(2) Not later than 30 days after completion of trav-
13 el, approved under this subparagraph, the Member, offi-
14 cer, or employee shall file with the Select Committee on
15 Ethics and the Secretary of the Senate a description of
16 meetings and events attended during such travel and the
17 names of any registered lobbyist who accompanied the
18 Member, officer, or employee during the travel, except
19 when disclosure of such information is deemed by the
20 Member or supervisor under whose direct supervision the
21 employee is employed to jeopardize the safety of an indi-
22 vidual or adversely affect national security. Such informa-
23 tion shall also be posted on the Member’s official website
24 not later than 30 days after the completion of the travel,
25 except when disclosure of such information is deemed by

1 the Member to jeopardize the safety of an individual or
2 adversely affect national security.”.

3 (b) DISCLOSURE OF NONCOMMERCIAL AIR TRAV-
4 EL.—

5 (1) RULES.—Paragraph 2 of rule XXXV of the
6 Standing Rules of the Senate, as amended by sub-
7 section (a), is amended by adding at the end the fol-
8 lowing:

9 “(g) A Member, officer, or employee of the Senate
10 shall—

11 “(1) disclose a flight on an aircraft that is not
12 licensed by the Federal Aviation Administration to
13 operate for compensation or hire, excluding a flight
14 on an aircraft owned, operated, or leased by a gov-
15 ernmental entity, taken in connection with the duties
16 of the Member, officer, or employee as an office-
17 holder or Senate officer or employee; and

18 “(2) with respect to the flight, file a report with
19 the Secretary of the Senate, including the date, des-
20 tination, and owner or lessee of the aircraft, the pur-
21 pose of the trip, and the persons on the trip, except
22 for any person flying the aircraft.”.

23 (2) FECA.—Section 304(b) of the Federal
24 Election Campaign Act of 1971 (2 U.S.C. 434(b)) is
25 amended—

1 (A) by striking “and” at the end of para-
2 graph (7);

3 (B) by striking the period at the end of
4 paragraph (8) and inserting “; and”; and

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

6 “(9) in the case of a principal campaign com-
7 mittee of a candidate (other than a candidate for
8 election to the office of President or Vice President),
9 any flight taken by the candidate (other than a
10 flight designated to transport the President, Vice
11 President, or a candidate for election to the office of
12 President or Vice President) during the reporting
13 period on an aircraft that is not licensed by the Fed-
14 eral Aviation Administration to operate for com-
15 pensation or hire, together with the following infor-
16 mation:

17 “(A) The date of the flight.

18 “(B) The destination of the flight.

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

20 “(D) The purpose of the flight.

21 “(E) The persons on the flight, except for
22 any person flying the aircraft.”.

23 (e) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule
24 XXXV of the Standing Rules of the Senate is amended
25 to read as follows:

1 “(e) The Secretary of the Senate shall make available
 2 to the public all disclosures filed pursuant to subpara-
 3 graphs (f) and (g) as soon as possible after they are re-
 4 ceived and such matters shall be posted on the Member’s
 5 official website but no later than 30 days after the trip
 6 or flight.”.

7 **SEC. 108. POST EMPLOYMENT RESTRICTIONS.**

8 (a) IN GENERAL.—Paragraph 9 of rule XXXVII of
 9 the Standing Rules of the Senate is amended by—

10 (1) designating the first sentence as subpara-
 11 graph (a);

12 (2) designating the second sentence as subpara-
 13 graph (b); and

14 (3) adding at the end the following:

15 “(c) If an employee on the staff of a Member or on
 16 the staff of a committee whose rate of pay is equal to or
 17 greater than 75 percent of the rate of pay of a Member
 18 and employed at such rate for more than 60 days in a
 19 calendar year, upon leaving that position, becomes a reg-
 20 istered lobbyist under the Lobbying Disclosure Act of
 21 1995, or is employed or retained by such a registered lob-
 22 byist for the purpose of influencing legislation, such em-
 23 ployee may not lobby any Member, officer, or employee
 24 of the Senate for a period of 1 year after leaving that
 25 position.”.

1 (b) EFFECTIVE DATE.—This section shall take effect
 2 60 days after the date of enactment of this title.

