

110TH CONGRESS
1ST SESSION

S. 192

To provide greater transparency with respect to lobbying activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and 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 greater transparency with respect to lobbying activities, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Lobbying, Ethics, and Earmarks Transparency and Ac-
6 countability Act of 2007”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 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. Disclosure by registered lobbyists of all past executive and congressional employment.
- Sec. 105. Disclosure of lobbyist contributions and payments.
- Sec. 106. Increased penalty for failure to comply with lobbying disclosure requirements.

TITLE II—SLOWING THE REVOLVING DOOR

- Sec. 201. Post employment restrictions.
- Sec. 202. Additional employment rights.
- Sec. 203. Public disclosure by Members of Congress of employment negotiations.
- Sec. 204. Elimination of certain privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.

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

- Sec. 301. Requirement of full payment and disclosure of charter flights.
- Sec. 302. Increased disclosure of travel by Members.
- Sec. 303. Guidelines respecting travel expenses.
- Sec. 304. Valuation of tickets to sporting and entertainment events.
- Sec. 305. Ban on gifts from lobbyists.

TITLE IV—SENATE OFFICE OF PUBLIC INTEGRITY

- Sec. 401. Establishment of Senate Office of Public Integrity.
- Sec. 402. Director.
- Sec. 403. Duties and powers of the office.
- Sec. 404. Investigations and interaction with the Senate Select Committee on Ethics.
- Sec. 405. Procedural rules.
- Sec. 406. SOPI employees under the Congressional Accountability Act.
- Sec. 407. Effective date.

TITLE V—OVERSIGHT OF ETHICS AND LOBBYING

- Sec. 501. Comptroller General review and semiannual reports.
- Sec. 502. Mandatory Senate ethics training for Members and staff.

TITLE VI—CONGRESSIONAL TRANSPARENCY

- Sec. 601. Reform of consideration of appropriations bills in the Senate.
- Sec. 602. Prohibition on obligation of funds for appropriations earmarks included only in congressional reports.
- Sec. 603. Consideration of conference reports.
- Sec. 604. Disclosure.
- Sec. 605. Requirement of notice of intent to proceed.

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 (in this title referred
7 to as the “Act”) (2 U.S.C. 1604) is amended—

8 (1) in subsection (a)—

9 (A) by striking “Semiannual” and insert-
10 ing “Quarterly”;

11 (B) by striking “the semiannual period”
12 and all that follows through “July of each
13 year” and insert “the quarterly period begin-
14 ning on the first days of January, April, July,
15 and October of each year”; and

16 (C) by striking “such semiannual period”
17 and insert “such quarterly period”; and

18 (2) in subsection (b)—

19 (A) in the matter preceding paragraph (1),
20 by striking “semiannual report” and inserting
21 “quarterly report”;

22 (B) in paragraph (2), by striking “semi-
23 annual filing period” and inserting “quarterly
24 period”;

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

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

7 (b) CONFORMING AMENDMENTS.—

8 (1) DEFINITION.—Section 3(10) of the Act (2
9 U.S.C. 1602) is amended by striking “six month pe-
10 riod” and inserting “three-month period”.

11 (2) REGISTRATION.—Section 4 of the Act (2
12 U.S.C. 1603) is amended—

13 (A) in subsection (a)(3)(A), by striking
14 “semiannual period” and inserting “quarterly
15 period”; and

16 (B) in subsection (b)(3)(A), by striking
17 “semiannual period” and inserting “quarterly
18 period”.

19 (3) ENFORCEMENT.—Section 6(6) of the Act (2
20 U.S.C. 1605(6)) is amended by striking “semiannual
21 period” and inserting “quarterly period”.

22 (4) ESTIMATES.—Section 15 of the Act (2
23 U.S.C. 1610) is amended—

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

4 (B) in subsection (b)(1), by striking “semi-
5 annual period” and inserting “quarterly pe-
6 riod”.

7 (5) DOLLAR AMOUNTS.—

8 (A) REGISTRATION.—Section 4 of the Act
9 (2 U.S.C. 1603) is amended—

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

12 (ii) in subsection (a)(3)(A)(ii), by
13 striking “\$20,000” and inserting
14 “\$10,000”;

15 (iii) in subsection (b)(3)(A), by strik-
16 ing “\$10,000” and inserting “\$5,000”;
17 and

18 (iv) in subsection (b)(4), by striking
19 “\$10,000” and inserting “\$5,000”.

20 (B) REPORTS.—Section 5 of the Act (2
21 U.S.C. 1604) is amended—

22 (i) in subsection (c)(1), by striking
23 “\$10,000” and “\$20,000” and inserting
24 “\$5,000” and “\$10,000”, respectively; and

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

4 **SEC. 102. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
5 **REPORTS.**

6 Section 5 of the Act (2 U.S.C. 1604) is amended by
7 adding at the end the following:

8 “(d) **ELECTRONIC FILING REQUIRED.**—A report re-
9 quired to be filed under this section shall be filed in elec-
10 tronic form, in addition to any other form that may be
11 required by the Secretary of the Senate or the Clerk of
12 the House of Representatives.”

13 **SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
14 **FORMATION.**

15 (a) **DATABASE REQUIRED.**—Section 6 of the Act (2
16 U.S.C. 1605) is amended—

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

19 (2) in paragraph (8), by striking the period and
20 inserting “; and”; and

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

22 “(9) maintain, and make available to the public
23 over the Internet, without a fee or other access
24 charge, in a searchable, sortable, and downloadable
25 manner, an electronic database that—

1 and all that follows through “as a lobbyist on behalf of
2 the client,” and inserting “or a covered legislative branch
3 official,”.

4 **SEC. 105. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND**
5 **PAYMENTS.**

6 Section 5(b) of the Act (2 U.S.C. 1604(b)) is amend-
7 ed—

8 (1) in paragraph (4), by striking “and” after
9 the semicolon;

10 (2) in paragraph (5), by striking the period and
11 inserting a semicolon; and

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

13 “(6) for each registrant (and for any political
14 committee, as defined in 301(4) of the Federal Elec-
15 tion Campaign Act of 1971 (2 U.S.C. 431(4)), affili-
16 ated with such registrant), and for each employee
17 listed as a lobbyist by a registrant under paragraph
18 (2)(C)—

19 “(A) the name of each Federal candidate
20 or officeholder, leadership PAC, or political
21 party committee, to whom a contribution was
22 made, and the date and amount of such con-
23 tribution; and

24 “(B) the name of each Federal candidate
25 or officeholder, or a leadership PAC of such

1 candidate or officeholder, or political party com-
2 mittee for whom a fundraising event was
3 hosted, cohosted, or otherwise sponsored, the
4 date and location of the event, and the total
5 amount raised by the event;

