

108TH CONGRESS
2D SESSION

H. R. 5101

To amend the Rules of the House of Representatives to provide greater legislative input from the minority, to provide more time for Members to read legislation before its consideration, and to improve House oversight of the executive branch, to amend the Lobbying Disclosure Act of 1995 to improve lobbying disclosure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2004

Mr. MEEHAN introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committees on the Judiciary, Standards of Official Conduct, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Rules of the House of Representatives to provide greater legislative input from the minority, to provide more time for Members to read legislation before its consideration, and to improve House oversight of the executive branch, to amend the Lobbying Disclosure Act of 1995 to improve lobbying disclosure, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Democracy in Congress
3 Act of 2004”.

4 **TITLE I—REFORMING THE**
5 **HOUSE OF REPRESENTATIVES**

6 **SEC. 101. SAME-DAY CONSIDERATION OF RULES COM-**
7 **MITTEE REPORTS.**

8 In rule XIII of the Rules of the House of Representa-
9 tives, clause 6(a) is amended by striking “the same day”
10 and inserting “the same calendar day or less than 17
11 hours after that”.

12 **SEC. 102. MAXIMUM VOTING TIME.**

13 (a) **ELECTRONIC VOTING.**—In rule XX of the Rules
14 of the House of Representatives, the last sentence of
15 clause 2(a) is amended by inserting “and the maximum
16 time shall be 30 minutes” before the period.

17 (b) **TELLER VOTES.**—In rule XX of the Rules of the
18 House of Representatives, the last sentence of clause 4(a)
19 is amended by inserting “and the maximum time shall be
20 30 minutes” before the period.

21 (c) **POSTPONING RECORD VOTES.**—In rule XX of the
22 Rules of the House of Representatives, clause 8(c) is
23 amended by inserting “and the maximum time is 30 min-
24 utes” before the period.

1 **SEC. 103. RESTRICTION OF LATE NIGHT VOTING.**

2 Rule XX of the Rules of the House of Representatives
3 is amended by adding at the end the following new clause:

4 “12. Except for a motion to adjourn, it shall not be
5 in order to conduct a vote on any measure or matter after
6 midnight or before 7 a.m. on any calendar day unless, on
7 the previous calendar day, the House has approved such
8 late night voting on such calendar day by an affirmative
9 vote of two-thirds of those voting, a quorum being
10 present.”.

11 **SEC. 104. RESTRICTIVE RULE LIMITATION.**

12 Clause 6 of rule XIII of the Rules of the House of
13 Representatives is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(h) It shall not be in order to consider any rule or
16 order reported from the Committee on Rules providing for
17 the consideration of any bill or resolution otherwise sub-
18 ject to amendment under House rules if that resolution
19 limits the right of Members to offer germane amendments
20 to such bill or resolution unless at least one amendment
21 in the nature of a substitute and two additional amend-
22 ments, if requested in writing by the minority leader, are
23 allowed to be offered by the minority leader (or the minor-
24 ity leader’s designee) to such bill or resolution by such
25 rule or order.”.

1 **SEC. 105. TWO-THIRDS REQUIREMENT FOR CERTAIN WAIV-**
 2 **ERS UNDER THE RULES OF THE HOUSE.**

3 (a) TWO-THIRDS REQUIREMENT.—Clause 6(c) of
 4 rule XIII of the Rules of the House of Representatives
 5 is amended by striking the period and inserting a semi-
 6 colon at the end of subparagraph (2) and by adding at
 7 the end the following new subparagraph:

8 “(3) a rule or order which would waive the lay-
 9 over requirement of clause 8 of rule XXII con-
 10 cerning the availability of reports, would waive the
 11 three-day layover requirement or the three-day
 12 Internet availability requirement of clause 4(a)(1) of
 13 this rule or of clause 8(a)(1) of rule XXII, or would
 14 waive the scope requirement of the last sentence of
 15 clause 9 of rule XXII by a vote of less than two-
 16 thirds of the Members voting, a quorum being
 17 present.”.

