

109TH CONGRESS  
1ST SESSION

# S. 1398

To provide more rigorous requirements with respect to ethics and lobbying.

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IN THE SENATE OF THE UNITED STATES

JULY 14, 2005

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide more rigorous requirements with respect to ethics and lobbying.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Lobbying and Ethics Reform Act of 2005”.

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

Sec. 1. Short title; table of contents.

### TITLE I—ENHANCING LOBBYING DISCLOSURE

Sec. 101. Quarterly filing of lobbying disclosure reports.

Sec. 102. Electronic filing of lobbying disclosure reports.

Sec. 103. Public database of lobbying disclosure information.

Sec. 104. Identification of officials with whom lobbying contacts are made.

- Sec. 105. Disclosure by registered lobbyists of all past executive and congressional employment.
- Sec. 106. Disclosure of grassroots activities by paid lobbyists.
- Sec. 107. Disclosure of lobbying activities by certain coalitions and associations.
- Sec. 108. Increased penalty for failure to comply with lobbying disclosure requirements.

#### TITLE II—SLOWING THE REVOLVING DOOR

- Sec. 201. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.
- Sec. 202. Reform of waiver process for acts affecting a personal financial interest.
- Sec. 203. Public disclosure by Members of Congress of employment negotiations.
- Sec. 204. Wrongfully influencing, on a partisan basis, an entity's employment decisions or practices.
- Sec. 205. Amendment to Code of Official Conduct to prohibit favoritism.
- Sec. 206. Elimination of floor privileges and other perks for former Member lobbyists.

#### TITLE III—CURBING EXCESSES IN PRIVATELY FUNDED TRAVEL AND LOBBYIST GIFTS

- Sec. 301. Required certification that congressional travel meets certain conditions.
- Sec. 302. Requirement of full payment and disclosure of charter flights.
- Sec. 303. False certification in connection with congressional travel.
- Sec. 304. Increased disclosure of travel by Members.
- Sec. 305. Guidelines respecting travel expenses.
- Sec. 306. Prohibition on gifts by registered lobbyists to Members of Congress and to congressional employees.
- Sec. 307. Prohibition on members accepting gifts from lobbyists.

#### TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

- Sec. 401. Comptroller General review and semiannual report on activities carried out by Clerk of the House and Secretary of the Senate under Lobbying Disclosure Act of 1995.

## 1 **TITLE I—ENHANCING LOBBYING** 2 **DISCLOSURE**

### 3 **SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE** 4 **REPORTS.**

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

8 (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 of such Act (2  
25 U.S.C. 1602) is amended in paragraph (10) by

1 striking “six month period” and inserting “three-  
2 month period”.

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

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

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

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

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

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

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

23 (5) DOLLAR AMOUNTS.—

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

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

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

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

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

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

12 is further amended—

13 (i) in subsection (c)(1), by striking  
14 “\$10,000” and “\$20,000” and inserting  
15 “\$5,000” and “\$10,000”, respectively; and

16 (ii) in subsection (c)(2), by striking  
17 “\$10,000” both places such term appears  
18 and inserting “\$5,000”.

19 **SEC. 102. ELECTRONIC FILING OF LOBBYING DISCLOSURE**  
20 **REPORTS.**

21 Section 5 of the Lobbying Disclosure Act of 1995 (2  
22 U.S.C. 1604) is further amended by adding at the end  
23 the following new subsection:

24 “(d) **ELECTRONIC FILING REQUIRED.**—A report re-  
25 quired to be filed under this section shall be filed in elec-

1 tronic form, in addition to any other form that may be  
2 required by the Secretary of the Senate or the Clerk of  
3 the House of Representatives.”.

4 **SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**  
5 **FORMATION.**

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

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

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

13 (3) by adding at the end the following new  
14 paragraph:

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

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

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

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

4           (b) AVAILABILITY OF REPORTS.—Section 6 of such  
5 Act is further amended in paragraph (4) by inserting be-  
6 fore the semicolon at the end the following: “and, in the  
7 case of a report filed in electronic form pursuant to section  
8 5(d), shall make such report available for public inspection  
9 over the Internet not more than 48 hours after the report  
10 is so filed”.

