

110TH CONGRESS
1ST SESSION

H. R. 2316

AN ACT

To provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

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

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Honest Leadership and Open Government Act of 2007”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Disclosure by Members and staff of employment negotiations.

Sec. 102. Wrongfully influencing a private entity’s employment decisions or practices.

Sec. 103. Additional restrictions on contractors.

Sec. 104. Notification of post-employment restrictions.

Sec. 105. Restriction on congressional employees regarding former employers.

Sec. 106. Effective date.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.

Sec. 202. Electronic filing of lobbying disclosure reports.

Sec. 203. Additional lobbying disclosure requirements.

Sec. 204. Quarterly reports on other contributions.

Sec. 205. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.

Sec. 206. Disclosure of lobbying activities by certain coalitions and associations.

Sec. 207. Disclosure by registered lobbyists of past executive branch and congressional employment.

Sec. 208. Public database of lobbying disclosure information; maintenance of information.

Sec. 209. Sense of Congress regarding lobbying by immediate family members.

Sec. 210. Inapplicability to certain political committees.

Sec. 211. Effective date.

TITLE III—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 301. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.

TITLE IV—INCREASED DISCLOSURE

Sec. 401. Prohibition on official contact with spouse of Member who is a registered lobbyist.

Sec. 402. Posting of travel and financial disclosure reports on public website of Clerk of the House of Representatives.

Sec. 403. Limiting gifts to Members, officers, and employees of the House from State and local governments.

TITLE V—ADDITIONAL CRIMINAL PENALTIES FOR PUBLIC OFFICIALS

Sec. 501. Criminal penalties for public officials.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Rule of construction.

1 **TITLE I—CLOSING THE**
2 **REVOLVING DOOR**

3 **SEC. 101. DISCLOSURE BY MEMBERS AND STAFF OF EM-**
4 **PLOYMENT NEGOTIATIONS.**

5 The Rules of the House of Representatives are
6 amended by redesignating rules XXVII and XXVIII as
7 rules XXVIII and XXIX, respectively, and by inserting
8 after rule XXVI the following new rule:

9 “RULE XXVII

10 “DISCLOSURE BY MEMBERS AND STAFF OF
11 EMPLOYMENT NEGOTIATIONS

12 “1. A Member, Delegate, or Resident Commissioner
13 shall not directly negotiate or have any agreement of fu-
14 ture employment or compensation until after his or her
15 successor has been elected, unless such Member, Delegate,
16 or Resident Commissioner, within 3 business days after
17 the commencement of such negotiation or agreement of
18 future employment or compensation, files with the Com-
19 mittee on Standards of Official Conduct a statement,
20 which must be signed by the Member, Delegate, or Resi-
21 dent Commissioner, regarding such negotiations or agree-
22 ment, including the name of the private entity or entities
23 involved in such negotiations or agreement, and the date
24 such negotiations or agreement commenced.

1 “2. An officer or an employee of the House earning
2 in excess of 75 percent of the salary paid to a Member
3 shall notify the Committee on Standards of Official Con-
4 duct that he or she is negotiating or has any agreement
5 of future employment or compensation.

6 “3. The disclosure and notification under this rule
7 shall be made within 3 business days after the commence-
8 ment of such negotiation or agreement of future employ-
9 ment or compensation.

10 “4. A Member, Delegate, or Resident Commissioner,
11 and an officer or employee to whom this rule applies, shall
12 recuse himself or herself from any matter in which there
13 is a conflict of interest or an appearance of a conflict for
14 that Member, Delegate, Resident Commissioner, officer,
15 or employee under this rule and shall notify the Committee
16 on Standards of Official Conduct of such recusal. A Mem-
17 ber, Delegate, or Resident Commissioner making such
18 recusal shall, upon such recusal, submit to the Clerk for
19 public disclosure the statement of disclosure under clause
20 1 with respect to which the recusal was made.”.

21 **SEC. 102. WRONGFULLY INFLUENCING A PRIVATE ENTITY’S**

22 **EMPLOYMENT DECISIONS OR PRACTICES.**

23 (a) IN GENERAL.—Chapter 11 of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 227. Wrongfully influencing a private entity’s em-**
2 **ployment decisions by a Member of Con-**
3 **gress**

4 “Whoever, being a Senator or Representative in, or
5 a Delegate or Resident Commissioner to, the Congress or
6 an employee of either House of Congress, with the intent
7 to influence on the basis of partisan political affiliation
8 an employment decision or employment practice of any
9 private entity—

10 “(1) takes or withholds, or offers or threatens
11 to take or withhold, an official act, or

12 “(2) influences, or offers or threatens to influ-
13 ence, the official act of another,

14 shall be fined under this title or imprisoned for not more
15 than 15 years, or both, and may be disqualified from hold-
16 ing any office of honor, trust, or profit under the United
17 States.”.

