

115TH CONGRESS
2D SESSION

H. R. 7140

To improve the anti-corruption and public integrity laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2018

Ms. JAYAPAL (for herself, Mr. SARBANES, Mr. RASKIN, Ms. CLARKE of New York, Ms. LEE, Ms. BASS, Ms. NORTON, Ms. SCHAKOWSKY, and Mr. POCAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, House Administration, Ways and Means, Financial Services, Intelligence (Permanent Select), Rules, Foreign Affairs, Armed Services, and the Budget, 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 improve the anti-corruption and public integrity laws,
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 “Anti-Corruption and
5 Public Integrity Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Applicability.

TITLE I—PUBLIC INTEGRITY, ETHICS, CONFLICTS OF INTEREST, AND REVOLVING DOOR

Subtitle A—Conflicts of Interest

- Sec. 101. Definitions.
- Sec. 102. Lobbyist ban.
- Sec. 103. Conflicts of interest law expansions.
- Sec. 104. Golden parachutes ban.
- Sec. 105. Conflicts of interest rules for senior government officials.
- Sec. 106. General public integrity rules.
- Sec. 107. Legal expense funds.
- Sec. 108. Penalties.

Subtitle B—Presidential Conflicts of Interest

- Sec. 111. Short title.
- Sec. 112. Divestiture of personal financial interests of the President and Vice President that pose a potential conflict of interest.
- Sec. 113. Recusal of appointees.
- Sec. 114. Contracts by the President or Vice President.
- Sec. 115. Presidential transition ethics programs.
- Sec. 116. Sense of Congress regarding violations.
- Sec. 117. Rule of construction.
- Sec. 118. Severability.

TITLE II—LOBBYING REFORM

- Sec. 201. Enforcement by the Office of Public Integrity.
- Sec. 202. Definitions.
- Sec. 203. Registration of lobbyists.
- Sec. 204. Reports by lobbyists.
- Sec. 205. Prohibition on foreign lobbying.
- Sec. 206. Prohibition of contributions by lobbyists.
- Sec. 207. Prohibition on contingent fee lobbying.
- Sec. 208. Prohibition on provision of gifts or travel by registered lobbyists.
- Sec. 209. Application of General Schedule to Congress.
- Sec. 210. Reestablishment of Office of Technology Assessment.
- Sec. 211. Progressive tax on lobbying expenditures.
- Sec. 212. Disclosure of registration status.

TITLE III—RULEMAKING REFORM

- Sec. 301. Disclosure of conflicts of interest.
- Sec. 302. Increasing disclosures relating to studies and research.
- Sec. 303. Disclosure of inter-governmental rule changes.
- Sec. 304. Justification of withdrawn rules.
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- Sec. 306. Streamlining OIRA review.
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- Sec. 310. Actions by private persons.
- Sec. 311. Scope of review.
- Sec. 312. Expanding rulemaking notifications.
- Sec. 313. Public petitions.
- Sec. 314. Amendment to Congressional Review Act.
- Sec. 315. Cost-benefit analysis.
- Sec. 316. Sense of Congress.

TITLE IV—JUDICIAL ETHICS

- Sec. 401. Clarification of gift ban.
- Sec. 402. Restrict privately funded educational events and speeches.
- Sec. 403. Code of Conduct.
- Sec. 404. Improving disclosure.
- Sec. 405. Appointment of administrative law judges.
- Sec. 406. Improve reporting on judicial diversity.
- Sec. 407. Pleading standards.
- Sec. 408. Availability of judicial opinions.

TITLE V—ENFORCEMENT

Subtitle A—Office of Public Integrity

- Sec. 511. Establishment of Office of Public Integrity.
- Sec. 512. Designated agency ethics officials.

Subtitle B—Inspectors General

- Sec. 531. General supervision and removal of Inspectors General.

Subtitle C—Office of Congressional Ethics

- Sec. 551. Definitions.
- Sec. 552. The Office of Congressional Ethics.
- Sec. 553. Establishment of the Board of the Office of Congressional Ethics.
- Sec. 554. Duties and Powers of the Office and the Board.
- Sec. 555. Review process of complaints.
- Sec. 556. Personnel matters.
- Sec. 557. Authorization of appropriations.
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Subtitle D—Applicability

- Sec. 571. Applicability.

TITLE VI—TRANSPARENCY AND GOVERNMENT RECORDS

Subtitle A—Transparency for Federal Personnel and Candidates for Federal Office

- Sec. 601. Categories relating to the amount or value of certain income.
- Sec. 602. Disclosure of personal income tax returns by Presidents, Vice Presidents, Members of Congress, and certain candidates.
- Sec. 603. Transparency relating to candidates for Federal office and Members of Congress.

Subtitle B—Think Tank, Nonprofit, and Advocate Transparency

- Sec. 611. Amendments to the Lobbying Disclosure Act of 1995.

Sec. 612. Amendments to the Internal Revenue Code of 1986.

Subtitle C—Strengthening FOIA Enforcement

Sec. 621. Strengthening FOIA enforcement.
 Sec. 622. Exemptions from disclosure.
 Sec. 623. Public interest balancing test.
 Sec. 624. Affirmative disclosure of agency records on website.
 Sec. 625. Applicability.

Subtitle D—Federal Contractor Transparency

Sec. 631. Expanding applicability of the Freedom of Information Act to Federal contractors.
 Sec. 632. Public disclosure by large contractors.

Subtitle E—Congressional Transparency

Sec. 641. Increased transparency of committee work.
 Sec. 642. Increased transparency of recorded votes.
 Sec. 643. Increased transparency of appropriations bills.

1 **SEC. 3. APPLICABILITY.**

2 Except as provided otherwise in this Act, this Act and
 3 the amendments made by this Act shall apply on and after
 4 the date that is 1 year after the date of enactment of this
 5 Act.

6 **TITLE I—PUBLIC INTEGRITY,**
 7 **ETHICS, CONFLICTS OF IN-**
 8 **TEREST, AND REVOLVING**
 9 **DOOR**

10 **Subtitle A—Conflicts of Interest**

11 **SEC. 101. DEFINITIONS.**

12 In this title:

13 (1) **AGENCY.**—The term “agency” has the
 14 meaning given the term in section 551 of title 5,
 15 United States Code.

1 (2) AGENT OF A FOREIGN PRINCIPAL.—The
2 term “agent of a foreign principal” has the meaning
3 given the term in section 1 of the Foreign Agents
4 Registration Act of 1938 (22 U.S.C. 611).

5 (3) BANK HOLDING COMPANY.—The term
6 “bank holding company” has the meaning given the
7 term in section 2 of the Bank Holding Company Act
8 of 1956 (12 U.S.C. 1841).

9 (4) CORPORATE LOBBYIST.—The term “cor-
10 porate lobbyist” has the meaning given the term in
11 section 109 of the Ethics in Government Act of
12 1978, as amended by section 202 of this Act.

13 (5) COVERED ENTITY.—The term “covered en-
14 tity” means any entity that is—

15 (A)(i) a for-profit company; or

16 (ii) a bank holding company, a savings and
17 loan holding company, or any other financial in-
18 stitution; and

19 (B)(i) operating under Federal settlement,
20 including a Federal consent decree; or

21 (ii) the subject of an enforcement action in
22 a court of the United States or by an agency.

23 (6) EXECUTIVE AGENCY.—The term “Executive
24 agency”—

1 (A) has the meaning given the term in sec-
2 tion 105 of title 5, United States Code; and

3 (B) includes the Executive Office of the
4 President.

5 (7) GROSS RECEIPTS.—The term “gross re-
6 ceipts” has the meaning given the term in section
7 993(f) of the Internal Revenue Code of 1986.

8 (8) LOBBYIST.—The term “lobbyist” has the
9 meaning given the term in section 109 of the Ethics
10 in Government Act of 1978, as amended by section
11 202 of this Act.

12 (9) QUALIFIED SMALL BUSINESS.—The term
13 “qualified small business” means a corporation,
14 company, firm, partnership, or other business enter-
15 prise, that has gross receipts for the previous tax-
16 able year of less than \$5,000,000.

17 (10) SAVINGS AND LOAN HOLDING COMPANY.—
18 The term “savings and loan holding company” has
19 the meaning given the term in section 10(a) of the
20 Home Owners’ Loan Act (12 U.S.C. 1467a(a)).

21 (11) SENIOR EXECUTIVE.—The term “senior
22 executive” includes—

23 (A) a chief executive officer;

24 (B) a chief financial officer;

25 (C) a chief operating officer;

1 (D) a chief compliance officer;

2 (E) any senior government relationship of-
3 ficial; and

4 (F) any other senior executive, as deter-
5 mined by the Director of the Office of Public
6 Integrity.

7 (12) SENIOR GOVERNMENT OFFICIAL.—The
8 term “senior government official” means—

9 (A) any individual described in section
10 101(f) of the Ethics in Government Act of 1978
11 (5 U.S.C. App.), including—

12 (i) any individual in a position on any
13 level of the Executive Schedule under sub-
14 chapter II of chapter 53 of title 5, United
15 States Code;

16 (ii) a political appointee in the Execu-
17 tive Office of President or in the Office of
18 the Vice President; and

19 (iii) an individual employed in a posi-
20 tion in the executive branch of the Govern-
21 ment of a confidential or policy-deter-
22 mining character under schedule C of sub-
23 part C of part 213 of title 5, Code of Fed-
24 eral Regulations;

1 (B) an individual employed in a position in
2 the Senior Executive Service;

3 (C) an individual employed in a position at
4 the GS–14 level or higher; and

5 (D) an individual employed in a position
6 not under the General Schedule for which the
7 rate of basic pay is equal to or greater than the
8 minimum rate of basic pay payable for GS–14
9 of the General Schedule.

10 **SEC. 102. LOBBYIST BAN.**

11 (a) LOBBYISTS.—

12 (1) EXECUTIVE BRANCH.—

13 (A) LOBBYISTS.—No former registered
14 lobbyist or agent of a foreign principal who has
15 engaged in a lobbying contact, as defined in
16 section 3 of the Lobbying Disclosure Act of
17 1995 (2 U.S.C. 1602), during his or her reg-
18 istration may be hired as an officer or employee
19 of an Executive agency during the 2-year period
20 beginning on the date on which the registered
21 lobbyist terminates his or her registration in ac-
22 cordance with section 4(d) of the Lobbying Dis-
23 closure Act of 1995 (2 U.S.C. 1603(d)) or the
24 agent terminates his or her status, as applica-
25 ble.

1 (B) CORPORATE LOBBYISTS.—No former
2 registered corporate lobbyist may be hired as an
3 officer or employee of an Executive agency dur-
4 ing the 6-year period beginning on the date on
5 which the registered corporate lobbyist termi-
6 nates its registration in accordance with section
7 4(d) of the Lobbying Disclosure Act of 1995 (2
8 U.S.C. 1603(d)) or the agent terminates its sta-
9 tus, as applicable.

10 (C) WAIVER RULES AND ELIGIBILITY.—

11 (i) POSITIONS REQUIRING SENATE
12 CONFIRMATION.—The President may waive
13 the ban described in subparagraph (A) for
14 any appointment to a position in an Exec-
15 utive agency that requires the advice and
16 consent of the Senate based on a compel-
17 ling national need.

18 (ii) OTHER POSITIONS.—The Presi-
19 dent or the Director of the Office of Public
20 Integrity may waive the ban described in
21 subparagraph (A) and the prior employer
22 recusal provision described in section
23 208(e) of title 18, United States Code, as
24 added by section 103(a) of this Act for any
25 appointment to a position in an Executive

1 agency that does not require the advice
2 and consent of the Senate.

3 (iii) REQUIREMENTS.—A waiver made
4 under this subparagraph shall—

5 (I) be made publicly available
6 and searchable by the Director of the
7 Office of Public Integrity;

8 (II) include a justification sent to
9 Congress for why the registered lob-
10 byist or agent of a foreign principal,
11 as applicable, brings unique and rel-
12 evant expertise such that it is not
13 practical to find an alternative can-
14 didate with the same skill set; and

15 (III) with respect to a nomina-
16 tion to a position described in clause
17 (i)—

18 (aa) specifically identify the
19 next-best candidate who was not
20 a registered lobbyist or agent of
21 a foreign principal, as applicable;
22 and

23 (bb) include a justification
24 for why the next-best candidate

1 was not nominated for the posi-
2 tion.

3 (2) LEGISLATIVE BRANCH.—

4 (A) LOBBYISTS.—No former registered
5 lobbyist or agent of a foreign principal may be
6 hired as an officer or employee of a Member of
7 Congress or a committee of either House of
8 Congress during the 2-year period beginning on
9 the date on which the registered lobbyist termi-
10 nates its registration in accordance with section
11 4(d) of the Lobbying Disclosure Act of 1995 (2
12 U.S.C. 1603(d)) or the agent terminates its sta-
13 tus, as applicable.

14 (B) CORPORATE LOBBYISTS.—No former
15 registered lobbyist or agent of a foreign prin-
16 cipal may be hired as an officer or employee of
17 a Member of Congress or a committee of either
18 House of Congress during the 6-year period be-
19 ginning on the date on which the registered cor-
20 porate lobbyist terminates its registration in ac-
21 cordance with section 4(d) of the Lobbying Dis-
22 closure Act of 1995 (2 U.S.C. 1603(d)) or the
23 agent terminates its status, as applicable.

24 (C) WAIVER RULES AND ELIGIBILITY.—

1 (i) IN GENERAL.—Any Member of
2 Congress may waive the ban described in
3 subparagraph (A) for an officer or em-
4 ployee of that Member of Congress or of a
5 committee of either House of Congress on
6 which the Member serves as a chair or
7 ranking member based on a compelling na-
8 tional need.

9 (ii) REQUIREMENTS.—A waiver made
10 under this subparagraph shall—

11 (I) be submitted to the Select
12 Committee on Ethics of the Senate or
13 the Committee on Ethics of the House
14 of Representatives, as applicable, and
15 to the Office of Congressional Ethics;

16 (II) be made publicly available
17 and searchable by the Office of Con-
18 gressional Ethics;

19 (III) include a justification made
20 publicly available for why the reg-
21 istered lobbyist or agent of a foreign
22 principal, as applicable, brings unique
23 and relevant expertise such that it is
24 not practical to find an alternative
25 candidate with the same skill set; and

1 (IV) be made only after the Con-
2 gressional Ethics Board submits to
3 the Member of Congress and to the
4 Select Committee on Ethics of the
5 Senate or the Committee on Ethics of
6 the House of Representatives, as ap-
7 plicable, a public recommendation re-
8 garding such a waiver.

9 (b) OTHER BANNED INDIVIDUALS.—

10 (1) CONTRACTORS.—

11 (A) IN GENERAL.—No former employee of
12 a for-profit entity that was awarded a Federal
13 contract or Federal license by an Executive
14 agency may be an officer or employee of the
15 Executive agency that awarded the contract or
16 Federal license during the 4-year period begin-
17 ning on the date on which the employee termi-
18 nates its employment with the entity.

19 (B) WAIVER.—The ban described in sub-
20 paragraph (A) may be waived in accordance
21 with subsection (a)(1)(C).

22 (2) SENIOR EXECUTIVES OF LAW-BREAKING
23 COMPANIES.—No former senior executive of a cov-
24 ered entity may be an officer or employee of an Ex-
25 ecutive agency, a Member of Congress, a committee

1 of either House of Congress, or either House of Con-
2 gress during the 6-year period beginning on the later
3 of—

4 (A) the date of the settlement; and

5 (B) the date on which the enforcement ac-
6 tion has concluded.

7 **SEC. 103. CONFLICTS OF INTEREST LAW EXPANSIONS.**

8 (a) EXECUTIVE BRANCH.—Section 208 of title 18,
9 United States Code, is amended by adding at the end the
10 following:

11 “(e)(1) In this subsection, the term ‘Executive agen-
12 cy’ has the meaning given the term in section 101 of the
13 Anti-Corruption and Public Integrity Act.

14 “(2)(A) No officer or employee of an Executive agen-
15 cy may own or trade any individual stock, bond, com-
16 modity, future, and other form of security, including an
17 interest in a hedge fund, a derivative, option, or other
18 complex investment vehicle if the Director of the Office
19 of Public Integrity (or the designated agency ethics official
20 of the agency that employs the individual) determines that
21 the value of the stock or security may be directly influ-
22 enced by an action of the Executive agency.

23 “(B) Subparagraph (A) shall not apply to—

24 “(i) a widely held investment fund described in
25 section 102(f)(8) of the Ethics in Government Act of

1 1978 (5 App. U.S.C. 102(f)(8)), if such investment
2 meets the requirements described in section
3 105(b)(2) of the Anti-Corruption and Public Integ-
4 rity Act;

5 “(ii) shares of Settlement Common Stock issued
6 under section 7(g)(1)(A) of the Alaska Native
7 Claims Settlement Act (43 U.S.C. 1606(g)(1)(A));
8 or

9 “(iii) shares of Settlement Common Stock, as
10 defined in section 3 of the Alaska Native Claims
11 Settlement Act (43 U.S.C. 1602).

12 “(C) Whoever violates subparagraph (A) shall be
13 punished as provided in section 216.

14 “(D) The Director of the Office of Public Integrity
15 may waive subparagraph (A) for an officer or employee
16 of an Executive agency on a case-by-case basis if the Di-
17 rector—

18 “(i) determines that there is no possibility for,
19 or the appearance of, a conflict of interest; or

20 “(ii) approves a plan for necessary recusals that
21 ensures that no conflict of interest exists.

22 “(3)(A) Except as provided in subparagraphs (B)
23 and (C), each officer and employee of any Executive agen-
24 cy shall be recused from, and may not in any way attempt
25 to use their official position to influence, any particular

1 matter, including an adjudication, procurement, or rule-
2 making, that the officer or employee knows is likely to
3 have a direct and predictable effect on the financial inter-
4 est of—

5 “(i) any person for whom the officer or em-
6 ployee had, during the previous 4-year period, served
7 as an officer, director, trustee, general partner,
8 agent, attorney, consultant, contractor, employee, or
9 direct competitor; or

10 “(ii) any organization other than a political or-
11 ganization described in section 527(e) of the Inter-
12 nal Revenue Code of 1986 in which the employee is
13 an active participant.

14 “(B) This paragraph shall not apply to—

15 “(i) the President;

16 “(ii) the Vice President;

17 “(iii) any individual in a position on any level
18 of the Executive Schedule under subchapter II of
19 chapter 53 of title 5;

20 “(iv) any individual appointed to a position in
21 an Executive agency by and with the advice and con-
22 sent of the Senate;

23 “(v) an officer or employee who served as an of-
24 ficer, director, trustee, general partner, agent, attor-
25 ney, consultant, contractor, or employee of a tribal

1 organization (as defined in section 4 of the Indian
2 Self-Determination and Education Assistance Act
3 (25 U.S.C. 5304)) or an intertribal consortium of
4 federally recognized Indian tribes with respect to a
5 matter that is likely to have a direct and predictable
6 effect on the financial interest of the tribal organiza-
7 tion or intertribal consortium; or

8 “(vi) any individual who receives a waiver under
9 subparagraph (C).

10 “(C)(i) The Director of Public Integrity may waive
11 the requirements of this paragraph for any officer or em-
12 ployee (except individuals described in clause (iii)(III)).

13 “(ii) Officers and employees may only apply to the
14 Director of Public Integrity for a waiver under this sub-
15 paragraph if the individual agrees to comply with the Con-
16 flicts of Interest Rules for Senior Government Officials in
17 subsections (a) and (e) of section 105 of the Anti-Corrup-
18 tion and Public Integrity Act.

19 “(iii) A waiver made under this subparagraph—

20 “(I) shall be made publicly available and
21 searchable;

22 “(II) shall include a justification sent to Con-
23 gress for why the waiver is in the national interest;
24 and

1 “(III) may not be granted if the individual re-
2 ceived a waiver under section 102(a)(1)(C) of the
3 Anti-Corruption and Public Integrity Act.

4 “(iv) The Director of Public Integrity may deny a
5 waiver under this subparagraph for any reason.”.

6 (b) LEGISLATIVE BRANCH.—

7 (1) DIVESTMENT.—Except as provided in para-
8 graph (5), no senior government official in the legis-
9 lative branch (including Members of Congress) may
10 own or trade any individual stock, bonds, com-
11 modity, future, and other form of security, including
12 an interest in a hedge fund, a derivative, option, or
13 other complex investment vehicle.

14 (2) COMMITTEE STAFF RULE.—No officer or
15 employee of a committee of either House of Con-
16 gress may maintain, own, or trade any substantial
17 holdings (including individual stocks and securities)
18 which may be directly affected by the actions of the
19 committee for which the individual works, unless the
20 Select Committee on Ethics of the Senate or the
21 Committee on Ethics of the House of Representa-
22 tives, as applicable, approves of such holdings in
23 writing after consultation with the supervisor of the
24 officer or employee and the Office of Congressional
25 Ethics.

1 (3) GENERAL CONFLICTS OF INTEREST RULE
2 FOR CONGRESSIONAL STAFF AND MEMBERS.—No
3 Member, officer, or employee of a committee or
4 Member of either House of Congress may knowingly
5 use his or her official position to introduce or aid the
6 progress or passage of legislation, a principal pur-
7 pose of which is to further only his or her pecuniary
8 interest, only the pecuniary interest of his or her im-
9 mediate family, or only the pecuniary interest of a
10 limited class of persons or enterprises, when he or
11 she, or his or her immediate family, or enterprises
12 controlled by them, are members of the affected
13 class.

14 (4) GENERAL STOCK AND SECURITIES RULE.—
15 An officer or employee of a committee or Member of
16 either House of Congress, who is not a senior gov-
17 ernment employee covered by paragraph (1), shall be
18 in violation of paragraph (3) if—

19 (A) the officer or employee owns or trades
20 individual stocks or securities; and

21 (B) the value of such stocks or securities
22 may be influenced by actions taken by the indi-
23 vidual in his or her official position, as deter-
24 mined by the Select Committee on Ethics of the
25 Senate or the Committee on Ethics of the

1 House of Representatives, as applicable, in con-
2 sultation with the Office of Congressional Eth-
3 ics.

4 (5) EXCEPTION.—Nothing in this subsection
5 shall be construed to prevent an employee or officials
6 of a Member of Congress or a Member of Congress
7 from owning—

8 (A) a widely held investment fund de-
9 scribed in section 102(f)(8) of the Ethics in
10 Government Act of 1978 (5 App. U.S.C.
11 102(f)(8)), if the investment meets the require-
12 ments described in section 105(b)(2);

13 (B) shares of Settlement Common Stock
14 issued under section 7(g)(1)(A) of the Alaska
15 Native Claims Settlement Act (43 U.S.C.
16 1606(g)(1)(A)); or

17 (C) shares of Settlement Common Stock,
18 as defined in section 3 of the Alaska Native
19 Claims Settlement Act (43 U.S.C. 1602).

20 **SEC. 104. GOLDEN PARACHUTES BAN.**

21 (a) IN GENERAL.—Section 209 of title 18, United
22 States Code, is amended—

23 (1) in subsection (a)—

24 (A) by striking “any salary” and inserting
25 “any bonus or salary”; and

1 (B) by striking “his services” and inserting
2 “services rendered or to be rendered”; and
3 (2) in subsection (b)—

4 (A) by inserting “(1)” after “(b)”; and

5 (B) by adding at the end the following:

6 “(2)(A) In this paragraph, the term ‘compensation’
7 includes a retention award or bonus, severance pay, and
8 any other payment linked to future service in the Federal
9 Government in any way.

10 “(B) For purposes of paragraph (1), a pension, re-
11 tirement, group life, health or accident insurance, profit-
12 sharing, stock bonus, or other employee welfare or benefit
13 plan that makes payment of compensation contingent on
14 accepting a position in the Federal Government shall not
15 be considered bona fide.”.

16 (b) PERMISSIBLE PAYMENTS.—Section 1.409A-
17 3(j)(4)(iii) of title 26, Code of Federal Regulations, shall
18 have no force or effect.

19 **SEC. 105. CONFLICTS OF INTEREST RULES FOR SENIOR**
20 **GOVERNMENT OFFICIALS.**

21 (a) REQUIRED DIVESTMENTS OF CONFLICTED AS-
22 SETS.—

23 (1) STOCKS AND SECURITIES.—No senior gov-
24 ernment official may own or trade any individual
25 stock, bonds, commodity, future, and other form of

1 security, including an interest in a hedge fund, a de-
2 rivative, option, or other complex investment vehicle.

3 (2) COMMERCIAL REAL ESTATE.—No senior
4 government official may maintain ownership in com-
5 mercial real estate, unless ownership of such com-
6 mercial real estate is necessary for a qualified small
7 business described in paragraph (4)(B).

8 (3) TRUSTS.—

9 (A) IN GENERAL.—No senior government
10 official may maintain a financial interest in any
11 trust, including a family trust, if the super-
12 vising ethics agency determines that the trust
13 includes any—

14 (i) asset that might present a conflict
15 of interest; or

16 (ii) individual stock, bonds, com-
17 modity, future, and other form of security,
18 including an interest in a hedge fund, a de-
19 rivative, option, or other complex invest-
20 ment vehicle.

21 (B) EXCEPTION.—Subparagraph (A) shall
22 not apply to a trust described in section
23 102(f)(2) of the Ethics in Government Act of
24 1978 (5 U.S.C. App.).

25 (4) BUSINESSES AND COMPANIES.—

1 (A) IN GENERAL.—No senior government
2 official may maintain ownership in a privately
3 owned or closely held corporation, company,
4 firm, partnership, or other business enterprise.

5 (B) EXCEPTION.—Subparagraph (A) shall
6 not apply to a qualified small business.

7 (b) NONCONFLICTED ASSETS.—

8 (1) IN GENERAL.—A senior government official
9 may maintain assets that do not present a conflict
10 of interest, including—

11 (A) a widely held investment fund—

12 (i) described in section 102(f)(8) of
13 the Ethics in Government Act of 1978 (5
14 U.S.C. App.); and

15 (ii) that meets the requirements de-
16 scribed in paragraph (2);

17 (B) real estate used solely as a personal
18 residence;

19 (C) cash, certificates of deposit, or other
20 forms of savings accounts;

21 (D) a federally managed asset, including—

22 (i) financial interests in or income de-
23 rived from—

24 (I) any retirement system under
25 title 5, United States Code (including

1 the Thrift Savings Plan under sub-
2 chapter III of chapter 84 of such
3 title); or

4 (II) any other retirement system
5 maintained by the United States for
6 officers or employees of the United
7 States, including the President, or for
8 members of the uniformed services;

9 (ii) benefits received under the Social
10 Security Act (42 U.S.C. 301 et seq.); and

11 (iii) an asset in the Federal Employee
12 Investment Account described in para-
13 graph (3);

14 (E) bonds, bills, and notes issued by a gov-
15 ernmental sources, such as the Federal Govern-
16 ment, State, or other municipality;

17 (F) shares of Settlement Common Stock
18 issued under section 7(g)(1)(A) of the Alaska
19 Native Claims Settlement Act (43 U.S.C.
20 1606(g)(1)(A)); and

21 (G) shares of Settlement Common Stock,
22 as defined in section 3 of the Alaska Native
23 Claims Settlement Act (43 U.S.C. 1602).

1 (2) WIDELY HELD INVESTMENT FUND RE-
2 QUIREMENTS.—A senior government official may not
3 maintain a widely held investment fund, unless—

4 (A) the widely held investment fund is cer-
5 tified as not presenting a conflict of interest by
6 the applicable supervising ethics office; and

7 (B) any instructions to a manager of the
8 widely held investment fund are shared with the
9 applicable supervising ethics office.

10 (3) FEDERAL EMPLOYEE INVESTMENT AC-
11 COUNT.—

12 (A) IN GENERAL.—There are established
13 in the Treasury of the United States accounts
14 for senior government officials to maintain in-
15 vestments in the stock and securities markets to
16 be known as Federal Employee Investment Ac-
17 counts.

18 (B) DIVESTMENT.—To comply with the re-
19 quirements under this Act, a senior government
20 official may sell an asset or security, including
21 those assets or securities that present a conflict
22 of interest under subsection (a), and invest the
23 resulting funds into the Federal Employee In-
24 vestment Accounts.

1 (C) MANAGEMENT.—The Federal Retirement Thrift Investment Board shall manage
2 Federal Employee Investment Accounts in a
3 manner similar to other retirement funds managed by the Board and in accordance with sub-
4 chapter III of chapter 84 of title 5, United
5 States Code, for any Federal employee or official who wishes to temporarily invest funds.
6
7

8 (D) WITHDRAWAL.—A senior government
9 officials may withdraw funds from their Federal
10 Employee Investment Account at any time
11 without penalty.
12

13 (c) POST-EMPLOYMENT RESTRICTIONS.—

14 (1) IN GENERAL.—Section 207 of title 18,
15 United States Code, is amended—

16 (A) by striking subsections (c), (d), and (e)
17 and inserting the following:

18 “(c) LOBBYING RESTRICTIONS.—

19 “(1) IN GENERAL.—In addition to the restrictions set forth in subsections (a) and (b), any President, Vice President, Member of Congress, or officer or employee compensated at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, after the termination of his or her service or employment with the United States who—
20
21
22
23
24
25

1 “(A) works as a registered lobbyist; or

2 “(B) knowingly makes, with the intent to
3 influence, any communication to or appearance
4 before any officer or employee of any depart-
5 ment, agency, Member, officer, or employee of
6 either House of Congress or any employee of
7 any other legislative office of the Congress, on
8 behalf of any other person (except the United
9 States or the District of Columbia) for com-
10 pensation, in connection with any matter on
11 which such person seeks official action by any
12 Member, officer, or employee of either House of
13 Congress, or any employee or officer of any de-
14 partment or agency,

15 shall be punished as provided in section 216 of this
16 title.

17 “(2) OTHER OFFICIALS.—

18 “(A) IN GENERAL.—Any officer or em-
19 ployee in the executive or legislative branch of
20 the United States who, during the time period
21 described in subparagraph (B) makes, with the
22 intent to influence, any communication to or
23 appearance before their former office, agency,
24 or House of Congress, for compensation, shall

1 be punished as provided in section 216 of this
2 title.

3 “(B) TIME PERIOD.—The time period de-
4 scribed in this subparagraph is as follows:

5 “(i) With respect to an officer or em-
6 ployee of the legislative branch, 2 years
7 after the termination of service or employ-
8 ment as an officer or employee.

9 “(ii) With respect to an officer or em-
10 ployee of the executive branch, the later
11 of—

12 “(I) the date on which a Presi-
13 dent other than the President serving
14 during the employment of the officer
15 or employee takes office; and

16 “(II) the date on which the 2-
17 year period beginning on the date of
18 the termination of service or employ-
19 ment as an officer or employee ex-
20 pires.

21 “(iii) With respect to an officer or em-
22 ployee of the executive branch of the
23 United States who becomes a corporate
24 lobbyist, the later of—

1 “(I) the date on which a Presi-
2 dent other than the President serving
3 during the employment of the officer
4 or employee takes office; and

5 “(II) the date on which the 6-
6 year period beginning on the date of
7 the termination of service or employ-
8 ment as an officer or employee ex-
9 pires.

10 “(iv) With respect to an officer or em-
11 ployee of the legislative branch of the
12 United States who becomes a corporate
13 lobbyist, the date on which the 6-year pe-
14 riod beginning on the date of the termi-
15 nation of service or employment as an offi-
16 cer or employee expires.”;

17 (B) by redesignating subsections (f)
18 through (l) as subsections (d) through (j), re-
19 spectively; and

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

21 “(k) OTHER POST-EMPLOYMENT RESTRICTIONS.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) GIANT BANK OR COMPANY.—The
24 term ‘giant bank or company’ includes—

1 “(i) any for-profit company or finan-
2 cial institution with greater than an aver-
3 age of \$150,000,000,000 in market cap-
4 italization or revenue for the previous 3-
5 year period;

6 “(ii) any Federal contractor that re-
7 ceived greater than \$5,000,000,000 in an-
8 nual revenue from the Federal Government
9 during the previous 3-year period; and

10 “(iii) any for-profit company or finan-
11 cial institution that exerts monopolistic or
12 monopsonistic control over a significant
13 share of the market in its particular indus-
14 try (as defined by the Director of the Of-
15 fice of Public Integrity, in consultation
16 with the Attorney General, by regulation).

17 “(B) LOBBYING CONTACT.—The term ‘lob-
18 bying contact’ has the meaning given the term
19 in section 3 of the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1602).

21 “(C) REGISTERED LOBBYIST.—The term
22 ‘registered lobbyist’ means a lobbyist registered
23 under the Lobbying Disclosure Act of 1995 (2
24 U.S.C. 1601 et seq.).

1 “(D) SENIOR GOVERNMENT OFFICIAL.—

2 The term ‘senior government official’ means—

3 “(i) any individual described in sec-
4 tion 101(f) of the Ethics in Government
5 Act of 1978 (5 U.S.C. App.), including—

6 “(I) any individual in a position
7 on any level of the Executive Schedule
8 under subchapter II of chapter 53 of
9 title 5, United States Code;

10 “(II) a political appointee in the
11 Executive Office of President or in the
12 Office of the Vice President; and

13 “(III) an individual employed in
14 a position in the executive branch of
15 the Government of a confidential or
16 policy-determining character under
17 schedule C of subpart C of part 213
18 of title 5 of the Code of Federal Reg-
19 ulations;

20 “(ii) an individual employed in a posi-
21 tion in the Senior Executive Service;

22 “(iii) an individual employed in a po-
23 sition at the GS-14 level or higher; and

24 “(iv) an individual employed in a posi-
25 tion not under the General Schedule for

1 which the rate of basic pay is equal to or
2 greater than the minimum rate of basic
3 pay payable for GS-14 of the General
4 Schedule.

5 “(2) SENIOR GOVERNMENT OFFICIAL HIRING
6 RESTRICTION.—No for-profit corporation, company,
7 firm, partnership, or other business enterprise may
8 hire or directly or indirectly compensate (including
9 as consultants and lawyers) any former senior gov-
10 ernment official, for 1 year after the official leaves
11 government service, from an agency, department, or
12 congressional office that the corporation, company,
13 firm, partnership, or other business enterprise made
14 a lobbying contact in the past 2 years.

15 “(3) SPECIAL RULES.—

16 “(A) PROCUREMENT OFFICERS.—No com-
17 pany that is awarded a contract or license by
18 the Federal Government may hire or com-
19 pensate any former officer or employee in the
20 executive branch of the United States who
21 oversaw any of the company’s contracts or li-
22 censes (including any procurement officer, any
23 Federal employee or official who participated in
24 the contract or license selection, any Federal
25 employee or official who determined or signed

1 off on the technical requirements of the con-
2 tract or license, and any senior government offi-
3 cial in the executive branch of the United
4 States employed at the agency that granted the
5 contract or license) during the 4-year period be-
6 ginning on the date on which the officer termi-
7 nated employment with the United States.

8 “(B) GIANT BANKS AND COMPANIES.—

9 “(i) IN GENERAL.—No giant bank or
10 company may hire or directly or indirectly
11 compensate (including as consultants and
12 lawyers) any senior government official
13 during the 4-year period beginning on the
14 date on which the official terminated em-
15 ployment with the United States.

16 “(ii) INCOME DISCLOSURES.—

17 “(I) IN GENERAL.—Not later
18 than 1 year after the date of enact-
19 ment of this clause, each senior gov-
20 ernment official who terminates serv-
21 ice on or after the date that is 1 year
22 after the date of enactment of this
23 clause shall submit to the Director of
24 the Office of Public Integrity an an-
25 nual disclosure that includes all

1 sources of income for the 4-year pe-
2 riod beginning on the date on which
3 the government official terminated
4 employment with the United States.

5 “(II) PUBLICLY AVAILABLE.—

6 The Director of the Office of Public
7 Integrity shall make a disclosure
8 made under subclause (I) publicly
9 available for any official who had a re-
10 port made in accordance with title I
11 of the Ethics in Government Act of
12 1978 (5 U.S.C. App.) made publicly
13 available.

14 “(III) AUTOMATIC DISCLO-
15 SURE.—

16 “(aa) IN GENERAL.—Each
17 senior government official subject
18 to the disclosure requirement in
19 subclause (I) may consent to
20 allow the Director of the Office
21 of Public Integrity to obtain from
22 the Commissioner of Internal
23 Revenue the information nec-
24 essary to meet the requirements
25 of subclause (I), such that addi-

1 tional action is not required of
2 the senior government official
3 after such individual files a tax
4 return.

5 “(bb) SAFE HARBOR.—Any
6 individual who consents under
7 item (aa) shall not be subject to
8 subclause (V).

