

# Union Calendar No. 97

110TH CONGRESS  
1ST SESSION

# H. R. 2316

**[Report No. 110–161, Part I]**

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2007

Mr. CONYERS (for himself, Mr. EMANUEL, Mr. VAN HOLLEN, Mr. HALL of New York, Mr. KAGEN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Rules and House Administration, 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

MAY 21, 2007

Additional sponsors: Mr. SPACE, Mrs. BOYDA of Kansas, and Ms. CASTOR

MAY 21, 2007

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 21, 2007

Committees on Rules and House Administration discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 15, 2007]

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## A BILL

To provide more rigorous requirements with respect to disclo-

sure 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,*

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

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

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
7 *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 prac-*  
*tices.*

*Sec. 103. Additional restrictions on contractors.*

*Sec. 104. 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 association.*

*Sec. 207. Disclosure by registered lobbyists of past executive branch and congress-*  
*sional employment.*

*Sec. 208. Public database of lobbying disclosure information; maintenance of in-*  
*formation.*

*Sec. 209. Inapplicability to certain political committees.*

*Sec. 210. Effective date.*

**TITLE III—ENFORCEMENT OF LOBBYING RESTRICTIONS**

*Sec. 301. Increased civil and criminal penalties for failure to comply with lob-*  
*bying disclosure requirements.*

**TITLE IV—INCREASED DISCLOSURE**

*Sec. 401. Prohibition on official contact with spouse of Member who is a reg-*  
*istered lobbyist.*

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

## TITLE V—GENERAL PROVISIONS

*Sec. 501. 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 amended*  
6 *by redesignating rules XXVII and XXVIII as rules XXVIII*  
7 *and XXIX, respectively, and by inserting after rule XXVI*  
8 *the following new rule:*

9                                   “*RULE XXVII*

10           “*DISCLOSURE BY MEMBERS AND STAFF OF EMPLOYMENT*  
11                                   *NEGOTIATIONS*

12           “*1. A Member, Delegate, or Resident Commissioner*  
13 *shall not directly negotiate or have any agreement of future*  
14 *employment or compensation until after his or her successor*  
15 *has been elected, unless such Member, Delegate, or Resident*  
16 *Commissioner, within 3 business days after the commence-*  
17 *ment of such negotiation or agreement of future employment*  
18 *or compensation, files with the Committee on Standards of*  
19 *Official Conduct a statement, which must be signed by the*  
20 *Member, Delegate, or Resident Commissioner, regarding*  
21 *such negotiations or agreement, including the name of the*  
22 *private entity or entities involved in such negotiations or*  
23 *agreement, and the date such negotiations or agreement*  
24 *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 shall  
3 notify the Committee on Standards of Official Conduct that  
4 he or she is negotiating or has any agreement of future em-  
5 ployment 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 employment  
9 or compensation.

10       “4. A Member, Delegate, or Resident Commissioner,  
11 and an officer or employee to whom this clause applies,  
12 shall recuse himself or herself from any matter in which  
13 there is a conflict of interest or an appearance of a conflict  
14 for 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 following:

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 a*  
5 *Delegate or Resident Commissioner to, the Congress or an*  
6 *employee of either House of Congress, with the intent to in-*  
7 *fluence on the basis of partisan political affiliation an em-*  
8 *ployment decision or employment practice of any private*  
9 *entity—*

10 *“(1) takes or withholds, or offers or threatens to*  
11 *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 be*  
20 *construed to create any inference with respect to whether*  
21 *the activity described in section 227 of title 18, United*  
22 *States Code, was a criminal or civil offense before the enact-*  
23 *ment of this Act, including under section 201(b), 201(c),*  
24 *or any of sections 203 through 209, of title 18, United*  
25 *States Code.*

1           (c) *CONFORMING AMENDMENT.*—*The table of sections*  
2 *for chapter 11 of title 18, United States Code, is amended*  
3 *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, or*

