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

IN THE SENATE OF THE UNITED STATES
AUGUST 21, 2018
Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on Finance

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

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Anti-Corruption and Public Integrity Act”.

SEC. 2. TABLE OF CONTENTS.
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SEC. 3. APPLICABILITY.

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

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

Subtitle A—Conflicts of Interest

SEC. 101. DEFINITIONS.

In this title:

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

(2) AGENT OF A FOREIGN PRINCIPAL.—The term “agent of a foreign principal” has the meaning given the term in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611).
(3) **Bank holding company.**—The term “bank holding company” has the meaning given the term in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

(4) **Corporate lobbyist.**—The term “corporate lobbyist” has the meaning given the term in section 109 of the Ethics in Government Act of 1978, as amended by section 202 of this Act.

(5) **Covered entity.**—The term “covered entity” means any entity that is—

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

(ii) a bank holding company, a savings and loan holding company, or any other financial institution; and

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

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

(6) **Executive agency.**—The term “Executive agency”—

(A) has the meaning given the term in section 105 of title 5, United States Code; and

(B) includes the Executive Office of the President.
(7) GROSS RECEIPTS.—The term “gross receipts” has the meaning given the term in section 993(f) of the Internal Revenue Code of 1986.

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

(9) QUALIFIED SMALL BUSINESS.—The term “qualified small business” means a corporation, company, firm, partnership, or other business enterprise, that has gross receipts for the previous taxable year of less than $5,000,000.

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

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

(A) a chief executive officer;

(B) a chief financial officer;

(C) a chief operating officer;

(D) a chief compliance officer;

(E) any senior government relationship official; and
(F) any other senior executive, as determined by the Director of the Office of Public Integrity.

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

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

(i) any individual in a position on any level of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

(ii) a political appointee in the Executive Office of President or in the Office of the Vice President; and

(iii) an individual employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations;

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

(C) an individual employed in a position at the GS–14 level or higher; and
(D) an individual employed in a position not under the General Schedule for which the rate of basic pay is equal to or greater than the minimum rate of basic pay payable for GS–14 of the General Schedule.

SEC. 102. LOBBYIST BAN.

(a) Lobbyists.—

(1) Executive Branch.—

(A) Lobbyists.—No former registered lobbyist or agent of a foreign principal who has engaged in a lobbying contact, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), during his or her registration may be hired as an officer or employee of an Executive agency during the 2-year period beginning on the date on which the registered lobbyist terminates his or her registration in accordance with section 4(d) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(d)) or the agent terminates his or her status, as applicable.

(B) Corporate Lobbyists.—No former registered corporate lobbyist may be hired as an officer or employee of an Executive agency during the 6-year period beginning on the date on
which the registered corporate lobbyist terminates its registration in accordance with section 4(d) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(d)) or the agent terminates its status, as applicable.

(C) WAIVER RULES AND ELIGIBILITY.—

(i) Positions requiring Senate confirmation.—The President may waive the ban described in subparagraph (A) for any appointment to a position in an Executive agency that requires the advice and consent of the Senate based on a compelling national need.

(ii) Other positions.—The President or the Director of the Office of Public Integrity may waive the ban described in subparagraph (A) and the prior employer recusal provision described in section 208(e) of title 18, United States Code, as added by section 103(a) of this Act for any appointment to a position in an Executive agency that does not require the advice and consent of the Senate.

(iii) Requirements.—A waiver made under this subparagraph shall—
(I) be made publicly available and searchable by the Director of the Office of Public Integrity;

(II) include a justification sent to Congress for why the registered lobbyist or agent of a foreign principal, as applicable, brings unique and relevant expertise such that it is not practical to find an alternative candidate with the same skill set; and

(III) with respect to a nomination to a position described in clause (i)—

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

(bb) include a justification for why the next-best candidate was not nominated for the position.

(2) LEGISLATIVE BRANCH.—

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

(B) CORPORATE LOBBYISTS.—No former registered lobbyist or agent of a foreign principal may be hired as an officer or employee of a Member of Congress or a committee of either House of Congress during the 6-year period beginning on the date on which the registered corporate lobbyist terminates its registration in accordance with section 4(d) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(d)) or the agent terminates its status, as applicable.

(C) WAIVER RULES AND ELIGIBILITY.—

(i) IN GENERAL.—Any Member of Congress may waive the ban described in subparagraph (A) for an officer or employee of that Member of Congress or of a committee of either House of Congress on which the Member serves as a chair or
ranking member based on a compelling na-
tional need.

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

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

(II) be made publicly available and searchable by the Office of Congressional Ethics;

(III) include a justification made publicly available for why the registered lobbyist or agent of a foreign principal, as applicable, brings unique and relevant expertise such that it is not practical to find an alternative candidate with the same skill set; and

(IV) be made only after the Congressional Ethics Board submits to the Member of Congress and to the Select Committee on Ethics of the Senate or the Committee on Ethics of the House of Representatives, as ap-
(b) Other Banned Individuals.—

(1) Contractors.—

(A) In General.—No former employee of a for-profit entity that was awarded a Federal contract or Federal license by an Executive agency may be an officer or employee of the Executive agency that awarded the contract or Federal license during the 4-year period beginning on the date on which the employee terminates its employment with the entity.

(B) Waiver.—The ban described in subparagraph (A) may be waived in accordance with subsection (a)(1)(C).

(2) Senior Executives of Law-Breaking Companies.—No former senior executive of a covered entity may be an officer or employee of an Executive agency, a Member of Congress, a committee of either House of Congress, or either House of Congress during the 6-year period beginning on the later of—

(A) the date of the settlement; and

(B) the date on which the enforcement action has concluded.
SEC. 103. CONFLICTS OF INTEREST LAW EXPANSIONS.

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

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

“(2)(A) No officer or employee of an Executive agency may own or trade any individual stock, bond, commodity, future, and other form of security, including an interest in a hedge fund, a derivative, option, or other complex investment vehicle if the Director of the Office of Public Integrity (or the designated agency ethics official of the agency that employs the individual) determines that the value of the stock or security may be directly influenced by an action of the Executive agency.

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

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

“(ii) shares of Settlement Common Stock issued under section 7(g)(1)(A) of the Alaska Native
Claims Settlement Act (43 U.S.C. 1606(g)(1)(A));
or
“(iii) shares of Settlement Common Stock, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).
“(C) Whoever violates subparagraph (A) shall be punished as provided in section 216.
“(D) The Director of the Office of Public Integrity may waive subparagraph (A) for an officer or employee of an Executive agency on a case-by-case basis if the Director—
“(i) determines that there is no possibility for, or the appearance of, a conflict of interest; or
“(ii) approves a plan for necessary recusals that ensures that no conflict of interest exists.
“(3)(A) Except as provided in subparagraphs (B) and (C), each officer and employee of any Executive agency shall be recused from, and may not in any way attempt to use their official position to influence, any particular matter, including an adjudication, procurement, or rule-making, that the officer or employee knows is likely to have a direct and predictable effect on the financial interest of—
“(i) any person for whom the officer or employee had, during the previous 4-year period, served
as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, employee, or direct competitor; or

“(ii) any organization other than a political organization described in section 527(e) of the Internal Revenue Code of 1986 in which the employee is an active participant.

“(B) This paragraph shall not apply to—

“(i) the President;

“(ii) the Vice President;

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

“(iv) any individual appointed to a position in an Executive agency by and with the advice and consent of the Senate;

“(v) an officer or employee who served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee of a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) or an intertribal consortium of federally recognized Indian tribes with respect to a matter that is likely to have a direct and predictable
effect on the financial interest of the tribal organization or intertribal consortium; or

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

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

“(ii) Officers and employees may only apply to the Director of Public Integrity for a waiver under this subparagraph if the individual agrees to comply with the Conflicts of Interest Rules for Senior Government Officials in subsections (a) and (c) of section 105 of the Anti-Corruption and Public Integrity Act.

“(iii) A waiver made under this subparagraph—

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

“(II) shall include a justification sent to Congress for why the waiver is in the national interest; and

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

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

(b) Legislative Branch.—
(1) DIVESTMENT.—Except as provided in paragraph (5), no senior government official in the legislative branch (including Members of Congress) may own or trade any individual stock, bonds, commodity, future, and other form of security, including an interest in a hedge fund, a derivative, option, or other complex investment vehicle.

(2) COMMITTEE STAFF RULE.—No officer or employee of a committee of either House of Congress may maintain, own, or trade any substantial holdings (including individual stocks and securities) which may be directly affected by the actions of the committee for which the individual works, unless the Select Committee on Ethics of the Senate or the Committee on Ethics of the House of Representatives, as applicable, approves of such holdings in writing after consultation with the supervisor of the officer or employee and the Office of Congressional Ethics.

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

(4) General stock and securities rule.—An officer or employee of a committee or Member of either House of Congress, who is not a senior government employee covered by paragraph (1), shall be in violation of paragraph (3) if—

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

(B) the value of such stocks or securities may be influenced by actions taken by the individual in his or her official position, as determined by the Select Committee on Ethics of the Senate or the Committee on Ethics of the House of Representatives, as applicable, in consultation with the Office of Congressional Ethics.

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

(A) a widely held investment fund described in section 102(f)(8) of the Ethics in Government Act of 1978 (5 App. U.S.C. 102(f)(8)), if the investment meets the requirements described in section 105(b)(2);

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

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

SEC. 104. GOLDEN PARACHUTES BAN.

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

(1) in subsection (a)—

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

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

(2) in subsection (b)—

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

(B) by adding at the end the following:
“(2)(A) In this paragraph, the term ‘compensation’ includes a retention award or bonus, severance pay, and any other payment linked to future service in the Federal Government in any way.

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

(b) Permissible Payments.—Section 1.409A–3(j)(4)(iii) of title 26, Code of Federal Regulations, shall have no force or effect.

SEC. 105. CONFLICTS OF INTEREST RULES FOR SENIOR GOVERNMENT OFFICIALS.

(a) Required Divestments of Conflicted Assets.—

(1) Stocks and Securities.—No senior government official may own or trade any individual stock, bonds, commodity, future, and other form of security, including an interest in a hedge fund, a derivative, option, or other complex investment vehicle.

(2) Commercial Real Estate.—No senior government official may maintain ownership in commercial real estate, unless ownership of such com-
mercial real estate is necessary for a qualified small
business described in paragraph (4)(B).

(3) TRUSTS.—

(A) IN GENERAL.—No senior government
official may maintain a financial interest in any
trust, including a family trust, if the supervis-
ing ethics agency determines that the trust
includes any—

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

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

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

(4) BUSINESSES AND COMPANIES.—

(A) IN GENERAL.—No senior government
official may maintain ownership in a privately
owned or closely held corporation, company,
firm, partnership, or other business enterprise.
(B) EXCEPTION.—Subparagraph (A) shall not apply to a qualified small business.

(b) NONCONFLICTED ASSETS.—

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

(A) a widely held investment fund—

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

   (ii) that meets the requirements described in paragraph (2);

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

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

(D) a federally managed asset, including—

   (i) financial interests in or income derived from—

   (I) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or
(II) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services;

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

(iii) an asset in the Federal Employee Investment Account described in paragraph (3);

(E) bonds, bills, and notes issued by a governmental sources, such as the Federal Government, State, or other municipality;

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

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

(2) WIDELY HELD INVESTMENT FUND REQUIREMENTS.—A senior government official may not maintain a widely held investment fund, unless—
(A) the widely held investment fund is certified as not presenting a conflict of interest by the applicable supervising ethics office; and

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

(3) FEDERAL EMPLOYEE INVESTMENT ACCOUNT.—

(A) IN GENERAL.—There are established in the Treasury of the United States accounts for senior government officials to maintain investments in the stock and securities markets to be known as Federal Employee Investment Accounts.

(B) DIVESTMENT.—To comply with the requirements under this Act, a senior government official may sell an asset or security, including those assets or securities that present a conflict of interest under subsection (a), and invest the resulting funds into the Federal Employee Investment Accounts.

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

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

(e) POST-EMPLOYMENT RESTRICTIONS.—

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

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

“(e) LOBBYING RESTRICTIONS.—

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

“(A) works as a registered lobbyist; or

“(B) knowingly makes, with the intent to
influence, any communication to or appearance
before any officer or employee of any depart-
ment, agency, Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, or behalf of any other person (except the United States or the District of Columbia) for compensation, in connection with any matter on which such person seeks official action by any Member, officer, or employee of either House of Congress, or any employee or officer of any department or agency,

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

“(2) Other officials.—

“(A) In general.—Any officer or employee in the executive or legislative branch of the United States who, during the time period described in subparagraph (B) makes, with the intent to influence, any communication to or appearance before their former office, agency, or House of Congress, for compensation, shall be punished as provided in section 216 of this title.

“(B) Time period.—The time period described in this subparagraph is as follows:
“(i) With respect to an officer or employee of the legislative branch, 2 years after the termination of service or employment as an officer or employee.

“(ii) With respect to an officer or employee of the executive branch, the later of—

“(I) the date on which a President other than the President serving during the employment of the officer or employee takes office; and

“(II) the date on which the 2-year period beginning on the date of the termination of service or employment as an officer or employee expires.

“(iii) With respect to an officer or employee of the executive branch of the United States who becomes a corporate lobbyist, the later of—

“(I) the date on which a President other than the President serving during the employment of the officer or employee takes office; and
“(II) the date on which the 6-year period beginning on the date of the termination of service or employment as an officer or employee expires.

“(iv) With respect to an officer or employee of the legislative branch of the United States who becomes a corporate lobbyist, the date on which the 6-year period beginning on the date of the termination of service or employment as an officer or employee expires.”; and

(B) by redesignating subsections (f) through (l) as subsections (d) through (j), respectively; and

(C) by adding at the end the following:

“(k) OTHER POST-EMPLOYMENT RESTRICTIONS.—

“(1) DEFINITIONS.—In this subsection:

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

“(i) any for-profit company or financial institution with greater than an average of $150,000,000,000 in market capitalization or revenue for the previous 3-year period;
“(ii) any Federal contractor that received greater than $5,000,000,000 in annual revenue from the Federal Government during the previous 3-year period; and

“(iii) any for-profit company or financial institution that exerts monopolistic or monopsonistic control over a significant share of the market in its particular industry (as defined by the Director of the Office of Public Integrity, in consultation with the Attorney General, by regulation).

“(B) LOBBYING CONTACT.—The term ‘lobbying contact’ has the meaning given the term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

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

“(D) SENIOR GOVERNMENT OFFICIAL.—The term ‘senior government official’ means—

“(i) any individual described in section 101(f) of the Ethics in Government Act of 1978 (5 U.S.C. App.), including—
“(I) any individual in a position on any level of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

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

“(III) an individual employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations;

“(ii) an individual employed in a position in the Senior Executive Service;

“(iii) an individual employed in a position at the GS-14 level or higher; and

“(iv) an individual employed in a position not under the General Schedule for which the rate of basic pay is equal to or greater than the minimum rate of basic pay payable for GS-14 of the General Schedule.
“(2) Senior government official hiring restriction.—No for-profit corporation, company, firm, partnership, or other business enterprise may hire or directly or indirectly compensate (including as consultants and lawyers) any former senior government official, for 1 year after the official leaves government service, from an agency, department, or congressional office that the corporation, company, firm, partnership, or other business enterprise made a lobbying contact in the past 2 years.

“(3) Special rules.—

“(A) Procurement officers.—No company that is awarded a contract or license by the Federal Government may hire or compensate any former officer or employee in the executive branch of the United States who oversaw any of the company’s contracts or licenses (including any procurement officer, any Federal employee or official who participated in the contract or license selection, any Federal employee or official who determined or signed off on the technical requirements of the contract or license, and any senior government official in the executive branch of the United States employed at the agency that granted the
contract or license) during the 4-year period be-
ginning on the date on which the officer termi-
nated employment with the United States.

“(B) GIANT BANKS AND COMPANIES.—

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

“(ii) INCOME DISCLOSURES.—

“(I) IN GENERAL.—Not later
than 1 year after the date of enact-
ment of this clause, each senior gov-
ernment official who terminates serv-
vice on or after the date that is 1 year
after the date of enactment of this
clause shall submit to the Director of
the Office of Public Integrity an an-
nual disclosure that includes all
sources of income for the 4-year pe-
riod beginning on the date on which
the government official terminated
employment with the United States.
“(II) PUBLICLY AVAILABLE.—

The Director of the Office of Public Integrity shall make a disclosure made under subclause (I) publicly available for any official who had a report made in accordance with title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) made publicly available.

“(III) AUTOMATIC DISCLOSURE.—

“(aa) IN GENERAL.—Each senior government official subject to the disclosure requirement in subclause (I) may consent to allow the Director of the Office of Public Integrity to obtain from the Commissioner of Internal Revenue the information necessary to meet the requirements of subclause (I), such that additional action is not required of the senior government official after such individual files a tax return.
“(bb) Safe harbor.—Any individual who consents under item (aa) shall not be subject to subclause (V).

“(IV) Memorandum of understanding.—Not later than 1 year after the date of enactment of this subclause, the Director of the Office of Public Integrity and the Commissioner of Internal Revenue shall enter into a cooperative agreement or memorandum of understanding to establish secure means to allow for the necessary information exchange in subclause (III) for senior government officials who wish to avail themselves of the automatic disclosure under subclause (III).

“(V) Penalties.—

“(aa) Civil action.—The Attorney General or the Director of the Office of Public Integrity may bring a civil action in any appropriate United States district court against any individual
who knowingly and willfully falsifies or who knowingly and willfully fails to disclose any information that such individual is required to disclose pursuant to this clause. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $50,000.

“(bb) **Criminal Penalties.**—

“(AA) **Prohibition.**—

It shall be unlawful for any person to knowingly and willfully falsify any information that such person is required to disclose under this clause. It shall be unlawful for any person to fail to disclose any information that such person is required to disclose under this clause.

“(BB) **Penalties.**—

Any person who violates the
first sentence of subitem (AA) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both. Any person who violates the second sentence of subitem (AA) shall be fined under title 18, United States Code.

“(4) Penalties.—

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

“(B) Amount of civil penalties.—A civil penalty imposed for a violation under subparagraph (A) shall—

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

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

“(C) Other penalties and sanctions

Companies.—In addition to a civil penalty imposed under this clause, after reasonable notice and an opportunity for a hearing, if the Director of the Office of Public Integrity determines that a company has violated paragraph (2) or (3)(B), the Director may impose a sanction on an entity or a giant bank or company, including—

“(i) prohibiting the entity or giant bank or company from employing any former employee or officer of the Federal Government for a period of time not to exceed 8 years;

“(ii) prohibiting the company from doing business with the Federal Government, receiving a contract or license from

...
the Federal Government, or otherwise par-
participating in Federal Government pro-
grams, for a period of time not to exceed
8 years.

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

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

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

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

“(ii) CIVIL PENALTY.—In addition to
the penalties described in subparagraphs
(B) and (C), after reasonable notice and
an opportunity for a hearing, that an exec-
utive officer of an entity or giant bank or
company has knowingly, or with gross neg-
ligence, violated paragraph (2) or (3)(B),
or contributed to the violation of a para-
graph (2) or (3)(B), the Director may assess a civil penalty against the executive officer not to exceed the amount of the officer’s compensation for each year during which the violations occurred.

“(E) Mitigating Factors.—In determining the amount of any penalties assessed under this paragraph, the Director of the Office of Public Integrity or the court shall take into account the appropriateness of the penalty with respect to—

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

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

“(iii) the history of previous violations; and

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

“(F) Authority to Modify or Remit Penalty.—The Director of the Office of Public Integrity may compromise, modify, or remit any penalty under this paragraph, which may be assessed or had already been assessed. The
amount of such penalty, when finally deter-
mined, shall be exclusive of any sums owed by
the person to the United States in connection
with the costs of the proceeding, and may be
deducted from any sums owing by the United
States to the person charged.

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

(B) in paragraph (1)—

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

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

SEC. 106. GENERAL PUBLIC INTEGRITY RULES.

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

(b) VOLUNTEER SERVICE RULE.—All Federal laws or regulations relating to conflicts of interest or other ethics issues (as defined in section 409 of the Ethics in Government Act of 1978, as added by section 511 of this Act) shall apply to any individual who is employed by the Federal Government and voluntarily refuses compensation for such employment consistent with applicable law.

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

(d) INDEBTEDNESS RULE.—

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

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

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

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

(A) commercial debt such as residential
mortgages, car loans, credit card debt, student
loans, or any debts owed to domestic financial
institutions on terms generally available to the
public; or
(B) meetings with domestic financial institutions.

SEC. 107. LEGAL EXPENSE FUNDS.

(a) Definitions.—In this section—

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

(A) to be used to defray legal expenses incurred in investigative, civil, criminal, or other legal proceedings relating to or arising by virtue of service by an officer or employee as an officer or employee;

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

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

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

(E) that may accept contributions, in accordance with this section;
(2) the term “lobbying activity” has the meaning given that term in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

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

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

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

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

(D) the Vice President; and

(E) the President;

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

(5) the term “supervising ethics office” has the meaning given that term in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

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

e) LIMITS ON CONTRIBUTIONS.—The Director of the Office of Public Integrity shall promulgate regulations establishing limits with respect to contributions to legal ex-
pense funds for officers or employees, which shall, at a minimum, prohibit an officer or employee from accepting contributions for a legal expense fund—

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

(2) from a registered lobbyist;

(3) from an agent of a foreign principal;

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

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

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

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

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

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

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

(C) the nature of the legal proceeding (or proceedings) which necessitate the establishment of the legal expense fund;

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

(E) an acknowledgment that the officer or employee bears ultimate responsibility for proper administration of the legal expense fund.

(2) APPROVAL.—An officer or employee may not solicit or accept contributions to a legal expense fund until after the supervising ethics office has received and approved the written notice submitted under paragraph (1).

(e) REPORTING.—

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

(A) the source and amount of each contribution to the legal expense fund; and

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

(2) PUBLIC AVAILABILITY.—Each supervising ethics office shall make publicly available online each report submitted under paragraph (1) in a searchable, sortable, and downloadable form.

(f) RECUSAL.—An officer or employee in the executive branch, other than the President and the Vice President, who receives a contribution to a legal expense fund of the officer or employee may not participate in any matter that has or would have a direct and substantial impact on the person making the contribution during the 2-year period beginning on the date on which the contribution is received.

SEC. 108. PENALTIES.

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

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

SEC. 111. SHORT TITLE.

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

SEC. 112. DIVESTITURE OF PERSONAL FINANCIAL INTERESTS OF THE PRESIDENT AND VICE PRESIDENT THAT POSE A POTENTIAL CONFLICT OF INTEREST.

(a) Definitions.—

(1) IN GENERAL.—In this section—

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

(B) the term “financial interest posing a potential conflict of interest” means a financial interest of the President, the Vice President, the spouse of the President or Vice President, or a minor child of the President or Vice President, as applicable, that—

(i) would constitute a financial interest described in subsection (a) of section 208 of title 18, United States Code—

(I) if—
(aa) for purposes of such section 208, the terms “officer” and “employee” included the President and the Vice President; and

(bb) the President or Vice President, as applicable, participated as described in subsection (a) of such section 208 in relation to such financial interest; and

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

(ii) may constitute a present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state (including from an entity owned or controlled by a foreign government), within the meaning of article I, section 9 of the Constitution of the United States;

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

(D) the term “tax return”—

(i) means any Federal income tax return and any amendment or supplement thereto, including supporting schedules, attachments, or lists which are supplemental to, or part of, the return for the taxable year; and

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

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

(b) **INITIAL FINANCIAL DISCLOSURE.**—

(1) **SUBMISSION OF DISCLOSURE.**—

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

(B) APPLICATION TO SITTING PRESIDENT AND VICE PRESIDENT.—For any individual who is serving as the President or Vice President on the date of enactment of this Act, the disclosure of financial interests shall be submitted to Congress and the Director of the Office of Public Integrity not later than 30 days after the date of enactment of this Act.

