

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4983

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2010

Mr. QUIGLEY introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Standards of Official Conduct, 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

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## A BILL

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Transparency in Gov-  
3 ernment Act of 2010”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—IMPROVING ACCESS TO INFORMATION ABOUT  
MEMBERS OF CONGRESS

- Sec. 101. Greater disclosure and electronic filing of personal financial information.
- Sec. 102. Greater disclosure of travel reports.
- Sec. 103. Greater disclosure of gift reports.
- Sec. 104. Greater disclosure of earmarks.

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

- Sec. 201. Increase transparency of committee votes.
- Sec. 202. Increase transparency of committee work.
- Sec. 203. Increase transparency of committee schedules through the Clerk.
- Sec. 204. Require all legislation be publicly available 72 hours before consideration.
- Sec. 205. Increased transparency of recorded votes.

TITLE III—ENHANCING PUBLIC ACCESS TO CONGRESSIONAL  
RESEARCH SERVICE

- Sec. 301. Enhance access to CRS.

TITLE IV—LOBBYING DISCLOSURE

- Sec. 401. GAO study of lobbyist registration and disclosure.
- Sec. 402. Expedited online registration of lobbyists; expansion of registrants.
- Sec. 403. Disclosure of additional information by lobbyists.
- Sec. 404. Disclosure of political contributions.
- Sec. 405. Effective date.

TITLE V—TRANSPARENCY IN FEDERAL CONTRACTING

- Sec. 501. Improving application programming interface and website data elements.
- Sec. 502. Improving data quality.
- Sec. 503. Recipient performance transparency.
- Sec. 504. Improvement of Federal Awardee Performance and Integrity Information System Database.
- Sec. 505. Requirements relating to reporting of award data.

TITLE VI—EXECUTIVE BRANCH TRANSPARENCY

Sec. 601. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communications.

TITLE VII—STRENGTHENING FOIA

Sec. 701. Digital access to completed responses to the Freedom of Information Act.

Sec. 702. Commission on Freedom of Information Act Processing Delays.

TITLE VIII—ENFORCEMENT

Sec. 801. Audits by the Government Accountability Office.

1 **TITLE I—IMPROVING ACCESS TO**  
 2 **INFORMATION ABOUT MEM-**  
 3 **BERS OF CONGRESS**

4 **SEC. 101. GREATER DISCLOSURE AND ELECTRONIC FILING**  
 5 **OF PERSONAL FINANCIAL INFORMATION.**

6 (a) ADDITIONAL FINANCIAL DISCLOSURE REQUIRE-  
 7 MENTS.—(1) Section 102(a)(1)(B) of the Ethics in Gov-  
 8 ernment Act of 1978 is amended in clause (iv) by striking  
 9 “\$15,000” and inserting “\$25,000” and by striking  
 10 clauses (v) through (ix) and inserting the following new  
 11 clauses:

12 “(v) greater than \$25,000 but not  
 13 more than \$100,000, round to the nearest  
 14 \$10,000,

15 “(vi) greater than \$100,000 but not  
 16 more than \$1,000,000, round to the near-  
 17 est \$100,000, or

18 “(vii) greater than \$1,000,000, round  
 19 to the nearest \$1,000,000.”.

1           (2) Section 102(d)(1) of the Ethics in Government  
2 Act of 1978 is amended by striking “(3), (4), (5), and  
3 (8)” an inserting “(5) and (8)”.

4           (3) Section 102(d) of the Ethics in Government Act  
5 of 1978 is amended by redesignating paragraph (2) as  
6 paragraph (3) and by inserting after paragraph (1) the  
7 following new paragraph:

8           “(3) The categories for reporting the amount or value  
9 of the items covered in paragraphs (3) or (4) of subsection  
10 (a) are as follows:

11                   “(A) not more than \$15,000;

12                   “(B) greater than \$15,000 but not more than  
13 \$25,000;

14                   “(C) greater than \$25,000 but not more than  
15 \$100,000, round to the nearest \$10,000;

16                   “(D) greater than \$100,000 but not more than  
17 \$1,000,000, round to the nearest \$100,000; and

18                   “(E) greater than \$1,000,000, round to the  
19 nearest \$1,000,000.”.

20           (b) MORE FREQUENT DISCLOSURE OF FINANCIAL  
21 TRANSACTIONS INVOLVING LARGE SUMS OF MONEY.—

22 (1) Section 101 of the Ethics in Government Act of 1978  
23 is amended by adding at the end the following new sub-  
24 section:

1       “(i) In addition to any other report required to be  
2 filed by a Member of Congress or officer or employee of  
3 the Congress, each such individual is required to file a  
4 quarterly report on April 30, July 30, October 30, and  
5 January 30 of each year covering the preceding calendar  
6 quarter if that individual (or the spouse or any dependent  
7 child of that individual) purchased, sold, or exchanged any  
8 property described in subsection (a)(5) valued at not less  
9 than \$250,000 during that calendar quarter. For any such  
10 transaction of not less than \$250,000, such report shall  
11 contain all of the information required under subsection  
12 (a)(5).”.

13       (2)(A) Clause 1 of rule XXVI of the Rules of the  
14 House of Representatives is amended by inserting “(a)”  
15 after “1.” and by adding at the end the following new  
16 paragraphs:

17               “(b) If any report is filed with the Clerk for a  
18 calendar quarter pursuant to section 101(i) of the  
19 Ethics in Government Act of 1978, the Clerk shall  
20 compile all such reports sent to the Clerk by Mem-  
21 bers and have them printed as a House document,  
22 which shall be made available to the public, as soon  
23 as practicable.

