

118TH CONGRESS
2D SESSION

H. R. 8597

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, the Legislative Reorganization Act of 1946, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Internal Revenue Code of 1986, the Foreign Agents Registration Act of 1938, the Financial Stability Act of 2010, 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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2024

Mr. QUIGLEY (for himself and Ms. NORTON) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committees on House Administration, the Judiciary, Ethics, Financial Services, 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

A BILL

To amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, the Legislative Reorganization Act of 1946, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Internal Revenue Code of 1986, the Foreign Agents Registration Act of 1938, the Financial Stability Act of 2010, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and exec-

utive 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Gov-
 5 ernment Act of 2024”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—IMPROVING ACCESS TO INFORMATION ABOUT
MEMBERS OF CONGRESS AND CONGRESSIONAL OFFICES**

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.

Sec. 105. GAO study and report on effects of written requests by members of Congress for funding of projects.

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

Sec. 201. Increased transparency of committee work.

Sec. 202. Increased transparency of recorded votes.

Sec. 203. Electronic format.

Sec. 205. Use of data standards by congressional support offices.

Sec. 206. Inclusion of digital version of funding tables in reports accompanying appropriations bills.

Sec. 207. Select committee on the modernization of congress.

Sec. 208. Expanded information in house staff directory.

**TITLE III—EXPANDING ACCESS TO CONGRESSIONAL RESEARCH
SERVICE REPORTS ON LIBRARY OF CONGRESS WEBSITE**

Sec. 301. Inclusion of reports from archive.

Sec. 302. Availability of reports in structured format.

Sec. 303. Report on making other materials available.

Sec. 304. Effective date.

TITLE IV—LOBBYING DISCLOSURE

Sec. 401. Short title.

Sec. 402. Modifications to enforcement.

- Sec. 403. Definition of lobbyist.
- Sec. 404. Expedited online registration of lobbyists; thresholds for certain organizations whose employees are lobbyists.
- Sec. 405. Disclosure of political contributions.
- Sec. 406. Identification numbers for lobbyists.
- Sec. 407. Ethics training for lobbyists.
- Sec. 408. Repeal of exemption of reporting lobbying contacts reported under Foreign Agents Registration Act.
- Sec. 409. Repeal of use of estimates based on tax reporting system.

TITLE V—TRANSPARENCY IN FEDERAL AWARDS

- Sec. 501. Improving application programming interface and website data elements.
- Sec. 502. Improving data quality.
- Sec. 503. Requirements relating to reporting of award data.
- Sec. 504. Recipient performance transparency.
- Sec. 505. Improvement of responsibility/qualification information.
- Sec. 506. Federal contractor compliance.
- Sec. 507. Improving access to information disclosed on lobbying activities.
- Sec. 508. Inclusion of narratives on USASpending.gov.
- Sec. 509. Suspension and debarment database.

TITLE VI—EXECUTIVE BRANCH TRANSPARENCY

Subtitle A—Public Availability of Information

- Sec. 601. Agency defined.
- Sec. 602. Requirement for disclosure of Federal sponsorship of all Federal advertising or other communications.
- Sec. 603. Improving access to influential executive branch official's visitor access records.
- Sec. 604. Improving rulemaking disclosure for the Office of Information and Regulatory Affairs.
- Sec. 605. Improving registration information from agents of foreign principals.
- Sec. 606. Government-wide entity identifier.
- Sec. 607. Grants transparency requirements.

Subtitle B—Publication of Opinions of Office of Legal Counsel

- Sec. 611. Short title.
- Sec. 612. Schedule of publication for final OLC opinions.
- Sec. 613. Exceptions and limitation on public availability of final OLC opinions.
- Sec. 614. Method of publication.
- Sec. 615. Index of opinions.
- Sec. 616. Private right of action.
- Sec. 617. Severability.
- Sec. 618. Definitions.

Subtitle C—Contempt of Congress Procedures and Enforcement

- Sec. 621. Availability of civil action to enforce House of Representatives subpoenas.
- Sec. 622. Alternate procedures for enforcement of criminal contempt of Congress.
- Sec. 623. Increase in penalty for contempt of Congress.
- Sec. 624. Authority of United States Capitol Police to enforce citations.

- Sec. 625. Collection of penalties imposed by the House of Representatives on persons cited for contempt of House.
- Sec. 626. No effect of expiration of Congress on pending actions.

Subtitle D—Promoting Accountability and Security in Transitions

- Sec. 631. Short title.
- Sec. 632. Sense of Congress.
- Sec. 633. Definitions.
- Sec. 634. Management and custody of Presidential records.
- Sec. 635. Restrictions on access to Presidential records.
- Sec. 636. Exceptions to restricted access.
- Sec. 637. Regulations.
- Sec. 638. Disclosure requirement for official business conducted using non-official electronic messaging accounts.
- Sec. 639. Presidential Transition Act of 1963.
- Sec. 640. Former Presidents.
- Sec. 641. Presidential archival depository.

TITLE VII—STRENGTHENING THE FREEDOM OF INFORMATION ACT

- Sec. 701. Digital access to records made available under the Freedom of Information Act.
- Sec. 702. Freedom of Information Act Amendments.
- Sec. 703. Other matters.

TITLE VIII—IMPROVING TRANSPARENCY WITHIN THE JUDICIAL SYSTEM

- Sec. 801. Televising Supreme Court proceedings.
- Sec. 802. Audio recording of Supreme Court proceedings.
- Sec. 803. Availability on the internet of financial disclosure reports of judicial officers.
- Sec. 804. GAO audit of pacer.
- Sec. 805. Electronic court records reform.

TITLE IX—ENFORCEMENT

- Sec. 901. Report by the Government Accountability Office.

TITLE X—MISCELLANEOUS

- Sec. 1001. Transfer of certain records to archivist of United States.
- Sec. 1002. Data standards.

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

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

7 (a) **ADDITIONAL FINANCIAL DISCLOSURE REQUIRE-**
8 **MENTS.**—(1) Section 102(a)(1)(B) of the Ethics in Gov-
9 ernment Act of 1978 (5 U.S.C. App. 102(a)(1)(B)) is
10 amended in clause (iv) by striking “\$15,000” and insert-
11 ing “\$25,000” and by striking clauses (v) through (ix) and
12 inserting the following new clauses:

13 “(v) greater than \$25,000 but not
14 more than \$100,000, rounded to the near-
15 est \$10,000,

16 “(vi) greater than \$100,000 but not
17 more than \$1,000,000, rounded to the
18 nearest \$100,000, or

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

21 (2) Section 102(d)(1) of such Act (5 U.S.C. App.
22 102(d)(1)) is amended by striking “(3), (4), (5), and (8)”
23 and inserting “(5) and (8)”.

24 (3) Section 102(d) of such Act (5 U.S.C. App.
25 102(d)) is amended by redesignating paragraph (2) as

1 paragraph (3) and by inserting after paragraph (1) the
2 following new paragraph:

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

6 “(A) Not more than \$15,000.

7 “(B) Greater than \$15,000 but not more
8 than \$25,000.

9 “(C) Greater than \$25,000 but not more
10 than \$100,000, rounded to the nearest
11 \$10,000.

12 “(D) Greater than \$100,000 but not more
13 than \$1,000,000, rounded to the nearest
14 \$100,000.

15 “(E) Greater than \$1,000,000, rounded to
16 the nearest \$1,000,000.”

17 (b) MORE FREQUENT DISCLOSURE OF FINANCIAL
18 TRANSACTIONS INVOLVING LARGE SUMS OF MONEY.—

19 (1) Section 101 of such Act (5 U.S.C. App.
20 101) is amended by adding at the end the following
21 new subsection:

22 “(j) In addition to any other report required to be
23 filed by a Member of Congress or officer or employee of
24 the Congress, each such individual is required to file a
25 quarterly report on April 30, July 30, October 30, and

1 January 30 of each year covering the preceding calendar
2 quarter if that individual (or the spouse or any dependent
3 child of that individual) purchased, sold, or exchanged any
4 property described in subsection (a)(5) valued at not less
5 than \$250,000 during that calendar quarter. For any such
6 transaction of not less than \$250,000, such report shall
7 contain all of the information required under subsection
8 (a)(5).”.

9 (2)(A) Clause 1 of rule XXVI of the Rules of
10 the House of Representatives is amended by insert-
11 ing “(a)” after “1.” and by adding at the end the
12 following new paragraphs:

13 “(b) If any report is filed with the Clerk for a cal-
14 endar quarter pursuant to section 101(i) of the Ethics in
15 Government Act of 1978, the Clerk shall compile all such
16 reports sent to the Clerk by Members and have them
17 printed as a House document, which shall be made avail-
18 able to the public, as soon as practicable.

19 “(c) Each individual required to file a report with the
20 Clerk under title I under the Ethics in Government Act
21 of 1978 shall file and maintain such report in electronic
22 form.”.

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

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

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

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

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

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

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

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

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

9 (A) by striking “shall make available” and in-
10 sserting “shall post on the public Internet site of the
11 Clerk and otherwise make available”; and

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

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

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

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

20 (a) ELECTRONIC DISCLOSURE BY MEMBERS.—(1)
21 Rule XXIII of the Rules of the House of Representatives
22 is amended by redesignating clause 22 as clause 23 and
23 by inserting after clause 21 the following:

24 “22. A Member, Delegate, or Resident Commissioner
25 who requests a congressional earmark, a limited tax ben-

1 efit, or a limited tariff benefit shall, within 24 hours after
2 making such request—

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

5 “(A) the name and address of the intended
6 recipient;

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

9 “(C) the requested amount (only in the
10 case of congressional earmarks); and

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

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

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

20 “(4) display on the homepage of such website a
21 hypertext link that contains the words ‘Earmarks’,
22 ‘Appropriations Requests’, ‘Limited Tax Benefits’,
23 or ‘Limited Tariff Benefits’ and that directs to such
24 webpage address, and maintain that link for at least

1 30 calendar days after the last such request is made
2 during the Congress.”.

3 (2) The last sentence of clause 16 of rule XXIII of
4 the Rules of the House of Representatives is amended by
5 striking “and clause 17” and inserting “, clause 17, and
6 clause 22”.

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

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

17 “(1) the bill name;

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

20 “(3) the name and address of the intended re-
21 cipient;

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

24 “(5) the requested amount (only in the case of
25 congressional earmarks);

1 “(6) a brief description; and

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

5 and

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

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

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

17 “(d) The earmark disclosure webpage of a committee
18 shall post the information required under paragraphs (a)
19 through (c) within one week of receipt, and shall maintain
20 that information on that webpage for the remainder of the
21 Congress.

22 “(e) For purposes of this clause, the terms ‘congres-
23 sional earmark’, ‘limited tax benefit’, and ‘limited tariff
24 benefit’ shall have the meaning given them in clause 9 of
25 rule XXI.”.

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

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

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

17 (e) CENTRALIZED DATABASE FOR EARMARKS, LIM-
18 ITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS.—
19 (1) The Clerk of the House of Representatives, the Sec-
20 retary of the Senate, and the chairs of the Committee on
21 Appropriations of the House of Representatives and the
22 Senate shall collaborate to create one centralized database
23 where all requests for earmark, limited tax benefits, and
24 limited tariff benefits are available on the Internet in a
25 searchable, sortable, downloadable format to the public.

1 The data available to the public for each earmark should
2 include—

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

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

7 (C) the name and address of the intended re-
8 cipient;

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

11 (E) the requested amount (only in the case of
12 congressional earmarks);

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

14 (G) the applicable department or agency of the
15 Government, and the account or program (if pro-
16 vided to the committee in the request).

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

20 **SEC. 105. GAO STUDY AND REPORT ON EFFECTS OF WRIT-**
21 **TEN REQUESTS BY MEMBERS OF CONGRESS**
22 **FOR FUNDING OF PROJECTS.**

23 (a) STUDY.—The Comptroller General of the United
24 States shall conduct a study of the effect of written re-
25 quests to carry out and provide funding for projects and

1 activities which are submitted to offices of the executive
2 branch by Members of Congress on the decisions made
3 by such offices regarding the funding of those projects and
4 activities.

5 (b) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, the Comptroller General shall
7 submit to Congress a report on the study conducted under
8 subsection (a).

9 **TITLE II—ENHANCING PUBLIC**
10 **ACCESS TO THE WORK OF**
11 **CONGRESSIONAL COMMIT-**
12 **TEES, LEGISLATION, AND**
13 **VOTES**

14 **SEC. 201. INCREASED TRANSPARENCY OF COMMITTEE**
15 **WORK.**

16 (a) IN THE HOUSE OF REPRESENTATIVES.—Clause
17 1 of rule XI of the Rules of the House of Representatives
18 is amended by adding at the end the following new para-
19 graph:

20 “(e)(1) Each committee shall post on its Internet
21 website the public hearings and markup schedules of the
22 committee and each of its subcommittees at the same time
23 that information is made available to members of the com-
24 mittee.

1 “(2) For each hearing and markup for which infor-
2 mation is posted under subparagraph (1), the committee
3 shall post on its Internet website within 45 days the fol-
4 lowing: the topic, related legislation, testimony of wit-
5 nesses, opening statements of the chair and ranking mi-
6 nority member, transcripts, and audio and video record-
7 ings.

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

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

18 **SEC. 202. INCREASED TRANSPARENCY OF RECORDED**
19 **VOTES.**

20 (a) ADDITIONAL DUTIES OF THE CLERK OF THE
21 HOUSE AND THE SECRETARY OF THE SENATE.—The
22 Clerk of the House of Representatives and the Secretary
23 of the Senate shall post on the public Internet site of the
24 Office of the Clerk or of the Secretary, respectively, a
25 record, organized by the name of each Member or Senator,

1 in a structured data format, of the recorded votes of that
2 Member or Senator, including the roll, date, issue, ques-
3 tion, result, and title or description of the vote, and any
4 cost estimate of the Congressional Budget Office related
5 to the vote.

6 (b) WEB LINK.—Each Member shall provide a link
7 to the Clerk of the House of Representatives of a list of
8 recorded votes from that Member’s website, and each Sen-
9 ator shall provide a link to the Secretary of the Senate
10 of a list of recorded votes from that Senator’s website.

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

15 (d) EFFECTIVE DATE.—This section shall apply to
16 recorded votes occurring after the date of enactment of
17 this Act.

18 **SEC. 203. ELECTRONIC FORMAT.**

19 (a) IN GENERAL.—Chapter 2 of title 1 of the United
20 States Code is amended by inserting after section 107 the
21 following new section:

22 **“§ 107a. Electronic format**

23 “To the extent practicable, all bills, resolutions, or-
24 ders, and votes shall be created, exchanged, and published
25 in searchable electronic formats, consistent with data

1 standards recommended by such advisory bodies as Con-
2 gress may establish.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 2 of title 1 of the United
5 States Code is amended by adding after the item relating
6 to section 107 the following new item:

“107a. Electronic format.”.

7 **SEC. 205. USE OF DATA STANDARDS BY CONGRESSIONAL**
8 **SUPPORT OFFICES.**

9 All congressional support offices shall, to the extent
10 practicable, use the data standards recommended by the
11 Congressional Data Task Force for the congressional in-
12 formation that they create, exchange, and/or publish.

13 **SEC. 206. INCLUSION OF DIGITAL VERSION OF FUNDING**
14 **TABLES IN REPORTS ACCOMPANYING APPRO-**
15 **PRIATIONS BILLS.**

16 (a) INCLUSION.—The Clerk of the House of Rep-
17 resentatives and the Secretary of the Senate shall ensure
18 that each report accompanying any appropriations bill re-
19 ported by the Committees on Appropriations of the House
20 or Senate (as the case may be) includes a formatted
21 spreadsheet showing the amounts made available by the
22 bill, in a tabular, digital format that shows separate en-
23 tries for each fiscal year covered by the bill.

1 (b) EFFECTIVE DATE.—Subsection (a) shall apply
2 with respect to any appropriations bill making funds avail-
3 able for fiscal year 2024 or any succeeding fiscal year.

4 **SEC. 207. SELECT COMMITTEE ON THE MODERNIZATION OF**
5 **CONGRESS.**

6 Regular Modernization Select Committees: The
7 House should authorize a Modernization Select Committee
8 at least every fourth Congress. Prior to the Select Com-
9 mittee on the Modernization of Congress being established
10 in 2019, the Joint Committee on the Organization of Con-
11 gress in 1993 was the last organized reform entity. As
12 the pace of change accelerates, Congress needs to evaluate
13 itself at more regular intervals. The House, with or with-
14 out the Senate, should authorize a Select Committee with
15 a mandate to evaluate the operations and efficiency of the
16 institution.

17 **SEC. 208. EXPANDED INFORMATION IN HOUSE STAFF DI-**
18 **RECTORY.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Clerk of the House of Representa-
21 tives shall submit a report to the Committees on Appro-
22 priations and House Administration of the House of Rep-
23 resentatives on the feasibility of expanding the information
24 included in the directory of employees of the House to in-

1 clude information on the position held and the areas of
2 responsibility assigned to each employee.

3 **TITLE III—EXPANDING ACCESS**
4 **TO CONGRESSIONAL RE-**
5 **SEARCH SERVICE REPORTS**
6 **ON LIBRARY OF CONGRESS**
7 **WEBSITE**

8 **SEC. 301. INCLUSION OF REPORTS FROM ARCHIVE.**

9 Section 154(a)(2) of Legislative Branch Appropria-
10 tions Act, 2018 (2 U.S.C. 166a(a)(2)) is amended—

11 (1) by redesignating subparagraph (B) as sub-
12 paragraph (C); and

13 (2) by inserting after subparagraph (A) the fol-
14 lowing new subparagraph:

15 “(B) INCLUSION OF ARCHIVED MATE-
16 RIAL.—The term ‘CRS Report’ includes any re-
17 port or product described in subparagraph (A)
18 which is produced prior to the effective date of
19 this section, including any report or product
20 maintained in a CRS archive.”.

21 **SEC. 302. AVAILABILITY OF REPORTS IN STRUCTURED FOR-**
22 **MAT.**

23 Section 154(b)(1)(B) of the Legislative Branch Ap-
24 propriations Act, 2018 (2 U.S.C. 166a(b)(1)(B)) is
25 amended by striking the period at the end and inserting

1 the following: “, and shall be available in a structured data
2 format”.