3 **SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS**
 4 **OF EMPLOYMENT NEGOTIATIONS.**

5 Rule XXXVII of the Standing Rules of the Senate
 6 is amended by adding at the end the following:

7 “14. A Member shall not directly negotiate or have
 8 any arrangement concerning prospective private employ-
 9 ment until after the election for his or her successor has
 10 been held, unless such Member files a statement with the
 11 Secretary of the Senate, for public disclosure, regarding
 12 such negotiations or arrangements within 3 business days
 13 after the commencement of such negotiation or arrange-
 14 ment, including the name of the private entity or entities
 15 involved in such negotiations or arrangements, the date
 16 such negotiations or arrangements commenced, and must
 17 be signed by the Member.”.

18 **SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR**
 19 **IMMEDIATE FAMILY MEMBER OF MEMBER**
 20 **WHO IS A REGISTERED LOBBYIST.**

21 Rule XXXVII of the Standing Rules of the Senate
 22 is amended by—

23 (1) redesignating paragraphs 10 through 12 as
 24 paragraphs 11 through 13, respectively; and

25 (2) inserting after paragraph 9, the following:

1 “10. (a) If a Member’s spouse or immediate family
 2 member is a registered lobbyist under the Lobbying Dis-
 3 closure Act of 1995, or is employed or retained by such
 4 a registered lobbyist for the purpose of influencing legisla-
 5 tion, the Member shall prohibit all staff employed by that
 6 Member (including staff in personal, committee and lead-
 7 ership offices) from having any official contact with the
 8 Member’s spouse or immediate family member.

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

14 **SEC. 111. INFLUENCING HIRING DECISIONS.**

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

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

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

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

1 **SEC. 112. 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. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO**
9 **CERTAIN MEMBERS OF CONGRESS.**

10 (a) IN GENERAL.—Any adjustment under section
11 601(a) of the Legislative Reorganization Act of 1946 (2
12 U.S.C. 31) (relating to the cost of living adjustments for
13 Members of Congress) shall not be paid to any Member
14 of Congress who voted for any amendment (or against the
15 tabling of any amendment) that provided that such adjust-
16 ment would not be made.

17 (b) DEPOSIT IN TREASURY.—Any amount not paid
18 to a Member of Congress under subsection (a) shall be
19 transmitted to the Treasury for deposit in the appropria-
20 tions account under the subheading “MEDICAL SERVICES”
21 under the heading “VETERANS HEALTH ADMINISTRA-
22 TION”.

23 (c) ADMINISTRATION.—The salary of any Member of
24 Congress to whom subsection (a) applies shall be deemed
25 to be the salary in effect after the application of that sub-
26 section, except that for purposes of determining any ben-

1 efit (including any retirement or insurance benefit), the
 2 salary of that Member of Congress shall be deemed to be
 3 the salary that Member of Congress would have received,
 4 but for that subsection.

5 (d) EFFECTIVE DATE.—This section shall take effect
 6 on the first day of the first applicable pay period beginning
 7 on or after February 1, 2007.

8 **SEC. 114. 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

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

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

11 “I, Senator ____, do not object to proceeding to
12 ____, dated ____.”.

13 **SEC. 115. EFFECTIVE DATE.**

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

16 **TITLE II—LOBBYING TRANS-**
17 **PARENCY AND ACCOUNT-**
18 **ABILITY ACT OF 2006**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Legislative Trans-
21 parency and Accountability Act of 2006”.

1 **Subtitle A—Enhancing Lobbying**
2 **Disclosure**

3 **SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE**
4 **REPORTS.**

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

8 (1) in subsection (a)—

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

11 (B) by striking “the semiannual period”
12 and all that follows through “July of each
13 year” and inserting “the quarterly period begin-
14 ning on the 20th day of January, April, July,
15 and October of each year or on the first busi-
16 ness day after the 20th day if that day is not
17 a business day”; and

18 (C) by striking “such semiannual period”
19 and inserting “such quarterly period”; and

20 (2) in subsection (b)—

21 (A) in the matter preceding paragraph (1),
22 by striking “semiannual report” and inserting
23 “quarterly report”;

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

4 (C) in paragraph (3), by striking “semi-
5 annual period” and inserting “quarterly pe-
6 riod”; and

7 (D) in paragraph (4), by striking “semi-
8 annual filing period” and inserting “quarterly
9 period”.

