

103^D CONGRESS
2^D SESSION

H. R. 5085

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1994

Mr. BRYANT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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 **TITLE I—LOBBYING DISCLOSURE**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Lobbying Disclosure
6 Act of 1994”.

7 **SEC. 102. FINDINGS.**

8 The Congress finds that—

9 (1) responsible representative Government re-
10 quires public awareness of the efforts of paid lobby-

1 ists to influence the public decision making process
2 in both the legislative and executive branches of the
3 Federal Government;

4 (2) existing lobbying disclosure statutes have
5 been ineffective because of unclear statutory lan-
6 guage, weak administrative and enforcement provi-
7 sions, and an absence of clear guidance as to who
8 is required to register and what they are required to
9 disclose; and

10 (3) the effective public disclosure of the identity
11 and extent of the efforts of paid lobbyists to influ-
12 ence Federal officials in the conduct of Government
13 actions will increase public confidence in the integ-
14 rity of Government.

15 **SEC. 103. DEFINITIONS.**

16 As used in this title:

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

20 (2) CLIENT.—The term “client” means any
21 person or entity that employs or retains another per-
22 son for financial or other compensation to conduct
23 lobbying activities on behalf of that person or entity.
24 A person or entity whose employees act as lobbyists
25 on its own behalf is both a client and an employer

1 of such employees. In the case of a coalition or asso-
2 ciation that employs or retains other persons to con-
3 duct lobbying activities, the client is—

4 (A) the coalition or association and not its
5 individual members when the lobbying activities
6 are conducted on behalf of its membership and
7 financed by the coalition’s or association’s dues
8 and assessments; or

9 (B) an individual member or members,
10 when the lobbying activities are conducted on
11 behalf of, and financed separately by, 1 or more
12 individual members and not by the coalition’s or
13 association’s dues and assessments.

14 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—
15 The term “covered executive branch official”
16 means—

17 (A) the President;

18 (B) the Vice President;

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

23 (D) any officer or employee serving in a
24 position in level I, II, III, IV, or V of the Exec-

1 utive Schedule, as designated by statute or ex-
2 ecutive order;

3 (E) any officer or employee serving in a
4 Senior Executive Service position, as defined in
5 section 3132(a)(2) of title 5, United States
6 Code;

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

10 (G) any officer or employee serving in a
11 position of a confidential, policy-determining,
12 policy-making, or policy-advocating character
13 described in section 7511(b)(2) of title 5, Unit-
14 ed States Code.

15 (4) COVERED LEGISLATIVE BRANCH OFFI-
16 CIAL.—The term “covered legislative branch official”
17 means—

18 (A) a Member of Congress;

19 (B) an elected officer of either House of
20 Congress;

21 (C) any employee of, or any other individ-
22 ual functioning in the capacity of an employee
23 of—

24 (i) a Member of Congress;

1 (ii) a committee of either House of
2 Congress;

3 (iii) the leadership staff of the House
4 of Representatives or the leadership staff
5 of the Senate;

6 (iv) a joint committee of Congress;
7 and

8 (v) a working group or caucus orga-
9 nized to provide legislative services or
10 other assistance to Members of Congress;
11 and

12 (D) any other legislative branch employee
13 serving in a position described under section
14 109(13) of the Ethics in Government Act of
15 1978 (5 U.S.C. App.).

16 (5) DIRECTOR.—The term “Director” means
17 the Director of the Office of Lobbying Registration
18 and Public Disclosure.

19 (6) EMPLOYEE.—The term “employee” means
20 any individual who is an officer, employee, partner,
21 director, or proprietor of a person or entity, but does
22 not include—

23 (A) independent contractors; or

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

4 (7) FOREIGN ENTITY.—The term “foreign en-
5 tity” means a foreign principal (as defined in section
6 1(b) of the Foreign Agents Registration Act of 1938
7 (22 U.S.C. 611(b)).

8 (8) GRASSROOTS LOBBYING COMMUNICA-
9 TIONS.—The term “grassroots lobbying communica-
10 tions” means—

11 (A) any communication that attempts to
12 influence a matter described in clause (i), (ii),
13 (iii), or (iv) of section 103(10)(A) through an
14 attempt to affect the opinions of the general
15 public or any segment thereof;

16 (B) any communication between an organi-
17 zation and any bona fide member of such orga-
18 nization to directly encourage such member to
19 make a communication to a covered executive
20 branch official or a covered legislative branch
21 official with regard to a matter described in
22 clause (i), (ii), (iii), or (iv) of section
23 103(10)(A); and

24 (C) any communication between an organi-
25 zation and any bona fide member of such orga-

1 nization to directly encourage such member to
2 urge persons other than members to commu-
3 nicate as provided in either subparagraph (A)
4 or subparagraph (B).

5 (9) LOBBYING ACTIVITIES.—

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

21 (B) RELIGIOUS ORGANIZATIONS.—Lobby-
22 ing activities do not include grassroots lobbying
23 communications by churches, their integrated
24 auxiliaries, conventions or associations of
25 churches, and religious orders that are exempt

1 from filing Federal income tax returns under
2 paragraph (2)(A)(i) (or) (2)(A)(iii) of section
3 6033(a) of the Internal Revenue Code of 1986,
4 unless such communications are made by an-
5 other registrant or any person or entity re-
6 quired to be identified under section 104(b)(5).

7 (10) LOBBYING CONTACT.—

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

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

17 (ii) the formulation, modification, or
18 adoption of a Federal rule, regulation, Ex-
19 ecutive order, or any other program, policy,
20 or position of the United States Govern-
21 ment;

22 (iii) the administration or execution of
23 a Federal program or policy (including the
24 negotiation, award, or administration of a
25 Federal contract, grant, loan, permit, or li-

1 cense), except that this clause does not in-
2 clude communications that are made to
3 any covered executive branch official—

4 (I) who is serving in a Senior Ex-
5 ecutive Service position described in
6 paragraph (3)(E); or

7 (II) who is a member of the uni-
8 formed services whose pay grade is
9 lower than O-9 under section 201 of
10 title 37, United States Code,

11 in the agency responsible for taking such
12 administrative or executive action; or

13 (iv) the nomination or confirmation of
14 a person for a position subject to confirma-
15 tion by the Senate.