6 “(7) the name of each covered legislative
7 branch official or covered executive branch official
8 for whom the registrant or employee listed as a lob-
9 byist provided, or directed or arranged to be pro-
10 vided, any payment or reimbursements for travel
11 and related expenses in connection with the duties of
12 such covered official, including for each such offi-
13 cial—

14 “(A) an itemization of the payments or re-
15 imbursements provided to finance the travel
16 and related expenses and to whom the pay-
17 ments or reimbursements were made, including
18 any payment or reimbursement made with the
19 express or implied understanding or agreement
20 that such funds will be used for travel and re-
21 lated expenses;

22 “(B) the purpose and final itinerary of the
23 trip, including a description of all meetings,
24 tours, events, and outings attended;

1 “(C) the names of any registrant or indi-
2 vidual employed by the registrant who traveled
3 on any such trip;

4 “(D) the identity of official or listed spon-
5 sor of travel; and

6 “(E) the identity of any person or entity,
7 other than the listed sponsor of the travel,
8 which directly or indirectly provided for pay-
9 ment of travel and related expenses at the re-
10 quest or suggestion of the registrant or the em-
11 ployee; and

12 “(8) the date, recipient, and amount of funds
13 contributed or disbursed by, or arranged by, a reg-
14 istrant or employee listed as a lobbyist—

15 “(A) to pay the costs of an event to honor
16 or recognize a covered legislative branch official
17 or covered executive branch official;

18 “(B) to, or on behalf of, an entity that is
19 named for a covered legislative branch official
20 or covered executive branch official, or to a per-
21 son or entity in recognition of such official;

22 “(C) to an entity established, financed,
23 maintained, or controlled by a covered legisla-
24 tive branch official or covered executive branch

1 official, or an entity designated by such official;

2 or

3 “(D) to pay the costs of a meeting, retreat,
4 conference, or other similar event held by, or
5 for the benefit of, 1 or more covered legislative
6 branch officials or covered executive branch of-
7 ficials;

8 except that this paragraph shall not apply to any
9 payment or reimbursement made from funds re-
10 quired to be reported under section 304 of the Fed-
11 eral Election Campaign Act of 1971 (2 U.S.C. 434).

12 For purposes of paragraph (9), the term ‘gift’ means a
13 gratuity, favor, discount, entertainment, hospitality, loan,
14 forbearance, or other item having monetary value. The
15 term includes gifts of services, training, transportation,
16 lodging, and meals, whether provided in-kind, by purchase
17 of a ticket, payment in advance, or reimbursement after
18 the expense has been incurred.”.

19 **SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY**
20 **WITH LOBBYING DISCLOSURE REQUIRE-**
21 **MENTS.**

22 Section 7 of the Act (2 U.S.C. 1606) is amended by
23 striking “\$50,000” and inserting “\$100,000”.

1 **TITLE II—SLOWING THE**
2 **REVOLVING DOOR**

3 **SEC. 201. POST EMPLOYMENT RESTRICTIONS.**

4 (a) IN GENERAL.—Paragraph 9 of rule XXXVII of
5 the Standing Rules of the Senate is amended by—

6 (1) designating the first sentence as subpara-
7 graph (a);

8 (2) designating the second sentence as subpara-
9 graph (b); and

10 (3) adding at the end the following:

11 “(c) If an employee on the staff of a Member or on
12 the staff of a committee whose rate of pay is equal to or
13 greater than 75 percent of the rate of pay of a Member
14 and employed at such rate for more than 60 days in a
15 calendar year, upon leaving that position, becomes a reg-
16 istered lobbyist under the Lobbying Disclosure Act of
17 1995, or is employed or retained by such a registered lob-
18 byist for the purpose of influencing legislation, such em-
19 ployee may not lobby any Member, officer, or employee
20 of the Senate for a period of 1 year after leaving that
21 position.”.

22 (b) EFFECTIVE DATE.—This section shall take effect
23 60 days after the date of enactment of this title.

1 **SEC. 202. ADDITIONAL EMPLOYMENT RIGHTS.**

2 (a) IN GENERAL.—Section 104 of the Indian Self-
3 Determination and Education Assistance Act (25 U.S.C.
4 450i) is amended by striking subsection (j) and inserting
5 the following:

6 “(j) ADDITIONAL EMPLOYMENT RIGHTS.—

7 “(1) IN GENERAL.—Notwithstanding sections
8 205 and 207 of title 18, United States Code, an offi-
9 cer or employee of the United States assigned to an
10 Indian tribe under section 3372 of title 5, United
11 States Code, or section 2072 of the Revised Statutes
12 (25 U.S.C. 48), or an individual that was formerly
13 an officer or employee of the United States and who
14 is an employee of an Indian tribe employed to per-
15 form services pursuant to self-governance contracts
16 or compacts under this Act that the individual for-
17 merly performed for the United States, may commu-
18 nicate with and appear before any department, agen-
19 cy, court, or commission on behalf of the Indian
20 tribe with respect to any matter relating to the con-
21 tract or compact, including any matter in which the
22 United States is a party or has a direct and sub-
23 stantial interest.

24 “(2) NOTIFICATION OF INVOLVEMENT IN PEND-
25 ING MATTER.—An officer, employee, or former offi-
26 cer or employee described in paragraph (1) shall

1 submit to the head of each appropriate department,
2 agency, court, or commission, in writing, a notifica-
3 tion of any personal and substantial involvement the
4 officer, employee, or former officer or employee had
5 as an officer or employee of the United States with
6 respect to the pending matter.”.

7 (b) EFFECTIVE DATE.—The effective date of the
8 amendment made by this section shall be the date that
9 is 1 year after the date of enactment of this Act.

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 file with the Clerk of the House of Representatives
19 for public disclosure, a statement that he or she is negoti-
20 ating or has any arrangement concerning prospective em-
21 ployment if a conflict of interest or the appearance of a
22 conflict of interest may exist. Such statement shall be
23 made within 3 days after the commencement of such nego-
24 tiation or arrangement.”.

1 (b) SENATE.—Rule XXXVII of the Standing Rules
 2 of the Senate is amended by adding at the end the fol-
 3 lowing:

4 “13. A Member shall file with the Secretary of the
 5 Senate, for public disclosure, a statement that he or she
 6 is negotiating or has any arrangement concerning prospec-
 7 tive employment if a conflict of interest or the appearance
 8 of a conflict of interest may exist. Such statement shall
 9 be made within 3 days after the commencement of such
 10 negotiation or arrangement.”.

