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1ST SESSION

H. R. 2834

To provide for the disclosure by lobbyists of financial benefits provided
Members of Congress and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1993

Mr. FINGERHUT (for himself, Ms. SHEPHERD, Ms. SCHENK, Ms. CANTWELL,
Mrs. MALONEY, Mr. BARRETT of Wisconsin, Mr. KLEIN, Mr. BECERRA
Mr. SANDERS, and Mrs. CLAYTON) introduced the following bill; which
was referred to the Committee on the Judiciary

A BILL

To provide for the disclosure by lobbyists of financial benefits
provided Members of Congress and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sunshine for Lobbyists
5 Act of 1993”.

6 **SEC. 2. INFORMATION ON FINANCIAL BENEFITS.**

7 (a) IN GENERAL.—Each lobbyist shall make a semi-
8 annual report to the Attorney General of a list of each
9 individual financial benefit provided directly or indirectly

1 by the lobbyist (including a financial benefit provided by
2 a lobbyist employed by or a lobbyist who is a member of
3 a lobbyist) to a covered legislative branch official, to an
4 entity that is established, maintained, controlled, or fi-
5 nanced by a covered legislative branch official, or to any
6 other person or entity on behalf of or in the name of a
7 covered legislative branch official, disclosing—

8 (1) with respect to each financial benefit other
9 than one described in paragraph (2), (3), (4), or
10 (5)—

11 (A) the name and position of the covered
12 legislative branch official or other person or en-
13 tity to whom or which the financial benefit was
14 provided;

15 (B) the nature of the financial benefit;

16 (C) the date on which the financial benefit
17 was provided; and

18 (D) the value of the financial benefit;

19 (2) with respect to each financial benefit that is
20 in the form of a widely attended reception in the
21 District of Columbia area to which covered legisla-
22 tive branch officials were invited—

23 (A) the nature of the reception;

24 (B) the date on which the reception oc-
25 curred; and

1 (C) a single aggregate figure for the ex-
2 penses incurred by the registrant in connection
3 with the reception;

4 (3) with respect to each financial benefit that is
5 in the form of a conference, retreat, or similar event
6 for or on behalf of covered legislative branch officials
7 that is sponsored by or affiliated with an official
8 congressional organization—

9 (A) the nature of the conference, retreat,
10 or other event;

11 (B) the date or dates on which the con-
12 ference, retreat, or other event occurred;

13 (C) the identity of the organization that
14 sponsored or is affiliated with the event; and

15 (D) a single aggregate figure for the ex-
16 penses incurred by the lobbyist in connection
17 with the conference, retreat, or similar event;

18 (4) with respect to each financial benefit that is
19 in the form of an event that is hosted or cohosted
20 with or in honor of 1 or more covered legislative
21 branch officials—

22 (A) the name and position of each such
23 covered legislative branch official;

24 (B) the nature of the event;

1 (C) the date on which the event occurred;
2 and

3 (D) the expenses incurred by the lobbyist
4 in connection with the event; and

5 (5) with respect to each financial benefit that is
6 in the form of election campaign fundraising activ-
7 ity—

8 (A) the name and position of the covered
9 legislative branch official on behalf of whom the
10 fundraising activity was performed;

11 (B) the nature of the fundraising activity;

12 (C) the date or dates on which the fund-
13 raising activity was performed;

14 (D) the expenses incurred by the lobbyist
15 in connection with the fundraising activity; and

16 (E) the number of contributions and the
17 aggregate amount of contributions known by
18 the lobbyist to have been made to the covered
19 legislative branch official as a result of the
20 fundraising activity.

21 For purposes of paragraph (2), the term “widely attended
22 reception” includes a reception open to members from
23 throughout a given industry or profession or open to indi-
24 viduals representing a range of persons interested in a
25 given matter.

1 (b) NOTIFICATION.—Two weeks before filing a semi-
2 annual report under subsection (a), the lobbyist filing the
3 report shall provide in writing to any covered legislative
4 branch official who will be listed in the report with a com-
5 plete list of the financial benefits provided, directly or indi-
6 rectly, to such official.

7 (c) EXEMPTION.—A list described in subsection (a)
8 need not disclose financial benefits having a value of \$20
9 or less to the extent that the aggregate value of such fi-
10 nancial benefits that are provided to or on behalf of a cov-
11 ered legislative branch official or other person or entity
12 during the calendar year in which the semiannual period
13 covered by the report occurs has not exceeded \$50.

14 **SEC. 3. DEFINITIONS.**

15 (1) The term “lobbyist” means any individual
16 who is employed or retained by another for financial
17 or other compensation to perform services that in-
18 clude lobbying contacts, other than an individual
19 whose lobbying activities are only incidental to, and
20 are not a significant part of, the services provided by
21 such individual to the client.

22 (2) The term “client” means any person who
23 employs or retains another person for financial or
24 other compensation to conduct lobbying activities on
25 its own behalf. An organization whose employees act

1 as lobbyists on its behalf is both a client and an em-
2 ployer of its employee lobbyists. In the case of a coa-
3 lition or association that employs or retains persons
4 to conduct lobbying activities on behalf of its mem-
5 bership, the client is the coalition or association and
6 not its individual members.

7 (3) The term “lobbying activities” means lobby-
8 ing contacts and efforts in support of such contacts,
9 including preparation and planning activities, re-
10 search and other background work that is intended
11 for use in contacts, and coordination with the lobby-
12 ing activities of others. Lobbying activities include
13 grass roots lobbying communications and commu-
14 nications with members, as defined under section
15 4911 (d)(1)(A) and (d)(3) of the Internal Revenue
16 Code of 1986 and the regulations implementing such
17 provisions, to the extent that such activities are
18 made in direct support of lobbying contacts.