18 (b) NO INFERENCE.—Nothing in section 227 of title
19 18, United States Code, as added by this section, shall
20 be construed to create any inference with respect to wheth-
21 er the activity described in section 227 of title 18, United
22 States Code, was a criminal or civil offense before the en-
23 actment of this Act, including under section 201(b),
24 201(c), any of sections 203 through 209, or section 872,
25 of title 18, United States Code.

1 (c) CONFORMING AMENDMENT.—The table of sec-
2 tions for chapter 11 of title 18, United States Code, is
3 amended by adding at the end the following:

“227. Wrongfully influencing a private entity’s employment decisions by a Mem-
ber of Congress.”.

4 **SEC. 103. ADDITIONAL RESTRICTIONS ON CONTRACTORS.**

5 (a) PROHIBITION.—Chapter 11 of title 18, United
6 States Code, is amended by inserting after section 219 the
7 following new section:

8 **“§ 220. Restrictions on contractors with Congress**

9 “(a) RESTRICTIONS.—

10 “(1) IN GENERAL.—If a person who is an attor-
11 ney or a law firm, including a professional legal cor-
12 poration or partnership, or an attorney employed by
13 such a law firm, enters into a contract to provide
14 services to—

15 “(A) a committee of Congress, or a sub-
16 committee of any such committee,

17 “(B) a Member of the leadership of the
18 House of Representatives or a Member of the
19 leadership of the Senate,

20 “(C) a covered legislative branch official,
21 or

22 “(D) a working group or caucus organized
23 to provide legislative services or other assistance
24 to Members of Congress,

1 the attorney or law firm entering into the contract,
2 and the law firm by which the attorney entering into
3 the contract is employed, may not, during the period
4 prescribed in paragraph (2), knowingly make, with
5 the intent to influence, any communication or ap-
6 pearance before any person described in paragraph
7 (3), on behalf of any other person (except the United
8 States), in connection with any matter on which
9 such attorney or law firm seeks official action by a
10 Member, officer, or employee of either House of
11 Congress, in his or her official capacity.

12 “(2) PERIOD DESCRIBED.—The period referred
13 to in paragraph (1) is the period during which the
14 contract described in paragraph (1) is in effect, and
15 a period of 1 year after the attorney or law firm, as
16 the case may be, is no longer subject to the contract.

17 “(3) PERSONS DESCRIBED.—The persons re-
18 ferred to in paragraph (1) with respect to appear-
19 ances or communications by an attorney or law firm
20 are any Member, officer, or employee of either
21 House of Congress.

22 “(b) PENALTY.—Any person who violates paragraph
23 (1) shall be punished as provided in section 216.

24 “(c) DEFINITIONS.—For purposes of this section—

1 “(1) the term ‘committee of Congress’ includes
2 any standing committee, joint committee, and select
3 committee;

4 “(2) the term ‘covered legislative branch offi-
5 cial’ has the meaning given that term in section 3
6 of the Lobbying Disclosure Act of 1995;

7 “(3)(A) a person is an employee of a House of
8 Congress if that person is an employee of the House
9 of Representatives or an employee of the Senate;

10 “(B) the terms ‘employee of the House of Rep-
11 resentatives’ and ‘employee of the Senate’ have the
12 meanings given those terms in section 207(e)(7);

13 “(4) an attorney is ‘employed’ by a law firm if
14 the attorney is an employee of, or a partner or other
15 member of, the law firm;

16 “(5) the terms ‘Member of the leadership of the
17 House of Representatives’ and ‘Member of the lead-
18 ership of the Senate’ have the meanings given those
19 terms in section 207(e)(7); and

20 “(6) the term ‘Member of Congress’ means a
21 Senator or Representative in, or Delegate or Resi-
22 dent Commissioner to, the Congress.”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) The table of sections for chapter 11 of title
25 18, United States Code, is amended by inserting

1 after the item relating to section 219 the following
2 new item:

“220. Restrictions on contractors with Congress.”.

3 (2) Section 216 of title 18, United States Code,
4 is amended by striking “or 209” each place it ap-
5 pears and inserting “, 209, or 220”.

6 **SEC. 104. NOTIFICATION OF POST-EMPLOYMENT RESTRIC-**
7 **TIONS.**

8 Section 207(e) of title 18, United States Code, is
9 amended by adding at the end the following new para-
10 graph:

11 “(8) NOTIFICATION OF POST-EMPLOYMENT RE-
12 STRICTIONS.—After a Member of the House of Rep-
13 resentatives or an elected officer of the House of
14 Representatives leaves office, or after the termi-
15 nation of employment with the House of Representa-
16 tives of an employee of the House of Representatives
17 covered under paragraph (2), (3), or (4), the Clerk
18 of the House of Representatives, after consultation
19 with the Committee on Standards of Official Con-
20 duct, shall notify the Member, officer, or employee
21 of the beginning and ending date of the prohibitions
22 that apply to the Member, officer, or employee under
23 this subsection, and also notify each office of the
24 House of Representatives with respect to which such
25 prohibitions apply of those dates. The Clerk shall

1 also post the information contained in such notifica-
2 tion on the public Internet site of the Office of the
3 Clerk in a format that is searchable, sortable, and
4 downloadable.”.

