

109TH CONGRESS  
2D SESSION

# H. R. 4682

To provide more rigorous requirements with respect to disclosure and enforcement of ethics and lobbying laws and regulations, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2006

Ms. PELOSI (for herself, Mr. HOYER, Mr. CLYBURN, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. EMANUEL, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. BERMAN, Mr. SPRATT, Ms. SLAUGHTER, Mr. EVANS, Mr. PETERSON of Minnesota, Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPs, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Mr. DAVIS of Florida, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DICKS, Mr. DOGGETT, Mr. EDWARDS, Mr. ETHERIDGE, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Mr. HOLT, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mrs. MALONEY, Mr. MARKEY, Ms. MATSUI, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MELANCON, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr.

RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Rules, Government Reform, Standards of Official Conduct, Armed Services, 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 provide more rigorous requirements with respect to disclosure and enforcement of ethics and lobbying laws and regulations, 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,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Honest Leadership and Open Government Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title and table of contents.

### TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.

Sec. 102. Elimination of floor privileges and access to Members exercise facilities for former Member lobbyists.

Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.

- Sec. 104. Ethics review of employment negotiations by executive branch officials.
- Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

#### TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

- Sec. 201. Quarterly filing of lobbying disclosure reports.
- Sec. 202. Electronic filing of lobbying disclosure reports.
- Sec. 203. Additional lobbying disclosure requirements.
- Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.
- Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.
- Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.
- Sec. 207. Public database of lobbying disclosure information.
- Sec. 208. Conforming amendment.

#### TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

- Sec. 301. Ban on gifts from lobbyists.
- Sec. 302. Prohibition on privately funded travel.
- Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.
- Sec. 304. Reimbursement and disclosure of noncommercial travel.
- Sec. 305. Per diem expenses for congressional travel.

#### TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

- Sec. 401. Office of public integrity.
- Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
- Sec. 403. Penalty for false certification in connection with congressional travel.
- Sec. 404. Mandatory annual ethics training for House employees.

#### TITLE V—OPEN GOVERNMENT

- Sec. 501. Fiscal responsibility.
- Sec. 502. Curbing abuses of power.
- Sec. 503. Ending 2-day work weeks.
- Sec. 504. Knowing what the House is voting on.
- Sec. 505. Full and open debate in conference.

#### TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

- Sec. 601. Minimum requirements for political appointees holding public safety positions.
- Sec. 602. Effective date.

#### TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

- Sec. 701. Public availability of Federal contract awards.
- Sec. 702. Prohibition on award of monopoly contracts.
- Sec. 703. Competition in multiple award contracts.
- Sec. 704. Suspension and debarment of unethical contractors.
- Sec. 705. Criminal sanctions for cheating taxpayers and wartime fraud.
- Sec. 706. Prohibition on contractor conflicts of interest.
- Sec. 707. Disclosure of Government contractor overcharges.
- Sec. 708. Penalties for improper sole-source contracting procedures.

Sec. 709. Stopping the revolving door.

TITLE VIII—PRESIDENTIAL LIBRARIES

Sec. 801. Presidential libraries.

1                   **TITLE I—CLOSING THE**  
2                   **REVOLVING DOOR**

3   **SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER**  
4                   **MEMBERS AND EMPLOYEES OF CONGRESS**  
5                   **AND EXECUTIVE BRANCH OFFICIALS.**

6           Section 207 of title 18, United States Code, is  
7 amended—

8                   (1) in subsection (c)—

9                           (A) in the subsection heading, by striking  
10                           “One-year” and inserting “Two-year”;

11                           (B) in paragraph (1), by striking “1 year”  
12                           and inserting “2 years” in both places it ap-  
13                           pears; and

14                           (C) in paragraph (2)(B), by striking “1-  
15                           year period” and inserting “2-year period;”

16                   (2) in subsection (d)—

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

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

21                   (3) in subsection (e)—

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

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

3 (C) in paragraph (3), by striking “1 year”  
4 and inserting “2 years”;

5 (D) in paragraph (4), by striking “1 year”  
6 and inserting “2 years”;

7 (E) in paragraph (5)(A), by striking “1  
8 year” and inserting “2 years”; and

9 (F) in paragraph (6), by striking “1-year  
10 period” and inserting “2-year period”.

11 **SEC. 102. ELIMINATION OF FLOOR PRIVILEGES AND AC-**  
12 **CESS TO MEMBERS EXERCISE FACILITIES**  
13 **FOR FORMER MEMBER LOBBYISTS.**

14 (a) FLOOR PRIVILEGES.—(1) Clause 4 of rule IV of  
15 the Rules of the House of Representatives is amended to  
16 read as follows:

17 “4. (a) A former Member, Delegate, or Resident  
18 Commissioner; a former Parliamentarian of the House; or  
19 a former elected officer of the House or former minority  
20 employee nominated as an elected officer of the House;  
21 or a head of a department shall not be entitled to the privi-  
22 lege of admission to the Hall of the House and rooms lead-  
23 ing thereto if he or she—

1           “(1) is a registered lobbyist or agent of a for-  
2           foreign principal as those terms are defined in clause  
3           5 of rule XXV;

4           “(2) has any direct personal or pecuniary inter-  
5           est in any legislative measure pending before the  
6           House or reported by a committee; or

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

11          “(b) The Speaker may promulgate regulations that  
12          exempt ceremonial or educational functions from the re-  
13          strictions of this clause.”.

14          (2) Clause 2(a)(12) of rule IV of the Rules of the  
15          House of Representatives is amended by inserting “(sub-  
16          ject to clause 4)” before the period.

17          (b) EXERCISE FACILITIES.—(1) The House of Rep-  
18          resentatives may not provide access to any exercise facility  
19          which is made available exclusively to Members and former  
20          Members of the House of Representatives to any former  
21          Member who is a lobbyist registered under the Lobbying  
22          Disclosure Act of 1995 or any successor statute. For pur-  
23          poses of this section, the term “Member of the House of  
24          Representatives” includes a Delegate or Resident Commis-  
25          sioner to the Congress.

1           (2) The Committee on House Administration shall  
2 promulgate regulations to carry out this section.

3 **SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND**  
4                           **SENIOR CONGRESSIONAL STAFF OF EMPLOY-**  
5                           **MENT NEGOTIATIONS.**

6           Rule XXIII of the Rules of the House of Representa-  
7 tives is amended by redesignating clause 14 as clause 15  
8 and by adding at the end the following new clause:

9           “14. (a) A Member, Delegate, Resident Commis-  
10 sioner, officer, or employee of the House covered by the  
11 post employment restriction provisions of title 18, United  
12 States Code, shall notify the Committee on Standards of  
13 Official Conduct that he or she is negotiating or has any  
14 arrangement concerning prospective private employment if  
15 a conflict of interest or the appearance of a conflict of  
16 interest may exist.

17           “(b) The disclosure and notification under subpara-  
18 graph (a) shall be made within 3 business days after the  
19 commencement of such negotiation or arrangement.

20           “(c) A Member or employee to whom this rule applies  
21 shall recuse himself or herself from any matter in which  
22 there is a conflict of interest for that Member or employee  
23 under this rule and notify the Committee on Standards  
24 of Official Conduct of such recusal.

1 “(d)(1) The Committee on Standards of Official Con-  
2 duct shall develop guidelines concerning conduct which is  
3 covered by this paragraph.

4 “(2) The Committee on Standards of Official Con-  
5 duct shall maintain a current public record of all notifica-  
6 tions received under subparagraph (a) and of all recusals  
7 under subparagraph (c).”.

8 **SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS**  
9 **BY EXECUTIVE BRANCH OFFICIALS.**

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

12 (1) in subsection (b)(1)—

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

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

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

1 sible for the employee’s appointment and after re-  
2 view of”; and

3 (3) in subsection (d)(1)—

4 (A) by striking “Upon request” and all  
5 that follows through “Ethics in Government Act  
6 of 1978.” and inserting “In each case in which  
7 the Office of Government Ethics makes a deter-  
8 mination granting an exemption under sub-  
9 section (b)(1) or (b)(3) to a person, the Office  
10 shall, not later than 3 business days after mak-  
11 ing such determination, make available to the  
12 public pursuant to the procedures set forth in  
13 section 105 of the Ethics in Government Act of  
14 1978, and publish in the Federal Register, such  
15 determination and the materials submitted by  
16 such person in requesting such exemption.”;  
17 and

18 (B) by striking “the agency may withhold”  
19 and inserting “the Office of Government Ethics  
20 may withhold”.

21 **SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY’S**

22 **EMPLOYMENT DECISIONS OR PRACTICES.**

23 (a) IN GENERAL.—Chapter 11 of title 18, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing:

1 **“§ 226. Wrongfully influencing a private entity’s em-**  
2 **ployment decisions by a Member of Con-**  
3 **gress**

4 “Whoever, being a Senator or Representative in, or  
5 a Delegate or Resident Commissioner to, the Congress or  
6 an employee of either House of Congress, with the intent  
7 to influence on the basis of partisan political affiliation  
8 an employment decision or employment practice of any  
9 private entity—

10 “(1) takes or withholds, or offers or threatens  
11 to take or withhold, an official act; or

12 “(2) influences, or offers or threatens to influ-  
13 ence, the official act of another;

14 shall be fined under this title or imprisoned for not more  
15 than 15 years, or both, and may be disqualified from hold-  
16 ing any office of honor, trust, or profit under the United  
17 States.”.

18 (b) NO INFERENCE.—Nothing in section 226 of title  
19 18, United States Code, as added by this section, shall  
20 be construed to create any inference with respect to wheth-  
21 er the activity described in section 226 of title 18, United  
22 States Code, was already a criminal or civil offense prior  
23 to the enactment of this Act, including sections 201(b),  
24 201(c), and 216 of title 18, United States Code.

1 (c) CHAPTER ANALYSIS.—The chapter analysis for  
 2 chapter 11 of title 18, United States Code, is amended  
 3 by adding at the end the following:

“226. Wrongfully influencing a private entity’s employment decisions by a Mem-  
 ber of Congress.”.