24               “(c) Each individual required to file a report  
25 with the Clerk under title I under the Ethics in Gov-

1       ernment Act of 1978 shall file and maintain such re-  
2       port in electronic form.”.

3       (B) Comparable language to be added by the Senate.

4       (c) AVAILABILITY ON THE INTERNET OF REPORTS  
5 FILED UNDER THIS TITLE WITH THE CLERK OF THE  
6 HOUSE OR THE SECRETARY OF THE SENATE.—Section  
7 103 of the Ethics in Government Act of 1978 is amended  
8 by adding at the end the following new subsection:

9       “(l) The Clerk of the House of Representatives and  
10 the Secretary of the Senate shall each make available any  
11 report filed with them under this title within 48 hours of  
12 the applicable submission deadline on the website of the  
13 Clerk or the Secretary, as applicable, in a searchable, sort-  
14 able, downloadable format.”.

15       (d) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to reports filed for calendar years  
17 or calendar quarters beginning after the date of enactment  
18 of this Act.

19 **SEC. 102. GREATER DISCLOSURE OF TRAVEL REPORTS.**

20       (a) FOREIGN TRAVEL.—Clause 8(b)(3) of rule X of  
21 the Rules of the House of Representatives is amended by  
22 adding at the end the following new sentence: “Within 48  
23 hours after any such report is filed with the chair of a  
24 committee, the chair shall post the report on the Internet

1 site of the committee in a searchable, sortable,  
2 downloadable format.”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall apply to travel commencing after the  
5 date of enactment of this Act.

6 **SEC. 103. GREATER DISCLOSURE OF GIFT REPORTS.**

7 (a) REQUIRING CLERK OF THE HOUSE TO POST RE-  
8 PORTS ON INTERNET NOT LATER THAN 48 HOURS  
9 AFTER RECEIPT.—(1) Clause 5(b)(5) of rule XXV of the  
10 Rules of the House of Representatives is amended—

11 (A) by striking “shall make available” and  
12 inserting “shall post on the public Internet site  
13 of the Clerk and otherwise make available”; and

14 (B) by striking “as possible” and inserting  
15 the following: “as possible, but in no event later  
16 than 48 hours,”.

17 (2) Comparable language to be added by the Senate.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to reports filed on  
20 or after the date of the adoption of this resolution.

21 **SEC. 104. GREATER DISCLOSURE OF EARMARKS.**

22 (a) ELECTRONIC DISCLOSURE BY MEMBERS.—(1)  
23 Rule XXIII of the Rules of the House of Representatives  
24 is amended by redesignating clause 18 as clause 19 and  
25 by inserting after clause 17 the following:

1       “18. A Member, Delegate, or Resident Commissioner  
2 who requests a congressional earmark, a limited tax ben-  
3 efit, or a limited tariff benefit shall, within 24 hours after  
4 making such request—

5           “(1) post on his or her public website for the  
6 remainder of the Congress the following—

7                   “(A) the name and address of the intended  
8 recipient;

9                   “(B) whether the intended recipient is a  
10 for-profit or not-for-profit entity;

11                   “(C) the requested amount (only in the  
12 case of congressional earmarks); and

13                   “(D) an explanation of the request, includ-  
14 ing the purpose, and why it is a valuable use  
15 of taxpayer funds;

16           “(2) electronically submit to the committee of  
17 subject-matter jurisdiction the webpage address  
18 where such information is posted;

19           “(3) identify each request as having been sub-  
20 mitted to the committee of subject-matter jurisdic-  
21 tion; and

22           “(4) display on the homepage of such website a  
23 hypertext link that contains the words ‘Earmarks’,  
24 ‘Appropriations Requests’, ‘Limited Tax Benefits’,  
25 or ‘Limited Tariff Benefits’ and that directs to such



1 webpage address, and maintain that link for at least  
2 30 calendar days after the last such request is made  
3 during the Congress.”.

4 (2) The last sentence of clause 16 of rule XXIII of  
5 the Rules of the House of Representatives is amended by  
6 striking “and clause 17” and inserting “, clause 17, and  
7 clause 18”.

8 (b) ELECTRONIC DISCLOSURE BY COMMITTEES.—  
9 Rule XI of the Rules of the House of Representatives is  
10 amended by adding at the end the following new clause:

11 “ **Earmark disclosure websites**

12 “(s)(1) Any committee that accepts any request of  
13 a Member, Delegate, or Resident Commissioner for a con-  
14 gressional earmark, a limited tax benefit, or a limited tar-  
15 iff benefit shall maintain a public website with an earmark  
16 disclosure webpage that contains the following for each  
17 such request—

18 “(A) the bill name;

19 “(B) the name, State, and district of that indi-  
20 vidual;

21 “(C) the name and address of the intended re-  
22 cipient;

23 “(D) whether the intended recipient is a for-  
24 profit or not-for-profit entity;

1           “(E) the requested amount (only in the case of  
2           congressional earmarks);

3           “(F) a brief description; and

4           “(G) the applicable department or agency of the  
5           Government, and the account or program (if pro-  
6           vided to the committee in the request);

7           and is in a downloadable format that is searchable and  
8           sortable by such characteristics.

9           “(2) Any written statement received by a committee  
10          under clause 17(a) of rule XXIII shall be posted on the  
11          earmark disclosure webpage of the committee.

12          “(3) The earmark disclosure webpage of a committee  
13          shall list the names of any Member, Delegate, and Resi-  
14          dent Commissioner who requests a congressional earmark,  
15          a limited tax benefit, or a limited tariff benefit and link  
16          directly to their webpage addresses referred to in clause  
17          18(2) of rule XXIII.

