

*Jerry Ratliff**8 pages*

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

March 1, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #1-86

TO: Legislative Liaison Officer -

AGRICULTURE - Marvin Shapiro - (202)720-1516 - 312
COMMERCE - Michael A. Levitt - (202)482-3086 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
EDUCATION - John Kristy - (202)401-2670 - 207
ENERGY - Bob Rabben - (202)586-6716 - 209
HHS - Frances White - (202)690-7760 - 328
HUD - Edward J. Murphy, Jr. - (202)708-1793 - 215
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Faith Burton - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Matt Winslow - (202)647-4463 - 225
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
TREASURY - Richard S. Carro - (202)622-1146 - 228
VA - Robert Coy - (202)535-8113 - 229
GSA - Gerald L. Grant - (202)501-0563 - 237
NASA - Mary D. Kerwin - (202)358-1948 - 219
OPM - James N. Woodruff - (202)606-1424 - 331
SBA - Christine Swedin - (202)205-6702 - 315
OGE - Jane Ley - (202)523-5377 - 261

FROM: JAMES J. JUKES (for) *Ji*
Assistant Director for Legislative Reference

OMB CONTACT: GERRI RATLIFF (395-3883)
Secretary's line (for simple responses): 395-3454

SUBJECT: Proposed Statement of Administration Policy
RE: S 349, Lobbying Disclosure Act of 1993

DEADLINE: COB March 2, 1993

COMMENTS: The senate Governmental Affairs Committee ordered reported S. 349, with the attached amendments, on 2/25. We also have attached FYI a copy of the Vice President's statement in support of the bill.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

Page 2
LRM #I-86

CC:

Al Burman
Richard Loeb
Linda Mesaros
Adrien Silas
Bob Damus
Robert Veeder
Peter Weiss
Art Stigile
Liz Lindemuth
Thurgood Marshall, Jr
Walter Dellinger
Michael Waldman

Draft

February 26, 1993
(Senate)

S. 349 - Lobbying Disclosure Act of 1993
(Lavin (D) Michigan and 4 others)

The Administration supports enactment of S. 349.

Pay-As-You-Go Scoring

S. 349 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is that it would increase receipts by less than \$500,000 annually. Final scoring of this legislation may deviate from this estimate.

* * * * *

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S.L.C

*Adopted by the S. Gov't
Affairs Ck. 2/25/93*

AMENDMENT NO. _____

Calendar No. _____

Purpose: To clarify the actions the Director may take in certain cases of noncompliance, and for other purposes.

IN THE SENATE OF THE UNITED STATES--103d Cong., 1st Sess.

S. 849

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEVIN

Via:

- 1 On page 22, strike out lines 10 through 14 and insert
- 2 in lieu thereof the following:
- 3 (2) if the person admits that there was a non-
- 4 compliance and corrects such noncompliance—
- 5 (A) in the case of a minor noncompliance,
- 6 take no further action; or
- 7 (B) in the case of a significant noncompli-
- 8 ance, treat the matter as a minor noncompli-
- 9 ance for the purpose of section 8; or

SENT BY: Xerox Telecopier 7020 ; 2-26-93 ; 1:48PM ;

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202 885 8100: # 3

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S.L.C.

2

1 On page 12, line 13, strike out "or" and insert in
2 lieu thereof "of".

02/10/93 11:33

001

THE WHITE HOUSE
OFFICE OF THE VICE PRESIDENT

FOR RELEASE: 2 p.m. (EST)
THURSDAY, February 4, 1993

Contact: Marla Romash
202-456-7034
301-585-9408 (M)

LOBBYING REFORM LAW GAINS ADMINISTRATION SUPPORT AT INTRODUCTION
Vice President Gore Joins Sponsors to Urge Congressional Action

WASHINGTON -- New legislation to strengthen and streamline lobbyists' disclosures gained a strong endorsement from President Clinton today (2/4) when Vice President Al Gore joined the bill's key sponsors, Sen. Carl Levin, D-MI; Rep. John Bryant, D-TX; and Sen. Bill Cohen, R-ME; and Rep. George Gekas, R-PA; at its introduction.

"This Congress and this Administration must speak in one voice to the American people and show them -- in word and in action -- that our work is to represent their interests: their families, their children, their jobs, their neighborhoods; and not the special interests. We're dedicating ourselves to changing the way government works, to put people first," the Vice President said.

The legislation mirrors proposals President Clinton and Vice President Gore offered during the campaign, calling for legislation to strengthen and streamline lobbying disclosure.

"The American people want change -- not just from their President but from all their elected officials. We have a responsibility to them -- to the people we represent -- to bring about real change, to restore confidence in our democracy, to make meaningful reforms in the way we do our political business," the Vice President said.

The Lobbying Disclosure Act introduced today (2/4) requires the registration of all professional lobbyists and broadens the definition of lobbying; streamlines lobbying disclosure requirements while increasing the amount of information available about lobbyists' clients; and substitutes fines for current criminal laws.

Vice President Gore said this bill reflects President Clinton's strong commitment to government reform, including campaign finance reform.

"Yesterday, we met with Congressional leaders to talk about moving forward with campaign finance reform. And, we met with workers at the budget office, and President Clinton made clear the marching orders he's giving his cabinet: tighten your belts,

(MORE)

02/10/93 11:35

002

Gore/Lobbying Disclosure/page 2

do better, with less, get rid of the wasteful perks and the¹ useless commissions," the Vice President said.

"Already, President Clinton has instituted the toughest ethics standards any Administration has ever required. We have closed down the Competitiveness Council and shut the back door where special interests could come for special favors. And, we are moving to change the way government works -- to cut the bureaucracy and evict the special interests," he said.

"This bill speaks to our shared responsibility. It speaks to the kind of change and the kind of government we want to create to serve the people we represent. It is a pleasure for me to stand here today with my former colleagues and state as clearly as possible our strong support for this bill. We urge Congress to take action. The American people are waiting," the Vice President said.

#####

103D CONGRESS
1ST SESSION

S. 349

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. ROTH, and Mr. BOIKEN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Lobbying Disclosure
5 Act of 1993".

6 SEC. 2. FINDINGS AND PURPOSE.

7 (a) FINDINGS.—The Congress finds that—

8 (1) responsible representative Government re-
9 quires public awareness of the efforts of paid lobby-
10 ists to influence the public decisionmaking process in

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO: Michael Waldman	Take necessary action	<input type="checkbox"/>
Ken Ryder	Approval signature	<input type="checkbox"/>
Marcia Ocomy	Comment	<input type="checkbox"/>
Gerri Ratliff	Prepare reply	<input type="checkbox"/>
Adrian Silas	Discuss with me	<input type="checkbox"/>
Chris Edley	For your information	<input type="checkbox"/>
DONSIY STONG	See remarks below	<input type="checkbox"/>

FROM: Doug Steiger (x3386)

DATE: 4/28/93

REMARKS

Repeal of Lobbying Deduction

Attached for your review and comment is Treasury language to repeal the deduction for lobbying. It is included in the Treasury draft bill to be provided to the Ways and Means for reconciliation. This bill is to include the Administration's tax agenda (investment tax credit, higher rates for the wealthy etc). Chairman Roetenkowski wants the bill by THURSDAY AFTERNOON.

With this short time in mind, please provide any comments by 10 AM on THURSDAY.

Thank you.

*Straight forward — implication
different revenue implication*

cc: Jim Jukes

*Yes - This is what's in Budget
can form strictly to Budget*

*2/93 Linkage between [unclear] paying for
(unclear) from [unclear] (April document)*

1 (b) CERTAIN PERSONNEL SERVICE COR-
2 PORATIONS.—Paragraph (2) of section 11(b) is amended
3 by striking “34 percent” and inserting “36 percent”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Clause (iii) of section 852(b)(3)(D) is
6 amended by striking “66 percent” and inserting “64
7 percent”.

8 (2) Subsection (a) of section 1201 is amended
9 by striking “34 percent” each place it appears and
10 inserting “36 percent”.

11 (3) Paragraphs (1) and (2) of section 1445(e)
12 are each amended by striking “34 percent” and in-
13 serting “36 percent”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to taxable years beginning on or
16 after January 1, 1993, except that the amendment made
17 by subsection (c)(3) shall take effect on the date of the
18 enactment of this Act.

19 **SEC. 2302. DENIAL OF DEDUCTION FOR LOBBYING EX-**
20 **PENSES.**

21 (a) **DISALLOWANCE OF DEDUCTION.**—Section 162(e)
22 (relating to appearances, etc., with respect to legislative
23 is amended to read as follows:

24 “(e) **DENIAL OF DEDUCTION FOR CERTAIN LOBBY-**
25 **ING AND POLITICAL EXPENDITURES.**—

1 “(1) IN GENERAL.—No deduction shall be al-
2 lowed under subsection (a) for any amount paid or
3 incurred—

4 “(A) in connection with influencing legisla-
5 tion, or

6 “(B) for participation in, or intervention
7 in, any political campaign on behalf of (or in
8 opposition to) any candidate for public office.

9 “(2) APPLICATION TO DUES.—

10 “(A) IN GENERAL.—No deduction shall be
11 allowed under subsection (a) for the portion of
12 dues or other similar amounts paid by the tax-
13 payer with respect to an organization which is
14 allocable to the expenditures described in para-
15 graph (1).

16 “(B) ALLOCATION.—

17 “(i) IN GENERAL.—For purposes of
18 subparagraph (A), expenditures described
19 in paragraph (1) shall be treated as paid
20 first out of dues or other similar amounts.

21 “(ii) CARRYOVER OF LOBBYING EX-
22 PENDITURES IN EXCESS OF DUES.—For
23 purposes of this paragraph, if expenditures
24 described in paragraph (1) exceed the dues
25 or other similar amounts for any calendar

1 year, such excess shall be treated as ex-
2 penditures described in paragraph (1)
3 which are paid or incurred by the organi-
4 zation during the following calendar year.

5 "(3) INFLUENCING LEGISLATION.—For pur-
6 poses of this subsection—

7 "(A) IN GENERAL.—The term 'influencing
8 legislation' means—

9 "(i) any attempt to influence the gen-
10 eral public, or segments thereof, with re-
11 spect to legislation, and

12 "(ii) any attempt to influence any leg-
13 islation through communication with any
14 member or employee of the legislative
15 body, or with any government official or
16 employee who may participate in the for-
17 mulation of the legislation.

18 "(B) EXCEPTION FOR CERTAIN TECH-
19 NICAL ADVICE.—The term 'influencing legisla-
20 tion' shall not include the providing of technical
21 advice or assistance to a governmental body or
22 to a committee or other subdivision thereof in
23 response to a specific written request by such
24 governmental entity to the taxpayer which

1 specifies the nature of the advice or assistance
2 requested.

3 "(C) COMMUNICATIONS.—The rules of sec-
4 tion 4911(d)(3) shall apply.

5 "(D) LEGISLATION.—The term 'legislation'
6 has the meaning given such term by section
7 4911(e)(2).

8 "(4) EXCEPTION FOR CERTAIN TAXPAYERS.—

9 In the case of any taxpayer engaged in the trade or
10 business of conducting activities described in para-
11 graph (1), paragraph (1) shall not apply to expendi-
12 tures of the taxpayer in conducting such activities on
13 behalf of another person (but shall apply to pay-
14 ments by such other person to the taxpayer for con-
15 ducting such activities).

16 "(5) CROSS REFERENCE.—

"For reporting requirements related to this sub-
section, see section 60600."

17 (b) REPORTING REQUIREMENTS.—

18 (1) IN GENERAL.—Subpart B of part III of
19 subchapter A of chapter 61 (relating to information
20 concerning transactions with other persons) is
21 amended by adding at the end the following new sec-
22 tion:

1 SEC. 60500. RETURNS RELATING TO LOBBYING EXPENDI-
2 TURES OF CERTAIN ORGANIZATIONS.

3 "(a) REQUIREMENT OF REPORTING.—Each organi-
4 zation described in section 162(e)(2) shall make a return
5 according to the forms or regulations prescribed by the
6 Secretary, setting forth the names and addresses of per-
7 sons paying dues to the organization, the amount of the
8 dues paid by such person, and the portion of such dues
9 which is nondeductible under section 162(e)(2).

10 "(b) STATEMENTS TO BE FURNISHED TO PERSONS
11 WITH RESPECT TO WHOM INFORMATION IS FUR-
12 NISHED.—Any organization required to make a return
13 under subsection (a) shall furnish to each person whose
14 name is required to be set forth in such return a written
15 statement showing—

16 "(1) the name and address of the organization,
17 and

18 "(2) the dues paid by the person during the cal-
19 endar year and the portion of such dues which is
20 nondeductible under section 162(e)(2).

21 The written statement required under the preceding sen-
22 tence shall be furnished (either in person or in a statement
23 mailing by first-class mail which includes adequate notice
24 that the statement is enclosed) to the persons on or before
25 January 31 of the year following the calendar year for
26 which the return under subsection (a) was made and shall

1 be in such form as the Secretary may prescribe by regula-
2 tions.

3 “(e) WAIVER.—The Secretary may waive the report-
4 ing requirements of this section with respect to any orga-
5 nization or class of organizations if the Secretary deter-
6 mines that such reporting is not necessary to carry out
7 the purposes of section 162(e).

8 “(d) DUES.—For purposes of this section, the term
9 ‘dues’ includes other similar amounts.”

10 (2) PENALTIES.—

11 (A) RETURNS.—Subparagraph (A) of sec-
12 tion 6724(d)(1) (defining information return) is
13 amended by striking “or” at the end of clause
14 (xi), by striking the period at the end of the
15 clause (xii) relating to section 4101(d) and in-
16 serting a comma, by redesignating the clause
17 (xii) relating to section 338(h)(10) as clause
18 (xiii), by striking the period at the end of clause
19 (xiii) (as so redesignated) and inserting “, or”
20 and by adding at the end the following new
21 clause:

22 “(xiv) section 60500(a) (relating to
23 information on nondeductible lobbying ex-
24 penditures).”

1 (B) PAYEE STATEMENTS.—Paragraph (2)
2 of section 6724(d) (defining payee statement) is
3 amended by striking “or” at the end of sub-
4 paragraph (R), by striking the period at the
5 end of subparagraph (S) and inserting “. or”,
6 and by adding at the end the following new sub-
7 paragraph:

8 “(T) section 60500(b) (relating to returns
9 on nondeductible lobbying expenditures).”

10 (C) EXCESSIVE UNDERREPORTING.—Sec-
11 tion 6721 (relating to failure to file correct in-
12 formation returns) is amended by adding at the
13 end the following new subsection:

14 “(F) PENALTY IN CASE OF EXCESSIVE
15 UNDERREPORTING ON NONDEDUCTIBLE DUES.—If the
16 aggregate amount of nondeductible dues which is reported
17 on the return required to be filed under section 60500(a)
18 for any calendar year is less than 75 percent of the aggre-
19 gate amount required to be so reported—

20 “(1) subsections (b), (c), and (d) shall not
21 apply, and

22 “(2) the penalty imposed under subsection (a)
23 shall be equal to the product of—

24 “(A) the amount required to be reported
25 which was not so reported, and

1 (3) Clause (i) of section 6655(e)(3)(A) is
 2 amended by striking "91 percent" and inserting "97
 3 percent".

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply to taxable years beginning after
 6 December 31, 1993.

7 Subtitle C—Foreign Tax Provisions

8 PART I—LIMITATION ON SECTION 936 CREDIT

9 SEC. 2301. LIMITATION ON SECTION 936 CREDIT.

10 (a) GENERAL RULE.—Subsection (a) of section 936
 11 (relating to Puerto Rico and possession tax credit) is
 12 amended—

13 (1) by striking "as provided in paragraph (3)"
 14 in paragraph (1) and inserting "as otherwise pro-
 15 vided in this section";

16 (2) by adding at the end thereof the following
 17 new paragraph:

18 "(4) LIMITATIONS ON CREDIT.—

19 "(A) CREDIT FOR ACTIVE BUSINESS IN-
 20 COME.—The amount of the credit determined
 21 under paragraph (1)(A) for any taxable year
 22 shall not exceed 60 percent of the aggregate
 23 amount of the electing corporation's qualified
 24 possession wages for such taxable year.

25 "(B) CREDIT FOR INVESTMENT INCOME.—

1 **Subtitle B—Investment Incentives**

2 **PART I—INVESTMENT TAX CREDIT**

3 **SEC. 1201. PERMANENT INVESTMENT TAX CREDIT FOR**
4 **SMALL BUSINESS.**

5 (a) **ALLOWANCE OF CREDIT.**—Section 46 (relating to
6 amount of investment credit) is amended by redesignating
7 paragraphs (1), (2), and (3) as paragraphs (2), (3), and
8 (4) and by inserting before paragraph (2) (as so redesign-
9 nated) the following new paragraph:

10 “(1) in the case of an eligible small business (as
11 defined in section 46A(b)), the small business regu-
12 lar credit,”

13 (b) **SMALL BUSINESS REGULAR CREDIT.**—Subpart E
14 of part IV of subchapter A of chapter 1 (relating to rules
15 for computing the investment credit) is amended by insert-
16 ing after section 46 the following new section:

17 **SEC. 46A. SMALL BUSINESS REGULAR CREDIT.**

18 (a) **DETERMINATION OF CREDIT.**—For purposes of
19 section 46—

20 “(1) **IN GENERAL.**—In the case of an eligible
21 small business, the small business regular credit for
22 any taxable year is an amount equal to 5 percent of
23 the taxpayer's qualified investment in regular credit
24 property.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide clarification of certain disclosure requirements, making technical amendments, and for other purposes.

IN THE SENATE AMENDMENT No. 343

By LEVIN + COHEN

Bill/Res. No. S. 349

To provide influence

12 Pages

GPO : 1992 60-142 (M)

Referred to _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEVIN (for himself and Mr. COHEN)

Viz:

1 On page 2, line 10, strike out "investigative" and insert in lieu thereof "administration".

3 On page 3, lines 12 through 14, strike out "An organization whose employees conduct lobbying activities on its behalf is both a client and an employer of the lobbyists." and insert in lieu thereof "An organization whose employees act as lobbyists on its behalf is both a client and an employer of its employee lobbyists."

