

115TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on _____

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

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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.
- Sec. 305. Negotiated rule making.
- Sec. 306. Streamlining OIRA review.
- Sec. 307. Limiting temporary court injunctions and postponing of final rules pending judicial review.
- Sec. 308. Penalizing individuals that submit false information to agencies.
- Sec. 309. Establishment of the Office of the Public Advocate.
- Sec. 310. Actions by private persons.
- Sec. 311. Scope of review.
- Sec. 312. Expanding rule making notifications.
- Sec. 313. Public petitions.
- Sec. 314. Amendment to Congressional Review Act.
- Sec. 315. Cost-benefit analysis.
- Sec. 316. Sense of Congress.

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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.
- Sec. 558. Conforming amendments and rules of construction.

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.

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

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

5 (4) CORPORATE LOBBYIST.—The term “cor-
6 porate lobbyist” has the meaning given the term in
7 section 109 of the Ethics in Government Act of
8 1978, as amended by section 202 of this Act.

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

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

12 (ii) a bank holding company, a savings and
13 loan holding company, or any other financial in-
14 stitution; and

15 (B)(i) operating under Federal settlement,
16 including a Federal consent decree; or

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

19 (6) EXECUTIVE AGENCY.—The term “Executive
20 agency”—

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

23 (B) includes the Executive Office of the
24 President.

1 (7) GROSS RECEIPTS.—The term “gross re-
2 ceipts” has the meaning given the term in section
3 993(f) of the Internal Revenue Code of 1986.

4 (8) LOBBYIST.—The term “lobbyist” has the
5 meaning given the term in section 109 of the Ethics
6 in Government Act of 1978, as amended by section
7 202 of this Act.

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

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

17 (11) SENIOR EXECUTIVE.—The term “senior
18 executive” includes—

19 (A) a chief executive officer;

20 (B) a chief financial officer;

21 (C) a chief operating officer;

22 (D) a chief compliance officer;

23 (E) any senior government relationship of-
24 ficial; and

1 (F) any other senior executive, as deter-
2 mined by the Director of the Office of Public
3 Integrity.

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

6 (A) any individual described in section
7 101(f) of the Ethics in Government Act of 1978
8 (5 U.S.C. App.), including—

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

13 (ii) a political appointee in the Execu-
14 tive Office of President or in the Office of
15 the Vice President; and

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

22 (B) an individual employed in a position in
23 the Senior Executive Service;

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

1 (D) an individual employed in a position
2 not under the General Schedule for which the
3 rate of basic pay is equal to or greater than the
4 minimum rate of basic pay payable for GS-14
5 of the General Schedule.

6 **SEC. 102. LOBBYIST BAN.**

7 (a) LOBBYISTS.—

8 (1) EXECUTIVE BRANCH.—

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

22 (B) CORPORATE LOBBYISTS.—No former
23 registered corporate lobbyist may be hired as an
24 officer or employee of an Executive agency dur-
25 ing the 6-year period beginning on the date on

1 which the registered corporate lobbyist termi-
2 nates its registration in accordance with section
3 4(d) of the Lobbying Disclosure Act of 1995 (2
4 U.S.C. 1603(d)) or the agent terminates its sta-
5 tus, as applicable.

6 (C) WAIVER RULES AND ELIGIBILITY.—

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

14 (ii) OTHER POSITIONS.—The Presi-
15 dent or the Director of the Office of Public
16 Integrity may waive the ban described in
17 subparagraph (A) and the prior employer
18 recusal provision described in section
19 208(e) of title 18, United States Code, as
20 added by section 103(a) of this Act for any
21 appointment to a position in an Executive
22 agency that does not require the advice
23 and consent of the Senate.

24 (iii) REQUIREMENTS.—A waiver made
25 under this subparagraph shall—

1 (I) be made publicly available
2 and searchable by the Director of the
3 Office of Public Integrity;

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

11 (III) with respect to a nomina-
12 tion to a position described in clause
13 (i)—

14 (aa) specifically identify the
15 next-best candidate who was not
16 a registered lobbyist or agent of
17 a foreign principal, as applicable;
18 and

19 (bb) include a justification
20 for why the next-best candidate
21 was not nominated for the posi-
22 tion.

23 (2) LEGISLATIVE BRANCH.—

24 (A) LOBBYISTS.—No former registered
25 lobbyist or agent of a foreign principal may be

1 hired as an officer or employee of a Member of
2 Congress or a committee of either House of
3 Congress during the 2-year period beginning on
4 the date on which the registered lobbyist termi-
5 nates its registration in accordance with section
6 4(d) of the Lobbying Disclosure Act of 1995 (2
7 U.S.C. 1603(d)) or the agent terminates its sta-
8 tus, as applicable.

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

19 (C) WAIVER RULES AND ELIGIBILITY.—

20 (i) IN GENERAL.—Any Member of
21 Congress may waive the ban described in
22 subparagraph (A) for an officer or em-
23 ployee of that Member of Congress or of a
24 committee of either House of Congress on
25 which the Member serves as a chair or

1 ranking member based on a compelling na-
2 tional need.

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

5 (I) be submitted to the Select
6 Committee on Ethics of the Senate or
7 the Committee on Ethics of the House
8 of Representatives, as applicable, and
9 to the Office of Congressional Ethics;

10 (II) be made publicly available
11 and searchable by the Office of Con-
12 gressional Ethics;

13 (III) include a justification made
14 publicly available for why the reg-
15 istered lobbyist or agent of a foreign
16 principal, as applicable, brings unique
17 and relevant expertise such that it is
18 not practical to find an alternative
19 candidate with the same skill set; and

20 (IV) be made only after the Con-
21 gressional Ethics Board submits to
22 the Member of Congress and to the
23 Select Committee on Ethics of the
24 Senate or the Committee on Ethics of
25 the House of Representatives, as ap-

1 plicable, a public recommendation re-
2 garding such a waiver.

3 (b) OTHER BANNED INDIVIDUALS.—

4 (1) CONTRACTORS.—

5 (A) IN GENERAL.—No former employee of
6 a for-profit entity that was awarded a Federal
7 contract or Federal license by an Executive
8 agency may be an officer or employee of the
9 Executive agency that awarded the contract or
10 Federal license during the 4-year period begin-
11 ning on the date on which the employee termi-
12 nates its employment with the entity.

13 (B) WAIVER.—The ban described in sub-
14 paragraph (A) may be waived in accordance
15 with subsection (a)(1)(C).

16 (2) SENIOR EXECUTIVES OF LAW-BREAKING
17 COMPANIES.—No former senior executive of a cov-
18 ered entity may be an officer or employee of an Ex-
19 ecutive agency, a Member of Congress, a committee
20 of either House of Congress, or either House of Con-
21 gress during the 6-year period beginning on the later
22 of—

23 (A) the date of the settlement; and

24 (B) the date on which the enforcement ac-
25 tion has concluded.

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

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

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

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

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

18 “(i) a widely held investment fund described in
19 section 102(f)(8) of the Ethics in Government Act of
20 1978 (5 App. U.S.C. 102(f)(8)), if such investment
21 meets the requirements described in section
22 105(b)(2) of the Anti-Corruption and Public Integ-
23 rity Act;

24 “(ii) shares of Settlement Common Stock issued
25 under section 7(g)(1)(A) of the Alaska Native

1 Claims Settlement Act (43 U.S.C. 1606(g)(1)(A));
2 or

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

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

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

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

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

16 “(3)(A) Except as provided in subparagraphs (B)
17 and (C), each officer and employee of any Executive agen-
18 cy shall be recused from, and may not in any way attempt
19 to use their official position to influence, any particular
20 matter, including an adjudication, procurement, or rule-
21 making, that the officer or employee knows is likely to
22 have a direct and predictable effect on the financial inter-
23 est of—

24 “(i) any person for whom the officer or em-
25 ployee had, during the previous 4-year period, served

1 as an officer, director, trustee, general partner,
2 agent, attorney, consultant, contractor, employee, or
3 direct competitor; or

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

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

9 “(i) the President;

10 “(ii) the Vice President;

11 “(iii) any individual in a position on any level
12 of the Executive Schedule under subchapter II of
13 chapter 53 of title 5;

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

17 “(v) an officer or employee who served as an of-
18 ficer, director, trustee, general partner, agent, attor-
19 ney, consultant, contractor, or employee of a tribal
20 organization (as defined in section 4 of the Indian
21 Self-Determination and Education Assistance Act
22 (25 U.S.C. 5304)) or an intertribal consortium of
23 federally recognized Indian tribes with respect to a
24 matter that is likely to have a direct and predictable

1 effect on the financial interest of the tribal organiza-
2 tion or intertribal consortium; or

3 “(vi) any individual who receives a waiver under
4 subparagraph (C).

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

8 “(ii) Officers and employees may only apply to the
9 Director of Public Integrity for a waiver under this sub-
10 paragraph if the individual agrees to comply with the Con-
11 flicts of Interest Rules for Senior Government Officials in
12 subsections (a) and (c) of section 105 of the Anti-Corrup-
13 tion and Public Integrity Act.

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

15 “(I) shall be made publicly available and
16 searchable;

17 “(II) shall include a justification sent to Con-
18 gress for why the waiver is in the national interest;
19 and

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

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

25 (b) LEGISLATIVE BRANCH.—

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

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

20 (3) GENERAL CONFLICTS OF INTEREST RULE
21 FOR CONGRESSIONAL STAFF AND MEMBERS.—No
22 Member, officer, or employee of a committee or
23 Member of either House of Congress may knowingly
24 use his or her official position to introduce or aid the
25 progress or passage of legislation, a principal pur-

1 pose of which is to further only his or her pecuniary
2 interest, only the pecuniary interest of his or her im-
3 mediate family, or only the pecuniary interest of a
4 limited class of persons or enterprises, when he or
5 she, or his or her immediate family, or enterprises
6 controlled by them, are members of the affected
7 class.

8 (4) GENERAL STOCK AND SECURITIES RULE.—
9 An officer or employee of a committee or Member of
10 either House of Congress, who is not a senior gov-
11 ernment employee covered by paragraph (1), shall be
12 in violation of paragraph (3) if—

13 (A) the officer or employee owns or trades
14 individual stocks or securities; and

15 (B) the value of such stocks or securities
16 may be influenced by actions taken by the indi-
17 vidual in his or her official position, as deter-
18 mined by the Select Committee on Ethics of the
19 Senate or the Committee on Ethics of the
20 House of Representatives, as applicable, in con-
21 sultation with the Office of Congressional Eth-
22 ics.

23 (5) EXCEPTION.—Nothing in this subsection
24 shall be construed to prevent an employee or officials

1 of a Member of Congress or a Member of Congress
2 from owning—

3 (A) a widely held investment fund de-
4 scribed in section 102(f)(8) of the Ethics in
5 Government Act of 1978 (5 App. U.S.C.
6 102(f)(8)), if the investment meets the require-
7 ments described in section 105(b)(2);

8 (B) shares of Settlement Common Stock
9 issued under section 7(g)(1)(A) of the Alaska
10 Native Claims Settlement Act (43 U.S.C.
11 1606(g)(1)(A)); or

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

15 **SEC. 104. GOLDEN PARACHUTES BAN.**

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

18 (1) in subsection (a)—

19 (A) by striking “any salary” and inserting
20 “any bonus or salary”; and

21 (B) by striking “his services” and inserting
22 “services rendered or to be rendered”; and

23 (2) in subsection (b)—

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

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

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

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

11 (b) PERMISSIBLE PAYMENTS.—Section 1.409A–
12 3(j)(4)(iii) of title 26, Code of Federal Regulations, shall
13 have no force or effect.

14 **SEC. 105. CONFLICTS OF INTEREST RULES FOR SENIOR**
15 **GOVERNMENT OFFICIALS.**

16 (a) REQUIRED DIVESTMENTS OF CONFLICTED AS-
17 SETS.—

18 (1) STOCKS AND SECURITIES.—No senior gov-
19 ernment official may own or trade any individual
20 stock, bonds, commodity, future, and other form of
21 security, including an interest in a hedge fund, a de-
22 rivative, option, or other complex investment vehicle.

23 (2) COMMERCIAL REAL ESTATE.—No senior
24 government official may maintain ownership in com-
25 mercial real estate, unless ownership of such com-

1 mercial real estate is necessary for a qualified small
2 business described in paragraph (4)(B).

3 (3) TRUSTS.—

4 (A) IN GENERAL.—No senior government
5 official may maintain a financial interest in any
6 trust, including a family trust, if the super-
7 vising ethics agency determines that the trust
8 includes any—

9 (i) asset that might present a conflict
10 of interest, or

11 (ii) individual stock, bonds, com-
12 modity, future, and other form of security,
13 including an interest in a hedge fund, a de-
14 rivative, option, or other complex invest-
15 ment vehicle.

16 (B) EXCEPTION.—Subparagraph (A) shall
17 not apply to a trust described in section
18 102(f)(2) of the Ethics in Government Act of
19 1978 (5 U.S.C. App.).

20 (4) BUSINESSES AND COMPANIES.—

21 (A) IN GENERAL.—No senior government
22 official may maintain ownership in a privately
23 owned or closely held corporation, company,
24 firm, partnership, or other business enterprise.

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

3 (b) NONCONFLICTED ASSETS.—

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

7 (A) a widely held investment fund—

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

11 (ii) that meets the requirements de-
12 scribed in paragraph (2);

13 (B) real estate used solely as a personal
14 residence;

15 (C) cash, certificates of deposit, or other
16 forms of savings accounts;

17 (D) a federally managed asset, including—

18 (i) financial interests in or income de-
19 rived from—

20 (I) any retirement system under
21 title 5, United States Code (including
22 the Thrift Savings Plan under sub-
23 chapter III of chapter 84 of such
24 title); or

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

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

8 (iii) an asset in the Federal Employee
9 Investment Account described in para-
10 graph (3);

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

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

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

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

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

4 (B) any instructions to a manager of the
5 widely held investment fund are shared with the
6 applicable supervising ethics office.

7 (3) FEDERAL EMPLOYEE INVESTMENT AC-
8 COUNT.—

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

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

22 (C) MANAGEMENT.—The Federal Retire-
23 ment Thrift Investment Board shall manage
24 Federal Employee Investment Accounts in a
25 manner similar to other retirement funds man-

1 aged by the Board and in accordance with sub-
2 chapter III of chapter 84 of title 5, United
3 States Code, for any Federal employee or offi-
4 cial who wishes to temporarily invest funds.

5 (D) WITHDRAWAL.—A senior government
6 officials may withdraw funds from their Federal
7 Employee Investment Account at any time
8 without penalty.

9 (c) POST-EMPLOYMENT RESTRICTIONS.—

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

12 (A) by striking subsections (c), (d), and (e)
13 and inserting the following:

14 “(c) LOBBYING RESTRICTIONS.—

15 “(1) IN GENERAL.—In addition to the restric-
16 tions set forth in subsections (a) and (b), any Presi-
17 dent, Vice President, Member of Congress, or officer
18 or employee compensated at a rate of pay specified
19 in or fixed according to subchapter II of chapter 53
20 of title 5, after the termination of his or her service
21 or employment with the United States who—

22 “(A) works as a registered lobbyist, or

23 “(B) knowingly makes, with the intent to
24 influence, any communication to or appearance
25 before any officer or employee of any depart-

1 ment, agency, Member, officer, or employee of
2 either House of Congress or any employee of
3 any other legislative office of the Congress, on
4 behalf of any other person (except the United
5 States or the District of Columbia) for com-
6 pensation, in connection with any matter on
7 which such person seeks official action by any
8 Member, officer, or employee of either House of
9 Congress, or any employee or officer of any de-
10 partment or agency,

11 shall be punished as provided in section 216 of this
12 title.

13 “(2) OTHER OFFICIALS.—

14 “(A) IN GENERAL.—Any officer or em-
15 ployee in the executive or legislative branch of
16 the United States who, during the time period
17 described in subparagraph (B) makes, with the
18 intent to influence, any communication to or
19 appearance before their former office, agency,
20 or House of Congress, for compensation, shall
21 be punished as provided in section 216 of this
22 title.

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

1 “(II) the date on which the 6-
2 year period beginning on the date of
3 the termination of service or employ-
4 ment as an officer or employee ex-
5 pires.

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

13 (B) by redesignating subsections (f)
14 through (l) as subsections (d) through (j), re-
15 spectively; and

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

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

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

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

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

1 “(I) any individual in a position
2 on any level of the Executive Schedule
3 under subchapter II of chapter 53 of
4 title 5, United States Code;

5 “(II) a political appointee in the
6 Executive Office of President or in the
7 Office of the Vice President; and

8 “(III) an individual employed in
9 a position in the executive branch of
10 the Government of a confidential or
11 policy-determining character under
12 schedule C of subpart C of part 213
13 of title 5 of the Code of Federal Reg-
14 ulations;

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

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

19 “(iv) an individual employed in a posi-
20 tion not under the General Schedule for
21 which the rate of basic pay is equal to or
22 greater than the minimum rate of basic
23 pay payable for GS-14 of the General
24 Schedule.

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

11 “(3) SPECIAL RULES.—

12 “(A) PROCUREMENT OFFICERS.—No com-
13 pany that is awarded a contract or license by
14 the Federal Government may hire or com-
15 pensate any former officer or employee in the
16 executive branch of the United States who
17 oversaw any of the company’s contracts or li-
18 censes (including any procurement officer, any
19 Federal employee or official who participated in
20 the contract or license selection, any Federal
21 employee or official who determined or signed
22 off on the technical requirements of the con-
23 tract or license, and any senior government offi-
24 cial in the executive branch of the United
25 States employed at the agency that granted the

1 contract or license) during the 4-year period be-
2 ginning on the date on which the officer termi-
3 nated employment with the United States.

4 “(B) GIANT BANKS AND COMPANIES.—

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

12 “(ii) INCOME DISCLOSURES.—

13 “(I) IN GENERAL.—Not later
14 than 1 year after the date of enact-
15 ment of this clause, each senior gov-
16 ernment official who terminates serv-
17 ice on or after the date that is 1 year
18 after the date of enactment of this
19 clause shall submit to the Director of
20 the Office of Public Integrity an an-
21 nual disclosure that includes all
22 sources of income for the 4-year pe-
23 riod beginning on the date on which
24 the government official terminated
25 employment with the United States.

1 “(II) PUBLICLY AVAILABLE.—
2 The Director of the Office of Public
3 Integrity shall make a disclosure
4 made under subclause (I) publicly
5 available for any official who had a re-
6 port made in accordance with title I
7 of the Ethics in Government Act of
8 1978 (5 U.S.C. App.) made publicly
9 available.

10 “(III) AUTOMATIC DISCLO-
11 SURE.—

12 “(aa) IN GENERAL.—Each
13 senior government official subject
14 to the disclosure requirement in
15 subclause (I) may consent to
16 allow the Director of the Office
17 of Public Integrity to obtain from
18 the Commissioner of Internal
19 Revenue the information nec-
20 essary to meet the requirements
21 of subclause (I), such that addi-
22 tional action is not required of
23 the senior government official
24 after such individual files a tax
25 return.

1 “(bb) SAFE HARBOR.—Any
2 individual who consents under
3 item (aa) shall not be subject to
4 subclause (V).

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

19 “(V) PENALTIES.—

20 “(aa) CIVIL ACTION.—The
21 Attorney General or the Director
22 of the Office of Public Integrity
23 may bring a civil action in any
24 appropriate United States dis-
25 trict court against any individual

1 who knowingly and willfully fal-
2 sifies or who knowingly and will-
3 fully fails to disclose any infor-
4 mation that such individual is re-
5 quired to disclose pursuant to
6 this clause. The court in which
7 such action is brought may as-
8 sess against such individual a
9 civil penalty in any amount, not
10 to exceed \$50,000.

11 “(bb) CRIMINAL PEN-
12 ALTIES.—

13 “(AA) PROHIBITION.—
14 It shall be unlawful for any
15 person to knowingly and
16 willfully falsify any informa-
17 tion that such person is re-
18 quired to disclose under this
19 clause. It shall be unlawful
20 for any person to fail to dis-
21 close any information that
22 such person is required to
23 disclose under this clause.

24 “(BB) PENALTIES.—
25 Any person who violates the

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

10 “(4) PENALTIES.—

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

18 “(B) AMOUNT OF CIVIL PENALTIES.—A
19 civil penalty imposed for a violation under sub-
20 paragraph (A) shall—

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

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

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

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

18 “(i) prohibiting the entity or giant
19 bank or company from employing any
20 former employee or officer of the Federal
21 Government for a period of time not to ex-
22 ceed 8 years;

23 “(ii) prohibiting the company from
24 doing business with the Federal Govern-
25 ment, receiving a contract or license from

1 the Federal Government, or otherwise par-
2 ticipating in Federal Government pro-
3 grams, for a period of time not to exceed
4 8 years.

5 “(D) CIVIL PENALTIES FOR EXECUTIVE
6 OFFICERS OF COMPANIES.—

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

13 “(I) the proceeds of any sale of
14 stock; and

15 “(II) any incentive-based com-
16 pensation (including stock options
17 awarded as compensation).

18 “(ii) CIVIL PENALTY.—In addition to
19 the penalties described in subparagraphs
20 (B) and (C), after reasonable notice and
21 an opportunity for a hearing, that an exec-
22 utive officer of an entity or giant bank or
23 company has knowingly, or with gross neg-
24 ligence, violated paragraph (2) or (3)(B),
25 or contributed to the violation of a para-

1 graph (2) or (3)(B), the Director may as-
2 sess a civil penalty against the executive
3 officer not to exceed the amount of the of-
4 ficer's compensation for each year during
5 which the violations occurred.

6 “(E) MITIGATING FACTORS.—In deter-
7 mining the amount of any penalties assessed
8 under this paragraph, the Director of the Office
9 of Public Integrity or the court shall take into
10 account the appropriateness of the penalty with
11 respect to—

12 “(i) the size of financial resources and
13 good faith of the entity, giant bank or
14 company, or senior executive;

15 “(ii) the gravity of the violation or
16 failure to pay;

17 “(iii) the history of previous viola-
18 tions; and

19 “(iv) such other matters as justice
20 may require.

21 “(F) AUTHORITY TO MODIFY OR REMIT
22 PENALTY.—The Director of the Office of Public
23 Integrity may compromise, modify, or remit any
24 penalty under this paragraph, which may be as-
25 sessed or had already been assessed. The

1 amount of such penalty, when finally deter-
2 mined, shall be exclusive of any sums owed by
3 the person to the United States in connection
4 with the costs of the proceeding, and may be
5 deducted from any sums owing by the United
6 States to the person charged.

7 “(G) NOTICE AND HEARING.—No civil
8 penalty may be assessed under this paragraph
9 with respect to a violation of paragraph (2) or
10 (3)(B) unless—

11 “(i) the Director of the Office of Pub-
12 lic Integrity gives notice and an oppor-
13 tunity for a hearing to the person accused
14 of the violation; or

15 “(ii) the appropriate court has or-
16 dered such assessment and entered judg-
17 ment in favor of the Director of the Office
18 of Public Integrity.”.

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

22 (A) in subsection (d), as redesignated by
23 paragraph (1) of this subsection, is amended by
24 striking “(d), or (e)”;

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

5 (C) in subsection (g)(1), as redesignated
6 by paragraph (1) of this subsection—

7 (i) in subparagraph (A), by striking
8 “(a), (c), and (d)” and inserting “(a) and
9 (c)” ; and

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

12 (D) in subsection (h), as redesignated by
13 paragraph (1) of this subsection—

14 (i) by striking “subsections (c), (d),
15 and (e)” each place the term appears and
16 inserting “subsection (c)”;

17 (ii) in paragraph (5), by striking “(a),
18 (c), and (d)” and inserting “(a) and (c)” ;
19 and

20 (iii) in paragraph (7)(B), by striking
21 “subsections (c), (d), or (e)” and inserting
22 “subsection (c)”.

23 (3) RESTRICTIONS ON FEDERAL EXAMINERS OF
24 FINANCIAL INSTITUTIONS.—Section 10(k) of the

1 Federal Deposit Insurance Act (12 U.S.C. 1820(k))
2 is amended—

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

5 (B) in paragraph (1)—

6 (i) in subparagraph (B), by striking
7 “senior”; and

8 (ii) in subparagraph (C), by striking
9 “1 year” and inserting “4 years”.

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

11 (a) **OUTSIDE EMPLOYMENT BAN.**—The limitations
12 described in section 502 of the Ethics in Government Act
13 of 1978 (5 U.S.C. App.) shall apply to full-time senior
14 government officials.

15 (b) **VOLUNTEER SERVICE RULE.**—All Federal laws
16 or regulations relating to conflicts of interest or other eth-
17 ics issues (as defined in section 409 of the Ethics in Gov-
18 ernment Act of 1978, as added by section 511 of this Act)
19 shall apply to any individual who is employed by the Fed-
20 eral Government and voluntarily refuses compensation for
21 such employment consistent with applicable law.

22 (c) **SPECIAL GOVERNMENT EMPLOYEE RULE.**—All
23 Federal ethics rules shall apply to a Special Government
24 Employee beginning on the date that is 61 days after the

1 date on which the Special Government Employee com-
2 mences employment.

3 (d) INDEBTEDNESS RULE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), no senior government official (except a
6 Member of Congress, the President, and the Vice
7 President) may—

8 (A) in the course of official duty, meet or
9 communicate with, or work on any particular
10 matter that affects, any person to whom the
11 senior government official owes more than
12 \$100,000; or

13 (B) receive a loan of more than \$100,000
14 from any person the senior government official
15 has met or communicated with, or plans to
16 meet or communicate with, during the course of
17 their official duty.

18 (2) EXCEPTION.—Paragraph (1) shall not
19 apply to—

20 (A) commercial debt such as residential
21 mortgages, car loans, credit card debt, student
22 loans, or any debts owed to domestic financial
23 institutions on terms generally available to the
24 public; or

1 (B) meetings with domestic financial insti-
2 tutions.

3 **SEC. 107. LEGAL EXPENSE FUNDS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “legal expense fund” means a
6 fund—

7 (A) to be used to defray legal expenses in-
8 curred in investigative, civil, criminal, or other
9 legal proceedings relating to or arising by virtue
10 of service by an officer or employee as an offi-
11 cer or employee;

12 (B) that may not be used for personal
13 legal matters, including tax planning, personal
14 injury litigation, protection of property rights,
15 divorces, or estate probate;

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

18 (D) that may be established or controlled
19 by the officer or employee, or by a third party,
20 in accordance with the requirements of section;
21 and

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

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

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

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

7 (B) an employee, as defined in section
8 2105 of title 5, United States Code;

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

11 (D) the Vice President; and

12 (E) the President;

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

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

19 (b) AUTHORIZATION FOR LEGAL EXPENSE
20 FUNDS.—Subject to the limitations and regulations pro-
21 mulgated under this section, an officer or employee may
22 establish, maintain, and use a legal expense fund.

23 (c) LIMITS ON CONTRIBUTIONS.—The Director of the
24 Office of Public Integrity shall promulgate regulations es-
25 tablishing limits with respect to contributions to legal ex-

1 pense funds for officers or employees, which shall, at a
2 minimum, prohibit an officer or employee from accepting
3 contributions for a legal expense fund—

4 (1) from a single contributor (other than a relative
5 of the officer or employee) in a total amount
6 of more than \$5,000 during any calendar year;

7 (2) from a registered lobbyist;

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

9 (4) from any person seeking official action from
10 or doing business with the agency, office, or entity
11 employing the officer or employee;

12 (5) from any person conducting activities regulated
13 by the agency, office, or entity employing the
14 officer or employee;

15 (6) from any person whose interests may be
16 substantially affected by the performance or non-
17 performance of the official duties of the officer or
18 employee; or

19 (7) for an officer or employee of an Executive
20 agency, from any person that has engaged in lobbying
21 activities, or on whose behalf lobbying activities
22 have been engaged with, with respect to the Executive
23 agency during the 2-year period ending on
24 the date of the contribution.

25 (d) WRITTEN NOTICE.—

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

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

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

9 (C) the nature of the legal proceeding (or
10 proceedings) which necessitate the establish-
11 ment of the legal expense fund;

12 (D) an acknowledgment that the officer or
13 employee will be bound by the regulations and
14 limitation under this section; and

15 (E) an acknowledgment that the officer or
16 employee bears ultimate responsibility for prop-
17 er administration of the legal expense fund.

18 (2) APPROVAL.—An officer or employee may
19 not solicit or accept contributions to a legal expense
20 fund until after the supervising ethics office has re-
21 ceived and approved the written notice submitted
22 under paragraph (1).

23 (e) REPORTING.—

24 (1) IN GENERAL.—An officer or employee who
25 establishes a legal expense fund shall submit to the

1 supervising ethics office with respect to the officer or
2 employee a quarterly report that discloses, with re-
3 spect to the quarter covered by the report—

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

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

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

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

20 **SEC. 108. PENALTIES.**

21 (a) CIVIL FINES.—The Attorney General or the Di-
22 rector of the Office of Public Integrity may bring a civil
23 action in the appropriate United States district court
24 against any person who engages in conduct constituting
25 a violation of this title and, upon proof of such conduct

1 by a preponderance of the evidence, such person shall be
2 subject to a civil penalty of not more than \$50,000 for
3 each violation or the amount of compensation which the
4 person received or offered for the prohibited conduct,
5 whichever amount is greater. The imposition of a civil pen-
6 alty under this subsection does not preclude any other
7 criminal or civil statutory, common law, or administrative
8 remedy, which is available by law to the United States or
9 any other person.

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

1 **Subtitle B—Presidential Conflicts**
2 **of Interest**

3 **SEC. 111. SHORT TITLE.**

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

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

10 (a) DEFINITIONS.—

11 (1) IN GENERAL.—In this section—

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

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

22 (i) would constitute a financial inter-
23 est described in subsection (a) of section
24 208 of title 18, United States Code—

25 (I) if—

1 (aa) for purposes of such
2 section 208, the terms “officer”
3 and “employee” included the
4 President and the Vice President;
5 and

6 (bb) the President or Vice
7 President, as applicable, partici-
8 pated as described in subsection
9 (a) of such section 208 in rela-
10 tion to such financial interest;
11 and

12 (II) if determined without regard
13 to any exception under subsection (b)
14 of such section 208; or

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

22 (C) the term “qualified blind trust” has
23 the meaning given that term in section
24 102(f)(3) of the Ethics in Government Act of

1 1978 (5 U.S.C. App.), unless otherwise speci-
2 fied in this title; and

3 (D) the term “tax return”—

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

10 (ii) includes any information return
11 that reports information that does or may
12 affect the liability for tax for the taxable
13 year.

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

20 (b) INITIAL FINANCIAL DISCLOSURE.—

21 (1) SUBMISSION OF DISCLOSURE.—

22 (A) IN GENERAL.—Not later than 30 days
23 after assuming the office of President or Vice
24 President, respectively, the President and Vice
25 President shall submit to Congress and the Di-

1 rector of the Office of Public Integrity a disclo-
2 sure of financial interests.