5 **SEC. 105. RESTRICTION ON CONGRESSIONAL EMPLOYEES**
6 **REGARDING FORMER EMPLOYERS.**

7 (a) RESTRICTION.—Chapter 11 of title 18, United
8 States Code, as amended by this Act, is further amended
9 by inserting after section 220 the following new section:
10 **“§ 221. Additional restriction on congressional em-**
11 **ployees**

12 “(a) RESTRICTION.—Any person—

13 “(1) who is a congressional employee,

14 “(2) who, before becoming employed as a con-
15 gressional employee, was employed as a lobbyist, and

16 “(3) who, within 1 year after leaving employ-
17 ment as a lobbyist, knowingly makes, in carrying out
18 his or her official responsibilities as a congressional
19 employee, any communication to or appearance be-
20 fore—

21 “(A) the organization that employed the
22 person as a lobbyist, if the person was not self-
23 employed,

24 “(B) any entity that was a client of the
25 person while employed as a lobbyist, or any en-

1 tity that was a client of the organization de-
2 scribed in subparagraph (A) while the person
3 was employed as a lobbyist, or is a client of
4 that organization during that 1-year period,
5 on a matter relating specifically to that organization
6 or client,

7 shall be punished as provided in section 216.

8 “(b) DEFINITIONS.—In this section—

9 “(1) the term ‘congressional employee’ means—

10 “(A) an elected officer of either House of
11 Congress; and

12 “(B) any employee to which any of the re-
13 strictions contained in paragraphs (1) through
14 (5) of section 207(e) apply;

15 “(2) the term ‘lobbyist’ means a person that is
16 registered or required to register as a lobbyist under
17 section 4(a)(1) of the Lobbying Disclosure Act of
18 1995, and any employee of an organization that is
19 registered or required to be registered under section
20 4(b)(6) of that Act; and

21 “(3) the term ‘client’ has the meaning given
22 that term in section 3(2) of the Lobbying Disclosure
23 Act of 1995.”.

24 (b) CONFORMING AMENDMENT.—The table of sec-
25 tions for chapter 11 of title 18, United States Code, is

1 amended by inserting after the item relating to section
2 220 the following new item:

“221. Additional restriction on congressional employees.”.

3 (c) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to individuals who become congres-
5 sional employees on or after January 1, 2007.

6 **SEC. 106. EFFECTIVE DATE.**

7 (a) **SECTION 101.**—The amendment made by section
8 101 shall take effect on the date of the enactment of this
9 Act, and shall apply to negotiations commenced, and
10 agreements entered into, on or after that date.

11 (b) **SECTION 102.**—The amendments made by sec-
12 tion 102 shall take effect on the date of the enactment
13 of this Act.

14 (c) **SECTION 103.**—The amendments made by section
15 103 shall take effect on May 23, 2007, and shall apply
16 with respect to any contract entered into before, on, or
17 after that date.

18 (d) **SECTION 104.**—The amendments made by sec-
19 tion 104 shall take effect on the date of enactment of this
20 Act.

1 **TITLE II—FULL PUBLIC**
2 **DISCLOSURE OF LOBBYING**

3 **SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE**
4 **REPORTS.**

5 (a) QUARTERLY FILING REQUIRED.—Section 5 of
6 the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is
7 amended—

8 (1) in subsection (a)—

9 (A) by striking “SEMIANNUAL” and insert-
10 ing “QUARTERLY”;

11 (B) by striking “the semiannual period”
12 and all that follows through “July of each
13 year” and insert “the quarterly period begin-
14 ning on the first day of January, April, July,
15 and October of each year”; and

16 (C) by striking “such semiannual period”
17 and inserting “such quarterly period”; and

18 (2) in subsection (b)—

19 (A) in the matter preceding paragraph (1),
20 by striking “semiannual report” and inserting
21 “quarterly report”;

22 (B) in paragraph (2), by striking “semi-
23 annual filing period” and inserting “quarterly
24 period”;

1 (C) in paragraph (3), by striking “semi-
2 annual period” and inserting “quarterly pe-
3 riod”; and

4 (D) in paragraph (4), by striking “semi-
5 annual filing period” and inserting “quarterly
6 period”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) DEFINITION.—Section 3(10) of the Lob-
9 bying Disclosure Act of 1995 (2 U.S.C. 1602) is
10 amended by striking “six month period” and insert-
11 ing “3-month period”.

12 (2) REGISTRATION.—Section 4 of the Lobbying
13 Disclosure Act of 1995 (2 U.S.C. 1603) is amend-
14 ed—

15 (A) in subsection (a)(3)(A), by striking
16 “semiannual period” and inserting “quarterly
17 period”; and

18 (B) in subsection (b)(3)(A), by striking
19 “semiannual period” and inserting “quarterly
20 period”.

21 (3) ENFORCEMENT.—Section 6 of the Lobbying
22 Disclosure Act of 1995 (2 U.S.C. 1605) is amended
23 in paragraph (6) by striking “semiannual period”
24 and inserting “quarterly period”.