574-1653

1 On page 3, line 16, strike out "others" and insert
2 in lieu thereof "persons".

3 On page 4, line 6, strike out "section 3232(a)(2)"
4 and insert in lieu thereof "section 3132(a)(2)".

5 On page 4, lines 14 and 15, strike out "regulations
6 implementing section 2103" and insert in lieu thereof
7 "section 7511".

8 On page 6, lines 16 through 18, strike out "(as de-
9 fined in regulations implementing section 4911(c)(3) of
10 the Internal Revenue Code of 1986)" and insert in lieu
11 thereof "and communications with members, as defined
12 under section 4911(d)(1)(A) and (d)(3) of the Internal
13 Revenue Code of 1986 and the regulations implementing
14 such provisions,".

15 On page 7, lines 13 through 15, strike out "officials
16 serving in the Senior Executive Service or the uniformed
17 services in the agency responsible for taking such action."
18 and insert in lieu thereof "covered executive branch offi-
19 cials in the agency responsible for taking such action who
20 serve in the Senior Executive Service, or who are members

1 of the uniformed services whose pay grade is lower than
2 O-9 under section 201 of title 37, United States Code.”

3 On page 7, line 24, strike out all after the comma
4 through line 25 and insert in lieu thereof “article, publica-
5 tion or other material that is widely distributed to the pub-
6 lic, or through the media;”

7 On page 8, lines 19 through 21, strike out “from a
8 Federal agency or a congressional committee, subcommit-
9 tee, or office;” and insert in lieu thereof “from a covered
10 legislative or executive branch official;”

11 On page 9, line 22, strike out “and”.

12 On page 9, insert between lines 22 and 23 the follow-
13 ing new clause:

14 (xv) a formal petition for agency ac-
15 tion, made in writing pursuant to estab-
16 lished agency procedures; and

17 On page 9, line 23, strike out “(xv)” and insert in
18 lieu thereof “(xvi)”.

1 On page 10, line 21, strike out "Federal, State, or
2 local" and insert in lieu thereof "national, regional, or
3 local".

4 On page 11, line 6, strike out "Federal, State, or
5 local" and insert in lieu thereof "national, regional, or
6 local".

7 On page 11, line 11, insert "whichever is earlier,"
8 after "lobbying contacts,".

9 On page 11, strike out lines 15 through 19 and insert
10 in lieu thereof the following:

11 (2)(A) Notwithstanding paragraph (1), any per-
12 son whose total income (in the case of an organiza-
13 tion described under section 5(b)(3)) or total ex-
14 penses (in the case of an organization described
15 under section 5(b)(4)) in connection with lobbying
16 activities do not exceed, or are not expected to
17 exceed—

18 (i) \$1,000 in a semiannual period on be-
19 half of a particular client, or

20 (ii) \$5,000 in a semiannual period on be-
21 half of all clients,

1 (as estimated under section 5), is not required to
2 register with respect to such client or clients.

3 (B) The registration thresholds established in
4 this paragraph shall be adjusted on January 1 of
5 each year divisible by 5 to the amount equal to
6 \$1,000 and \$5,000, respectively, in constant 1995
7 dollars (rounded to the nearest \$100).

8 On page 12, line 7, insert a comma and "address,
9 and principal place of business" after "the name".

10 On page 12, line 10, insert "registrant's" before "lob-
11 bying activities".

12 On page 12, line 12, insert "registrant's" before "lob-
13 bying activities".

14 On page 12, line 14, insert "registrant's" before "lob-
15 bying activities".

16 On page 12, line 15, insert "address," after "name,".

17 On page 12, line 19, insert before the semicolon "or
18 any organization identified under paragraph (3)".

1 On page 12, line 22, strike out "the activities of the
2 client" and insert in lieu thereof "the registrant's lobbying
3 activities".

4 On page 13, line 1, insert "or any organization identi-
5 fied under paragraph (3)" after "the client".

6 On page 13, line 8, insert "(as of the date of the
7 registration)" before the semicolon.

8 On page 13, line 11, insert "(or who has already
9 acted as a lobbyist on behalf of the client as of the date
10 of the registration)" after "client".

11 On page 13, lines 13 and 14, strike out "in the 2
12 years prior to the date of the registration (or a report
13 amending the registration)," and insert in lieu thereof "in
14 the 2-year period before the date on which such employee
15 first acted as a lobbyist on behalf of the client,".

16 On page 13, lines 22 and 23, strike out "who engage
17 in lobbying activities" and insert in lieu thereof "who act
18 as lobbyists".

1 On page 16, strike out lines 14 through 21 and insert
2 in lieu thereof the following:

3 (3)(A) Any registrant whose total income (in
4 the case of an organization described under sub-
5 section (b)(3)) or total expenses (in the case of an
6 organization described under subsection (b)(4)) in
7 connection with lobbying activities do not exceed—

8 (i) \$1,000 in a semiannual period on be-
9 half of a particular client, or

10 (ii) \$5,000 in a semiannual period on be-
11 half of all clients,

12 (as estimated under this section), or who does not
13 make any lobbying contacts on behalf of a particular
14 client, is deemed to be inactive during such period
15 with respect to such client or clients and may com-
16 ply with the reporting requirements of this section
17 by notifying the Director, in such form as the Direc-
18 tor may prescribe.

19 (B) The reporting thresholds established under
20 this paragraph shall be adjusted on January 1 of
21 each year divisible by 5 to the amount equal to
22 \$1,000 and \$5,000, respectively, in constant 1995
23 dollars (rounded to the nearest \$100).

1 On page 22, line 9, strike out "a noncompliance ex-
2 ists" and insert in lieu thereof "such person is in non-
3 compliance with the requirements of this Act".

4 On page 22, line 24, strike out "a noncompliance may
5 exist" and insert in lieu thereof "such person may be in
6 noncompliance with the requirements of this Act".

7 On page 23, line 4, strike out "a noncompliance ex-
8 ists" and insert in lieu thereof "such person is in non-
9 compliance with the requirements of this Act".

10 On page 23, line 6, insert "documentary" before "in-
11 formation".

12 On page 23, lines 7 and 8, strike out "to determine
13 whether the alleged noncompliance in fact exists" and in-
14 sert in lieu thereof "to make such determination".

15 On page 23, line 9, strike out "in a way".

16 On page 24, line 1, insert ", or to any legislative or
17 executive branch official outside the Office of Lobbying
18 Registration and Public Disclosure (except as required for
19 the enforcement of this Act)," after "to the public".

1 On page 24, line 10, insert "by the Director" after
2 "redaction".

3 On page 24, line 15, strike out "a noncompliance may
4 exist" and insert in lieu thereof "such person may be in
5 noncompliance with the requirements of this Act".

6 On page 24, line 19, insert "and" after the semicolon.

7 On page 24, line 20, strike out all through line 5 on
8 page 25 and insert in lieu thereof the following:

9 (2) if requested by such person within such 30-
10 day period, afford the person—

11 (A) in the case of a minor noncompliance,
12 an informal hearing at which additional evi-
13 dence may be presented; and

14 (B) in the case of a significant noncompli-
15 ance; an opportunity for a hearing on the
16 record under the provisions of section 556 of
17 title 5, United States Code.

18 On page 25, lines 6 through 8, strike out "Upon the
19 receipt of a written response, the completion of a hearing,
20 or the expiration of 30 days, the" and insert in lieu thereof
21 "The".

1 On page 27, insert between lines 8 and 9 the follow-
2 ing new subsection:

3 (f) LIMITATION.—No proceeding shall be initiated
4 under this section unless the Director notifies the person
5 who is the subject of the proceeding of the alleged non-
6 compliance, pursuant to section 7, within 3 years after the
7 date on which the registration or report at issue was filed
8 or required to be filed.

9 On page 27, strike out lines 19 through 23 and insert
10 in lieu thereof the following:

11 (2) if requested by such person within such 30-
12 day period, afford the person an informal hearing at
13 which additional evidence may be presented.

14 On page 28, strike out lines 16 through 21 and insert
15 in lieu thereof the following:

16 (A) directing the person to provide the in-
17 formation within a reasonable period of time;
18 and

19 (B) except where the noncompliance was
20 the result of a good faith dispute over the valid-
21 ity or appropriate scope of a request for
22 information—

- 1 (i) including the noncompliance in a
2 publicly available list of noncompliances, to
3 be reported to the Congress on a semi-
4 annual basis; and
5 (ii) assessing a civil monetary penalty
6 in an amount not to exceed \$10,000.

7 On page 34, line 5, insert before "Section" the follow-
8 ing: "(a) REVISED CERTIFICATION REQUIREMENTS.—".

9 On page 35, insert between lines 2 and 3, the follow-
10 ing new subsection:

11 (b) DELETION OF OBSOLETE REPORTING REQUIRE-
12 MENT.—Section 1352 of title 31, United States Code, is
13 further amended by—

- 14 (1) striking out subsection (d); and
15 (2) redesignating subsections (e), (f), (g), and
16 (h) as subsections (d), (e), (f), and (g), respectively.

17 On page 38, line 11, add after the period "No later
18 than 1 year after the date of the enactment of this Act,
19 final regulations shall be published."

20 On page 38, add after line 11, the following new sub-
21 section:

1 (e) PHASE-IN PERIOD.—No penalty shall be assessed
2 by the Director for any noncompliance with this Act which
3 occurs during the first semiannual reporting period after
4 the effective date of this Act.



AMENDMENT NO. _____

Calendar No. _____

Purpose: To require the reporting of certain financial benefits provided by lobbyists to covered officials.

IN THE SEN

AMENDMENT No 345

By WELLSTONE & others

Bill/Res. No. S. 349

To pro
influence

..... 7 pages

GPO : 1992 00-142 (m)

Referred to,

and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WELLSTONE (for himself, ~~for himself, Mr. Feingold, and Mr. Kahl~~) Mr. Feingold, Mr. Kahl, and Mr. Bradley)

Viz:

1 On page 15, between lines 20 and 21 insert the fol-

2 lowing:

3 (c) ADDITIONAL INFORMATION TO BE INCLUDED IN

4 REPORT.—

5 (1) IN GENERAL.—In addition to the informa-
6 tion described in subsection (b), a semiannual report
7 under subsection (a) shall contain a list of each indi-
8 vidual financial benefit provided directly or indirectly
9 by a registrant (including a financial benefit pro-
10 vided by a lobbyist employed by or a lobbyist who is

1 a member of a registrant) to a covered legislative
2 branch official, to an entity that is named after or
3 is established, maintained, controlled, or financed by
4 a covered legislative branch official, or to any other
5 person or entity on behalf of or in the name of a
6 covered legislative branch official, disclosing—

7 (A) with respect to each financial benefit
8 other than one described in subparagraph (B),
9 (C), (D), or (E)—

10 (i) the name and position of the cov-
11 ered legislative branch official or other per-
12 son or entity to whom or which the finan-
13 cial benefit was provided;

14 (ii) the nature of the financial benefit;

15 (iii) the date on which the financial
16 benefit was provided; and

17 (iv) the value of the financial benefit;

18 (B) with respect to each financial benefit
19 that is in the form of a widely attended recep-
20 tion to which covered legislative branch officials
21 were invited—

22 (i) the nature of the reception;

23 (ii) the date on which the reception
24 occurred; and

1 (iii) a single aggregate figure for the
2 expenses incurred by the registrant in con-
3 nection with the reception;

4 (C) with respect to each financial benefit
5 that is in the form of a conference, retreat, or
6 similar event that is sponsored by or affiliated
7 with an official congressional organization that
8 is funded exclusively by appropriated funds—

9 (i) the nature of the conference; re-
10 treat, or other event;

11 (ii) the date or dates on which the
12 conference, retreat, or other event oc-
13 curred;

14 (iii) the common subject interests
15 (such as party affiliation, committee mem-
16 bership, or expression of interest in legisla-
17 tion in a subject area) of the covered legis-
18 lative branch officials who were invited to
19 attend; and

20 (iv) a single aggregate figure for the
21 expenses incurred by the registrant in con-
22 nection with the conference, retreat, or
23 similar event;

24 (D) with respect to each financial benefit
25 that is in the form of an event that is hosted

1 or cohosted with or is held for or in honor of
2 1 or more covered legislative branch officials—

3 (i) the name and position of each such
4 covered legislative branch official;

5 (ii) the nature of the event;

6 (iii) the date on which the event oc-
7 curred; and

8 (iv) the expenses incurred by the reg-
9 istrant in connection with the event; and

10 (E) with respect to each financial benefit
11 that is in the form of election campaign fund-
12 raising activity—

13 (i) the name and position of the cov-
14 ered legislative branch official on behalf of
15 whom the fundraising activity was per-
16 formed;

17 (ii) the nature of the fundraising ac-
18 tivity;

19 (iii) the date or dates on which the
20 fundraising activity was performed;

21 (iv) the expenses incurred by the reg-
22 istrant in connection with the fundraising
23 activity; and

24 (v) the number of contributions and
25 the aggregate amount of contributions

1 known by the registrant to have been made
2 to the covered legislative branch official as
3 a result of the fundraising activity.

4 (2) EXEMPTION.—A list described in paragraph (1)
5 need not disclose financial benefits having a value of
6 \$20 or less to the extent that the aggregate value of
7 such financial benefits that are provided to or on be-
8 half of a covered legislative branch official or other
9 person or entity during the calendar year in which
10 the semiannual period covered by the report occurs
11 does not exceed ~~\$25.~~ ^{\$25.}

12 (3) DEFINITION.—As used in this subsection,
13 the term “financial benefit”—

14 (A) means anything of value given to, on
15 behalf of, or for the benefit of a covered legisla-
16 tive branch official, including—

17 (i) a gift;

18 (ii) payment for local or long-distance
19 transportation, entertainment, food, or
20 lodging, whether provided in kind, by pur-
21 chase of a ticket, by payment in advance
22 or by reimbursement, or otherwise;

23 (iii) a contribution or other payment
24 made to a third party in lieu of an hono-
25 rarium on the basis of a designation, rec-

1 commendation, or other specification made
2 by the covered legislative branch official;

3 (iv) reimbursement of an expense;

4 (v) a loan; and

5 (vii) an expenditure made for a con-
6 ference, retreat, or other event benefiting a
7 covered person, but

8 (B) does not include—

9 (i) a contribution, as defined in the
10 Federal Election Campaign Act of 1971 (2
11 U.S.C. 431 et seq.), that is required to be
12 reported under that Act, unless the con-
13 tribution is in the form of participation in
14 a fundraising activity on behalf of a cov-
15 ered legislative branch official, including
16 the solicitation of contributions, hosting or
17 cohosting of a fundraising event, or service
18 on a campaign steering committee or its
19 equivalent;

20 (ii) a modest item of food or refresh-
21 ments, such as a soft drink, coffee, or
22 doughnut, offered other than as part of a
23 meal; or

24 (iii) a greeting card or other item of
25 little intrinsic value, such as a plaque, cer-

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tificate, or trophy, that is intended solely

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for presentation.

[Handwritten scribbles]

AMENDMENT NO. _____

Calendar No. _____

Purpose: To require the reporting of certain financial benefits provided by lobbyists to covered officials.

IN THE SENATE OF THE UNITED STATES—103d Cong., 1st Sess.

AMENDMENT No 346

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infl

By LEVIN (for Wellstone et al) to

Bill/Res. No. to Amnt 345 poses.

7 pages

Refer

GPO: 1982 60-142 (m)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WELLSTONE ~~Mr. FEINGOLD, and Mr. KOHL~~ *Mr. Levin (for)*

Viz: Strike all after "ADDITIONAL" and in lieu thereof insert the following --

1 On page 15, between lines 20 and 21 insert the fol-

2 ~~lowing~~

3 ~~ON FINANCIAL BENEFITS~~
4 ~~INFORMATION TO BE INCLUDED IN~~

5 (1) IN GENERAL.—In addition to the informa-
6 tion described in subsection (b), ^{each registrant shall include in its} semiannual reports

7 under subsection (a) ~~shall contain~~ a list of each indi-

8 vidual financial benefit provided, directly or indirectly

9 by a registrant (including a financial benefit pro-

10 vided by a lobbyist employed by or a lobbyist who is

in a separate part on financial benefits, subject to the same filing requirements

1 a member of a registrant) to a covered legislative
 2 branch official, to an entity that ~~is named after or~~
 3 is established, maintained, controlled, or financed by
 4 a covered legislative branch official, or to any other
 5 person or entity on behalf of or in the name of a
 6 covered legislative branch official, disclosing—

7 (A) with respect to each financial benefit
 8 other than one described in subparagraph (B), ^{or (c)} ~~(C), (D), or (E)~~ ^(D)
 9 ~~(C), (D), or (E)~~

10 (i) the name and position of the cov-
 11 ered legislative branch official or other per-
 12 son or entity to whom or which the finan-
 13 cial benefit was provided;

14 (ii) the nature of the financial benefit;

15 (iii) the date on which the financial
 16 benefit was provided; and

17 (iv) the value of the financial benefit;

18 ~~(B) with respect to each financial benefit~~
 19 ~~that is in the form of a widely attended recep-~~
 20 ~~tion to which covered legislative branch officials~~
 21 ~~were invited.~~

22 ~~(i) the nature of the reception;~~

23 ~~(ii) the date on which the reception~~
 24 ~~occurred, and~~

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~~(ii) a single aggregate figure for the expenses incurred by the registrant in connection with the registration,~~

(B) ~~(B)~~ with respect to each financial benefit that is in the form of a conference, retreat, or similar event ^{for or on behalf of covered legislative branch officials} that is sponsored by or affiliated with an official congressional organization ~~that is funded exclusively by appropriated funds~~

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) ^{the identity of the organization that sponsored or is affiliated with the event; and} ~~the common subject interests (such as party affiliation, committee membership, or expression of interest in legislation in a subject area) of the covered legislative branch officials who were invited to attend, and~~

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(c) ~~(C)~~ with respect to each financial benefit that is in the form of an event that is hosted

1 or cohosted with ~~or is held for~~ or in honor of
2 1 or more covered legislative branch officials—

3 (i) the name and position of each such
4 covered legislative branch official;

5 (ii) the nature of the event;

6 (iii) the date on which the event oc-
7 curred; and

8 (iv) the expenses incurred by the reg-
9 istrant in connection with the event; and

10 (D) ~~with~~ with respect to each financial benefit
11 that is in the form of election campaign fund-
12 raising activity—

13 (i) the name and position of the cov-
14 ered legislative branch official on behalf of
15 whom the fundraising activity was per-
16 formed;

17 (ii) the nature of the fundraising ac-
18 tivity;

19 (iii) the date or dates on which the
20 fundraising activity was performed;

21 (iv) the expenses incurred by the reg-
22 istrant in connection with the fundraising
23 activity; and

24 (v) the number of contributions and
25 the aggregate amount of contributions

1 known by the registrant to have been made
2 to the covered legislative branch official as
3 a result of the fundraising activity.

