

TRANSPARENCY IN GOVERNMENT ACT OF 2008

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TITLE I—ACCESS TO INFORMATION ABOUT MEMBERS OF CONGRESS

Sec. 101. Greater disclosure and electronic filing of personal financial information.

(a) Financial Disclosures- Section 102(d) of the Ethics in Government Act of 1978 is amended by adding at the end the following new paragraph: '(3) Notwithstanding any other provision of this Act, in the case of reports of Members of Congress and officers and employees of Congress filed pursuant to sections 101(d) and (e), references to the categories for reporting the amount or value of the items covered in paragraphs (1), (3), (4), (5), and (8) of subsection (a) shall be deemed to be exact dollar amounts as determined by fair market value, tax returns, bank statements, or other means.'

(b) Personal Financial Disclosure reports shall disclose:

(1) the affiliations of Members (and their spouses and adult children) with political action committees and other political organizations such as "Leadership" PACs, whether registered at the Federal or state level, as

well as with any 501(c)(3) or 501(c)(4) organizations, and
(2) the employment or other economic relationships with entities, of the spouse, siblings, and adult children of Members of Congress.

(c) Mandatory Electronic Filing of Personal Financial Reports.

(1) IN GENERAL- The Rules of the House and the Senate are amended to provide the following: `each person required to file a report under this Act shall be required to maintain and file such report in electronic form accessible by computers.'

(d) Availability of Reports on the Internet- Section 103 of the Ethics in Government Act of 1978 is amended by adding at the end the following new subsection:

`(1) A copy of each report filed under this title with the Clerk of the House of Representatives or the Secretary of the Senate shall be made available to the general public on the Internet within 48 hours of filing in a format that is searchable, sortable, and downloadable.'

(e) Effective Date- The amendment made by subsection (a) shall apply to reports filed for calendar years beginning after the date of enactment of this Act.

(f) DIRECTORY- The Superintendent of Documents, under the Direction of the Public Printer in the Government Printing Office, shall include information about the documents made available on the Internet under this section in the electronic directory of Federal electronic information required by section 4101(a)(1) of title 44, United States Code.

Sec. 102. Electronic filing of and timely public access to official travel reports.

(a) Mandatory Electronic Filing of travel reports. The Rules of the House and the Senate are amended to provide the following: `each person required to file a travel report under this provision shall be required to file such report in electronic form accessible by computers.'

(b) Requiring Posting on Internet- The Clerk of the House of Representatives and the Secretary of the Senate shall post on the public Internet site of the Office of the Clerk, or the Office of the Secretary, respectively, the reports filed under paragraph (a) within 48 hours (Saturdays, Sundays, and holidays excepted) after they are received in a format that is searchable, sortable, and downloadable.

(c) Retention- The Clerk and the Secretary shall maintain the information posted on the public Internet site of the Office of the Clerk or Secretary, respectively, under this section for a period of six years after receiving the information. The National Archives and Records Administration shall maintain archival backups of the public databases maintained by the Clerk or Secretary.

(d) DIRECTORY- The Superintendent of Documents, under the Direction of the Public Printer in the Government Printing Office, shall include information about the documents made available on the Internet under this section in the electronic directory of Federal electronic information required by section 4101(a)(1) of title 44, United States Code.

Sec. 103. Electronic filing of and timely public access to gift reports.

(a) The Rules of the House and the Senate are amended to provide the following:

'each person required to file a gift report under this provision shall be required to maintain and file such report in electronic form accessible by computers.'

(b) The Secretary of the Senate, and the Clerk of the House shall make required gift reports available on the Internet for purposes of access and retrieval by the public within 48 hours days (Saturdays, Sundays, and holidays excepted) after they are received in a format that is searchable, sortable, and downloadable.

(c) Retention- The Clerk and the Secretary shall maintain the information posted on the public Internet site of the Office of the Clerk or Secretary, respectively, under this section for a period of six years after receiving the information. The National Archives and Records Administration shall maintain archival backups of the public databases maintained by the Clerk or the Secretary.

(d) DIRECTORY- The Superintendent of Documents, under the Direction of the Public Printer in the Government Printing Office, shall include information about the documents made available on the Internet under this section in the electronic directory of Federal electronic information required by section 4101(a)(1) of title 44, United States Code.

Sec. 104. Enhancing public access to information about earmarks.

(a) A Senator or Representative who requests a congressionally directed spending item, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including--

(1) the name of the Senator or Representative;

(2) in the case of a congressionally directed spending item, the name and location of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

(i) Where there is an intended recipient, each member shall report, to the best of his or her knowledge, the name of the actual recipient of a congressionally directed spending item, and shall not name an intermediary.

(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Senator or Representative;

(4) the purpose of such congressionally directed spending item or limited tax or tariff benefit; and

(5) a certification that neither the Member nor the Member's immediate family has a pecuniary interest in the item.

(i) "Family Member" is defined to include the Member's parents, spouse, children, step-parents,

step-children, mother-in-law, father-in-law, sons-in-law and daughters-in-law.

(b) Each Senate and House committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits or limited tariff benefits shall be published in a searchable, sortable, downloadable format on the committee's Web site not later than 48 hours after receipt. Earmark requests for which funding has been included in any measure shall be identified in the database not later than 48 hours after inclusion in the measure.

(c) Each Member of Congress who maintains an official public Internet site shall provide a clearly presented electronic link to the Committee databases described in paragraph (b).

(d) Each committee or subcommittee with jurisdiction over any earmarked program for which funding is provided will provide historical funding levels for earmarked programs over the last 10 years, and will make the information available to the public in a searchable, sortable, downloadable database available through the committee's Web site.

Sec. 105. Electronic Filing of Senate campaign finance disclosure reports.

(a) In General- Section 304(a)(11)(D) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(D)) is amended to read as follows:

`(D) As used in this paragraph, the terms `designation', `statement', or `report' mean a designation, statement or report, respectively, which--

`(i) is required by this Act to be filed with the Commission, or

`(ii) is required under section 302(g) to be filed with the Secretary of the Senate and forwarded by the Secretary to the Commission.'.

(b) Conforming Amendments-

(1) Section 302(g)(2) of such Act (2 U.S.C. 432(g)(2)) is amended by inserting `or 1 working day in the case of a designation, statement, or report filed electronically' after `2 working days'.

(2) Section 304(a)(11)(B) of such Act (2 U.S.C. 434(a)(11)(B)) is amended by inserting `or filed with the Secretary of the Senate under section 302(g)(1) and forwarded to the Commission' after `Act'.

(c) Effective Date- The amendments made by this section shall apply to any designation, statement, or report required to be filed after the date of enactment of this Act.

Sec. 106. Monthly Filing of FECA reports.

a) Receipts and disbursements by treasurers of political committees; filing requirements. The Federal Election Campaign Act is amended to provide that all reports of receipts and disbursements required to be filed by treasurers of political committees shall be filed no later than the 15th day of the last day of each month and shall be complete as of the last day of each month.