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

15 **SEC. 104. IDENTIFICATION OF OFFICIALS WITH WHOM LOB-**  
16 **BYING CONTACTS ARE MADE.**

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

19           (1) by redesignating subparagraphs (B)  
20           through (D) as subparagraphs (C) through (E), re-  
21           spectively; and

22           (2) by inserting after subparagraph (A) the fol-  
23           lowing new subparagraph:

24           “(B) for each specific issue listed pursuant  
25           to subparagraph (A), a list identifying each cov-

1           ered executive branch official and each Member  
 2           of Congress with whom a lobbyist employed by  
 3           the registrant engaged in a lobbying contact  
 4           through oral communication with respect to  
 5           that issue and the date on which each such con-  
 6           tact occurred.”.

7   **SEC. 105. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL**  
 8                   **PAST EXECUTIVE AND CONGRESSIONAL EM-**  
 9                   **PLOYMENT.**

10          Section 4 of the Lobbying Disclosure Act of 1995 (2  
 11 U.S.C. 1603) is further amended in subsection (b)(6) by  
 12 striking “or a covered legislative branch official” and all  
 13 that follows through “as a lobbyist on behalf of the client,”  
 14 and inserting “or a covered legislative branch official,”.

15   **SEC. 106. DISCLOSURE OF GRASSROOTS ACTIVITIES BY**  
 16                   **PAID LOBBYISTS.**

17          (a) DISCLOSURE OF GRASSROOTS ACTIVITIES.—Sec-  
 18 tion 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C.  
 19 1602) is further amended by adding at the end the fol-  
 20 lowing new paragraph:

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

1 encourage recipients to take specific action with re-  
2 spect to legislation or executive action, except that  
3 such term does not include any communications by  
4 an entity directed to its members, employees, offi-  
5 cers, or shareholders. For purposes of this para-  
6 graph, a communication is designed to encourage a  
7 recipient if any of the following applies:

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

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

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

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

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

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

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

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

11               (b) SEPARATE ITEMIZATION OF GRASSROOTS EX-  
12               PENSES.—Section 5 of the Lobbying Disclosure Act of  
13               1995 (2 U.S.C. 1604) is further amended in subsection  
14               (b)—

15                   (1) in paragraph (3), by inserting after “total  
16                   amount of all income” the following: “(including an  
17                   itemization of the total amount relating specifically  
18                   to grassroots lobbying communications and, within  
19                   that amount, an itemization of the total amount spe-  
20                   cifically relating to broadcast media grassroots lob-  
21                   bying communications)”; and

22                   (2) in paragraph (4), by inserting after “total  
23                   expenses” the following: “(including an itemization  
24                   of the total amount relating specifically to grassroots  
25                   lobbying communications and, within that total

1 amount, an itemization of the total amount specifi-  
 2 cally relating to broadcast media grassroots lobbying  
 3 communications)”.  
 4

5 **SEC. 107. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**  
 6 **TAIN COALITIONS AND ASSOCIATIONS.**

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

10 “(2) CLIENT.—

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

19 “(B) TREATMENT OF COALITIONS AND AS-  
 20 SOCIATIONS.—

21 “(i) IN GENERAL.—Except as pro-  
 22 vided in clause (ii), in the case of a coali-  
 23 tion or association that employs or retains  
 24 persons to conduct lobbying activities, each  
 25 person, other than an individual who is a  
 member of the coalition or association,

1 whose total contribution to the coalition or  
2 association in connection with the lobbying  
3 activities exceeds the \$10,000 registration  
4 threshold described in section  
5 4(a)(3)(A)(ii) of this Act, is the client  
6 along with the coalition or association.

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

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

15 “(II) which is described in any  
16 other paragraph of section 501(c) of  
17 the Internal Revenue Code of 1986  
18 and exempt from tax under section  
19 501(a) of such Code and which has  
20 substantial exempt activities other  
21 than lobbying,

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

24 “(iii) LOOK-THRU RULES.—A coali-  
25 tion or association and its members, which

1           would otherwise be treated as a client,  
2           shall not avoid the registration and report-  
3           ing requirements of this Act by employing  
4           or retaining another coalition or associa-  
5           tion to conduct lobbying activities.”.

6           (b) EFFECTIVE DATE.—

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

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

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

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

1 **SEC. 108. INCREASED PENALTY FOR FAILURE TO COMPLY**  
 2 **WITH LOBBYING DISCLOSURE REQUIRE-**  
 3 **MENTS.**

4 Section 7 of the Lobbying Disclosure Act of 1995 (2  
 5 U.S.C. 1606) is amended by striking “\$50,000” and in-  
 6 serting “\$100,000”.

