

*TITLE II-- THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT  
OF 2007[HLOGA]*

*AMENDMENTS TO THE LOBBYING DISCLOSURE ACT, THE FOREIGN AGENTS  
REGISTRATION ACT, AND THE FEDERAL ELECTION CAMPAIGN ACT*

(CHANGES TO EXISTING LAW **HIGHLIGHTED**; THE REPLACED LANGUAGE IS **BLACKLINED**;  
OTHER NEW PROVISIONS IN **RED**)

**THE LOBBYING DISCLOSURE ACT AS AMENDED**

**Sec. 1. Short title**

This act may be cited as the "Lobbying Disclosure Act of 1995".

**Sec. 2 (2 U.S.C. §1601). Findings**

The Congress finds that—

**(1)** responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

**(2)** existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

**(3)** the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

**Sec. 3 (2 U.S.C. § 1602). Definitions**

As used in this chapter:

**(1) Agency**

The term "agency" has the meaning given that term in section 551 (1) of title 5.

**(2) Client**

The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

**(3) Covered executive branch official**

The term "covered executive branch official" means—

**(A)** the President;

**(B)** the Vice President;

**(C)** any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

**(D)** any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

**(E)** any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

**(F)** any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511 (b)(2)(B) of title 5.

**(4) Covered legislative branch official**

The term “covered legislative branch official” means—

**(A)** a Member of Congress;

**(B)** an elected officer of either House of Congress;

**(C)** any employee of, or any other individual functioning in the capacity of an employee of—

**(i)** a Member of Congress;

**(ii)** a committee of either House of Congress;

**(iii)** the leadership staff of the House of Representatives or the leadership staff of the Senate;

**(iv)** a joint committee of Congress; and

**(v)** a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

**(D)** any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

**(5) Employee**

The term “employee” means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

**(A)** independent contractors; or

**(B)** volunteers who receive no financial or other compensation from the person or entity for their services.

**(6) Foreign entity**

The term “foreign entity” means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 (b))).

**(7) Lobbying activities**

The term “lobbying activities” means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

**(8) Lobbying contact**

**(A) Definition**

The term “lobbying contact” means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

**(i)** the formulation, modification, or adoption of Federal legislation (including legislative proposals);

**(ii)** the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

**(iii)** the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license);

or

**(iv)** the nomination or confirmation of a person for a position subject to confirmation by the Senate.

**(B) Exceptions**

The term “lobbying contact” does not include a communication that is—

**(i)** made by a public official acting in the public official’s official capacity;

**(ii)** made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

- (iii)** made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;
- (iv)** made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);
- (v)** a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;
- (vi)** made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;
- (vii)** testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;
- (viii)** information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;
- (ix)** required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency, including any communication compelled by a Federal contract, grant, loan, permit, or license;
- (x)** made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;
- (xi)** not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;
- (xii)** made to an official in an agency with regard to—
  - (I)** a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or
  - (II)** a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis, if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;
- (xiii)** made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5 or substantially similar provisions;
- (xiv)** a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;
- (xv)** a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;
- (xvi)** made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—
  - (I)** a covered executive branch official, or
  - (II)** a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision), with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;
- (xvii)** a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;
- (xviii)** made by—
  - (I)** a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033 (a) of title 26, or
  - (II)** a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033 (a); and

**(xix)** between—

**(I)** officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act [15 U.S.C. 78c (a)(26)]) that is registered with or established by the Securities and Exchange Commission as required by that Act [15 U.S.C. 78a et seq.] or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act [7 U.S.C. 1 et seq.]; and

**(II)** the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

**(9) Lobbying firm**

The term “lobbying firm” means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

**(10) Lobbyist**

The term “lobbyist” means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a ~~six-month period~~ 3-month period.

**(11) Media organization**

The term “media organization” means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

**(12) Member of Congress**

The term “Member of Congress” means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

**(13) Organization**

The term “organization” means a person or entity other than an individual.

**(14) Person or entity**

The term “person or entity” means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

**(15) Public official**

The term “public official” means any elected official, appointed official, or employee of—

**(A)** a Federal, State, or local unit of government in the United States other than—

**(i)** a college or university;

**(ii)** a government-sponsored enterprise (as defined in section 622(8) of this title);

**(iii)** a public utility that provides gas, electricity, water, or communications;

**(iv)** a guaranty agency (as defined in section 1085(j) of title 20), including any affiliate of such an agency; or

**(v)** an agency of any State functioning as a student loan secondary market pursuant to section 1085 (d)(1)(F) of title 20;

**(B)** a Government corporation (as defined in section 9101 of title 31);

**(C)** an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

**(D)** an Indian tribe (as defined in section 450b(e) of title 25);

**(E)** a national or State political party or any organizational unit thereof; or

**(F)** a national, regional, or local unit of any foreign government, or a group of governments acting together as an international organization.

**(16) State**

The term “State” means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

## Sec. 4 (2. U.S.C. § 1603). Registration of lobbyists

### (a) Registration

#### (1) General rule

No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, **or on the first business day after such 45th day if the 45th day is not a business day** such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

#### (2) Employer filing

Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

#### (3) Exemption

##### (A) General rule

Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) 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~~ **\$2,500**; or

(ii) 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~~ **\$10,000**,

(as estimated under section 1604 of this title) in the ~~semiannual period~~ **quarterly period** described in section 1604(a) of this title during which the registration would be made is not required to register under subsection (a) with respect to such client.