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

11 (2) CONTENTS.—

12 (A) PRESIDENT.—The disclosure of finan-
13 cial interests submitted under paragraph (1) by
14 the President shall—

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

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

24 (iii) include the tax returns filed by or
25 on behalf of the 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 (B) VICE PRESIDENT.—The disclosure of
8 financial interests submitted under paragraph
9 (1) by the Vice President shall—

10 (i) describe in detail each financial in-
11 terest of the Vice President, the spouse of
12 the Vice President, or a minor child of the
13 Vice President;

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

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

21 (I) the 3 most recent taxable
22 years; and

23 (II) each taxable year for which
24 an audit of the return by the Internal

1 Revenue Service is pending on the
2 date the report is filed.

3 (c) DIVESTITURE OF FINANCIAL INTERESTS POSING
4 A POTENTIAL CONFLICT OF INTEREST.—

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

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

16 (A) sell the financial interest; and

17 (B) use the proceeds of the sale of the fi-
18 nancial interest to purchase conflict-free hold-
19 ings.

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

21 (1) IN GENERAL.—The Director of the Office of
22 Public Integrity shall submit to Congress, the Presi-
23 dent, and the Vice President an annual report re-
24 garding the financial interests of the President, the
25 Vice President, the spouse of the President or Vice

1 President, and any minor child of the President or
2 Vice President.

3 (2) CONTENTS.—Each report submitted under
4 paragraph (1) shall—

5 (A) indicate whether any financial interest
6 of the President, the Vice President, the spouse
7 of the President or Vice President, or a minor
8 child of the President or Vice President is a fi-
9 nancial interest posing a potential conflict of in-
10 terest;

11 (B) evaluate whether any previously held
12 financial interest of the President, the Vice
13 President, the spouse of the President or Vice
14 President, or a minor child of the President or
15 Vice President that was a financial interest pos-
16 ing a potential conflict of interest was divested
17 in accordance with subsection (c); and

18 (C) redact such information as the Direc-
19 tor of the Office of Public Integrity determines
20 necessary for preventing identity theft, such as
21 social security numbers or taxpayer identifica-
22 tion numbers.

23 (e) ENFORCEMENT.—

24 (1) IN GENERAL.—The Attorney General, the
25 attorney general of any State, or any person ag-

1 grieved by any violation of subsection (c) may seek
2 declaratory or injunctive relief in a court of com-
3 petent jurisdiction if—

4 (A) the Director of the Office of Public In-
5 tegrity is unable to issue a report indicating
6 whether the President or the Vice President is
7 in substantial compliance with subsection (c); or

8 (B) there is probable cause to believe that
9 the President or the Vice President has not
10 complied with subsection (c).

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

16 **SEC. 113. RECUSAL OF APPOINTEES.**

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

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

1 “(A) the President who appointed the officer or
2 employee, which shall include any entity in which the
3 President has a substantial interest; or

4 “(B) the spouse of the President who appointed
5 the officer or employee, which shall include any enti-
6 ty in which the spouse of the President has a sub-
7 stantial interest.

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

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

16 “(ii) If the recusal of a member of a Commission
17 from a matter under paragraph (1) would result in there
18 not being a statutorily required quorum of members of the
19 Commission available to participate in the matter, not-
20 withstanding such statute or any other provision of law,
21 the members of the Commission not recused under para-
22 graph (1) may—

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

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

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

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

6 The Presidential Transition Act of 1963 (3 U.S.C.
7 102 note) is amended—

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

10 “(3) The President-elect shall submit to the Com-
11 mittee on Homeland Security and Governmental Affairs
12 of the Senate and the Committee on Oversight and Gov-
13 ernment Reform of the House of Representatives a list
14 of—

15 “(A) any individual for whom an application for
16 a security clearance was submitted, not later than
17 10 days after the date on which the application was
18 submitted; and

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

22 (2) in section 4—

23 (A) in subsection (a)—

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

1 (ii) by redesignating paragraph (4) as
2 paragraph (5); and

3 (iii) by inserting after paragraph (3)
4 the following:

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

6 “(A) means information from the Federal
7 Government that a transition member obtains
8 as part of the employment of the member that
9 such member knows or reasonably should know
10 has not been made available to the general pub-
11 lic; and

12 “(B) includes information that a member
13 of the transition team knows or reasonably
14 should know—

15 “(i) is exempt from disclosure under
16 section 552 of title 5, United States Code,
17 or otherwise protected from disclosure by
18 law; and

19 “(ii) is not authorized by the appro-
20 priate government agency or official to be
21 released to the public; and”;

22 (B) in subsection (g)—

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

1 (ii) by adding at the end the fol-
2 lowing:

3 “(3) ETHICS PLAN.—

4 “(A) IN GENERAL.—Each memorandum of
5 understanding under paragraph (1) shall in-
6 clude an agreement that the eligible candidate
7 will implement and enforce an ethics plan to
8 guide the conduct of the transition beginning on
9 the date on which the eligible candidate be-
10 comes the President-elect.

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

13 “(i) a description of the ethics re-
14 quirements that will apply to all members
15 of the transition team, including any spe-
16 cific requirement for transition team mem-
17 bers who will have access to nonpublic or
18 classified information;

19 “(ii) a description of how the transi-
20 tion team will—

21 “(I) address the role on the tran-
22 sition team of—

23 “(aa) lobbyists registered
24 under the Lobbying Disclosure
25 Act of 1995 (2 U.S.C. 1601 et

1 seq.) and individuals who were
2 former lobbyists registered under
3 that Act;

4 “(bb) persons registered
5 under the Foreign Agents Reg-
6 istration Act (22 U.S.C. 611 et
7 seq.), foreign nationals, and other
8 foreign agents; and

9 “(cc) transition team mem-
10 bers with sources of income or
11 clients that are not disclosed to
12 the public;

13 “(II) prohibit a transition team
14 member with conflicts of interest, in-
15 cluding conflicts, as described in sec-
16 tion 2635.402(a) and section
17 2635.502(a) of title 5, Code of Fed-
18 eral Regulations, related to current or
19 former employment, affiliations, cli-
20 ents, or investments, from working on
21 particular matters involving specific
22 parties that affect the interests of
23 such member; and

24 “(III) address how the covered
25 eligible candidate will address their

1 own conflicts of interest during a
2 Presidential term if the covered eligi-
3 ble candidate becomes the President-
4 elect;

5 “(iii) a Code of Ethical Conduct, to
6 which each member of the transition team
7 will sign and be subject to, that reflects
8 the content of the ethics plans under this
9 paragraph and at a minimum requires
10 transition team members to—

11 “(I) seek authorization from
12 transition team leaders or their des-
13 ignees before seeking, on behalf of the
14 transition, access to any nonpublic in-
15 formation;

16 “(II) keep confidential any non-
17 public information provided in the
18 course of the duties of the member
19 with the transition and exclusively use
20 such information for the purposes of
21 the transition; and

22 “(III) not use any nonpublic in-
23 formation provided in the course of
24 transition duties, in any manner, for
25 personal or private gain for the mem-

1 ber or any other party at any time
2 during or after the transition; and

3 “(iv) a description of how the transi-
4 tion team will enforce the Code of Ethical
5 Conduct, including the names of the mem-
6 bers of the transition team responsible for
7 enforcement, oversight, and compliance.

8 “(C) PUBLICLY AVAILABLE.—The transi-
9 tion team shall make the ethics plan described
10 in this paragraph publicly available on the
11 Internet website of the General Services Admin-
12 istration the earlier of—

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

15 “(ii) October 1.”; and

16 (3) in section 6(b)—

17 (A) in paragraph (1)—

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

20 (ii) in subparagraph (B), by striking
21 the period at the end and inserting a semi-
22 colon; and

23 (iii) by adding at the end the fol-
24 lowing:

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

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

9 “(E) a description of the role of the mem-
10 ber on the transition team, including a list of
11 any policy issues that the member expects to
12 work on, and a list of agencies the member ex-
13 pects to interact with, while serving on the
14 transition team;

15 “(F) a list of any issues from which each
16 transition team member will be recused while
17 serving as a member of the transition team pur-
18 suant to the transition team ethics plan out-
19 lined in section 4(g)(3); and

20 “(G) an affirmation that the transition
21 team member does not have a financial conflict
22 of interest that precludes the member from
23 working on the matters described in subpara-
24 graph (E).”;

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

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

4 “(3) The head of a Federal department or
5 agency, or their designee, shall not permit access to
6 the agency or employees of the agency that would
7 not be provided to a member of the public for any
8 transition team member who does not make the dis-
9 closures listed under paragraph (1).”.

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

11 It is the sense of Congress that a violation of section
12 102 of this Act or the Ethics in Government Act of 1978
13 (5 U.S.C. App.) by the President or the Vice President
14 would constitute a high crime or misdemeanor under arti-
15 cle II, section 4 of the Constitution of the United States.

16 **SEC. 117. RULE OF CONSTRUCTION.**

17 Nothing in this title or an amendment made by this
18 title shall be construed to violate the Constitution of the
19 United States.

20 **SEC. 118. SEVERABILITY.**

21 If any provision of this title or any amendment made
22 by this title, or any application of such provision or
23 amendment to any person or circumstance, is held to be
24 unconstitutional, the remainder of the provisions of this
25 title and the amendments made by this title, and the appli-

1 cation of the provision or amendment to any other person
2 or circumstance, shall not be affected.

3 **TITLE II—LOBBYING REFORM**

4 **SEC. 201. ENFORCEMENT BY THE OFFICE OF PUBLIC IN-** 5 **TEGRITY.**

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

8 (1) in section 4 (2 U.S.C. 1603)—

9 (A) in subsection (a)(1), 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 (B) in subsection (d), in the flush text fol-
14 lowing paragraph (2), by striking “Secretary of
15 the Senate and the Clerk of the House of Rep-
16 resentatives” and inserting “Director of the Of-
17 fice of Public Integrity”;

18 (2) in section 5 (2 U.S.C. 1604)—

19 (A) in subsection (a), 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”;

23 (B) in subsection (d)(1), in the matter pre-
24 ceding subparagraph (A), by striking “Sec-
25 retary of the Senate and the Clerk of the House

1 of Representatives” and inserting “Director of
2 the Office of Public Integrity”; and

3 (C) in subsection (e)—

4 (i) by striking “Secretary of the Sen-
5 ate or the Clerk of the House of Rep-
6 resentatives” and inserting “Director of
7 the Office of Public Integrity”; and

8 (ii) by striking “Secretary of the Sen-
9 ate and the Clerk of the House of Rep-
10 resentatives” and inserting “Director of
11 the Office of Public Integrity”;

12 (3) in section 6(a) (2 U.S.C. 1605(a)), in the
13 matter preceding paragraph (1), by striking “Sec-
14 retary of the Senate and the Clerk of the House of
15 Representatives” and inserting “Director of the Of-
16 fice of Public Integrity”;

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

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

1 **SEC. 202. DEFINITIONS.**

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

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

6 (2) by redesignating paragraph (3) as para-
7 graph (4);

8 (3) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) CORPORATE LOBBYIST.—The term ‘cor-
11 porate lobbyist’ means a lobbyist that, for financial
12 or other compensation for services that include lob-
13 bying activities, is employed or retained by a client
14 that is—

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

16 “(B) an entity described in section
17 501(c)(6) of the Internal Revenue Code of 1986
18 of which 1 or more members are covered for-
19 profit entities .”;

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

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

24 “(A) means—

25 “(i) a corporation, limited liability
26 company, or other entity that is created by

1 the filing of a public document with a sec-
2 retary of state of a State or similar office;

3 “(ii) a general partnership; or

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

6 “(B) does not include—

7 “(i) an entity described in paragraph
8 (3), (4), or (5) of section 501(c) of the In-
9 ternal Revenue Code of 1986;

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

13 (5) in paragraph (9), as so redesignated, by in-
14 sserting “provision of strategic advice, and” after
15 “planning activities,”;

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

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

18 (B) by redesignating clauses (vi) through
19 (xix) as clauses (v) through (xviii), respectively;

20 and

21 (7) by striking paragraph (12), as so redesi-
22 gnated, and inserting the following:

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

1 (B) in paragraph (3)—

2 (i) in subparagraph (A)—

3 (I) by redesignating clauses (i)
4 and (ii) as subclauses (I) and (II), re-
5 spectively, and adjusting the margins
6 accordingly;

7 (II) in the matter preceding sub-
8 clause (I), as so redesignated, by
9 striking “entity whose—” and insert-
10 ing the following: “entity—
11 “(i) of which the—”;

12 (III) in clause (i), as so des-
13 igned—

14 (aa) in subclause (I), as so
15 redesignated, by inserting “, as
16 estimated under section 5” after
17 “\$2,500”; and

18 (bb) in subclause (II), as so
19 redesignated, by inserting “as es-
20 timated under section 5; or”
21 after “\$10,000,”;

22 (IV) by inserting after clause
23 (i)(II), as so designated, the following:

24 “(ii) that engages in lobbying activi-
25 ties for less than 8 hours,”; and

1 (V) in the flush text following
2 clause (ii)—

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

5 (bb) by striking “with re-
6 spect to such client” and insert-
7 ing “, in the case of a person or
8 entity described in subclause (I)
9 or (II) of clause (i), with respect
10 to such client, or, in the case of
11 a person or entity described in
12 clause (ii), with respect to any
13 client of the person or entity.”;
14 and

15 (ii) in subparagraph (B), by striking
16 “subparagraph (A)” and inserting “sub-
17 paragraph (A)(i)”;

18 (2) in subsection (b)—

19 (A) by striking paragraph (4);

20 (B) by redesignating paragraphs (5) and
21 (6) as paragraphs (4) and (5), respectively;

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

23 (i) in subparagraph (A)—

1 (I) by striking “the general
2 issues areas” and inserting “each spe-
3 cific issue area”; and

4 (II) by striking “and” at the end;
5 (ii) by redesignating subparagraph
6 (B) as subparagraph (C);

7 (iii) by inserting after subparagraph
8 (A) the following:

9 “(B) each specific action or inaction that,
10 as of the date of the registration, has already
11 been requested, or that will be requested;” and

12 (iv) in subparagraph (C), as so reded-
13 igned—

14 (I) by striking “to the extent
15 practicable, specific issues that have”
16 and inserting “each specific issue, in-
17 cluding any Federal legislation, rule,
18 or regulation, or executive order, that
19 has”; and

20 (II) by striking “are” and insert-
21 ing “is”;

22 (D) in paragraph (5), as so redesignated,
23 by striking the period and inserting a semi-
24 colon; and

1 (E) by inserting after paragraph (5), as so
2 redesignated, the following:

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

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

12 “(A) the name, address, business telephone
13 number, and principal place of business of the
14 person or entity;

15 “(B) a description of any lobbying contact
16 that, as of the date of the registration, has been
17 made in, or is likely to be made, on behalf of
18 the client of the registrant by the person or en-
19 tity;

20 “(C) with respect to the lobbying activity
21 on behalf of the client of the registrant, the
22 amount that the registrant, as of the date of
23 the registration, has paid, or is likely to pay, to
24 the person or entity as compensation for the
25 lobbying activity; and

1 “(D) the name of each employee of the
2 person or entity who, as of the date of the reg-
3 istration, has supervised, or who is likely to su-
4 pervise, any lobbying activity on behalf of the
5 client of the registrant.”; and

6 (3) by striking subsection (c) and inserting the
7 following:

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

12 **SEC. 204. REPORTS BY LOBBYISTS.**

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

16 (1) by striking paragraph (2) and inserting the
17 following:

18 “(2) a statement of—

19 “(A) each specific issue with respect to
20 which the registrant, or any employee of the
21 registrant, engaged in lobbying activities, in-
22 cluding, to the maximum extent practicable, a
23 statement of each bill number and reference to
24 any specific Federal rule or regulation, execu-

1 tive order, or any other program, policy, or po-
2 sition of the United States Government;

3 “(B) each lobbying activity that the reg-
4 istrant has engaged in on behalf of the client,
5 including—

6 “(i) each document prepared by the
7 registrant that was submitted to any cov-
8 ered legislative branch official or covered
9 executive branch official;

10 “(ii) each meeting conducted that con-
11 stituted a lobbying contact, including the
12 subject of the meeting, the date of the
13 meeting, and the name and position of
14 each individual who was a party to the
15 meeting;

16 “(iii) each phone call made that con-
17 stituted a lobbying contact, including the
18 subject of the phone call, the date of the
19 phone call, and the name and position of
20 each individual who was a party to the
21 phone call; and

22 “(iv) each email sent that constituted
23 a lobbying contact, including the subject of
24 the email, the date of the email, and the

1 name and position of each individual who
2 was a party to the email;

3 “(C) the name of each employee of the reg-
4 istrant who did not participate in the lobbying
5 contact but engaged in lobbying activities in
6 support of the lobbying contact and a descrip-
7 tion of any such lobbying activity; and

8 “(D) with respect to any person or entity
9 retained by the registrant to engage in lobbying
10 activities on behalf of the client of the reg-
11 istrant—

12 “(i) the name, address, business tele-
13 phone number, and principal place of busi-
14 ness of the person or entity;

15 “(ii) a description of any lobbying ac-
16 tivity by the person or entity on behalf of
17 the client of the registrant;

18 “(iii) the amount the registrant paid
19 to the person or entity for any lobbying ac-
20 tivity by the person or entity on the behalf
21 of the client of the registrant;

22 “(iv) the name of each employee of
23 the person or entity who supervised any
24 lobbying activity by the person or entity on
25 behalf of the client of the registrant; and

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

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

6 “(C) an employee listed or required to be
7 listed as a lobbyist by a registrant under section
8 4(b)(6) or 5(b)(2)(C); and

9 “(2) the terms ‘information-service employee’,
10 ‘public-relations counsel’, and ‘publicity agent’ have
11 the meanings given those terms in section 1 of the
12 Foreign Agents Registration Act of 1938 (22 U.S.C.
13 611).

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

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

20 “(1) DIPLOMATIC OR CONSULAR OFFICERS.—A
21 duly accredited diplomatic or consular officer of a
22 foreign government who is so recognized by the De-
23 partment of State, while the officer is engaged exclu-
24 sively in activities that are recognized by the Depart-

1 ment of State as being within the scope of the func-
2 tions of the officer.

3 “(2) OFFICIALS OF FOREIGN GOVERNMENTS.—

4 An official of a foreign government, if that govern-
5 ment is recognized by the United States, who is not
6 a public-relations counsel, a publicity agent, or an
7 information-service employee, or a citizen of the
8 United States, whose name and status and the char-
9 acter of whose duties as an official are of public
10 record in the Department of State, while said official
11 is engaged exclusively in activities that are recog-
12 nized by the Department of State as being within
13 the scope of the functions of the official.

14 “(3) STAFF MEMBERS OF DIPLOMATIC OR CON-

15 SULAR OFFICERS.—A member of the staff of, or any
16 person employed by, a duly accredited diplomatic or
17 consular officer of a foreign government who is so
18 recognized by the Department of State, other than
19 a public-relations counsel, a publicity agent, or an
20 information-service employee, whose name and sta-
21 tus and the character of whose duties as such mem-
22 ber or employee are of public record in the Depart-
23 ment of State, while the member or employee is en-
24 gaged exclusively in the performance of activities
25 that are recognized by the Department of State as

1 being within the scope of the functions of the mem-
2 ber or employee.

3 “(4) PERSONS ENGAGING OR AGREEING TO EN-
4 GAGE IN THE SOLICITING OR COLLECTING OF FUNDS
5 FOR HUMANITARIAN RELIEF.—A person engaging or
6 agreeing to engage only in the soliciting or collecting
7 of funds and contributions within the United States
8 to be used only for medical aid and assistance, or for
9 food and clothing to relieve human suffering, if the
10 solicitation or collection of funds and contributions
11 is in accordance with, and subject to, the provisions
12 of the Neutrality Act of 1939 (22 U.S.C. 441 et
13 seq.), and such rules and regulations as may be pre-
14 scribed thereunder.

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

17 “(A) IN GENERAL.—A person qualified to
18 practice law, insofar as the person engages, or
19 agrees to engage in, the legal representation of
20 a disclosed foreign entity before any court of
21 law or any agency of the Government of the
22 United States.

23 “(B) LEGAL REPRESENTATION.—For the
24 purpose of this paragraph, legal representation
25 does not include any attempt to influence or

1 persuade agency personnel or officials other
2 than in the course of—

3 “(i) a judicial proceeding;

4 “(ii) a criminal or civil law enforce-
5 ment inquiry, investigation, or proceeding;

6 or

7 “(iii) an agency proceeding required
8 by statute or regulation to be conducted on
9 the record.

10 “(d) PENALTIES.—Any person who knowingly vio-
11 lates this section shall be fined not more than \$200,000,
12 imprisoned for not more than 5 years, or both, and any
13 compensation received for engaging in the unlawful activ-
14 ity shall be subject to disgorgement.”.

15 (b) CONFORMING AMENDMENT.—Section 7 of the
16 Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is
17 amended—

18 (1) in subsection (a), in the matter preceding
19 paragraph (1), by striking “Whoever” and inserting
20 “Except as otherwise provided in this Act, whoever”;
21 and

22 (2) in subsection (b), by striking “Whoever”
23 and inserting “Except as otherwise provided in this
24 Act, whoever”.

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

2 Title III of the Federal Election Campaign Act of
3 1971 (52 U.S.C. 30101 et seq.) is amended by adding at
4 the end the following new section:

5 **“SEC. 325. PROHIBITION OF CONTRIBUTIONS BY LOBBY-**
6 **ISTS.**

7 “(a) IN GENERAL.—It shall be unlawful for any lob-
8 byist to make a contribution to any candidate for Federal
9 office or member of Congress.

10 “(b) LOBBYIST DEFINED.—In this section, the term
11 ‘lobbyist’ means a lobbyist, as defined in section 3 of the
12 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), that
13 is registered or is required to register under section 4(a)
14 of that Act.”.

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

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

19 **“SEC. 27. PROHIBITION ON CONTINGENT FEE ARRANGE-**
20 **MENTS.**

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

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

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

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

7 “(b) PROHIBITION.—A covered lobbyist may not be
8 employed under, or receive compensation in connection
9 with, an arrangement in which compensation paid to the
10 covered lobbyist is contingent on the result of lobbying ac-
11 tivities engaged in by the covered lobbyist.

12 “(c) PENALTIES.—Any person who knowingly vio-
13 lates this section shall be fined not more than \$200,000,
14 imprisoned for not more than 5 years, or both, and any
15 compensation received for engaging in the unlawful activ-
16 ity shall be subject to disgorgement.”.

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

19 Section 25 of the Lobbying Disclosure Act of 1995
20 (2 U.S.C. 1613) is amended—

21 (1) in the section heading, by striking “**TO**
22 **MEMBERS OF CONGRESS AND TO CONGRES-**
23 **SIONAL EMPLOYEES**”;

24 (2) by striking subsection (a) and inserting the
25 following:

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

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

6 “(c) EXCEPTIONS.—A person described in subsection
7 (b) may make a gift or provide travel to a covered legisla-
8 tive branch official or a covered executive branch official
9 if—

10 “(1) the gift or travel complies with any appli-
11 cable rule of the Senate, House of Representatives,
12 or executive branch applicable to the recipient of the
13 gift or travel; and

14 “(2) the gift or travel—

15 “(A) is based on the personal or family re-
16 lationship of the person with the covered legis-
17 lative branch official or a covered executive
18 branch official and is given with the knowledge
19 and acquiescence of the covered legislative
20 branch official or a covered executive branch of-
21 ficial, unless the covered legislative branch offi-
22 cial or a covered executive branch official has
23 reason to believe that the gift or travel was
24 given because of the official position of the cov-

1 ered legislative branch official or a covered ex-
2 ecutive branch official;

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

4 “(C) results from the business or employ-
5 ment activities of the spouse of the covered leg-
6 islative branch official or a covered executive
7 branch official;

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

11 “(E) in the case of a covered executive
12 branch official, is of a kind authorized by a
13 supplemental agency regulation that is—

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

16 “(ii) approved by the Director of the
17 Office of Public Integrity; or

18 “(F) may be accepted by the covered legis-
19 lative branch official or covered executive
20 branch official under specific Federal statutory
21 authority.”.

22 **SEC. 209. APPLICATION OF GENERAL SCHEDULE TO CON-**
23 **GRESS.**

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

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

4 “(1) ‘agency’—

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

7 “(B) includes—

8 “(i) the Government Accountability
9 Office; and

10 “(ii) any agency, office, or other enti-
11 ty for which the pay of the employees of
12 the agency, office, or other entity is dis-
13 bursed by the Secretary of the Senate or
14 the Chief Administrative Officer of the
15 House of Representatives;

16 “(2) ‘employee’—

17 “(A) means an individual employed in or
18 under an agency; and

19 “(B) does not include a Member of Con-
20 gress; and

21 “(3) ‘position,’”; and

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

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

16 (A) by striking subsection (a);

17 (B) by striking subsection (c);

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

19 (D) by striking subsection (f).

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

1 (9) Section 102(e)(2)(B) of the Legislative
2 Branch Appropriations Act, 2002 (2 U.S.C.
3 4579(e)(2)(B)) is amended by striking “exceeding”
4 and all that follows and inserting “exceeding $\frac{1}{12}$ th
5 of the maximum annual rate of pay that is payable
6 for positions on the General Schedule under section
7 5304(g)(1) of title 5, United States Code.”.

8 **SEC. 210. REESTABLISHMENT OF OFFICE OF TECHNOLOGY**
9 **ASSESSMENT.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
11 12(a) of the Technology Assessment Act of 1972 (2
12 U.S.C. 481(a)) is amended by striking “there is hereby”
13 and all that follows through the period at the end and
14 inserting “for each fiscal year there is authorized to be
15 appropriated to the Office such sums as may be nec-
16 essary.”.

17 (b) **INITIAL APPOINTMENTS.**—Not later than 60 days
18 after the date on which appropriations are made available
19 to reestablish the Office of Technology Assessment, the
20 President pro tempore of the Senate and the Speaker of
21 the House of Representatives shall appoint the members
22 of the Technology Assessment Board in accordance with
23 section 4(a) of the Technology Assessment Act of 1972
24 (2 U.S.C. 473(a)).

25 (c) **INITIAL RECOMMENDATIONS.**—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date on which all members of the Tech-
3 nology Assessment Board are appointed under sub-
4 section (b), and after reviewing recommendations re-
5 lating to the reestablishment of the Office of Tech-
6 nology Assessment and meeting with relevant stake-
7 holders, the Technology Assessment Board shall sub-
8 mit to Congress recommendations concerning how
9 Congress should enhance technology assessment sup-
10 port for the legislative branch, including whether
11 Congress should enact new or revised authorities
12 that address resources, function, structure, or other
13 matters the Technology Assessment Board deter-
14 mines appropriate.

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

22 (d) ADJUSTMENTS TO OTHER LAWS.—

23 (1) ANNUAL REPORTS.—Section 3003(a)(1) of
24 the Federal Reports Elimination and Sunset Act of
25 1995 (31 U.S.C. 1113 note) shall not apply to any

1 report submitted under section 11 of the Technology
2 Assessment Act of 1972 (Public Law 92–48, 86
3 Stat. 802).

4 (2) INFORMATION FOR THE CONGRESSIONAL
5 BUDGET OFFICE.—Section 201(e) of the Congres-
6 sional Budget Act of 1974 (2 U.S.C. 601(e)) is
7 amended—

8 (A) by inserting “the Office of Technology
9 Assessment,” after “Government Accountability
10 Office,”; and

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

13 (3) INCLUSION AS AN INSTRUMENTALITY OF
14 CONGRESS.—Section 510(4) of the Americans with
15 Disabilities Act of 1990 (42 U.S.C. 12209(4)) is
16 amended by striking “following;” and inserting “fol-
17 lowing: the Office of Technology Assessment,”.

18 (e) TECHNICAL AMENDMENTS.—Section 7(e)(1) of
19 the Technology Assessment Act of 1972 (2 U.S.C.
20 476(e)(1)) is amended by striking “section 5702 and in
21 5704 of title 5” and inserting “sections 5702 and 5704
22 of title 5, United States Code”.

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

24 (a) TAX PROVISIONS RELATING TO LOBBYING EX-
25 PENDITURES.—

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

3 (A) IN GENERAL.—Chapter 33 of the In-
4 ternal Revenue Code of 1986 is amended by in-
5 serting after subchapter C the following new
6 subchapter:

7 **“Subchapter D—Lobbying Activities**

“Sec. 4286. Imposition of tax.

8 **“SEC. 4286. IMPOSITION OF TAX.**

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

“If quarterly lobbying ex-	The tax is:
penditures are:	
Over \$125,000 but not over \$250,000.	35% of the quarterly lobbying ex- penditures in excess of \$125,000.
Over \$250,000 but not over \$1,250,000.	\$43,750, plus 60% of the excess over \$250,000.
Over \$1,250,000	\$643,750, plus 75% of the excess over \$1,250,000.

12 “(b) EXCEPTION.—

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

17 “(2) APPLICATION TO CERTAIN BUSINESS OR-
18 GANIZATIONS.—Paragraph (1) shall not apply to any
19 organization which—

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

3 “(B) has as a member of such organization
4 an organization that is not described in section
5 501(c) and exempt from tax under section
6 501(a).

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

10 “(d) DEFINITIONS.—For purposes of this section, the
11 term ‘quarterly lobbying expenditures’ means, with respect
12 to any calendar quarter, the expenditures paid or incurred
13 for lobbying activities (as defined under section 3 of the
14 Lobbying Disclosure Act of 1995) during such calendar
15 quarter.

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

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

 “SUBCHAPTER D—LOBBYING ACTIVITIES”.

24 (C) EFFECTIVE DATE.—The amendments
25 made by this paragraph shall apply to amounts

1 paid or incurred in calendar quarters beginning
2 more than 60 days after the date of the enact-
3 ment of this Act.

4 (2) MODIFICATION OF DEFINITION OF INFLU-
5 ENCING LEGISLATION FOR PURPOSES OF RESTRIC-
6 TIONS ON CERTAIN CHARITABLE ORGANIZATIONS.—

7 (A) IN GENERAL.—Section 4911(e)(2) of
8 the Internal Revenue Code of 1986 is amend-
9 ed—

10 (i) by striking “includes action with
11 respect to Acts, bills” and inserting “in-
12 cludes—

13 “(i) the formulation, modification, or
14 adoption of Acts, bills”, and

15 (ii) by adding at the end the following
16 new subparagraphs:

17 “(ii) the formulation, modification, or
18 adoption of a Federal rule, regulation, Ex-
19 ecutive order, or any other program, policy,
20 or position of the United States Govern-
21 ment,

22 “(iii) the administration or execution
23 of a Federal program or policy (including
24 the negotiation, award, or administration

1 of a Federal contract, grant, loan, permit,
2 or license), and

3 “(iv) the nomination or confirmation
4 of a person for a position subject to con-
5 firmation by the Senate.”.

6 (B) CONFORMING AMENDMENTS.—Section
7 4911(e) of such Code is amended by striking
8 paragraph (3) and redesignating paragraph (4)
9 as paragraph (3).

10 (C) EFFECTIVE DATE.—The amendments
11 made by this paragraph shall take effect 180
12 days after the date of the enactment of this
13 Act.