9 “(IV) MEMORANDUM OF UNDER-
10 STANDING.—Not later than 1 year
11 after the date of enactment of this
12 subclause, the Director of the Office
13 of Public Integrity and the Commis-
14 sioner of Internal Revenue shall enter
15 into a cooperative agreement or
16 memorandum of understanding to es-
17 tablish secure means to allow for the
18 necessary information exchange in
19 subclause (III) for senior government
20 officials who wish to avail themselves
21 of the automatic disclosure under sub-
22 clause (III).

23 “(V) PENALTIES.—

24 “(aa) CIVIL ACTION.—The
25 Attorney General or the Director

1 of the Office of Public Integrity
2 may bring a civil action in any
3 appropriate United States dis-
4 trict court against any individual
5 who knowingly and willfully fal-
6 sifies or who knowingly and will-
7 fully fails to disclose any infor-
8 mation that such individual is re-
9 quired to disclose pursuant to
10 this clause. The court in which
11 such action is brought may as-
12 sess against such individual a
13 civil penalty in any amount, not
14 to exceed \$50,000.

15 “(bb) CRIMINAL PEN-
16 ALTIES.—

17 “(AA) PROHIBITION.—

18 It shall be unlawful for any
19 person to knowingly and
20 willfully falsify any informa-
21 tion that such person is re-
22 quired to disclose under this
23 clause. It shall be unlawful
24 for any person to fail to dis-
25 close any information that

1 such person is required to
2 disclose under this clause.

3 “(BB) PENALTIES.—
4 Any person who violates the
5 first sentence of subitem
6 (AA) shall be fined under
7 title 18, United States Code,
8 imprisoned for not more
9 than 1 year, or both. Any
10 person who violates the sec-
11 ond sentence of subitem
12 (AA) shall be fined under
13 title 18, United States Code.

14 “(4) PENALTIES.—

15 “(A) IN GENERAL.—The Director of Office
16 of Public Integrity may impose a civil penalty
17 or a sanction on any entity or giant bank or
18 company upon making a determination, after
19 reasonable notice and opportunity for a hearing,
20 that the entity or giant bank or company has
21 violated paragraph (2) or (3)(B).

22 “(B) AMOUNT OF CIVIL PENALTIES.—A
23 civil penalty imposed for a violation under sub-
24 paragraph (A) shall—

1 “(i) in the case of an initial violation,
2 be not less than 1 percent of the net profit
3 of the entity or giant bank or company for
4 the previous year;

5 “(ii) in the case of a second violation,
6 not less than 2 percent of the net profit of
7 the entity or giant bank or company for
8 the previous year; and

9 “(iii) in the case of a third or subse-
10 quent violation, not less than 5 percent of
11 the net profit of the entity or giant bank
12 or company for the previous year.

13 “(C) OTHER PENALTIES AND SANCTIONS
14 COMPANIES.—In addition to a civil penalty im-
15 posed under this clause, after reasonable notice
16 and an opportunity for a hearing, if the Direc-
17 tor of the Office of Public Integrity determines
18 that a company has violated paragraph (2) or
19 (3)(B), the Director may impose a sanction on
20 an entity or a giant bank or company, includ-
21 ing—

22 “(i) prohibiting the entity or giant
23 bank or company from employing any
24 former employee or officer of the Federal

1 Government for a period of time not to ex-
2 ceed 8 years; and

3 “(ii) prohibiting the company from
4 doing business with the Federal Govern-
5 ment, receiving a contract or license from
6 the Federal Government, or otherwise par-
7 ticipating in Federal Government pro-
8 grams, for a period of time not to exceed
9 8 years.

10 “(D) CIVIL PENALTIES FOR EXECUTIVE
11 OFFICERS OF COMPANIES.—

12 “(i) DEFINITION.—In this subclause,
13 the term ‘compensation’ includes, based on
14 information required to be reported any
15 Federal agency during the period in which
16 a violation of paragraph (2) or (3)(B) oc-
17 curred—

18 “(I) the proceeds of any sale of
19 stock; and

20 “(II) any incentive-based com-
21 pensation (including stock options
22 awarded as compensation).

23 “(ii) CIVIL PENALTY.—In addition to
24 the penalties described in subparagraphs
25 (B) and (C), after reasonable notice and

1 an opportunity for a hearing, that an execu-
2 tive officer of an entity or giant bank or
3 company has knowingly, or with gross neg-
4 ligence, violated paragraph (2) or (3)(B),
5 or contributed to the violation of a para-
6 graph (2) or (3)(B), the Director may as-
7 sess a civil penalty against the executive
8 officer not to exceed the amount of the of-
9 ficer's compensation for each year during
10 which the violations occurred.

11 “(E) MITIGATING FACTORS.—In deter-
12 mining the amount of any penalties assessed
13 under this paragraph, the Director of the Office
14 of Public Integrity or the court shall take into
15 account the appropriateness of the penalty with
16 respect to—

17 “(i) the size of financial resources and
18 good faith of the entity, giant bank or
19 company, or senior executive;

20 “(ii) the gravity of the violation or
21 failure to pay;

22 “(iii) the history of previous viola-
23 tions; and

24 “(iv) such other matters as justice
25 may require.

1 “(F) AUTHORITY TO MODIFY OR REMIT
2 PENALTY.—The Director of the Office of Public
3 Integrity may compromise, modify, or remit any
4 penalty under this paragraph, which may be as-
5 sessed or had already been assessed. The
6 amount of such penalty, when finally deter-
7 mined, shall be exclusive of any sums owed by
8 the person to the United States in connection
9 with the costs of the proceeding, and may be
10 deducted from any sums owing by the United
11 States to the person charged.

12 “(G) NOTICE AND HEARING.—No civil
13 penalty may be assessed under this paragraph
14 with respect to a violation of paragraph (2) or
15 (3)(B) unless—

16 “(i) the Director of the Office of Pub-
17 lic Integrity gives notice and an oppor-
18 tunity for a hearing to the person accused
19 of the violation; or

20 “(ii) the appropriate court has or-
21 dered such assessment and entered judg-
22 ment in favor of the Director of the Office
23 of Public Integrity.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—Section 207 of title 18, United States
3 Code, is amended—

4 (A) in subsection (d), as redesignated by
5 paragraph (1) of this subsection, is amended by
6 striking “(d), or (e)”;

7 (B) in subsection (f)(2), as redesignated by
8 paragraph (1) of this subsection, in the second
9 sentence, by striking “(c)(2)(A)(i) or (iii)” and
10 inserting “(c)”;

11 (C) in subsection (g)(1), as redesignated
12 by paragraph (1) of this subsection—

13 (i) in subparagraph (A), by striking
14 “(a), (c), and (d)” and inserting “(a) and
15 (c)”;

16 (ii) in subparagraph (B), by striking
17 “(f)” and inserting “(d)”;

18 (D) in subsection (h), as redesignated by
19 paragraph (1) of this subsection—

20 (i) by striking “subsections (c), (d),
21 and (e)” each place the term appears and
22 inserting “subsection (c)”;

23 (ii) in paragraph (5), by striking “(a),
24 (c), and (d)” and inserting “(a) and (c)”;
25 and

1 (iii) in paragraph (7)(B), by striking
2 “subsections (c), (d), or (e)” and inserting
3 “subsection (c)”.

4 (3) RESTRICTIONS ON FEDERAL EXAMINERS OF
5 FINANCIAL INSTITUTIONS.—Section 10(k) of the
6 Federal Deposit Insurance Act (12 U.S.C. 1820(k))
7 is amended—

8 (A) in the subsection header, by striking
9 “ONE-YEAR” and inserting “FOUR-YEAR”; and

10 (B) in paragraph (1)—

11 (i) in subparagraph (B), by striking
12 “senior”; and

13 (ii) in subparagraph (C), by striking
14 “1 year” and inserting “4 years”.

15 **SEC. 106. GENERAL PUBLIC INTEGRITY RULES.**

16 (a) OUTSIDE EMPLOYMENT BAN.—The limitations
17 described in section 502 of the Ethics in Government Act
18 of 1978 (5 U.S.C. App.) shall apply to full-time senior
19 government officials.

20 (b) VOLUNTEER SERVICE RULE.—All Federal laws
21 or regulations relating to conflicts of interest or other eth-
22 ics issues (as defined in section 409 of the Ethics in Gov-
23 ernment Act of 1978, as added by section 511 of this Act)
24 shall apply to any individual who is employed by the Fed-

1 eral Government and voluntarily refuses compensation for
2 such employment consistent with applicable law.

3 (c) SPECIAL GOVERNMENT EMPLOYEE RULE.—All
4 Federal ethics rules shall apply to a Special Government
5 Employee beginning on the date that is 61 days after the
6 date on which the Special Government Employee com-
7 mences employment.

8 (d) INDEBTEDNESS RULE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), no senior government official (except a
11 Member of Congress, the President, and the Vice
12 President) may—

13 (A) in the course of official duty, meet or
14 communicate with, or work on any particular
15 matter that affects, any person to whom the
16 senior government official owes more than
17 \$100,000; or

18 (B) receive a loan of more than \$100,000
19 from any person the senior government official
20 has met or communicated with, or plans to
21 meet or communicate with, during the course of
22 their official duty.

23 (2) EXCEPTION.—Paragraph (1) shall not
24 apply to—

1 (A) commercial debt such as residential
2 mortgages, car loans, credit card debt, student
3 loans, or any debts owed to domestic financial
4 institutions on terms generally available to the
5 public; or

6 (B) meetings with domestic financial insti-
7 tutions.

8 **SEC. 107. LEGAL EXPENSE FUNDS.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “legal expense fund” means a
11 fund—

12 (A) to be used to defray legal expenses in-
13 curred in investigative, civil, criminal, or other
14 legal proceedings relating to or arising by virtue
15 of service by an officer or employee as an offi-
16 cer or employee;

17 (B) that may not be used for personal
18 legal matters, including tax planning, personal
19 injury litigation, protection of property rights,
20 divorces, or estate probate;

21 (C) that may only be used to defray legal
22 expenses for a single officer or single employee;

23 (D) that may be established or controlled
24 by the officer or employee, or by a third party,

1 in accordance with the requirements of section;
2 and

3 (E) that may accept contributions, in ac-
4 cordance with this section;

5 (2) the term “lobbying activity” has the mean-
6 ing given that term in section 3 of the Lobbying
7 Disclosure Act of 1995 (2 U.S.C. 1602);

8 (3) the term “officer or employee” means—

9 (A) an officer, as defined in section 2104
10 of title 5, United States Code;

11 (B) an employee, as defined in section
12 2105 of title 5, United States Code;

13 (C) a Member of Congress, as defined in
14 section 2106 of title 5, United States Code;

15 (D) the Vice President; and

16 (E) the President;

17 (4) the term “relative” has the meaning given
18 that term in section 3110 of title 5, United States
19 Code; and

20 (5) the term “supervising ethics office” has the
21 meaning given that term in section 109 of the Eth-
22 ics in Government Act of 1978 (5 U.S.C. App.).

23 (b) AUTHORIZATION FOR LEGAL EXPENSE
24 FUNDS.—Subject to the limitations and regulations pro-

1 promulgated under this section, an officer or employee may
2 establish, maintain, and use a legal expense fund.

3 (c) LIMITS ON CONTRIBUTIONS.—The Director of the
4 Office of Public Integrity shall promulgate regulations es-
5 tablishing limits with respect to contributions to legal ex-
6 pense funds for officers or employees, which shall, at a
7 minimum, prohibit an officer or employee from accepting
8 contributions for a legal expense fund—

9 (1) from a single contributor (other than a rel-
10 ative of the officer or employee) in a total amount
11 of more than \$5,000 during any calendar year;

12 (2) from a registered lobbyist;

13 (3) from an agent of a foreign principal;

14 (4) from any person seeking official action from
15 or doing business with the agency, office, or entity
16 employing the officer or employee;

17 (5) from any person conducting activities regu-
18 lated by the agency, office, or entity employing the
19 officer or employee;

20 (6) from any person whose interests may be
21 substantially affected by the performance or non-
22 performance of the official duties of the officer or
23 employee; or

24 (7) for an officer or employee of an Executive
25 agency, from any person that has engaged in lob-

1 bying activities, or on whose behalf lobbying activi-
2 ties have been engaged with, with respect to the Ex-
3 ecutive agency during the 2-year period ending on
4 the date of the contribution.

5 (d) WRITTEN NOTICE.—

6 (1) IN GENERAL.—An officer or employee who
7 wishes to establish a legal expense fund shall submit
8 to the supervising ethics office with respect to the
9 officer or employee a written notice that includes—

10 (A) the name and contact information for
11 any proposed trustee of the legal expense fund;

12 (B) a copy of any proposed trust document
13 for the legal expense fund;

14 (C) the nature of the legal proceeding (or
15 proceedings) which necessitate the establish-
16 ment of the legal expense fund;

17 (D) an acknowledgment that the officer or
18 employee will be bound by the regulations and
19 limitation under this section; and

20 (E) an acknowledgment that the officer or
21 employee bears ultimate responsibility for prop-
22 er administration of the legal expense fund.

23 (2) APPROVAL.—An officer or employee may
24 not solicit or accept contributions to a legal expense
25 fund until after the supervising ethics office has re-

1 received and approved the written notice submitted
2 under paragraph (1).

3 (e) REPORTING.—

4 (1) IN GENERAL.—An officer or employee who
5 establishes a legal expense fund shall submit to the
6 supervising ethics office with respect to the officer or
7 employee a quarterly report that discloses, with re-
8 spect to the quarter covered by the report—

9 (A) the source and amount of each con-
10 tribution to the legal expense fund; and

11 (B) the amount, recipient, and purpose of
12 each expenditure from the legal expense fund.

13 (2) PUBLIC AVAILABILITY.—Each supervising
14 ethics office shall make publicly available online each
15 report submitted under paragraph (1) in a search-
16 able, sortable, and downloadable form.

17 (f) RECUSAL.—An officer or employee in the execu-
18 tive branch, other than the President and the Vice Presi-
19 dent, who receives a contribution to a legal expense fund
20 of the officer or employee may not participate in any mat-
21 ter that has or would have a direct and substantial impact
22 on the person making the contribution during the 2-year
23 period beginning on the date on which the contribution
24 is received.

1 **SEC. 108. PENALTIES.**

2 (a) CIVIL FINES.—The Attorney General or the Di-
3 rector of the Office of Public Integrity may bring a civil
4 action in the appropriate United States district court
5 against any person who engages in conduct constituting
6 a violation of this title and, upon proof of such conduct
7 by a preponderance of the evidence, such person shall be
8 subject to a civil penalty of not more than \$50,000 for
9 each violation or the amount of compensation which the
10 person received or offered for the prohibited conduct,
11 whichever amount is greater. The imposition of a civil pen-
12 alty under this subsection does not preclude any other
13 criminal or civil statutory, common law, or administrative
14 remedy, which is available by law to the United States or
15 any other person.

16 (b) ORDER PROHIBITING CONDUCT.—If the Attorney
17 General or the Director of the Office of Public Integrity
18 has reason to believe that a person is engaging in conduct
19 constituting an offense under this title, the Attorney Gen-
20 eral or the Director of the Office of Public Integrity, as
21 applicable, may petition an appropriate United States dis-
22 trict court for an order prohibiting that person from en-
23 gaging in such conduct. The court may issue an order pro-
24 hibiting that person from engaging in such conduct if the
25 court finds that the conduct constitutes such an offense.
26 The filing of a petition under this section does not pre-

1 clude any other remedy which is available by law to the
2 United States or any other person.

3 **Subtitle B—Presidential Conflicts**
4 **of Interest**

5 **SEC. 111. SHORT TITLE.**

6 This title may be cited as the “Presidential Conflicts
7 of Interest Act of 2018”.

8 **SEC. 112. DIVESTITURE OF PERSONAL FINANCIAL INTER-**
9 **ESTS OF THE PRESIDENT AND VICE PRESI-**
10 **DENT THAT POSE A POTENTIAL CONFLICT OF**
11 **INTEREST.**

12 (a) DEFINITIONS.—

13 (1) IN GENERAL.—In this section—

14 (A) the term “conflict-free holding” means
15 a financial interest described in section
16 102(f)(8) of the Ethics in Government Act of
17 1978 (5 U.S.C. App.);

18 (B) the term “financial interest posing a
19 potential conflict of interest” means a financial
20 interest of the President, the Vice President,
21 the spouse of the President or Vice President,
22 or a minor child of the President or Vice Presi-
23 dent, as applicable, that—

1 (i) would constitute a financial inter-
2 est described in subsection (a) of section
3 208 of title 18, United States Code—

4 (I) if—

5 (aa) for purposes of such
6 section 208, the terms “officer”
7 and “employee” included the
8 President and the Vice President;
9 and

10 (bb) the President or Vice
11 President, as applicable, partici-
12 pated as described in subsection
13 (a) of such section 208 in rela-
14 tion to such financial interest;
15 and

16 (II) if determined without regard
17 to any exception under subsection (b)
18 of such section 208; or

19 (ii) may constitute a present, emolu-
20 ment, office, or title, of any kind whatever,
21 from any king, prince, or foreign state (in-
22 cluding from an entity owned or controlled
23 by a foreign government), within the
24 meaning of article I, section 9 of the Con-
25 stitution of the United States;

1 (C) the term “qualified blind trust” has
2 the meaning given that term in section
3 102(f)(3) of the Ethics in Government Act of
4 1978 (5 U.S.C. App.), unless otherwise speci-
5 fied in this title; and

6 (D) the term “tax return”—

7 (i) means any Federal income tax re-
8 turn and any amendment or supplement
9 thereto, including supporting schedules, at-
10 tachments, or lists which are supplemental
11 to, or part of, the return for the taxable
12 year; and

13 (ii) includes any information return
14 that reports information that does or may
15 affect the liability for tax for the taxable
16 year.

17 (2) APPLICABILITY OF ETHICS IN GOVERNMENT
18 ACT OF 1978.—For purposes of the definition of
19 “qualified blind trust” in this section, the term “su-
20 pervising ethics officer” in section 102(f)(3) of the
21 Ethics in Government Act of 1978 (5 U.S.C. App.)
22 means the Director of the Office of Public Integrity.

23 (b) INITIAL FINANCIAL DISCLOSURE.—

24 (1) SUBMISSION OF DISCLOSURE.—

1 (A) IN GENERAL.—Not later than 30 days
2 after assuming the office of President or Vice
3 President, respectively, the President and Vice
4 President shall submit to Congress and the Di-
5 rector of the Office of Public Integrity a disclo-
6 sure of financial interests.

7 (B) APPLICATION TO SITTING PRESIDENT
8 AND VICE PRESIDENT.—For any individual who
9 is serving as the President or Vice President on
10 the date of enactment of this Act, the disclosure
11 of financial interests shall be submitted to Con-
12 gress and the Director of the Office of Public
13 Integrity not later than 30 days after the date
14 of enactment of this Act.

15 (2) CONTENTS.—

16 (A) PRESIDENT.—The disclosure of finan-
17 cial interests submitted under paragraph (1) by
18 the President shall—

19 (i) describe in detail each financial in-
20 terest of the President, the spouse of the
21 President, or a minor child of the Presi-
22 dent;

23 (ii) at a minimum, include the infor-
24 mation relating to each such financial in-
25 terest that is required for reports under

1 section 102 of the Ethics in Government
2 Act of 1978 (5 U.S.C. App.); and

3 (iii) include the tax returns filed by or
4 on behalf of the President for—

5 (I) the 3 most recent taxable
6 years; and

7 (II) each taxable year for which
8 an audit of the return by the Internal
9 Revenue Service is pending on the
10 date the report is filed.

11 (B) VICE PRESIDENT.—The disclosure of
12 financial interests submitted under paragraph
13 (1) by the Vice President shall—

14 (i) describe in detail each financial in-
15 terest of the Vice President, the spouse of
16 the Vice President, or a minor child of the
17 Vice President;

18 (ii) at a minimum, include the infor-
19 mation relating to each such financial in-
20 terest that is required for reports under
21 section 102 of the Ethics in Government
22 Act of 1978 (5 U.S.C. App.); and

23 (iii) include the tax returns filed by or
24 on behalf of the Vice President for—

1 (I) the 3 most recent taxable
2 years; and

3 (II) each taxable year for which
4 an audit of the return by the Internal
5 Revenue Service is pending on the
6 date the report is filed.

7 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING
8 A POTENTIAL CONFLICT OF INTEREST.—

9 (1) IN GENERAL.—The President, the Vice
10 President, the spouse of the President or Vice Presi-
11 dent, and any minor child of the President or Vice
12 President shall divest of any financial interest posing
13 a potential conflict of interest by transferring such
14 interest to a qualified blind trust.

15 (2) TRUSTEE DUTIES.—Within a reasonable pe-
16 riod of time after the date a financial interest is
17 transferred to a qualified blind trust under para-
18 graph (1), the trustee of the qualified blind trust
19 shall—

20 (A) sell the financial interest; and

21 (B) use the proceeds of the sale of the fi-
22 nancial interest to purchase conflict-free hold-
23 ings.

24 (d) REVIEW BY OFFICE OF PUBLIC INTEGRITY.—

1 (1) IN GENERAL.—The Director of the Office of
2 Public Integrity shall submit to Congress, the Presi-
3 dent, and the Vice President an annual report re-
4 garding the financial interests of the President, the
5 Vice President, the spouse of the President or Vice
6 President, and any minor child of the President or
7 Vice President.

8 (2) CONTENTS.—Each report submitted under
9 paragraph (1) shall—

10 (A) indicate whether any financial interest
11 of the President, the Vice President, the spouse
12 of the President or Vice President, or a minor
13 child of the President or Vice President is a fi-
14 nancial interest posing a potential conflict of in-
15 terest;

16 (B) evaluate whether any previously held
17 financial interest of the President, the Vice
18 President, the spouse of the President or Vice
19 President, or a minor child of the President or
20 Vice President that was a financial interest pos-
21 ing a potential conflict of interest was divested
22 in accordance with subsection (c); and

23 (C) redact such information as the Direc-
24 tor of the Office of Public Integrity determines
25 necessary for preventing identity theft, such as

1 social security numbers or taxpayer identifica-
2 tion numbers.

3 (e) ENFORCEMENT.—

4 (1) IN GENERAL.—The Attorney General, the
5 attorney general of any State, or any person ag-
6 grieved by any violation of subsection (c) may seek
7 declaratory or injunctive relief in a court of com-
8 petent jurisdiction if—

9 (A) the Director of the Office of Public In-
10 tegrity is unable to issue a report indicating
11 whether the President or the Vice President is
12 in substantial compliance with subsection (c); or

13 (B) there is probable cause to believe that
14 the President or the Vice President has not
15 complied with subsection (c).

16 (2) FAIR MARKET VALUE.—In granting injunc-
17 tive relief to the plaintiff, the court shall take meas-
18 ures reasonably necessary to ensure that any divest-
19 ment procedure seeks to obtain a fair market value
20 for any asset that is liquidated.

21 **SEC. 113. RECUSAL OF APPOINTEES.**

22 Section 208 of title 18, United States Code, as
23 amended by section 103 of this Act, is amended by adding
24 at the end the following:

1 “(f)(1) Any officer or employee appointed by the
2 President shall recuse himself or herself from any par-
3 ticular matter involving specific parties in which a party
4 to that matter is—

5 “(A) the President who appointed the officer or
6 employee, which shall include any entity in which the
7 President has a substantial interest; or

8 “(B) the spouse of the President who appointed
9 the officer or employee, which shall include any enti-
10 ty in which the spouse of the President has a sub-
11 stantial interest.

12 “(2)(A) Subject to subparagraph (B), if an officer or
13 employee is recused under paragraph (1), a career ap-
14 pointee in the agency of the officer or employee shall per-
15 form the functions and duties of the officer or employee
16 with respect to the matter.

17 “(B)(i) In this subparagraph, the term ‘Commission’
18 means a board, commission, or other agency for which the
19 authority of the agency is vested in more than 1 member.

20 “(ii) If the recusal of a member of a Commission
21 from a matter under paragraph (1) would result in there
22 not being a statutorily required quorum of members of the
23 Commission available to participate in the matter, not-
24 withstanding such statute or any other provision of law,

1 the members of the Commission not recused under para-
2 graph (1) may—

3 “(I) consider the matter without regard to the
4 quorum requirement under such statute;

5 “(II) delegate the authorities and responsibil-
6 ities of the Commission with respect to the matter
7 to a subcommittee of the Commission; or

8 “(III) designate an officer or employee of the
9 Commission who was not appointed by the President
10 who appointed the member of the Commission
11 recused from the matter to exercise the authorities
12 and duties of the recused member with respect to
13 the matter.

14 “(3) Any officer or employee who negligently violates
15 paragraph (1) shall be subject to the penalties set forth
16 in section 216.

17 “(4) For purposes of this section, the term ‘particular
18 matter’ shall have the meaning given the term in section
19 207(g).”.

20 **SEC. 114. CONTRACTS BY THE PRESIDENT OR VICE PRESI-**
21 **DENT.**

22 (a) AMENDMENT.—Section 431 of title 18, United
23 States Code, is amended—

1 (1) in the section heading, by inserting “**the**
2 **President, Vice President, or a**” after
3 **“Contracts by”**; and

4 (2) in the first undesignated paragraph, by in-
5 serting “the President or Vice President,” after
6 “Whoever, being”.

7 (b) TABLE OF SECTIONS AMENDMENT.—The table of
8 sections for chapter 23 of title 18, United States Code,
9 is amended by striking the item relating to section 431
10 and inserting the following:

“431. Contracts by the President, Vice President, or a Member of Congress.”.

11 **SEC. 115. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

12 The Presidential Transition Act of 1963 (3 U.S.C.
13 102 note) is amended—

14 (1) in section 3(f) by adding at the end the fol-
15 lowing:

16 “(3) The President-elect shall submit to the Com-
17 mittee on Homeland Security and Governmental Affairs
18 of the Senate and the Committee on Oversight and Gov-
19 ernment Reform of the House of Representatives a list
20 of—

21 “(A) any individual for whom an application for
22 a security clearance was submitted, not later than
23 10 days after the date on which the application was
24 submitted; and

1 “(B) any individual provided a security clear-
2 ance, not later than 10 days after the date on which
3 the security clearance was provided.”;

4 (2) in section 4—

5 (A) in subsection (a)—

6 (i) in paragraph (3), by striking
7 “and” at the end;

8 (ii) by redesignating paragraph (4) as
9 paragraph (5); and

10 (iii) by inserting after paragraph (3)
11 the following:

12 “(4) the term ‘nonpublic information’—

13 “(A) means information from the Federal
14 Government that a transition member obtains
15 as part of the employment of the member that
16 such member knows or reasonably should know
17 has not been made available to the general pub-
18 lic; and

19 “(B) includes information that a member
20 of the transition team knows or reasonably
21 should know—

22 “(i) is exempt from disclosure under
23 section 552 of title 5, United States Code,
24 or otherwise protected from disclosure by
25 law; and

1 “(ii) is not authorized by the appro-
2 priate government agency or official to be
3 released to the public; and”;

4 (B) in subsection (g)—

5 (i) in paragraph (1), by striking “No-
6 vember” and inserting “October”; and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(3) ETHICS PLAN.—

10 “(A) IN GENERAL.—Each memorandum of
11 understanding under paragraph (1) shall in-
12 clude an agreement that the eligible candidate
13 will implement and enforce an ethics plan to
14 guide the conduct of the transition beginning on
15 the date on which the eligible candidate be-
16 comes the President-elect.

17 “(B) CONTENTS.—The ethics plan shall
18 include, at a minimum—

19 “(i) a description of the ethics re-
20 quirements that will apply to all members
21 of the transition team, including any spe-
22 cific requirement for transition team mem-
23 bers who will have access to nonpublic or
24 classified information;

1 “(ii) a description of how the transi-
2 tion team will—

3 “(I) address the role on the tran-
4 sition team of—

5 “(aa) lobbyists registered
6 under the Lobbying Disclosure
7 Act of 1995 (2 U.S.C. 1601 et
8 seq.) and individuals who were
9 former lobbyists registered under
10 that Act;

11 “(bb) persons registered
12 under the Foreign Agents Reg-
13 istration Act (22 U.S.C. 611 et
14 seq.), foreign nationals, and other
15 foreign agents; and

16 “(cc) transition team mem-
17 bers with sources of income or
18 clients that are not disclosed to
19 the public;

20 “(II) prohibit a transition team
21 member with conflicts of interest, in-
22 cluding conflicts, as described in sec-
23 tion 2635.402(a) and section
24 2635.502(a) of title 5, Code of Fed-
25 eral Regulations, related to current or

1 former employment, affiliations, cli-
2 ents, or investments, from working on
3 particular matters involving specific
4 parties that affect the interests of
5 such member; and

6 “(III) address how the covered
7 eligible candidate will address their
8 own conflicts of interest during a
9 Presidential term if the covered eligi-
10 ble candidate becomes the President-
11 elect;

12 “(iii) a Code of Ethical Conduct, to
13 which each member of the transition team
14 will sign and be subject to, that reflects
15 the content of the ethics plans under this
16 paragraph and at a minimum requires
17 transition team members to—

18 “(I) seek authorization from
19 transition team leaders or their des-
20 ignees before seeking, on behalf of the
21 transition, access to any nonpublic in-
22 formation;

23 “(II) keep confidential any non-
24 public information provided in the
25 course of the duties of the member

1 with the transition and exclusively use
2 such information for the purposes of
3 the transition; and

4 “(III) not use any nonpublic in-
5 formation provided in the course of
6 transition duties, in any manner, for
7 personal or private gain for the mem-
8 ber or any other party at any time
9 during or after the transition; and

10 “(iv) a description of how the transi-
11 tion team will enforce the Code of Ethical
12 Conduct, including the names of the mem-
13 bers of the transition team responsible for
14 enforcement, oversight, and compliance.

15 “(C) PUBLICLY AVAILABLE.—The transi-
16 tion team shall make the ethics plan described
17 in this paragraph publicly available on the
18 Internet website of the General Services Admin-
19 istration the earlier of—

20 “(i) the day on which the memo-
21 randum of understanding is completed; or

22 “(ii) October 1.”; and

23 (3) in section 6(b)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A), by striking
2 “and” at the end;

3 (ii) in subparagraph (B), by striking
4 the period at the end and inserting a semi-
5 colon; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(C) a list of all positions each transition
9 team member has held outside the Federal Gov-
10 ernment for the previous 12-month period, in-
11 cluding paid, unpaid, and uncompensated posi-
12 tions;

13 “(D) sources of compensation of each tran-
14 sition team member exceeding \$5,000 a year for
15 the previous 12-month period;

16 “(E) a description of the role of the mem-
17 ber on the transition team, including a list of
18 any policy issues that the member expects to
19 work on, and a list of agencies the member ex-
20 pects to interact with, while serving on the
21 transition team;

22 “(F) a list of any issues from which each
23 transition team member will be recused while
24 serving as a member of the transition team pur-

1 suant to the transition team ethics plan out-
2 lined in section 4(g)(3); and

3 “(G) an affirmation that the transition
4 team member does not have a financial conflict
5 of interest that precludes the member from
6 working on the matters described in subpara-
7 graph (E).”;

8 (B) in paragraph (2), by inserting “not
9 later than 2 business days” after “public”; and

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

11 “(3) The head of a Federal department or
12 agency, or their designee, shall not permit access to
13 the agency or employees of the agency that would
14 not be provided to a member of the public for any
15 transition team member who does not make the dis-
16 closures listed under paragraph (1).”.

17 **SEC. 116. SENSE OF CONGRESS REGARDING VIOLATIONS.**

18 It is the sense of Congress that a violation of section
19 102 of this Act or the Ethics in Government Act of 1978
20 (5 U.S.C. App.) by the President or the Vice President
21 would constitute a high crime or misdemeanor under arti-
22 cle II, section 4 of the Constitution of the United States.

1 **SEC. 117. RULE OF CONSTRUCTION.**

2 Nothing in this title or an amendment made by this
3 title shall be construed to violate the Constitution of the
4 United States.

5 **SEC. 118. SEVERABILITY.**

6 If any provision of this title or any amendment made
7 by this title, or any application of such provision or
8 amendment to any person or circumstance, is held to be
9 unconstitutional, the remainder of the provisions of this
10 title and the amendments made by this title, and the appli-
11 cation of the provision or amendment to any other person
12 or circumstance, shall not be affected.

13 **TITLE II—LOBBYING REFORM**

14 **SEC. 201. ENFORCEMENT BY THE OFFICE OF PUBLIC IN-**
15 **TEGRITY.**

16 The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
17 et seq.) is amended—

18 (1) in section 4 (2 U.S.C. 1603)—

19 (A) in subsection (a)(1), by striking “Sec-
20 retary of the Senate and the Clerk of the House
21 of Representatives” and inserting “Director of
22 the Office of Public Integrity”; and

23 (B) in subsection (d), in the flush text fol-
24 lowing paragraph (2), by striking “Secretary of
25 the Senate and the Clerk of the House of Rep-

1 representatives” and inserting “Director of the Of-
2 fice of Public Integrity”;

3 (2) in section 5 (2 U.S.C. 1604)—

4 (A) in subsection (a), by striking “Sec-
5 retary of the Senate and the Clerk of the House
6 of Representatives” and inserting “Director of
7 the Office of Public Integrity”;

8 (B) in subsection (d)(1), in the matter pre-
9 ceding subparagraph (A), by striking “Sec-
10 retary of the Senate and the Clerk of the House
11 of Representatives” and inserting “Director of
12 the Office of Public Integrity”; and

13 (C) in subsection (e)—

14 (i) by striking “Secretary of the Sen-
15 ate or the Clerk of the House of Rep-
16 resentatives” and inserting “Director of
17 the Office of Public Integrity”; and

18 (ii) by striking “Secretary of the Sen-
19 ate and the Clerk of the House of Rep-
20 resentatives” and inserting “Director of
21 the Office of Public Integrity”;

22 (3) in section 6(a) (2 U.S.C. 1605(a)), in the
23 matter preceding paragraph (1), by striking “Sec-
24 retary of the Senate and the Clerk of the House of

1 Representatives” and inserting “Director of the Of-
2 fice of Public Integrity”;

3 (4) in section 7(a)(1) (2 U.S.C. 1606(a)(1)), by
4 striking “Secretary of the Senate or the Clerk of the
5 House of Representatives” and inserting “Director
6 of the Office of Public Integrity”; and

7 (5) in section 8(c) (2 U.S.C. 1607(c)), by strik-
8 ing “Secretary of the Senate or the Clerk of the
9 House of Representatives” and inserting “Director
10 of the Office of Public Integrity”.

11 **SEC. 202. DEFINITIONS.**

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

14 (1) by redesignating paragraphs (4) through
15 (16) as paragraphs (6) through (18), respectively;

16 (2) by redesignating paragraph (3) as para-
17 graph (4);

18 (3) by inserting after paragraph (2) the fol-
19 lowing:

20 “(3) CORPORATE LOBBYIST.—The term ‘cor-
21 porate lobbyist’ means a lobbyist that, for financial
22 or other compensation for services that include lob-
23 bying activities, is employed or retained by a client
24 that is—

25 “(A) a covered for-profit entity; or

1 “(B) an entity described in section
2 501(c)(6) of the Internal Revenue Code of 1986
3 of which 1 or more members are covered for-
4 profit entities.”;

5 (4) by inserting after paragraph (4), as so re-
6 designated, the following:

7 “(5) COVERED FOR-PROFIT ENTITY.—The term
8 ‘covered for-profit entity’—

9 “(A) means—

10 “(i) a corporation, limited liability
11 company, or other entity that is created by
12 the filing of a public document with a sec-
13 retary of state of a State or similar office;

14 “(ii) a general partnership; or

15 “(iii) any similar entity formed under
16 the laws of a foreign jurisdiction; and

17 “(B) does not include—

18 “(i) an entity described in paragraph
19 (3), (4), or (5) of section 501(c) of the In-
20 ternal Revenue Code of 1986; and

21 “(ii) a political organization, as de-
22 fined in section 527 of such Code, that is
23 exempt from taxation under that section.”;

1 (5) in paragraph (9), as so redesignated, by in-
2 serting “provision of strategic advice, and” after
3 “planning activities,”;

4 (6) in paragraph (10)(B), as so redesignated—

5 (A) by striking clause (v); and

6 (B) by redesignating clauses (vi) through
7 (xix) as clauses (v) through (xviii), respectively;
8 and

9 (7) by striking paragraph (12), as so redesign-
10 ated, and inserting the following:

11 “(12) LOBBYIST.—The term ‘lobbyist’—

12 “(A) means an individual who is employed
13 or retained by a client for financial or other
14 compensation—

15 “(i) for services that include making 1
16 or more lobbying contacts; or

17 “(ii) to engage in lobbying activities
18 that do not include making lobbying con-
19 tacts; and

20 “(B) includes a corporate lobbyist.”.

