

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 99

Providing for corrections in the enrollment of the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 1995

Mr. BRYANT of Texas (for himself and Mr. OBEY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Oversight and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## CONCURRENT RESOLUTION

Providing for corrections in the enrollment of the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

1        *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That in the enrollment of the bill (H.R. 1854)  
3 entitled, “An Act making appropriations for the Legisla-  
4 tive Branch for the fiscal year ending September 30, 1996,  
5 and for other purposes”, the Clerk of the House shall

1 make the following correction: At the end of title III add  
2 the following:

3 **“TITLE IV—LOBBYING**  
4 **DISCLOSURE**

5 **“SEC. 401. SHORT TITLE.**

6 “This title may be cited as the ‘Lobbying Disclosure  
7 Act of 1995’.

8 **“SEC. 402. FINDINGS.**

9 “The Congress finds that—

10 “(1) responsible representative Government re-  
11 quires public awareness of the efforts of paid lobby-  
12 ists to influence the public decisionmaking process in  
13 both the legislative and executive branches of the  
14 Federal Government;

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

21 “(3) the effective public disclosure of the iden-  
22 tity and extent of the efforts of paid lobbyists to in-  
23 fluence Federal officials in the conduct of Govern-  
24 ment actions will increase public confidence in the  
25 integrity of Government.

1 **“SEC. 403. DEFINITIONS.**

2 “As used in this title:

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

6 “(2) CLIENT.—The term ‘client’ means any  
7 person or entity that employs or retains another per-  
8 son for financial or other compensation to conduct  
9 lobbying activities on behalf of that person or entity.  
10 A person or entity whose employees act as lobbyists  
11 on its own behalf is both a client and an employer  
12 of such employees. In the case of a coalition or asso-  
13 ciation that employs or retains other persons to con-  
14 duct lobbying activities, the client is the coalition or  
15 association and not its individual members.

16 “(3) COVERED EXECUTIVE BRANCH OFFI-  
17 CIAL.—The term ‘covered executive branch official’  
18 means—

19 “(A) the President;

20 “(B) the Vice President;

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

25 “(D) any officer or employee serving in a  
26 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 member of the uniformed serv-  
4           ices whose pay grade is at or above O-7 under  
5           section 201 of title 37, United States Code; and

6           “(F) any officer or employee serving in a  
7           position of a confidential, policy-determining,  
8           policy-making, or policy-advocating character  
9           described in section 7511(b)(2) of title 5,  
10          United States Code.

11          “(4) COVERED LEGISLATIVE BRANCH OFFI-  
12          CIAL.—The term ‘covered legislative branch official’  
13          means—

14                 “(A) a Member of Congress;

15                 “(B) an elected officer of either House of  
16                 Congress;

17                 “(C) any employee of, or any other individ-  
18                 ual functioning in the capacity of an employee  
19                 of—

20                         “(i) a Member of Congress;

21                         “(ii) a committee of either House of  
22                         Congress;

23                         “(iii) the leadership staff of the House  
24                         of Representatives or the leadership staff  
25                         of the Senate;

1           “(iv) a joint committee of Congress;  
2           and

3           “(v) a working group or caucus orga-  
4           nized to provide legislative services or  
5           other assistance to Members of Congress;  
6           and

7           “(D) any other legislative branch employee  
8           serving in a position described under section  
9           109(13) of the Ethics in Government Act of  
10          1978 (5 U.S.C. App.).

11          “(5) EMPLOYEE.—The term ‘employee’ means  
12          any individual who is an officer, employee, partner,  
13          director, or proprietor of a person or entity, but does  
14          not include—

15                 “(A) independent contractors; or

16                 “(B) volunteers who receive no financial or  
17                 other compensation from the person or entity  
18                 for their services.

19          “(6) FOREIGN ENTITY.—The term ‘foreign en-  
20          tity’ means a foreign principal (as defined in section  
21          1(b) of the Foreign Agents Registration Act of 1938  
22          (22 U.S.C. 611(b)).

23          “(7) LOBBYING ACTIVITIES.—The term ‘lobby-  
24          ing activities’ means lobbying contacts and efforts in  
25          support of such contacts, including preparation and

1 planning activities, research and other background  
2 work that is intended, at the time it is performed,  
3 for use in contacts, and coordination with the lobby-  
4 ing activities of others.

5 “(8) LOBBYING CONTACT.—

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

12 “(i) the formulation, modification, or  
13 adoption of Federal legislation (including  
14 legislative proposals);

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

20 “(iii) the administration or execution  
21 of a Federal program or policy (including  
22 the negotiation, award, or administration  
23 of a Federal contract, grant, loan, permit,  
24 or license); or

1           “(iv) the nomination or confirmation  
2           of a person for a position subject to con-  
3           firmation by the Senate.

