

111TH CONGRESS
2D SESSION

H. R. 4983

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2010

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

A BILL

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Transparency in Gov-
3 ernment Act of 2010”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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MEMBERS OF CONGRESS**

Sec. 101. Greater disclosure and electronic filing of personal financial information.

Sec. 102. Greater disclosure of travel reports.

Sec. 103. Greater disclosure of gift reports.

Sec. 104. Greater disclosure of earmarks.

**TITLE II—ENHANCING PUBLIC ACCESS TO THE WORK OF
CONGRESSIONAL COMMITTEES, LEGISLATION, AND VOTES**

Sec. 201. Increase transparency of committee votes.

Sec. 202. Increase transparency of committee work.

Sec. 203. Increase transparency of committee schedules through the Clerk.

Sec. 204. Require all legislation be publicly available 72 hours before consideration.

Sec. 205. Increased transparency of recorded votes.

**TITLE III—ENHANCING PUBLIC ACCESS TO CONGRESSIONAL
RESEARCH SERVICE**

Sec. 301. Enhance access to CRS.

TITLE IV—LOBBYING DISCLOSURE

Sec. 401. GAO study of lobbyist registration and disclosure.

Sec. 402. Expedited online registration of lobbyists; expansion of registrants.

Sec. 403. Disclosure of additional information by lobbyists.

Sec. 404. Disclosure of political contributions.

Sec. 405. Effective date.

TITLE V—TRANSPARENCY IN FEDERAL CONTRACTING

Sec. 501. Improving application programming interface and website data elements.

Sec. 502. Improving data quality.

Sec. 503. Recipient performance transparency.

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Sec. 505. Requirements relating to reporting of award data.

TITLE VI—EXECUTIVE BRANCH TRANSPARENCY

Sec. 601. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communications.

TITLE VII—STRENGTHENING FOIA

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Sec. 702. Commission on Freedom of Information Act Processing Delays.

TITLE VIII—ENFORCEMENT

Sec. 801. Audits by the Government Accountability Office.

1 TITLE I—IMPROVING ACCESS TO 2 INFORMATION ABOUT MEM- 3 BERS OF CONGRESS

4 SEC. 101. GREATER DISCLOSURE AND ELECTRONIC FILING 5 OF PERSONAL FINANCIAL INFORMATION.

6 (a) ADDITIONAL FINANCIAL DISCLOSURE REQUIRE-
7 MENTS.—(1) Section 102(a)(1)(B) of the Ethics in Gov-
8 ernment Act of 1978 is amended in clause (iv) by striking
9 “\$15,000” and inserting “\$25,000” and by striking
10 clauses (v) through (ix) and inserting the following new
11 clauses:

12 “(v) greater than \$25,000 but not
13 more than \$100,000, round to the nearest
14 \$10,000,

15 “(vi) greater than \$100,000 but not
16 more than \$1,000,000, round to the near-
17 est \$100,000, or

18 “(vii) greater than \$1,000,000, round
19 to the nearest \$1,000,000.”.

1 (2) Section 102(d)(1) of the Ethics in Government
 2 Act of 1978 is amended by striking “(3), (4), (5), and
 3 (8)” an inserting “(5) and (8)”.

4 (3) Section 102(d) of the Ethics in Government Act
 5 of 1978 is amended by redesignating paragraph (2) as
 6 paragraph (3) and by inserting after paragraph (1) the
 7 following new paragraph:

8 “(3) The categories for reporting the amount or value
 9 of the items covered in paragraphs (3) or (4) of subsection
 10 (a) are as follows:

11 “(A) not more than \$15,000;

12 “(B) greater than \$15,000 but not more than
 13 \$25,000;

14 “(C) greater than \$25,000 but not more than
 15 \$100,000, round to the nearest \$10,000;

16 “(D) greater than \$100,000 but not more than
 17 \$1,000,000, round to the nearest \$100,000; and

18 “(E) greater than \$1,000,000, round to the
 19 nearest \$1,000,000.”.

20 (b) MORE FREQUENT DISCLOSURE OF FINANCIAL
 21 TRANSACTIONS INVOLVING LARGE SUMS OF MONEY.—

22 (1) Section 101 of the Ethics in Government Act of 1978
 23 is amended by adding at the end the following new sub-
 24 section:

1 “(i) In addition to any other report required to be
2 filed by a Member of Congress or officer or employee of
3 the Congress, each such individual is required to file a
4 quarterly report on April 30, July 30, October 30, and
5 January 30 of each year covering the preceding calendar
6 quarter if that individual (or the spouse or any dependent
7 child of that individual) purchased, sold, or exchanged any
8 property described in subsection (a)(5) valued at not less
9 than \$250,000 during that calendar quarter. For any such
10 transaction of not less than \$250,000, such report shall
11 contain all of the information required under subsection
12 (a)(5).”.

13 (2)(A) Clause 1 of rule XXVI of the Rules of the
14 House of Representatives is amended by inserting “(a)”
15 after “1.” and by adding at the end the following new
16 paragraphs:

17 “(b) If any report is filed with the Clerk for a
18 calendar quarter pursuant to section 101(i) of the
19 Ethics in Government Act of 1978, the Clerk shall
20 compile all such reports sent to the Clerk by Mem-
21 bers and have them printed as a House document,
22 which shall be made available to the public, as soon
23 as practicable.

24 “(c) Each individual required to file a report
25 with the Clerk under title I under the Ethics in Gov-

1 ernment Act of 1978 shall file and maintain such re-
 2 port in electronic form.”.

