

## HR 2316

Honest Leadership and Open Government Act of 2007

**Congress:** 110 (2007–2009, Ended)

**Chamber:** House

**Policy Area:** Congress

**Introduced:** May 15, 2007

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 182.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 182. (Jun 4, 2007)

**Official Text:** <https://www.congress.gov/bill/110th-congress/house-bill/2316>

### Sponsor

**Name:** Rep. Conyers, John, Jr. [D-MI-14]

**Party:** Democratic • **State:** MI • **Chamber:** House

### Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Emanuel, Rahm [D-IL-5]	D · IL		May 15, 2007
Rep. Hall, John J. [D-NY-19]	D · NY		May 15, 2007
Rep. Kagen, Steve [D-WI-8]	D · WI		May 15, 2007
Rep. Sherman, Brad [D-CA-27]	D · CA		May 15, 2007
Rep. Van Hollen, Chris [D-MD-8]	D · MD		May 15, 2007
Rep. Boyda, Nancy E. [D-KS-2]	D · KS		May 21, 2007
Rep. Castor, Kathy [D-FL-11]	D · FL		May 21, 2007
Rep. Space, Zachary T. [D-OH-18]	D · OH		May 21, 2007

### Committee Activity

Committee	Chamber	Activity	Date
Committee on House Administration	House	Discharged From	May 22, 2007
Judiciary Committee	House	Reported By	May 22, 2007
Rules Committee	House	Discharged From	May 22, 2007

### Subjects & Policy Tags

#### Policy Area:

Congress

### Related Bills

Bill	Relationship	Last Action
110 HRES 437	Procedurally related	May 24, 2007: Motion to reconsider laid on the table Agreed to without objection.

Honest Leadership and Open Government Act of 2007 - **Title I: Closing the Revolving Door** - (Sec. 101) Amends the Rules of the House of Representatives to add Rule XXVII (Disclosure by Members and Staff of Employment Negotiations).

Prohibits a Member, Delegate, or Resident Commissioner (Member) from directly negotiating or having any agreement of future employment or compensation until after the election for his or her successor, unless such Member files a statement about such negotiations or agreement with the Committee on Standards of Official Conduct within three business days after their commencement. Requires inclusion in such a statement of: (1) the name of the private entity or entities involved in the negotiations or agreement; (2) the commencement date; and (3) the Member's signature.

Requires a House officer or employee earning over 75% of the salary paid to a Member to notify the Committee, within three business days, that he or she is negotiating or has any agreement of future employment or compensation.

Requires such Member, officer, or employee to recuse himself or herself from any matter in which there is or appears to be a conflict of interest under the Rule, and to notify the Committee of such recusal. Requires such individual also to submit to the Clerk of the House, for public disclosure, the statement of disclosure for which such recusal was made.

(Sec. 102) Amends the federal criminal code to subject to a fine or imprisonment of up to 15 years, or both, a Member of Congress or a congressional employee who with the intent to influence, on the basis of partisan political affiliation, an employment decision or employment practice of any private entity: (1) takes or withholds, or offers or threatens to take or withhold, an official act; or (2) influences, or offers or threatens to influence, the official act of another.

Provides that such individual may be disqualified from holding any federal office of honor, trust, or profit.

States that nothing in such prohibition shall be construed to create any inference regarding whether such activity was a criminal or civil offence before the enactment of this Act.

(Sec. 103) Prohibits an attorney or law firm (including a professional legal corporation or partnership, or an attorney employed by such firm) which contracts to provide services to a congressional committee or subcommittee, a Member of the leadership of either chamber, a covered legislative branch official, or a working group or congressional caucus, from knowingly making, with the intent to influence, any communication or appearance before any Member, officer, or congressional employee on behalf of another person (except the United States) in connection with any matter on which the attorney or law firm seeks official action by such Member, officer, or employee in his or her official capacity during the term of the contract and for one year thereafter.

Subjects violators of such prohibition to a fine or imprisonment, or both.

(Sec. 104) Amends the federal criminal code to require the Clerk of the House to: (1) notify former Members of the House, officers, or employees of post-employment restrictions; and (2) post the information contained in such notification on the public Internet site of the Clerk's Office.

