

111TH CONGRESS
1ST SESSION

S. 133

To prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mrs. BOXER, Mr. NELSON of Florida, Mr. KERRY, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, 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.**

4 This Act may be cited as the “Troubled Asset Relief
5 Program Transparency Reporting Act”.

1 **SEC. 2. PROHIBITION ON USE OF CERTAIN FEDERAL FUNDS**
2 **FOR LOBBYING AND POLITICAL CONTRIBU-**
3 **TIONS.**

4 (a) DEFINITIONS.—In this Act, the following defini-
5 tions shall apply:

6 (1) EMERGENCY ECONOMIC ASSISTANCE.—The
7 term “emergency economic assistance” means any
8 funds made available to any recipient under title I
9 of the Emergency Economic Stabilization Act of
10 2008 (Public Law 110–343) or section 13 of the
11 Federal Reserve Act.

12 (2) LOBBYING EXPENDITURES.—The term
13 “lobbying expenditures” has the meaning given
14 under section 4911(c)(1) of the Internal Revenue
15 Code of 1986.

16 (3) POLITICAL CONTRIBUTIONS.—The term
17 “political contributions” means any contribution on
18 behalf of a political candidate or to a separate seg-
19 regated fund described in section 316(b)(2)(C) of
20 the Federal Election Campaign Act of 1971 (2
21 U.S.C. 441b(b)(2)(C)).

22 (b) PROHIBITION ON THE USE OF EMERGENCY ECO-
23 NOMIC ASSISTANCE.—Any recipient of emergency eco-
24 nomic assistance and any subsidiary thereof may not use
25 such funds for lobbying expenditures or political contribu-
26 tions.

1 **SEC. 3. GUIDELINES FOR THE USE OF FUNDS.**

2 (a) GUIDELINES.—Not later than 30 days after the
3 date of enactment of this Act, the Secretary of the Treas-
4 ury, in consultation with the Comptroller General and the
5 Financial Stability Oversight Board, shall develop and
6 publish corporate governance principles and ethical guide-
7 lines for recipients of emergency economic assistance in-
8 cluding restrictions governing—

9 (1) the hosting, sponsorship, or payments for
10 conferences and events;

11 (2) the use of corporate aircraft, travel accom-
12 modations, and travel expenditures;

13 (3) expenses relating to office or facility renova-
14 tions or relocations; and

15 (4) expenses relating to entertainment, holiday
16 parties, employee recognition events, or similar ancil-
17 lary corporate expenses.

18 (b) INTERNAL REPORTING AND OVERSIGHT.—The
19 Secretary of the Treasury shall publish suggested mecha-
20 nisms for addressing non-compliance with the guidelines
21 developed pursuant to subsection (a) through enhanced in-
22 ternal reporting and oversight requirements.

23 **SEC. 4. REPORTING AND CERTIFICATION.**

24 (a) REPORT.—Each recipient of emergency economic
25 assistance shall file with the Secretary of the Treasury on
26 a quarterly basis—

1 (1) a detailed accounting of how emergency eco-
 2 nomic assistance is being used, including an expla-
 3 nation of how such funds have been allocated to sta-
 4 bilize financial markets and increase the availability
 5 of credit to consumers and businesses; and

6 (2) a certification that—

7 (A) no emergency economic assistance is
 8 being used for lobbying expenditures of political
 9 contributions in violation of section 2(b); and

10 (B) no emergency economic assistance is
 11 being used in violation of the guidelines issued
 12 by the Secretary of Treasury under section
 13 3(a).

14 (b) PUBLIC AVAILABILITY.—Any report or certifi-
 15 cation filed under this section shall be made publically
 16 available by Secretary of the Treasury on-line, and at no
 17 cost.

18 **SEC. 5. PENALTIES.**

19 (a) USE OF FUNDS.—Any person that violates sec-
 20 tion 2(b) shall be subject to a civil fine of at least
 21 \$100,000 per violation.

22 (b) FUTURE FUNDING.—Any person that fails to
 23 comply with section 2(b) or the guidelines implemented
 24 under section 3 shall not be eligible to receive any future
 25 emergency economic assistance unless the Secretary of the

1 Treasury, in consultation with the Financial Stability
2 Oversight Board, determines that reasonable steps have
3 been taken to bring actions into compliance with and to
4 prevent future violations of this Act.

5 (c) FALSE REPORT.—Any person that fails to file a
6 report or certification required under section 4 shall be
7 subject to a civil fine of at least \$100,000.

8 **SEC. 6. EFFECTIVE DATE AND APPLICATION.**

9 This Act shall take effect on the date of enactment
10 of this Act and apply to any emergency economic assist-
11 ance received before, on, or after that date.

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