4 (2) EXEMPTION.—A list described in paragraph (1)
5 need not disclose financial benefits having a value of
6 \$20 or less to the extent that the aggregate value of
7 such financial benefits that are provided to or on be-
8 half of a covered legislative branch official or other
9 person or entity during the calendar year in which
10 the semiannual period covered by the report occurs
11 ~~has not exceeded~~ ^{has not exceeded} \$50.

12 (3) DEFINITION.—As used in this subsection,
13 the term “financial benefit”—

14 (A) means anything of value given to, on
15 behalf of, or for the benefit of a covered legisla-
16 tive branch official, including—

17 (i) a gift;
18 (ii) payment for local or long-distance
19 transportation, entertainment, food, or
20 lodging, whether provided in kind, by pur-
21 chase of a ticket, by payment in advance
22 or by reimbursement, or otherwise;

23 (iii) a contribution or other payment
24 made to a third party in lieu of an hono-
25 rarium on the basis of a designation, rec-

1 commendation, or other specification made
2 by the covered legislative branch official;

3 (iv) reimbursement of an expense;

4 (v) a loan; and

5 (vi) an expenditure made for a con-
6 ference, retreat, or other event benefiting a
7 covered person, but

8 (B) does not include—

9 (i) a contribution, as defined in the
10 Federal Election Campaign Act of 1971 (2
11 U.S.C. 431 et seq.), that is required to be
12 reported under that Act, unless the con-
13 tribution is in the form of participation in
14 a fundraising activity on behalf of a cov-
15 ered legislative branch official, including
16 the solicitation of contributions, hosting or
17 cohosting of a fundraising event, or service
18 on a campaign steering committee or its
19 equivalent;

20 (ii) a modest item of food or refresh-
21 ments, such as a soft drink, coffee, or
22 doughnut, offered other than as part of a
23 meal;

24 (iii) a greeting card or other item of
25 little intrinsic value, such as a plaque, cer-

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tificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

AMENDMENT No 347

AMENDMENT

By LAUTENBERG + OTHERS

Bill/Res. No. S 379

IN THE SENATE

:SS.

GPO: 1982 60-142 (m)

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LAUTENBERG (for viz: himself, Senator Boren, Senator Levin, Senator Wellstone, and Senator Feingold)

At the appropriate place, insert the following:

Sec. _____ LIMITS ON ACCEPTANCE OF GIFTS, MEALS AND TRAVEL

during this year's session

It is the sense of the Senate that, as soon as possible, the Senate should limit the acceptance of gifts, meals and travel by Members and staff in a manner substantially similar to the restrictions applicable to Executive Branch officials.

9/25/90

(DRAFT)

POLITICAL ACTIVITIES PUBLIC DISCLOSURE
AND CLEARINGHOUSE ACT OF 1990

To facilitate the disclosure and dissemination of certain existing public information relating to the political activities of individuals and domestic and foreign organizations, and for other purposes.

SECTION 1. ESTABLISHMENT OF A CLEARINGHOUSE OF POLITICAL
ACTIVITIES INFORMATION WITHIN THE FEDERAL ELECTION
COMMISSION [POSSIBLE OPTION: GENERAL ACCOUNTING OFFICE]

1. There shall be established within the Federal Election Commission a clearinghouse of existing public information regarding the political activities of domestic organizations and individuals, and foreign principals and foreign agents [as defined by the Foreign Agents Registration Act of 1938, as amended]. The information comprising this clearinghouse shall include and be solely limited to the following:

(a) Existing publicly disclosed registrations and quarterly reports required by the Federal Regulation of Lobbying Act (2 U.S.C. 261-270);

(b) Existing publicly disclosed registrations and quarterly reports required by the Foreign Agents Registration Act, as amended, (22 U.S.C. 611-621) and as further amended by Sec. 3 of this Act;

(c) Existing public information disclosed pursuant to section 26 U.S.C. 501(h). [Lobbying by non-profit organizations under 1976 amendments to the Internal Revenue Code].

(d) The catalogue of public hearings, hearings witnesses and witness affiliations as printed in the Congressional Record;

(e) Existing public information disclosed pursuant to House and Senate rules regarding honoraria, the receipt of gifts, travel, earned and unearned income, post-congressional employment, and conflict of interest regulations;

(f) Existing public information disclosed pursuant to the requirements of the Federal Election Campaign Act, as amended;

(g) Existing public information disclosed pursuant to OMB-Circular A-122 and analogous cost accounting provisions in the Defense Acquisition Regulations and the Federal Acquisition Regulations;

(h) Existing public information disclosed pursuant to Title 1, sec. 1352 of Public Law 101-121, 103 Stat. 751. [This is the so-called "Byrd Amendment" to the FY 90 Interior Appropriations Act; it concerns prohibitions, limitations

and disclosures regarding the use of appropriated funds to influence certain Federal contracts and financial transactions].

2. Notwithstanding any other provision of law, the disclosure by the Clearinghouse of any information other than that set forth in Section 1(1)(a-h) shall be prohibited except by act of Congress.

3. A Director shall administer and manage the responsibilities and all activities of the Clearinghouse.

(a) The Director shall be appointed by the Federal Election Commission in consultation with the Comptroller General of the United States;

(b) The Director shall serve a single term not to exceed ten years;

(c) [Language providing the Director of the Clearinghouse the same sort of protections regarding removal afforded the Comptroller General].

SECTION 2. DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE CLEARINGHOUSE

1. It shall be the duty of the Director --

(a) To develop a filing, coding, and cross-indexing system to carry out the purposes of the this Act (which shall include an index of all persons

identified reports, registrations, and other public disclosures filed under this Act);

(b) Notwithstanding any other provision of law, to make copies of registrations, reports and public disclosures filed with him under this Act available for public inspection and copying, commencing as soon as practicable, but not later than the end of the second day following the day of receipt, and to permit copying of any such registration or report by hand or by copying machine or, at the request of any person, to furnish a copy of any such registration or report upon payment of the cost of making and furnishing such copy; but no information contained in such registration or report shall be sold or utilized by any person for the purpose of soliciting contributions or for any profit-making purpose;

(c) To compile and summarize, for each calendar quarter, the information contained in such registrations, reports, and other public disclosures in a manner which facilitates the disclosure of political activities, including, but not limited to, information on --

(1) all political activities pertaining to each issue before Congress;

(2) the total political activities of individuals, organizations, foreign principals, and foreign agents who share an economic, business, or other common interest;

(d) To make the information compiled and summarized under subsection (c) available to the public within 30 days after the close of each quarterly period, and to publish such information in the Federal Register at the earliest practicable opportunity;

(e) Not later than one hundred fifty days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General of the United States, rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act in the most effective and efficient manner;

(f) At the request of any Member of the Senate or the House of Representatives, to prepare and submit to such Member a special study or report relating to the political activities of any person. Such report shall consist solely of the information in the registrations, reports, and other publicly disclosed information required in this Act;

(g) To require the accurate, timely, and complete transfer of information stated under Section 1 of this Act from the statutorily responsible office to the Clearinghouse;

(h) To refer to the Comptroller General for investigation any instances where registrations, reports, and political information stated in Section 1 of this Act are not forwarded to the clearinghouse in an accurate, timely, and complete fashion.

**SECTION 3. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION
ACT OF 1938, AS AMENDED**

1. Section 1(c) of the Foreign Agents Registration Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "For the purpose of clause (1), a foreign principal shall be considered to control a person in major part if the foreign principal holds more than 50 percent equitable ownership in such person, or subject to rebuttal evidence, if the foreign principal holds at least 20 percent but not more than 50 percent equitable ownership in such person."

2. [Amendment changing the reporting period from six months to calendar quarters].

3. [Amendment repealing the attorney exemption clause and replacing it with language requiring all registrants and potential registrants to file an affirmative request for exemption].

4. Section 8 of such Act is amended by adding at the end thereof the following:

"(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing --

(A) to have failed to file a registration statement under section 2(a) or a supplement thereto under section 2(b),

(B) to have omitted a material fact required to be stated therein,
or

(C) to have made a false statement with respect to such a material fact,

shall be required to pay a civil penalty in an amount not less than \$2,000 or more than \$5,000 for each violation committed. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

"(2A) In conducting investigations and hearings under paragraph (1), administrative law judges may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

"(B) In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and, upon application by the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as contempt thereof."

PROPOSED AMENDMENTS TO S.349

THE LOBBYING DISCLOSURE ACT OF 1993

1. Conforming the S.349 definitions of "lobbying activities" and "lobbying contacts" to the Internal Revenue Code definition of "influencing legislation" for purposes of the application of S.349 to organizations exempt from tax under sections 501(c)(3) and (c)(4) of the Internal Revenue Code.

(a) Amend paragraph (8) of section 3 by inserting "(A)" immediately before the beginning of the first sentence, and by adding the following new subparagraph at the end of the final sentence:

"(B) In the case of organizations exempt from taxation under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, "lobbying activities" shall include all activities, and only such activities, that constitute "influencing legislation" with respect to federal legislation within the meaning of section 4911(d) of the Internal Revenue Code."

(b) Amend paragraph (9) of section 3 by redesignating paragraph (B) as paragraph (C) and inserting immediately after paragraph (A) the following new paragraph:

"(B) In the case of organizations exempt from taxation under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, "lobbying contacts" shall not include any activities that do not constitute "influencing legislation" within the meaning of section 4911(d) of the Internal Revenue Code."

2. Clarifying the incidental activity exclusion from the definition of lobbyist for employees lobbying directly on behalf of their employer.

Amend paragraph (10) of section 3 by inserting "(A)" immediately before the beginning of the sentence, and by adding the following new subparagraph at the end of the sentence:

"(B) In the case of an employee conducting lobbying activities directly on behalf of his employer (that is, where the employer is also the "client" within the meaning of section 3(2)), the employee's lobbying activities shall be treated as "incidental to" and "not a significant part

of" the employee's services if the employee devotes less than 10 percent of his time to lobbying activities.

3. Increasing the semi-annual expenditure threshold from \$1,000 to \$10,000.

Amend paragraph (2) of subsection 4(a) by deleting "\$1,000" and inserting in place thereof "\$10,000".

4. Establishing the Office of Lobbying Registration and Public Disclosure within the Office of Government Ethics rather than the Department of Justice.

(a) Amend paragraph (1) of subsection 6(a) by deleting "Department of Justice" and substituting in place thereof "Office of Government Ethics".

(b) Amend paragraph (2) of subsection 6(a) by deleting "Department of Justice" and substituting in place thereof "Office of Government Ethics".

5. Extending the filing deadline for initial registrations and semi-annual reports from 30 to 90 days.

(a) Amend paragraph (1) of subsection 4(a) by deleting "30" and inserting in place thereof "90".

(b) Amend subsection (a) of section (5) by deleting "30" and inserting in place therefor "90".

6. Eliminating the requirement that semi-annual reports include an amendment of the description in the initial registration statement as to the general issue areas and specific issues with respect to which the registrant has lobbied or expects to lobby.

Amend paragraph (1) of subsection 5(b) by inserting, immediately after the word "registration", and before the semi-colon, the phrase "with respect to the requirements of paragraphs (1) through (4) of subsection 4(b)".

RATIONALE FOR
PROPOSED AMENDMENTS TO S.349

1. Conforming the S.349 definitions of "lobbying activities" and "lobbying contacts" to the Internal Revenue Code definition of "influencing legislation" for purposes of the application of S.349 to organizations exempt from tax under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code.

Problem: In 1976, Congress established detailed rules governing the lobbying activities of organizations exempt from tax under section 501(c)(3). These rules, codified in sections 501(h) and 4911 of the Internal Revenue Code, include a detailed statutory definition of "influencing legislation," contained in section 4911(d). In 1990, the Treasury issued 40 pages of regulations interpreting these statutory provisions -- regulations charities must understand in order to comply with the tax law restrictions on lobbying.

S.349 would require charities to understand and comply with a second complex definition of lobbying. While similar in many respects, the two definitions are substantially different in others. For example, while the tax law definition includes all grassroots lobbying with respect to federal legislation, S.349 includes only grassroots lobbying "in direct support of [direct] lobbying contacts." On the other hand, unlike the S.349 definition, the tax law definition does not include efforts to influence executive branch decisions. Finally, while both the tax law definition and S.349 provide lists of exclusions from the definition of lobbying, these lists, while overlapping, are not the same.

Charities have already committed substantial time and resources to establishing record-keeping and reporting systems to track the information required to comply with the tax law rules. Forcing them to understand a second, complex, and conflicting definition would be quite burdensome, and, as a practical matter would be a significant deterrent to lobbying by many charities.

While S.349 makes some effort to reduce the burden of imposing a second definition of lobbying on charities, the root problem

remains. For example, while S.349 permits charities to use the tax definition in calculating lobbying expenditures to be reported under the Act, charities would still be required to track, and report, all contacts with executive branch officials.

The supporters of S.349 have failed to demonstrate any compelling public need to justify the substantial burden -- and chilling effect -- inherent in requiring charities to understand and comply with a second definition of lobbying.

Effect of proposed amendment: The proposed amendment eliminates the problem by conforming, for purposes of their application to charities, the S.349 definitions of "lobbying activities" and "lobbying contacts" to the Internal Revenue Code definition of "influencing legislation." Further, because many charities have section 501(c)(4) affiliates which engage in substantial lobbying activity, it is appropriate, in the interest of uniformity, to apply the tax law definition to section 501(c)(4) organizations as well.

2. Clarifying the incidental activity exclusion form the definition of lobbyist for employees lobbying directly on behalf of their employer.

Problem. For many organizations -- including many local charities -- the issue of whether they would be obligated to register under S. 349 will turn on whether they have any employees who qualify as "lobbyists" under the Act. Unfortunately, the Act's definition of "lobbyist" is highly subjective, and provides that the term "lobbyist" includes an employee whose activities include lobbying contacts "other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the [the employee's] services." The Act provides no standard for determining when an employee's lobbying activities cease to be "incidental" and become "significant".

Effect of proposed amendment. The proposed amendment alleviates this problem by establishing a bright line test which provides that an employee's lobbying activities will be treated as incidental and not significant if the employee devotes less than 10 percent of his time to lobbying activities.

3. Increasing the semi-annual expenditure threshold from \$1,000 to \$10,000.

Problem: As introduced, S.349 exempts organizations from registration and reporting provided that the organization's lobbying expenditures do not equal or exceed \$1,000 in a six month period. This low expenditure threshold could inappropriately subject many local charities to the Act's registration and reporting requirements.

Effect of proposed amendment: The proposed amendment would substantially alleviate this problem by establishing a more realistic expenditure threshold.

4. Establishing the Office of Lobbying Registration and Public Disclosure within the Office of Government Ethics rather than the Department of Justice.

Problem. Assigning responsibility for oversight of a constitutionally protected activity to a law enforcement agency is without precedent, and would create serious risk of inappropriate regulation and restriction of lobbying activities.

Effect of proposed amendment. The proposed amendment transfers authority for administering the Act to the Office of Government Ethics.

5. Extending the filing deadline for initial registrations and semi-annual reports from 30 to 90 days.

Problem. Many organizations, particularly large, decentralized organizations with numerous branch offices, will have difficulty collecting and compiling data on branch office lobbying activities within the 30 day reporting periods provided by S.349.

Effect of proposed amendment. The proposed amendment establishes a more reasonable 90 day filing period for both the initial registration statement and the semi-annual reports.

6. Eliminating the requirement that semi-annual reports include an amendment of the description in the initial registration statement as to the general issue areas and specific issues with respect to which the registrant has lobbied or expects to lobby.

Problem. As currently drafted, section 5(b) not only requires that semi-annual reports include a list of specific issues upon which the registrant has engaged in significant lobbying during the filing period (section 5(2)(A)), but also a highly redundant "updating" of the statement required in the initial registration (section 4(b)(5)), as to the general issue areas and specific issues on which the registrant expects to lobby.

Effect of proposed amendment. The proposed amendment makes clear that the semi-annual report does not need to include an updating of the registration statement's initial description of the general areas and specific issues on which the registrant has lobbied or plans to lobby. The proposed amendment would not affect the requirement that the semi-annual report include a list of the specific issues on which the registrant has lobbied during the reporting period.

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103D CONGRESS | HOUSE OF REPRESENTATIVES | REPORT
2d Session | 103-_____

LOBBYING DISCLOSURE ACT OF 1994

_____, 1994.—Ordered to be printed

Mr. BRYANT, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 349]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 349), to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

1 **TITLE I—LOBBYING**
2 **DISCLOSURE.**

3 **SECTION 101. SHORT TITLE.**

4 This title may be cited as the "Lobbying Disclosure
5 Act of 1994".

6 **SEC. 102. FINDINGS.**

7 The Congress finds that—

8 (1) responsible representative Government re-
9 quires public awareness of the efforts of paid lobby-
10 ists to influence the public decision making process
11 in both the legislative and executive branches of the
12 Federal Government;

13 (2) existing lobbying disclosure statutes have
14 been ineffective because of unclear statutory lan-
15 guage, weak administrative and enforcement provi-
16 sions, and an absence of clear guidance as to who
17 is required to register and what they are required to
18 disclose; and

19 (3) the effective public disclosure of the identity
20 and extent of the efforts of paid lobbyists to influ-
21 ence Federal officials in the conduct of Government
22 actions will increase public confidence in the integ-
23 rity of Government.

24 **SEC. 103. DEFINITIONS.**

25 As used in this title:

1 (1) AGENCY.—The term “agency” has the
2 meaning given that term in section 551(1) of title 5,
3 United States Code.