4 (d) HOUSE RULES.—Rule XXIII of the Rules of the  
 5 House (as amended by section 103) is further amended  
 6 by redesignating clause 15 as clause 16, and by inserting  
 7 after clause 14 the following new clause:

8 “15. No Member, Delegate, or Resident Commis-  
 9 sioner shall, with the intent to influence on the basis of  
 10 partisan political affiliation an employment decision or  
 11 employment practice of any private entity—

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

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

16 **TITLE II—FULL PUBLIC**  
 17 **DISCLOSURE OF LOBBYING**

18 **SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE**  
 19 **REPORTS.**

20 (a) QUARTERLY FILING REQUIRED.—Section 5 of  
 21 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is  
 22 amended—

23 (1) in subsection (a)—

1 (A) by striking “Semiannual” and insert-  
2 ing “Quarterly”;

3 (B) by striking “the semiannual period”  
4 and all that follows through “July of each  
5 year” and insert “the quarterly period begin-  
6 ning on the first days of January, April, July,  
7 and October of each year”; and

8 (C) by striking “such semiannual period”  
9 and insert “such quarterly period”; and  
10 (2) in subsection (b)—

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

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

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

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

23 (b) CONFORMING AMENDMENTS.—

24 (1) DEFINITION.—Section 3(10) of the Lob-  
25 bing Disclosure Act of 1995 (2 U.S.C. 1602) is

1 amended by striking “six month period” and insert-  
2 ing “three-month period”.

3 (2) REGISTRATION.—Section 4 of the Lobbying  
4 Disclosure Act of 1995 (2 U.S.C. 1603) is amend-  
5 ed—

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

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

12 (3) ENFORCEMENT.—Section 6 of the Lobbying  
13 Disclosure Act of 1995 (2 U.S.C. 1605) is amended  
14 in paragraph (6) by striking “semiannual period”  
15 and inserting “quarterly period”.

16 (4) ESTIMATES.—Section 15 of the Lobbying  
17 Disclosure Act of 1995 (2 U.S.C. 1610) is amend-  
18 ed—

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

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

25 (5) DOLLAR AMOUNTS.—

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

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

5 (ii) in subsection (a)(3)(A)(ii), by  
6 striking “\$20,000” and inserting  
7 “\$10,000”;

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

11 (iv) in subsection (b)(4), by striking  
12 “\$10,000” and inserting “\$5,000”.

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

15 (i) in subsection (c)(1), by striking  
16 “\$10,000” and “\$20,000” and inserting  
17 “\$5,000” and “\$10,000”, respectively; and

18 (ii) in subsection (c)(2), by striking  
19 “\$10,000” both places such term appears  
20 and inserting “\$5,000”.

21 **SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE**  
22 **REPORTS.**

23 Section 5 of the Lobbying Disclosure Act of 1995 (2  
24 U.S.C. 1604) is amended by adding at the end the fol-  
25 lowing:



1 made, and the amount of such contribution;  
2 and

3 “(B) the name of each Federal candidate  
4 or officeholder, or a leadership PAC of such  
5 candidate or officeholder, or political party com-  
6 mittee for whom a fundraising event was  
7 hosted, cohosted, or otherwise sponsored, the  
8 date and location of the event, and the total  
9 amount raised by the event;

10 “(7) a certification that the lobbying firm or  
11 registrant has not provided, requested, or directed a  
12 gift, including travel, to a Member or employee of  
13 Congress in violation of clause 5 of rule XXV of the  
14 Rules of the House of Representatives;

15 “(8) the date, recipient, and amount of funds  
16 contributed or disbursed by, or arranged by, a reg-  
17 istrant or employee listed as a lobbyist—

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

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

1           “(C) to an entity established, financed,  
2           maintained, or controlled by a covered legisla-  
3           tive branch official or covered executive branch  
4           official, or an entity designated by such official;  
5           or

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

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

16          “(9) the name of each Member of Congress con-  
17          tacted by lobbyists employed by the registrant on be-  
18          half of the client.”.

19          (b) LEADERSHIP PAC.—Section 3 of the Lobbying  
20          Disclosure Act of 1995 (2 U.S.C. 1602) is amended by  
21          adding at the end the following:

22                 “(17) LEADERSHIP PAC.—The term ‘leadership  
23                 PAC’ means an unauthorized multicandidate polit-  
24                 ical committee that is established, financed, main-

1       tained, and controlled by an individual who is a Fed-  
2       eral officeholder or a candidate for Federal office.”.

3       (c) FULL AND DETAILED ACCOUNTING.—Section  
4       5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C.  
5       1604(c)(1)) is amended by striking “shall be rounded to  
6       the nearest \$20,000” and inserting “shall be rounded to  
7       the nearest \$1,000”.

8       (d) NOTIFICATION OF MEMBERS.—Section 6 of the  
9       Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is  
10      amended in paragraph (2) by striking “review, and, where  
11      necessary” and inserting “review and—

12                   “(A) if a report states (under section  
13                   5(b)(9) or otherwise) that a Member of Con-  
14                   gress was contacted, immediately notify that  
15                   Member of that report; and

16                   “(B) where necessary.”.

17      **SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE**  
18                   **GRASSROOTS LOBBYING.**

19      (a) DISCLOSURE OF PAID EFFORTS TO STIMULATE  
20      GRASSROOTS LOBBYING.—Section 3 of the Lobbying Dis-  
21      closure Act of 1995 (2 U.S.C. 1602) is amended—

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

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

2 “(18) GRASSROOTS LOBBYING.—The term  
3 ‘grassroots lobbying’ means the voluntary efforts of  
4 members of the general public to communicate their  
5 own views on an issue to Federal officials or to en-  
6 courage other members of the general public to do  
7 the same.

8 “(19) PAID EFFORTS TO STIMULATE GRASS-  
9 ROOTS LOBBYING.—The term ‘paid efforts to stimu-  
10 late grassroots lobbying’—

11 “(A) means any paid attempt to influence  
12 the general public, or segments thereof, to en-  
13 gage in grassroots lobbying or lobbying con-  
14 tacts; and

15 “(B) does not include any attempt de-  
16 scribed in subparagraph (A) by a person or en-  
17 tity directed to its members, employees, officers  
18 or shareholders, unless such attempt is financed  
19 with funds directly or indirectly received from  
20 or arranged by a lobbyist or other registrant  
21 under this Act retained by another person or  
22 entity.

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

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

4           “(B) receives income of, or spends or  
5           agrees to spend, an aggregate of \$50,000 or  
6           more for such efforts in any quarterly period.”.

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

9           (1) in paragraph (1), by striking “45” and in-  
10          serting “20”;

11          (2) in the flush matter at the end of paragraph  
12          (3)(A)—

13                 (A) by striking “as estimated” and insert-  
14                 ing “as included”; and

15                 (B) by adding at the end the following:  
16                 “For purposes of clauses (i) and (ii) the term  
17                 ‘lobbying activities’ shall not include paid ef-  
18                 forts to stimulate grassroots lobbying.”;

19          (3) by redesignating paragraph (3) as para-  
20          graph (4); and

21          (4) by inserting after paragraph (2) the fol-  
22          lowing:

23                 “(3) GRASSROOTS LOBBYING FIRMS.—Not later  
24                 than 20 days after a grassroots lobbying firm first  
25                 is retained by a client to engage in paid efforts to

1 stimulate grassroots lobbying, such grassroots lob-  
2 bying firm shall register with the Secretary of the  
3 Senate and the Clerk of the House of Representa-  
4 tives.”.

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

8 (1) in paragraph (3), by—

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

16 (B) striking “and” after the semicolon;

17 (2) in paragraph (4), by—

18 (A) inserting after “total expenses” the  
19 following: “(including a good faith estimate of  
20 the total amount relating specifically to paid ef-  
21 forts to stimulate grassroots lobbying and, with-  
22 in that total amount, a good faith estimate of  
23 the total amount specifically relating to paid  
24 advertising)”; and

1 (B) striking the period and inserting a  
2 semicolon;

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

4 “(5) in the case of a grassroots lobbying firm,  
5 for each client—

6 “(A) a good faith estimate of the total dis-  
7 bursements made for grassroots lobbying activi-  
8 ties, and a subtotal for disbursements made for  
9 grassroots lobbying through paid advertising;

10 “(B) identification of each person or entity  
11 other than an employee who received a dis-  
12 bursement of funds for grassroots lobbying ac-  
13 tivities of \$10,000 or more during the period  
14 and the total amount each person or entity re-  
15 ceived; and

16 “(C) if such disbursements are made  
17 through a person or entity who serves as an  
18 intermediary or conduit, identification of each  
19 such intermediary or conduit, identification of  
20 the person or entity who receives the funds, and  
21 the total amount each such person or entity re-  
22 ceived.”; and

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

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

4 (d) LARGE GRASSROOTS EXPENDITURE.—Section  
5 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

6 (1) by striking “No later” and inserting:

7 “(1) IN GENERAL.—Except as provided in para-  
8 graph (2), not later”; and

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

10 “(2) LARGE GRASSROOTS EXPENDITURE.—A  
11 registrant that is a grassroots lobbying firm and  
12 that receives income of, or spends or agrees to  
13 spend, an aggregate amount of \$250,000 or more on  
14 paid efforts to stimulate grassroots lobbying for a  
15 client, or for a group of clients for a joint effort,  
16 shall file—

17 “(A) a report under this section not later  
18 than 20 days after receiving, spending, or  
19 agreeing to spend that amount; and

20 “(B) an additional report not later than 20  
21 days after each time such registrant receives in-  
22 come of, or spends or agrees to spend, an ag-  
23 gregate amount of \$250,000 or more on paid  
24 efforts to stimulate grassroots lobbying for a

1 client, or for a group of clients for a joint ef-  
2 fort.”.