(Sec. 105) Establishes criminal penalties for a congressional employee formerly employed as a lobbyist who, within one year after leaving employment as a lobbyist, knowingly makes any communication to or appearance before the organization that employed him or her as a lobbyist (if not self-employed) or any client of that organization, present or past, during that one-year period on a matter relating specifically to that organization or client.

**Title II: Full Public Disclosure of Lobbying** - (Sec. 201) Amends the Lobbying Disclosure Act of 1995 (LDA) to require: (1) quarterly instead of semiannual filing of lobbying disclosures reports; (2) electronic filing; (3) disclosure of registered lobbyist on contributions; and (4) disclosure by registered lobbyists of all past executive and congressional employment.

(Sec. 203) Requires LDA reports to include requests for congressional earmarks.

(Sec. 204) Requires a registered lobbyist who bundles two or more contributions made to a covered recipient in an aggregate amount exceeding \$5,000 during a quarterly period to: (1) file a quarterly report with the Secretary of the Senate and the Clerk of the House; and (2) notify the covered recipient by certified mail before filing such report.

Requires the notification to the covered recipient also to include notice of the recipient's right to challenge and correct any information in the report to Congress before the registered lobbyist files such report.

Defines "covered recipient" as a federal candidate, an individual holding federal office, a leadership PAC (an unauthorized, non-party political committee associated with an individual holding federal office), a multicandidate political committee, or a political party committee.

(Sec. 205) Amends the LDA to prohibit a registered lobbyist, a registered organization that employs one or more lobbyists, or a registrant's employee from making a gift or providing travel to a Member, officer, or congressional employee, if the person or organization has knowledge that the gift or travel may not be accepted under the rules of the House of Representatives or the Senate.

(Sec. 206) Redefines "client" with respect to LDA registration requirements.

Treats as the client each individual member of a coalition or association that employs or retains other persons to conduct lobbying activities. (Currently individual members are not to be so treated.)

Treats a coalition or association as the client, for purposes of the exemption from registration requirements, if: (1) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed \$5,000 in a semiannual period during which the registration would be made; or (2) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed \$20,000 in such period.

Treats an association (and not its members) as the client if it is a nonprofit tax-exempt association and has substantial exempt activities other than lobbying regarding the specific issue for which it engaged the person filing the registration statement.

Declares that information on a member of a coalition or association need not be included in any registration if the amount reasonably expected to be contributed by such member toward the coalition's or association's legislation-influencing activities is less than \$500 during the quarterly period during which such registration would be made.

Waives such disclosure requirements, with respect to lobbying activities, if it is publicly available knowledge that the organization is affiliated with the client, or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities.

(Sec. 207) Revises disclosure requirements regarding a lobbyist's employee who has served as a covered legislative branch official in the two years before the date on which such employee first acted (after December 19, 1995) as a lobbyist on the client's behalf. Repeals the two-year limit on the look-back period (thus requiring disclosure of the lobbyist

employee's position regardless of when he or she served as a legislative branch official.)

(Sec. 208) Requires the Secretary of the Senate and the Clerk of the House to: (1) maintain certain lobbying disclosure information in an electronic data base, available to the public free of charge over the Internet; and (2) make lobbying activity reports available for public inspection over the Internet within 48 hours after such report is filed.

Authorizes appropriations.

(Sec. 209) Expresses the sense of Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate.

(Sec. 210) Makes amendments made by this title inapplicable to political committee activities specified in the Federal Election Campaign Act of 1971.

**Title III: Enforcement of Lobbying Restrictions** - (Sec. 301) Amends the LDA to increase from \$50,000 to \$100,000 the civil penalty for knowing failure to comply with any LDA requirement.

Establishes criminal penalties of fines or imprisonment for up to five years, or both, for knowing and corrupt failure to comply.

**Title IV: Increased Disclosure** - (Sec. 401) Amends Rule XXV (Limitations on Outside Earned Income and Acceptance of Gifts) of the Rules of the House to require a Member of the House to prohibit all of his or her staff from having any official contact with the Member's spouse if the spouse is a registered lobbyist or is employed or retained by a registered lobbyist to influence legislation.

(Sec. 402) Requires the Clerk of the House to: (1) post certain travel and financial disclosure reports on the public Internet site of the Clerk's Office in a searchable, sortable, and downloadable format; and (2) maintain such information for at least six years after receiving it.