4 (2) CLIENT.—The term “client” means any
5 person or entity that employs or retains another per-
6 son for financial or other compensation to conduct
7 lobbying activities on behalf of that person or entity.
8 A person or entity whose employees act as lobbyists
9 on its own behalf is both a client and an employer
10 of such employees. In the case of a coalition or asso-
11 ciation that employs or retains other persons to con-
12 duct lobbying activities, the client is—

13 (A) the coalition or association and not its
14 individual members when the lobbying activities
15 are conducted on behalf of its membership and
16 financed by the coalition’s or association’s dues
17 and assessments; or

18 (B) an individual member or members,
19 when the lobbying activities are conducted on
20 behalf of, and financed separately by, 1 or more
21 individual members and not by the coalition’s or
22 association’s dues and assessments.

23 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—
24 The term “covered executive branch official”
25 means—

1 (A) the President;

2 (B) the Vice President;

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

7 (D) any officer or employee serving in a
8 position in level I, II, III, IV, or V of the Exec-
9 utive Schedule, as designated by statute or ex-
10 ecutive order;

11 (E) any officer or employee serving in a
12 Senior Executive Service position, as defined in
13 section 3132(a)(2) of title 5, United States
14 Code;

15 (F) any member of the uniformed services
16 whose pay grade is at or above O-7 under sec-
17 tion 201 of title 37, United States Code; and

18 (G) any officer or employee serving in a
19 position of a confidential, policy-determining,
20 policy-making, or policy-advocating character
21 described in section 7511(b)(2) of title 5, Unit-
22 ed States Code.

23 (4) COVERED LEGISLATIVE BRANCH OFFI-
24 CIAL.—The term “covered legislative branch official”
25 means—

1 (A) a Member of Congress;

2 (B) an elected officer of either House of
3 Congress;

4 (C) any employee of, or any other individ-
5 ual functioning in the capacity of an employee
6 of—

7 (i) a Member of Congress;

8 (ii) a committee of either House of
9 Congress;

10 (iii) the leadership staff of the House
11 of Representatives or the leadership staff
12 of the Senate;

13 (iv) a joint committee of Congress;
14 and

15 (v) a working group or caucus orga-
16 nized to provide legislative services or
17 other assistance to Members of Congress;
18 and

19 (D) any other legislative branch employee
20 serving in a position described under section
21 109(13) of the Ethics in Government Act of
22 1978 (5 U.S.C. App.).

23 (5) DIRECTOR.—The term “Director” means
24 the Director of the Office of Lobbying Registration
25 and Public Disclosure.

1 (6) EMPLOYEE.—The term “employee” means
2 any individual who is an officer, employee, partner,
3 director, or proprietor of a person or entity, but does
4 not include—

5 (A) independent contractors; or

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

9 (7) FOREIGN ENTITY.—The term “foreign en-
10 tity” means a foreign principal (as defined in section
11 1(b) of the Foreign Agents Registration Act of 1938
12 (22 U.S.C. 611(b)).

13 (8) GRASSROOTS LOBBYING COMMUNICA-
14 TIONS.—The term “grassroots lobbying communica-
15 tions” means—

16 (A) any communication that attempts to
17 influence a matter described in clause (i), (ii),
18 (iii), or (iv) of section 103(10)(A) through an
19 attempt to affect the opinions of the general
20 public or any segment thereof;

21 (B) any communication between an organi-
22 zation and any bona fide member of such orga-
23 nization to directly encourage such member to
24 make a communication to a covered executive
25 branch official or a covered legislative branch

1 official with regard to a matter described in
2 clause (i), (ii), (iii), or (iv) of section
3 103(10)(A); and

4 (C) any communication between an organi-
5 zation and any bona fide member of such orga-
6 nization to directly encourage such member to
7 urge persons other than members to commu-
8 nicate as provided in either subparagraph (A)
9 or subparagraph (B).

10 (9) LOBBYING ACTIVITIES.—

11 (A) DEFINITION.—The term “lobbying ac-
12 tivities” means lobbying contacts and efforts in
13 support of such contacts, including preparation
14 and planning activities, research and other
15 background work that is intended, at the time
16 it is performed, for use in contacts, and coordi-
17 nation with the lobbying activities of others.
18 Except as provided in subparagraph (B), lobby-
19 ing activities also include grassroots lobbying
20 communications to the extent that such commu-
21 nications are made in support of a lobbying
22 contact. A communication in support of a lob-
23 bying contact is a lobbying activity even if the
24 communication is excluded from the definition
25 of “lobbying contact” under paragraph (10)(B).

1 (B) RELIGIOUS ORGANIZATIONS.—Lobby-
2 ing activities do not include grassroots lobbying
3 communications by churches, their integrated
4 auxiliaries, conventions or associations of
5 churches, and religious orders that are exempt
6 from filing Federal income tax returns under
7 paragraph (2)(A)(i) or (2)(A)(iii) of section
8 6033(a) of the Internal Revenue Code of 1986,
9 unless such communications are made by an-
10 other registrant or any person or entity re-
11 quired to be identified under section 104(b)(5).

12 (10) LOBBYING CONTACT.—

13 (A) DEFINITION.—The term “lobbying
14 contact” means any oral or written communica-
15 tion (including an electronic communication) to
16 a covered executive branch official or a covered
17 legislative branch official that is made on behalf
18 of a client with regard to—

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

22 (ii) the formulation, modification, or
23 adoption of a Federal rule, regulation, Ex-
24 ecutive order, or any other program, policy,

1 or position of the United States Govern-
2 ment;

3 (iii) the administration or execution of
4 a Federal program or policy (including the
5 negotiation, award, or administration of a
6 Federal contract, grant, loan, permit, or li-
7 cense), except that this clause does not in-
8 clude communications that are made to
9 any covered executive branch official—

10 (I) who is serving in a Senior Ex-
11 ecutive Service position described in
12 paragraph (3)(E); or

13 (II) who is a member of the uni-
14 formed services whose pay grade is
15 lower than O-9 under section 201 of
16 title 37, United States Code,
17 in the agency responsible for taking such
18 administrative or executive action; or

19 (iv) the nomination or confirmation of
20 a person for a position subject to confirma-
21 tion by the Senate.

22 (B) EXCEPTIONS.—The term “lobbying
23 contact” does not include a communication that
24 is—

1 (i) made by a public official acting in
2 the public official's official capacity;

3 (ii) made by a representative of a
4 media organization if the purpose of the
5 communication is gathering and dissemi-
6 nating news and information to the public;

7 (iii) made in a speech, article, publica-
8 tion or other material that is widely dis-
9 tributed to the public, or through radio,
10 television, cable television, or other medium
11 of mass communication;

12 (iv) made on behalf of a government
13 of a foreign country or a foreign political
14 party and disclosed under the Foreign
15 Agents Registration Act of 1938 (22
16 U.S.C. 611 et seq.);

17 (v) a request for a meeting, a request
18 for the status of an action, or any other
19 similar administrative request, if the re-
20 quest does not include an attempt to influ-
21 ence a covered executive branch official or
22 a covered legislative branch official;

23 (vi) made in the course of participa-
24 tion in an advisory committee subject to
25 the Federal Advisory Committee Act:

1 (vii) testimony given before a commit-
2 tee, subcommittee, or task force of the
3 Congress, or submitted for inclusion in the
4 public record of a hearing conducted by
5 such committee, subcommittee, or task
6 force;

7 (viii) information provided in writing
8 in response to a written request by a cov-
9 ered executive branch official or a covered
10 legislative branch official for specific infor-
11 mation;

12 (ix) required by subpoena, civil inves-
13 tigative demand, or otherwise compelled by
14 statute, regulation, or other action of the
15 Congress or an agency;

16 (x) made in response to a notice in
17 the Federal Register, Commerce Business
18 Daily, or other similar publication solicit-
19 ing communications from the public and
20 directed to the agency official specifically
21 designated in the notice to receive such
22 communications;

23 (xi) not possible to report without dis-
24 closing information, the unauthorized dis-
25 closure of which is prohibited by law;

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(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, United States Code, 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

1 public record pursuant to established agen-
2 cy procedures;

3 (xvi) made on behalf of an individual
4 with regard to that individual's benefits,
5 employment, or other personal matters in-
6 volving only that individual, except that
7 this clause does not apply to any commu-
8 nication with—

9 (I) a covered executive branch of-
10 ficial, or

11 (II) a covered legislative branch
12 official (other than the individual's
13 elected Members of Congress or em-
14 ployees who work under such Mem-
15 bers' direct supervision),

16 with respect to the formulation, modifica-
17 tion, or adoption of private legislation for
18 the relief of that individual;

19 (xvii) a disclosure by an individual
20 that is protected under the amendments
21 made by the Whistleblower Protection Act
22 of 1989, under the Inspector General Act
23 of 1978, or under another provision of law;

24 (xviii) made by—

1 (I) a church, its integrated auxil-
2 iary, or a convention or association of
3 churches that is exempt from filing a
4 Federal income tax return under
5 paragraph 2(A)(i) of section 6033(a)
6 of the Internal Revenue Code of 1986,
7 or

8 (II) a religious order that is ex-
9 empt from filing a Federal income tax
10 return under paragraph (2)(A)(iii) of
11 such section 6033(a),

12 if the communication constitutes the free
13 exercise of religion or is for the purpose of
14 protecting the right to the free exercise of
15 religion; and

16 (xix) between—

17 (I) officials of a self-regulatory
18 organization (as defined in section
19 3(a)(26) of the Securities Exchange
20 Act) that is registered with or estab-
21 lished by the Securities and Exchange
22 Commission as required by that Act;
23 and

24 (II) the Securities and Exchange
25 Commission,

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

3 (11) LOBBYING FIRM.—The term “lobbying
4 firm” means a person or entity that has 1 or more
5 employees who are lobbyists on behalf of a client
6 other than that person or entity. The term also in-
7 cludes a self-employed individual who is a lobbyist.

8 (12) LOBBYIST.—The term “lobbyist” means
9 any individual who is employed or retained by a cli-
10 ent for financial or other compensation for services
11 that include one or more lobbying contacts, other
12 than an individual whose lobbying activities con-
13 stitute less than 10 percent of the time engaged in
14 the services provided by such individual to that cli-
15 ent.

16 (13) MEDIA ORGANIZATION.—The term “media
17 organization” means a person or entity engaged in
18 disseminating information to the general public
19 through a newspaper, magazine, other publication,
20 radio, television, cable television, or other medium of
21 mass communication.

22 (14) MEMBER OF CONGRESS.—The term
23 “Member of Congress” means a Senator or a Rep-
24 resentative in, or Delegate or Resident Commis-
25 sioner to, the Congress.

1 (15) ORGANIZATION.—The term “organization”
2 means a person or entity other than an individual.

3 (16) PERSON OR ENTITY.—The term “person
4 or entity” means any individual, corporation, com-
5 pany, foundation, association, labor organization,
6 firm, partnership, society, joint stock company,
7 group of organizations, or State or local government.

8 (17) PUBLIC OFFICIAL.—The term “public offi-
9 cial” means any elected official, appointed official, or
10 employee of—

11 (A) a Federal, State, or local unit of gov-
12 ernment in the United States other than—

13 (i) a college or university;

14 (ii) a government-sponsored enterprise
15 (as defined in section 3(8) of the Congres-
16 sional Budget and Impoundment Control
17 Act of 1974);

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

20 (iv) a guaranty agency (as defined in
21 section 435(j) of the Higher Education Act
22 of 1965 (20 U.S.C. 1085(j))), including
23 any affiliate of such an agency; or

24 (v) an agency of any State functioning
25 as a student loan secondary market pursu-

1 ant to section 435(d)(1)(F) of the Higher
2 Education Act of 1965 (20 U.S.C.
3 1085(d)(1)(F));

4 (B) a Government corporation (as defined
5 in section 9101 of title 31, United States
6 Code);

7 (C) an organization of State or local elect-
8 ed or appointed officials other than officials of
9 an entity described in clause (i), (ii), (iii), (iv),
10 or (v) of subparagraph (A);

11 (D) an Indian tribe (as defined in section
12 4(e) of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 450b(e));

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

16 (F) a national, regional, or local unit of
17 any foreign government.

18 (18) STATE.—The term "State" means each of
19 the several States, the District of Columbia, and any
20 commonwealth, territory, or possession of the United
21 States.

22 **SEC. 104. REGISTRATION OF LOBBYISTS.**

23 (a) **REGISTRATION.—**

24 (1) **GENERAL RULE.—**No later than 30 days
25 after a lobbyist first makes a lobbying contact or is

1 employed or retained to make a lobbying contact,
2 whichever is earlier, such lobbyist (or, as provided
3 under paragraph (2), the organization employing
4 such lobbyist), shall register with the Office of Lob-
5 bying Registration and Public Disclosure.

6 (2) EMPLOYER FILING.—Any organization that
7 has 1 or more employees who are lobbyists shall file
8 a single registration under this section on behalf of
9 such employees for each client on whose behalf the
10 employees act as lobbyists.

11 (3) EXEMPTION.—

12 (A) GENERAL RULE.—Notwithstanding
13 paragraphs (1) and (2), a person or entity
14 whose—

15 (i) total income for matters related to
16 lobbying activities on behalf of a particular
17 client (in the case of a lobbying firm) does
18 not exceed and is not expected to exceed
19 \$2,500; or

20 (ii) total expenses in connection with
21 lobbying activities (in the case of an orga-
22 nization whose employees engage in lobby-
23 ing activities on its own behalf) do not ex-
24 ceed or are not expected to exceed \$5,000,

1 (as estimated under section 105) in the semi-
2 annual period described in section 105(a) dur-
3 ing which the registration would be made is not
4 required to register under subsection (a) with
5 respect to such client.

6 (B) ADJUSTMENT.—The dollar amounts in
7 subparagraph (A) shall be adjusted—

8 (i) on January 1, 1997, to reflect
9 changes in the Consumer Price Index (as
10 determined by the Secretary of Labor)
11 since the date of enactment of this title;
12 and

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

19 (b) CONTENTS OF REGISTRATION.—Each registra-
20 tion under this section shall be in such form as the Direc-
21 tor shall prescribe by regulation and shall contain—

22 (1) the name, address, business telephone num-
23 ber, and principal place of business of the registrant,
24 and a general description of its business or activi-
25 ties;

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

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

8 (A) contributes more than \$5,000 toward
9 the lobbying activities of the registrant in a
10 semiannual period described in section 105(a);
11 and

12 (B) participates significantly in the plan-
13 ning, supervision, or control of such lobbying
14 activities;

15 (4) the name, address, principal place of busi-
16 ness, amount of any contribution of more than
17 \$5,000 to the lobbying activities of the registrant,
18 and approximate percentage of equitable ownership
19 in the client (if any) of any foreign entity that—

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

23 (B) directly or indirectly, in whole or in
24 major part, plans, supervises, controls, directs,
25 finances, or subsidizes the activities of the cli-

1 ent or any organization identified under para-
2 graph (3); or

3 (C) is an affiliate of the client or any orga-
4 nization identified under paragraph (3) and has
5 a direct interest in the outcome of the lobbying
6 activity;

7 (5) the name, address, and principal place of
8 business of any person or entity retained by the reg-
9 istrant to conduct grassroots lobbying communica-
10 tions on behalf of the registrant or the client (other
11 than an employee of the registrant or a person or
12 entity that is separately registered under this title in
13 connection with such representation);

14 (6) a statement of—

15 (A) the general issue areas in which the
16 registrant expects to engage in lobbying activi-
17 ties on behalf of the client; and

18 (B) to the extent practicable, specific is-
19 sues that have (as of the date of the registra-
20 tion) already been addressed or are likely to be
21 addressed in lobbying activities; and

22 (7) the name of each employee of the registrant
23 who has acted or whom the registrant expects to act
24 as a lobbyist on behalf of the client and, if any such
25 employee has served as a covered executive branch

1 official or a covered legislative branch official in the
2 2 years before the date on which such employee first
3 acted (after the date of enactment of this Act) as a
4 lobbyist on behalf of the client, the position in which
5 such employee served.

6 (c) GUIDELINES FOR REGISTRATION.—

7 (1) MULTIPLE CLIENTS.—In the case of a reg-
8 istrant making lobbying contacts on behalf of more
9 than 1 client, a separate registration under this sec-
10 tion shall be filed for each such client.

11 (2) MULTIPLE CONTACTS.—A registrant who
12 makes more than 1 lobbying contact for the same
13 client shall file a single registration covering all such
14 lobbying contacts.

15 (d) TERMINATION OF REGISTRATION.—A registrant
16 who after registration—

17 (1) is no longer employed or retained by a cli-
18 ent to conduct lobbying activities, and

19 (2) does not anticipate any additional lobbying
20 activities for such client,

21 may so notify the Director and terminate its registration.

22 SEC. 105. REPORTS BY REGISTERED LOBBYISTS.

23 (a) SEMIANNUAL REPORT.—

24 (1) IN GENERAL.—No later than 30 days after
25 the end of the semiannual period beginning on the

1 first day of each January and the first day of July
2 of each year in which a registrant is registered
3 under section 104, each registrant shall file a report
4 with the Office of Lobbying Registration and Public
5 Disclosure on its lobbying activities during such
6 semiannual period. A separate report shall be filed
7 for each client of the registrant.

8 (2) EXEMPTION.—

9 (A) GENERAL RULE.—Any registrant
10 whose—

11 (i) total income for a particular client
12 for matters that are related to lobbying ac-
13 tivities on behalf of that client (in the case
14 of a lobbying firm), does not exceed and is
15 not expected to exceed \$2,500; or

16 (ii) total expenses in connection with
17 lobbying activities (in the case of a reg-
18 istrant whose employees engage in lobbying
19 activities on its own behalf) do not exceed
20 and are not expected to exceed \$5,000,

21 in a semiannual period (as estimated under
22 paragraph (3) or (4) of subsection (b) or para-
23 graph (4) of subsection (c), as applicable) is
24 deemed to be inactive during such period and
25 may comply with the reporting requirements of

1 this section by so notifying the Director in such
2 form as the Director may prescribe.

3 (B) ADJUSTMENT.—The dollar amounts in
4 subparagraph (A) shall be adjusted as provided
5 in section 104(a)(3)(B).