10 (b) CONFORMING AMENDMENTS.—

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

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

16 (A) in subsection (a)(3)(A), by striking
17 “semiannual period” and inserting “quarterly
18 period”; and

19 (B) in subsection (b)(3)(A), by striking
20 “semiannual period” and inserting “quarterly
21 period”.

22 (3) ENFORCEMENT.—Section 6(a)(6) of the Act
23 (2 U.S.C. 1605(6)) is amended by striking “semi-
24 annual period” and inserting “quarterly period”.

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

3 (A) in subsection (a)(1), by striking “semi-
4 annual period” and inserting “quarterly pe-
5 riod”; and

6 (B) in subsection (b)(1), by striking “semi-
7 annual period” and inserting “quarterly pe-
8 riod”.

9 (5) DOLLAR AMOUNTS.—

10 (A) REGISTRATION.—Section 4 of the Act
11 (2 U.S.C. 1603) is amended—

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

14 (ii) in subsection (a)(3)(A)(ii), by
15 striking “\$20,000” and inserting
16 “\$10,000”;

17 (iii) in subsection (b)(3)(A), by strik-
18 ing “\$10,000” and inserting “\$5,000”;
19 and

20 (iv) in subsection (b)(4), by striking
21 “\$10,000” and inserting “\$5,000”.

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

1 (i) in subsection (c)(1), by striking
 2 “\$10,000” and “\$20,000” and inserting
 3 “\$5,000” and “\$10,000”, respectively; and
 4 (ii) in subsection (c)(2), by striking
 5 “\$10,000” both places such term appears
 6 and inserting “\$5,000”.

7 **SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.**

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

10 “(d) ANNUAL REPORT ON CONTRIBUTIONS.—Not
 11 later than 45 days after the end of the quarterly period
 12 beginning on the first day of October of each year referred
 13 to in subsection (a), a lobbyist registered under section
 14 4(a)(1), or an employee who is a lobbyist of an organiza-
 15 tion registered under section 4(a)(2), shall file a report
 16 with the Secretary of the Senate and the Clerk of the
 17 House of Representatives containing—

18 “(1) the name of the lobbyist;

19 “(2) the employer of the lobbyist;

20 “(3) the name of each Federal candidate or of-
 21 ficeholder, leadership PAC, or political party com-
 22 mittee, to whom a contribution equal to or exceeding
 23 \$200 was made within the past year, and the date
 24 and amount of such contribution; and

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

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

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

14 **SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL**
15 **PAST EXECUTIVE AND CONGRESSIONAL EM-**
16 **PLOYMENT.**

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

22 **SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAY-**
23 **MENTS.**

24 Section 5(b) of the Act (2 U.S.C. 1604(b)) is
25 amended—

1 (1) in paragraph (3), by striking “and” after
2 the semicolon;

3 (2) in paragraph (4), by striking the period and
4 inserting a semicolon; and

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

6 “(5) the name of each covered legislative
7 branch official or covered executive branch official
8 for whom the registrant provided, or directed or ar-
9 ranged to be provided, or the employee listed as a
10 lobbyist directed or arranged to be provided, any
11 payment or reimbursements for travel and related
12 expenses in connection with the duties of such cov-
13 ered official, including for each such official—

14 “(A) an itemization of the payments or re-
15 imbursements provided to finance the travel
16 and related expenses and to whom the pay-
17 ments or reimbursements were made, including
18 any payment or reimbursement made with the
19 express or implied understanding or agreement
20 that such funds will be used for travel and re-
21 lated expenses;

22 “(B) the purpose and final itinerary of the
23 trip, including a description of all meetings,
24 tours, events, and outings attended;

1 “(C) the names of any registrant or indi-
2 vidual employed by the registrant who traveled
3 on any such trip;