21                           “(D) *a working group or caucus organized*  
22 *to provide legislative services or other assistance*  
23 *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 such*  
9        *attorney or law firm seeks official action by a Mem-*  
10       *ber, officer, or employee of either House of Congress,*  
11       *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 House*  
21        *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 official’  
5 has the meaning given that term in section 3 of the  
6 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 leader-  
18 ship 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 Sen-  
21 ator or Representative in, or Delegate or Resident  
22 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 after



1        *the item relating to section 219 the following new*  
 2        *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. 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 agree-*  
 10       *ments entered into, on or after that date.*

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

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

18                                **TITLE II—FULL PUBLIC**  
 19                                **DISCLOSURE OF LOBBYING**

20    **SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE**  
 21                                **REPORTS.**

22        (a) *QUARTERLY FILING REQUIRED.—Section 5 of the*  
 23        *Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amend-*  
 24        *ed—*

25                                (1) *in subsection (a)—*

1           (A) by striking “SEMIANNUAL” and insert-  
2           ing “QUARTERLY”;

3           (B) by striking “the semiannual period”  
4           and all that follows through “July of each year”  
5           and insert “the quarterly period beginning on  
6           the first day of January, April, July, and Octo-  
7           ber of each year”; and

8           (C) by striking “such semiannual period”  
9           and inserting “such quarterly period”; and

10          (2) in subsection (b)—

11           (A) in the matter preceding paragraph (1),  
12           by striking “semiannual report” and inserting  
13           “quarterly report”;

14           (B) in paragraph (2), by striking “semi-  
15           annual filing period” and inserting “quarterly  
16           period”;

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

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

23          (b) CONFORMING AMENDMENTS.—

24           (1) DEFINITION.—Section 3(10) of the Lobbying  
25           Disclosure Act of 1995 (2 U.S.C. 1602) is amended by

1 *striking “six month period” and inserting “3-month*  
2 *period”.*

3 (2) *REGISTRATION.*—Section 4 of the Lobbying  
4 *Disclosure Act of 1995 (2 U.S.C. 1603) is amended—*

5 (A) *in subsection (a)(3)(A), by striking*  
6 *“semiannual period” and inserting “quarterly*  
7 *period”;* and

8 (B) *in subsection (b)(3)(A), by striking*  
9 *“semiannual period” and inserting “quarterly*  
10 *period”.*

11 (3) *ENFORCEMENT.*—Section 6 of the Lobbying  
12 *Disclosure Act of 1995 (2 U.S.C. 1605) is amended in*  
13 *paragraph (6) by striking “semiannual period” and*  
14 *inserting “quarterly period”.*

15 (4) *ESTIMATES.*—Section 15 of the Lobbying  
16 *Disclosure Act of 1995 (2 U.S.C. 1610) is amended—*

17 (A) *in subsection (a)(1), by striking “semi-*  
18 *annual period” and inserting “quarterly pe-*  
19 *riod”;* and

20 (B) *in subsection (b)(1), by striking “semi-*  
21 *annual period” and inserting “quarterly pe-*  
22 *riod”.*

23 (5) *DOLLAR AMOUNTS.*—Section 4 of the Lob-  
24 *bing Disclosure Act of 1995 (2 U.S.C. 1603) is fur-*  
25 *ther amended—*

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

3           (B) in subsection (a)(3)(A)(ii), by striking  
4           “\$20,000” and inserting “\$10,000”;

5           (C) in subsection (b)(3)(A), by striking  
6           “\$10,000” and inserting “\$5,000”; and

7           (D) in subsection (b)(4), by striking  
8           “\$10,000” and inserting “\$5,000”.

9   **SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE**  
10                           **REPORTS.**

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

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

19           (b) *EFFECTIVE DATE.*—The requirement in section  
20   5(d) of the Lobbying Disclosure Act of 1995, as added by  
21   subsection (a) of this section, that reports be filed electroni-  
22   cally shall take effect on the day after the end of the first  
23   calendar quarter that begins after the date of the enactment  
24   of this Act.