Sec. 107. Internet Posting of Quarterly Statements of Disbursements of House of Representatives and Senate.

(a) **REQUIRING INTERNET POSTING.**—The Clerk of the House of Representatives and the Secretary of the Senate shall post the quarterly statements of the disbursements for the operations of the House of Representatives and the Senate, respectively, on the public Internet site of the Office of the Clerk or the Secretary, as appropriate, in a format that is searchable, sortable, and downloadable.

(b) **EFFECTIVE DATE.**—Subsection (a) shall apply with respect to calendar quarters beginning on or after the date of the adoption of this resolution.

TITLE II—ENHANCING PUBLIC ACCESS TO THE WORK OF CONGRESSIONAL COMMITTEES, LEGISLATION, AND VOTES

Sec. 201. Posting of Committee recorded votes online in a timely manner.

(a) The Rules of the Senate and the House of Representatives shall be amended to require all committees post recorded votes in both human-readable and structured format on their Web sites within 24 hours of such votes.

Sec. 202. Posting congressional committee schedules online in a timely manner.

(a) House and Senate Rules are amended to add the following new paragraph: ‘Congressional committees and subcommittees are required to post a schedule of all public hearings and markups on the their Web sites as soon as the schedules are made publicly available. The information to be reported includes, but is not limited to, the topic of the hearing or markup, including a reference to specific legislation when applicable, as well as witness names and prepared testimony as soon as available.’

Sec. 203. Posting of other committee information.

- a) Each standing and special committee of the Senate and House and each joint committee of the Congress, shall provide access via the Internet to publicly-available committee information, documents, and proceedings, including committee and subcommittee membership, bills, reports, and official and unofficial transcripts of committee meetings that are open to the public.
- b) Each standing and special committee of the Senate and House and each joint committee of the Congress, shall provide access via the Internet to audio and video feeds of each public hearing, markup or other special meeting of the committee.
- c) The Clerk of the House and the Secretary of the Senate shall provide in a structured data format a complete list of all public committee proceedings.

Sec. 204. Full disclosure of non-emergency legislation online 72 hours before a vote.

(a) The rules of the House of Representatives and the Standing Rules of the Senate are amended by inserting the following:

(1) It shall not be in order to consider in the House or the Senate legislation or reports until 72 hours (excluding Saturdays, Sundays, and holidays except when the relevant chamber is in session on such a day)

after the text of such measure or matter (and, if the measure or matter is reported, the text of all accompanying reports) have been made available to Members, Delegates, the Resident Commissioner, Senators, and the general public pursuant to subparagraph (3);

‘(2) For purposes of this paragraph, a measure or matter is made available to the general public as of the time it is posted by the Secretary of the Senate or Clerk of the House on their respective Web sites in a format that can be searched by text.’;

‘(3) Without further amendment before floor consideration, the full text of the measure of matter and each committee report thereon shall be posted continuously by means of the Internet in such a manner that they are conveniently accessible using existing technology, anonymously and at no cost, in a format that is easily searchable by text.’;

‘(4) This rule may be waived by a vote of two-thirds of the Members voting, a quorum being present.’.

(b) Nothing in this resolution or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the House of Representatives. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

(c) Sense of the House and Senate Regarding Amendments: It is the sense of the House that, standardized policies and procedures should be developed to require that proposed amendments that are major in size, scope, or cost be posted on the Internet for an appropriate number of hours.

Sec. 205. Full disclosure of conference reports, identification of new material in conference reports and openness in conference committee deliberations.

(a) IN GENERAL- The rules of the House and the Standing Rules of the Senate are amended by adding at the end the following:

‘(1) It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 72 hours before such vote. If a point of order is sustained under this paragraph, then the conference report shall be set aside.

‘(2) For purposes of this paragraph, a report of a committee of conference is made available to the general public as of the time it is posted by the Secretary of the Senate or Clerk of the House on their respective Web sites in a format that can be searched by text.

‘(3) This rule may be waived by a vote of two-thirds of the Members voting, a quorum being present.’

(b) Clear Identification of New Material in Conference Reports- The Rules of the House and the Standing Rules of the Senate are amended by adding at the end the following:

‘The joint explanatory statement by a committee of conference shall separately identify and explain each provision of the report in violation of

paragraph 2 or 3 of rule XXVIII of the Standing Rules of the Senate and, if possible, identify the Member who proposed such provision.'

(c) Conference Committee Protocols-

- (1) Conference Committees shall hold regular, formal meetings of all conferees that are open to the public or televised;
- (2) All conferees should be given adequate notice of the time and place of all such meetings; and
- (3) All conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses.

Sec. 206. Electronic access to votes.

- (a) The Clerk of the House and the Secretary of the Senate shall post on the public Internet site of the Office of the Clerk or Secretary, respectively, a record, organized by Member or Senator name, in a structured data format, of the recorded votes of each Member or Senator, including the roll, date, issue, question, result, and title or description of the vote, and any cost estimate of the Congressional Budget Office related to the vote; and
- (b) Each Member or Senator who maintains an official public Internet site shall provide a clearly presented electronic link to the Member's individual recorded vote information described in paragraph (a).

Sec. 207. Creation of a legislative database.

- a) The Library of Congress shall offer an Application Programming Interface (API) to provide public access to legislative documents, bill status, and summary information.
- b) The Library of Congress shall provide bulk public data download capabilities for legislative documents, bill status, and summary information.

Sec. 208. Appropriation of sums to preserve congressional information.

- (a) Such sums that are necessary shall be appropriated to the National Archives to create and archive a digital copy of congressional Web sites, including Member and committee Web sites, on a yearly basis.
- (b) Such sums as are necessary shall be appropriated to fully support and expand the Library of Congress's Web services operations, including THOMAS, the World Digital Library, the Legislative Information Services database, the Office of Strategic Initiatives, and the Law Library.

TITLE III—ENHANCING PUBLIC ACCESS TO CONGRESSIONAL RESEARCH SERVICE INFORMATION

Sec. 301. Availability of certain Congressional Research Service Information.

- (a) Availability of Information-
 - (1) IN GENERAL- The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make

available through a centralized electronic system, for purposes of access and retrieval by the public under section 4 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service Web site.

(2) INFORMATION TO BE MADE AVAILABLE- The information to be made available under paragraph (1) is:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service Web site.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) Limitations-

(1) CONFIDENTIAL INFORMATION- Subsection (a) does not apply to-

(A) any information that is confidential, as determined by--

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION- In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may-

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director determines that making it available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director determines necessary to ensure that the information is accurate and current.

(c) MANNER- The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.

Sec. 302. Method of access.

(a) Public access to information made available under section 301 shall be provided through the Web sites maintained by the Secretary of the Senate.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE- The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the

information made available on the Internet under section 2.