4 “(D) the identity of the listed sponsor or
5 sponsors of travel; and

6 “(E) the identity of any person or entity,
7 other than the listed sponsor or sponsors of the
8 travel, which directly or indirectly provided for
9 payment of travel and related expenses at the
10 request or suggestion of the registrant or the
11 employee;

12 “(6) the date, recipient, and amount of funds
13 contributed or disbursed by, or arranged by, a reg-
14 istrant or employee listed as a lobbyist—

15 “(A) to pay the costs of an event to honor
16 or recognize a covered legislative branch official
17 or covered executive branch official;

18 “(B) to, or on behalf of, an entity that is
19 named for a covered legislative branch official
20 or covered executive branch official, or to a per-
21 son or entity in recognition of such official;

22 “(C) to an entity established, financed,
23 maintained, or controlled by a covered legisla-
24 tive branch official or covered executive branch

1 official, or an entity designated by such official;
2 or

3 “(D) to pay the costs of a meeting, retreat,
4 conference or other similar event held by, or for
5 the benefit of, 1 or more covered legislative
6 branch officials or covered executive branch of-
7 ficials;

8 except that this paragraph shall not apply to any
9 payment or reimbursement made from funds re-
10 quired to be reported under section 304 of the Fed-
11 eral Election Campaign Act of 1971 (2 U.S.C. 434);
12 and

13 “(7) the date, recipient, and amount of any gift
14 (that under the rules of the House of Representa-
15 tives or Senate counts towards the one hundred dol-
16 lar cumulative annual limit described in such rules)
17 valued in excess of \$20 given by a registrant or em-
18 ployee listed as a lobbyist to a covered legislative
19 branch official or covered executive branch official;

20 “(8) for each client, immediately after listing
21 the client, an identification of whether the client is
22 a public entity, including a State or local govern-
23 ment or a department, agency, special purpose dis-
24 trict, or other instrumentality controlled by a State
25 or local government, or a private entity.

1 For purposes of paragraph (7), the term ‘gift’ means a
 2 gratuity, favor, discount, entertainment, hospitality, loan,
 3 forbearance, or other item having monetary value. The
 4 term includes gifts of services, training, transportation,
 5 lodging, and meals, whether provided in kind, by purchase
 6 of a ticket, payment in advance, or reimbursement after
 7 the expense has been incurred. Information required by
 8 paragraph (5) shall be disclosed as provided in this Act
 9 not later than 30 days after the travel.”.

10 **SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY**
 11 **WITH LOBBYING DISCLOSURE REQUIRE-**
 12 **MENTS.**

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

15 **SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
 16 **TAIN COALITIONS AND ASSOCIATIONS.**

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

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

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

1 “No disclosure is required under paragraph (3)(B)
2 if it is publicly available knowledge that the organization
3 that would be identified is affiliated with the client or has
4 been publicly disclosed to have provided funding to the cli-
5 ent, unless the organization in whole or in major part
6 plans, supervises or controls such lobbying activities.
7 Nothing in paragraph (3)(B) shall be construed to require
8 the disclosure of any information about individuals who
9 are members of, or donors to, an entity treated as a client
10 by this Act or an organization identified under that para-
11 graph.”.

12 **SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NON-**
13 **COMPLIANCE.**

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

15 (1) by inserting “(a)” before “The Secretary of
16 the Senate”;

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

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

21 (4) after paragraph (9), by inserting the fol-
22 lowing:

23 “(10) provide to the Committee on Homeland
24 Security and Governmental Affairs of the Senate
25 and the Committee on Government Reform of the

1 House of Representatives the aggregate number of
 2 lobbyists and lobbying firms, separately accounted,
 3 referred to the United States Attorney for the Dis-
 4 trict of Columbia for noncompliance as required by
 5 paragraph (8) on a semi-annual basis”; and

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

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

18 **SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE**

19 **REPORTS.**

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

22 “(e) ELECTRONIC FILING REQUIRED.—A report re-
 23 quired to be filed under this section shall be filed in elec-
 24 tronic form, in addition to any other form. The Secretary
 25 of the Senate and the Clerk of the House of Representa-

1 tives shall use the same electronic software for receipt and
 2 recording of filings under this Act.”.