14 (b) LOBBYING DEFENSE TRUST FUND.—

15 (1) ESTABLISHMENT OF FUND.—

16 (A) IN GENERAL.—Subchapter A of chap-
17 ter 98 of the Internal Revenue Code of 1986 is
18 amended by adding at the end the following
19 new section:

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

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

1 “(b) TRANSFERS TO TRUST FUND.—There is hereby
2 appropriated to the Lobbying Defense Trust Fund
3 amounts equivalent to—

4 “(1) the taxes received in the Treasury under
5 section 4286, and

6 “(2) the civil penalties collected under the Anti-
7 Corruption and Public Integrity Act and the amend-
8 ments made by that Act.

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

11 “(1) remain available until expended; and

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

15 “(d) USE OF FUNDS.—

16 “(1) TRANSFERS TO AGENCIES.—

17 “(A) IN GENERAL.—For each calendar
18 quarter beginning more than 60 days after the
19 date of the enactment of this section, not later
20 than 30 days after the end of the quarter, the
21 Director of the Office of Public Integrity (in
22 this subsection referred to as the ‘Director’)
23 shall identify specific rules or other agency ac-
24 tions that were the subject of significant lob-

1 bying activity directed toward an executive
2 agency during the quarter.

3 “(B) TRANSFER.—Not later than the end
4 of each calendar quarter beginning more than
5 60 days after the date of the enactment of this
6 section, the Director shall transfer from the
7 Lobbying Defense Trust Fund to each executive
8 agency that was the subject of significant lob-
9 bying activity during the previous quarter an
10 amount equal to the amount obtained by multi-
11 plying—

12 “(i) the amount of taxes received in
13 the Treasury under section 4286 that are
14 attributable to lobbying expenditures dur-
15 ing the previous quarter; by

16 “(ii) the percentage of such taxes that
17 were based on lobbying expenditures dur-
18 ing the previous quarter related to rule-
19 making within the jurisdiction of the exec-
20 utive agency.

21 “(C) USE OF TRANSFERRED FUNDS.—An
22 executive agency may use amounts transferred
23 under subparagraph (B) for salaries and ex-
24 penses relating to researching, reviewing, or fi-
25 nalizing rules or other agency actions in accord-

1 ance with section 553 or 554 of title 5, United
2 States Code.

3 “(D) AVAILABILITY.—Amounts transferred
4 under subparagraph (B) shall remain available
5 until expended.

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

7 “(A) BUDGET SUBMISSION.—For each fis-
8 cal year beginning more than 60 days after the
9 date of enactment of this section, the National
10 Public Advocate shall submit to the Director a
11 request—

12 “(i) indicating the amount the Na-
13 tional Public Advocate is requesting be
14 transferred to the Office of the Public Ad-
15 vocate; and

16 “(ii) describing the activities of the
17 Office of the Public Advocate that would
18 be carried out using the amounts.

19 “(B) TRANSFER.—After consideration of
20 the request submitted under subparagraph (A)
21 with respect to a fiscal year, the Director shall
22 transfer to the Office of the Public Advocate
23 from the Lobbying Defense Trust Fund the
24 amount determined appropriate by the Director.

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

5 “(D) AVAILABILITY.—Amounts transferred
6 under subparagraph (B) shall remain available
7 until expended.

8 “(3) CONGRESSIONAL SUPPORT AGENCIES.—

9 “(A) TRANSFER.—Not later than the end
10 of each calendar quarter beginning more than
11 60 days after the date of the enactment of this
12 section, the Director shall transfer from the
13 Lobbying Defense Trust Fund to the Congres-
14 sional Research Service, the Congressional
15 Budget Office, the Government Accountability
16 Office, and the Office of Technology Assess-
17 ment an amount equal to 25 percent of the dif-
18 ference between—

19 “(i) the amount of taxes received in
20 the Treasury under section 4286 that are
21 attributable to lobbying expenditures dur-
22 ing the previous quarter; and

23 “(ii) the amount of such taxes that
24 were based on lobbying expenditures dur-
25 ing the previous quarter related to rule-

1 making within the jurisdiction of an execu-
2 tive agency.

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

7 “(C) AVAILABILITY.—Amounts transferred
8 under subparagraph (A) shall remain available
9 until expended.

10 “(4) REGULATIONS.—Not later than 180 days
11 after the date of enactment of this Act, the Director
12 shall promulgate regulations defining the term ‘sig-
13 nificant lobbying activity’ for purposes of this sub-
14 section.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions for subchapter A of chapter 98 of such Code
17 is amended by adding at the end the following new
18 item:

“Sec. 9512. Lobbying Defense trust fund.”.

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

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

23 Section 14 of the Lobbying Disclosure Act of 1995
24 (2 U.S.C. 1609) is amended—

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

3 “(a) LOBBYING CONTACTS.—Any person or entity
4 that makes a lobbying contact with a covered legislative
5 branch official or a covered executive branch official shall,
6 at the time of the lobbying contact, state whether the per-
7 son or entity is registered under this Act and identify the
8 client on whose behalf the lobbying contact is made.”; and

9 (2) by redesignating subsection (c) as sub-
10 section (b).

11 **TITLE III—RULEMAKING**
12 **REFORM**

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

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

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

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

20 “(f) With respect to any submission by an interested
21 person under subsection (c) or any other submission by
22 an interested person relating to a proposed rule that incor-
23 porates or includes a scientific or technical study, or any
24 other result of scientific research not published in a pub-

1 lically available peer-reviewed publication, the interested
2 person, in making that submission, shall disclose—

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

5 “(2) any entity that sponsored the study or re-
6 search;

7 “(3) the extent to which the findings of the
8 study or research were reviewed by a party that may
9 be affected by the rule making to which the submis-
10 sion relates;

11 “(4) the identity of any party identified under
12 paragraph (3); and

13 “(5) the nature of any financial relationship, in-
14 cluding a consulting agreement, the support of any
15 expert witness, and the funding of research, between
16 any person that conducted the study or research and
17 any interested person with respect to the rule mak-
18 ing to which the submission relates.”.

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

1 **SEC. 302. INCREASING DISCLOSURES RELATING TO STUD-**
2 **IES AND RESEARCH.**

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

6 “(g) With respect to a study or research that is sub-
7 mitted by an interested person to an agency under sub-
8 section (c), the agency shall ensure that the study or re-
9 search is available to the public, unless disclosure is pro-
10 hibited under section 552 of this title.

11 “(h)(1) If a study or research submitted by an inter-
12 ested person to an agency under subsection (c) presents
13 a conflict described in paragraph (2), the agency shall not
14 consider the study or research in a rule making under this
15 section and shall exclude the study or research from con-
16 sideration, unless the interested person has certified,
17 under standards developed by the National Academy of
18 Sciences with respect to that certification, that the study
19 or research has undergone independent peer review.

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

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

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

1 “(i) With respect to a rule making under this section,
2 an agency shall include in the notice of proposed rule mak-
3 ing required under subsection (b) and in the final rule
4 published under subsection (d) a description of how the
5 agency considered scientific evidence, including any study
6 or research.”.

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

12 **SEC. 303. DISCLOSURE OF INTER-GOVERNMENTAL RULE**
13 **CHANGES.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “Administrator” means the Ad-
16 ministrator of the Office;

17 (2) the terms “agency”, “regulatory action”,
18 and “significant regulatory action” have the mean-
19 ings given those terms in section 3 of the Executive
20 Order;

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

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

1 (b) REQUIREMENT.—With respect to any regulatory
2 action that an agency provides to the Office under section
3 6(a)(3) of the Executive Order, and that the Adminis-
4 trator determines is a significant regulatory action under
5 that section, the agency shall—

6 (1) not later than the date on which the agency
7 publishes the general notice of proposed rule making
8 required under section 553(b) of title 5, United
9 States Code, with respect to the action, place in the
10 rule making docket—

11 (A) the substance of any changes between
12 the text of the draft regulatory action that the
13 agency provided to the Office under section
14 6(a)(3)(B)(i) of the Executive Order and the
15 text published in that general notice with re-
16 spect to the action; and

17 (B) a statement regarding whether any
18 change described in subparagraph (A) was
19 made at the request of—

20 (i) the Office;

21 (ii) another agency; or

22 (iii) a Member of Congress; and

23 (2) not later than the date on which the agency
24 publishes the regulatory action in the Federal Reg-
25 ister, place in the rule making docket—

1 (A) the substance of any changes between
2 the text of the regulatory action that the agency
3 provided to the Office under section
4 6(a)(3)(B)(i) of the Executive Order and the
5 text of the regulatory action that the agency
6 published in the Federal Register; and

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

- 10 (i) the Office;
11 (ii) another agency; or
12 (iii) a Member of Congress.

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

14 (a) DEFINITIONS.—In this section—

15 (1) the term “Administrator” means the Ad-
16 ministrator of the Office;

17 (2) the terms “agency” and “regulatory action”
18 have the meanings given those terms in section 3 of
19 the Executive 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) REQUIREMENT.—

1 (1) IN GENERAL.—If an agency withdraws a
2 regulatory action after providing the action to the
3 Office under section 6(a)(3) of the Executive Order
4 (or, if the agency does not provide the regulatory ac-
5 tion to the Office under that section, after pub-
6 lishing the general notice of proposed rule making
7 with respect to the action under section 553(b) of
8 title 5, United States Code), the agency shall publish
9 in the Federal Register and on the website of the
10 agency a statement regarding the decision by the
11 agency to withdraw the action.

12 (2) CONTENTS.—A statement required under
13 paragraph (1) with respect to a decision by an agen-
14 cy to withdraw a regulatory action shall include, at
15 a minimum—

16 (A) a detailed explanation of the reasons
17 that the agency withdrew the action; and

18 (B) an explanation regarding whether the
19 decision by the agency to withdraw the action
20 was based, in whole or in part, on a request by,
21 or input from—

22 (i) the Office;

23 (ii) another agency;

24 (iii) a Member of Congress;

1 (iv) a State, local, or tribal govern-
2 ment; or

3 (v) an organization, a corporation, a
4 member of the public, or another inter-
5 ested party.

6 **SEC. 305. NEGOTIATED RULE MAKING.**

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

9 (1) in section 561, in the first sentence, by in-
10 sserting “between agencies and Federal, State, local,
11 or tribal governments. This subchapter shall apply
12 only to information negotiations between Federal,
13 State, local, or tribal governments” after “informal
14 rulemaking process”;

15 (2) in section 563—

16 (A) in subsection (a)—

17 (i) in paragraph (2), by inserting
18 “Federal, State, local, or tribal govern-
19 ment” after “identifiable”; and

20 (ii) in paragraph (3), by striking
21 “persons who” and inserting “representa-
22 tives of Federal, State, local, and tribal
23 governments that”;

24 (B) in subsection (b)—

25 (i) in paragraph (1)—

1 (I) in subparagraph (A)—

2 (aa) by striking “persons
3 who” and inserting “Federal,
4 State, local, or tribal govern-
5 ments that”; and

6 (bb) by striking “, including
7 residents of rural areas”; and

8 (II) in subparagraph (B)—

9 (aa) by striking “with such
10 persons” and inserting “with rep-
11 resentatives of those govern-
12 ments”; and

13 (bb) by striking “to such
14 persons” and inserting “to those
15 governments”; and

16 (ii) in paragraph (2), in the second
17 sentence—

18 (I) by striking “persons who”
19 and inserting “representatives of Fed-
20 eral, State, local, or tribal govern-
21 ments that”; and

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

24 (3) in section 564—

1 (A) in the section heading, by striking “;
2 **applications for membership on com-**
3 **mittees”;**

4 (B) in subsection (a)—

5 (i) in paragraph (4), by striking “the
6 persons” and inserting “the representa-
7 tives of Federal, State, local, and tribal
8 governments”;

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

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

13 (iv) by striking paragraph (8);

14 (C) by striking subsection (b);

15 (D) by redesignating subsection (c) as sub-
16 section (b); and

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

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

20 (ii) by striking “and applications”;

21 (4) in section 565(a)—

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

24 (B) in paragraph (2)—

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

1 (ii) by striking “publications,” and all
2 that follows through the period at the end
3 and inserting “publications.”; and

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

5 (A) by striking “and encourage agency use
6 of”; and

7 (B) by inserting “between Federal, State,
8 local, and tribal governments” after “negotiated
9 rulemaking”.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) BALANCED BUDGET ACT OF 1997.—Section
12 4554(b)(1) of the Balanced Budget Act of 1997 (42
13 U.S.C. 1395u note) is amended by striking “, using
14 a negotiated rulemaking process under subchapter
15 III of chapter 5 of title 5, United States Code”.

16 (2) ELEMENTARY AND SECONDARY EDUCATION
17 ACT OF 1965.—The Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 6301 et seq.) is
19 amended—

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

21 (i) in subsection (a), by striking “sub-
22 sections (b) through (d)” and insert “sub-
23 section (b)”;

24 (ii) by striking subsections (b) and
25 (c); and

1 (iii) by redesignating subsections (d)
2 and (e) as subsections (b) and (c), respec-
3 tively;

4 (B) by repealing section 1602 (20 U.S.C.
5 6572); and

6 (C) in section 8204(c)(1) (20 U.S.C.
7 7824(c)(1)), by striking “using a negotiated
8 rulemaking process to develop regulations for
9 implementation no later than the 2017-2018
10 academic year, shall define” and inserting
11 “shall, for implementation no later than the
12 2017-2018 academic year, define”.

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

17 (A) in the subsection heading, by striking
18 “NEGOTIATED”;

19 (B) by striking “(1) ESTABLISHMENT.—”
20 and all that follows through “chapter 5 of title
21 5, United States Code, standards” and insert-
22 ing the following:

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

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

3 (D) by redesignating subparagraph (B) of
4 paragraph (1) as paragraph (2) and adjusting
5 the margins accordingly; and

6 (E) in paragraph (2), as so redesignated,
7 by striking “subparagraph (A)” and inserting
8 “paragraph (1)”.

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

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

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

14 (ii) by redesignating subsection (d) as
15 subsection (e);

16 (B) in section 422(g)(1) (20 U.S.C.
17 1072(g)(1))—

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

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

22 (iii) by striking subparagraph (D);

23 (C) in section 487A(b)(3)(B) (20 U.S.C.
24 1094a(b)(3)(B)), by striking “in the negotiated
25 rulemaking process,”;

1 (D) in section 491(l)(4)(A) (20 U.S.C.
2 1098(l)(4)(A)), by striking “, not later than two
3 years after the completion of the negotiated
4 rulemaking process required under section 492
5 resulting from the amendments to this Act
6 made by the Higher Education Opportunity
7 Act,”; and

8 (E) in section 492 (20 U.S.C. 1098a)—
9 (i) in the section heading, by striking
10 “**NEGOTIATED**”; and
11 (ii) by amending subsection (b) to
12 read as follows:

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

18 (5) HOUSING ACT OF 1949.—Section 515(r)(3)
19 of the Housing Act of 1949 (42 U.S.C. 1485) is
20 amended by striking “in accordance with” and all
21 that follows through the period at the end and in-
22 serting “under the rule making authority contained
23 in section 557 of title 5, United States Code.”.

24 (6) MAGNUSON-STEVENSON FISHERY CONSERVA-
25 TION AND MANAGEMENT ACT.—Section 305(g) of

1 the Magnuson-Stevens Fishery Conservation and
2 Management Act (16 U.S.C. 1855(g)) is amended—

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

4 (B) in paragraph (1)—

5 (i) by striking “(A)”; and

6 (ii) by redesignating subparagraph

7 (B) as paragraph (2) and adjusting the
8 margins accordingly; and

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

11 (7) MANDATORY PRICE REPORTING ACT OF
12 2010.—Section 2(b) of the Mandatory Price Report-
13 ing Act of 2010 (Public Law 111–239; 124 Stat.
14 2501) is amended—

15 (A) by striking “WHOLESALE PORK CUTS”
16 and all that follows through “Chapter 3” and
17 inserting “WHOLESALE PORK CUTS.—Chapter
18 3”; and

19 (B) by striking paragraphs (2), (3), and
20 (4) (7 U.S.C. 1635k note).

21 (8) PATIENT PROTECTION AND AFFORDABLE
22 CARE ACT.—Section 5602 of the Patient Protection
23 and Affordable Care Act (42 U.S.C. 254b note) is
24 amended—

1 (A) in the section heading, by striking
2 “**NEGOTIATED**”;

3 (B) by striking subsections (b) through
4 (h);

5 (C) in subsection (a)—

6 (i) by redesignating paragraph (2) as
7 subsection (b) and adjusting the margins
8 accordingly; and

9 (ii) in paragraph (1)—

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

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

15 (D) in subsection (b), as so redesignated,
16 by striking “paragraph (1)” and inserting “sub-
17 section (a)”.

18 (9) PRICE-ANDERSON AMENDMENTS ACT OF
19 1988.—The Price-Anderson Amendments Act of
20 1988 (Public Law 100–408; 102 Stat. 1066) is
21 amended—

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

23 (B) in subsection (a)—

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

1 (ii) by redesignating paragraph (2) as
2 subsection (b) and adjusting the margins
3 accordingly.

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

7 (A) in section 1834(l)(1) (42 U.S.C.
8 1395m(l)(1)), by striking “through a negotiated
9 rulemaking process described in title 5, United
10 States Code, and”; and

11 (B) in section 1856(a) (42 U.S.C. 1395w-
12 26(a))—

13 (i) by striking paragraphs (2) through
14 (9);

15 (ii) in paragraph (1)—

16 (I) by striking “(A) IN GEN-
17 ERAL.—”;

18 (II) by striking “and using a ne-
19 gotiated rulemaking process under
20 subchapter III of chapter 5 of title
21 5”; and

22 (III) by redesignating subpara-
23 graph (B) as paragraph (2) and ad-
24 justing the margins accordingly; and

1 (iii) in paragraph (2), as so redesignated,
2 nated, by striking “subparagraph (A)” and
3 inserting “paragraph (1)”.

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

“564. Publication of notice.”.

8 (12) TITLE 49.—Section 31136(g)(1) of title
9 49, United States Code, is amended—

10 (A) by striking “shall—” and all that fol-
11 lows through “issue” and inserting “shall
12 issue”;

13 (B) by striking “; or” and inserting a pe-
14 riod; and

15 (C) by striking subparagraph (B).

16 (13) TOXIC SUBSTANCES CONTROL ACT.—Sec-
17 tion 8(a) of the Toxic Substances Control Act (15
18 U.S.C. 2607(a)) is amended by striking paragraph
19 (6).

20 (14) UNITED STATES HOUSING ACT OF 1937.—
21 Section 9 of the United States Housing Act of 1937
22 (42 U.S.C. 1437g) is amended by repealing sub-
23 section (f).

24 **SEC. 306. STREAMLINING OIRA REVIEW.**

25 (a) DEFINITIONS.—In this section—

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

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

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

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

12 (b) PROHIBITIONS.—

13 (1) NON-EXECUTIVE BRANCH OFFICIALS.—

14 With respect to a regulatory action of an agency, the
15 Office may not engage in communications or meet-
16 ings with an individual that is not employed by the
17 executive branch of the Federal Government if the
18 regulatory action is or may be subject to review by
19 the Office under section 6(b) of the Executive Order.

20 (2) INFORMAL REVIEW.—With respect to a reg-

21 ulatory action of an agency that may be subject to
22 review by the Office under section 6(b) of the Execu-
23 tive Order, the Office may not engage in commu-
24 nications or meetings with the agency before the
25 date on which the agency submits the regulatory ac-

1 tion to the Office under section 6(a)(3) of the Exec-
2 utive Order.

3 (c) TIME PERIOD FOR OIRA REVIEW.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Office shall complete a review of a
6 significant regulatory action under section 6(b) of
7 the Executive Order not less than 45 days after the
8 date on which the Office receives the significant reg-
9 ulatory action under section 6(a)(3) of the Executive
10 Order.

11 (2) EXTENSION.—The Office may extend the
12 45-day period described in paragraph (1) by a single
13 30-day period if the Office provides the agency with,
14 and makes publicly available, a written justification
15 for the extension.

16 (3) PUBLICATION OF REGULATORY ACTION.—If
17 the Office waives review of a significant regulatory
18 action of an agency under section 6(b)(2) of the Ex-
19 ecutive Order without a request for further consider-
20 ation or does not notify the agency in writing of the
21 results of the review under section 6(b) of the Exec-
22 utive Order within the time frame described in para-
23 graph (1) or (2), the agency may publish the signifi-
24 cant regulatory action in the Federal Register.

1 **SEC. 307. LIMITING TEMPORARY COURT INJUNCTIONS AND**
2 **POSTPONING OF FINAL RULES PENDING JU-**
3 **DICIAL REVIEW.**

4 Section 705 of title 5, United States Code, is amend-
5 ed—

6 (1) by striking the first sentence; and

7 (2) by adding at the end the following: “Not-
8 withstanding the preceding sentence, with respect to
9 agency action relating to notice and comment rule
10 making under section 553 of this title, on such con-
11 ditions as may be required and to the extent nec-
12 essary to prevent irreparable injury, only the review-
13 ing court to which a case may be taken on appeal
14 from or on application for certiorari or other writ to
15 a reviewing court may issue all necessary and appro-
16 priate process to postpone the effective date of the
17 agency action or to preserve status or rights pending
18 conclusion of the review proceedings.”.

19 **SEC. 308. PENALIZING INDIVIDUALS THAT SUBMIT FALSE**
20 **INFORMATION TO AGENCIES.**

21 Section 553 of title 5, United States Code, as amend-
22 ed by section 302 of this Act, is amended by adding at
23 the end the following:

24 “(j) Any person that uses any false writing or docu-
25 ment knowing the same to contain any materially false,
26 fictitious, or fraudulent statement or entry with respect

1 to a rule making under this section shall be fined not more
2 than \$250,000, imprisoned not more than 5 years, or
3 both.”.

4 **SEC. 309. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC**
5 **ADVOCATE.**

6 Section 401 of the Ethics in Government Act of 1978
7 (5 U.S.C. App.) is amended by adding at the end the fol-
8 lowing:

9 “(d)(1)(A) There is established in the Office of Public
10 Integrity an office to be known as the ‘Office of the Public
11 Advocate’.

12 “(B) The Office of the Public Advocate shall be under
13 the supervision of an official to be known as the ‘National
14 Public Advocate’, who shall—

15 “(i) be appointed by the President, by and with
16 the advice and consent of the Senate;

17 “(ii) report to the Director of the Office of Pub-
18 lic Integrity;

19 “(iii) not be an employee of the Federal Gov-
20 ernment;

21 “(iv) be entitled to compensation at the same
22 rate as the highest rate of basic pay established for
23 the Senior Executive Service under section 5382 of
24 title 5, United States Code;

1 “(v) have a background in customer service,
2 consumer protection, and administrative law;

3 “(vi) have experience representing the public in
4 cases involving rules (as defined in section 551 of
5 title 5, United States Code);

6 “(vii) not have worked as an officer or employee
7 in any Federal agency during the 2-year period pre-
8 ceding appointment under this subparagraph; and

9 “(viii) agree not to accept an offer of employ-
10 ment with a Federal agency for not less than 5
11 years after ceasing to serve as the National Public
12 Advocate.

13 “(2) The duties of the Office of the Public Advocate
14 shall include—

15 “(A) assisting individuals in resolving conflicts
16 with agencies;

17 “(B) assisting agencies in soliciting public par-
18 ticipation in the rule making process;

19 “(C) assisting individuals in participating in the
20 rule making process; and

21 “(D) identifying areas in which the public has
22 problems in dealing with agencies and proposing
23 changes to mitigate those problems.

24 “(3) Not later than 180 days after the date on which
25 the National Public Advocate is appointed under this sub-

1 section or 180 days after the date of enactment of this
2 subsection, whichever is later, the National Public Advo-
3 cate shall propose regulations to carry out this sub-
4 section.”.

5 **SEC. 310. ACTIONS BY PRIVATE PERSONS.**

6 (a) DEFINITIONS.—In this section, the terms “agen-
7 cy” and “rule” have the meanings given those terms in
8 section 551 of title 5, United States Code.

9 (b) ACTIONS.—

10 (1) IN GENERAL.—A person may bring a civil
11 action for the person and for the United States Gov-
12 ernment, in the name of the Government, against
13 any person, including the United States Government
14 and any other governmental instrumentality or agen-
15 cy to the extent permitted by the Eleventh Amend-
16 ment to the Constitution of the United States, for—

17 (A) a violation of a final rule issued by an
18 agency; or

19 (B) the failure of the head of an agency to
20 comply with any requirement under this Act.

21 (2) NOTICE.—A copy of the complaint and
22 written disclosure of substantially all material evi-
23 dence and information the person possesses shall be
24 served on the Government pursuant to rule 4(d)(4)
25 of the Federal Rules of Civil Procedure. The Gov-

1 ernment may elect to intervene and proceed with the
2 action within 60 days after it receives both the com-
3 plaint and the material evidence and information.

4 (3) PARTY CONDUCTING THE ACTION.—Before
5 the expiration of the 60-day period under paragraph
6 (2), the Government shall—

7 (A) proceed with the action, in which case
8 the action shall be conducted by the Govern-
9 ment; or

10 (B) notify the court that it declines to pro-
11 ceed with the action, in which case the person
12 bringing the action shall have the right to con-
13 duct the action.

14 (4) AWARD TO PLAINTIFF.—

15 (A) GOVERNMENT PROCEEDS WITH AC-
16 TION.—If the Government proceeds with an ac-
17 tion brought by a person under this subsection,
18 the person shall receive at least 15 percent but
19 not more than 25 percent of the proceeds of the
20 action or settlement of the claim, depending
21 upon the extent to which the person substan-
22 tially contributed to the prosecution of the ac-
23 tion. Any payment to a person under this sub-
24 paragraph shall be made from the proceeds.
25 The person shall also receive an amount for

1 reasonable expenses that the court finds to have
2 been necessarily incurred, plus reasonable attor-
3 ney's fees and costs. The expenses, fees, and
4 costs shall be awarded against the defendant.

5 (B) GOVERNMENT DOES NOT PROCEED
6 WITH ACTION.—If the Government does not
7 proceed with an action under this subsection,
8 the person bringing the action or settling the
9 claim shall receive an amount which the court
10 decides is reasonable for collecting the civil pen-
11 alty and damages. The amount shall be not less
12 than 25 percent and not more than 30 percent
13 of the proceeds of the action or settlement and
14 shall be paid out of the proceeds. The person
15 shall also receive an amount for reasonable ex-
16 penses that the court finds to have been nec-
17 essarily incurred, plus reasonable attorney's
18 fees and costs. The expenses, fees, and costs
19 shall be awarded against the defendant.

20 **SEC. 311. SCOPE OF REVIEW.**

21 Section 706 of title 5, United States Code, is amend-
22 ed—

23 (1) in the first sentence of the matter preceding
24 paragraph (1), by striking “To the extent nec-

1 essary” and inserting “(a) IN GENERAL.—To the
2 extent necessary”;

3 (2) in subsection (a), as so designated, by in-
4 serting after the first sentence the following: “If a
5 statute that an agency administers is silent or am-
6 biguous, and an agency has followed the procedures
7 in section 553 or 554 of this title, as applicable, a
8 reviewing court shall defer to the agency’s reason-
9 able or permissible interpretation of that statute.”;

10 (3) by striking “In making the foregoing deter-
11 minations” and inserting the following:

12 “(b) REVIEW OF RECORD.—In making the deter-
13 minations under subsection (a)”;

14 (4) in subsection (b), as so designated, by in-
15 serting “except any part of the record that the agen-
16 cy excluded from consideration pursuant to section
17 553(h)(1) of this title,” after “party,”; and

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

19 “(c) UNREASONABLE DELAY.—For purposes of sub-
20 section (a)(1), unreasonable delay shall include—

21 “(1) when an agency has not issued a notice of
22 proposed rule making within 1 year of the date of
23 enactment of the legislation mandating the rule
24 making, where no deadline for the rule making was
25 specified in the enacted law;

1 “(2) when an agency has not issued a final
2 version of a proposed rule within 1 year of date on
3 which the proposed rule was published in the Fed-
4 eral Register; and

5 “(3) when an agency has not implemented a
6 final rule within 1 year of the implementation date
7 published in the Federal Register or, if no imple-
8 mentation date was provided, within 1 year of the
9 date on which the final rule was published in the
10 Federal Register.”.

11 **SEC. 312. EXPANDING RULE MAKING NOTIFICATIONS.**

12 Section 553 of title 5, United States Code, as amend-
13 ed by section 308 of this Act, is amended by adding at
14 the end the following:

15 “(k)(1) Not later than 2 business days after the date
16 on which an agency publishes a notice of proposed rule
17 making or a final rule under this section, the agency shall
18 notify interested parties of the publication.

19 “(2) The Director of the Government Printing Office
20 shall establish a process under which an agency shall no-
21 tify interested parties under paragraph (1) through e-mail
22 or postal mail.”.

23 **SEC. 313. PUBLIC PETITIONS.**

24 Section 553(e) of title 5, United States Code, is
25 amended—

1 (1) by inserting “(1)” before “Each agency”;

2 and

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

4 “(2) If, during a 60-day period, an agency receives
5 more than 100,000 signatures on a single petition under
6 paragraph (1), the agency shall, not later than 30 days
7 after the date on which the agency receives the petition,
8 provide a written response that includes—

9 “(A) an explanation of whether the agency has
10 engaged or is engaging in the requested issuance,
11 amendment, or repeal of a rule; and

12 “(B) if the agency has not engaged in the re-
13 quested issuance, amendment, or repeal of a rule, a
14 written explanation for not engaging in the re-
15 quested issuance, amendment, or repeal.”.

16 **SEC. 314. AMENDMENT TO CONGRESSIONAL REVIEW ACT.**

17 Section 801(b) of title 5, United States Code, is
18 amended—

19 (1) in paragraph (1), by striking “(1)”; and

20 (2) by striking paragraph (2).

21 **SEC. 315. COST-BENEFIT ANALYSIS.**

22 (a) **DEFINITIONS.**—In this section, the terms “agen-
23 cy” and “regulation” have the meanings given those terms
24 in section 3 of Executive Order 12866 (5 U.S.C. 601 note;
25 relating to regulatory planning and review).

1 (b) REQUIREMENT.—If an agency is performing a
2 cost-benefit analysis in the course of issuing a regulation,
3 the agency shall—

4 (1) take into account the benefits of the regula-
5 tion to the public, including the nonquantifiable ben-
6 efits of the regulation; and

7 (2) adopt a regulation that prioritizes benefits
8 to the public, including nonquantifiable benefits.

9 **SEC. 316. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) the Federal Employees Pay Comparability
12 Act of 1990 (as enacted by section 529 of Public
13 Law 101–509), which was designed to ensure that
14 the disparity in pay between Federal employees on
15 the General Schedule and non-Federal employees is
16 not greater than 5 percent, has not been imple-
17 mented as envisioned, resulting in significant pay
18 disparities between Federal Government and non-
19 Federal employees, including private-sector employ-
20 ees;

21 (2) Federal employees have experienced pay
22 challenges in recent years owing to pay freezes, re-
23 duced pay increases, and unpaid furlough days,
24 which have adversely impacted the ability of the

1 Federal Government to recruit and retain skilled
2 employees; and

3 (3) the President and Congress should allow the
4 statutory pay laws to be implemented as intended,
5 providing an annual across-the-board pay adjust-
6 ment and a locality pay adjustment that varies by
7 specific pay locality area.

