

111TH CONGRESS  
2D SESSION

# S. 3272

To provide greater controls and restrictions on revolving door lobbying.

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IN THE SENATE OF THE UNITED STATES

APRIL 28, 2010

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide greater controls and restrictions on revolving door lobbying.

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 “Close the Revolving  
5 Door Act of 2010”.

6 **SEC. 2. LIFETIME BAN ON MEMBERS OF CONGRESS FROM**  
7 **LOBBYING.**

8 (a) IN GENERAL.—Section 207(e)(1) of title 18,  
9 United States Code, is amended to read as follows:

10 “(1) MEMBERS OF CONGRESS.—Any person  
11 who is a Senator, a Member of the House of Rep-

1 representatives or an elected officer of the Senate or the  
2 House of Representatives and who after that person  
3 leaves office, knowingly makes, with the intent to in-  
4 fluence, any communication to or appearance before  
5 any Member, officer, or employee of either House of  
6 Congress or any employee of any other legislative of-  
7 fice of the Congress, on behalf of any other person  
8 (except the United States) in connection with any  
9 matter on which such former Senator, Member, or  
10 elected official seeks action by a Member, officer, or  
11 employee of either House of Congress, in his or her  
12 official capacity, shall be punished as provided in  
13 section 216 of this title.”.

14 (b) CONFORMING AMENDMENT.—Section 207(e)(2)  
15 of title 18, United States Code, is amended—

16 (1) in the caption, by striking “Officers and  
17 staff” and inserting “Staff”; and

18 (2) by striking “an elected officer of the Senate,  
19 or”.

20 **SEC. 3. CONGRESSIONAL STAFF.**

21 Paragraphs (2), (3), (4), (5)(A), and (6)(A) of sec-  
22 tion 207(e) of title 18, United States Code, is amended  
23 by striking “1 year” and inserting “6 years”.

1 **SEC. 4. IMPROVED REPORTING OF LOBBYISTS ACTIVITIES.**

2 Section 6 of the Lobbying Disclosure Act of 1995 (2  
3 U.S.C. 1605) is amended by inserting at the end the fol-  
4 lowing:

5 “(c) JOINT WEB SITE.—

6 “(1) IN GENERAL.—The Secretary of the Sen-  
7 ate and the Clerk of the House of Representatives  
8 shall maintain a joint lobbyist disclosure Internet  
9 database for information required to be publicly dis-  
10 closed under this Act which shall be an easily  
11 searchable Web site called lobbyists.gov with a stat-  
12 ed goal of simplicity of usage.

13 “(2) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to carry out  
15 this subsection \$100,000 for fiscal year 2011.”.

16 **SEC. 5. LOBBYIST REVOLVING DOOR TO CONGRESS.**

17 (a) IN GENERAL.—Any person who is a registered  
18 lobbyist or an agent of a foreign principal may not within  
19 6 years after that person leaves such position be hired by  
20 a Member or committee of either House of Congress with  
21 whom the registered lobbyist or an agent of a foreign prin-  
22 cipal has had substantial lobbying contact.

23 (b) WAIVER.—This section may be waived in the Sen-  
24 ate or the House of Representatives by the Committee on  
25 Ethics or the Committee on Standards of Official Conduct  
26 based on a compelling national need.

1           (c) SUBSTANTIAL LOBBYING CONTACT.—For pur-  
2 poses of this section, in determining whether a registered  
3 lobbyist or agent of a foreign principal has had substantial  
4 lobbying contact within the applicable period of time, the  
5 Member or committee of either House of Congress shall  
6 take into consideration whether the individual’s lobbying  
7 contacts have pertained to pending legislative business, or  
8 related to solicitation of an earmark or other Federal  
9 funding, particularly if such contacts included the coordi-  
10 nation of meetings with the Member or staff, involved  
11 presentations to staff, or participation in fundraising ex-  
12 ceeding the mere giving of a personal contribution. Simple  
13 social contacts with the Member or committee of either  
14 House of Congress and staff, shall not by themselves con-  
15 stitute substantial lobbying contacts.

16 **SEC. 6. PAYMENT FOR CHARTER FLIGHTS BY CAMPAIGN**  
17 **FUNDS AND DISCLOSURE OF CERTAIN AIR**  
18 **TRAVEL WITH A LOBBYIST BY A SENATOR.**

19           (a) CLARIFICATION OF RULES ON USE OF CAMPAIGN  
20 FUNDS FOR FLIGHTS ON COMMERCIAL AIRCRAFT.—

21           (1) IN GENERAL.—Paragraph (1) of section  
22 313(c) of the Federal Election Campaign Act of  
23 1971 (2 U.S.C. 439a(c)) is amended—

24           (A) by striking “a candidate for election  
25 for Federal office (other than a candidate who

1 is subject to paragraph (2)), or any authorized  
2 committee of such a candidate, may not make  
3 any expenditure for a flight on an aircraft” in  
4 the matter preceding subparagraph (A) and in-  
5 serting “in the case of a candidate for election  
6 to Federal office (other than a candidate who is  
7 subject to paragraph (2)), no political com-  
8 mittee may make any expenditure for travel by  
9 such a candidate, or for travel on behalf of such  
10 a candidate, by means of a flight on an aircraft  
11 (regardless of whether such travel is in connec-  
12 tion with an election for Federal office)”, and

13 (B) by striking “candidate, the authorized  
14 committee, or other” in subparagraph (B).