6 (b) CONTENTS OF REPORT.—Each semiannual re-
7 port filed under subsection (a) shall be in such form as
8 the Director shall prescribe by regulation and shall
9 contain—

10 (1) the name of the registrant, the name of the
11 client, and any changes or updates to the informa-
12 tion provided in the initial registration;

13 (2) for each general issue area in which the reg-
14 istrant engaged in lobbying activities on behalf of
15 the client during the semiannual filing period—

16 (A) a list of the specific issues upon which
17 a lobbyist employed by the registrant engaged
18 in lobbying activities, including, to the maxi-
19 mum extent practicable, a list of bill numbers
20 and references to specific regulatory actions,
21 programs, projects, contracts, grants and loans;

22 (B) a statement of the Houses and com-
23 mittees of Congress and the Federal agencies
24 contacted by lobbyists employed by the reg-
25 istrant on behalf of the client;

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

3 (D) a description of the interest, if any, of
4 any foreign entity identified under section
5 104(b)(4) in the specific issues listed under
6 subparagraph (A); and

7 (E) a list of the specific issues on which
8 any person or entity required to be identified
9 under section 104(b)(5) has engaged in grass-
10 roots lobbying communications on behalf of the
11 client;

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

19 (4) in the case of a registrant engaged in lobby-
20 ing activities on its own behalf, a good faith estimate
21 of the total expenses that the registrant and its em-
22 ployees incurred in connection with lobbying activi-
23 ties during the semiannual filing period;

24 (5) the name, address, and principal place of
25 business of any person or entity other than the cli-

1 ent who paid the registrant to lobby on behalf of the
2 client; and

3 (6) a good faith estimate of the total expenses
4 that the registrant and its employees incurred in
5 connection with grassroots lobbying communications
6 on behalf of the client (including any amount paid,
7 in connection with such communications, to a person
8 or entity required to be identified under section
9 104(b)(5)).

10 (c) ESTIMATES OF INCOME OR EXPENSES.—For pur-
11 poses of this section, estimates of income or expenses shall
12 be made as follows:

13 (1) \$100,000 OR LESS.—Income or expenses of
14 \$100,000 or less shall be estimated in accordance
15 with the following categories:

16 (A) \$10,000 or less.

17 (B) More than \$10,000 but not more than
18 \$20,000.

19 (C) More than \$20,000 but not more than
20 \$50,000.

21 (D) More than \$50,000 but not more than
22 \$100,000.

23 (2) MORE THAN \$100,000 BUT NOT MORE
24 THAN \$500,000.—Income or expenses in excess of

1 \$100,000 but not more than \$500,000 shall be esti-
2 mated and rounded to the nearest \$50,000.

3 (3) MORE THAN \$500,000.—Income or ex-
4 penses in excess of \$500,000 shall be estimated and
5 rounded to the nearest \$100,000.

6 (4) ESTIMATES BASED ON TAX REPORTING SYS-
7 TEM.—In the case of any registrant that is required
8 to report and does report lobbying expenditures as
9 required by section 6033(b)(8) of the Internal Reve-
10 nue Code of 1986, regulations prescribed under sec-
11 tion 107 shall provide that the registrant may make
12 a good faith estimate of applicable amounts that
13 would be required to be disclosed under such section
14 of the Internal Revenue Code of 1986 for the appli-
15 cable semiannual period (by category of dollar value)
16 to meet the requirements of subsections (b)(4) and
17 (b)(6), if each time the registrant makes such an es-
18 timate, the registrant informs the Director that the
19 registrant is making such an estimate.

20 (5) CONSTRUCTION.—In estimating total in-
21 come or expenses under this section, a registrant is
22 not required to include—

23 (A) the value of contributed services for
24 which no payment is made; or

1 (B) the expenses for services provided by
2 an independent contractor of the registrant who
3 is separately registered under this title.

4 (d) CONTACTS.—

5 (1) CONTACTS WITH COMMITTEES.—For pur-
6 poses of subsection (b)(2), any contact with a mem-
7 ber of a committee of Congress, an employee of a
8 committee of Congress, or an employee of a member
9 of a committee of Congress regarding a matter with-
10 in the jurisdiction of such committee shall be consid-
11 ered to be a contact with the committee.

12 (2) CONTACTS WITH HOUSE OF CONGRESS.—
13 For purposes of subsection (b)(2), any contact with
14 a Member of Congress or an employee of a Member
15 of Congress regarding a matter that is not within
16 the jurisdiction of a committee of Congress of which
17 that Member is a member shall be considered to be
18 a contact with the House of Congress of that Mem-
19 ber.

20 (3) CONTACTS WITH FEDERAL AGENCIES.—For
21 purposes of subsection (b)(2), any contact with a
22 covered executive branch official shall be considered
23 to be a contact with the Federal agency that em-
24 ploys that official, except that a contact with a cov-
25 ered executive branch official who is detailed to an-

1 other Federal agency or to the Congress shall be
2 considered to be a contact with the Federal agency
3 or with the committee of Congress or House of Con-
4 gress to which the official is detailed.

5 (e) EXTENSION FOR FILING.—The Director may
6 grant an extension of time of not more than 30 days for
7 the filing of any report under this section, upon the re-
8 quest of the registrant, for good cause shown.

9 SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBY-
10 ING FIRMS, AND AGENTS OF FOREIGN PRIN-
11 CIPALS.

12 (a) IN GENERAL.—

13 (1) PROHIBITION.—No lobbyist or lobbying
14 firm registered under this title and no agent of a
15 foreign principal registered under the Foreign
16 Agents Registration Act may provide a gift, directly
17 or indirectly, to any covered legislative branch offi-
18 cial.

19 (2) DEFINITION.—For purposes of this
20 section—

21 (A) the term 'gift' means any gratuity,
22 favor, discount, entertainment, hospitality, loan,
23 forbearance, or other item having monetary
24 value and such term includes gifts of services,
25 training, transportation, lodging, and meals,

1 whether provided in kind, by purchase of a tick-
2 et, payment in advance, or reimbursement after
3 the expense has been incurred; and

4 (B) a gift to the spouse or dependent of a
5 covered legislative branch official (or a gift to
6 any other individual based on that individual's
7 relationship with the covered legislative branch
8 official) shall be considered a gift to the covered
9 legislative branch official if it is given with the
10 knowledge and acquiescence of the covered leg-
11 islative branch official and is given because of
12 the official position of the covered legislative
13 branch official.

14 (b) GIFTS.—The prohibition in subsection (a) in-
15 cludes the following:

16 (1) Anything provided by a lobbyist or a foreign
17 agent which is paid for, charged to, or reimbursed
18 by a client or firm of such lobbyist or foreign agent.

19 (2) Anything provided by a lobbyist, a lobbying
20 firm, or a foreign agent to an entity that is main-
21 tained or controlled by a covered legislative branch
22 official.

23 (3) A charitable contribution (as defined in sec-
24 tion 170(c) of the Internal Revenue Code of 1986)
25 made by a lobbyist, a lobbying firm, or a foreign

1 agent on the basis of a designation, recommenda-
2 tion, or other specification of a covered legislative
3 branch official (not including a mass mailing or
4 other solicitation directed to a broad category of per-
5 sons or entities).

6 (4) A contribution or other payment by a lobby-
7 ist, a lobbying firm, or a foreign agent to a legal ex-
8 pense fund established for the benefit of a covered
9 legislative branch official or a covered executive
10 branch official.

11 (5) A charitable contribution (as defined in sec-
12 tion 170(c) of the Internal Revenue Code of 1986)
13 made by a lobbyist, a lobbying firm, or a foreign
14 agent in lieu of an honorarium to a covered legisla-
15 tive branch official.

16 (6) A financial contribution or expenditure
17 made by a lobbyist, a lobbying firm, or a foreign
18 agent relating to a conference, retreat, or similar
19 event, sponsored by or affiliated with an official con-
20 gressional organization, for or on behalf of covered
21 legislative branch officials.

22 (c) NOT GIFTS.—The following are not gifts subject
23 to the prohibition in subsection (a):

1 (1) Anything for which the recipient pays the
2 market value, or does not use and promptly returns
3 to the donor.

4 (2) A contribution, as defined in the Federal
5 Election Campaign Act of 1971 (2 U.S.C. 431 et
6 seq.) that is lawfully made under that Act, or at-
7 tendance at a fundraising event sponsored by a po-
8 litical organization described in section 527(e) of the
9 Internal Revenue Code of 1986.

10 (3) Food or refreshments of nominal value of-
11 fered other than as part of a meal.

12 (4) Benefits resulting from the business, em-
13 ployment, or other outside activities of the spouse of
14 a covered legislative branch official, if such benefits
15 are customarily provided to others in similar cir-
16 cumstances.

17 (5) Pension and other benefits resulting from
18 continued participation in an employee welfare and
19 benefits plan maintained by a former employer.

20 (6) Informational materials that are sent to the
21 office of a covered legislative branch official in the
22 form of books, articles, periodicals, other written
23 materials, audio tapes, videotapes, or other forms of
24 communication.

1 (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE
2 AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE
3 PERSONAL FRIENDSHIP.—

4 (1) IN GENERAL.—A gift given by an individual
5 under circumstances which make it clear that the
6 gift is given for a nonbusiness purpose and is moti-
7 vated by a family relationship or close personal
8 friendship and not by the position of the covered leg-
9 islative branch official shall not be subject to the
10 prohibition in subsection (a).

11 (2) NONBUSINESS PURPOSE.—A gift shall not
12 be considered to be given for a nonbusiness purpose
13 if the individual giving the gift seeks—

14 (A) to deduct the value of such gift as a
15 business expense on the individual's Federal in-
16 come tax return, or

17 (B) direct or indirect reimbursement or
18 any other compensation for the value of the gift
19 from a client or employer of such lobbyist or
20 foreign agent.

21 (3) FAMILY RELATIONSHIP OR CLOSE PER-
22 SONAL FRIENDSHIP.—In determining if the giving of
23 a gift is motivated by a family relationship or close
24 personal friendship, at least the following factors
25 shall be considered:

1 (A) The history of the relationship between
2 the individual giving the gift and the recipient
3 of the gift, including whether or not gifts have
4 previously been exchanged by such individuals.

5 (B) Whether the gift was purchased by the
6 individual who gave the item.

7 (C) Whether the individual who gave the
8 gift also at the same time gave the same or
9 similar gifts to other covered legislative branch
10 officials.

11 **SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUB-**
12 **LIC DISCLOSURE.**

13 (a) **ESTABLISHMENT AND DIRECTOR.—**

14 (1) **ESTABLISHMENT.**—There is established an
15 executive agency to be known as the Office of Lob-
16 bying Registration and Public Disclosure.

17 (2) **DIRECTOR.**—(A) The Office shall be headed
18 by a Director, who shall be appointed by the Presi-
19 dent, by and with the advice and consent of the Sen-
20 ate.

21 (B) The Director shall be an individual who, by
22 demonstrated ability, background, training, and ex-
23 perience, is qualified to carry out the functions of
24 the position. The term of service of the Director

1 shall be 5 years. The Director may be removed for
2 cause.

3 (C) Section 5316 of title 5, United States Code,
4 is amended by adding at the end the following: "Di-
5 rector of the Office of Lobbying Registration and
6 Public Disclosure".

7 (b) ADMINISTRATIVE POWERS.—The Director may—

8 (1) appoint officers and employees, including
9 attorneys, in accordance with chapter 51 and sub-
10 chapter III of chapter 53 of title 5, United States
11 Code, define their duties and responsibilities, and di-
12 rect and supervise their activities;

13 (2) contract for financial and administrative
14 services (including those related to budget and ac-
15 counting, financial reporting, personnel, and pro-
16 curement) with the General Services Administration,
17 or such Federal agency as the Director determines
18 appropriate, for which payment shall be made in ad-
19 vance or by reimbursement from funds of the Office
20 in such amounts as may be agreed upon by the Di-
21 rector and the head of the agency providing such
22 services, but the contract authority under this para-
23 graph shall be effective for any fiscal year only to
24 the extent that appropriations are available for that
25 purpose;

1 (3) request the head of any Federal department
2 or agency (who is hereby so authorized) to detail to
3 temporary duties with the Office such personnel
4 within the agency head's administrative jurisdiction
5 as the Office may need for carrying out its functions
6 under this title, with or without reimbursement;

7 (4) request agency heads to provide information
8 needed by the Office, which information shall be
9 supplied to the extent permitted by law;

10 (5) utilize, with their consent, the services and
11 facilities of Federal agencies with or without reim-
12 bursement;

13 (6) accept, use, and dispose of gifts or dona-
14 tions of services or property, real, personal, or
15 mixed, tangible or intangible, for purposes of aiding
16 or facilitating the work of the Office; and

17 (7) use the United States mails in the same
18 manner and under the same conditions as other de-
19 partments and agencies of the United States.

20 (c) COOPERATION WITH OTHER GOVERNMENTAL
21 AGENCIES.—In order to avoid unnecessary expense and
22 duplication of function among Government agencies, the
23 Office may make such arrangements or agreements for co-
24 operation or mutual assistance in the performance of its
25 functions under this title as is practicable and consistent

1 with law. The head of the General Services Administration
2 and each department, agency, or establishment of the
3 United States shall cooperate with the Office and, to the
4 extent permitted by law, provide such information, serv-
5 ices, personnel, and facilities as the Office may request
6 for its assistance in the performance of its functions under
7 this title.

8 (d) DUTIES.—The Director shall—

9 (1) after notice and a reasonable opportunity
10 for public comment, and consultation with the Sec-
11 retary of the Senate, the Clerk of the House of Rep-
12 resentatives, and the Administrative Conference of
13 the United States, prescribe such regulations, pen-
14 alty guidelines, and forms as are necessary to carry
15 out this title;

16 (2) provide guidance and assistance on the reg-
17 istration and reporting requirements of this title,
18 including—

19 (A) providing information to all registrants
20 at the time of registration about the obligations
21 of registered lobbyists under this title, and

22 (B) issuing published decisions and advi-
23 sory opinions;

24 (3) review the registrations and reports filed
25 under this title and make such verifications or in-

1 quiries as are necessary to ensure the completeness,
2 accuracy, and timeliness of the registrations and re-
3 ports;

4 (4) develop filing, coding, and cross-indexing
5 systems to carry out the purposes of this title,
6 including—

7 (A) a publicly available list of all registered
8 lobbyists and their clients; and

9 (B) computerized systems designed to min-
10 imize the burden of filing and maximize public
11 access to materials filed under this title;

12 (5) ensure that the computer systems developed
13 pursuant to paragraph (4)—

14 (A) allow the materials filed under this
15 title to be accessed by the client name, lobbyist
16 name, and registrant name;

17 (B) are compatible with computer systems
18 developed and maintained by the Federal Elec-
19 tion Commission, and that information filed in
20 the two systems can be readily cross-referenced;
21 and

22 (C) are compatible with computer systems
23 developed and maintained by the Secretary of
24 the Senate and the Clerk of the House of Rep-
25 resentatives;

1 (6) make copies of each registration and report
2 filed under this title available to the public, upon the
3 payment of reasonable fees, not to exceed the cost
4 of such copies, as determined by the Director, in
5 written and electronic formats, as soon as prac-
6 ticable after the date on which such registration or
7 report is received;

8 (7) preserve the originals or accurate reproduc-
9 tion of—

10 (A) registrations filed under this title for a
11 period that ends not less than 3 years after the
12 termination of the registration under section
13 104(d); and

14 (B) reports filed under this title for a pe-
15 riod that ends not less than 3 years after the
16 date on which the report is received;

17 (8) maintain a computer record of—

18 (A) the information contained in registra-
19 tions for a period that ends not less than 5
20 years after the termination of the registration
21 under section 104(d); and

22 (B) the information contained in reports
23 filed under this title for a period that ends not
24 less than 5 years after the date on which the
25 reports are received;

1 (9) compile and summarize, with respect to
2 each semiannual period, the information contained
3 in registrations and reports filed with respect to
4 such period in a manner which clearly presents the
5 extent and nature of expenditures on lobbying activi-
6 ties during such period;

7 (10) make information compiled and summa-
8 rized under paragraph (9) available to the public in
9 electronic and hard copy formats as soon as prac-
10 ticable after the close of each semiannual filing
11 period;

12 (11) provide, by computer telecommunication or
13 other transmittal in a form accessible by computer,
14 to the Secretary of the Senate and the Clerk of the
15 House of Representatives copies of all registrations
16 and reports received under sections 104 and 105
17 and all compilations, cross-indexes, and summaries
18 of such registrations and reports, as soon as prac-
19 ticable (but not later than 3 working days) after
20 such material is received or created;

21 (12) make available to the public a list of all
22 persons whom the Director determines, under sec-
23 tion 109 (after exhaustion of all appeals under sec-
24 tion 111) to have committed a major or minor viola-
25 tion of this title and submit such list to the Con-

1 gress as part of the report provided for under para-
2 graph (13);

3 (13) make available to the public upon request
4 and transmit to the President, the Secretary of the
5 Senate, the Clerk of the House of Representatives,
6 the Committee on Governmental Affairs of the Sen-
7 ate, and the Committee on the Judiciary of the
8 House of Representatives a report, not later than
9 March 31 of each year, describing the activities of
10 the Office and the implementation of this title,
11 including—

12 (A) a financial statement for the preceding
13 fiscal year;

14 (B) a summary of the registrations and re-
15 ports filed with the Office with respect to the
16 preceding calendar year;

17 (C) a summary of the registrations and re-
18 ports filed on behalf of foreign entities with re-
19 spect to the preceding calendar year; and

20 (D) recommendations for such legislative
21 or other action as the Director considers appro-
22 priate; and

23 (14) study the appropriateness of the definition
24 of "public official" under section 103(17) and make

1 recommendations for any change in such definition
2 in the first report filed pursuant to paragraph (13).

3 **SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.**

4 (a) **ALLEGATION OF A VIOLATION.**—Whenever the
5 Office of Lobbying Registration and Public Disclosure has
6 reason to believe that a person or entity may be in viola-
7 tion of the requirements of this title, the Director shall
8 notify the person or entity in writing of the nature of the
9 alleged violation and provide an opportunity for the person
10 or entity to respond in writing to the allegation within 30
11 days after the notification is sent or such longer period
12 as the Director may determine appropriate in the cir-
13 cumstances.

14 (b) **INITIAL DETERMINATION.**—

15 (1) **IN GENERAL.**—If the person or entity re-
16 sponds within the period described in the notification
17 under subsection (a), the Director shall—

18 (A) issue a written determination that the
19 person or entity has not violated this title if the
20 person or entity provides adequate information
21 or explanation to make such determination; or

22 (B) make a formal request for information
23 under subsection (c) or a notification under sec-
24 tion 109(a), if the information or explanation

1 provided is not adequate to make a determina-
2 tion under subparagraph (A).