3 (B) Comparable language to be added by the Senate.

4 (c) AVAILABILITY ON THE INTERNET OF REPORTS
 5 FILED UNDER THIS TITLE WITH THE CLERK OF THE
 6 HOUSE OR THE SECRETARY OF THE SENATE.—Section
 7 103 of the Ethics in Government Act of 1978 is amended
 8 by adding at the end the following new subsection:

9 “(l) The Clerk of the House of Representatives and
 10 the Secretary of the Senate shall each make available any
 11 report filed with them under this title within 48 hours of
 12 the applicable submission deadline on the website of the
 13 Clerk or the Secretary, as applicable, in a searchable, sort-
 14 able, downloadable format.”.

15 (d) EFFECTIVE DATE.—The amendments made by
 16 this section shall apply to reports filed for calendar years
 17 or calendar quarters beginning after the date of enactment
 18 of this Act.

19 **SEC. 102. GREATER DISCLOSURE OF TRAVEL REPORTS.**

20 (a) FOREIGN TRAVEL.—Clause 8(b)(3) of rule X of
 21 the Rules of the House of Representatives is amended by
 22 adding at the end the following new sentence: “Within 48
 23 hours after any such report is filed with the chair of a
 24 committee, the chair shall post the report on the Internet

1 site of the committee in a searchable, sortable,
2 downloadable format.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply to travel commencing after the
5 date of enactment of this Act.

6 **SEC. 103. GREATER DISCLOSURE OF GIFT REPORTS.**

7 (a) REQUIRING CLERK OF THE HOUSE TO POST RE-
8 PORTS ON INTERNET NOT LATER THAN 48 HOURS
9 AFTER RECEIPT.—(1) Clause 5(b)(5) of rule XXV of the
10 Rules of the House of Representatives is amended—

11 (A) by striking “shall make available” and
12 inserting “shall post on the public Internet site
13 of the Clerk and otherwise make available”; and

14 (B) by striking “as possible” and inserting
15 the following: “as possible, but in no event later
16 than 48 hours,”.

17 (2) Comparable language to be added by the Senate.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to reports filed on
20 or after the date of the adoption of this resolution.

21 **SEC. 104. GREATER DISCLOSURE OF EARMARKS.**

22 (a) ELECTRONIC DISCLOSURE BY MEMBERS.—(1)
23 Rule XXIII of the Rules of the House of Representatives
24 is amended by redesignating clause 18 as clause 19 and
25 by inserting after clause 17 the following:

1 “18. A Member, Delegate, or Resident Commissioner
2 who requests a congressional earmark, a limited tax ben-
3 efit, or a limited tariff benefit shall, within 24 hours after
4 making such request—

5 “(1) post on his or her public website for the
6 remainder of the Congress the following—

7 “(A) the name and address of the intended
8 recipient;

9 “(B) whether the intended recipient is a
10 for-profit or not-for-profit entity;

11 “(C) the requested amount (only in the
12 case of congressional earmarks); and

13 “(D) an explanation of the request, includ-
14 ing the purpose, and why it is a valuable use
15 of taxpayer funds;

16 “(2) electronically submit to the committee of
17 subject-matter jurisdiction the webpage address
18 where such information is posted;

19 “(3) identify each request as having been sub-
20 mitted to the committee of subject-matter jurisdic-
21 tion; and

22 “(4) display on the homepage of such website a
23 hypertext link that contains the words ‘Earmarks’,
24 ‘Appropriations Requests’, ‘Limited Tax Benefits’,
25 or ‘Limited Tariff Benefits’ and that directs to such

1 webpage address, and maintain that link for at least
2 30 calendar days after the last such request is made
3 during the Congress.”.

4 (2) The last sentence of clause 16 of rule XXIII of
5 the Rules of the House of Representatives is amended by
6 striking “and clause 17” and inserting “, clause 17, and
7 clause 18”.

8 (b) ELECTRONIC DISCLOSURE BY COMMITTEES.—
9 Rule XI of the Rules of the House of Representatives is
10 amended by adding at the end the following new clause:

11 **“Earmark disclosure websites**

12 “(s)(1) Any committee that accepts any request of
13 a Member, Delegate, or Resident Commissioner for a con-
14 gressional earmark, a limited tax benefit, or a limited tar-
15 iff benefit shall maintain a public website with an earmark
16 disclosure webpage that contains the following for each
17 such request—

18 “(A) the bill name;

19 “(B) the name, State, and district of that indi-
20 vidual;

21 “(C) the name and address of the intended re-
22 cipient;

23 “(D) whether the intended recipient is a for-
24 profit or not-for-profit entity;

1 “(E) the requested amount (only in the case of
2 congressional earmarks);

3 “(F) a brief description; and

4 “(G) the applicable department or agency of the
5 Government, and the account or program (if pro-
6 vided to the committee in the request);

7 and is in a downloadable format that is searchable and
8 sortable by such characteristics.

9 “(2) Any written statement received by a committee
10 under clause 17(a) of rule XXIII shall be posted on the
11 earmark disclosure webpage of the committee.

12 “(3) The earmark disclosure webpage of a committee
13 shall list the names of any Member, Delegate, and Resi-
14 dent Commissioner who requests a congressional earmark,
15 a limited tax benefit, or a limited tariff benefit and link
16 directly to their webpage addresses referred to in clause
17 18(2) of rule XXIII.