18          “(4) The earmark disclosure webpage of a committee  
19          shall post the information required under subparagraphs  
20          (1) through (3) within one week of receipt, and shall main-  
21          tain that information on that webpage for the remainder  
22          of the Congress.

23          “(5) For purposes of this paragraph, the terms ‘con-  
24          gressional earmark’, ‘limited tax benefit’, and ‘limited tar-

1 iff benefit' shall have the meaning given them in clause  
2 9 of rule XXI.”.

3 (c) POINT OF ORDER.—Clause 9 of rule XXI of the  
4 Rules of the House of Representatives is amended by re-  
5 designating paragraphs (e), (f), and (g) as paragraphs (f),  
6 (g), and (h), respectively, and by inserting after paragraph  
7 (d) the following:

8 “(e) It shall not be in order to consider any bill or  
9 joint resolution, or an amendment thereto or conference  
10 report thereon, that carries a congressional earmark, lim-  
11 ited tax benefit, or limited tariff benefit for which a Mem-  
12 ber, Delegate, or Resident Commissioner failed to comply  
13 with any applicable requirement of clause 18 of rule  
14 XXIII.”.

15 (d) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to requests for congressional ear-  
17 marks, limited tax benefits, and limited tariff benefits  
18 made after the date this resolution is agreed to.

19 (e) CENTRALIZED DATABASE FOR EARMARKS, LIM-  
20 ITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS.—  
21 (1) The Clerk of the House of Representatives, the Sec-  
22 retary of the Senate, and the chairs of the Committee on  
23 Appropriations of the House of Representatives and the  
24 Senate and of the Committee on Transportation and In-  
25 frastructure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate  
2 shall collaborate to create one centralized database where  
3 all requests for earmark, limited tax benefits, and limited  
4 tariff benefits are available on the Internet in a search-  
5 able, sortable, downloadable format to the public. The  
6 data available to the public for each earmark should in-  
7 clude—

8           (A) an identification of the bill into which the  
9           earmark is to be inserted;

10           (B) the name, State, and district of the Mem-  
11           ber of Congress requesting the earmark;

12           (C) the name and address of the intended re-  
13           cipient;

14           (D) whether the intended recipient is a for-prof-  
15           it or not-for-profit entity;

16           (E) the requested amount (only in the case of  
17           congressional earmarks);

18           (F) a brief description of the earmark; and

19           (G) the applicable department or agency of the  
20           Government, and the account or program (if pro-  
21           vided to the committee in the request).

22           (2) The centralized database for earmarks referred  
23 to in paragraph (1) shall be implemented within six  
24 months after the date of enactment of this Act.

1 **TITLE II—ENHANCING PUBLIC**  
2 **ACCESS TO THE WORK OF**  
3 **CONGRESSIONAL COMMIT-**  
4 **TEES, LEGISLATION, AND**  
5 **VOTES**

6 **SEC. 201. INCREASE TRANSPARENCY OF COMMITTEE**  
7 **VOTES.**

8 Clause 2(e)(1)(B)(i) of rule XI of the Rules of the  
9 House of Representatives is amended—

10 (1) in the first sentence, by inserting “and  
11 within 24 hours of such record vote on its Web site  
12 on the Internet” before the period at the end there-  
13 of; and

14 (2) in the second sentence, by inserting “and  
15 information so available on its Web site” before  
16 “shall”.

17 **SEC. 202. INCREASE TRANSPARENCY OF COMMITTEE**  
18 **WORK.**

19 (a) IN THE HOUSE OF REPRESENTATIVES.—Clause  
20 1 of rule XI of the Rules of the House of Representatives  
21 is amended by adding at the end the following new para-  
22 graph:

23 “(e)(1) Each committee shall post on its Internet  
24 website the public hearings and markup schedules of the  
25 committee and each of its subcommittees at the same time

1 that information is made available to members of the com-  
2 mittee.

3 “(2) For each hearing and markup for which infor-  
4 mation is posted under subparagraph (1), the committee  
5 shall post on its Internet website as soon as practicable  
6 the following: the topic, related legislation, testimony of  
7 witnesses, opening statements of the chair and ranking  
8 minority member, transcripts, and audio and video record-  
9 ings.

10 “(3) Within 24 hours after a committee or sub-  
11 committee orders any bill or resolution to be reported, the  
12 committee or subcommittee, as applicable, shall post on  
13 its Internet website all amendments that were agreed to,  
14 except for technical and conforming changes authorized by  
15 the committee or subcommittee.”.

16 (b) IN THE SENATE.—Comparable language to be  
17 added by the Senate.

18 **SEC. 203. INCREASE TRANSPARENCY OF COMMITTEE**  
19 **SCHEDULES THROUGH THE CLERK.**

20 Clause 2 of rule II of the Rules of the House of Rep-  
21 resentatives is amended by adding at the end the following  
22 new paragraph:

23 “(1) The Clerk shall require the House to pro-  
24 vide, in a structured data format, a complete list of  
25 all public hearing and markup schedules of commit-

1       tees and subcommittees as soon as publically avail-  
2       able, including links to committee websites.”.