18 (b) CONFORMING AMENDMENT.—Clause 6(a) of rule
 19 XIII of the Rules of the House of Representatives is
 20 amended by striking subparagraph (2), by inserting “or”
 21 after the semicolon at the end of subparagraph (1), and
 22 by redesignating subparagraph (3) as subparagraph (2).

23 **SEC. 106. TWO-THIRDS REQUIREMENT FOR AVAILABILITY**
 24 **OF CERTAIN MEASURES ON THE INTERNET.**

25 (a) COMMITTEE REPORTS.—Clause 4(a)(1) of rule
 26 XIII of the Rules of the House of Representatives is

1 amended by inserting “and until the third such calendar
2 day on which the underlying measure or matter has been
3 made available by the Committee on Rules on its Internet
4 site” before the period.

5 (b) CONFERENCE REPORTS.—Clause 8(a)(1)(A) of
6 rule XXII of the Rules of the House of Representatives
7 is amended by inserting “and until the third such calendar
8 day on which such conference report and joint explanatory
9 statement have been made available by the standing com-
10 mittee of the House with subject matter jurisdiction over
11 the underlying legislation on its Internet site” before the
12 semicolon.

13 **SEC. 107. COMMITTEE ON HOUSE ADMINISTRATION.**

14 In rule X of the Rules of the House of Representa-
15 tives, clause 5(a) is amended by adding at the end the
16 following new subparagraph:

17 “(5)(A) One-half of the members of the Committee
18 on House Administration shall be from the majority party
19 and one-half shall be from the minority party.

20 “(B) In the case of the Committee on House Admin-
21 istration, subpoenas may be authorized and issued as pro-
22 vided by clause 2(m) of rule XI, except that either the
23 chairman or ranking minority party member of that com-
24 mittee may authorize and issue subpoenas under that
25 clause.”.

1 **SEC. 108. CONTROL OF COMMITTEE ON GOVERNMENT RE-**
2 **FORM.**

3 In rule X, clause 5(a) (as amended by section 107)
4 is further amended by adding the following new subpara-
5 graph:

6 “(6) Notwithstanding the provisions of paragraph
7 (c)(1), the majority of the membership, including the
8 chairman, of the Committee on Government Reform, shall
9 be composed of Members of a major political party other
10 than the political party of which the President of the
11 United States is a member.”.

12 **SEC. 109. CONFERENCE COMMITTEE DISCLOSURE RE-**
13 **QUIREMENT.**

14 (a) CLEAR IDENTIFICATION OF NEW MATERIAL IN
15 CONFERENCE REPORTS.—In rule XXII, clause 7(e) is
16 amended by adding at the end the following new sentence:
17 “The joint explanatory statement shall separately identify
18 and explain each provision of the report which was not
19 contained in the bill or resolution (or House or Senate
20 amendment thereto, as applicable) for which the com-
21 mittee of conference was held, and, if possible, identify the
22 Member who proposed such provision.”.

23 (b) SENSE OF THE CONGRESS ON CONFERENCE
24 COMMITTEE PROTOCOLS.—It is the sense of the Congress
25 that—

1 (1) conference committees should hold regular,
2 formal meetings of all conferees;

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

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

9 **SEC. 110. CREATION OF BIPARTISAN BLUE-RIBBON COM-**
10 **MISSION ON HOUSE OVERSIGHT.**

11 (a) ESTABLISHMENT OF COMMISSION.—There is es-
12 tablished a Commission to assess the extent to which the
13 House of Representatives has upheld its constitutional re-
14 sponsibility to oversee the executive branch and suggest
15 structural and procedural changes to improve the over-
16 sight processes.

17 (b) MEMBERSHIP AND APPOINTMENT.—(1) The
18 Commission shall be composed of 10 members of whom
19 5 shall be appointed by the Speaker of the House and 5
20 by the minority leader of the House from among individ-
21 uals who have significant knowledge or experience in the
22 matters to be studied by the Commission.

23 (2) Of the members appointed by the Speaker and
24 by the minority leader, one appointed by each shall be a
25 former member of the House of Representatives and one

1 appointed by each shall be a former officer or employee
2 of the executive branch.