18 “(4) The earmark disclosure webpage of a committee
19 shall post the information required under subparagraphs
20 (1) through (3) within one week of receipt, and shall main-
21 tain that information on that webpage for the remainder
22 of the Congress.

23 “(5) For purposes of this paragraph, the terms ‘con-
24 gressional earmark’, ‘limited tax benefit’, and ‘limited tar-

1 iff benefit’ shall have the meaning given them in clause
2 9 of rule XXI.”.

3 (c) POINT OF ORDER.—Clause 9 of rule XXI of the
4 Rules of the House of Representatives is amended by re-
5 designating paragraphs (e), (f), and (g) as paragraphs (f),
6 (g), and (h), respectively, and by inserting after paragraph
7 (d) the following:

8 “(e) It shall not be in order to consider any bill or
9 joint resolution, or an amendment thereto or conference
10 report thereon, that carries a congressional earmark, lim-
11 ited tax benefit, or limited tariff benefit for which a Mem-
12 ber, Delegate, or Resident Commissioner failed to comply
13 with any applicable requirement of clause 18 of rule
14 XXIII.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to requests for congressional ear-
17 marks, limited tax benefits, and limited tariff benefits
18 made after the date this resolution is agreed to.

19 (e) CENTRALIZED DATABASE FOR EARMARKS, LIM-
20 ITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS.—
21 (1) The Clerk of the House of Representatives, the Sec-
22 retary of the Senate, and the chairs of the Committee on
23 Appropriations of the House of Representatives and the
24 Senate and of the Committee on Transportation and In-
25 frastructure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 shall collaborate to create one centralized database where
3 all requests for earmark, limited tax benefits, and limited
4 tariff benefits are available on the Internet in a search-
5 able, sortable, downloadable format to the public. The
6 data available to the public for each earmark should in-
7 clude—

8 (A) an identification of the bill into which the
9 earmark is to be inserted;

10 (B) the name, State, and district of the Mem-
11 ber of Congress requesting the earmark;

12 (C) the name and address of the intended re-
13 cipient;

14 (D) whether the intended recipient is a for-prof-
15 it or not-for-profit entity;

16 (E) the requested amount (only in the case of
17 congressional earmarks);

18 (F) a brief description of the earmark; and

19 (G) the applicable department or agency of the
20 Government, and the account or program (if pro-
21 vided to the committee in the request).

22 (2) The centralized database for earmarks referred
23 to in paragraph (1) shall be implemented within six
24 months after the date of enactment of this Act.

1 **TITLE II—ENHANCING PUBLIC**
 2 **ACCESS TO THE WORK OF**
 3 **CONGRESSIONAL COMMIT-**
 4 **TEES, LEGISLATION, AND**
 5 **VOTES**

6 **SEC. 201. INCREASE TRANSPARENCY OF COMMITTEE**
 7 **VOTES.**

8 Clause 2(e)(1)(B)(i) of rule XI of the Rules of the
 9 House of Representatives is amended—

10 (1) in the first sentence, by inserting “and
 11 within 24 hours of such record vote on its Web site
 12 on the Internet” before the period at the end there-
 13 of; and

14 (2) in the second sentence, by inserting “and
 15 information so available on its Web site” before
 16 “shall”.

17 **SEC. 202. INCREASE TRANSPARENCY OF COMMITTEE**
 18 **WORK.**

19 (a) IN THE HOUSE OF REPRESENTATIVES.—Clause
 20 1 of rule XI of the Rules of the House of Representatives
 21 is amended by adding at the end the following new para-
 22 graph:

23 “(e)(1) Each committee shall post on its Internet
 24 website the public hearings and markup schedules of the
 25 committee and each of its subcommittees at the same time

1 that information is made available to members of the com-
 2 mittee.

3 “(2) For each hearing and markup for which infor-
 4 mation is posted under subparagraph (1), the committee
 5 shall post on its Internet website as soon as practicable
 6 the following: the topic, related legislation, testimony of
 7 witnesses, opening statements of the chair and ranking
 8 minority member, transcripts, and audio and video record-
 9 ings.

10 “(3) Within 24 hours after a committee or sub-
 11 committee orders any bill or resolution to be reported, the
 12 committee or subcommittee, as applicable, shall post on
 13 its Internet website all amendments that were agreed to,
 14 except for technical and conforming changes authorized by
 15 the committee or subcommittee.”.

16 (b) IN THE SENATE.—Comparable language to be
 17 added by the Senate.

18 **SEC. 203. INCREASE TRANSPARENCY OF COMMITTEE**
 19 **SCHEDULES THROUGH THE CLERK.**

20 Clause 2 of rule II of the Rules of the House of Rep-
 21 resentatives is amended by adding at the end the following
 22 new paragraph:

23 “(1) The Clerk shall require the House to pro-
 24 vide, in a structured data format, a complete list of
 25 all public hearing and markup schedules of commit-

1 tees and subcommittees as soon as publically avail-
2 able, including links to committee websites.”.