3 **SEC. 303. REPORT ON MAKING OTHER MATERIALS AVAIL-**
4 **ABLE.**

5 Not later than 1 year after the date of the enactment
6 of this Act, the Director of the Congressional Research
7 Service shall submit a report to Congress describing the
8 steps the Director would be required to take in order to
9 make materials and publications of the Service which are
10 not treated as CRS Reports under section 154 of the Leg-
11 islative Branch Appropriations Act, 2018 (2 U.S.C. 166a)
12 available through the website established and maintained
13 by the Librarian of Congress under such section.

14 **SEC. 304. EFFECTIVE DATE.**

15 The amendments made by sections 301 and 302 shall
16 take effect as if included in the enactment of section 154
17 of the Legislative Branch Appropriations Act, 2018 (2
18 U.S.C. 166a).

19 **TITLE IV—LOBBYING**
20 **DISCLOSURE**

21 **SEC. 401. SHORT TITLE.**

22 This title may be cited as the “Lobbyist Disclosure
23 Enhancement Act”.

1 **SEC. 402. MODIFICATIONS TO ENFORCEMENT.**

2 (a) LOBBYING DISCLOSURE ACT TASK FORCE.—Sec-
3 tion 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C.
4 1605) is amended by adding at the end the following new
5 subsection:

6 “(c) LOBBYING DISCLOSURE ACT TASK FORCE.—

7 “(1) ESTABLISHMENT.—The Attorney General
8 shall establish the Lobbying Disclosure Act Enforce-
9 ment Task Force (in this subsection referred to as
10 the ‘Task Force’).

11 “(2) FUNCTIONS.—The Task Force shall—

12 “(A) have primary responsibility for inves-
13 tigating and prosecuting each case referred to
14 the Attorney General under section 6(a)(8);

15 “(B) collect and disseminate information
16 to the public with respect to the enforcement of
17 this Act;

18 “(C) audit, as frequently as the Task
19 Force determines to be necessary but not less
20 frequently than once each calendar year, the ex-
21 tent of compliance or noncompliance with the
22 requirements of this Act by lobbyists, lobbying
23 firms, and registrants through a random sam-
24 pling of lobbying registrations and reports filed
25 under that Act during the year;

1 “(D) establish, publicize, and operate a
2 toll-free telephone number to serve as a hotline
3 for members of the public to report noncompli-
4 ance with the requirements of this Act; and

5 “(E) develop a mechanism to allow mem-
6 bers of the public to report such noncompliance
7 online.”.

8 (b) REFERRAL OF CASES TO THE ATTORNEY GEN-
9 ERAL.—Section 6(a) of such Act (2 U.S.C. 1605(a)) is
10 amended—

11 (1) in paragraph (8), by striking “United
12 States Attorney for the District of Columbia” and
13 inserting “Attorney General”; and

14 (2) in paragraph (11), by striking “United
15 States Attorney for the District of Columbia” and
16 inserting “Attorney General”.

17 (c) INFORMATION IN ENFORCEMENT REPORTS.—
18 Section 6(b)(1) of such Act (2 U.S.C. 1605(b)(1)) is
19 amended by striking “by case” and all that follows
20 through “public record” and inserting “by case and name
21 of the individual lobbyists or lobbying firms involved, any
22 sentences imposed”.

23 (d) RECOMMENDATIONS FOR IMPROVED ENFORCE-
24 MENT.—The Attorney General may make recommenda-
25 tions to Congress with respect to—

1 (1) the enforcement of and compliance with the
2 Lobbying Disclosure Act of 1995; and

3 (2) the need for resources available for the en-
4 hanced enforcement of the Lobbying Disclosure Act
5 of 1995, taking into consideration the recommenda-
6 tions of the Comptroller General in reports sub-
7 mitted under section 26 of such Act.

8 (e) EFFECTIVE DATE.—This section and the amend-
9 ments made by this section shall take effect upon the expi-
10 ration of the 90-day period beginning on the date of the
11 enactment of this Act.

12 **SEC. 403. DEFINITION OF LOBBYIST.**

13 (a) REPEAL OF 20 PERCENT THRESHOLD FOR IN-
14 CLUSION OF LOBBYING ACTIVITIES.—Section 3(10) of the
15 Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(10)) is
16 amended by striking “, other than an individual” and all
17 that follows through “period”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on the first day of the first
20 quarterly period described in section 5(a) of the Lobbying
21 Disclosure Act of 1995 (2 U.S.C. 1604(a)) that begins
22 after the end of the 90-day period beginning on the date
23 of the enactment of this Act.

1 **SEC. 404. EXPEDITED ONLINE REGISTRATION OF LOBBY-**
2 **ISTS; THRESHOLDS FOR CERTAIN ORGANIZA-**
3 **TIONS WHOSE EMPLOYEES ARE LOBBYISTS.**

4 (a) EXPEDITED REGISTRATION.—Section 4(a) of the
5 Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(a)) is
6 amended—

7 (1) in paragraph (1)—

8 (A) by striking “45 days” and inserting
9 “10 days”;

10 (B) by striking “, or on the first business
11 day after such 45th day if the 45th day is not
12 a business day,” and inserting “, or on the first
13 business day occurring after such 10th day if
14 such 10th day does not occur on a business
15 day,”; and

16 (C) by inserting “online” after “shall reg-
17 ister”; and

18 (2) in paragraph (2)—

19 (A) by striking “Any organization” and in-
20 sserting the following:

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), any organization”; and

23 (B) by adding at the end the following:

24 “(B) THRESHOLD FOR CERTAIN ORGANI-
25 ZATIONS.—In the case of an organization with
26 an employee who engages in lobbying activities

1 solely on behalf of the organization, the require-
2 ment to register under this subsection shall
3 apply only if the lobbying activities of such em-
4 ployee include or are expected to include more
5 than one lobbying contact.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the first day of the first
8 quarterly period described in section 5(a) of the Lobbying
9 Disclosure Act of 1995 (2 U.S.C. 1604(a)) that begins
10 after the end of the 90-day period beginning on the date
11 of the enactment of this Act.

12 **SEC. 405. DISCLOSURE OF POLITICAL CONTRIBUTIONS.**

13 (a) EXPEDITED DISCLOSURE.—Section 5(d)(1) of
14 the Lobbying Disclosure Act of 1995 (2 U.S.C.
15 1604(d)(1)) is amended—

16 (1) in the matter preceding subparagraph (A),
17 by striking “30 days after” and all that follows
18 through “30th day is not” and inserting “20 days
19 after the end of the quarterly period beginning on
20 the first day of January, April, July, and October of
21 each year, or on the first business day after such
22 20th day if such 20th day is not”; and

23 (2) by striking “semiannual period” each place
24 it appears and inserting “quarterly period”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the first day of the first
3 quarterly period described in section 5(a) of the Lobbying
4 Disclosure Act of 1995 (2 U.S.C. 1604(a)) that begins
5 after the end of the 90-day period beginning on the date
6 of the enactment of this Act.

7 **SEC. 406. IDENTIFICATION NUMBERS FOR LOBBYISTS.**

8 (a) REQUIRING ASSIGNMENT OF UNIQUE IDENTI-
9 FICATION NUMBER.—

10 (1) REQUIREMENT.—Section 6(a)(3) of the
11 Lobbying Disclosure Act of 1995 (2 U.S.C.
12 1605(a)(3)) is amended—

13 (A) by striking “and” at the end of sub-
14 paragraph (A);

15 (B) by adding “and” after the semicolon
16 the end of subparagraph (B); and

17 (C) by adding after subparagraph (B) the
18 following:

19 “(C) a system that assigns a unique identi-
20 fication number for each lobbyist for whom a
21 registration or report is filed under this Act;”.

22 (2) SECTION 406.—The amendments made by
23 paragraph (1) shall apply to any registration or re-
24 port that is filed under section 4 or 5 of the Lob-
25 bing Disclosure Act of 1995—

1 (A) on or after the 90th day after the date
2 of the enactment of this Act; or

3 (B) before such 90th day, if such registra-
4 tion or report is, as of such 90th day, being re-
5 tained under section 6(a)(5) of the Lobbying
6 Disclosure Act of 1995 (2 U.S.C. 1605(a)(5)).

7 (b) REPORT ON IMPLEMENTATION.—Not later than
8 60 days after the date of the enactment of this Act, the
9 Clerk of the House of Representatives and the Secretary
10 of the Senate shall submit a report to Congress on the
11 progress made by the Clerk and the Secretary in imple-
12 menting the amendment made by subsection (a), and shall
13 include in the report an analysis of the progress made in
14 including the unique identification number assigned to a
15 lobbyist in the statements and reports filed under the Lob-
16 bying Disclosure Act of 1995 in a structured data format.

17 **SEC. 407. ETHICS TRAINING FOR LOBBYISTS.**

18 (a) REQUIRING COMPLETION OF TRAINING.—The
19 Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.)
20 is amended by adding at the end the following new section:

21 **“SEC. 27. ETHICS TRAINING FOR LOBBYISTS.**

22 “(a) REQUIRED ETHICS TRAINING.—Any individual
23 who is a lobbyist registered or required to register under
24 section 4 shall—

1 “(1) complete ethics training described in sub-
2 section (b)—

3 “(A) not later than 6 months after the in-
4 dividual is first employed or retained for serv-
5 ices that include one or more lobbying contacts;
6 and

7 “(B) at least once in each 5-year period
8 during which the individual is registered or re-
9 quired to register under section 4; and

10 “(2) submit to the Clerk of the House of Rep-
11 resentatives and the Secretary of the Senate certifi-
12 cation of the training completed under paragraph
13 (1).

14 “(b) QUALIFIED TRAINING.—The Ethics Committee
15 of the House of Representatives and the Select Committee
16 on Ethics of the Senate shall jointly—

17 “(1) determine the curriculum and certification
18 requirements for the ethics training for individuals
19 described in subsection (a);

20 “(2) approve those educational institutions, pro-
21 fessional associations, or other persons who are
22 qualified to provide such ethics training;

23 “(3) determine the maximum fee that may be
24 charged for the ethics training; and

1 “(4) provide oversight of the ethics training
2 program established under this section in order to
3 determine the quality of instruction in, and the ad-
4 ministration of, the training program.

5 “(c) RESPONSIBILITIES OF CLERK AND SEC-
6 RETARY.—The Clerk of the House of Representatives and
7 the Secretary of the Senate shall—

8 “(1) collect and review for completion and accu-
9 racy the certifications of ethics training submitted
10 under subsection (a)(2); and

11 “(2) post on the websites of the Clerk and the
12 Secretary, with respect to each individual required to
13 complete ethics training under this section—

14 “(A) whether the individual has complied
15 with such requirement; and

16 “(B) the certifications submitted by the in-
17 dividual under subsection (a)(2).”.

18 (b) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The amendment made by
20 subsection (a) shall take effect upon the expiration
21 of the 1-year period beginning on the date of the en-
22 actment of this Act.

23 (2) LOBBYISTS REGISTERED AS OF DATE OF
24 ENACTMENT.—In the case of individuals who are
25 registered under section 4 of the Lobbying Dislo-

1 sure Act of 1995 (2 U.S.C. 1603) as of the effective
2 date under paragraph (1), the ethics training re-
3 quired under section 27(a)(1) of such Act (as added
4 by subsection (a)) shall be completed not later than
5 the end of the 6-month period beginning on the ef-
6 fective date under paragraph (1).

7 **SEC. 408. REPEAL OF EXEMPTION OF REPORTING LOB-**
8 **BYING CONTACTS REPORTED UNDER FOR-**
9 **EIGN AGENTS REGISTRATION ACT.**

10 (a) REPEAL.—Section 3(8)(B) of the Lobbying Dis-
11 closure Act of 1995 (2 U.S.C. 1602(8)(B)) is amended
12 by striking clause (iv).

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the first day of the first
15 quarterly period described in section 5(a) of the Lobbying
16 Disclosure Act of 1995 (2 U.S.C. 1604(a)) that begins
17 after the end of the 90-day period beginning on the date
18 of the enactment of this Act.

19 **SEC. 409. REPEAL OF USE OF ESTIMATES BASED ON TAX**
20 **REPORTING SYSTEM.**

21 Section 15 of the Lobbying Disclosure Act of 1995
22 (2 U.S.C. 1610) is repealed.

1 **TITLE V—TRANSPARENCY IN**
2 **FEDERAL AWARDS**

3 **SEC. 501. IMPROVING APPLICATION PROGRAMMING INTER-**
4 **FACE AND WEBSITE DATA ELEMENTS.**

5 (a) IN GENERAL.—Section 2 of the Federal Funding
6 Accountability and Transparency Act of 2006 (Public Law
7 109–282; 31 U.S.C. 6101 note) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (4)(A)(ii), by striking
10 “and delivery orders” and inserting “lease
11 agreements and assignments, and delivery or-
12 ders”;

13 (B) in paragraph (7)—

14 (i) in subparagraph (B), by striking
15 “paragraph (2)(A)(i)” and inserting “para-
16 graph (5)(A)(i)”;

17 (ii) in subparagraph (C)—

18 (I) by striking “paragraph
19 (2)(A)(ii)” and inserting “paragraph
20 (5)(A)(ii)”;

21 (II) by striking “and” after the
22 semicolon;

23 (iii) in subparagraph (D), by striking
24 the period at the end and inserting “;
25 and”;

1 (iv) by adding at the end the following
2 new subparagraph:

3 “(E) programmatically search and access
4 all data in a serialized machine-readable format
5 (such as XML) via a web-services application
6 programming interface.”;

7 (C) by redesignating paragraphs (1)
8 through (8) as paragraphs (2) through (9), re-
9 spectively; and

10 (D) by inserting before paragraph (2) the
11 following new paragraph:

12 “(1) CONGRESSIONALLY DIRECTED SPENDING
13 ITEM.—The term ‘congressionally directed spending
14 item’ means a provision or report language included
15 primarily at the request of a Member of Congress
16 providing, authorizing, or recommending a specific
17 amount of discretionary budget authority, credit au-
18 thority, or other spending authority for a contract,
19 loan, loan guarantee, grant, loan authority, or other
20 expenditure with or to an entity, or targeted to a
21 specific State, locality, or congressional district,
22 other than through a statutory or administrative for-
23 mula-driven or competitive award process.”;

24 (2) in subsection (b)(1)—

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

3 (B) by redesignating subparagraph (G) as
4 subparagraph (Q); and

5 (C) by inserting after subparagraph (F)
6 the following new subparagraphs:

7 “(G) to the extent possible, the Federal
8 agency, including the bureau, office, or subdivi-
9 sion, that authorized the Federal award;

10 “(H) the number of full-time equivalent
11 employees for any entity that receives an award;

12 “(I) the estimated number of people who
13 will benefit from the award;

14 “(J) after January 1, 2024, for each con-
15 tract, subcontract, purchase order, task order,
16 lease agreement and assignment, and delivery
17 order—

18 “(i) information about the extent of
19 competition in awarding the contract, in-
20 cluding the number of bids or proposals
21 determined to be responsive during the
22 competitive process, and if the award was
23 not competitive, the legal authority and
24 specific rationale for awarding the contract
25 without full and open competition (as de-

1 fined in section 107 of title 41, United
2 States Code);

3 “(ii) the full amount awarded under
4 the contract or, in the case of lease agree-
5 ments or assignments, the amount paid to
6 the Government, and the full amount of
7 any option to expand or extend under the
8 contract;

9 “(iii) the amount of the profit incen-
10 tive, such as an award fee;

11 “(iv) the type of contract, such as
12 fixed price, cost plus pricing, labor hour
13 contract, and time and materials contract;

14 “(v) a permanent link to the original
15 solicitation or notice and the solicitation
16 ID;

17 “(vi) an indication if the contract is
18 the result of a legislative mandate, set-
19 aside, preference program requirement, or
20 other criteria, and whether the contract is
21 multi-year, consolidated, or performance-
22 based; and

23 “(vii) an indication if the contract is
24 a congressionally directed spending item;

1 “(K) after January 1, 2024, for any grant,
2 subgrant, loan, award, cooperative agreement,
3 and other form of financial assistance, an indi-
4 cation if the Federal award is a congressionally
5 directed spending item;

6 “(L) the North American Industry Classi-
7 fication System code for any entity that receives
8 a Federal award;

9 “(M) data on whether a business that re-
10 ceives a Federal award is a small business con-
11 cern owned and controlled by women, a small
12 business concern owned and controlled by vet-
13 erans (as such terms are defined, respectively,
14 in section 3 of the Small Business Act (15
15 U.S.C. 632)), or a small business concern
16 owned and controlled by socially and economi-
17 cally disadvantaged individuals (as defined in
18 section 8(d)(3)(C) of such Act (15 U.S.C.
19 637(d)(3)(C)));

20 “(N) data on if a business that receives an
21 assistance award serves an underserved commu-
22 nity, such as a HUBZone (as defined in section
23 31(b)(1) of the Small Business Act (15 U.S.C.
24 657a(b)(1))) or a labor surplus area (as deter-
25 mined by the Secretary of Labor), or if a busi-

1 ness participates in the program established
2 under section 8(a) of the Small Business Act
3 (15 U.S.C. 637(a)) or another contracting as-
4 sistance program of the Federal Government;

5 “(O) the relevant National Interest Action
6 Code, which tracks cross agency spending on
7 events of national interest; and

8 “(P) after January 1, 2024, for any loan
9 and loan guarantee, data on the name, address,
10 and parent company of any private lender par-
11 ticipating in the award; and”;

12 (3) in subsection (c)(5)—

13 (A) by striking “subsection (a)(2)(A)(i)”
14 and inserting “subsection (a)(5)(A)(i)”; and

15 (B) by striking “subsection (a)(2)(A)(ii)”
16 and inserting “subsection (a)(5)(A)(ii)”.