7 **TITLE II—SLOWING THE**  
 8 **REVOLVING DOOR**

9 **SEC. 201. AMENDMENTS TO RESTRICTIONS ON FORMER OF-**  
 10 **FICERS, EMPLOYEES, AND ELECTED OFFI-**  
 11 **CIALS OF THE EXECUTIVE AND LEGISLATIVE**  
 12 **BRANCHES.**

13 (a) VERY SENIOR EXECUTIVE PERSONNEL.—

14 (1) IN GENERAL.—The matter after subpara-  
 15 graph (C) in section 207(d)(1) of title 18, United  
 16 States Code, is amended to read as follows:

17 “and who, within 2 years after the termination of that  
 18 person’s service in that position, engages in lobbying ac-  
 19 tivities directed at any person described in paragraph (2),  
 20 on behalf of any other person (except the United States),  
 21 shall be punished as provided in section 216 of this title.”.

22 (2) CONFORMING AMENDMENT.—The first sen-  
 23 tence of section 207(h)(1) of title 18, United States  
 24 Code, is amended by inserting after “subsection (c)”  
 25 the following: “and subsection (d)”.

1 (b) SENIOR EXECUTIVE PERSONNEL.—Section  
2 207(e)(1) of title 18, United States Code, is amended by  
3 striking “within 1 year after” and inserting “within 2  
4 years after”.

5 (c) FORMER MEMBERS OF CONGRESS AND OFFICERS  
6 AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

7 (1) IN GENERAL.—Section 207(e) of title 18,  
8 United States Code, is amended—

9 (A) by striking paragraphs (1), (2), (3),  
10 and (4) and inserting the following:

11 “(1) MEMBERS OF CONGRESS AND ELECTED  
12 OFFICERS.—Any person who is a Member of Con-  
13 gress or an elected officer of either House of Con-  
14 gress and who, within 2 years after that person  
15 leaves office, knowingly engages in lobbying activities  
16 on behalf of any other person (except the United  
17 States) in connection with any matter on which such  
18 former Member of Congress or elected officer seeks  
19 action by a Member, officer, or employee of either  
20 House of Congress shall be punished as provided in  
21 section 216 of this title.

22 “(2) CONGRESSIONAL EMPLOYEES.—

23 “(A) IN GENERAL.—Any person who is an  
24 employee of the Senate or an employee of the  
25 House of Representatives, who, for at least 60

1 days, in the aggregate, during the 1-year period  
2 before the termination of employment of that  
3 person with the Senate or House of Representa-  
4 tives, was paid a rate of basic pay equal to or  
5 greater than an amount which is 75 percent of  
6 the basic rate of pay payable for a Member of  
7 the House of Congress in which such employee  
8 was employed, within 2 years after termination  
9 of such employment, knowingly makes, with the  
10 intent to influence, any communication to or  
11 appearance before any of the persons described  
12 in subparagraph (B), on behalf of any other  
13 person (except the United States) in connection  
14 with any matter on which such former employee  
15 seeks action by a Member, officer, or employee  
16 of either House of Congress, in his or her offi-  
17 cial capacity, shall be punished as provided in  
18 section 216 of this title.

19 “(B) PERSONS REFERRED TO.—The per-  
20 sons referred to under subparagraph (A) with  
21 respect to appearances or communications by a  
22 former employee are any Member, officer, or  
23 employee of the House of Congress in which  
24 such former employee served.”;

25 (B) in paragraph (6)—

1 (i) in subparagraph (A), by striking  
2 “paragraphs (2), (3), and (4)” and insert-  
3 ing “paragraph (2)”; and

4 (ii) in subparagraph (B), by striking  
5 “paragraph (5)” and inserting “paragraph  
6 (3)”;

7 (C) in paragraph (7)(G), by striking “, (2),  
8 (3), or (4)” and inserting “or (2)”; and

9 (D) by redesignating paragraphs (5), (6),  
10 and (7) as paragraphs (3), (4), and (5), respec-  
11 tively.

12 (2) DEFINITION.—Section 207(i) of title 18,  
13 United States Code, is amended—

14 (A) in paragraph (2), by striking “and”  
15 after the semicolon;

16 (B) in paragraph (3), by striking the pe-  
17 riod and inserting “; and”; and

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

19 “(4) the term ‘lobbying activities’ has the same  
20 meaning given such term in section 3(7) of the Lob-  
21 bying Disclosure Act (2 U.S.C. 1602(7)).”.