21 **SEC. 203. REGISTRATION OF LOBBYISTS.**

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

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “45” and inserting
2 “30”;

3 (ii) by striking “first makes a lob-
4 bying contact” and all that follows through
5 “retained to make a lobbying contact” and
6 inserting “is first employed or retained to
7 engage in lobbying activities on behalf of a
8 client or first engages in lobbying activi-
9 ties”; and

10 (iii) by striking “45th” each place the
11 term appears and inserting “30th”;

12 (B) in paragraph (3)—

13 (i) in subparagraph (A)—

14 (I) by redesignating clauses (i)
15 and (ii) as subclauses (I) and (II), re-
16 spectively, and adjusting the margins
17 accordingly;

18 (II) in the matter preceding sub-
19 clause (I), as so redesignated, by
20 striking “entity whose—” and insert-
21 ing the following: “entity—

22 “(i) of which the—”;

23 (III) in clause (i), as so des-
24 ignated—

1 (aa) in subclause (I), as so
2 redesignated, by inserting “, as
3 estimated under section 5” after
4 “\$2,500”; and

5 (bb) in subclause (II), as so
6 redesignated, by inserting “as es-
7 timated under section 5; or”
8 after “\$10,000,”;

9 (IV) by inserting after clause
10 (i)(II), as so designated, the following:
11 “(ii) that engages in lobbying activi-
12 ties for less than 8 hours,”; and

13 (V) in the flush text following
14 clause (ii)—

15 (aa) by striking “(as esti-
16 mated under section 5)”; and

17 (bb) by striking “with re-
18 spect to such client” and insert-
19 ing “, in the case of a person or
20 entity described in subclause (I)
21 or (II) of clause (i), with respect
22 to such client, or, in the case of
23 a person or entity described in
24 clause (ii), with respect to any

1 client of the person or entity.”;

2 and

3 (ii) in subparagraph (B), by striking

4 “subparagraph (A)” and inserting “sub-

5 paragraph (A)(i)”;

6 (2) in subsection (b)—

7 (A) by striking paragraph (4);

8 (B) by redesignating paragraphs (5) and

9 (6) as paragraphs (4) and (5), respectively;

10 (C) in paragraph (4), as so redesignated—

11 (i) in subparagraph (A)—

12 (I) by striking “the general

13 issues areas” and inserting “each spe-

14 cific issue area”; and

15 (II) by striking “and” at the end;

16 (ii) by redesignating subparagraph

17 (B) as subparagraph (C);

18 (iii) by inserting after subparagraph

19 (A) the following:

20 “(B) each specific action or inaction that,

21 as of the date of the registration, has already

22 been requested, or that will be requested;” and

23 (iv) in subparagraph (C), as so red-

24 ignated—

1 (I) by striking “to the extent
2 practicable, specific issues that have”
3 and inserting “each specific issue, in-
4 cluding any Federal legislation, rule,
5 or regulation, or Executive order, that
6 has”; and

7 (II) by striking “are” and insert-
8 ing “is”;

9 (D) in paragraph (5), as so redesignated,
10 by striking the period and inserting a semi-
11 colon; and

12 (E) by inserting after paragraph (5), as so
13 redesignated, the following:

14 “(6) the name of each covered legislative
15 branch official or covered executive branch official
16 who, as of the date of the registration, has already
17 been contacted, or is likely to be contacted, in any
18 lobbying activity on behalf of the client; and

19 “(7) with respect to any person or entity that,
20 as of the date of the registration, or has been re-
21 tained, by the registrant to engage in any lobbying
22 activity on behalf of the client of the registrant—

23 “(A) the name, address, business telephone
24 number, and principal place of business of the
25 person or entity;

1 “(B) a description of any lobbying contact
2 that, as of the date of the registration, has been
3 made in, or is likely to be made, on behalf of
4 the client of the registrant by the person or en-
5 tity;

6 “(C) with respect to the lobbying activity
7 on behalf of the client of the registrant, the
8 amount that the registrant, as of the date of
9 the registration, has paid, or is likely to pay, to
10 the person or entity as compensation for the
11 lobbying activity; and

12 “(D) the name of each employee of the
13 person or entity who, as of the date of the reg-
14 istration, has supervised, or who is likely to su-
15 pervise, any lobbying activity on behalf of the
16 client of the registrant.”; and

17 (3) by striking subsection (e) and inserting the
18 following:

19 “(c) MULTIPLE CLIENTS.—In the case of a reg-
20 istrant that engages in lobbying activities on behalf of
21 more than 1 client, the registrant shall file a separate reg-
22 istration for each client.”.

1 **SEC. 204. REPORTS BY LOBBYISTS.**

2 (a) QUARTERLY REPORTS.—Section 5(b) of the Lob-
3 bying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is
4 amended—

5 (1) by striking paragraph (2) and inserting the
6 following:

7 “(2) a statement of—

8 “(A) each specific issue with respect to
9 which the registrant, or any employee of the
10 registrant, engaged in lobbying activities, in-
11 cluding, to the maximum extent practicable, a
12 statement of each bill number and reference to
13 any specific Federal rule or regulation, Execu-
14 tive order, or any other program, policy, or po-
15 sition of the United States Government;

16 “(B) each lobbying activity that the reg-
17 istrant has engaged in on behalf of the client,
18 including—

19 “(i) each document prepared by the
20 registrant that was submitted to any cov-
21 ered legislative branch official or covered
22 executive branch official;

23 “(ii) each meeting conducted that con-
24 stituted a lobbying contact, including the
25 subject of the meeting, the date of the
26 meeting, and the name and position of

1 each individual who was a party to the
2 meeting;

3 “(iii) each phone call made that con-
4 stituted a lobbying contact, including the
5 subject of the phone call, the date of the
6 phone call, and the name and position of
7 each individual who was a party to the
8 phone call; and

9 “(iv) each email sent that constituted
10 a lobbying contact, including the subject of
11 the email, the date of the email, and the
12 name and position of each individual who
13 was a party to the email;

14 “(C) the name of each employee of the reg-
15 istrant who did not participate in the lobbying
16 contact but engaged in lobbying activities in
17 support of the lobbying contact and a descrip-
18 tion of any such lobbying activity; and

19 “(D) with respect to any person or entity
20 retained by the registrant to engage in lobbying
21 activities on behalf of the client of the reg-
22 istrant—

23 “(i) the name, address, business tele-
24 phone number, and principal place of busi-
25 ness of the person or entity;

1 “(ii) a description of any lobbying ac-
2 tivity by the person or entity on behalf of
3 the client of the registrant;

4 “(iii) the amount the registrant paid
5 to the person or entity for any lobbying ac-
6 tivity by the person or entity on the behalf
7 of the client of the registrant;

8 “(iv) the name of each employee of
9 the person or entity who supervised any
10 lobbying activity by the person or entity on
11 behalf of the client of the registrant; and

12 “(v) the official action or inaction re-
13 quested in the course of the lobbying activ-
14 ity;”.

15 (2) in paragraph (4), by striking “and” at the
16 end;

17 (3) in paragraph (5), by striking the period and
18 inserting “; and”; and

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

20 “(6) a copy of any document transmitted to a
21 covered legislative branch official or a covered execu-
22 tive branch official in the course of any lobbying ac-
23 tivity by the registrant on behalf of the client.”.

1 (b) ESTIMATES BASED ON TAX REPORTING SYS-
2 TEM.—Section 15 of the Lobbying Disclosure Act (2
3 U.S.C. 1610) is repealed.

4 **SEC. 205. PROHIBITION ON FOREIGN LOBBYING.**

5 (a) IN GENERAL.—The Lobbying Disclosure Act of
6 1995 (2 U.S.C. 1601 et seq.) is amended—

7 (1) by redesignating section 26 (2 U.S.C. 1614)
8 as section 28; and

9 (2) by inserting after section 25 (2 U.S.C.
10 1613) the following:

11 **“SEC. 26. PROHIBITION ON FOREIGN LOBBYING.**

12 “(a) DEFINITION.—In this section—

13 “(1) the term ‘covered lobbyist’ means—

14 “(A) a lobbyist that is registered or is re-
15 quired to register under section 4(a)(1);

16 “(B) an organization that employs 1 or
17 more lobbyists and is registered, or is required
18 to register, under section 4(a)(2); and

19 “(C) an employee listed or required to be
20 listed as a lobbyist by a registrant under section
21 4(b)(6) or 5(b)(2)(C); and

22 “(2) the terms ‘information-service employee’,
23 ‘public-relations counsel’, and ‘publicity agent’ have
24 the meanings given those terms in section 1 of the

1 Foreign Agents Registration Act of 1938 (22 U.S.C.
2 611).

3 “(b) PROHIBITION.—Except as provided in sub-
4 section (c), a covered lobbyist may not accept financial or
5 other compensation for services that include lobbying ac-
6 tivities on behalf of a foreign entity.

7 “(c) EXEMPTIONS.—The prohibition under sub-
8 section (b) shall not apply the following covered lobbyists:

9 “(1) DIPLOMATIC OR CONSULAR OFFICERS.—A
10 duly accredited diplomatic or consular officer of a
11 foreign government who is so recognized by the De-
12 partment of State, while the officer is engaged exclu-
13 sively in activities that are recognized by the Depart-
14 ment of State as being within the scope of the func-
15 tions of the officer.

16 “(2) OFFICIALS OF FOREIGN GOVERNMENTS.—
17 An official of a foreign government, if that govern-
18 ment is recognized by the United States, who is not
19 a public-relations counsel, a publicity agent, or an
20 information-service employee, or a citizen of the
21 United States, whose name and status and the char-
22 acter of whose duties as an official are of public
23 record in the Department of State, while said official
24 is engaged exclusively in activities that are recog-

1 nized by the Department of State as being within
2 the scope of the functions of the official.

3 “(3) STAFF MEMBERS OF DIPLOMATIC OR CON-
4 SULAR OFFICERS.—A member of the staff of, or any
5 person employed by, a duly accredited diplomatic or
6 consular officer of a foreign government who is so
7 recognized by the Department of State, other than
8 a public-relations counsel, a publicity agent, or an
9 information-service employee, whose name and sta-
10 tus and the character of whose duties as such mem-
11 ber or employee are of public record in the Depart-
12 ment of State, while the member or employee is en-
13 gaged exclusively in the performance of activities
14 that are recognized by the Department of State as
15 being within the scope of the functions of the mem-
16 ber or employee.

17 “(4) PERSONS ENGAGING OR AGREEING TO EN-
18 GAGE IN THE SOLICITING OR COLLECTING OF FUNDS
19 FOR HUMANITARIAN RELIEF.—A person engaging or
20 agreeing to engage only in the soliciting or collecting
21 of funds and contributions within the United States
22 to be used only for medical aid and assistance, or for
23 food and clothing to relieve human suffering, if the
24 solicitation or collection of funds and contributions
25 is in accordance with, and subject to, the provisions

1 of the Neutrality Act of 1939 (22 U.S.C. 441 et
2 seq.), and such rules and regulations as may be pre-
3 scribed thereunder.

4 “(5) CERTAIN PERSONS QUALIFIED TO PRAC-
5 TICE LAW.—

6 “(A) IN GENERAL.—A person qualified to
7 practice law, insofar as the person engages, or
8 agrees to engage in, the legal representation of
9 a disclosed foreign entity before any court of
10 law or any agency of the Government of the
11 United States.

12 “(B) LEGAL REPRESENTATION.—For the
13 purpose of this paragraph, legal representation
14 does not include any attempt to influence or
15 persuade agency personnel or officials other
16 than in the course of—

17 “(i) a judicial proceeding;

18 “(ii) a criminal or civil law enforce-
19 ment inquiry, investigation, or proceeding;
20 or

21 “(iii) an agency proceeding required
22 by statute or regulation to be conducted on
23 the record.

24 “(d) PENALTIES.—Any person who knowingly vio-
25 lates this section shall be fined not more than \$200,000,

1 imprisoned for not more than 5 years, or both, and any
2 compensation received for engaging in the unlawful activ-
3 ity shall be subject to disgorgement.”.

4 (b) CONFORMING AMENDMENT.—Section 7 of the
5 Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is
6 amended—

7 (1) in subsection (a), in the matter preceding
8 paragraph (1), by striking “Whoever” and inserting
9 “Except as otherwise provided in this Act, whoever”;
10 and

11 (2) in subsection (b), by striking “Whoever”
12 and inserting “Except as otherwise provided in this
13 Act, whoever”.

14 **SEC. 206. PROHIBITION OF CONTRIBUTIONS BY LOBBYISTS.**

15 Title III of the Federal Election Campaign Act of
16 1971 (52 U.S.C. 30101 et seq.) is amended by adding at
17 the end the following new section:

18 **“SEC. 325. PROHIBITION OF CONTRIBUTIONS BY LOBBY-**
19 **ISTS.**

20 “(a) IN GENERAL.—It shall be unlawful for any lob-
21 byist to make a contribution to any candidate for Federal
22 office or Member of Congress.

23 “(b) LOBBYIST DEFINED.—In this section, the term
24 ‘lobbyist’ means a lobbyist, as defined in section 3 of the
25 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), that

1 is registered or is required to register under section 4(a)
2 of that Act.”.

3 **SEC. 207. PROHIBITION ON CONTINGENT FEE LOBBYING.**

4 The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
5 et seq.) is amended by inserting after section 26, as added
6 by section 205, the following:

7 **“SEC. 27. PROHIBITION ON CONTINGENT FEE ARRANGE-**
8 **MENTS.**

9 “(a) DEFINITIONS.—In this section, the term ‘cov-
10 ered lobbyist’ means—

11 “(1) a lobbyist that is registered or is required
12 to register under section 4(a)(1);

13 “(2) an organization that employs 1 or more
14 lobbyists and is registered, or is required to register,
15 under section 4(a)(2); and

16 “(3) an employee listed or required to be listed
17 as a lobbyist by a registrant under section 4(b)(6)
18 or 5(b)(2)(C).

19 “(b) PROHIBITION.—A covered lobbyist may not be
20 employed under, or receive compensation in connection
21 with, an arrangement in which compensation paid to the
22 covered lobbyist is contingent on the result of lobbying ac-
23 tivities engaged in by the covered lobbyist.

24 “(c) PENALTIES.—Any person who knowingly vio-
25 lates this section shall be fined not more than \$200,000,

1 imprisoned for not more than 5 years, or both, and any
2 compensation received for engaging in the unlawful activ-
3 ity shall be subject to disgorgement.”.

4 **SEC. 208. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
5 **EL BY REGISTERED LOBBYISTS.**

6 Section 25 of the Lobbying Disclosure Act of 1995
7 (2 U.S.C. 1613) is amended—

8 (1) in the section heading, by striking “**TO**
9 **MEMBERS OF CONGRESS AND TO CONGRES-**
10 **SIONAL EMPLOYEES**”;

11 (2) by striking subsection (a) and inserting the
12 following:

13 “(a) PROHIBITION.—Except as provided in sub-
14 section (c), a person described in subsection (b) may not
15 make a gift or provide travel to a covered legislative
16 branch official or a covered executive branch official.”; and

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

18 “(c) EXCEPTIONS.—A person described in subsection
19 (b) may make a gift or provide travel to a covered legisla-
20 tive branch official or a covered executive branch official
21 if—

22 “(1) the gift or travel complies with any appli-
23 cable rule of the Senate, House of Representatives,
24 or executive branch applicable to the recipient of the
25 gift or travel; and

1 “(2) the gift or travel—

2 “(A) is based on the personal or family re-
3 lationship of the person with the covered legis-
4 lative branch official or a covered executive
5 branch official and is given with the knowledge
6 and acquiescence of the covered legislative
7 branch official or a covered executive branch of-
8 ficial, unless the covered legislative branch offi-
9 cial or a covered executive branch official has
10 reason to believe that the gift or travel was
11 given because of the official position of the cov-
12 ered legislative branch official or a covered ex-
13 ecutive branch official;

14 “(B) is a discount or similar benefit;

15 “(C) results from the business or employ-
16 ment activities of the spouse of the covered leg-
17 islative branch official or a covered executive
18 branch official;

19 “(D) is a gift or travel customarily pro-
20 vided by a prospective employer in connection
21 with bona fide employment discussions;

22 “(E) in the case of a covered executive
23 branch official, is of a kind authorized by a
24 supplemental agency regulation that is—

1 “(i) issued by the agency that employs
2 the covered executive branch official; and

3 “(ii) approved by the Director of the
4 Office of Public Integrity; or

5 “(F) may be accepted by the covered legis-
6 lative branch official or covered executive
7 branch official under specific Federal statutory
8 authority.”.

9 **SEC. 209. APPLICATION OF GENERAL SCHEDULE TO CON-**
10 **GRESS.**

11 (a) IN GENERAL.—Section 5331 of title 5, United
12 States Code, is amended—

13 (1) in subsection (a), by striking “this sub-
14 chapter, ‘agency’, ‘employee’, ‘position’,” and insert-
15 ing the following: “this subchapter—

16 “(1) ‘agency’—

17 “(A) has the meaning given that term in
18 section 5102 of this title; and

19 “(B) includes—

20 “(i) the Government Accountability
21 Office; and

22 “(ii) any agency, office, or other enti-
23 ty for which the pay of the employees of
24 the agency, office, or other entity is dis-
25 bursed by the Secretary of the Senate or

1 the Chief Administrative Officer of the
2 House of Representatives;

3 “(2) ‘employee’—

4 “(A) means an individual employed in or
5 under an agency; and

6 “(B) does not include a Member of Con-
7 gress; and

8 “(3) ‘position’,”; and

9 (2) in subsection (b), by inserting “and employ-
10 ees in positions in an agency described in subsection
11 (a)(1)(B)” after “chapter 51 applies”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) Section 5 of the Federal Pay Comparability
14 Act of 1970 (2 U.S.C. 4531) is repealed.

15 (2) Section 311 of the Legislative Branch Ap-
16 propriations Act, 1988 (2 U.S.C. 4532) is repealed.

17 (3) Sections 471 and 475 of the Legislative Re-
18 organization Act of 1970 (2 U.S.C. 4533, 4534) are
19 repealed.

20 (4) Section 4 of the Federal Pay Comparability
21 Act of 1970 (2 U.S.C. 4571) is repealed.

22 (5) Section 107 of the Legislative Branch Ap-
23 propriation Act, 1977 (2 U.S.C. 4572) is repealed.

24 (6) Section 315 of the Legislative Branch Ap-
25 propriations Act, 1991 (2 U.S.C. 4573) is repealed.

1 (7) Section 105 of the Legislative Branch Ap-
2 propriation Act, 1968 (2 U.S.C. 4575) is amended—

3 (A) by striking subsection (a);

4 (B) by striking subsection (c);

5 (C) by striking subsection (e); and

6 (D) by striking subsection (f).

7 (8) Section 114 of the Legislative Branch Ap-
8 propriation Act, 1978 (2 U.S.C. 4576) is amended
9 by striking “maximum rate specified” and all that
10 follows and inserting “rate payable for a position at
11 level 15, step 10 of the General Schedule.”.

12 (9) Section 102(c)(2)(B) of the Legislative
13 Branch Appropriations Act, 2002 (2 U.S.C.
14 4579(c)(2)(B)) is amended by striking “exceeding”
15 and all that follows and inserting “exceeding $\frac{1}{12}$ th
16 of the maximum annual rate of pay that is payable
17 for positions on the General Schedule under section
18 5304(g)(1) of title 5, United States Code.”.

19 **SEC. 210. REESTABLISHMENT OF OFFICE OF TECHNOLOGY**
20 **ASSESSMENT.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
22 12(a) of the Technology Assessment Act of 1972 (2
23 U.S.C. 481(a)) is amended by striking “there is hereby”
24 and all that follows through the period at the end and
25 inserting “for each fiscal year there is authorized to be

1 appropriated to the Office such sums as may be nec-
2 essary.”.

3 (b) INITIAL APPOINTMENTS.—Not later than 60 days
4 after the date on which appropriations are made available
5 to reestablish the Office of Technology Assessment, the
6 President pro tempore of the Senate and the Speaker of
7 the House of Representatives shall appoint the members
8 of the Technology Assessment Board in accordance with
9 section 4(a) of the Technology Assessment Act of 1972
10 (2 U.S.C. 473(a)).

11 (c) INITIAL RECOMMENDATIONS.—

12 (1) IN GENERAL.—Not later than 270 days
13 after the date on which all members of the Tech-
14 nology Assessment Board are appointed under sub-
15 section (b), and after reviewing recommendations re-
16 lating to the reestablishment of the Office of Tech-
17 nology Assessment and meeting with relevant stake-
18 holders, the Technology Assessment Board shall sub-
19 mit to Congress recommendations concerning how
20 Congress should enhance technology assessment sup-
21 port for the legislative branch, including whether
22 Congress should enact new or revised authorities
23 that address resources, function, structure, or other
24 matters the Technology Assessment Board deter-
25 mines appropriate.

1 (2) REVIEW.—Not later than 90 days after the
2 date on which Congress receives the recommenda-
3 tions under paragraph (1), each committee of the
4 Senate or the House of Representatives with juris-
5 diction of any issue relating to technology assess-
6 ment support for the legislative branch shall hold a
7 hearing with respect to the recommendations.

8 (d) ADJUSTMENTS TO OTHER LAWS.—

9 (1) ANNUAL REPORTS.—Section 3003(a)(1) of
10 the Federal Reports Elimination and Sunset Act of
11 1995 (31 U.S.C. 1113 note) shall not apply to any
12 report submitted under section 11 of the Technology
13 Assessment Act of 1972 (Public Law 92–48, 86
14 Stat. 802).

15 (2) INFORMATION FOR THE CONGRESSIONAL
16 BUDGET OFFICE.—Section 201(e) of the Congres-
17 sional Budget Act of 1974 (2 U.S.C. 601(e)) is
18 amended—

19 (A) by inserting “the Office of Technology
20 Assessment,” after “Government Accountability
21 Office,”; and

22 (B) by inserting “the Technology Assess-
23 ment Board,” after “Comptroller General,”.

24 (3) INCLUSION AS AN INSTRUMENTALITY OF
25 CONGRESS.—Section 510(4) of the Americans with

1 Disabilities Act of 1990 (42 U.S.C. 12209(4)) is
 2 amended by striking “following:,” and inserting “fol-
 3 lowing: the Office of Technology Assessment,”.

4 (e) TECHNICAL AMENDMENTS.—Section 7(e)(1) of
 5 the Technology Assessment Act of 1972 (2 U.S.C.
 6 476(e)(1)) is amended by striking “section 5702 and in
 7 5704 of title 5” and inserting “sections 5702 and 5704
 8 of title 5, United States Code”.

9 **SEC. 211. PROGRESSIVE TAX ON LOBBYING EXPENDITURES.**

10 (a) TAX PROVISIONS RELATING TO LOBBYING EX-
 11 PENDITURES.—

12 (1) EXCISE TAX ON EXPENDITURES FOR LOB-
 13 BYING ACTIVITIES.—

14 (A) IN GENERAL.—Chapter 33 of the In-
 15 ternal Revenue Code of 1986 is amended by in-
 16 serting after subchapter C the following new
 17 subchapter:

18 **“Subchapter D—Lobbying Activities**

“Sec. 4286. Imposition of tax.

19 **“SEC. 4286. IMPOSITION OF TAX.**

20 “(a) IN GENERAL.—There is hereby imposed on
 21 quarterly lobbying expenditures in excess of \$125,000 a
 22 tax determined in accordance with the following table:

**“If quarterly lobbying
 expenditures are:**

Over \$125,000 but not over
 \$250,000.

The tax is:

35% of the quarterly lobbying ex-
 penditures in excess of \$125,000.

“If quarterly lobbying expenditures are:

Over \$250,000 but not over \$1,250,000.
 Over \$1,250,000

The tax is:

\$43,750, plus 60% of the excess over \$250,000.
 \$643,750, plus 75% of the excess over \$1,250,000.

1 “(b) EXCEPTION.—

2 “(1) IN GENERAL.—Except as provided in para-
 3 graph (2), the tax imposed by this section shall not
 4 apply to any organization described in section 501(c)
 5 and exempt from tax under section 501(a).

6 “(2) APPLICATION TO CERTAIN BUSINESS OR-
 7 GANIZATIONS.—Paragraph (1) shall not apply to any
 8 organization which—

9 “(A) is described in section 501(c)(6) and
 10 exempt from tax under section 501(a), and

11 “(B) has as a member of such organization
 12 an organization that is not described in section
 13 501(c) and exempt from tax under section
 14 501(a).

15 “(c) PAYMENT OF TAX.—The tax imposed by this
 16 section shall be paid by the person paying for the quarterly
 17 lobbying expenditures.

18 “(d) DEFINITIONS.—For purposes of this section, the
 19 term ‘quarterly lobbying expenditures’ means, with respect
 20 to any calendar quarter, the expenditures paid or incurred
 21 for lobbying activities (as defined under section 3 of the

1 Lobbying Disclosure Act of 1995) during such calendar
2 quarter.

3 “(e) SPECIAL RULE.—For purposes of this section,
4 all persons treated as a single employer under subsection
5 (a) or (b) of section 52 shall be treated as a single per-
6 son.”.

7 (B) CONFORMING AMENDMENT.—The
8 table of subchapters for chapter 33 of such
9 Code is amended by inserting after the item re-
10 lated to subchapter C the following new item:

“SUBCHAPTER D—LOBBYING ACTIVITIES”.

11 (C) EFFECTIVE DATE.—The amendments
12 made by this paragraph shall apply to amounts
13 paid or incurred in calendar quarters beginning
14 more than 60 days after the date of the enact-
15 ment of this Act.

16 (2) MODIFICATION OF DEFINITION OF INFLU-
17 ENCING LEGISLATION FOR PURPOSES OF RESTRIC-
18 TIONS ON CERTAIN CHARITABLE ORGANIZATIONS.—

19 (A) IN GENERAL.—Section 4911(e)(2) of
20 the Internal Revenue Code of 1986 is amend-
21 ed—

22 (i) by striking “includes action with
23 respect to Acts, bills” and inserting “in-
24 cludes—

1 “(i) the formulation, modification, or
2 adoption of Acts, bills”; and

3 (ii) by adding at the end the following
4 new subparagraphs:

5 “(ii) the formulation, modification, or
6 adoption of a Federal rule, regulation, Ex-
7 ecutive order, or any other program, policy,
8 or position of the United States Govern-
9 ment,

10 “(iii) the administration or execution
11 of a Federal program or policy (including
12 the negotiation, award, or administration
13 of a Federal contract, grant, loan, permit,
14 or license), and

15 “(iv) the nomination or confirmation
16 of a person for a position subject to con-
17 firmation by the Senate.”.

18 (B) CONFORMING AMENDMENTS.—Section
19 4911(e) of such Code is amended by striking
20 paragraph (3) and redesignating paragraph (4)
21 as paragraph (3).

22 (C) EFFECTIVE DATE.—The amendments
23 made by this paragraph shall take effect 180
24 days after the date of the enactment of this
25 Act.

1 (b) LOBBYING DEFENSE TRUST FUND.—

2 (1) ESTABLISHMENT OF FUND.—

3 (A) IN GENERAL.—Subchapter A of chap-
4 ter 98 of the Internal Revenue Code of 1986 is
5 amended by adding at the end the following
6 new section:

7 **“SEC. 9512. LOBBYING DEFENSE TRUST FUND.**

8 “(a) IN GENERAL.—There is established in the
9 Treasury of the United States a trust fund to be known
10 as the ‘Lobbying Defense Trust Fund’, consisting of any
11 amount appropriated or credited to the Trust Fund as
12 provided in this section or section 9602(b).

13 “(b) TRANSFERS TO TRUST FUND.—There is hereby
14 appropriated to the Lobbying Defense Trust Fund
15 amounts equivalent to—

16 “(1) the taxes received in the Treasury under
17 section 4286, and

18 “(2) the civil penalties collected under the Anti-
19 Corruption and Public Integrity Act and the amend-
20 ments made by that Act.

21 “(c) AVAILABILITY.—Amounts transferred to the
22 Lobbying Defense Trust Fund shall—

23 “(1) remain available until expended; and

1 “(2) be used, without further appropriation, by
2 the Director of the Office of Public Integrity in ac-
3 cordance with subsection (d).

4 “(d) USE OF FUNDS.—

5 “(1) TRANSFERS TO AGENCIES.—

6 “(A) IN GENERAL.—For each calendar
7 quarter beginning more than 60 days after the
8 date of the enactment of this section, not later
9 than 30 days after the end of the quarter, the
10 Director of the Office of Public Integrity (in
11 this subsection referred to as the ‘Director’)
12 shall identify specific rules or other agency ac-
13 tions that were the subject of significant lob-
14 bying activity directed toward an executive
15 agency during the quarter.

16 “(B) TRANSFER.—Not later than the end
17 of each calendar quarter beginning more than
18 60 days after the date of the enactment of this
19 section, the Director shall transfer from the
20 Lobbying Defense Trust Fund to each executive
21 agency that was the subject of significant lob-
22 bying activity during the previous quarter an
23 amount equal to the amount obtained by multi-
24 plying—

1 “(i) the amount of taxes received in
2 the Treasury under section 4286 that are
3 attributable to lobbying expenditures dur-
4 ing the previous quarter; by

5 “(ii) the percentage of such taxes that
6 were based on lobbying expenditures dur-
7 ing the previous quarter related to rule-
8 making within the jurisdiction of the exec-
9 utive agency.

10 “(C) USE OF TRANSFERRED FUNDS.—An
11 executive agency may use amounts transferred
12 under subparagraph (B) for salaries and ex-
13 penses relating to researching, reviewing, or fi-
14 nalizing rules or other agency actions in accord-
15 ance with section 553 or 554 of title 5, United
16 States Code.

17 “(D) AVAILABILITY.—Amounts transferred
18 under subparagraph (B) shall remain available
19 until expended.

20 “(2) OFFICE OF THE PUBLIC ADVOCATE.—

21 “(A) BUDGET SUBMISSION.—For each fis-
22 cal year beginning more than 60 days after the
23 date of enactment of this section, the National
24 Public Advocate shall submit to the Director a
25 request—

1 “(i) indicating the amount the Na-
2 tional Public Advocate is requesting be
3 transferred to the Office of the Public Ad-
4 vocate; and

5 “(ii) describing the activities of the
6 Office of the Public Advocate that would
7 be carried out using the amounts.

8 “(B) TRANSFER.—After consideration of
9 the request submitted under subparagraph (A)
10 with respect to a fiscal year, the Director shall
11 transfer to the Office of the Public Advocate
12 from the Lobbying Defense Trust Fund the
13 amount determined appropriate by the Director.

14 “(C) USE OF FUNDS.—Amounts trans-
15 ferred under subparagraph (B) may be used for
16 any authorized activity of the Office of the Pub-
17 lic Advocate, including salaries and expenses.

18 “(D) AVAILABILITY.—Amounts transferred
19 under subparagraph (B) shall remain available
20 until expended.

21 “(3) CONGRESSIONAL SUPPORT AGENCIES.—

22 “(A) TRANSFER.—Not later than the end
23 of each calendar quarter beginning more than
24 60 days after the date of the enactment of this
25 section, the Director shall transfer from the

1 Lobbying Defense Trust Fund to the Congres-
2 sional Research Service, the Congressional
3 Budget Office, the Government Accountability
4 Office, and the Office of Technology Assess-
5 ment an amount equal to 25 percent of the dif-
6 ference between—

7 “(i) the amount of taxes received in
8 the Treasury under section 4286 that are
9 attributable to lobbying expenditures dur-
10 ing the previous quarter; and

11 “(ii) the amount of such taxes that
12 were based on lobbying expenditures dur-
13 ing the previous quarter related to rule-
14 making within the jurisdiction of an execu-
15 tive agency.

16 “(B) USE OF FUNDS.—Amounts trans-
17 ferred under subparagraph (A) may be used for
18 any authorized activity of the agency receiving
19 the amounts, including salaries and expenses.

20 “(C) AVAILABILITY.—Amounts transferred
21 under subparagraph (A) shall remain available
22 until expended.

23 “(4) REGULATIONS.—Not later than 180 days
24 after the date of enactment of this Act, the Director
25 shall promulgate regulations defining the term ‘sig-

1 nificant lobbying activity’ for purposes of this sub-
2 section.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for subchapter A of chapter 98 of such Code
5 is amended by adding at the end the following new
6 item:

“Sec. 9512. Lobbying Defense Trust Fund.”.

7 (3) EFFECTIVE DATE.—The amendments made
8 by this subsection shall take effect on the date of en-
9 actment of this Act.

10 **SEC. 212. DISCLOSURE OF REGISTRATION STATUS.**

11 Section 14 of the Lobbying Disclosure Act of 1995
12 (2 U.S.C. 1609) is amended—

13 (1) by striking subsections (a) and (b) and in-
14 serting the following:

15 “(a) LOBBYING CONTACTS.—Any person or entity
16 that makes a lobbying contact with a covered legislative
17 branch official or a covered executive branch official shall,
18 at the time of the lobbying contact, state whether the per-
19 son or entity is registered under this Act and identify the
20 client on whose behalf the lobbying contact is made.”; and

21 (2) by redesignating subsection (c) as sub-
22 section (b).

1 **TITLE III—RULEMAKING**
2 **REFORM**

3 **SEC. 301. DISCLOSURE OF CONFLICTS OF INTEREST.**

4 (a) IN GENERAL.—Section 553 of title 5, United
5 States Code, is amended—

6 (1) in subsection (c), in the first sentence, by
7 inserting “, subject to subsections (f) and (h),” after
8 “the agency shall”; and

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

10 “(f) With respect to any submission by an interested
11 person under subsection (c) or any other submission by
12 an interested person relating to a proposed rule that incor-
13 porates or includes a scientific or technical study, or any
14 other result of scientific research not published in a pub-
15 licly available peer-reviewed publication, the interested
16 person, in making that submission, shall disclose—

17 “(1) the source of the funding for that study or
18 research, as applicable;

19 “(2) any entity that sponsored the study or re-
20 search;

21 “(3) the extent to which the findings of the
22 study or research were reviewed by a party that may
23 be affected by the rulemaking to which the submis-
24 sion relates;

1 “(4) the identity of any party identified under
2 paragraph (3); and

3 “(5) the nature of any financial relationship, in-
4 cluding a consulting agreement, the support of any
5 expert witness, and the funding of research, between
6 any person that conducted the study or research and
7 any interested person with respect to the rulemaking
8 to which the submission relates.”.

9 (b) APPLICATION.—Section 553(f) of title 5, United
10 States Code, as added by subsection (a), shall apply with
11 respect to submissions made by interested persons on and
12 after the date of enactment of this Act.

13 **SEC. 302. INCREASING DISCLOSURES RELATING TO STUD-**
14 **IES AND RESEARCH.**

15 (a) IN GENERAL.—Section 553 of title 5, United
16 States Code, as amended by section 301 of this Act, is
17 amended by adding at the end the following:

18 “(g) With respect to a study or research that is sub-
19 mitted by an interested person to an agency under sub-
20 section (e), the agency shall ensure that the study or re-
21 search is available to the public, unless disclosure is pro-
22 hibited under section 552 of this title.

23 “(h)(1) If a study or research submitted by an inter-
24 ested person to an agency under subsection (e) presents
25 a conflict described in paragraph (2), the agency shall not

1 consider the study or research in a rulemaking under this
2 section and shall exclude the study or research from con-
3 sideration, unless the interested person has certified,
4 under standards developed by the National Academy of
5 Sciences with respect to that certification, that the study
6 or research has undergone independent peer review.

7 “(2) A conflict described in this paragraph means a
8 study or research for which—

9 “(A) not less than 20 percent of the funding for
10 the study or research is from an entity that is regu-
11 lated by the agency; or

12 “(B) an entity that is regulated by the agency
13 exercises editorial control over the study or research.

14 “(i) With respect to a rulemaking under this section,
15 an agency shall include in the notice of proposed rule-
16 making required under subsection (b) and in the final rule
17 published under subsection (d) a description of how the
18 agency considered scientific evidence, including any study
19 or research.”.

20 (b) APPLICATION.—Subsections (g), (h), and (i) of
21 section 553 of title 5, United States Code, as added by
22 subsection (a), shall apply with respect to submissions
23 made by interested persons on and after the date of enact-
24 ment of this Act.

