To provide greater transparency in the legislative process.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. Reid (for himself, Mr. McConnell, Mr. Durbin, Mr. Lott, Mrs. Feinstein, Mr. Bennett, Mr. Lieberman, Ms. Collins, Mr. Schumer, Ms. Mikulski, Ms. Cantwell, Mr. Leahy, Ms. Stabenow, Mr. Webb, Mr. Lautenberg, and Mr. Menendez) introduced the following bill; which was read the first time; ordered read the second time and placed on the calendar

A BILL

To provide greater transparency in the legislative process.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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Sec. 1. Table of contents.

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ACT OF 2007

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**TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Legislative Transparency and Accountability Act of 2007”.

**SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.**

(a) In General.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) Disposition.—If the point of order against a conference report under subsection (a) is sustained, then—
(1) the matter in such conference report shall
be deemed to have been struck;

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

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

(B) the question shall be debatable; and

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

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

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

SEC. 103. EARMARKS.

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

“RULE XLIV

“EARMARKS

1. In this rule—

“(1) the term ‘earmark’ means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

“(2) the term ‘assistance’ means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

“(1) all earmarks in such measure;

“(2) an identification of the Member or Members who proposed the earmark; and

“(3) an explanation of the essential governmental purpose for the earmark;
is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.”.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) In General.—

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

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

(2) Effective Date.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) Implementation.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).
SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR

FORMER MEMBERS, SENATE OFFICERS, AND

SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

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

(1) inserting “1.” before “Other”;

(2) inserting after “Ex-Senators and Senators elect” the following: “, except as provided in paragraph 2”;

(3) inserting after “Ex-Secretaries and ex-Sergeants at Arms of the Senate” the following: “, except as provided in paragraph 2”;

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

(5) adding at the end the following:

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

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

“(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal."
“(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.”.

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

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

(1) inserting “(A)” after “(2)”; and

(2) adding at the end the following:

“(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.”.

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

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

“(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

“(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—
“(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;
“(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;
“(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and
“(iv) registered lobbyists will not participate in or attend the trip;
“(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—
“(i) a detailed itinerary of the trip; and
“(ii) a determination that the trip—
“(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);
“(II) is consistent with the official duties of the Member, officer, or employee;
“(III) does not create an appearance of use of public office for private gain; and
“(iii) has a minimal or no recreational
component; and
“(C) obtain written approval of the trip from
the Select Committee on Ethics.
“(2) Not later than 30 days after completion of trav-
el, approved under this subparagraph, the Member, offi-
cer, or employee shall file with the Select Committee on
Ethics and the Secretary of the Senate a description of
meetings and events attended during such travel and the
names of any registered lobbyist who accompanied the
Member, officer, or employee during the travel, except
when disclosure of such information is deemed by the
Member or supervisor under whose direct supervision the
employee is employed to jeopardize the safety of an indi-
vidual or adversely affect national security. Such informa-
tion shall also be posted on the Member’s official website
not later than 30 days after the completion of the travel,
except when disclosure of such information is deemed by
the Member to jeopardize the safety of an individual or
adversely affect national security.”.

(b) Disclosure of Noncommercial Air Travel.

(1) Rules.—Paragraph 2 of rule XXXV of the
Standing Rules of the Senate, as amended by sub-
section (a), is amended by adding at the end the follow-

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

“(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

“(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.”.

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

(A) by striking “and” at the end of paragraph (7);

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

(C) by adding at the end the following:
“(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

“(A) The date of the flight.
“(B) The destination of the flight.
“(C) The owner or lessee of the aircraft.
“(D) The purpose of the flight.
“(E) The persons on the flight, except for any person flying the aircraft.”.

(e) Public Availability.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

“(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member’s
SEC. 108. POST EMPLOYMENT RESTRICTIONS.

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

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

“(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.”.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.
SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

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

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

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

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

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

(2) inserting after paragraph 9, the following:

“10. (a) If a Member’s spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such
a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member’s spouse or immediate family member.

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

SEC. 111. INFLUENCING HIRING DECISIONS.

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

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

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

“(2) influence, or offer or threaten to influence the official act of another.”.
SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE
RESTRICTIONS ON CONGRESSIONAL BRANCH
EMPLOYEES SHOULD APPLY TO THE EXECU-
TIVE AND JUDICIAL BRANCHES.

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

SEC. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO
CERTAIN MEMBERS OF CONGRESS.