##### (B) Adjustment

The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since December 19, 1995; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period, rounded to the nearest \$500.

##### (b) Contents of registration

Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

~~(A) contributes more than \$10,000 towards the lobbying activities of a registrant in a semiannual period described in section 5(a)~~ **contributes more than \$5,000 to the registrant or the client in the quarterly period to fund the lobbying activities of the registrant; and**

~~(B) in whole or in major part plans, supervises, or controls such lobbying activities~~ **actively participates in the planning, supervision, or control of such lobbying activities;**

(4) the name, address, principal place of business, amount of any contribution of more than ~~\$10,000~~ **\$5,000** to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

- (B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or
- (C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;
- (5) a statement of—
- (A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and
- (B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and
- (6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official ~~in the 2 years before the date on which such employee first acted (after the date of enactment of this Act [enacted Dec. 19, 1995])~~ in the 20 years before the date on which the employee first acted as a lobbyist on behalf of the client, the position in which such employee served.

No disclosure is required under paragraph (3)(B) if the organization that would be identified as affiliated with the client is listed on the client's publicly accessible Internet website as being a member of or contributor to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. If a registrant relies upon the preceding sentence, the registrant must disclose the specific Internet address of the web page containing the information relied upon. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.

**(c) Guidelines for registration**

**(1) Multiple clients**

In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

**(2) Multiple contacts**

A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

**(d) Termination of registration**

A registrant who after registration—

- (1) is no longer employed or retained by a client to conduct lobbying activities, and
- (2) does not anticipate any additional lobbying activities for such client,
- may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

**Sec. 5 (2 U.S.C. § 1604). Reports by registered lobbyists**

**(a) Semiannual Quarterly report**

~~No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4,~~ No later than 20 days after the end of the quarterly period beginning on the first day of January, April, July, and October of each year in which a registrant is registered under section 4, or on the first business day after such 20th day if the 20th day is not a business day, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during

~~such semiannual period~~ such quarterly period. A separate report shall be filed for each client of the registrant.

**(b) Contents of report**

Each ~~semiannual~~ quarterly report filed under subsection (a) of this section shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration, including information under section 4(b)(3);

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the ~~semiannual~~ quarterly period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 1603(b)(4) of this title in the specific issues listed under subparagraph (A);

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the ~~semiannual~~ quarterly period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the ~~semiannual filing period~~ quarterly period; and

(5) for each client, immediately after listing the client, an identification of whether the client is a State or local government or a department, agency, special purpose district, or other instrumentality controlled by one or more State or local governments.

**(c) Estimates of income or expenses**

For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess ~~\$10,000~~ \$5,000 shall be rounded to the nearest ~~\$20,000~~ \$10,000.

(2) In the event income or expenses do not exceed ~~\$10,000~~ \$5,000, the registrant shall include a statement that income or expenses totaled less than ~~\$10,000~~ \$5,000 for the reporting period.

**(d) Semiannual Reports on Certain Contributions-**

(1) IN GENERAL- Not later than 30 days after the end of the semiannual period beginning on the first day of January and July of each year, or on the first business day after such 30th day if the 30th day is not a business day, each person or organization who is registered or is required to register under paragraph (1) or (2) of section 4(a), and each employee who is or is required to be listed as a lobbyist under section 4(b)(6) or subsection (b)(2)(C) of this section, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing--

(A) the name of the person or organization;

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

(C) the names of all political committees established or controlled by the person or organization;

(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding \$200 were made by the person or organization, or a political committee established or controlled by the person or organization within the semiannual period, and the date and amount of each such contribution made within the semiannual period;

(E) the date, recipient, and amount of funds contributed or disbursed during the semiannual period by the person or organization or a political committee established or controlled by the person or organization--

(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official; (ii) to an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official; (iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or in the name of, 1 or more covered legislative branch officials or covered executive branch officials,

except that this subparagraph shall not apply if the funds are provided to a person who is required to report the receipt of the funds under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(F) the name of each Presidential library foundation, and each Presidential inaugural committee, to whom contributions equal to or exceeding \$200 were made by the person or organization, or a political committee established or controlled by the person or organization, within the semiannual period, and the date and amount of each such contribution within the semiannual period; and

(G) a certification by the person or organization filing the report that the person or organization--

(i) has read and is familiar with those provisions of the Standing Rules of the Senate and the Rules of the House of Representatives relating to the provision of gifts and travel; and (ii) has not provided, requested, or directed a gift, including travel, to a Member of Congress or an officer or employee of either House of Congress with knowledge that receipt of the gift would violate rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.

(2) DEFINITION- In this subsection, the term `leadership PAC' has the meaning given such term in section 304(i)(8)(B) of the Federal Election Campaign Act of 1971.