1 **SEC. 303. DISCLOSURE OF INTER-GOVERNMENTAL RULE**
2 **CHANGES.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Administrator” means the Ad-
5 ministrator of the Office;

6 (2) the terms “agency”, “regulatory action”,
7 and “significant regulatory action” have the mean-
8 ings given those terms in section 3 of the Executive
9 Order;

10 (3) the term “Executive Order” means Execu-
11 tive Order 12866 (5 U.S.C. 601 note; relating to
12 regulatory planning and review); and

13 (4) the term “Office” means the Office of In-
14 formation and Regulatory Affairs.

15 (b) REQUIREMENT.—With respect to any regulatory
16 action that an agency provides to the Office under section
17 6(a)(3) of the Executive Order, and that the Adminis-
18 trator determines is a significant regulatory action under
19 that section, the agency shall—

20 (1) not later than the date on which the agency
21 publishes the general notice of proposed rulemaking
22 required under section 553(b) of title 5, United
23 States Code, with respect to the action, place in the
24 rulemaking docket—

25 (A) the substance of any changes between
26 the text of the draft regulatory action that the

1 agency provided to the Office under section
2 6(a)(3)(B)(i) of the Executive Order and the
3 text published in that general notice with re-
4 spect to the action; and

5 (B) a statement regarding whether any
6 change described in subparagraph (A) was
7 made at the request of—

8 (i) the Office;

9 (ii) another agency; or

10 (iii) a Member of Congress; and

11 (2) not later than the date on which the agency
12 publishes the regulatory action in the Federal Reg-
13 ister, place in the rulemaking docket—

14 (A) the substance of any changes between
15 the text of the regulatory action that the agency
16 provided to the Office under section
17 6(a)(3)(B)(i) of the Executive Order and the
18 text of the regulatory action that the agency
19 published in the Federal Register; and

20 (B) a statement regarding whether any
21 change described in subparagraph (A) was
22 made at the request of—

23 (i) the Office;

24 (ii) another agency; or

25 (iii) a Member of Congress.

1 **SEC. 304. JUSTIFICATION OF WITHDRAWN RULES.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “Administrator” means the Ad-
4 ministrator of the Office;

5 (2) the terms “agency” and “regulatory action”
6 have the meanings given those terms in section 3 of
7 the Executive Order;

8 (3) the term “Executive Order” means Execu-
9 tive Order 12866 (5 U.S.C. 601 note; relating to
10 regulatory planning and review); and

11 (4) the term “Office” means the Office of In-
12 formation and Regulatory Affairs.

13 (b) REQUIREMENT.—

14 (1) IN GENERAL.—If an agency withdraws a
15 regulatory action after providing the action to the
16 Office under section 6(a)(3) of the Executive Order
17 (or, if the agency does not provide the regulatory ac-
18 tion to the Office under that section, after pub-
19 lishing the general notice of proposed rulemaking
20 with respect to the action under section 553(b) of
21 title 5, United States Code), the agency shall publish
22 in the Federal Register and on the website of the
23 agency a statement regarding the decision by the
24 agency to withdraw the action.

25 (2) CONTENTS.—A statement required under
26 paragraph (1) with respect to a decision by an agen-

1 cy to withdraw a regulatory action shall include, at
2 a minimum—

3 (A) a detailed explanation of the reasons
4 that the agency withdrew the action; and

5 (B) an explanation regarding whether the
6 decision by the agency to withdraw the action
7 was based, in whole or in part, on a request by,
8 or input from—

9 (i) the Office;

10 (ii) another agency;

11 (iii) a Member of Congress;

12 (iv) a State, local, or tribal govern-
13 ment; or

14 (v) an organization, a corporation, a
15 member of the public, or another inter-
16 ested party.

17 **SEC. 305. NEGOTIATED RULEMAKING.**

18 (a) IN GENERAL.—Subchapter III of chapter 5 of
19 title 5, United States Code, is amended—

20 (1) in section 561, in the first sentence, by in-
21 serting “between agencies and Federal, State, local,
22 or tribal governments. This subchapter shall apply
23 only to information negotiations between Federal,
24 State, local, or tribal governments” after “informal
25 rulemaking process”;

1 (2) in section 563—

2 (A) in subsection (a)—

3 (i) in paragraph (2), by inserting
4 “Federal, State, local, or tribal govern-
5 ment” after “identifiable”; and

6 (ii) in paragraph (3), by striking
7 “persons who” and inserting “representa-
8 tives of Federal, State, local, and tribal
9 governments that”; and

10 (B) in subsection (b)—

11 (i) in paragraph (1)—

12 (I) in subparagraph (A)—

13 (aa) by striking “persons
14 who” and inserting “Federal,
15 State, local, or tribal govern-
16 ments that”; and

17 (bb) by striking “, including
18 residents of rural areas”; and

19 (II) in subparagraph (B)—

20 (aa) by striking “with such
21 persons” and inserting “with rep-
22 resentatives of those govern-
23 ments”; and

1 (bb) by striking “to such
2 persons” and inserting “to those
3 governments”; and

4 (ii) in paragraph (2), in the second
5 sentence—

6 (I) by striking “persons who”
7 and inserting “representatives of Fed-
8 eral, State, local, or tribal govern-
9 ments that”; and

10 (II) by striking “, including resi-
11 dents of rural areas”;

12 (3) in section 564—

13 (A) in the section heading, by striking “;
14 **applications for membership on com-
15 mittees**”;

16 (B) in subsection (a)—

17 (i) in paragraph (4), by striking “the
18 persons” and inserting “the representa-
19 tives of Federal, State, local, and tribal
20 governments”;

21 (ii) in paragraph (6), by adding “and”
22 at the end;

23 (iii) in paragraph (7), by striking “;
24 and” and inserting a period; and

25 (iv) by striking paragraph (8);

1 (C) by striking subsection (b);

2 (D) by redesignating subsection (c) as sub-
3 section (b); and

4 (E) in subsection (b), as so redesignated—

5 (i) in the subsection heading, by strik-
6 ing “AND APPLICATIONS”; and

7 (ii) by striking “and applications”;

8 (4) in section 565(a)—

9 (A) in paragraph (1), in the first sentence,
10 by striking “and applications”; and

11 (B) in paragraph (2)—

12 (i) by striking “and applications”; and

13 (ii) by striking “publications,” and all
14 that follows through the period at the end
15 and inserting “publications.”; and

16 (5) in section 569(a), in the first sentence—

17 (A) by striking “and encourage agency use
18 of”; and

19 (B) by inserting “between Federal, State,
20 local, and tribal governments” after “negotiated
21 rulemaking”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) BALANCED BUDGET ACT OF 1997.—Section
24 4554(b)(1) of the Balanced Budget Act of 1997 (42
25 U.S.C. 1395u note) is amended by striking “, using

1 a negotiated rulemaking process under subchapter
2 III of chapter 5 of title 5, United States Code”.

3 (2) ELEMENTARY AND SECONDARY EDUCATION
4 ACT OF 1965.—The Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 6301 et seq.) is
6 amended—

7 (A) in section 1601 (20 U.S.C. 6571)—

8 (i) in subsection (a), by striking “sub-
9 sections (b) through (d)” and insert “sub-
10 section (b)”;

11 (ii) by striking subsections (b) and
12 (c); and

13 (iii) by redesignating subsections (d)
14 and (e) as subsections (b) and (c), respec-
15 tively;

16 (B) by repealing section 1602 (20 U.S.C.
17 6572); and

18 (C) in section 8204(c)(1) (20 U.S.C.
19 7824(c)(1)), by striking “using a negotiated
20 rulemaking process to develop regulations for
21 implementation no later than the 2017-2018
22 academic year, shall define” and inserting
23 “shall, for implementation no later than the
24 2017–2018 academic year, define”.

1 (3) HEALTH INSURANCE PORTABILITY AND AC-
2 COUNTABILITY ACT OF 1996.—Section 216(b) of the
3 Health Insurance Portability and Accountability Act
4 of 1996 (42 U.S.C. 1320a–7b note) is amended—

5 (A) in the subsection heading, by striking
6 “NEGOTIATED”;

7 (B) by striking “(1) ESTABLISHMENT.—”
8 and all that follows through “chapter 5 of title
9 5, United States Code, standards” and insert-
10 ing the following:

11 “(1) IN GENERAL.—The Secretary of Health
12 and Human Services (in this subsection referred to
13 as the ‘Secretary’) shall establish standards”;

14 (C) by striking paragraphs (2) through
15 (9);

16 (D) by redesignating subparagraph (B) of
17 paragraph (1) as paragraph (2) and adjusting
18 the margins accordingly; and

19 (E) in paragraph (2), as so redesignated,
20 by striking “subparagraph (A)” and inserting
21 “paragraph (1)”.

22 (4) HIGHER EDUCATION ACT OF 1965.—The
23 Higher Education Act of 1965 (20 U.S.C. 1001 et
24 seq.) is amended—

25 (A) in section 207 (20 U.S.C. 1022f)—

1 (i) by striking subsection (e); and

2 (ii) by redesignating subsection (d) as
3 subsection (e);

4 (B) in section 422(g)(1) (20 U.S.C.
5 1072(g)(1))—

6 (i) in subparagraph (B), by adding
7 “and” at the end;

8 (ii) in subparagraph (C), by striking
9 “; and” and inserting a period; and

10 (iii) by striking subparagraph (D);

11 (C) in section 487A(b)(3)(B) (20 U.S.C.
12 1094a(b)(3)(B)), by striking “in the negotiated
13 rulemaking process,”;

14 (D) in section 491(l)(4)(A) (20 U.S.C.
15 1098(l)(4)(A)), by striking “, not later than two
16 years after the completion of the negotiated
17 rulemaking process required under section 492
18 resulting from the amendments to this Act
19 made by the Higher Education Opportunity
20 Act,”; and

21 (E) in section 492 (20 U.S.C. 1098a)—

22 (i) in the section heading, by striking
23 “**NEGOTIATED**”; and

24 (ii) by amending subsection (b) to
25 read as follows:

1 “(b) ISSUANCE OF REGULATIONS.—After obtaining
2 the advice and recommendations described in subsection
3 (a)(1), the Secretary shall issue final regulations within
4 the 360-day period described in section 437(e) of the Gen-
5 eral Education Provisions Act (12 U.S.C. 1232(e)).”.

6 (5) HOUSING ACT OF 1949.—Section 515(r)(3)
7 of the Housing Act of 1949 (42 U.S.C. 1485) is
8 amended by striking “in accordance with” and all
9 that follows through the period at the end and in-
10 sserting “under the rulemaking authority contained
11 in section 557 of title 5, United States Code.”.

12 (6) MAGNUSON-STEVENSON FISHERY CONSERVA-
13 TION AND MANAGEMENT ACT.—Section 305(g) of
14 the Magnuson-Stevens Fishery Conservation and
15 Management Act (16 U.S.C. 1855(g)) is amended—

16 (A) by striking paragraphs (2) and (3);

17 (B) in paragraph (1)—

18 (i) by striking “(A)”; and

19 (ii) by redesignating subparagraph
20 (B) as paragraph (2) and adjusting the
21 margins accordingly; and

22 (C) in paragraph (2), as so redesignated,
23 by striking the second sentence.

24 (7) MANDATORY PRICE REPORTING ACT OF
25 2010.—Section 2(b) of the Mandatory Price Report-

1 ing Act of 2010 (Public Law 111–239; 124 Stat.
2 2501) is amended—

3 (A) by striking “WHOLESALE PORK CUTS”
4 and all that follows through “Chapter 3” and
5 inserting “WHOLESALE PORK CUTS.—Chapter
6 3”; and

7 (B) by striking paragraphs (2), (3), and
8 (4) (7 U.S.C. 1635k note).

9 (8) PATIENT PROTECTION AND AFFORDABLE
10 CARE ACT.—Section 5602 of the Patient Protection
11 and Affordable Care Act (42 U.S.C. 254b note) is
12 amended—

13 (A) in the section heading, by striking
14 “**NEGOTIATED**”;

15 (B) by striking subsections (b) through
16 (h);

17 (C) in subsection (a)—

18 (i) by redesignating paragraph (2) as
19 subsection (b) and adjusting the margins
20 accordingly; and

21 (ii) in paragraph (1)—

22 (I) by striking “(1) **IN GEN-**
23 **ERAL.**—”; and

1 (II) by redesignating subpara-
2 graphs (A) and (B) as paragraphs (1)
3 and (2), respectively; and

4 (D) in subsection (b), as so redesignated,
5 by striking “paragraph (1)” and inserting “sub-
6 section (a)”.

7 (9) PRICE-ANDERSON AMENDMENTS ACT OF
8 1988.—The Price-Anderson Amendments Act of
9 1988 (Public Law 100–408; 102 Stat. 1066) is
10 amended—

11 (A) by striking subsection (b); and

12 (B) in subsection (a)—

13 (i) by striking “(1) PURPOSE.—”; and

14 (ii) by redesignating paragraph (2) as
15 subsection (b) and adjusting the margins
16 accordingly.

17 (10) SOCIAL SECURITY ACT.—Title XVIII of
18 the Social Security Act (42 U.S.C. 1395 et seq.) is
19 amended—

20 (A) in section 1834(l)(1) (42 U.S.C.
21 1395m(l)(1)), by striking “through a negotiated
22 rulemaking process described in title 5, United
23 States Code, and”; and

24 (B) in section 1856(a) (42 U.S.C. 1395w–
25 26(a))—

1 (i) by striking paragraphs (2) through
2 (9);

3 (ii) in paragraph (1)—

4 (I) by striking “(A) IN GEN-
5 ERAL.—”;

6 (II) by striking “and using a ne-
7 gotiated rulemaking process under
8 subchapter III of chapter 5 of title
9 5”; and

10 (III) by redesignating subpara-
11 graph (B) as paragraph (2) and ad-
12 justing the margins accordingly; and

13 (iii) in paragraph (2), as so redesign-
14 ated, by striking “subparagraph (A)” and
15 inserting “paragraph (1)”.

16 (11) TITLE 5.—The table of sections for sub-
17 chapter III of chapter 5 of title 5, United States
18 Code, is amended by striking the item relating to
19 section 564 and inserting the following:

“564. Publication of notice.”.

20 (12) TITLE 49.—Section 31136(g)(1) of title
21 49, United States Code, is amended—

22 (A) by striking “shall—” and all that fol-
23 lows through “issue” and inserting “shall
24 issue”;

1 (B) by striking “; or” and inserting a pe-
2 riod; and

3 (C) by striking subparagraph (B).

4 (13) TOXIC SUBSTANCES CONTROL ACT.—Sec-
5 tion 8(a) of the Toxic Substances Control Act (15
6 U.S.C. 2607(a)) is amended by striking paragraph
7 (6).

8 (14) UNITED STATES HOUSING ACT OF 1937.—
9 Section 9 of the United States Housing Act of 1937
10 (42 U.S.C. 1437g) is amended by repealing sub-
11 section (f).

12 **SEC. 306. STREAMLINING OIRA REVIEW.**

13 (a) DEFINITIONS.—In this section—

14 (1) the term “Administrator” means the Ad-
15 ministrator of the Office;

16 (2) the terms “agency”, “regulatory action”,
17 and “significant regulatory action” have the mean-
18 ings given those terms in section 3 of the Executive
19 Order;

20 (3) the term “Executive Order” means Execu-
21 tive Order 12866 (5 U.S.C. 601 note; relating to
22 regulatory planning and review); and

23 (4) the term “Office” means the Office of In-
24 formation and Regulatory Affairs.

25 (b) PROHIBITIONS.—

1 (1) NON-EXECUTIVE BRANCH OFFICIALS.—

2 With respect to a regulatory action of an agency, the
3 Office may not engage in communications or meet-
4 ings with an individual that is not employed by the
5 executive branch of the Federal Government if the
6 regulatory action is or may be subject to review by
7 the Office under section 6(b) of the Executive Order.

8 (2) INFORMAL REVIEW.—With respect to a reg-
9 ulatory action of an agency that may be subject to
10 review by the Office under section 6(b) of the Execu-
11 tive Order, the Office may not engage in commu-
12 nications or meetings with the agency before the
13 date on which the agency submits the regulatory ac-
14 tion to the Office under section 6(a)(3) of the Exec-
15 utive Order.

16 (c) TIME PERIOD FOR OIRA REVIEW.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Office shall complete a review of a
19 significant regulatory action under section 6(b) of
20 the Executive Order not less than 45 days after the
21 date on which the Office receives the significant reg-
22 ulatory action under section 6(a)(3) of the Executive
23 Order.

24 (2) EXTENSION.—The Office may extend the
25 45-day period described in paragraph (1) by a single

1 30-day period if the Office provides the agency with,
2 and makes publicly available, a written justification
3 for the extension.

4 (3) PUBLICATION OF REGULATORY ACTION.—If
5 the Office waives review of a significant regulatory
6 action of an agency under section 6(b)(2) of the Ex-
7 ecutive Order without a request for further consider-
8 ation or does not notify the agency in writing of the
9 results of the review under section 6(b) of the Exec-
10 utive Order within the time frame described in para-
11 graph (1) or (2), the agency may publish the signifi-
12 cant regulatory action in the Federal Register.

13 **SEC. 307. LIMITING TEMPORARY COURT INJUNCTIONS AND**
14 **POSTPONING OF FINAL RULES PENDING JU-**
15 **DICIAL REVIEW.**

16 Section 705 of title 5, United States Code, is amend-
17 ed—

18 (1) by striking the first sentence; and

19 (2) by adding at the end the following: “Not-
20 withstanding the preceding sentence, with respect to
21 agency action relating to notice and comment rule-
22 making under section 553 of this title, on such con-
23 ditions as may be required and to the extent nec-
24 essary to prevent irreparable injury, only the review-
25 ing court to which a case may be taken on appeal

1 from or on application for certiorari or other writ to
2 a reviewing court may issue all necessary and appro-
3 priate process to postpone the effective date of the
4 agency action or to preserve status or rights pending
5 conclusion of the review proceedings.”.

6 **SEC. 308. PENALIZING INDIVIDUALS THAT SUBMIT FALSE**
7 **INFORMATION TO AGENCIES.**

8 Section 553 of title 5, United States Code, as amend-
9 ed by section 302 of this Act, is amended by adding at
10 the end the following:

11 “(j) Any person that uses any false writing or docu-
12 ment knowing the same to contain any materially false,
13 fictitious, or fraudulent statement or entry with respect
14 to a rulemaking under this section shall be fined not more
15 than \$250,000, imprisoned not more than 5 years, or
16 both.”.

17 **SEC. 309. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC**
18 **ADVOCATE.**

19 Section 401 of the Ethics in Government Act of 1978
20 (5 U.S.C. App.) is amended by adding at the end the fol-
21 lowing:

22 “(d)(1)(A) There is established in the Office of Public
23 Integrity an office to be known as the ‘Office of the Public
24 Advocate’.

1 “(B) The Office of the Public Advocate shall be under
2 the supervision of an official to be known as the ‘National
3 Public Advocate’, who shall—

4 “(i) be appointed by the President, by and with
5 the advice and consent of the Senate;

6 “(ii) report to the Director of the Office of Pub-
7 lic Integrity;

8 “(iii) not be an employee of the Federal Gov-
9 ernment;

10 “(iv) be entitled to compensation at the same
11 rate as the highest rate of basic pay established for
12 the Senior Executive Service under section 5382 of
13 title 5, United States Code;

14 “(v) have a background in customer service,
15 consumer protection, and administrative law;

16 “(vi) have experience representing the public in
17 cases involving rules (as defined in section 551 of
18 title 5, United States Code);

19 “(vii) not have worked as an officer or employee
20 in any Federal agency during the 2-year period pre-
21 ceding appointment under this subparagraph; and

22 “(viii) agree not to accept an offer of employ-
23 ment with a Federal agency for not less than 5
24 years after ceasing to serve as the National Public
25 Advocate.

1 “(2) The duties of the Office of the Public Advocate
2 shall include—

3 “(A) assisting individuals in resolving conflicts
4 with agencies;

5 “(B) assisting agencies in soliciting public par-
6 ticipation in the rulemaking process;

7 “(C) assisting individuals in participating in the
8 rulemaking process; and

9 “(D) identifying areas in which the public has
10 problems in dealing with agencies and proposing
11 changes to mitigate those problems.

12 “(3) Not later than 180 days after the date on which
13 the National Public Advocate is appointed under this sub-
14 section or 180 days after the date of enactment of this
15 subsection, whichever is later, the National Public Adv-
16 cate shall propose regulations to carry out this sub-
17 section.”.

18 **SEC. 310. ACTIONS BY PRIVATE PERSONS.**

19 (a) DEFINITIONS.—In this section, the terms “agen-
20 cy” and “rule” have the meanings given those terms in
21 section 551 of title 5, United States Code.

22 (b) ACTIONS.—

23 (1) IN GENERAL.—A person may bring a civil
24 action for the person and for the United States Gov-
25 ernment, in the name of the Government, against

1 any person, including the United States Government
2 and any other governmental instrumentality or agen-
3 cy to the extent permitted by the Eleventh Amend-
4 ment to the Constitution of the United States, for—

5 (A) a violation of a final rule issued by an
6 agency; or

7 (B) the failure of the head of an agency to
8 comply with any requirement under this Act.

9 (2) NOTICE.—A copy of the complaint and
10 written disclosure of substantially all material evi-
11 dence and information the person possesses shall be
12 served on the Government pursuant to rule 4(d)(4)
13 of the Federal Rules of Civil Procedure. The Gov-
14 ernment may elect to intervene and proceed with the
15 action within 60 days after it receives both the com-
16 plaint and the material evidence and information.

17 (3) PARTY CONDUCTING THE ACTION.—Before
18 the expiration of the 60-day period under paragraph
19 (2), the Government shall—

20 (A) proceed with the action, in which case
21 the action shall be conducted by the Govern-
22 ment; or

23 (B) notify the court that it declines to pro-
24 ceed with the action, in which case the person

1 bringing the action shall have the right to con-
2 duct the action.

3 (4) AWARD TO PLAINTIFF.—

4 (A) GOVERNMENT PROCEEDS WITH AC-
5 TION.—If the Government proceeds with an ac-
6 tion brought by a person under this subsection,
7 the person shall receive at least 15 percent but
8 not more than 25 percent of the proceeds of the
9 action or settlement of the claim, depending
10 upon the extent to which the person substan-
11 tially contributed to the prosecution of the ac-
12 tion. Any payment to a person under this sub-
13 paragraph shall be made from the proceeds.
14 The person shall also receive an amount for
15 reasonable expenses that the court finds to have
16 been necessarily incurred, plus reasonable attor-
17 ney's fees and costs. The expenses, fees, and
18 costs shall be awarded against the defendant.

19 (B) GOVERNMENT DOES NOT PROCEED
20 WITH ACTION.—If the Government does not
21 proceed with an action under this subsection,
22 the person bringing the action or settling the
23 claim shall receive an amount which the court
24 decides is reasonable for collecting the civil pen-
25 alty and damages. The amount shall be not less

1 than 25 percent and not more than 30 percent
2 of the proceeds of the action or settlement and
3 shall be paid out of the proceeds. The person
4 shall also receive an amount for reasonable ex-
5 penses that the court finds to have been nec-
6 essarily incurred, plus reasonable attorney's
7 fees and costs. The expenses, fees, and costs
8 shall be awarded against the defendant.

9 **SEC. 311. SCOPE OF REVIEW.**

10 Section 706 of title 5, United States Code, is amend-
11 ed—

12 (1) in the first sentence of the matter preceding
13 paragraph (1), by striking “To the extent nec-
14 essary” and inserting “(a) IN GENERAL.—To the
15 extent necessary”;

16 (2) in subsection (a), as so designated, by in-
17 serting after the first sentence the following: “If a
18 statute that an agency administers is silent or am-
19 biguous, and an agency has followed the procedures
20 in section 553 or 554 of this title, as applicable, a
21 reviewing court shall defer to the agency's reason-
22 able or permissible interpretation of that statute.”;

23 (3) by striking “In making the foregoing deter-
24 minations” and inserting the following:

1 “(b) REVIEW OF RECORD.—In making the deter-
2 minations under subsection (a)”;

3 (4) in subsection (b), as so designated, by in-
4 serting “except any part of the record that the agen-
5 cy excluded from consideration pursuant to section
6 553(h)(1) of this title,” after “party,”; and

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

8 “(c) UNREASONABLE DELAY.—For purposes of sub-
9 section (a)(1), unreasonable delay shall include—

10 “(1) when an agency has not issued a notice of
11 proposed rulemaking within 1 year of the date of en-
12 actment of the legislation mandating the rule-
13 making, where no deadline for the rulemaking was
14 specified in the enacted law;

15 “(2) when an agency has not issued a final
16 version of a proposed rule within 1 year of date on
17 which the proposed rule was published in the Fed-
18 eral Register; and

19 “(3) when an agency has not implemented a
20 final rule within 1 year of the implementation date
21 published in the Federal Register or, if no imple-
22 mentation date was provided, within 1 year of the
23 date on which the final rule was published in the
24 Federal Register.”.

1 **SEC. 312. EXPANDING RULEMAKING NOTIFICATIONS.**

2 Section 553 of title 5, United States Code, as amend-
3 ed by section 308 of this Act, is amended by adding at
4 the end the following:

5 “(k)(1) Not later than 2 business days after the date
6 on which an agency publishes a notice of proposed rule-
7 making or a final rule under this section, the agency shall
8 notify interested parties of the publication.

9 “(2) The Director of the Government Publishing Of-
10 fice shall establish a process under which an agency shall
11 notify interested parties under paragraph (1) through e-
12 mail or postal mail.”.

13 **SEC. 313. PUBLIC PETITIONS.**

14 Section 553(e) of title 5, United States Code, is
15 amended—

16 (1) by inserting “(1)” before “Each agency”;
17 and

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

19 “(2) If, during a 60-day period, an agency receives
20 more than 100,000 signatures on a single petition under
21 paragraph (1), the agency shall, not later than 30 days
22 after the date on which the agency receives the petition,
23 provide a written response that includes—

24 “(A) an explanation of whether the agency has
25 engaged or is engaging in the requested issuance,
26 amendment, or repeal of a rule; and

1 “(B) if the agency has not engaged in the re-
2 requested issuance, amendment, or repeal of a rule, a
3 written explanation for not engaging in the re-
4 requested issuance, amendment, or repeal.”.

5 **SEC. 314. AMENDMENT TO CONGRESSIONAL REVIEW ACT.**

6 Section 801(b) of title 5, United States Code, is
7 amended—

- 8 (1) in paragraph (1), by striking “(1)”; and
9 (2) by striking paragraph (2).

10 **SEC. 315. COST-BENEFIT ANALYSIS.**

11 (a) DEFINITIONS.—In this section, the terms “agen-
12 cy” and “regulation” have the meanings given those terms
13 in section 3 of Executive Order 12866 (5 U.S.C. 601 note;
14 relating to regulatory planning and review).

15 (b) REQUIREMENT.—If an agency is performing a
16 cost-benefit analysis in the course of issuing a regulation,
17 the agency shall—

18 (1) take into account the benefits of the regula-
19 tion to the public, including the nonquantifiable ben-
20 efits of the regulation; and

21 (2) adopt a regulation that prioritizes benefits
22 to the public, including nonquantifiable benefits.

23 **SEC. 316. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) the Federal Employees Pay Comparability
2 Act of 1990 (as enacted by section 529 of Public
3 Law 101–509), which was designed to ensure that
4 the disparity in pay between Federal employees on
5 the General Schedule and non-Federal employees is
6 not greater than 5 percent, has not been imple-
7 mented as envisioned, resulting in significant pay
8 disparities between Federal Government and non-
9 Federal employees, including private-sector employ-
10 ees;

11 (2) Federal employees have experienced pay
12 challenges in recent years owing to pay freezes, re-
13 duced pay increases, and unpaid furlough days,
14 which have adversely impacted the ability of the
15 Federal Government to recruit and retain skilled
16 employees; and

17 (3) the President and Congress should allow the
18 statutory pay laws to be implemented as intended,
19 providing an annual across-the-board pay adjust-
20 ment and a locality pay adjustment that varies by
21 specific pay locality area.

22 **TITLE IV—JUDICIAL ETHICS**

23 **SEC. 401. CLARIFICATION OF GIFT BAN.**

24 (a) IN GENERAL.—Section 7353 of title 5, United
25 States Code, is amended—

1 (1) in subsection (a), in the matter preceding
2 paragraph (1), by striking “anything of value” and
3 inserting “a gift”; and

4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “and” at
6 the end;

7 (B) in paragraph (2), by striking the pe-
8 riod at the end and inserting “; and”; and

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

10 “(3) the term ‘gift’ means anything of value, in-
11 cluding transportation, travel, lodgings and meals,
12 whether provided in-kind, by purchase of a ticket,
13 payment in advance, or reimbursement after the ex-
14 pense has been incurred.”.

15 (b) REGULATIONS.—The Judicial Conference of the
16 United States shall promulgate regulations to carry out
17 the amendment made by subsection (a) with respect to
18 the judicial branch.

19 **SEC. 402. RESTRICT PRIVATELY FUNDED EDUCATIONAL**
20 **EVENTS AND SPEECHES.**

21 (a) JUDICIAL EDUCATION FUND.—

22 (1) ESTABLISHMENT.—Chapter 42 of title 28,
23 United States Code, is amended by adding at the
24 end the following:

1 **“§ 630. Judicial Education Fund**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘Fund’ means the Judicial Edu-
4 cation Fund established under subsection (b);

5 “(2) the term ‘institution of higher education’
6 has the meaning given that term under section
7 101(a) of the Higher Education Act of 1965 (20
8 U.S.C. 1001(a));

9 “(3) the term ‘national bar association’ means
10 a national organization that is open to general mem-
11 bership to all members of the bar;

12 “(4) the term ‘private judicial seminar’—

13 “(A) means a seminar, symposia, panel
14 discussion, course, or a similar event that pro-
15 vides continuing legal education to judges; and

16 “(B) does not include—

17 “(i) seminars that last 1 day or less
18 and are conducted by, and on the campus
19 of, an institute of higher education;

20 “(ii) seminars that last 1 day or less
21 and are conducted by a national bar asso-
22 ciation or State or local bar association for
23 the benefit of the bar association member-
24 ship; or

25 “(iii) seminars of any length con-
26 ducted by, and on the campus of an insti-

1 tute of higher education or by a national
2 bar association or State or local bar asso-
3 ciation, where a judge is a presenter and
4 at which judges constitute less than 25
5 percent of the participants; and

6 “(5) the term ‘State or local bar association’
7 means a State or local organization that is open to
8 general membership to all members of the bar in the
9 specified geographic region.

10 “(b) FUND.—There is established within the United
11 States Treasury a fund to be known as the ‘Judicial Edu-
12 cation Fund’.

13 “(c) USE OF AMOUNTS.—Amounts in the Fund may
14 be made available for the payment of necessary expenses,
15 including reasonable expenditures for transportation, food,
16 lodging, private judicial seminar fees and materials, in-
17 curred by a judge or justice in attending a private judicial
18 seminar approved by the Board of the Federal Judicial
19 Center. Necessary expenses shall not include expenditures
20 for recreational activities or entertainment other than that
21 provided to all attendees as an integral part of the private
22 judicial seminar. Any payment from the Fund shall be ap-
23 proved by the Board.

24 “(d) REQUIRED INFORMATION.—The Board may ap-
25 prove a private judicial seminar after submission of infor-

1 mation by the sponsor of that private judicial seminar that
2 includes—

3 “(1) the content of the private judicial seminar
4 (including a list of presenters, topics, and course
5 materials); and

6 “(2) the litigation activities of the sponsor and
7 the presenters at the private judicial seminar (in-
8 cluding the litigation activities of the employer of
9 each presenter) on the topic related to those ad-
10 dressed at the private judicial seminar.

11 “(e) PUBLIC AVAILABILITY.—If the Board approves
12 a private judicial seminar, the Board shall make the infor-
13 mation submitted under subsection (d) relating to the pri-
14 vate judicial seminar available to judges and the public
15 by posting the information online.

16 “(f) GUIDELINES.—The Judicial Conference shall
17 promulgate guidelines to ensure that the Board only ap-
18 proves private judicial seminars that are conducted in a
19 manner so as to maintain the public’s confidence in an
20 unbiased and fair-minded judiciary.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for deposit in the Fund
23 \$3,000,000 for each of fiscal years 2019, 2020, and 2021,
24 to remain available until expended.”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENT.—The table of sections for chapter 42 of title
3 28, United States Code, is amended by adding at
4 the end the following:

“630. Judicial Education Fund.”.

5 (b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIB-
6 ITED.—

7 (1) DEFINITIONS.—In this subsection—

8 (A) the term “gift” has the meaning given
9 that term under section 7353 of title 5, United
10 States Code, as amended by section 401;

11 (B) the term “institution of higher edu-
12 cation” has the meaning given that term under
13 section 101(a) of the Higher Education Act of
14 1965 (20 U.S.C. 1001(a)); and

15 (C) the terms “national bar association”,
16 “private judicial seminar”, and “State or local
17 bar association” have the meanings given those
18 terms under section 630 of title 28, United
19 States Code, as added by subsection (a).

20 (2) REGULATIONS.—Not later than 180 days
21 after the date of enactment of this Act, the Judicial
22 Conference of the United States shall promulgate
23 regulations to apply section 7353(a) of title 5,
24 United States Code, to prohibit the solicitation or

1 acceptance of a gift in connection with a private ju-
2 dicial seminar.

3 (3) EXCEPTION.—The prohibition under the
4 regulations promulgated under paragraph (2) shall
5 not apply if—

6 (A) the judge participates in a private judi-
7 cial seminar as a speaker, panel participant, or
8 otherwise presents information;

9 (B) Federal judges are not the primary au-
10 dience at the private judicial seminar; and

11 (C) the gift accepted is—

12 (i) reimbursement from the private ju-
13 dicial seminar sponsor of reasonable trans-
14 portation, food, or lodging expenses on any
15 day on which the judge speaks, partici-
16 pates, or presents information, as applica-
17 ble;

18 (ii) attendance at the private judicial
19 seminar on any day on which the judge
20 speaks, participates, or presents informa-
21 tion, as applicable; or

22 (iii) anything excluded from the defi-
23 nition of a gift under regulations of the
24 Judicial Conference of the United States
25 under sections 7351 and 7353 of title 5,

1 United States Code, as in effect on the
2 date of enactment of this Act.

3 **SEC. 403. CODE OF CONDUCT.**

4 (a) **APPLICABILITY.**—The Code of Conduct for
5 United States Judges adopted by the Judicial Conference
6 of the United States shall apply to the justices of the Su-
7 preme Court of the United States to the same extent as
8 such Code applies to circuit and district judges.

9 (b) **ENFORCEMENT.**—The Judicial Conference shall
10 establish procedures, modeled after the procedures set
11 forth in chapter 16 of title 28, United States Code, under
12 which—

13 (1) complaints alleging that a justice of the Su-
14 preme Court of the United States has violated the
15 Code of Conduct referred to in subsection (a) may
16 be filed with or identified by the Conference;

17 (2) such complaints are reviewed and inves-
18 tigated by the Conference; and

19 (3) further action, where appropriate, is taken
20 by the Conference, with respect to such complaints.

21 (c) **SUBMISSION TO CONGRESS; EFFECTIVE DATE.**—

22 (1) **SUBMISSION TO CONGRESS.**—Not later than
23 180 days after the date of enactment of this Act, the
24 Judicial Conference shall submit to Congress the
25 procedures established under subsection (b).

1 (2) EFFECTIVE DATE.—The procedures estab-
2 lished under subsection (b) shall take effect 270
3 days after the date of enactment of this Act.

4 **SEC. 404. IMPROVING DISCLOSURE.**

5 (a) FINANCIAL REPORTS.—Section 103(h) of the
6 Ethics in Government Act of 1978 (5 U.S.C. App.) is
7 amended by adding at the end the following:

8 “(3) The Judicial Conference shall make publicly
9 available online, at no cost, each report required under
10 this title that is filed with the Judicial Conference in a
11 searchable, sortable, machine readable, and downloadable
12 format.”.

13 (b) RECUSAL DECISIONS.—Section 455 of title 28,
14 United States Code, is amended by adding at the end the
15 following:

16 “(g) Each justice, judge, and magistrate judge of the
17 United States shall maintain a list of each association or
18 interest that would require the justice, judge, or mag-
19 istrate to be recused under subsection (b)(4).”.

20 (c) SPEECHES.—

21 (1) IN GENERAL.—Each justice, judge, and
22 magistrate judge of the United States shall maintain
23 and submit to the Judicial Conference of the United
24 States a copy of each speech or other significant oral

1 communication made by the justice, judge or mag-
2 istrate.