8 **TITLE IV—JUDICIAL ETHICS**

9 **SEC. 401. CLARIFICATION OF GIFT BAN.**

10 (a) IN GENERAL.—Section 7353 of title 5, United
11 States Code, is amended—

12 (1) in subsection (a), in the matter preceding
13 paragraph (1), by striking “anything of value” and
14 inserting “a gift”; and

15 (2) in subsection (d)—

16 (A) in paragraph (1), by striking “and” at
17 the end;

18 (B) in paragraph (2), by striking the pe-
19 riod at the end and inserting “; and”; and

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

21 “(3) the term ‘gift’ means anything of value, in-
22 cluding transportation, travel, lodgings and meals,
23 whether provided in-kind, by purchase of a ticket,
24 payment in advance, or reimbursement after the ex-
25 pense has been incurred.”.

1 (b) REGULATIONS.—The Judicial Conference of the
2 United States shall promulgate regulations to carry out
3 the amendment made by subsection (a) with respect to
4 the judicial branch.

5 **SEC. 402. RESTRICT PRIVATELY-FUNDED EDUCATIONAL**
6 **EVENTS AND SPEECHES.**

7 (a) JUDICIAL EDUCATION FUND.—

8 (1) ESTABLISHMENT.—Chapter 42 of title 28,
9 United States Code, is amended by adding at the
10 end the following:

11 **“§ 630. Judicial Education Fund**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘Fund’ means the Judicial Edu-
14 cation Fund established under subsection (b);

15 “(2) the term ‘institution of higher education’
16 has the meaning given that term under section
17 101(a) of the Higher Education Act of 1965 (20
18 U.S.C. 1001(a));

19 “(3) the term ‘national bar association’ means
20 a national organization that is open to general mem-
21 bership to all members of the bar;

22 “(4) the term ‘private judicial seminar’—

23 “(A) means a seminar, symposia, panel
24 discussion, course, or a similar event that pro-
25 vides continuing legal education to judges; and

1 “(B) does not include—

2 “(i) seminars that last 1 day or less
3 and are conducted by, and on the campus
4 of, an institute of higher education;

5 “(ii) seminars that last 1 day or less
6 and are conducted by a national bar asso-
7 ciation or State or local bar association for
8 the benefit of the bar association member-
9 ship; or

10 “(iii) seminars of any length con-
11 ducted by, and on the campus of an insti-
12 tute of higher education or by a national
13 bar association or State or local bar asso-
14 ciation, where a judge is a presenter and
15 at which judges constitute less than 25
16 percent of the participants; and

17 “(5) the term ‘State or local bar association’
18 means a State or local organization that is open to
19 general membership to all members of the bar in the
20 specified geographic region.

21 “(b) FUND.—There is established within the United
22 States Treasury a fund to be known as the ‘Judicial Edu-
23 cation Fund’.

24 “(c) USE OF AMOUNTS.—Amounts in the Fund may
25 be made available for the payment of necessary expenses,

1 including reasonable expenditures for transportation, food,
2 lodging, private judicial seminar fees and materials, in-
3 curred by a judge or justice in attending a private judicial
4 seminar approved by the Board of the Federal Judicial
5 Center. Necessary expenses shall not include expenditures
6 for recreational activities or entertainment other than that
7 provided to all attendees as an integral part of the private
8 judicial seminar. Any payment from the Fund shall be ap-
9 proved by the Board.

10 “(d) REQUIRED INFORMATION.—The Board may ap-
11 prove a private judicial seminar after submission of infor-
12 mation by the sponsor of that private judicial seminar that
13 includes—

14 “(1) the content of the private judicial seminar
15 (including a list of presenters, topics, and course
16 materials); and

17 “(2) the litigation activities of the sponsor and
18 the presenters at the private judicial seminar (in-
19 cluding the litigation activities of the employer of
20 each presenter) on the topic related to those ad-
21 dressed at the private judicial seminar.

22 “(e) PUBLIC AVAILABILITY.—If the Board approves
23 a private judicial seminar, the Board shall make the infor-
24 mation submitted under subsection (d) relating to the pri-

1 vate judicial seminar available to judges and the public
2 by posting the information online.

3 “(f) GUIDELINES.—The Judicial Conference shall
4 promulgate guidelines to ensure that the Board only ap-
5 proves private judicial seminars that are conducted in a
6 manner so as to maintain the public’s confidence in an
7 unbiased and fair-minded judiciary.

8 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated for deposit in the Fund
10 \$3,000,000 for each of fiscal years 2019, 2020, and 2021,
11 to remain available until expended.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENT.—The table of sections for chapter 42 of title
14 28, United States Code, is amended by adding at
15 the end the following:

“630. Judicial Education Fund”.

16 (b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIB-
17 ITED.—

18 (1) DEFINITIONS.—In this subsection—

19 (A) the term “gift” has the meaning given
20 that term under section 7353 of title 5, United
21 States Code, as amended by section 401;

22 (B) the term “institution of higher edu-
23 cation” has the meaning given that term under
24 section 101(a) of the Higher Education Act of
25 1965 (20 U.S.C. 1001(a)); and

1 (C) the terms “national bar association”,
2 “private judicial seminar”, and “State or local
3 bar association” have the meanings given those
4 terms under section 630 of title 28, United
5 States Code, as added by subsection (a).

6 (2) REGULATIONS.—Not later than 180 days
7 after the date of enactment of this Act, the Judicial
8 Conference of the United States shall promulgate
9 regulations to apply section 7353(a) of title 5,
10 United States Code, to prohibit the solicitation or
11 acceptance of a gift in connection with a private ju-
12 dicial seminar.

13 (3) EXCEPTION.—The prohibition under the
14 regulations promulgated under paragraph (2) shall
15 not apply if—

16 (A) the judge participates in a private judi-
17 cial seminar as a speaker, panel participant, or
18 otherwise presents information;

19 (B) Federal judges are not the primary au-
20 dience at the private judicial seminar; and

21 (C) the gift accepted is—

22 (i) reimbursement from the private ju-
23 dicial seminar sponsor of reasonable trans-
24 portation, food, or lodging expenses on any
25 day on which the judge speaks, partici-

1 pates, or presents information, as applica-
2 ble;

3 (ii) attendance at the private judicial
4 seminar on any day on which the judge
5 speaks, participates, or presents informa-
6 tion, as applicable; or

7 (iii) anything excluded from the defi-
8 nition of a gift under regulations of the
9 Judicial Conference of the United States
10 under sections 7351 and 7353 of title 5,
11 United States Code, as in effect on the
12 date of enactment of this Act.

13 **SEC. 403. CODE OF CONDUCT.**

14 (a) **APPLICABILITY.**—The Code of Conduct for
15 United States Judges adopted by the Judicial Conference
16 of the United States shall apply to the justices of the Su-
17 preme Court of the United States to the same extent as
18 such Code applies to circuit and district judges.

19 (b) **ENFORCEMENT.**—The Judicial Conference shall
20 establish procedures, modeled after the procedures set
21 forth in chapter 16 of title 28, United States Code, under
22 which—

23 (1) complaints alleging that a justice of the Su-
24 preme Court of the United States has violated the

1 Code of Conduct referred to in subsection (a) may
2 be filed with or identified by the Conference;

3 (2) such complaints are reviewed and inves-
4 tigated by the Conference; and

5 (3) further action, where appropriate, is taken
6 by the Conference, with respect to such complaints.

7 (c) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

8 (1) SUBMISSION TO CONGRESS.—Not later than
9 180 days after the date of enactment of this Act, the
10 Judicial Conference shall submit to Congress the
11 procedures established under subsection (b).

12 (2) EFFECTIVE DATE.—The procedures estab-
13 lished under subsection (b) shall take effect 270
14 days after the date of enactment of this Act.

15 **SEC. 404. IMPROVING DISCLOSURE.**

16 (a) FINANCIAL REPORTS.—Section 103(h) of the
17 Ethics in Government Act of 1978 (5 U.S.C. App.) is
18 amended by adding at the end the following:

19 “(3) The Judicial Conference shall make publicly
20 available online, at no cost, each report required under
21 this title that is filed with the Judicial Conference in a
22 searchable, sortable, machine readable, and downloadable
23 format.”.

1 (b) RECUSAL DECISIONS.—Section 455 of title 28,
2 United States Code, is amended by adding at the end the
3 following:

4 “(g) Each justice, judge, and magistrate judge of the
5 United States shall maintain a list of each association or
6 interest that would require the justice, judge, or mag-
7 istrate to be recused under subsection (b)(4).”.

8 (c) SPEECHES.—

9 (1) IN GENERAL.—Each justice, judge, and
10 magistrate judge of the United States shall maintain
11 and submit to the Judicial Conference of the United
12 States a copy of each speech or other significant oral
13 communication made by the justice, judge or mag-
14 istrate.

15 (2) AVAILABILITY.—The Judicial Conference of
16 the United States shall maintain and make each
17 speech or other significant oral communication sub-
18 mitted under paragraph (1) available to the public
19 in printed form, upon request, and online, at no
20 cost, in a searchable, sortable, machine readable,
21 and downloadable format.

22 (3) REGULATIONS.—Not later than 180 days
23 after the date of enactment of this Act, the Judicial
24 Conference of the United States shall promulgate
25 regulations regarding the types of oral communica-

1 tions that are required to be maintained, submitted,
2 and made publicly available under this subsection.

3 (d) LIVESTREAMING JUDICIAL PROCEEDINGS.—

4 (1) DEFINITION.—In this section, the term
5 “appellate court of the United States” means any
6 United States circuit court of appeals and the Su-
7 preme Court of the United States.

8 (2) STREAMING OF COURT PROCEEDINGS.—In
9 accordance with procedures established by the Judi-
10 cial Conference of the United States, the audio of
11 each open session conducted by an appellate court of
12 the United States shall be made available online con-
13 temporaneously with the session, unless the appel-
14 late court of the United States, by a majority vote,
15 determines that making audio of the session avail-
16 able online would violate the constitutional rights of
17 any party to the proceeding.

18 (e) PUBLICIZING CASE ASSIGNMENT INFORMA-
19 TION.—

20 (1) IN GENERAL.—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 requiring each court of the United States
24 to make case assignment data available to the public

1 online, at no cost, in a searchable, sortable, machine
2 readable, and downloadable.

3 (2) CONTENTS.—The case assignment data
4 made available under paragraph (1) shall include, at
5 a minimum, and to the extent available, the case
6 title, docket number, case origin, filing date, and
7 name of each authoring judge, concurring judge, and
8 dissenting judge for each opinion issued in the case.

9 (f) MAKING WEBSITES USER-FRIENDLY.—Not later
10 than 180 days after the date of enactment of this Act,
11 the Judicial Conference of the United States shall promul-
12 gate regulations requiring an evaluation of, and improve-
13 ments to, the website of each district court of the United
14 States to ensure the website is easy to understand, includ-
15 ing that it is clear how to file a complaint relating to a
16 judge or an employee of the district court.

17 **SEC. 405. APPOINTMENT OF ADMINISTRATIVE LAW**
18 **JUDGES.**

19 (a) IN GENERAL.—Section 3105 of title 5, United
20 States Code is amended by inserting after the first sen-
21 tence the following: “Administrative law judge positions
22 shall be positions in the competitive service.”.

23 (b) CONVERSION OF POSITIONS.—With respect to
24 any individual serving on the date of enactment of this
25 Act in an excepted service position as an administrative

1 law judge appointed under section 3105 of title 5, United
2 States Code, as in effect on the day before the date of
3 enactment of this Act, the head of the agency employing
4 the administrative law judge shall convert the appointment
5 to a permanent appointment in the competitive service in
6 the agency.

7 (c) **APPLICABILITY.**—This section and the amend-
8 ments made by this section shall apply on and after the
9 date of enactment of this Act.

10 **SEC. 406. IMPROVE REPORTING ON JUDICIAL DIVERSITY.**

11 Section 331 of title 28, United States Code, is
12 amended in the eighth undesignated paragraph by adding
13 at the end the following: “The report submitted by the
14 Chief Justice under this paragraph shall include a report
15 on the diversity of the Federal judiciary, including diver-
16 sity of justices and judges of the United States based on
17 gender, race, ethnicity, disability status, sexual orienta-
18 tion, gender identity, national origin, and professional ex-
19 perience before being appointed a justice or judge of the
20 United States.”.

21 **SEC. 407. PLEADING STANDARDS.**

22 (a) **IN GENERAL.**—Rule 12 of the Federal Rules of
23 Civil Procedure is amended by adding at the end the fol-
24 lowing:

1 “(j) PLEADING STANDARDS. A court shall not dismiss
2 a complaint under Rule 12 (b)(6), (c) or (e):

3 “(1) unless it appears beyond doubt that the
4 plaintiff can prove no set of facts in support of the
5 claim which would entitle the plaintiff to relief; or

6 “(2) on the basis of a determination by the
7 court that the factual contents of the complaint do
8 not show the plaintiff’s claim to be plausible or are
9 insufficient to warrant a reasonable inference that
10 the defendant is liable for the misconduct alleged.”.

11 (b) APPLICABILITY.—Rule 12(j) of the Federal Rules
12 of Civil Procedure, as added by subsection (a) shall apply
13 with respect to the dismissal of complaints except as other-
14 wise expressly provided by an Act of Congress enacted
15 after the date of the enactment of this Act or by amend-
16 ments made after such date of enactment to the Federal
17 Rules of Civil Procedure pursuant to the procedures pre-
18 scribed by the Judicial Conference of the United States
19 under chapter 131 of title 28, United States Code.

20 **SEC. 408. AVAILABILITY OF JUDICIAL OPINIONS.**

21 Section 205 of the E-Government Act of 2002 (44
22 U.S.C. 3501 note) is amended—

23 (1) in subsection (a)(5), by striking “text
24 searchable format” and inserting “text searchable
25 and machine-readable file format that may be cited

1 using a vendor-neutral and medium-neutral citation
2 system”; and

3 (2) in subsection (b), by adding at the end the
4 following:

5 “(3) BULK ACCESS.—

6 “(A) PROVISION TO GPO.—Each written
7 opinion required to be made accessible on a
8 website under subsection (a)(5) shall be pro-
9 vided to the Government Publishing Office.

10 “(B) ACCESS.—The Director of the Gov-
11 ernment Publishing Office shall make available
12 to the public for bulk download all written opin-
13 ions provide to the Government Publishing Of-
14 fice under subparagraph (A).”.

15 **TITLE V—ENFORCEMENT**
16 **Subtitle A—Office of Public**
17 **Integrity**

18 **SEC. 511. ESTABLISHMENT OF OFFICE OF PUBLIC INTEG-**
19 **RITY.**

20 (a) IN GENERAL.—The Ethics in Government Act of
21 1978 (5 U.S.C. App.) is amended—

22 (1) in title I, by striking “Government Ethics”
23 each place it appears and inserting “Public Integ-
24 rity”;

1 (2) in the heading for title IV, by striking
2 “GOVERNMENT ETHICS” and inserting “PUB-
3 LIC INTEGRITY”;

4 (3) in section 401—

5 (A) by striking “Government Ethics” each
6 place it appears and inserting “Public Integ-
7 rity”;

8 (B) in subsection (a)—

9 (i) by inserting “(1)” before “There is
10 established”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(2) The purposes of the Office of Public Integrity
14 are—

15 “(A) to consolidate and strengthen Federal eth-
16 ics enforcement and anti-corruption public integrity
17 efforts;

18 “(B) to conduct anti-corruption, ethics, and
19 public integrity oversight of officers and employees
20 of the Federal Government through investigations,
21 corrective action, and other actions and penalties;

22 “(C) to promote public integrity and prevent
23 corruption within the Federal Government through
24 education, advisory, guidance, and rulemaking;

1 “(D) to facilitate accountability through affirm-
2 ative public disclosures, lobbying registration, and
3 the promotion of transparency across the Federal
4 Government; and

5 “(E) to protect the public’s interest in democ-
6 racy and Federal policymaking.”; and

7 (C) by adding after subsection (d), as
8 added by section 309 of this Act, the following:

9 “(e)(1) There is established within the Office of Pub-
10 lic Integrity a division to be known as the ‘Government
11 Ethics Division’.

12 “(2) The Government Ethics Division shall carry out
13 all functions of the Office of Government Ethics under this
14 Act as of the day before the date of enactment of this
15 subsection, including—

16 “(A) providing advice to designated agency eth-
17 ics officials, including legal advisories, education
18 advisories, and program management advisories on
19 substantive ethics issues;

20 “(B) providing training and education opportu-
21 nities to designated agency ethics officials on an on-
22 going basis; and

23 “(C) providing confidential advice, which, sub-
24 ject to paragraph (3), shall not lead to enforcement

1 action, for any agency employee seeking confidential
2 ethics advice.

3 “(3)(A) The Government Ethics Division may refer
4 a matter for enforcement based on information obtained
5 in providing advice to an employee under paragraph
6 (2)(C) if the employee—

7 “(i) knowingly makes a material misrepresenta-
8 tion, including making a significant omission in pro-
9 viding information, to the Government Ethics Divi-
10 sion;

11 “(ii) has already taken the action in violation of
12 the laws or regulations relating to conflicts of inter-
13 est or other ethics issues;

14 “(iii) reveals significant criminal activity, par-
15 ticularly criminal activity outside the jurisdiction of
16 the Office of Public Integrity;

17 “(iv) engaged in a prohibited personnel practice
18 described in paragraph (8) or subparagraph (A)(i),
19 (B), (C), or (D) of paragraph (9) of section 2302(b)
20 of title 5, United States Code; or

21 “(v) engaged in other actions, as established by
22 the Director by regulation.

23 “(B) An employee who seeks advice under paragraph
24 (2)(C) may be subject to administrative remedies, such as

1 reprimand, divestiture, forced recusal, or other corrective
2 actions to remedy the violation.

3 “(C) Notwithstanding any other provision in this
4 paragraph, the Director may promulgate regulations (in-
5 cluding regulations under subparagraph (A)(v)) to ensure
6 that—

7 “(i) an employee who engages in conduct in
8 good faith reliance upon an advisory opinion issued
9 to the employee by the Government Ethics Division
10 or a designated agency ethics official generally shall
11 not be subject to civil, criminal, or disciplinary ac-
12 tion by the Office of Public Integrity;

13 “(ii) an advisory opinion issued to an employee
14 by the Government Ethics Division or a designated
15 agency ethics official shall not prevent the employee
16 from being subject to other civil or disciplinary ac-
17 tion if the conduct of the employee violates another
18 law, rule, regulation, or lawful management policy or
19 directive; and

20 “(iii) if an employee has actual knowledge or
21 reason to believe that an advisory opinion issued to
22 the employee by the Government Ethics Division or
23 a designated agency ethics official is based on fraud-
24 ulent, misleading, or otherwise incorrect information,

1 the reliance of the employee on the opinion not be
2 deemed to be in good faith.”;

3 (4) in section 403, by striking “Government
4 Ethics” each place it appears and inserting “Public
5 Integrity”; and

6 (5) in section 503(2), by striking “Government
7 Ethics” and inserting “Public Integrity”.

8 (b) OFFICERS.—

9 (1) DIRECTOR.—Section 401(b) of the Ethics
10 in Government Act of 1978 (5 U.S.C. App.) is
11 amended—

12 (A) by inserting “(1)” before “There shall
13 be”;

14 (B) by inserting “without regard to polit-
15 ical affiliation and solely on the basis of integ-
16 rity and demonstrated ability to fulfill the re-
17 sponsibilities of the role of Director” after “who
18 shall be appointed”;

19 (C) by striking “Effective with respect”
20 and inserting the following:

21 “(3) Effective with respect”;

22 (D) by inserting after paragraph (1), as so
23 designated, the following:

24 “(2) Each individual appointed by the President to
25 the position of Director—

1 “(A) shall not have any conflict of interest with
2 respect to any aspect of performing the duties and
3 responsibilities of the Director;

4 “(B) shall have a demonstrated record in public
5 integrity and ethics enforcement;

6 “(C) shall not have ever been registered, or re-
7 quired to be registered, as a lobbyist under the Lob-
8 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
9 seq.);

10 “(D) during the 4-year period ending on the
11 date on which the President nominates the indi-
12 vidual to the position of Director, shall not have en-
13 gaged in any significant political activity (including
14 being a candidate for public office, fundraising for a
15 candidate for public office or a political party, or
16 serving as an officer or employee of a political cam-
17 paign or party);

18 “(E) shall not have ever been an agent of a for-
19 eign principal registered under the Foreign Agents
20 Registration Act of 1938 (22 U.S.C. 611 et seq.);
21 and

22 “(F) during the 4-year period ending on the
23 date on which the President nominates the indi-
24 vidual to the position of Director, shall not served as
25 a fiduciary or personal attorney for an officer or em-

1 ployee of the Federal Government, including anyone
2 elected to public office.”; and

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

4 “(4) The Director may only be removed from office
5 by the President for inefficiency, neglect of duty, or mal-
6 feasance in office.

7 “(5) Not later than 30 days before the date on which
8 the President removes the Director from office or trans-
9 fers the Director to another position or location for ineffi-
10 ciency, neglect of duty, or malfeasance in office, the Presi-
11 dent shall submit to the Senate and the House of Rep-
12 resentatives written notice of the reasons for the removal
13 or transfer.

14 “(6) During the period of any absence or unavail-
15 ability of the Director, including a vacancy in the office
16 of the Director, all powers and duties of the Director shall
17 be vested in the Deputy Director.

18 “(7) The Director may continue to serve beyond the
19 expiration of the term of the Director until a successor
20 is appointed, by and with the advice and consent of the
21 Senate.”.

22 (2) ASSISTANT DIRECTORS.—Section 401(c)(1)
23 of the Ethics in Government Act of 1978 (5 U.S.C.
24 App.) is amended by inserting “and Assistant Direc-
25 tors (which may include an Assistant Director for

1 Investigations, an Assistant Director for Govern-
2 ment Transparency, and an Assistant Director for
3 the Government Ethics Division)” after “including
4 attorneys”.

5 (3) DEPUTY DIRECTOR.—Section 401 of the
6 Ethics in Government Act of 1978 (5 U.S.C. App.)
7 is amended by adding after subsection (e), as added
8 by subsection (a) of this section, the following:

9 “(f)(1) There shall be in the Office of Public Integrity
10 a Deputy Director, who shall—

11 “(A) be appointed by the President in accord-
12 ance with paragraph (2), by and with the advice and
13 consent of the Senate; and

14 “(B) serve as acting Director in the event of
15 the absence or unavailability of the Director, includ-
16 ing a vacancy in the office of the Director.

17 “(2) Each individual appointed by the President to
18 the position of Deputy Director—

19 “(A) shall not have any conflict of interest with
20 respect to any aspect of performing the duties and
21 responsibilities of the Deputy Director;

22 “(B) shall have a demonstrated record in public
23 integrity and ethics enforcement;

24 “(C) shall not have ever been registered, or re-
25 quired to be registered, as a lobbyist under the Lob-

1 bying Disclosure Act of 1995 (2 U.S.C. 1601 et
2 seq.);

3 “(D) during the 4-year period ending on the
4 date on which the President nominates the indi-
5 vidual to the position of Deputy Director, shall not
6 have engaged in any significant political activity (in-
7 cluding being a candidate for public office, fund-
8 raising for a candidate for public office or a political
9 party, or serving as an officer or employee of a polit-
10 ical campaign or party);

11 “(E) shall not have ever been an agent of a for-
12 eign principal registered under the Foreign Agents
13 Registration Act of 1938 (22 U.S.C. 611 et seq.);
14 and

15 “(F) during the 4-year period ending on the
16 date on which the President nominates the indi-
17 vidual to the position of Deputy Director, shall not
18 served as a fiduciary or personal attorney for an of-
19 ficer or employee of the Federal Government, includ-
20 ing anyone elected to public office.”.

21 (c) **AUTHORITY AND FUNCTIONS.**—Section 402 of
22 the Ethics in Government Act of 1978 (5 U.S.C. App)
23 is amended—

24 (1) in subsection (a)—

1 (A) by striking “shall provide” and insert-
2 ing the following: “shall—

3 “(1) provide”;

4 (B) by striking the period at the end and
5 inserting “; and”; and

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

7 “(2) investigate potential violations by officers and
8 employees in all branches of the Federal Government or
9 by any other person of the laws or regulations relating
10 to conflicts of interest or other ethics issues, to the extent
11 allowable by law and the Constitution.”;

12 (2) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) by striking “the President or”;

15 (ii) by striking “ethics” and inserting
16 “other ethics issues”; and

17 (iii) by striking “title II of this Act”
18 and inserting “title I”;

19 (B) in paragraph (2)—

20 (i) by striking “the President or”; and

21 (ii) by inserting “and other ethics
22 issues” before the semicolon;

23 (C) in paragraph (3), by striking “title II
24 of this Act” and inserting “title I”;

25 (D) in paragraph (4)—

1 (i) by striking “conflict of interest
2 laws or regulations” and inserting “laws or
3 regulations relating to conflicts of interest
4 or other ethics issues”; and

5 (ii) by striking “ethical problems” and
6 inserting “other ethics issue”;

7 (E) in paragraph (6)—

8 (i) by striking “the President or”; and

9 (ii) by striking “ethical problems” and
10 inserting “other ethics issues”;

11 (F) in paragraph (7), by striking “conflict
12 of interest problems” and inserting “conflicts of
13 interest or other ethics issues”;

14 (G) by striking paragraph (9) and insert-
15 ing the following:

16 “(9)(A) investigating potential violations by of-
17 ficers and employees in the Federal Government (in-
18 cluding officers and employees in positions in the
19 Executive Office of the President (including the
20 White House Office)) of the laws or regulations re-
21 lating to conflicts of interest or other ethics issues;

22 “(B) ordering (or with respect to the President,
23 recommending) corrective action on the part of
24 agencies, officers, and employees, as determined ap-
25 propriate by the Director;

1 “(C) as the Director determines appropriate,
2 referring an alleged violation of the laws or regula-
3 tions relating to conflicts of interest or other ethics
4 issues to the Attorney General or the head of the ap-
5 propriate agency for civil or criminal enforcement;
6 and

7 “(D) order appropriate disciplinary action with
8 respect to an officer or employee in the executive
9 branch, in accordance with subsection (f)(2);”;

10 (H) by striking paragraph (11) and insert-
11 ing the following:

12 “(11)(A) evaluating the effectiveness of the
13 laws and regulations relating to conflicts of interest
14 and other ethics issues and recommending to Con-
15 gress appropriate amendments to prevent corruption
16 and to improve Government ethics, accountability,
17 public integrity, and transparency; and

18 “(B) preparing an annual report to Congress,
19 which shall include—

20 “(i) any recommended amendments de-
21 scribed in subparagraph (A);

22 “(ii) a description of any significant ac-
23 tions taken by the Director in carrying out the
24 duties of the Director, including specific steps
25 taken to ensure that Federal officers and em-

1 employees are complying with the laws and regula-
2 tions relating to conflicts of interest or other
3 ethics issues;

4 “(iii) information concerning significant
5 violations of the laws or regulations relating to
6 conflicts of interest or other ethics issues; and

7 “(iv) corrective action concerning violations
8 described in clause (iii) and progress made in
9 implementing such corrective action;”;

10 (I) in paragraph (12), by striking “conflict
11 of interest and ethical problems” and inserting
12 “conflicts of interest and other ethics issues”;

13 (J) by striking paragraph (13) and insert-
14 ing the following:

15 “(13) referring any potential violation of the
16 laws and regulations relating to conflicts of interest
17 and other ethics issues determined appropriate by
18 the Director for criminal enforcement to the Attor-
19 ney General, accompanied by any evidence in the
20 possession of the Director and recommendations, if
21 any, of the Director regarding the appropriate
22 charges or penalties;”;

23 (K) in paragraph (14), by striking “and”
24 at the end;

1 (L) in paragraph (15), by striking “title II
2 of this Act.” and inserting “title I;” and

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

4 “(16)(A) assuming responsibilities for disclo-
5 sures of Executive Branch financial holdings, lob-
6 bying, and influencing activities;

7 “(B) conducting periodic and routine audits of
8 disclosures described in subparagraph (A) to ensure
9 the accuracy of the documents; and

10 “(C) conducting targeted audits of disclosures
11 described in subparagraph (A) when the Director
12 has reason to believe such disclosures contain inac-
13 curacies or misinformation;

14 “(17) receiving, and within a reasonable time-
15 frame responding to, complaints from members of
16 the public of alleged violations of the laws or regula-
17 tions relating to conflicts of interest or other ethics
18 issues;

19 “(18) reporting publicly anonymized informa-
20 tion regarding the resolution of complaints received
21 under paragraph (17);

22 “(19) making available online on a central
23 website that allows records to be available in a
24 searchable, sortable, and downloadable format all
25 ethics records that are required to be made publicly

1 available under any provision of law, or that the Di-
2 rector determines may and should be made publicly
3 available, including ethics records described sub-
4 section (j)(1);

5 “(20) after providing notice and an opportunity
6 for a hearing, imposing appropriate civil monetary
7 penalties against individuals and entities who violate
8 the laws or regulations relating to conflicts of inter-
9 est or other ethics issues;

10 “(21) making appropriate enforcement referrals
11 to the Securities and Exchange Commission, the Of-
12 fice of the Special Counsel, and other relevant Fed-
13 eral or State law enforcement agencies in instances
14 of violations of Federal or State law, where appro-
15 priate;

16 “(22) except as otherwise required by law or re-
17 served to the President, making and overseeing any
18 waiver of the laws or regulations relating to conflicts
19 of interest or other ethics issues;

20 “(23) testifying before each House of Congress
21 at least annually;

22 “(24) approving any significant determination
23 by a designated agency ethics official, including any
24 ethics agreement, financial disclosure, recusal agree-

1 ment, or divestment determination, for any indi-
2 vidual serving in a position—

3 “(A) on any level of the Executive Sched-
4 ule under subchapter II of chapter 53 of title
5 5, United States Code;

6 “(B) in the executive branch pursuant to
7 an appointment by the President, by and with
8 the advice and consent of the Senate; or

9 “(C) in the Executive Office of the Presi-
10 dent;

11 “(25) overseeing the day to day activities of
12 each Inspector General in the executive branch, ex-
13 cept to the extent provided otherwise by law; and

14 “(26) administering the provisions of this title
15 as they pertain to the heads of agencies.”;

16 (3) in subsection (e)—

17 (A) in paragraph (1), by striking “and” at
18 the end;

19 (B) in paragraph (2), by striking the pe-
20 riod at the end and inserting “; and”; and

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

22 “(3) each executive agency shall furnish to the
23 Director all information and records in the posses-
24 sion of the executive agency that the Director deter-

1 mines to be necessary for the performance of the du-
2 ties of the Director.”;

3 (4) in subsection (f)—

4 (A) in paragraph (1)(A)—

5 (i) in clause (i), by inserting “(or,
6 with respect to the President, rec-
7 ommend)” after “order” the first place it
8 appears; and

9 (ii) in clause (ii), by inserting “(or,
10 with respect to the President, rec-
11 ommend)” after “order”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in clause (ii)(II), by inserting
15 “and Congress” after the “the Presi-
16 dent”; and

17 (II) in clause (iv)—

18 (aa) in subclause (I), by
19 striking “may recommend” and
20 all that follows through “brought
21 against the officer or employee”
22 and inserting “may recommend
23 that the agency head take a spe-
24 cific disciplinary action (including
25 reprimand, suspension, demotion,

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1 or dismissal) or that the agency
2 head take such disciplinary ac-
3 tion as the agency head deter-
4 mines appropriate with respect to
5 the officer or employee”; and

6 (bb) by striking subclause
7 (II) and inserting the following:

8 “(II) if the Director recommends
9 a specific disciplinary action under
10 subclause (I) and the head of the
11 agency (not including the President)
12 has not taken appropriate disciplinary
13 action within 90 days after the Direc-
14 tor recommends such action, may,
15 after notifying the President and Con-
16 gress in writing, order appropriate
17 disciplinary action with respect to the
18 officer or employee, in accordance
19 with subparagraph (B), including rep-
20 rimand, suspension, demotion, or dis-
21 missal of the officer or employee.”;

22 (ii) in subparagraph (B)—

23 (I) by striking clause (iii) and in-
24 serting the following:

1 “(iii) Subject to clause (iv) of this subparagraph, be-
2 fore the Director orders any action under subparagraph
3 (A)(iii) or orders any disciplinary action under subpara-
4 graph (A)(iv), the Director shall afford the officer or em-
5 ployee involved an opportunity for a hearing, if requested
6 by such officer or employee, which shall be conducted on
7 the record.”;

8 (II) by redesignating clause (iv)
9 as clause (vi);

10 (III) by inserting after clause
11 (iii) the following:

12 “(iv) The Director shall make publicly available any
13 recommendation of a specific disciplinary action made by
14 the Director under subparagraph (A)(iv)(I).