16 (B) EXCEPTIONS.—The term “lobbying
17 contact” does not include a communication that
18 is—

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

21 (ii) made by a representative of a
22 media organization if the purpose of the
23 communication is gathering and dissemi-
24 nating news and information to the public;

1 (iii) made in a speech, article, publica-
2 tion or other material that is widely dis-
3 tributed to the public, or through radio,
4 television, cable television, or other medium
5 of mass communication;

6 (iv) made on behalf of a government
7 of a foreign country or a foreign political
8 party and disclosed under the Foreign
9 Agents Registration Act of 1938 (22
10 U.S.C. 611 et seq.);

11 (v) a request for a meeting, a request
12 for the status of an action, or any other
13 similar administrative request, if the re-
14 quest does not include an attempt to influ-
15 ence a covered executive branch official or
16 a covered legislative branch official;

17 (vi) made in the course of participa-
18 tion in an advisory committee subject to
19 the Federal Advisory Committee Act;

20 (vii) testimony given before a commit-
21 tee, subcommittee, or task force of the
22 Congress, or submitted for inclusion in the
23 public record of a hearing conducted by
24 such committee, subcommittee, or task
25 force;

1 (viii) information provided in writing
2 in response to a written request by a cov-
3 ered executive branch official or a covered
4 legislative branch official for specific infor-
5 mation;

6 (ix) required by subpoena, civil inves-
7 tigative demand, or otherwise compelled by
8 statute, regulation, or other action of the
9 Congress or an agency;

10 (x) made in response to a notice in
11 the Federal Register, Commerce Business
12 Daily, or other similar publication solicit-
13 ing communications from the public and
14 directed to the agency official specifically
15 designated in the notice to receive such
16 communications;

17 (xi) not possible to report without dis-
18 closing information, the unauthorized dis-
19 closure of which is prohibited by law;

20 (xii) made to an official in an agency
21 with regard to—

22 (I) a judicial proceeding or a
23 criminal or civil law enforcement in-
24 quiry, investigation, or proceeding; or

1 (II) a filing or proceeding that
2 the Government is specifically re-
3 quired by statute or regulation to
4 maintain or conduct on a confidential
5 basis,

6 if that agency is charged with responsibil-
7 ity for such proceeding, inquiry, investiga-
8 tion, or filing;

9 (xiii) made in compliance with written
10 agency procedures regarding an adjudica-
11 tion conducted by the agency under section
12 554 of title 5, United States Code, or sub-
13 stantially similar provisions;

14 (xiv) a written comment filed in the
15 course of a public proceeding or any other
16 communication that is made on the record
17 in a public proceeding;

18 (xv) a petition for agency action made
19 in writing and required to be a matter of
20 public record pursuant to established agen-
21 cy procedures;

22 (xvi) made on behalf of an individual
23 with regard to that individual's benefits,
24 employment, or other personal matters in-
25 volving only that individual, except that

1 this clause does not apply to any commu-
2 nication with—

3 (I) a covered executive branch of-
4 ficial, or

5 (II) a covered legislative branch
6 official (other than the individual's
7 elected Members of Congress or em-
8 ployees who work under such Mem-
9 bers' direct supervision),

10 with respect to the formulation, modifica-
11 tion, or adoption of private legislation for
12 the relief of that individual;

13 (xvii) a disclosure by an individual
14 that is protected under the amendments
15 made by the Whistleblower Protection Act
16 of 1989, under the Inspector General Act
17 of 1978, or under another provision of law;

18 (xviii) made by—

19 (I) a church, its integrated auxil-
20 iary, or a convention or association of
21 churches that is exempt from filing a
22 Federal income tax return under
23 paragraph 2(A)(i) of section 6033(a)
24 of the Internal Revenue Code of 1986,
25 or

1 (II) a religious order that is ex-
2 empt from filing a Federal income tax
3 return under paragraph (2)(A)(iii) of
4 such section 6033(a),

5 if the communication constitutes the free
6 exercise of religion or is for the purpose of
7 protecting the right to the free exercise of
8 religion; and

9 (xix) between—

10 (I) officials of a self-regulatory
11 organization (as defined in section
12 3(a)(26) of the Securities Exchange
13 Act) that is registered with or estab-
14 lished by the Securities and Exchange
15 Commission as required by that Act;
16 and

17 (II) the Securities and Exchange
18 Commission,

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

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

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

9 (13) MEDIA ORGANIZATION.—The term “media
10 organization” means a person or entity engaged in
11 disseminating information to the general public
12 through a newspaper, magazine, other publication,
13 radio, television, cable television, or other medium of
14 mass communication.

15 (14) MEMBER OF CONGRESS.—The term
16 “Member of Congress” means a Senator or a Rep-
17 resentative in, or Delegate or Resident Commis-
18 sioner to, the Congress.

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

21 (16) PERSON OR ENTITY.—The term “person
22 or entity” means any individual, corporation, com-
23 pany, foundation, association, labor organization,
24 firm, partnership, society, joint stock company,
25 group of organizations, or State or local government.

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

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

6 (i) a college or university;

7 (ii) a government-sponsored enterprise
8 (as defined in section 3(8) of the Congres-
9 sional Budget and Impoundment Control
10 Act of 1974);

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

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

17 (v) an agency of any State functioning
18 as a student loan secondary market pursu-
19 ant to section 435(d)(1)(F) of the Higher
20 Education Act of 1965 (20 U.S.C.
21 1085(d)(1)(F));

22 (B) a Government corporation (as defined
23 in section 9101 of title 31, United States
24 Code);

1 (C) an organization of State or local elect-
2 ed or appointed officials other than officials of
3 an entity described in clause (i), (ii), (iii), (iv),
4 or (v) of subparagraph (A);

5 (D) an Indian tribe (as defined in section
6 4(e) of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 450b(e));

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

10 (F) a national, regional, or local unit of
11 any foreign government.

12 (18) STATE.—The term “State” means each of
13 the several States, the District of Columbia, and any
14 commonwealth, territory, or possession of the United
15 States.

16 **SEC. 104. REGISTRATION OF LOBBYISTS.**

17 (a) REGISTRATION.—

18 (1) GENERAL RULE.—No later than 30 days
19 after a lobbyist first makes a lobbying contact or is
20 employed or retained to make a lobbying contact,
21 whichever is earlier, such lobbyist (or, as provided
22 under paragraph (2), the organization employing
23 such lobbyist), shall register with the Office of Lob-
24 bying Registration and Public Disclosure.

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

6 (3) EXEMPTION.—

7 (A) GENERAL RULE.—Notwithstanding
8 paragraphs (1) and (2), a person or entity
9 whose—

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

15 (ii) total expenses in connection with
16 lobbying activities (in the case of an orga-
17 nization whose employees engage in lobby-
18 ing activities on its own behalf) do not ex-
19 ceed or are not expected to exceed \$5,000.

20 (as estimated under section 105) in the semi-
21 annual period described in section 105(a) dur-
22 ing which the registration would be made is not
23 required to register under subsection (a) with
24 respect to such client.

1 (B) ADJUSTMENT.—The dollar amounts in
2 subparagraph (A) shall be adjusted—

3 (i) on January 1, 1997, to reflect
4 changes in the Consumer Price Index (as
5 determined by the Secretary of Labor)
6 since the date of enactment of this title;
7 and

8 (ii) on January 1 of each fourth year
9 occurring after January 1, 1997, to reflect
10 changes in the Consumer Price Index (as
11 determined by the Secretary of Labor)
12 during the preceding 4-year period,

13 rounded to the nearest \$500.

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

17 (1) the name, address, business telephone num-
18 ber, and principal place of business of the registrant,
19 and a general description of its business or activi-
20 ties;

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

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

4 (A) contributes more than \$5,000 toward
5 the lobbying activities of the registrant in a
6 semiannual period described in section 105(a);
7 and

8 (B) participates significantly in the plan-
9 ning, supervision, or control of such lobbying
10 activities;

11 (4) the name, address, principal place of busi-
12 ness, amount of any contribution of more than
13 \$5,000 to the lobbying activities of the registrant,
14 and approximate percentage of equitable ownership
15 in the client (if any) of any foreign entity that—

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

19 (B) directly or indirectly, in whole or in
20 major part, plans, supervises, controls, directs,
21 finances, or subsidizes the activities of the cli-
22 ent or any organization identified under para-
23 graph (3); or

24 (C) is an affiliate of the client or any orga-
25 nization identified under paragraph (3) and has

1 a direct interest in the outcome of the lobbying
2 activity;

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

10 (6) a statement of—

11 (A) the general issue areas in which the
12 registrant expects to engage in lobbying activi-
13 ties on behalf of the client; and

14 (B) to the extent practicable, specific is-
15 sues that have (as of the date of the registra-
16 tion) already been addressed or are likely to be
17 addressed in lobbying activities; and

18 (7) the name of each employee of the registrant
19 who has acted or whom the registrant expects to act
20 as a lobbyist on behalf of the client and, if any such
21 employee has served as a covered executive branch
22 official or a covered legislative branch official in the
23 2 years before the date on which such employee first
24 acted (after the date of enactment of this Act) as a

1 lobbyist on behalf of the client, the position in which
2 such employee served.