3 (2) WRITTEN DECISION.—If the Director makes
4 a determination under paragraph (1)(A), the Direc-
5 tor shall issue a public written decision in accord-
6 ance with section 110.

7 (c) FORMAL REQUEST FOR INFORMATION.—If a per-
8 son or entity fails to respond in writing within the period
9 described in the notification under subsection (a) or the
10 response is not adequate to determine whether such per-
11 son or entity has violated this title, the Director may make
12 a formal request for specific additional written informa-
13 tion (subject to applicable privileges) that is reasonably
14 necessary for the Director to make such determination.
15 Each such request shall be structured to minimize any
16 burden imposed, consistent with the need to determine
17 whether the person or entity is in compliance with this
18 title, and shall—

19 (1) state the nature of the conduct constituting
20 the alleged violation which is the basis for the in-
21 quiry and the provision of law applicable thereto;

22 (2) describe the class or classes of material to
23 be produced pursuant to the request with such defi-
24 niteness and certainty as to permit such material to
25 be readily identified; and

1 (3) prescribe a return date or dates which pro-
2 vide a reasonable period of time within which the
3 person or entity may assemble and make available
4 for inspection and copying or reproduction the mate-
5 rial so requested.

6 **SEC. 109. DETERMINATIONS OF VIOLATIONS.**

7 (a) **NOTIFICATION AND HEARING.**—If the informa-
8 tion provided to the Director under section 108 indicates
9 that a person or entity may have violated this title, the
10 Director shall—

11 (1) notify the person or entity in writing of this
12 finding and, if appropriate, a proposed penalty as-
13 sessment and provide such person or entity with an
14 opportunity to respond in writing within 30 days
15 after the notice is sent; and

16 (2) if requested in writing by that person or en-
17 tity within that 30-day period, afford the person or
18 entity an opportunity for a hearing on the record
19 under the provisions of section 554 of title 5, United
20 States Code.

21 (b) **DETERMINATION.**—Upon the receipt of a written
22 response under subsection (a)(1) when no hearing under
23 subsection (a)(2) is requested, upon the completion of a
24 hearing requested under subsection (a)(2), or upon the ex-
25 piration of 30 days in a case in which no such written

1 response is received, the Director shall review the informa-
2 tion received under section 108 and this section (including
3 evidence presented at any such hearing) and make a final
4 determination whether there was a violation and a final
5 determination of the penalty, if any. If no written response
6 was received under this section within the 30-day period
7 provided, the determination and penalty assessment shall
8 constitute a final order not subject to appeal.

9 (c) WRITTEN DECISION.—

10 (1) DETERMINATION OF VIOLATION.—If the
11 Director makes a final determination under sub-
12 section (b) that there was a violation, the Director
13 shall issue a written decision in accordance with sec-
14 tion 110—

15 (A) directing the person or entity to cor-
16 rect the violation; and

17 (B) assessing a civil monetary penalty—

18 (i) in the case of a minor violation,
19 which shall be no more than \$10,000, de-
20 pending on the extent and gravity of the
21 violation;

22 (ii) in the case of a major violation,
23 which shall be more than \$10,000, but no
24 more than \$200,000, depending on the ex-
25 tent and gravity of the violation;

1 (iii) in the case of a late registration
2 or filing, which shall be \$200 for each
3 week by which the registration or filing
4 was late, unless the Director determines
5 that the failure to timely register or file
6 constitutes a major violation (as defined
7 under subsection (e)(2)) in which case the
8 amount shall be as prescribed by clause
9 (ii); or

10 (iv) in the case of a failure to provide
11 information requested by the Director pur-
12 suant to section 108(c), which shall be no
13 more than \$10,000, depending on the ex-
14 tent and gravity of the violation, except
15 that no penalty shall be assessed if the Di-
16 rector determines that the violation was
17 the result of a good faith dispute over the
18 validity or appropriate scope of a request
19 for information.

20 (2) DETERMINATION OF NO VIOLATION OR IN-
21 SUFFICIENT EVIDENCE.—If the Director determines
22 that no violation occurred or there was not sufficient
23 evidence that a violation occurred, the Director shall
24 issue a written decision in accordance with section
25 110.

1 (d) CIVIL INJUNCTIVE RELIEF.—If a person or en-
2 tity fails to comply with a directive to correct a violation
3 under subsection (c), the Director shall refer the case to
4 the Attorney General to seek civil injunctive relief in the
5 appropriate court of the United States to compel such per-
6 son or entity to comply with such directive.

7 (e) PENALTY ASSESSMENTS.—

8 (1) GENERAL RULE.—No penalty shall be as-
9 sessed under this section unless the Director finds
10 that the person or entity subject to the penalty knew
11 or should have known that such person or entity was
12 in violation of this title. In determining the amount
13 of a penalty to be assessed, the Director shall take
14 into account the totality of the circumstances, in-
15 cluding the extent and gravity of the violation,
16 whether the violation was voluntarily admitted and
17 corrected, the extent to which the person or entity
18 may have profited from the violation, the ability of
19 the person or entity to pay, and such other matters
20 as justice may require.

21 (2) REGULATIONS.—Regulations prescribed by
22 the Director under section 107 shall define major
23 and minor violations. Major violations shall be de-
24 fined to include a failure to register and any other
25 violation that is extensive or repeated, if the person

1 or entity who failed to register or committed such
2 other violation—

3 (A) had actual knowledge that the conduct
4 constituted a violation;

5 (B) acted in deliberate ignorance of the
6 provisions of this title or regulations related to
7 the conduct constituting a violation; or

8 (C) acted in reckless disregard of the pro-
9 visions of this title or regulations related to the
10 conduct constituting a violation.

11 (f) LIMITATION.—No proceeding shall be initiated
12 under section 108 or this section unless the Director noti-
13 fies the person or entity who is to be the subject of the
14 proceeding of the alleged violation within 3 years after the
15 date on which the alleged violation occurred.

16 **SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECLI-**
17 **SIONS.**

18 (a) DISCLOSURE OF INFORMATION.—Information
19 provided to the Director pursuant to sections 108 and 109
20 shall not be made available to the public without the con-
21 sent of the person or entity providing the information, ex-
22 cept to the extent that such information may be included
23 in—

24 (1) a new or amended report or registration
25 filed under this title; or

1 (2) a written decision issued by the Director
2 under this section.

3 (b) WRITTEN DECISIONS.—All written decisions is-
4 sued by the Director under sections 108 and 109 shall
5 be made available to the public. The Director may provide
6 for the publication of a written decision if the Director
7 determines that publication would provide useful guidance.
8 Before making a written decision public, the Director—

9 (1) shall delete information that would identify
10 a person or entity who was alleged to have violated
11 this title if—

12 (A) there was insufficient evidence to de-
13 termine that the person or entity violated this
14 title or the Director found that person or entity
15 did not violate this title, and

16 (B) the person or entity so requests; and

17 (2) shall delete information that would identify
18 any other person or entity (other than a person or
19 entity who was found to have violated this title), if
20 the Director determines that such person or entity
21 could reasonably be expected to be injured by the
22 disclosure of such information.

23 **SEC. 111. JUDICIAL REVIEW.**

24 (a) FINAL DECISION.—A written decision issued by
25 the Director under section 109 shall become final 60 days

1 after the date on which the Director provides notice of
2 the decision, unless such decision is appealed under sub-
3 section (b) of this section.

4 (b) APPEAL.—Any person or entity adversely affected
5 by a written decision issued by the Director under section
6 109 may appeal such decision, except as provided under
7 section 109(b), to the appropriate United States court of
8 appeals. Such review may be obtained by filing a written
9 notice of appeal in such court no later than 60 days after
10 the date on which the Director provides notice of the Di-
11 rector's decision and by simultaneously sending a copy of
12 such notice of appeal to the Director. The Director shall
13 file in such court the record upon which the decision was
14 issued, as provided under section 2112 of title 28, United
15 States Code. The findings of fact of the Director shall be
16 conclusive, unless found to be unsupported by substantial
17 evidence, as provided under section 706(2)(E) of title 5,
18 United States Code. Any penalty assessed or other action
19 taken in the decision shall be stayed during the pendency
20 of the appeal.

21 (c) RECOVERY OF PENALTY.—Any penalty assessed
22 in a written decision which has become final under this
23 title may be recovered in a civil action brought by the At-
24 torney General in an appropriate United States district
25 court. In any such action, no matter that was raised or

1 that could have been raised before the Director or pursu-
2 ant to judicial review under subsection (b) may be raised
3 as a defense, and the determination of liability and the
4 determination of amounts of penalties and assessments
5 shall not be subject to review.

6 **SEC. 112. RULES OF CONSTRUCTION.**

7 (a) **CONSTITUTIONAL RIGHTS.**—Nothing in this title
8 shall be construed to prohibit or interfere with—

9 (1) the right to petition the government for the
10 redress of grievances;

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

12 (3) the right of association,

13 protected by the First Amendment to the Constitution.

14 (b) **PROHIBITION OF ACTIVITIES.**—Nothing in this
15 title shall be construed to prohibit, or to authorize the Di-
16 rector or any court to prohibit, lobbying activities or lobby-
17 ing contacts by any person or entity, regardless of whether
18 such person or entity is in compliance with the require-
19 ments of this title.

20 (c) **AUDIT AND INVESTIGATIONS.**—Nothing in this
21 title shall be construed to grant general audit or investiga-
22 tive authority to the Director.

1 SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REG-
2 ISTRATION ACT.

3 The Foreign Agents Registration Act of 1938 (22
4 U.S.C. 611 et seq.) is amended—

5 (1) in section 1—

6 (A) by striking subsection (j);

7 (B) in subsection (o) by striking “the dis-
8 semination of political propaganda and any
9 other activity which the person engaging therein
10 believes will, or which he intends to, prevail
11 upon, indoctrinate, convert, induce, persuade,
12 or in any other way influence” and inserting
13 “any activity that the person engaging in be-
14 lieves will, or that the person intends to, in any
15 way influence”;

16 (C) in subsection (p) by striking the semi-
17 colon and inserting a period; and

18 (D) by striking subsection (q);

19 (2) in section 3(g) (22 U.S.C. 613(g)), by strik-
20 ing “established agency proceedings, whether formal
21 or informal.” and inserting “judicial proceedings,
22 criminal or civil law enforcement inquiries, investiga-
23 tions, or proceedings, or agency proceedings required
24 by statute or regulation to be conducted on the
25 record.”;

1 (3) in section 3 (22 U.S.C. 613) by adding at
2 the end the following:

3 “(h) Any agent of a person described in section
4 1(b)(2) or an entity described in section 1(b)(3) if the
5 agent is required to register and does register under the
6 Lobbying Disclosure Act of 1994 in connection with the
7 agent’s representation of such person or entity.”;

8 (4) in section 4(a) (22 U.S.C. 614(a))—

9 (A) by striking “political propaganda” and
10 inserting “informational materials”; and

11 (B) by striking “and a statement, duly
12 signed by or on behalf of such an agent, setting
13 forth full information as to the places, times,
14 and extent of such transmittal”;

15 (5) in section 4(b) (22 U.S.C. 614(b))—

16 (A) in the matter preceding clause (i), by
17 striking “political propaganda” and inserting
18 “informational materials”; and

19 (B) by striking “(i) in the form of prints,
20 or” and all that follows through the end of the
21 subsection and inserting “without placing in
22 such informational materials a conspicuous
23 statement that the materials are distributed by
24 the agent on behalf of the foreign principal, and
25 that additional information is on file with the

1 Department of Justice, Washington, District of
2 Columbia. The Attorney General may by rule
3 define what constitutes a conspicuous statement
4 for the purposes of this subsection.”;

5 (6) in section 4(c) (22 U.S.C. 614(c)), by strik-
6 ing “political propaganda” and inserting “informa-
7 tional materials”;

8 (7) in section 6 (22 U.S.C. 616)—

9 (A) in subsection (a) by striking “and all
10 statements concerning the distribution of politi-
11 cal propaganda”;

12 (B) in subsection (b) by striking “, and
13 one copy of every item of political propaganda”;
14 and

15 (C) in subsection (c) by striking “copies of
16 political propaganda,”;

17 (8) in section 8 (22 U.S.C. 618)—

18 (A) in subsection (a)(2) by striking “or in
19 any statement under section 4(a) hereof con-
20 cerning the distribution of political propa-
21 ganda”; and

22 (B) by striking subsection (d); and

23 (9) in section 11 (22 U.S.C. 621) by striking
24 “, including the nature, sources, and content of po-
25 litical propaganda disseminated or distributed”.

1 SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.

2 (a) REVISED CERTIFICATION REQUIREMENTS.—Sec-
3 tion 1352(b) of title 31, United States Code, is amended—

4 (1) in paragraph (2) by striking subparagraphs
5 (A), (B), and (C) and inserting the following:

6 “(A) the name of any registrant under the
7 Lobbying Disclosure Act of 1994 who has made
8 lobbying contacts on behalf of the person with
9 respect to that Federal contract, grant, loan, or
10 cooperative agreement; and

11 “(B) a certification that the person making
12 the declaration has not made, and will not
13 make, any payment prohibited by subsection
14 (a).”;

15 (2) in paragraph (3) by striking all that follows
16 “loan shall contain” and inserting “the name of any
17 registrant under the Lobbying Disclosure Act of
18 1994 who has made lobbying contacts on behalf of
19 the person in connection with that loan insurance or
20 guarantee.”; and

21 (3) by striking paragraph (6) and redesignating
22 paragraph (7) as paragraph (6).

23 (b) REMOVAL OF OBSOLETE REPORTING REQUIRE-
24 MENT.—Section 1352 of title 31, United States Code, is
25 further amended—

26 (1) by striking subsection (d); and

1 (2) by redesignating subsections (e), (f), (g),
2 and (h) as subsections (d), (e), (f), and (g), respec-
3 tively.

4 SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

5 (a) REPEAL OF THE FEDERAL REGULATION OF LOB-
6 BYING ACT.—The Federal Regulation of Lobbying Act (2
7 U.S.C. 261 et seq.) is repealed.

8 (b) REPEAL OF PROVISIONS RELATING TO HOUSING
9 LOBBYIST ACTIVITIES.—

10 (1) Section 13 of the Department of Housing
11 and Urban Development Act (42 U.S.C. 3537b) is
12 repealed.

13 (2) Section 536(d) of the Housing Act of 1949
14 (42 U.S.C. 1490p(d)) is repealed.

15 SEC. 116. CONFORMING AMENDMENTS TO OTHER STAT-
16 UTES.

17 (a) AMENDMENT TO COMPETITIVENESS POLICY
18 COUNCIL ACT.—Section 5206(e) of the Competitiveness
19 Policy Council Act (15 U.S.C. 4804(e)) is amended by in-
20 serting “or a lobbyist for a foreign entity (as the terms
21 ‘lobbyist’ and ‘foreign entity’ are defined under section
22 103 of the Lobbying Disclosure Act of 1994)” after “an
23 agent for a foreign principal”.

24 (b) AMENDMENTS TO TITLE 18, UNITED STATES
25 CODE.—Section 219(a) of title 18, United States Code,

1 is amended (1) by inserting "or a lobbyist required to reg-
2 ister under the Lobbying Disclosure Act of 1994 in con-
3 nection with the representation of a foreign entity, as de-
4 fined in section 103(7) of that Act" after "an agent of
5 a foreign principal required to register under the Foreign
6 Agents Registration Act of 1938", and (2) by striking out
7 ", as amended,".

8 (c) AMENDMENT TO FOREIGN SERVICE ACT OF
9 1980.—Section 602(c) of the Foreign Service Act of 1980
10 (22 U.S.C. 4002(c)) is amended by inserting "or a lobby-
11 ist for a foreign entity (as defined in section 103(7) of
12 the Lobbying Disclosure Act of 1994)" after "an agent
13 of a foreign principal (as defined by section 1(b) of the
14 Foreign Agents Registration Act of 1938)".

15 SEC. 117. SEVERABILITY.

16 If any provision of this title, or the application there-
17 of, is held invalid, the validity of the remainder of this
18 title and the application of such provision to other persons
19 and circumstances shall not be affected thereby.

20 SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

21 There are authorized to be appropriated for fiscal
22 years 1995, 1996, 1997, 1998, and 1999 such sums as
23 may be necessary to carry out this title.

1 SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OF-
2 FICIALS.

3 (a) ORAL LOBBYING CONTACTS.—Any person or en-
4 tity that makes an oral lobbying contact with a covered
5 legislative branch official or a covered executive branch of-
6 ficial shall, on the request of the official at the time of
7 the lobbying contact—

8 (1) state whether the person or entity is reg-
9 istered under this title and identify the client on
10 whose behalf the lobbying contact is made; and

11 (2) state whether such client is a foreign entity
12 and identify any foreign entity required to be dis-
13 closed under section 104(b)(4) that has a direct in-
14 terest in the outcome of the lobbying activity.

15 (b) WRITTEN LOBBYING CONTACTS.—Any person or
16 entity registered under this title that makes a written lob-
17 bying contact (including an electronic communication)
18 with a covered legislative branch official or a covered exec-
19 utive branch official shall—

20 (1) if the client on whose behalf the lobbying
21 contact was made is a foreign entity, identify such
22 client, state that the client is considered a foreign
23 entity under this title, and state whether the person
24 making the lobbying contact is registered on behalf
25 of that client under section 104; and

1 (2) identify any other foreign entity identified
2 pursuant to section 104(b)(4) that has a direct in-
3 terest in the outcome of the lobbying activity.

4 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
5 request by a person or entity making a lobbying contact,
6 the individual who is contacted or the office employing
7 that individual shall indicate whether or not the individual
8 is a covered legislative branch official or a covered execu-
9 tive branch official.

10 SEC. 120. TRANSITIONAL FILING REQUIREMENT.

11 (a) SIMULTANEOUS FILING.—Subject to subsection
12 (b), each registrant shall transmit simultaneously to the
13 Secretary of the Senate and the Clerk of the House of
14 Representatives an identical copy of each registration and
15 report required to be filed under this title.