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

21 **SEC. 502. IMPROVING DATA QUALITY.**

22 The Federal Funding Accountability and Trans-
23 parency Act of 2006 (Public Law 109–282; 31 U.S.C.
24 6101 note) is amended by adding at the end the following
25 new section:

1 **“SEC. 9. IMPROVING DATA QUALITY.**

2 “(a) INSPECTOR GENERAL DATA AUDIT.—Each In-
3 spector General shall annually audit for the previous fiscal
4 year the data used on the website established under sec-
5 tion 2 for the relevant Federal agency of the Inspector
6 General, in compliance with generally accepted Govern-
7 ment auditing standards, and submit a report on such
8 audit to the Director that includes at least the following:

9 “(1) A review of data used for the website to
10 verify accuracy of the data and assess the process
11 used for improving data quality.

12 “(2) A review of a statistically representative
13 sample of Federal awards to determine whether the
14 Federal agency of the Inspector General has appro-
15 priate measures in place to review data submissions
16 under this Act for accuracy and completeness.

17 “(3) An identification of and report on new
18 standards that the Inspector General recommends
19 for implementation by the Federal agency of the In-
20 spector General to improve data quality.

21 “(4) A review of subaward data used for the
22 website to assess completeness and accuracy of the
23 data as best as possible and assess the process used
24 to collect subaward data for changes that could im-
25 prove data quality.

1 “(b) OMB REPORT.—Not later than April 1 of each
2 year, the Director shall make each report submitted under
3 subsection (a) for the previous fiscal year available to the
4 public, including a review of the findings of the audit and
5 recommendations to improve data quality, through the
6 website established under section 2.

7 “(c) FEDERAL SUBAWARD REPORTING SYSTEM.—
8 Not later than 180 days after the date of the enactment
9 of this section, the Inspector General of the General Serv-
10 ices Administration shall submit to Congress a report that
11 includes the results of a comprehensive review of the
12 FFATA Subaward Reporting System that identifies prob-
13 lems within the system that contribute to inaccurate and
14 incomplete subaward reporting and provide specific rec-
15 ommendations for improvements. The review shall include
16 an assessment of the effectiveness and efficiency of the
17 system, including the following:

18 “(1) The accuracy and completeness of
19 subaward data reported through the system.

20 “(2) The consistency of reporting requirements
21 across Federal agencies.

22 “(3) The burden on Federal award recipients to
23 comply with reporting requirements.

24 “(4) The accessibility and availability of
25 subaward data to the public and stakeholders.

1 “(5) The adequacy of enforcement mechanisms
2 to ensure compliance with reporting requirements.

3 “(d) DATA VERIFICATION SYSTEMS PRIOR TO
4 AWARD DISTRIBUTION.—Before making a Federal award
5 to a recipient, the Federal agency shall verify the accuracy
6 and completeness of the information of the recipient. To
7 carry out this subsection, a Federal agency may use any
8 available verification tools, including the System for
9 Award Management database, the Do Not Pay system of
10 the Department of the Treasury, and any other database
11 designated by the Office of Management and Budget for
12 verification purposes. Recipient data that must be verified
13 includes the following:

14 “(1) The legal name of the recipient.

15 “(2) The street address.

16 “(3) A taxpayer identification number.

17 “(4) The number of employees of an entity, if
18 applicable.”.

19 **SEC. 503. REQUIREMENTS RELATING TO REPORTING OF**
20 **AWARD DATA.**

21 (a) REVISION OF GUIDANCE.—The Director of the
22 Office of Management and Budget shall revise the guid-
23 ance to Federal agencies by the Office on reporting Fed-
24 eral awards to clarify—

1 (1) the requirement for award description en-
2 tries to include sufficient information to convey the
3 scope and purpose of the award; and

4 (2) requirements for validating and docu-
5 menting agency award data submitted by Federal
6 agencies.

7 (b) INCLUSION OF CITY INFORMATION.—The Direc-
8 tor of the Office of Management and Budget shall include
9 information on the city in which work is performed in the
10 public reporting of the completeness of agency data sub-
11 missions by the Office.

12 (c) DEFINITIONS.—In this section, the terms “Fed-
13 eral agency” and “Federal award” have the meanings
14 given those terms in section 2(a) of the Federal Funding
15 Accountability and Transparency Act of 2006 (Public Law
16 109–282; 31 U.S.C. 6101 note), as amended by this Act.

17 **SEC. 504. RECIPIENT PERFORMANCE TRANSPARENCY.**

18 (a) IN GENERAL.—The Federal Funding Account-
19 ability and Transparency Act of 2006 (Public Law 109–
20 282; 31 U.S.C. 6101 note), as amended by the preceding
21 provisions of this Act, is further amended by adding at
22 the end the following new section:

1 **“SEC. 10. RECIPIENT PERFORMANCE TRANSPARENCY AND**
2 **PAST PERFORMANCE.**

3 “The Director shall ensure that the unique identifier
4 required in section 2(b)(1)(E), which is used to link infor-
5 mation about an entity receiving an award on the website
6 established under such section, is also used to link infor-
7 mation about such entity in the responsibility/qualification
8 information on the System for Award Management.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall be implemented not later than 6
11 months after the date of the enactment of this Act.

12 **SEC. 505. IMPROVEMENT OF RESPONSIBILITY/QUALIFICA-**
13 **TION INFORMATION.**

14 Section 872(c) of the Duncan Hunter National De-
15 fense Authorization Act for Fiscal Year 2009 (Public Law
16 110–417; 122 Stat. 4556) is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “5-year period” and inserting “10-year pe-
19 riod”; and

20 (2) in paragraph (1), by adding at the end the
21 following new subparagraphs:

22 “(E) In an administrative proceeding, any
23 administrative judgment that does not contain
24 an explicit finding or acknowledgment of fault.

1 “(F) In a civil proceeding, any settlement
2 that does not contain an explicit finding or ac-
3 knowledge of fault.”.

4 **SEC. 506. FEDERAL CONTRACTOR COMPLIANCE.**

5 (a) PERIODIC INSPECTION OR REVIEW OF CONTRACT
6 FILES.—Section 2313(e)(2) of title 41, United States
7 Code, is amended by adding at the end the following new
8 subparagraph:

9 “(C) PERIODIC INSPECTION OR REVIEW.—
10 The Inspector General of each Federal agency
11 shall periodically—

12 “(i) conduct an inspection or review of
13 each contract file described in subpara-
14 graph (B) to determine if the agency is
15 providing appropriate consideration of the
16 information included in the database estab-
17 lished under subsection (a); and

18 “(ii) submit to the Committee on
19 Homeland Security and Governmental Af-
20 fairs of the Senate and the Committee on
21 Oversight and Accountability of the House
22 of Representatives a report containing the
23 results of the inspection or review con-
24 ducted under clause (i).”.

1 (b) SELF-REPORTING REQUIREMENT.—Subsection
2 (f) of section 2313 of such title is amended to read as
3 follows:

4 “(f) SELF-REPORTING REQUIREMENT.—

5 “(1) CONTRACTS IN EXCESS OF SIMPLIFIED AC-
6 QUISSION THRESHOLD.—No funds appropriated or
7 otherwise made available by any Act may be used for
8 any Federal contract for the procurement of prop-
9 erty or services in excess of the simplified acquisition
10 threshold unless the contractor has first made the
11 certifications set forth in section 52.209–5 of the
12 Federal Acquisition Regulation.

13 “(2) CONTRACTS IN EXCESS OF \$500,000.—No
14 funds appropriated or otherwise made available by
15 any Act may be used for any Federal contract for
16 the procurement of property or services in excess of
17 \$500,000 unless the contractor—

18 “(A) certifies that the contractor has sub-
19 mitted to the Administrator of General Services
20 the information required under subsection (c)
21 and that such information is current as of the
22 date of such certification; or

23 “(B) certifies that the contractor has cu-
24 mulative active Federal contracts and grants
25 with a total value of less than \$10,000,000.”.

1 (c) ANNUAL REPORT.—Not later than November 30
2 for the previous fiscal year, the Comptroller General of
3 the United States shall annually submit a report to the
4 appropriate congressional committees describing the ex-
5 tent to which suspended or debarred contractors on the
6 Excluded Parties List System—

7 (1) are identified as having received Federal
8 contracts on USAspending.gov; or

9 (2) were granted waivers from Federal agencies
10 from suspension or debarment for purposes of enter-
11 ing into Federal contracts.

12 **SEC. 507. IMPROVING ACCESS TO INFORMATION DIS-**
13 **CLOSED ON LOBBYING ACTIVITIES.**

14 (a) INFORMATION FILED WITH THE ADMINISTRATOR
15 OF GENERAL SERVICES.—Section 1352(b) of title 31,
16 United States Code, is amended—

17 (1) in paragraph (1), by striking “file with that
18 agency” and inserting “file electronically with the
19 Administrator of General Services”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(7) The Administrator of General Services shall es-
23 tablish and maintain an online database that—

24 “(A) is available to each agency and the public;

1 “(B) contains information disclosed pursuant to
2 this subsection; and

3 “(C) is searchable, sortable, machine-readable,
4 and downloadable.”.

5 (b) DEADLINE FOR DATABASE.—Not later than 180
6 days after the date of the enactment of this Act, the Ad-
7 ministrators of General Services shall establish the data-
8 base required by paragraph (7) of section 1352(b) of title
9 31, United States Code, as added by subsection (a).

10 **SEC. 508. INCLUSION OF NARRATIVES ON**
11 **USASPENDING.GOV.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, the Director of the Of-
14 fice of Management and Budget shall allow any agency,
15 in reporting a Federal award to USASpending.gov (or a
16 successor website), to upload a narrative for such award.

17 (b) DEFINITIONS.—In this section:

18 (1) AGENCY.—The term “agency” has the
19 meanings given that term in section 6101 of title 31,
20 United States Code.

21 (2) FEDERAL AWARD.—The term “Federal
22 award” has the meaning given that term in section
23 2(a) of the Federal Funding Accountability and
24 Transparency Act of 2006 (Public Law 109–282; 31
25 U.S.C. 6101 note).

1 **SEC. 509. SUSPENSION AND DEBARMENT DATABASE.**

2 (a) EXPANSION OF REQUIRED DATA; PUBLICATION
3 OF CONTRACTOR EVALUATION RATINGS.—Subsection (c)
4 of section 2313 of title 41, United States Code is amend-
5 ed—

6 (1) in the matter before paragraph (1), by
7 striking “5-year period” and inserting “10-year pe-
8 riod”;

9 (2) in paragraph (1)—

10 (A) by striking “in connection with the
11 award or performance of a contract or grant
12 with the Federal Government”;

13 (B) in subparagraph (B), by striking
14 “\$5,000” and inserting “\$1,000”; and

15 (C) in subparagraph (C)—

16 (i) in clause (i), by striking “\$5,000”
17 and inserting “\$1,000”;

18 (ii) in clause (ii), by striking
19 “\$100,000” and inserting “\$10,000”; and

20 (3) by inserting at the end the following new
21 paragraph:

22 “(9) Contractor evaluation ratings as provided
23 for in subsection (b)(4) of section 42.1503 of title
24 48, Code of Federal Regulations, as in effect on the
25 date of the enactment of this paragraph.”.

1 (b) PUBLIC AVAILABILITY OF RATINGS.—Section
2 3010 of the Supplemental Appropriations Act, 2010 (41
3 U.S.C. 2313 note; Public Law 111–212), is amended by
4 adding after “website” the following: “Contractor evalua-
5 tion ratings shall not be considered past performance re-
6 views for the purposes of this section.”.

7 (c) ELIMINATE LOOPHOLE.—Subsection (d)(3) of
8 section 2313 of title 41, United States Code is amended
9 by striking “, to the extent practicable,”.

10 (d) LOWER DISCLOSURE AND BENEFICIAL OWNER-
11 SHIP THRESHOLD.—Subsection (f) of section 2313 of title
12 41, United States Code, is amended—

13 (1) in the matter before paragraph (1), by
14 striking “\$10,000,000” and inserting “\$5,000,000”;
15 and

16 (2) in paragraph (1), by striking “subsection
17 (e)” and inserting “subsections (e) and (d)”.

18 (e) LIABILITY; AUDITS.—Section 2313 of title 41,
19 United States Code, is amended by adding at th end the
20 following new subsections:

21 “(h) ENFORCEMENT.—A knowing and willful failure
22 to disclose or update information in accordance with sub-
23 section (f) may result in one or more of the following:

24 “(1) Entry of the violation in the database de-
25 scribed by this section.

1 “(2) A civil fine not exceeding \$200,000.

2 “(3) Referral for suspension or debarment.

3 “(i) PERIODIC AUDITING.—

4 “(1) AUDIT PROCESS.—Not later than one year
5 after the date of the enactment of this subsection,
6 the Comptroller General of the United States shall
7 develop a process to audit the following:

8 “(A) Any data reported under this section
9 for compliance with this section and any regula-
10 tion promulgated under this section.

11 “(B) The online presentation on the Sys-
12 tem for Award Management for compliance
13 with the 21st Century Integrated Digital Expe-
14 rience Act (10 U.S.C. 3501 note; Public Law
15 115–336) and any other applicable law.

16 “(C) Compliance with section 508 of the
17 Rehabilitation Act of 1973 (29 U.S.C. 794d).

18 “(2) BIENNIAL AUDITS.—Upon completion of
19 the process required pursuant to paragraph (1), and
20 every other year thereafter, the Comptroller General
21 shall conduct an audit pursuant to that process.

22 “(3) AUDIT REPORTS.—Upon completion of
23 each audit required pursuant to paragraph (2), the
24 Comptroller General shall submit a report that de-
25 tails the findings of the audit to the following:

1 “(A) The Committee on Oversight and Ac-
2 countability of the House of Representatives.

3 “(B) The Committee on Homeland Secu-
4 rity and Governmental Affairs of the Senate.

5 “(C) The public through the Government
6 Accountability Office website.”.

7 (f) REPORTING STANDARDS.—Not later than 2 years
8 after the date of the enactment of this Act, the Adminis-
9 trator for Federal Procurement Policy shall revise the
10 Federal Acquisition Regulation maintained under section
11 1303(a)(1) of title 41, United States Code, to prescribe
12 minimum data quality standards requiring that informa-
13 tion entered into the database required by section 2313
14 of title 41, United States Code, is reasonably informative
15 and particular.

16 **TITLE VI—EXECUTIVE BRANCH**
17 **TRANSPARENCY**

18 **Subtitle A—Public Availability of**
19 **Information**

20 **SEC. 601. AGENCY DEFINED.**

21 In this subtitle (except as provided for in section
22 606), the term “agency” has the meaning given that term
23 under section 551 of title 5, United States Code.

1 **SEC. 602. REQUIREMENT FOR DISCLOSURE OF FEDERAL**
2 **SPONSORSHIP OF ALL FEDERAL ADVER-**
3 **TISING OR OTHER COMMUNICATIONS.**

4 (a) **REQUIREMENT.**—Except as provided for in sub-
5 section (b), each advertisement or other communication
6 paid for by an agency, either directly or through a contract
7 awarded by the agency, shall include a prominent notice
8 informing the target audience that the advertisement or
9 other communication is paid for by that agency.

10 (b) **EXCEPTIONS.**—The requirement in subsection (a)
11 shall not apply to an advertisement or other communica-
12 tion—

13 (1) that is 200 characters or less; or

14 (2) that is distributed through a short message
15 service.

16 (c) **ADVERTISEMENT OR OTHER COMMUNICATIONS**
17 **DEFINED.**—In this section, the term “advertisement or
18 other communication” includes—

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

21 (2) a communication by an individual in any
22 form, including speech, print, or by any electronic
23 means.

1 **SEC. 603. IMPROVING ACCESS TO INFLUENTIAL EXECUTIVE**
2 **BRANCH OFFICIAL'S VISITOR ACCESS**
3 **RECORDS.**

4 (a) DISCLOSURE OF WHITE HOUSE VISITOR ACCESS
5 RECORDS.—Not later than 30 days after the date of the
6 enactment of this Act, and monthly thereafter, the Presi-
7 dent shall disclose to the public all White House visitor
8 access records and any meeting log for a virtual business
9 meeting for the previous month that are redacted in ac-
10 cordance with subsection (c).

11 (b) DISCLOSURE OF AGENCY VISITOR ACCESS
12 RECORDS.—Not later than 30 days after the date of the
13 enactment of this Act, and monthly thereafter, the head
14 of each agency shall disclose to the public all visitor access
15 records for the previous month for such agency that are
16 redacted in accordance with subsection (c).

17 (c) INFORMATION NOT DISCLOSED.—The President
18 under subsection (a) and the head of the relevant agency
19 under subsection (b), as the case may be, may determine
20 to not disclose the following information pursuant to this
21 section:

22 (1) Any information—

23 (A) that implicates personal privacy or law
24 enforcement concerns (such as date of birth, so-
25 cial security number, and contact phone num-
26 ber);

1 (B) that implicates the personal safety of
2 White House staff (including daily arrival and
3 departure); or

4 (C) whose release would so threaten na-
5 tional security interests that it outweighs a
6 strong presumption in favor of the public inter-
7 est in disclosure.

8 (2) For a non-renewable period of up to a year,
9 any information related to purely personal guests,
10 but only if the interest of the executive branch in
11 protecting an unfettered consultation conducted in
12 secret strongly outweighs the public interest in an
13 accountable government free of corruption and polit-
14 ical influence.

15 (3) Any information related to a small group of
16 particularly sensitive meetings (such as visits of po-
17 tential Supreme Court nominees).

18 **SEC. 604. IMPROVING RULEMAKING DISCLOSURE FOR THE**
19 **OFFICE OF INFORMATION AND REGULATORY**
20 **AFFAIRS.**

21 (a) INCLUSION IN THE RULEMAKING DOCKET OF
22 DOCUMENTS AND COMMUNICATIONS RELATED TO THE
23 IMPLEMENTATION OF CENTRALIZED REGULATORY RE-
24 VIEW.—As soon as practicable and not later than 15 days
25 after the conclusion of a centralized regulatory review for

1 a draft proposed or draft final rule, the Administrator of
2 the Office of Information and Regulatory Affairs shall in-
3 clude in the rulemaking docket the following:

4 (1) A copy of the draft proposed or draft final
5 rule and supporting analyses submitted to the Office
6 of Information and Regulatory Affairs for review.