3 (c) GUIDELINES FOR REGISTRATION.—

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

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

12 (d) TERMINATION OF REGISTRATION.—A registrant
13 who after registration—

14 (1) is no longer employed or retained by a cli-
15 ent to conduct lobbying activities; and

16 (2) does not anticipate any additional lobbying
17 activities for such client,

18 may so notify the Director and terminate its registration.

19 **SEC. 105. REPORTS BY REGISTERED LOBBYISTS.**

20 (a) SEMIANNUAL REPORT.—

21 (1) IN GENERAL.—No later than 30 days after
22 the end of the semiannual period beginning on the
23 first day of each January and the first day of July
24 of each year in which a registrant is registered
25 under section 104, each registrant shall file a report

1 with the Office of Lobbying Registration and Public
2 Disclosure on its lobbying activities during such
3 semiannual period. A separate report shall be filed
4 for each client of the registrant.

5 (2) EXEMPTION.—

6 (A) GENERAL RULE.—Any registrant
7 whose—

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

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

18 in a semiannual period (as estimated under
19 paragraph (3) or (4) of subsection (b) or para-
20 graph (4) or subsection (c), as applicable) is
21 deemed to be inactive during such period and
22 may comply with the reporting requirements of
23 this section by so notifying the Director in such
24 form as the Director may prescribe.

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

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

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

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

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

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

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

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

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

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

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

22 (5) the name, address, and principal place of
23 business of any person or entity other than the cli-
24 ent who paid the registrant to lobby on behalf of the
25 client; and

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

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

11 (1) \$100,000 OR LESS.—Income or expenses of
12 \$100,000 or less shall be estimated in accordance
13 with the following categories:

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

15 (B) More than \$10,000 but not more than
16 \$20,000.

17 (C) More than \$20,000 but not more than
18 \$50,000.

19 (D) More than \$50,000 but not more than
20 \$100,000.

21 (2) MORE THAN \$100,000 BUT NOT MORE THAN
22 \$500,000.—Income or expenses in excess of \$100,000
23 but not more than \$500,000 shall be estimated and
24 rounded to the nearest \$50,000.

1 (3) MORE THAN \$500,000.—Income or expenses
2 in excess of \$500,000 shall be estimated and round-
3 ed to the nearest \$100,000.

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

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

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

23 (B) the expenses for services provided by
24 an independent contractor of the registrant who
25 is separately registered under this title.

1 (d) CONTACTS.—

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

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

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

1 or with the committee of Congress or House of Con-
2 gress to which the official is detailed.

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

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

10 (a) IN GENERAL.—

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

17 (2) DEFINITION.—For purposes of this sec-
18 tion—

19 (A) the term “gift” means any gratuity,
20 favor, discount, entertainment, hospitality, loan,
21 forbearance, or other item having monetary
22 value and such term includes gifts of services,
23 training, transportation, lodging, and meals,
24 whether provided in kind, by purchase of a tick-

1 et, payment in advance, or reimbursement after
2 the expense has been incurred; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) Pension and other benefits resulting from
15 continued participation in an employee welfare and
16 benefits plan maintained by a former employer.

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

22 (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE
23 AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE
24 PERSONAL FRIENDSHIP.—

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

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

11 (A) to deduct the value of such gift as a
12 business expense on the individual’s Federal in-
13 come tax return, or

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

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

23 (A) The history of the relationship between
24 the individual giving the gift and the recipient

1 of the gift, including whether or not gifts have
2 previously been exchanged by such individuals.

3 (B) Whether the gift was purchased by the
4 individual who gave the item.

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

9 **SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUB-**
10 **LIC DISCLOSURE.**

11 (a) ESTABLISHMENT AND DIRECTOR.—

12 (1) ESTABLISHMENT.—There is established an
13 executive agency to be known as the office of Lobby-
14 ing Registration and Public Disclosure.

15 (2) DIRECTOR.—(A) the Office shall be headed
16 by a Director, who shall be appointed by the Presi-
17 dent, by and with the advice and consent of the
18 Senate.

19 (B) The Director shall be an individual who, by
20 demonstrated ability, background, training, and ex-
21 perience, is qualified to carry out the functions of
22 the position. The term of service of the Director
23 shall be 5 years.

24 (C) Section 5316 of title 5, United States Code,
25 is amended by adding at the end the following: “Di-

1 rector of the Office of Lobbying Registration and
2 Public Disclosure”.

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

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

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

22 (3) request the head of any Federal department
23 or agency (who is hereby so authorized) to detail to
24 temporary duties with the Office such personnel
25 within the agency head’s administrative jurisdiction

1 as the Office may need for carrying out its functions
2 under this title, with or without reimbursement;

3 (4) request agency heads to provide information
4 needed by the office, which information shall be sup-
5 plied to the extent permitted by law;

6 (5) utilize, with their consent, the services and
7 facilities of Federal agencies with or without reim-
8 bursement;

9 (6) accept, use, and dispose of gifts or dona-
10 tions of services or property, real, personal, or
11 mixed, tangible or intangible, for purposes of aiding
12 or facilitating the work of the Office; and

13 (7) use the United States mails in the same
14 manner and under the same conditions as other de-
15 partments and agencies of the United States.

16 (c) COOPERATION WITH OTHER GOVERNMENTAL
17 AGENCIES.—In order to avoid unnecessary expense and
18 duplication of function among Government agencies, the
19 Office may make such arrangements or agreements for co-
20 operation or mutual assistance in the performance of its
21 functions under this title as is practicable and consistent
22 with law. The head of the General Services Administration
23 and each department, agency, or establishment of the
24 United States shall cooperate with the Office and, to the
25 extent permitted by law, provide such information, serv-

1 ices, personnel, and facilities as the Office may request
2 for its assistance in the performance of its functions under
3 this title.