(2) CONTENTS.—

(A) PRESIDENT.—The disclosure of financial interests submitted under paragraph (1) by the President shall—

(i) describe in detail each financial interest of the President, the spouse of the President, or a minor child of the President;

(ii) at a minimum, include the information relating to each such financial interest that is required for reports under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(iii) include the tax returns filed by or on behalf of the President for—
(I) the 3 most recent taxable years; and

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

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

(i) describe in detail each financial interest of the Vice President, the spouse of the Vice President, or a minor child of the Vice President;

(ii) at a minimum, include the information relating to each such financial interest that is required for reports under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

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

(I) the 3 most recent taxable years; and

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

(c) Divestiture of Financial InterestsPosing A Potential Conflict of Interest.—

(1) In General.—The President, the Vice President, the spouse of the President or Vice President, and any minor child of the President or Vice President shall divest of any financial interest posing a potential conflict of interest by transferring such interest to a qualified blind trust.

(2) Trustee Duties.—Within a reasonable period of time after the date a financial interest is transferred to a qualified blind trust under paragraph (1), the trustee of the qualified blind trust shall—

(A) sell the financial interest; and

(B) use the proceeds of the sale of the financial interest to purchase conflict-free holdings.

(d) Review by Office of Public Integrity.—

(1) In General.—The Director of the Office of Public Integrity shall submit to Congress, the President, and the Vice President an annual report regarding the financial interests of the President, the Vice President, the spouse of the President or Vice
President, and any minor child of the President or
Vice President.

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

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

(B) evaluate whether any previously held
financial interest of the President, the Vice
President, the spouse of the President or Vice
President, or a minor child of the President or
Vice President that was a financial interest pos-
ing a potential conflict of interest was divested
in accordance with subsection (e); and

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

(e) ENFORCEMENT.—

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

(A) the Director of the Office of Public Integrity is unable to issue a report indicating whether the President or the Vice President is in substantial compliance with subsection (c); or

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

(2) FAIR MARKET VALUE.—In granting injunctive relief to the plaintiff, the court shall take measures reasonably necessary to ensure that any divestment procedure seeks to obtain a fair market value for any asset that is liquidated.

SEC. 113. RECUSAL OF APPOINTEES.

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

“(f)(1) Any officer or employee appointed by the President shall recuse himself or herself from any particular matter involving specific parties in which a party to that matter is—
“(A) the President who appointed the officer or employee, which shall include any entity in which the President has a substantial interest; or

“(B) the spouse of the President who appointed the officer or employee, which shall include any entity in which the spouse of the President has a substantial interest.

“(2)(A) Subject to subparagraph (B), if an officer or employee is recused under paragraph (1), a career appointee in the agency of the officer or employee shall perform the functions and duties of the officer or employee with respect to the matter.

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

“(ii) If the recusal of a member of a Commission from a matter under paragraph (1) would result in there not being a statutorily required quorum of members of the Commission available to participate in the matter, notwithstanding such statute or any other provision of law, the members of the Commission not recused under paragraph (1) may—

“(I) consider the matter without regard to the quorum requirement under such statute;
“(II) delegate the authorities and responsibilities of the Commission with respect to the matter to a subcommittee of the Commission; or

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

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

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

SEC. 114. CONTRACTS BY THE PRESIDENT OR VICE PRESIDENT.

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

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

(2) in the first undesignated paragraph, by inserting “the President or Vice President,” after “Whoever, being”.
(b) **Table of Sections Amendment.**—The table of sections for chapter 23 of title 18, United States Code, is amended by striking the item relating to section 431 and inserting the following:

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431. Contracts by the President, Vice President, or a Member of Congress.
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**SEC. 115. PRESIDENTIAL TRANSITION ETHICS PROGRAMS.**

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

(1) in section 3(f) by adding at the end the following:

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(3) The President-elect shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a list of—

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

(B) any individual provided a security clearance, not later than 10 days after the date on which the security clearance was provided.”;
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(2) in section 4—

(A) in subsection (a)—

(i) in paragraph (3), by striking “and” at the end;
(ii) by redesignating paragraph (4) as paragraph (5); and

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

“(4) the term ‘nonpublic information’—

“(A) means information from the Federal Government that a transition member obtains as part of the employment of the member that such member knows or reasonably should know has not been made available to the general public; and

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

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

“(ii) is not authorized by the appropriate government agency or official to be released to the public; and”; and

(B) in subsection (g)—

(i) in paragraph (1), by striking “November” and inserting “October”; and
(ii) by adding at the end the following:

“(3) ETHICS PLAN.—

“(A) IN GENERAL.—Each memorandum of understanding under paragraph (1) shall include an agreement that the eligible candidate will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the eligible candidate becomes the President-elect.

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

“(i) a description of the ethics requirements that will apply to all members of the transition team, including any specific requirement for transition team members who will have access to nonpublic or classified information;

“(ii) a description of how the transition team will—

“(I) address the role on the transition team of—

“(aa) lobbyists registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et
and individuals who were former lobbyists registered under that Act;

“(bb) persons registered under the Foreign Agents Registration Act (22 U.S.C. 611 et seq.), foreign nationals, and other foreign agents; and

“(cc) transition team members with sources of income or clients that are not disclosed to the public;

“(II) prohibit a transition team member with conflicts of interest, including conflicts, as described in section 2635.402(a) and section 2635.502(a) of title 5, Code of Federal Regulations, related to current or former employment, affiliations, clients, or investments, from working on particular matters involving specific parties that affect the interests of such member; and

“(III) address how the covered eligible candidate will address their
own conflicts of interest during a Presidential term if the covered eligi-
bable candidate becomes the President-elect;

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

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

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

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

“(iv) a description of how the transition team will enforce the Code of Ethical Conduct, including the names of the members of the transition team responsible for enforcement, oversight, and compliance.

“(C) PUBLICLY AVAILABLE.—The transition team shall make the ethics plan described in this paragraph publicly available on the Internet website of the General Services Administration the earlier of—

“(i) the day on which the memorandum of understanding is completed; or

“(ii) October 1.”; and

(3) in section 6(b)—

(A) in paragraph (1)—

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

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

(iii) by adding at the end the following:
“(C) a list of all positions each transition team member has held outside the Federal Government for the previous 12-month period, including paid, unpaid, and uncompensated positions;

“(D) sources of compensation of each transition team member exceeding $5,000 a year for the previous 12-month period;

“(E) a description of the role of the member on the transition team, including a list of any policy issues that the member expects to work on, and a list of agencies the member expects to interact with, while serving on the transition team;

“(F) a list of any issues from which each transition team member will be recused while serving as a member of the transition team pursuant to the transition team ethics plan outlined in section 4(g)(3); and

“(G) an affirmation that the transition team member does not have a financial conflict of interest that precludes the member from working on the matters described in subparagraph (E).”;}
(B) in paragraph (2), by inserting “not later than 2 business days” after “public”; and
(C) by adding at the end the following:
“(3) The head of a Federal department or agency, or their designee, shall not permit access to the agency or employees of the agency that would not be provided to a member of the public for any transition team member who does not make the disclosures listed under paragraph (1).”.

SEC. 116. SENSE OF CONGRESS REGARDING VIOLATIONS.

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

SEC. 117. RULE OF CONSTRUCTION.

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

SEC. 118. SEVERABILITY.

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

**TITLE II—LOBBYING REFORM**

**SEC. 201. ENFORCEMENT BY THE OFFICE OF PUBLIC INTEGRITY.**

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

(1) in section 4 (2 U.S.C. 1603)—

(A) in subsection (a)(1), by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Director of the Office of Public Integrity”; and

(B) in subsection (d), in the flush text following paragraph (2), by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Director of the Office of Public Integrity”;

(2) in section 5 (2 U.S.C. 1604)—

(A) in subsection (a), by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Director of the Office of Public Integrity”;

(B) in subsection (d)(1), in the matter preceding subparagraph (A), by striking “Secretary of the Senate and the Clerk of the House
of Representatives” and inserting “Director of
the Office of Public Integrity”; and

(C) in subsection (e)—

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

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

(3) in section 6(a) (2 U.S.C. 1605(a)), in the
matter preceding paragraph (1), by striking “Sec-
retary of the Senate and the Clerk of the House of
Representatives” and inserting “Director of the Of-

fice of Public Integrity”;

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

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

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

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

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

“(3) CORPORATE LOBBYIST.—The term ‘corporate lobbyist’ means a lobbyist that, for financial or other compensation for services that include lobbying activities, is employed or retained by a client that is—

“(A) a covered for-profit entity; or

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

(4) by inserting after paragraph (4), as so redesignated, the following:

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

“(A) means—

“(i) a corporation, limited liability company, or other entity that is created by
the filing of a public document with a secretary of state of a State or similar office;

“(ii) a general partnership; or

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

“(B) does not include—

“(i) an entity described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986;

“(ii) a political organization, as defined in section 527 of such Code, that is exempt from taxation under that section.”;

(5) in paragraph (9), as so redesignated, by inserting “provision of strategic advice, and” after “planning activities,”;

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

(A) by striking clause (v); and

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

and

(7) by striking paragraph (12), as so redesignated, and inserting the following:

“(12) LOBBYIST.—The term ‘lobbyist’—
“(A) means an individual who is employed or retained by a client for financial or other compensation—

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

“(ii) to engage in lobbying activities that do not include making lobbying contacts; and

“(B) includes a corporate lobbyist.”.

SEC. 203. REGISTRATION OF LOBBYISTS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

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

(ii) by striking “first makes a lobbying contact” and all that follows through “retained to make a lobbying contact” and inserting “is first employed or retained to engage in lobbying activities on behalf of a client or first engages in lobbying activities”; and

(iii) by striking “45th” each place the term appears and inserting “30th”;
(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(II) in the matter preceding subclause (I), as so redesignated, by striking “entity whose—” and inserting the following: “entity—

“(i) of which the—”;

(III) in clause (i), as so designated—

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

(bb) in subclause (II), as so redesignated, by inserting “as estimated under section 5; or” after “$10,000,”;

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

“(ii) that engages in lobbying activities for less than 8 hours,”; and
(V) in the flush text following clause (ii)—

(aa) by striking “(as estimated under section 5)”;

(bb) by striking “with respect to such client” and inserting “, in the case of a person or entity described in subclause (I) or (II) of clause (i), with respect to such client, or, in the case of a person or entity described in clause (ii), with respect to any client of the person or entity.”;

and

(ii) in subparagraph (B), by striking “subparagraph (A)” and inserting “subparagraph (A)(i)”;

(2) in subsection (b)—

(A) by striking paragraph (4);

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

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

(i) in subparagraph (A)—
(I) by striking “the general issues areas” and inserting “each specific issue area”; and

(II) by striking “and” at the end;

(ii) by redesignating subparagraph (B) as subparagraph (C);

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

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

(iv) in subparagraph (C), as so redesignated—

(I) by striking “to the extent practicable, specific issues that have” and inserting “each specific issue, including any Federal legislation, rule, or regulation, or Executive order, that has”; and

(II) by striking “are” and inserting “is”;}

(D) in paragraph (5), as so redesignated, by striking the period and inserting a semicolon; and
(E) by inserting after paragraph (5), as so redesignated, the following:

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

“(7) with respect to any person or entity that, as of the date of the registration, or has been retained, by the registrant to engage in any lobbying activity on behalf of the client of the registrant—

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

“(B) a description of any lobbying contact that, as of the date of the registration, has been made in, or is likely to be made, on behalf of the client of the registrant by the person or entity;

“(C) with respect to the lobbying activity on behalf of the client of the registrant, the amount that the registrant, as of the date of the registration, has paid, or is likely to pay, to the person or entity as compensation for the lobbying activity; and
“(D) the name of each employee of the
person or entity who, as of the date of the reg-
istration, has supervised, or who is likely to su-
pervise, any lobbying activity on behalf of the
client of the registrant.”; and
(3) by striking subsection (c) and inserting the
following:
“(c) MULTIPLE CLIENTS.—In the case of a reg-
istrant that engages in lobbying activities on behalf of
more than 1 client, the registrant shall file a separate reg-
istration for each client.”.

SEC. 204. REPORTS BY LOBBYISTS.

(a) QUARTERLY REPORTS.—Section 5(b) of the Lob-
bying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is
amended—
(1) by striking paragraph (2) and inserting the
following:
“(2) a statement of—
“(A) each specific issue with respect to
which the registrant, or any employee of the
registrant, engaged in lobbying activities, in-
cluding, to the maximum extent practicable, a
statement of each bill number and reference to
any specific Federal rule or regulation, Execu-
tive order, or any other program, policy, or po-

sition of the United States Government;

“(B) each lobbying activity that the reg-

istrant has engaged in on behalf of the client,

including—

“(i) each document prepared by the

registrant that was submitted to any cov-
ered legislative branch official or covered

executive branch official;

“(ii) each meeting conducted that con-

stituted a lobbying contact, including the

subject of the meeting, the date of the

meeting, and the name and position of

each individual who was a party to the

meeting;

“(iii) each phone call made that con-

stituted a lobbying contact, including the

subject of the phone call, the date of the

phone call, and the name and position of

each individual who was a party to the

phone call; and

“(iv) each email sent that constituted

a lobbying contact, including the subject of

the email, the date of the email, and the
name and position of each individual who
was a party to the email;

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

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

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

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

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

“(iv) the name of each employee of
the person or entity who supervised any
lobbying activity by the person or entity on
behalf of the client of the registrant; and
“(v) the official action or inaction requested in the course of the lobbying activity;”.

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

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

(4) by adding at the end the following:

“(6) a copy of any document transmitted to a covered legislative branch official or a covered executive branch official in the course of any lobbying activity by the registrant on behalf of the client.”.

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

SEC. 205. PROHIBITION ON FOREIGN LOBBYING.

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

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

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

“SEC. 26. PROHIBITION ON FOREIGN LOBBYING.

“(a) DEFINITION.—In this section—

“(1) the term ‘covered lobbyist’ means—
“(A) a lobbyist that is registered or is required to register under section 4(a)(1);

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

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

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

“(b) PROHIBITION.—Except as provided in subsection (c), a covered lobbyist may not accept financial or other compensation for services that include lobbying activities on behalf of a foreign entity.

“(c) EXEMPTIONS.—The prohibition under subsection (b) shall not apply the following covered lobbyists:

“(1) DIPLOMATIC OR CONSULAR OFFICERS.—A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while the officer is engaged exclusively in activities that are recognized by the Depart-
ment of State as being within the scope of the func-
tions of the officer.

“(2) Officials of foreign governments.—
An official of a foreign government, if that govern-
ment is recognized by the United States, who is not
a public-relations counsel, a publicity agent, or an
information-service employee, or a citizen of the
United States, whose name and status and the char-
acter of whose duties as an official are of public
record in the Department of State, while said official
is engaged exclusively in activities that are recog-
nized by the Department of State as being within
the scope of the functions of the official.

“(3) Staff members of diplomatic or cons-
sular officers.—A member of the staff of, or any
person employed by, a duly accredited diplomatic or
consular officer of a foreign government who is so
recognized by the Department of State, other than
a public-relations counsel, a publicity agent, or an
information-service employee, whose name and sta-
tus and the character of whose duties as such mem-
er or employee are of public record in the Depart-
ment of State, while the member or employee is en-
gaged exclusively in the performance of activities
that are recognized by the Department of State as
being within the scope of the functions of the member or employee.

“(4) Persons engaging or agreeing to engage in the soliciting or collecting of funds for humanitarian relief.—A person engaging or agreeing to engage only in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if the solicitation or collection of funds and contributions is in accordance with, and subject to, the provisions of the Neutrality Act of 1939 (22 U.S.C. 441 et seq.), and such rules and regulations as may be prescribed thereunder.

“(5) Certain persons qualified to practice law.—

“(A) In general.—A person qualified to practice law, insofar as the person engages, or agrees to engage in, the legal representation of a disclosed foreign entity before any court of law or any agency of the Government of the United States.

“(B) Legal representation.—For the purpose of this paragraph, legal representation does not include any attempt to influence or
persuade agency personnel or officials other than in the course of—

“(i) a judicial proceeding;

“(ii) a criminal or civil law enforcement inquiry, investigation, or proceeding;

or

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

“(d) Penalties.—Any person who knowingly violates this section shall be fined not more than $200,000, imprisoned for not more than 5 years, or both, and any compensation received for engaging in the unlawful activity shall be subject to disgorgement.”.

(b) Conforming Amendment.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

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

and

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

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SEC. 206. PROHIBITION OF CONTRIBUTIONS BY LOBBYISTS.

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

"SEC. 325. PROHIBITION OF CONTRIBUTIONS BY LOBBYISTS.

“(a) IN GENERAL.—It shall be unlawful for any lobbyist to make a contribution to any candidate for Federal office or member of Congress.

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

SEC. 207. PROHIBITION ON CONTINGENT FEE LOBBYING.

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

"SEC. 27. PROHIBITION ON CONTINGENT FEE ARRANGE-
MENTS.

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

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

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

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

“(c) PENALTIES.—Any person who knowingly violates this section shall be fined not more than $200,000, imprisoned for not more than 5 years, or both, and any compensation received for engaging in the unlawful activity shall be subject to disgorgement.”.

SEC. 208. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS.

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

(1) in the section heading, by striking “TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES”; and

(2) by striking subsection (a) and inserting the following:
“(a) PROHIBITION.—Except as provided in subsection (e), a person described in subsection (b) may not make a gift or provide travel to a covered legislative branch official or a covered executive branch official.”; and

(3) by adding at the end the following:

“(c) EXCEPTIONS.—A person described in subsection (b) may make a gift or provide travel to a covered legislative branch official or a covered executive branch official if—

“(1) the gift or travel complies with any applicable rule of the Senate, House of Representatives, or executive branch applicable to the recipient of the gift or travel; and

“(2) the gift or travel—

“(A) is based on the personal or family relationship of the person with the covered legislative branch official or a covered executive branch official and is given with the knowledge and acquiescence of the covered legislative branch official or a covered executive branch official, unless the covered legislative branch official or a covered executive branch official has reason to believe that the gift or travel was given because of the official position of the cov-
erred legislative branch official or a covered executive branch official;

“(B) is a discount or similar benefit;

“(C) results from the business or employment activities of the spouse of the covered legislative branch official or a covered executive branch official;

“(D) is a gift or travel customarily provided by a prospective employer in connection with bona fide employment discussions;

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

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

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

“(F) may be accepted by the covered legislative branch official or covered executive branch official under specific Federal statutory authority.”.

SEC. 209. APPLICATION OF GENERAL SCHEDULE TO CONGRESS.

(a) In General.—Section 5331 of title 5, United States Code, is amended—
(1) in subsection (a), by striking “this subchapter, ‘agency’, ‘employee’, ‘position’,,” and inserting the following: “this subchapter—

“(1) ‘agency’—

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

“(B) includes—

“(i) the Government Accountability Office; and

“(ii) any agency, office, or other entity for which the pay of the employees of the agency, office, or other entity is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;

“(2) ‘employee’—

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

“(B) does not include a Member of Congress; and

“(3) ‘position’,”; and

(2) in subsection (b), by inserting “and employees in positions in an agency described in subsection (a)(1)(B)” after “chapter 51 applies”. 

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) Section 5 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 4531) is repealed.

(2) Section 311 of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 4532) is repealed.

(3) Sections 471 and 475 of the Legislative Reorganization Act of 1970 (2 U.S.C. 4533, 4534) are repealed.

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

(5) Section 107 of the Legislative Branch Appropriation Act, 1977 (2 U.S.C. 4572) is repealed.

(6) Section 315 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 4573) is repealed.

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

(A) by striking subsection (a);

(B) by striking subsection (c);

(C) by striking subsection (e); and

(D) by striking subsection (f).

(8) Section 114 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 4576) is amended by striking “maximum rate specified” and all that follows and inserting “rate payable for a position at level 15, step 10 of the General Schedule.”.
(9) Section 102(c)(2)(B) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 4579(c)(2)(B)) is amended by striking “exceeding” and all that follows and inserting “exceeding 1⁄12th of the maximum annual rate of pay that is payable for positions on the General Schedule under section 5304(g)(1) of title 5, United States Code.”.

SEC. 210. REESTABLISHMENT OF OFFICE OF TECHNOLOGY ASSESSMENT.

(a) Authorization of Appropriations.—Section 12(a) of the Technology Assessment Act of 1972 (2 U.S.C. 481(a)) is amended by striking “there is hereby” and all that follows through the period at the end and inserting “for each fiscal year there is authorized to be appropriated to the Office such sums as may be necessary.”.

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

(c) Initial Recommendations.—
(1) IN GENERAL.—Not later than 270 days after the date on which all members of the Technology Assessment Board are appointed under subsection (b), and after reviewing recommendations relating to the reestablishment of the Office of Technology Assessment and meeting with relevant stakeholders, the Technology Assessment Board shall submit to Congress recommendations concerning how Congress should enhance technology assessment support for the legislative branch, including whether Congress should enact new or revised authorities that address resources, function, structure, or other matters the Technology Assessment Board determines appropriate.

(2) REVIEW.—Not later than 90 days after the date on which Congress receives the recommendations under paragraph (1), each committee of the Senate or the House of Representatives with jurisdiction of any issue relating to technology assessment support for the legislative branch shall hold a hearing with respect to the recommendations.

(d) ADJUSTMENTS TO OTHER LAWS.—

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

(2) INFORMATION FOR THE CONGRESSIONAL BUDGET OFFICE.—Section 201(e) of the Congressional Budget Act of 1974 (2 U.S.C. 601(e)) is amended—

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

(B) by inserting “the Technology Assessment Board,” after “Comptroller General,”.

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

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

SEC. 211. PROGRESSIVE TAX ON LOBBYING EXPENDITURES.

(a) TAX PROVISIONS RELATING TO LOBBYING EXPENDITURES.—
(1) EXCISE TAX ON EXPENDITURES FOR LOBBYING ACTIVITIES.—

(A) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 is amended by inserting after subchapter C the following new subchapter:

"Subchapter D—Lobbying Activities

"Sec. 4286. Imposition of tax.

"SEC. 4286. IMPOSITION OF TAX.

"(a) In General.—There is hereby imposed on quarterly lobbying expenditures in excess of $125,000 a tax determined in accordance with the following table:

<table>
<thead>
<tr>
<th>If quarterly lobbying expenditures are:</th>
<th>The tax is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $125,000 but not over $250,000.</td>
<td>35% of the quarterly lobbying expenditures in excess of $125,000.</td>
</tr>
<tr>
<td>Over $250,000 but not over $1,250,000.</td>
<td>$43,750, plus 60% of the excess over $250,000.</td>
</tr>
<tr>
<td>Over $1,250,000</td>
<td>$643,750, plus 75% of the excess over $1,250,000.</td>
</tr>
</tbody>
</table>

"(b) Exception.—

"(1) In General.—Except as provided in paragraph (2), the tax imposed by this section shall not apply to any organization described in section 501(c) and exempt from tax under section 501(a).

