

## S 2349

### Legislative Transparency and Accountability Act of 2006

**Congress:** 109 (2005–2007, Ended)

**Chamber:** Senate

**Policy Area:** Congress

**Introduced:** Mar 1, 2006

**Current Status:** Message on Senate action sent to the House.

**Latest Action:** Message on Senate action sent to the House. (May 23, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/senate-bill/2349>

### Sponsor

**Name:** Sen. Lott, Trent [R-MS]

**Party:** Republican • **State:** MS • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Rules and Administration Committee	Senate	Reported Original Measure	Mar 1, 2006

### Subjects & Policy Tags

#### Policy Area:

Congress

## Related Bills

Bill	Relationship	Last Action
109 SRES 525	Related bill	<b>Jun 29, 2006:</b> Referred to the Committee on Rules and Administration. (text of measure as introduced: CR S6811-6812)
109 HR 5677	Related bill	<b>Jun 22, 2006:</b> Referred to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
109 HR 4975	Related bill	<b>May 23, 2006:</b> Laid on the table. See S. 2349 for further action.
109 HR 4988	Related bill	<b>Apr 27, 2006:</b> Sponsor introductory remarks on measure. (CR H1880)
109 HRES 772	Related bill	<b>Apr 25, 2006:</b> Referred to the House Committee on Rules.
109 HR 513	Related bill	<b>Apr 6, 2006:</b> Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 392.
109 HR 4948	Related bill	<b>Mar 14, 2006:</b> Referred to the Committee on House Administration, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
109 S 2128	Related bill	<b>Mar 3, 2006:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 369.
109 HR 4575	Related bill	<b>Feb 16, 2006:</b> Referred to the Subcommittee on the Constitution.
109 HR 4667	Related bill	<b>Feb 6, 2006:</b> Executive Comment Requested from Interior.

Lobbying Transparency and Accountability Act of 2006 - 527 Reform Act of 2006 - **Title I: Enhancing Lobbying Disclosure** - (Sec. 101) Amends the Lobbying Disclosure Act of 1995 (LDA) to require: (1) quarterly instead of semiannual filing of lobbying disclosures reports; (2) electronic filing; and (3) maintenance of certain lobbying disclosure information in an electronic data base, available to the public free of charge over the Internet.

(Sec. 104) Extends from two years to seven years before the first date of acting as a lobbyist the look-back period for mandatory registration disclosure by a registered lobbyist of service by any of its employees as a covered executive or legislative branch official.

(Sec. 105) Requires registered lobbyists to include in their mandatory semiannual reports specified information about any contributions to federal candidates or related committees, gifts to covered legislative branch officials, and funds contributed to an entity named for, established, financed, maintained, or controlled by a covered legislative branch official. Exempts from this reporting requirement any payments or reimbursements made from funds already required to be reported under the Federal Election Campaign Act of 1971 (FECA).

(Sec. 106) Increases from \$50,000 to \$100,000 the civil penalty for knowing failure to remedy a defective lobbyist filing or comply with any LDA requirement.

Amends the federal criminal code to establish criminal penalties of fines or imprisonment for up to: (1) three years for knowing and willful failure to comply with LDA requirements; or (2) five years for knowing, willful, and corrupt failure to do so.

(Sec. 107) Subjects registered lobbyists, employees, and clients to civil penalties of up to \$50,000 for offering gifts to a covered legislative branch official of the House in knowing violation of House rules.

**Title II: Slowing the Revolving Door** - (Sec. 201) Amends the federal criminal code to require former Members of the House, officers, or employees to be notified of certain post-employment restrictions.

(Sec. 202) Amends the Code of Official Conduct to require public disclosure by Members of the House of employment negotiations. Urges them to refrain from voting on any pending legislative measure if such negotiation creates a conflict of interest.

(Sec. 203) Amends the Code to prohibit a Member, officer, or employee of the House from wrongfully influencing, on a partisan basis, an entity's employment decisions or practices.

**Title III: Suspension of Privately-Funded Travel; Curbing Lobbyists Gifts** - (Sec. 301) Prohibits Members, officers or employees of the House from accepting a gift of travel (including any transportation, lodging, and meals during such travel) from any private source unless the House Committee on Standards of Official Conduct (Committee) pre-certifies in writing that such travel complies with House rules and standards of conduct.

(Sec. 302) Requires the Committee to report its recommendations to the House Committee on Rules on changes to Rule XXV (Limitations on Outside Earned Income and Acceptance of Gifts) of the Rules of the House regarding exceptions to such Rule.