4           “(B) EXCEPTIONS.—The term ‘lobbying  
5           contact’ does not include a communication that  
6           is—

7                   “(i) made by a public official acting in  
8                   the public official’s official capacity;

9                   “(ii) made by a representative of a  
10                  media organization if the purpose of the  
11                  communication is gathering and dissemi-  
12                  nating news and information to the public;

13                  “(iii) made in a speech, article, publi-  
14                  cation or other material that is distributed  
15                  and made available to the public, or  
16                  through radio, television, cable television,  
17                  or other medium of mass communication;

18                  “(iv) made on behalf of a government  
19                  of a foreign country or a foreign political  
20                  party and disclosed under the Foreign  
21                  Agents Registration Act of 1938 (22  
22                  U.S.C. 611 et seq.);

23                  “(v) a request for a meeting, a re-  
24                  quest for the status of an action, or any  
25                  other similar administrative request, if the

1 request does not include an attempt to in-  
2 fluence a covered executive branch official  
3 or a covered legislative branch official;

4 “(vi) made in the course of participa-  
5 tion in an advisory committee subject to  
6 the Federal Advisory Committee Act;

7 “(vii) testimony given before a com-  
8 mittee, subcommittee, or task force of the  
9 Congress, or submitted for inclusion in the  
10 public record of a hearing conducted by  
11 such committee, subcommittee, or task  
12 force;

13 “(viii) information provided in writing  
14 in response to an oral or written request  
15 by a covered executive branch official or a  
16 covered legislative branch official for spe-  
17 cific information;

18 “(ix) required by subpoena, civil inves-  
19 tigative demand, or otherwise compelled by  
20 statute, regulation, or other action of the  
21 Congress or an agency;

22 “(x) made in response to a notice in  
23 the Federal Register, Commerce Business  
24 Daily, or other similar publication solicit-  
25 ing communications from the public and



1 directed to the agency official specifically  
2 designated in the notice to receive such  
3 communications;

4 “(xi) not possible to report without  
5 disclosing information, the unauthorized  
6 disclosure of which is prohibited by law;

7 “(xii) made to an official in an agency  
8 with regard to—

9 “(I) a judicial proceeding or a  
10 criminal or civil law enforcement in-  
11 quiry, investigation, or proceeding; or

12 “(II) a filing or proceeding that  
13 the Government is specifically re-  
14 quired by statute or regulation to  
15 maintain or conduct on a confidential  
16 basis,

17 if that agency is charged with responsibil-  
18 ity for such proceeding, inquiry, investiga-  
19 tion, or filing;

20 “(xiii) made in compliance with writ-  
21 ten agency procedures regarding an adju-  
22 dication conducted by the agency under  
23 section 554 of title 5, United States Code,  
24 or substantially similar provisions;

1           “(xiv) a written comment filed in the  
2 course of a public proceeding or any other  
3 communication that is made on the record  
4 in a public proceeding;

5           “(xv) a petition for agency action  
6 made in writing and required to be a mat-  
7 ter of public record pursuant to established  
8 agency procedures;

9           “(xvi) made on behalf of an individual  
10 with regard to that individual’s benefits,  
11 employment, or other personal matters in-  
12 volving only that individual, except that  
13 this clause does not apply to any commu-  
14 nication with—

15           “(I) a covered executive branch  
16 official, or

17           “(II) a covered legislative branch  
18 official (other than the individual’s  
19 elected Members of Congress or em-  
20 ployees who work under such Mem-  
21 bers’ direct supervision),

22 with respect to the formulation, modifica-  
23 tion, or adoption of private legislation for  
24 the relief of that individual;

1           “(xvii) a disclosure by an individual  
2 that is protected under the amendments  
3 made by the Whistleblower Protection Act  
4 of 1989, under the Inspector General Act  
5 of 1978, or under another provision of law;

6           “(xviii) made by—

7           “(I) a church, its integrated aux-  
8 iliary, or a convention or association  
9 of churches that is exempt from filing  
10 a Federal income tax return under  
11 paragraph 2(A)(i) of section 6033(a)  
12 of the Internal Revenue Code of 1986,  
13 or

14           “(II) a religious order that is ex-  
15 empt from filing a Federal income tax  
16 return under paragraph (2)(A)(iii) of  
17 such section 6033(a); and

18           “(xix) between—

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

1           ignated by or registered with the  
2           Commodities Future Trading Com-  
3           mission as provided under the Com-  
4           modity Exchange Act; and

5                   “(II) the Securities and Ex-  
6                   change Commission or the Commod-  
7                   ities Future Trading Commission, re-  
8                   spectively;

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

11               “(9) LOBBYING FIRM.—The term ‘lobbying  
12               firm’ means a person or entity that has 1 or more  
13               employees who are lobbyists on behalf of a client  
14               other than that person or entity. The term also in-  
15               cludes a self-employed individual who is a lobbyist.

16               “(10) LOBBYIST.—The term ‘lobbyist’ means  
17               any individual who is employed or retained by a cli-  
18               ent for financial or other compensation for services  
19               that include more than one lobbying contact, other  
20               than an individual whose lobbying activities con-  
21               stitute less than 20 percent of the time engaged in  
22               the services provided by such individual to that cli-  
23               ent over a six month period.