3 **SEC. 204. REQUIRE ALL LEGISLATION BE PUBLICLY AVAIL-**
4 **ABLE 72 HOURS BEFORE CONSIDERATION.**

5 (a) AVAILABILITY OF LEGISLATION.—(1) Clause 4 of
6 rule XIII of the Rules of the House of Representatives
7 is amended—

8 (A) in its side heading, by inserting “legislation
9 and” before “reports”;

10 (B) in paragraph (a) by striking subparagraph
11 (1) and inserting the following new subparagraph:

12 “(1) Except as specified in subparagraph (2), it shall
13 not be in order to consider in the House a measure or
14 matter until 72 hours (excluding Saturdays, Sundays and
15 holidays except when the House is in session on such a
16 day) after the text of such measure or matter (and, if the
17 measure or matter is reported, the text of all accom-
18 panying reports) have been made available to Members,
19 Delegates, the Resident Commissioner, and the general
20 public pursuant to subparagraph (3).”;

21 (C) by adding at the end of paragraph (a) the
22 following new subparagraph:

23 “(3) Without further amendment before floor consid-
24 eration, the full text of the measure or matter and each
25 committee report thereon shall be posted continuously by

1 means of the Internet in such a manner that they are con-
2 veniently accessible using existing technology, anony-
3 mously and at no cost, in a format that is searchable by
4 text.”; and

5 (D) in paragraph (c), by striking “the third cal-
6 endar day” and inserting “at least 72 hours” and by
7 striking “on” and inserting “after”.

8 (2) Rule XIII of the Rules of the House of Rep-
9 resentatives is further amended—

10 (A) in clause 5(b), by striking “and the
11 Resident Commissioner” and inserting “the
12 Resident Commissioner, and the general pub-
13 lic”; and

14 (B) in clause 6(c), by striking “or” at the
15 end of subparagraph (1), by striking the period
16 at the end of subparagraph (2) and inserting “;
17 or”, and by inserting before the period “a rule
18 or order proposing a waiver of clause 4(a) of
19 rule XIII or of clause 8(a) or 8(b) of rule XXII,
20 unless a question of consideration of the rule is
21 adopted by a vote of two-thirds of the Members
22 voting, a quorum being present”.

23 (b) AVAILABILITY OF CONFERENCE REPORTS.—
24 Clause 8 of rule XXII of the Rules of the House of Rep-
25 resentatives is amended—

1 (1) by striking subparagraph (a) and inserting
2 the following new paragraph:

3 “(a)(1) It shall not be in order to consider a con-
4 ference report until 72 hours (excluding Saturdays, Sun-
5 days and holidays except when the House is in session on
6 such a day) after the conference report and the accom-
7 panying joint explanatory statement have been available
8 to Members, Delegates, the Resident Commissioner, and
9 the general public pursuant to subparagraph (2).

10 “(2) Without further amendment before floor consid-
11 eration, the full texts of the conference report and the ac-
12 companying signed joint explanatory statement shall be
13 posted continuously by means of the Internet in such a
14 manner that they are conveniently accessible using exist-
15 ing technology, anonymously and at no cost, in a format
16 that can be searched by text.”;

17 (2) in paragraph (b), by striking subparagraphs
18 (1) and (2) and inserting the following new subpara-
19 graphs:

20 “(1) It shall not be in order to consider a mo-
21 tion to dispose of a Senate amendment reported in
22 disagreement by a conference committee until at
23 least 72 hours (excluding Saturdays, Sundays and
24 holidays except when the House is in session on such
25 a day) after the report in disagreement and any ac-

(c) PROTECTION OF CLASSIFIED INFORMATION.—

Nothing in this section or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the House of Representatives. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

21 SEC. 205. INCREASED TRANSPARENCY OF RECORDED
22 VOTES.

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1 of the Senate shall post on the public Internet site of the
2 Office of the Clerk or of the Secretary, respectively, a
3 record, organized by the name of each Member or Senator,
4 in a structured data format, of the recorded votes of that
5 Member or Senator, including the roll, date, issue, ques-
6 tion, result, and title or description of the vote, and any
7 cost estimate of the Congressional Budget Office related
8 to the vote.

9 (b) WEB LINK.—Each Member shall provide a link
10 to the Clerk of the House of Representatives of a list of
11 recorded votes from that Member’s web site, and each
12 Senator shall provide a link to the Secretary of the Senate
13 of a list of recorded votes from that Senator’s web site.

14 (c) DEFINITION.—As used in this section, the term
15 “Member” means a Representative in Congress, a delegate
16 to Congress, or the Resident Commissioner from Puerto
17 Rico.

18 (d) EFFECTIVE DATE.—This section shall apply to
19 recorded votes occurring after the date of enactment of
20 this Act.

1 **TITLE III—ENHANCING PUBLIC**
2 **ACCESS TO CONGRESSIONAL**
3 **RESEARCH SERVICE**

4 **SEC. 301. ENHANCE ACCESS TO CRS.**

5 (a) AVAILABILITY OF CRS INFORMATION ON THE
6 INTERNET.—Except as provided by subsection (b) and (c),
7 the Clerk of the House of Representatives, in consultation
8 with the Director of Congressional Research Service (here-
9 after in this section referred to as “CRS”), shall make
10 publically available on the Internet the following CRS in-
11 formation:

- 12 (1) CRS Issue Briefs;
13 (2) CRS Reports that are available to Members
14 of Congress through the CRS website; and
15 (3) CRS Authorization of Appropriations and
16 Appropriations Products.

17 (b) EXEMPTION FOR CONFIDENTIAL INFORMA-
18 TION.—Information deemed confidential by the Director
19 of CRS or the head of the Federal department or agency
20 that provided that information to CRS and any document
21 that is a confidential research request made by an indi-
22 vidual, office, or committee shall be exempt from dislo-
23 sure under subsection (a).