15 (2) EFFECTIVE DATE.—The amendment made  
16 by this subsection shall apply to flights taken on or  
17 after the date of the enactment of this Act.

18 (b) DISCLOSURE.—Paragraph 2(e)(1) of rule XXXV  
19 of the Standing Rules of the Senate is amended—

20 (1) in subclause (C), by striking “and” after  
21 the semicolon;

22 (2) by inserting after subclause (D) the fol-  
23 lowing:

24 “(E) the source will submit a list of the names  
25 of any registered lobbyist or an agent of a foreign

1 principal on the trip not later than 30 days after the  
2 trip; and”.

3 **SEC. 7. BAN ON LOBBYISTS MAKING CASH CAMPAIGN CON-**  
4 **TRIBUTIONS.**

5 Section 321 of the Federal Election Campaign Act  
6 of 1971 (2 U.S.C. 441g) is amended by—

7 (1) by striking “No person” and inserting the  
8 following:

9 “(a) IN GENERAL.—Except as provided in subsection  
10 (b), no person”; and

11 (2) inserting at the end the following:

12 “(b) LOBBYIST.—

13 “(1) TOTAL BAN.—If the person described in  
14 subsection (a) is a lobbyist, the amount referred to  
15 in subsection (a) shall be zero.

16 “(2) LOBBYIST.—In this subsection, the term  
17 ‘lobbyist’ shall have the same meaning given such  
18 term in section 3(10) of the Lobbying Disclosure  
19 Act of 1995.”.

20 **SEC. 8. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.**

21 The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601  
22 et seq.) is amended by inserting after section 6 the fol-  
23 lowing:

1 **“SEC. 6A. REPORTING BY SUBSTANTIAL LOBBYING ENTI-**  
2 **TIES.**

3 “(a) IN GENERAL.—A substantial lobbying entity  
4 shall file on an annual basis with the Clerk of the House  
5 of Representatives and the Secretary of the United States  
6 Senate a list of any employee, individual under contract,  
7 or individual who provides paid consulting services who  
8 is—

9 “(1) a former United States Senator or a  
10 former Member of the United States House of Rep-  
11 resentatives; or

12 “(2) a former congressional staff person who—

13 “(A) made at least \$100,000 in any 1 year  
14 as a congressional staff person;

15 “(B) worked for a total of 4 years or more  
16 as a congressional staff person; or

17 “(C) had a job title at any time while em-  
18 ployed as a congressional staff person that con-  
19 tained any of the following terms: ‘Chief of  
20 Staff’, ‘Legislative Director’, ‘Staff Director’,  
21 ‘Counsel’, ‘Professional Staff Member’, ‘Com-  
22 munications Director’, or ‘Press Secretary’.

23 “(b) CONTENTS OF FILING.—The filing required by  
24 this section shall contain a brief job description of each  
25 such employee, individual under contract, or individual  
26 who provides paid consulting services, and an explanation

1 of their work experience under subsection (a) that requires  
2 this filing.

3 “(c) IMPROVED REPORTING OF SUBSTANTIAL LOB-  
4 BYING ENTITIES.—The Joint Web site being maintained  
5 by the Secretary of the Senate and the Clerk of the House  
6 of Representatives, known as lobbyists.gov, shall include  
7 an easily searchable database entitled ‘Substantial Lob-  
8 bying Entities’ that includes qualifying employees, individ-  
9 uals under contract, or individuals who provide paid con-  
10 sulting services, under subsection (a).

11 “(d) LAW ENFORCEMENT OVERSIGHT.—The Clerk  
12 of the House of Representatives and the Secretary of the  
13 Senate shall provide a copy of the filings of substantial  
14 lobbying entities to the District of Columbia United States  
15 Attorney, to allow the District of Columbia United States  
16 Attorney to determine whether any such entities are  
17 underreporting the Federal lobbying activities of its em-  
18 ployees, individuals under contract, or individuals who  
19 provide paid consulting services.

20 “(e) SUBSTANTIAL LOBBYING ENTITY.—In this sec-  
21 tion, the term ‘substantial lobbying entity’ means an incor-  
22 porated entity that employs more than 3 federally reg-  
23 istered lobbyists during a filing period.”.

1 **SEC. 9. ENHANCED PENALTIES.**

2 Section 7(a) of the Lobbying Disclosure Act of 1995  
3 (2 U.S.C. 1606(a)) is amended by striking “\$200,000”  
4 and inserting “\$500,000”.

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