3 **SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**  
4 **TAIN COALITIONS AND ASSOCIATIONS.**

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

8 “(2) CLIENT.—

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

17 “(B) TREATMENT OF COALITIONS AND AS-  
18 SOCIATIONS.—

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

1 client. For purposes of section 4(a)(3), the  
2 preceding sentence shall not apply, and the  
3 coalition or association shall be treated as  
4 the client.

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

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

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

23 the association (and not its members) shall  
24 be treated as the client.

1                   “(iii) EXCEPTION FOR CERTAIN MEM-  
2                   BERS.—

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

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

23                  “(III) NO DONOR OR MEMBER-  
24                  SHIP LIST DISCLOSURE.—No disclo-  
25                  sure is required under this Act if it is

1 publicly available knowledge that the  
2 organization that would be identified  
3 is affiliated with the client or has been  
4 publicly disclosed to have provided  
5 funding to the client, unless the orga-  
6 nization in whole or in major part  
7 plans, supervises or controls such lob-  
8 bying activities. Nothing in this para-  
9 graph shall be construed to require  
10 the disclosure of any information  
11 about individuals who are members of,  
12 or donors to, an entity treated as a  
13 client by this Act or an organization  
14 identified under this paragraph.”.

15 “(iv) LOOK-THRU RULES.—In the  
16 case of a coalition or association which is  
17 treated as a client under the first sentence  
18 of clause (i)—

19 “(I) such coalition or association  
20 shall be treated as employing or re-  
21 taining other persons to conduct lob-  
22 bying activities for purposes of deter-  
23 mining whether any individual mem-  
24 ber thereof is treated as a client under  
25 clause (i), and

1                   “(II) information on such coali-  
2                   tion or association need not be in-  
3                   cluded in any registration under sec-  
4                   tion 4 of the coalition or association  
5                   with respect to which it is treated as  
6                   a client under clause (i).”.

7           (b) EFFECTIVE DATE.—

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

10                   (A) coalitions and associations listed on  
11                   registration statements filed under section 4 of  
12                   the Lobbying Disclosure Act of 1995 (2 U.S.C.  
13                   1603) after the date of the enactment of this  
14                   Act, and

15                   (B) coalitions and associations for whom  
16                   any lobbying contact is made after the date of  
17                   the enactment of this Act.

18                   (2) SPECIAL RULE.—In the case of any coali-  
19                   tion or association to which the amendments made  
20                   by this Act apply by reason of paragraph (1)(B), the  
21                   person required by such section 4 to file a registra-  
22                   tion statement with respect to such coalition or asso-  
23                   ciation shall file a new registration statement within  
24                   30 days after the date of the enactment of this Act.

1 **SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF**  
2 **PAST EXECUTIVE AND CONGRESSIONAL EM-**  
3 **PLOYMENT.**

4 Section 4(b)(6) of the Lobbying Disclosure Act of  
5 1995 (2 U.S.C. 1603(b)(6)) is amended by striking “or  
6 a covered legislative branch official” and all that follows  
7 through “as a lobbyist on behalf of the client,” and insert-  
8 ing “or a covered legislative branch official,”.

9 **SEC. 207. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**  
10 **FORMATION.**

11 (a) **DATABASE REQUIRED.**—Section 6 of the Lob-  
12 bying Disclosure Act of 1995 (2 U.S.C. 1605) is further  
13 amended—

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

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

18 (3) by adding at the end the following new  
19 paragraph:

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

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

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

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

10       (b) AVAILABILITY OF REPORTS.—Section 6 of such  
11 Act is further amended in paragraph (4) by inserting be-  
12 fore the semicolon at the end the following: “and, in the  
13 case of a report filed in electronic form pursuant to section  
14 5(d), shall make such report available for public inspection  
15 over the Internet not more than 48 hours after the report  
16 is so filed”.

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

21 **SEC. 208. CONFORMING AMENDMENT.**

22       The requirements of this Act shall not apply to the  
23 activities of any political committee described in section  
24 301(4) of the Federal Election Campaign Act of 1971.

1 **TITLE III—RESTRICTING CON-**  
2 **GRESSIONAL TRAVEL AND**  
3 **GIFTS**

4 **SEC. 301. BAN ON GIFTS FROM LOBBYISTS.**

5 (a) IN GENERAL.—Clause 5(a)(1)(A) of rule XXV of  
6 the Rules of the House of Representatives is amended by  
7 inserting “(i)” after “(A)” and adding at the end the fol-  
8 lowing:

9 “(ii) A Member, Delegate, Resident Commissioner,  
10 officer, or employee of the House may not knowingly ac-  
11 cept a gift from a registered lobbyist or agent of a foreign  
12 principal or from a nongovernmental organization that re-  
13 tains or employs registered lobbyists or agents of a foreign  
14 principal except as provided in subparagraphs (2)(B) or  
15 (3) of this paragraph.”.

16 (b) RULES COMMITTEE REVIEW.—The Committee  
17 on Rules shall review the present exceptions to the House  
18 gift rule and make recommendations to the House not  
19 later than 3 months after the date of enactment of this  
20 Act on eliminating all but those which are absolutely nec-  
21 essary to effectuate the purpose of the rule.

22 **SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.**

23 Clause 5(b)(1)(A) of rule XXV of the Rules of the  
24 House of Representatives is amended by inserting “or  
25 from a nongovernmental organization that retains or em-

1 ploys registered lobbyists or agents of a foreign principal”  
2 after “foreign principal”.

3 **SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND**  
4 **PARTICIPATION IN CONGRESSIONAL TRAVEL.**

5 (a) IN GENERAL.—Clause 5 of rule XXV of the Rules  
6 of the House of Representatives is amended by redesignig-  
7 nating paragraphs (e) and (f) as paragraphs (g) and (h),  
8 respectively, and by inserting after paragraph (d) the fol-  
9 lowing:

10 “(e) A Member, Delegate, Resident Commissioner,  
11 officer, or employee of the House may not accept transpor-  
12 tation or lodging on any trip that is planned, organized,  
13 requested, arranged, or financed in whole or in part by  
14 a lobbyist or agent of a foreign principal, or in which a  
15 lobbyist participates.

16 “(f) Before a Member, Delegate, Resident Commis-  
17 sioner, officer, or employee of the House may accept trans-  
18 portation or lodging otherwise permissible under this para-  
19 graph from any person, such individual shall obtain 30  
20 days before such trip a written certification from such per-  
21 son (and provide a copy of such certification to the Com-  
22 mittee on Standards of Official Conduct) that—

23 “(1) the trip was not planned, organized, re-  
24 quested, arranged, or financed in whole, or in part  
25 by a registered lobbyist or agent of a foreign prin-

1        ciproal and was not organized at the request of a reg-  
2        istered lobbyist or agent of a foreign principal;

3            “(2) registered lobbyists will not participate in  
4        or attend the trip; and

5            “(3) the person did not accept, from any  
6        source, funds specifically earmarked for the purpose  
7        of financing the travel expenses.

8        The Committee on Standards of Official Conduct shall  
9        make public information received under this paragraph as  
10       soon as possible after it is received.”

11        (b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of  
12       rule XXV of the Rules of the House of Representatives  
13       is amended—

14            (1) by striking “of expenses reimbursed or to be  
15        reimbursed”;

16            (2) in subdivision (E), by striking “and” after  
17        the semicolon;

18            (3) in subdivision (F), by striking the period  
19        and inserting “; and”; and

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

21            “(G) a description of meetings and events at-  
22        tended during such travel, except when disclosure of  
23        such information is deemed by the Member or super-  
24        visor under whose direct supervision the employee  
25        works to jeopardize the safety of an individual or

1 otherwise interfere with the official duties of the  
2 Member, Delegate, Resident Commissioner, officer,  
3 or employee.”.

4 (c) PUBLIC AVAILABILITY.—Subparagraph (5) of  
5 rule XXV of the Rules of the House of Representatives  
6 is amended to read as follows:

7 “(e) The Clerk of the House shall make available to  
8 the public all advance authorizations, certifications, and  
9 disclosures filed pursuant to subparagraphs (1) and sub-  
10 paragraph (3)(H) as soon as possible after they are re-  
11 ceived.”.

12 **SEC. 304. REIMBURSEMENT AND DISCLOSURE OF NON-**  
13 **COMMERCIAL TRAVEL.**

14 (a) MARKET VALUE.—Clause 5(a)(3) of rule XXV of  
15 the Rules of the House of Representatives is amended by  
16 inserting “(i)” after “(A)” and by adding at the end the  
17 following:

18 “(ii) Market value for a flight on an airplane  
19 that is not licensed by the Federal Aviation Adminis-  
20 tration to operate for compensation or hire, taken in  
21 connection with the official duties of a Member, Del-  
22 egate, Resident Commissioner, officer, or employee,  
23 shall be the fair market value of a charter flight.  
24 The Committee on Standards of Official Conduct

1 shall make public information received under this  
2 item as soon as possible after it is received.”.

3 (b) DISCLOSURE.—Clause 5 of rule XXV of the Rules  
4 of the House of Representatives is amended by adding at  
5 the end the following:

6 “(g) A Member, Delegate, Resident Commissioner,  
7 officer, or employee of the House who takes a flight de-  
8 scribed in paragraph (a)(3)(A)(ii) shall, with respect to  
9 the flight, cause to be published in the Congressional  
10 Record within 10 days after the flight—

11 “(1) the name of the owner or lessee of the air-  
12 craft;

13 “(2) the date of the flight;

14 “(3) the destination of the flight;

15 “(4) who else was on the flight, other than  
16 those operating the plane;

17 “(5) the purpose of the trip; and

18 “(6) the reason that a commercial airline was  
19 not used.”.