3 (2) AVAILABILITY.—The Judicial Conference of
4 the United States shall maintain and make each
5 speech or other significant oral communication sub-
6 mitted under paragraph (1) available to the public
7 in printed form, upon request, and online, at no
8 cost, in a searchable, sortable, machine readable,
9 and downloadable format.

10 (3) REGULATIONS.—Not later than 180 days
11 after the date of enactment of this Act, the Judicial
12 Conference of the United States shall promulgate
13 regulations regarding the types of oral communica-
14 tions that are required to be maintained, submitted,
15 and made publicly available under this subsection.

16 (d) LIVESTREAMING JUDICIAL PROCEEDINGS.—

17 (1) DEFINITION.—In this section, the term
18 “appellate court of the United States” means any
19 United States circuit court of appeals and the Su-
20 preme Court of the United States.

21 (2) STREAMING OF COURT PROCEEDINGS.—In
22 accordance with procedures established by the Judi-
23 cial Conference of the United States, the audio of
24 each open session conducted by an appellate court of
25 the United States shall be made available online con-

1 temporarily with the session, unless the appel-
2 late court of the United States, by a majority vote,
3 determines that making audio of the session avail-
4 able online would violate the constitutional rights of
5 any party to the proceeding.

6 (e) PUBLICIZING CASE ASSIGNMENT INFORMA-
7 TION.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Judicial
10 Conference of the United States shall promulgate
11 regulations requiring each court of the United States
12 to make case assignment data available to the public
13 online, at no cost, in a searchable, sortable, machine
14 readable, and downloadable.

15 (2) CONTENTS.—The case assignment data
16 made available under paragraph (1) shall include, at
17 a minimum, and to the extent available, the case
18 title, docket number, case origin, filing date, and
19 name of each authoring judge, concurring judge, and
20 dissenting judge for each opinion issued in the case.

21 (f) MAKING WEBSITES USER-FRIENDLY.—Not later
22 than 180 days after the date of enactment of this Act,
23 the Judicial Conference of the United States shall promul-
24 gate regulations requiring an evaluation of, and improve-
25 ments to, the website of each district court of the United

1 States to ensure the website is easy to understand, includ-
2 ing that it is clear how to file a complaint relating to a
3 judge or an employee of the district court.

4 **SEC. 405. APPOINTMENT OF ADMINISTRATIVE LAW**
5 **JUDGES.**

6 (a) IN GENERAL.—Section 3105 of title 5, United
7 States Code, is amended by inserting after the first sen-
8 tence the following: “Administrative law judge positions
9 shall be positions in the competitive service.”.

10 (b) CONVERSION OF POSITIONS.—With respect to
11 any individual serving on the date of enactment of this
12 Act in an excepted service position as an administrative
13 law judge appointed under section 3105 of title 5, United
14 States Code, as in effect on the day before the date of
15 enactment of this Act, the head of the agency employing
16 the administrative law judge shall convert the appointment
17 to a permanent appointment in the competitive service in
18 the agency.

19 (c) APPLICABILITY.—This section and the amend-
20 ments made by this section shall apply on and after the
21 date of enactment of this Act.

22 **SEC. 406. IMPROVE REPORTING ON JUDICIAL DIVERSITY.**

23 Section 331 of title 28, United States Code, is
24 amended in the eighth undesignated paragraph by adding
25 at the end the following: “The report submitted by the

1 Chief Justice under this paragraph shall include a report
2 on the diversity of the Federal judiciary, including diver-
3 sity of justices and judges of the United States based on
4 gender, race, ethnicity, disability status, sexual orienta-
5 tion, gender identity, national origin, and professional ex-
6 perience before being appointed a justice or judge of the
7 United States.”.

8 **SEC. 407. PLEADING STANDARDS.**

9 (a) IN GENERAL.—Rule 12 of the Federal Rules of
10 Civil Procedure is amended by adding at the end the fol-
11 lowing:

12 “(j) PLEADING STANDARDS. A court shall not dismiss
13 a complaint under Rule 12(b)(6), (c) or (e):

14 “(1) unless it appears beyond doubt that the
15 plaintiff can prove no set of facts in support of the
16 claim which would entitle the plaintiff to relief; or

17 “(2) on the basis of a determination by the
18 court that the factual contents of the complaint do
19 not show the plaintiff’s claim to be plausible or are
20 insufficient to warrant a reasonable inference that
21 the defendant is liable for the misconduct alleged.”.

22 (b) APPLICABILITY.—Rule 12(j) of the Federal Rules
23 of Civil Procedure, as added by subsection (a) shall apply
24 with respect to the dismissal of complaints except as other-
25 wise expressly provided by an Act of Congress enacted

1 after the date of the enactment of this Act or by amend-
2 ments made after such date of enactment to the Federal
3 Rules of Civil Procedure pursuant to the procedures pre-
4 scribed by the Judicial Conference of the United States
5 under chapter 131 of title 28, United States Code.

6 **SEC. 408. AVAILABILITY OF JUDICIAL OPINIONS.**

7 Section 205 of the E-Government Act of 2002 (44
8 U.S.C. 3501 note) is amended—

9 (1) in subsection (a)(5), by striking “text
10 searchable format” and inserting “text searchable
11 and machine-readable file format that may be cited
12 using a vendor-neutral and medium-neutral citation
13 system”; and

14 (2) in subsection (b), by adding at the end the
15 following:

16 “(3) BULK ACCESS.—

17 “(A) PROVISION TO GPO.—Each written
18 opinion required to be made accessible on a
19 website under subsection (a)(5) shall be pro-
20 vided to the Government Publishing Office.

21 “(B) ACCESS.—The Director of the Gov-
22 ernment Publishing Office shall make available
23 to the public for bulk download all written opin-
24 ions provide to the Government Publishing Of-
25 fice under subparagraph (A).”.

1 **TITLE V—ENFORCEMENT**
2 **Subtitle A—Office of Public**
3 **Integrity**

4 **SEC. 511. ESTABLISHMENT OF OFFICE OF PUBLIC INTEG-**
5 **RITY.**

6 (a) IN GENERAL.—The Ethics in Government Act of
7 1978 (5 U.S.C. App.) is amended—

8 (1) in title I, by striking “Government Ethics”
9 each place it appears and inserting “Public Integ-
10 rity”;

11 (2) in the heading for title IV, by striking
12 “**GOVERNMENT ETHICS**” and inserting
13 “**PUBLIC INTEGRITY**”;

14 (3) in section 401—

15 (A) by striking “Government Ethics” each
16 place it appears and inserting “Public Integ-
17 rity”;

18 (B) in subsection (a)—

19 (i) by inserting “(1)” before “There is
20 established”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(2) The purposes of the Office of Public Integrity
24 are—

1 “(A) to consolidate and strengthen Federal eth-
2 ics enforcement and anti-corruption public integrity
3 efforts;

4 “(B) to conduct anti-corruption, ethics, and
5 public integrity oversight of officers and employees
6 of the Federal Government through investigations,
7 corrective action, and other actions and penalties;

8 “(C) to promote public integrity and prevent
9 corruption within the Federal Government through
10 education, advisory, guidance, and rulemaking;

11 “(D) to facilitate accountability through affirm-
12 ative public disclosures, lobbying registration, and
13 the promotion of transparency across the Federal
14 Government; and

15 “(E) to protect the public’s interest in democ-
16 racy and Federal policymaking.”; and

17 (C) by adding after subsection (d), as
18 added by section 309 of this Act, the following:

19 “(e)(1) There is established within the Office of Pub-
20 lic Integrity a division to be known as the ‘Government
21 Ethics Division’.

22 “(2) The Government Ethics Division shall carry out
23 all functions of the Office of Government Ethics under this
24 Act as of the day before the date of enactment of this
25 subsection, including—

1 “(A) providing advice to designated agency eth-
2 ics officials, including legal advisories, education
3 advisories, and program management advisories on
4 substantive ethics issues;

5 “(B) providing training and education opportu-
6 nities to designated agency ethics officials on an on-
7 going basis; and

8 “(C) providing confidential advice, which, sub-
9 ject to paragraph (3), shall not lead to enforcement
10 action, for any agency employee seeking confidential
11 ethics advice.

12 “(3)(A) The Government Ethics Division may refer
13 a matter for enforcement based on information obtained
14 in providing advice to an employee under paragraph
15 (2)(C) if the employee—

16 “(i) knowingly makes a material misrepresenta-
17 tion, including making a significant omission in pro-
18 viding information, to the Government Ethics Divi-
19 sion;

20 “(ii) has already taken the action in violation of
21 the laws or regulations relating to conflicts of inter-
22 est or other ethics issues;

23 “(iii) reveals significant criminal activity, par-
24 ticularly criminal activity outside the jurisdiction of
25 the Office of Public Integrity;

1 “(iv) engaged in a prohibited personnel practice
2 described in paragraph (8) or subparagraph (A)(i),
3 (B), (C), or (D) of paragraph (9) of section 2302(b)
4 of title 5, United States Code; or

5 “(v) engaged in other actions, as established by
6 the Director by regulation.

7 “(B) An employee who seeks advice under paragraph
8 (2)(C) may be subject to administrative remedies, such as
9 reprimand, divestiture, forced recusal, or other corrective
10 actions to remedy the violation.

11 “(C) Notwithstanding any other provision in this
12 paragraph, the Director may promulgate regulations (in-
13 cluding regulations under subparagraph (A)(v)) to ensure
14 that—

15 “(i) an employee who engages in conduct in
16 good faith reliance upon an advisory opinion issued
17 to the employee by the Government Ethics Division
18 or a designated agency ethics official generally shall
19 not be subject to civil, criminal, or disciplinary ac-
20 tion by the Office of Public Integrity;

21 “(ii) an advisory opinion issued to an employee
22 by the Government Ethics Division or a designated
23 agency ethics official shall not prevent the employee
24 from being subject to other civil or disciplinary ac-
25 tion if the conduct of the employee violates another

1 law, rule, regulation, or lawful management policy or
2 directive; and

3 “(iii) if an employee has actual knowledge or
4 reason to believe that an advisory opinion issued to
5 the employee by the Government Ethics Division or
6 a designated agency ethics official is based on fraud-
7 ulent, misleading, or otherwise incorrect information,
8 the reliance of the employee on the opinion not be
9 deemed to be in good faith.”;

10 (4) in section 403, by striking “Government
11 Ethics” each place it appears and inserting “Public
12 Integrity”; and

13 (5) in section 503(2), by striking “Government
14 Ethics” and inserting “Public Integrity”.

15 (b) OFFICERS.—

16 (1) DIRECTOR.—Section 401(b) of the Ethics
17 in Government Act of 1978 (5 U.S.C. App.) is
18 amended—

19 (A) by inserting “(1)” before “There shall
20 be”;

21 (B) by inserting “without regard to polit-
22 ical affiliation and solely on the basis of integ-
23 rity and demonstrated ability to fulfill the re-
24 sponsibilities of the role of Director” after “who
25 shall be appointed”;

1 (C) by striking “Effective with respect”
2 and inserting the following:

3 “(3) Effective with respect”;

4 (D) by inserting after paragraph (1), as so
5 designated, the following:

6 “(2) Each individual appointed by the President to
7 the position of Director—

8 “(A) shall not have any conflict of interest with
9 respect to any aspect of performing the duties and
10 responsibilities of the Director;

11 “(B) shall have a demonstrated record in public
12 integrity and ethics enforcement;

13 “(C) shall not have ever been registered, or re-
14 quired to be registered, as a lobbyist under the Lob-
15 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
16 seq.);

17 “(D) during the 4-year period ending on the
18 date on which the President nominates the indi-
19 vidual to the position of Director, shall not have en-
20 gaged in any significant political activity (including
21 being a candidate for public office, fundraising for a
22 candidate for public office or a political party, or
23 serving as an officer or employee of a political cam-
24 paign or party);

1 “(E) shall not have ever been an agent of a for-
2 foreign principal registered under the Foreign Agents
3 Registration Act of 1938 (22 U.S.C. 611 et seq.);
4 and

5 “(F) during the 4-year period ending on the
6 date on which the President nominates the indi-
7 vidual to the position of Director, shall not served as
8 a fiduciary or personal attorney for an officer or em-
9 ployee of the Federal Government, including anyone
10 elected to public office.”; and

11 (E) by adding at the end the following:

12 “(4) The Director may only be removed from office
13 by the President for inefficiency, neglect of duty, or mal-
14 feasance in office.

15 “(5) Not later than 30 days before the date on which
16 the President removes the Director from office or trans-
17 fers the Director to another position or location for ineffi-
18 ciency, neglect of duty, or malfeasance in office, the Presi-
19 dent shall submit to the Senate and the House of Rep-
20 resentatives written notice of the reasons for the removal
21 or transfer.

22 “(6) During the period of any absence or unavail-
23 ability of the Director, including a vacancy in the office
24 of the Director, all powers and duties of the Director shall
25 be vested in the Deputy Director.

1 “(7) The Director may continue to serve beyond the
2 expiration of the term of the Director until a successor
3 is appointed, by and with the advice and consent of the
4 Senate.”.

5 (2) ASSISTANT DIRECTORS.—Section 401(e)(1)
6 of the Ethics in Government Act of 1978 (5 U.S.C.
7 App.) is amended by inserting “and Assistant Direc-
8 tors (which may include an Assistant Director for
9 Investigations, an Assistant Director for Govern-
10 ment Transparency, and an Assistant Director for
11 the Government Ethics Division)” after “including
12 attorneys”.

13 (3) DEPUTY DIRECTOR.—Section 401 of the
14 Ethics in Government Act of 1978 (5 U.S.C. App.)
15 is amended by adding after subsection (e), as added
16 by subsection (a) of this section, the following:

17 “(f)(1) There shall be in the Office of Public Integrity
18 a Deputy Director, who shall—

19 “(A) be appointed by the President in accord-
20 ance with paragraph (2), by and with the advice and
21 consent of the Senate; and

22 “(B) serve as acting Director in the event of
23 the absence or unavailability of the Director, includ-
24 ing a vacancy in the office of the Director.

1 “(2) Each individual appointed by the President to
2 the position of Deputy Director—

3 “(A) shall not have any conflict of interest with
4 respect to any aspect of performing the duties and
5 responsibilities of the Deputy Director;

6 “(B) shall have a demonstrated record in public
7 integrity and ethics enforcement;

8 “(C) shall not have ever been registered, or re-
9 quired to be registered, as a lobbyist under the Lob-
10 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
11 seq.);

12 “(D) during the 4-year period ending on the
13 date on which the President nominates the indi-
14 vidual to the position of Deputy Director, shall not
15 have engaged in any significant political activity (in-
16 cluding being a candidate for public office, fund-
17 raising for a candidate for public office or a political
18 party, or serving as an officer or employee of a polit-
19 ical campaign or party);

20 “(E) shall not have ever been an agent of a for-
21 eign principal registered under the Foreign Agents
22 Registration Act of 1938 (22 U.S.C. 611 et seq.);
23 and

24 “(F) during the 4-year period ending on the
25 date on which the President nominates the indi-

1 vidual to the position of Deputy Director, shall not
2 served as a fiduciary or personal attorney for an of-
3 ficer or employee of the Federal Government, includ-
4 ing anyone elected to public office.”.

5 (c) AUTHORITY AND FUNCTIONS.—Section 402 of
6 the Ethics in Government Act of 1978 (5 U.S.C. App.)
7 is amended—

8 (1) in subsection (a)—

9 (A) by striking “shall provide” and insert-
10 ing the following: “shall—

11 “(1) provide”;

12 (B) by striking the period at the end and
13 inserting “; and”; and

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

15 “(2) investigate potential violations by officers and
16 employees in all branches of the Federal Government or
17 by any other person of the laws or regulations relating
18 to conflicts of interest or other ethics issues, to the extent
19 allowable by law and the Constitution.”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by striking “the President or”;

23 (ii) by striking “ethics” and inserting
24 “other ethics issues”; and

1 (iii) by striking “title II of this Act”
2 and inserting “title I”;

3 (B) in paragraph (2)—

4 (i) by striking “the President or”; and

5 (ii) by inserting “and other ethics
6 issues” before the semicolon;

7 (C) in paragraph (3), by striking “title II
8 of this Act” and inserting “title I”;

9 (D) in paragraph (4)—

10 (i) by striking “conflict of interest
11 laws or regulations” and inserting “laws or
12 regulations relating to conflicts of interest
13 or other ethics issues”; and

14 (ii) by striking “ethical problems” and
15 inserting “other ethics issue”;

16 (E) in paragraph (6)—

17 (i) by striking “the President or”; and

18 (ii) by striking “ethical problems” and
19 inserting “other ethics issues”;

20 (F) in paragraph (7), by striking “conflict
21 of interest problems” and inserting “conflicts of
22 interest or other ethics issues”;

23 (G) by striking paragraph (9) and insert-
24 ing the following:

1 “(9)(A) investigating potential violations by of-
2 ficers and employees in the Federal Government (in-
3 cluding officers and employees in positions in the
4 Executive Office of the President (including the
5 White House Office)) of the laws or regulations re-
6 lating to conflicts of interest or other ethics issues;

7 “(B) ordering (or with respect to the President,
8 recommending) corrective action on the part of
9 agencies, officers, and employees, as determined ap-
10 propriate by the Director;

11 “(C) as the Director determines appropriate,
12 referring an alleged violation of the laws or regula-
13 tions relating to conflicts of interest or other ethics
14 issues to the Attorney General or the head of the ap-
15 propriate agency for civil or criminal enforcement;
16 and

17 “(D) order appropriate disciplinary action with
18 respect to an officer or employee in the executive
19 branch, in accordance with subsection (f)(2);”;

20 (H) by striking paragraph (11) and insert-
21 ing the following:

22 “(11)(A) evaluating the effectiveness of the
23 laws and regulations relating to conflicts of interest
24 and other ethics issues and recommending to Con-
25 gress appropriate amendments to prevent corruption

1 and to improve Government ethics, accountability,
2 public integrity, and transparency; and

3 “(B) preparing an annual report to Congress,
4 which shall include—

5 “(i) any recommended amendments de-
6 scribed in subparagraph (A);

7 “(ii) a description of any significant ac-
8 tions taken by the Director in carrying out the
9 duties of the Director, including specific steps
10 taken to ensure that Federal officers and em-
11 ployees are complying with the laws and regula-
12 tions relating to conflicts of interest or other
13 ethics issues;

14 “(iii) information concerning significant
15 violations of the laws or regulations relating to
16 conflicts of interest or other ethics issues; and

17 “(iv) corrective action concerning violations
18 described in clause (iii) and progress made in
19 implementing such corrective action;”;

20 (I) in paragraph (12), by striking “conflict
21 of interest and ethical problems” and inserting
22 “conflicts of interest and other ethics issues”;

23 (J) by striking paragraph (13) and insert-
24 ing the following:

1 “(13) referring any potential violation of the
2 laws and regulations relating to conflicts of interest
3 and other ethics issues determined appropriate by
4 the Director for criminal enforcement to the Attor-
5 ney General, accompanied by any evidence in the
6 possession of the Director and recommendations, if
7 any, of the Director regarding the appropriate
8 charges or penalties;”;

9 (K) in paragraph (14), by striking “and”
10 at the end;

11 (L) in paragraph (15), by striking “title II
12 of this Act.” and inserting “title I;”; and

13 (M) by adding at the end the following:

14 “(16)(A) assuming responsibilities for disclo-
15 sures of Executive Branch financial holdings, lob-
16 bing, and influencing activities;

17 “(B) conducting periodic and routine audits of
18 disclosures described in subparagraph (A) to ensure
19 the accuracy of the documents; and

20 “(C) conducting targeted audits of disclosures
21 described in subparagraph (A) when the Director
22 has reason to believe such disclosures contain inac-
23 curacies or misinformation;

24 “(17) receiving, and within a reasonable time-
25 frame responding to, complaints from members of

1 the public of alleged violations of the laws or regula-
2 tions relating to conflicts of interest or other ethics
3 issues;

4 “(18) reporting publicly anonymized informa-
5 tion regarding the resolution of complaints received
6 under paragraph (17);

7 “(19) making available online on a central
8 website that allows records to be available in a
9 searchable, sortable, and downloadable format all
10 ethics records that are required to be made publicly
11 available under any provision of law, or that the Di-
12 rector determines may and should be made publicly
13 available, including ethics records described sub-
14 section (j)(1);

15 “(20) after providing notice and an opportunity
16 for a hearing, imposing appropriate civil monetary
17 penalties against individuals and entities who violate
18 the laws or regulations relating to conflicts of inter-
19 est or other ethics issues;

20 “(21) making appropriate enforcement referrals
21 to the Securities and Exchange Commission, the Of-
22 fice of the Special Counsel, and other relevant Fed-
23 eral or State law enforcement agencies in instances
24 of violations of Federal or State law, where appro-
25 priate;

1 “(22) except as otherwise required by law or re-
2 served to the President, making and overseeing any
3 waiver of the laws or regulations relating to conflicts
4 of interest or other ethics issues;

5 “(23) testifying before each House of Congress
6 at least annually;

7 “(24) approving any significant determination
8 by a designated agency ethics official, including any
9 ethics agreement, financial disclosure, recusal agree-
10 ment, or divestment determination, for any indi-
11 vidual serving in a position—

12 “(A) on any level of the Executive Sched-
13 ule under subchapter II of chapter 53 of title
14 5, United States Code;

15 “(B) in the executive branch pursuant to
16 an appointment by the President, by and with
17 the advice and consent of the Senate; or

18 “(C) in the Executive Office of the Presi-
19 dent;

20 “(25) overseeing the day to day activities of
21 each Inspector General in the executive branch, ex-
22 cept to the extent provided otherwise by law; and

23 “(26) administering the provisions of this title
24 as they pertain to the heads of agencies.”;

25 (3) in subsection (e)—

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

3 (B) in paragraph (2), by striking the pe-
4 riod at the end and inserting “; and”; and

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

6 “(3) each executive agency shall furnish to the
7 Director all information and records in the posses-
8 sion of the executive agency that the Director deter-
9 mines to be necessary for the performance of the du-
10 ties of the Director.”;

11 (4) in subsection (f)—

12 (A) in paragraph (1)(A)—

13 (i) in clause (i), by inserting “(or,
14 with respect to the President, rec-
15 ommend)” after “order” the first place it
16 appears; and

17 (ii) in clause (ii), by inserting “(or,
18 with respect to the President, rec-
19 ommend)” after “order”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) in clause (ii)(II), by inserting
23 “and Congress” after the “the Presi-
24 dent”; and

25 (II) in clause (iv)—

1 (aa) in subclause (I), by
2 striking “may recommend” and
3 all that follows through “brought
4 against the officer or employee”
5 and inserting “may recommend
6 that the agency head take a spe-
7 cific disciplinary action (including
8 reprimand, suspension, demotion,
9 or dismissal) or that the agency
10 head take such disciplinary ac-
11 tion as the agency head deter-
12 mines appropriate with respect to
13 the officer or employee”; and

14 (bb) by striking subclause
15 (II) and inserting the following:

16 “(II) if the Director recommends
17 a specific disciplinary action under
18 subclause (I) and the head of the
19 agency (not including the President)
20 has not taken appropriate disciplinary
21 action within 90 days after the Direc-
22 tor recommends such action, may,
23 after notifying the President and Con-
24 gress in writing, order appropriate
25 disciplinary action with respect to the

1 officer or employee, in accordance
2 with subparagraph (B), including rep-
3 rimand, suspension, demotion, or dis-
4 missal of the officer or employee.”;

5 (ii) in subparagraph (B)—

6 (I) by striking clause (iii) and in-
7 serting the following:

8 “(iii) Subject to clause (iv) of this subparagraph, be-
9 fore the Director orders any action under subparagraph
10 (A)(iii) or orders any disciplinary action under subpara-
11 graph (A)(iv), the Director shall afford the officer or em-
12 ployee involved an opportunity for a hearing, if requested
13 by such officer or employee, which shall be conducted on
14 the record.”;

15 (II) by redesignating clause (iv)
16 as clause (vi);

17 (III) by inserting after clause
18 (iii) the following:

19 “(iv) The Director shall make publicly available any
20 recommendation of a specific disciplinary action made by
21 the Director under subparagraph (A)(iv)(I).

22 “(v) The authority of the Director under subpara-
23 graph (A)(iv)(II) to order disciplinary action may not be
24 delegated.”; and

1 (IV) in clause (vi), as so redesign-
2 nated—

3 (aa) by striking “title 2”
4 and inserting “title I”; and

5 (bb) by striking “section
6 206” and inserting “section
7 104”; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C)(i)(I) A political appointee (as defined in section
11 714(h) of title 38, United States Code) with respect to
12 whom the Director orders a disciplinary action under sub-
13 paragraph (A)(iv) may appeal the order to the President.

14 “(II) A determination by the President in an appeal
15 under subclause (I) shall be—

16 “(aa) made in writing;

17 “(bb) submitted to Congress; and

18 “(cc) made publicly available by the President.

19 “(III) A determination by the President in an appeal
20 under subclause (I) shall not be subject to judicial review.

21 “(ii) An officer or employee who is not a political ap-
22 pointee with respect to whom the Director orders a dis-
23 ciplinary action under subparagraph (A)(iv) may—

1 “(I) appeal a final order or decision of the Di-
2 rector to the Merit Systems Protection Board under
3 section 7701 of title 5, United States Code; and

4 “(II) seek judicial review of a final order or de-
5 cision of the Merit Systems Protection Board in the
6 Court of Appeals for the Federal Circuit in accord-
7 ance with section 7703 of title 5, United States
8 Code.”;

9 (C) in paragraph (3), in the matter pre-
10 ceding subparagraph (A), by striking “para-
11 graph (2)(A)(iii)” and inserting “clause (iii) or
12 (iv) of paragraph (2)(A)”;

13 (D) by striking paragraph (5); and

14 (E) by redesignating paragraph (6) as
15 paragraph (5); and

16 (5) by adding at the end the following:

17 “(g) As part of an investigation of potential violations
18 of the laws or regulations relating to conflicts of interest
19 or other ethics issues, the Director may require by sub-
20 poena the attendance of and testimony by witnesses and
21 the production any book, check, canceled check, cor-
22 respondence, communication, document, email, papers,
23 physical evidence, record, recording, tape, or other mate-
24 rial (including electronic records) relating to any matter

1 or question the Director is authorized to investigate from
2 any individual or entity.

3 “(h)(1) If the Attorney General declines to prosecute
4 a criminal matter referred by the Director, the Attorney
5 General shall submit to the Director and make publicly
6 available written notice regarding the declination.

7 “(2) The Attorney General may redact information
8 from the publicly available written notice under paragraph
9 (1) if the Attorney General determines that disclosure of
10 the information would constitute a clearly unwarranted in-
11 vasion of personal privacy.

12 “(i)(1) In addition to the authority otherwise pro-
13 vided by this Act, the Director, any Assistant Director for
14 Investigations under the Director who is appointed by the
15 Director, and any special agent supervised by the Director
16 or Assistant Director may be authorized by the Attorney
17 General to seek warrants for search of a premises or sei-
18 zure of evidence issued under the authority of the United
19 States upon probable cause to believe that a violation has
20 been committed.

21 “(2) The Attorney General shall promulgate, and re-
22 vise as appropriate, guidelines which shall govern the exer-
23 cise of the law enforcement powers established under para-
24 graph (1).

1 “(3)(A) The power authorized for the Office of Public
2 Integrity under paragraph (1) may be rescinded or sus-
3 pended upon—

4 “(i) a determination by the Attorney General
5 that the exercise of authorized power by the Office
6 of Public Integrity has not complied with the guide-
7 lines promulgated by the Attorney General under
8 paragraph (2); or

9 “(ii) a determination by the Attorney General
10 that available assistance from other law enforcement
11 agencies is sufficient to meet the need for such pow-
12 ers.

13 “(B) The powers authorized to be exercised by any
14 individual under paragraph (1) may be rescinded or sus-
15 pended with respect to that individual upon a determina-
16 tion by the Attorney General that such individual has not
17 complied with guidelines promulgated by the Attorney
18 General under paragraph (2).

19 “(4) No provision of this subsection shall limit the
20 exercise of law enforcement powers established under any
21 other statutory authority, including United States Mar-
22 shals Service special deputation.

23 “(j)(1) In carrying out subsection (b)(19), except for
24 classified records and any specific record described in this
25 paragraph the Director determines should not be made

1 publicly available, the website described in subsection
2 (b)(19) shall include—

3 “(A) public financial disclosure reports of nomi-
4 nees and appointees to positions on any level of the
5 Executive Schedule under subchapter II of chapter
6 53 of title 5, United States Code;

7 “(B) other public financial disclosure reports
8 reviewed by the Office of Public Integrity;

9 “(C) ethics agreements of individuals nomi-
10 nated or appointed to a position by the President;

11 “(D) certifications of compliance with ethics
12 agreements by individuals appointed to a position by
13 the President;

14 “(E) ethics agreements of individuals appointed
15 pursuant to subparagraph (A), (B), or (C) of section
16 105(a)(2) or subparagraph (A), (B), or (C) of sec-
17 tion 106(a)(1) of title 3, United States Code;

18 “(F) certifications of compliance with ethics
19 agreements by individuals appointed pursuant to
20 subparagraph (A), (B), or (C) of section 105(a)(2)
21 or subparagraph (A), (B), or (C) of section
22 106(a)(1) of title 3, United States Code;

23 “(G) all ethics waivers, including waivers for
24 senior government officials as defined in section 101

1 of the Anti-Corruption and Public Integrity Act,
2 issued pursuant to—

3 “(i) section 207 or 208 of title 18, United
4 States Code;

5 “(ii) section 2635.502(d) of title 5, Code of
6 Federal Regulations, or any successor thereto;

7 “(iii) section 2635.503(c) of title 5, Code
8 of Federal Regulations, or any successor there-
9 to;

10 “(iv) any Executive Order; and

11 “(v) any other authority to waive other
12 ethics requirements or extend any ethics-related
13 deadlines;

14 “(H) certificates of divestiture;

15 “(I) records of approval by agencies of the ac-
16 ceptance of gifts by individuals appointed to a posi-
17 tion by the President from outside sources for which
18 employees must obtain agency approval;

19 “(J) records relating to the initial ethics brief-
20 ings of individuals appointed to a position by the
21 President required by section 2638.305 of title 5,
22 Code of Federal Regulations, or any successor there-
23 to;

24 “(K) records of ethics training completed by in-
25 dividuals appointed to a position by the President;

1 “(L) reports of the review by the Office of Pub-
2 lic Integrity of agency ethics programs;

3 “(M) report filed by executive agencies with the
4 General Services Administration regarding the use
5 of Government aircraft by senior officials, which
6 shall be posted at least every 90 days and shall con-
7 tain a complete explanation of the decision to use a
8 Government aircraft, the cost of the use of a Gov-
9 ernment aircraft, and the selection of the type of
10 aircraft used;

11 “(N) any reports submitted to Congress by the
12 Office of Public Integrity; and

13 “(O) any other ethics records that the Director
14 makes available to the public.

15 “(2) The Director shall ensure that—

16 “(A) all ethics agreements approved by the Di-
17 rector specify conflicts of interest for each indi-
18 vidual, including all matters from which the indi-
19 vidual shall be recused; and

20 “(B) the information relating to ethics agree-
21 ments made available under subsection (b)(19) is
22 updated to reflect any additional matters from which
23 the individual shall be recused.”.

1 (d) REPORTS TO CONGRESS.—Section 408 of the
2 Ethics in Government Act of 1978 (5 U.S.C. App.) is
3 amended—

4 (1) by inserting “(a)” before “The Director
5 shall,”; and

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

7 “(b) Notwithstanding any other provision of law or
8 any rule, regulation, or policy directive, upon request by
9 a committee or subcommittee of Congress, the Director,
10 or any employee of the Office of Public Integrity des-
11 ignated by the Director, may transmit to the committee
12 or subcommittee, by report, testimony, or otherwise, infor-
13 mation and views on functions, responsibilities, or other
14 matters relating to the Office of Public Integrity, without
15 review, clearance, or approval by any other administrative
16 authority.

17 “(c)(1) For each fiscal year, the Director may trans-
18 mit a budget estimate and request to Congress.

19 “(2) The President shall include in each budget sub-
20 mitted under section 1105 of title 31, United States
21 Code—

22 “(A) a separate statement of the budget esti-
23 mate and request prepared with the Director;

24 “(B) the amount requested by the President for
25 the Office of Public Integrity; and

1 “(C) any comments of the Director with respect
2 to the proposal by the President if the Director con-
3 cludes that the budget submitted by the President
4 would substantially inhibit the Director from per-
5 forming the duties of the office.”.

6 (e) DEFINITIONS.—Title IV of the Ethics in Govern-
7 ment Act of 1978 (5 U.S.C. App.) is amended by adding
8 at the end the following:

9 “SEC. 409. DEFINITIONS.—For purposes of this
10 title—

11 “(1) the term ‘agency’ includes the Executive
12 Office of the President;

13 “(2) the term ‘head of an agency’ includes the
14 President or a designee of the President, for pur-
15 poses of applying this title to the White House and
16 the Executive Office of the President; and

17 “(3) the term ‘laws or regulations relating to
18 conflicts of interest or other ethics issues’ includes
19 this Act, sections 203 through 209 of title 18,
20 United States Code, the Stop Trading on Congres-
21 sional Knowledge Act of 2012 (Public Law 112–105;
22 5 U.S.C. App., note to section 101 of Public Law
23 95–521), any Executive order substantially con-
24 cerning Government ethics, any written ethics agree-
25 ment or pledge signed by a Presidential appointee,

1 and any other relevant ethics statutes or regula-
2 tions.”.

3 (f) PROVISION OF FINANCIAL DISCLOSURES TO THE
4 OFFICE OF PUBLIC INTEGRITY.—Section 103(j) of the
5 Ethics in Government Act of 1978 (5 U.S.C. App.) is
6 amended—

7 (1) in paragraph (1), by inserting “and the Di-
8 rector of the Office of Public Integrity” after “Offi-
9 cial Conduct of the House of Representatives”; and

10 (2) in paragraph (2), by inserting “and the Di-
11 rector of the Office of Public Integrity” after “Eth-
12 ics of the Senate”.

13 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) Section 5314 of title 5, United States Code,
15 is amended by striking the item relating to the Di-
16 rector of the Office of Government Ethics and in-
17 serting the following:

18 “Director of the Office of Public Integrity.”.

19 (2) Section 7302(a) of title 5, United States
20 Code, is amended by striking “Government Ethics”
21 and inserting “Public Integrity”.

22 (3) Section 7353(d)(1)(D) of title 5, United
23 States Code, is amended by striking “Government
24 Ethics” and inserting “Public Integrity”.

1 (4) Section 11(b)(1)(E) of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App.) is amended by
3 striking “Government Ethics” and inserting “Public
4 Integrity”.

5 (5) Section 12(f) of the Federal Deposit Insur-
6 ance Act (12 U.S.C. 1822(f)) is amended by striking
7 “Government Ethics” each place it appears and in-
8 serting “Public Integrity”.

9 (6) Section 152(g) of the Financial Stability
10 Act of 2010 (12 U.S.C. 5342(g)) is amended by
11 striking “Government Ethics” and inserting “Public
12 Integrity”.

13 (7) Section 9(o)(12) of the Small Business Act
14 (15 U.S.C. 638(o)(12)) is amended by striking
15 “Government Ethics” and inserting “Public Integ-
16 rity”.

17 (8) Section 207 of title 18, United States Code,
18 is amended by striking “Government Ethics” each
19 place it appears and inserting “Public Integrity”.

20 (9) Section 208 of title 18, United States Code,
21 is amended by striking “Government Ethics” each
22 place it appears and inserting “Public Integrity”.

23 (10) Section 1043(b) of the Internal Revenue
24 Code of 1986 is amended by striking “Government

1 Ethics” each place it appears and inserting “Public
2 Integrity”.

3 (11) Section 594(j)(5) of title 28, United States
4 Code, is amended by striking “Government Ethics”
5 and inserting “Public Integrity”.

6 (12) Section 1353 of title 31, United States
7 Code, is amended by striking “Government Ethics”
8 each place it appears and inserting “Public Integ-
9 rity”.

10 (13) Section 2303(c) of title 41, United States
11 Code, is amended by striking “Government Ethics”
12 and inserting “Public Integrity”.

13 (14) Section 3(d)(3) of the Department of the
14 Interior Volunteer Recruitment Act of 2005 (43
15 U.S.C. 1475b(d)(3)) is amended by striking “Gov-
16 ernment Ethics” and inserting “Public Integrity”.