1 (c) ADDITIONAL EXEMPTIONS.—The Clerk of the
2 House of Representatives, in consultation with the Direc-
3 tor of CRS, shall—

4 (1) remove the personal information of CRS
5 employees, including names and phone numbers;

6 (2) remove material that may infringe the copy-
7 right of a work protected under title 17, United
8 States Code; and

9 (3) make any changes to information that s/he
10 deems necessary to ensure its accuracy and cur-
11 rency.

12 (d) CONFORMING PROVISION.—Nothing in this sec-
13 tion shall be construed to require the Director of CRS to
14 respond to any inquiry made by a member of the public
15 respecting the information covered by this section.

16 (e) ACCESS TO CRS WEBSITE.—Members and stand-
17 ing committees of the House of Representatives shall pro-
18 vide a link to the CRS database on their websites.

19 (f) ESTABLISHING, MAINTAINING, AND UPDATING
20 THE DATABASE.—Within 6 months after the date of en-
21 actment of this Act, the Clerk of the House of Representa-
22 tives shall establish the database necessary to carry out
23 this section. The Clerk shall be responsible for maintain-
24 ing and updating the information on that database.

TITLE IV—LOBBYING DISCLOSURE

SEC. 401. GAO STUDY OF LOBBYIST REGISTRATION AND DISCLOSURE.

(a) STUDY.—The Comptroller General shall, beginning not later than 90 days after the date of the enactment of this Act, conduct a study to examine the following:

(1) Whether and to what extent persons exerting substantial influence on the legislative process and executive branch decisionmaking are avoiding the registration and reporting requirements under the Lobbying Disclosure Act of 1995.

(2) Whether all individuals who fall within the definition of “lobbyist” under the Lobbying Disclosure Act of 1995 (or the organizations employing such individuals) are registering as required under section 4 of that Act and filing reports under section 5 of that Act, and whether such definition should be amended to avoid evasion of such registration and reporting requirements.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the findings of the study conducted under subsection (a), and shall include any recommendations the Comptroller General has to ensure that

1 all persons exerting substantial influence on the legislative
 2 process and executive branch decisionmaking and all indi-
 3 viduals qualifying as lobbyists (or the organizations em-
 4 ploying such individuals) are complying with the registra-
 5 tion and reporting requirements of the Lobbying Disclo-
 6 sure Act of 1995.

7 **SEC. 402. EXPEDITED ONLINE REGISTRATION OF LOBBY-**
 8 **ISTS; EXPANSION OF REGISTRANTS.**

9 Section 4(a) of the Lobbying Disclosure Act of 1995
 10 (2 U.S.C. 1603(a)) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “45 days” and inserting
 13 “72 hours”;

14 (B) by striking “, or on the first business
 15 day after such 45th day if such 45th day is not
 16 a business day,” and inserting “, or on the first
 17 business day occurring after such 72nd hour if
 18 such 72nd hour does not occur on a business
 19 day,”; and

20 (C) by inserting “online” after “shall reg-
 21 ister”; and

22 (2) in paragraph (3)(A)(ii), by striking
 23 “\$10,000” and inserting “\$5,000”.

1 **SEC. 403. DISCLOSURE OF ADDITIONAL INFORMATION BY**
2 **LOBBYISTS.**

3 Section 5(b)(2)(A) of the Lobbying Disclosure Act of
4 1995 (2 U.S.C. 1604(b)(2)(A)) is amended—

5 (1) by striking “(A)” and inserting “(A)(i)”;

6 (2) by adding “and” after the semicolon; and

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

8 “(ii) for each issue listed under clause (i),
9 a list identifying—

10 “(I) each covered executive branch of-
11 ficial with whom the lobbyist engaged in
12 lobbying activities; and

13 “(II) each covered legislative branch
14 official with whom the lobbyist engaged in
15 lobbying activities and—

16 “(aa) if the official is an em-
17 ployee of a Member of Congress, the
18 name of that Member of Congress; or

19 “(bb) if the official is an em-
20 ployee described in clause (ii), (iii),
21 (iv), or (v) of section 3(4), the name
22 of the Member or Members of Con-
23 gress who hired the official or for
24 whom the official performs duties as
25 such official;”.

1 **SEC. 404. DISCLOSURE OF POLITICAL CONTRIBUTIONS.**

2 Section 5(d) of the Lobbying Disclosure Act of 1995
3 (2 U.S.C. 1604(d)) is amended—

4 (1) in paragraph (1)—

5 (A) in the matter preceding subparagraph
6 (A), by striking “30 days after” and all that
7 follows through “30th day is not” and inserting
8 “20 days after the end of the quarterly period
9 beginning on the first day of January, April,
10 July, and October of each year, or on the first
11 business day after such 20th day if such 20th
12 day is not”;

13 (B) by striking “semiannual period” each
14 place it appears and inserting “quarterly pe-
15 riod”;

16 (C) by redesignating subparagraphs (F)
17 and (G) as subparagraphs (G) and (H), respec-
18 tively; and

19 (D) by inserting after subparagraph (E)
20 the following:

21 “(F) the date, recipient, and amount of
22 bundled contributions made within the quar-
23 terly period;”; and

24 (2) by amending paragraph (2) to read as fol-
25 lows:

26 “(2) DEFINITIONS.—In this subsection:

1 “(A) LEADERSHIP PAC.—The term ‘leader-
 2 ship PAC’ has the meaning given that term in
 3 section 304(I)(8)(B) of the Federal Election
 4 Campaign Act of 1971.