7 (2) A copy of the draft proposed or draft final
8 rule that incorporates substantive changes, if any,
9 made to the rule as part of implementing centralized
10 regulatory review.

11 (3) A document describing in a complete, clear,
12 and simple manner any substantive change made by
13 the Office of Information and Regulatory Affairs to
14 the draft proposed or draft final rule submitted by
15 the agency to the Office for review.

16 (4) A copy of any document and written com-
17 munication (including any electronic mail and elec-
18 tronic mail file attachment), and a summary of any
19 oral communication (including any phone call, phone
20 conference, and meeting), exchanged as part of the
21 implementation of the centralized regulatory review
22 between or among any of the following:

23 (A) The agency responsible for the rule.

24 (B) The Office of Information and Regu-
25 latory Affairs.

1 (C) Any other office or entity within the
2 Executive Office of the President.

3 (D) An agency that is not the agency re-
4 sponsible for the rule.

5 (E) An individual who is not employed
6 by—

7 (i) the executive branch of the Federal
8 Government; or

9 (ii) an agency that is not the agency
10 responsible for the rule.

11 (b) DEFINITIONS.—In this section:

12 (1) CENTRALIZED REGULATORY REVIEW.—The
13 term “centralized regulatory review” means the in-
14 stitutional process of Presidential oversight of indi-
15 vidual agency rules governed by Executive Order
16 12866 (58 Fed. Reg. 51735; relating to regulatory
17 planning and review), or any successor to such Exec-
18 utive order.

19 (2) RULE.—The term “rule” has the meaning
20 given that term in section 551 of title 5, United
21 States Code.

22 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to preempt or displace the disclo-
24 sure requirements under any other provision of law affect-

1 ing administrative procedure, if such requirements are not
2 inconsistent with the requirements of this section.

3 **SEC. 605. IMPROVING REGISTRATION INFORMATION FROM**
4 **AGENTS OF FOREIGN PRINCIPALS.**

5 (a) IMPROVING ONLINE ACCESS TO REGISTRATION
6 INFORMATION.—Section 6(d)(1) of the Foreign Agents
7 Registration Act of 1938 (22 U.S.C. 616(d)(1)) is amend-
8 ed by striking “in a searchable, sortable, and
9 downloadable manner” and inserting “in a format which
10 is directly searchable, sortable, downloadable, and ma-
11 chine-readable”.

12 (b) REPEALING EXEMPTION FROM REGISTRATION
13 UNDER FOREIGN AGENTS REGISTRATION ACT OF 1938
14 FOR PERSONS FILING DISCLOSURE REPORTS UNDER
15 LOBBYING DISCLOSURE ACT OF 1995.—

16 (1) REPEAL OF EXEMPTION.—Section 3 of the
17 Foreign Agents Registration Act of 1938 (22 U.S.C.
18 613) is amended by striking subsection (h).

19 (2) TIMING OF FILING OF REGISTRATION
20 STATEMENTS.—Section 2 of the Foreign Agents
21 Registration Act of 1938 (22 U.S.C. 612) is amend-
22 ed—

23 (A) in subsection (a), in the matter pre-
24 ceding paragraph (1), in the fourth sentence, by
25 striking “The registration statement shall in-

1 clude” and inserting “Except as provided in
2 subsection (h), the registration statement shall
3 include”; and

4 (B) by adding at the end the following:

5 “(h) TIMING FOR FILING OF STATEMENTS BY PER-
6 SONS REGISTERED UNDER LOBBYING DISCLOSURE ACT
7 OF 1995.—In the case of an agent of a person described
8 in section 1(b)(2) or an entity described in section 1(b)(3)
9 who has registered under the Lobbying Disclosure Act of
10 1995 (2 U.S.C. 1601 et seq.), after the agent files the
11 first registration required under subsection (a) in connec-
12 tion with the agent’s representation of such person or enti-
13 ty, the agent shall file all subsequent statements required
14 under this section at the same time, and in the same fre-
15 quency, as the reports filed with the Clerk of the House
16 of Representatives or the Secretary of the Senate (as the
17 case may be) under section 5 of the Lobbying Disclosure
18 Act of 1995 (2 U.S.C. 1604) in connection with the
19 agent’s representation of such person or entity.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect upon the expiration of the
22 30-day period which begins on the date of the enactment
23 of this Act.

1 **SEC. 606. GOVERNMENT-WIDE ENTITY IDENTIFIER.**

2 (a) AGENCY DEFINED.—In this section, the term
3 “agency” has the meaning given the term “Executive
4 agency” under section 105 of title 5, United States Code.

5 (b) REQUIREMENT FOR ALL AGENCIES TO USE A
6 GOVERNMENT-WIDE ENTITY IDENTIFIER.—The head of
7 each agency shall, to the extent practicable, require each
8 private sector entity from which the agency regularly col-
9 lects reports, filings, forms, disclosures, or other regular-
10 ized information to obtain a unique entity identifier that
11 allows the private sector entity to be identified uniquely
12 across all Federal regulatory, procurement, assistance,
13 and other reporting regimes.

14 (c) PUBLICATION OF INFORMATION CATEGORIZED
15 USING GOVERNMENT-WIDE ENTITY IDENTIFIER.—The
16 head of each agency shall, to the extent practicable, pub-
17 lish any public regulatory, procurement, assistance, and
18 other reported information categorized using the unique
19 entity identifier required under this section.

20 (d) GOVERNANCE.—The unique entity identifier re-
21 quired under this section shall be based on the global enti-
22 ty identifier issued by—

23 (1) utilities endorsed by the Regulatory Over-
24 sight Committee, whose charter was set forth by the
25 Finance Ministers and Central Bank Governors of

1 the Group of Twenty and the Financial Stability
2 Board; or

3 (2) utilities endorsed or otherwise governed by
4 the Global LEI Foundation so long as that Founda-
5 tion remains recognized by the Regulatory Oversight
6 Committee or any successor global public oversight
7 body.

8 **SEC. 607. GRANTS TRANSPARENCY REQUIREMENTS.**

9 (a) IN GENERAL.—Subtitle V of title 31, United
10 States Code, is amended by inserting after chapter 73 the
11 following:

12 **“CHAPTER 74—GRANTS TRANSPARENCY**
13 **REQUIREMENTS**

“Sec.

“Sec. 7401. Definitions.

“Sec. 7402. Pre-award evaluation requirements.

“Sec. 7403. Website relating to federal grants.

“Sec. 7404. Postdecision explanation for failed applicants.

14 **“§ 7401. Definitions**

15 “In this chapter:

16 “(1) APPLICANT.—The term ‘applicant’ means
17 an entity that submits a proposal or application for
18 a grant.

19 “(2) COMPETITIVE GRANT.—The term ‘com-
20 petitive grant’ means a discretionary grant entered
21 into through the use of merit-based selection proce-
22 dures for the purpose of allocating funds authorized
23 under a grant program of an Executive agency.

1 “(3) EXECUTIVE AGENCY.—The term ‘Execu-
2 tive agency’ has the meaning given the term in sec-
3 tion 105 of title 5, except the term does not include
4 the Government Accountability Office.

5 “(4) GRANT.—The term ‘grant’ means an
6 award of Federal financial assistance through a
7 grant agreement or cooperative agreement making
8 payment in cash or in kind to a recipient to carry
9 out a public purpose authorized by law.

10 “(5) GRANT REVIEWER.—The term ‘grant re-
11 viewer’, with respect to a grant—

12 “(A) means any individual who reviews,
13 evaluates, or participates in the decision to se-
14 lect an applicant for award of the grant; and

15 “(B) includes—

16 “(i) a peer reviewer;

17 “(ii) a merit reviewer; and

18 “(iii) a member of a technical evalua-
19 tion panel or board or a special emphasis
20 panel.

21 **“§ 7402. Pre-award evaluation requirements**

22 “(a) EVALUATION REQUIRED.—

23 “(1) IN GENERAL.—Before awarding a competi-
24 tive grant and after determining eligibility and con-
25 ducting a merit-based review, the head of an Execu-

1 tive agency shall conduct an evaluation of the risk
2 posed by an applicant to successfully carry out the
3 grant in accordance with section 200.205 of title 2,
4 Code of Federal regulations (or any successor there-
5 to).

6 “(2) REVIEW OF INTERAGENCY DUPLICA-
7 TION.—To the extent practicable, each evaluation
8 conducted under paragraph (1) shall include a re-
9 view of any interagency duplication of efforts for re-
10 search grants, which may be completed through a
11 text-similarity detection process.

12 “(b) SIMPLIFIED EVALUATION PROCEDURE FOR
13 CERTAIN APPLICANTS.—

14 “(1) COVERED APPLICANT DEFINED.—In this
15 subsection, the term ‘covered applicant’ means an
16 applicant that, based on a risk assessment conducted
17 by the Executive agency, is determined to pose a rel-
18 atively low risk of failing to execute the grant suc-
19 cessfully and properly.

20 “(2) PROCEDURE.—In conducting the evalua-
21 tion required under subsection (a) with respect to a
22 covered applicant, the head of an Executive agency
23 shall—

24 “(A) minimize the burden on the covered
25 applicant; and

1 “(B) consider any existing findings with
2 respect to the covered applicant under the sin-
3 gle audit process under chapter 75 of this title.

4 **“§ 7403. Website relating to Federal grants**

5 “(a) REQUIREMENT.—The Director of the Office of
6 Management and Budget shall consult with the head of
7 each Executive agency to upgrade grants.gov or any pro-
8 posed successor public website for finding Federal grant
9 opportunities and applying for those grants so that the
10 website—

11 “(1) may serve as a central point of informa-
12 tion and provide full access for applicants for com-
13 petitive grants; and

14 “(2) shall capture in one site, or provide elec-
15 tronic links to, other relevant databases.

16 “(b) NOTICE OF COMPETITIVE GRANT FUNDS
17 AVAILABILITY.—At the time the head of an Executive
18 agency issues a solicitation or otherwise announces the
19 availability of funds for a competitive grant, the head of
20 the Executive agency shall post on the grants website
21 maintained under this section, in a searchable electronic
22 format, relevant information about the grant opportunity,
23 including the following:

24 “(1) The grant announcement and purpose of
25 the grant.

1 “(2) The anticipated period of performance for
2 any new award and whether the Executive agency
3 anticipates that the grant will be continued.

4 “(3) In the case of an announcement with re-
5 spect to which a specific sum is reserved, the
6 amount of funds available for the grant.

7 “(4) A statement of eligibility requirements for
8 the grant.

9 “(5) Contact information for the Executive
10 agency, including the name, telephone number, and
11 electronic mail address of a specific person or per-
12 sons responsible for answering questions about the
13 grant and the application process for the grant.

14 “(6) A clear statement of the evaluation factors
15 or criteria that the Executive agency intends to use
16 to evaluate and rank grant applications or proposals
17 submitted, including the weight to be applied to each
18 factor or criterion.

19 “(7) A description of the process and standards
20 to be used by the Executive agency to determine
21 that each grant reviewer does not have a prohibited
22 conflict of interest, as defined by applicable statute
23 or regulation, with respect to the evaluation or re-
24 view of a grant application or proposal, or the deci-
25 sion to award a grant.

1 “(8) The anticipated deadline for submission of
2 grant applications or proposals.

3 “(9) A set of sample winning grant proposals
4 awarded under the same or similar program within
5 the last 3 years.

6 “(c) USE BY APPLICANTS.—The grants website
7 maintained under this section shall, to the greatest extent
8 practicable, allow applicants to—

9 “(1) use the website with any widely-used com-
10 puter platform;

11 “(2) search the website for any competitive
12 grant by purpose, funding agency, program source,
13 and other relevant criteria; and

14 “(3) apply for a competitive grant using the
15 website.

16 “(d) TECHNICAL ASSISTANCE FOR GRANTEES.—

17 “(1) IN GENERAL.—The head of each Executive
18 agency shall make available on the grants website
19 maintained under this section detailed grant guid-
20 ance and written technical assistance for applicants.

21 “(2) GRANT AWARD PROCESS INFORMATION
22 POSTED.—With respect to each grant awarded by an
23 Executive agency, the head of the Executive agency
24 shall, not later than 30 days after the date on which

1 the grant is awarded, post on the grants website
2 maintained under this section—

3 “(A) documentation explaining the basis
4 for the selection decision for the grant, the
5 number of proposals received for the grant,
6 and, with respect to the proposal that resulted
7 in the grant award, whether the grant was
8 awarded consistent with a numerical ranking or
9 other recommendations by grant reviewers; and

10 “(B) in any case in which the award of the
11 grant is not consistent with the numerical
12 rankings or any other recommendations made
13 by grant reviewers, a written justification ex-
14 plaining the rationale for the decision not to fol-
15 low the rankings or recommendations.

16 “(3) SENSITIVE INFORMATION.—

17 “(A) PERSONALLY IDENTIFIABLE INFOR-
18 MATION.—The head of each Executive agency
19 may redact any personally identifiable informa-
20 tion from a post on the grants website main-
21 tained under this section.

22 “(B) ADVERSE INFORMATION.—An Execu-
23 tive agency may not post on the grants website
24 maintained under this section any sensitive in-
25 formation that the head of the Executive agen-

1 cy determines would adversely affect an appli-
2 cant.

3 “(e) SUBMISSION AND PUBLICATION OF GRANT SO-
4 LICITATION FORECAST ON THE GRANTS WEBSITE.—

5 “(1) REQUIREMENT.—Not later than November
6 30 of each fiscal year or not later than 60 days after
7 the date on which amounts are appropriated to an
8 Executive agency for a fiscal year, whichever is later,
9 the head of the Executive agency shall post a fore-
10 cast, in accordance with paragraph (2), of any non-
11 emergency grant solicitation that the Executive
12 agency expects to issue for the following calendar
13 year, which—

14 “(A) shall be based on the best informa-
15 tion available; and

16 “(B) shall not be binding on the Executive
17 agency.

18 “(2) MATTERS INCLUDED.—The forecast re-
19 quired under paragraph (1) shall include, to the ex-
20 tent practicable, for each expected grant solicitation
21 in a machine-readable format the following:

22 “(A) A brief description of the subject and
23 purpose of the grant, organized by the organi-
24 zational unit of the Executive agency.

1 “(B) Contact information for the organiza-
2 tional unit or individual responsible for the
3 grant, if known, including name, telephone
4 number, and electronic mail address.

5 “(C) Each expected or actual date for the
6 issuance of the grant solicitation and applica-
7 tion and the grant application submission dead-
8 line.

9 “(D) The estimated amount of the average
10 grant award, the estimated maximum and min-
11 imum amounts of the grant award, if applica-
12 ble, and the estimated total number of grant
13 awards to be made.

14 “(E) A description of the total amount
15 available to be awarded.

16 “(f) PUBLICATION OF INFORMATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), nothing in this section shall be construed
19 to require the publication of information otherwise
20 exempt from disclosure under section 552 of title 5
21 (commonly referred to as the ‘Freedom of Informa-
22 tion Act’).

23 “(2) LIMITATION.—The exemption under sec-
24 tion 552(b)(5) of title 5 shall not exempt from publi-
25 cation predecisional documents required to be posted

1 pursuant to the requirements under subsection
2 (d)(2).

3 “(g) TRANSPARENCY OF INFORMATION.—To the ex-
4 tent practicable, the grants website maintained under this
5 section shall do the following:

6 “(1) Make available information described in
7 this section—

8 “(A) in its original format; and

9 “(B) without charge, license, or registra-
10 tion requirement.

11 “(2) Permit the information described in this
12 section to be—

13 “(A) searched;

14 “(B) downloaded in bulk;

15 “(C) disseminated via automatic electronic
16 means; and

17 “(D) freely shared by the public, such as
18 by social media.

19 “(3) Use permanent uniform resource locators
20 for the information described in this section.

21 “(4) Provide an opportunity for the public to
22 provide input about the usefulness of the site and
23 recommendations for improvements.

1 **“§ 7404. Postdecision explanation for failed appli-**
 2 **cants**

3 “If requested by an applicant for a competitive grant,
 4 for each grant award made in an amount in excess of
 5 \$100,000 pursuant to a merit-based selection procedure,
 6 an Executive agency shall provide the applicant with a
 7 timely direct interaction describing the basis for the award
 8 decision of the Executive agency, including, if applicable,
 9 the decision not to award a grant to the applicant.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
 11 at the beginning of subtitle V of title 31, United States
 12 Code, is amended by inserting after the item relating to
 13 chapter 73 the following:

“74. Grant transparency requirements 7401”.

14 (c) INSPECTOR GENERAL REVIEW OF PEER REVIEW
 15 PROCESS.—

16 (1) REVIEW.—Not later than 18 months after
 17 the date of the enactment of this Act, the Inspector
 18 General of each Executive agency that awards com-
 19 petitive grants shall conduct a review of the effec-
 20 tiveness of the conflicts of interest policy of the Ex-
 21 ecutive agency, including a review of a random selec-
 22 tion of peer review processes, with respect to the
 23 peer review process for competitive grants in order
 24 to detect favoritism.

1 (2) DEFINITIONS.—In this subsection, the
2 terms “competitive grant” and “Executive agency”
3 have the meaning given those terms in section 7401
4 of title 31, United States Code, as added by sub-
5 section (a).

6 (d) GRANTS WORKFORCE REPORT.—

7 (1) DEFINITIONS.—In this subsection:

8 (A) EXECUTIVE AGENCY.—The term “Ex-
9 ecutive agency” has the meaning given the term
10 in section 105 of title 5, United States Code,
11 except the term does not include the Govern-
12 ment Accountability Office.

13 (B) FEDERAL GRANTS WORKFORCE.—The
14 term “Federal grants workforce”, with respect
15 to an Executive agency, means each employee
16 of the Executive agency who spends some or all
17 of their time engaged in any of the following:

18 (i) Grant planning, including any pro-
19 grammatic activity.

20 (ii) Preparing grant solicitations, No-
21 tices of Funding Opportunity, Notices In-
22 viting Applications, or other requests for
23 grant proposals.

1 (iii) Evaluating or reviewing grant ap-
2 plications, including serving on a peer re-
3 view board.