***[SECTION 203 (b) [HELOGA] Effective Date- The amendment made by subsection (a)[that is, new Section 5(d) of the LDA] shall apply with respect to the first semiannual period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by this section) that begins after the date of the enactment of this Act and each succeeding semiannual period.***

***(c) Report on Requiring Quarterly Reports- The Clerk of the House of Representatives and the Secretary of the Senate shall submit a report to the Congress, not later than 1 year after the date on which the first reports are required to be made under section 5(d) of the Lobbying Disclosure Act of 1995 (as added by this section), on the feasibility of requiring the reports under such section 5(d) to be made on a quarterly, rather than a semiannual, basis.***

***(d) Sense of Congress- It is the sense of the Congress that after the end of the 2-year period beginning on the day on which the amendment made by subsection (a) of this section first applies, the reports required under***

***section 5(d) of the Lobbying Disclosure Act of 1995 (as added by this section) should be made on a quarterly basis if it is practicably feasible to do so.]***

(e) Electronic Filing Required- A report required to be filed under this section shall be filed in electronic form, in addition to any other form that the Secretary of the Senate or the Clerk of the House of Representatives may require or allow. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.

## **Sec. 6 (2 U.S.C. § 1605). Disclosure and enforcement**

**(a) In General-** The Secretary of the Senate and the Clerk of the House of Representatives shall—

- (1)** provide guidance and assistance on the registration and reporting requirements of this chapter and develop common standards, rules, and procedures for compliance with this chapter;
- (2)** review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;
- (3)** develop filing, coding, and cross-indexing systems to carry out the purpose of this chapter, including—
  - (A)** a publicly available list of all registered lobbyists, lobbying firms, and their clients; and
  - (B)** computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this chapter;
- (4)** make available for public inspection and copying at reasonable times the registrations and reports filed under this chapter and, in the case of a report filed in electronic form under section 5(e), make such report available for public inspection over the Internet as soon as technically practicable after the report is so filed;
- (5)** retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;
- (6)** compile and summarize, with respect to each **semiannual quarterly** period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;
- (7)** notify any lobbyist or lobbying firm in writing that may be in noncompliance with this chapter;
- (8)** notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this chapter, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (7);
- (9)** maintain all registrations and reports filed under this Act, and make them available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, that--
  - (A)** includes the information contained in the registrations and reports;
  - (B)** is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b); and
  - (C)** provides electronic links or other appropriate mechanisms to allow users to obtain relevant information in the database of the Federal Election Commission;
- (10)** retain the information contained in a registration or report filed under this Act for a period of 6 years after the registration or report (as the case may be) is filed; and

**(11)** make publicly available, on a semiannual basis, the aggregate number of registrants referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8).

**(b) Enforcement Report-**

(1) REPORT- The Attorney General shall report to the congressional committees referred to in paragraph (2), after the end of each semiannual period beginning on January 1 and July 1, the aggregate number of enforcement actions taken by the Department of Justice under this Act during that semiannual period and, by case, any sentences imposed, except that such report shall not include the names of individuals, or personally identifiable information, that is not already a matter of public record.

(2) COMMITTEES- The congressional committees referred to in paragraph (1) are the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

***[Section 209 (c)[HELOGA]: Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605), as added by subsection (a) of this section.***

**Sec. 7 (2 U.S.C. § 1606). Penalties**

**(a) Civil Penalty-** Whoever knowingly fails to—

**(1)** remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

**(2)** comply with any other provision of this Act;

shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than ~~\$50,000~~ \$200,000, depending on the extent and gravity of the violation.

**(b) Criminal Penalty-** Whoever knowingly and corruptly fails to comply with any provision of this Act shall be imprisoned for not more than 5 years or fined under title 18, United States Code, or both.

***[Section 211(b)[HELOGA] Effective Date- The amendments made by subsection (a)[increased civil and added criminal penalties] shall apply to any violation committed on or after the date of the enactment of this Act.]***

**Sec. 8 (2 U.S.C. § 1607). Rules of Construction**

**(a) Constitutional rights**

Nothing in this chapter shall be construed to prohibit or interfere with—

**(1)** the right to petition the Government for the redress of grievances;

**(2)** the right to express a personal opinion; or

**(3)** the right of association, protected by the first amendment to the Constitution.

**(b) Prohibition of activities**

Nothing in this chapter shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this chapter.

**(c) Audit and investigations**

Nothing in this chapter shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

**Sec. 13 (2 U.S.C. § 1608). Severability**

If any provision of this chapter, or the application thereof, is held invalid, the validity of the remainder of this chapter and the application of such provision to other persons and circumstances shall not be affected thereby.

**Sec. 14 (2 U.S.C. 1609). Identification of clients and covered officials**

**(a) Oral lobbying contacts**

Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

- (1) state whether the person or entity is registered under this chapter and identify the client on whose behalf the lobbying contact is made; and
- (2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1603 (b)(4) of this title that has a direct interest in the outcome of the lobbying activity.

**(b) Written lobbying contacts**

Any person or entity registered under this chapter that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

- (1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this chapter, and state whether the person making the lobbying contact is registered on behalf of that client under section 1603 of this title; and
- (2) identify any other foreign entity identified pursuant to section 1603 (b)(4) of this title that has a direct interest in the outcome of the lobbying activity.

**(c) Identification as covered official**

Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

**Sec. 15 (2 U.S.C. § 1610). Estimates based on tax reporting system**

**(a) Entities covered by section 6033 (b) of title 26-**

A person, other than a lobbying firm, that is required to report and does report lobbying expenditures pursuant to section 6033 (b)(8) of title 26 may—

- (1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate **semiannual quarterly period** to meet the requirements of sections 1603 (a)(3) and 1604 (b)(4) of this title; and

(2) for all other purposes consider as lobbying contacts and lobbying activities only—

- (A) lobbying contacts with covered legislative branch officials (as defined in section 1602 (4) of this title) and lobbying activities in support of such contacts; and
- (B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911 (d) of title 26.