1 **SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIRE-**  
2 **MENTS.**

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

5 *(1) in paragraph (3), by striking “and” after the*  
6 *semicolon;*

7 *(2) in paragraph (4) by striking the period and*  
8 *inserting “; and”; and*

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

10 *“(5) a certification that the lobbying firm, or*  
11 *registrant, and each employee listed as a lobbyist*  
12 *under section 4(b)(6) or paragraph (2)(C) of this sub-*  
13 *section for that lobbying firm or registrant, has not*  
14 *provided, requested, or directed a gift, including trav-*  
15 *el, to a Member of Congress or an officer or employee*  
16 *of either House of Congress in violation rule XXXV*  
17 *of the Standing Rules of the Senate or rule XXV of*  
18 *the Rules of the House of Representatives.”.*

19 **SEC. 204. QUARTERLY REPORTS ON OTHER CONTRIBU-**  
20 **TIONS.**

21 *Section 5 of the Act (2 U.S.C. 1604) is further amend-*  
22 *ed by adding at the end the following:*

23 *“(e) QUARTERLY REPORTS ON OTHER CONTRIBU-*  
24 *TIONS.—*

25 *“(1) IN GENERAL.—Not later than 45 days after*  
26 *the end of the quarterly period beginning on the first*

1 *day of January, April, July, and October of each*  
2 *year, or on the first business day after the first day*  
3 *of such month if that day is not a business day, each*  
4 *person who is registered or is required to register*  
5 *under paragraph (1) or (2) of section 4(a), and each*  
6 *employee who is or is required to be listed as a lob-*  
7 *byist under section 4(b)(6) or subsection (b) of this*  
8 *section, shall file a report with the Secretary of the*  
9 *Senate and the Clerk of the House of Representatives*  
10 *containing—*

11 *“(A) the name of the person;*

12 *“(B) in the case of an employee, his or her*  
13 *the employer;*

14 *“(C) the names of all political committees*  
15 *established or administered by the person;*

16 *“(D) the name of each Federal candidate or*  
17 *officeholder, leadership PAC, or political party*  
18 *committee, to whom aggregate contributions*  
19 *equal to or exceeding \$200 were made by the per-*  
20 *son or a political committee established or ad-*  
21 *ministered by the person within the calendar*  
22 *year, and the date and amount of each contribu-*  
23 *tion made within the quarterly period;*

24 *“(E) the date, recipient, and amount of*  
25 *funds contributed, disbursed, or arranged (or a*

1           *good faith estimate thereof) by the person or a*  
2           *political committee established or administered*  
3           *by the person during the quarterly period—*

4                   “(i) *to pay the cost of an event to*  
5                   *honor or recognize a covered legislative*  
6                   *branch official or covered executive branch*  
7                   *official;*

8                   “(ii) *to, or on behalf of, an entity that*  
9                   *is named for a covered legislative branch of-*  
10                   *ficial, or to a person or entity in recogni-*  
11                   *tion of such official;*

12                   “(iii) *to an entity established, fi-*  
13                   *nanced, maintained, or controlled by a cov-*  
14                   *ered legislative branch official or covered ex-*  
15                   *ecutive branch official, or an entity des-*  
16                   *ignated by such official; or*

17                   “(iv) *to pay the costs of a meeting, re-*  
18                   *treat, conference, or other similar event held*  
19                   *by, or for the benefit of, 1 or more covered*  
20                   *legislative branch officials or covered execu-*  
21                   *tive branch officials;*

22                   “(F) *any information reported to the Fed-*  
23                   *eral Election Commission under the second sen-*  
24                   *tence of section 315(a)(8) of the Federal Election*  
25                   *Campaign Act of 1971 (relating to reports by*

1 *intermediaries and conduits of the original*  
2 *source and the intended recipient of contribu-*  
3 *tions under such Act) during the quarterly pe-*  
4 *riod by the person or a political committee estab-*  
5 *lished or administered by the person; and*