3 **SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE**
 4 **GRASSROOTS LOBBYING.**

5 (a) DEFINITIONS.—Section 3 of the Act (2 U.S.C.
 6 1602) is amended—

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

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

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

18 “(18) PAID EFFORTS TO STIMULATE GRASS-
 19 ROOTS LOBBYING.—

20 “(A) IN GENERAL.—The term ‘paid efforts
 21 to stimulate grassroots lobbying’ means any
 22 paid attempt in support of lobbying contacts on
 23 behalf of a client to influence the general public
 24 or segments thereof to contact one or more cov-
 25 ered legislative or executive branch officials (or

1 Congress as a whole) to urge such officials (or
2 Congress) to take specific action with respect to
3 a matter described in section 3(8)(A), except
4 that such term does not include any commu-
5 nications by an entity directed to its members,
6 employees, officers, or shareholders.

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

13 “(C) REGISTRANT.—For purposes of this
14 paragraph, a person or entity is a member of
15 a registrant if the person or entity—

16 “(i) pays dues or makes a contribu-
17 tion of more than a nominal amount to the
18 entity;

19 “(ii) makes a contribution of more
20 than a nominal amount of time to the enti-
21 ty;

22 “(iii) is entitled to participate in the
23 governance of the entity;

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

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

3 “(19) GRASSROOTS LOBBYING FIRM.—The term
4 ‘grassroots lobbying firm’ means a person or entity
5 that—

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

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

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

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

19 (2) by inserting after paragraph (3) the fol-
20 lowing:

21 “(4) FILING BY GRASSROOTS LOBBYING
22 FIRMS.—Not later than 45 days after a grassroots
23 lobbying firm first is retained by a client to engage
24 in paid efforts to stimulate grassroots lobbying, such
25 grassroots lobbying firm shall register with the Sec-

1 retary of the Senate and the Clerk of the House of
2 Representatives.”.

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

6 (1) in paragraph (3), by—

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

15 (B) inserting “or a grassroots lobbying
16 firm” after “lobbying firm”;

17 (2) in paragraph (4), by inserting after “total
18 expenses” the following: “(including a good faith es-
19 timate of the total amount of expenses relating spe-
20 cifically to paid efforts to stimulate grassroots lob-
21 bying and, within that total amount, a good faith es-
22 timate of the total amount specifically relating to
23 paid advertising)”; and

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

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

4 (d) GOOD FAITH ESTIMATES AND DE MINIMIS
5 RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS
6 LOBBYING.—

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

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

11 “(1) Estimates of income or expenses shall be
12 made as follows:

13 “(A) Estimates of amounts in excess of
14 \$10,000 shall be rounded to the nearest
15 \$20,000.

16 “(B) In the event income or expenses do
17 not exceed \$10,000, the registrant shall include
18 a statement that income or expenses totaled
19 less than \$10,000 for the reporting period.

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

23 “(A) Estimates of amounts in excess of
24 \$25,000 shall be rounded to the nearest
25 \$20,000.

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

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

7 (A) in subsection (a)—

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

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

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

14 “(3) in lieu of using the definition of paid ef-
15 forts to stimulate grassroots lobbying in section
16 3(18), consider as paid efforts to stimulate grass-
17 roots lobbying only those activities that are grass-
18 roots expenditures as defined in section 4911(c)(3)
19 of the Internal Revenue Code of 1986.”; and

20 (B) in subsection (b)—

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

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

1 (iii) by adding at the end the fol-
 2 lowing:

3 “(3) in lieu of using the definition of paid ef-
 4 forts to stimulate grassroots lobbying in section
 5 3(18), consider as paid efforts to stimulate grass-
 6 roots lobbying only those activities that are grass-
 7 roots expenditures as defined in section 4911(e)(3)
 8 of the Internal Revenue Code of 1986.”.

9 **SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR**
 10 **LOBBYISTS FOR FOREIGN GOVERNMENTS.**

11 (a) **ELECTRONIC FILING.**—Section 2 of the Foreign
 12 Agents Registration Act (22 U.S.C. 612) is amended by
 13 adding at the end the following new subsection:

14 “(g) **ELECTRONIC FILING OF REGISTRATION STATE-**
 15 **MENTS AND UPDATES.**—A registration statement or up-
 16 date required to be filed under this section shall be filed
 17 in electronic form, in addition to any other form that may
 18 be required by the Attorney General.”.