4 (d) DUTIES.—The Director shall—

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

12 (2) provide guidance and assistance on the reg-
13 istration and reporting requirements of this title, in-
14 cluding—

15 (A) providing information to all registrants
16 at the time of registration about the obligations
17 of registered lobbyists under this title, and

18 (B) issuing published decisions and advi-
19 sory opinions;

20 (3) review the registrations and reports filed
21 under this title and make such verifications or in-
22 quiries as are necessary to ensure the completeness,
23 accuracy, and timeliness of the registrations and re-
24 ports;

1 (4) develop filing, coding, and cross-indexing
2 systems to carry out the purposes of this title, in-
3 cluding—

4 (A) a publicly available list of all registered
5 lobbyists and their clients; and

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

9 (5) ensure that the computer systems developed
10 pursuant to paragraph (4)—

11 (A) allow the materials filed under this
12 title to be accessed by the client name, lobbyist
13 name, and registrant name;

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

19 (C) are compatible with computer systems
20 developed and maintained by the Secretary of
21 the Senate and the Clerk of the House of Rep-
22 resentatives;

23 (6) make copies of each registration and report
24 filed under this title available to the public, upon the
25 payment of reasonable fees, not to exceed the cost

1 of such copies, as determined by the Director, in
2 written and electronic formats, as soon as prac-
3 ticable after the date on which such registration or
4 report is received;

5 (7) preserve the originals or accurate reproduc-
6 tion of—

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

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

14 (8) maintain a computer record of—

15 (A) the information contained in registra-
16 tions for a period that end not less than 5 years
17 after the termination of the registration under
18 section 104(d); and

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

23 (9) compile and summarize, with respect to
24 each semiannual period, the information contained
25 in registrations and reports filed with respect to

1 such period in a manner which clearly presents the
2 extent and nature of expenditures on lobbying activi-
3 ties during such period;

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

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

18 (12) make available to the public a list of all
19 persons whom the Director determines, under sec-
20 tion 109 (after exhaustion of all appeals under sec-
21 tion 111) to have committed a major or minor viola-
22 tion of this title and submit such list to the Con-
23 gress as part of the report provided for under para-
24 graph (13);

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

10 (A) a financial statement for the preceding
11 fiscal year;

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

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

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

21 (14) study the appropriateness of the definition
22 of “public official” under section 103(17) and make
23 recommendations for any change in such definition
24 in the first report filed pursuant to paragraph (13).

1 **SEC. 108. INITIAL PROCEDURES FOR ALLEGED VIOLA-**
2 **TIONS.**

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

13 (b) INITIAL DETERMINATION.—

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

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

21 (B) make a formal request for information
22 under subsection (c) or a notification under sec-
23 tion 109(a), if the information or explanation
24 provided is not adequate to make a determina-
25 tion under subparagraph (A).

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

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

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

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

24 (3) prescribe a return date or dates which pro-
25 vide a reasonable period of time within which the

1 person or entity may assemble and make available
2 for inspection and copying or reproduction the mate-
3 rial so requested.

4 **SEC. 109. DETERMINATIONS OF VIOLATIONS.**

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

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

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

19 (b) DETERMINATION.—Upon the receipt of a written
20 response under subsection (a)(1) when no hearing under
21 subsection (a)(2) is requested, upon the completion of a
22 hearing requested under subsection (a)(2), or upon the ex-
23 piration of 30 days in a case in which no such written
24 response is received, the Director shall review the informa-
25 tion received under section 108 and this section (including

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

7 (c) WRITTEN DECISION.—

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

13 (A) directing the person or entity to cor-
14 rect the violation; and

15 (B) assessing a civil monetary penalty—

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

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

24 (iii) in the case of a late registration
25 or filing, which shall be \$200 for each

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

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

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

24 (d) CIVIL INJUNCTIVE RELIEF.—If a person or en-
25 tity fails to comply with a directive to correct a violation

1 under subsection (c), the Director shall refer the case to
2 the Attorney General to seek civil injunctive relief in the
3 appropriate court of the United States to compel such per-
4 son or entity to comply with such directive.

5 (e) PENALTY ASSESSMENTS.—

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

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

1 (A) had actual knowledge that the conduct
2 constituted a violation;

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

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

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

14 **SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECI-**
15 **SIONS.**

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

22 (1) a new or amended report or registration
23 filed under this title; or

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

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

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

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

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

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

21 **SEC. 111. JUDICIAL REVIEW.**

22 (a) FINAL DECISION.—A written decision issued by
23 the Director under section 109 shall become final 60 days
24 after the date on which the Director provides notice of

1 the decision, unless such decision is appealed under sub-
2 section (b) of this section.

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

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

1 ant to judicial review under subsection (b) may be raised
2 as a defense, and the determination of liability and the
3 determination of amounts of penalties and assessments
4 shall not be subject to review.

5 **SEC. 112. RULES OF CONSTRUCTION.**

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

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

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

11 (3) the right of association,

12 protected by the First Amendment to the Constitution.

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

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

22 **SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REG-**
23 **ISTRATION ACT.**

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

1 (1) in section 1—

2 (A) by striking subsection (j);

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

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

14 (D) by striking subsection (q);

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

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

24 “(h) Any agent of a person described in section
25 1(b)(2) or an entity described in section 1(b)(3) if the

1 agent is required to register and does register under the
2 Lobbying Disclosure Act of 1994 in connection with the
3 agent’s representation of such person or entity.”;

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

5 (A) by striking “political propaganda” and
6 inserting “informational materials”; and

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

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

12 (A) in the matter preceding clause (i), by
13 striking “political propaganda” and inserting
14 “informational materials”; and

15 (B) by striking “(i) in the form of prints,
16 or” and all that follows through the end of the
17 subsection and inserting “without placing in
18 such informational materials a conspicuous
19 statement that the materials are distributed by
20 the agent on behalf of the foreign principal, and
21 that additional information is on file with the
22 Department of Justice, Washington, District of
23 Columbia. The Attorney General may by rule
24 define what constitutes a conspicuous statement
25 for the purposes of this subsection.”;

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

4 (7) in section 6 (22 U.S.C. 616)—

5 (A) in subsection (a) by striking “and all
6 statements concerning the distribution of politi-
7 cal propaganda”;

8 (B) in subsection (b) by striking “, and
9 one copy of every item of political propaganda”;
10 and

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

13 (8) in section 8 (22 U.S.C. 618)—

14 (A) in subsection (a)(2) by striking “or in
15 any statement under section 4(a) hereof con-
16 cerning the distribution of political propa-
17 ganda”; and

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

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

22 **SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.**

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

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

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

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

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

18 (3) by striking paragraph (6) and redesignating
19 paragraph (7) as paragraph (6).

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

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

24 (2) redesignating subsections (e), (f), (g), and

25 (h) as subsections (d), (e), (f), and (g), respectively.

1 **SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

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

5 (b) REPEAL OF PROVISIONS RELATING TO HOUSING
6 LOBBYIST ACTIVITIES.—

7 (1) Section 13 of the Department of Housing
8 and Urban Development Act (42 U.S.C. 3537b) is
9 repealed.

10 (2) Section 536(d) of the Housing Act of 1949
11 (42 U.S.C. 1490p(d)) is repealed.

12 **SEC. 116. CONFORMING AMENDMENTS TO OTHER STAT-**
13 **UTES.**

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

21 (b) AMENDMENTS TO TITLE 18, UNITED STATES
22 CODE.—Section 219(a) of title 18, United States Code,
23 is amended (1) by inserting “or a lobbyist required to reg-
24 ister under the Lobbying Disclosure Act of 1994 in con-
25 nection with the representation of a foreign entity, as de-
26 fined in section 103(7) of that Act” after “an agent of

1 a foreign principal required to register under the Foreign
2 Agents Registration Act of 1938”, and (2) by striking out
3 “, as amended,”.