**(b) Entities covered by section 162 (e) of title 26**

A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to section 162 (e) of title 26 may—

- (1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate **semiannual quarterly period** to meet the requirements of sections 1603 (a)(3) and 1604 (b)(4) of this title; and
- (2) for all other purposes consider as lobbying contacts and lobbying activities only—
  - (A) lobbying contacts with covered legislative branch officials (as defined in section 1602 (4) of this title) and lobbying activities in support of such contacts; and
  - (B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162 (e) of title 26.

**(c) Disclosure of estimate**

Any registrant that elects to make estimates required by this chapter under the procedures authorized by subsection (a) or (b) of this section for reporting or threshold purposes shall—

- (1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and
- (2) make all such estimates, in a given calendar year, under such procedures.

**(d) Study**

Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) of this section and report to the Congress—

- (1) the differences between the definition of “lobbying activities” in section 1602 (7) of this title and the definitions of “lobbying expenditures”, “influencing legislation”, and related terms in sections 162 (e) and 4911 of title 26, as each are implemented by regulations;
- (2) the impact that any such differences may have on filing and reporting under this chapter pursuant to this subsection; and
- (3) any changes to this chapter or to the appropriate sections of title 26 that the Comptroller General may recommend to harmonize the definitions.

**Sec. 18 (2 U.S.C. § 1611). Exempt organizations**

An organization described in section 501 (c)(4) of title 26 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan.

**Sec. 23 (2 U.S.C. § 1612). Sense of the Senate that lobbying expenses should remain nondeductible**

**(a) Findings**

The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

**(b) Sense of Senate**

It is the sense of the Senate that lobbying expenses should not be tax deductible

**Sec. 25. Prohibition on provision of gifts or travel by registered lobbyists to members of Congress and the Congressional employees**

**(a) Prohibition-** Any person described in subsection (b) may not make a gift or provide travel to a covered legislative branch official if the person has knowledge that the gift or

travel may not be accepted by that covered legislative branch official under the Rules of the House of Representatives or the Standing Rules of the Senate (as the case may be).

**(b) Persons Subject to Prohibition-** The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).

***[Section 206(b) [HELOGA] Effective Date- The amendment made by this section shall take effect on the date of the enactment of this Act.]***

## **Sec. 26. Annual audits and reports by Comptroller General**

**(a) Audit-** On an annual basis, the Comptroller General shall audit the extent of compliance or noncompliance with the requirements of this Act by lobbyists, lobbying firms, and registrants through a random sampling of publicly available lobbying registrations and reports filed under this Act during each calendar year.

**(b) Reports to Congress-**

**(1) ANNUAL REPORTS-** Not later than April 1 of each year, the Comptroller General shall submit to the Congress a report on the review required by subsection (a) for the preceding calendar year. The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to--

**(A)** improve the compliance by lobbyists, lobbying firms, and registrants with the requirements of this Act; and

**(B)** provide the Department of Justice with the resources and authorities needed for the effective enforcement of this Act.

**(2) ASSESSMENT OF COMPLIANCE-** The annual report under paragraph (1) shall include an assessment of compliance by registrants with the requirements of section 4(b)(3).

**(c) Access to Information-** The Comptroller General may, in carrying out this section, request information from and access to any relevant documents from any person registered under paragraph (1) or (2) of section 4(a) and each employee who is listed as a lobbyist under section 4(b)(6) or section 5(b)(2)(C) if the material requested relates to the purposes of this section. The Comptroller General may request such person to submit in writing such information as the Comptroller General may prescribe. The Comptroller General may notify the Congress in writing if a person from whom information has been requested under this subsection refuses to comply with the request within 45 days after the request is made.

***[Section 213(b) [HELOGA] Initial Audit and Report- The initial audit under subsection (a) of section 26 of the Lobbying Disclosure Act of 1995 (as added by subsection (a) of this section) shall be made with respect to lobbying registrations and reports filed during the first calendar quarter of 2008, and the initial report under subsection (b) of such section shall be filed, with respect to those registrations and reports, not later than 6 months after the end of that calendar quarter.]***

## **SEC. 214 [HELOGA] SENSE OF CONGRESS.**

**It is the sense of the Congress that--**

**(1) 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; and**

**(2) the lobbying community should develop proposals for multiple self-regulatory organizations which could--**

**(A) provide for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;**

**(B) provide training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;**

**(C) provide for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;**

**(D) provide standards regarding reasonable fees charged to clients;**

**(E) provide for the creation of a third-party certification program that includes ethics training; and**

**(F) provide for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.**

#### **SEC. 215 [HELOGA] EFFECTIVE DATE.**

**Except as otherwise provided in sections 203, 204, 206, 211, 212, and 213, the amendments made by this title shall apply with respect to registrations under the Lobbying Disclosure Act of 1995 having an effective date of January 1, 2008, or later and with respect to quarterly reports under that Act covering calendar quarters beginning on or after January 1, 2008.**