20 **SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAV-**  
21 **EL.**

22 Rule XXV of the Rules of the House of Representa-  
23 tives (as amended by section 304(b) is further amended  
24 by adding at the end the following:

1       “(h) Not later than 90 days after the date of adoption  
2 of this paragraph and at annual intervals thereafter, the  
3 Committee on House Administration shall develop and re-  
4 vise, as necessary, guidelines on what constitutes ‘reason-  
5 able expenses’ or ‘reasonable expenditures’ for purposes  
6 of this rule. In developing and revising the guidelines, the  
7 committee shall take into account the maximum per diem  
8 rates for official Government travel published annually by  
9 the General Services Administration, the Department of  
10 State, and the Department of Defense.”.

## 11       **TITLE IV—ENFORCEMENT OF** 12       **LOBBYING RESTRICTIONS**

### 13       **SEC. 401. OFFICE OF PUBLIC INTEGRITY.**

14       (a) **ESTABLISHMENT.**—There is established within  
15 the Office of Inspector General of the House of Represent-  
16 atives an office to be known as the “Office of Public Integ-  
17 rity” (referred to in this section as the “Office”), which  
18 shall be headed by a Director of Public Integrity (herein-  
19 after referred to as the “Director”).

20       (b) **OFFICE.**—The Office shall have access to all lob-  
21 byists’ disclosure information received by the Clerk under  
22 the Lobbying Disclosure Act of 1995 and conduct such  
23 audits and investigations as are necessary to ensure com-  
24 pliance with the Act.

1           (c) REFERRAL AUTHORITY.—The Office shall have  
2 authority to refer violations of the Lobbying Disclosure  
3 Act of 1995 to the Committee on Standards of Official  
4 Conduct and the Department of Justice for disciplinary  
5 action, as appropriate.

6           (d) DIRECTOR.—

7           (1) IN GENERAL.—The Director shall be ap-  
8 pointed by the Inspector General of the House. Any  
9 appointment made under this subsection shall be  
10 made without regard to political affiliation and solely  
11 on the basis of fitness to perform the duties of the  
12 position. Any person appointed as Director shall be  
13 learned in the law, a member of the bar of a State  
14 or the District of Columbia, and shall not engage in  
15 any other business, vocation, or employment during  
16 the term of such appointment.

17           (2) STAFF.—The Director shall hire such addi-  
18 tional staff as are required to carry out this section,  
19 including investigators and accountants.

20           (e) AUDITS AND INVESTIGATIONS.—

21           (1) IN GENERAL.—The Office shall audit lob-  
22 bying registrations and reports filed pursuant to the  
23 Lobbying Disclosure Act of 1995 to determine the  
24 extent of compliance or non-compliance with the re-

1 requirements of such Act by lobbyists and their cli-  
2 ents.

3 (2) EVIDENCE OF NON-COMPLIANCE.—If in the  
4 course an audit conducted pursuant to the require-  
5 ments of paragraph (1), the Office obtains informa-  
6 tion indicating that a person or entity may be in  
7 non-compliance with the requirements of the Lob-  
8 bying Disclosure Act of 1995, the Office shall refer  
9 the matter to the United States Attorney for the  
10 District of Columbia.

11 (f) CONFORMING AMENDMENT.—Section 8 of the  
12 Lobbying Disclosure Act of 1995 (2 U.S.C. 1607) is  
13 amended by striking subsection (e).

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated in a separate account  
16 such sums as are necessary to carry out this section.

17 **SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR**  
18 **FAILURE TO COMPLY WITH LOBBYING DIS-**  
19 **CLOSURE REQUIREMENTS.**

20 Section 7 of the Lobbying Disclosure Act of 1995 (2  
21 U.S.C. 1606) is amended—

22 (1) by inserting “ (a) CIVIL PENALTY.—” be-  
23 fore “Whoever”;

24 (2) by striking “\$50,000” and inserting  
25 “\$100,000”; and

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

2 “(b) CRIMINAL PENALTY.—

3 “(1) IN GENERAL.—Whoever knowingly and  
4 wilfully fails to comply with any provision of this  
5 section shall be imprisoned for not more than 5  
6 years, or fined under title 18, United States Code,  
7 or both.

8 “(2) CORRUPTLY.—Whoever knowingly,  
9 wilfully, and corruptly fails to comply with any pro-  
10 vision of this section shall be imprisoned for not  
11 more than 10 years, or fined under title 18, United  
12 States Code, or both.”.

13 **SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNEC-**  
14 **TION WITH CONGRESSIONAL TRAVEL.**

15 (a) CIVIL FINE.—

16 (1) IN GENERAL.—Whoever makes a false cer-  
17 tification in connection with the travel of a Member,  
18 officer, or employee of either House of Congress  
19 (within the meaning given those terms in section  
20 207 of title 18, United States Code), under clause  
21 5 of rule XXV of the Rules of the House of Rep-  
22 resentatives, shall, upon proof of such offense by a  
23 preponderance of the evidence, be subject to a civil  
24 fine depending on the extent and gravity of the vio-  
25 lation.

1           (2) MAXIMUM FINE.—The maximum fine per  
2 offense under this section depends on the number of  
3 separate trips in connection with which the person  
4 committed an offense under this subsection, as fol-  
5 lows:

6           (A) FIRST TRIP.—For each offense com-  
7 mitted in connection with the first such trip,  
8 the amount of the fine shall be not more than  
9 \$100,000 per offense.

10          (B) SECOND TRIP.—For each offense com-  
11 mitted in connection with the second such trip,  
12 the amount of the fine shall be not more than  
13 \$300,000 per offense.

14          (C) ANY OTHER TRIPS.—For each offense  
15 committed in connection with any such trip  
16 after the second, the amount of the fine shall  
17 be not more than \$500,000 per offense.

18          (3) ENFORCEMENT.—The Attorney General  
19 may bring an action in United States district court  
20 to enforce this subsection.

21          (b) CRIMINAL PENALTY.—

22           (1) IN GENERAL.—Whoever knowingly and  
23 wilfully fails to comply with any provision of this  
24 section shall be imprisoned for not more than 5

1 years, or fined under title 18, United States Code,  
2 or both.

3 (2) CORRUPTLY.—Whoever knowingly, wilfully,  
4 and corruptly fails to comply with any provision of  
5 this section shall be imprisoned for not more than  
6 10 years, or fined under title 18, United States  
7 Code, or both.

8 **SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR**  
9 **HOUSE EMPLOYEES.**

10 (a) ETHICS TRAINING.—

11 (1) IN GENERAL.—The Committee on Stand-  
12 ards of Official Conduct shall provide annual ethics  
13 training to each employee of the House which shall  
14 include knowledge of the Official Code of Conduct  
15 and related House rules.

16 (2) NEW EMPLOYEES.—A new employee of the  
17 House shall receive training under this section not  
18 later than 60 days after beginning service to the  
19 House.

20 (b) CERTIFICATION.—Not later than January 31 of  
21 each year, each employee of the House shall file a certifi-  
22 cation with the Committee on Standards of Official Con-  
23 duct that the employee attended ethics training in the last  
24 year as established by this section.

# 1     **TITLE V—OPEN GOVERNMENT**

## 2     **SEC. 501. FISCAL RESPONSIBILITY.**

3           (a) RECONCILIATION.—Clause 10 of rule XVIII of  
4 the Rules of the House of Representatives is amended by  
5 adding at the end the following new paragraph:

6           “(d) It shall not be in order to consider any reconcili-  
7 ation legislation which has the net effect of reducing the  
8 surplus or increasing the deficit compared to the most re-  
9 cent Congressional Budget Office estimate for any fiscal  
10 year.”.

11          (b) APPLICATION OF POINTS OF ORDER UNDER  
12 CONGRESSIONAL BUDGET ACT TO ALL BILLS AND JOINT  
13 RESOLUTIONS CONSIDERED UNDER SPECIAL ORDERS OF  
14 BUSINESS.—Rule XXI of the Rules of the House of Rep-  
15 resentatives is amended by adding at the end the following  
16 new clause:

17          “7. For purposes of applying section 315 of the Con-  
18 gressional Budget and Impoundment Control Act of 1974,  
19 the term ‘as reported’ under such section shall be consid-  
20 ered to include any bill or joint resolution considered in  
21 the House pursuant to a special order of business.”.

## 22     **SEC. 502. CURBING ABUSES OF POWER.**

23          (a) LIMIT ON TIME PERMITTED FOR RECORDED  
24 ELECTRONIC VOTES.—Clause 2(a) of rule XX of the  
25 Rules of the House of Representatives is amended by in-

1   serting after the second sentence the following sentence:  
2   “The maximum time for a record vote by electronic device  
3   shall be 20 minutes, except that the time may be extended  
4   with the consent of both the majority and minority floor  
5   managers of the legislation involved or both the majority  
6   leader and the minority leader.”.

7       (b) CONGRESSIONAL INTEGRITY.—Rule XXIII of the  
8   Rules of the House of Representatives (the Code of Offi-  
9   cial Conduct) is amended—

10           (1) by redesignating clause 14 as clause 16;

11           and

12           (2) by inserting after clause 13 the following  
13   new clauses:

14       “14. A Member, Delegate, or Resident Commissioner  
15   shall not condition the inclusion of language to provide  
16   funding for a district-oriented earmark, a particular  
17   project which will be carried out in a Member’s congres-  
18   sional district, in any bill or joint resolution (or an accom-  
19   panying report thereof) or in any conference report on a  
20   bill or joint resolution (including an accompanying joint  
21   statement of managers thereto) on any vote cast by the  
22   Member, Delegate, or Resident Commissioner in whose  
23   Congressional district the project will be carried out.

24       “15. (a) A Member, Delegate, or Resident Commis-  
25   sioner who advocates to include a district-oriented ear-

1 mark in any bill or joint resolution (or an accompanying  
2 report) or in any conference report on a bill or joint resolu-  
3 tion (including an accompanying joint statement of man-  
4 agers thereto) shall disclose in writing to the chairman  
5 and ranking member of the relevant committee (and in  
6 the case of the Committee on Appropriations to the chair-  
7 man and ranking member of the full committee and of  
8 the relevant subcommittee)—

9           “(1) the name of the Member, Delegate, or  
10       Resident Commissioner;

11           “(2) the name and address of the intended re-  
12       cipient of such earmark;

13           “(3) the purpose of such earmark; and

14           “(4) whether the Member, Delegate, or Resi-  
15       dent Commissioner has a financial interest in such  
16       earmark.

17       “(b) Each committee shall make available to the gen-  
18       eral public the information transmitted to the committee  
19       under paragraph (a) for any earmark included in any  
20       measure reported by the committee or conference report  
21       filed by the chairman of the committee or any sub-  
22       committee thereof.

23       “(c) The Joint Committee on Taxation shall review  
24       any revenue measure or any reconciliation bill or joint res-  
25       olution which includes revenue provisions before it is re-

1 ported by a committee and before it is filed by a committee  
2 of conference of the two Houses, and shall identify wheth-  
3 er such bill or joint resolution contains any limited tax  
4 benefits. The Joint Committee on Taxation shall prepare  
5 a statement identifying any such limited tax benefits, stat-  
6 ing who the beneficiaries are of such benefits, and any  
7 substantially similar introduced measures and the spon-  
8 sors of such measures. Any such statement shall be made  
9 available to the general public by the Joint Committee on  
10 Taxation.”.

11 (c) RESTRICTIONS ON REPORTING CERTAIN  
12 RULES.—Clause 6(c) of rule XIII of the Rules of the  
13 House of Representatives is amended—

14 (1) by striking “or” at the end of subparagraph

15 (1);

16 (2) by striking the period at the end of sub-  
17 paragraph (2) and inserting a semicolon; and

18 (3) by adding at the end the following new sub-  
19 paragraphs:

20 “(3) a rule or order for consideration of a bill  
21 or joint resolution reported by a committee that  
22 makes in order as original text for purposes of  
23 amendment, text which differs from such bill or joint  
24 resolution as recommended by such committee to be  
25 amended unless the rule or order also makes in

1 order as preferential a motion to amend that is nei-  
2 ther divisible nor amendable but, if adopted will be  
3 considered original text for purposes of amendment,  
4 if requested by the chairman or ranking minority  
5 member of the reporting committee, and such rule  
6 or order shall waive all necessary points of order  
7 against that amendment only if it restores all or  
8 part of the text of the bill or joint resolution as rec-  
9 ommended by such committee or strikes some or all  
10 of the original text inserted by the Committee on  
11 Rules that was not contained in the recommended  
12 version;

13 “(4) a rule or order that waives any points of  
14 order against consideration of a bill or joint resolu-  
15 tion, against provisions in the measure, or against  
16 consideration of amendments recommended by the  
17 reporting committee unless the rule or order makes  
18 in order and waives the same points of order against  
19 one germane amendment if requested by the minor-  
20 ity leader or a designee;

21 “(5) a rule or order that waives clause 10(d) of  
22 rule XVIII, unless the majority leader and minority  
23 leader each agree to the waiver and a question of  
24 consideration of the rule is adopted by a vote of two-

1 thirds of the Members voting, a quorum being  
2 present; or

3 “(6) a rule or order that waives clause 12(a) of  
4 rule XXII.”.

5 **SEC. 503. ENDING 2-DAY WORK WEEKS.**

6 Rule XV of the Rules of the House of Representatives  
7 is amended by adding at the end the following new clause:

8 “8. It shall not be in order to consider a resolution  
9 providing for adjournment sine die unless, during at least  
10 20 weeks of the session, a quorum call or recorded vote  
11 was taken on at least 4 of the weekdays (excluding legal  
12 public holidays).”.

13 **SEC. 504. KNOWING WHAT THE HOUSE IS VOTING ON.**

14 (a) **BILLS AND JOINT RESOLUTIONS.**—

15 (1) **IN GENERAL.**—Rule XIII of the Rules of  
16 the House of Representatives is amended by adding  
17 at the end the following new clause:

18 “8. Except for motions to suspend the rules and con-  
19 sider legislation, it shall not be in order to consider in the  
20 House a bill or joint resolution until 24 hours after or,  
21 in the case of a bill or joint resolution containing a dis-  
22 trict-oriented earmark or limited tax benefit, until 3 days  
23 after copies of such bill or joint resolution (and, if the bill  
24 or joint resolution is reported, copies of the accompanying  
25 report) are available (excluding Saturdays, Sundays, or

1 legal holidays except when the House is in session on such  
2 a day).”.

3 (2) PROHIBITING WAIVER.—Clause 6(c) of rule  
4 XIII of the Rules of the House of Representatives,  
5 as amended by section 3(a), is further amended—

6 (A) by striking “or” at the end of subpara-  
7 graph (5);

8 (B) by striking the period at the end of  
9 subparagraph (6) and inserting “; or”; and

10 (C) by adding at the end the following new  
11 subparagraph:

12 “(7) a rule or order that waives clause 8 of rule  
13 XIII or clause 8(a)(1)(B) of rule XXII, unless a  
14 question of consideration of the rule is adopted by  
15 a vote of two-thirds of the Members voting, a  
16 quorum being present.”.

17 (b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of  
18 rule XXII of the Rules of the House of Representatives  
19 is amended by striking “2 hours“ and inserting “24 hours  
20 or, in the case of a conference report containing a district-  
21 oriented earmark or limited tax benefit, until 3 days  
22 after”.

23 **SEC. 505. FULL AND OPEN DEBATE IN CONFERENCE.**

24 (a) NUMBERED AMENDMENTS.—Clause 1 of rule  
25 XXII of the Rules of the House of Representatives is

1 amended by adding at the end the following new sentence:  
2 “A motion to request or agree to a conference on a general  
3 appropriation bill is in order only if the House expresses  
4 its disagreements with the House in the form of numbered  
5 amendments.”.

6 (b) PROMOTING OPENNESS IN DELIBERATIONS OF  
7 MANAGERS.—Clause 12(a) of rule XXII of the Rules of  
8 the House of Representatives is amended by adding at the  
9 end the following new subparagraph:

10 “(3) All provisions on which the two Houses disagree  
11 shall be open to discussion at any meeting of a conference  
12 committee. The text which reflects the conferees’ action  
13 on all of the differences between the two Houses, including  
14 all matter to be included in the conference report and any  
15 amendments in disagreement, shall be available to any of  
16 the managers at least one such meeting, and shall be ap-  
17 proved by a recorded vote of a majority of the House man-  
18 agers. Such text and, with respect to such vote, the total  
19 number of votes cast for and against, and the names of  
20 members voting for and against, shall be included in the  
21 joint explanatory statement of managers accompanying  
22 the conference report of such conference committee.”.

23 (c) POINT OF ORDER AGAINST CONSIDERATION OF  
24 CONFERENCE REPORT NOT REFLECTING RESOLUTION  
25 OF DIFFERENCES AS APPROVED.—



1 the requirements of this subsection unless such indi-  
2 vidual—

3           (1) has academic, management, and leadership  
4           credentials in one or more areas relevant to such po-  
5           sition;

6           (2) has a superior record of achievement in one  
7           or more areas relevant to such position;

8           (3) has training and expertise in one or more  
9           areas relevant to such position; and

10           (4) has not, within the 2-year period ending on  
11           the date of such individual’s nomination for or ap-  
12           pointment to such position, been a lobbyist for any  
13           entity or other client that is subject to the authority  
14           of the agency within which, if appointed, such indi-  
15           vidual would serve.

16           (c) **POLITICAL APPOINTEE.**—For purposes of this  
17           section, the term “political appointee” means any indi-  
18           vidual who—

19           (1) is employed in a position listed in sections  
20           5312 through 5316 of title 5, United States Code  
21           (relating to the Executive Schedule);

22           (2) is a limited term appointee, limited emer-  
23           gency appointee, or noncareer appointee in the Sen-  
24           ior Executive Service; or

1           (3) is employed in the executive branch of the  
2           Government in a position which has been excepted  
3           from the competitive service by reason of its policy-  
4           determining, policy-making, or policy-advocating  
5           character.

6           (d) PUBLIC SAFETY POSITION.—For purposes of this  
7           section, the term “public safety position” means—

8           (1) the Under Secretary for Emergency Pre-  
9           paredness and Response, Department of Homeland  
10          Security;

11          (2) the Director of the Federal Emergency  
12          Management Agency, Department of Homeland Se-  
13          curity;

14          (3) each regional director of the Federal Emer-  
15          gency Management Agency, Department of Home-  
16          land Security;

17          (4) the Recovery Division Director of the Fed-  
18          eral Emergency Management Agency, Department  
19          of Homeland Security;

20          (5) the Assistant Secretary for Immigration  
21          and Customs Enforcement, Department of Home-  
22          land Security;

23          (6) the Assistant Secretary for Public Health  
24          Emergency Preparedness, Department of Health  
25          and Human Services;

1           (7) the Assistant Administrator for Solid Waste  
2           and Emergency Response, Environmental Protection  
3           Agency; and

4           (8) any position (not otherwise identified under  
5           any of the preceding provisions of this subsection) a  
6           primary function of which involves responding to a  
7           direct threat to life or property or a hazard to  
8           health, as identified by the head of each employing  
9           agency in consultation with the Office of Personnel  
10          Management.

11         Beginning not later than 30 days after the date of the  
12         enactment of this Act, the head of each agency shall main-  
13         tain on such agency’s public website a current list of all  
14         public safety positions within such agency.

15         (e) COORDINATION WITH OTHER REQUIREMENTS.—

16         The requirements set forth in subsection (b) shall be in  
17         addition to, and not in lieu of, any requirements that  
18         might otherwise apply with respect to any particular posi-  
19         tion.

20         (f) DEFINITIONS.—For purposes of this section—

21                 (1) the term “agency” means an Executive  
22                 agency (as defined by section 105 of title 5, United  
23                 States Code);

24                 (2) the terms “limited term appointee”, “lim-  
25                 ited emergency appointee”, and “noncareer ap-

1       pointee” have the respective meanings given them by  
2       section 3132 of such title 5;

3               (3) the term “Senior Executive Service” has the  
4       meaning given such term by section 2101a of such  
5       title 5;

6               (4) the term “competitive service” has the  
7       meaning given such term by section 2102 of such  
8       title 5; and

9               (5) the terms “lobbyist” and “client” have the  
10      respective meanings given them by section 3 of the  
11      Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

12 **SEC. 602. EFFECTIVE DATE.**

13       This title shall apply with respect to any appointment  
14      made after the end of the 30-day period beginning on the  
15      date of the enactment of this Act.

16       **TITLE VII—ZERO TOLERANCE**  
17       **FOR CONTRACT CHEATERS**

18 **SEC. 701. PUBLIC AVAILABILITY OF FEDERAL CONTRACT**

19               **AWARDS.**

20       (a) AMENDMENT.—The Office of Federal Procure-  
21      ment Policy Act (41 U.S.C. 403 et seq.) is amended by  
22      inserting after section 19 the following new section:

1 **“SEC. 19A. PUBLIC AVAILABILITY OF CONTRACT AWARD IN-**  
2 **FORMATION.**

3 “Not later than 14 days after the award of a contract  
4 by an executive agency, the head of the executive agency  
5 shall make publicly available, including by posting on the  
6 Internet in a searchable database, the following informa-  
7 tion with respect to the contract:

8 “(1) The name and address of the contractor.

9 “(2) The date of award of the contract.

10 “(3) The number of offers received in response  
11 to the solicitation.

12 “(4) The total amount of the contract.

13 “(5) The contract type.

14 “(6) The items, quantities, and any stated unit  
15 price of items or services to be procured under the  
16 contract.

17 “(7) With respect to a procurement carried out  
18 using procedures other than competitive proce-  
19 dures—

20 “(A) the authority for using such proce-  
21 dures under section 303(c) of title III of the  
22 Federal Property and Administrative Services  
23 Act of 1949 (41 U.S.C. 253(c)) or section  
24 2304(c) of title 10, United States Code; and

25 “(B) the number of sources from which  
26 bids or proposals were solicited.

1           “(8) The general reasons for selecting the con-  
2           tractor.”.

3           (b) CLERICAL AMENDMENT.—The table of contents  
4           contained in section 1(b) of such Act is amended by insert-  
5           ing after the item relating to section 19 the following new  
6           item:

          “Sec. 19A. Public availability of contract award information.”.

7           (c) EFFECTIVE DATE.—The amendments made by  
8           this Act shall apply to contracts entered into more than  
9           90 days after the date of the enactment of this Act.

10   **SEC. 702. PROHIBITION ON AWARD OF MONOPOLY CON-**  
11                                   **TRACTS.**

12           (a) CIVILIAN AGENCY CONTRACTS.—

13                   (1) Paragraph (3) of section 303H(d) of title  
14           III of the Federal Property and Administrative Serv-  
15           ices Act of 1949 (41 U.S.C. 253h(d)) is amended to  
16           read as follows:

17                   “(3)(A) The regulations implementing this sub-  
18           section shall prohibit the award of monopoly con-  
19           tracts.

20                   “(B) In this subsection, the term ‘monopoly  
21           contract’ means a task or delivery order contract in  
22           an amount estimated to exceed \$10,000,000 (includ-  
23           ing all options) awarded to a single contractor.

1           “(C) Notwithstanding subparagraph (A), a mo-  
2           nopoly contract may be awarded if the head of the  
3           agency determines in writing that—

4                   “(i) for one of the reasons set forth in sec-  
5                   tion 303(e), a single task or delivery order con-  
6                   tract is in the best interest of the Federal Gov-  
7                   ernment; or

8                   “(ii) the task orders expected under the  
9                   contract are so integrally related that only a  
10                  single contractor can reasonably perform the  
11                  work.”.

12           (2) Section 303H(d)(1) of such Act is amended  
13           by striking “The head” and inserting “Subject to  
14           paragraph (3), the head”.

15           (3) Subsection (e) of section 303I of such Act  
16           (41 United States Code 253i) is amended to read as  
17           follows:

18           “(e) MULTIPLE AWARDS.—Section 303H(d) applies  
19           to a task or delivery order contract for the procurement  
20           of advisory and assistance services under this section.”.

21           (b) DEFENSE CONTRACTS.—

22                   (1) Section 2304a(d) of title 10, United States  
23                   Code, is amended by adding at the end the following  
24                   new paragraph:

1           “(4)(A) The regulations implementing this sub-  
2           section shall prohibit the award of monopoly con-  
3           tracts.

4           “(B) In this subsection, the term ‘monopoly  
5           contract’ means a task or delivery order contract in  
6           an amount estimated to exceed 10,000,000 (includ-  
7           ing all options) awarded to a single contractor.

8           “(C) Notwithstanding subparagraph (A), a mo-  
9           nopoly contract may be awarded if the head of the  
10          agency determines in writing that—

11           “(i) for one of the reasons set forth in sec-  
12          tion 2304(c), a single task or delivery order  
13          contract is in the best interest of the Federal  
14          Government; or

15           “(ii) the task orders expected under the  
16          contract are so integrally related that only a  
17          single contractor can reasonably perform the  
18          work.”.

19          (2) Section 2304a(d)(1) of such title is amend-  
20          ed by striking “The head” and inserting “Subject to  
21          paragraph (4), the head”.

22          (3) Subsection (e) of section 2304b of such title  
23          is amended to read as follows:

24          “(e) MULTIPLE AWARDS.—Section 2304a(d) of this  
25          title applies to a task or delivery order contract for the

1 procurement of advisory and assistance services under this  
2 section.”.

3 **SEC. 703. COMPETITION IN MULTIPLE AWARD CONTRACTS.**

4 (a) EXPANSION OF APPLICABILITY TO ALL GOVERN-  
5 MENT CONTRACTS.—Title III of the Federal Property and  
6 Administrative Services Act of 1949 (41 U.S.C. 251 et  
7 seq.) is amended by inserting after section 303M the fol-  
8 lowing new section:

9 **“SEC. 303N. COMPETITION IN MULTIPLE AWARD CON-**  
10 **TRACTS.**

11 “(a) REGULATIONS REQUIRED.—Not later than 180  
12 days after the date of the enactment of this section, the  
13 Federal Acquisition Regulation shall be revised to require  
14 competition in the purchase of goods and services by each  
15 executive agency pursuant to multiple award contracts.

16 “(b) CONTENT OF REGULATIONS.—(1) The regula-  
17 tions required by subsection (a) shall provide, at a min-  
18 imum, that each individual purchase of goods or services  
19 in excess of \$100,000 that is made under a multiple award  
20 contract shall be made on a competitive basis unless a con-  
21 tracting officer of the executive agency—

22 “(A) waives the requirement on the basis of a  
23 determination that—

1           “(i) one of the circumstances described in  
2 paragraphs (1) through (4) of section 303J(b)  
3 applies to such individual purchase; or

4           “(ii) a statute expressly authorizes or re-  
5 quires that the purchase be made from a speci-  
6 fied source; and

7           “(B) justifies the determination in writing.

8           “(2) For purposes of this subsection, an individual  
9 purchase of goods or services is made on a competitive  
10 basis only if it is made pursuant to procedures that—

11           “(A) require fair notice of the intent to make  
12 that purchase (including a description of the work to  
13 be performed and the basis on which the selection  
14 will be made) to be provided to all contractors offer-  
15 ing such goods or services under the multiple award  
16 contract; and

17           “(B) afford all contractors responding to the  
18 notice a fair opportunity to make an offer and have  
19 that offer fairly considered by the official making  
20 the purchase.

21           “(3) Notwithstanding paragraph (2), notice may be  
22 provided to fewer than all contractors offering such goods  
23 or services under a multiple award contract described in  
24 subsection (c)(2)(A) if notice is provided to as many con-  
25 tractors as practicable.

1       “(4) A purchase may not be made pursuant to a no-  
2       tice that is provided to fewer than all contractors under  
3       paragraph (3) unless—

4               “(A) offers were received from at least three  
5       qualified contractors; or

6               “(B) a contracting officer of the executive agen-  
7       cy determines in writing that no additional qualified  
8       contractors were able to be identified despite reason-  
9       able efforts to do so.

10       “(5) For purposes of paragraph (2), fair notice  
11       means notice of intent to make a purchase under a mul-  
12       tiple award contract posted, at least 14 days before the  
13       purchase is made, on the website maintained by the Gen-  
14       eral Services Administration known as FedBizOpps.gov  
15       (or any successor site).

16       “(c) DEFINITIONS.—In this section:

17               “(1) The term ‘individual purchase’ means a  
18       task order, delivery order, or other purchase.

19               “(2) The term ‘multiple award contract’  
20       means—

21               “(A) a contract that is entered into by the  
22       Administrator of General Services under the  
23       multiple award schedule program referred to in  
24       section 309(b)(3);

1           “(B) a multiple award task order contract  
2           that is entered into under the authority of sec-  
3           tions 2304a through 2304d of title 10, United  
4           States Code, or sections 303H through 303K;  
5           and

6           “(C) any other indefinite delivery, indefi-  
7           nite quantity contract that is entered into by  
8           the head of an executive agency with two or  
9           more sources pursuant to the same solicitation.

10          “(d) APPLICABILITY.—The revisions to the Federal  
11 Acquisition Regulation pursuant to subsection (a) shall  
12 take effect not later than 180 days after the date of the  
13 enactment of this section and shall apply to all individual  
14 purchases of goods or services that are made under mul-  
15 tiple award contracts on or after the effective date, with-  
16 out regard to whether the multiple award contracts were  
17 entered into before, on, or after such effective date.”.

18          (b) CONFORMING AMENDMENTS TO DEFENSE CON-  
19 TRACT PROVISION.—Section 803 of the National Defense  
20 Authorization Act for Fiscal Year 2002 (Public Law 107–  
21 107; 10 U.S.C. 2304 note) is amended as follows:

22           (1) GOODS COVERED.—

23           (A) The section heading is amended by in-  
24           serting “**GOODS OR**” before “**SERVICES**”.