4 (c) AMENDMENT TO FOREIGN SERVICE ACT OF
5 1980.—Section 602(c) of the Foreign Service Act of 1980
6 (22 U.S.C. 4002(c)) is amended by inserting “or a lobby-
7 ist for a foreign entity (as defined in section 103(7) of
8 the Lobbying Disclosure Act of 1994)” after “an agent
9 of a foreign principal (as defined by section 1(b) of the
10 Foreign Agents Registration Act of 1938”.

11 **SEC. 117. SEVERABILITY.**

12 If any provision of this title, or the application there-
13 of, is held invalid, the validity of the remainder of this
14 title and the application of such provision to other persons
15 and circumstances shall not be affected thereby.

16 **SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

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

20 **SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED**
21 **OFFICIALS.**

22 (a) ORAL LOBBYING CONTACTS.—Any person or en-
23 tity that makes an oral lobbying contact with a covered
24 legislative branch official or a covered executive branch of-

1 ficial shall, on the request of the official at the time of
2 the lobbying contact—

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

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

10 (b) WRITTEN LOBBYING CONTACTS.—Any person or
11 entity registered under this title that makes a written lob-
12 bing contact (including an electronic communication)
13 with a covered legislative branch official or a covered exec-
14 utive branch official shall—

15 (1) if the client on whose behalf the lobbying
16 contact was made is a foreign entity, identify such
17 client, state that the client is considered a foreign
18 entity under this title, and state whether the person
19 making the lobbying contact is registered on behalf
20 of that client under section 104; and

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

24 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
25 request by a person or entity making a lobbying contact,

1 the individual who is contacted or the office employing
2 that individual shall indicate whether or not the individual
3 is a covered legislative branch official or a covered execu-
4 tive branch official.

5 **SEC. 120. TRANSITIONAL FILING REQUIREMENT.**

6 (a) **SIMULTANEOUS FILING.**—Subject to subsection
7 (b), each registrant shall transmit simultaneously to the
8 Secretary of the Senate and the Clerk of the House of
9 Representatives an identical copy of each registration and
10 report required to be filed under this title.

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

19 (c) **IMPLEMENTATION.**—The Director, the Secretary
20 of the Senate, and the Clerk of the House of Representa-
21 tives shall take such actions as necessary to ensure that
22 the Office of Lobbying Registration and Public Disclosure
23 is able to provide computer telecommunication or other
24 transmittal of registrations and reports as required under

1 section 107(b)(11) on the effective date of this title, or
2 as soon thereafter as reasonably practicable.

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

4 (a) IN GENERAL.—Except as otherwise provided in
5 this section, this title and the amendments made by this
6 title shall take effect January 1, 1996.

7 (b) EFFECTIVE DATE OF GIFT PROHIBITION.—Sec-
8 tion 6 shall take effect on January 1, 1995. During cal-
9 endar year 1995, such section shall apply to any gift pro-
10 vided by a lobbyist or an agent of a foreign principal reg-
11 istered under the Federal Regulation of Lobbying Act or
12 the Foreign Agents Registration Act, including any person
13 registered under such Acts as of July 1, 1994, or there-
14 after.

15 (c) ESTABLISHMENT OF OFFICE.—Sections 107 and
16 108 shall take effect on the date of enactment of this Act.

17 (d) REPEALS AND AMENDMENTS.—The repeals and
18 amendments made under sections 113, 114, 115, and 116
19 shall take effect as provided under subsection (a), except
20 that such repeals and amendments—

21 (1) shall not affect any proceeding or suit com-
22 menced before the effective date under subsection
23 (a), and in all such proceedings or suits, proceedings
24 shall be had, appeals taken, and judgments rendered

1 in the same manner and with the same effect as if
2 this title had not been enacted; and

3 (2) shall not affect the requirements of Federal
4 agencies to compile, publish, and retain information
5 filed or received before the effective date of such re-
6 peals and amendments.

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

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

19 (g) INTERIM RULES.—

20 (1) REPORTING RULE.—A person or entity that
21 is required to account for lobbying expenditures and
22 does account for lobbying expenditures pursuant to
23 section 162(e) of the Internal Revenue Code of 1986
24 may make a good faith estimate (by category of dol-
25 lar value) of the amount that would not be deduct-

1 ible pursuant to that section for the applicable semi-
2 annual period to meet the requirements of sections
3 104(a)(3), 105(a)(2), and 105(b)(4), if the person or
4 entity—

5 (A) makes such an estimate to meet the
6 requirements of each such section of this title
7 for a given calendar year; and

8 (B) informs the Director that the person
9 or entity is making such an estimate in any
10 registration or report including such an esti-
11 mate.

12 (2) DE MINIMUS RULE.—In determining wheth-
13 er its employees are lobbyists under section
14 103(12)—

15 (A) a person or entity that is required to
16 report and does report lobbying expenditures
17 pursuant to section 6033(b)(8) of the Internal
18 Revenue Code of 1986, and makes an estimate
19 of expenses pursuant to section 105(c)(4) of
20 this title to meet the requirements of sections
21 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6)
22 of this title, shall, in lieu of using the definition
23 of “lobbying activities” in section 103(9) of this
24 title, consider as lobbying activities—

1 (i) activities that are influencing legis-
2 lation as defined in section 4911(d) of the
3 Internal Revenue Code of 1986;

4 (ii) activities described in section
5 4911(d)(2)(C) of the Internal Revenue
6 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; and

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

20 (i) activities that are influencing legis-
21 lation within the meaning of section
22 162(e)(1)(A) of the Internal Revenue Code
23 of 1986;

24 (ii) activities that are attempts to in-
25 fluence the general public, as described in

1 section 162(e)(1)(C) of the Internal Reve-
2 nue Code of 1986; and

3 (iii) lobbying activities (as defined in
4 section 103(9)) that are in support of a
5 lobbying contact with a covered executive
6 branch official.

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

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

19 (B) the impact that any such differences
20 may have on filing and reporting under this
21 title pursuant to this subsection; and

22 (C) any changes to this title or to the ap-
23 propriate sections of the Internal Revenue Code
24 of 1986 that the Comptroller General may rec-
25 ommend to harmonize the definitions.

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

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

13 **TITLE II—CONGRESSIONAL GIFT RULES**

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

15 Rule XXXV of the Standing Rules of the Senate is
16 amended to read as follows:

17 “1. No Member, officer, or employee of the Senate
18 shall accept a gift, knowing that such gift is provided by
19 a registered lobbyist, a lobbying firm, or an agent of a
20 foreign principal in violation of the Lobbying Disclosure
21 Act of 1994.

22 “2. (a) In addition to the restriction on receiving gifts
23 from registered lobbyists, lobbying firms, and agents of
24 foreign principals provided by paragraph 1 and except as
25 provided in this Rule, no Member, officer, or employee of

1 the Senate shall knowingly accept a gift from any other
2 person.

3 “(b)(1) For the purpose of this Rule, the term ‘gift’
4 means any gratuity, favor, discount, entertainment, hospi-
5 tality, loan, forbearance, or other item having monetary
6 value. The term includes gifts of services, training, trans-
7 portation, lodging, and meals, whether provided in kind,
8 by purchase of a ticket, payment in advance, or reimburse-
9 ment after the expense has been incurred.