"(2) Application to certain business organizations.—Paragraph (1) shall not apply to any organization which—
“(A) is described in section 501(c)(6) and exempt from tax under section 501(a), and

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

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

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

“(e) SPECIAL RULE.—For purposes of this section, all persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single person.”.

(B) CONFORMING AMENDMENT.—The table of subchapters for chapter 33 of such Code is amended by inserting after the item related to subchapter C the following new item:

“SUBCHAPTER D—LOBBYING ACTIVITIES”.

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

(2) MODIFICATION OF DEFINITION OF INFLU-
ENCING LEGISLATION FOR PURPOSES OF RESTRI-
CTIONS ON CERTAIN CHARITABLE ORGANIZATIONS.—

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

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

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

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

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

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

“(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.”.

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

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

(b) LOBBYING DEFENSE TRUST FUND.—

(1) ESTABLISHMENT OF FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 9512. LOBBYING DEFENSE TRUST FUND.

“(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ‘Lobbying Defense Trust Fund’, consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).
“(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Lobbying Defense Trust Fund amounts equivalent to—

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

“(2) the civil penalties collected under the Anti-Corruption and Public Integrity Act and the amendments made by that Act.

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

“(1) remain available until expended; and

“(2) be used, without further appropriation, by the Director of the Office of Public Integrity in accordance with subsection (d).

“(d) USE OF FUNDS.—

“(1) TRANSFERS TO AGENCIES.—

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

“(B) TRANSFER.—Not later than the end of each calendar quarter beginning more than 60 days after the date of the enactment of this section, the Director shall transfer from the Lobbying Defense Trust Fund to each executive agency that was the subject of significant lobbying activity during the previous quarter an amount equal to the amount obtained by multiplying—

“(i) the amount of taxes received in the Treasury under section 4286 that are attributable to lobbying expenditures during the previous quarter; by

“(ii) the percentage of such taxes that were based on lobbying expenditures during the previous quarter related to rulemaking within the jurisdiction of the executive agency.

“(C) USE OF TRANSFERRED FUNDS.—An executive agency may use amounts transferred under subparagraph (B) for salaries and expenses relating to researching, reviewing, or finalizing rules or other agency actions in accord-
ance with section 553 or 554 of title 5, United States Code.

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

“(2) OFFICE OF THE PUBLIC ADVOCATE.—

“(A) BUDGET SUBMISSION.—For each fiscal year beginning more than 60 days after the date of enactment of this section, the National Public Advocate shall submit to the Director a request—

“(i) indicating the amount the National Public Advocate is requesting be transferred to the Office of the Public Advocate; and

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

“(B) TRANSFER.—After consideration of the request submitted under subparagraph (A) with respect to a fiscal year, the Director shall transfer to the Office of the Public Advocate from the Lobbying Defense Trust Fund the amount determined appropriate by the Director.
“(C) USE OF FUNDS.—Amounts transferred under subparagraph (B) may be used for any authorized activity of the Office of the Public Advocate, including salaries and expenses.

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

“(3) CONGRESSIONAL SUPPORT AGENCIES.—

“(A) TRANSFER.—Not later than the end of each calendar quarter beginning more than 60 days after the date of the enactment of this section, the Director shall transfer from the Lobbying Defense Trust Fund to the Congressional Research Service, the Congressional Budget Office, the Government Accountability Office, and the Office of Technology Assessment an amount equal to 25 percent of the difference between—

“(i) the amount of taxes received in the Treasury under section 4286 that are attributable to lobbying expenditures during the previous quarter; and

“(ii) the amount of such taxes that were based on lobbying expenditures during the previous quarter related to rule-
making within the jurisdiction of an executive agency.

“(B) USE OF FUNDS.—Amounts transferred under subparagraph (A) may be used for any authorized activity of the agency receiving the amounts, including salaries and expenses.

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

“(4) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director shall promulgate regulations defining the term ‘significant lobbying activity’ for purposes of this subsection.”.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

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

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

SEC. 212. DISCLOSURE OF REGISTRATION STATUS.

Section 14 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1609) is amended—
(1) by striking subsections (a) and (b) and inserting the following:

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

(2) by redesignating subsection (c) as subsection (b).

TITLE III—RULEMAKING REFORM

SEC. 301. DISCLOSURE OF CONFLICTS OF INTEREST.

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

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

(2) by adding at the end the following:

“(f) With respect to any submission by an interested person under subsection (c) or any other submission by an interested person relating to a proposed rule that incorporates or includes a scientific or technical study, or any other result of scientific research not published in a pub-
liely available peer-reviewed publication, the interested
person, in making that submission, shall disclose—

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

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

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

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

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

(b) APPLICATION.—Section 553(f) of title 5, United
States Code, as added by subsection (a), shall apply with
respect to submissions made by interested persons on and
after the date of enactment of this Act.
SEC. 302. INCREASING DISCLOSURES RELATING TO STUDIES AND RESEARCH.

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

“(g) With respect to a study or research that is submitted by an interested person to an agency under subsection (c), the agency shall ensure that the study or research is available to the public, unless disclosure is prohibited under section 552 of this title.

“(h)(1) If a study or research submitted by an interested person to an agency under subsection (c) presents a conflict described in paragraph (2), the agency shall not consider the study or research in a rulemaking under this section and shall exclude the study or research from consideration, unless the interested person has certified, under standards developed by the National Academy of Sciences with respect to that certification, that the study or research has undergone independent peer review.

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

“(A) not less than 20 percent of the funding for the study or research is from an entity that is regulated by the agency; or

“(B) an entity that is regulated by the agency exercises editorial control over the study or research.
• With respect to a rulemaking under this section, an agency shall include in the notice of proposed rulemaking required under subsection (b) and in the final rule published under subsection (d) a description of how the agency considered scientific evidence, including any study or research.

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

SEC. 303. DISCLOSURE OF INTER-GOVERNMENTAL RULE CHANGES.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Office;

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

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

(4) the term “Office” means the Office of Information and Regulatory Affairs.
(b) REQUIREMENT.—With respect to any regulatory action that an agency provides to the Office under section 6(a)(3) of the Executive Order, and that the Administrator determines is a significant regulatory action under that section, the agency shall—

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

(A) the substance of any changes between the text of the draft regulatory action that the agency provided to the Office under section 6(a)(3)(B)(i) of the Executive Order and the text published in that general notice with respect to the action; and

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

(i) the Office;

(ii) another agency; or

(iii) a Member of Congress; and

(2) not later than the date on which the agency publishes the regulatory action in the Federal Register, place in the rulemaking docket—
(A) the substance of any changes between
the text of the regulatory action that the agency
provided to the Office under section
6(a)(3)(B)(i) of the Executive Order and the
text of the regulatory action that the agency
published in the Federal Register; and
(B) a statement regarding whether any
change described in subparagraph (A) was
made at the request of—
(i) the Office;
(ii) another agency; or
(iii) a Member of Congress.

SEC. 304. JUSTIFICATION OF WITHDRAWN RULES.
(a) DEFINITIONS.—In this section—
(1) the term “Administrator” means the Ad-
ministrator of the Office;
(2) the terms “agency” and “regulatory action”
have the meanings given those terms in section 3 of
the Executive Order;
(3) the term “Executive Order” means Execu-
tive Order 12866 (5 U.S.C. 601 note; relating to
regulatory planning and review); and
(4) the term “Office” means the Office of In-
formation and Regulatory Affairs.
(b) REQUIREMENT.—
(1) In general.—If an agency withdraws a regulatory action after providing the action to the Office under section 6(a)(3) of the Executive Order (or, if the agency does not provide the regulatory action to the Office under that section, after publishing the general notice of proposed rulemaking with respect to the action under section 553(b) of title 5, United States Code), the agency shall publish in the Federal Register and on the website of the agency a statement regarding the decision by the agency to withdraw the action.

(2) Contents.—A statement required under paragraph (1) with respect to a decision by an agency to withdraw a regulatory action shall include, at a minimum—

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

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

(i) the Office;

(ii) another agency;

(iii) a Member of Congress;
(iv) a State, local, or tribal government; or

(v) an organization, a corporation, a member of the public, or another interested party.

SEC. 305. NEGOTIATED RULEMAKING.

(a) In general.—Subchapter III of chapter 5 of title 5, United States Code, is amended—

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

(2) in section 563—

(A) in subsection (a)—

(i) in paragraph (2), by inserting “Federal, State, local, or tribal government” after “identifiable”; and

(ii) in paragraph (3), by striking “persons who” and inserting “representatives of Federal, State, local, and tribal governments that”;  

(B) in subsection (b)—

(i) in paragraph (1)—
(I) in subparagraph (A)—

(aa) by striking “persons who” and inserting “Federal, State, local, or tribal governments that”; and

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

(II) in subparagraph (B)—

(aa) by striking “with such persons” and inserting “with representatives of those governments”; and

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

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

(I) by striking “persons who” and inserting “representatives of Federal, State, local, or tribal governments that”; and

(II) by striking “, including residents of rural areas”; 

(3) in section 564—
applications for membership on committees’’;

(B) in subsection (a)—

(i) in paragraph (4), by striking “the persons” and inserting “the representatives of Federal, State, local, and tribal governments”;

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

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

(iv) by striking paragraph (8);

(C) by striking subsection (b);

(D) by redesignating subsection (c) as subsection (b); and

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

(i) in the subsection heading, by striking “AND APPLICATIONS”; and

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

(A) in section 1601 (20 U.S.C. 6571)—

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

(ii) by striking subsections (b) and
(c); and
(iii) by redesignating subsections (d) and (e) as subsections (b) and (e), respectively;

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

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

(3) Health Insurance Portability and Accountability Act of 1996.—Section 216(b) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320a-7b note) is amended—

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

(B) by striking “(1) Establishment.—” and all that follows through “chapter 5 of title 5, United States Code, standards” and inserting the following:

“(1) In General.—The Secretary of Health and Human Services (in this subsection referred to as the ‘Secretary’) shall establish standards”;

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

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

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

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

(A) in section 207 (20 U.S.C. 1022f)—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c);

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

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

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

(iii) by striking subparagraph (D);

(C) in section 487A(b)(3)(B) (20 U.S.C. 1094a(b)(3)(B)), by striking “in the negotiated rulemaking process,”;
(D) in section 491(l)(4)(A) (20 U.S.C. 1098(l)(4)(A)), by striking “, not later than two years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Opportunity Act,”; and

(E) in section 492 (20 U.S.C. 1098a)—

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

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

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

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

(6) MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—Section 305(g) of
the Magnuson-Stevens Fishery Conservation and
Management Act (16 U.S.C. 1855(g)) is amended—
(A) by striking paragraphs (2) and (3);
(B) in paragraph (1)—
   (i) by striking ``(A)''; and
   (ii) by redesignating subparagraph
      (B) as paragraph (2) and adjusting the
      margins accordingly; and
(C) in paragraph (2), as so redesignated,
   by striking the second sentence.

(7) MANDATORY PRICE REPORTING ACT OF
2010.—Section 2(b) of the Mandatory Price Report-
2501) is amended—
   (A) by striking ``WHOLESALE PORK CUTS''
   and all that follows through ``Chapter 3'' and
inserting ``WHOLESALE PORK CUTS.—Chapter
3''; and
   (B) by striking paragraphs (2), (3), and
   (4) (7 U.S.C. 1635k note).

(8) PATIENT PROTECTION AND AFFORDABLE
CARE ACT.—Section 5602 of the Patient Protection
and Affordable Care Act (42 U.S.C. 254b note) is
amended—
(A) in the section heading, by striking "NEGOTIATED";

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

(C) in subsection (a)—

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

(ii) in paragraph (1)—

(I) by striking "(1) IN GENERAL.—"; and

(II) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(D) in subsection (b), as so redesignated, by striking "paragraph (1)" and inserting "subsection (a)".

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

(A) by striking subsection (b); and

(B) in subsection (a)—

(i) by striking "(1) PURPOSE.—"; and
(ii) by redesignating paragraph (2) as subsection (b) and adjusting the margins accordingly.

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

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

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

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

(ii) in paragraph (1)—

(I) by striking “(A) IN GENERAL.—”;

(II) by striking “and using a negotiated rulemaking process under subchapter III of chapter 5 of title 5”; and

(III) by redesignating subparagraph (B) as paragraph (2) and adjusting the margins accordingly; and
(iii) in paragraph (2), as so redesignated, by striking “subparagraph (A)” and inserting “paragraph (1)”.

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

“564. Publication of notice.”

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

(A) by striking “shall—” and all that follows through “issue” and inserting “shall issue”;

(B) by striking “; or” and inserting a period; and

(C) by striking subparagraph (B).

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

(14) UNITED STATES HOUSING ACT OF 1937.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended by repealing subsection (f).

SEC. 306. STREAMLINING OIRA REVIEW.

(a) DEFINITIONS.—In this section—
(1) the term “Administrator” means the Administrator of the Office;

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

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

(4) the term “Office” means the Office of Information and Regulatory Affairs.

(b) Prohibitions.—

(1) Non-executive branch officials.—With respect to a regulatory action of an agency, the Office may not engage in communications or meetings with an individual that is not employed by the executive branch of the Federal Government if the regulatory action is or may be subject to review by the Office under section 6(b) of the Executive Order.

(2) Informal review.—With respect to a regulatory action of an agency that may be subject to review by the Office under section 6(b) of the Executive Order, the Office may not engage in communications or meetings with the agency before the date on which the agency submits the regulatory ac-
tion to the Office under section 6(a)(3) of the Executive Order.

(c) Time Period for OIRA Review.—

(1) In general.—Except as provided in paragraph (2), the Office shall complete a review of a significant regulatory action under section 6(b) of the Executive Order not less than 45 days after the date on which the Office receives the significant regulatory action under section 6(a)(3) of the Executive Order.

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

(3) Publication of Regulatory Action.—If the Office waives review of a significant regulatory action of an agency under section 6(b)(2) of the Executive Order without a request for further consideration or does not notify the agency in writing of the results of the review under section 6(b) of the Executive Order within the time frame described in paragraph (1) or (2), the agency may publish the significant regulatory action in the Federal Register.
SEC. 307. LIMITING TEMPORARY COURT INJUNCTIONS AND POSTPONING OF FINAL RULES PENDING JUDICIAL REVIEW.

Section 705 of title 5, United States Code, is amended—

(1) by striking the first sentence; and

(2) by adding at the end the following: “Notwithstanding the preceding sentence, with respect to agency action relating to notice and comment rule-making under section 553 of this title, on such conditions as may be required and to the extent necessary to prevent irreparable injury, only the reviewing court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court may issue all necessary and appropriate process to postpone the effective date of the agency action or to preserve status or rights pending conclusion of the review proceedings.”.

SEC. 308. PENALIZING INDIVIDUALS THAT SUBMIT FALSE INFORMATION TO AGENCIES.

Section 553 of title 5, United States Code, as amended by section 302 of this Act, is amended by adding at the end the following:

“(j) Any person that uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry with respect
to a rulemaking under this section shall be fined not more than $250,000, imprisoned not more than 5 years, or both.”.

SEC. 309. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC ADVOCATE.

Section 401 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

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

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

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

“(ii) report to the Director of the Office of Public Integrity;

“(iii) not be an employee of the Federal Government;

“(iv) be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code;
“(v) have a background in customer service, consumer protection, and administrative law;

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

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

“(viii) agree not to accept an offer of employment with a Federal agency for not less than 5 years after ceasing to serve as the National Public Advocate.

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

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

“(B) assisting agencies in soliciting public participation in the rulemaking process;

“(C) assisting individuals in participating in the rulemaking process; and

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

“(3) Not later than 180 days after the date on which the National Public Advocate is appointed under this sub-
section or 180 days after the date of enactment of this subsection, whichever is later, the National Public Advocate shall propose regulations to carry out this subsection.”.

SEC. 310. ACTIONS BY PRIVATE PERSONS.

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

(b) ACTIONS.—

(1) IN GENERAL.—A person may bring a civil action for the person and for the United States Government, in the name of the Government, against any person, including the United States Government and any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution of the United States, for—

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

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

(2) NOTICE.—A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to rule 4(d)(4) of the Federal Rules of Civil Procedure. The Gov-
ernment may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

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

(A) proceed with the action, in which case the action shall be conducted by the Government; or

(B) notify the court that it declines to proceed with the action, in which case the person bringing the action shall have the right to conduct the action.

(4) AWARD TO PLAINTIFF.—

(A) GOVERNMENT PROCEEDS WITH ACTION.—If the Government proceeds with an action brought by a person under this subsection, the person shall receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Any payment to a person under this subparagraph shall be made from the proceeds. The person shall also receive an amount for
reasonable expenses that the court finds to have
been necessarily incurred, plus reasonable attor-
ney’s fees and costs. The expenses, fees, and
costs shall be awarded against the defendant.

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

SEC. 311. SCOPE OF REVIEW.

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

(1) in the first sentence of the matter preceding
paragraph (1), by striking “To the extent nec-
ecessary” and inserting “(a) IN GENERAL.—To the extent necessary”;

(2) in subsection (a), as so designated, by inserting after the first sentence the following: “If a statute that an agency administers is silent or ambiguous, and an agency has followed the procedures in section 553 or 554 of this title, as applicable, a reviewing court shall defer to the agency’s reasonable or permissible interpretation of that statute.”;

(3) by striking “In making the foregoing determinations” and inserting the following:

“(b) REVIEW OF RECORD.—In making the determinations under subsection (a)”;

(4) in subsection (b), as so designated, by inserting “except any part of the record that the agency excluded from consideration pursuant to section 553(h)(1) of this title,” after “party,”; and

(5) by adding at the end the following:

“(c) UNREASONABLE DELAY.—For purposes of subsection (a)(1), unreasonable delay shall include—

“(1) when an agency has not issued a notice of proposed rulemaking within 1 year of the date of enactment of the legislation mandating the rulemaking, where no deadline for the rulemaking was specified in the enacted law;
“(2) when an agency has not issued a final version of a proposed rule within 1 year of date on which the proposed rule was published in the Federal Register; and

“(3) when an agency has not implemented a final rule within 1 year of the implementation date published in the Federal Register or, if no implementation date was provided, within 1 year of the date on which the final rule was published in the Federal Register.”.

SEC. 312. EXPANDING RULEMAKING NOTIFICATIONS.

Section 553 of title 5, United States Code, as amended by section 308 of this Act, is amended by adding at the end the following:

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

“(2) The Director of the Government Publishing Office shall establish a process under which an agency shall notify interested parties under paragraph (1) through e-mail or postal mail.”.

SEC. 313. PUBLIC PETITIONS.

Section 553(e) of title 5, United States Code, is amended—
(1) by inserting “(1)” before “Each agency”; and

(2) by adding at the end the following:

“(2) If, during a 60-day period, an agency receives more than 100,000 signatures on a single petition under paragraph (1), the agency shall, not later than 30 days after the date on which the agency receives the petition, provide a written response that includes—

“(A) an explanation of whether the agency has engaged or is engaging in the requested issuance, amendment, or repeal of a rule; and

“(B) if the agency has not engaged in the requested issuance, amendment, or repeal of a rule, a written explanation for not engaging in the requested issuance, amendment, or repeal.”.

SEC. 314. AMENDMENT TO CONGRESSIONAL REVIEW ACT.

Section 801(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “(1)”; and

(2) by striking paragraph (2).

SEC. 315. COST-BENEFIT ANALYSIS.

(a) DEFINITIONS.—In this section, the terms “agency” and “regulation” have the meanings given those terms in section 3 of Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review).
(b) REQUIREMENT.—If an agency is performing a
cost-benefit analysis in the course of issuing a regulation,
the agency shall—

(1) take into account the benefits of the regula-
tion to the public, including the nonquantifiable ben-
efits of the regulation; and

(2) adopt a regulation that prioritizes benefits
to the public, including nonquantifiable benefits.

SEC. 316. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Federal Employees Pay Comparability
Act of 1990 (as enacted by section 529 of Public
Law 101–509), which was designed to ensure that
the disparity in pay between Federal employees on
the General Schedule and non-Federal employees is
not greater than 5 percent, has not been imple-
mented as envisioned, resulting in significant pay
disparities between Federal Government and non-
Federal employees, including private-sector employ-
ees;

(2) Federal employees have experienced pay
challenges in recent years owing to pay freezes, re-
duced pay increases, and unpaid furlough days,
which have adversely impacted the ability of the
Federal Government to recruit and retain skilled employees; and

(3) the President and Congress should allow the statutory pay laws to be implemented as intended, providing an annual across-the-board pay adjustment and a locality pay adjustment that varies by specific pay locality area.

**TITLE IV—JUDICIAL ETHICS**

**SEC. 401. CLARIFICATION OF GIFT BAN.**

(a) IN GENERAL.—Section 7353 of title 5, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “anything of value” and inserting “a gift”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “and” at the end;

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

(C) by adding at the end the following:

“(3) the term ‘gift’ means anything of value, including transportation, travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.”.
(b) Regulations.—The Judicial Conference of the United States shall promulgate regulations to carry out the amendment made by subsection (a) with respect to the judicial branch.

SEC. 402. RESTRICT PRIVATELY FUNDED EDUCATIONAL EVENTS AND SPEECHES.

(a) Judicial Education Fund.—

(1) Establishment.—Chapter 42 of title 28, United States Code, is amended by adding at the end the following:

“§ 630. Judicial Education Fund

“(a) Definitions.—In this section—

“(1) the term ‘Fund’ means the Judicial Education Fund established under subsection (b);

“(2) the term ‘institution of higher education’ has the meaning given that term under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

“(3) the term ‘national bar association’ means a national organization that is open to general membership to all members of the bar;

“(4) the term ‘private judicial seminar’—

“(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

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“(B) does not include—

“(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

“(ii) seminars that last 1 day or less and are conducted by a national bar association or State or local bar association for the benefit of the bar association membership; or

“(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by a national bar association or State or local bar association, where a judge is a presenter and at which judges constitute less than 25 percent of the participants; and

“(5) the term ‘State or local bar association’ means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

“(b) FUND.—There is established within the United States Treasury a fund to be known as the ‘Judicial Education Fund’.

“(c) USE OF AMOUNTS.—Amounts in the Fund may be made available for the payment of necessary expenses,
including reasonable expenditures for transportation, food, lodging, private judicial seminar fees and materials, incurred by a judge or justice in attending a private judicial seminar approved by the Board of the Federal Judicial Center. Necessary expenses shall not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the private judicial seminar. Any payment from the Fund shall be approved by the Board.

“(d) REQUIRED INFORMATION.—The Board may approve a private judicial seminar after submission of information by the sponsor of that private judicial seminar that includes—

“(1) the content of the private judicial seminar (including a list of presenters, topics, and course materials); and

“(2) the litigation activities of the sponsor and the presenters at the private judicial seminar (including the litigation activities of the employer of each presenter) on the topic related to those addressed at the private judicial seminar.

“(e) PUBLIC AVAILABILITY.—If the Board approves a private judicial seminar, the Board shall make the information submitted under subsection (d) relating to the pri-
vate judicial seminar available to judges and the public by posting the information online.

“(f) GUIDELINES.—The Judicial Conference shall promulgate guidelines to ensure that the Board only approves private judicial seminars that are conducted in a manner so as to maintain the public’s confidence in an unbiased and fair-minded judiciary.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Fund $3,000,000 for each of fiscal years 2019, 2020, and 2021, to remain available until expended.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 42 of title 28, United States Code, is amended by adding at the end the following:

“630. Judicial Education Fund”.