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

(b) DEPOSIT IN TREASURY.—Any amount not paid
to a Member of Congress under subsection (a) shall be
transmitted to the Treasury for deposit in the appropria-
tions account under the subheading “MEDICAL SERV-
ICES” under the heading “VETERANS HEALTH ADMIN-
ISTRATION”.

(c) ADMINISTRATION.—The salary of any Member of
Congress to whom subsection (a) applies shall be deemed
to be the salary in effect after the application of that sub-
section, except that for purposes of determining any ben-
efit (including any retirement or insurance benefit), the
salary of that Member of Congress shall be deemed to be
the salary that Member of Congress would have received,
but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect
on the first day of the first applicable pay period beginning
on or after February 1, 2008.

SEC. 114. REQUIREMENT OF NOTICE OF INTENT TO PRO-
CEED.

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

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

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

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

(b) CALENDAR.—The Secretary of the Senate shall
establish for both the Senate Calendar of Business and
the Senate Executive Calendar a separate section entitled
“Notices of Intent to Object to Proceeding”. Each section
shall include the name of each Senator filing a notice
under subsection (a)(2), the measure or matter covered
by the calendar that the Senator objects to, and the date
the objection was filed.

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

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

SEC. 115. EFFECTIVE DATE.

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

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the “Legislative Trans-
parency and Accountability Act of 2007”.

-S 1 PCS-
Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

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

(1) in subsection (a)—

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

(B) by striking “the semiannual period” and all that follows through “July of each year” and inserting “the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day”; and 

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

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “semiannual report” and inserting “quarterly report”;
(B) in paragraph (2), by striking “semi-
annual filing period” and inserting “quarterly
period”;

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

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

(b) CONFORMING AMENDMENTS.—

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

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

(A) in subsection (a)(3)(A), by striking
“semianual period” and inserting “quarterly
period”; and

(B) in subsection (b)(3)(A), by striking
“semianual period” and inserting “quarterly
period”.

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

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

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

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

(5) **DOLLAR AMOUNTS.**—

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

(i) in subsection (a)(3)(A)(i), by striking “$5,000” and inserting “$2,500”;

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

(iii) in subsection (b)(3)(A), by striking “$10,000” and inserting “$5,000”; and

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

(B) **REPORTS.**—Section 5 of the Act (2 U.S.C. 1604) is amended—
(i) in subsection (c)(1), by striking “$10,000” and “$20,000” and inserting “$5,000” and “$10,000”, respectively; and

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

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

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

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

“(1) the name of the lobbyist;

“(2) the employer of the lobbyist;

“(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and
“(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.”.

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

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

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

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

(3) by adding at the end the following:

“(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

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

“(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and
“(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).”.

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

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

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

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

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—
(1) in paragraph (3), by striking “and” after the semicolon;

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

(3) by adding at the end the following:

“(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

“(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made, including any payment or reimbursement made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

“(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;
“(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

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

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

“(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

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

“(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

“(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch
official, or an entity designated by such official;
or

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

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

“(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official;

“(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.
For purposes of paragraph (7), the term ‘gift’ means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.”.

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

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

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

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

“(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;”.

(b) No Donor or Membership List Disclosure.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:
“No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.”.

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NON-COMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—
(1) by inserting “(a)” before “The Secretary of the Senate”;
(2) in paragraph (8), by striking “and” at the end;
(3) in paragraph (9), by striking the period and inserting “; and”;
(4) after paragraph (9), by inserting the following:
“(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the

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

(5) by inserting at the end the following:

“(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney’s office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.”.

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

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

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

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

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

(1) in paragraph (7), by adding at the end of the following: “Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.”; and

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

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

“(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

“(A) IN GENERAL.—The term ‘paid efforts to stimulate grassroots lobbying’ means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or
Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

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

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

“(i) pays dues or makes a contribution of more than a nominal amount to the entity;

“(ii) makes a contribution of more than a nominal amount of time to the entity;

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

“(iv) is 1 of a limited number of honorary or life members of the entity; or
“(v) is an employee, officer, director
or member of the entity.

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

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

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

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

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

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

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

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

(1) in paragraph (3), by—

(A) inserting after “total amount of all income” the following: “(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)”; and

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

(2) in paragraph (4), by inserting after “total expenses” the following: “(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)”;

and

(3) by adding at the end the following:
“Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.”.