5 “(B) BUNDLED CONTRIBUTION.—The
 6 term ‘bundled contribution’ means a bundled
 7 contribution as defined in section
 8 304(I)(8)(A)(i) of the Federal Election Cam-
 9 paign Act of 1971.”.

10 **SEC. 405. EFFECTIVE DATE.**

11 (a) SECTION 401.—Section 401 takes effect on the
 12 date of the enactment of this Act.

13 (b) AMENDMENTS.—The amendments made by sec-
 14 tions 402, 403, and 404 take effect on the first day of
 15 the first quarterly period described in section 5(a) of the
 16 Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) that
 17 begins after the end of the 90-day period beginning on
 18 the date of the enactment of this Act.

19 **TITLE V—TRANSPARENCY IN**
 20 **FEDERAL CONTRACTING**

21 **SEC. 501. IMPROVING APPLICATION PROGRAMMING INTER-**
 22 **FACE AND WEB SITE DATA ELEMENTS.**

23 (a) IN GENERAL.—Section 2 of the Federal Funding
 24 Accountability and Transparency Act of 2006 (Public Law
 25 109–282; 31 U.S.C. 6101 note) (referred to in this Act

1 as the “Act” for purposes of any amendment) is amend-
2 ed—

3 (1) in subsection (a)—

4 (A) in paragraph (2)(A)(ii), by striking
5 “and delivery orders” and inserting “lease
6 agreements and assignments, and delivery or-
7 ders”; and

8 (B) in paragraph (3)—

9 (i) in subparagraph (C), by striking
10 “and” after the semicolon;

11 (ii) in subparagraph (D), by striking
12 the period and inserting “; and”; and

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

15 “(E) programmatically search and access
16 all data in a serialized machine readable format
17 (such as XML) via a web-services application
18 programming interface.”; and

19 (2) in subsection (b)(1)—

20 (A) in subparagraph (F), by striking the
21 period at the end and inserting a semicolon;

22 (B) by redesignating subparagraph (G) as
23 subparagraph (J); and

24 (C) by inserting after subparagraph (F)
25 the following:

1 “(G) to the extent possible, the agency and
2 department as well as subagencies and sub-
3 offices that have authorized the Federal award;

4 “(H) after January 1, 2012, for all con-
5 tracts, subcontracts, purchase orders, task or-
6 ders, lease agreements and assignments, and
7 delivery orders—

8 “(i) information about the extent of
9 competition in making the award, includ-
10 ing the number of bids or proposals deter-
11 mined to be responsive and responsible
12 during the competitive process, and if the
13 award was not competed, the legal author-
14 ity and specific rationale for making the
15 award without full and open competition;

16 “(ii) the full amount of money that is
17 awarded under a contract or, in the case of
18 lease agreements or assignments, the
19 amount paid to the Government, and the
20 full amount of any options to expand or
21 extend under a contract;

22 “(iii) the amount and nature of the
23 profit incentive, such as award fees, of-
24 fered to contractors for achieving or ex-
25 ceeding specified goals such as fixed price,

1 cost plus pricing, labor hour contracts, and
2 time and materials contracts;

3 “(iv) an indication if the contract is
4 the result of legislative mandates, set-
5 asides, preference program requirements,
6 or other criteria, and whether the contract
7 is multiyear, consolidated, or performance
8 based; and

9 “(v) an indication if the contract is a
10 congressionally directed spending item as
11 defined in Public Law 110–81;

12 “(I) after January 1, 2011, for all grants,
13 subgrants, loans, awards, cooperative agree-
14 ments, and other forms of financial assistance,
15 an indication if the funding is a congressionally
16 directed spending item as defined in Public Law
17 110–81; and”.

18 (b) EFFECTIVE DATE.—Except as otherwise pro-
19 vided, amendments made by subsection (a) shall be imple-
20 mented not later than 6 months after the date of enact-
21 ment of this Act.

22 **SEC. 502. IMPROVING DATA QUALITY.**

23 (a) IN GENERAL.—The Act is amended by adding at
24 the end the following:

1 **“SEC. 5. IMPROVING DATA QUALITY.**

2 “The Director of the Office of Management and
3 Budget shall ensure the following:

4 “(1) A simple method for the public to report
5 errors is available on the website created by this Act
6 which should—

7 “(A) allow the public to report errors on
8 single records as well as problems affecting
9 multiple records;

10 “(B) require the public to provide contact
11 information, including e-mail address, mail ad-
12 dress, or telephone number, to be used for in-
13 forming the reporter of the outcome of the
14 records review;

15 “(C) send copies of the error report to
16 both an official responsible for the data quality
17 at the agency that generated the data and to
18 the Office of Management and Budget; and

19 “(D) maintain a public record organized by
20 agency of the total number of records which
21 have had nonfrivolous reports of errors, the
22 number of records which have been corrected,
23 and number of records for which error reports
24 remain unresolved.

25 “(2) The data used on the website created by
26 this Act is audited for quality annually by an exter-

1 nal auditor, in compliance with generally accepted
2 Government auditing standards, with the audit to
3 include at least the following steps:

4 “(A) Review and report publicly on the ac-
5 tivity in the error reporting system created by
6 this section with an analysis for each agency
7 and combined for agencies that includes at least
8 the following indicators:

9 “(i) Number of errors reported.

10 “(ii) Number of reported errors re-
11 solved.

12 “(iii) Number of reported errors that
13 remain unresolved.

14 “(iv) Number of reported errors that
15 led to corrections.

16 “(v) Number of reported errors on
17 records that proved to be correct.

18 “(vi) Average number of days to re-
19 solve error report.