3 (3) A vacancy in the Commission shall be filled in
4 the manner in which the original appointment was made.

5 (4) Six members of the Commission shall constitute
6 a quorum, but a lesser number may hold hearings.

7 (5) The Commission shall have 2 co-chairs. One shall
8 be designated by the Speaker and one by the minority
9 leader from among the members of the Commission ap-
10 pointed by such individual.

11 (6) The Commission shall meet at the call of the co-
12 chairmen.

13 (7) Each member of the Commission who is not an
14 officer or employee of the Government shall be com-
15 pensated at a rate equal to the daily equivalent of the an-
16 nual rate of basic pay prescribed for level IV of the Execu-
17 tive Schedule under section 5315 of title 5, United States
18 Code, for each day (including travel time) during which
19 such member is engaged in the performance of the duties
20 of the Commission. All members of the Commission who
21 are officers or employees of the United States shall serve
22 without compensation in addition to that received for their
23 services as officers or employees of the United States. The
24 members of the Commission shall be allowed travel ex-
25 penses, including per diem in lieu of subsistence, at rates

1 authorized for employees of agencies under subchapter I
2 of chapter 57 of title 5, United States Code, while away
3 from their homes or regular places of business in the per-
4 formance of services for the Commission.

5 (c) DIRECTOR AND STAFF.—The Director and staff
6 of the Commission shall be appointed without regard to
7 the civil service laws and regulations. The Director shall
8 be compensated at the rate payable for level V of the Exec-
9 utive Schedule under section 5316 of title 5, United States
10 Code. The co-chairmen may fix the compensation of other
11 personnel without regard to the provisions of chapter 51
12 and subchapter III of chapter 53 of such title, relating
13 to classification of positions and General Schedule pay
14 rates, except that the rate of pay for such personnel may
15 not exceed the rate payable for level V of the Executive
16 Schedule under section 5316 of such title.

17 (d) POWERS.—The Commission may, for the purpose
18 of carrying out this section, hold such hearings, sit and
19 act at such times and places, take such testimony, and
20 receive such evidence as the Commission considers appro-
21 priate.

22 (e) REPORT.—The Commission shall transmit a final
23 report to the House of Representatives not later than one
24 year after the date of enactment of this Act. The final
25 report shall contain a detailed report of the findings and

1 conclusions of the Commission, together with its rec-
 2 ommendations for such legislation as it considers appro-
 3 priate.

4 (f) TERMINATION.—The Commission shall cease to
 5 exist 30 days after submitting its final report pursuant
 6 to subsection (e).

7 **TITLE II—REFORMING LOB-**
 8 **BYING DISCLOSURE AND**
 9 **CONFLICT-OF-INTEREST PRO-**
 10 **VISIONS**

11 **SEC. 201. EXTENSION OF CERTAIN POST-EMPLOYMENT**
 12 **LOBBYING RESTRICTIONS.**

13 (a) SENIOR EXECUTIVE PERSONNEL.—Section
 14 207(c)(1) of title 18, United States Code, is amended by
 15 striking “within 1 year after” and inserting “within 3
 16 years after”.

17 (b) MEMBERS OF CONGRESS.—Section 207(e)(1) of
 18 such title is amended by adding at the end the following
 19 new subparagraph:

20 “(E)(i) Any person who is a Member of Con-
 21 gress and who, within 3 years after that person
 22 leaves office, knowingly makes, with the intent to in-
 23 fluence, any communication to or appearance before
 24 any person who is a Member or an employee of a
 25 committee described in clause (ii) on behalf of any

1 other person (except the United States) in connec-
2 tion with any matter on which such former Member
3 of Congress seeks action by a Member, officer, or
4 employee of that committee, in his or her official ca-
5 pacity, shall be punished as provided in section 216
6 of this title.

7 “(ii) A committee referred to in clause (i) is
8 any committee of which the former Member of Con-
9 gress was a Member within 1 year before leaving of-
10 fice.”.