(b) PRIVATE JUDICIAL SEMINAR GIFTS PROHIBITED.—

(1) DEFINITIONS.—In this subsection—

(A) the term “gift” has the meaning given that term under section 7353 of title 5, United States Code, as amended by section 401;

(B) the term “institution of higher education” has the meaning given that term under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and
(C) the terms “national bar association”, “private judicial seminar”, and “State or local bar association” have the meanings given those terms under section 630 of title 28, United States Code, as added by subsection (a).

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate regulations to apply section 7353(a) of title 5, United States Code, to prohibit the solicitation or acceptance of a gift in connection with a private judicial seminar.

(3) EXCEPTION.—The prohibition under the regulations promulgated under paragraph (2) shall not apply if—

(A) the judge participates in a private judicial seminar as a speaker, panel participant, or otherwise presents information;

(B) Federal judges are not the primary audience at the private judicial seminar; and

(C) the gift accepted is—

(i) reimbursement from the private judicial seminar sponsor of reasonable transportation, food, or lodging expenses on any day on which the judge speaks, partici-
pates, or presents information, as applicable;

(ii) attendance at the private judicial seminar on any day on which the judge speaks, participates, or presents information, as applicable; or

(iii) anything excluded from the definition of a gift under regulations of the Judicial Conference of the United States under sections 7351 and 7353 of title 5, United States Code, as in effect on the date of enactment of this Act.

SEC. 403. CODE OF CONDUCT.

(a) APPLICABILITY.—The Code of Conduct for United States Judges adopted by the Judicial Conference of the United States shall apply to the justices of the Supreme Court of the United States to the same extent as such Code applies to circuit and district judges.

(b) ENFORCEMENT.—The Judicial Conference shall establish procedures, modeled after the procedures set forth in chapter 16 of title 28, United States Code, under which—

(1) complaints alleging that a justice of the Supreme Court of the United States has violated the
Code of Conduct referred to in subsection (a) may be filed with or identified by the Conference;

(2) such complaints are reviewed and investigated by the Conference; and

(3) further action, where appropriate, is taken by the Conference, with respect to such complaints.

(e) Submission to Congress; Effective Date.—

(1) Submission to Congress.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall submit to Congress the procedures established under subsection (b).

(2) Effective Date.—The procedures established under subsection (b) shall take effect 270 days after the date of enactment of this Act.

SEC. 404. IMPROVING DISCLOSURE.

(a) Financial Reports.—Section 103(h) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(3) The Judicial Conference shall make publicly available online, at no cost, each report required under this title that is filed with the Judicial Conference in a searchable, sortable, machine readable, and downloadable format.”.
(b) **Recusal Decisions.**—Section 455 of title 28, United States Code, is amended by adding at the end the following:

“(g) Each justice, judge, and magistrate judge of the United States shall maintain a list of each association or interest that would require the justice, judge, or magistrate to be recused under subsection (b)(4).”.

(c) **Speeches.**—

(1) **In General.**—Each justice, judge, and magistrate judge of the United States shall maintain and submit to the Judicial Conference of the United States a copy of each speech or other significant oral communication made by the justice, judge or magistrate.

(2) **Availability.**—The Judicial Conference of the United States shall maintain and make each speech or other significant oral communication submitted under paragraph (1) available to the public in printed form, upon request, and online, at no cost, in a searchable, sortable, machine readable, and downloadable format.

(3) **Regulations.**—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate regulations regarding the types of oral communica-
tions that are required to be maintained, submitted, and made publicly available under this subsection.

(d) LIVESTREAMING JUDICIAL PROCEEDINGS.—

(1) DEFINITION.—In this section, the term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

(2) STREAMING OF COURT PROCEEDINGS.—In accordance with procedures established by the Judicial Conference of the United States, the audio of each open session conducted by an appellate court of the United States shall be made available online contemporaneously with the session, unless the appellate court of the United States, by a majority vote, determines that making audio of the session available online would violate the constitutional rights of any party to the proceeding.

(e) PUBLICIZING CASE ASSIGNMENT INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate regulations requiring each court of the United States to make case assignment data available to the public
online, at no cost, in a searchable, sortable, machine
readable, and downloadable.

(2) CONTENTS.—The case assignment data
made available under paragraph (1) shall include, at
a minimum, and to the extent available, the case
title, docket number, case origin, filing date, and
name of each authoring judge, concurring judge, and
dissenting judge for each opinion issued in the case.

(f) MAKING WEBSITES USER-FRIENDLY.—Not later
than 180 days after the date of enactment of this Act,
the Judicial Conference of the United States shall promul-
gate regulations requiring an evaluation of, and improve-
ments to, the website of each district court of the United
States to ensure the website is easy to understand, includ-
ing that it is clear how to file a complaint relating to a
judge or an employee of the district court.

SEC. 405. APPOINTMENT OF ADMINISTRATIVE LAW
JUDGES.

(a) IN GENERAL.—Section 3105 of title 5, United
States Code is amended by inserting after the first sen-
tence the following: “Administrative law judge positions
shall be positions in the competitive service.”.

(b) CONVERSION OF POSITIONS.—With respect to
any individual serving on the date of enactment of this
Act in an excepted service position as an administrative
law judge appointed under section 3105 of title 5, United States Code, as in effect on the day before the date of enactment of this Act, the head of the agency employing the administrative law judge shall convert the appointment to a permanent appointment in the competitive service in the agency.

(e) Applicability.—This section and the amendments made by this section shall apply on and after the date of enactment of this Act.

SEC. 406. IMPROVE REPORTING ON JUDICIAL DIVERSITY.

Section 331 of title 28, United States Code, is amended in the eighth undesignated paragraph by adding at the end the following: “The report submitted by the Chief Justice under this paragraph shall include a report on the diversity of the Federal judiciary, including diversity of justices and judges of the United States based on gender, race, ethnicity, disability status, sexual orientation, gender identity, national origin, and professional experience before being appointed a justice or judge of the United States.”

SEC. 407. PLEADING STANDARDS.

(a) In General.—Rule 12 of the Federal Rules of Civil Procedure is amended by adding at the end the following:
“(j) PLEADING STANDARDS. A court shall not dismiss a complaint under Rule 12(b)(6), (c) or (e):

“(1) unless it appears beyond doubt that the plaintiff can prove no set of facts in support of the claim which would entitle the plaintiff to relief; or

“(2) on the basis of a determination by the court that the factual contents of the complaint do not show the plaintiff’s claim to be plausible or are insufficient to warrant a reasonable inference that the defendant is liable for the misconduct alleged.”.

(b) APPLICABILITY.—Rule 12(j) of the Federal Rules of Civil Procedure, as added by subsection (a) shall apply with respect to the dismissal of complaints except as otherwise expressly provided by an Act of Congress enacted after the date of the enactment of this Act or by amendments made after such date of enactment to the Federal Rules of Civil Procedure pursuant to the procedures prescribed by the Judicial Conference of the United States under chapter 131 of title 28, United States Code.

SEC. 408. AVAILABILITY OF JUDICIAL OPINIONS.

Section 205 of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subsection (a)(5), by striking “text searchable format” and inserting “text searchable and machine-readable file format that may be cited
using a vendor-neutral and medium-neutral citation system”; and

(2) in subsection (b), by adding at the end the following:

“(3) **BULK ACCESS.**—

“(A) **PROVISION TO GPO.**—Each written opinion required to be made accessible on a website under subsection (a)(5) shall be provided to the Government Publishing Office.

“(B) **ACCESS.**—The Director of the Government Publishing Office shall make available to the public for bulk download all written opinions provided to the Government Publishing Office under subparagraph (A).”.

**TITLE V—ENFORCEMENT**

**Subtitle A—Office of Public Integrity**

**SEC. 511. ESTABLISHMENT OF OFFICE OF PUBLIC INTEGRITY.**

(a) **IN GENERAL.**—The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in title I, by striking “Government Ethics” each place it appears and inserting “Public Integrity”;
(2) in the heading for title IV, by striking "GOVERNMENT ETHICS" and inserting "PUBLIC INTEGRITY";

(3) in section 401—

(A) by striking "Government Ethics" each place it appears and inserting "Public Integrity";

(B) in subsection (a)—

(i) by inserting "(1)" before "There is established"; and

(ii) by adding at the end the following:

"(2) The purposes of the Office of Public Integrity are—

"(A) to consolidate and strengthen Federal ethics enforcement and anti-corruption public integrity efforts;

"(B) to conduct anti-corruption, ethics, and public integrity oversight of officers and employees of the Federal Government through investigations, corrective action, and other actions and penalties;

"(C) to promote public integrity and prevent corruption within the Federal Government through education, advisory, guidance, and rulemaking;"
“(D) to facilitate accountability through affirmative public disclosures, lobbying registration, and the promotion of transparency across the Federal Government; and

“(E) to protect the public’s interest in democracy and Federal policymaking.”; and

(C) by adding after subsection (d), as added by section 309 of this Act, the following:

“(e)(1) There is established within the Office of Public Integrity a division to be known as the ‘Government Ethics Division’.

“(2) The Government Ethics Division shall carry out all functions of the Office of Government Ethics under this Act as of the day before the date of enactment of this subsection, including—

“(A) providing advice to designated agency ethics officials, including legal advisories, education advisories, and program management advisories on substantive ethics issues;

“(B) providing training and education opportunities to designated agency ethics officials on an ongoing basis; and

“(C) providing confidential advice, which, subject to paragraph (3), shall not lead to enforcement
action, for any agency employee seeking confidential ethics advice.

“(3)(A) The Government Ethics Division may refer a matter for enforcement based on information obtained in providing advice to an employee under paragraph (2)(C) if the employee—

“(i) knowingly makes a material misrepresentation, including making a significant omission in providing information, to the Government Ethics Division;

“(ii) has already taken the action in violation of the laws or regulations relating to conflicts of interest or other ethics issues;

“(iii) reveals significant criminal activity, particularly criminal activity outside the jurisdiction of the Office of Public Integrity;

“(iv) engaged in a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of section 2302(b) of title 5, United States Code; or

“(v) engaged in other actions, as established by the Director by regulation.

“(B) An employee who seeks advice under paragraph (2)(C) may be subject to administrative remedies, such as
reprimand, divestiture, forced recusal, or other corrective actions to remedy the violation.

“(C) Notwithstanding any other provision in this paragraph, the Director may promulgate regulations (including regulations under subparagraph (A)(v)) to ensure that—

“(i) an employee who engages in conduct in good faith reliance upon an advisory opinion issued to the employee by the Government Ethics Division or a designated agency ethics official generally shall not be subject to civil, criminal, or disciplinary action by the Office of Public Integrity;

“(ii) an advisory opinion issued to an employee by the Government Ethics Division or a designated agency ethics official shall not prevent the employee from being subject to other civil or disciplinary action if the conduct of the employee violates another law, rule, regulation, or lawful management policy or directive; and

“(iii) if an employee has actual knowledge or reason to believe that an advisory opinion issued to the employee by the Government Ethics Division or a designated agency ethics official is based on fraudulent, misleading, or otherwise incorrect information,
the reliance of the employee on the opinion not be
deemed to be in good faith.’’;

(4) in section 403, by striking “Government
Ethics” each place it appears and inserting “Public
Integrity”; and

(5) in section 503(2), by striking “Government
Ethics” and inserting “Public Integrity”.

(b) OFFICERS.—

(1) DIRECTOR.—Section 401(b) of the Ethics
in Government Act of 1978 (5 U.S.C. App.) is
amended—

(A) by inserting “(1)” before “There shall
be”;

(B) by inserting “without regard to polit-
ical affiliation and solely on the basis of integ-

ity and demonstrated ability to fulfill the re-
sponsibilities of the role of Director” after “who
shall be appointed”;

(C) by striking “Effective with respect”
and inserting the following:

“(3) Effective with respect”;

(D) by inserting after paragraph (1), as so
designated, the following:

“(2) Each individual appointed by the President to
the position of Director—
“(A) shall not have any conflict of interest with respect to any aspect of performing the duties and responsibilities of the Director;

“(B) shall have a demonstrated record in public integrity and ethics enforcement;

“(C) shall not have ever been registered, or required to be registered, as a lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

“(D) during the 4-year period ending on the date on which the President nominates the individual to the position of Director, shall not have engaged in any significant political activity (including being a candidate for public office, fundraising for a candidate for public office or a political party, or serving as an officer or employee of a political campaign or party);

“(E) shall not have ever been an agent of a foreign principal registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); and

“(F) during the 4-year period ending on the date on which the President nominates the individual to the position of Director, shall not served as a fiduciary or personal attorney for an officer or em-
ployee of the Federal Government, including anyone
elected to public office.’’; and

(E) by adding at the end the following:

“(4) The Director may only be removed from office
by the President for inefficiency, neglect of duty, or mal-
feasance in office.

“(5) Not later than 30 days before the date on which
the President removes the Director from office or trans-
fers the Director to another position or location for ineffi-
ciency, neglect of duty, or malfeasance in office, the Presi-
dent shall submit to the Senate and the House of Rep-
resentatives written notice of the reasons for the removal
or transfer.

“(6) During the period of any absence or unavail-
ability of the Director, including a vacancy in the office
of the Director, all powers and duties of the Director shall
be vested in the Deputy Director.

“(7) The Director may continue to serve beyond the
expiration of the term of the Director until a successor
is appointed, by and with the advice and consent of the
Senate.”.

(2) ASSISTANT DIRECTORS.—Section 401(c)(1)
App.) is amended by inserting “and Assistant Direc-
tors (which may include an Assistant Director for
(3) **Deputy Director.**—Section 401 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding after subsection (e), as added by subsection (a) of this section, the following:

“(f)(1) There shall be in the Office of Public Integrity a Deputy Director, who shall—

“(A) be appointed by the President in accordance with paragraph (2), by and with the advice and consent of the Senate; and

“(B) serve as acting Director in the event of the absence or unavailability of the Director, including a vacancy in the office of the Director.

“(2) Each individual appointed by the President to the position of Deputy Director—

“(A) shall not have any conflict of interest with respect to any aspect of performing the duties and responsibilities of the Deputy Director;

“(B) shall have a demonstrated record in public integrity and ethics enforcement;

“(C) shall not have ever been registered, or required to be registered, as a lobbyist under the Lob-
bying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

“(D) during the 4-year period ending on the date on which the President nominates the individual to the position of Deputy Director, shall not have engaged in any significant political activity (including being a candidate for public office, fundraising for a candidate for public office or a political party, or serving as an officer or employee of a political campaign or party);

“(E) shall not have ever been an agent of a foreign principal registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); and

“(F) during the 4-year period ending on the date on which the President nominates the individual to the position of Deputy Director, shall not served as a fiduciary or personal attorney for an officer or employee of the Federal Government, including anyone elected to public office.”.

(c) AUTHORITY AND FUNCTIONS.—Section 402 of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (a)—
(A) by striking “shall provide” and inserting the following: “shall—

“(1) provide”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) investigate potential violations by officers and employees in all branches of the Federal Government or by any other person of the laws or regulations relating to conflicts of interest or other ethics issues, to the extent allowable by law and the Constitution.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “the President or”;

(ii) by striking “ethics” and inserting “other ethics issues”; and

(iii) by striking “title II of this Act” and inserting “title I”;

(B) in paragraph (2)—

(i) by striking “the President or”; and

(ii) by inserting “and other ethics issues” before the semicolon;

(C) in paragraph (3), by striking “title II of this Act” and inserting “title I”;

(D) in paragraph (4)—
(i) by striking “conflict of interest laws or regulations” and inserting “laws or regulations relating to conflicts of interest or other ethics issues”; and

(ii) by striking “ethical problems” and inserting “other ethics issue”;

(E) in paragraph (6)—

(i) by striking “the President or”; and

(ii) by striking “ethical problems” and inserting “other ethics issues”;

(F) in paragraph (7), by striking “conflict of interest problems” and inserting “conflicts of interest or other ethics issues”;

(G) by striking paragraph (9) and inserting the following:

“(9)(A) investigating potential violations by officers and employees in the Federal Government (including officers and employees in positions in the Executive Office of the President (including the White House Office)) of the laws or regulations relating to conflicts of interest or other ethics issues;

“(B) ordering (or with respect to the President, recommending) corrective action on the part of agencies, officers, and employees, as determined appropriate by the Director;
“(C) as the Director determines appropriate, referring an alleged violation of the laws or regulations relating to conflicts of interest or other ethics issues to the Attorney General or the head of the appropriate agency for civil or criminal enforcement; and

“(D) order appropriate disciplinary action with respect to an officer or employee in the executive branch, in accordance with subsection (f)(2);”;

(H) by striking paragraph (11) and inserting the following:

“(11)(A) evaluating the effectiveness of the laws and regulations relating to conflicts of interest and other ethics issues and recommending to Congress appropriate amendments to prevent corruption and to improve Government ethics, accountability, public integrity, and transparency; and

“(B) preparing an annual report to Congress, which shall include—

“(i) any recommended amendments described in subparagraph (A);

“(ii) a description of any significant actions taken by the Director in carrying out the duties of the Director, including specific steps taken to ensure that Federal officers and em-
ployees are complying with the laws and regulations relating to conflicts of interest or other ethics issues;

“(iii) information concerning significant violations of the laws or regulations relating to conflicts of interest or other ethics issues; and

“(iv) corrective action concerning violations described in clause (iii) and progress made in implementing such corrective action;”;

(I) in paragraph (12), by striking “conflict of interest and ethical problems” and inserting “conflicts of interest and other ethics issues”; 

(J) by striking paragraph (13) and inserting the following:

“(13) referring any potential violation of the laws and regulations relating to conflicts of interest and other ethics issues determined appropriate by the Director for criminal enforcement to the Attorney General, accompanied by any evidence in the possession of the Director and recommendations, if any, of the Director regarding the appropriate charges or penalties;”;

(K) in paragraph (14), by striking “and” at the end;
(L) in paragraph (15), by striking “title II of this Act.” and inserting “title I”; and

(M) by adding at the end the following:

“(16)(A) assuming responsibilities for disclosures of Executive Branch financial holdings, lobbying, and influencing activities;

“(B) conducting periodic and routine audits of disclosures described in subparagraph (A) to ensure the accuracy of the documents; and

“(C) conducting targeted audits of disclosures described in subparagraph (A) when the Director has reason to believe such disclosures contain inaccuracies or misinformation;

“(17) receiving, and within a reasonable time-frame responding to, complaints from members of the public of alleged violations of the laws or regulations relating to conflicts of interest or other ethics issues;

“(18) reporting publicly anonymized information regarding the resolution of complaints received under paragraph (17);

“(19) making available online on a central website that allows records to be available in a searchable, sortable, and downloadable format all ethics records that are required to be made publicly
available under any provision of law, or that the Di-
rector determines may and should be made publicly
available, including ethics records described sub-
section (j)(1);

“(20) after providing notice and an opportunity
for a hearing, imposing appropriate civil monetary
penalties against individuals and entities who violate
the laws or regulations relating to conflicts of inter-
est or other ethics issues;

“(21) making appropriate enforcement referrals
to the Securities and Exchange Commission, the Of-
office of the Special Counsel, and other relevant Fed-
eral or State law enforcement agencies in instances
of violations of Federal or State law, where appro-
priate;

“(22) except as otherwise required by law or re-
served to the President, making and overseeing any
waiver of the laws or regulations relating to conflicts
of interest or other ethics issues;

“(23) testifying before each House of Congress
at least annually;

“(24) approving any significant determination
by a designated agency ethics official, including any
ethics agreement, financial disclosure, recusal agree-
ment, or divestment determination, for any indi-

vidual serving in a position—

“(A) on any level of the Executive Sched-

ule under subchapter II of chapter 53 of title

5, United States Code;

“(B) in the executive branch pursuant to

an appointment by the President, by and with

the advice and consent of the Senate; or

“(C) in the Executive Office of the Presi-
dent;

“(25) overseeing the day to day activities of

each Inspector General in the executive branch, ex-
cept to the extent provided otherwise by law; and

“(26) administering the provisions of this title

as they pertain to the heads of agencies.”;

(3) in subsection (e)—

(A) in paragraph (1), by striking “and” at

the end;

(B) in paragraph (2), by striking the pe-

riod at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) each executive agency shall furnish to the

Director all information and records in the posses-

sion of the executive agency that the Director deter-
mines to be necessary for the performance of the duties of the Director.”;

(4) in subsection (f)—

(A) in paragraph (1)(A)—

(i) in clause (i), by inserting “(or, with respect to the President, recommend)” after “order” the first place it appears; and

(ii) in clause (ii), by inserting “(or, with respect to the President, recommend)” after “order”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii)(II), by inserting “and Congress” after the “the President”; and

(II) in clause (iv)—

(aa) in subclause (I), by striking “may recommend” and all that follows through “brought against the officer or employee” and inserting “may recommend that the agency head take a specific disciplinary action (including reprimand, suspension, demotion,
or dismissal) or that the agency head take such disciplinary action as the agency head determines appropriate with respect to the officer or employee”; and

(bb) by striking subclause (II) and inserting the following:

“(II) if the Director recommends a specific disciplinary action under subclause (I) and the head of the agency (not including the President) has not taken appropriate disciplinary action within 90 days after the Director recommends such action, may, after notifying the President and Congress in writing, order appropriate disciplinary action with respect to the officer or employee, in accordance with subparagraph (B), including reprimand, suspension, demotion, or dismissal of the officer or employee.”;

(ii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:
“(iii) Subject to clause (iv) of this subparagraph, before the Director orders any action under subparagraph (A)(iii) or orders any disciplinary action under subparagraph (A)(iv), the Director shall afford the officer or employee involved an opportunity for a hearing, if requested by such officer or employee, which shall be conducted on the record.”;

(II) by redesignating clause (iv) as clause (vi);

(III) by inserting after clause (iii) the following:

“(iv) The Director shall make publicly available any recommendation of a specific disciplinary action made by the Director under subparagraph (A)(iv)(I).

“(v) The authority of the Director under subparagraph (A)(iv)(II) to order disciplinary action may not be delegated.”; and

(IV) in clause (vi), as so redesignated—

(aa) by striking “title 2” and inserting “title I”; and

(bb) by striking “section 206” and inserting “section 104”; and
(iii) by adding at the end the following:

“(C)(i)(I) A political appointee (as defined in section 714(h) of title 38, United States Code) with respect to whom the Director orders a disciplinary action under subparagraph (A)(iv) may appeal the order to the President.

“(II) A determination by the President in an appeal under subclause (I) shall be—

“(aa) made in writing;

“(bb) submitted to Congress; and

“(cc) made publicly available by the President.

“(III) A determination by the President in an appeal under subclause (I) shall not be subject to judicial review.

“(ii) An officer or employee who is not a political appointee with respect to whom the Director orders a disciplinary action under subparagraph (A)(iv) may—

“(I) appeal a final order or decision of the Director to the Merit Systems Protection Board under section 7701 of title 5, United States Code; and

“(II) seek judicial review of a final order or decision of the Merit Systems Protection Board in the Court of Appeals for the Federal Circuit in accordance with section 7703 of title 5, United States Code.”;
(C) in paragraph (3), in the matter preceding subparagraph (A), by striking “paragraph (2)(A)(iii)” and inserting “clause (iii) or (iv) of paragraph (2)(A)”;
(D) by striking paragraph (5); and
(E) by redesignating paragraph (6) as paragraph (5); and
(5) by adding at the end the following:
“(g) As part of an investigation of potential violations of the laws or regulations relating to conflicts of interest or other ethics issues, the Director may require by subpoena the attendance of and testimony by witnesses and the production any book, check, canceled check, correspondence, communication, document, email, papers, physical evidence, record, recording, tape, or other material (including electronic records) relating to any matter or question the Director is authorized to investigate from any individual or entity.
“(h)(1) If the Attorney General declines to prosecute a criminal matter referred by the Director, the Attorney General shall submit to the Director and make publicly available written notice regarding the declination.
“(2) The Attorney General may redact information from the publicly available written notice under paragraph (1) if the Attorney General determines that disclosure of
the information would constitute a clearly unwarranted invasion of personal privacy.