20 “(vii) Longest number of days to re-
21 solve an error report.

22 “(viii) Longest held reported error
23 that remains unresolved.

24 “(B) An independent review annually of
25 data used for the website to verify accuracy of

1 the data and assess the process used for im-
2 proving data quality with an ability for the pub-
3 lic to review these findings.

4 “(C) Identify and report new standards
5 that should be implemented by agencies to im-
6 prove data quality.

7 “(3) Each agency inspector general—

8 “(A) reviews a statistically representative
9 sample of agency Federal awards every 6
10 months for the first three years following enact-
11 ment of this section, and annually thereafter, to
12 determine whether agencies have appropriate
13 measures in place to review Federal Funding
14 Accountability and Transparency data submis-
15 sions for accuracy and completeness;

16 “(B) reports to the Director of the Office
17 of Management and Budget and the head of the
18 agency the findings of the review, including rec-
19 ommendations for corrective action; and

20 “(C) makes publicly available, including
21 through the website created by this Act, the
22 findings of the review.”.

23 (b) EFFECTIVE DATE.—Except as otherwise pro-
24 vided, the amendments made by subsection (a) shall be
25 implemented not later than June 30, 2011.

1 **SEC. 503. RECIPIENT PERFORMANCE TRANSPARENCY.**

2 (a) IN GENERAL.—The Act as amended by section
3 502 is amended by adding at the end the following:

4 **“SEC. 6. RECIPIENT PERFORMANCE TRANSPARENCY AND**
5 **PAST PERFORMANCE.**

6 “The Director of the Office of Management and
7 Budget shall ensure that the unique identifier required in
8 section 2(b)(1)(E) that is used to link information about
9 the entity receiving the award on the website described
10 in section 2 is also used to link information about that
11 entity on the Federal Awardee Performance Integrity In-
12 formation System.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall be implemented not later than June
15 30, 2011.

16 **SEC. 504. IMPROVEMENT OF FEDERAL AWARDEE PER-**
17 **FORMANCE AND INTEGRITY INFORMATION**
18 **SYSTEM DATABASE.**

19 (a) REQUIREMENT TO MAKE DATABASE AVAILABLE
20 TO PUBLIC.—Section 872 of the Duncan Hunter National
21 Defense Authorization Act for Fiscal Year 2009 (Public
22 Law 110–417; 122 Stat. 4555) is amended in subsection
23 (e) by adding at the end the following:

24 “(3) PUBLIC AVAILABILITY.—The database
25 shall be made available to the public on the Internet
26 in a searchable, sortable, downloadable format.”.

1 (b) REQUIREMENT TO INCLUDE IN DATABASE 10
2 YEARS OF INFORMATION ON CERTAIN PERSONS AWARD-
3 ED FEDERAL CONTRACTS OR GRANTS.—Section 872 of
4 such Act is amended in subsection (c) by striking “5-year”
5 and inserting “10-year”.

6 (c) REQUIREMENT TO INCLUDE INFORMATION IN
7 DATABASE REGARDING CERTAIN JUDGMENTS AND SET-
8 TLEMENTS.—Section 872 of such Act is further amended
9 in subsection (c)(1) by adding at the end the following
10 new subparagraphs:

11 “(E) In an administrative proceeding, any
12 administrative judgment that does not contain
13 an explicit finding or acknowledgment of fault.

14 “(F) In a civil proceeding, any settlement
15 that does not contain an explicit finding or ac-
16 knowledgegment of fault.”.

17 **SEC. 505. REQUIREMENTS RELATING TO REPORTING OF**
18 **AWARD DATA.**

19 (a) SUBAWARD DATA COLLECTION AND REPORT-
20 ING.—The Director of the Office and Management and
21 Budget shall develop and implement a specific plan for
22 the collection and reporting of subaward data on Federal
23 contracts, including a time frame for including subaward
24 data on USAspending.gov.

1 (b) PROCESS TO ENSURE AGENCY COMPLIANCE
2 WITH REPORTING REQUIREMENTS.—The Director of the
3 Office of Management and Budget shall develop and im-
4 plement a process to regularly ensure that all Federal
5 agencies report required award information to
6 USAspending.gov.

7 (c) REVISION OF GUIDANCE.—The Director of the
8 Office of Management and Budget shall revise the Office’s
9 guidance to Federal agencies on reporting Federal awards
10 to clarify—

11 (1) the requirement that award titles describe
12 the award’s purpose; and

13 (2) requirements for validating and docu-
14 menting agency award data submitted by Federal
15 agencies.

16 (d) INCLUSION OF CITY INFORMATION.—The Direc-
17 tor of the Office of Management and Budget shall include
18 information on the city where work is performed in the
19 Office’s public reporting of the completeness of agency
20 data submissions.

1 **TITLE VI—EXECUTIVE BRANCH**
2 **TRANSPARENCY**

3 **SEC. 601. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
4 **SPONSORSHIP OF ALL FEDERAL ADVER-**
5 **TISING OR OTHER COMMUNICATIONS.**

6 (a) REQUIREMENT.—Every advertisement or other
7 communication paid for by an Executive agency, either di-
8 rectly or through a contract awarded by the Executive
9 agency, shall include a prominent notice informing the tar-
10 get audience that the advertisement or other communica-
11 tion is paid for by that Executive agency.

12 (b) DEFINITION.—In this section, the term “adver-
13 tisement or other communication” includes—

14 (1) an advertisement disseminated in any form,
15 including print or by any electronic means; and

16 (2) a communication by an individual in any
17 form, including speech, print or by any electronic
18 means.