Permits Members of the House to omit certain personally identifiable information from the reports before such posting.

Requires the Clerk of the House to include in any informational materials about website disclosures an explanation of the procedures for protecting such personally identifiable information.

(Sec. 403) Amends Rule XXV (Limitations on Outside Earned Income and Acceptance of Gifts) of the Rules of the House to prohibit gifts to Members, officers, and employees of the House from state and local governments.

Allows such individuals to accept from a state or local government a reimbursement (including payment in kind) for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event related to officeholder duties.

**Title V: Additional Criminal Penalties for Public Officials** - (Sec. 501) Amends the federal criminal code to authorize a sentencing judge to increase by up to two years any sentence of imprisonment in a federal criminal case in which a public official is convicted of a federal offense: (1) consisting of conduct during the course of official duty intended to enrich that official; and (2) involving bribery, fraud, extortion, or theft of public funds greater than \$10,000.

**Title VI: General Provisions** - (Sec. 501) Provides that nothing in this Act or the amendments made by it shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech, free exercise, or free association clauses of, the First Amendment to the Constitution.

## Actions Timeline

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- **Jun 4, 2007:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 182.
- **May 25, 2007:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **May 24, 2007:** Rules Committee Resolution H. Res. 437 Reported to House. Rule provides for consideration of H.R. 2317 and H.R. 2316.
- **May 24, 2007:** Rule H. Res. 437 passed House.
- **May 24, 2007:** Considered under the provisions of rule H. Res. 437. (consideration: CR 5/25/2007 H5759-5776; text of measure as reported in House: CR 5/25/2007 H5764-5766)
- **May 24, 2007:** Rule provides for consideration of H.R. 2317 and H.R. 2316.
- **May 24, 2007:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 437 and Rule XVIII.
- **May 24, 2007:** The Speaker designated the Honorable Ellen O. Tauscher to act as Chairwoman of the Committee.
- **May 24, 2007:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2316.
- **May 24, 2007:** DEBATE - Pursuant to H. Res. 437, the Committee of the Whole proceeded with 10 minutes of debate on the Dreier amendment.
- **May 24, 2007:** DEBATE - Pursuant to H. Res. 437, the Committee of the Whole proceeded with 10 minutes of debate on the Conyers amendment.
- **May 24, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Abercrombie amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the yeas had prevailed. Mr. Smith of Texas demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **May 24, 2007:** DEBATE - Pursuant to H. Res. 437, the Committee of the Whole proceeded with 10 minutes of debate on the Castle amendment.
- **May 24, 2007:** DEBATE - Pursuant to H. Res. 437, the Committee of the Whole proceeded with 10 minutes of debate on the Cardoza amendment.
- **May 24, 2007:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2316.
- **May 24, 2007:** The previous question was ordered pursuant to the rule.
- **May 24, 2007:** Mr. Chabot moved to recommit with instructions to Judiciary. (consideration: CR 5/25/2007 H5772-5773; text: CR 5/25/2007 H5772-5773)
- **May 24, 2007:** DEBATE - The House proceeded with 10 minutes of debate on the Chabot motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with amendments to limit gifts to Members, Officers, and Employees of the House from State and local governments.
- **May 24, 2007:** The previous question on the motion was ordered without objection. (consideration: CR H5774)
- **May 24, 2007:** On motion to recommit with instructions Agreed to by recorded vote: 346 - 71, 2 Present (Roll no. 422).
- **May 24, 2007:** Passed/agreed to in House: On passage Passed by recorded vote: 396 - 22, 1 Present (Roll no. 423).
- **May 24, 2007:** On passage Passed by recorded vote: 396 - 22, 1 Present (Roll no. 423).
- **May 24, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **May 24, 2007:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2316.
- **May 21, 2007:** Reported (Amended) by the Committee on Judiciary. H. Rept. 110-161, Part I.
- **May 21, 2007:** Committee on Rules discharged.
- **May 21, 2007:** Committee on House Administration discharged.
- **May 21, 2007:** Placed on the Union Calendar, Calendar No. 97.
- **May 17, 2007:** Committee Consideration and Mark-up Session Held.
- **May 17, 2007:** Ordered to be Reported (Amended) by Voice Vote.
- **May 15, 2007:** Introduced in House
- **May 15, 2007:** 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.

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