11 **SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
12 **REPORTS.**

13 Section 5 of the Lobbying Disclosure Act of 1995 (2
14 U.S.C. 1604) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(d) ELECTRONIC FILING REQUIRED.—A report re-
17 quired to be filed under this section shall be filed in elec-
18 tronic form, in addition to any other form that may be
19 required by the Secretary of the Senate or the Clerk of
20 the House of Representatives.”.

21 **SEC. 203. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
22 **FORMATION.**

23 (a) DATABASE REQUIRED.—Section 6 of the Lob-
24 bying Disclosure Act of 1995 (2 U.S.C. 1605) is amend-
25 ed—

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

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

5 (3) by adding at the end the following new
6 paragraph:

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

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

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

18 “(C) is searchable and sortable to the max-
19 imum extent practicable, including searchable
20 and sortable by each of the categories of infor-
21 mation described in section 4(b) or 5(b).”.

22 (b) AVAILABILITY OF REPORTS.—Section 6 of such
23 Act is further amended in paragraph (4) by inserting be-
24 fore the semicolon at the end the following: “and, in the
25 case of a report filed in electronic form pursuant to section

1 5(d), shall make such report available for public inspection
 2 over the Internet not more than 48 hours after the report
 3 is so filed”.

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

8 **SEC. 204. QUARTERLY FILING OF LOBBYING DISCLOSURE**
 9 **REPORTS.**

10 (a) QUARTERLY FILING REQUIRED.—Section 5 of
 11 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is
 12 further amended—

13 (1) in subsection (a)—

14 (A) by striking “Semiannual” and insert-
 15 ing “Quarterly”;

16 (B) by striking “the semiannual period”
 17 and all that follows through “July of each
 18 year” and insert “the quarterly period begin-
 19 ning on the first days of January, April, July,
 20 and October of each year”; and

21 (C) by striking “such semiannual period”
 22 and insert “such quarterly period”; and

23 (2) in subsection (b)—

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

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

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

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

13 (b) CONFORMING AMENDMENTS.—

14 (1) DEFINITION.—Section 3 of such Act (2
15 U.S.C. 1602) is amended in paragraph (10) by
16 striking “six month period” and inserting “three-
17 month period”.

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

20 (A) in subsection (a)(3)(A) by striking
21 “semiannual period” and inserting “quarterly
22 period”; and

23 (B) in subsection (b)(3)(A) by striking
24 “semiannual period” and inserting “quarterly
25 period”.

1 (3) ENFORCEMENT.—Section 6 of such Act (2
2 U.S.C. 1605) is amended in paragraph (6) by strik-
3 ing “semiannual period” and inserting “quarterly
4 period”.

5 (4) ESTIMATES.—Section 15 of such Act (2
6 U.S.C. 1610) is amended—

7 (A) in subsection (a)(1) by striking “semi-
8 annual period” and inserting “quarterly pe-
9 riod”; and

10 (B) in subsection (b)(1) by striking “semi-
11 annual period” and inserting “quarterly pe-
12 riod”.

13 (5) DOLLAR AMOUNTS.—

14 (A) Section 4 of such Act (2 U.S.C. 1603)
15 is further amended—

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

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

21 (iii) in subsection (b)(3)(A), by strik-
22 ing “\$10,000” and inserting “\$5,000”;
23 and

24 (iv) in subsection (b)(4), by striking
25 “\$10,000” and inserting “\$5,000”.

1 (B) Section 5 of such Act (2 U.S.C. 1604)

2 is further amended—

3 (i) in subsection (c)(1), by striking

4 “\$10,000” and “\$20,000” and inserting

5 “\$5,000” and “\$10,000”, respectively; and

6 (ii) in subsection (c)(2), by striking

7 “\$10,000” both places such term appears

8 and inserting “\$5,000”.