22 **SEC. 202. REFORM OF WAIVER PROCESS FOR ACTS AFFECT-**  
23 **ING A PERSONAL FINANCIAL INTEREST.**

24 Section 208 of title 18, United States Code, is  
25 amended—

1 (1) in subsection (b)(1)—

2 (A) by inserting after “the Government of-  
3 ficial responsible for appointment to his or her  
4 position” the following: “and the Office of Gov-  
5 ernment Ethics”; and

6 (B) by striking “a written determination  
7 made by such official” and inserting “a written  
8 determination made by the Office of Govern-  
9 ment Ethics, after consultation with such offi-  
10 cial,”; and

11 (2) in subsection (b)(3), by striking “the official  
12 responsible for the employee’s appointment, after re-  
13 view of” and inserting “the Office of Government  
14 Ethics, after consultation with the official respon-  
15 sible for the employee’s appointment and after re-  
16 view of”; and

17 (3) in subsection (d)(1)—

18 (A) by striking “Upon request” and all  
19 that follows through “Ethics in Government Act  
20 of 1978.” and inserting “In each case in which  
21 the Office of Government Ethics makes a deter-  
22 mination granting an exemption under sub-  
23 section (b)(1) or (b)(3) to a person, the Office  
24 shall, not later than 3 business days after mak-  
25 ing such determination, make available to the

1 public pursuant to the procedures set forth in  
2 section 105 of the Ethics in Government Act of  
3 1978, and publish in the Federal Register, such  
4 determination and the materials submitted by  
5 such person in requesting such exemption.”;  
6 and

7 (B) by striking “the agency may withhold”  
8 and inserting “the Office of Government Ethics  
9 may withhold”.

10 **SEC. 203. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS**  
11 **OF EMPLOYMENT NEGOTIATIONS.**

12 (a) HOUSE OF REPRESENTATIVES.—The Code of Of-  
13 ficial Conduct set forth in rule XXIII of the Rules of the  
14 House of Representatives is amended by redesignating  
15 clause 14 as clause 15 and by inserting after clause 13  
16 the following new clause:

17 “14. A Member, Delegate, or Resident Commissioner  
18 shall publicly disclose the fact that he or she is negotiating  
19 or has any arrangement concerning prospective employ-  
20 ment if a conflict of interest or the appearance of a conflict  
21 of interest may exist. Such disclosure shall be made within  
22 3 days after the commencement of such negotiation or ar-  
23 rangement.”.



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

3           (2) influences, or offers or threatens to influ-  
4           ence, the official act of another,

5 shall be fined under title 18, United States Code, or im-  
6 prisoned for not more than 15 years, or both, and may  
7 be disqualified from holding any office of honor, trust, or  
8 profit under the United States.

9 **SEC. 205. AMENDMENT TO CODE OF OFFICIAL CONDUCT TO**  
10 **PROHIBIT FAVORITISM.**

11           (a) HOUSE OF REPRESENTATIVES.—Rule XXIII of  
12 the Rules of the House of Representatives (known as the  
13 Code of Official Conduct) is amended by redesignating  
14 clause 14 as clause 15 and by inserting after clause 13  
15 the following new clause:

16           “14. A Member, Delegate, Resident Commissioner,  
17 officer, or employee of the House may not take or with-  
18 hold, or threaten to take or withhold, any official action  
19 on the basis of partisan affiliation (except as permitted  
20 by clause 9) or the campaign contributions or support of  
21 any person or the prospect of personal gain either for one-  
22 self or any other person.”.

23           (b) SENATE.—Rule XXXVII of the Standing Rules  
24 of the Senate is amended by adding at the end the fol-  
25 lowing:

1 “14. A Member, officer, or employee may not take  
 2 or withhold, or threaten to take or withhold, any official  
 3 action on the basis of partisan affiliation or the campaign  
 4 contributions or support of any person or the prospect of  
 5 personal gain either for oneself or any other person.”.

6 **SEC. 206. ELIMINATION OF FLOOR PRIVILEGES AND OTHER**  
 7 **PERKS FOR FORMER MEMBER LOBBYISTS.**

8 Notwithstanding any other rule of the House of Rep-  
 9 resentatives or Senate, any benefit or privilege granted by  
 10 the House of Representatives or the Senate to all former  
 11 Members of that body, including floor privileges, may not  
 12 be received or exercised by a former Member who is a reg-  
 13 istered lobbyist.