4 (iv) Monitoring or administering grant
5 performance by grantees.

6 (v) Preparing the Notice of Award
7 and negotiating terms and conditions.

8 (vi) Post-award closeout activities, in-
9 cluding final technical and financial re-
10 ports.

11 (2) REPORT.—Not later than 180 days after
12 the date of enactment of this Act, the Comptroller
13 General of the United States shall submit to the
14 Committee on Homeland Security and Governmental
15 Affairs of the Senate and the Committee on Over-
16 sight and Accountability of the House of Represent-
17 atives a report on the Federal grants workforce,
18 which shall address the following:

19 (A) The size of the Federal grants work-
20 force and expected trends in Federal employ-
21 ment for the Federal grants workforce.

22 (B) The adequacy of training opportunities
23 for the Federal grants workforce.

24 (C) Whether the Federal Acquisition Insti-
25 tute or any other existing entity engaged in ac-

1 quisition workforce training should be made
2 available for grant training.

3 (D) Whether a warrant system similar to
4 that used in the Federal acquisition system
5 should be established for Federal officials au-
6 thorized to award grants.

7 (E) The use by Executive agencies of sus-
8 pension and debarment actions taken against
9 grantees during the 3-year period preceding the
10 date on which the report is submitted, and the
11 level of agency resources assigned to the sus-
12 pension and debarment functions.

13 (F) Any recommendations for improving
14 the Federal grants workforce.

15 **Subtitle B—Publication of** 16 **Opinions of Office of Legal Counsel**

17 **SEC. 611. SHORT TITLE.**

18 This subtitle may be cited as the “See UNdisclosed
19 Legal Interpretations and Get Honest Transparency Act
20 of 2024” or as the “SUNLIGHT Act of 2024”.

21 **SEC. 612. SCHEDULE OF PUBLICATION FOR FINAL OLC** 22 **OPINIONS.**

23 Each final opinion issued by the Office of Legal
24 Counsel must be made publicly available in its entirety as
25 soon as is practicable, but—

1 (1) not later than 30 days after the opinion is
2 issued or updated if such action takes place on or
3 after the date of enactment of this Act;

4 (2) not later than 1 year after the date of en-
5 actment of this Act for an opinion issued on or after
6 January 20, 1993;

7 (3) not later than 2 years after the date of en-
8 actment of this Act for an opinion issued on or after
9 January 20, 1981 and before or on January 19,
10 1993;

11 (4) not later than 3 years after the date of en-
12 actment of this Act for an opinion issued on or after
13 January 20, 1969 and before or on January 19,
14 1981; and

15 (5) not later than 4 years after the date of en-
16 actment of this Act for all other opinions.

17 **SEC. 613. EXCEPTIONS AND LIMITATION ON PUBLIC AVAIL-**
18 **ABILITY OF FINAL OLC OPINIONS.**

19 (a) IN GENERAL.—A final OLC opinion or part
20 thereof may be withheld only to the extent—

21 (1) information contained in the opinion was—

22 (A) specifically authorized to be kept se-
23 cret, under criteria established by an Executive
24 order, in the interest of national defense or for-
25 eign policy;

1 (B) in fact properly classified, including all
2 procedural and marking requirements, pursuant
3 to such Executive order;

4 (C) the Attorney General determines that
5 the national defense or foreign policy interests
6 protected outweigh the public's interest in ac-
7 cess to the information; and

8 (D) has been put through declassification
9 review within the past two years.

10 (2) information contained in the opinion relates
11 to the appointment of a specific individual not con-
12 firmed to Federal office;

13 (3) information contained in the opinion is spe-
14 cifically exempted from disclosure by statute (other
15 than sections 552 and 552b of title 5, United States
16 Code), provided that such statute—

17 (A) requires that the material be withheld
18 in such a manner as to leave no discretion on
19 the issue; or

20 (B) establishes particular criteria for with-
21 holding or refers to particular types of material
22 to be withheld;

23 (4) information in the opinion includes trade se-
24 crets and commercial or financial information ob-
25 tained from a person and privileged or confidential

1 whose disclosure would likely cause substantial harm
2 to the competitive position of the person from whom
3 the information was obtained;

4 (5) the President, in his or her sole and non-
5 delegable determination, formally and personally
6 claims in writing that executive privilege prevents
7 the release of the information and disclosure would
8 cause specific identifiable harm to an interest pro-
9 tected by an exception or the disclosure is prohibited
10 by law; or

11 (6) information in the opinion includes per-
12 sonnel and medical files and similar files the dislo-
13 sure of which would constitute a clearly unwarranted
14 invasion of personal privacy.

15 (b) DETERMINATION TO WITHHOLD.—Any deter-
16 mination under this section to withhold information con-
17 tained in a final OLC opinion must be made by the Attor-
18 ney General or a designee of the Attorney General. The
19 determination shall be—

20 (1) in writing;

21 (2) made available to the public within the
22 same timeframe as is required of a formal OLC
23 opinion;

1 (3) sufficiently detailed as to inform the public
2 of what kind of information is being withheld and
3 the reason therefore; and

4 (4) effective only for a period of 3 years, sub-
5 ject to review and reissuance, with each reissuance
6 made available to the public.

7 (c) FINAL OPINIONS.—For final OLC opinions for
8 which the text is withheld in full or in substantial part,
9 a detailed unclassified summary of the opinion must be
10 made available to the public, in the same timeframe as
11 required of the final OLC opinion, that conveys the es-
12 sence of the opinion, including any interpretations of a
13 statute, the Constitution, or other legal authority. A nota-
14 tion must be included in any published list of OLC opin-
15 ions regarding the extent of the withholdings.

16 (d) NO LIMITATION ON RELIEF.—A decision by the
17 Attorney General to release or withhold information pur-
18 suant to this Act shall not preclude any action or relief
19 conferred by statutory or regulatory regime that empowers
20 any person to request or demand the release of informa-
21 tion.

22 (e) REASONABLY SEGREGABLE PORTIONS OF OPIN-
23 IONS TO BE PUBLISHED.—Any reasonably segregable por-
24 tion of an opinion shall be provided after withholding of
25 the portions which are exempt under this subsection. The

1 amount of information withheld, and the exemption under
2 which the withholding is made, shall be indicated on the
3 released portion of the opinion, unless including that indi-
4 cation would harm an interest protected by the exemption
5 in this subsection under which the withholding is made.
6 If technically feasible, the amount of the information with-
7 held, and the exemption under which the withholding is
8 made, shall be indicated at the place in the opinion where
9 such withholding is made.

10 **SEC. 614. METHOD OF PUBLICATION.**

11 The Attorney General shall publish each final OLC
12 opinion to the extent the law permits, including by pub-
13 lishing the opinions on a publically accessible website
14 that—

15 (1) with respect to each opinion—

16 (A) contains an electronic copy of the opin-
17 ion, including any transmittal letter associated
18 with the opinion, in an open format that is plat-
19 form independent and that is available to the
20 public without restrictions;

21 (B) provides the public the ability to re-
22 trieve an opinion, to the extent practicable,
23 through searches based on—

24 (i) the title of the opinion;

1 (ii) the date of publication or revision;

2 or

3 (iii) the full text of the opinion; and

4 (C) identifies the time and date when the

5 opinion was required to be published, and when

6 the opinion was transmitted for publication;

7 and

8 (D) provides a permanent means of access-

9 ing the opinion electronically;

10 (2) includes a means for bulk download of all

11 OLC opinions or a selection of opinions retrieved

12 using a text-based search;

13 (3) provides free access to the opinions, and

14 does not charge a fee, require registration, or impose

15 any other limitation in exchange for access to the

16 website; and

17 (4) is capable of being upgraded as necessary to

18 carry out the purposes of this Act.

19 **SEC. 615. INDEX OF OPINIONS.**

20 (a) PUBLICATION OF INDEX.—

21 (1) IN GENERAL.—The Office of Legal Counsel

22 shall publish a complete list of final OLC opinions,

23 arranged chronologically, within 90 days of the date

24 of the enactment of this Act.

1 (2) UPDATES AND REVISIONS.—The list of
2 opinions shall be updated immediately every time an
3 OLC opinion becomes final, and a revision to an
4 opinion shall be listed as if it were a new opinion.

5 (b) REQUIREMENTS FOR LIST.—Each list under sub-
6 section (a) shall comply with the following:

7 (1) The list must be made available to the pub-
8 lic by publication on the website under section 614.

9 (2) The list shall—

10 (A) include, for each opinion—

11 (i) the full name of the opinion;

12 (ii) the date it was finalized or re-
13 vised;

14 (iii) each author’s name;

15 (iv) each recipient’s name;

16 (v) a summary of the opinion;

17 (vi) a unique identifier assigned to
18 each final or revised opinion; and

19 (vii) whether an opinion has been
20 withdrawn; and

21 (B) be published in both human-readable
22 and machine-readable formats.

23 **SEC. 616. PRIVATE RIGHT OF ACTION.**

24 On complaint, the district court of the United States
25 in the district in which the complainant resides, or has

1 his principal place of business, or in the District of Colum-
2 bia, has jurisdiction to enjoin the agency from withholding
3 information contained in a final OLC opinion and to order
4 the production of information improperly withheld from
5 the complainant. In such a case the court shall determine
6 the matter de novo, and may examine the contents of such
7 OLC opinion in camera to determine whether such infor-
8 mation or any part thereof shall be withheld under any
9 of the exemptions set forth in section 613, and the burden
10 is on the agency to sustain its action.

11 **SEC. 617. SEVERABILITY.**

12 If any provision of this subtitle, any amendment
13 made by this subtitle, or the application thereof to any
14 person or circumstances is held invalid, the validity of the
15 remainder of this subtitle, of any such amendments, and
16 of the application of such provisions to other persons and
17 circumstances shall not be affected thereby.

18 **SEC. 618. DEFINITIONS.**

19 (a) OLC OPINION.—The term “OLC opinion” means
20 views on a matter of legal interpretation communicated
21 by the Office of Legal Counsel of the Department of Jus-
22 tice to any other office or agency, or person in an office
23 or agency, in the Executive Branch, including any office
24 in the Department of Justice, the White House, or the
25 Executive Office of the President, and rendered in accord-

1 ance with sections 511–513 of title 28, United States
2 Code. Where the communication of the legal interpretation
3 takes place verbally, a memorialization of that communica-
4 tion qualifies as an “OLC opinion”.

5 (b) FINAL OLC OPINION.—The term “final OLC
6 opinion” means an OLC opinion that—

7 (1) the Attorney General, Assistant Attorney
8 General for OLC, or a Deputy Assistant General for
9 OLC, has determined is final;

10 (2) government officials or government contrac-
11 tors are relying on;

12 (3) is relied upon to formulate legal guidance;
13 or

14 (4) is directly or indirectly cited in another Of-
15 fice of Legal Counsel opinion.

16 (c) REVISED OLC OPINION.—The term “revised
17 OLC opinion” means an OLC opinion that is withdrawn,
18 information is added to, or information is removed from.

19 **Subtitle C—Contempt of Congress** 20 **Procedures and Enforcement**

21 **SEC. 621. AVAILABILITY OF CIVIL ACTION TO ENFORCE** 22 **HOUSE OF REPRESENTATIVES SUBPOENAS.**

23 (a) CIVIL ACTION.—The House of Representatives
24 may in a civil action obtain any appropriate relief to en-
25 force compliance with a subpoena or order of the House,

1 or to enforce compliance with a subpoena or order issued
2 by a committee or subcommittee of the House authorized
3 to issue a subpoena or order, if the House by resolution
4 authorizes the commencement of that civil action.

5 (b) REPRESENTATION BY GENERAL COUNSEL.—Un-
6 less the House otherwise provides, the Office of the Gen-
7 eral Counsel of the House of Representatives shall rep-
8 resent the House in the civil action.

9 (c) PERSONAL JURISDICTION.—Personal jurisdiction
10 of the court over a defendant in a civil action under this
11 section extends outside the territorial jurisdiction of the
12 court if the claim—

13 (1) arose out of conduct by the defendant—

14 (A) within that territorial jurisdiction, or

15 (B) causing any injury, including informa-
16 tional injury to the right of the House to make
17 an investigation, within that territorial jurisdic-
18 tion; or

19 (2) otherwise has a reasonable relationship to
20 contacts of the defendant with the territorial jurisdic-
21 tion.

22 (d) ASSESSMENT OF COMPETING INTERESTS.—

23 (1) IN GENERAL.—In any civil action brought
24 under this section, if the court has determined that
25 the information or material which is the subject of

1 the subpoena or order involved is presumptively priv-
2 ileged based upon the President's generalized inter-
3 est in confidentiality, the House may overcome this
4 presumption by showing that—

5 (A) the House, or a committee or sub-
6 committee thereof, has a specific need for the
7 information or material in order to carry out its
8 constitutional obligations; and

9 (B) the information is not otherwise avail-
10 able.

11 (2) ENFORCEMENT.—If the court determines
12 that the House, or a committee or subcommittee
13 thereof, has made the showing described in para-
14 graph (1), it shall enforce the subpoena or order in-
15 volved.

16 (e) EXPEDITION OF TRIAL AND APPELLATE PRO-
17 CEEDINGS.—The court shall hear and determine a civil ac-
18 tion under this section as expeditiously as possible, and
19 to the maximum extent practicable during the Congress
20 in which the action is commenced. Any appellate pro-
21 ceedings relating to such a civil action shall similarly be
22 expedited to assure to the extent possible that the matter
23 is fully resolved during the Congress in which the action
24 was commenced.

1 **SEC. 622. ALTERNATE PROCEDURES FOR ENFORCEMENT**
2 **OF CRIMINAL CONTEMPT OF CONGRESS.**

3 (a) ALTERNATE PROCEDURE.—

4 (1) SCOPE OF APPLICATION.—If the House of
5 Representatives finds a current or former officer or
6 employee of the Executive branch has violated sec-
7 tion 102 of the Revised Statutes of the United
8 States (2 U.S.C. 192) or that any person has vio-
9 lated such section at the direction of the President
10 or another officer of the Executive branch, the pro-
11 cedures of this section apply.

12 (2) CERTIFICATION BY SPEAKER.—In accord-
13 ance with section 104 of the Revised Statutes of the
14 United States (2 U.S.C. 194), upon the finding by
15 the House of Representatives of a violation to which
16 this section applies, the Speaker shall certify that
17 finding to the appropriate United States attorney,
18 whose duty it shall be to bring the matter before the
19 grand jury for its action.

20 (3) CIRCUMSTANCES LEADING TO APPOINT-
21 MENT OF SPECIAL COUNSEL.—If—

22 (A) the Attorney General or the United
23 States attorney to whom the finding was cer-
24 tified informs the court or the House that the
25 Department of Justice will not prosecute the
26 case; or

1 (B) by the end of the 30th day after the
2 date of receipt of a certification made under
3 paragraph (2) a grand jury has not returned an
4 indictment based on the violation alleged in the
5 certification;

6 the Special Division established under subsection (b)
7 (hereinafter in this Act referred to as the “Special
8 Division”) shall appoint a special counsel under sub-
9 section (c). It shall be the duty of the Attorney Gen-
10 eral to inform that court and the House if a grand
11 jury does not return an indictment by the end of the
12 30-day period. The Speaker of the House, or any in-
13 terested congressional party, may file with the Spe-
14 cial Division a suggestion that circumstances giving
15 rise to a duty to appoint a special counsel have oc-
16 curred after the 30-day period ends without the re-
17 turn of an indictment.

18 (b) SPECIAL DIVISION.—

19 (1) ESTABLISHMENT.—There is hereby estab-
20 lished within the United States Court of Appeals for
21 the District of Columbia a Special Division to carry
22 out the appointment of special counsels under this
23 section.

24 (2) DESIGNATION.—

1 (A) IN GENERAL.—The Chief Justice of
2 the United States shall designate three judges
3 or justices of the United States, one of whom
4 shall be an active judge of the United States
5 Court of Appeals for the District of Columbia,
6 to serve on the Special Division, except that
7 none of the judges or justices serving on the
8 Special Division may serve or have served on
9 the same court.

10 (B) PRIORITY.—In designating judges and
11 justices to serve on the Special Division, the
12 Chief Justice shall give priority to senior circuit
13 judges and retired justices of the United States
14 Supreme Court.

15 (C) DEADLINE.—The Chief Justice shall
16 make the first such designation not later than
17 45 days after the date of the enactment of this
18 Act.

19 (3) TERM OF SERVICE.—Each designation to
20 the Special Division shall be for a term of 2 years,
21 but the Chief Justice may fill any vacancy arising
22 before the end of a term for the remainder of that
23 term.

24 (c) APPOINTMENT, QUALIFICATIONS, AND PROSECU-
25 TORIAL JURISDICTION OF SPECIAL COUNSEL, AND AD-

1 MINISTRATIVE MATTERS RELATING TO THE SPECIAL
2 COUNSEL.—

3 (1) APPOINTMENT, QUALIFICATIONS, AND
4 PROSECUTORIAL JURISDICTION OF SPECIAL COUN-
5 SEL.—

6 (A) APPOINTMENT AND QUALIFICA-
7 TIONS.—The Special Division shall appoint the
8 special counsel, who must be an attorney in
9 good standing with substantial prosecutorial ex-
10 perience—

11 (i) who has not served in any capacity
12 in the administration of the President who
13 is or who was in office at the time the
14 Speaker of the House certified the finding
15 of a violation; and

16 (ii) who is or who was not a Member,
17 officer, or employee of Congress at the
18 time the Speaker of the House certified the
19 finding of a violation.

20 (B) PROSECUTORIAL JURISDICTION.—The
21 Special Division shall define the special coun-
22 sel's prosecutorial jurisdiction as comprising the
23 investigation and prosecution of the alleged vio-
24 lation, any conspiracy to commit the alleged
25 violation, and any perjury, false statement, or

1 obstruction of justice occurring in relation to
2 such investigation and prosecution.