9 **SEC. 205. DISCLOSURE OF GRASSROOTS ACTIVITIES BY**
 10 **PAID LOBBYISTS.**

11 Section 3 of the Lobbying Disclosure Act of 1995 (2
 12 U.S.C. 1602) is amended—

13 (1) in paragraph (8) by adding at the end the
 14 following new subparagraph:

15 “(C) GRASSROOTS ACTIVITIES.—Notwith-
 16 standing subparagraph (B), the term ‘lobbying
 17 contact’ also includes a grassroots lobbying
 18 communication.”; and

19 (2) by adding at the end the following new
 20 paragraph:

21 “(17) GRASSROOTS LOBBYING COMMUNICA-
 22 TION.—The term ‘grassroots lobbying communica-
 23 tion’ means an attempt to influence legislation or ex-
 24 ecutive action through the use of mass communica-
 25 tions (except mass communications through the

1 Internet) directed to the general public and designed
2 to encourage recipients to take specific action with
3 respect to specific legislation or executive action, ex-
4 cept that such term does not include any commu-
5 nications by an entity directed to its members, em-
6 ployees, officers, or shareholders. For purposes of
7 this paragraph, a communication is designed to en-
8 courage a recipient if any of the following applies:

9 “(A) The communication states that the
10 recipient should contact a legislator, or should
11 contact an officer or employee of an executive
12 agency.

13 “(B) The communication provides the ad-
14 dress, phone number, and contact information
15 of a legislator or of an officer or employee of
16 an executive agency.

17 “(C) The communication provides a peti-
18 tion, tear-off postcard, or similar material for
19 the recipient to send to a legislator or to an of-
20 ficer or employee of an executive agency.

21 “(D)(i) Subject to clause (ii), the commu-
22 nication specifically identifies an individual
23 who—

24 “(I) is in a position to consider or
25 vote on the legislation;

1 “(II) represents the recipient in Con-
2 gress; or

3 “(III) is an officer or employee of the
4 executive agency to which the legislation or
5 executive action relates.

6 “(ii) A communication described in clause
7 (i) is a grassroots lobbying communication only
8 if it is a communication that cannot meet the
9 ‘full and fair exposition’ test as nonpartisan
10 analysis, study, or research.”.

11 **SEC. 206. IDENTIFICATION OF OFFICIALS WITH WHOM LOB-**
12 **BYING CONTACTS ARE MADE.**

13 Section 5 of the Lobbying Disclosure Act of 1995 (2
14 U.S.C. 1604) is further amended in subsection (b)(2)—

15 (1) by redesignating subparagraphs (B)
16 through (D) as subparagraphs (C) through (E), re-
17 spectively; and

18 (2) by inserting after subparagraph (A) the fol-
19 lowing new subparagraph:

20 “(B) for each specific issue listed pursuant
21 to subparagraph (A), a list identifying each cov-
22 ered executive branch official and each Member
23 of Congress with whom a lobbyist employed by
24 the registrant engaged in a lobbying contact
25 with respect to that issue;”.

1 **SEC. 207. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
2 **TAIN COALITIONS AND ASSOCIATIONS.**

3 (a) IN GENERAL.—Paragraph (2) of section 3 of the
4 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is
5 amended to read as follows:

6 “(2) CLIENT.—

7 “(A) IN GENERAL.—The term ‘client’
8 means any person or entity that employs or re-
9 tains another person for financial or other com-
10 pensation to conduct lobbying activities on be-
11 half of that person or entity. A person or entity
12 whose employees act as lobbyists on its own be-
13 half is both a client and an employer of such
14 employees.

15 “(B) TREATMENT OF COALITIONS AND AS-
16 SOCIATIONS.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clauses (ii) and (iii), in the case
19 of a coalition or association that employs
20 or retains other persons to conduct lob-
21 bying activities, each of the individual
22 members of the coalition or association
23 (and not the coalition or association) is the
24 client. For purposes of section 4(a)(3), the
25 preceding sentence shall not apply, and

1 only the coalition or association shall be
2 treated as the client.

3 “(ii) EXCEPTION FOR CERTAIN TAX-
4 EXEMPT ASSOCIATIONS.—In case of an as-
5 sociation—

6 “(I) which is described in para-
7 graph (3) of section 501(c) of the In-
8 ternal Revenue Code of 1986 and ex-
9 empt from tax under section 501(a) of
10 such Code, or

11 “(II) which is described in any
12 other paragraph of section 501(c) of
13 the Internal Revenue Code of 1986
14 and exempt from tax under section
15 501(a) of such Code and which has
16 substantial exempt activities other
17 than lobbying with respect to the spe-
18 cific issue for which it engaged the
19 person filing the registration state-
20 ment under section 4,

21 the association (and not its members) shall
22 be treated as the client.