Sec. 303. Implementation.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

Sec. 304. GAO Study.

(a) IN GENERAL- Beginning 1 year after the date on which the database described in section 2(a) is established, the Sergeant-at-Arms shall request the Comptroller General to examine the cost of implementing this resolution, other than this section, with particular attention to the cost of establishing and maintaining the database and submit a report within six months thereafter. The Sergeant-at-Arms shall ask the Comptroller General to include in the report recommendations on how to make operations under this resolution more cost-effective, and such other recommendations for administrative changes or changes in law, as the Comptroller General may determine to be appropriate.

(b) DELIVERY- The Sergeant-at-Arms shall transmit a copy of the Comptroller General's report under subsection (a) to--

- (1) the Senate Committee on Rules and Administration;
- (2) the Senate Committee on Commerce, Science, and Transportation;
- (3) the Senate Committee on the Judiciary; and
- (4) the Joint Committee of the Congress on the Library of Congress.

TITLE IV—IMPROVING LOBBYIST REPORTING AND DISCLOSURE OF INFORMATION

Sec. 401. Monthly filing of Lobbying Disclosure Reports.

- a) Monthly Filing Required- Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—
 - (1) in subsection (a)—
 - (A) by striking 'Quarterly' and inserting 'Monthly';
 - (B) by striking 'the quarterly period' and insert 'the monthly period beginning on the first days of each month'; and
 - (C) by striking 'such quarterly period' and insert 'such monthly period'; and
 - (2) in subsection (b)—
 - (A) in the matter preceding paragraph (1), by striking quarterly report' and inserting 'monthly report';
 - (B) in paragraph (2), by striking 'quarterly filing period' and inserting 'monthly period';
 - (C) in paragraph (3), by striking 'quarterly period' and inserting 'monthly period'; and
 - (D) in paragraph (4), by striking 'quarterly filing period' and inserting 'monthly period'.
- b) Conforming Amendments-

- (1) DEFINITION- Section 3 of such Act (2 U.S.C. 1602) is amended in paragraph (10) by striking `three month period' and inserting `one month period'.
- (2) REGISTRATION- Section 4 of such Act (2 U.S.C. 1603) is amended—
 - (A) in subsection (a)(3)(A) by striking `quarterly period' and inserting `monthly period'; and
 - (B) in subsection (b)(3)(A) by striking `quarterly period' and inserting `monthly period'.
- (3) ENFORCEMENT- Section 6 of such Act (2 U.S.C. 1605) is amended in paragraph (6) by striking `quarterly period' and inserting `monthly period'.
- (4) ESTIMATES- Section 15 of such Act (2 U.S.C. 1610) is amended—
 - (A) in subsection (a)(1) by striking `quarterly period' and inserting `monthly period'; and
 - (B) in subsection (b)(1) by striking `quarterly period' and inserting `monthly period'.
- (5) DOLLAR AMOUNTS-
 - (A) Section 4 of such Act (2 U.S.C. 1603) is further amended—
 - (i) in subsection (a)(3)(A)(i), by striking `\$2,500' and inserting `\$750';
 - (ii) in subsection (a)(3)(A)(ii), by striking `\$10,000' and inserting `\$3,000';
 - (iii) in subsection (b)(3)(A), by striking `\$5,000' and inserting `\$2,500'; and
 - (iv) in subsection (b)(4), by striking `\$5,000' and inserting `\$2,500'.
 - (B) Section 5 of such Act (2 U.S.C. 1604) is further amended—
 - (i) in subsection (c)(1), by striking `\$5,000' and `\$10,000' and inserting `\$2,500' and `\$5,000', respectively; and
 - (ii) in subsection (c)(2), by striking `\$5,000' both places such term appears and inserting `\$2,500'.

Sec. 402. Identification of officials with whom lobbying contacts are made.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended in subsection (b) by inserting the following new subparagraph:

`for each specific issue listed pursuant to subparagraph (A), a list identifying each covered executive branch official and each Member of Congress (or the Member's name when the lobbyist meets with staff) with whom a lobbyist employed by the registrant engaged in a lobbying contact with respect to that issue;'

Sec. 403. Disclosure of support or opposition to legislation and earmark requests.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding the following:

(a) 'for each specific piece of legislation that has been the subject of a lobbying contact, the lobbyist will disclose whether the client on whose behalf the lobby contact was made supports, supports with modifications, or opposes the legislation.

(b) 'Each monthly report filed shall also contain requests for congressional earmarks (as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives for the One Hundred Tenth Congress)'.
(1) With regard to earmark requests, the report shall include -

(i) the name and address of the entity on whose behalf the earmark was requested, along with a list of each individual working for the entity involved in attempts to influence the receipt of an earmark;

(ii) the name and address of each entity paid to influence an earmark request, along with a list of each individual performing the services for which such payment is made;

(iii) the amount expended to influence a Federal award by the entity completing the report and paid to any entity for such purposes;

(iv) how the entity or individual was paid, such as whether it was a commission, hourly rate, or fixed rate;

(v) a description of the issues or Federal awards being discussed; and

(vi) the name of the agency or congressional office, including names of individuals, and the number of communications with each agency or congressional office involved in the activity intended to influence a Federal award.

Sec. 404. Monthly reports on certain contributions.

a) Other Contributions- Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended by adding at the end the following:

b) `(d) Monthly Reports on Certain Contributions-

c) `(1) IN GENERAL- Each person or organization who is registered or is required to register under paragraph (1) or (2) of section 4(a), and each employee who is or is required to be listed as a lobbyist under section 4(b)(6) or subsection (b)(2)(C) of this section, shall file a monthly report report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

`(A) the name of the person or organization;

`(B) in the case of an employee, his or her employer;

`(C) the names of all political committees established or controlled by the person or organization;

`(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding

\$200 were made by the person or organization, or a political committee established or controlled by the person or organization within the monthly period, and the date and amount of each such contribution made within the monthly period;

`(E) the date, recipient, and amount of funds contributed or disbursed during the monthly period by the person or organization or a political committee established or controlled by the person or organization—

`(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

`(ii) to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

`(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

`(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, one or more covered legislative branch officials or covered executive branch officials, except that this subparagraph shall not apply if the funds are provided to a person who is required to report the receipt of the funds under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

`(F) the name of each presidential library foundation, and each presidential inaugural committee, to whom contributions equal to or exceeding \$200 were made by the person or organization, or a political committee established or controlled by the person or organization, within the semiannual period, and the date and amount of each such contribution within the semiannual period; and

`(G) a certification by the person or organization filing the report that the person or organization—

`(i) has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House of Representatives relating to the provision of gifts and travel; and

`(ii) has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress with knowledge that receipt of the gift would violate rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.

Sec. 405. Reporting of bundled contributions made by persons other than registered lobbyists.