3       **SEC. 204. REQUIRE ALL LEGISLATION BE PUBLICLY AVAIL-**  
4       **ABLE 72 HOURS BEFORE CONSIDERATION.**

5       (a) AVAILABILITY OF LEGISLATION.—(1) Clause 4 of  
6 rule XIII of the Rules of the House of Representatives  
7 is amended—

8               (A) in its side heading, by inserting “legislation  
9       and” before “reports”;

10              (B) in paragraph (a) by striking subparagraph  
11       (1) and inserting the following new subparagraph:

12       “(1) Except as specified in subparagraph (2), it shall  
13 not be in order to consider in the House a measure or  
14 matter until 72 hours (excluding Saturdays, Sundays and  
15 holidays except when the House is in session on such a  
16 day) after the text of such measure or matter (and, if the  
17 measure or matter is reported, the text of all accom-  
18 panying reports) have been made available to Members,  
19 Delegates, the Resident Commissioner, and the general  
20 public pursuant to subparagraph (3).”;

21              (C) by adding at the end of paragraph (a) the  
22       following new subparagraph:

23       “(3) Without further amendment before floor consid-  
24 eration, the full text of the measure or matter and each  
25 committee report thereon shall be posted continuously by

1 means of the Internet in such a manner that they are con-  
2 veniently accessible using existing technology, anony-  
3 mously and at no cost, in a format that is searchable by  
4 text.”; and

5 (D) in paragraph (c), by striking “the third cal-  
6 endar day” and inserting “at least 72 hours” and by  
7 striking “on” and inserting “after”.

8 (2) Rule XIII of the Rules of the House of Rep-  
9 resentatives is further amended—

10 (A) in clause 5(b), by striking “and the  
11 Resident Commissioner” and inserting “the  
12 Resident Commissioner, and the general pub-  
13 lic”; and

14 (B) in clause 6(c), by striking “or” at the  
15 end of subparagraph (1), by striking the period  
16 at the end of subparagraph (2) and inserting “;  
17 or”, and by inserting before the period “a rule  
18 or order proposing a waiver of clause 4(a) of  
19 rule XIII or of clause 8(a) or 8(b) of rule XXII,  
20 unless a question of consideration of the rule is  
21 adopted by a vote of two-thirds of the Members  
22 voting, a quorum being present”.

23 (b) AVAILABILITY OF CONFERENCE REPORTS.—  
24 Clause 8 of rule XXII of the Rules of the House of Rep-  
25 resentatives is amended—



1           (1) by striking subparagraph (a) and inserting  
2           the following new paragraph:

3           “(a)(1) It shall not be in order to consider a con-  
4           ference report until 72 hours (excluding Saturdays, Sun-  
5           days and holidays except when the House is in session on  
6           such a day) after the conference report and the accom-  
7           panying joint explanatory statement have been available  
8           to Members, Delegates, the Resident Commissioner, and  
9           the general public pursuant to subparagraph (2).

10          “(2) Without further amendment before floor consid-  
11          eration, the full texts of the conference report and the ac-  
12          companying signed joint explanatory statement shall be  
13          posted continuously by means of the Internet in such a  
14          manner that they are conveniently accessible using exist-  
15          ing technology, anonymously and at no cost, in a format  
16          that can be searched by text.”;

17                 (2) in paragraph (b), by striking subparagraphs  
18                 (1) and (2) and inserting the following new subpara-  
19                 graphs:

20                 “(1) It shall not be in order to consider a mo-  
21                 tion to dispose of a Senate amendment reported in  
22                 disagreement by a conference committee until at  
23                 least 72 hours (excluding Saturdays, Sundays and  
24                 holidays except when the House is in session on such  
25                 a day) after the report in disagreement and any ac-



1 of the Senate shall post on the public Internet site of the  
2 Office of the Clerk or of the Secretary, respectively, a  
3 record, organized by the name of each Member or Senator,  
4 in a structured data format, of the recorded votes of that  
5 Member or Senator, including the roll, date, issue, ques-  
6 tion, result, and title or description of the vote, and any  
7 cost estimate of the Congressional Budget Office related  
8 to the vote.

9 (b) WEB LINK.—Each Member shall provide a link  
10 to the Clerk of the House of Representatives of a list of  
11 recorded votes from that Member’s web site, and each  
12 Senator shall provide a link to the Secretary of the Senate  
13 of a list of recorded votes from that Senator’s web site.

14 (c) DEFINITION.—As used in this section, the term  
15 “Member” means a Representative in Congress, a delegate  
16 to Congress, or the Resident Commissioner from Puerto  
17 Rico.

18 (d) EFFECTIVE DATE.—This section shall apply to  
19 recorded votes occurring after the date of enactment of  
20 this Act.

1 **TITLE III—ENHANCING PUBLIC**  
2 **ACCESS TO CONGRESSIONAL**  
3 **RESEARCH SERVICE**

4 **SEC. 301. ENHANCE ACCESS TO CRS.**

5 (a) AVAILABILITY OF CRS INFORMATION ON THE  
6 INTERNET.—Except as provided by subsection (b) and (c),  
7 the Clerk of the House of Representatives, in consultation  
8 with the Director of Congressional Research Service (here-  
9 after in this section referred to as “CRS”), shall make  
10 publically available on the Internet the following CRS in-  
11 formation:

- 12 (1) CRS Issue Briefs;
- 13 (2) CRS Reports that are available to Members  
14 of Congress through the CRS website; and
- 15 (3) CRS Authorization of Appropriations and  
16 Appropriations Products.

17 (b) EXEMPTION FOR CONFIDENTIAL INFORMA-  
18 TION.—Information deemed confidential by the Director  
19 of CRS or the head of the Federal department or agency  
20 that provided that information to CRS and any document  
21 that is a confidential research request made by an indi-  
22 vidual, office, or committee shall be exempt from dislo-  
23 sure under subsection (a).

1 (c) ADDITIONAL EXEMPTIONS.—The Clerk of the  
2 House of Representatives, in consultation with the Direc-  
3 tor of CRS, shall—

4 (1) remove the personal information of CRS  
5 employees, including names and phone numbers;

6 (2) remove material that may infringe the copy-  
7 right of a work protected under title 17, United  
8 States Code; and

9 (3) make any changes to information that s/he  
10 deems necessary to ensure its accuracy and cur-  
11 rency.