3 (2) AUTHORITY OF SPECIAL COUNSEL WITH
4 RESPECT TO MATTERS WITHIN PROSECUTORIAL JU-
5 RISDICTION.—With respect to all matters in that
6 special counsel’s prosecutorial jurisdiction, a special
7 counsel appointed under this section shall have full
8 power and independent authority to exercise all pros-
9 ecutorial functions and powers, and any other func-
10 tions and powers normally ancillary thereto, of the
11 Department of Justice, the Attorney General, and
12 any other officer or employee of the Department of
13 Justice, except that the Attorney General shall exer-
14 cise direction or control as to those matters that spe-
15 cifically require the Attorney General’s personal ac-
16 tion under section 2516 of title 18, United States
17 Code.

18 (3) COMPLIANCE WITH POLICIES OF THE DE-
19 PARTMENT OF JUSTICE.—

20 (A) IN GENERAL.—A special counsel shall,
21 except to the extent that to do so would be in-
22 consistent with the purposes of this section,
23 comply with the written or other established
24 policies of the Department of Justice respecting
25 enforcement of the criminal laws.

1 (B) NATIONAL SECURITY.—A special coun-
2 sel shall comply with guidelines and procedures
3 used by the Department in the handling and
4 use of classified material.

5 (4) SALARY.—The special counsel shall receive
6 a salary equivalent to the salary of the United
7 States Attorney for the District of Columbia.

8 (5) STAFF.—The special counsel may appoint
9 and fix the salaries of such staff, not to exceed 12
10 in number, as the special counsel deems necessary to
11 carry out the functions of the special counsel under
12 this section. However, no salary of a member of such
13 staff may exceed the salary of the special counsel.

14 (6) EXPENSES.—The Department of Justice
15 shall pay all costs relating to the establishment and
16 operation of any office of special counsel. The Attor-
17 ney General shall submit to the Congress, not later
18 than 30 days after the end of each fiscal year, a re-
19 port on amounts paid during that fiscal year for ex-
20 penses of investigations and prosecutions the special
21 counsel.

22 (7) REPORT TO CONGRESS.—Each special coun-
23 sel shall report to Congress annually on the special
24 counsel's activities under this section. The report
25 shall include a description of the progress of any in-

1 investigation or prosecution conducted by the special
2 counsel and provide information justifying the costs
3 of the activities reported on.

4 (d) REMOVAL OF SPECIAL COUNSEL.—

5 (1) IN GENERAL.—A special counsel may be re-
6 moved from office, other than by impeachment and
7 conviction, only by the personal action of the Attor-
8 ney General, and only for good cause, physical or
9 mental disability, or any other condition that sub-
10 stantially impairs the performance of that special
11 counsel's duties.

12 (2) REPORT UPON REMOVAL.—If a special
13 counsel is removed from office, the Attorney General
14 shall promptly submit to the Special Division and to
15 Congress a report specifying the facts found and the
16 ultimate grounds for the removal.

17 (3) JUDICIAL REVIEW OF REMOVAL.—A special
18 counsel removed from office may obtain judicial re-
19 view of the removal in a civil action. The Special Di-
20 vision may not hear or determine any appeal of a de-
21 cision in any such civil action. The special counsel
22 may be reinstated or granted other appropriate relief
23 by order of the court.

24 (4) APPOINTMENT OF REPLACEMENT.—Upon
25 removal of a special counsel, the Special Division

1 shall appoint a similarly qualified individual to con-
2 tinue the functions of the special counsel.

3 (e) TERMINATION OF SPECIAL COUNSEL'S AUTHOR-
4 ITY.—

5 (1) IN GENERAL.—The authority of the special
6 counsel shall cease 2 years after the date of the spe-
7 cial counsel's appointment, but the Special Division
8 may extend that authority for an additional period
9 not to exceed one year, if the Special Division finds
10 good cause to do so. Good cause to do so includes
11 that the investigation or prosecution undertaken by
12 the special counsel has been delayed by dilatory tac-
13 tics by persons who could provide evidence that
14 would significantly assist the investigation or pros-
15 ecution, and also includes the need to allow the spe-
16 cial counsel to participate in any appellate pro-
17 ceedings related to prosecutions engaged in by the
18 special counsel.

19 (2) TERMINATION BY COURT.—The Special Di-
20 vision, either on the Special Division's own motion
21 or upon the request of the Attorney General, may
22 terminate an office of special counsel at any time, on
23 the ground that the investigation of all matters with-
24 in the prosecutorial jurisdiction of such special coun-
25 sel, and any resulting prosecutions, have been com-

1 pleted or so substantially completed that it would be
2 appropriate for the Department of Justice to com-
3 plete such investigations and prosecutions.

4 **SEC. 623. INCREASE IN PENALTY FOR CONTEMPT OF CON-**
5 **GRESS.**

6 Section 102 of the Revised Statutes of the United
7 States (2 U.S.C. 192) is amended by striking “deemed”
8 and all that follows through “twelve months” and insert-
9 ing “fined not more than \$1,000,000 or imprisoned not
10 more than 2 years, or both”.

11 **SEC. 624. AUTHORITY OF UNITED STATES CAPITOL POLICE**
12 **TO ENFORCE CITATIONS.**

13 (a) AUTHORITY.—Section 9B(a) of the Act entitled
14 “An Act to define the area of the United States Capitol
15 Grounds, to regulate the use thereof, and for other pur-
16 poses”, approved July 31, 1946 (2 U.S.C. 1967(a)), is
17 amended—

18 (1) by striking “and” at the end of paragraph

19 (4);

20 (2) by striking the period at the end of para-
21 graph (5) and inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(6) within any area, to enforce a citation
25 issued with respect to a violation of section 102 of

1 the Revised Statutes of the United States which re-
2 lates to the House of Representatives, or any cita-
3 tion issued with respect to a resolution adopted by
4 the House citing a person for contempt of the
5 House.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply with respect to citations issued
8 on or after the expiration of the 90-day period which be-
9 gins on the date of the enactment of this Act.

10 **SEC. 625. COLLECTION OF PENALTIES IMPOSED BY THE**
11 **HOUSE OF REPRESENTATIVES ON PERSONS**
12 **CITED FOR CONTEMPT OF HOUSE.**

13 (a) CIVIL ACTION.—If the House of Representatives
14 adopts a resolution citing a person for contempt of the
15 House, the House may commence a civil action to collect
16 a monetary penalty from the person if the House by subse-
17 quent resolution authorizes the commencement of that
18 civil action.

19 (b) REPRESENTATION BY GENERAL COUNSEL.—Un-
20 less the House otherwise provides, the Office of the Gen-
21 eral Counsel of the House of Representatives shall rep-
22 resent the House in the civil action.

23 (c) PERSONAL JURISDICTION.—Personal jurisdiction
24 of the court over a defendant in a civil action under this

1 section extends outside the territorial jurisdiction of the
2 court if the claim—

3 (1) arose out of conduct by the defendant—

4 (A) within that territorial jurisdiction; or

5 (B) causing any injury, including informa-
6 tional injury to the right of the House to make
7 an investigation, within that territorial jurisdic-
8 tion; or

9 (2) otherwise has a reasonable relationship to
10 contacts of the defendant with the territorial juris-
11 diction.

12 (d) EXPEDITION OF TRIAL AND APPELLATE PRO-
13 CEEDINGS.—The court shall hear and determine a civil ac-
14 tion under this section as expeditiously as possible, and
15 to the maximum extent practicable during the Congress
16 in which the action is commenced. Any appellate pro-
17 ceedings relating to such a civil action shall similarly be
18 expedited to assure to the extent possible that the matter
19 is fully resolved during the Congress in which the action
20 was commenced.

21 **SEC. 626. NO EFFECT OF EXPIRATION OF CONGRESS ON**
22 **PENDING ACTIONS.**

23 Any civil action commenced by the House of Rep-
24 resentatives pursuant to this subtitle, and the authority
25 of the Office of the General Counsel of the House of Rep-

1 representatives with respect to the action, shall not be ren-
2 dered moot or otherwise affected as the result of the expi-
3 ration of the Congress in which the House commenced the
4 action.

5 **Subtitle D—Promoting Account-**
6 **ability and Security in Transi-**
7 **tions**

8 **SEC. 631. SHORT TITLE.**

9 This subtitle may be cited as the “Promoting Ac-
10 countability and Security in Transitions Act of 2024” or
11 the “PAST Act of 2024”.

12 **SEC. 632. SENSE OF CONGRESS.**

13 The sense of Congress is the following:

14 (1) The preservation of Presidential records (as
15 defined in section 2201 of title 44, United States
16 Code) is a legal obligation for every Presidential ad-
17 ministration, as Presidential records are the most
18 important and widely used source for studying how
19 the executive branch of the Federal Government
20 works, how it has changed over time, and how it
21 might evolve to serve the needs of a new era.

22 (2) The preservation of Presidential records is
23 therefore vital for—

24 (A) the public to be able to understand
25 and learn from the past;

1 (B) future policymaking to build on the
2 past administration’s successes and experience;

3 (C) ensuring accountability for results,
4 performance, and conduct; and

5 (D) other purposes that serve to strength-
6 en American democracy.

7 (3) Any effort to destroy, alter, or remove Pres-
8 idential records in violation of chapter 22 of title 44,
9 United States Code—

10 (A) threatens the values described in para-
11 graph (2); and

12 (B) may subject a person engaging in such
13 efforts to other criminal penalties under section
14 641 or 2071 of title 18, United States Code.

15 (4) The lawful disposal of Presidential records
16 that no longer have administrative, historical, infor-
17 mational, or evidentiary value must follow a process
18 as described in section 2203 of title 44, United
19 States Code.

20 (5) What constitutes a Presidential record is
21 determined solely by whether the record relates to
22 the “carrying out of constitutional, statutory, or
23 other official or ceremonial duties of the President”,
24 as indicated in the definition of the term “Presi-
25 dential records” in section 2201 of title 44, United

1 States Code, and by the content of the information
2 contained in the record.

3 (6) For communication between agencies and
4 the Executive Office of the President, the copy of
5 the record belonging to the agency is retained as an
6 agency record pursuant to section 3301 of title 44,
7 United States Code.

8 (7) Consistent with section 2203 of title 44,
9 United States Code, any Presidential records created
10 with non-official electronic media shall be “pre-
11 served”, which includes a comprehensive documenta-
12 tion of all records and associated metadata and at-
13 tachments.

14 (8) Applications or software with an automatic
15 deleting functionality are antithetical to the legal
16 and historical obligations described under chapter 22
17 of title 44, United States Code.

18 (9) Periods of Presidential transition are mo-
19 ments where the national security of the United
20 States is most vulnerable, necessitating an early,
21 good faith, and consistent commitment by the out-
22 going administration to ensure continuity of oper-
23 ations as it relates to national security and pro-
24 tecting critical infrastructure, among other reasons.

1 (10) Agencies and the Executive Office of the
2 President are required by law to cooperate with the
3 Archivist of the United States and the Federal
4 Transition Coordinator of the General Service Ad-
5 ministration, who is tasked with ensuring agencies
6 comply with all statutory requirements relating to
7 transition planning under section 4(c) of the Presi-
8 dential Transition Act of 1963 (3 U.S.C. 102 note).

9 (11) During a Presidential transition, Presi-
10 dential records, which contain valuable information
11 regarding agreements or negotiations with foreign
12 governments and international organizations and the
13 actions and beliefs of foreign nations or actors are
14 of enormous value to the national security.

15 (12) Any effort to delay briefings, coordination,
16 and sharing information regarding key national se-
17 curity relationships, threats, and operations with an
18 incoming administration or the destruction, removal,
19 or alteration of Presidential records that attest to
20 the information described in this section could pose
21 a grave danger to the national security.

22 (13) An expeditious ascertainment of the plau-
23 sible President-elect and Vice-President-elect by the
24 Administrator of General Services plays a vital role
25 in ensuring continuity of Government and protecting

1 national security such that the risk of redundant ex-
2 penditure is overwhelmed by the advantages of an
3 early access to transition resources to allow for tran-
4 sition planning.

5 (14) The National Archives and Records Ad-
6 ministration plays an essential role in ensuring the
7 official proceedings of Government are documented
8 to improve democracy in the United States, protect
9 national security, provide continuity of Government
10 during a transition, and promote accountability for
11 actions taking during a Presidency.

12 (15) The robust funding of the National Ar-
13 chives and Records Administration and protection of
14 its officers and employees from political interference
15 is a national imperative and must be a priority for
16 Congress.

17 **SEC. 633. DEFINITIONS.**

18 Section 2201 of title 44, United States Code, is
19 amended—

20 (1) in paragraph (1), by inserting “, and in-
21 cludes the metadata associated with all such mate-
22 rial” before the period; and

23 (2) by adding at the end the following:

24 “(6) The term ‘electronic messaging account’
25 includes electronic mail, chat or instant messaging,

1 text messaging, voicemail messaging, and other mes-
2 saging platforms or apps, such as social media or
3 mobile applications, among other applications.

4 “(7) The term ‘official electronic messaging ac-
5 count’ includes electronic messaging accounts pro-
6 vided by an executive agency or the Executive Office
7 of the President.

8 “(8) The term ‘dispose’, with respect to docu-
9 mentary material, means to remove, deface, alter,
10 corrupt, delete, erase, or otherwise destroy the docu-
11 mentary material.”.

12 **SEC. 634. MANAGEMENT AND CUSTODY OF PRESIDENTIAL**
13 **RECORDS.**

14 (a) IN GENERAL.—Section 2203 of title 44, United
15 States Code, is amended—

16 (1) by redesignating subsections (e), (f), and
17 (g) as subsections (g), (h), and (i), respectively;

18 (2) by redesignating subsection (d) as sub-
19 section (e);

20 (3) by striking subsection (e) and inserting the
21 following:

22 “(c) The President shall obtain the advice of the Ar-
23 chivist in applying standards, procedures, and techniques
24 designed to—

25 “(1) improve the management of records;

1 “(2) promote the maintenance and security of
2 records determined appropriate for preservation; and

3 “(3) facilitate the segregation and disposal of
4 records of temporary value.

5 “(d)(1) During the President’s term of office, if the
6 President wishes to dispose of those Presidential records
7 of such President that no longer have administrative, his-
8 torical, informational, or evidentiary value—

9 “(A) the President shall request, in writing, the
10 views of the Archivist concerning the proposed dis-
11 posal of such Presidential records; and

12 “(B) the Archivist shall indicate, in writing,
13 whether the Archivist intends to take any action
14 under subsection (g) of this section with respect to
15 the Presidential records.

16 “(2) Not later than 5 business days after the date
17 on which the Archivist provides a written indication under
18 paragraph (1)(B), the Archivist shall make publicly avail-
19 able on a website any communications received or sent by
20 the Archivist regarding the potential disposal of Presi-
21 dential records under paragraph (1).”;

22 (4) in subsection (e), as so redesignated—

23 (A) by striking “subsection (c)” and in-
24 serting “subsection (d)”; and

1 (B) by striking “subsection (e)” and in-
2 serting “subsection (g)”; and

3 (5) by inserting after subsection (e), as so re-
4 designated, the following:

5 “(f) In January of each even-numbered year, the Ar-
6 chivist shall, in coordination with the Office of Administra-
7 tion of the Executive Office of the President, submit to
8 the Chairman and Ranking Member of each committee of
9 jurisdiction of either House of Congress, of the Committee
10 on Appropriations of the Senate, and of the Committee
11 on Appropriations of the House of Representatives and to
12 the President a report that—

13 “(1) is based on inspections conducted by the
14 Archivist, in coordination with the Office of Admin-
15 istration of the Executive Office of the President, of
16 the Presidential records management programs of
17 the Executive Office of the President; and

18 “(2) evaluates—

19 “(A) the records management activities
20 and training conducted and standard operating
21 procedures and guidance issued pursuant to
22 this section; and

23 “(B) responses to any recommendations
24 resulting from inspections or studies conducted
25 under this section.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 2105(a)(2) of title 44, United
3 States Code, is amended by striking “paragraph
4 (f)(2)” and inserting “subsection (i)(2)”.

5 (2) Chapter 22 of title 44, United States Code,
6 is amended—

7 (A) in section 2204(b)(2)(A), by striking
8 “section 2203(d)(1)” and inserting
9 “2203(i)(1)”; and

10 (B) in section 2206(1), by striking “sec-
11 tion 2203(f)(3)” and inserting “section
12 2203(i)(4)”.

13 **SEC. 635. RESTRICTIONS ON ACCESS TO PRESIDENTIAL**
14 **RECORDS.**

15 Section 2204 of title 44, United States Code, is
16 amended—

17 (1) in subsection (b)(3), by striking “shall not
18 be subject to judicial review, except as provided” and
19 inserting “shall be subject to judicial review, includ-
20 ing as provided”; and

21 (2) in subsection (e)—

22 (A) by inserting “(1)” before “The United
23 States”; and

24 (B) by adding at the end the following:

1 “(2)(A) A person seeking access to a Presidential
2 record to which access is restricted under subsection (a)
3 may file an action in the United States District Court for
4 the District of Columbia seeking release of the Presi-
5 dential record.

6 “(B) In an action filed under subparagraph (A), the
7 court shall direct the release of a Presidential record, or
8 a reasonably segregable portion thereof, if the court deter-
9 mines that the Presidential record, or the reasonably seg-
10 regable portion thereof, is not within any of the categories
11 specified in subsection (a) and there is not a valid claim
12 of constitutionally based privilege against disclosure.”.

13 **SEC. 636. EXCEPTIONS TO RESTRICTED ACCESS.**

14 Section 2205(2)(C) of title 44, United States Code,
15 is amended—

16 (1) by striking “to any committee or sub-
17 committee thereof” and inserting “upon request by
18 the Chairman or Ranking Member of a committee or
19 subcommittee thereof, to such Chairman or ranking
20 member,”; and

21 (2) by striking “its business” and inserting
22 “the business of the committee or subcommittee”.