23 “(iii) EXCEPTION FOR CERTAIN MEM-
24 BERS.—

1 “(I) IN GENERAL.—Information
2 on a member of a coalition or associa-
3 tion need not be included in any reg-
4 istration under section 4 if the
5 amount reasonably expected to be con-
6 tributed by such member toward the
7 activities of the coalition or associa-
8 tion of influencing legislation is less
9 than \$500 per any quarterly period.

10 “(II) EXCEPTION.—Subclause (I)
11 shall not apply with respect to any
12 member who unexpectedly makes ag-
13 gregate contributions of more than
14 \$500 in any quarterly period, and the
15 date the aggregate of such contribu-
16 tions first exceeds \$500 in such period
17 shall be treated as the date of first
18 employment or retention to make a
19 lobbying contact for purposes of sec-
20 tion 4.

21 “(iv) LOOK-THROUGH RULES.—In the
22 case of a coalition or association which is
23 treated as a client under the first sentence
24 of clause (i)—

1 “(I) such coalition or association
2 shall be treated as employing or re-
3 taining other persons to conduct lob-
4 bying activities for purposes of deter-
5 mining whether any individual mem-
6 ber thereof is treated as a client under
7 clause (i), and

8 “(II) information on such coal-
9 tion or association need not be in-
10 cluded in any registration under sec-
11 tion 4 of the coalition or association
12 with respect to which it is treated as
13 a client under clause (i).”.

14 (b) EFFECTIVE DATE.—

15 (1) IN GENERAL.—The amendments made by
16 this section shall apply to—

17 (A) coalitions and associations listed on
18 registration statements filed under section 4 of
19 the Lobbying Disclosure Act of 1995 after the
20 date of the enactment of this Act, and

21 (B) coalitions and associations for whom
22 any lobbying contact is made after the date of
23 the enactment of this Act.

24 (2) SPECIAL RULE.—In the case of any coal-
25 tion or association to which the amendments made

1 by this Act apply by reason of paragraph (1)(B), the
2 person required by such section 4 to file a registra-
3 tion statement with respect to such coalition or asso-
4 ciation shall file a new registration statement within
5 30 days after the date of the enactment of this sec-
6 tion.

7 **SEC. 208. REFORM OF WAIVER PROCESS FOR ACTS AFFECT-**
8 **ING A PERSONAL FINANCIAL INTEREST.**

9 Section 208 of title 18, United States Code, is
10 amended—

11 (1) in subsection (b)(1)—

12 (A) by inserting after “the Government of-
13 ficial responsible for appointment to his or her
14 position” the following: “and the Office of Gov-
15 ernment Ethics”; and

16 (B) by striking “a written determination
17 made by such official” and inserting “a written
18 determination made by the Office of Govern-
19 ment Ethics, after consultation with such offi-
20 cial,”; and

21 (2) in subsection (b)(3), by striking “the official
22 responsible for the employee’s appointment, after re-
23 view of” and inserting “the Office of Government
24 Ethics, after consultation with the official respon-

sible for the employee’s appointment and after review of”; and

(3) in subsection (d)(1)—

(A) by striking “Upon request” and all that follows through “Ethics in Government Act of 1978.” and inserting “In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption.”; and

(B) strike “the agency may withhold” and insert “the Office of Government Ethics may withhold”.

SEC. 209. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS

OF EMPLOYMENT NEGOTIATIONS.

(a) HOUSE OF REPRESENTATIVES.—The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives is amended by redesignating

1 clause 14 as clause 15 and by inserting after clause 13
2 the following new clause:

3 “14. A Member, Delegate, or Resident Commis-
4 sioner shall publicly disclose the fact that he or she
5 is negotiating or has any arrangement concerning
6 prospective employment if a conflict of interest or
7 the appearance of a conflict of interest may exist.”.
8 (b) SENATE.—[Text to be supplied by the Senate].

○