12 (d) CONFORMING PROVISION.—Nothing in this sec-  
13 tion shall be construed to require the Director of CRS to  
14 respond to any inquiry made by a member of the public  
15 respecting the information covered by this section.

16 (e) ACCESS TO CRS WEBSITE.—Members and stand-  
17 ing committees of the House of Representatives shall pro-  
18 vide a link to the CRS database on their websites.

19 (f) ESTABLISHING, MAINTAINING, AND UPDATING  
20 THE DATABASE.—Within 6 months after the date of en-  
21 actment of this Act, the Clerk of the House of Representa-  
22 tives shall establish the database necessary to carry out  
23 this section. The Clerk shall be responsible for maintain-  
24 ing and updating the information on that database.

1                   **TITLE IV—LOBBYING**  
2                   **DISCLOSURE**

3 **SEC. 401. GAO STUDY OF LOBBYIST REGISTRATION AND**  
4                   **DISCLOSURE.**

5           (a) **STUDY.**—The Comptroller General shall, begin-  
6 ning not later than 90 days after the date of the enact-  
7 ment of this Act, conduct a study to examine the following:

8                   (1) Whether and to what extent persons exert-  
9 ing substantial influence on the legislative process  
10 and executive branch decisionmaking are avoiding  
11 the registration and reporting requirements under  
12 the Lobbying Disclosure Act of 1995.

13                   (2) Whether all individuals who fall within the  
14 definition of “lobbyist” under the Lobbying Disclo-  
15 sure Act of 1995 (or the organizations employing  
16 such individuals) are registering as required under  
17 section 4 of that Act and filing reports under section  
18 5 of that Act, and whether such definition should be  
19 amended to avoid evasion of such registration and  
20 reporting requirements.

21           (b) **REPORT.**—Not later than one year after the date  
22 of the enactment of this Act, the Comptroller General shall  
23 submit to Congress a report on the findings of the study  
24 conducted under subsection (a), and shall include any rec-  
25 ommendations the Comptroller General has to ensure that

1 all persons exerting substantial influence on the legislative  
2 process and executive branch decisionmaking and all indi-  
3 viduals qualifying as lobbyists (or the organizations em-  
4 ploying such individuals) are complying with the registra-  
5 tion and reporting requirements of the Lobbying Disclo-  
6 sure Act of 1995.

7 **SEC. 402. EXPEDITED ONLINE REGISTRATION OF LOBBY-**  
8 **ISTS; EXPANSION OF REGISTRANTS.**

9 Section 4(a) of the Lobbying Disclosure Act of 1995  
10 (2 U.S.C. 1603(a)) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “45 days” and inserting  
13 “72 hours”;

14 (B) by striking “, or on the first business  
15 day after such 45th day if such 45th day is not  
16 a business day,” and inserting “, or on the first  
17 business day occurring after such 72nd hour if  
18 such 72nd hour does not occur on a business  
19 day,”; and

20 (C) by inserting “online” after “shall reg-  
21 ister”; and

22 (2) in paragraph (3)(A)(ii), by striking  
23 “\$10,000” and inserting “\$5,000”.

1 **SEC. 403. DISCLOSURE OF ADDITIONAL INFORMATION BY**  
2 **LOBBYISTS.**

3 Section 5(b)(2)(A) of the Lobbying Disclosure Act of  
4 1995 (2 U.S.C. 1604(b)(2)(A)) is amended—

5 (1) by striking “(A)” and inserting “(A)(i)”;

6 (2) by adding “and” after the semicolon; and

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

8 “(ii) for each issue listed under clause (i),  
9 a list identifying—

10 “(I) each covered executive branch of-  
11 ficial with whom the lobbyist engaged in  
12 lobbying activities; and

13 “(II) each covered legislative branch  
14 official with whom the lobbyist engaged in  
15 lobbying activities and—

16 “(aa) if the official is an em-  
17 ployee of a Member of Congress, the  
18 name of that Member of Congress; or

19 “(bb) if the official is an em-  
20 ployee described in clause (ii), (iii),  
21 (iv), or (v) of section 3(4), the name  
22 of the Member or Members of Con-  
23 gress who hired the official or for  
24 whom the official performs duties as  
25 such official;”.



1 **SEC. 404. DISCLOSURE OF POLITICAL CONTRIBUTIONS.**

2 Section 5(d) of the Lobbying Disclosure Act of 1995  
3 (2 U.S.C. 1604(d)) is amended—

4 (1) in paragraph (1)—

5 (A) in the matter preceding subparagraph  
6 (A), by striking “30 days after” and all that  
7 follows through “30th day is not” and inserting  
8 “20 days after the end of the quarterly period  
9 beginning on the first day of January, April,  
10 July, and October of each year, or on the first  
11 business day after such 20th day if such 20th  
12 day is not”;

13 (B) by striking “semiannual period” each  
14 place it appears and inserting “quarterly pe-  
15 riod”;

16 (C) by redesignating subparagraphs (F)  
17 and (G) as subparagraphs (G) and (H), respec-  
18 tively; and

19 (D) by inserting after subparagraph (E)  
20 the following:

21 “(F) the date, recipient, and amount of  
22 bundled contributions made within the quar-  
23 terly period;” and

24 (2) by amending paragraph (2) to read as fol-  
25 lows:

26 “(2) DEFINITIONS.—In this subsection:

1           “(A) LEADERSHIP PAC.—The term ‘leader-  
2           ship PAC’ has the meaning given that term in  
3           section 304(I)(8)(B) of the Federal Election  
4           Campaign Act of 1971.