11 **SEC. 204. ELIMINATION OF CERTAIN PRIVILEGES FOR**
 12 **FORMER MEMBERS, SENATE OFFICERS, AND**
 13 **SPEAKERS OF THE HOUSE WHO ARE LOBBY-**
 14 **ISTS OR SEEK FINANCIAL GAIN.**

15 Rule XXIII of the Standing Rules of the Senate is
 16 amended by—

17 (1) inserting “1.” before “Other”;

18 (2) inserting after “Ex-Senators and Senators
 19 elect” the following: “, except as provided in para-
 20 graph 2”;

21 (3) inserting after “Ex-Secretaries and ex-Ser-
 22 geants at Arms of the Senate” the following: “, ex-
 23 cept as provided in paragraph 2”;

1 (4) inserting after “Ex-Speakers of the House
2 of Representatives” the following: “, except as pro-
3 vided in paragraph 2”; and

4 (5) adding at the end the following:

5 “2. (a) The floor privilege provided in paragraph 1
6 shall not apply to an individual covered by this paragraph
7 who is—

8 “ (1) a registered lobbyist or agent of a foreign
9 principal; or

10 “(2) is in the employ of or represents any party
11 or organization for the purpose of influencing, di-
12 rectly, or indirectly, the passage, defeat, or amend-
13 ment of any legislative proposal.

14 “(b) The Committee on Rules and Administration
15 may promulgate regulations to allow individuals covered
16 by this paragraph floor privileges for ceremonial functions
17 and events designated by the majority leader and the mi-
18 nority leader.

19 “(c) The Committee on Rules and Administration
20 shall promulgate regulations to prevent individuals cov-
21 ered by this paragraph from making use of Senate or
22 House of Representatives gymnasium facilities.

23 “(d) The Committee on Rules and Administration
24 shall promulgate regulations to prevent individuals cov-

1 ered by this paragraph from making use of Senate or
 2 House of Representatives reserved parking facilities.”.

3 **TITLE III—CURBING EXCESSES**
 4 **IN PRIVATELY FUNDED TRAV-**
 5 **EL AND LOBBYIST GIFTS**

6 **SEC. 301. REQUIREMENT OF FULL PAYMENT AND DISCLO-**
 7 **SURE OF CHARTER FLIGHTS.**

8 (a) HOUSE OF REPRESENTATIVES.—

9 (1) IN GENERAL.—Clause 5(a)(3)(A) of rule
 10 XXV of the Standing Rules of the House of Rep-
 11 resentatives is amended by—

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

13 (B) adding at the end the following:

14 “(2) Market value for a flight on an airplane
 15 that is not licensed by the Federal Aviation Adminis-
 16 tration to operate for compensation or hire shall be
 17 the fair market value of a charter flight. The Com-
 18 mittee on Standards of Official Conduct shall make
 19 public information received under this subparagraph
 20 as soon as possible after it is received.”.

21 (2) DISCLOSURE.—Clause 5 of rule XXV of the
 22 Standing Rules of the House of Representatives is
 23 amended by adding at the end the following:

24 “(g) A Member, officer, or employee who takes a
 25 flight described in paragraph (a)(3)(A)(2) shall, with re-

1 spect to the flight, file a report with the Clerk of the
2 House of Representatives for public disclosure within 10
3 days after the flight—

4 “(1) the date of the flight;

5 “(2) the destination of the flight;

6 “(3) who else was on the flight, other than
7 those operating the plane; and

8 “(4) the purpose of the trip.”

9 (b) SENATE.—

10 (1) IN GENERAL.—Paragraph 1(c)(1) of rule
11 XXXV of the Standing Rules of the Senate is
12 amended by—

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

14 (B) adding at the end the following:

15 “(B) Market value for a flight on an airplane
16 that is not licensed by the Federal Aviation Adminis-
17 tration to operate for compensation or hire shall be
18 the fair market value of a charter flight. The Select
19 Committee on Ethics shall make public information
20 received under this subparagraph as soon as possible
21 after it is received.”

22 (2) DISCLOSURE.—Paragraph 1 of rule XXXV
23 of the Standing Rules of the Senate is amended by
24 adding at the end the following:

1 “(h) A Member, officer, or employee who takes a
 2 flight described in subparagraph (c)(1)(B) shall, with re-
 3 spect to the flight, file a report with the Secretary of the
 4 Senate for public disclosure within 10 days after the
 5 flight—

6 “(1) the date of the flight;

7 “(2) the destination of the flight;

8 “(3) who else was on the flight, other than
 9 those operating the plane; and

10 “(4) the purpose of the trip.”.

11 (c) CANDIDATES.—Subparagraph (B) of section
 12 301(8) of the Federal Election Campaign Act of 1971 (2
 13 U.S.C. 431(8)(B)) is amended by—

14 (1) in clause (xiii), striking “and” at the end;

15 (2) in clause (xiv), by striking the period and
 16 inserting “; and”; and

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

18 “(xv) any travel expense for a flight
 19 on an airplane that is not licensed by the
 20 Federal Aviation Administration to operate
 21 for compensation or hire, but only if the
 22 candidate or the candidate’s authorized
 23 committee or other political committee
 24 pays within 7 days after the date of the
 25 flight to the owner, lessee, or other person

1 who provides the use of the airplane an
2 amount not less than the normal and usual
3 charter fare or rental charge for a com-
4 parable commercial airplane of appropriate
5 size.”.

6 **SEC. 302. INCREASED DISCLOSURE OF TRAVEL BY MEM-**
7 **BERS.**

8 (a) HOUSE OF REPRESENTATIVES.—Clause
9 5(b)(1)(A)(ii) of rule XXV of the Rules of the House of
10 Representatives is amended by—

11 (1) inserting “a detailed description and
12 itemization of each of” before “the expenses”; and

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

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

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

20 (2) by redesignating subclause (6) as subclause
21 (7); and

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

23 “(6) a detailed description and itemization of
24 all meetings, tours, events, and outings attended
25 during such travel; and”.

1 **SEC. 303. GUIDELINES RESPECTING TRAVEL EXPENSES.**

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

6 “(2) Within 90 days after the date of adoption of this
7 subparagraph and at annual intervals thereafter, the Com-
8 mittee on Standards of Official Conduct shall develop and
9 revise, as necessary, guidelines on what constitutes ‘rea-
10 sonable expenses’ or ‘reasonable expenditures’ for pur-
11 poses of paragraph (b)(4). In developing and revising the
12 guidelines, the committee shall take into account the max-
13 imum per diem rates for official Government travel pub-
14 lished annually by the General Services Administration,
15 the Department of State, and the Department of De-
16 fense.”.

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

19 “(7) Not later than 90 days after the date of
20 adoption of this paragraph and at annual intervals
21 thereafter, the Select Committee on Ethics shall de-
22 velop and revise, as necessary, guidelines on what
23 constitutes ‘reasonable expenses’ or ‘reasonable ex-
24 penditures’ for purposes of this rule. In developing
25 and revising the guidelines, the committee shall take
26 into account the maximum per diem rates for official

1 Government travel published annually by the Gen-
2 eral Services Administration, the Department of
3 State, and the Department of Defense.”.