16 (b) SUNSET PROVISION.—The simultaneous filing re-
17 quirement under subsection (a) shall be effective until
18 such time as the Director, in consultation with the Sec-
19 retary of the Senate and the Clerk of the House of Rep-
20 resentatives, determines that the Office of Lobbying Reg-
21 istration and Public Disclosure is able to provide computer
22 telecommunication or other transmittal of registrations
23 and reports as required under section 107(b)(11).

24 (c) IMPLEMENTATION.—The Director, the Secretary
25 of the Senate, and the Clerk of the House of Representa-

1 tives shall take such actions as necessary to ensure that
2 the Office of Lobbying Registration and Public Disclosure
3 is able to provide computer telecommunication or other
4 transmittal of registrations and reports as required under
5 section 107(b)(11) on the effective date of this title, or
6 as soon thereafter as reasonably practicable.

7 **SEC. 121. EFFECTIVE DATES AND INTERIM RULES.**

8 (a) **IN GENERAL.**—Except as otherwise provided in
9 this section, this title and the amendments made by this
10 title shall take effect January 1, 1996.

11 (b) **EFFECTIVE DATE OF GIFT PROHIBITION.**—Sec-
12 tion 106 shall take effect on January 3, 1995. Beginning
13 on that date, and for the remainder of calendar year 1995,
14 such section shall apply to any gift provided by a lobbyist
15 or an agent of a foreign principal registered under the
16 Federal Regulation of Lobbying Act or the Foreign Agents
17 Registration Act, including any person registered under
18 such Acts as of July 1, 1994, or thereafter.

19 (c) **ESTABLISHMENT OF OFFICE.**—Sections 107 and
20 118 shall take effect on the date of enactment of this Act.

21 (d) **REPEALS AND AMENDMENTS.**—The repeals and
22 amendments made under sections 113, 114, 115, and 116
23 shall take effect as provided under subsection (a), except
24 that such repeals and amendments—

1 (1) shall not affect any proceeding or suit com-
2 menced before the effective date under subsection
3 (a), and in all such proceedings or suits, proceedings
4 shall be had, appeals taken, and judgments rendered
5 in the same manner and with the same effect as if
6 this title had not been enacted; and

7 (2) shall not affect the requirements of Federal
8 agencies to compile, publish, and retain information
9 filed or received before the effective date of such re-
10 peals and amendments.

11 (e) REGULATIONS.—Proposed regulations required to
12 implement this title shall be published for public comment
13 no later than 270 days after the date of the enactment
14 of this Act. No later than 1 year after the date of the
15 enactment of this Act, final regulations required to imple-
16 ment this title shall be published.

17 (f) PHASE-IN PERIOD.—No penalty shall be assessed
18 by the Director under section 109(e) for a violation of this
19 title, other than for a violation of section 106, which oc-
20 curs during the first semiannual reporting period under
21 section 105 after the effective date prescribed by sub-
22 section (a).

23 (g) INTERIM RULES.—

24 (1) REPORTING RULE.—A person or entity that
25 is required to account for lobbying expenditures and

1 does account for lobbying expenditures pursuant to
2 section 162(e) of the Internal Revenue Code of 1986
3 may make a good faith estimate (by category of dol-
4 lar value) of the amount that would not be deduct-
5 ible pursuant to that section for the applicable semi-
6 annual period to meet the requirements of sections
7 104(a)(3), 105(a)(2), and 105(b)(4), if the person or
8 entity—

9 (A) makes such an estimate to meet the
10 requirements of each such section of this title
11 for a given calendar year; and

12 (B) informs the Director that the person
13 or entity is making such an estimate in any
14 registration or report including such an esti-
15 mate.

16 (2) DE MINIMUS RULE.—In determining wheth-
17 er its employees are lobbyists under section
18 103(12)—

19 (A) a person or entity that is required to
20 report and does report lobbying expenditures
21 pursuant to section 6033(b)(8) of the Internal
22 Revenue Code of 1986, and makes an estimate
23 of expenses pursuant to section 105(c)(4) of
24 this title to meet the requirements of sections
25 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6)

1 of this title, shall, in lieu of using the definition
2 of "lobbying activities" in section 103(9) of this
3 title, consider as lobbying activities—

4 (i) activities that are influencing legis-
5 lation as defined in section 4911(d) of the
6 Internal Revenue Code of 1986;

7 (ii) activities described in section
8 4911(d)(2)(C) of the Internal Revenue
9 Code of 1986; and

10 (iii) lobbying activities (as defined in
11 section 103(9)) that are in support of a
12 lobbying contact with a covered executive
13 branch official; and

14 (B) a person or entity that is required to
15 account for lobbying expenditures and does ac-
16 count for lobbying expenditures pursuant to
17 section 162(e) of the Internal Revenue Code of
18 1986, and makes an estimate of expenses pur-
19 suant to paragraph (1) of this subsection, shall,
20 in lieu of using the definition of "lobbying ac-
21 tivities" in section 103(9), consider as lobbying
22 activities—

23 (i) activities that are influencing legis-
24 lation within the meaning of section

1 162(e)(1)(A) of the Internal Revenue Code
2 of 1986;

3 (ii) activities that are attempts to in-
4 fluence the general public, as described in
5 section 162(e)(1)(C) of the Internal Reve-
6 nue Code of 1986; and

7 (iii) lobbying activities (as defined in
8 section 103(9)) that are in support of a
9 lobbying contact with a covered executive
10 branch official.

11 (3) STUDY.—Not later than March 31, 1997,
12 the Comptroller General of the United States shall
13 review reporting by registrants under paragraph (1)
14 of this section and section 105(c)(4) and report to
15 the Congress—

16 (A) the differences between the definition
17 of “lobbying activities” in section 103(9) and
18 the definitions of “lobbying expenditures”, “in-
19 fluencing legislation”, and related terms in sec-
20 tions 162(e) and 4911 of the Internal Revenue
21 Code of 1986, as each are implemented by reg-
22 ulations;

23 (B) the impact that any such differences
24 may have on filing and reporting under this
25 title pursuant to this subsection; and

1 (C) any changes to this title or to the ap-
2 propriate sections of the Internal Revenue Code
3 of 1986 that the Comptroller General may rec-
4 ommend to harmonize the definitions.

5 (4) SUNSET PERIOD.—This subsection shall
6 cease to be effective on December 31, 1998.

7 (h) INTERIM DIRECTOR.—Within 30 days after the
8 date of the enactment of this Act, the President shall des-
9 ignate an interim Director of the Office of Lobbying Reg-
10 istration and Public Disclosure, who shall serve at the
11 pleasure of the President until a Director of such Office
12 has been nominated by the President and confirmed by
13 the Senate. The interim Director may not promulgate
14 final regulations pursuant to section 107(d) or initiate
15 procedures for alleged violations pursuant to sections 108
16 and 109.

17 **TITLE II—CONGRESSIONAL GIFT** 18 **RULES**

19 **SEC. 201. AMENDMENTS TO SENATE RULES.**

20 Rule XXXV of the Standing Rules of the Senate is
21 amended to read as follows:

22 “1. No Member, officer, or employee of the Senate
23 shall accept a gift, knowing that such gift is provided by
24 a registered lobbyist, a lobbying firm, or an agent of a

1 foreign principal in violation of the Lobbying Disclosure
2 Act of 1994.

3 "2. (a) In addition to the restriction on receiving gifts
4 from registered lobbyists, lobbying firms, and agents of
5 foreign principals provided by paragraph 1 and except as
6 provided in this Rule, no Member, officer, or employee of
7 the Senate shall knowingly accept a gift from any other
8 person.

9 "(b)(1) For the purpose of this Rule, the term 'gift'
10 means any gratuity, favor, discount, entertainment, hospi-
11 tality, loan, forbearance, or other item having monetary
12 value. The term includes gifts of services, training, trans-
13 portation, lodging, and meals, whether provided in kind,
14 by purchase of a ticket, payment in advance, or reimburse-
15 ment after the expense has been incurred.

16 "(2) A gift to the spouse or dependent of a Member,
17 officer, or employee (or a gift to any other individual based
18 on that individual's relationship with the Member, officer,
19 or employee) shall be considered a gift to the Member,
20 officer, or employee if it is given with the knowledge and
21 acquiescence of the Member, officer, or employee and the
22 Member, officer, or employee has reason to believe the gift
23 was given because of the official position of the Member,
24 officer, or employee.

1 “(c) The restrictions in subparagraph (a) shall not
2 apply to the following:

3 “(1) Anything for which the Member, officer, or
4 employee pays the market value, or does not use and
5 promptly returns to the donor.

6 “(2) A contribution, as defined in the Federal
7 Election Campaign Act of 1971 (2 U.S.C. 431 et
8 seq.) that is lawfully made under that Act, or at-
9 tendance at a fundraising event sponsored by a po-
10 litical organization described in section 527(e) of the
11 Internal Revenue Code of 1986.

12 “(3) Anything provided by an individual on the
13 basis of a personal or family relationship unless the
14 Member, officer, or employee has reason to believe
15 that, under the circumstances, the gift was provided
16 because of the official position of the Member, offi-
17 cer, or employee and not because of the personal or
18 family relationship. The Select Committee on Ethics
19 shall provide guidance on the applicability of this
20 clause and examples of circumstances under which a
21 gift may be accepted under this exception.

22 “(4) A contribution or other payment to a legal
23 expense fund established for the benefit of a Mem-
24 ber, officer, or employee, that is otherwise lawfully
25 made, if the person making the contribution or pay-

1 ment is identified for the Select Committee on Eth-
2 ics.

3 “(5) Any food or refreshments which the recipi-
4 ent reasonably believes to have a value of less than
5 \$20.

6 “(6) Any gift from another Member, officer, or
7 employee of the Senate or the House of Representa-
8 tives.

9 “(7) Food, refreshments, lodging, and other
10 benefits—

11 “(A) resulting from the outside business or
12 employment activities (or other outside activi-
13 ties that are not connected to the duties of the
14 Member, officer, or employee as an officeholder)
15 of the Member, officer, or employee, or the
16 spouse of the Member, officer, or employee, if
17 such benefits have not been offered or enhanced
18 because of the official position of the Member,
19 officer, or employee and are customarily pro-
20 vided to others in similar circumstances;

21 “(B) customarily provided by a prospective
22 employer in connection with bona fide employ-
23 ment discussions; or

24 “(C) provided by a political organization
25 described in section 527(e) of the Internal Rev-

1 venue Code of 1986 in connection with a fund-
2 raising or campaign event sponsored by such an
3 organization.

4 “(8) Pension and other benefits resulting from
5 continued participation in an employee welfare and
6 benefits plan maintained by a former employer.

7 “(9) Informational materials that are sent to
8 the office of the Member, officer, or employee in the
9 form of books, articles, periodicals, other written
10 materials, audio tapes, videotapes, or other forms of
11 communication.

12 “(10) Awards or prizes which are given to com-
13 petitors in contests or events open to the public, in-
14 cluding random drawings.

15 “(11) Honorary degrees (and associated travel,
16 food, refreshments, and entertainment) and other
17 bona fide, nonmonetary awards presented in recogni-
18 tion of public service (and associated food, refresh-
19 ments, and entertainment provided in the presen-
20 tation of such degrees and awards).

21 “(12) Donations of products from the State
22 that the Member represents that are intended pri-
23 marily for promotional purposes, such as display or
24 free distribution, and are of minimal value to any in-
25 dividual recipient.

1 “(13) Food, refreshments, and entertainment
2 provided to a Member or an employee of a Member
3 in the Member’s home State, subject to reasonable
4 limitations, to be established by the Committee on
5 Rules and Administration.

6 “(14) An item of little intrinsic value such as
7 a greeting card, baseball cap, or a T shirt.

8 “(15) Training (including food and refresh-
9 ments furnished to all attendees as an integral part
10 of the training) provided to a Member, officer, or
11 employee, if such training is in the interest of the
12 Senate.

13 “(16) Bequests, inheritances, and other trans-
14 fers at death.

15 “(17) Any item, the receipt of which is author-
16 ized by the Foreign Gifts and Decorations Act, the
17 Mutual Educational and Cultural Exchange Act, or
18 any other statute.

19 “(18) Anything which is paid for by the Federal
20 Government, by a State or local government, or se-
21 cured by the Government under a Government con-
22 tract.

23 “(19) A gift of personal hospitality of an indi-
24 vidual, as defined in section 109(14) of the Ethics
25 in Government Act.

1 “(20) Free attendance at a widely attended
2 event permitted pursuant to subparagraph (d).

3 “(21) Opportunities and benefits which are—

4 “(A) available to the public or to a class
5 consisting of all Federal employees, whether or
6 not restricted on the basis of geographic consid-
7 eration;

8 “(B) offered to members of a group or
9 class in which membership is unrelated to con-
10 gressional employment;

11 “(C) offered to members of an organiza-
12 tion, such as an employees’ association or con-
13 gressional credit union, in which membership is
14 related to congressional employment and similar
15 opportunities are available to large segments of
16 the public through organizations of similar size;

17 “(D) offered to any group or class that is
18 not defined in a manner that specifically dis-
19 criminate among Government employees on the
20 basis of branch of Government or type of re-
21 sponsibility, or on a basis that favors those of
22 higher rank or rate of pay;

23 “(E) in the form of loans from banks and
24 other financial institutions on terms generally
25 available to the public; or

1 “(F) in the form of reduced membership or
2 other fees for participation in organization ac-
3 tivities offered to all Government employees by
4 professional organizations if the only restric-
5 tions on membership relate to professional
6 qualifications.

7 “(22) A plaque, trophy, or other memento of
8 modest value.

9 “(23) Anything for which, in an unusual case,
10 a waiver is granted by the Select Committee on Eth-
11 ics.

12 “(d)(1) Except as prohibited by paragraph 1, a Mem-
13 ber, officer, or employee may accept an offer of free at-
14 tendance at a widely attended convention, conference,
15 symposium, forum, panel discussion, dinner, viewing, re-
16 ception, or similar event, provided by the sponsor of the
17 event, if—

18 “(A) the Member, officer, or employee partici-
19 pates in the event as a speaker or a panel partici-
20 pant, by presenting information related to Congress
21 or matters before Congress, or by performing a cere-
22 monial function appropriate to the Member's, offi-
23 cer's, or employee's official position; or

1 “(B) attendance at the event is appropriate to
2 the performance of the official duties or representa-
3 tive function of the Member, officer, or employee.

4 “(2) A Member, officer, or employee who attends an
5 event described in clause (1) may accept a sponsor’s unso-
6 licited offer of free attendance at the event for an accom-
7 panying individual if others in attendance will generally
8 be similarly accompanied or if such attendance is appro-
9 priate to assist in the representation of the Senate.

10 “(3) Except as prohibited by paragraph 1, a Member,
11 officer, or employee, or the spouse or dependent thereof,
12 may accept a sponsor’s unsolicited offer of free attendance
13 at a charity event, except that reimbursement for trans-
14 portation and lodging may not be accepted in connection
15 with the event.

16 “(4) For purposes of this paragraph, the term ‘free
17 attendance’ may include waiver of all or part of a con-
18 ference or other fee, the provision of local transportation,
19 or the provision of food, refreshments, entertainment, and
20 instructional materials furnished to all attendees as an in-
21 tegral part of the event. The term does not include enter-
22 tainment collateral to the event, or food or refreshments
23 taken other than in a group setting with all or substan-
24 tially all other attendees.

1 “(e) No Member, officer, or employee may accept a
2 gift the value of which exceeds \$250 on the basis of the
3 personal relationship exception in subparagraph (c)(3) or
4 the close personal friendship exception in section 106(d)
5 of the Lobbying Disclosure Act of 1994 unless the Select
6 Committee on Ethics issues a written determination that
7 one of such exceptions applies.

8 “(f)(1) The Committee on Rules and Administration
9 is authorized to adjust the dollar amount referred to in
10 subparagraph (c)(5) on a periodic basis, to the extent nec-
11 essary to adjust for inflation.

12 “(2) The Select Committee on Ethics shall provide
13 guidance setting forth reasonable steps that may be taken
14 by Members, officers, and employees, with a minimum of
15 paperwork and time, to prevent the acceptance of prohib-
16 ited gifts from lobbyists.

17 “(3) When it is not practicable to return a tangible
18 item because it is perishable, the item may, at the discre-
19 tion of the recipient, be given to an appropriate charity
20 or destroyed.

21 “3. (a)(1) Except as prohibited by paragraph 1, a re-
22 imbursement (including payment in kind) to a Member,
23 officer, or employee for necessary transportation, lodging
24 and related expenses for travel to a meeting, speaking en-
25 gagement, factfinding trip or similar event in connection

1 with the duties of the Member, officer, or employee as an
2 officeholder shall be deemed to be a reimbursement to the
3 Senate and not a gift prohibited by this rule, if the Mem-
4 ber, officer, or employee—

5 “(A) in the case of an employee, receives ad-
6 vance authorization, from the Member or officer
7 under whose direct supervision the employee works,
8 to accept reimbursement, and

9 “(B) discloses the expenses reimbursed or to be
10 reimbursed and the authorization to the Secretary of
11 the Senate within 30 days after the travel is com-
12 pleted.

13 “(2) For purposes of clause (1), events, the activities
14 of which are substantially recreational in nature, shall not
15 be considered to be in connection with the duties of a
16 Member, officer, or employee as an officeholder.

17 “(b) Each advance authorization to accept reimburse-
18 ment shall be signed by the Member or officer under whose
19 direct supervision the employee works and shall include—

20 “(1) the name of the employee;

21 “(2) the name of the person who will make the
22 reimbursement;

23 “(3) the time, place, and purpose of the travel;
24 and

1 “(4) a determination that the travel is in con-
2 nection with the duties of the employee as an office-
3 holder and would not create the appearance that the
4 employee is using public office for private gain.

5 “(c) Each disclosure made under subparagraph
6 (a)(1) of expenses reimbursed or to be reimbursed shall
7 be signed by the Member or officer (in the case of travel
8 by that Member or officer) or by the Member or officer
9 under whose direct supervision the employee works (in the
10 case of travel by an employee) and shall include—

11 “(1) a good faith estimate of total transpor-
12 tation expenses reimbursed or to be reimbursed;

13 “(2) a good faith estimate of total lodging ex-
14 penses reimbursed or to be reimbursed;

15 “(3) a good faith estimate of total meal ex-
16 penses reimbursed or to be reimbursed;

17 “(4) a good faith estimate of the total of other
18 expenses reimbursed or to be reimbursed;

19 “(5) a determination that all such expenses are
20 necessary transportation, lodging, and related ex-
21 penses as defined in this paragraph; and

22 “(6) in the case of a reimbursement to a Mem-
23 ber or officer, a determination that the travel was in
24 connection with the duties of the Member or officer
25 as an officeholder and would not create the appear-

1 ance that the Member or officer is using public of-
2 fice for private gain.