5           “(B) BUNDLED CONTRIBUTION.—The  
6           term ‘bundled contribution’ means a bundled  
7           contribution as defined in section  
8           304(I)(8)(A)(i) of the Federal Election Cam-  
9           paign Act of 1971.”.

10 **SEC. 405. EFFECTIVE DATE.**

11       (a) SECTION 401.—Section 401 takes effect on the  
12       date of the enactment of this Act.

13       (b) AMENDMENTS.—The amendments made by sec-  
14       tions 402, 403, and 404 take effect on the first day of  
15       the first quarterly period described in section 5(a) of the  
16       Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) that  
17       begins after the end of the 90-day period beginning on  
18       the date of the enactment of this Act.

19           **TITLE V—TRANSPARENCY IN**  
20           **FEDERAL CONTRACTING**

21 **SEC. 501. IMPROVING APPLICATION PROGRAMMING INTER-**  
22           **FACE AND WEB SITE DATA ELEMENTS.**

23       (a) IN GENERAL.—Section 2 of the Federal Funding  
24       Accountability and Transparency Act of 2006 (Public Law  
25       109–282; 31 U.S.C. 6101 note) (referred to in this Act

1 as the “Act” for purposes of any amendment) is amend-  
2 ed—

3 (1) in subsection (a)—

4 (A) in paragraph (2)(A)(ii), by striking  
5 “and delivery orders” and inserting “lease  
6 agreements and assignments, and delivery or-  
7 ders”; and

8 (B) in paragraph (3)—

9 (i) in subparagraph (C), by striking  
10 “and” after the semicolon;

11 (ii) in subparagraph (D), by striking  
12 the period and inserting “; and”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(E) programmatically search and access  
16 all data in a serialized machine readable format  
17 (such as XML) via a web-services application  
18 programming interface.”; and

19 (2) in subsection (b)(1)—

20 (A) in subparagraph (F), by striking the  
21 period at the end and inserting a semicolon;

22 (B) by redesignating subparagraph (G) as  
23 subparagraph (J); and

24 (C) by inserting after subparagraph (F)  
25 the following:

1           “(G) to the extent possible, the agency and  
2 department as well as subagencies and sub-  
3 offices that have authorized the Federal award;

4           “(H) after January 1, 2012, for all con-  
5 tracts, subcontracts, purchase orders, task or-  
6 ders, lease agreements and assignments, and  
7 delivery orders—

8           “(i) information about the extent of  
9 competition in making the award, includ-  
10 ing the number of bids or proposals deter-  
11 mined to be responsive and responsible  
12 during the competitive process, and if the  
13 award was not competed, the legal author-  
14 ity and specific rationale for making the  
15 award without full and open competition;

16           “(ii) the full amount of money that is  
17 awarded under a contract or, in the case of  
18 lease agreements or assignments, the  
19 amount paid to the Government, and the  
20 full amount of any options to expand or  
21 extend under a contract;

22           “(iii) the amount and nature of the  
23 profit incentive, such as award fees, of-  
24 fered to contractors for achieving or ex-  
25 ceeding specified goals such as fixed price,

1 cost plus pricing, labor hour contracts, and  
2 time and materials contracts;

3 “(iv) an indication if the contract is  
4 the result of legislative mandates, set-  
5 asides, preference program requirements,  
6 or other criteria, and whether the contract  
7 is multiyear, consolidated, or performance  
8 based; and

9 “(v) an indication if the contract is a  
10 congressionally directed spending item as  
11 defined in Public Law 110–81;

12 “(I) after January 1, 2011, for all grants,  
13 subgrants, loans, awards, cooperative agree-  
14 ments, and other forms of financial assistance,  
15 an indication if the funding is a congressionally  
16 directed spending item as defined in Public Law  
17 110–81; and”.

18 (b) EFFECTIVE DATE.—Except as otherwise pro-  
19 vided, amendments made by subsection (a) shall be imple-  
20 mented not later than 6 months after the date of enact-  
21 ment of this Act.

22 **SEC. 502. IMPROVING DATA QUALITY.**

23 (a) IN GENERAL.—The Act is amended by adding at  
24 the end the following:

1 **“SEC. 5. IMPROVING DATA QUALITY.**

2 “The Director of the Office of Management and  
3 Budget shall ensure the following:

4 “(1) A simple method for the public to report  
5 errors is available on the website created by this Act  
6 which should—

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

10 “(B) require the public to provide contact  
11 information, including e-mail address, mail ad-  
12 dress, or telephone number, to be used for in-  
13 forming the reporter of the outcome of the  
14 records review;

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

19 “(D) maintain a public record organized by  
20 agency of the total number of records which  
21 have had nonfrivolous reports of errors, the  
22 number of records which have been corrected,  
23 and number of records for which error reports  
24 remain unresolved.

25 “(2) The data used on the website created by  
26 this Act is audited for quality annually by an exter-

1       nal auditor, in compliance with generally accepted  
2       Government auditing standards, with the audit to  
3       include at least the following steps:

4               “(A) Review and report publicly on the ac-  
5               tivity in the error reporting system created by  
6               this section with an analysis for each agency  
7               and combined for agencies that includes at least  
8               the following indicators:

9                       “(i) Number of errors reported.

10                      “(ii) Number of reported errors re-  
11                      solved.

12                      “(iii) Number of reported errors that  
13                      remain unresolved.

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

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

18                      “(vi) Average number of days to re-  
19                      solve error report.

20                      “(vii) Longest number of days to re-  
21                      solve an error report.

22                      “(viii) Longest held reported error  
23                      that remains unresolved.