4 **SEC. 304. VALUATION OF TICKETS TO SPORTING AND EN-**
5 **TERTAINMENT EVENTS.**

6 (a) IN GENERAL.—For a covered executive branch
7 official, a gift of a ticket to a sporting or entertainment
8 event shall be valued at the face value of the ticket, pro-
9 vided that in the case of a ticket without a face value,
10 the ticket shall be valued at the highest cost of a ticket
11 with a face value for the event.

12 (b) SENATE.—Paragraph 1(b)(1) of rule XXXV of
13 the Standing Rules of the Senate is amended by—

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

15 (2) adding at the end the following:

16 “(B) A gift of a ticket to a sporting or en-
17 tertainment event shall be valued at the face
18 value of the ticket, provided that in the case of
19 a ticket without a face value, the ticket shall be
20 valued at the highest cost of a ticket with a face
21 value for the event.”.

22 (c) HOUSE.—Clause 5(a)(2)(A) of rule XXV of the
23 Standing Rules of the House of Representatives is amend-
24 ed by—

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

1 (2) adding at the end the following:

2 “(ii) A gift of a ticket to a sporting or
3 entertainment event shall be valued at the
4 face value of the ticket, provided that in
5 the case of a ticket without a face value,
6 the ticket shall be valued at the highest
7 cost of a ticket with a face value for the
8 event.”.

9 **SEC. 305. BAN ON GIFTS FROM LOBBYISTS.**

10 Rule XXXV of the Standing Rules of the Senate is
11 amended by—

12 (1) in paragraph 1(a)(1), by—

13 (A) inserting “(A)” after “(2)”; and

14 (B) adding at the end the following:

15 “(B) This clause shall not apply to a gift from any
16 person or entity required to register pursuant to section
17 4(a) of the Lobbying Disclosure Act, or any individual or
18 entity identified as a lobbyist or a client in a registration
19 or disclosure statement filed under such Act.”; and

20 (2) in paragraph 1, by adding at the end the
21 following:

22 “(g) For purposes of this paragraph, a gift of a ticket
23 to a sporting or entertainment event shall be valued at
24 the face value printed on the ticket, provided that in the
25 case of a ticket without a face value, or in the case of

1 a ticket to a sky box, club seat or other premium seat,
2 the ticket shall be valued at the highest cost of a ticket
3 with a face value for the event.”.

4 **TITLE IV—SENATE OFFICE OF**
5 **PUBLIC INTEGRITY**

6 **SEC. 401. ESTABLISHMENT OF SENATE OFFICE OF PUBLIC**
7 **INTEGRITY.**

8 There is established, as an office within the Senate,
9 the Senate Office of Public Integrity (referred to in this
10 title as the “Office”).

11 **SEC. 402. DIRECTOR.**

12 (a) **APPOINTMENT OF DIRECTOR.—**

13 (1) **IN GENERAL.—**The Office shall be headed
14 by a Director who shall be appointed by the Presi-
15 dent Pro Tempore of the Senate upon the joint rec-
16 ommendation of the majority leader of the Senate
17 and the minority leader of the Senate. The selection
18 and appointment of the Director shall be without re-
19 gard to political affiliation and made solely on the
20 basis of fitness to perform the duties of the Office.

21 (2) **QUALIFICATIONS.—**The Director shall pos-
22 sess demonstrated integrity, independence, and pub-
23 lic credibility and shall have training or experience
24 in law enforcement, the judiciary, civil or criminal

1 litigation, or as a member of a Federal, State, or
2 local ethics enforcement agency.

3 (b) VACANCY.—A vacancy in the directorship shall be
4 filled in the manner in which the original appointment was
5 made.

6 (c) TERM OF OFFICE.—The Director shall serve for
7 a term of 5 years and may be reappointed.

8 (d) REMOVAL.—

9 (1) AUTHORITY.—The Director may be re-
10 moved by the President Pro Tempore of the Senate
11 upon the joint recommendation of the Senate major-
12 ity and minority leaders for—

13 (A) disability that substantially prevents
14 the Director from carrying out the duties of the
15 Director;

16 (B) inefficiency;

17 (C) neglect of duty; or

18 (D) malfeasance, including a felony or con-
19 duct involving moral turpitude.

20 (2) STATEMENT OF REASONS.—In removing the
21 Director, a statement of the reasons for removal
22 shall be provided in writing to the Director.

23 (e) COMPENSATION.—The Director shall be com-
24 pensated at the annual rate of basic pay prescribed for

1 level V of the Executive Schedule under section 5316 of
2 title 5, United States Code.

3 **SEC. 403. DUTIES AND POWERS OF THE OFFICE.**

4 (a) DUTIES.—The Office is authorized—

5 (1) to investigate any alleged violation by a
6 Member, officer, or employee of the Senate, of any
7 rule or other standard of conduct applicable to the
8 conduct of such Member, officer, or employee under
9 applicable Senate rules in the performance of his du-
10 ties or the discharge of his responsibilities;

11 (2) to present a case of probable ethics viola-
12 tions to the Select Committee on Ethics of the Sen-
13 ate;

14 (3) to make recommendations to the Select
15 Committee on Ethics of the Senate that it report to
16 the appropriate Federal or State authorities any
17 substantial evidence of a violation by a Member, offi-
18 cer, or employee of the Senate of any law applicable
19 to the performance of his duties or the discharge of
20 his responsibilities, which may have been disclosed in
21 an investigation by the Office; and

22 (4) subject to review by the Select Committee
23 on Ethics to approve, or deny approval, of trips as
24 provided for in paragraph 2(f) of rule XXXV of the
25 Standing Rules of the Senate.

1 (b) POWERS.—

2 (1) OBTAINING INFORMATION.—Upon request
3 of the Office, the head of any agency or instrumen-
4 tality of the Government shall furnish information
5 deemed necessary by the Director to enable the Of-
6 fice to carry out its duties.

7 (2) REFERRALS TO THE DEPARTMENT OF JUS-
8 TICE.—Whenever the Director has reason to believe
9 that a violation of law may have occurred, he shall
10 refer that matter to the Select Committee on Ethics
11 with a recommendation as to whether the matter
12 should be referred to the Department of Justice or
13 other appropriate authority for investigation or other
14 action.

15 **SEC. 404. INVESTIGATIONS AND INTERACTION WITH THE**
16 **SENATE SELECT COMMITTEE ON ETHICS.**

17 (a) INITIATION OF ENFORCEMENT MATTERS.—

18 (1) IN GENERAL.—An investigation may be ini-
19 tiated by the filing of a complaint with the Office by
20 a Member of Congress or an outside complainant, or
21 by the Office on its own initiative, based on any in-
22 formation in its possession. The Director shall not
23 accept a complaint concerning a Member of Con-
24 gress within 60 days of an election involving such
25 Member.