1 (4) ESTIMATES.—Section 15 of the Lobbying
2 Disclosure Act of 1995 (2 U.S.C. 1610) is amend-
3 ed—

4 (A) in subsection (a)(1), by striking “semi-
5 annual period” and inserting “quarterly pe-
6 riod”; and

7 (B) in subsection (b)(1), by striking “semi-
8 annual period” and inserting “quarterly pe-
9 riod”.

10 (5) DOLLAR AMOUNTS.—Section 4 of the Lob-
11 bying Disclosure Act of 1995 (2 U.S.C. 1603) is fur-
12 ther amended—

13 (A) in subsection (a)(3)(A)(i), by striking
14 “\$5,000” and inserting “\$2,500”;

15 (B) in subsection (a)(3)(A)(ii), by striking
16 “\$20,000” and inserting “\$10,000”;

17 (C) in subsection (b)(3)(A), by striking
18 “\$10,000” and inserting “\$5,000”; and

19 (D) in subsection (b)(4), by striking
20 “\$10,000” and inserting “\$5,000”.

21 **SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
22 **REPORTS.**

23 (a) IN GENERAL.—Section 5 of the Lobbying Disclo-
24 sure Act of 1995 (2 U.S.C. 1604) is amended by adding
25 at the end the following:

1 “(d) **ELECTRONIC FILING REQUIRED.**—A report re-
2 quired to be filed under this section shall be filed in elec-
3 tronic form, in addition to any other form that may be
4 required by the Secretary of the Senate or the Clerk of
5 the House of Representatives.”.

6 (b) **EFFECTIVE DATE.**—The requirement in section
7 5(d) of the Lobbying Disclosure Act of 1995, as added
8 by subsection (a) of this section, that reports be filed elec-
9 tronically shall take effect on the day after the end of the
10 first calendar quarter that begins after the date of the en-
11 actment of this Act.

12 **SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIRE-**
13 **MENTS.**

14 (a) **GIFTS.**—Section 5(b) of the Lobbying Disclosure
15 Act of 1995 (2 U.S.C. 1604(b)) is amended—

16 (1) in paragraph (3), by striking “and” after
17 the semicolon;

18 (2) in paragraph (4) by striking the period and
19 inserting “; and”; and

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

21 “(5) a certification that the lobbying firm, or
22 registrant, and each employee listed as a lobbyist
23 under section 4(b)(6) or paragraph (2)(C) of this
24 subsection for that lobbying firm or registrant, has
25 not provided, requested, or directed a gift, including

1 travel, to a Member of Congress or an officer or em-
2 ployee of either House of Congress in violation rule
3 XXXV of the Standing Rules of the Senate or rule
4 XXV of the Rules of the House of Representatives.”.

5 (b) REQUESTS FOR CONGRESSIONAL EARMARKS.—
6 Section 5(b)(2)(A) of the Lobbying Disclosure Act of 1995
7 (2 U.S.C. 1604(b)(2)(A)) is amended by striking “bill
8 numbers” and inserting the following: “bill numbers, re-
9 quests for Congressional earmarks (as defined in clause
10 9(d) of rule XXI of the Rules of the House of Representa-
11 tives for the One Hundred Tenth Congress),”.

12 **SEC. 204. QUARTERLY REPORTS ON OTHER CONTRIBU-**
13 **TIONS.**

14 (a) OTHER CONTRIBUTIONS.—Section 5 of the Lob-
15 bying Disclosure Act of 1995 (2 U.S.C. 1604) is further
16 amended by adding at the end the following:

17 “(e) QUARTERLY REPORTS ON OTHER CONTRIBU-

18 TIONS.—
19 “(1) IN GENERAL.—Not later than 45 days
20 after the end of the quarterly period beginning on
21 the first day of January, April, July, and October of
22 each year, or on the first business day after the first
23 day of such month if that day is not a business day,
24 each person who is registered or is required to reg-
25 ister under paragraph (1) or (2) of section 4(a), and

1 each employee who is or is required to be listed as
2 a lobbyist under section 4(b)(6) or subsection (b) of
3 this section, shall file a report with the Secretary of
4 the Senate and the Clerk of the House of Represent-
5 atives containing—

6 “(A) the name of the person;

7 “(B) in the case of an employee, his or her
8 the employer;

9 “(C) the names of all political committees
10 established or administered by the person;

11 “(D) the name of each Federal candidate
12 or officeholder, leadership PAC, or political
13 party committee, to whom aggregate contribu-
14 tions equal to or exceeding \$200 were made by
15 the person or a political committee established
16 or administered by the person within the cal-
17 endar year, and the date and amount of each
18 contribution made within the quarterly period;

19 “(E) the date, recipient, and amount of
20 funds contributed, disbursed, or arranged (or a
21 good faith estimate thereof) by the person or a
22 political committee established or administered
23 by the person during the quarterly period—

24 “(i) to pay the cost of an event to
25 honor or recognize a covered legislative

1 branch official or covered executive branch
2 official;