14 **TITLE III—CURBING EXCESSES**  
 15 **IN PRIVATELY FUNDED TRAV-**  
 16 **EL AND LOBBYIST GIFTS**

17 **SEC. 301. REQUIRED CERTIFICATION THAT CONGRES-**  
 18 **SIONAL TRAVEL MEETS CERTAIN CONDI-**  
 19 **TIONS.**

20 (a) HOUSE OF REPRESENTATIVES.—Clause 5 of rule  
 21 XXV of the Rules of the House of Representatives is  
 22 amended by redesignating paragraphs (e) and (f) as para-  
 23 graphs (f) and (g), respectively, and by inserting after  
 24 paragraph (d) the following new paragraph:

1       “(e)(1) Except as provided by subparagraph (2), be-  
2 fore a Member, Delegate, Resident Commissioner, officer,  
3 or employee of the House may accept a gift of transpor-  
4 tation or lodging otherwise permissible under this clause  
5 from any person, such Member, Delegate, Resident Com-  
6 missioner, officer, or employee of the House, as applicable,  
7 shall obtain a written certification from such person (and  
8 provide a copy of such certification to the Clerk) that—

9               “(A) the trip was not planned, organized, ar-  
10 ranged, or financed by a registered lobbyist or for-  
11 eign agent and was not organized at the request of  
12 a registered lobbyist or foreign agent; and

13               “(B) the person did not accept, from any  
14 source, funds specifically earmarked for the purpose  
15 of financing the travel expenses.

16       The Clerk shall make public information received  
17 under this subparagraph as soon as possible after it  
18 is received.

19       “(2) A Member, Delegate, or Resident Commissioner  
20 is not required to obtain a written certification for a gift  
21 or transportation or lodging described in subdivision (A),  
22 (B), (C), (D), (F), or (G) of paragraph (a)(1).”.

23       (b) SENATE.—Paragraph 1 of rule XXXV of the  
24 Standing Rules of the Senate is amended by adding at  
25 the end the following:

1 “(g) Before a Member, officer, or employee may ac-  
 2 cept a gift of transportation or lodging otherwise permis-  
 3 sible under this rule from any person, such Member, offi-  
 4 cer, or employee shall obtain a written certification from  
 5 such person (and provide a copy of such certification to  
 6 the Select Committee on Ethics) that—

7 “(1) the trip was not planned, organized, ar-  
 8 ranged, or financed by a registered lobbyist or for-  
 9 eign agent and was not organized at the request of  
 10 a registered lobbyist or foreign agent;

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

13 “(3) the person did not accept, from any  
 14 source, funds specifically earmarked for the purpose  
 15 of financing the travel expenses.

16 The Select Committee on Ethics shall make public infor-  
 17 mation received under this subparagraph as soon as pos-  
 18 sible after it is received.”.

19 **SEC. 302. REQUIREMENT OF FULL PAYMENT AND DISCLO-**  
 20 **SURE OF CHARTER FLIGHTS.**

21 (a) HOUSE OF REPRESENTATIVES.—To be provided.

22 (b) SENATE.—

23 (1) IN GENERAL.—Paragraph 1(c)(1) of rule  
 24 XXXV of the Standing Rules of the Senate is  
 25 amended by—

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

2 (B) adding at the end the following:

3 “(B) Market value for a jet flight on an air-  
4 plane that is not licensed by the Federal Aviation  
5 Administration to operate for compensation or hire  
6 shall be the fair market value of a charter flight.  
7 The Select Committee on Ethics shall make public  
8 information received under this subparagraph as  
9 soon as possible after it is received.”.

10 (2) DISCLOSURE.—Paragraph 1 of rule XXXV  
11 of the Standing Rules of the Senate is amended by  
12 adding at the end the following:

13 “(h) A Member, officer, or employee who takes a  
14 flight described in subparagraph (c)(1)(B) shall, with re-  
15 spect to the flight, cause to be published in the Congres-  
16 sional Record within 10 days after the flight—

17 “(1) the date of the flight;

18 “(2) the destination of the flight;

19 “(3) who else was on the flight, other than  
20 those operating the plane;

21 “(4) the purpose of the trip; and

22 “(5) the reason that a commercial airline was  
23 not used.”.