(a) **REQUIRED DISCLOSURE-** Each political committee shall be required to file under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee who provided two or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(b) **COVERED PERIOD-** In this subsection, a 'covered period' means, with respect to a committee--

- (1) the period beginning January 1 and ending June 30 of each year;
- (2) the period beginning July 1 and ending December 31 of each year;
- and
- (3) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided two or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(c) APPLICABLE THRESHOLD-

- (1) IN GENERAL- In this subsection, the 'applicable threshold' is \$5,000, except that in determining whether the amount of bundled contributions provided to a committee by a person exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

(d) PUBLIC AVAILABILITY- The Commission shall ensure that

- (1) information required to be disclosed under this subsection is publicly available through the Commission Web site in a manner that is searchable, sortable, and downloadable; and
- (2) the Commission's public database containing information disclosed under this subsection is linked electronically to the Web sites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

(e) COMMITTEES DESCRIBED- A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(f) DEFINITIONS- For purposes of this subsection, the following definitions apply:

- (1) BUNDLED CONTRIBUTION- The term 'bundled contribution' means a contribution (subject to the applicable threshold) which is--
 - (A) forwarded from the contributor or contributors to the committee by the person; or
 - (B) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

- (2) The term 'bundled contribution' shall not include any contribution forwarded by or credited to (through records, designations, or other means of recognizing a certain amount of money has been raised) a person who is a regularly paid employee of the committee.

Sec. 406. Reporting of lobbying activities by all persons who bundle contributions.

- a) Not later than 10 days after filing a report required under Sec. 405, Federal campaign committees shall forward to each named contributor of a bundled contribution notice that he or she has been identified in the committee's campaign finance report.
- b) The Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is further amended to provide that each individual listed in reports to be required under this section shall produce a report identifying each Member of Congress with whom the individual engaged in significant contact.
- (c) Contents of Record and Report- Each record made, and each report filed, under

subsection (a) shall contain--

- (1) the name of each private party who had a significant contact with that official;
- (2) the name of the Member of Congress; and
- (3) for each Member of Congress named, a summary of the nature of the contact, including--

- (A) the date of the contact;
- (B) the subject matter of the contact and the specific action, if any, to which the contact relates; and
- (C) if the contact was made on behalf of a client, the name of the client.

(d) Electronic Filing and Public Access

- (1) The Lobbying Disclosure Act is amended to provide the following:
'each person required to file a lobby report under this provision shall be required to maintain and file such report in electronic form accessible by computers.'
- (2) The Secretary of the Senate, and the Clerk of the House shall make reports required under this provision available to the public on the Internet in a searchable, sortable, downloadable format within 48 hours (Saturdays, Sundays, and holidays excepted) after they are received.

(e) For purposes of this provision, a "significant contact" is defined-

'(A) IN GENERAL- Except as provided in subparagraph (B), the term 'significant contact' means oral or written communication (including electronic communication) that is made by a private party to a covered executive branch official in which such private party seeks to influence official action by any officer or employee of the executive branch of the United States.

'(B) EXCEPTION- The term 'significant contact' does not include any communication that is an exception to the definition of 'lobbying contact'--

'(i) under clauses (i) through (vii) or clauses (ix) through (xix) of subparagraph (B) of paragraph (8) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(8)(i)-(vii) or (ix)-(xix)); or

'(ii) with respect to publicly available information only, under clause (viii) of subparagraph (B) of paragraph (8) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(8)(viii)).

Sec. 407. Expansion of lobbying activities to be reported where there is coordination with registered lobbyists.

- a) Notwithstanding any other provision in this Act, lobbyist reporting requirements are triggered when an individual spends 10 percent of his or her time in a monthly reporting period coordinating lobbying activities with others who are required to register and report under this act.
- b) For purposes of this section, "coordinating lobbying activities" includes planning, strategizing, and advising on the lobbying activities of others.

Sec. 408. Disclosure of paid advertising activities by lobbyists.

- a) The Lobbying Disclosure Act is amended to require registered lobbyists' monthly reports to include expenditures for paid advertising when such advertising:
 - (1) Refers to Federal legislation;
 - (2) Reflects a point of view on the legislation;
 - (3) Includes a call to action to the general public to take action in respect to the legislation; and
 - (4) Relates to issues which the registered lobbyist has engaged in direct lobbying during the same reporting period.
- b) A "call to action" is a statement in a paid advertisement that:
 - (1) States that the recipient of the message should contact a legislator or other relevant government employee for the purposes of influencing legislation; or
 - (2) states the address, telephone number, or similar information regarding a legislator or legislative body employee; or
 - (3) provides a petition or post card of similar means for the recipient to contact a legislator or legislative body employee; or
 - (4) specifically identifies a legislator or legislators who will vote on the legislation as being opposed to or undecided about the organization's view on the legislation or a member of a legislative (sub)committee which will vote on the legislation.
 - (5) Identifying the sponsor of a bill would not be considered a call to action.
- c) Disclosure of paid advertising include the following shall include:
 - (1) The amount spent on paid advertising
 - (2) The client name
 - (3) The person or entity paid to for design and production of the paid advertising, and
 - (4) Issue area code.
- (d) The term 'paid advertising' means communications on television, radio, billboards, and general circulation newspapers and magazines, Web sites, electronic mailing groups, networks, and social applications for which a fee is paid.

TITLE V. TRANSPARENCY IN FEDERAL CONTRACTING.

SEC. 501. Improving Application Programming Interface and Web Site Data Elements.

(a) In General- Section 2 of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282; 31 U.S.C. 6101 note) (referred to in this Act as the `Act' for purposes of any amendment) is amended--

(1) in subsection (a)--

(A) in paragraph (2)(A)(ii), by striking `and delivery orders' and inserting `lease agreements and assignments, and delivery orders'; and

(B) in paragraph (3)--

(i) in subparagraph (C), by striking `and' after the semicolon;

(ii) in subparagraph (D), by striking the period and

inserting `; and'; and

(iii) by adding at the end the following:

`(E) programmatically search and access all data in a serialized machine readable format (such as XML) via a web-services application programming interface.';

(2) in subsection (b)--

(A) in paragraph (1)--

(i) in subparagraph (E), by striking `and' after the semicolon;

(ii) in subparagraph (F), by striking the period and inserting `; and'; and

(iii) by adding at the end the following:

`(G) a unique award identifier that identifies each individual award vehicle;

`(H) the date that the financial award was made;

`(I) the date that the financial award requirements began;

`(J) the date that the financial obligations are dispersed to the recipient;

`(K) to the extent possible, the agency and department as well as subagencies and suboffices that have authorized the Federal award;

`(L) in negotiated procurements, the highest, lowest, and median offered price among all technically acceptable proposals or bids;

`(M) after January 1, 2010, for all contracts, subcontracts, purchase orders, task orders, lease agreements and assignments, and delivery orders--

`(i) both a copy in a format that reproduces the original image of each page and a copy in searchable text format of the request for proposals, the announcement of the award, the contract, and the scope of work to be performed;