3 “(ii) to, or on behalf of, an entity that
4 is named for a covered legislative branch
5 official, or to a person or entity in recogni-
6 tion of such official;

7 “(iii) to an entity established, fi-
8 nanced, maintained, or controlled by a cov-
9 ered legislative branch official or covered
10 executive branch official, or an entity des-
11 ignated by such official; or

12 “(iv) to pay the costs of a meeting, re-
13 treat, conference, or other similar event
14 held by, or for the benefit of, 1 or more
15 covered legislative branch officials or cov-
16 ered executive branch officials;

17 “(F) any information reported to the Fed-
18 eral Election Commission under the second sen-
19 tence of section 315(a)(8) of the Federal Elec-
20 tion Campaign Act of 1971 (relating to reports
21 by intermediaries and conduits of the original
22 source and the intended recipient of contribu-
23 tions under such Act) during the quarterly pe-
24 riod by the person or a political committee es-
25 tablished or administered by the person; and

1 “(G) the amount and recipient of any
2 funds provided to an organization described in
3 section 527 of the Internal Revenue Code of
4 1986 that is not treated as a political com-
5 mittee under section 301(4) under the Federal
6 Election Campaign Act of 1971.

7 “(2) DEFINITION.—In this subsection, the term
8 ‘leadership PAC’ means, with respect to an indi-
9 vidual holding Federal office, an unauthorized polit-
10 ical committee that is associated with an individual
11 holding Federal office, except that such term shall
12 not apply in the case of a political committee of a
13 political party.”.

14 (b) CONTRIBUTIONS BUNDLED FOR CERTAIN RE-
15 CIPIENTS.—

16 (1) IN GENERAL.—Section 5 of the Lobbying
17 Disclosure Act of 1995 (2 U.S.C. 1604) is further
18 amended by adding at the end the following new
19 subsection:

20 “(f) QUARTERLY REPORTS ON CONTRIBUTIONS BUN-
21 DLED FOR CERTAIN RECIPIENTS.—

22 “(1) IN GENERAL.—Not later than 45 days
23 after the end of the quarterly period beginning on
24 the first day of January, April, July, and October of
25 each year, each registered lobbyist who bundles 2 or

1 more contributions made to a covered recipient in an
2 aggregate amount exceeding \$5,000 for such covered
3 recipient during such quarterly period shall file a re-
4 port with the Secretary of the Senate and the Clerk
5 of the House of Representatives containing—

6 “(A) the name of the registered lobbyist;

7 “(B) in the case of an employee, his or her
8 employer; and

9 “(C) the name of the covered recipient to
10 whom the contribution is made, and to the ex-
11 tent known the aggregate amount of such con-
12 tributions (or a good faith estimate thereof)
13 within the quarter for the covered recipient.

14 “(2) EXCLUSION OF CERTAIN INFORMATION.—

15 In filing a report under paragraph (1), a registered
16 lobbyist shall exclude from the report any informa-
17 tion described in paragraph (1)(C) which is included
18 in any other report filed by the registered lobbyist
19 with the Secretary of the Senate and the Clerk of
20 the House of Representatives under subsection (e).

21 “(3) REQUIRING SUBMISSION OF INFORMATION

22 PRIOR TO FILING REPORTS.—Not later than 25 days
23 after the end of a period for which a registered lob-
24 byist is required to file a report under paragraph (1)
25 which includes any information described in such

1 section with respect to a covered recipient, the reg-
2 istered lobbyist shall transmit by certified mail to
3 the covered recipient involved a statement con-
4 taining—

5 “(A) the information that will be included
6 in the report with respect to the covered recipi-
7 ent;

8 “(B) the source of each contribution in-
9 cluded in the aggregate amount referred to in
10 paragraph (1)(C) which the registered lobbyist
11 bundled for the covered recipient during the pe-
12 riod covered by the report and the amount of
13 the contribution attributable to each such
14 source; and

15 “(C) a notification that the covered recipi-
16 ent has the right to respond to the statement
17 to challenge and correct any information in-
18 cluded before the registered lobbyist files the re-
19 port under paragraph (1).

20 “(4) DEFINITION OF REGISTERED LOBBYIST.—

21 For purposes of this subsection, the term ‘registered
22 lobbyist’ means a person who is registered or is re-
23 quired to register under paragraph (1) or (2) of sec-
24 tion 4(a), or an individual who is required to be list-
25 ed under section 4(b)(6) or subsection (b).

1 “(5) DEFINITION OF BUNDLED CONTRIBU-
2 TION.—For purposes of this subsection, a registered
3 lobbyist ‘bundles’ a contribution if—

4 “(A) the bundled contribution is received
5 by a registered lobbyist for, and forwarded by
6 a registered lobbyist to, the covered recipient to
7 whom the contribution is made; or

8 “(B) the bundled contribution will be or
9 has been credited or attributed to the registered
10 lobbyist through records, designations, recogni-
11 tions or other means of tracking by the covered
12 recipient to whom the contribution is made.