(d) Good Faith Estimates and De Minimis Rules for Paid Efforts To Stimulate Grassroots Lobbying.—

(1) In General.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

“(c) Estimates of Income or Expenses.—For purposes of this section, the following shall apply:

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

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

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

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

“(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.
“(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.”.

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

(A) in subsection (a)—

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

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

(iii) by adding at the end the following:

“(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.”; and

(B) in subsection (b)—

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

(ii) in paragraph (2), by striking the period and inserting “; and”; and
(iii) by adding at the end the following:

“(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.”.

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

(a) Electronic Filing.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

“(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.”.

(b) Public Database.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

“(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

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

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

“(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

“(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

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

SEC. 222. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2008.
Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) Audit Required.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) Annual Reports.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General’s assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

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

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.
SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) Training Program.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) Requirements.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

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

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;
(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

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

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

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

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

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

(A) for lack of subject matter jurisdiction;

or

(B) because they failed to provide sufficient facts as to any material violation of the
House or Senate rules beyond mere allegation or assertion.

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

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

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

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

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

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) Very Senior Executive Personnel.—The matter after subparagraph (C) in section 207(d)(1) of title
18, United States Code, is amended by striking “within 1 year” and inserting “within 2 years”.

(b) **Restrictions on Lobbying by Members of Congress and Employees of Congress.**—Subsection (e) of section 207 of title 18, United States Code, is amended—

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

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

“(2) **Congressional Staff.**—

“(A) **Prohibition.**—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.
“(B) Contact persons covered.—persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.”;

(3) in paragraph (6)—

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

(B) by striking “(A)”;

(C) by striking subparagraph (B); and

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

(4) by redesignating paragraph (7) as paragraph (4).

(e) Effective date.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.
Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

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

“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

“(a) Prohibition.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

“(b) Penalty.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.”
Subtitle E—Commission To Strengthen Confidence in Congress Act of 2007

SEC. 261. SHORT TITLE.
This subtitle may be cited as the “Commission to Strengthen Confidence in Congress Act of 2007”.

SEC. 262. ESTABLISHMENT OF COMMISSION.
There is established in the legislative branch a commission to be known as the “Commission to Strengthen Confidence in Congress” (in this subtitle referred to as the “Commission”).

SEC. 263. PURPOSES.
The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

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

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to
include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

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

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

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

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

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

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

(4) 2 members shall be appointed by the senior member of the leadership of the House of Represent-
atives of the Republican Party, 1 of which is a former member of the House of Representatives; and

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

(b) QUALIFICATIONS; INITIAL MEETING.—

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

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

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

(4) DEADLINE FOR APPOINTMENT.—All mem-
ers of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.
(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

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

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or
member thereof, may, for the purpose of carrying out this
title hold such hearings and sit and act at such times and
places, take such testimony, receive such evidence, admin-
ister such oaths.

(b) Obtaining Information.—Upon request of the
Commission, the head of any agency or instrumentality
of the Federal Government shall furnish information
deemed necessary by the panel to enable it to carry out
its duties.

(c) Limit on Commission Authority.—The Com-
mission shall not conduct any law enforcement investiga-
tion, function as a court of law, or otherwise usurp the
duties and responsibilities of the ethics committee of the
House of Representatives or the Senate.

sec. 267. Administration.

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

(b) Travel Expenses and Per Diem.—Each mem-
ber of the Commission shall receive travel expenses and
per diem in lieu of subsistence in accordance with sections
5702 and 5703 of title 5, United States Code.

(c) Staff and Support Services.—

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

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

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

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

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

(e) ADMINISTRATIVE SUPPORT SERVICES AND
OTHER ASSISTANCE.—

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

(2) ADDITIONAL SUPPORT.—In addition to the
assistance set forth in paragraph (1), departments
and agencies of the United States may provide the
Commission such services, funds, facilities, staff,
and other support services as the Commission may
demn advisable and as may be authorized by law.
(f) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

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

(1) an initial report to Congress not later than July 1, 2007; and
(2) annual reports to Congress after the report required by paragraph (1);
containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) Administrative Activities.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and
(2) take action to appropriately disseminate such reports.

(c) Termination of Commission.—

(1) Final Report.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) Termination.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.
SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.
A BILL

S. 1

To provide greater transparency in the legislative process.

JANUARY 4, 2007

Read the first time, ordered read the second time and placed on the calendar.