1 (2) FILED COMPLAINT.—

2 (A) TIMING.—In the case of a complaint
3 that is filed, the Director shall within 30 days
4 make an initial determination as to whether the
5 complaint should be dismissed or whether there
6 are sufficient grounds to conduct an investiga-
7 tion. The subject of the complaint shall be pro-
8 vided by the Director with an opportunity dur-
9 ing the 30-day period to challenge the com-
10 plaint.

11 (B) DISMISSAL.—The Director may dis-
12 miss a complaint if the Director determines—

13 (i) the complaint fails to state a viola-
14 tion;

15 (ii) there is a lack of credible evidence
16 of a violation; or

17 (iii) the violation is inadvertent, tech-
18 nical, or otherwise of a de minimis nature.

19 (C) REFERRAL.—In any case where the
20 Director decides to dismiss a complaint, the Di-
21 rector may refer the case to the Select Com-
22 mittee on Ethics of the Senate under paragraph
23 (3) to determine if the complaint is frivolous.

24 (3) FRIVOLOUS COMPLAINTS.—If the Select
25 Committee on Ethics of the Senate determines that

1 a complaint is frivolous, the committee may notify
2 the Director not to accept any future complaint filed
3 by that same person and the complainant may be re-
4 quired to pay for the costs of the Office resulting
5 from such complaint. The Director may refer the
6 matter to the Department of Justice to collect such
7 costs.

8 (4) PRELIMINARY DETERMINATION.—For any
9 investigation conducted by the Office at its own ini-
10 tiative, the Director shall make a preliminary deter-
11 mination of whether there are sufficient grounds to
12 conduct an investigation. Before making that deter-
13 mination, the subject of the investigation shall be
14 provided by the Director with an opportunity to sub-
15 mit information to the Director that there are not
16 sufficient grounds to conduct an investigation.

17 (5) NOTICE TO COMMITTEE.—Whenever the Di-
18 rector determines that there are sufficient grounds
19 to conduct an investigation—

20 (A) the Director shall notify the Select
21 Committee on Ethics of the Senate of this de-
22 termination; and

23 (B) the committee may overrule the deter-
24 mination of the Director if, not later than 10

1 legislative days after notification under sub-
2 paragraph (A)—

3 (i) the committee by an affirmative,
4 roll call vote of $\frac{2}{3}$ of the full committee
5 votes to overrule the determination of the
6 Director;

7 (ii) the committee issues a public re-
8 port on the matter; and

9 (iii) the vote of each member of the
10 committee on such roll call vote is included
11 in the report.

12 (b) CONDUCTING INVESTIGATIONS.—

13 (1) IN GENERAL.—If the Director determines
14 that there are sufficient grounds to conduct an in-
15 vestigation and his determination is not overruled
16 under subsection (a)(5), the Director shall conduct
17 an investigation to determine if probable cause exists
18 that a violation occurred.

19 (2) AUTHORITY.—As part of an investigation,
20 the Director may—

21 (A) administer oaths;

22 (B) issue subpoenas;

23 (C) compel the attendance of witnesses and
24 the production of papers, books, accounts, docu-
25 ments, and testimony; and

1 (D) himself, or by delegation to Office
2 staff, take the deposition of witnesses.

3 (3) REFUSAL TO OBEY.—If a person disobeys
4 or refuses to comply with a subpoena, or if a witness
5 refuses to testify to a matter, he may be held in con-
6 tempt of Congress.

7 (4) ENFORCEMENT.—If the Director deter-
8 mines that the Director is limited in the Director's
9 ability to obtain documents, testimony, and other in-
10 formation needed as part of an investigation because
11 of potential constitutional, statutory, or rules restric-
12 tions, or due to lack of compliance, the Director may
13 refer the matter to the Select Committee on Ethics
14 of the Senate for consideration and appropriate ac-
15 tion by the committee. The committee shall promptly
16 act on a request under this paragraph.

17 (c) PRESENTATION OF CASE TO SENATE SELECT
18 COMMITTEE ON ETHICS.—

19 (1) NOTICE TO COMMITTEES.—If the Director
20 determines, upon conclusion of an investigation, that
21 probable cause exists that an ethics violation has oc-
22 curred, the Director shall notify the Select Com-
23 mittee on Ethics of the Senate of this determination.

24 (2) COMMITTEE DECISION.—The Select Com-
25 mittee on Ethics may overrule the determination of

1 the Director if, not later than 30 legislative days
2 after notification under paragraph (1)—

3 (A) the committee by an affirmative, roll
4 call vote of $\frac{2}{3}$ of the full committee votes to
5 overrule the determination of the Director;

6 (B) the committee issues a public report
7 on the matter; and

8 (C) the vote of each member of the com-
9 mittee on such roll call vote is included in the
10 report.

11 (3) DETERMINATION AND RULING.—

12 (A) REFERRAL.—If the Director deter-
13 mines there is probable cause that an ethics vio-
14 lation has occurred and the Director's deter-
15 mination is not overruled, the Director shall
16 present the case and evidence to the Select
17 Committee on Ethics of the Senate to hear and
18 make a determination pursuant to its rules.

19 (B) FINAL DECISION.—The Select Com-
20 mittee on Ethics shall vote upon whether the
21 individual who is the subject of the investiga-
22 tion has violated any rules or other standards
23 of conduct applicable to that individual in his
24 official capacity. Such votes shall be a roll call
25 vote of the full committee, a quorum being

1 present. The committee shall issue a public re-
2 port which shall include the vote of each mem-
3 ber of the committee on such roll call vote.

4 (d) SANCTIONS.—Whenever the Select Committee on
5 Ethics of the Senate finds that an ethics violation has oc-
6 curred, the Director shall recommend appropriate sanc-
7 tions to the committee and whether a matter should be
8 referred to the Department of Justice for investigation.

9 **SEC. 405. PROCEDURAL RULES.**

10 (a) PROHIBITION OF CERTAIN INVESTIGATIONS.—
11 No investigation shall be undertaken by the Office of any
12 alleged violation of a law, rule, regulation, or standard of
13 conduct not in effect at the time of the alleged violation.

14 (b) DISCLOSURE.—Information or testimony re-
15 ceived, or the contents of a complaint or the fact of its
16 filing, or recommendations made by the Director to the
17 committee, may be publicly disclosed by the Director or
18 by the staff of the Office only if authorized by the Select
19 Committee on Ethics of the Senate.

20 **SEC. 406. SOPI EMPLOYEES UNDER THE CONGRESSIONAL**
21 **ACCOUNTABILITY ACT.**

22 Section 101 of the Congressional Accountability Act
23 of 1995 (2 U.S.C. 3) is amended—

24 (1) in paragraph (3)—

25 (A) in subparagraph (H), by striking “or”;

1 (B) in subparagraph (I), by striking the
2 period and inserting “; or”; and

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

4 “(J) the Office of Public Integrity.”; and

5 (2) in paragraph (9), by striking “and the Of-
6 fice of Technology Assessment” and inserting “the
7 Office of Technology Assessment, and the Senate
8 Office of Public Integrity”.