“(i)(1) In addition to the authority otherwise provided by this Act, the Director, any Assistant Director for Investigations under the Director who is appointed by the Director, and any special agent supervised by the Director or Assistant Director may be authorized by the Attorney General to seek warrants for search of a premises or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

“(2) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

“(3)(A) The power authorized for the Office of Public Integrity under paragraph (1) may be rescinded or suspended upon—

“(i) a determination by the Attorney General that the exercise of authorized power by the Office of Public Integrity has not complied with the guidelines promulgated by the Attorney General under paragraph (2); or

“(ii) a determination by the Attorney General that available assistance from other law enforcement
agencies is sufficient to meet the need for such powers.

“(B) The powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Attorney General that such individual has not complied with guidelines promulgated by the Attorney General under paragraph (2).

“(4) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation.

“(j)(1) In carrying out subsection (b)(19), except for classified records and any specific record described in this paragraph the Director determines should not be made publicly available, the website described in subsection (b)(19) shall include—

“(A) public financial disclosure reports of nominees and appointees to positions on any level of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

“(B) other public financial disclosure reports reviewed by the Office of Public Integrity;

“(C) ethics agreements of individuals nominated or appointed to a position by the President;
“(D) certifications of compliance with ethics agreements by individuals appointed to a position by the President;

“(E) ethics agreements of individuals appointed pursuant to subparagraph (A), (B), or (C) of section 105(a)(2) or subparagraph (A), (B), or (C) of section 106(a)(1) of title 3, United States Code;

“(F) certifications of compliance with ethics agreements by individuals appointed pursuant to subparagraph (A), (B), or (C) of section 105(a)(2) or subparagraph (A), (B), or (C) of section 106(a)(1) of title 3, United States Code;

“(G) all ethics waivers, including waivers for senior government officials as defined in section 101 of the Anti-Corruption and Public Integrity Act, issued pursuant to—

“(i) section 207 or 208 of title 18, United States Code;

“(ii) section 2635.502(d) of title 5, Code of Federal Regulations, or any successor thereto;

“(iii) section 2635.503(c) of title 5, Code of Federal Regulations, or any successor thereto;

“(iv) any Executive Order; and
“(v) any other authority to waive other ethics requirements or extend any ethics-related deadlines;
“(H) certificates of divestiture;
“(I) records of approval by agencies of the acceptance of gifts by individuals appointed to a position by the President from outside sources for which employees must obtain agency approval;
“(J) records relating to the initial ethics briefings of individuals appointed to a position by the President required by section 2638.305 of title 5, Code of Federal Regulations, or any successor thereto;
“(K) records of ethics training completed by individuals appointed to a position by the President;
“(L) reports of the review by the Office of Public Integrity of agency ethics programs;
“(M) report filed by executive agencies with the General Services Administration regarding the use of Government aircraft by senior officials, which shall be posted at least every 90 days and shall contain a complete explanation of the decision to use a Government aircraft, the cost of the use of a Government aircraft, and the selection of the type of aircraft used;
“(N) any reports submitted to Congress by the Office of Public Integrity; and
“(O) any other ethics records that the Director makes available to the public.
“(2) The Director shall ensure that—
“(A) all ethics agreements approved by the Director specify conflicts of interest for each individual, including all matters from which the individual shall be recused; and
“(B) the information relating to ethics agreements made available under subsection (b)(19) is updated to reflect any additional matters from which the individual shall be recused.”.

(d) REPORTS TO CONGRESS.—Section 408 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—
(1) by inserting ““(a)” before “The Director shall,”; and
(2) by adding at the end the following:
“(b) Notwithstanding any other provision of law or any rule, regulation, or policy directive, upon request by a committee or subcommittee of Congress, the Director, or any employee of the Office of Public Integrity designated by the Director, may transmit to the committee or subcommittee, by report, testimony, or otherwise, infor-
information and views on functions, responsibilities, or other matters relating to the Office of Public Integrity, without review, clearance, or approval by any other administrative authority.

“(c)(1) For each fiscal year, the Director may transmit a budget estimate and request to Congress.

“(2) The President shall include in each budget submitted under section 1105 of title 31, United States Code—

“(A) a separate statement of the budget estimate and request prepared with the Director;

“(B) the amount requested by the President for the Office of Public Integrity; and

“(C) any comments of the Director with respect to the proposal by the President if the Director concludes that the budget submitted by the President would substantially inhibit the Director from performing the duties of the office.”.

(e) DEFINITIONS.—Title IV of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“Sec. 409. DEFINITIONS.—For purposes of this title—

“(1) the term ‘agency’ includes the Executive Office of the President;
“(2) the term ‘head of an agency’ includes the President or a designee of the President, for purposes of applying this title to the White House and the Executive Office of the President; and

“(3) the term ‘laws or regulations relating to conflicts of interest or other ethics issues’ includes this Act, sections 203 through 209 of title 18, United States Code, the Stop Trading on Congressional Knowledge Act of 2012 (Public Law 112–105; 5 U.S.C. App., note to section 101 of Public Law 95–521), any Executive order substantially concerning Government ethics, any written ethics agreement or pledge signed by a Presidential appointee, and any other relevant ethics statutes or regulations.”.

(f) Provision of Financial Disclosures to the Office of Public Integrity.—Section 103(j) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting “and the Director of the Office of Public Integrity” after “Official Conduct of the House of Representatives”; and

(2) in paragraph (2), by inserting “and the Director of the Office of Public Integrity” after “Ethics of the Senate”.

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(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Government Ethics and inserting the following:

“Director of the Office of Public Integrity.”.

(2) Section 7302(a) of title 5, United States Code, is amended by striking “Government Ethics” and inserting “Public Integrity”.

(3) Section 7353(d)(1)(D) of title 5, United States Code, is amended by striking “Government Ethics” and inserting “Public Integrity”.


(5) Section 12(f) of the Federal Deposit Insurance Act (12 U.S.C. 1822(f)) is amended by striking “Government Ethics” each place it appears and inserting “Public Integrity”.

(6) Section 152(g) of the Financial Stability Act of 2010 (12 U.S.C. 5342(g)) is amended by striking “Government Ethics” and inserting “Public Integrity”.
(7) Section 9(o)(12) of the Small Business Act (15 U.S.C. 638(o)(12)) is amended by striking “Government Ethics” and inserting “Public Integrity”.

(8) Section 207 of title 18, United States Code, is amended by striking “Government Ethics” each place it appears and inserting “Public Integrity”.

(9) Section 208 of title 18, United States Code, is amended by striking “Government Ethics” each place it appears and inserting “Public Integrity”.

(10) Section 1043(b) of the Internal Revenue Code of 1986 is amended by striking “Government Ethics” each place it appears and inserting “Public Integrity”.

(11) Section 594(j)(5) of title 28, United States Code, is amended by striking “Government Ethics” and inserting “Public Integrity”.

(12) Section 1353 of title 31, United States Code, is amended by striking “Government Ethics” each place it appears and inserting “Public Integrity”.

(13) Section 2303(c) of title 41, United States Code, is amended by striking “Government Ethics” and inserting “Public Integrity”.
(14) Section 3(d)(3) of the Department of the Interior Volunteer Recruitment Act of 2005 (43 U.S.C. 1475b(d)(3)) is amended by striking “Government Ethics” and inserting “Public Integrity”.

(15) Section 40122(d) of title 49, United States Code, is amended by striking “Government Ethics” and inserting “Public Integrity”.

(16) Section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended by striking “Government Ethics” each place it appears and inserting “Public Integrity”.

(17) Section 12(g) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3512(g)) is amended in the matter preceding paragraph (1) by striking “Government Ethics” and inserting “Public Integrity”.

SEC. 512. DESIGNATED AGENCY ETHICS OFFICIALS.

(a) In general.—Section 109(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended to read as follows:

“(3) ‘designated agency ethics official’ means an officer or employee of an agency—

“(A) who is appointed and supervised by the head of the agency, after consultation with
the Director of the Office of Public Integrity
and the Inspector General of the agency;

"(B) who may only be removed by the
head of the agency, after consultation with the
Director of the Office of Public Integrity and
the Inspector General of the agency;

"(C) has a permanent duty station in the
same physical building as the head of the agen-
cy employing the officer or employee, unless the
head of the agency is the President;

"(D) is designated to administer the provi-
sions of this title within the agency, except as
they pertain to the head of the agency;

"(E) may not have other significant duties
or responsibilities that might distract from the
duty of the officer or employee to administer
the provisions of this title within the agency;

"(F) who shall not, at any time or in any
manner, be prevented, inhibited, or prohibited
by the head of the agency from administering
the provisions of this title within the agency.”.

(b) REVIEW BY DIRECTOR.—Section 111 of the Eth-
ics in Government Act of 1978 (5 U.S.C. App.) is amend-
ed—

(1) by inserting ““(a)” before “The provisions”;

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(2) by inserting “(subject to subsection (b))” after “designated agency ethics official”; and

(3) by adding at the end the following:

“(b)(1) A designated agency ethics official shall submit to the Director of the Office of Public Integrity—

“(A) each significant determination (including any ethics agreement, financial disclosure, recusal agreement, or divestment determination) by the designated agency ethics official relating to the application or implementation of the laws or regulations relating to conflicts of interest or other ethics issues (including this title) for any individual serving in a position—

“(i) on any level of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code;

“(ii) in the executive branch pursuant to an appointment by the President, by and with the advice and consent of the Senate; or

“(iii) in the Executive Office of the President;

“(B) any determination by the designated agency ethics official relating to the application
or implementation of the laws or regulations relating to conflicts of interest or other ethics issues (including this title) that the Director requests from the designated agency ethics official.

“(2) The Director of the Office of Public Integrity—

“(A) may review any determination received under paragraph (1);

“(B) shall notify and advise the designated agency ethics official if the Director determines that the determination received under paragraph (1) does not comport with the laws or regulations relating to conflicts of interest or other ethics issues;

“(C) not later than 30 days after the notification and advice under subparagraph (B), may reverse or modify the determination if the Director determines that the determination does not comport with the laws or regulations relating to conflicts of interest or other ethics issues; and

“(D) shall periodically audit a sample of determinations received under paragraph (1).”.
(c) Authority To Recommend Discipline.—Section 111 of the Ethics in Government Act of 1978 (5 U.S.C. App.), as amended by subsection (b), is amended by adding at the end the following:

“(c)(1) If a designated agency ethics official has credible evidence or reason to believe that an officer or employee of the agency is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the designated agency ethics official may—

“(A) refer potential violations to the Inspector General or the Director of the Office of Public Integrity; and

“(B) recommend that the head of the agency take a specific disciplinary action (including dismissal).

“(2) A designated agency ethics official shall make publicly available any recommendation of a specific disciplinary action made by the designated agency ethics official under paragraph (1).”.

(d) Current DAEOs.—An individual serving as a designated agency ethics official on the day before the date of enactment of this Act may continue to serve as the designated agency ethics official for the agency employing the individual if—
(1) determined appropriate by the head of the agency employing the designated agency ethics official; and

(2) after the date of enactment of this Act, the individual—

(A) reports directly to the head of the agency employing the designated agency ethics official; and

(B) may only be removed by the head of the agency, after consultation with the Director of the Office of Public Integrity and the Inspector General of the agency.

Subtitle B—Inspectors General

SEC. 531. GENERAL SUPERVISION AND REMOVAL OF INSPECTORS GENERAL.

(a) In general.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 3—

(A) in subsection (a), by striking the second sentence and inserting the following: “Each Inspector General shall report to and be under the general supervision of the Director of the Office of Public Integrity, and shall not report to, or be subject to supervision by, any other officer of the establishment involved.”; and
(B) in subsection (b)—

(i) in the first sentence—

(I) by inserting “(1)” before “An Inspector General”; and

(II) by inserting “for inefficiency, neglect of duty, or malfeasance in office” before the period at the end;

(ii) by striking the second sentence and inserting the following: “The Director of the Office of Public Integrity may make a formal recommendation to the President for the removal of an Inspector General under this subsection. If an Inspector General is removed from office, is transferred to another position or location within an establishment, or is placed on paid or unpaid leave, the President shall communicate in writing the reasons for any such removal, leave placement, or transfer to both Houses of Congress and to the Director of the Office of Public Integrity not later than 30 days before the removal, leave placement, or transfer.”; and

(iii) by adding at the end the following:
“(2)(A) In the event of a vacancy in the position of Inspector General of an establishment of more than 210 days, the Director of the Office of Public Integrity may direct an officer or employee of the establishment to perform the functions and duties of the position of Inspector General temporarily in an acting capacity for a period of not more than 365 days.

“(B) If an Inspector General of an establishment is not appointed during the 365-day period described in subparagraph (A), the Director of the Office of Public Integrity may direct the same or another officer or employee of the establishment to perform the functions and duties of the position of Inspector General temporarily in an acting capacity for a period of not more than 365 days.

“(C) If an Inspector General of an establishment is not appointed during the 365-day period described in subparagraph (B), the Director of the Office of Public Integrity may direct the same or another officer or employee of the establishment to perform the functions and duties of the position of Inspector General temporarily in an acting capacity for a period of not more than 365 days.”;

(2) in section 8A(a), by inserting “and the Director of the Office of Public Integrity” before the period at the end;
(3) in section 8B, by amending subsection (a) to read as follows:

“(a) The Director of the Office of Public Integrity—

“(1) may delegate the authority specified in the second sentence of section 3(a) to the Chairman or another member of the Nuclear Regulatory Commission; and

“(2) may not delegate the authority specified in the second sentence of section 3(a) to any other officer or employee of the Nuclear Regulatory Commission.”;

(4) in section 8C, by amending subsection (a) to read as follows:

“(a) DELEGATION.—The Director of the Office of Public Integrity—

“(1) may delegate the authority specified in the second sentence of section 3(a) to the Chairperson or Vice Chairperson of the Federal Deposit Insurance Corporation; and

“(2) may not delegate the authority specified in the second sentence of section 3(a) to any other officer or employee of the Federal Deposit Insurance Corporation.”;

(5) in section 8G—

(A) in subsection (a)—
(i) in paragraph (5), by striking “and” at the end;

(ii) in paragraph (6), by striking the period at the end and inserting “; and”;

and

(iii) by adding at the end the following:

“(7) the term ‘Director’ means the Director of the Office of Public Integrity.”;

(B) in subsection (c), in the first sentence, by inserting “, after consulting with the Director,” after “head of the designated Federal entity”;

(C) in subsection (d)(1), by striking the first sentence and inserting the following:

“Each Inspector General shall report to and be under the general supervision of the Director, and shall not report to, or be subject to supervision by, any other officer or employee of the designated Federal entity.”; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting “and after consulting with the Director” before the period at the end; and
(ii) in paragraph (2), by inserting “An Inspector General may be removed from office by the head of the designated Federal entity for inefficiency, neglect of duty, or malfeasance in office after the head of the designated entity consults with the Director, or by the President for inefficiency, neglect of duty, or malfeasance in office.” before “If an Inspector”; and

(6) in section 8M(b)(1)—

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

(B) in subparagraph (B)(iii)(II), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(C) ensure that, if any portion of a report described in subparagraph (A) contains information that is classified, sensitive, or otherwise prohibited from disclosure by law, a redacted version of the report be posted on the website of the Office of Inspector General that does not contain the classified, sensitive, or prohibited information;
“(D) ensure that, if an entire report described in subparagraph (A) is classified, sensitive, or otherwise prohibited from disclosure by law, the Inspector General posts the title of the report, the date of publication of the report, a general description of the subject matter of the report, and a justification for the report not to be posted on the website of the Office of Inspector General; and

“(E) include on the website of the Office of Inspector General a listing of each report described in subparagraph (D) that is not posted on the website.”.

(b) Inspector General of the Central Intelligence Agency.—Section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(b)) is amended—

(1) in paragraph (2), by inserting “of the Office of Public Integrity, who may delegate that authority to the Director of the Agency” before the period at the end; and

(2) in paragraph (6)—

(A) in the first sentence, by inserting “for inefficiency, neglect of duty, or malfeasance in office” before the period at the end; and
(B) by inserting after the first sentence the following: “The Director of the Office of Public Integrity may make a formal recommendation to the President for the removal of the Inspector General under this paragraph.”.

(c) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(e) of the National Security Act of 1947 (50 U.S.C. 3033(e)) is amended—

(1) in paragraph (3), by striking “National Intelligence” and inserting “the Office of Public Integrity, who may delegate that authority to the Director of National Intelligence”; and

(2) in paragraph (4)—

(A) in the first sentence, by inserting “for inefficiency, neglect of duty, or malfeasance in office” before the period at the end; and

(B) by inserting after the first sentence the following: “The Director of the Office of Public Integrity may make a formal recommendation to the President for the removal of the Inspector General under this paragraph.”.

(d) INSPECTOR GENERAL OF SIGAR.—Section 1229(e)(1) of the National Defense Authorization Act for
Fiscal Year 2008 (Public Law 110–181; 122 Stat. 379) is amended by striking “the Secretary of State and the Secretary of Defense” and inserting “the Director of the Office of Public Integrity, who may delegate that authority to the Secretary of State and the Secretary of Defense”.

(e) Inspector General of SIGTARP.—Section 121(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(b)) is amended by adding at the end the following:

“(7) The Special Inspector General shall report to and be under the general supervision of the Director of the Office of Public Integrity, who may delegate that authority to the Secretary.”.

(f) Conforming Amendments to Federal Vacancies Reform Act.—Subchapter III of chapter 33 of title 5, United States Code, is amended—

(1) in section 3345—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “If” and inserting “Subject to subsection (d), if” and

(B) by adding at the end the following:

“(d) After the date that is 210 days after the date on which a vacancy in the office of the Inspector General of an agency described in subsection (a) begins, the President may not exercise the authority under this section with
respect to that vacancy in the office of the Inspector General.”;

(2) in section 3346—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting “and subject to subsection (d),” after “sickness,”; and

(B) by adding at the end the following:

“(d) A person serving as acting officer in the office of the Inspector General of an agency under section 3345 may not serve in the office after the date that is 210 days after the date on which the vacancy in the office begins, without regard to whether a nomination to the office has been submitted to, is pending in, has been rejected by, has been withdrawn by the President from, or has been returned to the President by the Senate.”;

(3) in section 3349(b), in the matter preceding paragraph (1), by inserting “, or, in the case of an Inspector General, that an officer is serving after the end of the 210 day period under section 3346(d),” after “3349a,”; and

(4) in section 3349a(b), in the matter preceding paragraph (1), by striking “With” and inserting “Except in the case of an Inspector General, with”.

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Subtitle C—Office of Congressional Ethics

SEC. 551. DEFINITIONS.

In this subtitle—

(1) the term “applicable ethics committee” means the Select Committee on Ethics of the Senate (for Senators and employees of the Senate) or the Committee on Ethics of the House of Representatives (for Members of the House of Representatives and employees of the House of Representatives);

(2) the term “Board” means the Congressional Ethics Board established under section 553(a);

(3) the term “employee of Congress” means an employee of the House of Representatives or an employee of the Senate;

(4) the term “employee of the House of Representatives” has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and includes an elected or appointed officer of the House of Representatives;

(5) the term “employee of the Senate” has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) and includes an elected or appointed officer of the Senate; and
(6) the term “Member” means any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

**SEC. 552. THE OFFICE OF CONGRESSIONAL ETHICS.**

For the purpose of assisting the House of Representatives and the Senate in carrying out the responsibilities under article I, section 5, clause 2 of the Constitution of the United States (commonly referred to as the “Discipline Clause”), there is established an independent office in the legislative branch to be known as the “Office of Congressional Ethics” (referred to in this subtitle as the “Office”), which shall be governed by the Congressional Ethics Board established under section 553(a).

**SEC. 553. ESTABLISHMENT OF THE BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS.**

(a) **Board.—**

(1) **Establishment of board.—** The Office shall be governed by a Congressional Ethics Board consisting of 9 members, of whom—

(A) 2 shall be appointed by the Majority Leader of the Senate;

(B) 2 shall be appointed by the Minority Leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives;
(D) 2 shall be appointed by the Minority Leader of the House of Representatives; and

(E) 1 shall be appointed by agreement of the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, or by agreement of not less than 3 of those individuals.

(2) QUALIFICATIONS OF BOARD MEMBERS.—

(A) EXPERTISE.—Each member of the Board shall be an individual of exceptional public standing who is specifically qualified to serve on the Board by virtue of the individual’s education, training, or experience in 1 or more of the legislative, judicial, regulatory, professional ethics, business, legal, or academic fields.

(B) SELECTION BASIS.—Selection and appointment of each member of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of a member of the Board.

(C) CITIZENSHIP.—Each member of the Board shall be a United States citizen.
(D) DISQUALIFICATIONS.—No individual shall be eligible for appointment to, or service on, the Board who—

(i) has ever been registered, or required to be registered, as a lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

(ii) engages in, or is otherwise employed in, lobbying of the Congress;

(iii) is registered or is required to be registered as an agent of a foreign principal under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(iv) is, or has been in the 4 years preceding the date of appointment, a Member, employee of the Senate, or employee of the House of Representatives;

(v) is an officer or employee of the Federal Government;

(vi) during the 4 years preceding the date of appointment, engaged in any significant political activity (including being a candidate for public office, fundraising for a candidate for public office or a political
party, or serving as an officer or employee
of a political campaign or party); or

(vii) during the 4 years preceding the
date of appointment, served as a fiduciary
or personal attorney for an officer or em-
ployee of the Federal Government, includ-
ing any Member.

(3) TERM AND REMOVAL.—

(A) LENGTH OF TERM.—The term of a
member of the Board shall be for 2 Congresses.

(B) TERM LIMITS.—A member of the
Board may not serve during 4 consecutive Con-
gresses.

(C) REMOVAL.—A member of the Board
may be removed only for cause and upon unani-
mous agreement among the Majority Leader
and the Minority Leader of the Senate and the
Speaker and the Minority Leader of the House
of Representatives.

(D) VACANCIES.—Any vacancy on the
Board shall be filled for the unexpired portion
of the term in the same manner, and by the
same appointing authority, as the original ap-
pointment under paragraph (1).

(b) CHAIRPERSON AND VICE-CHAIRPERSON.—
(1) IN GENERAL.—The members of the Board shall elect a chairperson and a vice-chairperson of the Board by a majority vote. The chairperson and the vice-chairperson shall serve a 1-year term, and may be reelected for additional 1-year terms.

(2) DUTIES.—The chairperson of the Board shall preside at the meetings of the Board, and the vice-chairperson shall preside in the absence or disability of the chairperson.

(c) MEETINGS.—

(1) QUORUM.—A majority of the members of the Board shall constitute a quorum, except that a lesser number of members may hold hearings.

(2) MEETINGS.—The Board shall meet at the call of the chairperson or the call of a majority of its members, pursuant to the rules of the Board.

