

109TH CONGRESS
1ST SESSION

S. 1398

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

IN THE SENATE OF THE UNITED STATES

JULY 14, 2005

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

TITLE I—ENHANCING LOBBYING DISCLOSURE

Sec. 101. Quarterly filing of lobbying disclosure reports.

Sec. 102. Electronic filing of lobbying disclosure reports.

Sec. 103. Public database of lobbying disclosure information.

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

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

TITLE II—SLOWING THE REVOLVING DOOR

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

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

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

TITLE IV—OVERSIGHT OF ETHICS AND LOBBYING

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

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

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

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

8 (1) in subsection (a)—

1 (A) by striking “Semiannual” and insert-
2 ing “Quarterly”;

3 (B) by striking “the semiannual period”
4 and all that follows through “July of each
5 year” and insert “the quarterly period begin-
6 ning on the first days of January, April, July,
7 and October of each year”; and

8 (C) by striking “such semiannual period”
9 and insert “such quarterly period”; and
10 (2) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by striking “semiannual report” and inserting
13 “quarterly report”;

14 (B) in paragraph (2), by striking “semi-
15 annual filing period” and inserting “quarterly
16 period”;

17 (C) in paragraph (3), by striking “semi-
18 annual period” and inserting “quarterly pe-
19 riod”; and

20 (D) in paragraph (4), by striking “semi-
21 annual filing period” and inserting “quarterly
22 period”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) DEFINITION.—Section 3 of such Act (2
25 U.S.C. 1602) is amended in paragraph (10) by

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

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

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

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

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

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

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

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

23 (5) DOLLAR AMOUNTS.—

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

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

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

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

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

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

12 is further amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(2) CLIENT.—

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

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

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

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

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

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

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

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

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

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

6 (b) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

13 (a) VERY SENIOR EXECUTIVE PERSONNEL.—

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

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

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

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

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

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

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

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

22 “(2) CONGRESSIONAL EMPLOYEES.—

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

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

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

25 (B) in paragraph (6)—

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

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

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

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

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

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

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

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

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

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

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

1 (1) in subsection (b)(1)—

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

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

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

17 (3) in subsection (d)(1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (b) SENATE.—

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

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

2 (B) adding at the end the following:

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

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

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

17 “(1) the date of the flight;

18 “(2) the destination of the flight;

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

21 “(4) the purpose of the trip; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (a) PROHIBITION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (F) PERSONAL FRIENDSHIP.—

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

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

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

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

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

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

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

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

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

6 (I) CERTAIN FOODS OR REFRESHMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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