13 “(6) OTHER DEFINITIONS.—In this sub-
14 section—

15 “(A) the term ‘contribution’ has the mean-
16 ing given such term in the Federal Election
17 Campaign Act of 1971 (2 U.S.C. 431 et seq.),
18 except that such term does not include a con-
19 tribution in an amount which is less than \$200;

20 “(B) the terms ‘candidate’, ‘political com-
21 mittee’, and ‘political party committee’ have the
22 meaning given such terms in the Federal Elec-
23 tion Campaign Act of 1971 (2 U.S.C. 431 et
24 seq.);

1 “(C) the term ‘covered recipient’ means a
2 Federal candidate, an individual holding Fed-
3 eral office, a leadership PAC, a multicandidate
4 political committee described in section
5 315(a)(4) of the Federal Election Campaign
6 Act of 1971 (2 U.S.C. 441a(a)(4)), or a polit-
7 ical party committee; and

8 “(D) the term ‘leadership PAC’ has the
9 meaning given such term in subsection (e)(2).”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall apply with respect to the sec-
12 ond quarterly period described in section 5(f)(1) of
13 the Lobbying Disclosure Act of 1995 (as added by
14 paragraph (1)) which begins after the date of the
15 enactment of this Act and each succeeding quarterly
16 period.

17 **SEC. 205. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
18 **EL BY REGISTERED LOBBYISTS TO MEMBERS**
19 **OF CONGRESS AND TO CONGRESSIONAL EM-**
20 **PLOYEES.**

21 (a) PROHIBITION.—The Lobbying Disclosure Act of
22 1995 (2 U.S.C. 1601 et seq.) is amended by adding at
23 the end the following:

1 **“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
2 **EL BY REGISTERED LOBBYISTS TO MEMBERS**
3 **OF CONGRESS AND TO CONGRESSIONAL EM-**
4 **PLOYEES.**

5 “(a) PROHIBITION.—Any person described in sub-
6 section (b) may not make a gift or provide travel to a
7 Member, officer, or employee of Congress, if the person
8 has knowledge that the gift or travel may not be accepted
9 under the rules of the House of Representatives or the
10 Senate.

11 “(b) PERSONS SUBJECT TO PROHIBITION.—The per-
12 sons subject to the prohibition under subsection (a) are
13 any lobbyist that is registered or is required to register
14 under section 4(a)(1), any organization that employs 1 or
15 more lobbyists and is registered or is required to register
16 under section 4(a)(2), and any employee listed or required
17 to be listed as a lobbyist by a registrant under section
18 4(b)(6).”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall take effect on the date of the enactment
21 of this Act.

22 **SEC. 206. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
23 **TAIN COALITIONS AND ASSOCIATIONS.**

24 Paragraph (2) of section 3 of the Lobbying Disclo-
25 sure Act of 1995 (2 U.S.C. 1602) is amended to read as
26 follows:

1 “(2) CLIENT.—

2 “(A) IN GENERAL.—The term ‘client’
3 means any person or entity that employs or re-
4 tains another person for financial or other com-
5 pensation to conduct lobbying activities on be-
6 half of that person or entity. A person or entity
7 whose employees act as lobbyists on its own be-
8 half is both a client and an employer of such
9 employees.

10 “(B) TREATMENT OF COALITIONS AND AS-
11 SOCIATIONS.—

12 “(i) IN GENERAL.—Except as pro-
13 vided in clauses (ii), (iii), and (iv), in the
14 case of a coalition or association that em-
15 ploys or retains other persons to conduct
16 lobbying activities, each of the individual
17 members of the coalition or association
18 (and not the coalition or association) is the
19 client. For purposes of section 4(a)(3), the
20 preceding sentence shall not apply, and the
21 coalition or association shall be treated as
22 the client.

23 “(ii) EXCEPTION FOR CERTAIN TAX-
24 EXEMPT ASSOCIATIONS.—In the case of an
25 association—

1 “(I) which is described in para-
2 graph (3) of section 501(c) of the In-
3 ternal Revenue Code of 1986 and ex-
4 empt from tax under section 501(a) of
5 such Code, or

6 “(II) which is described in any
7 other paragraph of section 501(c) of
8 the Internal Revenue Code of 1986
9 and exempt from tax under section
10 501(a) of such Code and which has
11 substantial exempt activities other
12 than lobbying with respect to the spe-
13 cific issue for which it engaged the
14 person filing the registration state-
15 ment under section 4,

16 the association (and not its members) shall
17 be treated as the client.

18 “(iii) EXCEPTION FOR CERTAIN MEM-
19 BERS.—Information on a member of a coa-
20 lition or association need not be included
21 in any registration under section 4 if the
22 amount reasonably expected to be contrib-
23 uted by such member toward the activities
24 of the coalition or association of influ-
25 encing legislation is less than \$500 during

1 the quarterly period during which the reg-
2 istration would be made.