6 *“(G) the amount and recipient of any funds*  
7 *provided to an organization described in section*  
8 *527 of the Internal Revenue Code of 1986 that*  
9 *is not treated as a political committee under sec-*  
10 *tion 301(4) under the Federal Election Cam-*  
11 *paign Act of 1971.*

12 *“(2) DEFINITION.—In this subsection, the term*  
13 *‘leadership PAC’ means, with respect to an individual*  
14 *holding Federal office, an unauthorized political com-*  
15 *mittee that is associated with an individual holding*  
16 *Federal office, except that such term shall not apply*  
17 *in the case of a political committee of a political*  
18 *party.”.*

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

23 *(a) PROHIBITION.—The Lobbying Disclosure Act of*  
24 *1995 (2 U.S.C. 1601 et seq.) is amended by adding at the*  
25 *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 Mem-  
7 ber, officer, or employee of Congress, if the person has  
8 knowledge that the gift or travel may not be accepted under  
9 the rules of the House of Representatives or the Senate.

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

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

20 **SEC. 206. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**  
21 **TAIN COALITIONS AND ASSOCIATION.**

22 Paragraph (2) of section 3 of the Lobbying Disclosure  
23 Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

24 “(2) *CLIENT.*—

25 “(A) *IN GENERAL.*—The term ‘client’ means  
26 any person or entity that employs or retains an-

1           *other person for financial or other compensation*  
2           *to conduct lobbying activities on behalf of that*  
3           *person or entity. A person or entity whose em-*  
4           *ployees act as lobbyists on its own behalf is both*  
5           *a client and an employer of such employees.*

6                   “(B) *TREATMENT OF COALITIONS AND AS-*  
7                   *SOCIATIONS.—*

8                           “(i) *IN GENERAL.—Except as provided*  
9                           *in clauses (ii), (iii), and (iv), in the case of*  
10                           *a coalition or association that employs or*  
11                           *retains other persons to conduct lobbying*  
12                           *activities, each of the individual members of*  
13                           *the coalition or association (and not the co-*  
14                           *alition or association) is the client. For*  
15                           *purposes of section 4(a)(3), the preceding*  
16                           *sentence shall not apply, and the coalition*  
17                           *or association shall be treated as the client.*

18                           “(ii) *EXCEPTION FOR CERTAIN TAX-EX-*  
19                           *EMPT ASSOCIATIONS.—In the case of an as-*  
20                           *sociation—*

21                                   “(I) *which is described in para-*  
22                                   *graph (3) of section 501(c) of the Inter-*  
23                                   *nal Revenue Code of 1986 and exempt*  
24                                   *from tax under section 501(a) of such*  
25                                   *Code, or*

1           “(II) which is described in any  
2           other paragraph of section 501(c) of  
3           the Internal Revenue Code of 1986 and  
4           exempt from tax under section 501(a)  
5           of such Code and which has substantial  
6           exempt activities other than lobbying  
7           with respect to the specific issue for  
8           which it engaged the person filing the  
9           registration statement under section 4,  
10          the association (and not its members) shall  
11          be treated as the client.

12           “(iii) *EXCEPTION FOR CERTAIN MEM-*  
13          *BERS.—Information on a member of a coa-*  
14          *lition or association need not be included in*  
15          *any registration under section 4 if the*  
16          *amount reasonably expected to be contrib-*  
17          *uted by such member toward the activities*  
18          *of the coalition or association of influencing*  
19          *legislation is less than \$500 during the*  
20          *quarterly period during which the registra-*  
21          *tion would be made.*

22           “(iv) *NO DONOR OR MEMBERSHIP LIST*  
23          *DISCLOSURE.—No disclosure is required*  
24          *under this Act, by reason of this subpara-*  
25          *graph, with respect to lobbying activities if*