17 (15) Section 40122(d) of title 49, United States
18 Code, is amended by striking “Government Ethics”
19 and inserting “Public Integrity”.

20 (16) Section 102A of the National Security Act
21 of 1947 (50 U.S.C. 3024) is amended by striking
22 “Government Ethics” each place it appears and in-
23 serting “Public Integrity”.

24 (17) Section 12(g) of the Central Intelligence
25 Agency Act of 1949 (50 U.S.C. 3512(g)) is amended

1 in the matter preceding paragraph (1) by striking
2 “Government Ethics” and inserting “Public Integ-
3 rity”.

4 **SEC. 512. DESIGNATED AGENCY ETHICS OFFICIALS.**

5 (a) IN GENERAL.—Section 109(3) of the Ethics in
6 Government Act of 1978 (5 U.S.C. App.) is amended to
7 read as follows:

8 “(3) ‘designated agency ethics official’ means
9 an officer or employee of an agency—

10 “(A) who is appointed and supervised by
11 the head of the agency, after consultation with
12 the Director of the Office of Public Integrity
13 and the Inspector General of the agency;

14 “(B) who may only be removed by the
15 head of the agency, after consultation with the
16 Director of the Office of Public Integrity and
17 the Inspector General of the agency;

18 “(C) has a permanent duty station in the
19 same physical building as the head of the agen-
20 cy employing the officer or employee, unless the
21 head of the agency is the President;

22 “(D) is designated to administer the provi-
23 sions of this title within the agency, except as
24 they pertain to the head of the agency;

1 “(E) may not have other significant duties
2 or responsibilities that might distract from the
3 duty of the officer or employee to administer
4 the provisions of this title within the agency;
5 and

6 “(F) who shall not, at any time or in any
7 manner, be prevented, inhibited, or prohibited
8 by the head of the agency from administering
9 the provisions of this title within the agency.”.

10 (b) REVIEW BY DIRECTOR.—Section 111 of the Eth-
11 ics in Government Act of 1978 (5 U.S.C. App.) is amend-
12 ed—

13 (1) by inserting “(a)” before “The provisions”;

14 (2) by inserting “(subject to subsection (b))”
15 after “designated agency ethics official”; and

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

17 “(b)(1) A designated agency ethics official shall sub-
18 mit to the Director of the Office of Public Integrity—

19 “(A) each significant determination (in-
20 cluding any ethics agreement, financial disclo-
21 sure, recusal agreement, or divestment deter-
22 mination) by the designated agency ethics offi-
23 cial relating to the application or implementa-
24 tion of the laws or regulations relating to con-
25 flicts of interest or other ethics issues (includ-

1 ing this title) for any individual serving in a po-
2 sition—

3 “(i) on any level of the Executive
4 Schedule under subchapter II of chapter
5 53 of title 5, United States Code;

6 “(ii) in the executive branch pursuant
7 to an appointment by the President, by
8 and with the advice and consent of the
9 Senate; or

10 “(iii) in the Executive Office of the
11 President;

12 “(B) any determination by the designated
13 agency ethics official relating to the application
14 or implementation of the laws or regulations re-
15 lating to conflicts of interest or other ethics
16 issues (including this title) that the Director re-
17 quests from the designated agency ethics offi-
18 cial.

19 “(2) The Director of the Office of Public Integ-
20 rity—

21 “(A) may review any determination re-
22 ceived under paragraph (1);

23 “(B) shall notify and advise the designated
24 agency ethics official if the Director determines
25 that the determination received under para-

1 graph (1) does not comport with the laws or
2 regulations relating to conflicts of interest or
3 other ethics issues;

4 “(C) not later than 30 days after the noti-
5 fication and advice under subparagraph (B),
6 may reverse or modify the determination if the
7 Director determines that the determination does
8 not comport with the laws or regulations relat-
9 ing to conflicts of interest or other ethics issues;
10 and

11 “(D) shall periodically audit a sample of
12 determinations received under paragraph (1).”.

13 (c) AUTHORITY TO RECOMMEND DISCIPLINE.—Sec-
14 tion 111 of the Ethics in Government Act of 1978 (5
15 U.S.C. App.), as amended by subsection (b), is amended
16 by adding at the end the following:

17 “(c)(1) If a designated agency ethics official has cred-
18 ible evidence or reason to believe that an officer or em-
19 ployee of the agency is violating, or has violated, any rule,
20 regulation, or Executive order relating to conflicts of inter-
21 est or standards of conduct, the designated agency ethics
22 official may—

23 “(A) refer potential violations to the Inspector
24 General or the Director of the Office of Public In-
25 tegrity; and

1 “(B) recommend that the head of the agency
2 take a specific disciplinary action (including dis-
3 missal).

4 “(2) A designated agency ethics official shall make
5 publicly available any recommendation of a specific dis-
6 ciplinary action made by the designated agency ethics offi-
7 cial under paragraph (1).”.

8 (d) CURRENT DAEOS.—An individual serving as a
9 designated agency ethics official on the day before the date
10 of enactment of this Act may continue to serve as the des-
11 ignated agency ethics official for the agency employing the
12 individual if—

13 (1) determined appropriate by the head of the
14 agency employing the designated agency ethics offi-
15 cial; and

16 (2) after the date of enactment of this Act, the
17 individual—

18 (A) reports directly to the head of the
19 agency employing the designated agency ethics
20 official; and

21 (B) may only be removed by the head of
22 the agency, after consultation with the Director
23 of the Office of Public Integrity and the Inspec-
24 tor General of the agency.

1 **Subtitle B—Inspectors General**

2 **SEC. 531. GENERAL SUPERVISION AND REMOVAL OF IN-** 3 **SPECTORS GENERAL.**

4 (a) IN GENERAL.—The Inspector General Act of
5 1978 (5 U.S.C. App.) is amended—

6 (1) in section 3—

7 (A) in subsection (a), by striking the sec-
8 ond sentence and inserting the following: “Each
9 Inspector General shall report to and be under
10 the general supervision of the Director of the
11 Office of Public Integrity, and shall not report
12 to, or be subject to supervision by, any other of-
13 ficer of the establishment involved.”; and

14 (B) in subsection (b)—

15 (i) in the first sentence—

16 (I) by inserting “(1)” before “An
17 Inspector General”; and

18 (II) by inserting “for inefficiency,
19 neglect of duty, or malfeasance in of-
20 fice” before the period at the end;

21 (ii) by striking the second sentence
22 and inserting the following: “The Director
23 of the Office of Public Integrity may make
24 a formal recommendation to the President
25 for the removal of an Inspector General

1 under this subsection. If an Inspector Gen-
2 eral is removed from office, is transferred
3 to another position or location within an
4 establishment, or is placed on paid or un-
5 paid leave, the President shall commu-
6 nicate in writing the reasons for any such
7 removal, leave placement, or transfer to
8 both Houses of Congress and to the Direc-
9 tor of the Office of Public Integrity not
10 later than 30 days before the removal,
11 leave placement, or transfer.”; and

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

14 “(2)(A) In the event of a vacancy in the position of
15 Inspector General of an establishment of more than 210
16 days, the Director of the Office of Public Integrity may
17 direct an officer or employee of the establishment to per-
18 form the functions and duties of the position of Inspector
19 General temporarily in an acting capacity for a period of
20 not more than 365 days.

21 “(B) If an Inspector General of an establishment is
22 not appointed during the 365-day period described in sub-
23 paragraph (A), the Director of the Office of Public Integ-
24 rity may direct the same or another officer or employee
25 of the establishment to perform the functions and duties

1 of the position of Inspector General temporarily in an act-
2 ing capacity for a period of not more than 365 days.

3 “(C) If an Inspector General of an establishment is
4 not appointed during the 365-day period described in sub-
5 paragraph (B), the Director of the Office of Public Integ-
6 rity may direct the same or another officer or employee
7 of the establishment to perform the functions and duties
8 of the position of Inspector General temporarily in an act-
9 ing capacity for a period of not more than 365 days.”;

10 (2) in section 8A(a), by inserting “and the Di-
11 rector of the Office of Public Integrity” before the
12 period at the end;

13 (3) in section 8B, by amending subsection (a)
14 to read as follows:

15 “(a) The Director of the Office of Public Integrity—

16 “(1) may delegate the authority specified in the
17 second sentence of section 3(a) to the Chairman or
18 another member of the Nuclear Regulatory Commis-
19 sion; and

20 “(2) may not delegate the authority specified in
21 the second sentence of section 3(a) to any other offi-
22 cer or employee of the Nuclear Regulatory Commis-
23 sion.”;

24 (4) in section 8C, by amending subsection (a)
25 to read as follows:

1 “(a) DELEGATION.—The Director of the Office of
2 Public Integrity—

3 “(1) may delegate the authority specified in the
4 second sentence of section 3(a) to the Chairperson
5 or Vice Chairperson of the Federal Deposit Insur-
6 ance Corporation; and

7 “(2) may not delegate the authority specified in
8 the second sentence of section 3(a) to any other offi-
9 cer or employee of the Federal Deposit Insurance
10 Corporation.”;

11 (5) in section 8G—

12 (A) in subsection (a)—

13 (i) in paragraph (5), by striking
14 “and” at the end;

15 (ii) in paragraph (6), by striking the
16 period at the end and inserting “; and”;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(7) the term ‘Director’ means the Director of
21 the Office of Public Integrity.”;

22 (B) in subsection (c), in the first sentence,
23 by inserting “, after consulting with the Direc-
24 tor,” after “head of the designated Federal en-
25 tity”;

1 (C) in subsection (d)(1), by striking the
2 first sentence and inserting the following:
3 “Each Inspector General shall report to and be
4 under the general supervision of the Director,
5 and shall not report to, or be subject to super-
6 vision by, any other officer or employee of the
7 designated Federal entity.”; and

8 (D) in subsection (e)—

9 (i) in paragraph (1), by inserting
10 “and after consulting with the Director”
11 before the period at the end; and

12 (ii) in paragraph (2), by inserting “An
13 Inspector General may be removed from
14 office by the head of the designated Fed-
15 eral entity for inefficiency, neglect of duty,
16 or malfeasance in office after the head of
17 the designated entity consults with the Di-
18 rector, or by the President for inefficiency,
19 neglect of duty, or malfeasance in office.”
20 before “If an Inspector”; and

21 (6) in section 8M(b)(1)—

22 (A) in subparagraph (A), by striking
23 “and” at the end;

1 (B) in subparagraph (B)(iii)(II), by strik-
2 ing the period at the end and inserting a semi-
3 colon; and

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

5 “(C) ensure that, if any portion of a report
6 described in subparagraph (A) contains infor-
7 mation that is classified, sensitive, or otherwise
8 prohibited from disclosure by law, a redacted
9 version of the report be posted on the website
10 of the Office of Inspector General that does not
11 contain the classified, sensitive, or prohibited
12 information;

13 “(D) ensure that, if an entire report de-
14 scribed in subparagraph (A) is classified, sen-
15 sitive, or otherwise prohibited from disclosure
16 by law, the Inspector General posts the title of
17 the report, the date of publication of the report,
18 a general description of the subject matter of
19 the report, and a justification for the report not
20 to be posted on the website of the Office of In-
21 spector General; and

22 “(E) include on the website of the Office
23 of Inspector General a listing of each report de-
24 scribed in subparagraph (D) that is not posted
25 on the website.”.

1 (b) INSPECTOR GENERAL OF THE CENTRAL INTEL-
2 LIGENCE AGENCY.—Section 17(b) of the Central Intel-
3 ligence Agency Act of 1949 (50 U.S.C. 3517(b)) is amend-
4 ed—

5 (1) in paragraph (2), by inserting “of the Office
6 of Public Integrity, who may delegate that authority
7 to the Director of the Agency” before the period at
8 the end; and

9 (2) in paragraph (6)—

10 (A) in the first sentence, by inserting “for
11 inefficiency, neglect of duty, or malfeasance in
12 office” before the period at the end; and

13 (B) by inserting after the first sentence
14 the following: “The Director of the Office of
15 Public Integrity may make a formal rec-
16 ommendation to the President for the removal
17 of the Inspector General under this para-
18 graph.”.

19 (c) INSPECTOR GENERAL OF THE INTELLIGENCE
20 COMMUNITY.—Section 103H(c) of the National Security
21 Act of 1947 (50 U.S.C. 3033(c)) is amended—

22 (1) in paragraph (3), by striking “National In-
23 telligence” and inserting “the Office of Public Integ-
24 rity, who may delegate that authority to the Director
25 of National Intelligence”; and

1 (2) in paragraph (4)—

2 (A) in the first sentence, by inserting “for
3 inefficiency, neglect of duty, or malfeasance in
4 office” before the period at the end; and

5 (B) by inserting after the first sentence
6 the following: “The Director of the Office of
7 Public Integrity may make a formal rec-
8 ommendation to the President for the removal
9 of the Inspector General under this para-
10 graph.”.

11 (d) INSPECTOR GENERAL OF SIGAR.—Section
12 1229(e)(1) of the National Defense Authorization Act for
13 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379)
14 is amended by striking “the Secretary of State and the
15 Secretary of Defense” and inserting “the Director of the
16 Office of Public Integrity, who may delegate that authority
17 to the Secretary of State and the Secretary of Defense”.

18 (e) INSPECTOR GENERAL OF SIGTARP.—Section
19 121(b) of the Emergency Economic Stabilization Act of
20 2008 (12 U.S.C. 5231(b)) is amended by adding at the
21 end the following:

22 “(7) The Special Inspector General shall report to
23 and be under the general supervision of the Director of
24 the Office of Public Integrity, who may delegate that au-
25 thority to the Secretary.”.

1 (f) CONFORMING AMENDMENTS TO FEDERAL VA-
2 CENCIES REFORM ACT.—Subchapter III of chapter 33 of
3 title 5, United States Code, is amended—

4 (1) in section 3345—

5 (A) in subsection (a), in the matter pre-
6 ceding paragraph (1), by striking “If” and in-
7 serting “Subject to subsection (d), if” and

8 (B) by adding at the end the following:

9 “(d) After the date that is 210 days after the date
10 on which a vacancy in the office of the Inspector General
11 of an agency described in subsection (a) begins, the Presi-
12 dent may not exercise the authority under this section with
13 respect to that vacancy in the office of the Inspector Gen-
14 eral.”;

15 (2) in section 3346—

16 (A) in subsection (a), in the matter pre-
17 ceding paragraph (1), by inserting “and subject
18 to subsection (d),” after “sickness,”; and

19 (B) by adding at the end the following:

20 “(d) A person serving as acting officer in the office
21 of the Inspector General of an agency under section 3345
22 may not serve in the office after the date that is 210 days
23 after the date on which the vacancy in the office begins,
24 without regard to whether a nomination to the office has
25 been submitted to, is pending in, has been rejected by,

1 has been withdrawn by the President from, or has been
2 returned to the President by the Senate.”;

3 (3) in section 3349(b), in the matter preceding
4 paragraph (1), by inserting “, or, in the case of an
5 Inspector General, that an officer is serving after
6 the end of the 210 day period under section
7 3346(d),” after “3349a,”; and

8 (4) in section 3349a(b), in the matter preceding
9 paragraph (1), by striking “With” and inserting
10 “Except in the case of an Inspector General, with”.

11 **Subtitle C—Office of Congressional** 12 **Ethics**

13 **SEC. 551. DEFINITIONS.**

14 In this subtitle—

15 (1) the term “applicable ethics committee”
16 means the Select Committee on Ethics of the Senate
17 (for Senators and employees of the Senate) or the
18 Committee on Ethics of the House of Representa-
19 tives (for Members of the House of Representatives
20 and employees of the House of Representatives);

21 (2) the term “Board” means the Congressional
22 Ethics Board established under section 553(a);

23 (3) the term “employee of Congress” means an
24 employee of the House of Representatives or an em-
25 ployee of the Senate;

1 (4) the term “employee of the House of Rep-
2 representatives” has the meaning given the term in sec-
3 tion 101 of the Congressional Accountability Act of
4 1995 (2 U.S.C. 1301) and includes an elected or ap-
5 pointed officer of the House of Representatives;

6 (5) the term “employee of the Senate” has the
7 meaning given the term in section 101 of the Con-
8 gressional Accountability Act of 1995 (2 U.S.C.
9 1301) and includes an elected or appointed officer of
10 the Senate; and

11 (6) the term “Member” means any Senator or
12 Representative in, or Delegate or Resident Commis-
13 sioner to, the Congress.

14 **SEC. 552. THE OFFICE OF CONGRESSIONAL ETHICS.**

15 For the purpose of assisting the House of Represent-
16 atives and the Senate in carrying out the responsibilities
17 under article I, section 5, clause 2 of the Constitution of
18 the United States (commonly referred to as the “Dis-
19 cipline Clause”), there is established an independent office
20 in the legislative branch to be known as the “Office of
21 Congressional Ethics” (referred to in this subtitle as the
22 “Office”), which shall be governed by the Congressional
23 Ethics Board established under section 553(a).

1 **SEC. 553. ESTABLISHMENT OF THE BOARD OF THE OFFICE**
2 **OF CONGRESSIONAL ETHICS.**

3 (a) BOARD.—

4 (1) ESTABLISHMENT OF BOARD.—The Office
5 shall be governed by a Congressional Ethics Board
6 consisting of 9 members, of whom—

7 (A) 2 shall be appointed by the Majority
8 Leader of the Senate;

9 (B) 2 shall be appointed by the Minority
10 Leader of the Senate;

11 (C) 2 shall be appointed by the Speaker of
12 the House of Representatives;

13 (D) 2 shall be appointed by the Minority
14 Leader of the House of Representatives; and

15 (E) 1 shall be appointed by agreement of
16 the Majority Leader of the Senate, the Minority
17 Leader of the Senate, the Speaker of the House
18 of Representatives, and the Minority Leader of
19 the House of Representatives, or by agreement
20 of not less than 3 of those individuals.

21 (2) QUALIFICATIONS OF BOARD MEMBERS.—

22 (A) EXPERTISE.—Each member of the
23 Board shall be an individual of exceptional pub-
24 lic standing who is specifically qualified to serve
25 on the Board by virtue of the individual's edu-
26 cation, training, or experience in 1 or more of

1 the legislative, judicial, regulatory, professional
2 ethics, business, legal, or academic fields.

3 (B) SELECTION BASIS.—Selection and ap-
4 pointment of each member of the Board shall
5 be without regard to political affiliation and
6 solely on the basis of fitness to perform the du-
7 ties of a member of the Board.

8 (C) CITIZENSHIP.—Each member of the
9 Board shall be a United States citizen.

10 (D) DISQUALIFICATIONS.—No individual
11 shall be eligible for appointment to, or service
12 on, the Board who—

13 (i) has ever been registered, or re-
14 quired to be registered, as a lobbyist under
15 the Lobbying Disclosure Act of 1995 (2
16 U.S.C. 1601 et seq.);

17 (ii) engages in, or is otherwise em-
18 ployed in, lobbying of the Congress;

19 (iii) is registered or is required to be
20 registered as an agent of a foreign prin-
21 cipal under the Foreign Agents Registra-
22 tion Act of 1938 (22 U.S.C. 611 et seq.);

23 (iv) is, or has been in the 4 years pre-
24 ceding the date of appointment, a Member,

1 employee of the Senate, or employee of the
2 House of Representatives;

3 (v) is an officer or employee of the
4 Federal Government;

5 (vi) during the 4 years preceding the
6 date of appointment, engaged in any sig-
7 nificant political activity (including being a
8 candidate for public office, fundraising for
9 a candidate for public office or a political
10 party, or serving as an officer or employee
11 of a political campaign or party); or

12 (vii) during the 4 years preceding the
13 date of appointment, served as a fiduciary
14 or personal attorney for an officer or em-
15 ployee of the Federal Government, includ-
16 ing any Member.

17 (3) TERM AND REMOVAL.—

18 (A) LENGTH OF TERM.—The term of a
19 member of the Board shall be for 2 Congresses.

20 (B) TERM LIMITS.—A member of the
21 Board may not serve during 4 consecutive Con-
22 gresses.

23 (C) REMOVAL.—A member of the Board
24 may be removed only for cause and upon unani-
25 mous agreement among the Majority Leader

1 and the Minority Leader of the Senate and the
2 Speaker and the Minority Leader of the House
3 of Representatives.

4 (D) VACANCIES.—Any vacancy on the
5 Board shall be filled for the unexpired portion
6 of the term in the same manner, and by the
7 same appointing authority, as the original ap-
8 pointment under paragraph (1).

9 (b) CHAIRPERSON AND VICE-CHAIRPERSON.—

10 (1) IN GENERAL.—The members of the Board
11 shall elect a chairperson and a vice-chairperson of
12 the Board by a majority vote. The chairperson and
13 the vice-chairperson shall serve a 1-year term, and
14 may be reelected for additional 1-year terms.

15 (2) DUTIES.—The chairperson of the Board
16 shall preside at the meetings of the Board, and the
17 vice-chairperson shall preside in the absence or dis-
18 ability of the chairperson.

19 (c) MEETINGS.—

20 (1) QUORUM.—A majority of the members of
21 the Board shall constitute a quorum, except that a
22 lesser number of members may hold hearings.

23 (2) MEETINGS.—The Board shall meet at the
24 call of the chairperson or the call of a majority of
25 its members, pursuant to the rules of the Board.

1 (3) VOTING.—Except as otherwise specifically
2 provided, a majority vote of the Board under this
3 subtitle shall require an affirmative vote of 5 or
4 more members.

5 (d) COMPENSATION.—A member of the Board shall
6 not be considered to be an officer or employee of the
7 House or Senate, but shall be compensated at a rate equal
8 to the daily equivalent of the minimum annual rate of
9 basic pay prescribed for GS–15 of the General Schedule
10 under section 5107 of title 5, United States Code, for each
11 day (including travel time) during which such member is
12 engaged in the performance of the duties of the Board.

13 (e) DUTIES OF BOARD.—

14 (1) IN GENERAL.—The Board shall—

15 (A) be the governing body of the Office,
16 and oversee the Office in the implementation of
17 all duties required under this subtitle; and

18 (B) review each complaint made against a
19 Member or employee of Congress through the
20 review process described in section 555(b).

21 (2) HEARINGS.—The Board may hold such
22 hearings as are necessary and may sit and act only
23 in executive session at such times and places, solicit
24 such testimony, and receive such relevant evidence,
25 as may be necessary to carry out its duties.

1 (f) FINANCIAL DISCLOSURE REPORTS.—

2 (1) IN GENERAL.—Each member of the Board
3 shall file an annual financial disclosure report with
4 the Secretary of the Senate and the Clerk of the
5 House of Representatives on or before May 15 of
6 each calendar year immediately following any year in
7 which the member served on the Board. Each such
8 report shall be on a form prepared jointly by the
9 Clerk and the Secretary that is substantially similar
10 to the form required for individuals at the executive
11 branch who must complete a confidential financial
12 disclosure report under section 102 of the Ethics in
13 Government Act of 1978 (5 U.S.C. App.).

14 (2) DISTRIBUTION OF REPORT.—The Secretary
15 of the Senate and the Clerk of the House of Rep-
16 resentatives, working jointly, shall—

17 (A) not later than 7 days after the date
18 each financial disclosure report under para-
19 graph (1) is filed, send a copy of each such re-
20 port to the applicable ethics committees; and

21 (B) annually print all such financial disclo-
22 sure reports as a document of Congress, and
23 make the document available to the public.

1 **SEC. 554. DUTIES AND POWERS OF THE OFFICE AND THE**
2 **BOARD.**

3 (a) IN GENERAL.—The Office is authorized—

4 (1) in accordance with section 555—

5 (A) to investigate any alleged violation, by
6 a Member or employee of Congress, of any eth-
7 ics law (including regulations), rule, or other
8 standard of conduct applicable to the conduct of
9 such Member or employee under applicable
10 House or Senate rules in the performance of
11 the duties, or the discharge of the responsibil-
12 ities, of the Member or employee; and

13 (B) in any case where the Board deter-
14 mines, after the investigation described in sub-
15 paragraph (A), that there was a probable viola-
16 tion of any ethics law, rule, or other standard
17 of conduct described in such subparagraph, to
18 present the probable ethics violation to the ap-
19 plicable ethics committee;

20 (2) to refer to appropriate Federal or State au-
21 thorities, including the Office of Public Integrity and
22 the Department of Justice as appropriate, any evi-
23 dence of a violation by a Member or employee of
24 Congress of any law (including laws applicable to the
25 performance of the duties, or the discharge of the
26 responsibilities, of the Member or employee), which

1 may have been disclosed in an investigation by the
2 Office, in accordance with subsection (b);

3 (3) to provide advice and informal guidance to
4 Members and employees of Congress regarding any
5 ethics law (including regulations), rule, or other
6 standard of conduct applicable to such individuals in
7 their official capacities, and develop and carry out
8 periodic educational briefings for Members and em-
9 ployees of Congress on those laws, rules, and other
10 standards;

11 (4)(A) to give consideration to the request of
12 any Member or employee of Congress for a formal
13 advisory opinion or other formal ruling, subject to
14 the approval of the applicable ethics committee, with
15 respect to the general propriety of any current or
16 proposed conduct of such Member or employee;

17 (B) to provide a formal advisory opinion or
18 other formal ruling, in accordance with subpara-
19 graph (A), in situations that the Board determines
20 appropriate; and

21 (C) subject to the requirement for approval by
22 the applicable ethics committee in accordance with
23 subsection (c), and with appropriate deletions to as-
24 sure the privacy of the individual concerned, to pub-

1 lish such opinion for the guidance of other Members
2 and employees of Congress;

3 (5) if the Office determines, during the course
4 of any investigation under this subtitle, that a lob-
5 byist or lobbying firm may be in noncompliance with
6 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
7 et seq.),—

8 (A) to notify the United States Attorney
9 for the District of Columbia and the Director of
10 the Office of Public Integrity of the potential
11 violation; and

12 (B) to notify the lobbyist or lobbying firm
13 of such determination, in writing;

14 (6) to provide informal guidance to lobbyists or
15 lobbying firms engaged in lobbying activity or lob-
16 bying contacts under the Lobbying Disclosure Act of
17 1995 (2 U.S.C. 1601 et seq.) to covered legislative
18 branch officials (as defined in section 3 of such Act
19 (2 U.S.C. 1602)) of their responsibilities under such
20 Act;

21 (7) to aid in the enforcement of ethics require-
22 ments for Members or employees of Congress under
23 this subtitle or any other provision of law; and

24 (8) to administer the process for Members and
25 employees of Congress to seek and receive any waiv-

1 ers from any ethics law (including regulations), rule,
2 or other standard that applies to Members and em-
3 ployees of Congress, subject to approval of the appli-
4 cable ethics committee.

5 (b) REFERRALS TO LAW ENFORCEMENT OFFI-
6 CIALS.—

7 (1) IN GENERAL.—Upon a majority vote of the
8 Board, the Office may refer potential legal violations
9 committed by a Member or employee of Congress to
10 the Department of Justice or other relevant Federal
11 or State law enforcement officials, which referral
12 shall include all appropriate evidence gathered dur-
13 ing any review conducted under this subtitle.

14 (2) NO APPROVAL REQUIRED.—A referral
15 under paragraph (1) does not require the approval
16 of either of the applicable ethics committees.

17 (3) NOTIFICATION.—The Board shall notify the
18 Select Committee on Ethics of the Senate or the
19 Committee on Ethics of the House of Representa-
20 tives, and the Director of the Office of Public Integ-
21 rity of all referrals under this subsection.

22 (c) ADVISORY OPINIONS.—

23 (1) IN GENERAL.—Upon a majority vote of the
24 Board, the Office may draft and publish rec-
25 ommended formal advisory opinions and interpreta-

1 tions of rules and other standards of conduct appli-
2 cable to Members and employees of Congress, which
3 shall be submitted to each applicable ethics com-
4 mittee for approval.

5 (2) REQUIREMENTS FOR ETHICS COMMITTEE
6 REVIEW.—Each applicable ethics committee may re-
7 vise, overturn, dismiss, or issue any recommended
8 formal advisory opinions or interpretations under
9 paragraph (1) that is applicable to the Members and
10 employees of that House of Congress. A rec-
11 ommended formal advisory opinion or interpretation
12 under paragraph (1) is only binding if issued by one
13 of the applicable ethics committees.

14 (3) REQUIREMENTS.—Any applicable ethics
15 committee decision described in paragraph (2) shall
16 be recorded and made publicly available, and shall
17 be accompanied by a written explanation for that ac-
18 tion. Dissenting members of the applicable ethics
19 committee are allowed to issue their own report de-
20 tailing reasons for disagreeing with the decision.

21 (d) LIMITATIONS ON REVIEW.—No review shall be
22 undertaken by the Board of any alleged violation of law,
23 rule, regulation or standard of conduct not in effect at
24 the time of the alleged violation, nor shall any review be

1 undertaken by the Board of any alleged violation that oc-
2 curred before the date of enactment of this Act.

3 (e) PROHIBITION ON PUBLIC DISCLOSURE.—

4 (1) IN GENERAL.—

5 (A) REQUIRED AFFIRMATION BY MEMBERS
6 AND STAFF.—When an individual becomes a
7 member of the Board or employee of the Office,
8 that individual shall execute the following oath
9 or affirmation in writing: “I do solemnly swear
10 (or affirm) that I will not disclose to any person
11 or entity outside of the Office any information
12 received in the course of my service with the
13 Office, except as authorized by the Board by
14 majority vote as necessary to conduct official
15 business or pursuant to its rules.”. Copies of
16 the executed oath shall be provided to the Clerk
17 of the House of Representatives and the Sec-
18 retary of the Senate as part of the records of
19 the House and Senate.

20 (B) PROHIBITION ON PUBLIC DISCLO-
21 SURE.—No testimony received, or any other in-
22 formation obtained, by a member of the Board
23 or employee of the Office shall be publicly dis-
24 closed to any person or entity outside the Of-
25 fice, unless approved by a majority vote of the

1 Board. Any communication to any person or en-
2 tity outside the Office may occur only as au-
3 thorized by the Board.

4 (C) PROCEDURES AND INVESTIGATION.—
5 The Office shall establish procedures necessary
6 to prevent the unauthorized disclosure of any
7 information received by the Office. Any
8 breaches of confidentiality shall be investigated
9 by the Board and appropriate action shall be
10 taken.

11 (2) PROVISION WITH RESPECT TO OFFICE OF
12 PUBLIC INTEGRITY OR ETHICS COMMITTEES.—Para-
13 graph (1) shall not preclude—

14 (A) any member of the Board or any em-
15 ployee of the Office from presenting a report or
16 findings of the Board, or testifying before the
17 Select Committee on Ethics of the Senate or
18 the Committee on Ethics of the House of Rep-
19 resentatives by any member of the Board or
20 employee of the Office, if requested by either
21 committee pursuant to the rules of the com-
22 mittee;

23 (B) any necessary communication with the
24 Office of Public Integrity;

1 (C) any necessary communication with the
2 Department of Justice or any other law en-
3 forcement agency; or

4 (D) any necessary communication with the
5 Majority Leader of the Senate, Minority Leader
6 of the Senate, Speaker of the House of Rep-
7 resentatives, or Minority Leader of the House
8 of Representatives.

9 (3) OPPORTUNITY TO PRESENT.—Before the
10 Board votes on a recommendation or statement to
11 be transmitted to the appropriate congressional com-
12 mittee relating to official conduct of any Member or
13 employee of Congress, the Board shall provide that
14 individual the opportunity to present, orally or in
15 writing (at the discretion of the Board), a statement
16 to the Board.

17 (f) PRESENTATION OF REPORTS TO SELECT COM-
18 MITTEE ON ETHICS OF THE SENATE OR THE COMMITTEE
19 ON ETHICS OF THE HOUSE OF REPRESENTATIVES.—
20 Whenever the Board transmits any report to the applica-
21 ble ethics committee relating to the official conduct of any
22 Member or employee of Congress, it shall designate a
23 member of the Board or employee to present the report
24 to such committee if requested by such committee.

1 (g) MAINTAINING OF FINANCIAL DISCLOSURE RE-
2 PORTS.—The Office shall receive, and maintain, a copy
3 of each report filed under section 101 of the Ethics in
4 Government Act of 1978 (5 U.S.C. App.) by a Member
5 or employee of Congress.

6 (h) MEMORANDUM OF UNDERSTANDING WITH THE
7 OFFICE OF PUBLIC INTEGRITY.—The Office shall enter
8 into a memorandum of understanding with the Director
9 of the Office of Public Integrity in order—

10 (1) to share any information necessary for the
11 execution of each office’s respective duties and re-
12 sponsibilities, including the copies of reports de-
13 scribed in subsection (g);

14 (2) to ensure consistent interpretation and en-
15 forcement of the Nation’s ethics laws for executive
16 and legislative branch employees and officials; and

17 (3) to reduce and mitigate jurisdictional confu-
18 sion.

19 **SEC. 555. REVIEW PROCESS OF COMPLAINTS.**

20 (a) SOURCE OF COMPLAINTS.—

21 (1) CITIZEN COMPLAINTS.—

22 (A) CITIZEN INITIATED SWORN COM-
23 PLAINT.—Any citizen of the United States, in-
24 cluding a Member or employee of Congress,
25 may file with the Office a sworn complaint al-

1 leging a violation by a Member or employee of
2 Congress of any law (including any regulation),
3 rule, or other standard of conduct applicable to
4 the conduct of such Member or employee in the
5 performance of the duties, or the discharge of
6 the responsibilities, of the Member or employee,
7 subject to subparagraph (B).

8 (B) BAN ON FILING PRIOR TO ELEC-
9 TION.—The Board may not accept citizen com-
10 plaints regarding the conduct of a Member filed
11 in the—

12 (i) 30 days prior to a primary election
13 for which the Member in question is a can-
14 didate; and

15 (ii) 60 days prior to a general election
16 for which the Member in question is a can-
17 didate.

18 (C) CONTENT.—The complaint under sub-
19 paragraph (A) shall be a notarized written
20 statement alleging a violation against 1 or more
21 named persons and stating the essential facts
22 constituting the violation charged.

23 (2) BOARD MEMBER OR OFFICE OF CONGRES-
24 SIONAL ETHICS INITIATED COMPLAINT.—A member
25 of the Board or an employee of the Office may file

1 a complaint alleging a violation by a Member or em-
2 ployee of Congress of any law (including any regula-
3 tion), rule, or other standard of conduct applicable
4 to the conduct of such Member or employee in the
5 performance of the duties, or the discharge of the
6 responsibilities, of the Member or employee.

7 (3) NOTIFICATION.—Upon receipt of a com-
8 plaint filed under paragraph (1) or (2) that meets
9 the requirements of this subsection, the Office
10 shall—

11 (A) notify the person alleged to have com-
12 mitted the violation that a complaint has been
13 filed; and

14 (B) refer the complaint to the Board for
15 consideration under the review process de-
16 scribed in subsection (b).

17 (b) REVIEW PROCESS OF ALLEGED VIOLATIONS BY
18 MEMBERS OR EMPLOYEES OF CONGRESS.—

19 (1) REQUEST.—After receiving a complaint
20 under subsection (a)(3)(B), 2 or more members of
21 the Board may submit a joint written statement to
22 all members of the Board authorizing the Office to
23 undertake a preliminary review of any alleged viola-
24 tion by a Member or employee of Congress of any
25 law (including any regulation), rule, or other stand-

1 ard of conduct applicable to the conduct of such
2 Member or employee in the performance of the du-
3 ties, or the discharge of the responsibilities, of the
4 Member or employee, along with a brief description
5 of the specific matter.

6 (2) PRELIMINARY REVIEW.—

7 (A) IN GENERAL.—Not later than 7 busi-
8 ness days after receipt of an authorization
9 statement from 2 or more members of the
10 Board under paragraph (1), the Board shall—

11 (i) instruct the Office to initiate a
12 preliminary review of the alleged violation;
13 and

14 (ii) provide a written notification of
15 the commencement of the preliminary re-
16 view, including a statement of the nature
17 of the review, to—

18 (I) the applicable ethics com-
19 mittee;

20 (II) any individual who is the
21 subject of the preliminary review; and

22 (III) the Director of the Office of
23 Public Integrity.

24 (B) OPPORTUNITY TO TERMINATE PRE-
25 LIMINARY REVIEW.—At any time, the Board

1 may, by a majority vote, terminate a prelimi-
2 nary review on any ground, including that the
3 matter under review is de minimis in nature. If
4 the Board votes to terminate the preliminary
5 review—

6 (i) the review process under this sec-
7 tion is completed and no further actions
8 shall be taken; and

9 (ii) the Board—

10 (I) shall notify, in writing, the in-
11 dividual who was the subject of the
12 preliminary review, the Director of the
13 Office of Public Integrity, and the ap-
14 plicable ethics committee, of its deci-
15 sion to terminate the review of the
16 matter; and

17 (II) may, in any case where the
18 Board votes to terminate the prelimi-
19 nary review, send a report, including
20 any findings of the Board, to the ap-
21 plicable ethics committee and to the
22 Director of the Office of Public Integ-
23 rity.