3 “(iv) NO DONOR OR MEMBERSHIP
4 LIST DISCLOSURE.—No disclosure is re-
5 quired under this Act, by reason of this
6 subparagraph, with respect to lobbying ac-
7 tivities if it is publicly available knowledge
8 that the organization that would be identi-
9 fied under this subparagraph is affiliated
10 with the client concerned or has been pub-
11 licly disclosed to have provided funding to
12 the client, unless the organization in whole
13 or in major part plans, supervises, or con-
14 trols such lobbying activities. Nothing in
15 this subparagraph shall be construed to re-
16 quire the disclosure of any information
17 about individuals who are members of, or
18 donors to, an entity treated as a client by
19 this Act or an organization identified
20 under this subparagraph.”.

21 **SEC. 207. DISCLOSURE BY REGISTERED LOBBYISTS OF**
22 **PAST EXECUTIVE BRANCH AND CONGRES-**
23 **SIONAL EMPLOYMENT.**

24 Section 4(b)(6) of the Lobbying Disclosure Act of
25 1995 (2 U.S.C. 1603(b)(6)) is amended by striking “or

1 a covered legislative branch official” and all that follows
2 through “as a lobbyist on behalf of the client,” and insert-
3 ing “or a covered legislative branch official,”.

4 **SEC. 208. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
5 **FORMATION; MAINTENANCE OF INFORMA-**
6 **TION.**

7 (a) DATABASE REQUIRED.—Section 6 of the Lob-
8 bying Disclosure Act of 1995 (2 U.S.C. 1605) is further
9 amended—

10 (1) in paragraph (7), by striking “and” at the
11 end;

12 (2) in paragraph (8), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following new
15 paragraphs:

16 “(9) maintain, and make available to the public
17 over the Internet, without a fee or other access
18 charge, in a searchable, sortable, and downloadable
19 manner, an electronic database that—

20 “(A) includes the information contained in
21 registrations and reports filed under this Act;

22 “(B) directly links the information it con-
23 tains to the information disclosed in reports
24 filed with the Federal Election Commission

1 under section 304 of the Federal Election Cam-
2 paign Act of 1971 (2 U.S.C. 434); and

3 “(C) is searchable and sortable to the max-
4 imum extent practicable, including searchable
5 and sortable by each of the categories of infor-
6 mation described in section 4(b) or 5(b); and

7 “(10) retain the information contained in a reg-
8 istration or report filed under this Act for a period
9 of at least 6 years after the registration or report
10 (as the case may be) is filed.”

11 (b) AVAILABILITY OF REPORTS.—

12 (1) IN GENERAL.—Section 6(4) of the Lobbying
13 Disclosure Act of 1995 (2 U.S.C. 1605) is amended
14 by inserting before the semicolon at the end the fol-
15 lowing: “and, in the case of a report filed in elec-
16 tronic form pursuant to section 5(d), make such re-
17 port available for public inspection over the Internet
18 not more than 48 hours after the report is so filed”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall take effect on the day after
21 the end of the first calendar quarter that begins
22 after the date of the enactment of this Act.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as may be
25 necessary to carry out paragraph (9) of section 6 of the

1 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605), as
2 added by subsection (a) of this section.

3 **SEC. 209. SENSE OF CONGRESS REGARDING LOBBYING BY**
4 **IMMEDIATE FAMILY MEMBERS.**

5 It is the sense of the Congress that the use of a fam-
6 ily relationship by a lobbyist who is an immediate family
7 member of a Member of Congress to gain special advan-
8 tages over other lobbyists is inappropriate.

9 **SEC. 210. INAPPLICABILITY TO CERTAIN POLITICAL COM-**
10 **MITTEES.**

11 The amendments made by this title shall not apply
12 to the activities of any political committee described in sec-
13 tion 301(4) of the Federal Election Campaign Act of 1971
14 (2 U.S.C. 431(4)).

15 **SEC. 211. EFFECTIVE DATE.**

16 Except as otherwise provided, the amendments made
17 by this title shall apply with respect to any quarterly filing
18 period under the Lobbying Disclosure Act of 1995 that
19 begins on or after January 1, 2008.

1 **TITLE III—ENFORCEMENT OF**
 2 **LOBBYING RESTRICTIONS**

3 **SEC. 301. INCREASED CIVIL AND CRIMINAL PENALTIES FOR**
 4 **FAILURE TO COMPLY WITH LOBBYING DIS-**
 5 **CLOSURE REQUIREMENTS.**

6 Section 7 of the Lobbying Disclosure Act of 1995 (2
 7 U.S.C. 1606) is amended—

8 (1) by striking “Whoever” and inserting “(a)
 9 CIVIL PENALTY.—Whoever”;

10 (2) by striking “\$50,000” and inserting
 11 “\$100,000”; and

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

13 “(b) CRIMINAL PENALTY.—Whoever knowingly and
 14 corruptly fails to comply with any provision of this Act
 15 shall be imprisoned for not more than 5 years or fined
 16 under title 18, United States Code, or both.”.