`(ii) a product or service code that identifies the general category of product or service procured under the transaction;

`(iii) information about the extent of competition in making the award, including the number of qualified bids or proposals during the competitive process, and if the award was not competed, the legal authority and specific rationale for making the award without full and open competition;

`(iv) the full amount of money that is awarded under a contract or, in the case of lease agreements or assignments, the amount paid to the Government, and the full amount of any options to expand or extend under a contract;

`(v) the amount and nature of the profit incentive offered to contractors for achieving or exceeding specified goals such as fixed price, cost plus pricing, labor hour contracts, and time and materials contracts;

`(vi) an indication if the contract is the result of legislative mandates, set-asides, preference program requirements, or other criteria, and whether the contract is multiyear, consolidated, or performance based;

`(vii) an indication if the contract is a congressionally directed spending item as defined in Public Law 110-81; and

`(viii) socioeconomic characteristics of the entity that receives an award including its size, industrial classification (NAICS code), and whether the entity is owned by minority individuals, women, veterans, or other special categories; and

`(N) after January 1, 2009, for all grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance--

`(i) the type of recipient receiving the award, such as State government, local government, Indian tribe, individual, small business, for-profit, or nonprofit

`(ii) the type of financial assistance each transaction represents including direct payments, insurance, loans, grants, and cooperative agreements;

`(iii) the amount of money from non-Federal sources that is required to obtain the award; and

`(iv) an indication if the funding is a congressionally directed spending item as defined in Public Law 110-81.;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(C) by adding after paragraph (1) the following:

`(2) PRESENTATION OF DATA- The website shall present information about Federal awards and recipients of Federal awards in ways that meet the needs of users with different levels of understanding about government spending and abilities using searching websites by--

`(A) providing search results for novices displayed in summary form and with top level information such as amount of money received in a fiscal year, basic information about the recipient, purpose of the Federal award, what Federal agencies are providing the money, where the work is performed, and extent of competition, if applicable; and

`(B) providing more detailed information for more sophisticated users, including all data in paragraph (1).'; and

(3) in subsection (c), by striking paragraph (4) and inserting the following:

`(4) shall be updated at least once every 30 days with new information required by this Act; and'.

(b) Effective Date- Except as otherwise provided, amendments made by subsection (a) shall be implemented not later than 6 months after the date of enactment of this Act.

Sec. 502. Increased Disclosure of Lobbying Contacts by Federal Contractors

a) In General- 31 USC 1352 is amended as follows:

(1) Any declaration to be filed under this Section shall be filed, in electronic form accessible by computers, with the Secretary of the Senate and the Clerk of the House and made publicly available within 48 hours of filing;

(2) The Secretary of the Senate and the Clerk of the House shall make the information available to the public at no charge in a searchable, sortable, downloadable database;

b) 31 USC 1352(d)(2)(A) shall be deleted.

c) 31 USC 1352(b)(2) is amended to provide that 'declarations required to be filed shall include the name of all persons who have made lobbying contacts, including regularly employed officers or employees of a person requesting or receiving a Federal contract, grant, loan or cooperative agreement.

(d) 31 USC 1352 is further amended by inserting the following:

`for each specific request for a Federal contract, grant, loan or cooperative agreement, a list identifying each covered executive branch official and each Member of Congress with whom a lobbyist (including staff of the requesting organization) employed by the registrant engaged in a lobbying contact with respect to that request'.

SEC. 503. Improving Data Quality.

(a) In General- The Act is amended by adding at the end the following:

SEC. 5. IMPROVING DATA QUALITY.

(a) In General- The Director of the Office of Management and Budget shall ensure the following:

(1) A simple method for the public to report errors is available on the website created by this Act which should--

(A) allow the public to report errors on single records as well as problems affecting multiple records;

(B) allow the public to provide contact information, including e-mail address, mail address, or telephone number, to be used for informing the reporter of the outcome of the records review;

(C) send copies of the error report to both an official responsible for the data quality at the agency that generated the data and to the Office of Management and Budget;

(D) if reported errors are deemed to be nonfrivolous, place an indicator on the records on the website that informs users that the accuracy of the record has been brought into question, until the information is either confirmed as correct or updated to be correct; and

(E) maintain a public record organized by agency of the total number of records which have had nonfrivolous reports of errors, the number of records which have been corrected, and number of records for which error reports remain unresolved.

(2) Each agency inspector general--

(A) reviews a statistically representative sample of agency Federal awards every 6 months to verify accuracy of the data and that data standards are being followed;

(B) reports to the Director of the Office of Management and Budget the findings of the review; and

(C) makes publicly available, including through the website created by this Act, the findings of the review.

(3) The data used on the website created by this Act is audited for quality every 6 months with the audit to include at least the following steps:

(A) Review and report publicly on the activity in the error reporting system created by this section with an analysis for each agency and combined for agencies that includes at least the following indicators:

(i) Number of errors reported.

(ii) Number of reported errors resolved.

(iii) Number of reported errors that remain unresolved.

(iv) Number of reported errors that led to corrections.

(v) Number of reported errors on records that proved to be correct.

(vi) Average number of days to resolve error report.

`(vii) Longest number of days to resolve an error report.

`(viii) Longest held reported error that remains unresolved.

`(B) An independent review every 6 months of data used for the website to verify accuracy of the data and assess the process used for improving data quality with an ability for the public to review these findings.

`(C) Identify and report new standards that should be implemented by agencies to improve data quality.

`(4)(A) No personally identifiable information is made available through the website created by this Act and a common standard is created across the Government for assigning a unique award identifier across both contract and Federal assistance award transactions.

`(B) A report is submitted within 6 months of the date of enactment of this Act to Congress (and made publicly available on the Internet) that no personally identifiable information is available on the website.

`(C) Agencies are required to correct data for past years when personally identifiable information was used.

`(D) The unique recipient identifier and parent company identifier are--

`(i) accurate;

`(ii) able to identify past and current subsidiary ownership; and

`(iii) publicly available through the download and application programming interfaces in section 2(a)(3).

`(5) The data on the website created by this Act is normalized to correct nonstandard ways of reporting names and other information.

`(6) The Consolidated Federal Funds Report is published not later than 6 months after the end of the fiscal year.

`(7) A plan for improving the management and accuracy of agency financial information about Federal awards, including public access to such data, is submitted 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 and made publicly available through the Internet not later than December 31, 2009.

`(8) Findings from the agency inspectors general reports, the data quality audits, and other information are used to develop standards or guidance for agency implementation of, and compliance with, the requirements of this Act.

`(b) Statutory Obligations- Nothing in this Act relieves the director or any Federal agency of any statutory obligation to develop, maintain, or provide access to complete, accurate, and timely Federal financial data.'

c) Effective Date- Except as otherwise provided, the amendments made by subsection (a) shall be implemented not later than June 30, 2009.

