

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5085

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

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1994

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

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## 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.

○

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