9 **SEC. 407. EFFECTIVE DATE.**

10 This title shall take effect on January 1, 2008.

11 **TITLE V—OVERSIGHT OF ETHICS**
12 **AND LOBBYING**

13 **SEC. 501. COMPTROLLER GENERAL REVIEW AND SEMI-**
14 **ANNUAL REPORTS.**

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

21 (1) the effectiveness of those activities in secur-
22 ing the compliance by lobbyists with the require-
23 ments of that Act; and

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

4 (b) SEMIANNUAL REPORTS.—Twice yearly, not later
5 than January 1 and not later than July 1 of each year,
6 the Comptroller General shall submit to Congress a report
7 on the review required by subsection (a). The report shall
8 include the Comptroller General’s assessment of the mat-
9 ters required to be emphasized by that subsection and any
10 recommendations of the Comptroller General to—

11 (1) improve the compliance by lobbyists with
12 the requirements of that Act; and

13 (2) provide the Secretary and the Clerk with
14 the resources and authorities needed for effective
15 oversight and enforcement of that Act.

16 **SEC. 502. MANDATORY SENATE ETHICS TRAINING FOR**
17 **MEMBERS AND STAFF.**

18 (a) TRAINING PROGRAM.—The Select Committee on
19 Ethics shall conduct ongoing ethics training and aware-
20 ness programs for Members of the Senate and Senate
21 staff.

22 (b) REQUIREMENTS.—The ethics training program
23 conducted by the Select Committee on Ethics shall be
24 completed by—

1 (1) new Senators or staff not later than 60
2 days after commencing service or employment; and

3 (2) Senators and Senate staff serving or em-
4 ployed on the date of enactment of this Act not later
5 than 120 days after the date of enactment of this
6 Act.

7 **TITLE VI—CONGRESSIONAL**
8 **TRANSPARENCY**

9 **SEC. 601. REFORM OF CONSIDERATION OF APPROPRIA-**
10 **TIONS BILLS IN THE SENATE.**

11 (a) IN GENERAL.—Rule XVI of the Standing Rules
12 of the Senate is amended by adding at the end the fol-
13 lowing:

14 “9. (a) On a point of order made by any Senator:

15 “(1) No new or general legislation nor any un-
16 authorized appropriation may be included in any
17 general appropriation bill.

18 “(2) No amendment may be received to any
19 general appropriation bill the effect of which will be
20 to add an unauthorized appropriation to the bill.

21 “(3) No unauthorized appropriation may be in-
22 cluded in any amendment between the Houses, or
23 any amendment thereto, in relation to a general ap-
24 propriation bill.

1 “(b)(1) If a point of order under subparagraph (a)(1)
2 against a Senate bill or amendment is sustained—

3 “(A) the new or general legislation or unauthor-
4 ized appropriation shall be struck from the bill or
5 amendment; and

6 “(B) any modification of total amounts appro-
7 priated necessary to reflect the deletion of the mat-
8 ter struck from the bill or amendment, as directed
9 by the chairman of the Committee on the Budget,
10 shall be made and the allocation of discretionary
11 budgetary resources allocated under section
12 302(a)(2) of the Congressional Budget Act of 1974
13 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

14 “(2) If a point of order under subparagraph (a)(1)
15 against an Act of the House of Representatives is sus-
16 tained when the Senate is not considering an amendment
17 in the nature of a substitute, then an amendment to the
18 House bill is deemed to have been adopted that—

19 “(A) strikes the new or general legislation or
20 unauthorized appropriation from the bill; and

21 “(B) modifies, if necessary and as directed by
22 the chairman of the Committee on the Budget, the
23 total amounts appropriated by the bill to reflect the
24 deletion of the matter struck from the bill and re-
25 duces the allocation of discretionary budgetary re-

1 sources allocated under section 302(a)(2) of the
2 Congressional Budget Act of 1974 (2 U.S.C.
3 633(a)(2)) accordingly.

4 “(c) If the point of order against an amendment
5 under subparagraph (a)(2) is sustained, then the amend-
6 ment shall be out of order and may not be considered.

7 “(d)(1) If a point of order under subparagraph (a)(3)
8 against a Senate amendment is sustained, then—

9 “(A) the unauthorized appropriation shall be
10 struck from the amendment;

11 “(B) any modification of total amounts appro-
12 priated, as directed by the chairman of the Com-
13 mittee on the Budget, necessary to reflect the dele-
14 tion of the matter struck from the amendment shall
15 be made and the allocation of discretionary budg-
16 etary resources allocated under section 302(a)(2) of
17 the Congressional Budget Act of 1974 (2 U.S.C.
18 633(a)(2)) shall be reduced accordingly; and

19 “(C) after all other points of order under this
20 paragraph have been disposed of, the Senate shall
21 proceed to consider the amendment as so modified.

22 “(2) If a point of order under subparagraph (a)(3)
23 against a House of Representatives amendment is sus-
24 tained, then—

1 “(A) an amendment to the House amendment
2 is deemed to have been adopted that—

3 “(i) strikes the new or general legislation
4 or unauthorized appropriation from the House
5 amendment; and

6 “(ii) modifies, if necessary and as directed
7 by the chairman of the Committee on the Budget,
8 the total amounts appropriated by the bill to
9 reflect the deletion of the matter struck from
10 the House amendment and reduces the allocation
11 of discretionary budgetary resources allocated
12 under section 302(a)(2) of the Congressional Budget
13 Act of 1974 (2 U.S.C. 633(a)(2))
14 accordingly; and

15 “(B) after all other points of order under this
16 paragraph have been disposed of, the Senate shall
17 proceed to consider the question of whether to con-
18 cur with further amendment.

19 “(e) The disposition of a point of order made under
20 any other paragraph of this rule, or under any other
21 Standing Rule of the Senate, that is not sustained, or is
22 waived, does not preclude, or affect, a point of order made
23 under subparagraph (a) with respect to the same matter.

24 “(f) A point of order under subparagraph (a) may
25 be waived only by a motion agreed to by the affirmative

1 vote of three-fifths of the Senators duly chosen and sworn.
2 If an appeal is taken from the ruling of the Presiding Offi-
3 cer with respect to such a point of order, the ruling of
4 the Presiding Officer shall be sustained absent an affirma-
5 tive vote of three-fifths of the Senators duly chosen and
6 sworn.