## **Amendment to the FARA**

Highlighted sections indicate additions pursuant to HLOGA

### **FARA sec. 2 (22 U.S.C. § 612) - Registration statement**

(a) Filing; contents. No person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto as required by this section 2(a) and section 2(b) hereof [subsecs. (a) and (b) of this section] or unless he is exempt from registration under the provisions of this Act. Except as hereinafter provided, every person who becomes an agent of a foreign principal shall, within ten days thereafter, file with the Attorney General, in duplicate, a registration statement, under oath on a form prescribed by the Attorney General. The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming such agent, continue from day to day, and termination of such status shall not relieve such agent from his obligation to file a registration statement for the period during which he was

an agent of a foreign principal. The registration statement shall include the following, which shall be regarded as material for the purposes of this Act:

(1) Registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses, if any;

(2) Status of the registrant; if an individual, nationality; if a partnership, name, residence addresses, and nationality of each partner and a true and complete copy of its articles of copartnership; if an association, corporation, organization, or any other combination of individuals, the name, residence addresses, and nationality of each director and officer and of each person performing the functions of a director or officer and a true and complete copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto; a copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes; and a statement of its ownership and control;

(3) A comprehensive statement of the nature of registrant's business; a complete list of registrant's employees and a statement of the nature of the work of each; the name and address of every foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act; the character of the business or other activities of every such foreign principal, and, if any such foreign principal be other than a natural person, a statement of the ownership and control of each; and the extent, if any, to which each such foreign principal is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party, or by any other foreign principal;

(4) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is an agent of a foreign principal; a comprehensive statement of the nature and method of performance of each such contract, and of the existing and proposed activity or activities engaged in or to be engaged in by the registrant as agent of a foreign principal for each such foreign principal, including a detailed statement of any such activity which is a political activity;

(5) The nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received within the preceding sixty days from each such foreign principal, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(6) A detailed statement of every activity which the registrant is performing or is assuming or purporting or has agreed to perform for himself or any other person other than a foreign principal and which requires his registration hereunder;

(7) The name, business, and residence addresses, and if an individual, the nationality, of any person other than a foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act under such circumstances as require his registration hereunder; the extent to which each such person is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party or by any other foreign principal; and the nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received during the preceding sixty days from each such person in connection with any of the activities referred to in clause (6) of this subsection, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(8) A detailed statement of the money and other things of value spent or disposed of by the registrant during the preceding sixty days in furtherance of or in connection [connection] with activities which require his registration hereunder and which have been undertaken by him either as an agent of a foreign principal or for himself or any other person or in connection with any activities relating to his becoming an agent of such

principal, and a detailed statement of any contributions of money or other things of value made by him during the preceding sixty days (other than contributions the making of which is prohibited under the terms of section 613 of title 18, United States Code) in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office;

(9) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is performing or assuming or purporting or has agreed to perform for himself or for a foreign principal or for any person other than a foreign principal any activities which require his registration hereunder;

(10) Such other statements, information, or documents pertinent to the purposes of this Act as the Attorney General, having due regard for the national security and the public interest, may from time to time require;

(11) Such further statements and such further copies of documents as are necessary to make the statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

(b) Supplements; filing period. Every agent of a foreign principal who has filed a registration statement required by section 2(a) hereof [subsec. (a) of this section] shall, within thirty days after the expiration of each period of six months succeeding such filing, file with the Attorney General a supplement thereto, under oath, on a form prescribed by the Attorney General, which shall set forth with respect to such preceding six months' period such facts as the Attorney General, having due regard for the national security and the public interest, may deem necessary to make the information required under section 2 hereof [this section] accurate, complete, and current with respect to such period. In connection with the information furnished under clauses (3), (4), (6), and (9) of section 2(a) hereof [subsec. (a) (3), (4), (6), (9) of this section], the registrant shall give notice to the Attorney General of any changes therein within ten days after such changes occur. If the Attorney General, having due regard for the national security and the public interest, determines that it is necessary to carry out the purposes of this Act, he may, in any particular case, require supplements to the registration statement to be filed at more frequent intervals in respect to all or particular items of information to be furnished.

(c) Execution of statement under oath. The registration statement and supplement thereto shall be executed under oath as follows: If the registrant is an individual, by him; if the registrant is a partnership, by the majority of the members thereof; if the registrant is a person other than an individual or a partnership, by a majority of the officers thereof or persons performing the functions of officers or by a majority of the board of directors thereof or persons performing the functions of directors, if any.

(d) Filing of statement not deemed full compliance nor as preclusion from prosecution. The fact that a registration statement or supplement thereto has been filed shall not necessarily be deemed a full compliance with this Act and the regulations thereunder on the part of the registrant; nor shall it indicate that the Attorney General has in any way passed upon the merits of such registration statement or supplement thereto; nor shall it preclude prosecution, as provided for in this Act, for willful failure to file a registration statement or supplement thereto when due or for a willful false statement of a material fact therein or the willful omission of a material fact required to be stated therein or the willful omission of a material fact or copy of a material document necessary to make the statements made in a registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

(e) Incorporation of previous statement by reference. If any agent of a foreign principal, required to register under the provisions of this Act, has previously thereto registered with the Attorney General under the provisions of the Act of October 17, 1940 (54 Stat. 1201), the Attorney General, in order to eliminate inappropriate duplication, may permit the incorporation by reference in the registration statement or supplements thereto filed hereunder of any information or documents previously filed by such agent of a foreign principal under the provisions of the Act of October 17, 1940 (54 Stat. 1201).