15 “(v) The authority of the Director under subpara-
16 graph (A)(iv)(II) to order disciplinary action may not be
17 delegated.”; and

18 (IV) in clause (vi), as so redesign-
19 nated—

20 (aa) by striking “title 2”
21 and inserting “title I”; and

22 (bb) by striking “section
23 206” and inserting “section
24 104”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C)(i)(I) A political appointee (as defined in section
4 714(h) of title 38, United States Code) with respect to
5 whom the Director orders a disciplinary action under sub-
6 paragraph (A)(iv) may appeal the order to the President.

7 “(II) A determination by the President in an appeal
8 under subclause (I) shall be—

9 “(aa) made in writing;

10 “(bb) submitted to Congress; and

11 “(cc) made publicly available by the President.

12 “(III) A determination by the President in an appeal
13 under subclause (I) shall not be subject to judicial review.

14 “(ii) An officer or employee who is not a political ap-
15 pointee with respect to whom the Director orders a dis-
16 ciplinary action under subparagraph (A)(iv) may—

17 “(I) appeal a final order or decision of the Di-
18 rector to the Merit Systems Protection Board under
19 section 7701 of title 5, United States Code; and

20 “(II) seek judicial review of a final order or de-
21 cision of the Merit Systems Protection Board in the
22 Court of Appeals for the Federal Circuit in accord-
23 ance with section 7703 of title 5, United States
24 Code.”;

1 (C) in paragraph (3), in the matter pre-
2 ceeding subparagraph (A), by striking “para-
3 graph (2)(A)(iii)” and inserting “clause (iii) or
4 (iv) of paragraph (2)(A)”;

5 (D) by striking paragraph (5); and

6 (E) by redesignating paragraph (6) as
7 paragraph (5); and

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

9 “(g) As part of an investigation of potential violations
10 of the laws or regulations relating to conflicts of interest
11 or other ethics issues, the Director may require by sub-
12 poena the attendance of and testimony by witnesses and
13 the production any book, check, canceled check, cor-
14 respondence, communication, document, email, papers,
15 physical evidence, record, recording, tape, or other mate-
16 rial (including electronic records) relating to any matter
17 or question the Director is authorized to investigate from
18 any individual or entity.

19 “(h)(1) If the Attorney General declines to prosecute
20 a criminal matter referred by the Director, the Attorney
21 General shall submit to the Director and make publicly
22 available written notice regarding the declination.

23 “(2) The Attorney General may redact information
24 from the publicly available written notice under paragraph
25 (1) if the Attorney General determines that disclosure of

1 the information would constitute a clearly unwarranted in-
2 vasion of personal privacy.

3 “(i)(1) In addition to the authority otherwise pro-
4 vided by this Act, the Director, any Assistant Director for
5 Investigations under the Director who is appointed by the
6 Director, and any special agent supervised by the Director
7 or Assistant Director may be authorized by the Attorney
8 General to seek warrants for search of a premises or sei-
9 zure of evidence issued under the authority of the United
10 States upon probable cause to believe that a violation has
11 been committed.

12 “(2) The Attorney General shall promulgate, and re-
13 vise as appropriate, guidelines which shall govern the exer-
14 cise of the law enforcement powers established under para-
15 graph (1).

16 “(3)(A) The power authorized for the Office of Public
17 Integrity under paragraph (1) may be rescinded or sus-
18 pended upon—

19 “(i) a determination by the Attorney General
20 that the exercise of authorized power by the Office
21 of Public Integrity has not complied with the guide-
22 lines promulgated by the Attorney General under
23 paragraph (2); or

24 “(ii) a determination by the Attorney General
25 that available assistance from other law enforcement

1 agencies is sufficient to meet the need for such pow-
2 ers.

3 “(B) The powers authorized to be exercised by any
4 individual under paragraph (1) may be rescinded or sus-
5 pended with respect to that individual upon a determina-
6 tion by the Attorney General that such individual has not
7 complied with guidelines promulgated by the Attorney
8 General under paragraph (2).

9 “(4) No provision of this subsection shall limit the
10 exercise of law enforcement powers established under any
11 other statutory authority, including United States Mar-
12 shals Service special deputation.

13 “(j)(1) In carrying out subsection (b)(19), except for
14 classified records and any specific record described in this
15 paragraph the Director determines should not be made
16 publicly available, the website described in subsection
17 (b)(19) shall include—

18 “(A) public financial disclosure reports of nomi-
19 nees and appointees to positions on any level of the
20 Executive Schedule under subchapter II of chapter
21 53 of title 5, United States Code;

22 “(B) other public financial disclosure reports
23 reviewed by the Office of Public Integrity;

24 “(C) ethics agreements of individuals nomi-
25 nated or appointed to a position by the President;

1 “(D) certifications of compliance with ethics
2 agreements by individuals appointed to a position by
3 the President;

4 “(E) ethics agreements of individuals appointed
5 pursuant to subparagraph (A), (B), or (C) of section
6 105(a)(2) or subparagraph (A), (B), or (C) of sec-
7 tion 106(a)(1) of title 3, United States Code;

8 “(F) certifications of compliance with ethics
9 agreements by individuals appointed pursuant to
10 subparagraph (A), (B), or (C) of section 105(a)(2)
11 or subparagraph (A), (B), or (C) of section
12 106(a)(1) of title 3, United States Code;

13 “(G) all ethics waivers, including waivers for
14 senior government officials as defined in section 101
15 of the Anti-Corruption and Public Integrity Act,
16 issued pursuant to—

17 “(i) section 207 or 208 of title 18, United
18 States Code;

19 “(ii) section 2635.502(d) of title 5, Code of
20 Federal Regulations, or any successor thereto;

21 “(iii) section 2635.503(e) of title 5, Code
22 of Federal Regulations, or any successor there-
23 to;

24 “(iv) any Executive Order; and

1 “(v) any other authority to waive other
2 ethics requirements or extend any ethics-related
3 deadlines;

4 “(H) certificates of divestiture;

5 “(I) records of approval by agencies of the ac-
6 ceptance of gifts by individuals appointed to a posi-
7 tion by the President from outside sources for which
8 employees must obtain agency approval;

9 “(J) records relating to the initial ethics brief-
10 ings of individuals appointed to a position by the
11 President required by section 2638.305 of title 5,
12 Code of Federal Regulations, or any successor there-
13 to;

14 “(K) records of ethics training completed by in-
15 dividuals appointed to a position by the President;

16 “(L) reports of the review by the Office of Pub-
17 lic Integrity of agency ethics programs;

18 “(M) report filed by executive agencies with the
19 General Services Administration regarding the use
20 of Government aircraft by senior officials, which
21 shall be posted at least every 90 days and shall con-
22 tain a complete explanation of the decision to use a
23 Government aircraft, the cost of the use of a Gov-
24 ernment aircraft, and the selection of the type of
25 aircraft used;

1 “(N) any reports submitted to Congress by the
2 Office of Public Integrity; and

3 “(O) any other ethics records that the Director
4 makes available to the public.

5 “(2) The Director shall ensure that—

6 “(A) all ethics agreements approved by the Di-
7 rector specify conflicts of interest for each indi-
8 vidual, including all matters from which the indi-
9 vidual shall be recused; and

10 “(B) the information relating to ethics agree-
11 ments made available under subsection (b)(19) is
12 updated to reflect any additional matters from which
13 the individual shall be recused.”.

14 (d) REPORTS TO CONGRESS.—Section 408 of the
15 Ethics in Government Act of 1978 (5 U.S.C. App.) is
16 amended—

17 (1) by inserting “(a)” before “The Director
18 shall,”; and

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

20 “(b) Notwithstanding any other provision of law or
21 any rule, regulation, or policy directive, upon request by
22 a committee or subcommittee of Congress, the Director,
23 or any employee of the Office of Public Integrity des-
24 ignated by the Director, may transmit to the committee
25 or subcommittee, by report, testimony, or otherwise, infor-

1 mation and views on functions, responsibilities, or other
2 matters relating to the Office of Public Integrity, without
3 review, clearance, or approval by any other administrative
4 authority.

5 “(c)(1) For each fiscal year, the Director may trans-
6 mit a budget estimate and request to Congress.

7 “(2) The President shall include in each budget sub-
8 mitted under section 1105 of title 31, United States
9 Code—

10 “(A) a separate statement of the budget esti-
11 mate and request prepared with the Director;

12 “(B) the amount requested by the President for
13 the Office of Public Integrity; and

14 “(C) any comments of the Director with respect
15 to the proposal by the President if the Director con-
16 cludes that the budget submitted by the President
17 would substantially inhibit the Director from per-
18 forming the duties of the office.”.

19 (e) DEFINITIONS.—Title IV of the Ethics in Govern-
20 ment Act of 1978 (5 U.S.C. App.) is amended by adding
21 at the end the following:

22 “SEC. 409. DEFINITIONS.—For purposes of this
23 title—

24 “(1) the term ‘agency’ includes the Executive
25 Office of the President;

1 “(2) the term ‘head of an agency’ includes the
2 President or a designee of the President, for pur-
3 poses of applying this title to the White House and
4 the Executive Office of the President; and

5 “(3) the term ‘laws or regulations relating to
6 conflicts of interest or other ethics issues’ includes
7 this Act, sections 203 through 209 of title 18,
8 United States Code, the Stop Trading on Congres-
9 sional Knowledge Act of 2012 (Public Law 112–105;
10 5 U.S.C. App., note to section 101 of Public Law
11 95–521), any Executive order substantially con-
12 cerning Government ethics, any written ethics agree-
13 ment or pledge signed by a Presidential appointee,
14 and any other relevant ethics statutes or regula-
15 tions.”.

16 (f) PROVISION OF FINANCIAL DISCLOSURES TO THE
17 OFFICE OF PUBLIC INTEGRITY.—Section 103(j) of the
18 Ethics in Government Act of 1978 (5 U.S.C. App.) is
19 amended—

20 (1) in paragraph (1), by inserting “and the Di-
21 rector of the Office of Public Integrity” after “Offi-
22 cial Conduct of the House of Representatives”; and

23 (2) in paragraph (2), by inserting “and the Di-
24 rector of the Office of Public Integrity” after “Eth-
25 ics of the Senate”.

1 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) Section 5314 of title 5, United States Code,
3 is amended by striking the item relating to the Di-
4 rector of the Office of Government Ethics and in-
5 serting the following:

6 “Director of the Office of Public Integrity.”.

7 (2) Section 7302(a) of title 5, United States
8 Code, is amended by striking “Government Ethics”
9 and inserting “Public Integrity”.

10 (3) Section 7353(d)(1)(D) of title 5, United
11 States Code, is amended by striking “Government
12 Ethics” and inserting “Public Integrity”.

13 (4) Section 11(b)(1)(E) of the Inspector Gen-
14 eral Act of 1978 (5 U.S.C. App.) is amended by
15 striking “Government Ethics” and inserting “Public
16 Integrity”.

17 (5) Section 12(f) of the Federal Deposit Insur-
18 ance Act (12 U.S.C. 1822(f)) is amended by striking
19 “Government Ethics” each place it appears and in-
20 serting “Public Integrity”.

21 (6) Section 152(g) of the Financial Stability
22 Act of 2010 (12 U.S.C. 5342(g)) is amended by
23 striking “Government Ethics” and inserting “Public
24 Integrity”.

1 (7) Section 9(o)(12) of the Small Business Act
2 (15 U.S.C. 638(o)(12)) is amended by striking
3 “Government Ethics” and inserting “Public Integ-
4 rity”.

5 (8) Section 207 of title 18, United States Code,
6 is amended by striking “Government Ethics” each
7 place it appears and inserting “Public Integrity”.

8 (9) Section 208 of title 18, United States Code,
9 is amended by striking “Government Ethics” each
10 place it appears and inserting “Public Integrity”.

11 (10) Section 1043(b) of the Internal Revenue
12 Code of 1986 is amended by striking “Government
13 Ethics” each place it appears and inserting “Public
14 Integrity”.

15 (11) Section 594(j)(5) of title 28, United States
16 Code, is amended by striking “Government Ethics”
17 and inserting “Public Integrity”.

18 (12) Section 1353 of title 31, United States
19 Code, is amended by striking “Government Ethics”
20 each place it appears and inserting “Public Integ-
21 rity”.

22 (13) Section 2303(c) of title 41, United States
23 Code, is amended by striking “Government Ethics”
24 and inserting “Public Integrity”.

1 (14) Section 3(d)(3) of the Department of the
2 Interior Volunteer Recruitment Act of 2005 (43
3 U.S.C. 1475b(d)(3)) is amended by striking “Gov-
4 ernment Ethics” and inserting “Public Integrity”.

5 (15) Section 40122(d) of title 49, United States
6 Code, is amended by striking “Government Ethics”
7 and inserting “Public Integrity”.

8 (16) Section 102A of the National Security Act
9 of 1947 (50 U.S.C. 3024) is amended by striking
10 “Government Ethics” each place it appears and in-
11 sserting “Public Integrity”.

12 (17) Section 12(g) of the Central Intelligence
13 Agency Act of 1949 (50 U.S.C. 3512(g)) is amended
14 in the matter preceding paragraph (1) by striking
15 “Government Ethics” and inserting “Public Integ-
16 rity”.

17 **SEC. 512. DESIGNATED AGENCY ETHICS OFFICIALS.**

18 (a) IN GENERAL.—Section 109(3) of the Ethics in
19 Government Act of 1978 (5 U.S.C. App.) is amended to
20 read as follows:

21 “(3) ‘designated agency ethics official’ means
22 an officer or employee of an agency—

23 “(A) who is appointed and supervised by
24 the head of the agency, after consultation with

1 the Director of the Office of Public Integrity
2 and the Inspector General of the agency;

3 “(B) who may only be removed by the
4 head of the agency, after consultation with the
5 Director of the Office of Public Integrity and
6 the Inspector General of the agency;

7 “(C) has a permanent duty station in the
8 same physical building as the head of the agen-
9 cy employing the officer or employee, unless the
10 head of the agency is the President;

11 “(D) is designated to administer the provi-
12 sions of this title within the agency, except as
13 they pertain to the head of the agency;

14 “(E) may not have other significant duties
15 or responsibilities that might distract from the
16 duty of the officer or employee to administer
17 the provisions of this title within the agency;

18 “(F) who shall not, at any time or in any
19 manner, be prevented, inhibited, or prohibited
20 by the head of the agency from administering
21 the provisions of this title within the agency.”.

22 (b) REVIEW BY DIRECTOR.—Section 111 of the Eth-
23 ics in Government Act of 1978 (5 U.S.C. App.) is amend-
24 ed—

25 (1) by inserting “(a)” before “The provisions”;

1 (2) by inserting “(subject to subsection (b))”
2 after “designated agency ethics official”; and

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

4 “(b)(1) A designated agency ethics official shall sub-
5 mit to the Director of the Office of Public Integrity—

6 “(A) each significant determination (in-
7 cluding any ethics agreement, financial disclo-
8 sure, recusal agreement, or divestment deter-
9 mination) by the designated agency ethics offi-
10 cial relating to the application or implementa-
11 tion of the laws or regulations relating to con-
12 flicts of interest or other ethics issues (includ-
13 ing this title) for any individual serving in a po-
14 sition—

15 “(i) on any level of the Executive
16 Schedule under subchapter II of chapter
17 53 of title 5, United States Code;

18 “(ii) in the executive branch pursuant
19 to an appointment by the President, by
20 and with the advice and consent of the
21 Senate; or

22 “(iii) in the Executive Office of the
23 President;

24 “(B) any determination by the designated
25 agency ethics official relating to the application

1 or implementation of the laws or regulations re-
2 lating to conflicts of interest or other ethics
3 issues (including this title) that the Director re-
4 quests from the designated agency ethics offi-
5 cial.

6 “(2) The Director of the Office of Public Integ-
7 rity—

8 “(A) may review any determination re-
9 ceived under paragraph (1);

10 “(B) shall notify and advise the designated
11 agency ethics official if the Director determines
12 that the determination received under para-
13 graph (1) does not comport with the laws or
14 regulations relating to conflicts of interest or
15 other ethics issues;

16 “(C) not later than 30 days after the noti-
17 fication and advice under subparagraph (B),
18 may reverse or modify the determination if the
19 Director determines that the determination does
20 not comport with the laws or regulations relat-
21 ing to conflicts of interest or other ethics issues;
22 and

23 “(D) shall periodically audit a sample of
24 determinations received under paragraph (1).”.

1 (c) AUTHORITY TO RECOMMEND DISCIPLINE.—Sec-
2 tion 111 of the Ethics in Government Act of 1978 (5
3 U.S.C. App.), as amended by subsection (b), is amended
4 by adding at the end the following:

5 “(c)(1) If a designated agency ethics official has cred-
6 ible evidence or reason to believe that an officer or em-
7 ployee of the agency is violating, or has violated, any rule,
8 regulation, or Executive order relating to conflicts of inter-
9 est or standards of conduct, the designated agency ethics
10 official may—

11 “(A) refer potential violations to the Inspector
12 General or the Director of the Office of Public In-
13 tegrity; and

14 “(B) recommend that the head of the agency
15 take a specific disciplinary action (including dis-
16 missal).

17 “(2) A designated agency ethics official shall make
18 publicly available any recommendation of a specific dis-
19 ciplinary action made by the designated agency ethics offi-
20 cial under paragraph (1).”.

21 (d) CURRENT DAEOS.—An individual serving as a
22 designated agency ethics official on the day before the date
23 of enactment of this Act may continue to serve as the des-
24 ignated agency ethics official for the agency employing the
25 individual if—

1 (1) determined appropriate by the head of the
2 agency employing the designated agency ethics offi-
3 cial; and

4 (2) after the date of enactment of this Act, the
5 individual—

6 (A) reports directly to the head of the
7 agency employing the designated agency ethics
8 official; and

9 (B) may only be removed by the head of
10 the agency, after consultation with the Director
11 of the Office of Public Integrity and the Inspec-
12 tor General of the agency.

13 **Subtitle B—Inspectors General**

14 **SEC. 531. GENERAL SUPERVISION AND REMOVAL OF IN-** 15 **SPECTORS GENERAL.**

16 (a) IN GENERAL.—The Inspector General Act of
17 1978 (5 U.S.C. App.) is amended—

18 (1) in section 3—

19 (A) in subsection (a), by striking the sec-
20 ond sentence and inserting the following: “Each
21 Inspector General shall report to and be under
22 the general supervision of the Director of the
23 Office of Public Integrity, and shall not report
24 to, or be subject to supervision by, any other of-
25 ficer of the establishment involved.”; and

1 (B) in subsection (b)—

2 (i) in the first sentence—

3 (I) by inserting “(1)” before “An
4 Inspector General”; and

5 (II) by inserting “for inefficiency,
6 neglect of duty, or malfeasance in of-
7 fice” before the period at the end;

8 (ii) by striking the second sentence
9 and inserting the following: “The Director
10 of the Office of Public Integrity may make
11 a formal recommendation to the President
12 for the removal of an Inspector General
13 under this subsection. If an Inspector Gen-
14 eral is removed from office, is transferred
15 to another position or location within an
16 establishment, or is placed on paid or un-
17 paid leave, the President shall commu-
18 nicate in writing the reasons for any such
19 removal, leave placement, or transfer to
20 both Houses of Congress and to the Direc-
21 tor of the Office of Public Integrity not
22 later than 30 days before the removal,
23 leave placement, or transfer.”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(2)(A) In the event of a vacancy in the position of
2 Inspector General of an establishment of more than 210
3 days, the Director of the Office of Public Integrity may
4 direct an officer or employee of the establishment to per-
5 form the functions and duties of the position of Inspector
6 General temporarily in an acting capacity for a period of
7 not more than 365 days.

8 “(B) If an Inspector General of an establishment is
9 not appointed during the 365-day period described in sub-
10 paragraph (A), the Director of the Office of Public Integ-
11 rity may direct the same or another officer or employee
12 of the establishment to perform the functions and duties
13 of the position of Inspector General temporarily in an act-
14 ing capacity for a period of not more than 365 days.

15 “(C) If an Inspector General of an establishment is
16 not appointed during the 365-day period described in sub-
17 paragraph (B), the Director of the Office of Public Integ-
18 rity may direct the same or another officer or employee
19 of the establishment to perform the functions and duties
20 of the position of Inspector General temporarily in an act-
21 ing capacity for a period of not more than 365 days.”;

22 (2) in section 8A(a), by inserting “and the Di-
23 rector of the Office of Public Integrity” before the
24 period at the end;

1 (3) in section 8B, by amending subsection (a)
2 to read as follows:

3 “(a) The Director of the Office of Public Integrity—

4 “(1) may delegate the authority specified in the
5 second sentence of section 3(a) to the Chairman or
6 another member of the Nuclear Regulatory Commis-
7 sion; and

8 “(2) may not delegate the authority specified in
9 the second sentence of section 3(a) to any other offi-
10 cer or employee of the Nuclear Regulatory Commis-
11 sion.”;

12 (4) in section 8C, by amending subsection (a)
13 to read as follows:

14 “(a) DELEGATION.—The Director of the Office of
15 Public Integrity—

16 “(1) may delegate the authority specified in the
17 second sentence of section 3(a) to the Chairperson
18 or Vice Chairperson of the Federal Deposit Insur-
19 ance Corporation; 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 Federal Deposit Insurance
23 Corporation.”;

24 (5) in section 8G—

25 (A) in subsection (a)—

1 (i) in paragraph (5), by striking
2 “and” at the end;

3 (ii) in paragraph (6), by striking the
4 period at the end and inserting “; and”;
5 and

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

8 “(7) the term ‘Director’ means the Director of
9 the Office of Public Integrity.”;

10 (B) in subsection (c), in the first sentence,
11 by inserting “, after consulting with the Direc-
12 tor,” after “head of the designated Federal en-
13 tity”;

14 (C) in subsection (d)(1), by striking the
15 first sentence and inserting the following:
16 “Each Inspector General shall report to and be
17 under the general supervision of the Director,
18 and shall not report to, or be subject to super-
19 vision by, any other officer or employee of the
20 designated Federal entity.”; and

21 (D) in subsection (e)—

22 (i) in paragraph (1), by inserting
23 “and after consulting with the Director”
24 before the period at the end; and

1 (ii) in paragraph (2), by inserting “An
2 Inspector General may be removed from
3 office by the head of the designated Fed-
4 eral entity for inefficiency, neglect of duty,
5 or malfeasance in office after the head of
6 the designated entity consults with the Di-
7 rector, or by the President for inefficiency,
8 neglect of duty, or malfeasance in office.”
9 before “If an Inspector”; and

10 (6) in section 8M(b)(1)—

11 (A) in subparagraph (A), by striking
12 “and” at the end;

13 (B) in subparagraph (B)(iii)(II), by strik-
14 ing the period at the end and inserting a semi-
15 colon; and

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

17 “(C) ensure that, if any portion of a report
18 described in subparagraph (A) contains infor-
19 mation that is classified, sensitive, or otherwise
20 prohibited from disclosure by law, a redacted
21 version of the report be posted on the website
22 of the Office of Inspector General that does not
23 contain the classified, sensitive, or prohibited
24 information;

1 “(D) ensure that, if an entire report de-
2 scribed in subparagraph (A) is classified, sen-
3 sitive, or otherwise prohibited from disclosure
4 by law, the Inspector General posts the title of
5 the report, the date of publication of the report,
6 a general description of the subject matter of
7 the report, and a justification for the report not
8 to be posted on the website of the Office of In-
9 spector General; and

10 “(E) include on the website of the Office
11 of Inspector General a listing of each report de-
12 scribed in subparagraph (D) that is not posted
13 on the website.”.

14 (b) INSPECTOR GENERAL OF THE CENTRAL INTEL-
15 LIGENCE AGENCY.—Section 17(b) of the Central Intel-
16 ligence Agency Act of 1949 (50 U.S.C. 3517(b)) is amend-
17 ed—

18 (1) in paragraph (2), by inserting “of the Office
19 of Public Integrity, who may delegate that authority
20 to the Director of the Agency” before the period at
21 the end; and

22 (2) in paragraph (6)—

23 (A) in the first sentence, by inserting “for
24 inefficiency, neglect of duty, or malfeasance in
25 office” before the period at the end; and

1 (B) by inserting after the first sentence
2 the following: “The Director of the Office of
3 Public Integrity may make a formal rec-
4 ommendation to the President for the removal
5 of the Inspector General under this para-
6 graph.”.

7 (c) INSPECTOR GENERAL OF THE INTELLIGENCE
8 COMMUNITY.—Section 103H(c) of the National Security
9 Act of 1947 (50 U.S.C. 3033(c)) is amended—

10 (1) in paragraph (3), by striking “National In-
11 telligence” and inserting “the Office of Public Integ-
12 rity, who may delegate that authority to the Director
13 of National Intelligence”; and

14 (2) in paragraph (4)—

15 (A) in the first sentence, by inserting “for
16 inefficiency, neglect of duty, or malfeasance in
17 office” before the period at the end; and

18 (B) by inserting after the first sentence
19 the following: “The Director of the Office of
20 Public Integrity may make a formal rec-
21 ommendation to the President for the removal
22 of the Inspector General under this para-
23 graph.”.

24 (d) INSPECTOR GENERAL OF SIGAR.—Section
25 1229(e)(1) of the National Defense Authorization Act for

1 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379)
2 is amended by striking “the Secretary of State and the
3 Secretary of Defense” and inserting “the Director of the
4 Office of Public Integrity, who may delegate that authority
5 to the Secretary of State and the Secretary of Defense”.

6 (e) INSPECTOR GENERAL OF SIGTARP.—Section
7 121(b) of the Emergency Economic Stabilization Act of
8 2008 (12 U.S.C. 5231(b)) is amended by adding at the
9 end the following:

10 “(7) The Special Inspector General shall report to
11 and be under the general supervision of the Director of
12 the Office of Public Integrity, who may delegate that au-
13 thority to the Secretary.”.

14 (f) CONFORMING AMENDMENTS TO FEDERAL VA-
15 CANCES REFORM ACT.—Subchapter III of chapter 33 of
16 title 5, United States Code, is amended—

17 (1) in section 3345—

18 (A) in subsection (a), in the matter pre-
19 ceding paragraph (1), by striking “If” and in-
20 serting “Subject to subsection (d), if” and

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

22 “(d) After the date that is 210 days after the date
23 on which a vacancy in the office of the Inspector General
24 of an agency described in subsection (a) begins, the Presi-
25 dent may not exercise the authority under this section with

1 respect to that vacancy in the office of the Inspector Gen-
2 eral.”;

3 (2) in section 3346—

4 (A) in subsection (a), in the matter pre-
5 ceding paragraph (1), by inserting “and subject
6 to subsection (d),” after “sickness,”; and

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

8 “(d) A person serving as acting officer in the office
9 of the Inspector General of an agency under section 3345
10 may not serve in the office after the date that is 210 days
11 after the date on which the vacancy in the office begins,
12 without regard to whether a nomination to the office has
13 been submitted to, is pending in, has been rejected by,
14 has been withdrawn by the President from, or has been
15 returned to the President by the Senate.”;

16 (3) in section 3349(b), in the matter preceding
17 paragraph (1), by inserting “, or, in the case of an
18 Inspector General, that an officer is serving after
19 the end of the 210 day period under section
20 3346(d),” after “3349a,”; and

21 (4) in section 3349a(b), in the matter preceding
22 paragraph (1), by striking “With” and inserting
23 “Except in the case of an Inspector General, with”.

1 **Subtitle C—Office of Congressional**
2 **Ethics**

3 **SEC. 551. DEFINITIONS.**

4 In this subtitle—

5 (1) the term “applicable ethics committee”
6 means the Select Committee on Ethics of the Senate
7 (for Senators and employees of the Senate) or the
8 Committee on Ethics of the House of Representa-
9 tives (for Members of the House of Representatives
10 and employees of the House of Representatives);

11 (2) the term “Board” means the Congressional
12 Ethics Board established under section 553(a);

13 (3) the term “employee of Congress” means an
14 employee of the House of Representatives or an em-
15 ployee of the Senate;

16 (4) the term “employee of the House of Rep-
17 resentatives” has the meaning given the term in sec-
18 tion 101 of the Congressional Accountability Act of
19 1995 (2 U.S.C. 1301) and includes an elected or ap-
20 pointed officer of the House of Representatives;

21 (5) the term “employee of the Senate” has the
22 meaning given the term in section 101 of the Con-
23 gressional Accountability Act of 1995 (2 U.S.C.
24 1301) and includes an elected or appointed officer of
25 the Senate; and

1 (6) the term “Member” means any Senator or
2 Representative in, or Delegate or Resident Commis-
3 sioner to, the Congress.

4 **SEC. 552. THE OFFICE OF CONGRESSIONAL ETHICS.**

5 For the purpose of assisting the House of Represent-
6 atives and the Senate in carrying out the responsibilities
7 under article I, section 5, clause 2 of the Constitution of
8 the United States (commonly referred to as the “Dis-
9 cipline Clause”), there is established an independent office
10 in the legislative branch to be known as the “Office of
11 Congressional Ethics” (referred to in this subtitle as the
12 “Office”), which shall be governed by the Congressional
13 Ethics Board established under section 553(a).

14 **SEC. 553. ESTABLISHMENT OF THE BOARD OF THE OFFICE**
15 **OF CONGRESSIONAL ETHICS.**

16 (a) BOARD.—

17 (1) ESTABLISHMENT OF BOARD.—The Office
18 shall be governed by a Congressional Ethics Board
19 consisting of 9 members, of whom—

20 (A) 2 shall be appointed by the Majority
21 Leader of the Senate;

22 (B) 2 shall be appointed by the Minority
23 Leader of the Senate;

24 (C) 2 shall be appointed by the Speaker of
25 the House of Representatives;

1 (D) 2 shall be appointed by the Minority
2 Leader of the House of Representatives; and

3 (E) 1 shall be appointed by agreement of
4 the Majority Leader of the Senate, the Minority
5 Leader of the Senate, the Speaker of the House
6 of Representatives, and the Minority Leader of
7 the House of Representatives, or by agreement
8 of not less than 3 of those individuals.