1            *it is publicly available knowledge that the*  
2            *organization that would be identified under*  
3            *this subparagraph is affiliated with the cli-*  
4            *ent concerned or has been publicly disclosed*  
5            *to have provided funding to the client, un-*  
6            *less the organization in whole or in major*  
7            *part plans, supervises, or controls such lob-*  
8            *bying activities. Nothing in this subpara-*  
9            *graph shall be construed to require the dis-*  
10           *closure of any information about individ-*  
11           *uals who are members of, or donors to, an*  
12           *entity treated as a client by this Act or an*  
13           *organization identified under this subpara-*  
14           *graph.”.*

15    **SEC. 207. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST**  
16                            **EXECUTIVE BRANCH AND CONGRESSIONAL**  
17                            **EMPLOYMENT.**

18            *Section 4(b)(6) of the Lobbying Disclosure Act of 1995*  
19            *(2 U.S.C. 1603(b)(6)) is amended by striking “or a covered*  
20            *legislative branch official” and all that follows through “as*  
21            *a lobbyist on behalf of the client,” and inserting “or a cov-*  
22            *ered legislative branch official.”.*

1 **SEC. 208. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**  
2 **FORMATION; MAINTENANCE OF INFORMA-**  
3 **TION.**

4 (a) *DATABASE REQUIRED.*—Section 6 of the Lobbying  
5 Disclosure Act of 1995 (2 U.S.C. 1605) is further amend-  
6 ed—

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

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

11 (3) by adding at the end the following new para-  
12 graphs:

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

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

19 “(B) directly links the information it con-  
20 tains to the information disclosed in reports filed  
21 with the Federal Election Commission under sec-  
22 tion 304 of the Federal Election Campaign Act  
23 of 1971 (2 U.S.C. 434); and

24 “(C) is searchable and sortable to the max-  
25 imum extent practicable, including searchable

1           *and sortable by each of the categories of informa-*  
2           *tion described in section 4(b) or 5(b); and*

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

7           **(b) AVAILABILITY OF REPORTS.—**

8           **(1) IN GENERAL.—***Section 6(4) of the Lobbying*  
9           *Disclosure Act of 1995 (2 U.S.C. 1605) is amended by*  
10          *inserting before the semicolon at the end the following:*  
11          *“and, in the case of a report filed in electronic form*  
12          *pursuant to section 5(d), make such report available*  
13          *for public inspection over the Internet not more than*  
14          *48 hours after the report is so filed.”.*

15          **(2) EFFECTIVE DATE.—***The amendment made by*  
16          *paragraph (1) shall take effect on the day after the*  
17          *end of the first calendar quarter that begins after the*  
18          *date of the enactment of this Act.*

19          **(c) AUTHORIZATION OF APPROPRIATIONS.—***There are*  
20          *authorized to be appropriated such sums as may be nec-*  
21          *essary to carry out paragraph (9) of section 6 of the Lob-*  
22          *bying Disclosure Act of 1995 (2 U.S.C. 1605), as added by*  
23          *subsection (a) of this section.*

1 **SEC. 209. INAPPLICABILITY TO CERTAIN POLITICAL COM-**  
 2 **MITTEES.**

3 *The amendments made by this title shall not apply*  
 4 *to the activities of any political committee described in sec-*  
 5 *tion 301(4) of the Federal Election Campaign Act of 1971*  
 6 *(2 U.S.C. 431(4)).*

7 **SEC. 210. EFFECTIVE DATE.**

8 *Except as otherwise provided, the amendments made*  
 9 *by this title shall apply with respect to any quarterly filing*  
 10 *period under the Lobbying Disclosure Act of 1995 that be-*  
 11 *gins on or after January 1, 2008.*

12 **TITLE III—ENFORCEMENT OF**  
 13 **LOBBYING RESTRICTIONS**

14 **SEC. 301. INCREASED CIVIL AND CRIMINAL PENALTIES FOR**  
 15 **FAILURE TO COMPLY WITH LOBBYING DIS-**  
 16 **CLOSURE REQUIREMENTS.**

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

19 *(1) by striking “Whoever” and inserting “(a)*  
 20 *CIVIL PENALTY.—Whoever”;*