24 (c) CANDIDATES.—Subparagraph (B) of section  
25 301(8) of the Federal Election Campaign Act of 1971 (42

1 U.S.C. 431(8)(B)) is amended by striking “and” at the  
2 end of clause (xiii), by striking the period at the end of  
3 clause (xiv) and inserting “; and”, and by adding at the  
4 end the following new clause:

5                   “(xv) any travel expense for a flight  
6                   on an airplane that is not licensed by the  
7                   Federal Aviation Administration to operate  
8                   for compensation or hire, but only if the  
9                   candidate or the candidate’s authorized  
10                  committee or other political committee  
11                  pays within 7 days after the date of the  
12                  flight to the owner, lessee, or other person  
13                  who provides the use of the airplane an  
14                  amount not less than the normal and usual  
15                  charter fare or rental charge for a com-  
16                  parable commercial airplane of appropriate  
17                  size.”.

18 **SEC. 303. FALSE CERTIFICATION IN CONNECTION WITH**  
19 **CONGRESSIONAL TRAVEL.**

20           (a) IN GENERAL.—Whoever makes a false certifi-  
21 cation in connection with the travel of a Member, officer,  
22 or employee of either House of Congress (within the mean-  
23 ing given those terms in section 207 of title 18, United  
24 States Code) shall, upon proof of such offense by a pre-

1 ponderance of the evidence, be subject to a civil fine de-  
2 pending on the extent and gravity of the violation.

3 (b) **MAXIMUM FINE.**—The maximum fine per offense  
4 under this section depends on the number of separate trips  
5 in connection with which the person committed an offense  
6 under this section, as follows:

7 (1) **FIRST TRIP.**—For each offense committed  
8 in connection with the first such trip, the amount of  
9 the fine shall be not more than \$100,000 per of-  
10 fense.

11 (2) **SECOND TRIP.**—For each offense committed  
12 in connection with the second such trip, the amount  
13 of the fine shall be not more than \$300,000 per of-  
14 fense.

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

19 **SEC. 304. INCREASED DISCLOSURE OF TRAVEL BY MEM-**  
20 **BERS.**

21 (a) **HOUSE OF REPRESENTATIVES.**—Clause  
22 5(b)(1)(A)(ii) of rule XXV of the Rules of the House of  
23 Representatives is amended by—

24 (1) inserting “a detailed description of each of”  
25 before “the expenses”; and

1           (2) inserting “, including a description of all  
2 meetings, tours, events, and outings during such  
3 travel” before the period at the end thereof.

4           (b) SENATE.—Paragraph 2(c) of rule XXXV of the  
5 Standing Rules of the Senate is amended—

6           (1) in subclause (5), by striking “and” after the  
7 semicolon;

8           (2) by redesignating subclause (6) as subclause  
9 (7); and

10          (3) by adding after subclause (5) the following:

11          “(6) a detailed description of all meetings,  
12 tours, events, and outings during such travel; and”.

13 **SEC. 305. GUIDELINES RESPECTING TRAVEL EXPENSES.**

14          (a) HOUSE OF REPRESENTATIVES.—Clause 5(f) of  
15 rule XXV of the Rules of the House of Representatives  
16 is amended by inserting “(1)” after “(f)” and by adding  
17 at the end the following new subparagraph:

18          “(2) Within 90 days after the date of adoption of this  
19 subparagraph and at annual intervals thereafter, the Com-  
20 mittee on Standards of official Conduct shall develop and  
21 revise, as necessary, guidelines on what constitutes ‘rea-  
22 sonable expenses’ or ‘reasonable expenditures’ for pur-  
23 poses of paragraph (b)(4). In developing and revising the  
24 guidelines, the committee shall take into account the max-  
25 imum per diem rates for official Government travel pub-

1 lished annually by the General Services Administration,  
 2 the Department of State, and the Department of De-  
 3 fense.”.

4 (b) SENATE.—Rule XXXV of the Standing Rules of  
 5 the Senate is amended by adding at the end the following:

6 “(7) Not later than 90 days after the date of  
 7 adoption of this paragraph and at annual intervals  
 8 thereafter, the Select Committee on Ethics shall de-  
 9 velop and revise, as necessary, guidelines on what  
 10 constitutes ‘reasonable expenses’ or ‘reasonable ex-  
 11 penditures’ for purposes of this rule. In developing  
 12 and revising the guidelines, the committee shall take  
 13 into account the maximum per diem rates for official  
 14 Government travel published annually by the Gen-  
 15 eral Services Administration, the Department of  
 16 State, and the Department of Defense.”.