7 “(g) Notwithstanding any other rule of the Senate,
8 it shall be in order for a Senator to raise a single point
9 of order that several provisions of a general appropriation
10 bill or an amendment between the Houses on a general
11 appropriation bill violate subparagraph (a). The Presiding
12 Officer may sustain the point of order as to some or all
13 of the provisions against which the Senator raised the
14 point of order. If the Presiding Officer so sustains the
15 point of order as to some or all of the provisions against
16 which the Senator raised the point of order, then only
17 those provisions against which the Presiding Officer sus-
18 tains the point of order shall be deemed stricken pursuant
19 to this paragraph. Before the Presiding Officer rules on
20 such a point of order, any Senator may move to waive
21 such a point of order, in accordance with subparagraph
22 (f), as it applies to some or all of the provisions against
23 which the point of order was raised. Such a motion to
24 waive is amendable in accordance with the rules and prece-
25 dents of the Senate. After the Presiding Officer rules on

1 such a point of order, any Senator may appeal the ruling
2 of the Presiding Officer on such a point of order as it
3 applies to some or all of the provisions on which the Pre-
4 siding Officer ruled.

5 “(h) For purposes of this paragraph:

6 “(1) The term ‘new or general legislation’ has
7 the meaning given that term when it is used in para-
8 graph 2 of this rule.

9 “(2) The term ‘new matter’ means matter not
10 committed to conference by either House of Con-
11 gress.

12 “(3)(A) The term ‘unauthorized appropriation’
13 means an appropriation—

14 “(i) not specifically authorized by law or
15 Treaty stipulation (unless the appropriation has
16 been specifically authorized by an Act or resolu-
17 tion previously passed by the Senate during the
18 same session or proposed in pursuance of an es-
19 timate submitted in accordance with law); or

20 “(ii) the amount of which exceeds the
21 amount specifically authorized by law or Treaty
22 stipulation (or specifically authorized by an Act
23 or resolution previously passed by the Senate
24 during the same session or proposed in pursu-

1 ance of an estimate submitted in accordance
2 with law) to be appropriated.

3 “(B) An appropriation is not specifically au-
4 thorized if it is restricted or directed to, or author-
5 ized to be obligated or expended for the benefit of,
6 an identifiable person, program, project, entity, or
7 jurisdiction by earmarking or other specification,
8 whether by name or description, in a manner that is
9 so restricted, directed, or authorized that it applies
10 only to a single identifiable person, program, project,
11 entity, or jurisdiction, unless the identifiable person,
12 program, project, entity, or jurisdiction to which the
13 restriction, direction, or authorization applies is de-
14 scribed or otherwise clearly identified in a law or
15 Treaty stipulation (or an Act or resolution pre-
16 viously passed by the Senate during the same ses-
17 sion or in the estimate submitted in accordance with
18 law) that specifically provides for the restriction, di-
19 rection, or authorization of appropriation for such
20 person, program, project, entity, or jurisdiction.

21 “10. (a) On a point of order made by any Sen-
22 ator, no new or general legislation, nor any unau-
23 thorized appropriation, new matter, or nongermane
24 matter may be included in any conference report on
25 a general appropriation bill.

1 “(b) If the point of order against a conference report
2 under subparagraph (a) is sustained—

3 “(1) the new or general legislation, unauthor-
4 ized appropriation, new matter, or nongermane mat-
5 ter in such conference report shall be deemed to
6 have been struck;

7 “(2) any modification of total amounts appro-
8 priated, as directed by the chairman of the Com-
9 mittee on the Budget, necessary to reflect the dele-
10 tion of the matter struck shall be deemed to have
11 been made and the allocation of discretionary budg-
12 etary resources allocated under section 302(a)(2) of
13 the Congressional Budget Act of 1974 (2 U.S.C.
14 633(a)(2)) shall be deemed to be reduced accord-
15 ingly;

16 “(3) when all other points of order under this
17 paragraph have been disposed of—

18 “(A) the Senate shall proceed to consider
19 the question of whether the Senate should re-
20 ceede from its amendment to the House bill, or
21 its disagreement to the amendment of the
22 House, and concur with a further amendment,
23 which further amendment shall consist of only
24 that portion of the conference report not
25 deemed to have been struck (together with any

1 modification of total amounts appropriated and
2 reduction in the allocation of discretionary
3 budgetary resources allocated under section
4 302(a)(2) of the Congressional Budget Act of
5 1974 (2 U.S.C. 633(a)(2)) deemed to have been
6 made);

7 “(B) the question shall be debatable; and

8 “(C) no further amendment shall be in
9 order; and

10 “(4) if the Senate agrees to the amendment,
11 then the bill and the Senate amendment thereto
12 shall be returned to the House for its concurrence
13 in the amendment of the Senate.

14 “(c) The disposition of a point of order made under
15 any other paragraph of this rule, or under any other
16 Standing Rule of the Senate, that is not sustained, or is
17 waived, does not preclude, or affect, a point of order made
18 under subparagraph (a) with respect to the same matter.

19 “(d) A point of order under subparagraph (a) may
20 be waived only by a motion agreed to by the affirmative
21 vote of three-fifths of the Senators duly chosen and sworn.
22 If an appeal is taken from the ruling of the Presiding Offi-
23 cer with respect to such a point of order, the ruling of
24 the Presiding Officer shall be sustained absent an affirma-

1 tive vote of three-fifths of the Senators duly chosen and
2 sworn.

3 “(e) Notwithstanding any other rule of the Senate,
4 it shall be in order for a Senator to raise a single point
5 of order that several provisions of a conference report on
6 a general appropriation bill violate subparagraph (a). The
7 Presiding Officer may sustain the point of order as to
8 some or all of the provisions against which the Senator
9 raised the point of order. If the Presiding Officer so sus-
10 tains the point of order as to some or all of the provisions
11 against which the Senator raised the point of order, then
12 only those provisions against which the Presiding Officer
13 sustains the point of order shall be deemed stricken pursu-
14 ant to this paragraph. Before the Presiding Officer rules
15 on such a point of order, any Senator may move to waive
16 such a point of order, in accordance with subparagraph
17 (d), as it applies to some or all of the provisions against
18 which the point of order was raised. Such a motion to
19 waive is amendable in accordance with the rules and prece-
20 dents of the Senate. After the Presiding Officer rules on
21 such a point of order, any Senator may appeal the ruling
22 of the Presiding Officer on such a point of order as it
23 applies to some or all of the provisions on which the Pre-
24 siding Officer ruled.

25 “(f) For purposes of this paragraph:

1 “(1) The terms ‘new or general legislation’,
2 ‘new matter’, and ‘unauthorized appropriation’ have
3 the same meaning as in paragraph 9.

4 “(2) The term ‘nongermane matter’ has the
5 same meaning as in rule XXII and under the prece-
6 dents attendant thereto, as of the beginning of the
7 110th Congress.”.