(f) Exemption by Attorney General. The Attorney General may, by regulation, provide for the exemption--

(1) from registration, or from the requirement of furnishing any of the information required by this section, of any person who is listed as a partner, officer, director, or employee in the registration statement filed by an agent of a foreign principal under this Act, and

(2) from the requirement of furnishing any of the information required by this section of any agent of a foreign principal,

where by reason of the nature of the functions or activities of such person the Attorney General, having due regard for the national security and the public interest, determines that such registration, or the furnishing of such information, as the case may be, is not necessary to carry out the purposes of this Act.

(g) Electronic filing of registration statements and supplements [Caution: This subsection takes effect on the 90th day after enactment, as provided by § 212(c) of such Act Sept. 15, 2007, P.L. 110-81, which appears as a note to this section.]. A registration statement or supplement required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.

**FARA sec. 6 (22 U.S.C. § 616) - Public examination of official records; transmittal of records and information**

(a) Permanent copy of statement; inspection; withdrawal. The Attorney General shall retain in permanent form one copy of all registration statements furnished under this Act, and the same shall be public records and open to public examination and inspection at such reasonable hours, under such regulations, as the Attorney General may prescribe, and copies of the same shall be furnished to every applicant at such reasonable fee as the Attorney General may prescribe. The Attorney General may withdraw from public examination the registration statement and other statements of any agent of a foreign principal whose activities have ceased to be of a character which requires registration under the provisions of this Act.

(b) Secretary of State. The Attorney General shall, promptly upon receipt, transmit one copy of every registration statement filed hereunder and one copy of every amendment or supplement thereto filed hereunder, to the Secretary of State for such comment and use as the Secretary of State may determine to be appropriate from the point of view of the foreign relations of the United States. Failure of the Attorney General so to transmit such copy shall not be a bar to prosecution under this Act.

(c) Executive departments and agencies; congressional committees. The Attorney General is authorized to furnish to departments and agencies in the executive branch and committees of the Congress such information obtained by him in the administration of this Act, including the names of registrants under this Act, copies of registration statements, or parts thereof, or other documents or information filed under this Act, as may be appropriate in the light of

the purposes of this Act.

(d) Public database of registration statements and updates [Caution: This subsection takes effect on the 90th day after enactment, as provided by § 212(c) of such Act Sept. 14, 2007, P.L. 110-81, which appears as 22 USCS § 612 note.].

(1) In general. The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, to the extent technically practicable, an electronic database that--

(A) includes the information contained in registration statements and updates filed under this Act; and

(B) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a) [22 USCS § 612(a)].

(2) Accountability. The Attorney General shall make each registration statement and update filed in electronic form pursuant to section 2(g) [22 USCS § 612(g)] available for public inspection over the Internet as soon as technically practicable after the registration statement or update is filed.

**[Effective Date- The amendments made by this section shall take effect on the 90th day after the date of the enactment of this Act.]**

## **Amendment to the Federal Election Campaign Act**

Highlighted sections indicate amendments pursuant to HLOGA sec. 204

### **FECA sec. 304 (2 U.S.C. 434)**

#### **(a) Receipts and disbursements by treasurers of political committees; filing requirements**

**(1)** Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

**(2)** If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

**(A)** in any calendar year during which there is <sup>[1]</sup> regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

**(i)** a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

**(ii)** a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

**(iii)** additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

**(B)** in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.

**(3)** If the committee is the principal campaign committee of a candidate for the office of President—

**(A)** in any calendar year during which a general election is held to fill such office—

**(i)** the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating \$100,000 or made expenditures aggregating \$100,000 or anticipates receiving contributions aggregating \$100,000 or more or making expenditures aggregating \$100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

**(ii)** the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

**(iii)** if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of \$100,000 or makes expenditures in excess of \$100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

**(B)** in any other calendar year, the treasurer shall file either—

**(i)** monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

**(ii)** quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

**(4)** All political committees other than authorized committees of a candidate shall file either—

**(A)**

**(i)** quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

**(ii)** a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

**(iii)** a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

**(iv)** in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

**(B)** monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

**(5)** If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1) of this section) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1) of this section) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

**(6)**

**(A)** The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

**(B) Notification of expenditure from personal funds.—**

**(i) Definition of expenditure from personal funds.—** In this subparagraph, the term “expenditure from personal funds” means—

**(I)** an expenditure made by a candidate using personal funds; and

**(II)** a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate’s authorized committee.

**(ii) Declaration of intent.—** Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—

**(I)** the Commission; and

**(II)** each candidate in the same election.

**(iii) Initial notification.—** Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

**(I)** the Commission; and

**(II)** each candidate in the same election.

**(iv) Additional notification.—** After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed <sup>[2]</sup> \$10,000 with—

**(I)** the Commission; and

**(II)** each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

**(v) Contents.—** A notification under clause (iii) or (iv) shall include—

**(I)** the name of the candidate and the office sought by the candidate;  
**(II)** the date and amount of each expenditure; and  
**(III)** the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

**(C) Notification of disposal of excess contributions.**— In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate’s authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 441a (i) of this title) and the manner in which the candidate or the candidate’s authorized committee used such funds.