SEC. 504. Recipient Performance Transparency.

(a) In General- The Act as amended by section 4 is amended by adding at the end the following:

`SEC. 7. RECIPIENT PERFORMANCE TRANSPARENCY AND TAX

COMPLIANCE.

`(a) Performance Transparency- The Director of the Office of Management and Budget shall ensure that the unique identifier required in section 2(b)(1)(E) that is used to link information on the website described in section 2 is also used to link information about performance of individual contractors and recipients of financial assistance starting with awards given in fiscal year 2008 including--

`(1) an assessment of the quality of work performed on Federal awards during the past 5 years, but not before fiscal year 2008;

`(2) information about Federal audit disputes and resolutions;

`(3) information regarding civil, criminal, and administrative actions initiated or concluded by the Federal Government or a State government against Federal awards recipients or violations of Federal or State laws or regulations during the preceding 5 years including, but not limited to--

`(A) with respect to each proceeding--

`(i) a brief description of the proceeding and its disposition;

`(ii) any amount paid by the person to the Federal Government or a State government; and

`(iii) any violation of law or regulations, if applicable, related to the workplace, environmental protection, fraud, securities, and consumer protections including--

`(I) those affecting worker safety and health;

`(II) working pay and leave rights;

`(III) workplace discrimination, including trafficking in persons;

`(IV) labor relations;

`(V) the Clean Air Act, Clean Water Act, the Resource Conservation and Recovery Act, and other environmental enforcement actions;

`(VI) whistleblower protections;

`(VII) Security and Exchange Commission actions; and

`(VIII) Federal Trade Commission actions;

`(B) all Federal contracts and assistance awarded to the Federal awards recipient that were terminated in such period due to default;

`(C) all Federal suspensions and debarments of the Federal awards recipient in that period;

`(D) all Federal suspension and debarment show cause orders received by the Federal awards recipient in that period; and

`(E) all administrative agreements signed with such Federal awards recipient in that period; and

`(4) publicly available Government reports, including those from the Government Accountability Office, Congressional Research Service, Congressional Budget Office, and agency inspectors general, concerning general contractor or assistance recipient performance or specific instances of waste, fraud, and abuse.

`(b) Tax Compliance-

`(1) IN GENERAL- The chief executive officer of an entity that receives a Federal award shall be required to certify whether--

`(A) the entity has filed all Federal tax returns required during the preceding 5 years;

`(B) the entity has been convicted of a criminal offense under the Internal Revenue Code of 1986; and

`(C) the entity has an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code that is not--

`(i) being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; or

`(ii) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

`(2) OMB- The Director of the Office of Management and Budget shall--

`(A) develop the certification forms required by paragraph (1);

`(B) ensure that each agency providing Federal awards complies with the requirements of this subsection; and

`(C) after January 1, 2009, ensure that the website described in section 2 contains information collected under paragraph (1).'

(b) Effective Date- The amendments made by subsection (a) shall be implemented not later than June 30, 2009.

TITLE VI—EXECUTIVE BRANCH TRANSPARENCY

SEC. 601. Reporting requirements and online disclosure relating to significant contacts.

(a) In General- The Ethics in Government Act of 1978 (5 U.S.C. App. 4) is amended by adding at the end the following new title:

‘TITLE VI--EXECUTIVE BRANCH DISCLOSURE OF SIGNIFICANT CONTACTS

‘SEC. 601. RECORDING AND REPORTING BY CERTAIN EXECUTIVE BRANCH OFFICIALS OF SIGNIFICANT CONTACTS MADE TO THOSE OFFICIALS.

`(a) In General- Not later than 10 days after the end of each month, each covered executive branch official shall make a record of, and file with the Office of Government Ethics a report on, any significant contacts during the quarter between the covered executive branch official and any private party relating to an official government action. If no such contacts occurred, each such official shall make a record of, and file with the Office a report on, this fact, at the same time.

`(b) Contents of Record and Report- Each record made, and each report filed, under subsection (a) shall contain--

- `(1) the name of the covered executive branch official;
- `(2) the name of each private party who had a significant contact with that official; and
- `(3) for each private party so named, a summary of the nature of the contact, including--
 - `(A) the date of the contact;
 - `(B) the subject matter of the contact and the specific executive branch action to which the contact relates; and
 - `(C) if the contact was made on behalf of a client, the name of the client.

`(c) Withholding FOIA-Exempt Information- This section does not require the filing with the Office of Government Ethics of information that is exempt from public disclosure under section 552(b) of title 5, United States Code (popularly referred to as the 'Freedom of Information Act').

`SEC. 602. AUTHORITIES AND RESPONSIBILITIES OF OFFICE OF GOVERNMENT ETHICS.

- `(a) In General- The Director of the Office of Government Ethics shall--
- `(1) promulgate regulations to implement this title, provide guidance and assistance on the recording and reporting requirements of this title, and develop common standards, rules, and procedures for compliance with this title;
 - `(2) review, and, where necessary, verify the accuracy, completeness, and timeliness of reports;
 - `(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this title, including--
 - `(A) a publicly available list of all private parties who made a significant contact; and
 - `(B) computerized systems designed to minimize the burden of filing and maximize public access to reports filed under this title;
 - `(4) make the reports filed under this title available to the public in a searchable, sortable, downloadable database format on the OGE Web site.
 - `(5) retain reports for a period of at least six years after they are filed;
 - `(6) compile and summarize, with respect to each reporting period, the information contained in reports filed with respect to such period in a clear and complete manner;
 - `(7) notify any covered executive branch official in writing that may be in noncompliance with this title; and
 - `(8) notify the United States Attorney for the District of Columbia that a covered executive branch official may be in noncompliance with this title, if the covered executive branch official has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (7).

`SEC. 603. PENALTIES.

`(a) Violation- Whoever violates this title shall be subject to administrative sanctions, up to and including termination of employment.

`(b) Deliberate Attempt To Conceal- Whoever deliberately attempts to conceal a significant contact in violation of this title shall upon proof of such deliberate violation by a preponderance of the evidence, be subject to a civil fine of not more than \$50,000, depending on the extent and gravity of the violation.

`SEC. 604. DEFINITIONS.

`In this title:

`(1) COVERED EXECUTIVE BRANCH OFFICIAL- The term
`covered executive branch official' means--

`(A) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive Order;

`(B) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code;

`(C) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2)(B) of title 5, United States Code;

`(D) any noncareer appointee, as defined by section 3132(a)(7) of title 5, United States Code; and

`(E) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President or the Office of the Vice President, but does not include the President or Vice President or the chief of staff of the President or Vice President.

`(2) SIGNIFICANT CONTACT-

`(A) IN GENERAL- Except as provided in subparagraph (B), the term `significant contact' means oral or written communication (including electronic communication) that is made by a private party to a covered executive branch official in which such private party seeks to influence official action by any officer or employee of the executive branch of the United States.