23 **SEC. 637. REGULATIONS.**

24 Section 2206 of title 44, United States Code, is
25 amended—

1 (1) by inserting “(a)” before “The Archivist”;

2 (2) in subsection (a), as so designated—

3 (A) in paragraph (3), by striking “and” at
4 the end;

5 (B) in paragraph (4), by striking the pe-
6 riod and inserting a semicolon; and

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

8 “(5) provisions—

9 “(A) for what constitutes official and non-
10 official electronic messaging accounts; and

11 “(B) establishing procedures for docu-
12 menting—

13 “(i) Presidential records created on
14 non-official electronic messaging accounts
15 (including emerging technologies, applica-
16 tions, and platforms); and

17 “(ii) required metadata;

18 “(6) provisions for the preservation of digital
19 media, including from social media accounts, that
20 may appear to be personal records or private prop-
21 erty but the preservation of which may be required
22 under this chapter; and

23 “(7) provisions for the appropriate cir-
24 cumstances and controls for the use of messaging

1 applications and software with automatic deleting or
2 other similar functionalities.”; and

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

4 “(b) The Archivist shall issue, and shall annually up-
5 date, implementation guidance with respect to the regula-
6 tions described in paragraphs (5) and (6) of subsection
7 (a).”.

8 **SEC. 638. DISCLOSURE REQUIREMENT FOR OFFICIAL BUSI-**
9 **NESS CONDUCTED USING NON-OFFICIAL**
10 **ELECTRONIC MESSAGING ACCOUNTS.**

11 (a) IN GENERAL.—Section 2209(a) of title 44,
12 United States Code, is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “create or send” and inserting “create,
15 send, or receive”;

16 (2) by redesignating paragraphs (1) and (2) as
17 subparagraphs (A) and (B), respectively, and adjust-
18 ing the margin accordingly; and

19 (3) by striking “The President,” and inserting
20 the following:

21 “(1) LIMITATIONS.—Not later than 90 days
22 after assuming office, the President shall publicly re-
23 lease guidelines for officers and employees of the Ex-
24 ecutive Office of the President who create or receive
25 documentary material that—

1 “(A) prohibit the use of non-official elec-
2 tronic messaging accounts that cannot be easily
3 copied or forwarded to an official electronic
4 messaging account for official business; and

5 “(B) prohibit the use of messaging ac-
6 counts or software with automatic deleting or
7 other similar functionalities.

8 “(2) REQUIREMENTS FOR USE.—The Presi-
9 dent,”.

10 **SEC. 639. PRESIDENTIAL TRANSITION ACT OF 1963.**

11 The Presidential Transition Act of 1963 (3 U.S.C.
12 102 note) is amended—

13 (1) in section 3—

14 (A) in subsection (a)(8)(A), by striking
15 clause (v) and inserting the following:

16 “(v)(I)(aa) Activities under this paragraph shall in-
17 clude the preparation of a detailed classified, compart-
18 mented summary by the relevant outgoing executive
19 branch officials of—

20 “(AA) specific strategic, tactical, and oper-
21 ational threats to national security;

22 “(BB) major military or covert operations; and

23 “(CC) pending decisions on possible uses of
24 military force or covert actions.

1 “(bb) The summary prepared under item (aa)
2 shall be provided to the President-elect and members
3 of office staff with appropriate clearances that are
4 designated by the President-elect as soon as possible
5 after the date of the general elections held to deter-
6 mine the electors of President and Vice President
7 under section 1 or 2 of title 3, United States Code.

8 “(II) The Archivist of the United States shall collabo-
9 rate with the Federal Transition Coordinator and agen-
10 cies, including the Executive Office of the President, to
11 ensure that the President-elect and members of office staff
12 with appropriate clearances that are designated by the
13 President-elect can easily access national security informa-
14 tion (including documents, videos, audio, and briefings)
15 created by the previous administration after the inaugura-
16 tion of the President-elect.

17 “(III) The Archivist of the United States shall submit
18 to the Chairman and Ranking Member of each committee
19 of jurisdiction of either House of Congress, of the Com-
20 mittee on Appropriations of the Senate, and of the Com-
21 mittee on Appropriations of the House of Representatives
22 a report if the Archivist of the United States believes there
23 appears to be noncompliance with the requirements under
24 this clause.”; and

25 (B) in subsection (c)—

1 (i) by redesignating paragraph (3) as
2 paragraph (4); and

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

5 “(3)(A) Not later than 6 days after the date of a gen-
6 eral election described in paragraph (1), the Administrator
7 shall make the ascertainment described in paragraph (1)
8 without any interference or undue pressure from the
9 President or a candidate for President, or any representa-
10 tive thereof, based on provisional results from State elec-
11 tion officials and expert analysis of results.

12 “(B) Given the imperatives of an orderly transition,
13 if there is a plausible chance that the apparent successful
14 candidate for the office of President and Vice President,
15 respectively, are not the incumbent, or if the incumbent
16 was not a candidate, the Administrator shall provide a
17 portion of the services and facilities authorized to be pro-
18 vided under this section to all parties with a plausible
19 chance of being the successful candidate.”; and

20 (2) in section 4—

21 (A) in subsection (d)—

22 (i) in paragraph (2)—

23 (I) in subparagraph (B), by
24 striking “and” at the end;

1 (II) in subparagraph (C), by
2 striking the period at the end and in-
3 sserting “; and”; and

4 (III) by adding at the end the
5 following:

6 “(D) under the guidance of the Archivist
7 of the United States, monitor compliance with
8 chapter 22 of title 44, United States Code, in-
9 cluding the preservation of all records and pre-
10 vention of any records from being disposed un-
11 less done in accordance with such chapter.”;

12 (ii) in paragraph (3)—

13 (I) by redesignating subpara-
14 graphs (C) and (D) as subparagraphs
15 (D) and (E), respectively; and

16 (II) by inserting after subpara-
17 graph (B) the following:

18 “(C) the Archivist of the United States;”;

19 and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(5) ROLE OF THE ARCHIVIST.—

23 “(A) IN GENERAL.—Not later than 120
24 days before the date of a Presidential election,
25 the Archivist of the United States shall send a

1 written communication to all officers and em-
2 ployees of the Executive Office of the President
3 who create or receive documentary material (as
4 defined under section 2201 of title 44, United
5 States Code)—

6 “(i) describing the requirements under
7 chapter 22 of title 44, United States Code;
8 and

9 “(ii) establishing a timeline for co-
10 operation with the Archivist of the United
11 States to ensure an orderly and timely
12 transition of records subject to such chap-
13 ter if there is a Presidential transition.

14 “(B) REPORTING.—

15 “(i) IN GENERAL.—Not later than 30
16 days after the date of a Presidential elec-
17 tion which results in a Presidential transi-
18 tion, the Archivist of the United States, in
19 coordination with the Federal Transition
20 Coordinator, shall submit to the Chairman
21 and Ranking Member of each committee of
22 jurisdiction of either House of Congress, of
23 the Committee on Appropriations of the
24 Senate, and of the Committee on Appro-
25 priations of the House of Representatives a

1 report discussing the status of the transi-
2 tion activities of the White House Transi-
3 tion Coordinating Council and identifying
4 concerns, if any, regarding compliance with
5 chapter 22 of title 44, United States Code.

6 “(ii) NONCOMPLIANCE.—The Archi-
7 vist of the United States shall submit to
8 the Chairman and Ranking Member of
9 each committee of jurisdiction of either
10 House of Congress, of the Committee on
11 Appropriations of the Senate, and of the
12 Committee on Appropriations of the House
13 of Representatives a report if the Archivist
14 of the United States believes there appears
15 to be noncompliance with the requirements
16 or timeline described in subparagraph
17 (A).”;

18 (B) in subsection (e)(2)—

19 (i) in subparagraph (D), by striking
20 “and” at the end;

21 (ii) in subparagraph (E), by striking
22 the period at the end and inserting “;
23 and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(F) under the guidance of the Archivist of
2 the United States, monitor compliance with
3 chapter 22 of title 44, United States Code, in-
4 cluding the preservation of all records and pre-
5 vention of any records from being disposed un-
6 less done in accordance with such chapter.”;

7 (C) by redesignating subsection (i) as sub-
8 section (j); and

9 (D) by inserting after subsection (h) the
10 following:

11 “(i) ROLE OF THE ARCHIVIST.—

12 “(1) IN GENERAL.—Not later than 120 days
13 before the date of a Presidential election, the Archi-
14 vist of the United States shall send a written com-
15 munication to the head of each agency—

16 “(A) describing the requirements under
17 chapter 33 of title 44, United States Code; and

18 “(B) establishing a timeline for coopera-
19 tion with the Archivist of the United States to
20 ensure an orderly and timely transition of
21 records subject to such chapter if there is a
22 Presidential transition.

23 “(2) REPORTING.—

24 “(A) IN GENERAL.—Not later than 30
25 days after the date of a Presidential election

1 which results in a Presidential transition, the
2 Archivist of the United States, in coordination
3 with the Federal Transition Coordinator, shall
4 submit to the Chairman and Ranking Member
5 of each committee of jurisdiction of either
6 House of Congress, of the Committee on Appro-
7 priations of the Senate, and of the Committee
8 on Appropriations of the House of Representa-
9 tives a report discussing the status of the tran-
10 sition activities of agencies and identifying con-
11 cerns, if any, regarding compliance with chapter
12 33 of title 44, United States Code.

13 “(B) NONCOMPLIANCE.—The Archivist of
14 the United States shall submit to the Chairman
15 and Ranking Member of each committee of ju-
16 risdiction of either House of Congress, of the
17 Committee on Appropriations of the Senate,
18 and of the Committee on Appropriations of the
19 House of Representatives a report if the Archi-
20 vist of the United States believes there appears
21 to be noncompliance with the requirements or
22 timeline described in paragraph (1).”.

23 **SEC. 640. FORMER PRESIDENTS.**

24 The Act entitled “An Act to provide retirement, cler-
25 ical assistants, and free mailing privileges to former Presi-

1 dents of the United States, and for other purposes”, ap-
2 proved August 25, 1958 (commonly known as the
3 “Former Presidents Act of 1958”) (3 U.S.C. 102 note),
4 is amended by adding at the end the following:

5 “(h) If the Archivist of the United States determines
6 that a former President did not comply with major re-
7 quirements under chapter 22 of title 44, United States
8 Code, or the Presidential Transition Act of 1963 (3 U.S.C.
9 102 note), the monetary amounts described in subsections
10 (a) and (b) shall be withheld until the later of—

11 “(1) 1 year after the date on which the Archi-
12 vist makes that determination; or

13 “(2) the date on which the Archivist determines
14 the former President has adequately complied with
15 the requirements.”.

16 **SEC. 641. PRESIDENTIAL ARCHIVAL DEPOSITORY.**

17 Section 2112 of title 44, United States Code, is
18 amended—

19 (1) in subsection (b)—

20 (A) by striking “When the Archivist” and
21 inserting “(1) Subject to paragraph (2), when
22 the Archivist”; and

23 (B) by adding at the end the following:

24 “(2) The Archivist may not deposit papers, doc-
25 uments, or other historical materials accepted under

1 section 2111 of this title or other Federal records
2 appropriate for preservation in a Presidential archi-
3 val depository relating to a former President under
4 paragraph (1) until after the date on which the Ar-
5 chivist determines that the former President has
6 adequately complied with the requirements under
7 chapter 22 relating to Presidential records (as de-
8 fined in section 2201).”;

9 (2) in subsection (g), by adding at the end the
10 following:

11 “(6)(A) Notwithstanding paragraphs (3), (4), and (5)
12 (to the extent that such paragraphs are inconsistent with
13 this paragraph), this subsection shall be administered in
14 accordance with this paragraph with respect to any Presi-
15 dential archival depository created as a depository for the
16 papers, documents, and other historical materials and
17 Presidential records pertaining to any President who takes
18 any action, including destruction, alteration, concealment,
19 or removal, that threatens or damages the integrity and
20 statutory preservation requirements under chapter 22 for
21 Presidential records (as defined in section 2201).

22 “(B) For purposes of subparagraphs (A)(ii),
23 (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage
24 of 100 percent shall apply instead of 60 or 20 percent.”;
25 and

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

2 “(h) None of the funds in the account in the National
3 Archives Trust Fund that may be expended for the benefit
4 and in the interest of a Presidential archival depository
5 relating to a former President may be used for the cost
6 of digitizing records the former President wishes to de-
7 posit in and make available through the Presidential archi-
8 val depository.”.

9 **TITLE VII—STRENGTHENING**
10 **THE FREEDOM OF INFORMA-**
11 **TION ACT**

12 **SEC. 701. DIGITAL ACCESS TO RECORDS MADE AVAILABLE**
13 **UNDER THE FREEDOM OF INFORMATION**
14 **ACT.**

15 Section 552(a)(3) is amended by adding at the end
16 the following:

17 “(F) Not later than two months after the
18 date on which the head of an agency makes a
19 record available to a person under this para-
20 graph, the head of the agency shall make avail-
21 able on the website of the agency, at no cost to
22 the public and in a searchable, sortable,
23 downloadable, and machine-readable format,
24 electronic copies of the request for the record
25 and any response provided to the person that

1 made the request for the record (including the
2 record made available to the person), unless the
3 head of the agency determines that the exces-
4 sive cost of making such copies available on the
5 website would place an undue burden on the
6 agency.”.

7 **SEC. 702. FREEDOM OF INFORMATION ACT AMENDMENTS.**

8 (a) DISCLOSURE OF CERTAIN RECORDS.—Section
9 552(a)(2) of title 5, United States Code, is amended by
10 adding at the end the following:

11 “(F)(i) materials related to the operations and estab-
12 lishment of advisory committees (as defined in section
13 1001) and any subcommittee thereof, including events,
14 timelines, agendas, minutes, transcripts, recordings, com-
15 mittee member names and biographies, conflict of interest
16 waivers, committee charters, and any other related mate-
17 rials;

18 “(ii) unclassified reports submitted to Congress
19 by the head of the agency;

20 “(iii) unclassified testimony submitted to Con-
21 gress by the head of the agency;

22 “(iv) agency organization charts and directories
23 with the contact information for all offices of the
24 agency;

1 “(v) any log relating to a request for a record
2 under paragraph (3), including any tracking number
3 assigned to the request, the date the request was re-
4 ceived by the head of the agency, the subject of the
5 request, and the disposition of the request;

6 “(vi) any record that reflects the official cal-
7 endar of the head of the agency, including a record
8 that reflects an event, meeting, or telephone call
9 scheduled for the head of the agency;

10 “(vii) a list—

11 “(I) identifying—

12 “(aa) each contract or grant of the
13 agency with a value exceeding
14 \$100,000,000; or

15 “(bb) the 10 contracts or grants of
16 the agency with the highest value if fewer
17 than 10 contracts or grants have a value
18 exceeding \$100,000,000;

19 “(II) the award ID for each such contract
20 or grant;

21 “(III) a description of each such contract
22 or grant, including the award type of the con-
23 tract or grant;

24 “(IV) the recipient of each such contract
25 or grant;

1 “(V) the start and end date each such con-
2 tract or grant; and

3 “(VI) the total obligations related to the
4 contract or grant;

5 “(viii) final reports or memoranda created by
6 an entity other than the agency, including other
7 Governmental entities, at the request of the head of
8 the agency and used to make a final policy decision;

9 “(ix) any memorandum from the Office of
10 Legal Council of the Department of Justice provided
11 to the head of the agency;

12 “(x) any documents containing legal analysis
13 relied upon formally or informally by the head of the
14 agency to respond to the public;

15 “(xi) any documents containing legal analysis
16 relied upon formally or informally by the head of the
17 agency to inform policy analysis or policy determina-
18 tions; and

19 “(xii) unclassified reports of the Inspector Gen-
20 eral of the agency.”.

21 (b) ACCESS TO ELECTRONIC RECORDS BY FOIA OF-
22 FICERS.—Section 552(a)(3)(C) of title 5, United States
23 Code, is amended to read as follows:

24 “(C) In responding under this paragraph to a request
25 for a record originally created in an electronic form or for-

1 mat, an agency shall make a reasonable effort to produce
2 the record in that form or format, except when such an
3 effort would significantly interfere with the operation of
4 the automated information system of the agency.

5 “(D) For the purpose of responding under this para-
6 graph to a request for a record, the Chief FOIA Officer
7 of the agency may access and retrieve any such record
8 without making a request to a document custodian of the
9 agency for such access or retrieval.”.

10 (c) CLARIFYING AUTHORIZATION FOR COURT ORDER
11 COMPLIANCE.—Section 552(a)(4)(B) of title 5, United
12 States Code, is amended to read as follows:

13 “(B)(i) A person aggrieved by a failure of an agency
14 to comply with any requirement of this section may bring
15 an action against the agency in a district court of the
16 United States. The district courts shall have original juris-
17 diction of all actions arising under this section. Venue over
18 such an action is proper in the district in which the com-
19 plainant resides, or has his principal place of business, or
20 in which the agency records that are the subject of the
21 action are situated, or in the District of Columbia. The
22 court in such an action may—

23 “(I) enjoin the agency from withholding an
24 agency record;

1 “(II) order the agency to publish records
2 in the Federal Register as required by para-
3 graph (1), and to require such publication on a
4 continuing basis;

5 “(III) order the agency to make records
6 available for public inspection in an electronic
7 format as required by paragraph (2), and to re-
8 quire such public access on a continuing basis;

9 “(IV) order the agency to produce agency
10 records in response to a request under para-
11 graph (3);

12 “(V) provide relief to resolve any dispute
13 over—

14 “(aa) the validity of a request under
15 paragraph (3), including whether a request
16 reasonably describes the records sought or
17 has been submitted in accordance with an
18 agency’s published rules and procedures;

19 “(bb) an agency’s interpretation of
20 the scope of a request under paragraphs
21 (1), (2), or (3);

22 “(cc) the validity of an agency deter-
23 mination under paragraph (6);

24 “(dd) the reasonableness of an agen-
25 cy’s search for records;

1 “(ee) the ability of an agency to re-
2 produce a record in a particular form or
3 format;

4 “(ff) the treatment of a record under
5 paragraph (2) of subsection (f);

6 “(gg) any fee issue, including an
7 agency’s denial of a request for the waiver
8 or reduction fees; and

9 “(hh) the denial of a request for expe-
10 dited processing;

11 “(VI) enjoin the agency from maintaining
12 or applying any policy or practice that impairs
13 lawful access to records or otherwise fails to
14 abide by the terms of this section;

15 “(VII) issue a declaratory judgment, to the
16 extent authorized by section 2201 of title 28;
17 and

18 “(VIII) provide any other appropriate eq-
19 uitable relief to remedy a violation of this sec-
20 tion.