**(D) Enforcement.**— For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 437g of this title.

**(E)** The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

**(7)** The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

**(8)** The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

**(9)** The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

**(10)** The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

**(11)**

**(A)** The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

**(i)** is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

**(ii)** may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

**(B)** The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.

**(C)** In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying

designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

**(D)** As used in this paragraph, the term "report" means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.

**(12) Software for filing of reports.—**

**(A) In general.—** The Commission shall—

**(i)** promulgate standards to be used by vendors to develop software that—

**(I)** permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;

**(II)** allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and

**(III)** allows the Commission to post the information on the Internet immediately upon receipt; and

**(ii)** make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

**(B) Additional information.—** To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

**(C) Required use.—** Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

**(D) Required posting.—** The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

**(b) Contents of reports**

Each report under this section shall disclose—

**(1)** the amount of cash on hand at the beginning of the reporting period;

**(2)** for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:

**(A)** contributions from persons other than political committees;

**(B)** for an authorized committee, contributions from the candidate;

**(C)** contributions from political party committees;

**(D)** contributions from other political committees;

**(E)** for an authorized committee, transfers from other authorized committees of the same candidate;

**(F)** transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

**(G)** for an authorized committee, loans made by or guaranteed by the candidate;

**(H)** all other loans;

**(I)** rebates, refunds, and other offsets to operating expenditures;

**(J)** dividends, interest, and other forms of receipts; and

**(K)** for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of title 26;

**(3)** the identification of each—

**(A)** person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser

amount if the reporting committee should so elect, together with the date and amount of any such contribution;

**(B)** political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

**(C)** authorized committee which makes a transfer to the reporting committee;

**(D)** affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

**(E)** person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

**(F)** person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and

**(G)** person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;

**(4)** for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:

**(A)** expenditures made to meet candidate or committee operating expenses;

**(B)** for authorized committees, transfers to other committees authorized by the same candidate;

**(C)** transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

**(D)** for an authorized committee, repayment of loans made by or guaranteed by the candidate;

**(E)** repayment of all other loans;

**(F)** contribution refunds and other offsets to contributions;

**(G)** for an authorized committee, any other disbursements;

**(H)** for any political committee other than an authorized committee—

**(i)** contributions made to other political committees;

**(ii)** loans made by the reporting committees;

**(iii)** independent expenditures;

**(iv)** expenditures made under section 441a (d) of this title; and

**(v)** any other disbursements; and

**(I)** for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a (b) of this title;

**(5)** the name and address of each—

**(A)** person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

**(B)** authorized committee to which a transfer is made by the reporting committee;

**(C)** affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee,

regardless of whether such committees are affiliated, together with the date and amount of such transfers;

**(D)** person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

**(E)** person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

**(6)**

**(A)** for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;

**(B)** for any other political committee, the name and address of each—

**(i)** political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

**(ii)** person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

**(iii)** person who receives any disbursement during the reporting period in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

**(iv)** person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a (d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

**(v)** person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

**(7)** the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); and

**(8)** the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

**(c) Statements by other than political committees; filing; contents; indices of expenditures**

**(1)** Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) of this section for all contributions received by such person.

**(2)** Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—

**(A)** the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

**(B)** under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

**(C)** the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

**(3)** The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

**(d) Filing by facsimile device or electronic mail**

**(1)** Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) of this section may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

**(2)** The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

**(3)** In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

**(e) Political committees**

**(1) National and congressional political committees**

The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

**(2) Other political committees to which section 441i applies**

**(A) In general**

In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 441i (b)(1) of this title applies shall report all receipts and disbursements made for activities described in section 431 (20)(A) of this title, unless the aggregate amount of such receipts and disbursements during the calendar year is less than \$5,000.

**(B) Specific disclosure by State and local parties of certain non-Federal amounts permitted to be spent on Federal election activity**

Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 431 (20)(A) of this title shall include a disclosure of all receipts and disbursements described in section 441i (b)(2)(A) and (B) of this title.

**(3) Itemization**

If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of \$200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b) of this section.

**(4) Reporting periods**

Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B) of this section.

**(f) Disclosure of electioneering communications**

**(1) Statement required**

Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of \$10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

**(2) Contents of statement**

Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

**(A)** The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

**(B)** The principal place of business of the person making the disbursement, if not an individual.

**(C)** The amount of each disbursement of more than \$200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

**(D)** The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

**(E)** If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 1101 (a)(20) of title 8) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

**(F)** If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of \$1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

**(3) Electioneering communication**

For purposes of this subsection—

**(A) In general**

**(i)** The term “electioneering communication” means any broadcast, cable, or satellite communication which—

**(I)** refers to a clearly identified candidate for Federal office;

**(II)** is made within—

**(aa)** 60 days before a general, special, or runoff election for the office sought by the candidate; or

**(bb)** 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for the office sought by the candidate; and

**(III)** in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.

**(ii)** If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term “electioneering communication” means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

**(B) Exceptions**

The term "electioneering communication" does not include—

- (i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;
- (ii) a communication which constitutes an expenditure or an independent expenditure under this Act;
- (iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or
- (iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 431 (20)(A)(iii) of this title.

**(C) Targeting to relevant electorate**

For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is "targeted to the relevant electorate" if the communication can be received by 50,000 or more persons—

- (i) in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or
- (ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.

**(4) Disclosure date**

For purposes of this subsection, the term "disclosure date" means—

- (A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000; and
- (B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of \$10,000 since the most recent disclosure date for such calendar year.

**(5) Contracts to disburse**

For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

**(6) Coordination with other requirements**

Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.

**(7) Coordination with title 26**

Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of title 26.