17 **SEC. 306. PROHIBITION ON GIFTS BY REGISTERED LOBBY-**  
 18 **ISTS TO MEMBERS OF CONGRESS AND TO**  
 19 **CONGRESSIONAL EMPLOYEES.**

20 (a) PROHIBITION.—

21 (1) IN GENERAL.—A registered lobbyist may  
 22 not knowingly make a gift to a Member, Delegate,  
 23 Resident Commissioner, officer, or employee of Con-  
 24 gress except as provided in this section.

1           (2) GIFT DEFINED.—In this section, the term  
2           “gift” means a gratuity, favor, discount, entertain-  
3           ment, hospitality, loan, forbearance, or other item  
4           having monetary value. The term includes gifts of  
5           services, training, transportation, lodging, and  
6           meals, whether provided in kind, by purchase of a  
7           ticket, payment in advance, or reimbursement after  
8           the expense has been incurred.

9           (3) REGISTERED LOBBYIST DEFINED.—In this  
10          section, the term “registered lobbyist” means—

11                   (A) a lobbyist registered under the Lob-  
12                   bying Disclosure Act of 1995 (2 U.S.C. 1601 et  
13                   seq.);

14                   (B) a lobbyist who, as an employee of an  
15                   organization, is covered by the registration of  
16                   that organization under that Act; and

17                   (C) an organization registered under that  
18                   Act.

19          (4) GIFTS TO FAMILY MEMBERS AND OTHER  
20          INDIVIDUALS.—For the purposes of this section, a  
21          gift to a family member of a Member, Delegate,  
22          Resident Commissioner, officer, or employee of Con-  
23          gress, or a gift to any other individual based on that  
24          individual’s relationship with the Member, Delegate,  
25          Resident Commissioner, officer, or employee, shall

1 be considered a gift to the Member, Delegate, Resi-  
2 dent Commissioner, officer, or employee if the gift  
3 was given because of the official position of the  
4 Member, Delegate, Resident Commissioner, officer,  
5 or employee.

6 (5) EXCEPTIONS.—The restrictions in para-  
7 graph (1) do not apply to the following:

8 (A) CERTAIN LAWFUL POLITICAL FUND-  
9 RAISING ACTIVITIES.—A contribution, as de-  
10 fined in section 301(8) of the Federal Election  
11 Campaign Act of 1971 (2 U.S.C. 431) that is  
12 lawfully made under that Act, a lawful con-  
13 tribution for election to a State or local govern-  
14 ment office, or attendance at a fundraising  
15 event sponsored by a political organization de-  
16 scribed in section 527(e) of the Internal Rev-  
17 enue Code of 1986.

18 (B) GIFT FROM A RELATIVE.—A gift from  
19 a relative as described in section 109(16) of  
20 title I of the Ethics in Government Act of 1978  
21 (2 U.S.C. App. 109(16)).

22 (C) EMPLOYEE BENEFITS.—Pension and  
23 other benefits resulting from continued partici-  
24 pation in an employee welfare and benefits plan  
25 maintained by a former employer.

1 (D) INFORMATIONAL MATERIALS.—Infor-  
2 mational materials that are sent to the office of  
3 the Member, Delegate, Resident Commissioner,  
4 officer, or employee in the form of books, arti-  
5 cles, periodicals, other written materials, audio-  
6 tapes, videotapes, or other forms of communica-  
7 tion.

8 (E) ITEMS OF NOMINAL VALUE.—An item  
9 of nominal value such as a greeting card, base-  
10 ball cap, or a T-shirt.

11 (F) PERSONAL FRIENDSHIP.—

12 (i) IN GENERAL.—Anything provided  
13 by an individual on the basis of a personal  
14 friendship unless the gift was given be-  
15 cause of the official position of the Mem-  
16 ber, Delegate, Resident Commissioner, offi-  
17 cer, or employee.

18 (ii) CIRCUMSTANCES.—In determining  
19 whether a gift is provided on the basis of  
20 personal friendship, the following shall be  
21 considered:

22 (I) The history of the relation-  
23 ship between the Member, Delegate,  
24 Resident Commissioner, officer, or  
25 employer and the individual giving the

1 gift, including any previous exchange  
2 of gifts between them.