19 **TITLE VII—STRENGTHENING**
20 **FOIA**

21 **SEC. 701. DIGITAL ACCESS TO COMPLETED RESPONSES TO**
22 **THE FREEDOM OF INFORMATION ACT.**

23 (a) REQUIREMENT.—(1) Each agency shall make
24 available all materials contained in the agency’s completed
25 response to a request under section 552 of title 5, United

1 States Code (in this section referred to as a “FOIA re-
2 quest”) in a structured database; in a searchable, sortable,
3 downloadable database; or in a format searchable by text
4 as appropriate, within one month after the date the FOIA
5 request was completed.

6 (2) All information is presumed to be available in an
7 electronic format as described in paragraph (1) unless the
8 agency demonstrates that excessive cost would place an
9 undue burden on the agency.

10 (b) PUBLIC AVAILABILITY.—All information included
11 in the agency’s completed response to a FOIA request
12 shall be made available to the public electronically, free
13 of charge through each agency’s website.

14 **SEC. 702. COMMISSION ON FREEDOM OF INFORMATION**
15 **ACT PROCESSING DELAYS.**

16 (a) ESTABLISHMENT.—There is established a Com-
17 mission to be known as the “Commission on Freedom of
18 Information Act Processing Delays” (in this section re-
19 ferred to as the “Commission”) for the purpose of con-
20 ducting a study relating to the methods to help reduce
21 delays in processing requests submitted to Federal agen-
22 cies under section 552 of title 5, United States Code.

23 (b) MEMBERSHIP.—

24 (1) IN GENERAL.—The Commission shall be
25 composed of 16 members, as follows:

1 (A) 3 appointed by the Chairman of the
2 Committee on the Judiciary of the Senate.

3 (B) 3 appointed by the ranking member of
4 the Committee on the Judiciary of the Senate.

5 (C) 3 appointed by the Chairman of Com-
6 mittee on Oversight and Government Reform of
7 the House of Representatives.

8 (D) 3 appointed by the ranking member of
9 the Committee on Oversight and Government
10 Reform of the House of Representatives.

11 (E) 1 appointed by the Attorney General.

12 (F) 1 appointed by the Director of the Of-
13 fice of Management and Budget.

14 (G) 1 appointed by the Archivist.

15 (H) 1 appointed by the Comptroller Gen-
16 eral.

17 (2) QUALIFICATIONS.—Appointees must have
18 certain qualifications.

19 (c) DUTIES.—The duties of the Commission are to—

20 (1) identify methods that—

21 (A) help reduce delays in the processing of
22 FOIA requests submitted to Federal agencies;
23 and

1 (B) ensure the efficient and equitable ad-
2 ministration of FOIA throughout the Federal
3 Government; and

4 (2) examine whether the system for charging
5 fees and granting waivers of fees needs to be re-
6 formed in order to reduce delays.

7 (d) REPORT.—The Commission shall submit a report
8 to Congress and the President, not later than 1 year after
9 the date of enactment of this Act, containing the conclu-
10 sions and recommendations of the Commission.

11 **TITLE VIII—ENFORCEMENT**

12 **SEC. 801. AUDITS BY THE GOVERNMENT ACCOUNTABILITY** 13 **OFFICE.**

14 (a) AUDIT REQUIREMENT.—The Comptroller Gen-
15 eral shall conduct annual audits of the implementation of
16 the provisions in this Act, and shall submit annually to
17 the Committee on Oversight and Government Reform of
18 the House of Representatives and the Committee on
19 Homeland Security and Governmental Affairs of the Sen-
20 ate a report on the results of the audits.

21 (b) MATTERS COVERED BY AUDITS.—Audits con-
22 ducted under this section shall address whether the con-
23 gressional and executive branch information that is re-
24 quired to be provided to the public through the Internet
25 is complete, primary, timely, accessible, machine

1 processable, non-discriminatory, non-proprietary, and li-
2 cense-free.

3 (c) CURRENT STANDARDS.—Audits conducted under
4 this section shall also address whether the information
5 provided to the public under this Act is produced and
6 maintained using current standards for data publication.

7 (d) DEFINITIONS.—In this section:

8 (1) COMPLETE.—The term “complete” means
9 all public data is made available. Public data is data
10 that is not subject to valid privacy, security, or privi-
11 lege limitations.

12 (2) PRIMARY.—The term “primary” means
13 data collected at the source, with the highest pos-
14 sible level of granularity, not in aggregate or modi-
15 fied forms.

16 (3) TIMELY.—The term “timely” means data is
17 made available as quickly as necessary to preserve
18 the value of the data.

19 (4) ACCESSIBLE.—The term “accessible”
20 means data is available to the widest range of users
21 for the widest range of purposes.

22 (5) MACHINE PROCESSABLE.—The term “ma-
23 chine processable” means data is reasonably struc-
24 tured to allow automated processing.

1 (6) NON-DISCRIMINATORY.—The term “non-
2 discriminatory” means data is available to anyone,
3 with no requirement of registration.

4 (7) NON-PROPRIETARY.—The term “non-pro-
5 prietary” means data is available in a format over
6 which no entity has exclusive control.

7 (8) LICENSE-FREE.—The term “license-free”
8 means data is not subject to any copyright, patent,
9 trademark, or trade secret regulation. Reasonable
10 privacy, security, and privilege restrictions may be
11 allowed.

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