**(g) Time for reporting certain expenditures**

**(1) Expenditures aggregating \$1,000**

**(A) Initial report**

A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

**(B) Additional reports**

After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to the same election as that to which the initial report relates.

**(2) Expenditures aggregating \$10,000**

**(A) Initial report**

A person (including a political committee) that makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

**(B) Additional reports**

After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

**(3) Place of filing; contents**

A report under this subsection—

**(A)** shall be filed with the Commission; and

**(B)** shall contain the information required by subsection (b)(6)(B)(iii) of this section, including the name of each candidate whom an expenditure is intended to support or oppose.

**(4) Time of filing for expenditures aggregating \$1,000**

Notwithstanding subsection (a)(5) of this section, the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

**(h) Reports from Inaugural Committees**

The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36 accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.

**(i) Disclosure of Bundled Contributions-**

(1) REQUIRED DISCLOSURE- Each committee described in paragraph (6) shall include in the first report required to be filed under this section after each covered period (as defined in paragraph (2)) a separate schedule setting forth the name, address, and employer of each person reasonably known by the committee to be a person described in paragraph (7) who provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold (as defined in paragraph (3)) during the covered period, and the aggregate amount of the bundled contributions provided by each such person during the covered period.

(2) COVERED PERIOD- In this subsection, a 'covered period' means, with respect to a committee--

(A) the period beginning January 1 and ending June 30 of each year;

(B) the period beginning July 1 and ending December 31 of each year; and

(C) any reporting period applicable to the committee under this section during which any person described in paragraph (7) provided 2 or more bundled contributions to the committee in an aggregate amount greater than the applicable threshold.

(3) APPLICABLE THRESHOLD-

(A) IN GENERAL- In this subsection, the 'applicable threshold' is \$15,000, except that in determining whether the amount of bundled contributions provided to a committee by a person described in paragraph (7) exceeds the applicable threshold, there shall be excluded any contribution made to the committee by the person or the person's spouse.

(B) INDEXING- In any calendar year after 2007, section 315(c)(1)(B) shall apply to the amount applicable under subparagraph (A) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section,

except that for purposes of applying such section to the amount applicable under subparagraph (A), the `base period' shall be 2006.

(4) PUBLIC AVAILABILITY- The Commission shall ensure that, to the greatest extent practicable--

(A) information required to be disclosed under this subsection is publicly available through the Commission website in a manner that is searchable, sortable, and downloadable; and

(B) the Commission's public database containing information disclosed under this subsection is linked electronically to the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995.

(5) REGULATIONS- Not later than 6 months after the date of enactment of the Honest Leadership and Open Government Act of 2007, the Commission shall promulgate regulations to implement this subsection. Under such regulations, the Commission--

(A) may, notwithstanding paragraphs (1) and (2), provide for quarterly filing of the schedule described in paragraph (1) by a committee which files reports under this section more frequently than on a quarterly basis;

(B) shall provide guidance to committees with respect to whether a person is reasonably known by a committee to be a person described in paragraph (7), which shall include a requirement that committees consult the websites maintained by the Secretary of the Senate and the Clerk of the House of Representatives containing information filed pursuant to the Lobbying Disclosure Act of 1995;

(C) may not exempt the activity of a person described in paragraph (7) from disclosure under this subsection on the grounds that the person is authorized to engage in fundraising for the committee or any other similar grounds; and

(D) shall provide for the broadest possible disclosure of activities described in this subsection by persons described in paragraph (7) that is consistent with this subsection.

(6) COMMITTEES DESCRIBED- A committee described in this paragraph is an authorized committee of a candidate, a leadership PAC, or a political party committee.

(7) PERSONS DESCRIBED- A person described in this paragraph is any person, who, at the time a contribution is forwarded to a committee as described in paragraph (8)(A)(i) or is received by a committee as described in paragraph (8)(A)(ii), is--

(A) a current registrant under section 4(a) of the Lobbying Disclosure Act of 1995;

(B) an individual who is listed on a current registration filed under section 4(b)(6) of such Act or a current report under section 5(b)(2)(C) of such Act; or

(C) a political committee established or controlled by such a registrant or individual.

(8) DEFINITIONS- For purposes of this subsection, the following definitions apply:

(A) BUNDLED CONTRIBUTION- The term `bundled contribution' means, with respect to a committee described in paragraph (6) and a person described in paragraph (7), a contribution (subject to the applicable threshold) which is--

- (i) forwarded from the contributor or contributors to the committee by the person; or
- (ii) received by the committee from a contributor or contributors, but credited by the committee or candidate involved (or, in the case of a leadership PAC, by the individual referred to in subparagraph (B) involved) to the person through records, designations, or other means of recognizing that a certain amount of money has been raised by the person.

(B) LEADERSHIP PAC- The term `leadership PAC' means, with respect to a candidate for election to Federal office or an individual holding Federal office, a political committee that is directly or indirectly established, financed, maintained or controlled by the candidate or the individual but which is not an authorized committee of the candidate or individual and which is not affiliated with an authorized committee of the candidate or individual, except that such term does not include a political committee of a political party.

***[Section 204(b) Effective Date- The amendment made by subsection (a) shall apply with respect to reports filed under section 304 of the Federal Election Campaign Act after the expiration of the 3-month period which begins on the date that the regulations required to be promulgated by the Federal Election Commission under section 304(i)(5) of such Act (as added by subsection (a)) become final.***