10 “(2) A gift to the spouse or dependent of a Member,
11 officer, or employee (or a gift to any other individual based
12 on that individual’s relationship with the Member, officer,
13 or employee) shall be considered a gift to the Member,
14 officer, or employee if it is given with the knowledge and
15 acquiescence of the Member, officer, or employee and the
16 Member, officer, or employee has reason to believe the gift
17 was given because of the official position of the Member,
18 officer, or employee.

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

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

24 “(2) A contribution, as defined in the Federal
25 Election Campaign Act of 1971 (2 U.S.C. 431 et

1 seq.) that is lawfully made under that Act, or at-
2 tendance at a fundraising event sponsored by a po-
3 litical organization described in section 527(e) of the
4 Internal Revenue Code of 1986.

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

15 “(4) A contribution or other payment to a legal
16 expense fund established for the benefit of a Mem-
17 ber, officer, or employee that is otherwise lawfully
18 made.

19 “(5) Any food or refreshments which the recipi-
20 ent reasonably believes to have a value of less than
21 \$20.

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

1 “(7) Food, refreshments, lodging, and other
2 benefits—

3 “(A) resulting from the outside business or
4 employment activities (or other outside activi-
5 ties that re not connected to the duties of the
6 Member, officer, or employee as an officeholder)
7 of the Member, officer, or employee, or the
8 spouse of the Member, officer, or employee, if
9 such benefits have not been offered or enhanced
10 because of the official position of the Member,
11 officer, or employee and are customarily pro-
12 vided to others in similar circumstances;

13 “(B) customarily provided by a prospective
14 employer in connection with bona fide employ-
15 ment discussions; or

16 “(C) provided by a political organization
17 described in section 527(e) of the Internal Rev-
18 enue Code of 1986 in connection with a fund-
19 raising or campaign event sponsored by such an
20 organization.

21 “(8) Pension and other benefits resulting from
22 continued participation in an employee welfare and
23 benefits plan maintained by a former employer.

24 “(9) Informational materials that are sent to
25 the office of the Member, officer, or employee in the

1 form of books, articles, periodicals, other written
2 materials, audio tapes, videotapes, or other forms of
3 communication.

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

7 “(11) Honorary degrees (and associated travel,
8 food, refreshments, and entertainment) and other
9 bona fide, nonmonetary awards presented in recogni-
10 tion of public service (and associated food, refresh-
11 ments, and entertainment provided in the presen-
12 tation of such degrees and awards).

13 “(12) Donations of products from the State
14 that the Member represents that are intended pri-
15 marily for promotional purposes, such as display or
16 free distribution, and are of minimal value to any in-
17 dividual recipient.

18 “(13) Food, refreshments, and entertainment
19 provided to a Member or an employee of a Member
20 in the Member’s home State, subject to reasonable
21 limitations, to be established by the Committee on
22 Rules and Administration.

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

1 “(15) Training (including food and refresh-
2 ments furnished to all attendees as an integral part
3 of the training) provided to a Member, officer, or
4 employee, if such training is in the interest of the
5 Senate.

6 “(16) Bequests, inheritances, and other trans-
7 fers at death.

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

12 “(18) Anything which is paid for by the Federal
13 Government, by a State or local government, or se-
14 cured by the Government under a Government con-
15 tract.

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

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

21 “(21) Opportunities and benefits which are—

22 “(A) available to the public or to a class
23 consisting of all Federal employees, whether or
24 not restricted on the basis of geographic consid-
25 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 an unusual case,
4 a waiver is granted by the Select Committee on
5 Ethics.

6 “(d)(1) Except as prohibited by paragraph 1, a Mem-
7 ber, officer, or employee may accept an offer of free at-
8 tendance at a widely attended convention, conference,
9 symposium, forum, panel discussion, dinner, viewing, recep-
10 tion, or similar event, provided by the sponsor of the event,
11 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 clause (1) may accept a sponsor’s unso-
23 licited offer of free attendance at the event for an accom-
24 panying individual if others in attendance will generally

1 be similarly accompanied or if such attendance is appro-
2 priate to assist in the representation of the Senate.

3 “(3) Except as prohibited by paragraph 1, a Member,
4 officer, or employee, or the spouse or dependent thereof,
5 may accept a sponsor’s unsolicited offer of free attendance
6 at a charity event, except that reimbursement for trans-
7 portation and lodging may not be accepted in connection
8 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 “(e) 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 subparagraph (c)(3) or
21 the close personal friendship exception in section 106(d)
22 of the Lobbying Disclosure Act of 1994 unless the Select
23 Committee on Ethics issues a written determination that
24 one of such exceptions applies.

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

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

10 “(3) When it is not practicable to return a tangible
11 items because it is perishable, the time may, at the discre-
12 tion of the recipient, be given to an appropriate charity
13 or destroyed.

14 “3. (a)(1) Except as prohibited by paragraph 1, a re-
15 imbursement (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 Senate and not a gift prohibited by this rule, if the Mem-
22 ber, officer, or employee—

23 “(A) in the case of an employee, receives ad-
24 vance authorization, from the Member or officer

1 under whose direct supervision the employee works,
2 to accept reimbursement, and

3 “(B) discloses the expenses reimbursed or to be
4 reimbursed and the authorization to the Secretary of
5 the Senate within 30 days after the travel is com-
6 pleted.

7 “(2) For purposes of clause (1), 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 “(b) 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 “(1) the name of the employee;

15 “(2) the name of the person who will make the
16 reimbursement;

17 “(3) the time, place, and purpose of the travel;
18 and

19 “(4) 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 “(c) Each disclosure made under subparagraph
24 (a)(1) 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 “(1) a good faith estimate of total transpor-
5 tation expenses reimbursed or to be reimbursed;

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

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

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

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

15 “(6) 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 “(d) for the purposes of this paragraph, the term
22 ‘necessary transportation, lodging, and related ex-
23 penses’—

24 “(1) includes reasonable expenses that are nec-
25 essary for travel for a period not exceeding 3 days

1 exclusive of traveltime within the United States or 7
2 days exclusive of traveltime outside of the United
3 States unless approved in advance by the Select
4 Committee on Ethics;

5 “(2) is limited to reasonable expenditures for
6 transportation, lodging, conference fees and mate-
7 rials, land food and refreshments, including reim-
8 bursement for necessary transportation, whether or
9 not such transportation occurs within the periods de-
10 scribed in clause (1);

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

15 “(4) may include travel expenses incurred on
16 behalf of either the spouse or a child of the Member,
17 officer, or employee, subject to a determination
18 signed by the Member or officer (or in the case of
19 an employee, the Member or officer under whose di-
20 rect supervision the employee works) that the at-
21 tendance of the spouse or child is appropriate to as-
22 sist in the representation of the Senate.

23 “(e) The Secretary of the Senate shall make available
24 to the public all advance authorizations and disclosures

1 of reimbursement filed pursuant to subparagraph (a) as
2 soon as possible after they are received.”.

3 **SEC. 202. AMENDMENTS TO HOUSE RULES.**

4 Clause 4 of rule XLIII of the Rules of the House
5 of Representatives is amended to read as follows:

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

11 “(b) In addition to the restriction on receiving gifts
12 from registered lobbyists, lobbying firms, and agents of
13 foreign principals provided by paragraph (a) and except
14 as provided in this Rule, no Member, officer, or employee
15 of the House of Representatives shall knowingly accept a
16 gift from any other person.