21 “(ii) In any action brought under this section,
22 the court shall determine the matter de novo. The
23 court, may examine the contents of agency records
24 in camera to determine whether such records or any
25 part thereof shall be withheld under any of the ex-

1 emptions set forth in subsection (b) of this section.
2 The burden is on the agency to sustain its action.
3 In addition to any other matters to which a court
4 accords substantial weight, a court shall accord sub-
5 stantial weight to an affidavit of an agency con-
6 cerning the agency's determination as to technical
7 feasibility under paragraph (2)(C) and subsection
8 (b), and reproducibility under paragraph (3)(B).”.

9 (d) DISCLOSURE OF CERTAIN COMMERCIAL OR FI-
10 NANCIAL INFORMATION UNDER FOIA.—Section
11 552(b)(4) of the United States Code is amended by insert-
12 ing after “confidential” the following: “except for commer-
13 cial or financial information the disclosure of which under
14 this subsection would not cause substantial harm to the
15 person from any competitor of the person”.

16 (e) ADDITIONAL MATTERS TO BE INCLUDED IN AN-
17 NUAL REPORT.—Section 552(e)(1) of title 5, United
18 States Code, is amended—

19 (1) in subparagraph (P), by striking “; and”
20 and inserting a semicolon;

21 (2) in subparagraph (Q), by striking the period
22 at the end and inserting “; and”; and

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

24 “(R) a detailed description of any steps taken
25 by the agency to design or format information or

1 records, such that such information or records may
2 be made available to the public under subsection (a);

3 “(S) the number of requests for records the
4 agency found to be not reasonably described or un-
5 duly burdensome; and

6 “(T) the number of requests for records with
7 respect to which the agency could neither confirm
8 nor deny the existence of the records.”.

9 **SEC. 703. OTHER MATTERS.**

10 (a) PRESUMPTION OF OPENNESS.—

11 (1) AMENDMENTS.—Section 552(b) of title 5,
12 United States Code, is amended—

13 (A) in paragraph (3)(B), by inserting
14 “with an explanation for the exemption” after
15 “specifically cites to this paragraph”;

16 (B) in paragraph (5), by inserting before
17 the semicolon at the end the following: “, except
18 for inter-agency and intra-agency memoran-
19 dums or letters required to be disclosed under
20 subsection (a), including—

21 “(A) opinions that are controlling interpre-
22 tations of law;

23 “(B) final reports or memoranda created
24 by an entity other than the agency, including
25 other Governmental entities, at the request of

1 the agency and used to make a final policy deci-
2 sion; or

3 “(C) guidance documents used by the
4 agency to respond to the public.”;

5 (C) in paragraph (6), by striking “similar
6 files” and inserting “files that contain personal
7 information (such as contact information or fi-
8 nancial information of a person)”; and

9 (D) in the matter following paragraph
10 (9)—

11 (i) by inserting before “Any reason-
12 ably segregable portion” the following: “An
13 agency may not withhold information
14 under this subsection unless such agency
15 reasonably foresees that disclosure would
16 cause specific identifiable harm to an inter-
17 est protected by an exemption”; and

18 (ii) by inserting before “If technically
19 feasible,” the following: “For each record
20 not released in whole or in part pursuant
21 to the exemption under paragraph (3), the
22 agency shall, at the time the agency pro-
23 vides the record or a response to the re-
24 quest for such record, identify that the

1 record was not released in whole or in part
2 pursuant to such exemption”.

3 (2) EXEMPTION DECISION TRANSPARENCY.—
4 Section 552(a)(6)(C)(i) of title 5, United States
5 Code, is amended by striking the fourth sentence
6 and inserting at the end the following: “Any notifi-
7 cation of denial or partial denial of any request for
8 records under this subsection shall set forth each
9 name and title or position of each person responsible
10 for the denial or partial denial or any decision to
11 withhold a responsive record under subsection (b).”.

12 (3) PROVISIONS RELATING TO THE OFFICE OF
13 GOVERNMENT INFORMATION SERVICES.—Section
14 552(h) of title 5, United States Code, is amended by
15 adding at the end the following:

16 “(7) ACCESS TO AGENCY RECORDS.—The head of an
17 administrative agency shall provide to the Director of the
18 Office of Government Information Services any record re-
19 quested by the Director for the purpose of carrying out
20 mediation services pursuant to paragraph (3).”.

21 (b) GOVERNMENT ACCOUNTABILITY OFFICE.—Sub-
22 section (i) of section 552 of title 5, United States Code,
23 is amended to read as follows:

24 “(i) The Comptroller General shall—

1 “(2) not later than one year following enact-
2 ment of this clause, and every 2 years thereafter,
3 audit each agency to determine compliance with and
4 implementation of the requirements of this section
5 and issue reports to the Committee on Judiciary of
6 the House of Representatives and the Senate on the
7 result of such audit;

8 “(3) catalog the matters specifically exempted
9 from disclosure by statute pursuant to subsection
10 (b)(3), and any use of such exemptions by agencies;
11 and

12 “(4) review and prepare a report on the proc-
13 essing of requests by agencies for information per-
14 taining to an entity that has received assistance
15 under title I of the Emergency Economic Stabiliza-
16 tion Act of 2008 (12 U.S.C. 5211 et seq.) during
17 any period in which the Federal Government owns
18 or owned more than 50 percent of the stock of such
19 entity.”.

20 (c) ANNUAL REPORT BY CONGRESSIONAL RESEARCH
21 SERVICE.—Section 552 of title 5, United States Code, is
22 amended by adding at the end the following:

23 “(n) ANNUAL REPORT BY CONGRESSIONAL RE-
24 SEARCH SERVICE.—The Congressional Research Service
25 shall, on an annual basis—

1 “(1) compile a list of statutes that specifically
2 exempt records from disclosure pursuant to sub-
3 section (b)(3); and

4 “(2) make such list available to—

5 “(A) the Committee on Oversight and Ac-
6 countability of the House of Representatives
7 and the Committee on Homeland Security and
8 Governmental Affairs of the Senate; and

9 “(B) the public.”.

10 (d) PUBLIC INTEREST BALANCING TEST.—Section
11 552(a)(8)(A)(i)(I) of title 5, United States Code is amend-
12 ed by inserting “, and such harm outweighs the public
13 interest (including the interest in furthering public under-
14 standing of the operations or decision making of an official
15 or employee of an agency, facilitating the ability of the
16 public to make informed decisions with respect to electoral
17 or democratic processes, investigating any reasonable sus-
18 picion of governmental wrongdoing, and furthering public
19 health or safety) in making available such information”
20 after “described in subsection (b)”.

1 **TITLE VIII—IMPROVING TRANS-**
2 **PARENCY WITHIN THE JUDI-**
3 **CIAL SYSTEM**

4 **SEC. 801. TELEVISIONING SUPREME COURT PROCEEDINGS.**

5 (a) IN GENERAL.—Chapter 45 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 678. Televising supreme court proceedings**

9 “The Supreme Court shall permit television coverage
10 of all open sessions of the Court unless the Court decides,
11 by a vote of the majority of justices, that allowing such
12 coverage in a particular case would constitute a violation
13 of the due process rights of one or more of the parties
14 before the Court.”.

15 (b) CLERICAL AMENDMENT.—The chapter analysis
16 for chapter 45 of title 28, United States Code, is amended
17 by adding at the end the following:

“678. Televising Supreme Court proceedings.”.

18 **SEC. 802. AUDIO RECORDING OF SUPREME COURT PRO-**
19 **CEEDINGS.**

20 The Chief Justice of the United States shall ensure
21 that the audio of an oral argument before the Supreme
22 Court of the United States is recorded and is made pub-
23 licly available on the internet website of the Supreme
24 Court at the same time that it is recorded.

1 **SEC. 803. AVAILABILITY ON THE INTERNET OF FINANCIAL**
2 **DISCLOSURE REPORTS OF JUDICIAL OFFI-**
3 **CERS.**

4 Section 103 of the Ethics in Government Act of 1978
5 (5 U.S.C. App. 103), as amended by this Act, is further
6 amended by inserting at the end the following:

7 “(n) The Judicial Conference shall make available
8 any report filed with it under this title by a judicial officer
9 within 48 hours of the applicable submission deadline on
10 the website of the Judicial Conference in a searchable,
11 sortable, downloadable, machine-readable format.”.

12 **SEC. 804. GAO AUDIT OF PACER.**

13 Not later than one year after the date of the enact-
14 ment of this Act, the Comptroller General of the United
15 States shall conduct an audit of the public access to court
16 electronic records system maintained by the Administra-
17 tive Office of the United States Courts, and shall submit
18 to Congress, the Administrative Office of the United
19 States Courts, and any other appropriate Federal agency
20 or office, a report that contains the results of the audit,
21 along with any recommendations for improving the public
22 access to court electronic records system.

23 **SEC. 805. ELECTRONIC COURT RECORDS REFORM.**

24 (a) CONSOLIDATION OF THE CASE MANAGEMENT/
25 ELECTRONIC CASE FILES SYSTEM.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of the enactment of this Act, the Director
3 of the Administrative Office of the United States
4 Courts, in coordination with the Administrator of
5 General Services, shall consolidate the Case Manage-
6 ment/Electronic Case Files system, and shall develop
7 one system for all filings with courts of the United
8 States, which shall be administered by the Adminis-
9 trative Office of the United States Courts.

10 (2) USE OF TECHNOLOGY.—In developing the
11 system under paragraph (1), the Director shall use
12 modern technology in order—

13 (A) to improve security, data accessibility,
14 affordability, and performance; and

15 (B) to minimize the burden on pro se liti-
16 gants.

17 (3) AVAILABILITY TO STATES.—

18 (A) IN GENERAL.—A State may choose to
19 participate in the system developed under this
20 subsection.

21 (B) FEE.—The Director shall charge a fee
22 to a State that chooses to participate in the sys-
23 tem, which is set at a level to recover the cost
24 of providing the services associated with the ad-

1 ministration and maintenance of the system to
2 the State.

3 (b) PUBLIC ACCESS TO COURT ELECTRONIC
4 RECORDS SYSTEM REQUIREMENTS.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of the enactment of this Act, the Director
7 of the Administrative Office of the United States
8 Courts, in coordination with the Administrator of
9 General Services, shall update the Public Access to
10 Court Electronic Records system, which shall be
11 subject to the following requirements:

12 (A) A document filed with a court shall be
13 made publicly accessible upon filing, except as
14 ordered by a court or by rule of the Judicial
15 Conference.

16 (B) All documents on the system shall be
17 available to the public and to parties before the
18 court free of charge.

19 (C) Any information that is prohibited
20 from public disclosure by law or court order
21 shall be redacted.

22 (D) All documents shall be text-searchable
23 and machine-readable.

1 (E) To the extent practicable, external
2 websites shall be able to link to documents on
3 the system.

4 (F) The system shall include digital audio
5 and visual files of court recordings, when such
6 files are available.

7 (G) The system shall provide search func-
8 tions for public use.

9 (2) MINIMIZING THE BURDEN ON PRO SE LITI-
10 GANTS.—In developing the system to comply with
11 the requirements under paragraph (1), the Director
12 shall, to the extent practicable, not impose a dis-
13 proportionate impact on pro se litigants.

14 (3) USE OF TECHNOLOGY.—In developing the
15 system under paragraph (1), the Director shall use
16 modern technology in order—

17 (A) to improve security, data accessibility,
18 affordability, and performance; and

19 (B) to minimize the burden on pro se liti-
20 gants.

21 (4) AUTHORITY TO EXEMPT CERTAIN DOCU-
22 MENTS.—The Director may identify categories of
23 documents which are not made publicly accessible
24 under subsection (a)(1), and categories of court pro-

1 ceedings, the recordings of which are not made avail-
2 able under paragraph (1)(F).

3 (c) DEFINITION OF MACHINE-READABLE.—In this
4 section, the term “machine-readable” means a format in
5 which information or data can be easily processed by a
6 computer without human intervention while ensuring no
7 semantic meaning is lost.

8 **TITLE IX—ENFORCEMENT**

9 **SEC. 901. REPORT BY THE GOVERNMENT ACCOUNTABILITY** 10 **OFFICE.**

11 (a) STUDY.—The Comptroller General of the United
12 States shall conduct an annual audit of the activities of
13 agencies in the legislative and executive branch to deter-
14 mine, with respect to in the year prior to the study—

15 (1) whether data required by law to be provided
16 to the public through the Internet by an agency in
17 the legislative or executive branch of the Federal
18 Government was—

19 (A) made available in accordance with the
20 law, except for data that is subject to privacy,
21 security, or privilege exemptions;

22 (B) collected at the source, with the high-
23 est possible level of granularity, not in aggre-
24 gate or modified forms;

1 (C) made available as quickly as necessary
2 to preserve the value of the data;

3 (D) available to the widest range of users
4 for the widest range of purposes;

5 (E) reasonably structured to allow auto-
6 mated processing;

7 (F) available to anyone, with no registra-
8 tion requirement;

9 (G) available in a format over which no
10 person has exclusive control; and

11 (H) subject to any copyright, patent,
12 trademark, or trade secret protections (with
13 reasonable privacy, security, and privilege re-
14 strictions); and

15 (2) determine whether the data provided to the
16 public under this Act is produced and maintained
17 using any standard for data publication required by
18 a law, regulation, executive order, or policy of the
19 Federal Government, including any such standard
20 established by the National Technology Transfer and
21 Advancement Act of 1995 (Public law 104–113), the
22 DATA Act (Public Law 101–113), or OMB Circular
23 A–119.

24 (b) REPORT.—The Comptroller General shall submit
25 a report on the results of each audit required by sub-

1 section (a) to the Committee on Oversight and Account-
2 ability of the House of Representatives and the Committee
3 on Homeland Security and Governmental Affairs of the
4 Senate.

5 **TITLE X—MISCELLANEOUS**

6 **SEC. 1001. TRANSFER OF CERTAIN RECORDS TO ARCHIVIST** 7 **OF UNITED STATES.**

8 (a) IN GENERAL.—Subject to subsection (b), not
9 later than 90 days after the date of the enactment of this
10 Act, the Attorney General of the United States shall trans-
11 fer to the Archivist of the United States each record—

12 (1) created during the period beginning on Jan-
13 uary 1, 1981, and ending December 31, 1986; and

14 (2) subject to Item 7 of Records Schedule N1–
15 60–10–31 of the National Archives and Records Ad-
16 ministration.

17 (b) RETENTION.—

18 (1) IN GENERAL.—Not later than 60 days after
19 the date of the enactment of this Act, the Attorney
20 General of the United States may submit to the Ar-
21 chivist of the United States a written request to re-
22 tain any record described in subsection (a), in ac-
23 cordance with section 1235.14 of title 36, Code of
24 Federal Regulations. The Archivist shall approve or

1 deny each such request not later than 60 days after
2 receiving the request.

3 (2) TRANSFER OF RECORDS AFTER DENIAL.—

4 Not later than 30 days after the Archivist of the
5 United States denies a request under paragraph (1),
6 the Attorney General shall transfer to the Archivist
7 each record for which the request for retention has
8 been denied.

9 (c) ENFORCEMENT.—If the Attorney General fails to
10 comply with the requirements of this section, the Archivist
11 of the United States may bring an action in the proper
12 district court of the United States to enforce compliance
13 with this section.

14 **SEC. 1002. DATA STANDARDS.**

15 (a) IN GENERAL.—Subtitle A of title I of the Finan-
16 cial Stability Act of 2010 (12 U.S.C. 5311 et seq.) is
17 amended by adding at the end the following:

18 **“SEC. 124. DATA STANDARDS.**

19 “(a) IN GENERAL.—The Secretary of the Treasury
20 shall, by rule, promulgate data standards for the informa-
21 tion reported to member agencies by financial entities
22 under the jurisdiction of the member agency and the data
23 collected from member agencies on behalf of the Council.

24 “(b) STANDARDIZATION.—Member agencies, in con-
25 sultation with the Secretary of the Treasury, shall imple-

1 ment regulations promulgated by the Secretary of the
2 Treasury under subsection (a) to standardize the types
3 and formats of data reported to member agencies or col-
4 lected on behalf of the Council, as described under sub-
5 section (a). If a member agency fails to implement such
6 regulations prior to the expiration of the 3-year period fol-
7 lowing the date of publication of final regulations, the Sec-
8 retary of the Treasury, in consultation with the Chair-
9 person, may implement such regulations with respect to
10 the financial entities under the jurisdiction of the member
11 agency.

12 “(c) DATA STANDARDS.—

13 “(1) COMMON IDENTIFIERS AND DATA FOR-
14 MATS.—The data standards promulgated under sub-
15 section (a) shall include—

16 “(A) common identifiers for information
17 reported to member agencies or collected on be-
18 half of the Council, including a common legal
19 entity identifier for all entities required to re-
20 port to member agencies; and

21 “(B) common data formats for information
22 reported to member agencies or collected on be-
23 half of the Council.

1 “(2) DATA STANDARD REQUIREMENTS.—The
2 data standards promulgated under subsection (a)
3 shall, to the extent practicable—

4 “(A) render information fully searchable
5 and machine-readable;

6 “(B) be nonproprietary;

7 “(C) incorporate standards developed and
8 maintained by voluntary consensus standards
9 bodies; and

10 “(D) be consistent with and implement ap-
11 plicable accounting and reporting principles.

12 “(3) CONSULTATION.—In promulgating data
13 standards under subsection (a), the Secretary of the
14 Treasury shall consult with other Federal depart-
15 ments and agencies and multi-agency initiatives re-
16 sponsible for Federal data standards.

17 “(4) INTEROPERABILITY OF DATA.—In promul-
18 gating data standards under subsection (a), the Sec-
19 retary of the Treasury shall seek to promote inter-
20 operability of financial regulatory data across mem-
21 bers of the Council.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 under section 1(b) of the Dodd-Frank Wall Street Reform

- 1 and Consumer Protection Act is amended by inserting
- 2 after the item relating to section 123 the following:

“Sec. 124. Data standards.”.