(3) VOTING.—Except as otherwise specifically provided, a majority vote of the Board under this subtitle shall require an affirmative vote of 5 or more members.

(d) COMPENSATION.—A member of the Board shall not be considered to be an officer or employee of the House or Senate, but shall be compensated at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for GS–15 of the General Schedule.
under section 5107 of title 5, United States Code, for each

day (including travel time) during which such member is

engaged in the performance of the duties of the Board.

(e) DUTIES OF BOARD.—

(1) IN GENERAL.—The Board shall—

(A) be the governing body of the Office,

and oversee the Office in the implementation of

all duties required under this subtitle; and

(B) review each complaint made against a

Member or employee of Congress through the

review process described in section 555(b).

(2) HEARINGS.—The Board may hold such

hearings as are necessary and may sit and act only

in executive session at such times and places, solicit

such testimony, and receive such relevant evidence,

as may be necessary to carry out its duties.

(f) FINANCIAL DISCLOSURE REPORTS.—

(1) IN GENERAL.—Each member of the Board

shall file an annual financial disclosure report with

the Secretary of the Senate and the Clerk of the

House of Representatives on or before May 15 of

each calendar year immediately following any year in

which the member served on the Board. Each such

report shall be on a form prepared jointly by the

Clerk and the Secretary that is substantially similar

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to the form required for individuals at the executive
branch who must complete a confidential financial
disclosure report under section 102 of the Ethics in

(2) DISTRIBUTION OF REPORT.—The Secretary
of the Senate and the Clerk of the House of Rep-
resentatives, working jointly, shall—

(A) not later than 7 days after the date
each financial disclosure report under para-
graph (1) is filed, send a copy of each such re-
port to the applicable ethics committees; and

(B) annually print all such financial disclo-
sure reports as a document of Congress, and
make the document available to the public.

SEC. 554. DUTIES AND POWERS OF THE OFFICE AND THE
BOARD.

(a) IN GENERAL.—The Office is authorized—

(1) in accordance with section 555—

(A) to investigate any alleged violation, by
a Member or employee of Congress, of any eth-
ics law (including regulations), rule, or other
standard of conduct applicable to the conduct of
such Member or employee under applicable
House or Senate rules in the performance of
the duties, or the discharge of the responsibilities, of the Member or employee; and

(B) in any case where the Board determines, after the investigation described in subparagraph (A), that there was a probable violation of any ethics law, rule, or other standard of conduct described in such subparagraph, to present the probable ethics violation to the applicable ethics committee;

(2) to refer to appropriate Federal or State authorities, including the Office of Public Integrity and the Department of Justice as appropriate, any evidence of a violation by a Member or employee of Congress of any law (including laws applicable to the performance of the duties, or the discharge of the responsibilities, of the Member or employee), which may have been disclosed in an investigation by the Office, in accordance with subsection (b);

(3) to provide advice and informal guidance to Members and employees of Congress regarding any ethics law (including regulations), rule, or other standard of conduct applicable to such individuals in their official capacities, and develop and carry out periodic educational briefings for Members and em-
ployees of Congress on those laws, rules, and other standards;

(4)(A) to give consideration to the request of any Member or employee of Congress for a formal advisory opinion or other formal ruling, subject to the approval of the applicable ethics committee, with respect to the general propriety of any current or proposed conduct of such Member or employee;

(B) to provide a formal advisory opinion or other formal ruling, in accordance with subparagraph (A), in situations that the Board determines appropriate; and

(C) subject to the requirement for approval by the applicable ethics committee in accordance with subsection (c), and with appropriate deletions to assure the privacy of the individual concerned, to publish such opinion for the guidance of other Members and employees of Congress;

(5) if the Office determines, during the course of any investigation under this subtitle, that a lobbyist or lobbying firm may be in noncompliance with the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.),—

(A) to notify the United States Attorney for the District of Columbia and the Director of
the Office of Public Integrity of the potential violation; and

(B) to notify the lobbyist or lobbying firm of such determination, in writing;

(6) to provide informal guidance to lobbyists or lobbying firms engaged in lobbying activity or lobbying contacts under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) to covered legislative branch officials (as defined in section 3 of such Act (2 U.S.C. 1602)) of their responsibilities under such Act;

(7) to aid in the enforcement of ethics requirements for Members or employees of Congress under this subtitle or any other provision of law; and

(8) to administer the process for Members and employees of Congress to seek and receive any waivers from any ethics law (including regulations), rule, or other standard that applies to Members and employees of Congress, subject to approval of the applicable ethics committee.

(b) Referrals to Law Enforcement Officials.—

(1) In General.—Upon a majority vote of the Board, the Office may refer potential legal violations committed by a Member or employee of Congress to
the Department of Justice or other relevant Federal
or State law enforcement officials, which referral
shall include all appropriate evidence gathered dur-
ing any review conducted under this subtitle.

(2) No Approval Required.—A referral
under paragraph (1) does not require the approval
of either of the applicable ethics committees.

(3) Notification.—The Board shall notify the
Select Committee on Ethics of the Senate or the
Committee on Ethics of the House of Representa-
tives, and the Director of the Office of Public Integ-

(c) Advisory Opinions.—

(1) In General.—Upon a majority vote of the
Board, the Office may draft and publish rec-
ommended formal advisory opinions and interpreta-
tions of rules and other standards of conduct appli-
cable to Members and employees of Congress, which
shall be submitted to each applicable ethics com-
mittee for approval.

(2) Requirements for Ethics Committee
Review.—Each applicable ethics committee may re-
vise, overturn, dismiss, or issue any recommended
formal advisory opinions or interpretations under
paragraph (1) that is applicable to the Members and
employees of that House of Congress. A recommended formal advisory opinion or interpretation under paragraph (1) is only binding if issued by one of the applicable ethics committees.

(3) Requirements.—Any applicable ethics committee decision described in paragraph (2) shall be recorded and made publicly available, and shall be accompanied by a written explanation for that action. Dissenting members of the applicable ethics committee are allowed to issue their own report detailing reasons for disagreeing with the decision.

(d) Limitations on Review.—No review shall be undertaken by the Board of any alleged violation of law, rule, regulation or standard of conduct not in effect at the time of the alleged violation, nor shall any review be undertaken by the Board of any alleged violation that occurred before the date of enactment of this Act.

(e) Prohibition on Public Disclosure.—

(1) In general.—

(A) Required affirmation by members and staff.—When an individual becomes a member of the Board or employee of the Office, that individual shall execute the following oath or affirmation in writing: “I do solemnly swear (or affirm) that I will not disclose to any person
or entity outside of the Office any information received in the course of my service with the Office, except as authorized by the Board by majority vote as necessary to conduct official business or pursuant to its rules.”. Copies of the executed oath shall be provided to the Clerk of the House of Representatives and the Secretary of the Senate as part of the records of the House and Senate.

(B) PROHIBITION ON PUBLIC DISCLOSURE.—No testimony received, or any other information obtained, by a member of the Board or employee of the Office shall be publicly disclosed to any person or entity outside the Office, unless approved by a majority vote of the Board. Any communication to any person or entity outside the Office may occur only as authorized by the Board.

(C) PROCEDURES AND INVESTIGATION.—The Office shall establish procedures necessary to prevent the unauthorized disclosure of any information received by the Office. Any breaches of confidentiality shall be investigated by the Board and appropriate action shall be taken.
(2) Provision with respect to Office of Public Integrity or Ethics Committees.—Paragraph (1) shall not preclude—

(A) any member of the Board or any employee of the Office from presenting a report or findings of the Board, or testifying before the Select Committee on Ethics of the Senate or the Committee on Ethics of the House of Representatives by any member of the Board or employee of the Office, if requested by either committee pursuant to the rules of the committee;

(B) any necessary communication with the Office of Public Integrity;

(C) any necessary communication with the Department of Justice or any other law enforcement agency; or

(D) any necessary communication with the Majority Leader of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(3) Opportunity to Present.—Before the Board votes on a recommendation or statement to be transmitted to the appropriate congressional com-
mittee relating to official conduct of any Member or employee of Congress, the Board shall provide that individual the opportunity to present, orally or in writing (at the discretion of the Board), a statement to the Board.

(f) Presentation of Reports to Select Committee on Ethics of the Senate or the Committee on Ethics of the House of Representatives.—Whenever the Board transmits any report to the applicable ethics committee relating to the official conduct of any Member or employee of Congress, it shall designate a member of the Board or employee to present the report to such committee if requested by such committee.

(g) Maintaining of Financial Disclosure Reports.—The Office shall receive, and maintain, a copy of each report filed under section 101 of the Ethics in Government Act of 1978 (5 U.S.C. App.) by a Member or employee of Congress.

(h) Memorandum of Understanding With the Office of Public Integrity.—The Office shall enter into a memorandum of understanding with the Director of the Office of Public Integrity in order—

(1) to share any information necessary for the execution of each office’s respective duties and re-
responsibilities, including the copies of reports described in subsection (g);

(2) to ensure consistent interpretation and enforcement of the Nation’s ethics laws for executive and legislative branch employees and officials; and

(3) to reduce and mitigate jurisdictional confusion.

SEC. 555. REVIEW PROCESS OF COMPLAINTS.

(a) SOURCE OF COMPLAINTS.—

(1) Citizen complaints.—

(A) Citizen initiated sworn complaint.—Any citizen of the United States, including a Member or employee of Congress, may file with the Office a sworn complaint alleging a violation by a Member or employee of Congress of any law (including any regulation), rule, or other standard of conduct applicable to the conduct of such Member or employee in the performance of the duties, or the discharge of the responsibilities, of the Member or employee, subject to subparagraph (B).

(B) Ban on filing prior to election.—The Board may not accept citizen complaints regarding the conduct of a Member filed in the—
(i) 30 days prior to a primary election for which the Member in question is a candidate; and

(ii) 60 days prior to a general election for which the Member in question is a candidate.

(C) CONTENT.—The complaint under subparagraph (A) shall be a notarized written statement alleging a violation against 1 or more named persons and stating the essential facts constituting the violation charged.

(2) BOARD MEMBER OR OFFICE OF CONGRESSIONAL ETHICS INITIATED COMPLAINT.—A member of the Board or an employee of the Office may file a complaint alleging a violation by a Member or employee of Congress of any law (including any regulation), rule, or other standard of conduct applicable to the conduct of such Member or employee in the performance of the duties, or the discharge of the responsibilities, of the Member or employee.

(3) NOTIFICATION.—Upon receipt of a complaint filed under paragraph (1) or (2) that meets the requirements of this subsection, the Office shall—
(A) notify the person alleged to have committed the violation that a complaint has been filed; and

(B) refer the complaint to the Board for consideration under the review process described in subsection (b).

(b) Review Process of Alleged Violations by Members or Employees of Congress.—

(1) Request.—After receiving a complaint under subsection (a)(3)(B), 2 or more members of the Board may submit a joint written statement to all members of the Board authorizing the Office to undertake a preliminary review of any alleged violation by a Member or employee of Congress of any law (including any regulation), rule, or other standard of conduct applicable to the conduct of such Member or employee in the performance of the duties, or the discharge of the responsibilities, of the Member or employee, along with a brief description of the specific matter.

(2) Preliminary review.—

(A) In general.—Not later than 7 business days after receipt of an authorization statement from 2 or more members of the Board under paragraph (1), the Board shall—
(i) instruct the Office to initiate a preliminary review of the alleged violation; and

(ii) provide a written notification of the commencement of the preliminary review, including a statement of the nature of the review, to—

(I) the applicable ethics committee;

(II) any individual who is the subject of the preliminary review; and

(III) the Director of the Office of Public Integrity.

(B) OPPORTUNITY TO TERMINATE PRELIMINARY REVIEW.—At any time, the Board may, by a majority vote, terminate a preliminary review on any ground, including that the matter under review is de minimis in nature. If the Board votes to terminate the preliminary review—

(i) the review process under this section is completed and no further actions shall be taken; and

(ii) the Board—
(I) shall notify, in writing, the individual who was the subject of the preliminary review, the Director of the Office of Public Integrity, and the applicable ethics committee, of its decision to terminate the review of the matter; and

(II) may, in any case where the Board votes to terminate the preliminary review, send a report, including any findings of the Board, to the applicable ethics committee and to the Director of the Office of Public Integrity.

(3) SECOND-PHASE REVIEW PROCESS.—

(A) VOTE FOR SECOND-PHASE REVIEW.—

(i) IN GENERAL.—After the preliminary review conducted under paragraph (2) is completed, the Board shall vote on whether to authorize a second-phase review of the matter under consideration. If there is an affirmative vote of 4 or more members of the Board to authorize the second-phase review, the Board shall authorize the
second-phase review process in accordance with subparagraph (B).

(ii) TERMINATION OF MATTER.—If a vote to authorize a second-phase review under clause (i) does not succeed, the review process under this section shall be completed and no further actions shall be taken.

(iii) NOTIFICATION TO PARTIES.—The Board—

(I) shall notify, in writing, the individual who was the subject of the preliminary review, the Director of the Office of Public Integrity, and the applicable ethics committee, of its decision to authorize a second-phase review of the matter or to terminate the review process; and

(II) may, in any case where the Board decides to terminate the review process of the violation under clause (ii), send a report, including any findings of the Board, to the applicable ethics committee and to the Director of the Office of Public Integrity.
(B) Second-phase review.—In any case where a second-phase review is required, the Board shall authorize the Office to commence, and complete, a second-phase review.

(C) Completion of second-phase review.—Upon the completion of any second-phase review, the Board shall—

(i) evaluate the review and determine, based on a majority vote, whether—

(I) the applicable ethics committee should dismiss the matter that was the subject of such review, which may be made on any ground, including that the matter under review is de minimis in nature;

(II) the matter requires further review by the applicable ethics committee; or

(III) the applicable ethics committee should take action relating to the matter, including any recommendation for the disciplinary action or sanctions that the committee should take;
(ii) transmit to the applicable ethics committee a written report that includes—

(I) a statement of the nature of the review and the Member or employee of Congress who is the subject of the review, including any probable ethics violations uncovered in either the preliminary or second-phase review;

(II) any recommendations of the Board based on votes conducted under clause (i), or a statement that the matter is unresolved because of a tie vote of the Board or a failure to meet the majority vote threshold established under section 553(c)(3);

(III) a description of the number of members voting in the affirmative and in the negative for any action described in clause (i);

(IV) any findings of the Board, including—

(aa) any findings of fact;

(bb) a description of any relevant information that the Board
was unable to obtain or witnesses whom the Board was unable to interview, and the reasons therefor; and

(ec) a citation of any relevant law, regulation, or standard of conduct relating to the violation; and

(V) any supporting documentation;

(iii) transmit to the individual who is the subject of the second-phase review the written report of the Board described in clause (ii);

(iv) transmit to the Director of the Office of Public Integrity the written report of the Board described in clause (ii), and may include any recommendations for action by the Director that the Board may recommend; and

(v) make public, on a website maintained by the Office, the written report of the Board described in clause (ii), unless a majority of the members of the Board vote to withhold the report from the public
where public disclosure could compromise
the ability of the applicable ethics com-
mittee or a law enforcement agency to act
on probable ethics violations.

(D) AUTHORITY FOR REPRIMAND.—Upon
the completion of any second-phase review, the
Board—

(i) may, upon a majority vote, reprimand, in writing, the alleged violator for
potential violations of the law;

(ii) in any case where a reprimand
under clause (i) is issued, shall provide a
copy of the reprimand to—

(I) the presiding officer of the
House of Congress in which the al-
eged violator serves (if such indi-
vidual is a Member of Congress); or

(II) the alleged violator’s em-
ployer, if the individual is an employee
of Congress; and

(iii) may make the reprimand avail-
able to the public.

(e) REQUESTS FROM APPLICABLE ETHICS COMMIT-
TEES.—
(1) IN GENERAL.—Notwithstanding any other provision of this subtitle, upon receipt of a written request from an applicable ethics committee that the Board cease its review of any matter and refer such matter to the committee because of the ongoing investigation of such matter by the committee, the Board shall refer such matter to the committee, cease its preliminary or second-phase review, as applicable, of that matter and so notify any individual who is the subject of the review. In any such case, the Board shall send a written report to the committee containing a statement that, upon the request of that committee, the matter is referred to it for its consideration. Nothing in this paragraph shall be construed to prevent the Board from sending any information regarding the matter to the Director of the Office of Public Integrity or to other law enforcement agencies.

(2) RESUMPTION OF REVIEW.—If the applicable ethics committee notifies the Board in writing that it is unable to resolve any matter described in paragraph (1), the Board may begin or continue, as the case may be, a second-phase review of the matter in accordance with subsection (b)(3).

(d) PROCEDURES.—
(1) Review powers.—Members of the Board or employees of the Office may, during either an initial review or second-phase review—

(A) administer oaths;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, accounts, memoranda, papers, documents, tapes, and materials as the Board or the Office considers advisable;

(C) take the deposition of witnesses; and

(D) conduct general audits of filings under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).

(2) Witnesses.—

(A) Witnesses.—Any witness interviewed as part of a review under this section shall sign a statement acknowledging that the witness understands that section 1001 of title 18, United States Code (popularly known as the “False Statements Act”) applies to the testimony of the witness and to any documents the witness provides.

(B) Payment.— Witnesses appearing before the Office may be paid in the same manner.
as prescribed by clause 5 of rule XI of the Rules of the House of Representatives, as in effect on the day before the date of enactment of this Act.

(3) Prohibition of ex parte communications.—There shall be no ex parte communications between any member of the Board or employee of the Office and any individual who is the subject of any review by the Board or between any member of the Board and any interested party, and no Member or employee of the Congress may communicate with any member of the Board or employee of the Office regarding any matter under review by the Board except as authorized by the Board.

(4) Contempt of Congress.—If a person disobeys or refuses to comply with a subpoena, or if a witness refuses to testify to a matter, the Board may recommend to the applicable ethics committee that such person be held in contempt of Congress.

(e) Protection from frivolous charges.—

(1) Civil penalty for initial complaint.—

(A) False complaint.—It shall be unlawful for any person to knowingly file with the Office a false complaint of misconduct by any Member or employee of Congress.
(B) ENCOURAGEMENT TO FILE FALSE COMPLAINT.—It shall be unlawful for any person to encourage another person to file a false complaint of misconduct by any Member or employee of Congress.

(C) ACTION BY OFFICE OF PUBLIC INTEGRITY.—The Director of the Office of Public Integrity, after providing notice and an opportunity for a hearing, may impose a civil penalty on any person who violates subparagraph (A) or (B) in the amount of the greater of—

(i) $10,000; or

(ii) the cost of the preliminary review.

(2) BAN ON ALL SUBSEQUENT COMPLAINTS.—Any person upon whom the Director of the Office of Public Integrity imposes a civil penalty under paragraph (1)(C) may not file a complaint with the Board again.

SEC. 556. PERSONNEL MATTERS.

(a) COMPENSATION OF EMPLOYEES.—

(1) APPOINTMENT.—Upon a majority vote of the Board, the Board may appoint and fix the compensation of such professional, nonpartisan staff (including staff with relevant experience in investiga-
tions and law enforcement) of the Office as the
Board considers necessary to perform its duties.

(2) QUALIFICATIONS.—Each employee of the
Office shall be professional and demonstrably qual-
ified for the position for which the employee is hired.

(3) STAFFING REQUIREMENTS.—

(A) IN GENERAL.—The employees of the
Office shall be assembled and retained as a pro-
fessional, nonpartisan staff, and the Office as a
whole, and each individual employee, shall per-
form all official duties in a nonpartisan manner.

(B) NO PARTISAN POLITICAL ACTIVITY.—
No employee of the Office shall engage in any
partisan political activity directly affecting any
congressional or presidential election.

(C) LIMITATION OR PUBLIC SPEAKING OR
publication.—No employee of the Office may
accept public speaking engagements or write for
publication on any subject that is in any way
related to the employee’s employment or duties
with the Office without specific prior approval
from the chairperson and vice-chairperson of
the Board.
(b) Termination of Employees.—The employment of an employee of the Office may be terminated during a Congress solely by a majority vote of the Board.

(c) Reimbursements.—Members of the Board, and employees of the Office, may be reimbursed for travel, subsistence, and other necessary expenses incurred by members or employees in the performance of their duties in the same manner as is permissible for such expenses of other employees of the House or Senate.

(d) Agreements for Members and Employees;

Retention of Documents by the Clerk.—

(1) In general.—Before any individual who is appointed to serve on the Board or before any individual is hired to be an employee of the Office may do so, the individual shall execute a signed document containing the following statement: "I agree not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 4 years after I am no longer a member of the Congressional Ethics Board or employee of the Office of Congressional Ethics."

(2) Retention of documents.—Copies of the signed and executed document shall be retained by

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the Clerk of the House of Representatives and the Secretary of the Senate as part of the records of the House and the Senate. The Clerk and the Secretary, working jointly, shall make the signatures a matter of public record, causing the names of each individual who has signed the document to be published in a portion of the Congressional Record designed for that purpose, and make cumulative lists of such names available on the websites of the Clerk and the Secretary.

(e) CODE OF CONDUCT.—The Board—

(1) shall establish a code of conduct to govern the behavior of the members of the Board and the employee of the Office, which shall include the avoidance of conflicts of interest; and

(2) may issue other rules as the Board determines necessary to carry out the functions of the Board and the Office.

SEC. 557. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle such sums as may be necessary.

SEC. 558. CONFORMING AMENDMENTS AND RULES OF CONSTRUCTION.

(a) Conforming Amendments to the Ethics in Government Act of 1978.—Section 109(18) of the
Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subparagraphs (A) through (D), as amended, as subparagraphs (B) through (E), respectively;

(2) by inserting before subparagraph (B), as redesignated by paragraph (1) of this subsection, the following:

“(A) the Office of Congressional Ethics established under section 552 of the Anti-Corruption and Public Integrity Act, for Senators, Members of the House of Representatives, officers and employees of the Senate, and officers and employees of the House of Representatives required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;”;

(3) in subparagraph (B) (as so redesignated), by striking “Senators, officers and employees of the Senate, and other officers or employees of the legislative branch” and inserting “officers or employees of the legislative branch not described in subparagraph (A)”;

(4) in subparagraph (C) (as so redesignated), by striking “Members, officers and employees of the
House of Representatives and other officers or employees of the legislative branch” and inserting “officers or employees of the legislative branch not described in subparagraph (A)”.

(b) **Termination of the Office of Congressional Ethics of the House of Representatives.**—Beginning on the date on which all members of the Board are appointed, the Office of Congressional Ethics of the House of Representatives shall be eliminated and section 1 of H. Res. 895 (110th Congress, March 11, 2008) shall cease to have any force or effect.

(c) **Rulemaking Authority.**—The provisions of this subtitle are enacted—

(1) as an exercise of the rulemaking power of the Senate and of the House of Representatives, and as such they shall be considered as part of the rules of the Senate and the House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate and the House of Representatives to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate or House of Representatives.
Subtitle D—Applicability

SEC. 571. APPLICABILITY.

This title and the amendments made by this title shall apply on and after the date of enactment of this Act.

TITLE VI—TRANSPARENCY AND GOVERNMENT RECORDS

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

SEC. 601. CATEGORIES RELATING TO THE AMOUNT OR VALUE OF CERTAIN INCOME.

Section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by striking “which of the following categories the amount or value of such item of income is within” and inserting “the amount or value of such item of income in accordance with the following”; 

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively, and adjusting the margin accordingly;
(iii) by inserting before subclause (I), as so redesignated, the following:

“(i) For items of income with an amount or value of not more than $25,000, which of the following categories the amount or value of such item of income is within;”;

(iv) in clause (i)(III), as so designated, by adding “or” at the end;

(v) in clause (i)(IV), as so designated, by striking “$15,000,” and inserting “$25,000.”; and

(vi) by striking clauses (v) through (ix) and inserting the following:

“(ii) For items of income with an amount or value of greater than $25,000, the amount or value of the item of income, rounded as follows:

“(I) For items of income with an amount or value of greater than $25,000 but not more than $100,000, the amount or value rounded to the nearest $10,000.

“(II) For items of income with an amount or value of greater than
$100,000 but not more than

$1,000,000, the amount or value

rounded to the nearest $100,000.

“(III) For items of income with

an amount or value of greater than

$1,000,000, the amount or value

rounded to the nearest $1,000,000.”;

(B) in paragraph (3), by striking “cat-

ergy of value” and inserting “value, in accord-

cance with subsection (d)(2),”; and

(C) in paragraph (4), in the matter pre-

ceding subparagraph (A), by striking “category

of value” and inserting “value, in accordance

with subsection (d)(2),”; and

(2) in subsection (d)—

(A) in paragraph (1), in the matter pre-

ceding subparagraph (A), by striking “(3), (4),

(5), and (8)” and inserting “(5) and (8)”;

(B) by redesignating paragraph (2) as

paragraph (3); and

(C) by inserting after paragraph (1) the

following:

“(2) The amount or value of the items covered in

paragraphs (3) and (4) of subsection (a) shall be reported

as follows:
“(A) For items with an amount or value of not more than $25,000, which of the following categories the amount or value of such item is within:

“(i) Not more than $15,000.

“(ii) Greater than $15,000 but not more than $25,000.

“(B) For items with an amount or value of greater than $25,000, the amount or value of the item, rounded as follows:

“(i) For items with an amount or value of greater than $25,000 but not more than $100,000, the amount or value rounded to the nearest $10,000.

“(ii) For items with an amount or value of greater than $100,000 but not more than $1,000,000, the amount or value rounded to the nearest $100,000.

“(iii) For items with an amount or value of greater than $1,000,000, the amount or value rounded to the nearest $1,000,000.”.
SEC. 602. DISCLOSURE OF PERSONAL INCOME TAX RETURNS BY PRESIDENTS, VICE PRESIDENTS, MEMBERS OF CONGRESS, AND CERTAIN CANDIDATES.

(a) In general.—Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 102 the following:

“SEC. 102A. DISCLOSURE OF PERSONAL INCOME TAX RETURNS BY PRESIDENTS, VICE PRESIDENTS, MEMBERS OF CONGRESS, AND CERTAIN CANDIDATES.

“(a) Definitions.—In this section—

“(1) the term ‘covered candidate’ means an individual—

“(A) required to file a report under section 101(c); and

“(B) who is nominated by a major party as a candidate for the office of President, Vice President, or Member of Congress;

“(2) the term ‘covered individual’ means—

“(A) a President, Vice President, or Member of Congress required to file a report under subsection (a) or (d) of section 101; and

“(B) an individual who occupies the office of the President, Vice President, or a Member
of Congress required to file a report under section 101(e);

“(3) the term ‘income tax return’ means, with respect to any covered candidate or covered individual, any return (within the meaning of section 6103(b) of the Internal Revenue Code of 1986) related to Federal income taxes, but does not include—

“(A) information returns issued to persons other than such covered candidate or covered individual; and

“(B) declarations of estimated tax; and

“(4) the term ‘major party’ has the meaning given the term in section 9002 of the Internal Revenue Code of 1986.

“(b) DISCLOSURE.—

“(1) COVERED INDIVIDUALS.—

“(A) IN GENERAL.—In addition to the information described in subsections (a) and (b) of section 102, a covered individual shall include in each report required to be filed under this title a copy of the income tax returns of the covered individual for—

“(i) with respect to the President or Vice President, the 8 most recent taxable
years and every year the individual was in
Federal elected office for which a return
have been filed with the Internal Revenue
Service as of the date on which the report
is filed; and

“(ii) with respect to a Member of
Congress, the 2 most recent taxable years
and every year the individual was in Fed-
eral elected office for which a return has
been filed with the Internal Revenue Serv-
ice as of the date on which the report is
filed.

“(B) Failure to disclose.—If an in-
come tax return is not disclosed under subpara-
graph (A), the Director of the Office of Public
Integrity shall submit to the Secretary of the
Treasury a request that the Secretary of the
Treasury provide the Director of the Office of
Public Integrity with a copy of the income tax
return.

“(C) Publicly available.—Each income
tax return submitted under this paragraph shall
be filed with the Director of the Office of Public
Integrity and made publicly available in the
same manner as the information described in subsections (a) and (b) of section 102.

“(D) REDACTION OF CERTAIN INFORMATION.—Before making any income tax return submitted under this paragraph available to the public, the Director of the Office of Public Integrity shall redact such information as the Director of the Office of Public Integrity, in consultation with the Secretary of the Treasury determines appropriate.

“(2) CANDIDATES.—

“(A) IN GENERAL.—Not later than 15 days after the date on which a covered candidate is nominated, the covered candidate shall amend the report filed by the covered candidate under section 101(c) with the Federal Election Commission to include a copy of the income tax returns of the covered candidate for—

“(i) with respect to a candidate for nomination or election to the office of President or Vice President, the 8 most recent taxable years and every year the individual was in Federal elected office for which a return has been filed with the Internal Revenue Service; and
“(ii) with respect to a candidate for nomination or election to the office of Member of Congress, the 2 most recent taxable years and every year the individual was in Federal elected office for which a return has been filed with the Internal Revenue Service.

“(B) FAILURE TO DISCLOSE.—If an income tax return is not disclosed under subparagraph (A) the Federal Election Commission shall submit to the Secretary of the Treasury a request that the Secretary of the Treasury provide the Federal Election Commission with the income tax return.

“(C) PUBLICLY AVAILABLE.—Each income tax return submitted under this paragraph shall be filed with the Federal Election Commission and made publicly available in the same manner as the information described in section 102(b).

“(D) REDACTION OF CERTAIN INFORMATION.—Before making any income tax return submitted under this paragraph available to the public, the Federal Election Commission shall redact such information as the Federal Election Commission, in consultation with the Secretary
of the Treasury and the Director of the Office of Public Integrity, determines appropriate.

“(3) **Special rule for sitting presidents.**—Not later than 30 days after the date of enactment of this section, the President shall submit to the Director of the Office of Public Integrity a copy of the income tax returns described in paragraph (1)(A)(i).”; and

(2) in section 104—

(A) in subsection (a)—

(i) in paragraph (1), in the first sentence, by inserting “, 102B, or 102C, or any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file an income tax return that such individual is required to disclose pursuant to section 102A, 102B, or 102C” before the period; and

(ii) in paragraph (2)(A)—

(I) in clause (i), by inserting “102B, or 102C, or falsify any income tax return that such person is required to disclose under section 102A, 102B, or 102C” before the semicolon; and
(II) in clause (ii), by inserting

"102B, or 102C, or fail to file any in-
come tax return that such person is
required to disclosed under section
102A, 102B, or 102C" before the pe-

(r)iod;

(B) in subsection (b), in the first sentence
by inserting "or willfully failed to file or has
willfully falsified an income tax return required
to be disclosed under section 102A, 102B, or
102C" before the period;

(C) in subsection (c), by inserting "or fail-
ing to file or falsifying an income tax return re-
quired to be disclosed under section 102A,
102B, or 102C" before the period; and

(D) in subsection (d)(1)—

(i) in the matter preceding subpara-
graph (A), by inserting "or files an income
tax return required to be disclosed under
section 102A, 102B, or 102C" after
"title"; and

(ii) in subparagraph (A), by inserting
"or such income tax return, as applicable,"
after "report".

(b) Authority To Disclose Information.—
(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(23) DISCLOSURE OF RETURN INFORMATION OF PRESIDENTS, VICE PRESIDENTS, MEMBERS OF CONGRESS, AND CERTAIN CANDIDATES.—

“(A) DISCLOSURE OF RETURNS OF PRESIDENTS, VICE PRESIDENTS, AND MEMBERS OF CONGRESS.—

“(i) IN GENERAL.—The Secretary shall, upon written request from the Director of the Office of Public Integrity pursuant to section 102A(b)(1)(B) of the Ethics in Government Act of 1978, provide to officers and employees of the Office of Public Integrity a copy of any income tax return of any President, Vice President, or Member of Congress that is required to be filed under section 102A(b)(1) of such Act.

“(ii) DISCLOSURE TO PUBLIC.—The Director of the Office of Public Integrity may disclose to the public any income tax return of any President, Vice President, and Member of Congress that is required to be filed with the Director of the Office of Public Integrity.”
of Public Integrity pursuant to section 102A(b)(1) of the Ethics in Government Act of 1978.

“(B) Disclosure of returns of certain candidates for President, Vice President, and Members of Congress.—

“(i) In general.—The Secretary shall, upon written request from the Chairman of the Federal Election Commission pursuant to section 102A(b)(2)(B) of the Ethics in Government Act of 1978, provide to officers and employees of the Federal Election Commission copies of the applicable returns of any covered candidate (as defined in section 102A(a) of such Act).

“(ii) Disclosure to public.—The Federal Election Commission may disclose to the public any applicable return of any covered candidate (as defined in section 102A(a) of such Act) that is required to be filed with the Commission pursuant to section 102A(b)(2) of the Ethics in Government Act.
“(iii) Applicable returns.—For purposes of this paragraph, the term ‘applicable returns’ means—

“(I) with respect to any covered candidate for the office of President or Vice President, income tax returns for the 8 most recent taxable years and every year the individual was in Federal elected office for which a return has been filed as of the date of the nomination; and

“(II) with respect to any covered candidate for the office of Member of Congress, income tax returns for the 2 most recent taxable years and every year the individual was in Federal elected office for which a return has been filed as of the date of the nomination.”.

(2) Conforming amendments.—Section 6103(p)(4) of such Code, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking “or (22)” and inserting “(22), or (23)” each place it appears.
SEC. 603. TRANSPARENCY RELATING TO CANDIDATES FOR FEDERAL OFFICE AND MEMBERS OF CONGRESS.

(a) IN GENERAL.—Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting after section 102A, as added by section 602 of this Act, the following:

“SEC. 102B. DISCLOSURE RELATING TO COVERED ENTITIES ASSOCIATED WITH MEMBERS OF CONGRESS AND COVERED CANDIDATES.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘close family member’, with respect to a reporting individual, includes—

“(A) a parent of the reporting individual;

“(B) a spouse of the reporting individual;

and

“(C) an adult child of the reporting individual;

“(2) the term ‘covered candidate’ has the meaning given the term in section 102A(a);

“(3) the term ‘covered entity’ means a corporation, company, firm, partnership, or other business enterprise;

“(4) the term ‘gross receipts’ has the meaning given the term in section 993(f) of the Internal Revenue Code of 1986;
“(5) the term ‘income tax return’ has the meaning given the term in section 102A(a);

“(6) the term ‘Member of Congress’ means—

“(A) a Member of Congress required to file a report under subsection (a) or (d) of section 101; and

“(B) an individual who occupies the office of Member of Congress and is required to file a report under section 101(e); and

“(7) the term ‘reporting individual’ means—

“(A) a covered candidate; or

“(B) a Member of Congress.

“(b) DISCLOSURE.—

“(1) MEMBERS OF CONGRESS.—

“(A) IN GENERAL.—On and after the date that is 180 days after the date on which the Director of the Office of Public Integrity, in consultation with the Federal Election Commission, promulgates regulations under paragraph (3), in addition to the information described in subsections (a) and (b) of section 102, a Member of Congress shall include in each report required to be filed under this title, with respect to the 2 most recent taxable years and every year the Member of Congress was in Federal
elected office for which an income tax return
has been filed with the Internal Revenue Serv-
ice as of the date on which the report is filed—
“(i) a statement of the name of any
covered entity—
“(I) in which the Member of
Congress has a significant direct or
indirect ownership interest; and
“(II) that has gross receipts that
meet or exceed the threshold value es-
tablished by regulations promulgated
pursuant to paragraph (3);
“(ii) a copy of any income tax return
filed by a covered entity described in clause
(i) for any taxable year ending with or
within such years; and
“(iii) in the case of a covered entity
described in clause (i) that is a privately
owned or closely held covered entity, a
statement of—
“(I) each—
“(aa) asset of the covered
entity; and
“(bb) liability of the covered
entity;
“(II) all—

“(aa) income from sources within the United States, as described in section 861 of the Internal Revenue Code of 1986; and

“(bb) income from sources without the United States, as described in section 862 of the Internal Revenue Code of 1986;

“(III) the name of each co-owner or co-member of the covered entity; and

“(IV) for any co-owner or co-member described in subclause (III) that is not a natural person, the name of each natural person that controls, directly or indirectly, the co-owner or co-member.

“(B) CLOSE FAMILY MEMBERS.—In addition to the information described in subparagraph (A), the Director of the Office of Public Integrity may, on a case-by-case basis and in accordance with the regulations promulgated under paragraph (3), require that a Member of
Congress include in each report required to be
filed under this title by the Member of Congress
the information described in subparagraph (A)
with respect to any covered entity—

“(i) in which a close family member of
the Member of Congress has a significant
direct or indirect ownership interest; and

“(ii) that has gross receipts that meet
or exceed the threshold value established
by regulations promulgated pursuant to
paragraph (3).

“(C) FAILURE TO DISCLOSE.—If an in-
come tax return is not disclosed under subpara-
graph (A)(ii), the Director of the Office of Pub-
lic Integrity shall submit to the Secretary of the
Treasury a request that the Secretary of the
Treasury provide the Director of the Office of
Public Integrity with a copy of the income tax
return.

“(D) PUBLICLY AVAILABLE.—All informa-
tion, including any income tax return, described
in this subsection required to be included in a
report under this title shall be filed with the Di-
rector of the Office of Public Integrity and
made publicly available in the same manner as
the information described in subsections (a) and (b) of section 102.

“(E) REDACTION OF CERTAIN INFORMATION.—

“(i) IN GENERAL.—Before making any information, including any income tax return, described in this paragraph required to be included in a report under this title available to the public, the Director of the Office of Public Integrity shall redact—

“(I) if the information contained in the report contains a trade secret the disclosure of which is likely to cause substantial harm to the competitive position of the covered entity to which the information contained in the report pertains, the information relating to the trade secret; and

“(II) such information as the Director of the Office of Public Integrity, in consultation with the Secretary of the Treasury, determines appropriate.
“(ii) Request for redaction.—A Member of Congress submitting a report under this title that contains information, including any income tax return, described in this paragraph that contains a trade secret described in clause (i)(I) may request that the Director of the Office of Public Integrity redact the information relating to the trade secret.

“(2) Candidates.—

“(A) In general.—On and after the date that is 180 days after the date on which the Director of the Office of Public Integrity, in consultation with the Federal Election Commission, promulgates regulations under paragraph (3), not later than 15 days after the date on which a covered candidate is nominated, the covered candidate shall amend the report filed by the covered candidate under section 101(c) with the Federal Election Commission to include, with respect to the years described in subparagraph (B)—

“(i) a statement of the name of any covered entity—
“(I) in which the covered candidate has a significant direct or indirect ownership interest; and

“(II) that has gross receipts that meet or exceed the threshold value established by regulations promulgated pursuant to paragraph (3);

“(ii) a copy of any income tax return filed by a covered entity described in clause (i) for any taxable year ending with or within such years; and

“(iii) in the case of a covered entity described in clause (i) that is a privately owned or closely held covered entity, a statement of—

“(I) each—

“(aa) asset of the covered entity; and

“(bb) liability of the covered entity;

“(II) all—

“(aa) income from sources within the United States, as described in section 861 of the In-
ternal Revenue Code of 1986;
and

“(bb) income from sources
without the United States, as de-
scribed in section 862 of the In-
ternal Revenue Code of 1986;

“(III) the name of each co-owner
or co-member of the covered entity;
and

“(IV) for any co-owner or co-
member described in subclause (III)
that is not a natural person, the name
of each natural person that controls,
directly or indirectly, the co-owner or
co-member.

“(B) APPLICABLE YEARS.—The years de-
scribed in this subparagraph are as follows:

“(i) In the case of a report filed under
section 101(c) by a covered candidate for
the office of President or Vice President,
the 8 years preceding the date on which
the report is filed.

“(ii) In the case of a report filed
under section 101(c) by a covered can-
didate for the office of Member of Con-
gress, the 2 years preceding the date on
which the report is filed.

“(C) CLOSE FAMILY MEMBERS.—In addi-
tion to the information described in subpara-
graph (A), the Federal Election Commission
may, on a case-by-case basis and in accordance
with the regulations promulgated under para-
graph (3), require that a covered candidate in-
clude in each report required to be filed under
section 101(c) by the covered candidate the in-
formation described in subparagraph (A) with
respect to any covered entity—

“(i) in which a close family member of
the covered candidate has a significant di-
rect or indirect ownership interest; and

“(ii) that has gross receipts that meet
or exceed the threshold value established
by regulations promulgated pursuant to
paragraph (3).

“(D) FAILURE TO DISCLOSE.—If an in-
come tax return is not disclosed under subpara-
graph (A)(ii), the Chairman of the Federal
Election Commission shall submit to the Sec-
retary of the Treasury a request that the Sec-
retary of the Treasury provide the Federal
Election Commission with a copy of the income tax return.

“(E) PUBLICLY AVAILABLE.—All information, including any income tax return, described in this subsection required to be included in a report under section 101(c) shall be filed with the Federal Election Commission and made publicly available in the same manner as the information described in subsections (a) and (b) of section 102.

“(F) REDACTION OF CERTAIN INFORMATION.—

“(i) IN GENERAL.—Before making any information, including any income tax return, described in this paragraph required to be included in a report under section 101(c) available to the public, the Federal Election Commission shall redact—

“(I) if the information contained in the report contains a trade secret the disclosure of which is likely to cause substantial harm to the competitive position of the covered entity to which the information contained in
the report pertains, the information
relating to the trade secret; and

“(II) such information as the
Federal Election Commission, in con-
sultation with the Secretary of the
Treasury, determines appropriate.

“(ii) Request for redaction.—A
covered candidate submitting a report
under section 101(c) that contains infor-
mation, including any income tax return,
described in this paragraph that contains a
trade secret described in clause (i)(I) may
request that the Federal Election Commiss-
ion redact the information relating to the
trade secret.

“(3) Regulations.—Not later than 120 days
after the date of enactment of this section, the Di-
rector of the Office of Public Integrity shall, in con-
sultation with the Federal Elections Commission,
promulgate regulations to—

“(A) establish each threshold value for
purposes of—

“(i) subparagraphs (A)(i)(II) and
(B)(ii) of paragraph (1); and
“(ii) subparagraphs (A)(i)(II) and (C)(ii) of paragraph (2);

“(B) define the term ‘significant direct or indirect interest’;

“(C) ensure that information described in this subsection that is required to be contained in a report filed under this title does not—

“(i) disclose any trade secret that is likely to cause substantial harm to the competitive position of the covered entity to which it pertains; or

“(ii) violate the privacy of any individual who is not the reporting individual who files the report; and

“(D) prescribe appropriate circumstances in which to require a Member of Congress or covered candidate to provide information under paragraph (1)(B) or (2)(C).

“SEC. 102C. DISCLOSURE RELATING TO COVERED ORGANIZATIONS ASSOCIATED WITH COVERED CANDIDATES.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered candidate’ has the meaning given the term in section 102A(a);
“(2) the term ‘covered organization’ means an organization required to—

“(A) file an income tax return under section 6033 of the Internal Revenue Code of 1986; and

“(B) include information under subsection (e) thereof;

“(3) the term ‘income tax return’ has the meaning given the term in section 102A(a); and

“(4) the term ‘key employee’ means—

“(A) an individual who is 1 of the 5 individuals receiving the highest amount of compensation paid by a covered organization; or

“(B) an individual receiving compensation paid by a covered organization in an amount that exceeds $100,000.

“(b) DISCLOSURE.—

“(1) IN GENERAL.—Not later than 15 days after the date on which a covered candidate is nominated, the covered candidate shall amend the report filed by the covered candidate under section 101(c) with the Federal Election Commission to include—

“(A) a statement identifying each covered organization of which the covered candidate has been an officer, director, trustee, board mem-
ber, or key employee during the 2 years pre-
ceding the date on which the report is filed; and

“(B) for each covered organization identi-

fied under subparagraph (A), a copy of each in-
come tax return required to be filed by the cov-
ered organization under section 6033 of the In-
ternal Revenue Code of 1986 for each taxable
year ending with or within any taxable years
described in subparagraph (A) in which the cov-
ered candidate was an officer, director, trustee,
board member, or key employee of the covered
organization.

“(2) FAILURE TO DISCLOSE.—If an income tax
return is not disclosed under paragraph (1)(B), the
Federal Election Commission shall submit to the
Secretary of the Treasury a request that the Sec-
retary of the Treasury provide the Federal Election
Commission with the income tax return.

“(3) PUBLICLY AVAILABLE.—

“(A) In general.—All information, in-
cluding any income tax return, described in this
subsection required to be included in a report
under section 101(c) shall be filed with the
Federal Election Commission and made publicly
available in the same manner as the information described in section 102(b).

“(B) INCOME TAX RETURNS.—The Director of the Office of Public Integrity shall make a copy of each income tax return described in paragraph (1)(B) included in a report filed under section 101(c) publicly available on the website described in section 402(b)(19) until—

“(i) the date on which the reporting individual ceases to be a covered candidate;

or

“(ii) if the reporting individual is elected to the office for which the reporting individual was a covered candidate, the date on which the reporting individual ceases to serve in the office for which the reporting individual was a covered candidate.

“(4) REDACTION.—Before making any information, including any income tax return, described in this subsection required to be included in a report under section 101(c) available to the public, the Federal Election Commission shall redact such information as the Federal Election Commission, in consultation with the Secretary of the Treasury and the
Director of the Office of Public Integrity, determines appropriate.”

(b) Authority To Disclose Information.—Paragraph (23) of section 6103(l) of the Internal Revenue Code of 1986, as added by section 602, is amended by adding at the end the following new subparagraphs:

“(C) Disclosure of Returns of Covered Entities Associated With Members of Congress and Covered Candidates.—

“(i) In general.—

“(I) Covered entities associated with members of Congress.—The Secretary shall, upon written request from the Director of the Office of Public Integrity pursuant to section 102B(b)(1)(C) of the Ethics in Government Act of 1978 provide to officers and employees of the Office of Public Integrity a copy of any income tax return of a covered entity (as defined in section 102B(a) of such Act) that relates to a year described in section 102B(b)(1)(A) of such Act and is required to be filed under section 102B(b) of such Act.
“(II) COVERED ENTITIES ASSOCIATED WITH COVERED CANDIDATES.—
The Secretary shall, upon written request from the Chairman of the Federal Election Commission pursuant to section 102B(b)(2)(D) of the Ethics in Government Act of 1978 provide to officers and employees of the Federal Election Commission a copy of any income tax return of a covered entity (as defined in section 102B(a) of such Act) that relates to a year described in section 102B(b)(2)(B) of such Act and is required to be filed under section 102B(b) of such Act.