19 (b) **PUBLIC DATABASE.**—Section 6 of the Foreign
 20 Agents Registration Act (22 U.S.C. 616) is amended by
 21 adding at the end the following new subsection:

22 “(d) **PUBLIC DATABASE OF REGISTRATION STATE-**
 23 **MENTS AND UPDATES.**—

24 “(1) **IN GENERAL.**—The Attorney General shall
 25 maintain, and make available to the public over the

1 Internet, without a fee or other access charge, in a
2 searchable, sortable, and downloadable manner, an
3 electronic database that—

4 “(A) includes the information contained in
5 registration statements and updates filed under
6 this Act;

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

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

15 “(2) ACCOUNTABILITY.—Each registration
16 statement and update filed in electronic form pursu-
17 ant to section 2(g) shall be made available for public
18 inspection over the internet not more than 48 hours
19 after the registration statement or update is filed.”.

20 **SEC. 222. EFFECTIVE DATE.**

21 This subtitle and the amendments made by this sub-
22 title shall take effect January 1, 2007.

1 **Subtitle B—Oversight of Ethics and**
2 **Lobbying**

3 **SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL**
4 **REPORT.**

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

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

18 (1) improve the compliance by lobbyists with
19 the requirements of that Act; and

20 (2) provide the Secretary of the Senate and the
21 Clerk of the House of Representatives with the re-
22 sources and authorities needed for effective oversight
23 and enforcement of that Act.

1 **SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR**
 2 **MEMBERS AND STAFF.**

3 (a) TRAINING PROGRAM.—The Select Committee on
 4 Ethics shall conduct ongoing ethics training and aware-
 5 ness programs for Members of the Senate and Senate
 6 staff.

7 (b) REQUIREMENTS.—The ethics training program
 8 conducted by the Select Committee on Ethics shall be
 9 completed by—

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

12 (2) Senators and Senate staff serving or em-
 13 ployed on the date of enactment of this Act not later
 14 than 120 days after the date of enactment of this
 15 Act.

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

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

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

24 (2) training for the lobbying community on law,
 25 ethics, reporting requirements, and disclosure re-
 26 quirements;

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

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

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

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

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

11 The Committee on Standards of Official Conduct of
12 the House of Representatives and the Select Committee
13 on Ethics of the Senate shall each issue an annual report
14 due no later than January 31, describing the following:

15 (1) The number of alleged violations of Senate
16 or House rules including the number received from
17 third parties, from Members or staff within each
18 House, or inquiries raised by a Member or staff of
19 the respective House or Senate committee.

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

22 (A) for lack of subject matter jurisdiction;
23 or

24 (B) because they failed to provide suffi-
25 cient facts as to any material violation of the

1 House or Senate rules beyond mere allegation
2 or assertion.

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

5 (4) The number of complaints that staff pre-
6 sented to the committee with recommendations that
7 the complaint be dismissed.

8 (5) The number of complaints that the staff
9 presented to the committee with recommendation
10 that the investigation proceed.

11 (6) The number of ongoing inquiries.

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

14 (8) The number of private letters of admonition
15 or public letters of admonition issued.

16 (9) The number of matters resulting in a dis-
17 ciplinary sanction.

18 **Subtitle C—Slowing the Revolving** 19 **Door**

20 **SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OF-** 21 **FICERS, EMPLOYEES, AND ELECTED OFFI-** 22 **CIALS OF THE EXECUTIVE AND LEGISLATIVE** 23 **BRANCHES.**

24 (a) VERY SENIOR EXECUTIVE PERSONNEL.—The
25 matter after subparagraph (C) in section 207(d)(1) of title

1 18, United States Code, is amended by striking “within
2 1 year” and inserting “within 2 years”.