24               “(B) An independent review annually of  
25       data used for the website to verify accuracy of

1 the data and assess the process used for im-  
2 proving data quality with an ability for the pub-  
3 lic to review these findings.

4 “(C) Identify and report new standards  
5 that should be implemented by agencies to im-  
6 prove data quality.

7 “(3) Each agency inspector general—

8 “(A) reviews a statistically representative  
9 sample of agency Federal awards every 6  
10 months for the first three years following enact-  
11 ment of this section, and annually thereafter, to  
12 determine whether agencies have appropriate  
13 measures in place to review Federal Funding  
14 Accountability and Transparency data submis-  
15 sions for accuracy and completeness;

16 “(B) reports to the Director of the Office  
17 of Management and Budget and the head of the  
18 agency the findings of the review, including rec-  
19 ommendations for corrective action; and

20 “(C) makes publicly available, including  
21 through the website created by this Act, the  
22 findings of the review.”.

23 (b) EFFECTIVE DATE.—Except as otherwise pro-  
24 vided, the amendments made by subsection (a) shall be  
25 implemented not later than June 30, 2011.



1 **SEC. 503. RECIPIENT PERFORMANCE TRANSPARENCY.**

2 (a) IN GENERAL.—The Act as amended by section  
3 502 is amended by adding at the end the following:

4 **“SEC. 6. RECIPIENT PERFORMANCE TRANSPARENCY AND**  
5 **PAST PERFORMANCE.**

6 “The Director of the Office of Management and  
7 Budget shall ensure that the unique identifier required in  
8 section 2(b)(1)(E) that is used to link information about  
9 the entity receiving the award on the website described  
10 in section 2 is also used to link information about that  
11 entity on the Federal Awardee Performance Integrity In-  
12 formation System.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall be implemented not later than June  
15 30, 2011.

16 **SEC. 504. IMPROVEMENT OF FEDERAL AWARDEE PER-**  
17 **FORMANCE AND INTEGRITY INFORMATION**  
18 **SYSTEM DATABASE.**

19 (a) REQUIREMENT TO MAKE DATABASE AVAILABLE  
20 TO PUBLIC.—Section 872 of the Duncan Hunter National  
21 Defense Authorization Act for Fiscal Year 2009 (Public  
22 Law 110–417; 122 Stat. 4555) is amended in subsection  
23 (e) by adding at the end the following:

24 “(3) PUBLIC AVAILABILITY.—The database  
25 shall be made available to the public on the Internet  
26 in a searchable, sortable, downloadable format.”.

1 (b) REQUIREMENT TO INCLUDE IN DATABASE 10  
2 YEARS OF INFORMATION ON CERTAIN PERSONS AWARD-  
3 ED FEDERAL CONTRACTS OR GRANTS.—Section 872 of  
4 such Act is amended in subsection (c) by striking “5-year”  
5 and inserting “10-year”.

6 (c) REQUIREMENT TO INCLUDE INFORMATION IN  
7 DATABASE REGARDING CERTAIN JUDGMENTS AND SET-  
8 TLEMENTS.—Section 872 of such Act is further amended  
9 in subsection (c)(1) by adding at the end the following  
10 new subparagraphs:

11 “(E) In an administrative proceeding, any  
12 administrative judgment that does not contain  
13 an explicit finding or acknowledgment of fault.

14 “(F) In a civil proceeding, any settlement  
15 that does not contain an explicit finding or ac-  
16 knowledgment of fault.”.

17 **SEC. 505. REQUIREMENTS RELATING TO REPORTING OF**  
18 **AWARD DATA.**

19 (a) SUBAWARD DATA COLLECTION AND REPORT-  
20 ING.—The Director of the Office and Management and  
21 Budget shall develop and implement a specific plan for  
22 the collection and reporting of subaward data on Federal  
23 contracts, including a time frame for including subaward  
24 data on USAspending.gov.

1 (b) PROCESS TO ENSURE AGENCY COMPLIANCE  
2 WITH REPORTING REQUIREMENTS.—The Director of the  
3 Office of Management and Budget shall develop and im-  
4 plement a process to regularly ensure that all Federal  
5 agencies report required award information to  
6 USAspending.gov.

7 (c) REVISION OF GUIDANCE.—The Director of the  
8 Office of Management and Budget shall revise the Office’s  
9 guidance to Federal agencies on reporting Federal awards  
10 to clarify—

11 (1) the requirement that award titles describe  
12 the award’s purpose; and

13 (2) requirements for validating and docu-  
14 menting agency award data submitted by Federal  
15 agencies.

16 (d) INCLUSION OF CITY INFORMATION.—The Direc-  
17 tor of the Office of Management and Budget shall include  
18 information on the city where work is performed in the  
19 Office’s public reporting of the completeness of agency  
20 data submissions.

1 **TITLE VI—EXECUTIVE BRANCH**  
2 **TRANSPARENCY**

3 **SEC. 601. REQUIREMENT FOR DISCLOSURE OF FEDERAL**  
4 **SPONSORSHIP OF ALL FEDERAL ADVER-**  
5 **TISING OR OTHER COMMUNICATIONS.**

6 (a) REQUIREMENT.—Every advertisement or other  
7 communication paid for by an Executive agency, either di-  
8 rectly or through a contract awarded by the Executive  
9 agency, shall include a prominent notice informing the tar-  
10 get audience that the advertisement or other communica-  
11 tion is paid for by that Executive agency.

12 (b) DEFINITION.—In this section, the term “adver-  
13 tisement or other communication” includes—

14 (1) an advertisement disseminated in any form,  
15 including print or by any electronic means; and

16 (2) a communication by an individual in any  
17 form, including speech, print or by any electronic  
18 means.