3 (II) Whether the individual who  
4 gave the gift personally paid for the  
5 gift or sought a tax deduction or busi-  
6 ness reimbursement for the gift.

7 (III) Whether the individual who  
8 gave the gift also gave the same or  
9 similar gifts to other Members, Dele-  
10 gates, the Resident Commissioners,  
11 officers, or employees of Congress.

12 (G) CERTAIN OUTSIDE BUSINESS OR EM-  
13 PLOYMENT ACTIVITIES PROVIDED TO  
14 SPOUSE.—Food, refreshments, lodging, trans-  
15 portation, and other benefits provided to the  
16 spouse of the Member, Delegate, Resident Com-  
17 missioner, officer, or employee, resulting from  
18 the outside business or employment activities of  
19 the spouse or in connection with bona fide em-  
20 ployment discussions with respect to the spouse,  
21 if such benefits have not been offered or en-  
22 hanced because of the official position of the  
23 Member, Delegate, Resident Commissioner, offi-  
24 cer, or employee and are customarily provided  
25 to others in similar circumstances.

1 (H) OPPORTUNITIES AND BENEFITS UN-  
2 RELATED TO CONGRESSIONAL EMPLOYMENT.—

3 Opportunities and benefits that are offered to  
4 members of a group or class in which member-  
5 ship is unrelated to congressional employment.

6 (I) CERTAIN FOODS OR REFRESHMENTS.—

7 Food or refreshments of a nominal value of-  
8 fered other than as a part of a meal.

9 (b) PENALTY.—Any registered lobbyist who violates  
10 this section shall be subject to a civil fine of not more  
11 than \$50,000, depending on the extent and gravity of the  
12 violation.

13 **SEC. 307. PROHIBITION ON MEMBERS ACCEPTING GIFTS**  
14 **FROM LOBBYISTS.**

15 (a) HOUSE OF REPRESENTATIVES.—Clause  
16 5(a)(1)(A) of rule XXV of the Rules of the House of Rep-  
17 resentatives is amended by adding at the end the following  
18 new sentence: “Notwithstanding any other provision of  
19 this clause, in no event may a Member, Delegate, or Resi-  
20 dent Commissioner accept a gift from a registered lobbyist  
21 prohibited by section 306 of the Lobbying and Ethics Re-  
22 form Act of 2005.”.

23 (b) SENATE.—Paragraph 1 of rule XXXV of the  
24 Standing Rules of the Senate is amended by adding at  
25 the end the following:

1 “(g) Notwithstanding any other provision of this rule,  
 2 in no event may a Member accept a gift from a registered  
 3 lobbyist prohibited by section 306 of the Lobbying and  
 4 Ethics Reform Act of 2005.”.

5 **TITLE IV—OVERSIGHT OF**  
 6 **ETHICS AND LOBBYING**

7 **SEC. 401. COMPTROLLER GENERAL REVIEW AND SEMI-**  
 8 **ANNUAL REPORT ON ACTIVITIES CARRIED**  
 9 **OUT BY CLERK OF THE HOUSE AND SEC-**  
 10 **RETARY OF THE SENATE UNDER LOBBYING**  
 11 **DISCLOSURE ACT OF 1995.**

12 (a) ONGOING REVIEW REQUIRED.—The Comptroller  
 13 General shall review on an ongoing basis the activities car-  
 14 ried out by the Clerk of the House of Representatives and  
 15 the Secretary of the Senate under section 6 of the Lob-  
 16 bying Disclosure Act of 1995 (2 U.S.C. 1605). The review  
 17 shall emphasize—

18 (1) the effectiveness of those activities in secur-  
 19 ing the compliance by lobbyists with the require-  
 20 ments of that Act; and

21 (2) whether the Clerk and the Secretary have  
 22 the resources and authorities needed for effective  
 23 oversight and enforcement of that Act.

24 (b) SEMIANNUAL REPORTS.—Twice yearly, not later  
 25 than January 1 and not later than July 1 of each year,

1 the Comptroller General shall submit to Congress a report  
2 on the review required by subsection (a). The report shall  
3 include the Comptroller General's assessment of the mat-  
4 ters required to be emphasized by that subsection and any  
5 recommendations of the Comptroller General to—  
6           (1) improve the compliance by lobbyists with  
7           the requirements of that Act; and  
8           (2) provide the Clerk and the Secretary with  
9           the resources and authorities needed for effective  
10          oversight and enforcement of that Act.

○