17 “(c)(1) For the purpose of this clause, the term ‘gift’
18 means any gratuity, favor, discount, entertainment, hospi-
19 tality, loan, forbearance, or other item having monetary
20 value. The term includes gifts of services, training, trans-
21 portation, lodging, and meals, whether provided in kind,
22 by purchase of a ticket, payment in advance, or reimburse-
23 ment after the expense has been incurred.

24 “(2) A gift to the spouse or dependent of a Member,
25 officer, or employee (or a gift to any other individual based

1 on that individual's relationship with the Member, officer,
2 or employee) shall be considered a gift to the Member,
3 officer, or employee if it is given with the knowledge and
4 acquiescence of the Member, officer, or employee and the
5 Member, officer, or employee has reason to believe the gift
6 was given because of the official position of the Member,
7 officer, or employee.

8 “(d) The restrictions in paragraph (b) shall not apply
9 to the following:

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

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

19 “(3) Anything provided by an individual on the
20 basis of a personal or family relationship unless the
21 Member, officer, or employee has reason to believe
22 that, under the circumstance, the gift was provided
23 because of the official position of the Member, offi-
24 cer, or employee and not because of the personal or
25 family relationship. The Committee on Standards of

1 Official Conduct shall provide guidance on the appli-
2 cability of this clause and examples of circumstances
3 under which a gift may be accepted under this ex-
4 ception.

5 “(4) A contribution or other payment to a legal
6 expense fund established for the benefit of a Mem-
7 ber, officer, or employee that is otherwise lawfully
8 made.

9 “(5) Any food or refreshments which the recipi-
10 ent reasonably believes to have a value of less than
11 \$20.

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

15 “(7) Food, refreshments, lodging, and other
16 benefits—

17 “(A) resulting from the outside business or
18 employment activities (or other outside activi-
19 ties that are not connected to the duties of the
20 Member, officer, or employee as an officeholder)
21 of the Member, officer, or employee, or the
22 spouse of the Member, officer, or employee, if
23 such benefits have not been offered or enhanced
24 because of the official position of the Member,

1 officer, or employee and are customarily pro-
2 vided to others in similar circumstances;

3 “(B) customarily provided by a prospective
4 employer in connection with bona fide employ-
5 ment discussions; or

6 “(C) provided by a political organization
7 described in section 527(e) of the Internal Rev-
8 enue Code of 1986 in connection with a fund-
9 raising or campaign event sponsored by such an
10 organization.

11 “(8) Pension and other benefits resulting from
12 continued participation in an employee welfare and
13 benefits plan maintained by a former employer.

14 “(9) Informational materials that are sent to
15 the office of the Member, officer, or employee in the
16 form of books, articles, periodicals, other written
17 materials, audio tapes, videotapes, or other forms of
18 communication.

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

22 “(11) Honorary degrees (and associated travel,
23 food, refreshments, and entertainment) and other
24 bona fide, nonmonetary awards presented in recogni-
25 tion of public service (and associated food, refresh-

1 ments, and entertainment provided in the presen-
2 tation of such degrees and awards).

3 “(12) Donations of products from the State
4 that the Member represents that are intended pri-
5 marily for promotional purposes, such as display or
6 free distribution, and are of minimal value to any in-
7 dividual recipient.

8 “(13) Food, refreshments, and entertainment
9 provided to a Member or an employee of a Member
10 in the Member’s home State, subject to reasonable
11 limitations, to be established by the Committee on
12 Standards of Official Conduct.

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

15 “(15) Training (including food and refresh-
16 ments furnished to all attendees as an integral part
17 of the training) provided to a Member, officer, or
18 employee, if such training is in the interest of the
19 House of Representatives.

20 “(16) Bequests, inheritances, and other trans-
21 fers at death.

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

1 “(18) Anything which is paid for by the Federal
2 Government, by a State or local government, or se-
3 cured by the Government under a Government con-
4 tract.

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

8 “(20) Free attendance at a widely attended
9 event permitted pursuant to paragraph (e).

10 “(21) Opportunities and benefits which are—

11 “(A) available to the public or to a class
12 consisting of all Federal employees, whether or
13 not restricted on the basis of geographic consid-
14 eration;

15 “(B) offered to members of a group or
16 class in which membership is unrelated to con-
17 gressional employment;

18 “(C) offered to members of an organiza-
19 tion, such as an employees’ association or con-
20 gressional credit union, in which membership is
21 related to congressional employment and similar
22 opportunities are available to large segments of
23 the public through organizations of similar size;

24 “(D) offered to any group or class that is
25 not defined in a manner that specifically dis-

1 criminate among Government employees on the
2 basis of branch of Government or type of re-
3 sponsibility, or on a basis that favors those of
4 higher rank or rate of pay;

5 “(E) in the form of loans from banks and
6 other financial institutions on terms generally
7 available to the public; or

8 “(F) in the form of reduced membership or
9 other fees for participation in organization ac-
10 tivities offered to all Government employees by
11 professional organizations if the only restric-
12 tions on membership relate to professional
13 qualifications.

14 “(22) A plaque, trophy, or other memento of
15 modest value.

16 “(23) Anything for which, in exceptional cir-
17 cumstances, a waiver is granted by the Committee
18 on Standards of Official Conduct.

19 “(e)(1) Except as prohibited by paragraph (a), a
20 Member, officer, or employee may accept an offer of free
21 attendance at a widely attended convention, conference,
22 symposium, forum, panel discussion, dinner, viewing, re-
23 ception, or similar event, provided by the sponsor of the
24 event, if—

1 “(A) the Member, officer, or employee partici-
2 pates in the event as a speaker or a panel partici-
3 pant, by presenting information related to Congress
4 or matters before Congress, or by performing a cere-
5 monial function appropriate to the Member’s, offi-
6 cer’s, or employee’s official position; or

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

10 “(2) A Member, officer, or employee who attends an
11 event described in subparagraph (1) may accept a spon-
12 sor’s unsolicited offer of free attendance at the event for
13 an accompanying individual if others in attendance will
14 generally be similarly accompanied or if such attendance
15 is appropriate to assist in the representation of the House
16 of Representatives.

17 “(3) Except as prohibited by paragraph (a), a Mem-
18 ber, officer, or employee, or the spouse or dependent there-
19 of, may accept a sponsor’s unsolicited offer of free attend-
20 ance at a charity event, except that reimbursement for
21 transportation and lodging may not be accepted in connec-
22 tion with the event.

23 “(4) For purposes of this paragraph, the term ‘free
24 attendance’ may include waiver of all or part of a con-
25 ference or other fee, the provision of local transportation,

1 or the provision of food, refreshments, entertainment, and
2 instructional materials furnished to all attendees as an in-
3 tegral part of the event. The term does not include enter-
4 tainment collateral to the event, or food or refreshments
5 taken other than in a group setting with all or substan-
6 tially all other attendees.

7 “(f) No Member, officer, or employee may accept a
8 gift the value of which exceeds \$250 on the basis of the
9 personal relationship exception in paragraph (d)(3) or the
10 close personal friendship exception in section 106(d) of the
11 Lobbying Disclosure Act of 1994 unless the Committee
12 on Standards of Official Conduct issues a written deter-
13 mination that one of such exceptions applies.

14 “(g)(1) The Committee on Standards of Official Con-
15 duct is authorized to adjust the dollar amount referred
16 to in paragraph (c)(5) on a periodic basis, to the extent
17 necessary to adjust for inflation.