19 **TITLE VII—STRENGTHENING**  
20 **FOIA**

21 **SEC. 701. DIGITAL ACCESS TO COMPLETED RESPONSES TO**  
22 **THE FREEDOM OF INFORMATION ACT.**

23 (a) REQUIREMENT.—(1) Each agency shall make  
24 available all materials contained in the agency’s completed  
25 response to a request under section 552 of title 5, United

1 States Code (in this section referred to as a “FOIA re-  
2 quest”) in a structured database; in a searchable, sortable,  
3 downloadable database; or in a format searchable by text  
4 as appropriate, within one month after the date the FOIA  
5 request was completed.

6 (2) All information is presumed to be available in an  
7 electronic format as described in paragraph (1) unless the  
8 agency demonstrates that excessive cost would place an  
9 undue burden on the agency.

10 (b) PUBLIC AVAILABILITY.—All information included  
11 in the agency’s completed response to a FOIA request  
12 shall be made available to the public electronically, free  
13 of charge through each agency’s website.

14 **SEC. 702. COMMISSION ON FREEDOM OF INFORMATION**  
15 **ACT PROCESSING DELAYS.**

16 (a) ESTABLISHMENT.—There is established a Com-  
17 mission to be known as the “Commission on Freedom of  
18 Information Act Processing Delays” (in this section re-  
19 ferred to as the “Commission”) for the purpose of con-  
20 ducting a study relating to the methods to help reduce  
21 delays in processing requests submitted to Federal agen-  
22 cies under section 552 of title 5, United States Code.

23 (b) MEMBERSHIP.—

24 (1) IN GENERAL.—The Commission shall be  
25 composed of 16 members, as follows:

1 (A) 3 appointed by the Chairman of the  
2 Committee on the Judiciary of the Senate.

3 (B) 3 appointed by the ranking member of  
4 the Committee on the Judiciary of the Senate.

5 (C) 3 appointed by the Chairman of Com-  
6 mittee on Oversight and Government Reform of  
7 the House of Representatives.

8 (D) 3 appointed by the ranking member of  
9 the Committee on Oversight and Government  
10 Reform of the House of Representatives.

11 (E) 1 appointed by the Attorney General.

12 (F) 1 appointed by the Director of the Of-  
13 fice of Management and Budget.

14 (G) 1 appointed by the Archivist.

15 (H) 1 appointed by the Comptroller Gen-  
16 eral.

17 (2) QUALIFICATIONS.—Appointees must have  
18 certain qualifications.

19 (c) DUTIES.—The duties of the Commission are to—

20 (1) identify methods that—

21 (A) help reduce delays in the processing of  
22 FOIA requests submitted to Federal agencies;  
23 and

1 (B) ensure the efficient and equitable ad-  
2 ministration of FOIA throughout the Federal  
3 Government; and

4 (2) examine whether the system for charging  
5 fees and granting waivers of fees needs to be re-  
6 formed in order to reduce delays.

7 (d) REPORT.—The Commission shall submit a report  
8 to Congress and the President, not later than 1 year after  
9 the date of enactment of this Act, containing the conclu-  
10 sions and recommendations of the Commission.

## 11 **TITLE VIII—ENFORCEMENT**

### 12 **SEC. 801. AUDITS BY THE GOVERNMENT ACCOUNTABILITY** 13 **OFFICE.**

14 (a) AUDIT REQUIREMENT.—The Comptroller Gen-  
15 eral shall conduct annual audits of the implementation of  
16 the provisions in this Act, and shall submit annually to  
17 the Committee on Oversight and Government Reform of  
18 the House of Representatives and the Committee on  
19 Homeland Security and Governmental Affairs of the Sen-  
20 ate a report on the results of the audits.

21 (b) MATTERS COVERED BY AUDITS.—Audits con-  
22 ducted under this section shall address whether the con-  
23 gressional and executive branch information that is re-  
24 quired to be provided to the public through the Internet  
25 is complete, primary, timely, accessible, machine

1 processable, non-discriminatory, non-proprietary, and li-  
2 cense-free.

3 (c) CURRENT STANDARDS.—Audits conducted under  
4 this section shall also address whether the information  
5 provided to the public under this Act is produced and  
6 maintained using current standards for data publication.

7 (d) DEFINITIONS.—In this section:

8 (1) COMPLETE.—The term “complete” means  
9 all public data is made available. Public data is data  
10 that is not subject to valid privacy, security, or privi-  
11 lege limitations.

12 (2) PRIMARY.—The term “primary” means  
13 data collected at the source, with the highest pos-  
14 sible level of granularity, not in aggregate or modi-  
15 fied forms.

16 (3) TIMELY.—The term “timely” means data is  
17 made available as quickly as necessary to preserve  
18 the value of the data.

19 (4) ACCESSIBLE.—The term “accessible”  
20 means data is available to the widest range of users  
21 for the widest range of purposes.

22 (5) MACHINE PROCESSABLE.—The term “ma-  
23 chine processable” means data is reasonably struc-  
24 tured to allow automated processing.



1           (6) NON-DISCRIMINATORY.—The term “non-  
2 discriminatory” means data is available to anyone,  
3 with no requirement of registration.

4           (7) NON-PROPRIETARY.—The term “non-pro-  
5 prietary” means data is available in a format over  
6 which no entity has exclusive control.

7           (8) LICENSE-FREE.—The term “license-free”  
8 means data is not subject to any copyright, patent,  
9 trademark, or trade secret regulation. Reasonable  
10 privacy, security, and privilege restrictions may be  
11 allowed.

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