19 (4)(A) The term “lobbying contact” means any
20 oral or written communication with a covered legisla-
21 tive branch official made on behalf of a client with
22 regard to—

23 (i) the formulation, modification, or adop-
24 tion of Federal legislation (including legislative
25 proposals);

1 (ii) the formulation, modification, or adop-
2 tion of a Federal rule, regulation, Executive
3 order, or any other program, policy or position
4 of the United States Government; or

5 (iii) the administration or execution of a
6 Federal program or policy (including the nego-
7 tiation, award, or administration of a Federal
8 contract, grant, loan, permit, or license) except
9 that it does not include communications that
10 are made to executive branch officials in the
11 agency responsible for taking such action who
12 serve in the Senior Executive Service, or who
13 are members of the uniformed services whose
14 pay grade is lower than O-9 under section 201
15 of title 37, United States Code.

16 (B) The term shall not include communications
17 that are—

18 (i) made by public officials acting in their
19 official capacity;

20 (ii) made by representatives of a media or-
21 ganization who are primarily engaged in gather-
22 ing and disseminating news and information to
23 the public;

1 (iii) made in a speech, article, publication
2 or other material that is widely distributed to
3 the public, or through the media;

4 (iv) made on behalf of a foreign principal
5 and disclosed under the Foreign Agents Reg-
6 istration Act of 1938, as amended (22 U.S.C.
7 611 et seq.);

8 (v) requests for appointments, requests for
9 the status of a Federal action, or other similar
10 ministerial contacts, if there is no attempt to
11 influence covered legislative branch officials;

12 (vi) made in the course of participation in
13 an advisory committee subject to the Federal
14 Advisory Committee Act;

15 (vii) testimony given before a committee,
16 subcommittee, or office of Congress, or submit-
17 ted for inclusion in the public record of a hear-
18 ing conducted by such committee, subcommit-
19 tee, or office;

20 (viii) information provided in writing in re-
21 sponse to a specific written request from a cov-
22 ered legislative branch official;

23 (ix) required by subpoena, civil investiga-
24 tive demand, or otherwise compelled by statute,

1 regulation, or other action of Congress or a
2 Federal agency;

3 (x) made in response to a notice in the
4 Federal Register, Commerce Business Daily, or
5 other similar publication soliciting communica-
6 tions from the public and directed to the agency
7 official specifically designated in the notice to
8 receive such communications;

9 (xi) not possible to report without disclos-
10 ing information, the unauthorized disclosure of
11 which is prohibited by law;

12 (xii) made to agency officials with regard
13 to judicial proceedings, criminal or civil law en-
14 forcement inquiries, investigations or proceed-
15 ings, or filings required by statute or regula-
16 tion;

17 (xiii) made in compliance with written
18 agency procedures regarding an adjudication
19 conducted by the agency under section 554 of
20 title 5, United States Code, or substantially
21 similar provisions;

22 (xiv) written comments filed in a public
23 docket and other communications that are
24 made on the record in a public proceeding;

1 (xv) a formal petition for agency action,
2 made in writing pursuant to established agency
3 procedures; and

4 (xvi) made on behalf of an individual with
5 regard to such individual's benefits, employ-
6 ment, other personal matters involving only
7 that individual, or disclosures by that individual
8 pursuant to applicable whistleblower statutes.

9 (5) The term "covered legislative branch offi-
10 cial" means—

11 (A) a Member of Congress;

12 (B) an elected officer of Congress;

13 (C) any employee of a Member of the
14 House of Representatives, of a committee of the
15 House of Representatives, or on the leadership
16 staff of the House of Representatives;

17 (D) any employee of a Senator, of a Sen-
18 ate Committee, or on the leadership staff of the
19 Senate; and

20 (E) any employee of a joint committee of
21 the Congress.

22 (6) The term "financial benefit"—

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

1 (i) a gift;

2 (ii) payment for local or long-distance
3 transportation, entertainment, food, or
4 lodging, whether provided in kind, by pur-
5 chase of a ticket, by payment in advance
6 or by reimbursement, or otherwise;

7 (iii) a contribution or other payment
8 made to a third party in lieu of an hono-
9 rarium on the basis of a designation, rec-
10 ommendation, or other specification made
11 by the covered legislative branch official;

12 (iv) reimbursement of an expense;

13 (v) a loan; and

14 (vi) an expenditure made for a con-
15 ference, retreat, or other event benefiting a
16 covered person, but

17 (B) does not include—

18 (i) a contribution, as defined in the
19 Federal Election Campaign Act of 1971 (2
20 U.S.C. 431 et seq.), that is required to be
21 reported under that Act, unless the con-
22 tribution is in the form of participation in
23 a fundraising activity on behalf of a cov-
24 ered legislative branch official, including
25 the solicitation of contributions, hosting or

1 cohosting of a fundraising event, or service
2 on a campaign steering committee or its
3 equivalent;

4 (ii) a modest item of food or refresh-
5 ments, such as a soft drink, coffee, or
6 doughnut, offered other than as part of a
7 meal;

8 (iii) a greeting card or other item of
9 little intrinsic value, such as a plaque, cer-
10 tificate, or trophy, that is intended solely
11 for presentation;

12 (iv) financial benefits given under cir-
13 cumstances which make it clear that the
14 benefits are motivated by a family relation-
15 ship rather than the position of the recipi-
16 ent; or

17 (v) financial benefits which are not
18 used and which are promptly returned to
19 the donor.

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