3 “(d) For the purposes of this paragraph, the term
4 ‘necessary transportation, lodging, and related
5 expenses’—

6 “(1) includes reasonable expenses that are nec-
7 essary for travel for a period not exceeding 3 days
8 exclusive of traveltime within the United States or 7
9 days exclusive of traveltime outside of the United
10 States unless approved in advance by the Select
11 Committee on Ethics;

12 “(2) is limited to reasonable expenditures for
13 transportation, lodging, conference fees and mate-
14 rials, and food and refreshments, including reim-
15 bursement for necessary transportation, whether or
16 not such transportation occurs within the periods de-
17 scribed in clause (1);

18 “(3) does not include expenditures for rec-
19 reational activities, or entertainment other than that
20 provided to all attendees as an integral part of the
21 event; and

22 “(4) may include travel expenses incurred on
23 behalf of either the spouse or a child of the Member,
24 officer, or employee, subject to a determination
25 signed by the Member or officer (or in the case of

1 an employee, the Member or officer under whose di-
2 rect supervision the employee works) that the at-
3 tendance of the spouse or child is appropriate to as-
4 sist in the representation of the Senate.

5 “(e) The Secretary of the Senate shall make available
6 to the public all advance authorizations and disclosures
7 of reimbursement filed pursuant to subparagraph (a) as
8 soon as possible after they are received.”

9 SEC. 202. AMENDMENTS TO HOUSE RULES.

10 Clause 4 of rule XLIII of the Rules of the House
11 of Representatives is amended read as follows:

12 “4. (a) No Member, officer, or employee of the House
13 of Representatives shall accept a gift, knowing that such
14 gift is provided directly or indirectly by a registered lobby-
15 ist, a lobbying firm, or an agent of a foreign principal in
16 violation of the Lobbying Disclosure Act of 1994.

17 “(b) In addition to the restriction on receiving gifts
18 from registered lobbyists, lobbying firms, and agents of
19 foreign principals provided by paragraph (a) and except
20 as provided in this Rule, no Member, officer, or employee
21 of the House of Representatives shall knowingly accept a
22 gift from any other person.

23 “(c)(1) For the purpose of this clause, the term ‘gift’
24 means any gratuity, favor, discount, entertainment, hospi-
25 tality, loan, forbearance, or other item having monetary

1 value. The term includes gifts of services, training, trans-
2 portation, lodging, and meals, whether provided in kind,
3 by purchase of a ticket, payment in advance, or reimburse-
4 ment after the expense has been incurred.

5 “(2) A gift to the spouse or dependent of a Member,
6 officer, or employee (or a gift to any other individual based
7 on that individual’s relationship with the Member, officer,
8 or employee) shall be considered a gift to the Member,
9 officer, or employee if it is given with the knowledge and
10 acquiescence of the Member, officer, or employee and the
11 Member, officer, or employee has reason to believe the gift
12 was given because of the official position of the Member,
13 officer, or employee.

14 “(d) The restrictions in paragraph (b) shall not apply
15 to the following:

16 “(1) Anything for which the Member, officer, or
17 employee pays the market value, or does not use and
18 promptly returns to the donor.

19 “(2) A contribution, as defined in the Federal
20 Election Campaign Act of 1971 (2 U.S.C. 431 et
21 seq.) that is lawfully made under that Act, or at-
22 tendance at a fundraising event sponsored by a po-
23 litical organization described in section 527(e) of the
24 Internal Revenue Code of 1986.

1 “(3) Anything provided by an individual on the
2 basis of a personal or family relationship unless the
3 Member, officer, or employee has reason to believe
4 that, under the circumstances, the gift was provided
5 because of the official position of the Member, offi-
6 cer, or employee and not because of the personal or
7 family relationship. The Committee on Standards of
8 Official Conduct shall provide guidance on the appli-
9 cability of this clause and examples of circumstances
10 under which a gift may be accepted under this ex-
11 ception.

12 “(4) A contribution or other payment to a legal
13 expense fund established for the benefit of a Mem-
14 ber, officer, or employee, that is otherwise lawfully
15 made, if the person making the contribution or pay-
16 ment is identified for the Committee on Standards
17 of Official Conduct.

18 “(5) Any food or refreshments which the recipi-
19 ent reasonably believes to have a value of less than
20 \$20.

21 “(6) Any gift from another Member, officer, or
22 employee of the Senate or the House of Representa-
23 tives.

24 “(7) Food, refreshments, lodging, and other
25 benefits—

1 “(A) resulting from the outside business or
2 employment activities (or other outside activi-
3 ties that are not connected to the duties of the
4 Member, officer, or employee as an officeholder)
5 of the Member, officer, or employee, or the
6 spouse of the Member, officer, or employee, if
7 such benefits have not been offered or enhanced
8 because of the official position of the Member,
9 officer, or employee and are customarily pro-
10 vided to others in similar circumstances;

11 “(B) customarily provided by a prospective
12 employer in connection with bona fide employ-
13 ment discussions; or

14 “(C) provided by a political organization
15 described in section 527(e) of the Internal Rev-
16 enue Code of 1986 in connection with a fund-
17 raising or campaign event sponsored by such an
18 organization.

19 “(8) Pension and other benefits resulting from
20 continued participation in an employee welfare and
21 benefits plan maintained by a former employer.

22 “(9) Informational materials that are sent to
23 the office of the Member, officer, or employee in the
24 form of books, articles, periodicals, other written

1 materials, audio tapes, videotapes, or other forms of
2 communication.

3 "(10) Awards or prizes which are given to com-
4 petitors in contests or events open to the public, in-
5 cluding random drawings.

6 "(11) Honorary degrees (and associated travel,
7 food, refreshments, and entertainment) and other
8 bona fide, nonmonetary awards presented in recogni-
9 tion of public service (and associated food, refresh-
10 ments, and entertainment provided in the presen-
11 tation of such degrees and awards).

12 "(12) Donations of products from the State
13 that the Member represents that are intended pri-
14 marily for promotional purposes, such as display or
15 free distribution, and are of minimal value to any in-
16 dividual recipient.

17 "(13) Food, refreshments, and entertainment
18 provided to a Member or an employee of a Member
19 in the Member's home State, subject to reasonable
20 limitations, to be established by the Committee on
21 Standards of Official Conduct.

22 "(14) An item of little intrinsic value such as
23 a greeting card, baseball cap, or a T shirt.

24 "(15) Training (including food and refresh-
25 ments furnished to all attendees as an integral part

1 of the training) provided to a Member, officer, or
2 employee, if such training is in the interest of the
3 House of Representatives.

4 "(16) Bequests, inheritances, and other trans-
5 fers at death.

6 "(17) Any item, the receipt of which is author-
7 ized by the Foreign Gifts and Decorations Act, the
8 Mutual Educational and Cultural Exchange Act, or
9 any other statute.

10 "(18) Anything which is paid for by the Federal
11 Government, by a State or local government, or se-
12 cured by the Government under a Government con-
13 tract.

14 "(19) A gift of personal hospitality of an indi-
15 vidual, as defined in section 109(14) of the Ethics
16 in Government Act.

17 "(20) Free attendance at a widely attended
18 event permitted pursuant to paragraph (e).

19 "(21) Opportunities and benefits which are—

20 "(A) available to the public or to a class
21 consisting of all Federal employees, whether or
22 not restricted on the basis of geographic consid-
23 eration;

1 “(B) offered to members of a group or
2 class in which membership is unrelated to con-
3 gressional employment;

4 “(C) offered to members of an organiza-
5 tion, such as an employees’ association or con-
6 gressional credit union, in which membership is
7 related to congressional employment and similar
8 opportunities are available to large segments of
9 the public through organizations of similar size;

10 “(D) offered to any group or class that is
11 not defined in a manner that specifically dis-
12 criminate among Government employees on the
13 basis of branch of Government or type of re-
14 sponsibility, or on a basis that favors those of
15 higher rank or rate of pay;

16 “(E) in the form of loans from banks and
17 other financial institutions on terms generally
18 available to the public; or

19 “(F) in the form of reduced membership or
20 other fees for participation in organization ac-
21 tivities offered to all Government employees by
22 professional organizations if the only restric-
23 tions on membership relate to professional
24 qualifications.

1 “(22) A plaque, trophy, or other memento of
2 modest value.

3 “(23) Anything for which, in exceptional cir-
4 cumstances, a waiver is granted by the Committee
5 on Standards of Official Conduct.

6 “(e)(1) Except as prohibited by paragraph (a), a
7 Member, officer, or employee may accept an offer of free
8 attendance at a widely attended convention, conference,
9 symposium, forum, panel discussion, dinner, viewing, re-
10 ception, or similar event, provided by the sponsor of the
11 event, if—

12 “(A) the Member, officer, or employee partici-
13 pates in the event as a speaker or a panel partici-
14 pant, by presenting information related to Congress
15 or matters before Congress, or by performing a cere-
16 monial function appropriate to the Member's, offi-
17 cer's, or employee's official position; or

18 “(B) attendance at the event is appropriate to
19 the performance of the official duties or representa-
20 tive function of the Member, officer, or employee.

21 “(2) A Member, officer, or employee who attends an
22 event described in subparagraph (1) may accept a spon-
23 sor's unsolicited offer of free attendance at the event for
24 an accompanying individual if others in attendance will
25 generally be similarly accompanied or if such attendance

1 is appropriate to assist in the representation of the House
2 of Representatives.

3 “(3) Except as prohibited by paragraph (a), a Mem-
4 ber, officer, or employee, or the spouse or dependent there-
5 of, may accept a sponsor’s unsolicited offer of free attend-
6 ance at a charity event, except that reimbursement for
7 transportation and lodging may not be accepted in connec-
8 tion with the event.

9 “(4) For purposes of this paragraph, the term ‘free
10 attendance’ may include waiver of all or part of a con-
11 ference or other fee, the provision of local transportation,
12 or the provision of food, refreshments, entertainment, and
13 instructional materials furnished to all attendees as an in-
14 tegral part of the event. The term does not include enter-
15 tainment collateral to the event, or food or refreshments
16 taken other than in a group setting with all or substan-
17 tially all other attendees.

18 “(f) No Member, officer, or employee may accept a
19 gift the value of which exceeds \$250 on the basis of the
20 personal relationship exception in paragraph (d)(3) or the
21 close personal friendship exception in section 106(d) of the
22 Lobbying Disclosure Act of 1994 unless the Committee
23 on Standards of Official Conduct issues a written deter-
24 mination that one of such exceptions applies.

1 “(g)(1) The Committee on Standards of Official Con-
2 duct is authorized to adjust the dollar amount referred
3 to in paragraph (c)(5) on a periodic basis, to the extent
4 necessary to adjust for inflation.

5 “(2) The Committee on Standards of Official Con-
6 duct shall provide guidance setting forth reasonable steps
7 that may be taken by Members, officers, and employees,
8 with a minimum of paperwork and time, to prevent the
9 acceptance of prohibited gifts from lobbyists.

10 “(3) When it is not practicable to return a tangible
11 item because it is perishable, the item may, at the discre-
12 tion of the recipient, be given to an appropriate charity
13 or destroyed.

14 “(h)(1)(A) Except as prohibited by paragraph (a), a
15 reimbursement (including payment in kind) to a Member,
16 officer, or employee for necessary transportation, lodging
17 and related expenses for travel to a meeting, speaking en-
18 gagement, factfinding trip or similar event in connection
19 with the duties of the Member, officer, or employee as an
20 officeholder shall be deemed to be a reimbursement to the
21 House of Representatives and not a gift prohibited by this
22 paragraph, if the Member, officer, or employee—

23 (i) in the case of an employee, receives advance
24 authorization, from the Member or officer under

1 whose direct supervision the employee works, to ac-
2 cept reimbursement, and

3 (ii) discloses the expenses reimbursed or to be
4 reimbursed and the authorization to the Clerk of the
5 House of Representatives within 30 days after the
6 travel is completed.

7 "(B) For purposes of clause (A), events, the activities
8 of which are substantially recreational in nature, shall not
9 be considered to be in connection with the duties of a
10 Member, officer, or employee as an officeholder.

11 "(2) Each advance authorization to accept reimburse-
12 ment shall be signed by the Member or officer under whose
13 direct supervision the employee works and shall include—

14 "(A) the name of the employee;

15 "(B) the name of the person who will make the
16 reimbursement;

17 "(C) the time, place, and purpose of the travel;
18 and

19 "(D) a determination that the travel is in con-
20 nection with the duties of the employee as an office-
21 holder and would not create the appearance that the
22 employee is using public office for private gain.

23 "(3) Each disclosure made under subparagraph
24 (1)(A) of expenses reimbursed or to be reimbursed shall
25 be signed by the Member or officer (in the case of travel

1 by that Member or officer) or by the Member or officer
2 under whose direct supervision the employee works (in the
3 case of travel by an employee) and shall include—

4 “(A) a good faith estimate of total transpor-
5 tation expenses reimbursed or to be reimbursed;

6 “(B) a good faith estimate of total lodging ex-
7 penses reimbursed or to be reimbursed;

8 “(C) a good faith estimate of total meal ex-
9 penses reimbursed or to be reimbursed;

10 “(D) a good faith estimate of the total of other
11 expenses reimbursed or to be reimbursed;

12 “(E) a determination that all such expenses are
13 necessary transportation, lodging, and related ex-
14 penses as defined in this paragraph; and

15 “(F) in the case of a reimbursement to a Mem-
16 ber or officer, a determination that the travel was in
17 connection with the duties of the Member or officer
18 as an officeholder and would not create the appear-
19 ance that the Member or officer is using public of-
20 fice for private gain.

21 “(4) For the purposes of this paragraph, the term
22 ‘necessary transportation, lodging, and related
23 expenses’—

24 “(A) includes reasonable expenses that are
25 necessary for travel—

1 “(i) for a period not exceeding 4 days
2 including travel time within the United
3 States or 7 days in addition to travel time
4 outside the United States; and

5 “(ii) within 24 hours before or after
6 participation in an event in the United
7 States or within 48 hours before or after
8 participation in an event outside the Unit-
9 ed States,

10 unless approved in advance by the Committee
11 on Standards of Official Conduct;

12 “(B) is limited to reasonable expenditures for
13 transportation, lodging, conference fees and mate-
14 rials, and food and refreshments, including reim-
15 bursement for necessary transportation, whether or
16 not such transportation occurs within the periods de-
17 scribed in clause (A);

18 “(C) does not include expenditures for rec-
19 reational activities or entertainment other than that
20 provided to all attendees as an integral part of the
21 event; and

22 “(D) may include travel expenses incurred on
23 behalf of either the spouse or a child of the Member,
24 officer, or employee, subject to a determination
25 signed by the Member or officer (or in the case of

1 an employee, the Member or officer under whose di-
2 rect supervision the officer or employee works) that
3 the attendance of the spouse or child is appropriate
4 to assist in the representation of the House of Rep-
5 resentatives.

6 “(5) The Clerk of the House of Representatives shall
7 make available to the public all advance authorizations
8 and disclosures of reimbursement filed pursuant to sub-
9 paragraph (1) as soon as possible after they are received.”.

10 SEC. 203. MISCELLANEOUS PROVISIONS.

11 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT
12 ACT.—Section 102(a)(2)(B) of the Ethics in Government
13 Act (5 U.S.C. 102, App. 6) is amended by adding at the
14 end thereof the following: “Reimbursements accepted by
15 a Federal agency pursuant to section 1353 of title 31,
16 United States Code, or deemed accepted by the Senate or
17 the House of Representatives pursuant to Rule XXXV of
18 the Standing Rules of the Senate or clause 4 of Rule
19 XLIII of the Rules of the House of Representatives shall
20 be reported as required by such statute or rule and need
21 not be reported under this section.”.

22 (b) REPEAL OF OBSOLETE PROVISION.—Section 901
23 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2) is re-
24 pealed.

25 (c) SENATE PROVISIONS.—

1 (1) AUTHORITY OF THE COMMITTEE ON RULES
2 AND ADMINISTRATION.—The Senate Committee on
3 Rules and Administration, on behalf of the Senate,
4 may accept gifts provided they do not involve any
5 duty, burden, or condition, or are not made depend-
6 ent upon some future performance by the United
7 States. The Committee on Rules and Administration
8 is authorized to promulgate regulations to carry out
9 this section.

10 (2) FOOD, REFRESHMENTS, AND ENTERTAIN-
11 MENT.—The rules on acceptance of food, refresh-
12 ments, and entertainment provided to a Member of
13 the Senate or an employee of such a Member in the
14 Member's home State before the adoption of reason-
15 able limitations by the Committee on Rules and Ad-
16 ministration shall be the rules in effect on the day
17 before the effective date of this title.

18 (d) HOUSE PROVISION.—The rules on acceptance of
19 food, refreshments, and entertainment provided to a Mem-
20 ber of the House of Representatives or an employee of
21 such a Member in the Member's home State before the
22 adoption of reasonable limitations by the Committee on
23 Standards of Official Conduct shall be the rules in effect
24 on the day before the effective date of this title.

1 SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING
2 POWERS.

3 Sections 201, 202, 203(c), and 203(d) of this title
4 are enacted by Congress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and the House of Representatives, re-
7 spectively, and pursuant to section 7353(b)(1) of
8 title 5, United States Code, and accordingly, they
9 shall be considered as part of the rules of each
10 House, respectively, or of the House to which they
11 specifically apply, and such rules shall supersede
12 other rules only to the extent that they are inconsis-
13 ent therewith; and

14 (2) with full recognition of the constitutional
15 right of either House to change such rules (insofar
16 as they relate to that House) at any time and in the
17 same manner and to the same extent as in the case
18 of any other rule of that House.

19 SEC. 205. EFFECTIVE DATE.

20 This title and the amendments made by this title
21 shall take effect on May 31, 1995.