21 *(2) by striking “\$50,000” and inserting*  
 22 *“\$100,000”; and*

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

24 *“(b) CRIMINAL PENALTY.—Whoever knowingly and*  
 25 *corruptly fails to comply with any provision of this Act*

1 *shall be imprisoned for not more than 5 years or fined*  
 2 *under title 18, United States Code, or both.”.*

3 **TITLE IV—INCREASED**  
 4 **DISCLOSURE**

5 **SEC. 401. PROHIBITION ON OFFICIAL CONTACT WITH**  
 6 **SPOUSE OF MEMBER WHO IS A REGISTERED**  
 7 **LOBBYIST.**

8 *Rule XXV of the Rules of the House of Representatives*  
 9 *is amended by adding at the end the following new clause:*

10 *“7. A Member, Delegate, or Resident Commissioner*  
 11 *shall prohibit all staff employed by that Member, Delegate,*  
 12 *or Resident Commissioner (including staff in personal,*  
 13 *committee, and leadership offices) from having any official*  
 14 *contact with that individual’s spouse if that spouse is a lob-*  
 15 *byist under the Lobbying Disclosure Act of 1995 or is em-*  
 16 *ployed or retained by such a lobbyist for the purpose of in-*  
 17 *fluencing legislation.”.*

18 **SEC. 402. POSTING OF TRAVEL AND FINANCIAL DISCLO-**  
 19 **SURE REPORTS ON PUBLIC WEBSITE OF**  
 20 **CLERK OF THE HOUSE OF REPRESENTATIVES.**

21 *(a) REQUIRING POSTING ON INTERNET.—The Clerk of*  
 22 *the House of Representatives shall post on the public Inter-*  
 23 *net site of the Office of the Clerk, in a format that is search-*  
 24 *able, sortable, and downloadable, each of the following:*



1           (1) *The advance authorizations, certifications,*  
2 *and disclosures filed with respect to transportation,*  
3 *lodging, and related expenses for travel under clause*  
4 *5(b) of rule XXV of the Rules of the House of Rep-*  
5 *resentatives by Members (including Delegates and*  
6 *Resident Commissioners to the Congress), officers, and*  
7 *employees of the House.*

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

12       (b) *APPLICABILITY AND TIMING.—*

13           (1) *APPLICABILITY.—Subject to paragraph (2),*  
14 *subsection (a) shall apply with respect to information*  
15 *received by the Clerk of the House of Representatives*  
16 *on or after the date of the enactment of this Act.*

17           (2) *TIMING.—The Clerk of the House of Rep-*  
18 *resentatives shall—*

19               (A) *not later than August 1, 2008, post the*  
20 *information required by subsection (a) that the*  
21 *Clerk receives by June 1, 2008; and*

22               (B) *not later than the end of each 45-day*  
23 *period occurring after information is required to*  
24 *be posted under subparagraph (A), post the in-*  
25 *formation required by subsection (a) that the*

1            *Clerk has received since the last posting under*  
2            *this subsection.*

3            (c) *RETENTION.—The Clerk shall maintain the infor-*  
4            *mation posted on the public Internet site of the Office of*  
5            *the Clerk under this section for a period of at least 6 years*  
6            *after receiving the information.*

## 7            **TITLE V—GENERAL PROVISIONS**

### 8            **SEC. 501. RULE OF CONSTRUCTION.**

9            *Nothing in this Act or the amendments made by this*  
10           *Act shall be construed to prohibit any expressive conduct*  
11           *protected from legal prohibition by, or any activities pro-*  
12           *tected by the free speech, free exercise, or free association*  
13           *clauses of, the First Amendment to the Constitution.*



Union Calendar No. 97

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2316**

[Report No. 110-161, Part I]

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**A BILL**

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

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MAY 21, 2007

Reported from the Committee on the Judiciary with an amendment

MAY 21, 2007

Committees on Rules and House Administration discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed