

S.1

To provide greater transparency in the legislative process. (Placed on Calendar in Senate)

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

^ RULE XLIV

^ earmarks

^ 1. In this rule--

^ (1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

^ (2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

^ 2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of--

^ (1) all earmarks in such measure;

^ (2) an identification of the Member or Members who proposed the earmark; and

^ (3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.'

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) In General-

(1) AMENDMENT- Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

^ 7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.'

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

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

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by--

(1) inserting ` 1.' before ` Other';

(2) inserting after ` Ex-Senators and Senators elect' the following: `, except as provided in paragraph 2';

(3) inserting after ` Ex-Secretaries and ex-Sergeants at Arms of the Senate' the following: `, except as provided in paragraph 2';

(4) inserting after ` Ex-Speakers of the House of Representatives' the following: `, except as provided in paragraph 2'; and

(5) adding at the end the following:

` 2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is--

` (1) a registered lobbyist or agent of a foreign principal; or

` (2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

` (b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.'.

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by--

(1) inserting `(A)' after `(2)'; and

(2) adding at the end the following:

` (B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.'.

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) In General- Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

` (f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall--

` (A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that--

` (i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

` (ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

` (iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

` (iv) registered lobbyists will not participate in or attend the trip;

` (B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing--

` (i) a detailed itinerary of the trip; and

` (ii) a determination that the trip--

` (I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

` (II) is consistent with the official duties of the Member, officer, or employee;

` (III) does not create an appearance of use of public office for private gain; and

` (iii) has a minimal or no recreational component; and

` (C) obtain written approval of the trip from the Select Committee on Ethics.

` (2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.'

(b) Disclosure of Noncommercial Air Travel-

(1) RULES- Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

`(g) A Member, officer, or employee of the Senate shall--

`(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

`(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.'

(2) FECA- Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended--

(A) by striking `and' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ` ; and'; and

(C) by adding at the end the following:

`(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

`(A) The date of the flight.

`(B) The destination of the flight.

`(C) The owner or lessee of the aircraft.

`(D) The purpose of the flight.

`(E) The persons on the flight, except for any person flying the aircraft.'

(c) Public Availability- Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

`(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.'

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) In General- Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by--

(1) designating the first sentence as subparagraph (a);

- (2) designating the second sentence as subparagraph (b); and
- (3) adding at the end the following:

` (c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.'

(b) Effective Date- This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

` 14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.'

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by--

- (1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and
- (2) inserting after paragraph 9, the following:

` 10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

` (b) In this paragraph, the term `immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-

law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.'.

SEC. 111. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

- ` 6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity--
 - ` (1) take or withhold, or offer or threaten to take or withhold, an official act; or
 - ` (2) influence, or offer or threaten to influence the official act of another.'.

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) In General- Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) Deposit in Treasury- Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading `medical services' under the heading `veterans health administration'.

(c) Administration- The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) Effective Date- This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

SEC. 114. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) In General- The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator--

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

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

‘I, Senator **XX**, intend to object to proceeding to **XX**, dated **XX**.’

(b) Calendar- The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled ‘Notices of Intent to Object to Proceeding’. Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) Removal- A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

‘I, Senator **XX**, do not object to proceeding to **XX**, dated **XX**.’

SEC. 115. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II--LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the ‘Legislative Transparency and Accountability Act of 2007’.

Subtitle A--Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) Quarterly Filing Required- Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the `Act') (2 U.S.C. 1604) is amended--

(1) in subsection (a)--

(A) in the subsection heading, by striking `Semiannual' and inserting `Quarterly';

(B) by striking `the semiannual period' and all that follows through `July of each year' and inserting `the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day'; and

(C) by striking `such semiannual period' and inserting `such quarterly period'; and

(2) in subsection (b)--

(A) in the matter preceding paragraph (1), by striking `semiannual report' and inserting `quarterly report';

(B) in paragraph (2), by striking `semiannual filing period' and inserting `quarterly period';

(C) in paragraph (3), by striking `semiannual period' and inserting `quarterly period'; and

(D) in paragraph (4), by striking `semiannual filing period' and inserting `quarterly period'.

(b) Conforming Amendments-

(1) DEFINITION- Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking `six month period' and inserting `three-month period'.

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

(A) in subsection (a)(3)(A), by striking `semiannual period' and inserting `quarterly period'; and

(B) in subsection (b)(3)(A), by striking `semiannual period' and inserting `quarterly period'.

(3) ENFORCEMENT- Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking `semiannual period' and inserting `quarterly period'.

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

(A) in subsection (a)(1), by striking `semiannual period' and inserting `quarterly period'; and

(B) in subsection (b)(1), by striking `semiannual period' and inserting `quarterly period'.

(5) DOLLAR AMOUNTS-

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

(i) in subsection (a)(3)(A)(i), by striking `\$5,000' and inserting `\$2,500';

(ii) in subsection (a)(3)(A)(ii), by striking
`\$20,000' and inserting `\$10,000';

(iii) in subsection (b)(3)(A), by striking `\$10,000'
and inserting `\$5,000'; and

(iv) in subsection (b)(4), by striking `\$10,000' and
inserting `\$5,000'.

(B) REPORTS- Section 5 of the Act (2 U.S.C.