3 (b) RESTRICTIONS ON LOBBYING BY MEMBERS OF
4 CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection
5 (e) of section 207 of title 18, United States Code, is
6 amended—

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

9 (2) by striking paragraphs (2) through (5) and
10 inserting the following:

11 “(2) CONGRESSIONAL STAFF.—

12 “(A) PROHIBITION.—Any person who is an
13 employee of a House of Congress and who,
14 within 1 year after that person leaves office,
15 knowingly makes, with the intent to influence,
16 any communication to or appearance before any
17 of the persons described in subparagraph (B),
18 on behalf of any other person (except the
19 United States) in connection with any matter
20 on which such former employee seeks action by
21 a Member, officer, or employee of either House
22 of Congress, in his or her official capacity, shall
23 be punished as provided in section 216 of this
24 title.

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

12 (3) in paragraph (6)—

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

15 (B) by striking “(A)”;

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

17 (D) by redesignating the paragraph as
18 paragraph (3); and

19 (4) by redesignating paragraph (7) as para-
20 graph (4).

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsection (b) shall take effect 60 days after the date of
23 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.—A registered lobbyist may not
16 knowingly make a gift or provide travel to a Member, Del-
17 egate, Resident Commissioner, officer, or employee of
18 Congress, unless the gift or travel may be accepted under
19 the rules of the House of Representatives or the Senate.

20 “(b) PENALTY.—Any registered lobbyist who violates
21 this section shall be subject to penalties provided in section
22 7.”.

1 **Subtitle E—Commission to**
2 **Strengthen Confidence in Con-**
3 **gress Act of 2006**

4 **SEC. 261. SHORT TITLE.**

5 This subtitle may be cited as the “Commission to
6 Strengthen Confidence in Congress Act of 2006”.

7 **SEC. 262. ESTABLISHMENT OF COMMISSION.**

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

12 **SEC. 263. PURPOSES.**

13 The purposes of the Commission are to—

14 (1) evaluate and report the effectiveness of cur-
15 rent congressional ethics requirements, if penalties
16 are enforced and sufficient, and make recommenda-
17 tions for new penalties;

18 (2) weigh the need for improved ethical conduct
19 with the need for lawmakers to have access to exper-
20 tise on public policy issues;

21 (3) determine whether the current system for
22 enforcing ethics rules and standards of conduct is
23 sufficiently effective and transparent;

24 (4) determine whether the statutory framework
25 governing lobbying disclosure should be expanded to

1 include additional means of attempting to influence
2 Members of Congress, senior staff, and high-ranking
3 executive branch officials;

4 (5) analyze and evaluate the changes made by
5 this Act to determine whether additional changes
6 need to be made to uphold and enforce standards of
7 ethical conduct and disclosure requirements; and

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

11 **SEC. 264. COMPOSITION OF COMMISSION.**

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

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

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

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

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

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

3 (5) 2 members shall be appointed by the senior
4 member of the leadership of the House of Represent-
5 atives of the Democratic Party, 1 of which is a
6 former member of the House of Representatives.

7 (b) QUALIFICATIONS; INITIAL MEETING.—

8 (1) POLITICAL PARTY AFFILIATION.—Five
9 members of the Commission shall be Democrats and
10 5 Republicans.

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

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

23 (4) DEADLINE FOR APPOINTMENT.—All mem-
24 bers of the Commission shall be appointed on a date
25 3 months after the date of enactment of this Act.

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

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

11 **SEC. 265. FUNCTIONS OF COMMISSION.**

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

18 (1) related to section 263; or

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

23 **SEC. 266. POWERS OF COMMISSION.**

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

1 member thereof, may, for the purpose of carrying out this
2 title hold such hearings and sit and act at such times and
3 places, take such testimony, receive such evidence, admin-
4 ister such oaths.

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

10 (c) LIMIT ON COMMISSION AUTHORITY.—The Com-
11 mission shall not conduct any law enforcement investiga-
12 tion, function as a court of law, or otherwise usurp the
13 duties and responsibilities of the ethics committee of the
14 House of Representatives or the Senate.

15 **SEC. 267. ADMINISTRATION.**

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

20 (b) TRAVEL EXPENSES AND PER DIEM.—Each mem-
21 ber of the Commission shall receive travel expenses and
22 per diem in lieu of subsistence in accordance with sections
23 5702 and 5703 of title 5, United States Code.