`(B) EXCEPTION- The term `significant contact' does not include any communication that is an exception to the definition of `lobbying contact'--

`(i) under clauses (i) through (vii) or clauses (ix) through (xix) of subparagraph (B) of paragraph (8)

of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(8)(i)-(vii) or (ix)-(xix)); or
(ii) with respect to publicly available information only, under clause (viii) of subparagraph (B) of paragraph (8) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(8)(viii)).

(3) PRIVATE PARTY- The term 'private party' means any person or entity, but does not include a Federal, State, or local government official or a person representing such an official.'

Sec. 602 Requirement for disclosure of Federal sponsorship of all Federal advertising or other communications.

(a) Requirement- Each advertisement or other communication paid for by an Executive agency, either directly or through a contract awarded by the Executive agency, shall include a prominent notice informing the target audience that the advertisement or other communication is paid for by that Executive agency.

(b) Advertisement or Other Communication- In this section, the term 'advertisement or other communication' includes--

- (1) an advertisement disseminated in any form, including print or by any electronic means; and
- (2) a communication by an individual in any form, including speech, print, or by any electronic means.

(c) Executive Agency- In this section, the term 'Executive agency' has the meaning provided in section 105 of title 5, United States Code.

Sec. 603. Eliminating the use of pseudo-classifications to withhold public information.

(a) Reports on the Proliferating Use of 'Pseudo' Classification Designations-

(1) REPORT BY FEDERAL AGENCIES- Not later than six months after the date of the enactment of this Act, each Federal agency shall submit to the Archivist of the United States and the congressional committees described in subsection (d) a report describing the use of 'pseudo' classification designations.

(2) MATTERS COVERED- Each such agency shall report on, at a minimum, the following:

(A) The number of 'pseudo' classification designation policies used by the agency.

(B) Any existing guidance, instruction, directive, or regulations regarding the agency's use of 'pseudo' classification designations.

(C) The number and level of experience and training of Federal agency, office, and contractor personnel authorized to make 'pseudo' classification designations.

(D) The cost of placing and maintaining information under each 'pseudo' classification designation.

(E) The extent to which information placed under 'pseudo' classification designations has subsequently been released under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act).

(F) The extent to which 'pseudo' classification designations have

been used to withhold from the public information that is not authorized to be withheld by Federal statute, or by an Executive Order relating to the classification of national security information.

(G) The statutory provisions described in subsection (c).

(3) REPORT BY THE ARCHIVIST OF THE UNITED STATES- Not later than nine months after the date of the enactment of this Act, the Archivist of the United States shall issue to the congressional committees described in subsection (d) a report on the use of 'pseudo' classification designations across the executive branch that is based on the information provided by agencies, as well as input from the Director of National Intelligence, Federal agencies, offices, and contractors. All federal agencies, offices, and contractors shall cooperate fully and promptly with all requests by the Archivist in the fulfillment of this paragraph.

(4) NOTICE AND COMMENT- The Archivist shall provide notice and an opportunity for public comment on the report.

(b) Elimination of 'Pseudo' Classification Designations-

(1) REGULATIONS- Not later than 15 months after the date of the enactment of this Act, the Archivist of the United States shall promulgate regulations banning the use of 'pseudo' classification designations.

(2) STANDARDS FOR INFORMATION CONTROL DESIGNATIONS- If the Archivist determines that there is a need for some agencies to use information control designations to safeguard information prior to review for disclosure, beyond those designations established by statute or by an Executive Order relating to the classification of national security information, the regulations under paragraph (1) shall establish standards for the use of those designations by agencies. Such standards shall address, at a minimum, the following issues:

(A) Standards for utilizing the information control designations in a manner that is narrowly tailored to maximize public access to information.

(B) Procedures for providing specified Federal officials with authority to utilize the information control designations, including training and certification requirements.

(C) Categories of information that may be assigned the information control designations.

(D) The duration of the information control designations and the process by which they will be removed.

(E) Procedures for identifying, marking, dating, and tracking information assigned the information control designations, including the identity of officials making the designations.

(F) Specific limitations and prohibitions against using the information control designations.

(G) Procedures for members of the public to challenge the use of the information control designations.

(H) The manner in which the use of the information control designations relates to the procedures of each agency or office

under section 552 of title 5, United States Code.

(3) REGULATION TO CONSTITUTE SOLE AUTHORITY- A regulation promulgated pursuant to this subsection shall constitute the sole authority by which Federal agencies, offices, or contractors are permitted to control information for the purposes of safeguarding information prior to review for disclosure, other than authority granted by Federal statute or by an Executive Order relating to the classification of national security information.

(c) Review of Statutory Barriers to Public Access Information-

(1) REVIEW OF STATUTES- As part of the report required under subsection (a)(3), the Archivist shall examine existing Federal statutes that allow Federal agencies, offices, or contractors to control, protect, or otherwise withhold information based on security concerns.

(2) RECOMMENDATIONS- The report shall make recommendations on potential changes to the Federal statutes examined under paragraph (1) that would improve public access to information governed by such statutes.

(d) Definitions- In this section:

(1) The term 'congressional committees' means the Committees on Government Reform, Judiciary, Homeland Security, and Appropriations of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, Judiciary, and Appropriations of the Senate.

(2) The term 'pseudo' classification designations' means information control designations, including 'sensitive but unclassified' and 'for official use only', that are not defined by Federal statute, or by an Executive Order relating to the classification of national security information, but that are used to manage, direct, or route Government information, or control the accessibility of Government information, regardless of its form or format.

Sec. 604. Procedures for consideration of claims of constitutionally based privilege against disclosure.

(a) In General- Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

'Sec. 2208. Claims of constitutionally based privilege against disclosure

'(a)(1) When the Archivist determines under this chapter to make available to the public any presidential record that has not previously been made available to the public, the Archivist shall--

'(A) promptly provide notice of such determination to--

'(i) the former President during whose term of office the record was created; and

'(ii) the incumbent President; and

'(B) make the notice available to the public.

'(2) The notice under paragraph (1)--

`(A) shall be in writing; and

`(B) shall include such information as may be prescribed in regulations issued by the Archivist.

`(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

`(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

`(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

`(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure must be asserted personally by a former President or the incumbent President, as applicable.

`(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

`(c)(1) The Archivist shall not make publicly available a presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

`(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

`(d)(1) The Archivist shall not make publicly available a presidential record that is subject to a privilege claim asserted by the incumbent President unless--

`(A) the incumbent President withdraws the privilege claim; or

`(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

`(2) This subsection shall not apply with respect to any presidential record required to be made available under section 2205(2)(A) or (C).

`(e) The Archivist shall adjust any otherwise applicable time period under

this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.'

(b) Restrictions- Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

`(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.'

Sec. 605 Executive Order of November 1, 2001 shall have no force or effect.