24 (3) SECOND-PHASE REVIEW PROCESS.—

25 (A) VOTE FOR SECOND-PHASE REVIEW.—

1 (i) IN GENERAL.—After the prelimi-
2 nary review conducted under paragraph
3 (2) is completed, the Board shall vote on
4 whether to authorize a second-phase review
5 of the matter under consideration. If there
6 is an affirmative vote of 4 or more mem-
7 bers of the Board to authorize the second-
8 phase review, the Board shall authorize the
9 second-phase review process in accordance
10 with subparagraph (B).

11 (ii) TERMINATION OF MATTER.—If a
12 vote to authorize a second-phase review
13 under clause (i) does not succeed, the re-
14 view process under this section shall be
15 completed and no further actions shall be
16 taken.

17 (iii) NOTIFICATION TO PARTIES.—The
18 Board—

19 (I) shall notify, in writing, the in-
20 dividual who was the subject of the
21 preliminary review, the Director of the
22 Office of Public Integrity, and the ap-
23 plicable ethics committee, of its deci-
24 sion to authorize a second-phase re-

1 view of the matter or to terminate the
2 review process; and

3 (II) may, in any case where the
4 Board decides to terminate the review
5 process of the violation under clause
6 (ii), send a report, including any find-
7 ings of the Board, to the applicable
8 ethics committee and to the Director
9 of the Office of Public Integrity.

10 (B) SECOND-PHASE REVIEW.—In any case
11 where a second-phase review is required, the
12 Board shall authorize the Office to commence,
13 and complete, a second-phase review.

14 (C) COMPLETION OF SECOND-PHASE RE-
15 VIEW.—Upon the completion of any second-
16 phase review, the Board shall—

17 (i) evaluate the review and determine,
18 based on a majority vote, whether—

19 (I) the applicable ethics com-
20 mittee should dismiss the matter that
21 was the subject of such review, which
22 may be made on any ground, includ-
23 ing that the matter under review is de
24 minimis in nature;

1 (II) the matter requires further
2 review by the applicable ethics com-
3 mittee; or

4 (III) the applicable ethics com-
5 mittee should take action relating to
6 the matter, including any rec-
7 ommendation for the disciplinary ac-
8 tion or sanctions that the committee
9 should take;

10 (ii) transmit to the applicable ethics
11 committee a written report that includes—

12 (I) a statement of the nature of
13 the review and the Member or em-
14 ployee of Congress who is the subject
15 of the review, including any probable
16 ethics violations uncovered in either
17 the preliminary or second-phase re-
18 view;

19 (II) any recommendations of the
20 Board based on votes conducted under
21 clause (i), or a statement that the
22 matter is unresolved because of a tie
23 vote of the Board or a failure to meet
24 the majority vote threshold established
25 under section 553(c)(3);

1 (III) a description of the number
2 of members voting in the affirmative
3 and in the negative for any action de-
4 scribed in clause (i);

5 (IV) any findings of the Board,
6 including—

7 (aa) any findings of fact;

8 (bb) a description of any rel-
9 evant information that the Board
10 was unable to obtain or witnesses
11 whom the Board was unable to
12 interview, and the reasons there-
13 for; and

14 (cc) a citation of any rel-
15 evant law, regulation, or stand-
16 ard of conduct relating to the
17 violation; and

18 (V) any supporting documenta-
19 tion;

20 (iii) transmit to the individual who is
21 the subject of the second-phase review the
22 written report of the Board described in
23 clause (ii);

24 (iv) transmit to the Director of the
25 Office of Public Integrity the written re-

1 port of the Board described in clause (ii),
2 and may include any recommendations for
3 action by the Director that the Board may
4 recommend; and

5 (v) make public, on a website main-
6 tained by the Office, the written report of
7 the Board described in clause (ii), unless a
8 majority of the members of the Board vote
9 to withhold the report from the public
10 where public disclosure could compromise
11 the ability of the applicable ethics com-
12 mittee or a law enforcement agency to act
13 on probable ethics violations.

14 (D) AUTHORITY FOR REPRIMAND.—Upon
15 the completion of any second-phase review, the
16 Board—

17 (i) may, upon a majority vote, rep-
18 rimand, in writing, the alleged violator for
19 potential violations of the law;

20 (ii) in any case where a reprimand
21 under clause (i) is issued, shall provide a
22 copy of the reprimand to—

23 (I) the presiding officer of the
24 House of Congress in which the al-

1 leged violator serves (if such indi-
2 vidual is a Member of Congress); or

3 (II) the alleged violator's em-
4 ployer, if the individual is an employee
5 of Congress; and

6 (iii) may make the reprimand avail-
7 able to the public.

8 (c) REQUESTS FROM APPLICABLE ETHICS COMMIT-
9 TEES.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of this subtitle, upon receipt of a written
12 request from an applicable ethics committee that the
13 Board cease its review of any matter and refer such
14 matter to the committee because of the ongoing in-
15 vestigation of such matter by the committee, the
16 Board shall refer such matter to the committee,
17 cease its preliminary or second-phase review, as ap-
18 plicable, of that matter and so notify any individual
19 who is the subject of the review. In any such case,
20 the Board shall send a written report to the com-
21 mittee containing a statement that, upon the request
22 of that committee, the matter is referred to it for its
23 consideration. Nothing in this paragraph shall be
24 construed to prevent the Board from sending any in-
25 formation regarding the matter to the Director of

1 the Office of Public Integrity or to other law en-
2 forcement agencies.

3 (2) RESUMPTION OF REVIEW.—If the applicable
4 ethics committee notifies the Board in writing that
5 it is unable to resolve any matter described in para-
6 graph (1), the Board may begin or continue, as the
7 case may be, a second-phase review of the matter in
8 accordance with subsection (b)(3).

9 (d) PROCEDURES.—

10 (1) REVIEW POWERS.—Members of the Board
11 or employees of the Office may, during either an ini-
12 tial review or second-phase review—

13 (A) administer oaths;

14 (B) require, by subpoena or otherwise, the
15 attendance and testimony of such witnesses and
16 the production of such books, records, cor-
17 respondence, accounts, memoranda, papers,
18 documents, tapes, and materials as the Board
19 or the Office considers advisable;

20 (C) take the deposition of witnesses; and

21 (D) conduct general audits of filings under
22 the Lobbying Disclosure Act of 1995 (2 U.S.C.
23 1601 et seq.).

24 (2) WITNESSES.—

1 (A) WITNESSES.—Any witness interviewed
2 as part of a review under this section shall sign
3 a statement acknowledging that the witness un-
4 derstands that section 1001 of title 18, United
5 States Code (popularly known as the “False
6 Statements Act”), applies to the testimony of
7 the witness and to any documents the witness
8 provides.

9 (B) PAYMENT.—Witnesses appearing be-
10 fore the Office may be paid in the same manner
11 as prescribed by clause 5 of rule XI of the
12 Rules of the House of Representatives, as in ef-
13 fect on the day before the date of enactment of
14 this Act.

15 (3) PROHIBITION OF EX PARTE COMMUNICA-
16 TIONS.—There shall be no ex parte communications
17 between any member of the Board or employee of
18 the Office and any individual who is the subject of
19 any review by the Board or between any member of
20 the Board and any interested party, and no Member
21 or employee of the Congress may communicate with
22 any member of the Board or employee of the Office
23 regarding any matter under review by the Board ex-
24 cept as authorized by the Board.

1 (4) CONTEMPT OF CONGRESS.—If a person dis-
2 obeys or refuses to comply with a subpoena, or if a
3 witness refuses to testify to a matter, the Board
4 may recommend to the applicable ethics committee
5 that such person be held in contempt of Congress.

6 (e) PROTECTION FROM FRIVOLOUS CHARGES.—

7 (1) CIVIL PENALTY FOR INITIAL COMPLAINT.—

8 (A) FALSE COMPLAINT.—It shall be un-
9 lawful for any person to knowingly file with the
10 Office a false complaint of misconduct by any
11 Member or employee of Congress.

12 (B) ENCOURAGEMENT TO FILE FALSE
13 COMPLAINT.—It shall be unlawful for any per-
14 son to encourage another person to file a false
15 complaint of misconduct by any Member or em-
16 ployee of Congress.

17 (C) ACTION BY OFFICE OF PUBLIC INTEG-
18 RITY.—The Director of the Office of Public In-
19 tegrity, after providing notice and an oppor-
20 tunity for a hearing, may impose a civil penalty
21 on any person who violates subparagraph (A) or
22 (B) in the amount of the greater of—

23 (i) \$10,000; or

24 (ii) the cost of the preliminary review.

1 (2) BAN ON ALL SUBSEQUENT COMPLAINTS.—
2 Any person upon whom the Director of the Office of
3 Public Integrity imposes a civil penalty under para-
4 graph (1)(C) may not file a complaint with the
5 Board again.

6 **SEC. 556. PERSONNEL MATTERS.**

7 (a) COMPENSATION OF EMPLOYEES.—

8 (1) APPOINTMENT.—Upon a majority vote of
9 the Board, the Board may appoint and fix the com-
10 pensation of such professional, nonpartisan staff (in-
11 cluding staff with relevant experience in investiga-
12 tions and law enforcement) of the Office as the
13 Board considers necessary to perform its duties.

14 (2) QUALIFICATIONS.—Each employee of the
15 Office shall be professional and demonstrably quali-
16 fied for the position for which the employee is hired.

17 (3) STAFFING REQUIREMENTS.—

18 (A) IN GENERAL.—The employees of the
19 Office shall be assembled and retained as a pro-
20 fessional, nonpartisan staff, and the Office as a
21 whole, and each individual employee, shall per-
22 form all official duties in a nonpartisan manner.

23 (B) NO PARTISAN POLITICAL ACTIVITY.—
24 No employee of the Office shall engage in any

1 partisan political activity directly affecting any
2 congressional or presidential election.

3 (C) LIMITATION OR PUBLIC SPEAKING OR
4 PUBLICATION.—No employee of the Office may
5 accept public speaking engagements or write for
6 publication on any subject that is in any way
7 related to the employee's employment or duties
8 with the Office without specific prior approval
9 from the chairperson and vice-chairperson of
10 the Board.

11 (b) TERMINATION OF EMPLOYEES.—The employ-
12 ment of an employee of the Office may be terminated dur-
13 ing a Congress solely by a majority vote of the Board.

14 (c) REIMBURSEMENTS.—Members of the Board, and
15 employees of the Office, may be reimbursed for travel, sub-
16 sistence, and other necessary expenses incurred by mem-
17 bers or employees in the performance of their duties in
18 the same manner as is permissible for such expenses of
19 other employees of the House or Senate.

20 (d) AGREEMENTS FOR MEMBERS AND EMPLOYEES;
21 RETENTION OF DOCUMENTS BY THE CLERK.—

22 (1) IN GENERAL.—Before any individual who is
23 appointed to serve on the Board or before any indi-
24 vidual is hired to be an employee of the Office may
25 do so, the individual shall execute a signed document

1 containing the following statement: “I agree not to
2 be a candidate for the office of Senator or Rep-
3 resentative in, or Delegate or Resident Commis-
4 sioner to, the Congress for purposes of the Federal
5 Election Campaign Act of 1971 until at least 4
6 years after I am no longer a member of the Congres-
7 sional Ethics Board or employee of the Office of
8 Congressional Ethics.”.

9 (2) RETENTION OF DOCUMENTS.—Copies of the
10 signed and executed document shall be retained by
11 the Clerk of the House of Representatives and the
12 Secretary of the Senate as part of the records of the
13 House and the Senate. The Clerk and the Secretary,
14 working jointly, shall make the signatures a matter
15 of public record, causing the names of each indi-
16 vidual who has signed the document to be published
17 in a portion of the Congressional Record designed
18 for that purpose, and make cumulative lists of such
19 names available on the websites of the Clerk and the
20 Secretary.

21 (e) CODE OF CONDUCT.—The Board—

22 (1) shall establish a code of conduct to govern
23 the behavior of the members of the Board and the
24 employee of the Office, which shall include the avoid-
25 ance of conflicts of interest; and

1 the Secretary of the Senate pursuant to section
2 103(h) of this title;”;

3 (3) in subparagraph (B) (as so redesignated),
4 by striking “Senators, officers and employees of the
5 Senate, and other officers or employees of the legis-
6 lative branch” and inserting “officers or employees
7 of the legislative branch not described in subpara-
8 graph (A)”;

9 (4) in subparagraph (C) (as so redesignated),
10 by striking “Members, officers and employees of the
11 House of Representatives and other officers or em-
12 ployees of the legislative branch” and inserting “offi-
13 cers or employees of the legislative branch not de-
14 scribed in subparagraph (A)”.

15 (b) TERMINATION OF THE OFFICE OF CONGRES-
16 SIONAL ETHICS OF THE HOUSE OF REPRESENTATIVES.—
17 Beginning on the date on which all members of the Board
18 are appointed, the Office of Congressional Ethics of the
19 House of Representatives shall be eliminated and section
20 1 of H. Res. 895 (110th Congress, March 11, 2008) shall
21 cease to have any force or effect.

22 (c) RULEMAKING AUTHORITY.—The provisions of
23 this subtitle are enacted—

24 (1) as an exercise of the rulemaking power of
25 the Senate and of the House of Representatives, and

1 as such they shall be considered as part of the rules
2 of the Senate and the House, respectively, and shall
3 supersede other rules only to the extent that they
4 are inconsistent therewith; and

5 (2) with full recognition of the constitutional
6 right of the Senate and the House of Representa-
7 tives to change such rules at any time, in the same
8 manner, and to the same extent as in the case of
9 any other rule of the Senate or House of Represent-
10 atives.

11 **Subtitle D—Applicability**

12 **SEC. 571. APPLICABILITY.**

13 This title and the amendments made by this title
14 shall apply on and after the date of enactment of this Act.

15 **TITLE VI—TRANSPARENCY AND** 16 **GOVERNMENT RECORDS**

17 **Subtitle A—Transparency for Fed-** 18 **eral Personnel and Candidates** 19 **for Federal Office**

20 **SEC. 601. CATEGORIES RELATING TO THE AMOUNT OR** 21 **VALUE OF CERTAIN INCOME.**

22 Section 102 of the Ethics in Government Act of 1978
23 (5 U.S.C. App.) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)(B)—

1 (i) in the matter preceding clause (i),
2 by striking “which of the following cat-
3 egories the amount or value of such item
4 of income is within” and inserting “the
5 amount or value of such item of income in
6 accordance with the following”;

7 (ii) by redesignating clauses (i)
8 through (iv) as subclauses (I) through
9 (IV), respectively, and adjusting the mar-
10 gin accordingly;

11 (iii) by inserting before subclause (I),
12 as so redesignated, the following:

13 “(i) For items of income with an
14 amount or value of not more than
15 \$25,000, which of the following categories
16 the amount or value of such item of in-
17 come is within.”;

18 (iv) in clause (i)(III), as so des-
19 ignated, by adding “or” at the end;

20 (v) in clause (i)(IV), as so designated,
21 by striking “\$15,000,” and inserting
22 “\$25,000.”; and

23 (vi) by striking clauses (v) through
24 (ix) and inserting the following:

1 “(ii) For items of income with an
2 amount or value of greater than \$25,000,
3 the amount or value of the item of income,
4 rounded as follows:

5 “(I) For items of income with an
6 amount or value of greater than
7 \$25,000 but not more than \$100,000,
8 the amount or value rounded to the
9 nearest \$10,000.

10 “(II) For items of income with
11 an amount or value of greater than
12 \$100,000 but not more than
13 \$1,000,000, the amount or value
14 rounded to the nearest \$100,000.

15 “(III) For items of income with
16 an amount or value of greater than
17 \$1,000,000, the amount or value
18 rounded to the nearest \$1,000,000.”;

19 (B) in paragraph (3), by striking “cat-
20 egory of value” and inserting “value, in accord-
21 ance with subsection (d)(2),”; and

22 (C) in paragraph (4), in the matter pre-
23 ceding subparagraph (A), by striking “category
24 of value” and inserting “value, in accordance
25 with subsection (d)(2),”; and

1 (2) in subsection (d)—

2 (A) in paragraph (1), in the matter pre-
3 ceding subparagraph (A), by striking “(3), (4),
4 (5), and (8)” and inserting “(5) and (8)”;

5 (B) by redesignating paragraph (2) as
6 paragraph (3); and

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) The amount or value of the items covered in
10 paragraphs (3) and (4) of subsection (a) shall be reported
11 as follows:

12 “(A) For items with an amount or value of not
13 more than \$25,000, which of the following categories
14 the amount or value of such item is within:

15 “(i) Not more than \$15,000.

16 “(ii) Greater than \$15,000 but not more
17 than \$25,000.

18 “(B) For items with an amount or value of
19 greater than \$25,000, the amount or value of the
20 item, rounded as follows:

21 “(i) For items with an amount or value of
22 greater than \$25,000 but not more than
23 \$100,000, the amount or value rounded to the
24 nearest \$10,000.

1 “(ii) For items with an amount or value of
2 greater than \$100,000 but not more than
3 \$1,000,000, the amount or value rounded to the
4 nearest \$100,000.

5 “(iii) For items with an amount or value
6 of greater than \$1,000,000, the amount or
7 value rounded to the nearest \$1,000,000.”.

8 **SEC. 602. DISCLOSURE OF PERSONAL INCOME TAX RE-**
9 **URNS BY PRESIDENTS, VICE PRESIDENTS,**
10 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**
11 **DIDATES.**

12 (a) IN GENERAL.—Title I of the Ethics in Govern-
13 ment Act of 1978 (5 U.S.C. App.) is amended—

14 (1) by inserting after section 102 the following:

15 **“SEC. 102A. DISCLOSURE OF PERSONAL INCOME TAX RE-**
16 **URNS BY PRESIDENTS, VICE PRESIDENTS,**
17 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**
18 **DIDATES.**

19 “(a) DEFINITIONS.—In this section—

20 “(1) the term ‘covered candidate’ means an in-
21 dividual—

22 “(A) required to file a report under section
23 101(c); and

1 “(B) who is nominated by a major party
2 as a candidate for the office of President, Vice
3 President, or Member of Congress;

4 “(2) the term ‘covered individual’ means—

5 “(A) a President, Vice President, or Mem-
6 ber of Congress required to file a report under
7 subsection (a) or (d) of section 101; and

8 “(B) an individual who occupies the office
9 of the President, Vice President, or a Member
10 of Congress required to file a report under sec-
11 tion 101(e);

12 “(3) the term ‘income tax return’ means, with
13 respect to any covered candidate or covered indi-
14 vidual, any return (within the meaning of section
15 6103(b) of the Internal Revenue Code of 1986) re-
16 lated to Federal income taxes, but does not in-
17 clude—

18 “(A) information returns issued to persons
19 other than such covered candidate or covered
20 individual; and

21 “(B) declarations of estimated tax; and

22 “(4) the term ‘major party’ has the meaning
23 given the term in section 9002 of the Internal Rev-
24 enue Code of 1986.

25 “(b) DISCLOSURE.—

1 “(1) COVERED INDIVIDUALS.—

2 “(A) IN GENERAL.—In addition to the in-
3 formation described in subsections (a) and (b)
4 of section 102, a covered individual shall in-
5 clude in each report required to be filed under
6 this title a copy of the income tax returns of the
7 covered individual for—

8 “(i) with respect to the President or
9 Vice President, the 8 most recent taxable
10 years and every year the individual was in
11 Federal elected office for which a return
12 have been filed with the Internal Revenue
13 Service as of the date on which the report
14 is filed; and

15 “(ii) with respect to a Member of
16 Congress, the 2 most recent taxable years
17 and every year the individual was in Fed-
18 eral elected office for which a return has
19 been filed with the Internal Revenue Serv-
20 ice as of the date on which the report is
21 filed.

22 “(B) FAILURE TO DISCLOSE.—If an in-
23 come tax return is not disclosed under subpara-
24 graph (A), the Director of the Office of Public
25 Integrity shall submit to the Secretary of the

1 Treasury a request that the Secretary of the
2 Treasury provide the Director of the Office of
3 Public Integrity with a copy of the income tax
4 return.

5 “(C) PUBLICLY AVAILABLE.—Each income
6 tax return submitted under this paragraph shall
7 be filed with the Director of the Office of Public
8 Integrity and made publicly available in the
9 same manner as the information described in
10 subsections (a) and (b) of section 102.

11 “(D) REDACTION OF CERTAIN INFORMA-
12 TION.—Before making any income tax return
13 submitted under this paragraph available to the
14 public, the Director of the Office of Public In-
15 tegrity shall redact such information as the Di-
16 rector of the Office of Public Integrity, in con-
17 sultation with the Secretary of the Treasury de-
18 termines appropriate.

19 “(2) CANDIDATES.—

20 “(A) IN GENERAL.—Not later than 15
21 days after the date on which a covered can-
22 didate is nominated, the covered candidate shall
23 amend the report filed by the covered candidate
24 under section 101(c) with the Federal Election

1 Commission to include a copy of the income tax
2 returns of the covered candidate for—

3 “(i) with respect to a candidate for
4 nomination or election to the office of
5 President or Vice President, the 8 most re-
6 cent taxable years and every year the indi-
7 vidual was in Federal elected office for
8 which a return has been filed with the In-
9 ternal Revenue Service; and

10 “(ii) with respect to a candidate for
11 nomination or election to the office of
12 Member of Congress, the 2 most recent
13 taxable years and every year the individual
14 was in Federal elected office for which a
15 return has been filed with the Internal
16 Revenue Service.

17 “(B) FAILURE TO DISCLOSE.—If an in-
18 come tax return is not disclosed under subpara-
19 graph (A) the Federal Election Commission
20 shall submit to the Secretary of the Treasury a
21 request that the Secretary of the Treasury pro-
22 vide the Federal Election Commission with the
23 income tax return.

24 “(C) PUBLICLY AVAILABLE.—Each income
25 tax return submitted under this paragraph shall

1 be filed with the Federal Election Commission
2 and made publicly available in the same manner
3 as the information described in section 102(b).

4 “(D) REDACTION OF CERTAIN INFORMA-
5 TION.—Before making any income tax return
6 submitted under this paragraph available to the
7 public, the Federal Election Commission shall
8 redact such information as the Federal Election
9 Commission, in consultation with the Secretary
10 of the Treasury and the Director of the Office
11 of Public Integrity, determines appropriate.

12 “(3) SPECIAL RULE FOR SITTING PRESI-
13 DENTS.—Not later than 30 days after the date of
14 enactment of this section, the President shall submit
15 to the Director of the Office of Public Integrity a
16 copy of the income tax returns described in para-
17 graph (1)(A)(i).”; and

18 (2) in section 104—

19 (A) in subsection (a)—

20 (i) in paragraph (1), in the first sen-
21 tence, by inserting “, 102B, or 102C, or
22 any individual who knowingly and willfully
23 falsifies or who knowingly and willfully
24 fails to file an income tax return that such
25 individual is required to disclose pursuant

1 to section 102A, 102B, or 102C” before
2 the period; and

3 (ii) in paragraph (2)(A)—

4 (I) in clause (i), by inserting
5 “102B, or 102C, or falsify any income
6 tax return that such person is re-
7 quired to disclose under section 102A,
8 102B, or 102C” before the semicolon;
9 and

10 (II) in clause (ii), by inserting
11 “102B, or 102C, or fail to file any in-
12 come tax return that such person is
13 required to disclosed under section
14 102A, 102B, or 102C” before the pe-
15 riod;

16 (B) in subsection (b), in the first sentence
17 by inserting “or willfully failed to file or has
18 willfully falsified an income tax return required
19 to be disclosed under section 102A, 102B, or
20 102C” before the period;

21 (C) in subsection (c), by inserting “or fail-
22 ing to file or falsifying an income tax return re-
23 quired to be disclosed under section 102A,
24 102B, or 102C” before the period; and

25 (D) in subsection (d)(1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “or files an income
3 tax return required to be disclosed under
4 section 102A, 102B, or 102C” after
5 “title”; and

6 (ii) in subparagraph (A), by inserting
7 “or such income tax return, as applicable,”
8 after “report”.

9 (b) AUTHORITY TO DISCLOSE INFORMATION.—

10 (1) IN GENERAL.—Section 6103(l) of the Inter-
11 nal Revenue Code of 1986 is amended by adding at
12 the end the following new paragraph:

13 “(23) DISCLOSURE OF RETURN INFORMATION
14 OF PRESIDENTS, VICE PRESIDENTS, MEMBERS OF
15 CONGRESS, AND CERTAIN CANDIDATES.—

16 “(A) DISCLOSURE OF RETURNS OF PRESI-
17 DENTS, VICE PRESIDENTS, AND MEMBERS OF
18 CONGRESS.—

19 “(i) IN GENERAL.—The Secretary
20 shall, upon written request from the Direc-
21 tor of the Office of Public Integrity pursu-
22 ant to section 102A(b)(1)(B) of the Ethics
23 in Government Act of 1978, provide to of-
24 ficers and employees of the Office of Public
25 Integrity a copy of any income tax return

1 of any President, Vice President, or Mem-
2 ber of Congress that is required to be filed
3 under section 102A(b)(1) of such Act.

4 “(ii) DISCLOSURE TO PUBLIC.—The
5 Director of the Office of Public Integrity
6 may disclose to the public any income tax
7 return of any President, Vice President,
8 and Member of Congress that is required
9 to be filed with the Director of the Office
10 of Public Integrity pursuant to section
11 102A(b)(1) of the Ethics in Government
12 Act of 1978.

13 “(B) DISCLOSURE OF RETURNS OF CER-
14 TAIN CANDIDATES FOR PRESIDENT, VICE
15 PRESIDENT, AND MEMBERS OF CONGRESS.—

16 “(i) IN GENERAL.—The Secretary
17 shall, upon written request from the Chair-
18 man of the Federal Election Commission
19 pursuant to section 102A(b)(2)(B) of the
20 Ethics in Government Act of 1978, provide
21 to officers and employees of the Federal
22 Election Commission copies of the applica-
23 ble returns of any covered candidate (as
24 defined in section 102A(a) of such Act).

1 “(ii) DISCLOSURE TO PUBLIC.—The
2 Federal Election Commission may disclose
3 to the public any applicable return of any
4 covered candidate (as defined in section
5 102A(a) of such Act) that is required to be
6 filed with the Commission pursuant to sec-
7 tion 102A(b)(2) of the Ethics in Govern-
8 ment Act.

9 “(iii) APPLICABLE RETURNS.—For
10 purposes of this paragraph, the term ‘ap-
11 plicable returns’ means—

12 “(I) with respect to any covered
13 candidate for the office of President
14 or Vice President, income tax returns
15 for the 8 most recent taxable years
16 and every year the individual was in
17 Federal elected office for which a re-
18 turn has been filed as of the date of
19 the nomination; and

20 “(II) with respect to any covered
21 candidate for the office of Member of
22 Congress, income tax returns for the
23 2 most recent taxable years and every
24 year the individual was in Federal
25 elected office for which a return has

1 been filed as of the date of the nomi-
2 nation.”.

3 (2) CONFORMING AMENDMENTS.—Section
4 6103(p)(4) of such Code, in the matter preceding
5 subparagraph (A) and in subparagraph (F)(ii), is
6 amended by striking “or (22)” and inserting “(22),
7 or (23)” each place it appears.

8 **SEC. 603. TRANSPARENCY RELATING TO CANDIDATES FOR**
9 **FEDERAL OFFICE AND MEMBERS OF CON-**
10 **GRESS.**

11 (a) IN GENERAL.—Title I of the Ethics in Govern-
12 ment Act of 1978 (5 U.S.C. App.) is amended by inserting
13 after section 102A, as added by section 602 of this Act,
14 the following:

15 **“SEC. 102B. DISCLOSURE RELATING TO COVERED ENTITIES**
16 **ASSOCIATED WITH MEMBERS OF CONGRESS**
17 **AND COVERED CANDIDATES.**

18 “(a) DEFINITIONS.—In this section—

19 “(1) the term ‘close family member’, with re-
20 spect to a reporting individual, includes—

21 “(A) a parent of the reporting individual;

22 “(B) a spouse of the reporting individual;

23 and

24 “(C) an adult child of the reporting indi-
25 vidual;

1 “(2) the term ‘covered candidate’ has the mean-
2 ing given the term in section 102A(a);

3 “(3) the term ‘covered entity’ means a corpora-
4 tion, company, firm, partnership, or other business
5 enterprise;

6 “(4) the term ‘gross receipts’ has the meaning
7 given the term in section 993(f) of the Internal Rev-
8 enue Code of 1986;

9 “(5) the term ‘income tax return’ has the
10 meaning given the term in section 102A(a);

11 “(6) the term ‘Member of Congress’ means—

12 “(A) a Member of Congress required to file
13 a report under subsection (a) or (d) of section
14 101; and

15 “(B) an individual who occupies the office
16 of Member of Congress and is required to file
17 a report under section 101(e); and

18 “(7) the term ‘reporting individual’ means—

19 “(A) a covered candidate; or

20 “(B) a Member of Congress.

21 “(b) DISCLOSURE.—

22 “(1) MEMBERS OF CONGRESS.—

23 “(A) IN GENERAL.—On and after the date
24 that is 180 days after the date on which the Di-
25 rector of the Office of Public Integrity, in con-

1 sultation with the Federal Election Commission,
2 promulgates regulations under paragraph (3),
3 in addition to the information described in sub-
4 sections (a) and (b) of section 102, a Member
5 of Congress shall include in each report re-
6 quired to be filed under this title, with respect
7 to the 2 most recent taxable years and every
8 year the Member of Congress was in Federal
9 elected office for which an income tax return
10 has been filed with the Internal Revenue Serv-
11 ice as of the date on which the report is filed—

12 “(i) a statement of the name of any
13 covered entity—

14 “(I) in which the Member of
15 Congress has a significant direct or
16 indirect ownership interest; and

17 “(II) that has gross receipts that
18 meet or exceed the threshold value es-
19 tablished by regulations promulgated
20 pursuant to paragraph (3);

21 “(ii) a copy of any income tax return
22 filed by a covered entity described in clause
23 (i) for any taxable year ending with or
24 within such years; and

1 “(iii) in the case of a covered entity
2 described in clause (i) that is a privately
3 owned or closely held covered entity, a
4 statement of—

5 “(I) each—

6 “(aa) asset of the covered
7 entity; and

8 “(bb) liability of the covered
9 entity;

10 “(II) all—

11 “(aa) income from sources
12 within the United States, as de-
13 scribed in section 861 of the In-
14 ternal Revenue Code of 1986;
15 and

16 “(bb) income from sources
17 without the United States, as de-
18 scribed in section 862 of the In-
19 ternal Revenue Code of 1986;

20 “(III) the name of each co-owner
21 or co-member of the covered entity;
22 and

23 “(IV) for any co-owner or co-
24 member described in subclause (III)
25 that is not a natural person, the name

1 of each natural person that controls,
2 directly or indirectly, the co-owner or
3 co-member.

4 “(B) CLOSE FAMILY MEMBERS.—In addi-
5 tion to the information described in subpara-
6 graph (A), the Director of the Office of Public
7 Integrity may, on a case-by-case basis and in
8 accordance with the regulations promulgated
9 under paragraph (3), require that a Member of
10 Congress include in each report required to be
11 filed under this title by the Member of Congress
12 the information described in subparagraph (A)
13 with respect to any covered entity—

14 “(i) in which a close family member of
15 the Member of Congress has a significant
16 direct or indirect ownership interest; and

17 “(ii) that has gross receipts that meet
18 or exceed the threshold value established
19 by regulations promulgated pursuant to
20 paragraph (3).

21 “(C) FAILURE TO DISCLOSE.—If an in-
22 come tax return is not disclosed under subpara-
23 graph (A)(ii), the Director of the Office of Pub-
24 lic Integrity shall submit to the Secretary of the
25 Treasury a request that the Secretary of the

1 Treasury provide the Director of the Office of
2 Public Integrity with a copy of the income tax
3 return.

4 “(D) PUBLICLY AVAILABLE.—All informa-
5 tion, including any income tax return, described
6 in this subsection required to be included in a
7 report under this title shall be filed with the Di-
8 rector of the Office of Public Integrity and
9 made publicly available in the same manner as
10 the information described in subsections (a) and
11 (b) of section 102.

12 “(E) REDACTION OF CERTAIN INFORMA-
13 TION.—

14 “(i) IN GENERAL.—Before making
15 any information, including any income tax
16 return, described in this paragraph re-
17 quired to be included in a report under
18 this title available to the public, the Direc-
19 tor of the Office of Public Integrity shall
20 redact—

21 “(I) if the information contained
22 in the report contains a trade secret
23 the disclosure of which is likely to
24 cause substantial harm to the com-
25 petitive position of the covered entity

1 to which the information contained in
2 the report pertains, the information
3 relating to the trade secret; and

4 “(II) such information as the Di-
5 rector of the Office of Public Integ-
6 rity, in consultation with the Sec-
7 retary of the Treasury, determines ap-
8 propriate.

9 “(ii) REQUEST FOR REDACTION.—A
10 Member of Congress submitting a report
11 under this title that contains information,
12 including any income tax return, described
13 in this paragraph that contains a trade se-
14 cret described in clause (i)(I) may request
15 that the Director of the Office of Public
16 Integrity redact the information relating to
17 the trade secret.

18 “(2) CANDIDATES.—

19 “(A) IN GENERAL.—On and after the date
20 that is 180 days after the date on which the Di-
21 rector of the Office of Public Integrity, in con-
22 sultation with the Federal Election Commission,
23 promulgates regulations under paragraph (3),
24 not later than 15 days after the date on which
25 a covered candidate is nominated, the covered

1 candidate shall amend the report filed by the
2 covered candidate under section 101(c) with the
3 Federal Election Commission to include, with
4 respect to the years described in subparagraph
5 (B)—

6 “(i) a statement of the name of any
7 covered entity—

8 “(I) in which the covered can-
9 didate has a significant direct or indi-
10 rect ownership interest; and

11 “(II) that has gross receipts that
12 meet or exceed the threshold value es-
13 tablished by regulations promulgated
14 pursuant to paragraph (3);

15 “(ii) a copy of any income tax return
16 filed by a covered entity described in clause
17 (i) for any taxable year ending with or
18 within such years; and

19 “(iii) in the case of a covered entity
20 described in clause (i) that is a privately
21 owned or closely held covered entity, a
22 statement of—

23 “(I) each—

24 “(aa) asset of the covered
25 entity; and

1 “(bb) liability of the covered
2 entity;

3 “(II) all—

4 “(aa) income from sources
5 within the United States, as de-
6 scribed in section 861 of the In-
7 ternal Revenue Code of 1986;
8 and

9 “(bb) income from sources
10 without the United States, as de-
11 scribed in section 862 of the In-
12 ternal Revenue Code of 1986;

13 “(III) the name of each co-owner
14 or co-member of the covered entity;
15 and

16 “(IV) for any co-owner or co-
17 member described in subclause (III)
18 that is not a natural person, the name
19 of each natural person that controls,
20 directly or indirectly, the co-owner or
21 co-member.

22 “(B) APPLICABLE YEARS.—The years de-
23 scribed in this subparagraph are as follows:

24 “(i) In the case of a report filed under
25 section 101(c) by a covered candidate for

1 the office of President or Vice President,
2 the 8 years preceding the date on which
3 the report is filed.

4 “(ii) In the case of a report filed
5 under section 101(c) by a covered can-
6 didate for the office of Member of Con-
7 gress, the 2 years preceding the date on
8 which the report is filed.

9 “(C) CLOSE FAMILY MEMBERS.—In addi-
10 tion to the information described in subpara-
11 graph (A), the Federal Election Commission
12 may, on a case-by-case basis and in accordance
13 with the regulations promulgated under para-
14 graph (3), require that a covered candidate in-
15 clude in each report required to be filed under
16 section 101(c) by the covered candidate the in-
17 formation described in subparagraph (A) with
18 respect to any covered entity—

19 “(i) in which a close family member of
20 the covered candidate has a significant di-
21 rect or indirect ownership interest; and

22 “(ii) that has gross receipts that meet
23 or exceed the threshold value established
24 by regulations promulgated pursuant to
25 paragraph (3).

