

**SECTION-BY-SECTION SUMMARY OF THE LEGISLATIVE TRANSPARENCY
AND ACCOUNTABILITY ACT OF 2006 (S. 2349)
REPORTED BY THE SENATE COMMITTEE ON RULES AND ADMINISTRATION
February 28, 2006**

Section 1. Short Title: The Legislative Transparency and Accountability Act of 2006.

Section 2. Out of Scope Matters in Conference Reports: New Point of Order against out of scope matters in Conference Reports. Point of Order can be waived by 60 votes. If the Point of Order is sustained, the offending material is deleted from the Conference Report and returned to the House for its concurrence.

Section 3. Earmarks: Creates a new Standing Rule (XLIV) dealing with earmarks. Earmarks are defined as “a provision that specifies the identity of a non-Federal entity to receive assistance...” “Assistance” is defined to include budget authority, contract authority, loan authority, and other expenditures including tax expenditures or other revenue items.

This new Standing Rule requires that all Senate bills or conference reports include a list of all earmarks in the measure; an identification of the Member who proposed the earmark, and an explanation of the essential government purpose of the earmark. The bill or Conference Report, including the list of earmarks, must be available to the Senate and to the general public on the Internet for at least 24 hours before its consideration.

Section 4. Conference Report Availability: Provides for the implementation of the requirement that Conference Reports be available to the general public for at least 24 hours before its consideration. Requires the creation of a new Senate website capable of posting this information. The effective date of this Section is set as 60 days after the date of enactment of the Act.

Section 5. Floor Privileges for Former Members: Amends Standing Rule XXIII of the Standing Rules of the Senate to eliminate floor privileges for former Members, former Senate Officers, and former Speakers of the House who are either registered lobbyists or employed by an entity for the purpose of influencing the passage, defeat or amendment of any legislative proposal. Permits the Committee on Rules and Administration to issue regulations allowing floor privileges for such individuals for ceremonial functions or events designated by the Majority and Minority Leader.

Section 6. Gifts and Meals: Amends Standing Rule XXXV to ban gifts from registered lobbyists or foreign agents. An exception is provided for meals, retaining the current financial limits. A provision is added requiring that within 15 days of receiving a meal, Members post on their website the value of such meals and refreshments provided to themselves and their staff, and the person who paid for the meal.

Section 7. Pre-Clearance of Trips and Disclosure: Subsection (a) amends Standing Rule XXXV to require pre-clearance approval by the Senate Select Committee on Ethics to receive transportation or lodging provided by a third party, other than travel sponsored by a governmental entity. The person providing the transportation and lodging would have to certify that the trip was

not financed, in whole, or in part by a registered lobbyist or foreign agent and that the person sponsoring the trip did not accept directly, or indirectly, funds from a registered lobbyist or foreign agent earmarked to finance the trip.

A detailed trip itinerary would have to be provided to the Ethics Committee along with a written determination by the Senator that the trip is primarily educational; consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal, or no, recreational component, before the Committee could approve the trip.

Not later than 30 days after the trip is completed, the Member would have to file with the Select Committee on Ethics and the Secretary of the Senate a description of the meetings and events attended during the trip and the name of any registered lobbyist who accompanies the Member during the trip. Such information would also have to be posted on the Member's Senate website. Disclosure would not be required if such disclosure would jeopardize the safety of an individual or adversely affect national security.

Subsection (b) amends Standing Rule XXXV to require that a Member or employee who is provided a flight on a private aircraft, other than an aircraft that is owned, operated or leased by a governmental entity, file a publicly available disclosure report with the Secretary of the Senate identifying the date, destination and owner or lessee of the aircraft, the purpose of the trip and the persons on the trip except the persons flying the aircraft. A similar disclosure, without an exclusion for government flights, would be required to be filed with the Federal Election Commission if such a flight took place as part of a federal election campaign.

Section 8: Post-Employment Restrictions: Amends Standing Rule XXXVII to conform the post-employment registered lobbyist restrictions on Senate staff earning 75 percent of the rate of pay of a Member with the restrictions that are imposed on former Senators. Such staff would be prohibited from lobbying the Senate for one year after their employment terminates. This provision would be effective 60 days after the date of enactment.

Section 9: Public Disclosure of Employment Negotiations: Amends Standing Rule XXXVII to require that a Member who is engaged in prospective private sector employment negotiations, prior to the election of the Senator's successor, must file a public disclosure statement with the Secretary of Senate regarding such negotiations within three business days after the commencement of such negotiations.

Section 10: Lobbying by Family Members: Amends Standing Rule XXXVII to provide if a Member's spouse or immediate family member is a registered lobbyist or employed by a registered lobbyist, staff employed by the Member are prohibited from having any official contact with the Member's spouse or immediate family member.

"Immediate Family Member" is defined as the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member."

Section 11: Unlawfully Using Public Office to Influence Hiring Decisions: Amends Standing Rule XLIII to prohibit a Member from seeking to influence, on the basis of political affiliation, an employment decision of any private entity by taking or withholding or offering or threatening to take or withhold an official act; or to influence or offer or threaten to influence, the official act of another.

Section 12: Sense of the Senate on Scope of Restrictions in The Act: A Sense of the Senate Resolution that any restrictions imposed by this Act on Members and employees of Congress should apply to the Executive and Judicial branches.

Section 13: Provides that the Act shall take effect on the date of enactment except in those cases where a different enactment date is provided.