“(ii) DISCLOSURE TO PUBLIC.—The Director of the Office of Public Integrity and the Chairman of the Federal Election Commission may disclose to the public the income tax return of any covered entity (as so defined) that is required to be filed pursuant to section 102B(b) of the Ethics in Government Act of 1978.
“(D) Disclosure of returns of covered organizations associated with covered candidates.—

“(i) In general.—The Secretary shall, upon written request from the Chairman of the Federal Election Commission pursuant to section 102C(b)(2) of the Ethics in Government Act of 1978, provide to officers and employees of the Federal Election Commission copies of any income tax return required to be filed under section 6033 by an organization described in clause (iii) for any year taxable year ending with or within the period described in section 102C(b)(1)(B) of such Act.

“(ii) Disclosure to public.—The Federal Election Commission may disclose to the public income tax returns of any organization described in clause (iii) that is required to be filed with the Commission pursuant to section 102C(b) of the Ethics in Government Act of 1978.

“(iii) Organization described.—An organization is described in this clause if such organization is a covered organi-
tion (as defined in section 102C(a) of the
Ethics in Government Act of 1978) of
which a person who has been nominated as
a covered candidate (as defined in section
102A(a) of such Act) has been an officer,
director, trustee, board member, or key
employee (as defined in section 102C(a) of
such Act) during the period described in
section 102C(b)(1)(A) of such Act.”).

(c) Provision of Financial Disclosures to the
Federal Election Commission.—Section 103(j) of the
Ethics in Government Act of 1978 (5 U.S.C. App.) is
amended—

(1) in paragraph (1), by adding at the end the
following: “In the case of a report filed under this
title with the Clerk of the House of Representatives
by a covered candidate, as defined in section
102A(a), a copy of the report shall also be sent by
the Clerk to the Federal Election Commission within
the 7-day period beginning on the day the report is
filed.”; and

(2) in paragraph (2), by adding at the end the
following: “In the case of a report filed under this
title with the Secretary of the Senate by a covered
candidate, as defined in section 102A(a), a copy of
the report shall also be sent by the Secretary to the Federal Election Commission within the 7-day period beginning on the day the report is filed.”.

Subtitle B—Think Tank, Nonprofit, and Advocate Transparency

SEC. 611. AMENDMENTS TO THE LOBBYING DISCLOSURE ACT OF 1995.

(a) Enforcement Report.—Section 6(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) Reports.—

“(A) in general.—Subject to subparagraph (B), after the end of each semiannual period beginning on January 1 and July 1, the Attorney General, in consultation with the Director of the Office of Public Integrity, shall submit to each congressional committee referred to in paragraph (2) a report that includes, for that semiannual period a statement of—

“(i) the aggregate number of enforcement actions taken by the Department of Justice under this Act; and
“(ii) by case, any sentence or fine imposed in each such enforcement action.

“(B) INFORMATION NOT ALREADY A MATTER OF PUBLIC RECORD.—A report submitted under subparagraph (A) may not include the name of any individual, or any personally identifiable information, that is not already a matter of public record, as of the date on which the report is submitted.”; and

(2) in paragraph (2)—

(A) by striking “paragraph (1)” and inserting “paragraph (1)(A)”; and

(B) by inserting “and the Committee on Oversight and Government Reform” after “Committee on the Judiciary”.

(b) REPORTS BY THINK TANK, NONPROFIT, AND ADVOCACY GROUPS.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended—

(1) by redesignating sections 6 through 28 (2 U.S.C. 1605 et seq.), as amended by title II of this Act, as sections 7 through 29, respectively; and

(2) by inserting after section 5 (2 U.S.C. 1604) the following:
“SEC. 6. REPORTS BY THINK TANK, NONPROFIT, AND ADVOCACY GROUPS.

“(a) DEFINITION.—In this section—

“(1) the term ‘covered organization’ means any organization—

“(A) that is described in paragraph (3), (4), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

“(B) that—

“(i) engages in lobbying activities; or

“(ii) is a client; and

“(2) the term ‘covered product’ means any communication that is—

“(A) made to a covered legislative branch official or covered executive branch official in the course of any lobbying contact by, or on behalf of, a covered organization;

“(B) testimony—

“(i) given by, or on behalf of, a covered organization before a committee, subcommittee, or task force of Congress; or

“(ii) submitted by, or on behalf of, a covered organization for inclusion in the public record of a hearing conducted by
such committee, subcommittee, or task force; or

“(C) made by, or on behalf of, a covered organization in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications.

“(b) REPORTS.—Not later than 1 year after the date of enactment of this section, and not later than January 30th of each year thereafter, or on the first business day after January 30th if January 30th is not a business day, each covered organization shall submit to the Director of the Office of Public Integrity a report for the preceding calendar year that includes, with respect to each covered product made or given by, or on behalf of, the covered organization during that year—

“(1) the name of each donor who donated any amount that was—

“(A) used to pay the cost of making or giving the covered product; and

“(B) donated with the intention of supporting any lobbying activity by the covered organization; and
“(2) a statement of whether, before the date on which the covered product was made or given, any existing or potential donor to the covered organization previewed, commented on, reviewed, or edited the covered product.

“(c) DISCLOSURE.—The information required to be submitted with respect to a covered product under subsection (b)(2) shall be included on or with that covered product.”.

(c) Technical and Conforming Amendment.—

Section 25(b) of the Lobbying Disclosure Act of 1995, as so redesignated, is amended, in the matter preceding paragraph (1), by striking “9, 10, 11, and 12” and inserting “10, 11, 12, and 13”.

SEC. 612. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) Inclusion of Lobbying Information on Annual Returns of Charitable Organizations.—Section 6033(b)(5) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” before “the names”; and

(2) by inserting “and, if it engages in lobbying activities (as defined in section 3 of the Lobbying Disclosure Act of 1995) or is a client (as defined in such section), a statement of whether any such con-
tribution was intended to support any lobbying activ-
ity (as so defined) or lobbying contact (as defined in
such section) by or on behalf of it, and, if so, a de-
scription of such lobbying activity or lobbying con-
tact” after “substantial contributors,”.

(b) Effective Date.—The amendments made by
this section shall apply to returns required to be filed for
taxable years ending on or after the date that is 1 year
after the date of the enactment of this Act.

Subtitle C—Strengthening FOIA
Enforcement

SEC. 621. STRENGTHENING FOIA ENFORCEMENT.

(a) In General.—Section 552 of title 5, United
States Code (commonly known as the “Freedom of Infor-
mation Act”) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) in subparagraph (B), in the first
sentence—

(I) by striking “and to order”
and inserting “, to order”; and

(II) by inserting before the pe-
period at the end the following: “, to
order an agency to make available for
public inspection, including by posting
electronically, the records described in paragraph (2), to make available to the public on the website of the agency the records described in subsection (p), and to award other appropriate equitable relief’; and

(ii) in subparagraph (F)(i), in the first sentence—

(I) by inserting ‘‘, orders an agency to make available for public inspection, including by posting electronically, the records described in paragraph (2), or orders an agency to make available to the public on the website of the agency the records described in subsection (p),’’ after ‘‘improperly withheld from the complainant’’; and

(II) by inserting ‘‘or unavailability of records’’ after ‘‘the withholding’’ each place that term appears; and

(B) in paragraph (6), by adding at the end the following:
“(G)(i) Notwithstanding any determination made under subparagraph (A)(i), or any appeal to such a determination under subparagraph (A)(ii), the Office of Government Information Services established under subsection (h) shall require an agency to comply with a request for records made under paragraph (1), (2), or (3), or any other requirement of this subsection, if the Office determines that the agency has not reasonably and impartially complied with the requirements of this subsection.

“(ii) If the Office makes a determination under clause (i) that an agency has not reasonably or impartially complied with a request for records made under paragraph (1), (2), or (3), or any other requirement of this subsection, and requires the agency to comply with that request or requirement, the Office shall make available to the public on the website of the Office that determination and any response and regular update by the agency of compliance by the agency.

“(iii) Nothing in clause (i) or (ii) shall be construed to prevent or restrict the ability of an individual to bring a suit to compel the disclosure of records under this section.”;
(2) in subsection (d), by inserting “any Member of” before “Congress”;

(3) in subsection (h)(3)—

(A) by inserting “(A)” before “The Office”; and

(B) by adding at the end the following:

“(B) The Director of the Office of Public Integrity, or a designee of the Director, may submit a non-binding recommendation to the Office of Government Information Services regarding the disclosure of information under this section during a mediation service provided under subparagraph (A).”;

and

(4) by adding at the end the following:

“(n) Each agency shall maintain and make available through a single website, which may be the website described in subsection (m) and shall be managed by the Office of Public Integrity, an agency record database that—

“(1) contains a log of the status of each open request for records from the agency under this section; and

“(2) makes each request for records under this section with which the agency complies available in a format that is searchable, sortable, machine read-
able, and downloadable not later than 60 days after
the date on which the request is first received by the
agency.”.

SEC. 622. EXEMPTIONS FROM DISCLOSURE.

(a) In general.—Section 552(b) of title 5, United
States Code, is amended—

(1) in paragraph (3)(B), by inserting “with an
explanation for the exemption” after “specifically
cites to this paragraph”;

(2) in paragraph (4), by inserting before the
semicolon at the end the following: “; only if disclo-
sure of the commercial or financial information is
likely to cause substantial harm to the competitive
position of the person from whom the information
was obtained”;

(3) in paragraph (5)—

(A) by striking “provided that the delibera-
tive process privilege shall not apply to records
created 25 years or more before the date on
which the records were requested” and insert-
ing “and excluding—

“(A) any opinion that is a controlling interpre-
tation of law;

“(B) any final report or memorandum created
by an entity other than the agency, including other
Governmental entities, at the request of the agency and used to make a final policy decision;

“(C) any guidance document used by the agency to respond to the public; and

“(D) any record created not less than 25 years before the date on which the records were requested”;

(4) in paragraph (6), by striking “similar files” and inserting “personal information, such as personal contact information or personal financial information,”;

(5) in paragraph (7)—

(A) in subparagraph (E)—

(i) by inserting a comma before “if such”; and

(ii) by inserting “and the record or information was created less than 25 years before the date on which the records were requested” after “circumvention of the law”; and

(B) by adding “or” at the end;

(6) by striking paragraph (8);

(7) by redesignating paragraph (9) as paragraph (8); and
(8) in the flush text following paragraph (8), as
so redesignated—

(A) by inserting before “Any reasonably
segregable portion” the following: “An agency
may not withhold information under this sub-
section unless the agency reasonably foresees
that disclosure would cause specific identifiable
harm to an interest protected by an exemption,
or if disclosure is prohibited by law.”; and

(B) by inserting before “If technically fea-
sible,” the following: “For each record withheld
in whole or in part under paragraph (3), the
agency shall identify the statute that exempts
the record from disclosure.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ENERGY POLICY AND CONSERVATION
ACT.—Section 254(a)(2)(A) of the Energy Policy
and Conservation Act (42 U.S.C. 6274(a)(2)(A)) is
amended by striking “(b)(9)” and inserting
“(b)(8)”.

(2) FEDERAL CREDIT UNION ACT.—Section
216(j)(3)(A) of the Federal Credit Union Act (12
U.S.C. 1790d(j)(3)(A)) is amended—

(A) by striking “; or” and all that follows
and inserting a period; and
(B) by striking “excising” and all that fol-
 lows through “any portion” and inserting “ex-
cising any portion”.

(3) SEcurities exChange act of 1934.—Sec-
 tion 24 of the Securities Exchange Act of 1934 (15
 U.S.C. 78x) is amended—

(A) in subsection (d), by striking “(g)”
 and inserting “(f)”;

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and
 (g) as subsections (e) and (f), respectively.

SEC. 623. PUBliC inTEREST BALANCING TEST.

Section 552 of title 5, United States Code (commonly
 known as the “Freedom of Information Act”), as amended
 by this subtitle, is amended—

(1) in subsection (b), in the matter preceding
 paragraph (1), by striking “This section” and in-
serting “Subject to subsection (o), this section”; and

(2) by adding at the end the following:

“(o)(1) Notwithstanding the applicability of an ex-
 emption from disclosure under subsection (b), an agency
 shall make available a record or any segregable portion
 of a record if the public interest in disclosure clearly out-
 weighs the interest protected by the exemption.
“(2) In evaluating the public interest in disclosing a record or a portion of a record under paragraph (1), an agency and courts shall consider—

“(A) the extent to which access to the record will further public understanding of the operations or decision making of an agency or Government official;

“(B) the extent to which the age of the record diminishes the rationale for withholding the record;

“(C) any reasonable suspicion of governmental wrongdoing;

“(D) the importance of the record to the public in order for the public to make informed decisions with respect to the electoral and democratic process; and

“(E) any other factors that the agency or court determines necessary.”.

SEC. 624. AFFIRMATIVE DISCLOSURE OF AGENCY RECORDS ON WEBSITE.

Section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), as amended by this subtitle, is amended by adding at the end the following:

“(p)(1) Each agency shall make available to the public on the website of the agency—
“(A) information relating to each advisory committee (as defined in section 3 of the Federal Advisory Committee Act (5 U.S.C. App.)) of the agency, including—

“(i) the charter of the advisory committee and a description of the activities of the advisory committee;

“(ii) the name and basic biography of each member of the advisory committee, and any conflict of interest, ethics waiver, or recusal information relating to each member;

“(iii) the meeting agendas, minutes, transcripts, and any recordings of the advisory committee;

“(iv) any upcoming events of the advisory committee;

“(v) timelines of any ongoing advisory committee work; and

“(vi) a full list of nominated members of the advisory committee and the final selected membership of the advisory committee;

“(B) information relating to Federal contracts of the agency, including—

“(i) a copy of each contract, task, and delivery order;
“(ii) information on past performance of contractors, if available; and

“(iii) except for information that is exempt from disclosure under subsection (b)(4), all correspondence and documents related to the provision of services to the Federal Government by contractors earning—

“(I) $10,000,000 during a 1-year period under a Federal contract or license; or

“(II) more than 20 percent of total revenue of the contractor from Federal sources;

“(C) ethics documents maintained by the Office of Public Integrity, including—

“(i) final submissions of ethics paperwork for an individual in a position on any level of the Executive Schedule under subchapter II of chapter 53 of this title;

“(ii) waivers; and

“(iii) any document granting a recusal on a specific issue for an individual in a position on any level of the Executive Schedule under subchapter II of chapter 53 of this title;

“(D) basic employee organizational charts and office contact information, including—
“(i) charts that minimally include the names, job titles, and salaries of all noncareer appointees and career appointees, as defined in section 3132 of this title; and

“(ii) front office contact information for every office within the agency;

“(E) each communication sent to Congress or to a committee of Congress, including—

“(i) congressional testimony;

“(ii) each unclassified report submitted to Congress, as required by statute; and

“(iii) each response to questions for congressional hearing records, provided that the response does not include individual casework or constituent information; and

“(F) human resources data of the agency, in the aggregate, including—

“(i) the number of involuntary transfers, hires, and voluntary and involuntary departures each quarter; and

“(ii) information on the racial, ethnic, and gender diversity with respect to hires, departures, and involuntary transfers.

“(2) If an agency is unable to maintain a website described in paragraph (1) due to resource constraints, the
agency shall submit the information required to be made available under paragraph (1) to the Director of the Office of Public Integrity, who shall make the information available on a website managed by the Office of Public Integrity, such as the website described in subsection (m).”.

SEC. 625. APPLICABILITY.

This subtitle and the amendments made by this subtitle shall apply on and after the date of enactment of this Act.

Subtitle D—Federal Contractor Transparency

SEC. 631. EXPANDING APPLICABILITY OF THE FREEDOM OF INFORMATION ACT TO FEDERAL CONTRACTORS.

(a) Definition of Agency.—In this section, the term “agency” has the meaning given the term in section 552(f) of title 5, United States Code.

(b) Applicability of FOIA.—A record relating to a Federal contractor, including a record relating to a non-Federal prison, correctional, or detention facility, produced during fulfillment of the Federal contract with an agency with funds provided under the contract shall be—

(1) considered a record for purposes of section 552(f)(2) of title 5, United States Code, whether in
the possession of the Federal contractor or an agency; and

(2) subject to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), to the same extent as if the record was maintained by an agency.

(e) Withholding of Information.—An agency may not withhold information that would otherwise be required to be disclosed under subsection (b) unless—

(1) the agency, based on the independent assessment of the agency, reasonably foresees that disclosure of the information would cause specific identifiable harm to an interest protected by an exemption from disclosure under section 552(b) of title 5, United States Code; or

(2) disclosure of the information is prohibited by law.

(d) Regulations.—

(1) In general.—An agency may promulgate regulations or guidance to ensure compliance with this section by the agency and Federal contractors.

(2) Compliance by Federal Contractors.—

(A) In general.—Compliance with this section by an applicable entity shall be included
as a material term in any contract, agreement, or renewal of a contract or agreement between the agency and the Federal contractor.

(B) Modification of Contract or Agreement.—Not later than 1 year after the date of enactment of this Act, an agency shall secure a modification to include compliance with this section by a Federal contractor as a material term in any contract or agreement described under subparagraph (A) that will not otherwise be renegotiated, renewed, or modified before the date that is 1 year after the date of enactment of this Act.

(e) Rule of Construction.—Nothing in this section shall be construed to limit or reduce the scope of State or local open records laws.

SEC. 632. PUBLIC DISCLOSURE BY LARGE CONTRACTORS.

(a) Definition.—In this section, the term “covered contractor” means an entity that earns more than—

(1) $10,000,000 during a 1-year period under a Federal contract or license; or

(2) 20 percent of the total revenue of the entity from Federal sources.

(b) Requirement.—Each covered contractor shall, on an annual basis, submit to the Director of the Office
of Public Integrity and the Administrator of the Office of Federal Procurement Policy—

(1) any audited financial statements of the covered contractor;

(2) a listing of the salaries of employees of the covered contractor providing services on Federal contracts that are compensated over $100,000 per year;

(3) a detailed list of all Federal political spending by the covered contractor; and

(4) the identity of each beneficial owner of the covered contractor, including—

(A) name;

(B) current residential or business street address; and

(C) whether the beneficial owner is a foreign person.

(c) PENALTY.—The Director of the Office of Management and Budget may—

(1) in consultation with the Administrator of the Office of Federal Procurement Policy and the Director of the Office of Public Integrity, temporarily or indefinitely disqualify a covered contractor from receiving a Federal contract if the Director of the Office of Management and Budget determines
that the covered contractor failed to comply with the
requirement under subsection (b); and

(2) reinstate the ability of a covered contractor
described in paragraph (1) to receive a Federal con-
tract.

Subtitle E—Congressional
Transparency

SEC. 641. INCREASED TRANSPARENCY OF COMMITTEE
WORK.

(a) DEFINITIONS.—In this section—

(1) the term “Committee” means—

(A) a committee of the House of Rep-
resentatives;

(B) a committee of the Senate; and

(C) a subcommittee of a committee de-
scribed in paragraph (1) or (2);

(2) the term “covered hearing” means a public
hearing held by a Committee; and

(3) the term “covered markup” means a public
markup held by a Committee.

(b) SCHEDULE.—At the same time as the schedule
is made available to members of a Committee, but not
later than 7 days before the date of a covered hearing or
covered markup (unless the Chairman and Ranking Mi-
nority Member of the Committee agree to waive the 7-
day requirement), each Committee shall make available on
the website of the Committee the schedule of covered hear-
ings and covered markups of the Committee.

(c) INFORMATION REQUIRED FOR MARKUPS.—At the
same time as the materials are made available to members
of a Committee, but not later than 24 hours before the
time of a covered markup (unless the Chairman and Rank-
ing Minority Member of the Committee agree to waive the
24-hour requirement), the Committee shall make available
on the website of the Committee any bill or resolution to
be considered at the covered markup and any amendments
to such a bill or resolution filed with the Committee.

(d) ADDITIONAL REQUIRED INFORMATION.—Not
later than 24 hours after holding a covered hearing or a
covered markup, a Committee shall make available on the
website of the Committee—

(1) a description of the topic of the covered
hearing or covered markup;

(2) any legislation related to the covered hear-
ing or covered markup;

(3) the written testimony of any witness;

(4) any documents or materials entered into the
record;
(5) any written opening statements of the Chairman or Ranking Minority Member of the Committee; and

(6) audio and video recordings of the covered hearing or covered markup.

(e) TRANSCRIPTS.—Not later than 45 days after holding a covered hearing or covered markup, a Committee shall make available on the website of the Committee transcripts of the covered hearing or covered markup.

(f) REPORTED MEASURES.—Not later than 24 hours after a covered markup during which a Committee orders a bill or resolution to be reported, the Committee shall post on the website of the Committee—

(1) each amendment to the bill or resolution that was agreed to, except for technical and conforming changes authorized by the Committee; and

(2) a record of each vote taken on the bill or resolution or an amendment thereto.

(g) COMPARATIVE PRINT.—

(1) IN GENERAL.—Not later than 45 days after a Committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, the Committee shall include in its report or in an ac-
companying document and make available on the website of the Committee—

(A) the entire text of each section of a statute that is proposed to be repealed or amended; and

(B) a comparative print of each amendment to a section of a statute that the bill or joint resolution proposes to make, showing by appropriate typographical devices the omissions and insertions proposed.

(2) COMMITTEE AMENDMENTS.—If a Committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by paragraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

(3) AVAILABILITY.—Each Committee shall make reasonable efforts to make a comparative print required by paragraph (1) available to the members of the Committee and to the public as early as practicable, and before a covered markup, if practical.

(h) QUESTIONS FOR THE RECORD.—
(1) **IN GENERAL.**—Except as provided in paragraph (2), for each covered hearing or covered markup, a Committee shall make available on the website of the Committee any response to questions for the record of the covered hearing or covered markup that the Committee receives from a testifying witness.

(2) **PROTECTION OF CERTAIN INFORMATION.**—

Upon agreement by the Chairman and Ranking Minority Member of a Committee, a response described in paragraph (1) may be withheld from the website of the Committee if it includes individual casework or constituent information or information that the Chairman and Ranking Minority Member determine is confidential information.

**SEC. 642. INCREASED TRANSPARENCY OF RECORDED VOTES.**

(a) **DEFINITION.**—In this section, the term “Member of Congress” means a member of the House of Representatives and a member of the Senate.

(b) **ADDITIONAL DUTIES OF THE CLERK OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE.**—The Clerk of the House of Representatives and the Secretary of the Senate shall make available on the website of the Office of the Clerk or of the Secretary,
respectively, a record of the recorded votes of each Member of Congress who is a member of their House of Congress, organized by the name of the Member of Congress, in a structured data format, which shall include the roll, date, issue, question, result, and title or description of the vote.

(c) Web Link.—Each Member of Congress shall provide a link on the website of the Member of Congress to the record of recorded votes of the Member of Congress made available by the Clerk of the House of Representatives or the Secretary of the Senate, as applicable.

(d) Effective Date.—This section shall apply to recorded votes by Members of Congress occurring after the date of enactment of this Act.

SEC. 643. INCREASED TRANSPARENCY OF APPROPRIATIONS BILLS.

(a) Inclusion.—The Clerk of the House of Representatives and the Secretary of the Senate shall ensure that each report accompanying any appropriations bill reported by the Committees on Appropriations of the House of Representatives or the Committee on Appropriations of the Senate, respectively, includes a formatted spreadsheet showing the amounts made available by the bill, in a tabular, digital format that shows separate entries for each fiscal year covered by the bill.
(b) Effective Date.—Subsection (a) shall apply with respect to any appropriations bill making funds available for fiscal year 2019 or any fiscal year thereafter.