1 “(D) FAILURE TO DISCLOSE.—If an in-
2 come tax return is not disclosed under subpara-
3 graph (A)(ii), the Chairman of the Federal
4 Election Commission shall submit to the Sec-
5 retary of the Treasury a request that the Sec-
6 retary of the Treasury provide the Federal
7 Election Commission with a copy of the income
8 tax return.

9 “(E) PUBLICLY AVAILABLE.—All informa-
10 tion, including any income tax return, described
11 in this subsection required to be included in a
12 report under section 101(c) shall be filed with
13 the Federal Election Commission and made
14 publicly available in the same manner as the in-
15 formation described in subsections (a) and (b)
16 of section 102.

17 “(F) REDACTION OF CERTAIN INFORMA-
18 TION.—

19 “(i) IN GENERAL.—Before making
20 any information, including any income tax
21 return, described in this paragraph re-
22 quired to be included in a report under
23 section 101(c) available to the public, the
24 Federal Election Commission shall re-
25 duct—

1 “(I) if the information contained
2 in the report contains a trade secret
3 the disclosure of which is likely to
4 cause substantial harm to the com-
5 petitive position of the covered entity
6 to which the information contained in
7 the report pertains, the information
8 relating to the trade secret; and

9 “(II) such information as the
10 Federal Election Commission, in con-
11 sultation with the Secretary of the
12 Treasury, determines appropriate.

13 “(ii) REQUEST FOR REDACTION.—A
14 covered candidate submitting a report
15 under section 101(c) that contains infor-
16 mation, including any income tax return,
17 described in this paragraph that contains a
18 trade secret described in clause (i)(I) may
19 request that the Federal Election Commis-
20 sion redact the information relating to the
21 trade secret.

22 “(3) REGULATIONS.—Not later than 120 days
23 after the date of enactment of this section, the Di-
24 rector of the Office of Public Integrity shall, in con-

1 sultation with the Federal Elections Commission,
2 promulgate regulations to—

3 “(A) establish each threshold value for
4 purposes of—

5 “(i) subparagraphs (A)(i)(II) and
6 (B)(ii) of paragraph (1); and

7 “(ii) subparagraphs (A)(i)(II) and
8 (C)(ii) of paragraph (2);

9 “(B) define the term ‘significant direct or
10 indirect interest’;

11 “(C) ensure that information described in
12 this subsection that is required to be contained
13 in a report filed under this title does not—

14 “(i) disclose any trade secret that is
15 likely to cause substantial harm to the
16 competitive position of the covered entity
17 to which it pertains; or

18 “(ii) violate the privacy of any indi-
19 vidual who is not the reporting individual
20 who files the report; and

21 “(D) prescribe appropriate circumstances
22 in which to require a Member of Congress or
23 covered candidate to provide information under
24 paragraph (1)(B) or (2)(C).

1 **“SEC. 102C. DISCLOSURE RELATING TO COVERED ORGANI-**
2 **ZATIONS ASSOCIATED WITH COVERED CAN-**
3 **DIDATES.**

4 “(a) DEFINITIONS.—In this section—

5 “(1) the term ‘covered candidate’ has the mean-
6 ing given the term in section 102A(a);

7 “(2) the term ‘covered organization’ means an
8 organization required to—

9 “(A) file an income tax return under sec-
10 tion 6033 of the Internal Revenue Code of
11 1986; and

12 “(B) include information under subsection
13 (e) thereof;

14 “(3) the term ‘income tax return’ has the
15 meaning given the term in section 102A(a); and

16 “(4) the term ‘key employee’ means—

17 “(A) an individual who is 1 of the 5 indi-
18 viduals receiving the highest amount of com-
19 pensation paid by a covered organization; or

20 “(B) an individual receiving compensation
21 paid by a covered organization in an amount
22 that exceeds \$100,000.

23 “(b) DISCLOSURE.—

24 “(1) IN GENERAL.—Not later than 15 days
25 after the date on which a covered candidate is nomi-
26 nated, the covered candidate shall amend the report

1 filed by the covered candidate under section 101(c)
2 with the Federal Election Commission to include—

3 “(A) a statement identifying each covered
4 organization of which the covered candidate has
5 been an officer, director, trustee, board mem-
6 ber, or key employee during the 2 years pre-
7 ceding the date on which the report is filed; and

8 “(B) for each covered organization identi-
9 fied under subparagraph (A), a copy of each in-
10 come tax return required to be filed by the cov-
11 ered organization under section 6033 of the In-
12 ternal Revenue Code of 1986 for each taxable
13 year ending with or within any taxable years
14 described in subparagraph (A) in which the cov-
15 ered candidate was an officer, director, trustee,
16 board member, or key employee of the covered
17 organization.

18 “(2) FAILURE TO DISCLOSE.—If an income tax
19 return is not disclosed under paragraph (1)(B), the
20 Federal Election Commission shall submit to the
21 Secretary of the Treasury a request that the Sec-
22 retary of the Treasury provide the Federal Election
23 Commission with the income tax return.

24 “(3) PUBLICLY AVAILABLE.—

1 “(A) IN GENERAL.—All information, in-
2 cluding any income tax return, described in this
3 subsection required to be included in a report
4 under section 101(c) shall be filed with the
5 Federal Election Commission and made publicly
6 available in the same manner as the informa-
7 tion described in section 102(b).

8 “(B) INCOME TAX RETURNS.—The Direc-
9 tor of the Office of Public Integrity shall make
10 a copy of each income tax return described in
11 paragraph (1)(B) included in a report filed
12 under section 101(c) publicly available on the
13 website described in section 402(b)(19) until—

14 “(i) the date on which the reporting
15 individual ceases to be a covered candidate;
16 or

17 “(ii) if the reporting individual is
18 elected to the office for which the reporting
19 individual was a covered candidate, the
20 date on which the reporting individual
21 ceases to serve in the office for which the
22 reporting individual was a covered can-
23 didate.

24 “(4) REDACTION.—Before making any informa-
25 tion, including any income tax return, described in

1 this subsection required to be included in a report
2 under section 101(c) available to the public, the
3 Federal Election Commission shall redact such infor-
4 mation as the Federal Election Commission, in con-
5 sultation with the Secretary of the Treasury and the
6 Director of the Office of Public Integrity, determines
7 appropriate.”.

8 (b) AUTHORITY TO DISCLOSE INFORMATION.—Para-
9 graph (23) of section 6103(l) of the Internal Revenue
10 Code of 1986, as added by section 602, is amended by
11 adding at the end the following new subparagraphs:

12 “(C) DISCLOSURE OF RETURNS OF COV-
13 ERED ENTITIES ASSOCIATED WITH MEMBERS
14 OF CONGRESS AND COVERED CANDIDATES.—

15 “(i) IN GENERAL.—

16 “(I) COVERED ENTITIES ASSOCI-
17 ATED WITH MEMBERS OF CON-
18 GRESS.—The Secretary shall, upon
19 written request from the Director of
20 the Office of Public Integrity pursu-
21 ant to section 102B(b)(1)(C) of the
22 Ethics in Government Act of 1978
23 provide to officers and employees of
24 the Office of Public Integrity a copy
25 of any income tax return of a covered

1 entity (as defined in section 102B(a)
2 of such Act) that relates to a year de-
3 scribed in section 102B(b)(1)(A) of
4 such Act and is required to be filed
5 under section 102B(b) of such Act.

6 “(II) COVERED ENTITIES ASSOCI-
7 ATED WITH COVERED CANDIDATES.—
8 The Secretary shall, upon written re-
9 quest from the Chairman of the Fed-
10 eral Election Commission pursuant to
11 section 102B(b)(2)(D) of the Ethics
12 in Government Act of 1978 provide to
13 officers and employees of the Federal
14 Election Commission a copy of any in-
15 come tax return of a covered entity
16 (as defined in section 102B(a) of such
17 Act) that relates to a year described
18 in section 102B(b)(2)(B) of such Act
19 and is required to be filed under sec-
20 tion 102B(b) of such Act.

21 “(ii) DISCLOSURE TO PUBLIC.—The
22 Director of the Office of Public Integrity
23 and the Chairman of the Federal Election
24 Commission may disclose to the public the
25 income tax return of any covered entity (as

1 so defined) that is required to be filed pur-
2 suant to section 102B(b) of the Ethics in
3 Government Act of 1978.

4 “(D) DISCLOSURE OF RETURNS OF COV-
5 ERED ORGANIZATIONS ASSOCIATED WITH COV-
6 ERED CANDIDATES.—

7 “(i) IN GENERAL.—The Secretary
8 shall, upon written request from the Chair-
9 man of the Federal Election Commission
10 pursuant to section 102C(b)(2) of the Eth-
11 ics in Government Act of 1978, provide to
12 officers and employees of the Federal Elec-
13 tion Commission copies of any income tax
14 return required to be filed under section
15 6033 by an organization described in
16 clause (iii) for any year taxable year end-
17 ing with or within the period described in
18 section 102C(b)(1)(B) of such Act.

19 “(ii) DISCLOSURE TO PUBLIC.—The
20 Federal Election Commission may disclose
21 to the public income tax returns of any or-
22 ganization described in clause (iii) that is
23 required to be filed with the Commission
24 pursuant to section 102C(b) of the Ethics
25 in Government Act of 1978.

1 “(iii) ORGANIZATION DESCRIBED.—
2 An organization is described in this clause
3 if such organization is a covered organiza-
4 tion (as defined in section 102C(a) of the
5 Ethics in Government Act of 1978) of
6 which a person who has been nominated as
7 a covered candidate (as defined in section
8 102A(a) of such Act) has been an officer,
9 director, trustee, board member, or key
10 employee (as defined in section 102C(a) of
11 such Act) during the period described in
12 section 102C(b)(1)(A) of such Act.”.

13 (c) PROVISION OF FINANCIAL DISCLOSURES TO THE
14 FEDERAL ELECTION COMMISSION.—Section 103(j) of the
15 Ethics in Government Act of 1978 (5 U.S.C. App.) is
16 amended—

17 (1) in paragraph (1), by adding at the end the
18 following: “In the case of a report filed under this
19 title with the Clerk of the House of Representatives
20 by a covered candidate, as defined in section
21 102A(a), a copy of the report shall also be sent by
22 the Clerk to the Federal Election Commission within
23 the 7-day period beginning on the day the report is
24 filed.”; and

1 (2) in paragraph (2), by adding at the end the
2 following: “In the case of a report filed under this
3 title with the Secretary of the Senate by a covered
4 candidate, as defined in section 102A(a), a copy of
5 the report shall also be sent by the Secretary to the
6 Federal Election Commission within the 7-day pe-
7 riod beginning on the day the report is filed.”.

8 **Subtitle B—Think Tank, Nonprofit,**
9 **and Advocate Transparency**

10 **SEC. 611. AMENDMENTS TO THE LOBBYING DISCLOSURE**

11 **ACT OF 1995.**

12 (a) ENFORCEMENT REPORT.—Section 6(b) of the
13 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)) is
14 amended—

15 (1) by striking paragraph (1) and inserting the
16 following:

17 “(1) REPORTS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), after the end of each semiannual pe-
20 riod beginning on January 1 and July 1, the
21 Attorney General, in consultation with the Di-
22 rector of the Office of Public Integrity, shall
23 submit to each congressional committee referred
24 to in paragraph (2) a report that includes, for
25 that semiannual period a statement of—

1 “(i) the aggregate number of enforce-
2 ment actions taken by the Department of
3 Justice under this Act; and

4 “(ii) by case, any sentence or fine im-
5 posed in each such enforcement action.

6 “(B) INFORMATION NOT ALREADY A MAT-
7 TER OF PUBLIC RECORD.—A report submitted
8 under subparagraph (A) may not include the
9 name of any individual, or any personally iden-
10 tifiable information, that is not already a mat-
11 ter of public record, as of the date on which the
12 report is submitted.”; and

13 (2) in paragraph (2)—

14 (A) by striking “paragraph (1)” and in-
15 serting “paragraph (1)(A)”; and

16 (B) by inserting “and the Committee on
17 Oversight and Government Reform” after
18 “Committee on the Judiciary”.

19 (b) REPORTS BY THINK TANK, NONPROFIT, AND AD-
20 VOCACY GROUPS.—The Lobbying Disclosure Act of 1995
21 (2 U.S.C. 1601 et seq.) is amended—

22 (1) by redesignating sections 6 through 28 (2
23 U.S.C. 1605 et seq.), as amended by title II of this
24 Act, as sections 7 through 29, respectively; and

1 (2) by inserting after section 5 (2 U.S.C. 1604)
2 the following:

3 **“SEC. 6. REPORTS BY THINK TANK, NONPROFIT, AND ADVOCACY GROUPS.**
4 **CACY GROUPS.**

5 “(a) DEFINITION.—In this section—

6 “(1) the term ‘covered organization’ means any
7 organization—

8 “(A) that is described in paragraph (3),
9 (4), or (6) of section 501(c) of the Internal
10 Revenue Code of 1986 and exempt from tax
11 under section 501(a) of such Code; and

12 “(B) that—

13 “(i) engages in lobbying activities; or

14 “(ii) is a client; and

15 “(2) the term ‘covered product’ means any com-
16 munication that is—

17 “(A) made to a covered legislative branch
18 official or covered executive branch official in
19 the course of any lobbying contact by, or on be-
20 half of, a covered organization;

21 “(B) testimony—

22 “(i) given by, or on behalf of, a cov-
23 ered organization before a committee, sub-
24 committee, or task force of Congress; or

1 “(ii) submitted by, or on behalf of, a
2 covered organization for inclusion in the
3 public record of a hearing conducted by
4 such committee, subcommittee, or task
5 force; or

6 “(C) made by, or on behalf of, a covered
7 organization in response to a notice in the Fed-
8 eral Register, Commerce Business Daily, or
9 other similar publication soliciting communica-
10 tions from the public and directed to the agency
11 official specifically designated in the notice to
12 receive such communications.

13 “(b) REPORTS.—Not later than 1 year after the date
14 of enactment of this section, and not later than January
15 30th of each year thereafter, or on the first business day
16 after January 30th if January 30th is not a business day,
17 each covered organization shall submit to the Director of
18 the Office of Public Integrity a report for the preceding
19 calendar year that includes, with respect to each covered
20 product made or given by, or on behalf of, the covered
21 organization during that year—

22 “(1) the name of each donor who donated any
23 amount that was—

24 “(A) used to pay the cost of making or giv-
25 ing the covered product; and

1 (2) by inserting “and, if it engages in lobbying
2 activities (as defined in section 3 of the Lobbying
3 Disclosure Act of 1995) or is a client (as defined in
4 such section), a statement of whether any such con-
5 tribution was intended to support any lobbying activ-
6 ity (as so defined) or lobbying contact (as defined in
7 such section) by or on behalf of it, and, if so, a de-
8 scription of such lobbying activity or lobbying con-
9 tact” after “substantial contributors,”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to returns required to be filed for
12 taxable years ending on or after the date that is 1 year
13 after the date of the enactment of this Act.

14 **Subtitle C—Strengthening FOIA** 15 **Enforcement**

16 **SEC. 621. STRENGTHENING FOIA ENFORCEMENT.**

17 (a) IN GENERAL.—Section 552 of title 5, United
18 States Code (commonly known as the “Freedom of Infor-
19 mation Act”), is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (4)—

22 (i) in subparagraph (B), in the first
23 sentence—

24 (I) by striking “and to order”

25 and inserting “, to order”; and

1 (II) by inserting before the pe-
2 riod at the end the following: “, to
3 order an agency to make available for
4 public inspection, including by posting
5 electronically, the records described in
6 paragraph (2), to make available to
7 the public on the website of the agen-
8 cy the records described in subsection
9 (p), and to award other appropriate
10 equitable relief”; and

11 (ii) in subparagraph (F)(i), in the
12 first sentence—

13 (I) by inserting “, orders an
14 agency to make available for public in-
15 spection, including by posting elec-
16 tronically, the records described in
17 paragraph (2), or orders an agency to
18 make available to the public on the
19 website of the agency the records de-
20 scribed in subsection (p),” after “im-
21 properly withheld from the complain-
22 ant”; and

23 (II) by inserting “or unavail-
24 ability of records” after “the with-

1 holding” each place that term ap-
2 pears; and

3 (B) in paragraph (6), by adding at the end
4 the following:

5 “(G)(i) Notwithstanding any determination
6 made under subparagraph (A)(i), or any appeal to
7 such a determination under subparagraph (A)(ii),
8 the Office of Government Information Services es-
9 tablished under subsection (h) shall require an agen-
10 cy to comply with a request for records made under
11 paragraph (1), (2), or (3), or any other requirement
12 of this subsection, if the Office determines that the
13 agency has not reasonably and impartially complied
14 with the requirements of this subsection.

15 “(ii) If the Office makes a determination under
16 clause (i) that an agency has not reasonably or im-
17 partially complied with a request for records made
18 under paragraph (1), (2), or (3), or any other re-
19 quirement of this subsection, and requires the agen-
20 cy to comply with that request or requirement, the
21 Office shall make available to the public on the
22 website of the Office that determination and any re-
23 sponse and regular update by the agency of compli-
24 ance by the agency.

1 “(iii) Nothing in clause (i) or (ii) shall be con-
2 strued to prevent or restrict the ability of an indi-
3 vidual to bring a suit to compel the disclosure of
4 records under this section.”;

5 (2) in subsection (d), by inserting “any Member
6 of” before “Congress”;

7 (3) in subsection (h)(3)—

8 (A) by inserting “(A)” before “The Of-
9 fice”; and

10 (B) by adding at the end the following:

11 “(B) The Director of the Office of Public Integ-
12 rity, or a designee of the Director, may submit a
13 non-binding recommendation to the Office of Gov-
14 ernment Information Services regarding the disclo-
15 sure of information under this section during a me-
16 diation service provided under subparagraph (A).”;
17 and

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

19 “(n) Each agency shall maintain and make available
20 through a single website, which may be the website de-
21 scribed in subsection (m) and shall be managed by the
22 Office of Public Integrity, an agency record database
23 that—

1 “(1) contains a log of the status of each open
2 request for records from the agency under this sec-
3 tion; and

4 “(2) makes each request for records under this
5 section with which the agency complies available in
6 a format that is searchable, sortable, machine read-
7 able, and downloadable not later than 60 days after
8 the date on which the request is first received by the
9 agency.”.

10 **SEC. 622. EXEMPTIONS FROM DISCLOSURE.**

11 (a) IN GENERAL.—Section 552(b) of title 5, United
12 States Code, is amended—

13 (1) in paragraph (3)(B), by inserting “with an
14 explanation for the exemption” after “specifically
15 cites to this paragraph”;

16 (2) in paragraph (4), by inserting before the
17 semicolon at the end the following: “, only if disclo-
18 sure of the commercial or financial information is
19 likely to cause substantial harm to the competitive
20 position of the person from whom the information
21 was obtained”;

22 (3) in paragraph (5)—

23 (A) by striking “provided that the delibera-
24 tive process privilege shall not apply to records
25 created 25 years or more before the date on

1 which the records were requested” and insert-
2 ing “and excluding—

3 “(A) any opinion that is a controlling interpre-
4 tation of law;

5 “(B) any final report or memorandum created
6 by an entity other than the agency, including other
7 Governmental entities, at the request of the agency
8 and used to make a final policy decision;

9 “(C) any guidance document used by the agen-
10 cy to respond to the public; and

11 “(D) any record created not less than 25 years
12 before the date on which the records were re-
13 quested”;

14 (4) in paragraph (6), by striking “similar files”
15 and inserting “personal information, such as per-
16 sonal contact information or personal financial infor-
17 mation,”;

18 (5) in paragraph (7)—

19 (A) in subparagraph (E)—

20 (i) by inserting a comma before “if
21 such”; and

22 (ii) by inserting “and the record or in-
23 formation was created less than 25 years
24 before the date on which the records were

1 requested” after “circumvention of the
2 law”; and

3 (B) by adding “or” at the end;

4 (6) by striking paragraph (8);

5 (7) by redesignating paragraph (9) as para-
6 graph (8); and

7 (8) in the flush text following paragraph (8), as
8 so redesignated—

9 (A) by inserting before “Any reasonably
10 segregable portion” the following: “An agency
11 may not withhold information under this sub-
12 section unless the agency reasonably foresees
13 that disclosure would cause specific identifiable
14 harm to an interest protected by an exemption,
15 or if disclosure is prohibited by law.”; and

16 (B) by inserting before “If technically fea-
17 sible,” the following: “For each record withheld
18 in whole or in part under paragraph (3), the
19 agency shall identify the statute that exempts
20 the record from disclosure.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) ENERGY POLICY AND CONSERVATION
23 ACT.—Section 254(a)(2)(A) of the Energy Policy
24 and Conservation Act (42 U.S.C. 6274(a)(2)(A)) is

1 amended by striking “(b)(9)” and inserting
2 “(b)(8)”.

3 (2) FEDERAL CREDIT UNION ACT.—Section
4 216(j)(3)(A) of the Federal Credit Union Act (12
5 U.S.C. 1790d(j)(3)(A)) is amended—

6 (A) by striking “; or” and all that follows
7 and inserting a period; and

8 (B) by striking “excising” and all that fol-
9 lows through “any portion” and inserting “ex-
10 cising any portion”.

11 (3) SECURITIES EXCHANGE ACT OF 1934.—Sec-
12 tion 24 of the Securities Exchange Act of 1934 (15
13 U.S.C. 78x) is amended—

14 (A) in subsection (d), by striking “(g)”
15 and inserting “(f)”;

16 (B) by striking subsection (e); and

17 (C) by redesignating subsections (f) and
18 (g) as subsections (e) and (f), respectively.

19 **SEC. 623. PUBLIC INTEREST BALANCING TEST.**

20 Section 552 of title 5, United States Code (commonly
21 known as the “Freedom of Information Act”), as amended
22 by this subtitle, is amended—

23 (1) in subsection (b), in the matter preceding
24 paragraph (1), by striking “This section” and in-
25 serting “Subject to subsection (o), this section”; and

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

2 “(o)(1) Notwithstanding the applicability of an ex-
3 emption from disclosure under subsection (b), an agency
4 shall make available a record or any segregable portion
5 of a record if the public interest in disclosure clearly out-
6 weighs the interest protected by the exemption.

7 “(2) In evaluating the public interest in disclosing a
8 record or a portion of a record under paragraph (1), an
9 agency and courts shall consider—

10 “(A) the extent to which access to the record
11 will further public understanding of the operations
12 or decision making of an agency or Government offi-
13 cial;

14 “(B) the extent to which the age of the record
15 diminishes the rationale for withholding the record;

16 “(C) any reasonable suspicion of governmental
17 wrongdoing;

18 “(D) the importance of the record to the public
19 in order for the public to make informed decisions
20 with respect to the electoral and democratic process;
21 and

22 “(E) any other factors that the agency or court
23 determines necessary.”.

1 **SEC. 624. AFFIRMATIVE DISCLOSURE OF AGENCY RECORDS**
2 **ON WEBSITE.**

3 Section 552 of title 5, United States Code (commonly
4 known as the “Freedom of Information Act”), as amended
5 by this subtitle, is amended by adding at the end the fol-
6 lowing:

7 “(p)(1) Each agency shall make available to the pub-
8 lic on the website of the agency—

9 “(A) information relating to each advisory com-
10 mittee (as defined in section 3 of the Federal Advi-
11 sory Committee Act (5 U.S.C. App.)) of the agency,
12 including—

13 “(i) the charter of the advisory committee
14 and a description of the activities of the advi-
15 sory committee;

16 “(ii) the name and basic biography of each
17 member of the advisory committee, and any
18 conflict of interest, ethics waiver, or recusal in-
19 formation relating to each member;

20 “(iii) the meeting agendas, minutes, tran-
21 scripts, and any recordings of the advisory com-
22 mittee;

23 “(iv) any upcoming events of the advisory
24 committee;

25 “(v) timelines of any ongoing advisory
26 committee work; and

1 “(vi) a full list of nominated members of
2 the advisory committee and the final selected
3 membership of the advisory committee;

4 “(B) information relating to Federal contracts
5 of the agency, including—

6 “(i) a copy of each contract, task, and de-
7 livery order;

8 “(ii) information on past performance of
9 contractors, if available; and

10 “(iii) except for information that is exempt
11 from disclosure under subsection (b)(4), all cor-
12 respondence and documents related to the pro-
13 vision of services to the Federal Government by
14 contractors earning—

15 “(I) \$10,000,000 during a 1-year pe-
16 riod under a Federal contract or license; or

17 “(II) more than 20 percent of total
18 revenue of the contractor from Federal
19 sources;

20 “(C) ethics documents maintained by the Office
21 of Public Integrity, including—

22 “(i) final submissions of ethics paperwork
23 for an individual in a position on any level of
24 the Executive Schedule under subchapter II of
25 chapter 53 of this title;

1 “(ii) waivers; and

2 “(iii) any document granting a recusal on
3 a specific issue for an individual in a position
4 on any level of the Executive Schedule under
5 subchapter II of chapter 53 of this title;

6 “(D) basic employee organizational charts and
7 office contact information, including—

8 “(i) charts that minimally include the
9 names, job titles, and salaries of all noncareer
10 appointees and career appointees, as defined in
11 section 3132 of this title; and

12 “(ii) front office contact information for
13 every office within the agency;

14 “(E) each communication sent to Congress or
15 to a committee of Congress, including—

16 “(i) congressional testimony;

17 “(ii) each unclassified report submitted to
18 Congress, as required by statute; and

19 “(iii) each response to questions for con-
20 gressional hearing records, provided that the re-
21 sponse does not include individual casework or
22 constituent information; and

23 “(F) human resources data of the agency, in
24 the aggregate, including—

1 “(i) the number of involuntary transfers,
2 hires, and voluntary and involuntary departures
3 each quarter; and

4 “(ii) information on the racial, ethnic, and
5 gender diversity with respect to hires, departures,
6 and involuntary transfers.

7 “(2) If an agency is unable to maintain a website de-
8 scribed in paragraph (1) due to resource constraints, the
9 agency shall submit the information required to be made
10 available under paragraph (1) to the Director of the Office
11 of Public Integrity, who shall make the information avail-
12 able on a website managed by the Office of Public Integ-
13 rity, such as the website described in subsection (m).”.

14 **SEC. 625. APPLICABILITY.**

15 This subtitle and the amendments made by this sub-
16 title shall apply on and after the date of enactment of this
17 Act.

18 **Subtitle D—Federal Contractor**
19 **Transparency**

20 **SEC. 631. EXPANDING APPLICABILITY OF THE FREEDOM OF**
21 **INFORMATION ACT TO FEDERAL CONTRAC-**
22 **TORS.**

23 (a) DEFINITION OF AGENCY.—In this section, the
24 term “agency” has the meaning given the term in section
25 552(f) of title 5, United States Code.

1 (b) APPLICABILITY OF FOIA.—A record relating to
2 a Federal contractor, including a record relating to a non-
3 Federal prison, correctional, or detention facility, pro-
4 duced during fulfillment of the Federal contract with an
5 agency with funds provided under the contract shall be—

6 (1) considered a record for purposes of section
7 552(f)(2) of title 5, United States Code, whether in
8 the possession of the Federal contractor or an agen-
9 cy; and

10 (2) subject to section 552 of title 5, United
11 States Code (commonly known as the “Freedom of
12 Information Act”), to the same extent as if the
13 record was maintained by an agency.

14 (c) WITHHOLDING OF INFORMATION.—An agency
15 may not withhold information that would otherwise be re-
16 quired to be disclosed under subsection (b) unless—

17 (1) the agency, based on the independent as-
18 sessment of the agency, reasonably foresees that dis-
19 closure of the information would cause specific iden-
20 tifiable harm to an interest protected by an exemp-
21 tion from disclosure under section 552(b) of title 5,
22 United States Code; or

23 (2) disclosure of the information is prohibited
24 by law.

25 (d) REGULATIONS.—

1 (1) IN GENERAL.—An agency may promulgate
2 regulations or guidance to ensure compliance with
3 this section by the agency and Federal contractors.

4 (2) COMPLIANCE BY FEDERAL CONTRAC-
5 TORS.—

6 (A) IN GENERAL.—Compliance with this
7 section by an applicable entity shall be included
8 as a material term in any contract, agreement,
9 or renewal of a contract or agreement between
10 the agency and the Federal contractor.

11 (B) MODIFICATION OF CONTRACT OR
12 AGREEMENT.—Not later than 1 year after the
13 date of enactment of this Act, an agency shall
14 secure a modification to include compliance
15 with this section by a Federal contractor as a
16 material term in any contract or agreement de-
17 scribed under subparagraph (A) that will not
18 otherwise be renegotiated, renewed, or modified
19 before the date that is 1 year after the date of
20 enactment of this Act.

21 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to limit or reduce the scope of
23 State or local open records laws.

1 **SEC. 632. PUBLIC DISCLOSURE BY LARGE CONTRACTORS.**

2 (a) DEFINITION.—In this section, the term “covered
3 contractor” means an entity that earns more than—

4 (1) \$10,000,000 during a 1-year period under
5 a Federal contract or license; or

6 (2) 20 percent of the total revenue of the entity
7 from Federal sources.

8 (b) REQUIREMENT.—Each covered contractor shall,
9 on an annual basis, submit to the Director of the Office
10 of Public Integrity and the Administrator of the Office
11 of Federal Procurement Policy—

12 (1) any audited financial statements of the cov-
13 ered contractor;

14 (2) a listing of the salaries of employees of the
15 covered contractor providing services on Federal
16 contracts that are compensated over \$100,000 per
17 year;

18 (3) a detailed list of all Federal political spend-
19 ing by the covered contractor; and

20 (4) the identity of each beneficial owner of the
21 covered contractor, including—

22 (A) name;

23 (B) current residential or business street
24 address; and

25 (C) whether the beneficial owner is a for-
26 eign person.

1 (c) PENALTY.—The Director of the Office of Man-
2 agement and Budget may—

3 (1) in consultation with the Administrator of
4 the Office of Federal Procurement Policy and the
5 Director of the Office of Public Integrity, tempo-
6 rarily or indefinitely disqualify a covered contractor
7 from receiving a Federal contract if the Director of
8 the Office of Management and Budget determines
9 that the covered contractor failed to comply with the
10 requirement under subsection (b); and

11 (2) reinstate the ability of a covered contractor
12 described in paragraph (1) to receive a Federal con-
13 tract.

14 **Subtitle E—Congressional** 15 **Transparency**

16 **SEC. 641. INCREASED TRANSPARENCY OF COMMITTEE** 17 **WORK.**

18 (a) DEFINITIONS.—In this section—

19 (1) the term “Committee” means—

20 (A) a committee of the House of Rep-
21 resentatives;

22 (B) a committee of the Senate; and

23 (C) a subcommittee of a committee de-
24 scribed in paragraph (1) or (2);

1 (2) the term “covered hearing” means a public
2 hearing held by a Committee; and

3 (3) the term “covered markup” means a public
4 markup held by a Committee.

5 (b) SCHEDULE.—At the same time as the schedule
6 is made available to members of a Committee, but not
7 later than 7 days before the date of a covered hearing or
8 covered markup (unless the Chairman and Ranking Mi-
9 nority Member of the Committee agree to waive the 7-
10 day requirement), each Committee shall make available on
11 the website of the Committee the schedule of covered hear-
12 ings and covered markups of the Committee.

13 (c) INFORMATION REQUIRED FOR MARKUPS.—At the
14 same time as the materials are made available to members
15 of a Committee, but not later than 24 hours before the
16 time of a covered markup (unless the Chairman and Rank-
17 ing Minority Member of the Committee agree to waive the
18 24-hour requirement), the Committee shall make available
19 on the website of the Committee any bill or resolution to
20 be considered at the covered markup and any amendments
21 to such a bill or resolution filed with the Committee.

22 (d) ADDITIONAL REQUIRED INFORMATION.—Not
23 later than 24 hours after holding a covered hearing or a
24 covered markup, a Committee shall make available on the
25 website of the Committee—

1 (1) a description of the topic of the covered
2 hearing or covered markup;

3 (2) any legislation related to the covered hear-
4 ing or covered markup;

5 (3) the written testimony of any witness;

6 (4) any documents or materials entered into the
7 record;

8 (5) any written opening statements of the
9 Chairman or Ranking Minority Member of the Com-
10 mittee; and

11 (6) audio and video recordings of the covered
12 hearing or covered markup.

13 (e) TRANSCRIPTS.—Not later than 45 days after
14 holding a covered hearing or covered markup, a Com-
15 mittee shall make available on the website of the Com-
16 mittee transcripts of the covered hearing or covered mark-
17 up.

18 (f) REPORTED MEASURES.—Not later than 24 hours
19 after a covered markup during which a Committee orders
20 a bill or resolution to be reported, the Committee shall
21 post on the website of the Committee—

22 (1) each amendment to the bill or resolution
23 that was agreed to, except for technical and con-
24 forming changes authorized by the Committee; and

1 (2) a record of each vote taken on the bill or
2 resolution or an amendment thereto.

3 (g) COMPARATIVE PRINT.—

4 (1) IN GENERAL.—Not later than 45 days after
5 a Committee reports a bill or joint resolution pro-
6 posing to repeal or amend a statute or part thereof,
7 the Committee shall include in its report or in an ac-
8 companying document and make available on the
9 website of the Committee—

10 (A) the entire text of each section of a
11 statute that is proposed to be repealed or
12 amended; and

13 (B) a comparative print of each amend-
14 ment to a section of a statute that the bill or
15 joint resolution proposes to make, showing by
16 appropriate typographical devices the omissions
17 and insertions proposed.

18 (2) COMMITTEE AMENDMENTS.—If a Com-
19 mittee reports a bill or joint resolution proposing to
20 repeal or amend a statute or part thereof with a rec-
21 ommendation that the bill or joint resolution be
22 amended, the comparative print required by para-
23 graph (1) shall reflect the changes in existing law
24 proposed to be made by the bill or joint resolution
25 as proposed to be amended.

1 (3) AVAILABILITY.—Each Committee shall
2 make reasonable efforts to make a comparative print
3 required by paragraph (1) available to the members
4 of the Committee and to the public as early as prac-
5 ticable, and before a covered markup, if practical.

6 (h) QUESTIONS FOR THE RECORD.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), for each covered hearing or covered mark-
9 up, a Committee shall make available on the website
10 of the Committee any response to questions for the
11 record of the covered hearing or covered markup
12 that the Committee receives from a testifying wit-
13 ness.

14 (2) PROTECTION OF CERTAIN INFORMATION.—
15 Upon agreement by the Chairman and Ranking Mi-
16 nority Member of a Committee, a response described
17 in paragraph (1) may be withheld from the website
18 of the Committee if it includes individual casework
19 or constituent information or information that the
20 Chairman and Ranking Minority Member determine
21 is confidential information.

1 **SEC. 642. INCREASED TRANSPARENCY OF RECORDED**
2 **VOTES.**

3 (a) **DEFINITION.**—In this section, the term “Member
4 of Congress” means a member of the House of Represent-
5 atives and a member of the Senate.

6 (b) **ADDITIONAL DUTIES OF THE CLERK OF THE**
7 **HOUSE OF REPRESENTATIVES AND THE SECRETARY OF**
8 **THE SENATE.**—The Clerk of the House of Representatives
9 and the Secretary of the Senate shall make available on
10 the website of the Office of the Clerk or of the Secretary,
11 respectively, a record of the recorded votes of each Mem-
12 ber of Congress who is a member of their House of Con-
13 gress, organized by the name of the Member of Congress,
14 in a structured data format, which shall include the roll,
15 date, issue, question, result, and title or description of the
16 vote.

17 (c) **WEB LINK.**—Each Member of Congress shall pro-
18 vide a link on the website of the Member of Congress to
19 the record of recorded votes of the Member of Congress
20 made available by the Clerk of the House of Representa-
21 tives or the Secretary of the Senate, as applicable.

22 (d) **EFFECTIVE DATE.**—This section shall apply to
23 recorded votes by Members of Congress occurring after
24 the date of enactment of this Act.

1 **SEC. 643. INCREASED TRANSPARENCY OF APPROPRIA-**
2 **TIONS BILLS.**

3 (a) **INCLUSION.**—The Clerk of the House of Rep-
4 resentatives and the Secretary of the Senate shall ensure
5 that each report accompanying any appropriations bill re-
6 ported by the Committees on Appropriations of the House
7 of Representatives or the Committee on Appropriations of
8 the Senate, respectively, includes a formatted spreadsheet
9 showing the amounts made available by the bill, in a tab-
10 ular, digital format that shows separate entries for each
11 fiscal year covered by the bill.

12 (b) **EFFECTIVE DATE.**—Subsection (a) shall apply
13 with respect to any appropriations bill making funds avail-
14 able for fiscal year 2019 or any fiscal year thereafter.

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