17 **TITLE IV—INCREASED**
 18 **DISCLOSURE**

19 **SEC. 401. PROHIBITION ON OFFICIAL CONTACT WITH**
 20 **SPOUSE OF MEMBER WHO IS A REGISTERED**
 21 **LOBBYIST.**

22 Rule XXV of the Rules of the House of Representa-
 23 tives is amended by adding at the end the following new
 24 clause:

1 “7. A Member, Delegate, or Resident Commissioner
2 shall prohibit all staff employed by that Member, Dele-
3 gate, or Resident Commissioner (including staff in per-
4 sonal, committee, and leadership offices) from having any
5 official contact with that individual’s spouse if that spouse
6 is a lobbyist under the Lobbying Disclosure Act of 1995
7 or is employed or retained by such a lobbyist for the pur-
8 pose of influencing legislation.”.

9 **SEC. 402. POSTING OF TRAVEL AND FINANCIAL DISCLO-**
10 **SURE REPORTS ON PUBLIC WEBSITE OF**
11 **CLERK OF THE HOUSE OF REPRESENTA-**
12 **TIVES.**

13 (a) **REQUIRING POSTING ON INTERNET.**—The Clerk
14 of the House of Representatives shall post on the public
15 Internet site of the Office of the Clerk, in a format that
16 is searchable, sortable, and downloadable, each of the fol-
17 lowing:

18 (1) The advance authorizations, certifications,
19 and disclosures filed with respect to transportation,
20 lodging, and related expenses for travel under clause
21 5(b) of rule XXV of the Rules of the House of Rep-
22 resentatives by Members (including Delegates and
23 Resident Commissioners to the Congress), officers,
24 and employees of the House.

1 (2) The reports filed under section 103(h)(1) of
2 the Ethics in Government Act of 1978 by Members
3 of the House of Representatives (including Delegates
4 and Resident Commissioners to the Congress).

5 (b) APPLICABILITY AND TIMING.—

6 (1) APPLICABILITY.—Subject to paragraph (2),
7 subsection (a) shall apply with respect to informa-
8 tion received by the Clerk of the House of Rep-
9 resentatives on or after the date of the enactment of
10 this Act.

11 (2) TIMING.—The Clerk of the House of Rep-
12 resentatives shall—

13 (A) not later than August 1, 2008, post
14 the information required by subsection (a) that
15 the Clerk receives by June 1, 2008; and

16 (B) not later than the end of each 45-day
17 period occurring after information is required to
18 be posted under subparagraph (A), post the in-
19 formation required by subsection (a) that the
20 Clerk has received since the last posting under
21 this subsection.

22 (3) OMISSION OF PERSONALLY IDENTIFIABLE
23 INFORMATION.—Members of the House of Rep-
24 resentatives (including Delegates and Resident Com-
25 missioners to the Congress) shall be permitted to

1 the House of Representatives is amended by striking “,
2 by a State or local government,”.

3 (b) CONFORMING AMENDMENT.—Clause 5(b)(1)(A)
4 of rule XXV of the Rules of the House of Representatives
5 is amended by inserting “a State or local government or”
6 before “a private source”.

7 **TITLE V—ADDITIONAL CRIMI-**
8 **NAL PENALTIES FOR PUBLIC**
9 **OFFICIALS**

10 **SEC. 501. CRIMINAL PENALTIES FOR PUBLIC OFFICIALS.**

11 (a) IN GENERAL.—Subchapter D of chapter 227 of
12 title 18, United States Code, is amended by adding at the
13 end the following:

14 **“§ 3587. Increased imprisonment for certain offenses**
15 **by public officials**

16 “(a) GENERAL RULE.—In any Federal criminal case
17 in which a public official is convicted of an offense against
18 the United States—

19 “(1) consisting of conduct during the course of
20 official duty, intended to enrich that official; and

21 “(2) involving bribery, fraud, extortion, or theft
22 of public funds greater than \$10,000;

23 the sentencing judge may increase the sentence of impris-
24 onment by an amount of up to 2 years. The sentencing
25 judge may double the sentence of imprisonment that

1 would otherwise be imposed in that case: *Provided, how-*
2 *ever* that in no instance may the sentencing judge be al-
3 lowed to increase the sentence by more than 2 years.

4 “(b) DEFINITION.—In this section, the term ‘public
5 official’ means—

6 “(1) an elected official of the United States or
7 of a State or local government;

8 “(2) a presidentially-appointed official; and

9 “(3) an official appointed to a State or local
10 governmental office by an elected official of a State
11 or local government.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of subchapter D of chapter 227 of title
14 18, United States Code, is amended by adding at the end
15 the following new item:

“3587. Increased imprisonment for certain offenses by public officials.”.

16 **TITLE VI—GENERAL**
17 **PROVISIONS**

18 **SEC. 601. RULE OF CONSTRUCTION.**

19 Nothing in this Act or the amendments made by this
20 Act shall be construed to prohibit any expressive conduct
21 protected from legal prohibition by, or any activities pro-

- 1 tected by the free speech, free exercise, or free association
- 2 clauses of, the First Amendment to the Constitution.

Passed the House of Representatives May 24, 2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 2316

AN ACT

To provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.