(Sec. 303) Prohibits registered lobbyists from traveling on flights as passengers or crew members of aircrafts not licensed by the Federal Aviation Administration (FAA) to operate for compensation or hire (corporate flights), if a Member, officer,

or employee is a passenger or crew member on such flights.

(Sec. 304) Amends Rule XXV to declare that a gift of a ticket to a sporting or entertainment event shall be the face value of the ticket, or equivalent.

**Title IV: Oversight of Lobbying and Enforcement** - (Sec. 401) Requires the Office of Inspector General of the House (OIG) to: (1) have access to all lobbyists' disclosure information received by the Clerk of the House; and (2) randomly audit such information to ensure LDA compliance.

Authorizes the OIG to refer potential violations by lobbyists of LDA to the Department of Justice (DOJ) for disciplinary action.

(Sec. 402) Requires the Inspector General to review on an ongoing basis, and report annually to Congress about, the lobbyist registration and disclosure enforcement activities of the Clerk of the House.

**Title V: Institutional Reforms** - (Sec. 501) Makes it out of order to consider appropriations measures containing earmarks if the legislation, its accompanying reports, or managers' joint explanatory statements do not list such earmarks or name the requesting Members.

(Sec. 502) Amends Rule II (Other Officers and Officials) of the Rules of the House to prohibit the Chief Administrative Officer from paying compensation to House employees for any pay period during which the employee is not in compliance with the applicable requirements of regulations promulgated pursuant to Rule XI (Procedures of Committees and Unfinished Business).

Amends such Rule XI to require the Committee to establish a program of regular ethics training for House employees and promulgate related regulations.

(Sec. 503) Requires the Committee to publish biennially an up-to-date ethics manual for Members, officers, and employees.

**Title VI: Forfeiture of Retirement Benefits** - (Sec. 601) Amends federal civil service law regarding the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS) to exclude from retirement accounting any service as a Member of Congress of an individual finally convicted of a felony involving bribery of public officials and witnesses, conspiracy to commit an offense or to defraud the United States, or acting as an agent of a foreign principal. Entitles such individual, all the same, to so much of his or her lump-sum credit as is attributable to such service.

**Title VII: Leadership PACS** - (Sec. 701) Amends FECA to permit a leadership political action committee (PAC) to use its funds for: (1) otherwise authorized expenditures in connection with campaigns for election for federal office; (2) tax deductible charitable contributions; and (3) transfers to a national, state, or local committee of a political party (subject to applicable FECA limitations).

Defines leadership PAC as a political committee directly or indirectly established, maintained, or controlled by a candidate for federal office or an individual holding federal office, but which is not an authorized committee of the candidate or individual. Excludes from the meaning of leadership PAC, however, any political committee of a political party.

**Title VIII: Ethics Training for Lobbyists** - (Sec. 801) Requires the Committee, during each Congress, to provide an

eight-hour ethics training course to registered lobbyists.

Subjects registered lobbyists who fail to complete such course at least once during each Congress to LDA penalties to the same extent as for LDA noncompliance.

**Title IX: Miscellaneous Provisions** - (Sec. 901) Amends the federal criminal code subjecting individuals to fines and penalties for bribery of public officials and witnesses to include as an "official act" (which might be influenced in violation of such law) any decision or action on an earmark.

**Title X: 527 Reform Act of 2006** - 527 Reform Act of 2006 - (Sec. 1002) Amends the Federal Election Campaign Act of 1971 (FECA) to include in the definition of political committee any applicable 527 organization. (Thus subjects such organizations to the requirements of the Act. A 527 organization, as defined by section 527 of the Internal Revenue Code, is an organization, not controlled by or involving a particular candidate for office, whose function is to influence or attempt to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the election of presidential or vice-presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed.) Requires the organization to give notice to the Secretary of the Treasury under section 527 that it is to be treated as an organization described in section 527 of the Internal Revenue Code.

Excepts from the definition of 527 organization under FECA a committee, club, association, or other group of persons (organization) which: (1) is a 527 organization under the Internal Revenue Code; (2) is organized, operated, and makes disbursements exclusively for paying certain tax-deductible business expenses or expenses of a certain kind of political newsletter fund; (3) consists solely of candidates for or individuals holding state or local office, but only if the organization refers only to one or more nonfederal candidates or applicable state or local issues in all of its voter drive activities, without reference to any federal candidate; or (4) whose election or nomination activities relate exclusively to elections where no candidate for federal office appears on the ballot, or to influencing the selection, nomination, election, or appointment of one or more candidates to nonfederal offices or individuals to non-elected offices, or influencing one or more applicable state or local issues.