Executive Order No. 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

Sec. 606. Prohibition on Secret Advisory Committees

(a) Definition- The term 'Presidential inter-agency advisory committee' is any committee or task force that--

(1) is composed wholly of full-time, or permanent part-time, officers, or employees of the Federal Government;

(2) includes officers or employees of at least two separate Federal agencies;

(3) is established or utilized to provide advice, ideas, or recommendations to the President or Vice President on a specified topic or topics; and

(4) has at least one officer or employee assigned full-time as a staff member of the committee to support the functions of the committee.

(b) Requirements-

(1) The President shall ensure that the names of the members of the committee are published in the Federal Register.

(2) The committee must make public on the White House Web site, each substantive contact between the advisory committee, or individual members of the advisory committee acting on the committee's behalf, and any person who is not a full-time or permanent part-time officer or employee of the Federal Government, including--

(A) the date of the contact;

(B) the form of the contact (in person, by telephone, by e-mail, or in writing);

(C) the names and affiliations of the parties involved; and

(D) the substance of the communication and the communication itself, if in electronic or written form.

(3) For purposes of this subsection, a contact shall be considered substantive if the information conveyed influenced or was reflected in any way in the committee's advice, recommendations, or report to the President or Vice President.

(c) Applicability- The requirements of this section do not apply to substantive

contacts exclusively with the President or the Vice President or their immediate personal staff.

TITLE VII. STRENGTHENING FOIA

Sec. 701. Digital access to completed FOIA responses.

- a) Each agency is required to make available all materials contained in the agency's completed response to a FOIA request in a structured database; searchable, sortable, downloadable database; or in a format searchable by text as appropriate.
 - (1) All information is presumed to be available in an electronic format as described above unless the agency demonstrates that excessive cost would place an undue burden on the agency.
- (b) All information provided under subparagraph (a) above shall be made available to the public electronically, free of charge through each agency's Web site.

Sec. 702. Limitations on extensions for agency response.

The Freedom of Information Act, 5 USC 552(a)(6)(B) is amended to provide that, when an agency determines that unusual circumstances exist that prevent the agency from responding to a FOIA request within the time limits prescribed, the agency may provide written notice setting forth the unusual circumstances for extending the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days per extension, and the total number of extensions must not be greater than 60 days past the original date due.

Sec. 703 Commission on Freedom of Information Act Processing Delays.

- (a) Establishment- There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the 'Commission') for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').
- (b) Membership-
 - (1) IN GENERAL- The Commission shall be composed of 16 members of whom--
 - (A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;
 - (B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;
 - (C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;
 - (D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;
 - (E) 1 shall be appointed by the Attorney General of the United

States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES- Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)--

(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(c) Study- The Commission shall conduct a study to--

(1) identify methods that--

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government; and

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests.

(d) Report- Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include--

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding--

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(e) Staff and Administrative Support Services- The Comptroller General of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(f) Information- To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) Compensation of Members- Members of the Commission shall serve without compensation for services performed for the Commission.

(g) Travel Expenses- The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) Applicability of Federal Advisory Committee Act- The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(i) Termination- The Commission shall terminate 30 days after the submission of the report under subsection (e).

TITLE VIII. INCREASING ACCESS TO INFORMATION ABOUT WORK OF INSPECTORS GENERAL

Sec. 801. Timely access to reports and audits on Web sites of Offices of Inspectors General.

(a) Definition- In this section, the term `agency' has the meaning provided the term `Federal agency' under section 11(5) of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) Direct Links to Inspectors General Offices-

(1) IN GENERAL- Each agency shall establish and maintain on the homepage of the Web site of that agency a direct link to the Web site of the Office of the Inspector General of that agency.

(2) ACCESSIBILITY- The direct link under paragraph (1) shall be obvious and facilitate accessibility to the Web site of the Office of the Inspector General.

(3) AGGREGATION – All reports and audits referred to in (c)(1) below shall be made publicly available in a centralized database accessible through the USA.gov Web site.

(c) Requirements for Inspectors General Web sites-

(1) POSTING OF REPORTS AND AUDITS- The Inspector General of each agency shall--

(A) not later than one day after any report or audit (or portion of any report or audit) is made publicly available, post that report or audit (or portion of that report or audit) on the Web site of the Office of the Inspector General; and

(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)--

(i) is easily accessible from a direct link on the homepage of the Web site of the Office of the Inspector General;

(ii) includes a summary of the findings of the Inspector General; and

(iii) is in a format that--

(I) is searchable, sortable, and downloadable; and

(II) facilitates printing by individuals of the public

who are accessing the Web site,
(III) uses a structured data format, such as XML,
and
(IV) is syndicated via RSS to announce make
available each report at the time of publication.

(2) OPTION TO RECEIVE RELATED INFORMATION- The Inspector General of each agency shall provide a service on the Web site of the Office of the Inspector General through which--

(A) an individual may elect to automatically receive information (including subsequent reports or audits) relating to any posted report or audit (or portion of that report or audit) described under paragraph (1)(A); and

(B) the Inspector General shall electronically transmit the information or notice of the availability of the information to that individual without further request.

(3) REPORTING OF WASTE, FRAUD, AND ABUSE-

(A) IN GENERAL- The Inspector General of each agency shall establish and maintain a direct link on the homepage of the Web site of the Office of the Inspector General for individuals to report waste, fraud, and abuse.

(B) ANONYMITY- The Inspector General of each agency shall take such actions as necessary to ensure the anonymity of any individual making a report under this paragraph.

(d) Implementation- Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement this section.

TITLE IX. ENFORCEMENT

Sec. 901. GAO Audits.

a) The GAO shall conduct annual audits of congressional and executive branch transparency, and shall report annually to the Committee on Oversight and Government Reform in the House and Committee on Homeland Security and Governmental Affairs in the Senate on the implementation of the provisions in this act. Specifically, the audits will address whether the congressional and executive branch information that is required to be provided to the public through the Internet is: complete, primary, timely, accessible, machine processable, non-discriminatory, non-proprietary, and license-free. The audits shall also address whether the information provided to the public under this act is produced and maintained using current standards for data publication.

b) Definitions. In this Act:

(1) The term ‘complete’ means all public data is made available. Public data is data that is not subject to valid privacy, security or privilege limitations.

- (2) The term 'primary' means data collected at the source, with the highest possible level of granularity, not in aggregate or modified forms.
- (3) The term 'timely' means data is made available as quickly as necessary to preserve the value of the data.
- (4) The term 'accessible' means data is available to the widest range of users for the widest range of purposes.
- (5) The term 'machine processable' means data is reasonably structured to allow automated processing.
- (6) The term 'non-discriminatory' means data is available to anyone, with no requirement of registration.
- (7) The term 'non-proprietary' means data is available in a format over which no entity has exclusive control.
- (8) The term 'license-free' means data is not subject to any copyright, patent, trademark, or trade secret regulation. Reasonable privacy, security, and privilege restrictions may be allowed.