18 “(2) The Committee on Standards of Official Con-
19 duct shall provide guidance setting forth reasonable steps
20 that may be taken by Members, officers, and employees,
21 with a minimum of paperwork and time, to prevent the
22 acceptance of prohibited gifts from lobbyists.

23 “(3) When it is not practicable to return a tangible
24 item because it is perishable, the item may, at the discre-

1 tion of the recipient, be given to an appropriate charity
2 or destroyed.

3 “(h)(1)(A) Except as prohibited by paragraph (a), a
4 reimbursement (including payment in kind) to a Member,
5 officer, or employee for necessary transportation, lodging
6 and related expenses for travel to a meeting, speaking en-
7 gagement, factfinding trip or similar event in connection
8 with the duties of the Member, officer, or employee as an
9 officeholder shall be deemed to be a reimbursement to the
10 House of Representatives and not a gift prohibited by this
11 paragraph, if the Member, officer, or employee—

12 “(i) in the case of an employee, receives ad-
13 vance authorization, from the Member or officer
14 under whose direct supervision the employee works,
15 to accept reimbursement, and

16 “(ii) discloses the expenses reimbursed or to be
17 reimbursed and the authorization to the Clerk of the
18 House of Representatives within 30 days after the
19 travel is completed.

20 “(B) For purposes of clause (A), events, the activities
21 of which are substantially recreational in nature, shall not
22 be considered to be in connection with the duties of a
23 Member, officer, or employee as an officeholder.

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

4 “(A) the name of the employee;

5 “(B) the name of the person who will make the
6 reimbursement;

7 “(C) the time, place, and purpose of the travel;
8 and

9 “(D) a determination that the travel is in con-
10 nection with the duties of the employee as an office-
11 holder and would not create the appearance that the
12 employee is using public office for private gain.

13 “(3) Each disclosure made under subparagraph
14 (1)(A) of expenses reimbursed or to be reimbursed shall
15 be signed by the Member or officer (in the case of travel
16 by that Member or officer) or by the Member or officer
17 under whose direct supervision the employee works (in the
18 case of travel by an employee) and shall include—

19 “(A) a good faith estimate of total transpor-
20 tation expenses reimbursed or to be reimbursed;

21 “(B) a good faith estimate of total lodging ex-
22 penses reimbursed or to be reimbursed;

23 “(C) a good faith estimate of total meal ex-
24 penses reimbursed or to be reimbursed;

1 “(D) a good faith estimate of the total of other
2 expenses reimbursed or to be reimbursed;

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

6 “(F) in the case of a reimbursement to a Mem-
7 ber or officer, a determination that the travel was in
8 connection with the duties of the Member or officer
9 as an officeholder and would not create the appear-
10 ance that the Member or officer is using public of-
11 fice for private gain.

12 “(4) For the purposes of this paragraph, the term
13 ‘necessary transportation, lodging, and related ex-
14 penses’—

15 “(A) includes reasonable expenses that are nec-
16 essary for travel—

17 “(i) for a period not exceeding 4 days in-
18 cluding travel time within the United States or
19 7 days in addition to travel time outside the
20 United States; and

21 “(ii) within 24 hours before or after par-
22 ticipation in an event in the United States or
23 within 48 hours before or after participation in
24 an event outside the United States,

1 unless approved in advance by the Committee on
2 Standards of Official Conduct;

3 “(B) is limited to reasonable expenditures for
4 transportation, lodging, conference fees and mate-
5 rials, and food and refreshments, including reim-
6 bursement for necessary transportation, whether or
7 not such transportation occurs within the periods de-
8 scribed in clause (A);

9 “(C) does not include expenditures for rec-
10 reational activities or entertainment other than that
11 provided to all attendees as an integral part of the
12 event; and

13 “(D) may include travel expenses incurred on
14 behalf of either the spouse or a child of the Member,
15 officer, or employee, subject to a determination
16 signed by the Member or officer (or in the case of
17 an employee, the Member or officer under whose di-
18 rect supervision the officer or employee works) that
19 the attendance the spouse or child is appropriate to
20 assist in the representation of the House of Rep-
21 resentatives.

22 “(5) The Clerk of the House of Representatives shall
23 make available to the public all advance authorizations
24 and disclosures of reimbursement filed pursuant to sub-
25 paragraph (1) as soon as possible after they are received.”.

1 **SEC. 203. MISCELLANEOUS PROVISIONS.**

2 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT
3 ACT.—Section 102(a)(2)(B) of the Ethics in Government
4 Act (5 U.S.C. 102, App. 6) is amended by adding at the
5 end thereof the following: “Reimbursements accepted by
6 a Federal agency pursuant to section 1353 of title 31,
7 United States Code, or deemed accepted by the Senate or
8 the House of Representatives pursuant to rule XXXV of
9 the Standing Rules of the Senate or clause 4 of rule XLIII
10 of the Rules of the House of Representatives shall be re-
11 ported as required by such statute or rule and need not
12 be reported under this section.”.

13 (b) REPEAL OF OBSOLETE PROVISION.—Section 901
14 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is re-
15 pealed.

16 (c) SENATE PROVISIONS.—

17 (1) AUTHORITY OF THE COMMITTEE ON RULES
18 AND ADMINISTRATION.—The Senate Committee on
19 Rules and Administration, on behalf of the Senate,
20 may accept gifts provided they do not involve any
21 duty, burden, or condition, or are not made depend-
22 ent upon some future performance by the United
23 States. The Committee on Rules and Administration
24 is authorized to promulgate regulations to carry out
25 this section.

1 (2) FOOD, REFRESHMENTS, AND ENTERTAIN-
2 MENT.—The rules on acceptance of food, refresh-
3 ments, and entertainment provided to a Member of
4 the Senate or an employee of such a Member in the
5 Member’s home State before the adoption of reason-
6 able limitations by the Committee on Rules and Ad-
7 ministration shall be the rules in effect on the day
8 before the effective date of this title.

9 (d) HOUSE PROVISION.—The rules on acceptance of
10 food, refreshments, and entertainment provided to a Mem-
11 ber of the House of Representatives or an employee of
12 such a Member in the Member’s home State before the
13 adoption of reasonable limitations by the Committee on
14 Standards of Official Conduct shall be the rules in effect
15 on the day before the effective date of this title.

16 **SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING**
17 **POWERS.**

18 Sections 201, 202, 203(c), and 203(d) of this title
19 are enacted by Congress—

20 (1) as an exercise of the rulemaking power of
21 the Senate and the House of Representatives, re-
22 spectively, and pursuant to section 7353(b)(1) of
23 title 5, United States Code, and accordingly, they
24 shall be considered as part of the rules of each
25 House, respectively, or of the House to which they

1 specifically apply, and such rules shall supersede
2 other rules only to the extent that they are inconsis-
3 ent therewith; and

4 (2) with full recognition of the constitutional
5 right of either House to change such rules (insofar
6 as they relate to that House) at any time and in the
7 same manner and to the same extent as in the case
8 of any other rule of that House.

9 **SEC. 205. EFFECTIVE DATE.**

10 This title and the amendments made by this title
11 shall take effect on January 1, 1995.

○

HR 5085 IH—2

HR 5085 IH—3

HR 5085 IH—4

HR 5085 IH—5

HR 5085 IH—6