Denies the treatment of any such organization as meeting such exclusivity requirement if it makes disbursements aggregating more than \$1,000 for: (1) a public communication that promotes, supports, attacks, or opposes a clearly identified candidate for federal office during the one year period ending on the date of the general election for the office sought by the candidate (or if a runoff election is held with respect to such general election, on the date of the runoff election); and (2) any voter drive activity during a calendar year, except a drive in only one state with no reference to federal office candidates.

(Sec. 1003) Sets forth rules for allocation and funding for certain expenses relating to federal and nonfederal activities, including payments of 100% or 50% from a federal account in several specified circumstances. Limits individual donations to a political committee that is a separate segregated fund or nonconnected committee to an annual aggregate of \$25,000 for its qualified nonfederal account.

(Sec. 1004) Repeals the limit on the amount of party expenditures on behalf of candidates in general elections. Raises the limits for House and Senate candidates facing wealthy opponents.

(Sec. 1006) Prescribes special rules for actions brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act. Requires such an action to be filed in the U.S. District Court for the District of Columbia, and to be heard by a three-judge panel. Makes any final decision by the panel reviewable only by the U.S.

Supreme Court. Authorizes Members of Congress to: (1) bring an action challenging the constitutionality of this Act; and (2) intervene in any action in which the constitutionality of any provision of this Act is raised. Applies such special rules only to actions brought on or before December 31, 2008.

## Actions Timeline

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- **May 23, 2006:** Mr. Hastings (WA) asked unanimous consent to take from the Speaker's table and consider.
- **May 23, 2006:** Considered by unanimous consent. (consideration: CR H3032-3039)
- **May 23, 2006:** The House struck all after the enacting clause and inserted in lieu thereof the provisions of a similar measure H.R. 4975. Agreed to without objection.
- **May 23, 2006:** Passed/agreed to in House: On passage Passed without objection.(text: CR H3033-3038)
- **May 23, 2006:** On passage Passed without objection. (text: CR H3033-3038)
- **May 23, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **May 23, 2006:** The title of the measure was amended. Agreed to without objection.
- **May 23, 2006:** A similar measure H.R. 4975 was laid on the table without objection.
- **May 23, 2006:** Message on House action received in Senate and at desk: House amendments to Senate bill.
- **May 23, 2006:** Senate disagreed to House amendments, requested a conference, and appointed conferees. Lott; Stevens; McConnell; Dodd; Inouye. (consideration: CR S5027)
- **May 23, 2006:** Message on Senate action sent to the House.
- **Mar 30, 2006:** Received in the House.
- **Mar 30, 2006:** Message on Senate action sent to the House.
- **Mar 30, 2006:** Held at the desk.
- **Mar 29, 2006:** Considered by Senate. (consideration: CR S2490-2511)
- **Mar 29, 2006:** Passed/agreed to in Senate: Passed Senate with amendments by Yea-Nay Vote. 90 - 8. Record Vote Number: 82.
- **Mar 29, 2006:** Passed Senate with amendments by Yea-Nay Vote. 90 - 8. Record Vote Number: 82.
- **Mar 28, 2006:** Considered by Senate. (consideration: CR S2439-2440, S2441-2460)
- **Mar 28, 2006:** Upon reconsideration, cloture invoked in Senate by Yea-Nay Vote. 81 - 16. Record Vote Number: 79. (consideration: CR S2460; text: CR S2460)
- **Mar 9, 2006:** Considered by Senate. (consideration: CR S1944-1945)
- **Mar 9, 2006:** Cloture on the bill not invoked in Senate by Yea-Nay Vote. 51 - 47. Record Vote Number: 36. (consideration: CR S1944)
- **Mar 9, 2006:** Motion by Senator Frist to reconsider the vote by which cloture was not invoked [Record Vote Number 36] entered in Senate. (consideration: CR S1944)
- **Mar 8, 2006:** Considered by Senate. (consideration: CR S1861-1881)
- **Mar 8, 2006:** Cloture motion on the bill presented in Senate. (consideration: CR S1881; text: CR S1881)
- **Mar 6, 2006:** Measure laid before Senate by unanimous consent. (consideration: CR S1762-1775, S1781)
- **Mar 1, 2006:** Introduced in Senate
- **Mar 1, 2006:** Committee on Rules and Administration. Original measure reported to Senate by Senator Lott. Without written report.
- **Mar 1, 2006:** Committee on Rules and Administration. Original measure reported to Senate by Senator Lott. Without written report.
- **Mar 1, 2006:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 367.
- **Feb 28, 2006:** Committee on Rules and Administration ordered to be reported an original measure.