8 (b) PROHIBITION ON OBLIGATION OF FUNDS FOR
9 APPROPRIATIONS EARMARKS INCLUDED ONLY IN CON-
10 GRESSIONAL REPORTS.—

11 (1) IN GENERAL.—No Federal agency may obli-
12 gate any funds made available in an appropriation
13 Act to implement an earmark that is included in a
14 congressional report accompanying the appropriation
15 Act, unless the earmark is also included in the ap-
16 propriation Act.

17 (2) DEFINITIONS.—For purposes of this sub-
18 section:

19 (A) The term “assistance” includes an
20 award, grant, loan, loan guarantee, contract, or
21 other expenditure.

22 (B) The term “congressional report”
23 means a report of the Committee on Appropria-
24 tions of the House of Representatives or the

1 Senate, or a joint explanatory statement of a
2 committee of conference.

3 (C) The term “earmark” means a provi-
4 sion that specifies the identity of an entity to
5 receive assistance and the amount of the assist-
6 ance.

7 (D) The term “entity” includes a State or
8 locality.

9 (3) EFFECTIVE DATE.—This subsection shall
10 apply to appropriation Acts enacted after December
11 31, 2007.

12 (c) LOBBYING ON BEHALF OF RECIPIENTS OF FED-
13 ERAL FUNDS.—The Lobbying Disclosure Act of 1995 is
14 amended by adding after section 5 the following:

15 **“SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.**

16 “(a) IN GENERAL.—A recipient of Federal funds
17 shall file a report as required by section 5(a) containing—

18 “(1) the name of any lobbyist registered under
19 this Act to whom the recipient paid money to lobby
20 on behalf of the Federal funding received by the re-
21 cipient; and

22 “(2) the amount of money paid as described in
23 paragraph (1).

1 “(b) DEFINITION.—In this section, the term ‘recipi-
2 ent of Federal funds’ means the recipient of Federal funds
3 constituting an award, grant, or loan.”.

4 **SEC. 602. PROHIBITION ON OBLIGATION OF FUNDS FOR AP-
5 PROPRIATIONS EARMARKS INCLUDED ONLY
6 IN CONGRESSIONAL REPORTS.**

7 (a) IN GENERAL.—No Federal agency may obligate
8 any funds made available in an appropriation Act to im-
9 plement an earmark that is included in a congressional
10 report accompanying the appropriation Act, unless the
11 earmark is also included in the appropriation Act.

12 (b) DEFINITIONS.—For purposes of this section:

13 (1) The term “assistance” includes an award,
14 grant, loan, loan guarantee, contract, or other ex-
15 penditure.

16 (2) The term “congressional report” means a
17 report of the Committee on Appropriations of the
18 House of Representatives or the Senate, or a joint
19 explanatory statement of a committee of conference.

20 (3) The term “earmark” means a provision that
21 specifies the identity of an entity to receive assist-
22 ance and the amount of the assistance.

23 (4) The term “entity” includes a State or local-
24 ity.

1 (c) EFFECTIVE DATE.—This section shall apply to
2 appropriation Acts enacted after December 31, 2007.

3 **SEC. 603. CONSIDERATION OF CONFERENCE REPORTS.**

4 (a) IN GENERAL.—

5 (1) RULE.—Rule XXVIII of the Standing Rules
6 of the Senate is amended by adding at the end the
7 following:

8 “7. (a) It shall not be in order to consider a con-
9 ference report which includes matter not committed to the
10 conferees by either House.

11 “(b) It shall not be in order to consider a conference
12 report unless such report is available to all Members and
13 made available to the general public by means of the Inter-
14 net for at least 48 hours before its consideration.”.

15 (2) EFFECTIVE DATE.—This subsection shall
16 take effect 60 days after the date of enactment of
17 this title.

18 (b) IMPLEMENTATION.—Not later than 60 days after
19 the date of enactment of this title, the Secretary of the
20 Senate, in consultation with the Clerk of the House of
21 Representatives, the Government Printing Office, and the
22 Committee on Rules and Administration, shall develop a
23 website capable of complying with the requirements of
24 paragraph 7 of rule XXVIII of the Standing Rules of the
25 Senate, as added by subsection (b).

1 **SEC. 604. DISCLOSURE.**

2 (a) UNAUTHORIZED APPROPRIATIONS.—Rule XVI of
3 the Standing Rules of the Senate is amended by adding
4 at the end the following:

5 “10. No appropriation bill or amendment between the
6 Houses which includes unauthorized appropriations (as
7 identified by paragraph 1(j)) shall be considered unless
8 such bill is accompanied by a report that provides a de-
9 tailed listing of—

10 (1) all unauthorized appropriation in such bill;

11 (2) an identification of the member or mem-
12 bers who proposed the unauthorized appropriation;
13 and

14 (3) an explanation of the essential govern-
15 mental purpose for the unauthorized appropria-
16 tion.”.

17 (b) EARMARK DISCLOSURE, SPONSOR, AND PUR-
18 POSE.—Paragraph 4 of rule XXVIII of the Standing
19 Rules of the Senate is amended by—

20 (1) inserting “(a)” after “4.”; and

21 (2) adding at the end the following:

22 “(b) No conference report which includes unauthor-
23 ized appropriations (as defined by paragraph 1(j) of rule
24 XVI) shall be considered unless such conference report is
25 accompanied by a joint statement that provides a detailed
26 listing of—

1 “(1) all unauthorized appropriations in such
2 conference report;

3 “(2) an identification of the member or mem-
4 bers who proposed the unauthorized appropriation;
5 and

6 “(3) an explanation of the essential govern-
7 mental purpose for the unauthorized appropria-
8 tion.”.

9 **SEC. 605. REQUIREMENT OF NOTICE OF INTENT TO PRO-**
10 **CEED.**

11 (a) IN GENERAL.—The majority and minority leaders
12 of the Senate or their designees shall recognize a notice
13 of intent of a Senator who is a member of their caucus
14 to object to proceeding to a measure or matter only if the
15 Senator—

16 (1) submits the notice of intent in writing to
17 the appropriate leader or their designee; and

18 (2) within 3 session days after the submission
19 under paragraph (1), submits for inclusion in the
20 Congressional Record and in the applicable calendar
21 section described in subsection (b) the following no-
22 tice:

23 “I, Senator _____, intend to object to proceeding to
24 _____, dated _____.”.

1 (b) CALENDAR.—The Secretary of the Senate shall
2 establish for both the Senate Calendar of Business and
3 the Senate Executive Calendar a separate section entitled
4 “Notices of Intent to Object to Proceeding”. Each section
5 shall include the name of each Senator filing a notice
6 under subsection (a)(2), the measure or matter covered
7 by the calendar that the Senator objects to, and the date
8 the objection was filed.

9 (c) REMOVAL.—A Senator may have an item with re-
10 spect to the Senator removed from a calendar to which
11 it was added under subsection (b) by submitting for inclu-
12 sion in the Congressional Record the following notice:

13 “I, Senator _____, do not object to proceeding to
14 _____, dated _____.”.

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