1           (B) Subsection (a) is amended by inserting  
2           “goods and” before “services”.

3           (C) The following provisions are amended  
4           by inserting “goods or” before “services” each  
5           place it appears:

6                   (i) Paragraphs (1), (2), and (3) of  
7                   subsection (b).

8                   (ii) Subsection (d).

9           (D) Such section is amended by adding at  
10           the end the following new subsection:

11           “(e) APPLICABILITY TO GOODS.—The Secretary shall  
12           revise the regulations promulgated pursuant to subsection  
13           (a) to cover purchases of goods by the Department of De-  
14           fense pursuant to multiple award contracts. The revised  
15           regulations shall take effect in final form not later than  
16           180 days after the date of the enactment of this subsection  
17           and shall apply to all individual purchases of goods that  
18           are made under multiple award contracts on or after the  
19           effective date, without regard to whether the multiple  
20           award contracts were entered into before, on, or after such  
21           effective date.”.

22           (2) EXPANSION OF NOTICE REQUIREMENTS.—  
23           Subsection (b) is amended by adding at the end the  
24           following new paragraph:

1           “(5) For purposes of paragraph (2), fair notice  
2 means notice of intent to make a purchase under a  
3 multiple award contract posted, at least 14 days be-  
4 fore the purchase is made, on the website main-  
5 tained by the General Services Administration  
6 known as FedBizOpps.gov (or any successor site).”.

7 **SEC. 704. SUSPENSION AND DEBARMENT OF UNETHICAL**  
8 **CONTRACTORS.**

9           (a) CIVILIAN AGENCY CONTRACTORS.—(1) Title III  
10 of the Federal Property and Administrative Services Act  
11 of 1949 (41 U.S.C. 251 et seq.) is amended by inserting  
12 after section 303N, as added by section 703, the following  
13 new section:

14 **“SEC. 303O. SUSPENSION AND DEBARMENT OF UNETHICAL**  
15 **CONTRACTORS.**

16           “(a) IN GENERAL.—No prospective contractor may  
17 be awarded a contract with an agency unless the con-  
18 tracting officer for the contract determines that such pro-  
19 spective contractor has a satisfactory record of integrity  
20 and business ethics.

21           “(b) DEFINITION.—No prospective contractor shall  
22 be considered to have a satisfactory record of integrity and  
23 business ethics if it—

24                   “(1) has exhibited a pattern of overcharging the  
25 Government under Federal contracts;



1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to contracts for which  
3 solicitations are issued after the date of the enactment of  
4 this Act.

5 **SEC. 705. CRIMINAL SANCTIONS FOR CHEATING TAX-**  
6 **PAYERS AND WARTIME FRAUD.**

7 (a) PROHIBITION.—

8 (1) IN GENERAL.—Chapter 47 of title 18,  
9 United States Code, is amended by adding at the  
10 end the following:

11 **“§ 1039. Criminal sanctions for cheating taxpayers**  
12 **and wartime fraud**

13 “(a) PROHIBITION.—

14 “(1) IN GENERAL.—Whoever, in any matter in-  
15 volving a Federal contract or the provision of goods  
16 or services, knowingly and willfully—

17 “(A) executes or attempts to execute a  
18 scheme or artifice to defraud the United States;

19 “(B) falsifies, conceals, or covers up by  
20 any trick, scheme, or device a material fact;

21 “(C) makes any materially false, fictitious,  
22 or fraudulent statements or representations, or  
23 makes or uses any materially false writing or  
24 document knowing the same to contain any ma-

1           terially false, fictitious, or fraudulent statement  
2           or entry; or

3           “(D) materially overvalues any good or  
4           service with the specific intent to excessively  
5           profit from war, military action, or relief or re-  
6           construction activities;

7           shall be fined under paragraph (2), imprisoned not  
8           more than 10 years, or both.

9           “(2) FINE.—A person convicted of an offense  
10          under paragraph (1) may be fined the greater of—

11           “(A) \$1,000,000; or

12           “(B) if such person derives profits or other  
13          proceeds from the offense, not more than twice  
14          the gross profits or other proceeds.

15          “(b) EXTRATERRITORIAL JURISDICTION.—There is  
16          extraterritorial Federal jurisdiction over an offense under  
17          this section.

18          “(c) VENUE.—A prosecution for an offense under  
19          this section may be brought—

20           “(1) as authorized by chapter 211 of this title;

21           “(2) in any district where any act in further-  
22          ance of the offense took place; or

23           “(3) in any district where any party to the con-  
24          tract or provider of goods or services is located.”.

1           (2) TABLE OF SECTIONS.—The table of sections  
2           for chapter 47 of title 18, United States Code, is  
3           amended by adding at the end the following:

“1039. Criminal Sanctions for Cheating Taxpayers and Wartime Fraud.”.

4           (d) CIVIL FORFEITURE.—Section 981(a)(1)(C) of  
5 title 18, United States Code, is amended by inserting  
6 “1039,” after “1032,”.

7           (e) CRIMINAL FORFEITURE.—Section 982(a)(2)(B)  
8 of title 18, United States Code, is amended by striking  
9 “or 1030” and inserting “1030, or 1039”.

10          (f) MONEY LAUNDERING.—Section 1956(c)(7)(D) of  
11 title 18, United States Code, is amended by inserting the  
12 following: “, section 1039 (relating to Criminal Sanctions  
13 for Cheating Taxpayers and Wartime Fraud,” after “liq-  
14 uidating agent of financial institution),”.

15 **SEC. 706. PROHIBITION ON CONTRACTOR CONFLICTS OF**  
16 **INTEREST.**

17          (a) PROHIBITION.—An agency may not enter into a  
18 contract for the performance of a function relating to con-  
19 tract oversight with any contractor with a conflict of inter-  
20 est.

21          (b) DEFINITIONS.—In this section:

22               (1) The term “function relating to contract  
23 oversight” includes the following specific functions:

24                       (A) Evaluation of a contractor’s perform-  
25                       ance.

1 (B) Evaluation of contract proposals.

2 (C) Development of statements of work.

3 (D) Services in support of acquisition plan-  
4 ning.

5 (E) Contract management.

6 (2) The term “conflict of interest” includes  
7 cases in which the contractor performing the func-  
8 tion relating to contract oversight, or any related en-  
9 tity—

10 (A) is performing all or some of the work  
11 to be overseen;

12 (B) has a separate ongoing business rela-  
13 tionship, such as a joint venture or contract,  
14 with any of the contractors to be overseen;

15 (C) would be placed in a position to affect  
16 the value or performance of work it or any re-  
17 lated entity is doing under any other Govern-  
18 ment contract;

19 (D) has a reverse role with the contractor  
20 to be overseen under one or more separate Gov-  
21 ernment contracts; and

22 (E) has some other relationship with the  
23 contractor to be overseen that could reasonably  
24 appear to bias the contractor’s judgment.

1           (3) The term “related entity”, with respect to  
2           a contractor, means any subsidiary, parent, affiliate,  
3           joint venture, or other entity related to the con-  
4           tractor.

5           (c) **CONTRACTS RELATING TO INHERENTLY GOV-**  
6 **ERNMENTAL FUNCTIONS.**—An agency may not enter into  
7 a contract for the performance of inherently governmental  
8 functions for contract oversight (as described in subpart  
9 7.5 of part 7 of the Federal Acquisition Regulation).

10          (d) **EFFECTIVE DATE AND APPLICABILITY.**—This  
11 section shall take effect on the date of enactment of this  
12 Act and shall apply to—

13           (1) contracts entered into on or after such date;

14           (2) any task or delivery order issued on or after  
15 such date under a contract entered into before, on,  
16 or after such date; and

17           (3) any decision on or after such date to exer-  
18 cise an option or otherwise extend a contract for the  
19 performance of a function relating to contract over-  
20 sight regardless of whether such contract was en-  
21 tered into before, on, or after the date of enactment  
22 of this Act.

23 **SEC. 707. DISCLOSURE OF GOVERNMENT CONTRACTOR**  
24 **OVERCHARGES.**

25          (a) **QUARTERLY REPORT TO CONGRESS.**—

1           (1) The head of each Federal agency or depart-  
2           ment shall submit to the chairman and ranking  
3           member of each committee described in paragraph  
4           (2) on a quarterly basis a report that includes the  
5           following:

6                   (A) A list of audits or other reports issued  
7                   during the applicable quarter that describe con-  
8                   tractor costs in excess of \$1,000,000 that have  
9                   been identified as unjustified, unsupported,  
10                  questioned, or unreasonable under any contract,  
11                  task or delivery order, or subcontract.

12                  (B) The specific amounts of costs identi-  
13                  fied as unjustified, unsupported, questioned, or  
14                  unreasonable and the percentage of their total  
15                  value of the contract, task or delivery order, or  
16                  subcontract.

17                  (C) A list of audits or other reports issued  
18                  during the applicable quarter that identify sig-  
19                  nificant or substantial deficiencies in any busi-  
20                  ness system of any contractor under any con-  
21                  tract, task or delivery order, or subcontract.

22           (2) The report described in paragraph (1) shall  
23           be submitted to the Committee on Government Re-  
24           form of the House of Representatives, the Com-  
25           mittee on Homeland Security and Governmental Af-

1       fairs of the Senate, and other committees of jurisdic-  
2       tion.

3       (b) SUBMISSION OF INDIVIDUAL AUDITS.—The head  
4       of each Federal agency or department shall provide, within  
5       14 days after a request in writing by the chairman or  
6       ranking member of any of the committees described in  
7       subsection (a)(2), a full and unredacted copy of any audit  
8       or other report described in subsection (a)(1).