24 (c) STAFF AND SUPPORT SERVICES.—

25 (1) STAFF DIRECTOR.—

1 (A) APPOINTMENT.—The Chair (or Co-
2 Chairs) in accordance with the rules agreed
3 upon by the Commission shall appoint a staff
4 director for the Commission.

5 (B) COMPENSATION.—The staff director
6 shall be paid at a rate not to exceed the rate
7 established for level V of the Executive Sched-
8 ule under section 5315 of title 5, United States
9 Code.

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

14 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—
15 The staff director and other members of the staff of
16 the Commission shall be appointed without regard to
17 the provisions of title 5, United States Code, gov-
18 erning appointments in the competitive service, and
19 shall be paid without regard to the provisions of
20 chapter 51 and subchapter III of chapter 53 of such
21 title relating to classification and General Schedule
22 pay rates.

23 (4) EXPERTS AND CONSULTANTS.—With the
24 approval of the Commission, the staff director may

1 procure temporary and intermittent services under
2 section 3109(b) of title 5, United States Code.

3 (d) PHYSICAL FACILITIES.—The Architect of the
4 Capitol, in consultation with the appropriate entities in the
5 legislative branch, shall locate and provide suitable office
6 space for the operation of the Commission on a non-
7 reimbursable basis. The facilities shall serve as the head-
8 quarters of the Commission and shall include all necessary
9 equipment and incidentals required for the proper func-
10 tioning of the Commission.

11 (e) ADMINISTRATIVE SUPPORT SERVICES AND
12 OTHER ASSISTANCE.—

13 (1) IN GENERAL.—Upon the request of the
14 Commission, the Architect of the Capitol and the
15 Administrator of General Services shall provide to
16 the Commission on a nonreimbursable basis such ad-
17 ministrative support services as the Commission may
18 request.

19 (2) ADDITIONAL SUPPORT.—In addition to the
20 assistance set forth in paragraph (1), departments
21 and agencies of the United States may provide the
22 Commission such services, funds, facilities, staff,
23 and other support services as the Commission may
24 deem advisable and as may be authorized by law.

1 (f) USE OF MAILS.—The Commission may use the
2 United States mails in the same manner and under the
3 same conditions as Federal agencies and shall, for pur-
4 poses of the frank, be considered a commission of Con-
5 gress as described in section 3215 of title 39, United
6 States Code.

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

11 **SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEM-**
12 **BERS AND STAFF.**

13 The appropriate Federal agencies or departments
14 shall cooperate with the Commission in expeditiously pro-
15 viding to the Commission members and staff appropriate
16 security clearances to the extent possible pursuant to ex-
17 isting procedures and requirements, except that no person
18 shall be provided with access to classified information
19 under this title without the appropriate security clear-
20 ances.

21 **SEC. 269. COMMISSION REPORTS; TERMINATION.**

22 (a) ANNUAL REPORTS.—The Commission shall
23 submit—

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

1 (2) annual reports to Congress after the report
2 required by paragraph (1);
3 containing such findings, conclusions, and recommenda-
4 tions for corrective measures as have been agreed to by
5 a majority of Commission members.

6 (b) ADMINISTRATIVE ACTIVITIES.—During the 60-
7 day period beginning on the date of submission of each
8 annual report and the final report under this section, the
9 Commission shall—

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

12 (2) take action to appropriately disseminate
13 such reports.

14 (c) TERMINATION OF COMMISSION.—

15 (1) FINAL REPORT.—Five years after the date
16 of enactment of this Act, the Commission shall sub-
17 mit to Congress a final report containing informa-
18 tion described in subsection (a).

19 (2) TERMINATION.—The Commission, and all
20 the authorities of this title, shall terminate 60 days
21 after the date on which the final report is submitted
22 under paragraph (1), and the Commission may use
23 such 60-day period for the purpose of concluding its
24 activities.

1 **SEC. 270. FUNDING.**

2 There are authorized such sums as necessary to carry
3 out this title.

 Passed the Senate March 29, 2006.

 Attest:

Secretary.

109TH CONGRESS
2^D SESSION

S. 2349

AN ACT

To provide greater transparency in the legislative process.