

MOTION TO RECOMMIT WITH INSTRUCTIONS
OFFERED BY MR. SMITH OF TEXAS

Mr. Smith of Texas moves to recommit the bill H.R. 2316 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

At the end of title IV, add the following new section:

1 **SEC. 403. LIMITING GIFTS TO MEMBERS, OFFICERS, AND**
2 **EMPLOYEES OF THE HOUSE FROM STATE**
3 **AND LOCAL GOVERNMENTS.**

4 (a) GIFTS FROM STATE AND LOCAL GOVERN-
5 MENTS.—Clause 5(a)(3)(O) of rule XXV of the Rules of
6 the House of Representatives is amended by striking “,
7 by a State or local government,”.

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

Insert the following after section 103 and redesignate the succeeding section accordingly:

1 **SEC. 104. RESTRICTION ON CONGRESSIONAL EMPLOYEES**
2 **REGARDING FORMER EMPLOYERS.**

3 (a) RESTRICTION.—Chapter 11 of title 18, United
4 States Code, as amended by this Act, is further amended
5 by inserting after section 220 the following new section:

6 **“§ 221. Additional restriction on congressional em-**
7 **ployees**

8 “(a) RESTRICTION.—Any person—

9 “(1) who is a congressional employee,

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

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

17 “(A) the organization that employed the
18 person as a lobbyist, if the person was not self-
19 employed,

20 “(B) any entity that was a client of the
21 person while employed as a lobbyist, or any en-
22 tity that was a client of the organization de-
23 scribed in subparagraph (A) while the person
24 was employed as a lobbyist, or is a client of
25 that organization during that 1-year period,

1 on a matter relating specifically to that organization
2 or client,
3 shall be punished as provided in section 216.

4 “(b) DEFINITIONS.—In this section—

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

6 “(A) an elected officer of either House of
7 Congress; and

8 “(B) any employee to which any of the re-
9 strictions contained in paragraphs (1) though
10 (5) of section 207(e) apply;

11 “(2) the term ‘lobbyist’ means a person that is
12 registered or required to register as a lobbyist under
13 section 4(a)(1) of the Lobbying Disclosure Act of
14 1995, and any employee of an organization that is
15 registered or required to be registered under section
16 4(b)(6) of that Act; and

17 “(3) the term ‘client’ has the meaning given
18 that term in section 3(2) of the Lobbying Disclosure
19 Act of 1995.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
21 tions for chapter 11 of title 18, United States Code, is
22 amended by inserting after the item relating to section
23 220 the following new item:

“221. Additional restriction on congressional employees.”.

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

In section 203, strike “Section 5(b)” and insert “(a)
GIFTS.—Section 5(b)”.

Add the following at the end of section 203:

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

In section 204, strike “Section 5” and insert “(a)
OTHER CONTRIBUTIONS.—Section 5”.

Add at the end of section 204 the following:

11 (b) CONTRIBUTIONS BUNDLED FOR CERTAIN RE-
12 CIPIENTS.—

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

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

3 “(1) IN GENERAL.—Not later than 45 days
4 after the end of the quarterly period beginning on
5 the first day of January, April, July, and October of
6 each year, each registered lobbyist who bundles 2 or
7 more contributions made to a covered recipient in an
8 aggregate amount exceeding \$5,000 for such covered
9 recipient during such quarterly period shall file a re-
10 port with the Secretary of the Senate and the Clerk
11 of the House of Representatives containing—

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

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

15 “(C) the name of the covered recipient to
16 whom the contribution is made, and to the ex-
17 tent known the aggregate amount of such con-
18 tributions (or a good faith estimate thereof)
19 within the quarter for the covered recipient.

20 “(2) EXCLUSION OF CERTAIN INFORMATION.—

21 In filing a report under paragraph (1), a registered
22 lobbyist shall exclude from the report any informa-
23 tion described in paragraph (1)(C) which is included
24 in any other report filed by the registered lobbyist

1 with the Secretary of the Senate and the Clerk of
2 the House of Representatives under subsection (e).

3 “(3) REQUIRING SUBMISSION OF INFORMATION
4 PRIOR TO FILING REPORTS.—Not later than 25 days
5 after the end of a period for which a registered lob-
6 byist is required to file a report under paragraph (1)
7 which includes any information described in such
8 section with respect to a covered recipient, the reg-
9 istered lobbyist shall transmit by certified mail to
10 the covered recipient involved a statement con-
11 taining—

12 “(A) the information that will be included
13 in the report with respect to the covered recipi-
14 ent;

15 “(B) the source of each contribution in-
16 cluded in the aggregate amount referred to in
17 paragraph (1)(C) which the registered lobbyist
18 bundled for the covered recipient during the pe-
19 riod covered by the report and the amount of
20 the contribution attributable to each such
21 source; and

22 “(C) a notification that the covered recipi-
23 ent has the right to respond to the statement
24 to challenge and correct any information in-

1 cluded before the registered lobbyist files the re-
2 port under paragraph (1).

3 “(4) DEFINITION OF REGISTERED LOBBYIST.—

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

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

12 “(A) the bundled contribution is received
13 by a registered lobbyist for, and forwarded by
14 a registered lobbyist to, the covered recipient to
15 whom the contribution is made; or

16 “(B) the bundled contribution will be or
17 has been credited or attributed to the registered
18 lobbyist through records, designations, recogni-
19 tions or other means of tracking by the covered
20 recipient to whom the contribution is made.

21 “(6) OTHER DEFINITIONS.—In this sub-
22 section—

23 “(A) the term ‘contribution’ has the mean-
24 ing given such term in the Federal Election
25 Campaign Act of 1971 (2 U.S.C. 431 et seq.),

1 except that such term does not include a con-
2 tribution in an amount which is less than \$200;

3 “(B) the terms ‘candidate’, ‘political com-
4 mittee’, and ‘political party committee’ have the
5 meaning given such terms in the Federal Elec-
6 tion Campaign Act of 1971 (2 U.S.C. 431 et
7 seq.);

8 “(C) the term ‘covered recipient’ means a
9 Federal candidate, an individual holding Fed-
10 eral office, a leadership PAC, a multicandidate
11 political committee described in section
12 315(a)(4) of the Federal Election Campaign
13 Act of 1971 (2 U.S.C. 441a(a)(4)), or a polit-
14 ical party committee; and

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

17 (2) EFFECTIVE DATE.—The amendment made
18 by paragraph (1) shall apply with respect to the sec-
19 ond quarterly period described in section 5(f)(1) of
20 the Lobbying Disclosure Act of 1995 (as added by
21 paragraph (1)) which begins after the date of the
22 enactment of this Act and each succeeding quarterly
23 period.