9       **SEC. 708. PENALTIES FOR IMPROPER SOLE-SOURCE CON-**  
10       **TRACTING PROCEDURES.**

11       (a) CIVILIAN AGENCY CONTRACTS.—Section 303 of  
12       the Federal Property and Administrative Services Act (41  
13       U.S.C. 253) is amended—

14               (1) by redesignating subsections (g), (h), and  
15       (i) as subsections (h), (i), and (j), respectively; and

16               (2) by inserting after subsection (f) the fol-  
17       lowing new subsection:

18       “(g) Any official who knowingly and intentionally vio-  
19       lates Federal procurement law in the preparation or cer-  
20       tification of a justification for a sole-source contract, in  
21       the award of a sole-source contract, or in directing or par-  
22       ticipating in the award of a sole-source contract, shall be  
23       subject to administrative sanctions up to and including  
24       termination of employment.”.

1 (b) DEFENSE AGENCY CONTRACTS.—Section 2304  
2 of title 10, United States Code, is amended—

3 (1) by redesignating subsections (g), (h), and  
4 (i) as subsections (h), (i), and (j), respectively; and

5 (2) by inserting after subsection (f) the fol-  
6 lowing new subsection:

7 “(g) Any official who knowingly and intentionally vio-  
8 lates federal procurement law in the preparation or certifi-  
9 cation of a justification for a sole-source contract, in the  
10 award of a sole-source contract, or in directing or partici-  
11 pating in the award of a sole-source contract, shall be sub-  
12 ject to administrative sanctions up to and including termi-  
13 nation of employment.”.

14 (c) REGULATIONS.—The Administrator for Federal  
15 Procurement Policy, in consultation with the Director of  
16 the Office of Personnel Management, shall issue regula-  
17 tions to implement the amendments made by this section.

18 **SEC. 709. STOPPING THE REVOLVING DOOR.**

19 (a) ELIMINATION OF LOOPHOLES THAT ALLOW  
20 FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSA-  
21 TION FROM CONTRACTORS OR RELATED ENTITIES.—

22 (1) Paragraph (1) of section 27(d) of the Office  
23 of Federal Procurement Policy Act (41 U.S.C.  
24 423(d)(1)) is amended—

1 (A) by striking “or consultant” and insert-  
2 ing “consultant, lawyer, or lobbyist”;

3 (B) by striking “one year” and inserting  
4 “two years”; and

5 (C) in subparagraph (C), by striking “per-  
6 sonally made for the Federal agency—” and in-  
7 serting “participated personally and substan-  
8 tially in—”.

9 (2) Paragraph (2) of section 27(d) of such Act  
10 (41 U.S.C. 423(d)(2)) is amended to read as follows:

11 “(2) For purposes of paragraph (1), the term ‘con-  
12 tractor’ includes any division, affiliate, subsidiary, parent,  
13 joint venture, or other related entity of the contractor.”.

14 (b) PROHIBITION ON AWARD OF GOVERNMENT CON-  
15 TRACTS TO FORMER EMPLOYERS.—Section 27 of such  
16 Act (41 U.S.C. 423) is amended by adding at the end the  
17 following new subsection:

18 “(i) PROHIBITION ON INVOLVEMENT BY CERTAIN  
19 FORMER CONTRACTOR EMPLOYEES IN PROCURE-  
20 MENTS.—A former employee of a contractor who becomes  
21 an employee of the Federal government shall not be per-  
22 sonally and substantially involved with any Federal agency  
23 procurement involving the employee’s former employer, in-  
24 cluding any division, affiliate, subsidiary, parent, joint  
25 venture, or other related entity of the former employer,

1 for a period of two years beginning on the date on which  
2 the employee leaves the employment of the contractor.”.

3 (c) REQUIREMENT FOR FEDERAL PROCUREMENT  
4 OFFICERS TO DISCLOSE JOB OFFERS MADE TO REL-  
5 ATIVES.—Section 27(c)(1) of such Act (41 U.S.C.  
6 423(c)(1)) is amended by inserting after “that official”  
7 the following: “or for a relative of that official (as defined  
8 in section 3110 of title 5, United States Code),”.

9 (d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph  
10 (1) of section 27(e) of such Act (41 U.S.C. (e)(1)) is  
11 amended to read as follows:

12 “(1) CRIMINAL PENALTIES.—Whoever engages  
13 in conduct constituting a violation of—

14 “(A) subsection (a) or (b) for the purpose  
15 of either—

16 “(i) exchanging the information cov-  
17 ered by such subsection for anything of  
18 value, or

19 “(ii) obtaining or giving anyone a  
20 competitive advantage in the award of a  
21 Federal agency procurement contract; or

22 “(B) subsection (c) or (d);

23 shall be imprisoned for not more than 5 years or  
24 fined as provided under title 18, United States Code,  
25 or both.”.

1 (e) REGULATIONS.—Section 27 of such Act (41  
2 U.S.C. 423) is further amended by adding at the end of  
3 the following new subsection:

4 “(j) REGULATIONS.—The Director of the Office of  
5 Government Ethics, in consultation with the Adminis-  
6 trator, shall—

7 “(1) promulgate regulations to carry out and  
8 ensure the enforcement of this section; and

9 “(2) monitor and investigate individual and  
10 agency compliance with this section.”.

## 11 **TITLE VIII—PRESIDENTIAL** 12 **LIBRARIES**

### 13 **SEC. 801. PRESIDENTIAL LIBRARIES.**

14 (a) IN GENERAL.—Section 2112 of title 44, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing new subsection:

17 “(h)(1) Any organization that is established for the  
18 purpose of raising funds for creating, maintaining, ex-  
19 panding, or conducting activities at a Presidential archival  
20 depository or any facilities relating to a Presidential archi-  
21 val depository, shall submit to the Administration, the  
22 Committee on Government Reform of the House of Rep-  
23 resentatives, and the Committee on Governmental Affairs  
24 of the Senate on a quarterly basis, by not later than the  
25 applicable date specified in paragraph (2), information

1 with respect to every contributor who, during the des-  
2 ignated period—

3           “(A) with respect to a Presidential archival de-  
4           pository of a President who currently holds the Of-  
5           fice of President or for which the Archivist has not  
6           accepted, taken title to, or entered into an agree-  
7           ment to use any land or facility, gave the organiza-  
8           tion a contribution or contributions (whether mone-  
9           tary or in-kind) totaling \$100 or more for the quar-  
10          terly period; or

11          “(B) with respect to a Presidential archival de-  
12          pository of a President who no longer holds the Of-  
13          fice of President and for which the Archivist has ac-  
14          cepted, taken title to, or entered into an agreement  
15          to use any land or facility, gave the organization a  
16          contribution or contributions (whether monetary or  
17          in-kind) totaling \$100 or more for the quarterly pe-  
18          riod.

19          “(2) For purposes of paragraph (1), the applicable  
20          date—

21                 “(A) with respect to information required under  
22                 paragraph (1)(A), shall be April 15, July 15, Octo-  
23                 ber 15, and January 15 of each year and of the fol-  
24                 lowing year as applicable to the fourth quarterly fil-  
25                 ing; and

1           “(B) with respect to information required under  
2           paragraph (1)(B), shall be April 15, July 15, Octo-  
3           ber 15, and January 15 of each year and of the fol-  
4           lowing year as applicable to the fourth quarterly fil-  
5           ing.

6           “(3) As used in this subsection, the term ‘informa-  
7           tion’ means the following:

8           “(A) The amount or value of each contribution  
9           made by a contributor referred to in paragraph (1)  
10          in the quarter covered by the submission.

11          “(B) The source of each such contribution, and  
12          the address of the entity or individual that is the  
13          source of the contribution.

14          “(C) If the source of such a contribution is an  
15          individual, the occupation of the individual.

16          “(D) The date of each such contribution.

17          “(4) The Archivist shall make available to the public  
18          through the Internet (or a successor technology readily  
19          available to the public) as soon as is practicable after each  
20          quarterly filing any information that is submitted in ac-  
21          cordance with paragraph (1).

22          “(5)(A) It shall be unlawful for any person who  
23          makes a contribution described in paragraph (1) to know-  
24          ingly and willfully submit false material information or

1 omit material information with respect to the contribution  
2 to an organization described in such paragraph.

3 “(B) The penalties described in section 1001 of title  
4 18, United States Code, shall apply with respect to a viola-  
5 tion of subparagraph (A) in the same manner as a viola-  
6 tion described in such section.

7 “(6)(A) It shall be unlawful for any organization de-  
8 scribed in paragraph (1) to knowingly and willfully submit  
9 false material information or omit material information  
10 under such paragraph.

11 “(B) The penalties described in section 1001 of title  
12 18, United States Code, shall apply with respect to a viola-  
13 tion of subparagraph (A) in the same manner as a viola-  
14 tion described in such section.

15 “(7)(A) It shall be unlawful for a person to knowingly  
16 and willfully—

17 “(i) make a contribution described in paragraph  
18 (1) in the name of another person;

19 “(ii) permit his or her name to be used to effect  
20 a contribution described in paragraph (1); or

21 “(iii) accept a contribution described in para-  
22 graph (1) that is made by one person in the name  
23 of another person.

24 “(B) The penalties set forth in section 309(d) of the  
25 Federal Election Campaign Act of 1971 (2 U.S.C.

1 437g(d)) shall apply to a violation of subparagraph (A)  
2 in the same manner as if such violation were a violation  
3 of section 316(b)(3) of such Act.

4 “(8) The Archivist shall promulgate regulations for  
5 the purpose of carrying out this subsection.”.

6 (b) APPLICABILITY.—Section 2112(h) of title 44,  
7 United States Code (as added by subsection (a))—

8 (1) shall apply to an organization established  
9 for the purpose of raising funds for creating, main-  
10 taining, expanding, or conducting activities at a  
11 Presidential archival depository or any facilities re-  
12 lating to a Presidential archival depository before,  
13 on or after the date of the enactment of this Act;  
14 and

15 (2) shall only apply with respect to contribu-  
16 tions (whether monetary or in-kind) made after the  
17 date of the enactment of this Act.

○