9 (2) QUALIFICATIONS OF BOARD MEMBERS.—

10 (A) EXPERTISE.—Each member of the
11 Board shall be an individual of exceptional pub-
12 lic standing who is specifically qualified to serve
13 on the Board by virtue of the individual's edu-
14 cation, training, or experience in 1 or more of
15 the legislative, judicial, regulatory, professional
16 ethics, business, legal, or academic fields.

17 (B) SELECTION BASIS.—Selection and ap-
18 pointment of each member of the Board shall
19 be without regard to political affiliation and
20 solely on the basis of fitness to perform the du-
21 ties of a member of the Board.

22 (C) CITIZENSHIP.—Each member of the
23 Board shall be a United States citizen.

1 (D) DISQUALIFICATIONS.—No individual
2 shall be eligible for appointment to, or service
3 on, the Board who—

4 (i) has ever been registered, or re-
5 quired to be registered, as a lobbyist under
6 the Lobbying Disclosure Act of 1995 (2
7 U.S.C. 1601 et seq.);

8 (ii) engages in, or is otherwise em-
9 ployed in, lobbying of the Congress;

10 (iii) is registered or is required to be
11 registered as an agent of a foreign prin-
12 cipal under the Foreign Agents Registra-
13 tion Act of 1938 (22 U.S.C. 611 et seq.);

14 (iv) is, or has been in the 4 years pre-
15 ceding the date of appointment, a Member,
16 employee of the Senate, or employee of the
17 House of Representatives;

18 (v) is an officer or employee of the
19 Federal Government;

20 (vi) during the 4 years preceding the
21 date of appointment, engaged in any sig-
22 nificant political activity (including being a
23 candidate for public office, fundraising for
24 a candidate for public office or a political

1 party, or serving as an officer or employee
2 of a political campaign or party); or

3 (vii) during the 4 years preceding the
4 date of appointment, served as a fiduciary
5 or personal attorney for an officer or em-
6 ployee of the Federal Government, includ-
7 ing any Member.

8 (3) TERM AND REMOVAL.—

9 (A) LENGTH OF TERM.—The term of a
10 member of the Board shall be for 2 Congresses.

11 (B) TERM LIMITS.—A member of the
12 Board may not serve during 4 consecutive Con-
13 gresses.

14 (C) REMOVAL.—A member of the Board
15 may be removed only for cause and upon unani-
16 mous agreement among the Majority Leader
17 and the Minority Leader of the Senate and the
18 Speaker and the Minority Leader of the House
19 of Representatives.

20 (D) VACANCIES.—Any vacancy on the
21 Board shall be filled for the unexpired portion
22 of the term in the same manner, and by the
23 same appointing authority, as the original ap-
24 pointment under paragraph (1).

25 (b) CHAIRPERSON AND VICE-CHAIRPERSON.—

1 (1) IN GENERAL.—The members of the Board
2 shall elect a chairperson and a vice-chairperson of
3 the Board by a majority vote. The chairperson and
4 the vice-chairperson shall serve a 1-year term, and
5 may be reelected for additional 1-year terms.

6 (2) DUTIES.—The chairperson of the Board
7 shall preside at the meetings of the Board, and the
8 vice-chairperson shall preside in the absence or dis-
9 ability of the chairperson.

10 (c) MEETINGS.—

11 (1) QUORUM.—A majority of the members of
12 the Board shall constitute a quorum, except that a
13 lesser number of members may hold hearings.

14 (2) MEETINGS.—The Board shall meet at the
15 call of the chairperson or the call of a majority of
16 its members, pursuant to the rules of the Board.

17 (3) VOTING.—Except as otherwise specifically
18 provided, a majority vote of the Board under this
19 subtitle shall require an affirmative vote of 5 or
20 more members.

21 (d) COMPENSATION.—A member of the Board shall
22 not be considered to be an officer or employee of the
23 House or Senate, but shall be compensated at a rate equal
24 to the daily equivalent of the minimum annual rate of
25 basic pay prescribed for GS-15 of the General Schedule

1 under section 5107 of title 5, United States Code, for each
2 day (including travel time) during which such member is
3 engaged in the performance of the duties of the Board.

4 (e) DUTIES OF BOARD.—

5 (1) IN GENERAL.—The Board shall—

6 (A) be the governing body of the Office,
7 and oversee the Office in the implementation of
8 all duties required under this subtitle; and

9 (B) review each complaint made against a
10 Member or employee of Congress through the
11 review process described in section 555(b).

12 (2) HEARINGS.—The Board may hold such
13 hearings as are necessary and may sit and act only
14 in executive session at such times and places, solicit
15 such testimony, and receive such relevant evidence,
16 as may be necessary to carry out its duties.

17 (f) FINANCIAL DISCLOSURE REPORTS.—

18 (1) IN GENERAL.—Each member of the Board
19 shall file an annual financial disclosure report with
20 the Secretary of the Senate and the Clerk of the
21 House of Representatives on or before May 15 of
22 each calendar year immediately following any year in
23 which the member served on the Board. Each such
24 report shall be on a form prepared jointly by the
25 Clerk and the Secretary that is substantially similar

1 to the form required for individuals at the executive
2 branch who must complete a confidential financial
3 disclosure report under section 102 of the Ethics in
4 Government Act of 1978 (5 U.S.C. App.).

5 (2) DISTRIBUTION OF REPORT.—The Secretary
6 of the Senate and the Clerk of the House of Rep-
7 resentatives, working jointly, shall—

8 (A) not later than 7 days after the date
9 each financial disclosure report under para-
10 graph (1) is filed, send a copy of each such re-
11 port to the applicable ethics committees; and

12 (B) annually print all such financial diselo-
13 sure reports as a document of Congress, and
14 make the document available to the public.

15 **SEC. 554. DUTIES AND POWERS OF THE OFFICE AND THE**
16 **BOARD.**

17 (a) IN GENERAL.—The Office is authorized—

18 (1) in accordance with section 555—

19 (A) to investigate any alleged violation, by
20 a Member or employee of Congress, of any eth-
21 ics law (including regulations), rule, or other
22 standard of conduct applicable to the conduct of
23 such Member or employee under applicable
24 House or Senate rules in the performance of

1 the duties, or the discharge of the responsibil-
2 ities, of the Member or employee; and

3 (B) in any case where the Board deter-
4 mines, after the investigation described in sub-
5 paragraph (A), that there was a probable viola-
6 tion of any ethics law, rule, or other standard
7 of conduct described in such subparagraph, to
8 present the probable ethics violation to the ap-
9 plicable ethics committee;

10 (2) to refer to appropriate Federal or State au-
11 thorities, including the Office of Public Integrity and
12 the Department of Justice as appropriate, any evi-
13 dence of a violation by a Member or employee of
14 Congress of any law (including laws applicable to the
15 performance of the duties, or the discharge of the
16 responsibilities, of the Member or employee), which
17 may have been disclosed in an investigation by the
18 Office, in accordance with subsection (b);

19 (3) to provide advice and informal guidance to
20 Members and employees of Congress regarding any
21 ethics law (including regulations), rule, or other
22 standard of conduct applicable to such individuals in
23 their official capacities, and develop and carry out
24 periodic educational briefings for Members and em-

1 ployees of Congress on those laws, rules, and other
2 standards;

3 (4)(A) to give consideration to the request of
4 any Member or employee of Congress for a formal
5 advisory opinion or other formal ruling, subject to
6 the approval of the applicable ethics committee, with
7 respect to the general propriety of any current or
8 proposed conduct of such Member or employee;

9 (B) to provide a formal advisory opinion or
10 other formal ruling, in accordance with subpara-
11 graph (A), in situations that the Board determines
12 appropriate; and

13 (C) subject to the requirement for approval by
14 the applicable ethics committee in accordance with
15 subsection (c), and with appropriate deletions to as-
16 sure the privacy of the individual concerned, to pub-
17 lish such opinion for the guidance of other Members
18 and employees of Congress;

19 (5) if the Office determines, during the course
20 of any investigation under this subtitle, that a lob-
21 byist or lobbying firm may be in noncompliance with
22 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601
23 et seq.),—

24 (A) to notify the United States Attorney
25 for the District of Columbia and the Director of

1 the Office of Public Integrity of the potential
2 violation; and

3 (B) to notify the lobbyist or lobbying firm
4 of such determination, in writing;

5 (6) to provide informal guidance to lobbyists or
6 lobbying firms engaged in lobbying activity or lob-
7 bying contacts under the Lobbying Disclosure Act of
8 1995 (2 U.S.C. 1601 et seq.) to covered legislative
9 branch officials (as defined in section 3 of such Act
10 (2 U.S.C. 1602)) of their responsibilities under such
11 Act;

12 (7) to aid in the enforcement of ethics require-
13 ments for Members or employees of Congress under
14 this subtitle or any other provision of law; and

15 (8) to administer the process for Members and
16 employees of Congress to seek and receive any waiv-
17 ers from any ethics law (including regulations), rule,
18 or other standard that applies to Members and em-
19 ployees of Congress, subject to approval of the appli-
20 cable ethics committee.

21 (b) REFERRALS TO LAW ENFORCEMENT OFFI-
22 CIALS.—

23 (1) IN GENERAL.—Upon a majority vote of the
24 Board, the Office may refer potential legal violations
25 committed by a Member or employee of Congress to

1 the Department of Justice or other relevant Federal
2 or State law enforcement officials, which referral
3 shall include all appropriate evidence gathered dur-
4 ing any review conducted under this subtitle.

5 (2) NO APPROVAL REQUIRED.—A referral
6 under paragraph (1) does not require the approval
7 of either of the applicable ethics committees.

8 (3) NOTIFICATION.—The Board shall notify the
9 Select Committee on Ethics of the Senate or the
10 Committee on Ethics of the House of Representa-
11 tives, and the Director of the Office of Public Integ-
12 rity of all referrals under this subsection.

13 (c) ADVISORY OPINIONS.—

14 (1) IN GENERAL.—Upon a majority vote of the
15 Board, the Office may draft and publish rec-
16 ommended formal advisory opinions and interpreta-
17 tions of rules and other standards of conduct appli-
18 cable to Members and employees of Congress, which
19 shall be submitted to each applicable ethics com-
20 mittee for approval.

21 (2) REQUIREMENTS FOR ETHICS COMMITTEE
22 REVIEW.—Each applicable ethics committee may re-
23 vise, overturn, dismiss, or issue any recommended
24 formal advisory opinions or interpretations under
25 paragraph (1) that is applicable to the Members and

1 employees of that House of Congress. A rec-
2 ommended formal advisory opinion or interpretation
3 under paragraph (1) is only binding if issued by one
4 of the applicable ethics committees.

5 (3) REQUIREMENTS.—Any applicable ethics
6 committee decision described in paragraph (2) shall
7 be recorded and made publicly available, and shall
8 be accompanied by a written explanation for that ac-
9 tion. Dissenting members of the applicable ethics
10 committee are allowed to issue their own report de-
11 tailing reasons for disagreeing with the decision.

12 (d) LIMITATIONS ON REVIEW.—No review shall be
13 undertaken by the Board of any alleged violation of law,
14 rule, regulation or standard of conduct not in effect at
15 the time of the alleged violation, nor shall any review be
16 undertaken by the Board of any alleged violation that oc-
17 curred before the date of enactment of this Act.

18 (e) PROHIBITION ON PUBLIC DISCLOSURE.—

19 (1) IN GENERAL.—

20 (A) REQUIRED AFFIRMATION BY MEMBERS
21 AND STAFF.—When an individual becomes a
22 member of the Board or employee of the Office,
23 that individual shall execute the following oath
24 or affirmation in writing: “I do solemnly swear
25 (or affirm) that I will not disclose to any person

1 or entity outside of the Office any information
2 received in the course of my service with the
3 Office, except as authorized by the Board by
4 majority vote as necessary to conduct official
5 business or pursuant to its rules.”. Copies of
6 the executed oath shall be provided to the Clerk
7 of the House of Representatives and the Sec-
8 retary of the Senate as part of the records of
9 the House and Senate.

10 (B) PROHIBITION ON PUBLIC DISCLO-
11 SURE.—No testimony received, or any other in-
12 formation obtained, by a member of the Board
13 or employee of the Office shall be publicly dis-
14 closed to any person or entity outside the Of-
15 fice, unless approved by a majority vote of the
16 Board. Any communication to any person or en-
17 tity outside the Office may occur only as au-
18 thorized by the Board.

19 (C) PROCEDURES AND INVESTIGATION.—
20 The Office shall establish procedures necessary
21 to prevent the unauthorized disclosure of any
22 information received by the Office. Any
23 breaches of confidentiality shall be investigated
24 by the Board and appropriate action shall be
25 taken.

1 (2) PROVISION WITH RESPECT TO OFFICE OF
2 PUBLIC INTEGRITY OR ETHICS COMMITTEES.—Para-
3 graph (1) shall not preclude—

4 (A) any member of the Board or any em-
5 ployee of the Office from presenting a report or
6 findings of the Board, or testifying before the
7 Select Committee on Ethics of the Senate or
8 the Committee on Ethics of the House of Rep-
9 resentatives by any member of the Board or
10 employee of the Office, if requested by either
11 committee pursuant to the rules of the com-
12 mittee;

13 (B) any necessary communication with the
14 Office of Public Integrity;

15 (C) any necessary communication with the
16 Department of Justice or any other law en-
17 forcement agency; or

18 (D) any necessary communication with the
19 Majority Leader of the Senate, Minority Leader
20 of the Senate, Speaker of the House of Rep-
21 resentatives, or Minority Leader of the House
22 of Representatives.

23 (3) OPPORTUNITY TO PRESENT.—Before the
24 Board votes on a recommendation or statement to
25 be transmitted to the appropriate congressional com-

1 mittee relating to official conduct of any Member or
2 employee of Congress, the Board shall provide that
3 individual the opportunity to present, orally or in
4 writing (at the discretion of the Board), a statement
5 to the Board.

6 (f) PRESENTATION OF REPORTS TO SELECT COM-
7 MITTEE ON ETHICS OF THE SENATE OR THE COMMITTEE
8 ON ETHICS OF THE HOUSE OF REPRESENTATIVES.—
9 Whenever the Board transmits any report to the applica-
10 ble ethics committee relating to the official conduct of any
11 Member or employee of Congress, it shall designate a
12 member of the Board or employee to present the report
13 to such committee if requested by such committee.

14 (g) MAINTAINING OF FINANCIAL DISCLOSURE RE-
15 PORTS.—The Office shall receive, and maintain, a copy
16 of each report filed under section 101 of the Ethics in
17 Government Act of 1978 (5 U.S.C. App.) by a Member
18 or employee of Congress.

19 (h) MEMORANDUM OF UNDERSTANDING WITH THE
20 OFFICE OF PUBLIC INTEGRITY.—The Office shall enter
21 into a memorandum of understanding with the Director
22 of the Office of Public Integrity in order—

23 (1) to share any information necessary for the
24 execution of each office's respective duties and re-

1 sponsibilities, including the copies of reports de-
2 scribed in subsection (g);

3 (2) to ensure consistent interpretation and en-
4 forcement of the Nation's ethics laws for executive
5 and legislative branch employees and officials; and

6 (3) to reduce and mitigate jurisdictional confu-
7 sion.

8 **SEC. 555. REVIEW PROCESS OF COMPLAINTS.**

9 (a) SOURCE OF COMPLAINTS.—

10 (1) CITIZEN COMPLAINTS.—

11 (A) CITIZEN INITIATED SWORN COM-
12 PLAINT.—Any citizen of the United States, in-
13 cluding a Member or employee of Congress,
14 may file with the Office a sworn complaint al-
15 leging a violation by a Member or employee of
16 Congress of any law (including any regulation),
17 rule, or other standard of conduct applicable to
18 the conduct of such Member or employee in the
19 performance of the duties, or the discharge of
20 the responsibilities, of the Member or employee,
21 subject to subparagraph (B).

22 (B) BAN ON FILING PRIOR TO ELEC-
23 TION.—The Board may not accept citizen com-
24 plaints regarding the conduct of a Member filed
25 in the—

1 (i) 30 days prior to a primary election
2 for which the Member in question is a can-
3 didate; and

4 (ii) 60 days prior to a general election
5 for which the Member in question is a can-
6 didate.

7 (C) CONTENT.—The complaint under sub-
8 paragraph (A) shall be a notarized written
9 statement alleging a violation against 1 or more
10 named persons and stating the essential facts
11 constituting the violation charged.

12 (2) BOARD MEMBER OR OFFICE OF CONGRES-
13 SIONAL ETHICS INITIATED COMPLAINT.—A member
14 of the Board or an employee of the Office may file
15 a complaint alleging a violation by a Member or em-
16 ployee of Congress of any law (including any regula-
17 tion), rule, or other standard of conduct applicable
18 to the conduct of such Member or employee in the
19 performance of the duties, or the discharge of the
20 responsibilities, of the Member or employee.

21 (3) NOTIFICATION.—Upon receipt of a com-
22 plaint filed under paragraph (1) or (2) that meets
23 the requirements of this subsection, the Office
24 shall—

1 (A) notify the person alleged to have com-
2 mitted the violation that a complaint has been
3 filed; and

4 (B) refer the complaint to the Board for
5 consideration under the review process de-
6 scribed in subsection (b).

7 (b) REVIEW PROCESS OF ALLEGED VIOLATIONS BY
8 MEMBERS OR EMPLOYEES OF CONGRESS.—

9 (1) REQUEST.—After receiving a complaint
10 under subsection (a)(3)(B), 2 or more members of
11 the Board may submit a joint written statement to
12 all members of the Board authorizing the Office to
13 undertake a preliminary review of any alleged viola-
14 tion by a Member or employee of Congress of any
15 law (including any regulation), rule, or other stand-
16 ard of conduct applicable to the conduct of such
17 Member or employee in the performance of the du-
18 ties, or the discharge of the responsibilities, of the
19 Member or employee, along with a brief description
20 of the specific matter.

21 (2) PRELIMINARY REVIEW.—

22 (A) IN GENERAL.—Not later than 7 busi-
23 ness days after receipt of an authorization
24 statement from 2 or more members of the
25 Board under paragraph (1), the Board shall—

1 (i) instruct the Office to initiate a
2 preliminary review of the alleged violation;
3 and

4 (ii) provide a written notification of
5 the commencement of the preliminary re-
6 view, including a statement of the nature
7 of the review, to—

8 (I) the applicable ethics com-
9 mittee;

10 (II) any individual who is the
11 subject of the preliminary review; and

12 (III) the Director of the Office of
13 Public Integrity.

14 (B) OPPORTUNITY TO TERMINATE PRE-
15 LIMINARY REVIEW.—At any time, the Board
16 may, by a majority vote, terminate a prelimi-
17 nary review on any ground, including that the
18 matter under review is de minimis in nature. If
19 the Board votes to terminate the preliminary
20 review—

21 (i) the review process under this sec-
22 tion is completed and no further actions
23 shall be taken; and

24 (ii) the Board—

1 (I) shall notify, in writing, the in-
2 dividual who was the subject of the
3 preliminary review, the Director of the
4 Office of Public Integrity, and the ap-
5 plicable ethics committee, of its deci-
6 sion to terminate the review of the
7 matter; and

8 (II) may, in any case where the
9 Board votes to terminate the prelimi-
10 nary review, send a report, including
11 any findings of the Board, to the ap-
12 plicable ethics committee and to the
13 Director of the Office of Public Integ-
14 rity.

15 (3) SECOND-PHASE REVIEW PROCESS.—

16 (A) VOTE FOR SECOND-PHASE REVIEW.—

17 (i) IN GENERAL.—After the prelimi-
18 nary review conducted under paragraph
19 (2) is completed, the Board shall vote on
20 whether to authorize a second-phase review
21 of the matter under consideration. If there
22 is an affirmative vote of 4 or more mem-
23 bers of the Board to authorize the second-
24 phase review, the Board shall authorize the

1 second-phase review process in accordance
2 with subparagraph (B).

3 (ii) TERMINATION OF MATTER.—If a
4 vote to authorize a second-phase review
5 under clause (i) does not succeed, the re-
6 view process under this section shall be
7 completed and no further actions shall be
8 taken.

9 (iii) NOTIFICATION TO PARTIES.—The
10 Board—

11 (I) shall notify, in writing, the in-
12 dividual who was the subject of the
13 preliminary review, the Director of the
14 Office of Public Integrity, and the ap-
15 plicable ethics committee, of its deci-
16 sion to authorize a second-phase re-
17 view of the matter or to terminate the
18 review process; and

19 (II) may, in any case where the
20 Board decides to terminate the review
21 process of the violation under clause
22 (ii), send a report, including any find-
23 ings of the Board, to the applicable
24 ethics committee and to the Director
25 of the Office of Public Integrity.

1 (B) SECOND-PHASE REVIEW.—In any case
2 where a second-phase review is required, the
3 Board shall authorize the Office to commence,
4 and complete, a second-phase review.

5 (C) COMPLETION OF SECOND-PHASE RE-
6 VIEW.—Upon the completion of any second-
7 phase review, the Board shall—

8 (i) evaluate the review and determine,
9 based on a majority vote, whether—

10 (I) the applicable ethics com-
11 mittee should dismiss the matter that
12 was the subject of such review, which
13 may be made on any ground, includ-
14 ing that the matter under review is de-
15 minimis in nature;

16 (II) the matter requires further
17 review by the applicable ethics com-
18 mittee; or

19 (III) the applicable ethics com-
20 mittee should take action relating to
21 the matter, including any rec-
22 ommendation for the disciplinary ac-
23 tion or sanctions that the committee
24 should take;

1 (ii) transmit to the applicable ethics
2 committee a written report that includes—

3 (I) a statement of the nature of
4 the review and the Member or em-
5 ployee of Congress who is the subject
6 of the review, including any probable
7 ethics violations uncovered in either
8 the preliminary or second-phase re-
9 view;

10 (II) any recommendations of the
11 Board based on votes conducted under
12 clause (i), or a statement that the
13 matter is unresolved because of a tie
14 vote of the Board or a failure to meet
15 the majority vote threshold established
16 under section 553(c)(3);

17 (III) a description of the number
18 of members voting in the affirmative
19 and in the negative for any action de-
20 scribed in clause (i);

21 (IV) any findings of the Board,
22 including—

23 (aa) any findings of fact;

24 (bb) a description of any rel-
25 evant information that the Board

1 was unable to obtain or witnesses
2 whom the Board was unable to
3 interview, and the reasons there-
4 for; and

5 (cc) a citation of any rel-
6 evant law, regulation, or stand-
7 ard of conduct relating to the
8 violation; and

9 (V) any supporting documenta-
10 tion;

11 (iii) transmit to the individual who is
12 the subject of the second-phase review the
13 written report of the Board described in
14 clause (ii);

15 (iv) transmit to the Director of the
16 Office of Public Integrity the written re-
17 port of the Board described in clause (ii),
18 and may include any recommendations for
19 action by the Director that the Board may
20 recommend; and

21 (v) make public, on a website main-
22 tained by the Office, the written report of
23 the Board described in clause (ii), unless a
24 majority of the members of the Board vote
25 to withhold the report from the public

1 where public disclosure could compromise
2 the ability of the applicable ethics com-
3 mittee or a law enforcement agency to act
4 on probable ethics violations.

5 (D) AUTHORITY FOR REPRIMAND.—Upon
6 the completion of any second-phase review, the
7 Board—

8 (i) may, upon a majority vote, rep-
9 rimand, in writing, the alleged violator for
10 potential violations of the law;

11 (ii) in any case where a reprimand
12 under clause (i) is issued, shall provide a
13 copy of the reprimand to—

14 (I) the presiding officer of the
15 House of Congress in which the al-
16 leged violator serves (if such indi-
17 vidual is a Member of Congress); or

18 (II) the alleged violator's em-
19 ployer, if the individual is an employee
20 of Congress; and

21 (iii) may make the reprimand avail-
22 able to the public.

23 (e) REQUESTS FROM APPLICABLE ETHICS COMMIT-
24 TEES.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of this subtitle, upon receipt of a written
3 request from an applicable ethics committee that the
4 Board cease its review of any matter and refer such
5 matter to the committee because of the ongoing in-
6 vestigation of such matter by the committee, the
7 Board shall refer such matter to the committee,
8 cease its preliminary or second-phase review, as ap-
9 plicable, of that matter and so notify any individual
10 who is the subject of the review. In any such case,
11 the Board shall send a written report to the com-
12 mittee containing a statement that, upon the request
13 of that committee, the matter is referred to it for its
14 consideration. Nothing in this paragraph shall be
15 construed to prevent the Board from sending any in-
16 formation regarding the matter to the Director of
17 the Office of Public Integrity or to other law en-
18 forcement agencies.

19 (2) RESUMPTION OF REVIEW.—If the applicable
20 ethics committee notifies the Board in writing that
21 it is unable to resolve any matter described in para-
22 graph (1), the Board may begin or continue, as the
23 case may be, a second-phase review of the matter in
24 accordance with subsection (b)(3).

25 (d) PROCEDURES.—

1 (1) REVIEW POWERS.—Members of the Board
2 or employees of the Office may, during either an ini-
3 tial review or second-phase review—

4 (A) administer oaths;

5 (B) require, by subpoena or otherwise, the
6 attendance and testimony of such witnesses and
7 the production of such books, records, cor-
8 respondence, accounts, memoranda, papers,
9 documents, tapes, and materials as the Board
10 or the Office considers advisable;

11 (C) take the deposition of witnesses; and

12 (D) conduct general audits of filings under
13 the Lobbying Disclosure Act of 1995 (2 U.S.C.
14 1601 et seq.).

15 (2) WITNESSES.—

16 (A) WITNESSES.—Any witness interviewed
17 as part of a review under this section shall sign
18 a statement acknowledging that the witness un-
19 derstands that section 1001 of title 18, United
20 States Code (popularly known as the “False
21 Statements Act”) applies to the testimony of
22 the witness and to any documents the witness
23 provides.

24 (B) PAYMENT.—Witnesses appearing be-
25 fore the Office may be paid in the same manner

1 as prescribed by clause 5 of rule XI of the
2 Rules of the House of Representatives, as in ef-
3 fect on the day before the date of enactment of
4 this Act.

5 (3) PROHIBITION OF EX PARTE COMMUNICA-
6 TIONS.—There shall be no ex parte communications
7 between any member of the Board or employee of
8 the Office and any individual who is the subject of
9 any review by the Board or between any member of
10 the Board and any interested party, and no Member
11 or employee of the Congress may communicate with
12 any member of the Board or employee of the Office
13 regarding any matter under review by the Board ex-
14 cept as authorized by the Board.

15 (4) CONTEMPT OF CONGRESS.—If a person dis-
16 obeys or refuses to comply with a subpoena, or if a
17 witness refuses to testify to a matter, the Board
18 may recommend to the applicable ethics committee
19 that such person be held in contempt of Congress.

20 (e) PROTECTION FROM FRIVOLOUS CHARGES.—

21 (1) CIVIL PENALTY FOR INITIAL COMPLAINT.—

22 (A) FALSE COMPLAINT.—It shall be un-
23 lawful for any person to knowingly file with the
24 Office a false complaint of misconduct by any
25 Member or employee of Congress.

1 (B) ENCOURAGEMENT TO FILE FALSE
2 COMPLAINT.—It shall be unlawful for any per-
3 son to encourage another person to file a false
4 complaint of misconduct by any Member or em-
5 ployee of Congress.

6 (C) ACTION BY OFFICE OF PUBLIC INTEG-
7 RITY.—The Director of the Office of Public In-
8 tegrity, after providing notice and an oppor-
9 tunity for a hearing, may impose a civil penalty
10 on any person who violates subparagraph (A) or
11 (B) in the amount of the greater of—

- 12 (i) \$10,000; or
13 (ii) the cost of the preliminary review.

14 (2) BAN ON ALL SUBSEQUENT COMPLAINTS.—
15 Any person upon whom the Director of the Office of
16 Public Integrity imposes a civil penalty under para-
17 graph (1)(C) may not file a complaint with the
18 Board again.

19 **SEC. 556. PERSONNEL MATTERS.**

20 (a) COMPENSATION OF EMPLOYEES.—

21 (1) APPOINTMENT.—Upon a majority vote of
22 the Board, the Board may appoint and fix the com-
23 pensation of such professional, nonpartisan staff (in-
24 cluding staff with relevant experience in investiga-

1 tions and law enforcement) of the Office as the
2 Board considers necessary to perform its duties.

3 (2) QUALIFICATIONS.—Each employee of the
4 Office shall be professional and demonstrably quali-
5 fied for the position for which the employee is hired.

6 (3) STAFFING REQUIREMENTS.—

7 (A) IN GENERAL.—The employees of the
8 Office shall be assembled and retained as a pro-
9 fessional, nonpartisan staff, and the Office as a
10 whole, and each individual employee, shall per-
11 form all official duties in a nonpartisan manner.

12 (B) NO PARTISAN POLITICAL ACTIVITY.—
13 No employee of the Office shall engage in any
14 partisan political activity directly affecting any
15 congressional or presidential election.

16 (C) LIMITATION ON PUBLIC SPEAKING OR
17 PUBLICATION.—No employee of the Office may
18 accept public speaking engagements or write for
19 publication on any subject that is in any way
20 related to the employee's employment or duties
21 with the Office without specific prior approval
22 from the chairperson and vice-chairperson of
23 the Board.

1 (b) TERMINATION OF EMPLOYEES.—The employ-
2 ment of an employee of the Office may be terminated dur-
3 ing a Congress solely by a majority vote of the Board.

4 (c) REIMBURSEMENTS.—Members of the Board, and
5 employees of the Office, may be reimbursed for travel, sub-
6 sistence, and other necessary expenses incurred by mem-
7 bers or employees in the performance of their duties in
8 the same manner as is permissible for such expenses of
9 other employees of the House or Senate.

10 (d) AGREEMENTS FOR MEMBERS AND EMPLOYEES;
11 RETENTION OF DOCUMENTS BY THE CLERK.—

12 (1) IN GENERAL.—Before any individual who is
13 appointed to serve on the Board or before any indi-
14 vidual is hired to be an employee of the Office may
15 do so, the individual shall execute a signed document
16 containing the following statement: “I agree not to
17 be a candidate for the office of Senator or Rep-
18 resentative in, or Delegate or Resident Commis-
19 sioner to, the Congress for purposes of the Federal
20 Election Campaign Act of 1971 until at least 4
21 years after I am no longer a member of the Congres-
22 sional Ethics Board or employee of the Office of
23 Congressional Ethics.”.

24 (2) RETENTION OF DOCUMENTS.—Copies of the
25 signed and executed document shall be retained by

1 the Clerk of the House of Representatives and the
2 Secretary of the Senate as part of the records of the
3 House and the Senate. The Clerk and the Secretary,
4 working jointly, shall make the signatures a matter
5 of public record, causing the names of each indi-
6 vidual who has signed the document to be published
7 in a portion of the Congressional Record designed
8 for that purpose, and make cumulative lists of such
9 names available on the websites of the Clerk and the
10 Secretary.

11 (e) CODE OF CONDUCT.—The Board—

12 (1) shall establish a code of conduct to govern
13 the behavior of the members of the Board and the
14 employee of the Office, which shall include the avoid-
15 ance of conflicts of interest; and

16 (2) may issue other rules as the Board deter-
17 mines necessary to carry out the functions of the
18 Board and the Office.

19 **SEC. 557. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out
21 this subtitle such sums as may be necessary.

22 **SEC. 558. CONFORMING AMENDMENTS AND RULES OF CON-**
23 **STRUCTION.**

24 (a) CONFORMING AMENDMENTS TO THE ETHICS IN
25 GOVERNMENT ACT OF 1978.—Section 109(18) of the

1 Ethics in Government Act of 1978 (5 U.S.C. App.) is
2 amended—

3 (1) by redesignating subparagraphs (A) through
4 (D), as amended, as subparagraphs (B) through
5 (E), respectively;

6 (2) by inserting before subparagraph (B), as re-
7 designated by paragraph (1) of this subsection, the
8 following:

9 “(A) the Office of Congressional Ethics es-
10 tablished under section 552 of the Anti-Corrup-
11 tion and Public Integrity Act, for Senators,
12 Members of the House of Representatives, offi-
13 cers and employees of the Senate, and officers
14 and employees of the House of Representatives
15 required to file financial disclosure reports with
16 the Secretary of the Senate pursuant to section
17 103(h) of this title;”;

18 (3) in subparagraph (B) (as so redesignated),
19 by striking “Senators, officers and employees of the
20 Senate, and other officers or employees of the legis-
21 lative branch” and inserting “officers or employees
22 of the legislative branch not described in subpara-
23 graph (A)”;

24 (4) in subparagraph (C) (as so redesignated),
25 by striking “Members, officers and employees of the

1 House of Representatives and other officers or em-
2 ployees of the legislative branch” and inserting “offi-
3 cers or employees of the legislative branch not de-
4 scribed in subparagraph (A)”.

5 (b) TERMINATION OF THE OFFICE OF CONGRES-
6 SIONAL ETHICS OF THE HOUSE OF REPRESENTATIVES.—
7 Beginning on the date on which all members of the Board
8 are appointed, the Office of Congressional Ethics of the
9 House of Representatives shall be eliminated and section
10 1 of H. Res. 895 (110th Congress, March 11, 2008) shall
11 cease to have any force or effect.

12 (c) RULEMAKING AUTHORITY.—The provisions of
13 this subtitle are enacted—

14 (1) as an exercise of the rulemaking power of
15 the Senate and of the House of Representatives, and
16 as such they shall be considered as part of the rules
17 of the Senate and the House, respectively, and shall
18 supersede other rules only to the extent that they
19 are inconsistent therewith; and

20 (2) with full recognition of the constitutional
21 right of the Senate and the House of Representa-
22 tives to change such rules at any time, in the same
23 manner, and to the same extent as in the case of
24 any other rule of the Senate or House of Represent-
25 atives.

1 **Subtitle D—Applicability**

2 **SEC. 571. APPLICABILITY.**

3 This title and the amendments made by this title
4 shall apply on and after the date of enactment of this Act.

5 **TITLE VI—TRANSPARENCY AND**
6 **GOVERNMENT RECORDS**

7 **Subtitle A—Transparency for Fed-**
8 **eral Personnel and Candidates**
9 **for Federal Office**

10 **SEC. 601. CATEGORIES RELATING TO THE AMOUNT OR**
11 **VALUE OF CERTAIN INCOME.**

12 Section 102 of the Ethics in Government Act of 1978
13 (5 U.S.C. App.) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)(B)—

16 (i) in the matter preceding clause (i),
17 by striking “which of the following cat-
18 egories the amount or value of such item
19 of income is within” and inserting “the
20 amount or value of such item of income in
21 accordance with the following”;

22 (ii) by redesignating clauses (i)
23 through (iv) as subclauses (I) through
24 (IV), respectively, and adjusting the mar-
25 gin accordingly;

1 (iii) by inserting before subclause (I),
2 as so redesignated, the following:

3 “(i) For items of income with an
4 amount or value of not more than
5 \$25,000, which of the following categories
6 the amount or value of such item of in-
7 come is within:”;

8 (iv) in clause (i)(III), as so des-
9 ignated, by adding “or” at the end;

10 (v) in clause (i)(IV), as so designated,
11 by striking “\$15,000,” and inserting
12 “\$25,000.”; and

13 (vi) by striking clauses (v) through
14 (ix) and inserting the following:

15 “(ii) For items of income with an
16 amount or value of greater than \$25,000,
17 the amount or value of the item of income,
18 rounded as follows:

19 “(I) For items of income with an
20 amount or value of greater than
21 \$25,000 but not more than \$100,000,
22 the amount or value rounded to the
23 nearest \$10,000.

24 “(II) For items of income with
25 an amount or value of greater than

1 \$100,000 but not more than
2 \$1,000,000, the amount or value
3 rounded to the nearest \$100,000.

4 “(III) For items of income with
5 an amount or value of greater than
6 \$1,000,000, the amount or value
7 rounded to the nearest \$1,000,000.”;

8 (B) in paragraph (3), by striking “cat-
9 egory of value” and inserting “value, in accord-
10 ance with subsection (d)(2),”; and

11 (C) in paragraph (4), in the matter pre-
12 ceding subparagraph (A), by striking “category
13 of value” and inserting “value, in accordance
14 with subsection (d)(2),”; and

15 (2) in subsection (d)—

16 (A) in paragraph (1), in the matter pre-
17 ceding subparagraph (A), by striking “(3), (4),
18 (5), and (8)” and inserting “(5) and (8)”;

19 (B) by redesignating paragraph (2) as
20 paragraph (3); and

21 (C) by inserting after paragraph (1) the
22 following:

23 “(2) The amount or value of the items covered in
24 paragraphs (3) and (4) of subsection (a) shall be reported
25 as follows:

1 “(A) For items with an amount or value of not
2 more than \$25,000, which of the following categories
3 the amount or value of such item is within:

4 “(i) Not more than \$15,000.

5 “(ii) Greater than \$15,000 but not more
6 than \$25,000.

7 “(B) For items with an amount or value of
8 greater than \$25,000, the amount or value of the
9 item, rounded as follows:

10 “(i) For items with an amount or value of
11 greater than \$25,000 but not more than
12 \$100,000, the amount or value rounded to the
13 nearest \$10,000.

14 “(ii) For items with an amount or value of
15 greater than \$100,000 but not more than
16 \$1,000,000, the amount or value rounded to the
17 nearest \$100,000.

18 “(iii) For items with an amount or value
19 of greater than \$1,000,000, the amount or
20 value rounded to the nearest \$1,000,000.”.

1 **SEC. 602. DISCLOSURE OF PERSONAL INCOME TAX RE-**
2 **URNS BY PRESIDENTS, VICE PRESIDENTS,**
3 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**
4 **DIDATES.**

5 (a) IN GENERAL.—Title I of the Ethics in Govern-
6 ment Act of 1978 (5 U.S.C. App.) is amended—

7 (1) by inserting after section 102 the following:

8 **“SEC. 102A. DISCLOSURE OF PERSONAL INCOME TAX RE-**
9 **URNS BY PRESIDENTS, VICE PRESIDENTS,**
10 **MEMBERS OF CONGRESS, AND CERTAIN CAN-**
11 **DIDATES.**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘covered candidate’ means an in-
14 dividual—

15 “(A) required to file a report under section
16 101(c); and

17 “(B) who is nominated by a major party
18 as a candidate for the office of President, Vice
19 President, or Member of Congress;

20 “(2) the term ‘covered individual’ means—

21 “(A) a President, Vice President, or Mem-
22 ber of Congress required to file a report under
23 subsection (a) or (d) of section 101; and

24 “(B) an individual who occupies the office
25 of the President, Vice President, or a Member

1 of Congress required to file a report under sec-
2 tion 101(e);

3 “(3) the term ‘income tax return’ means, with
4 respect to any covered candidate or covered indi-
5 vidual, any return (within the meaning of section
6 6103(b) of the Internal Revenue Code of 1986) re-
7 lated to Federal income taxes, but does not in-
8 clude—

9 “(A) information returns issued to persons
10 other than such covered candidate or covered
11 individual; and

12 “(B) declarations of estimated tax; and

13 “(4) the term ‘major party’ has the meaning
14 given the term in section 9002 of the Internal Rev-
15 enue Code of 1986.

16 “(b) DISCLOSURE.—

17 “(1) COVERED INDIVIDUALS.—

18 “(A) IN GENERAL.—In addition to the in-
19 formation described in subsections (a) and (b)
20 of section 102, a covered individual shall in-
21 clude in each report required to be filed under
22 this title a copy of the income tax returns of the
23 covered individual for—

24 “(i) with respect to the President or
25 Vice President, the 8 most recent taxable

1 years and every year the individual was in
2 Federal elected office for which a return
3 have been filed with the Internal Revenue
4 Service as of the date on which the report
5 is filed; and

6 “(ii) with respect to a Member of
7 Congress, the 2 most recent taxable years
8 and every year the individual was in Fed-
9 eral elected office for which a return has
10 been filed with the Internal Revenue Serv-
11 ice as of the date on which the report is
12 filed.

13 “(B) FAILURE TO DISCLOSE.—If an in-
14 come tax return is not disclosed under subpara-
15 graph (A), the Director of the Office of Public
16 Integrity shall submit to the Secretary of the
17 Treasury a request that the Secretary of the
18 Treasury provide the Director of the Office of
19 Public Integrity with a copy of the income tax
20 return.

21 “(C) PUBLICLY AVAILABLE.—Each income
22 tax return submitted under this paragraph shall
23 be filed with the Director of the Office of Public
24 Integrity and made publicly available in the

1 same manner as the information described in
2 subsections (a) and (b) of section 102.

3 “(D) REDACTION OF CERTAIN INFORMA-
4 TION.—Before making any income tax return
5 submitted under this paragraph available to the
6 public, the Director of the Office of Public In-
7 tegrity shall redact such information as the Di-
8 rector of the Office of Public Integrity, in con-
9 sultation with the Secretary of the Treasury de-
10 termines appropriate.

11 “(2) CANDIDATES.—

12 “(A) IN GENERAL.—Not later than 15
13 days after the date on which a covered can-
14 didate is nominated, the covered candidate shall
15 amend the report filed by the covered candidate
16 under section 101(c) with the Federal Election
17 Commission to include a copy of the income tax
18 returns of the covered candidate for—

19 “(i) with respect to a candidate for
20 nomination or election to the office of
21 President or Vice President, the 8 most re-
22 cent taxable years and every year the indi-
23 vidual was in Federal elected office for
24 which a return has been filed with the In-
25 ternal Revenue Service; and

1 “(ii) with respect to a candidate for
2 nomination or election to the office of
3 Member of Congress, the 2 most recent
4 taxable years and every year the individual
5 was in Federal elected office for which a
6 return has been filed with the Internal
7 Revenue Service.

8 “(B) FAILURE TO DISCLOSE.—If an in-
9 come tax return is not disclosed under subpara-
10 graph (A) the Federal Election Commission
11 shall submit to the Secretary of the Treasury a
12 request that the Secretary of the Treasury pro-
13 vide the Federal Election Commission with the
14 income tax return.

15 “(C) PUBLICLY AVAILABLE.—Each income
16 tax return submitted under this paragraph shall
17 be filed with the Federal Election Commission
18 and made publicly available in the same manner
19 as the information described in section 102(b).

20 “(D) REDACTION OF CERTAIN INFORMA-
21 TION.—Before making any income tax return
22 submitted under this paragraph available to the
23 public, the Federal Election Commission shall
24 redact such information as the Federal Election
25 Commission, in consultation with the Secretary

1 of the Treasury and the Director of the Office
2 of Public Integrity, determines appropriate.

3 “(3) SPECIAL RULE FOR SITTING PRESI-
4 DENTS.—Not later than 30 days after the date of
5 enactment of this section, the President shall submit
6 to the Director of the Office of Public Integrity a
7 copy of the income tax returns described in para-
8 graph (1)(A)(i).”; and

9 (2) in section 104—

10 (A) in subsection (a)—

11 (i) in paragraph (1), in the first sen-
12 tence, by inserting “, 102B, or 102C, or
13 any individual who knowingly and willfully
14 falsifies or who knowingly and willfully
15 fails to file an income tax return that such
16 individual is required to disclose pursuant
17 to section 102A, 102B, or 102C” before
18 the period; and

19 (ii) in paragraph (2)(A)—

20 (I) in clause (i), by inserting
21 “102B, or 102C, or falsify any income
22 tax return that such person is re-
23 quired to disclose under section 102A,
24 102B, or 102C” before the semicolon;
25 and

1 (II) in clause (ii), by inserting
2 “102B, or 102C, or fail to file any in-
3 come tax return that such person is
4 required to disclosed under section
5 102A, 102B, or 102C” before the pe-
6 riod;

7 (B) in subsection (b), in the first sentence
8 by inserting “or willfully failed to file or has
9 willfully falsified an income tax return required
10 to be disclosed under section 102A, 102B, or
11 102C” before the period;

12 (C) in subsection (c), by inserting “or fail-
13 ing to file or falsifying an income tax return re-
14 quired to be disclosed under section 102A,
15 102B, or 102C” before the period; and

16 (D) in subsection (d)(1)—

17 (i) in the matter preceding subpara-
18 graph (A), by inserting “or files an income
19 tax return required to be disclosed under
20 section 102A, 102B, or 102C” after
21 “title”; and

22 (ii) in subparagraph (A), by inserting
23 “or such income tax return, as applicable,”
24 after “report”.

25 (b) AUTHORITY TO DISCLOSE INFORMATION.—

1 (1) IN GENERAL.—Section 6103(l) of the Inter-
2 nal Revenue Code of 1986 is amended by adding at
3 the end the following new paragraph:

4 “(23) DISCLOSURE OF RETURN INFORMATION
5 OF PRESIDENTS, VICE PRESIDENTS, MEMBERS OF
6 CONGRESS, AND CERTAIN CANDIDATES.—

7 “(A) DISCLOSURE OF RETURNS OF PRESI-
8 DENTS, VICE PRESIDENTS, AND MEMBERS OF
9 CONGRESS.—

10 “(i) IN GENERAL.—The Secretary
11 shall, upon written request from the Direc-
12 tor of the Office of Public Integrity pursu-
13 ant to section 102A(b)(1)(B) of the Ethics
14 in Government Act of 1978, provide to of-
15 ficers and employees of the Office of Public
16 Integrity a copy of any income tax return
17 of any President, Vice President, or Mem-
18 ber of Congress that is required to be filed
19 under section 102A(b)(1) of such Act.

20 “(ii) DISCLOSURE TO PUBLIC.—The
21 Director of the Office of Public Integrity
22 may disclose to the public any income tax
23 return of any President, Vice President,
24 and Member of Congress that is required
25 to be filed with the Director of the Office

1 of Public Integrity pursuant to section
2 102A(b)(1) of the Ethics in Government
3 Act of 1978.

4 “(B) DISCLOSURE OF RETURNS OF CER-
5 TAIN CANDIDATES FOR PRESIDENT, VICE
6 PRESIDENT, AND MEMBERS OF CONGRESS.—

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 102A(b)(2)(B) of the
11 Ethics in Government Act of 1978, provide
12 to officers and employees of the Federal
13 Election Commission copies of the applica-
14 ble returns of any covered candidate (as
15 defined in section 102A(a) of such Act).

16 “(ii) DISCLOSURE TO PUBLIC.—The
17 Federal Election Commission may disclose
18 to the public any applicable return of any
19 covered candidate (as defined in section
20 102A(a) of such Act) that is required to be
21 filed with the Commission pursuant to sec-
22 tion 102A(b)(2) of the Ethics in Govern-
23 ment Act.

1 “(iii) APPLICABLE RETURNS.—For
2 purposes of this paragraph, the term ‘ap-
3 plicable returns’ means—

4 “(I) with respect to any covered
5 candidate for the office of President
6 or Vice President, income tax returns
7 for the 8 most recent taxable years
8 and every year the individual was in
9 Federal elected office for which a re-
10 turn has been filed as of the date of
11 the nomination; and

12 “(II) with respect to any covered
13 candidate for the office of Member of
14 Congress, income tax returns for the
15 2 most recent taxable years and every
16 year the individual was in Federal
17 elected office for which a return has
18 been filed as of the date of the nomi-
19 nation.”.

20 (2) CONFORMING AMENDMENTS.—Section
21 6103(p)(4) of such Code, in the matter preceding
22 subparagraph (A) and in subparagraph (F)(ii), is
23 amended by striking “or (22)” and inserting “(22),
24 or (23)” each place it appears.

1 **SEC. 603. TRANSPARENCY RELATING TO CANDIDATES FOR**
2 **FEDERAL OFFICE AND MEMBERS OF CON-**
3 **GRESS.**

4 (a) IN GENERAL.—Title I of the Ethics in Govern-
5 ment Act of 1978 (5 U.S.C. App.) is amended by inserting
6 after section 102A, as added by section 602 of this Act,
7 the following:

8 **“SEC. 102B. DISCLOSURE RELATING TO COVERED ENTITIES**
9 **ASSOCIATED WITH MEMBERS OF CONGRESS**
10 **AND COVERED CANDIDATES.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘close family member’, with re-
13 spect to a reporting individual, includes—

14 “(A) a parent of the reporting individual;

15 “(B) a spouse of the reporting individual;

16 and

17 “(C) an adult child of the reporting indi-
18 vidual;

19 “(2) the term ‘covered candidate’ has the mean-
20 ing given the term in section 102A(a);

21 “(3) the term ‘covered entity’ means a corpora-
22 tion, company, firm, partnership, or other business
23 enterprise;

24 “(4) the term ‘gross receipts’ has the meaning
25 given the term in section 993(f) of the Internal Rev-
26 enue Code of 1986;

1 “(5) the term ‘income tax return’ has the
2 meaning given the term in section 102A(a);

3 “(6) the term ‘Member of Congress’ means—

4 “(A) a Member of Congress required to file
5 a report under subsection (a) or (d) of section
6 101; and

7 “(B) an individual who occupies the office
8 of Member of Congress and is required to file
9 a report under section 101(e); and

10 “(7) the term ‘reporting individual’ means—

11 “(A) a covered candidate; or

12 “(B) a Member of Congress.

13 “(b) DISCLOSURE.—

14 “(1) MEMBERS OF CONGRESS.—

15 “(A) IN GENERAL.—On and after the date
16 that is 180 days after the date on which the Di-
17 rector of the Office of Public Integrity, in con-
18 sultation with the Federal Election Commission,
19 promulgates regulations under paragraph (3),
20 in addition to the information described in sub-
21 sections (a) and (b) of section 102, a Member
22 of Congress shall include in each report re-
23 quired to be filed under this title, with respect
24 to the 2 most recent taxable years and every
25 year the Member of Congress was in Federal

1 elected office for which an income tax return
2 has been filed with the Internal Revenue Serv-
3 ice as of the date on which the report is filed—

4 “(i) a statement of the name of any
5 covered entity—

6 “(I) in which the Member of
7 Congress has a significant direct or
8 indirect ownership interest; and

9 “(II) that has gross receipts that
10 meet or exceed the threshold value es-
11 tablished by regulations promulgated
12 pursuant to paragraph (3);

13 “(ii) a copy of any income tax return
14 filed by a covered entity described in clause
15 (i) for any taxable year ending with or
16 within such years; and

17 “(iii) in the case of a covered entity
18 described in clause (i) that is a privately
19 owned or closely held covered entity, a
20 statement of—

21 “(I) each—

22 “(aa) asset of the covered
23 entity; and

24 “(bb) liability of the covered
25 entity;

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1 “(II) all—

2 “(aa) income from sources
3 within the United States, as de-
4 scribed in section 861 of the In-
5 ternal Revenue Code of 1986;
6 and

7 “(bb) income from sources
8 without the United States, as de-
9 scribed in section 862 of the In-
10 ternal Revenue Code of 1986;

11 “(III) the name of each co-owner
12 or co-member of the covered entity;
13 and

14 “(IV) for any co-owner or co-
15 member described in subclause (III)
16 that is not a natural person, the name
17 of each natural person that controls,
18 directly or indirectly, the co-owner or
19 co-member.

20 “(B) CLOSE FAMILY MEMBERS.—In addi-
21 tion to the information described in subpara-
22 graph (A), the Director of the Office of Public
23 Integrity may, on a case-by-case basis and in
24 accordance with the regulations promulgated
25 under paragraph (3), require that a Member of

1 Congress include in each report required to be
2 filed under this title by the Member of Congress
3 the information described in subparagraph (A)
4 with respect to any covered entity—

5 “(i) in which a close family member of
6 the Member of Congress has a significant
7 direct or indirect ownership interest; and

8 “(ii) that has gross receipts that meet
9 or exceed the threshold value established
10 by regulations promulgated pursuant to
11 paragraph (3).

12 “(C) FAILURE TO DISCLOSE.—If an in-
13 come tax return is not disclosed under subpara-
14 graph (A)(ii), the Director of the Office of Pub-
15 lic Integrity shall submit to the Secretary of the
16 Treasury a request that the Secretary of the
17 Treasury provide the Director of the Office of
18 Public Integrity with a copy of the income tax
19 return.

20 “(D) PUBLICLY AVAILABLE.—All informa-
21 tion, including any income tax return, described
22 in this subsection required to be included in a
23 report under this title shall be filed with the Di-
24 rector of the Office of Public Integrity and
25 made publicly available in the same manner as

1 the information described in subsections (a) and
2 (b) of section 102.

3 “(E) REDACTION OF CERTAIN INFORMA-
4 TION.—

5 “(i) IN GENERAL.—Before making
6 any information, including any income tax
7 return, described in this paragraph re-
8 quired to be included in a report under
9 this title available to the public, the Direc-
10 tor of the Office of Public Integrity shall
11 redact—

12 “(I) if the information contained
13 in the report contains a trade secret
14 the disclosure of which is likely to
15 cause substantial harm to the com-
16 petitive position of the covered entity
17 to which the information contained in
18 the report pertains, the information
19 relating to the trade secret; and

20 “(II) such information as the Di-
21 rector of the Office of Public Integ-
22 rity, in consultation with the Sec-
23 retary of the Treasury, determines ap-
24 propriate.

1 “(ii) REQUEST FOR REDACTION.—A
2 Member of Congress submitting a report
3 under this title that contains information,
4 including any income tax return, described
5 in this paragraph that contains a trade se-
6 cret described in clause (i)(I) may request
7 that the Director of the Office of Public
8 Integrity redact the information relating to
9 the trade secret.

10 “(2) CANDIDATES.—

11 “(A) IN GENERAL.—On and after the date
12 that is 180 days after the date on which the Di-
13 rector of the Office of Public Integrity, in con-
14 sultation with the Federal Election Commission,
15 promulgates regulations under paragraph (3),
16 not later than 15 days after the date on which
17 a covered candidate is nominated, the covered
18 candidate shall amend the report filed by the
19 covered candidate under section 101(c) with the
20 Federal Election Commission to include, with
21 respect to the years described in subparagraph
22 (B)—

23 “(i) a statement of the name of any
24 covered entity—

1 “(I) in which the covered can-
2 didate has a significant direct or indi-
3 rect ownership interest; and

4 “(II) that has gross receipts that
5 meet or exceed the threshold value es-
6 tablished by regulations promulgated
7 pursuant to paragraph (3);

8 “(ii) a copy of any income tax return
9 filed by a covered entity described in clause
10 (i) for any taxable year ending with or
11 within such years; and

12 “(iii) in the case of a covered entity
13 described in clause (i) that is a privately
14 owned or closely held covered entity, a
15 statement of—

16 “(I) each—

17 “(aa) asset of the covered
18 entity; and

19 “(bb) liability of the covered
20 entity;

21 “(II) all—

22 “(aa) income from sources
23 within the United States, as de-
24 scribed in section 861 of the In-

1 ternal Revenue Code of 1986;
2 and

3 “(bb) income from sources
4 without the United States, as de-
5 scribed in section 862 of the In-
6 ternal Revenue Code of 1986;

7 “(III) the name of each co-owner
8 or co-member of the covered entity;
9 and

10 “(IV) for any co-owner or co-
11 member described in subclause (III)
12 that is not a natural person, the name
13 of each natural person that controls,
14 directly or indirectly, the co-owner or
15 co-member.

16 “(B) APPLICABLE YEARS.—The years de-
17 scribed in this subparagraph are as follows:

18 “(i) In the case of a report filed under
19 section 101(c) by a covered candidate for
20 the office of President or Vice President,
21 the 8 years preceding the date on which
22 the report is filed.

23 “(ii) In the case of a report filed
24 under section 101(c) by a covered can-
25 didate for the office of Member of Con-

1 gress, the 2 years preceding the date on
2 which the report is filed.

3 “(C) CLOSE FAMILY MEMBERS.—In addi-
4 tion to the information described in subpara-
5 graph (A), the Federal Election Commission
6 may, on a case-by-case basis and in accordance
7 with the regulations promulgated under para-
8 graph (3), require that a covered candidate in-
9 clude in each report required to be filed under
10 section 101(e) by the covered candidate the in-
11 formation described in subparagraph (A) with
12 respect to any covered entity—

13 “(i) in which a close family member of
14 the covered candidate has a significant di-
15 rect or indirect ownership interest; and

16 “(ii) that has gross receipts that meet
17 or exceed the threshold value established
18 by regulations promulgated pursuant to
19 paragraph (3).

20 “(D) FAILURE TO DISCLOSE.—If an in-
21 come tax return is not disclosed under subpara-
22 graph (A)(ii), the Chairman of the Federal
23 Election Commission shall submit to the Sec-
24 retary of the Treasury a request that the Sec-
25 retary of the Treasury provide the Federal

1 Election Commission with a copy of the income
2 tax return.

3 “(E) PUBLICLY AVAILABLE.—All informa-
4 tion, including any income tax return, described
5 in this subsection required to be included in a
6 report under section 101(c) shall be filed with
7 the Federal Election Commission and made
8 publicly available in the same manner as the in-
9 formation described in subsections (a) and (b)
10 of section 102.

11 “(F) REDACTION OF CERTAIN INFORMA-
12 TION.—

13 “(i) IN GENERAL.—Before making
14 any information, including any income tax
15 return, described in this paragraph re-
16 quired to be included in a report under
17 section 101(c) available to the public, the
18 Federal Election Commission shall re-
19 duct—

20 “(I) if the information contained
21 in the report contains a trade secret
22 the disclosure of which is likely to
23 cause substantial harm to the com-
24 petitive position of the covered entity
25 to which the information contained in

1 the report pertains, the information
2 relating to the trade secret; and

3 “(II) such information as the
4 Federal Election Commission, in con-
5 sultation with the Secretary of the
6 Treasury, determines appropriate.

7 “(ii) REQUEST FOR REDACTION.—A
8 covered candidate submitting a report
9 under section 101(c) that contains infor-
10 mation, including any income tax return,
11 described in this paragraph that contains a
12 trade secret described in clause (i)(I) may
13 request that the Federal Election Commis-
14 sion redact the information relating to the
15 trade secret.

16 “(3) REGULATIONS.—Not later than 120 days
17 after the date of enactment of this section, the Di-
18 rector of the Office of Public Integrity shall, in con-
19 sultation with the Federal Elections Commission,
20 promulgate regulations to—

21 “(A) establish each threshold value for
22 purposes of—

23 “(i) subparagraphs (A)(i)(II) and
24 (B)(ii) of paragraph (1); and

1 “(ii) subparagraphs (A)(i)(II) and
2 (C)(ii) of paragraph (2);

3 “(B) define the term ‘significant direct or
4 indirect interest’;

5 “(C) ensure that information described in
6 this subsection that is required to be contained
7 in a report filed under this title does not—

8 “(i) disclose any trade secret that is
9 likely to cause substantial harm to the
10 competitive position of the covered entity
11 to which it pertains; or

12 “(ii) violate the privacy of any indi-
13 vidual who is not the reporting individual
14 who files the report; and

15 “(D) prescribe appropriate circumstances
16 in which to require a Member of Congress or
17 covered candidate to provide information under
18 paragraph (1)(B) or (2)(C).

19 **“SEC. 102C. DISCLOSURE RELATING TO COVERED ORGANI-**
20 **ZATIONS ASSOCIATED WITH COVERED CAN-**
21 **DIDATES.**

22 “(a) DEFINITIONS.—In this section—

23 “(1) the term ‘covered candidate’ has the mean-
24 ing given the term in section 102A(a);

1 “(2) the term ‘covered organization’ means an
2 organization required to—

3 “(A) file an income tax return under sec-
4 tion 6033 of the Internal Revenue Code of
5 1986; and

6 “(B) include information under subsection
7 (e) thereof;

8 “(3) the term ‘income tax return’ has the
9 meaning given the term in section 102A(a); and

10 “(4) the term ‘key employee’ means—

11 “(A) an individual who is 1 of the 5 indi-
12 viduals receiving the highest amount of com-
13 pensation paid by a covered organization; or

14 “(B) an individual receiving compensation
15 paid by a covered organization in an amount
16 that exceeds \$100,000.

17 “(b) DISCLOSURE.—

18 “(1) IN GENERAL.—Not later than 15 days
19 after the date on which a covered candidate is nomi-
20 nated, the covered candidate shall amend the report
21 filed by the covered candidate under section 101(c)
22 with the Federal Election Commission to include—

23 “(A) a statement identifying each covered
24 organization of which the covered candidate has
25 been an officer, director, trustee, board mem-

1 ber, or key employee during the 2 years pre-
2 ceding the date on which the report is filed; and

3 “(B) for each covered organization identi-
4 fied under subparagraph (A), a copy of each in-
5 come tax return required to be filed by the cov-
6 ered organization under section 6033 of the In-
7 ternal Revenue Code of 1986 for each taxable
8 year ending with or within any taxable years
9 described in subparagraph (A) in which the cov-
10 ered candidate was an officer, director, trustee,
11 board member, or key employee of the covered
12 organization.

13 “(2) FAILURE TO DISCLOSE.—If an income tax
14 return is not disclosed under paragraph (1)(B), the
15 Federal Election Commission shall submit to the
16 Secretary of the Treasury a request that the Sec-
17 retary of the Treasury provide the Federal Election
18 Commission with the income tax return.

19 “(3) PUBLICLY AVAILABLE.—

20 “(A) IN GENERAL.—All information, in-
21 cluding any income tax return, described in this
22 subsection required to be included in a report
23 under section 101(c) shall be filed with the
24 Federal Election Commission and made publicly

1 available in the same manner as the informa-
2 tion described in section 102(b).

3 “(B) INCOME TAX RETURNS.—The Direc-
4 tor of the Office of Public Integrity shall make
5 a copy of each income tax return described in
6 paragraph (1)(B) included in a report filed
7 under section 101(e) publicly available on the
8 website described in section 402(b)(19) until—

9 “(i) the date on which the reporting
10 individual ceases to be a covered candidate;
11 or

12 “(ii) if the reporting individual is
13 elected to the office for which the reporting
14 individual was a covered candidate, the
15 date on which the reporting individual
16 ceases to serve in the office for which the
17 reporting individual was a covered can-
18 didate.

19 “(4) REDACTION.—Before making any informa-
20 tion, including any income tax return, described in
21 this subsection required to be included in a report
22 under section 101(e) available to the public, the
23 Federal Election Commission shall redact such infor-
24 mation as the Federal Election Commission, in con-
25 sultation with the Secretary of the Treasury and the

1 Director of the Office of Public Integrity, determines
2 appropriate.”.

3 (b) AUTHORITY TO DISCLOSE INFORMATION.—Para-
4 graph (23) of section 6103(l) of the Internal Revenue
5 Code of 1986, as added by section 602, is amended by
6 adding at the end the following new subparagraphs:

7 “(C) DISCLOSURE OF RETURNS OF COV-
8 ERED ENTITIES ASSOCIATED WITH MEMBERS
9 OF CONGRESS AND COVERED CANDIDATES.—

10 “(i) IN GENERAL.—

11 “(I) COVERED ENTITIES ASSOCI-
12 ATED WITH MEMBERS OF CON-
13 GRESS.—The Secretary shall, upon
14 written request from the Director of
15 the Office of Public Integrity pursu-
16 ant to section 102B(b)(1)(C) of the
17 Ethics in Government Act of 1978
18 provide to officers and employees of
19 the Office of Public Integrity a copy
20 of any income tax return of a covered
21 entity (as defined in section 102B(a)
22 of such Act) that relates to a year de-
23 scribed in section 102B(b)(1)(A) of
24 such Act and is required to be filed
25 under section 102B(b) of such Act.

1 “(II) COVERED ENTITIES ASSOCI-
2 ATED WITH COVERED CANDIDATES.—

3 The Secretary shall, upon written re-
4 quest from the Chairman of the Fed-
5 eral Election Commission pursuant to
6 section 102B(b)(2)(D) of the Ethics
7 in Government Act of 1978 provide to
8 officers and employees of the Federal
9 Election Commission a copy of any in-
10 come tax return of a covered entity
11 (as defined in section 102B(a) of such
12 Act) that relates to a year described
13 in section 102B(b)(2)(B) of such Act
14 and is required to be filed under sec-
15 tion 102B(b) of such Act.

16 “(ii) DISCLOSURE TO PUBLIC.—The
17 Director of the Office of Public Integrity
18 and the Chairman of the Federal Election
19 Commission may disclose to the public the
20 income tax return of any covered entity (as
21 so defined) that is required to be filed pur-
22 suant to section 102B(b) of the Ethics in
23 Government Act of 1978.

1 “(D) DISCLOSURE OF RETURNS OF COV-
2 ERED ORGANIZATIONS ASSOCIATED WITH COV-
3 ERED CANDIDATES.—

4 “(i) IN GENERAL.—The Secretary
5 shall, upon written request from the Chair-
6 man of the Federal Election Commission
7 pursuant to section 102C(b)(2) of the Eth-
8 ics in Government Act of 1978, provide to
9 officers and employees of the Federal Elec-
10 tion Commission copies of any income tax
11 return required to be filed under section
12 6033 by an organization described in
13 clause (iii) for any year taxable year end-
14 ing with or within the period described in
15 section 102C(b)(1)(B) of such Act.

16 “(ii) DISCLOSURE TO PUBLIC.—The
17 Federal Election Commission may disclose
18 to the public income tax returns of any or-
19 ganization described in clause (iii) that is
20 required to be filed with the Commission
21 pursuant to section 102C(b) of the Ethics
22 in Government Act of 1978.

23 “(iii) ORGANIZATION DESCRIBED.—
24 An organization is described in this clause
25 if such organization is a covered organiza-

1 tion (as defined in section 102C(a) of the
2 Ethics in Government Act of 1978) of
3 which a person who has been nominated as
4 a covered candidate (as defined in section
5 102A(a) of such Act) has been an officer,
6 director, trustee, board member, or key
7 employee (as defined in section 102C(a) of
8 such Act) during the period described in
9 section 102C(b)(1)(A) of such Act.”.

10 (c) PROVISION OF FINANCIAL DISCLOSURES TO THE
11 FEDERAL ELECTION COMMISSION.—Section 103(j) of the
12 Ethics in Government Act of 1978 (5 U.S.C. App.) is
13 amended—

14 (1) in paragraph (1), by adding at the end the
15 following: “In the case of a report filed under this
16 title with the Clerk of the House of Representatives
17 by a covered candidate, as defined in section
18 102A(a), a copy of the report shall also be sent by
19 the Clerk to the Federal Election Commission within
20 the 7-day period beginning on the day the report is
21 filed.”; and

22 (2) in paragraph (2), by adding at the end the
23 following: “In the case of a report filed under this
24 title with the Secretary of the Senate by a covered
25 candidate, as defined in section 102A(a), a copy of

1 the report shall also be sent by the Secretary to the
2 Federal Election Commission within the 7-day pe-
3 riod beginning on the day the report is filed.”.

4 **Subtitle B—Think Tank, Nonprofit,**
5 **and Advocate Transparency**

6 **SEC. 611. AMENDMENTS TO THE LOBBYING DISCLOSURE**

7 **ACT OF 1995.**

8 (a) ENFORCEMENT REPORT.—Section 6(b) of the
9 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)) is
10 amended—

11 (1) by striking paragraph (1) and inserting the
12 following:

13 “(1) REPORTS.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), after the end of each semiannual pe-
16 riod beginning on January 1 and July 1, the
17 Attorney General, in consultation with the Di-
18 rector of the Office of Public Integrity, shall
19 submit to each congressional committee referred
20 to in paragraph (2) a report that includes, for
21 that semiannual period a statement of—

22 “(i) the aggregate number of enforce-
23 ment actions taken by the Department of
24 Justice under this Act; and

1 “(ii) by case, any sentence or fine im-
2 posed in each such enforcement action.

3 “(B) INFORMATION NOT ALREADY A MAT-
4 TER OF PUBLIC RECORD.—A report submitted
5 under subparagraph (A) may not include the
6 name of any individual, or any personally iden-
7 tifiable information, that is not already a mat-
8 ter of public record, as of the date on which the
9 report is submitted.”; and
10 (2) in paragraph (2)—

11 (A) by striking “paragraph (1)” and in-
12 serting “paragraph (1)(A)”; and

13 (B) by inserting “and the Committee on
14 Oversight and Government Reform” after
15 “Committee on the Judiciary”.

16 (b) REPORTS BY THINK TANK, NONPROFIT, AND AD-
17 VOCACY GROUPS.—The Lobbying Disclosure Act of 1995
18 (2 U.S.C. 1601 et seq.) is amended—

19 (1) by redesignating sections 6 through 28 (2
20 U.S.C. 1605 et seq.), as amended by title II of this
21 Act, as sections 7 through 29, respectively; and

22 (2) by inserting after section 5 (2 U.S.C. 1604)
23 the following:

1 **“SEC. 6. REPORTS BY THINK TANK, NONPROFIT, AND ADVOCACY GROUPS.**
2

3 “(a) DEFINITION.—In this section—

4 “(1) the term ‘covered organization’ means any
5 organization—

6 “(A) that is described in paragraph (3),
7 (4), or (6) of section 501(c) of the Internal
8 Revenue Code of 1986 and exempt from tax
9 under section 501(a) of such Code; and

10 “(B) that—

11 “(i) engages in lobbying activities; or

12 “(ii) is a client; and

13 “(2) the term ‘covered product’ means any com-
14 munication that is—

15 “(A) made to a covered legislative branch
16 official or covered executive branch official in
17 the course of any lobbying contact by, or on be-
18 half of, a covered organization;

19 “(B) testimony—

20 “(i) given by, or on behalf of, a cov-
21 ered organization before a committee, sub-
22 committee, or task force of Congress; or

23 “(ii) submitted by, or on behalf of, a
24 covered organization for inclusion in the
25 public record of a hearing conducted by

1 such committee, subcommittee, or task
2 force; or

3 “(C) made by, or on behalf of, a covered
4 organization in response to a notice in the Fed-
5 eral Register, Commerce Business Daily, or
6 other similar publication soliciting communica-
7 tions from the public and directed to the agency
8 official specifically designated in the notice to
9 receive such communications.

10 “(b) REPORTS.—Not later than 1 year after the date
11 of enactment of this section, and not later than January
12 30th of each year thereafter, or on the first business day
13 after January 30th if January 30th is not a business day,
14 each covered organization shall submit to the Director of
15 the Office of Public Integrity a report for the preceding
16 calendar year that includes, with respect to each covered
17 product made or given by, or on behalf of, the covered
18 organization during that year—

19 “(1) the name of each donor who donated any
20 amount that was—

21 “(A) used to pay the cost of making or giv-
22 ing the covered product; and

23 “(B) donated with the intention of sup-
24 porting any lobbying activity by the covered or-
25 ganization; and

1 “(2) a statement of whether, before the date on
2 which the covered product was made or given, any
3 existing or potential donor to the covered organiza-
4 tion previewed, commented on, reviewed, or edited
5 the covered product.

6 “(c) DISCLOSURE.—The information required to be
7 submitted with respect to a covered product under sub-
8 section (b)(2) shall be included on or with that covered
9 product.”.

10 (c) TECHNICAL AND CONFORMING AMENDMENT.—
11 Section 25(b) of the Lobbying Disclosure Act of 1995, as
12 so redesignated, is amended, in the matter preceding para-
13 graph (1), by striking “9, 10, 11, and 12” and inserting
14 “10, 11, 12, and 13”.

15 **SEC. 612. AMENDMENTS TO THE INTERNAL REVENUE CODE**
16 **OF 1986.**

17 (a) INCLUSION OF LOBBYING INFORMATION ON AN-
18 NUAL RETURNS OF CHARITABLE ORGANIZATIONS.—Sec-
19 tion 6033(b)(5) of the Internal Revenue Code of 1986 is
20 amended—

21 (1) by striking “and” before “the names”; and

22 (2) by inserting “and, if it engages in lobbying
23 activities (as defined in section 3 of the Lobbying
24 Disclosure Act of 1995) or is a client (as defined in
25 such section), a statement of whether any such con-

1 electronically, the records described in
2 paragraph (2), to make available to
3 the public on the website of the agen-
4 cy the records described in subsection
5 (p), and to award other appropriate
6 equitable relief”; and

7 (ii) in subparagraph (F)(i), in the
8 first sentence—

9 (I) by inserting “, orders an
10 agency to make available for public in-
11 spection, including by posting elec-
12 tronically, the records described in
13 paragraph (2), or orders an agency to
14 make available to the public on the
15 website of the agency the records de-
16 scribed in subsection (p),” after “im-
17 properly withheld from the complain-
18 ant”; and

19 (II) by inserting “or unavail-
20 ability of records” after “the with-
21 holding” each place that term ap-
22 pears; and

23 (B) in paragraph (6), by adding at the end
24 the following:

1 “(G)(i) Notwithstanding any determination
2 made under subparagraph (A)(i), or any appeal to
3 such a determination under subparagraph (A)(ii),
4 the Office of Government Information Services es-
5 tablished under subsection (h) shall require an agen-
6 cy to comply with a request for records made under
7 paragraph (1), (2), or (3), or any other requirement
8 of this subsection, if the Office determines that the
9 agency has not reasonably and impartially complied
10 with the requirements of this subsection.

11 “(ii) If the Office makes a determination under
12 clause (i) that an agency has not reasonably or im-
13 partially complied with a request for records made
14 under paragraph (1), (2), or (3), or any other re-
15 quirement of this subsection, and requires the agen-
16 cy to comply with that request or requirement, the
17 Office shall make available to the public on the
18 website of the Office that determination and any re-
19 sponse and regular update by the agency of compli-
20 ance by the agency.

21 “(iii) Nothing in clause (i) or (ii) shall be con-
22 strued to prevent or restrict the ability of an indi-
23 vidual to bring a suit to compel the disclosure of
24 records under this section.”;

1 (2) in subsection (d), by inserting “any Member
2 of” before “Congress”;

3 (3) in subsection (h)(3)—

4 (A) by inserting “(A)” before “The Of-
5 fice”; and

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

7 “(B) The Director of the Office of Public Integ-
8 rity, or a designee of the Director, may submit a
9 non-binding recommendation to the Office of Gov-
10 ernment Information Services regarding the disclo-
11 sure of information under this section during a me-
12 diation service provided under subparagraph (A).”;
13 and

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

15 “(n) Each agency shall maintain and make available
16 through a single website, which may be the website de-
17 scribed in subsection (m) and shall be managed by the
18 Office of Public Integrity, an agency record database
19 that—

20 “(1) contains a log of the status of each open
21 request for records from the agency under this sec-
22 tion; and

23 “(2) makes each request for records under this
24 section with which the agency complies available in
25 a format that is searchable, sortable, machine read-

1 able, and downloadable not later than 60 days after
2 the date on which the request is first received by the
3 agency.”.

4 **SEC. 622. EXEMPTIONS FROM DISCLOSURE.**

5 (a) IN GENERAL.—Section 552(b) of title 5, United
6 States Code, is amended—

7 (1) in paragraph (3)(B), by inserting “with an
8 explanation for the exemption” after “specifically
9 cites to this paragraph”;

10 (2) in paragraph (4), by inserting before the
11 semicolon at the end the following: “, only if disclo-
12 sure of the commercial or financial information is
13 likely to cause substantial harm to the competitive
14 position of the person from whom the information
15 was obtained”;

16 (3) in paragraph (5)—

17 (A) by striking “provided that the delibera-
18 tive process privilege shall not apply to records
19 created 25 years or more before the date on
20 which the records were requested” and insert-
21 ing “and excluding—

22 “(A) any opinion that is a controlling interpre-
23 tation of law;

24 “(B) any final report or memorandum created
25 by an entity other than the agency, including other

1 Governmental entities, at the request of the agency
2 and used to make a final policy decision;

3 “(C) any guidance document used by the agen-
4 cy to respond to the public; and

5 “(D) any record created not less than 25 years
6 before the date on which the records were re-
7 quested”;

8 (4) in paragraph (6), by striking “similar files”
9 and inserting “personal information, such as per-
10 sonal contact information or personal financial infor-
11 mation,”;

12 (5) in paragraph (7)—

13 (A) in subparagraph (E)—

14 (i) by inserting a comma before “if
15 such”; and

16 (ii) by inserting “and the record or in-
17 formation was created less than 25 years
18 before the date on which the records were
19 requested” after “circumvention of the
20 law”; and

21 (B) by adding “or” at the end;

22 (6) by striking paragraph (8);

23 (7) by redesignating paragraph (9) as para-
24 graph (8); and

1 (8) in the flush text following paragraph (8), as
2 so redesignated—

3 (A) by inserting before “Any reasonably
4 segregable portion” the following: “An agency
5 may not withhold information under this sub-
6 section unless the agency reasonably foresees
7 that disclosure would cause specific identifiable
8 harm to an interest protected by an exemption,
9 or if disclosure is prohibited by law.”; and

10 (B) by inserting before “If technically fea-
11 sible,” the following: “For each record withheld
12 in whole or in part under paragraph (3), the
13 agency shall identify the statute that exempts
14 the record from disclosure.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) ENERGY POLICY AND CONSERVATION
17 ACT.—Section 254(a)(2)(A) of the Energy Policy
18 and Conservation Act (42 U.S.C. 6274(a)(2)(A)) is
19 amended by striking “(b)(9)” and inserting
20 “(b)(8)”.

21 (2) FEDERAL CREDIT UNION ACT.—Section
22 216(j)(3)(A) of the Federal Credit Union Act (12
23 U.S.C. 1790d(j)(3)(A)) is amended—

24 (A) by striking “; or” and all that follows
25 and inserting a period; and

1 (B) by striking “excising” and all that fol-
2 lows through “any portion” and inserting “ex-
3 cising any portion”.

4 (3) SECURITIES EXCHANGE ACT OF 1934.—Sec-
5 tion 24 of the Securities Exchange Act of 1934 (15
6 U.S.C. 78x) is amended—

7 (A) in subsection (d), by striking “(g)”
8 and inserting “(f)”;

9 (B) by striking subsection (e); and

10 (C) by redesignating subsections (f) and
11 (g) as subsections (e) and (f), respectively.

12 **SEC. 623. PUBLIC INTEREST BALANCING TEST.**

13 Section 552 of title 5, United States Code (commonly
14 known as the “Freedom of Information Act”), as amended
15 by this subtitle, is amended—

16 (1) in subsection (b), in the matter preceding
17 paragraph (1), by striking “This section” and in-
18 serting “Subject to subsection (o), this section”; and

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

20 “(o)(1) Notwithstanding the applicability of an ex-
21 emption from disclosure under subsection (b), an agency
22 shall make available a record or any segregable portion
23 of a record if the public interest in disclosure clearly out-
24 weighs the interest protected by the exemption.

1 “(2) In evaluating the public interest in disclosing a
2 record or a portion of a record under paragraph (1), an
3 agency and courts shall consider —

4 “(A) the extent to which access to the record
5 will further public understanding of the operations
6 or decision making of an agency or Government offi-
7 cial;

8 “(B) the extent to which the age of the record
9 diminishes the rationale for withholding the record;

10 “(C) any reasonable suspicion of governmental
11 wrongdoing;

12 “(D) the importance of the record to the public
13 in order for the public to make informed decisions
14 with respect to the electoral and democratic process;
15 and

16 “(E) any other factors that the agency or court
17 determines necessary.”.

18 **SEC. 624. AFFIRMATIVE DISCLOSURE OF AGENCY RECORDS**

19 **ON WEBSITE.**

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 by adding at the end the fol-
23 lowing:

24 “(p)(1) Each agency shall make available to the pub-
25 lic on the website of the agency—

1 “(A) information relating to each advisory com-
2 mittee (as defined in section 3 of the Federal Advi-
3 sory Committee Act (5 U.S.C. App.)) of the agency,
4 including—

5 “(i) the charter of the advisory committee
6 and a description of the activities of the advi-
7 sory committee;

8 “(ii) the name and basic biography of each
9 member of the advisory committee, and any
10 conflict of interest, ethics waiver, or recusal in-
11 formation relating to each member;

12 “(iii) the meeting agendas, minutes, tran-
13 scripts, and any recordings of the advisory com-
14 mittee;

15 “(iv) any upcoming events of the advisory
16 committee;

17 “(v) timelines of any ongoing advisory
18 committee work; and

19 “(vi) a full list of nominated members of
20 the advisory committee and the final selected
21 membership of the advisory committee;

22 “(B) information relating to Federal contracts
23 of the agency, including—

24 “(i) a copy of each contract, task, and de-
25 livery order;

1 “(ii) information on past performance of
2 contractors, if available; and

3 “(iii) except for information that is exempt
4 from disclosure under subsection (b)(4), all cor-
5 respondence and documents related to the pro-
6 vision of services to the Federal Government by
7 contractors earning—

8 “(I) \$10,000,000 during a 1-year pe-
9 riod under a Federal contract or license; or

10 “(II) more than 20 percent of total
11 revenue of the contractor from Federal
12 sources;

13 “(C) ethics documents maintained by the Office
14 of Public Integrity, including—

15 “(i) final submissions of ethics paperwork
16 for an individual in a position on any level of
17 the Executive Schedule under subchapter II of
18 chapter 53 of this title;

19 “(ii) waivers; and

20 “(iii) any document granting a recusal on
21 a specific issue for an individual in a position
22 on any level of the Executive Schedule under
23 subchapter II of chapter 53 of this title;

24 “(D) basic employee organizational charts and
25 office contact information, including—

1 “(i) charts that minimally include the
2 names, job titles, and salaries of all noncareer
3 appointees and career appointees, as defined in
4 section 3132 of this title; and

5 “(ii) front office contact information for
6 every office within the agency;

7 “(E) each communication sent to Congress or
8 to a committee of Congress, including—

9 “(i) congressional testimony;

10 “(ii) each unclassified report submitted to
11 Congress, as required by statute; and

12 “(iii) each response to questions for con-
13 gressional hearing records, provided that the re-
14 sponse does not include individual casework or
15 constituent information; and

16 “(F) human resources data of the agency, in
17 the aggregate, including—

18 “(i) the number of involuntary transfers,
19 hires, and voluntary and involuntary departures
20 each quarter; and

21 “(ii) information on the racial, ethnic, and
22 gender diversity with respect to hires, depart-
23 tures, and involuntary transfers.

24 “(2) If an agency is unable to maintain a website de-
25 scribed in paragraph (1) due to resource constraints, the

1 agency shall submit the information required to be made
2 available under paragraph (1) to the Director of the Office
3 of Public Integrity, who shall make the information avail-
4 able on a website managed by the Office of Public Integ-
5 rity, such as the website described in subsection (m).”.

6 **SEC. 625. APPLICABILITY.**

7 This subtitle and the amendments made by this sub-
8 title shall apply on and after the date of enactment of this
9 Act.

10 **Subtitle D—Federal Contractor**
11 **Transparency**

12 **SEC. 631. EXPANDING APPLICABILITY OF THE FREEDOM OF**
13 **INFORMATION ACT TO FEDERAL CONTRAC-**
14 **TORS.**

15 (a) DEFINITION OF AGENCY.—In this section, the
16 term “agency” has the meaning given the term in section
17 552(f) of title 5, United States Code.

18 (b) APPLICABILITY OF FOIA.—A record relating to
19 a Federal contractor, including a record relating to a non-
20 Federal prison, correctional, or detention facility, pro-
21 duced during fulfillment of the Federal contract with an
22 agency with funds provided under the contract shall be—

23 (1) considered a record for purposes of section
24 552(f)(2) of title 5, United States Code, whether in

1 the possession of the Federal contractor or an agen-
2 cy; and

3 (2) subject to section 552 of title 5, United
4 States Code (commonly known as the “Freedom of
5 Information Act”), to the same extent as if the
6 record was maintained by an agency.

7 (c) WITHHOLDING OF INFORMATION.—An agency
8 may not withhold information that would otherwise be re-
9 quired to be disclosed under subsection (b) unless—

10 (1) the agency, based on the independent as-
11 sessment of the agency, reasonably foresees that dis-
12 closure of the information would cause specific iden-
13 tifiable harm to an interest protected by an exemp-
14 tion from disclosure under section 552(b) of title 5,
15 United States Code; or

16 (2) disclosure of the information is prohibited
17 by law.

18 (d) REGULATIONS.—

19 (1) IN GENERAL.—An agency may promulgate
20 regulations or guidance to ensure compliance with
21 this section by the agency and Federal contractors.

22 (2) COMPLIANCE BY FEDERAL CONTRAC-
23 TORS.—

24 (A) IN GENERAL.—Compliance with this
25 section by an applicable entity shall be included

1 as a material term in any contract, agreement,
2 or renewal of a contract or agreement between
3 the agency and the Federal contractor.

4 (B) MODIFICATION OF CONTRACT OR
5 AGREEMENT.—Not later than 1 year after the
6 date of enactment of this Act, an agency shall
7 secure a modification to include compliance
8 with this section by a Federal contractor as a
9 material term in any contract or agreement de-
10 scribed under subparagraph (A) that will not
11 otherwise be renegotiated, renewed, or modified
12 before the date that is 1 year after the date of
13 enactment of this Act.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to limit or reduce the scope of
16 State or local open records laws.

17 **SEC. 632. PUBLIC DISCLOSURE BY LARGE CONTRACTORS.**

18 (a) DEFINITION.—In this section, the term “covered
19 contractor” means an entity that earns more than—

20 (1) \$10,000,000 during a 1-year period under
21 a Federal contract or license; or

22 (2) 20 percent of the total revenue of the entity
23 from Federal sources.

24 (b) REQUIREMENT.—Each covered contractor shall,
25 on an annual basis, submit to the Director of the Office

1 of Public Integrity and the Administrator of the Office
2 of Federal Procurement Policy—

3 (1) any audited financial statements of the cov-
4 ered contractor;

5 (2) a listing of the salaries of employees of the
6 covered contractor providing services on Federal
7 contracts that are compensated over \$100,000 per
8 year;

9 (3) a detailed list of all Federal political spend-
10 ing by the covered contractor; and

11 (4) the identity of each beneficial owner of the
12 covered contractor, including—

13 (A) name;

14 (B) current residential or business street
15 address; and

16 (C) whether the beneficial owner is a for-
17 eign person.

18 (c) PENALTY.—The Director of the Office of Man-
19 agement and Budget may—

20 (1) in consultation with the Administrator of
21 the Office of Federal Procurement Policy and the
22 Director of the Office of Public Integrity, tempo-
23 rarily or indefinitely disqualify a covered contractor
24 from receiving a Federal contract if the Director of
25 the Office of Management and Budget determines

1 that the covered contractor failed to comply with the
2 requirement under subsection (b); and

3 (2) reinstate the ability of a covered contractor
4 described in paragraph (1) to receive a Federal con-
5 tract.

6 **Subtitle E—Congressional** 7 **Transparency**

8 **SEC. 641. INCREASED TRANSPARENCY OF COMMITTEE** 9 **WORK.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “Committee” means—

12 (A) a committee of the House of Rep-
13 resentatives;

14 (B) a committee of the Senate; and

15 (C) a subcommittee of a committee de-
16 scribed in paragraph (1) or (2);

17 (2) the term “covered hearing” means a public
18 hearing held by a Committee; and

19 (3) the term “covered markup” means a public
20 markup held by a Committee.

21 (b) SCHEDULE.—At the same time as the schedule
22 is made available to members of a Committee, but not
23 later than 7 days before the date of a covered hearing or
24 covered markup (unless the Chairman and Ranking Mi-
25 nority Member of the Committee agree to waive the 7-

1 day requirement), each Committee shall make available on
2 the website of the Committee the schedule of covered hear-
3 ings and covered markups of the Committee.

4 (c) INFORMATION REQUIRED FOR MARKUPS.—At the
5 same time as the materials are made available to members
6 of a Committee, but not later than 24 hours before the
7 time of a covered markup (unless the Chairman and Rank-
8 ing Minority Member of the Committee agree to waive the
9 24-hour requirement), the Committee shall make available
10 on the website of the Committee any bill or resolution to
11 be considered at the covered markup and any amendments
12 to such a bill or resolution filed with the Committee.

13 (d) ADDITIONAL REQUIRED INFORMATION.—Not
14 later than 24 hours after holding a covered hearing or a
15 covered markup, a Committee shall make available on the
16 website of the Committee—

17 (1) a description of the topic of the covered
18 hearing or covered markup;

19 (2) any legislation related to the covered hear-
20 ing or covered markup;

21 (3) the written testimony of any witness;

22 (4) any documents or materials entered into the
23 record;

1 (5) any written opening statements of the
2 Chairman or Ranking Minority Member of the Com-
3 mittee; and

4 (6) audio and video recordings of the covered
5 hearing or covered markup.

6 (e) TRANSCRIPTS.—Not later than 45 days after
7 holding a covered hearing or covered markup, a Com-
8 mittee shall make available on the website of the Com-
9 mittee transcripts of the covered hearing or covered mark-
10 up.

11 (f) REPORTED MEASURES.—Not later than 24 hours
12 after a covered markup during which a Committee orders
13 a bill or resolution to be reported, the Committee shall
14 post on the website of the Committee—

15 (1) each amendment to the bill or resolution
16 that was agreed to, except for technical and con-
17 forming changes authorized by the Committee; and

18 (2) a record of each vote taken on the bill or
19 resolution or an amendment thereto.

20 (g) COMPARATIVE PRINT.—

21 (1) IN GENERAL.—Not later than 45 days after
22 a Committee reports a bill or joint resolution pro-
23 posing to repeal or amend a statute or part thereof,
24 the Committee shall include in its report or in an ac-

1 accompanying document and make available on the
2 website of the Committee—

3 (A) the entire text of each section of a
4 statute that is proposed to be repealed or
5 amended; and

6 (B) a comparative print of each amend-
7 ment to a section of a statute that the bill or
8 joint resolution proposes to make, showing by
9 appropriate typographical devices the omissions
10 and insertions proposed.

11 (2) COMMITTEE AMENDMENTS.—If a Com-
12 mittee reports a bill or joint resolution proposing to
13 repeal or amend a statute or part thereof with a rec-
14 ommendation that the bill or joint resolution be
15 amended, the comparative print required by para-
16 graph (1) shall reflect the changes in existing law
17 proposed to be made by the bill or joint resolution
18 as proposed to be amended.

19 (3) AVAILABILITY.—Each Committee shall
20 make reasonable efforts to make a comparative print
21 required by paragraph (1) available to the members
22 of the Committee and to the public as early as prac-
23 ticable, and before a covered markup, if practical.

24 (h) QUESTIONS FOR THE RECORD.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), for each covered hearing or covered mark-
3 up, a Committee shall make available on the website
4 of the Committee any response to questions for the
5 record of the covered hearing or covered markup
6 that the Committee receives from a testifying wit-
7 ness.

8 (2) PROTECTION OF CERTAIN INFORMATION.—
9 Upon agreement by the Chairman and Ranking Mi-
10 nority Member of a Committee, a response described
11 in paragraph (1) may be withheld from the website
12 of the Committee if it includes individual casework
13 or constituent information or information that the
14 Chairman and Ranking Minority Member determine
15 is confidential information.

16 **SEC. 642. INCREASED TRANSPARENCY OF RECORDED**
17 **VOTES.**

18 (a) DEFINITION.—In this section, the term “Member
19 of Congress” means a member of the House of Represent-
20 atives and a member of the Senate.

21 (b) ADDITIONAL DUTIES OF THE CLERK OF THE
22 HOUSE OF REPRESENTATIVES AND THE SECRETARY OF
23 THE SENATE.—The Clerk of the House of Representatives
24 and the Secretary of the Senate shall make available on
25 the website of the Office of the Clerk or of the Secretary,

1 respectively, a record of the recorded votes of each Mem-
2 ber of Congress who is a member of their House of Con-
3 gress, organized by the name of the Member of Congress,
4 in a structured data format, which shall include the roll,
5 date, issue, question, result, and title or description of the
6 vote.

7 (c) WEB LINK.—Each Member of Congress shall pro-
8 vide a link on the website of the Member of Congress to
9 the record of recorded votes of the Member of Congress
10 made available by the Clerk of the House of Representa-
11 tives or the Secretary of the Senate, as applicable.

12 (d) EFFECTIVE DATE.—This section shall apply to
13 recorded votes by Members of Congress occurring after
14 the date of enactment of this Act.

15 **SEC. 643. INCREASED TRANSPARENCY OF APPROPRIA-**
16 **TIONS BILLS.**

17 (a) INCLUSION.—The Clerk of the House of Rep-
18 resentatives and the Secretary of the Senate shall ensure
19 that each report accompanying any appropriations bill re-
20 ported by the Committees on Appropriations of the House
21 of Representatives or the Committee on Appropriations of
22 the Senate, respectively, includes a formatted spreadsheet
23 showing the amounts made available by the bill, in a tab-
24 ular, digital format that shows separate entries for each
25 fiscal year covered by the bill.

1 (b) **EFFECTIVE DATE.**—Subsection (a) shall apply
2 with respect to any appropriations bill making funds avail-
3 able for fiscal year 2019 or any fiscal year thereafter.