24               “(11) MEDIA ORGANIZATION.—The term ‘media  
25               organization’ means a person or entity engaged in

1 disseminating information to the general public  
2 through a newspaper, magazine, other publication,  
3 radio, television, cable television, or other medium of  
4 mass communication.

5 “(12) MEMBER OF CONGRESS.—The term  
6 ‘Member of Congress’ means a Senator or a Rep-  
7 resentative in, or Delegate or Resident Commis-  
8 sioner to, the Congress.

9 “(13) ORGANIZATION.—The term ‘organization’  
10 means a person or entity other than an individual.

11 “(14) PERSON OR ENTITY.—The term ‘person  
12 or entity’ means any individual, corporation, com-  
13 pany, foundation, association, labor organization,  
14 firm, partnership, society, joint stock company,  
15 group of organizations, or State or local government.

16 “(15) PUBLIC OFFICIAL.—The term ‘public of-  
17 ficial’ means any elected official, appointed official,  
18 or employee of—

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

21 “(i) a college or university;

22 “(ii) a government-sponsored enter-  
23 prise (as defined in section 3(8) of the  
24 Congressional Budget and Impoundment  
25 Control Act of 1974);

1           “(iii) a public utility that provides  
2 gas, electricity, water, or communications;

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

7           “(v) an agency of any State function-  
8 ing as a student loan secondary market  
9 pursuant to section 435(d)(1)(F) of the  
10 Higher Education Act of 1965 (20 U.S.C.  
11 1085(d)(1)(F));

12           “(B) a Government corporation (as defined  
13 in section 9101 of title 31, United States  
14 Code);

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

19           “(D) an Indian tribe (as defined in section  
20 4(e) of the Indian Self-Determination and Edu-  
21 cation Assistance Act (25 U.S.C. 450b(e));

22           “(E) a national or State political party or  
23 any organizational unit thereof; or

24           “(F) a national, regional, or local unit of  
25 any foreign government.

1           “(16) STATE.—The term ‘State’ means each of  
2           the several States, the District of Columbia, and any  
3           commonwealth, territory, or possession of the United  
4           States.

5   **“SEC. 404. REGISTRATION OF LOBBYISTS.**

6           “(a) REGISTRATION.—

7           “(1) GENERAL RULE.—No later than 45 days  
8           after a lobbyist first makes a lobbying contact or is  
9           employed or retained to make a lobbying contact,  
10          whichever is earlier, such lobbyist (or, as provided  
11          under paragraph (2), the organization employing  
12          such lobbyist), shall register with the Secretary of  
13          the Senate and the Clerk of the House of Represent-  
14          atives.

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

20          “(3) EXEMPTION.—

21                  “(A) GENERAL RULE.—Notwithstanding  
22                  paragraphs (1) and (2), a person or entity  
23                  whose—

24                          “(i) total income for matters related  
25                          to lobbying activities on behalf of a par-

1            ticular client (in the case of a lobbying  
2            firm) does not exceed and is not expected  
3            to exceed \$5,000; or

4            “(ii) total expenses in connection with  
5            lobbying activities (in the case of an orga-  
6            nization whose employees engage in lobby-  
7            ing activities on its own behalf) do not ex-  
8            ceed or are not expected to exceed  
9            \$20,000,

10           (as estimated under section 405) in the semi-  
11           annual period described in section 405(a) dur-  
12           ing which the registration would be made is not  
13           required to register under subsection (a) with  
14           respect to such client.

15           “(B) ADJUSTMENT.—The dollar amounts  
16           in subparagraph (A) shall be adjusted—

17           “(i) on January 1, 1997, to reflect  
18           changes in the Consumer Price Index (as  
19           determined by the Secretary of Labor)  
20           since the date of enactment of this Act;  
21           and

22           “(ii) on January 1 of each fourth year  
23           occurring after January 1, 1997, to reflect  
24           changes in the Consumer Price Index (as



1           determined by the Secretary of Labor)  
2           during the preceding 4-year period,  
3           rounded to the nearest \$500.

4           “(b) CONTENTS OF REGISTRATION.—Each registra-  
5           tion under this section shall contain—

6           “(1) the name, address, business telephone  
7           number, and principal place of business of the reg-  
8           istrant, and a general description of its business or  
9           activities;

10           “(2) the name, address, and principal place of  
11           business of the registrant’s client, and a general de-  
12           scription of its business or activities (if different  
13           from paragraph (1));

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

17           “(A) contributes more than \$10,000 to-  
18           ward the lobbying activities of the registrant in  
19           a semiannual period described in section  
20           405(a); and

21           “(B) in whole or in major part plans, su-  
22           pervises, or controls such lobbying activities.

23           “(4) the name, address, principal place of busi-  
24           ness, amount of any contribution of more than  
25           \$10,000 to the lobbying activities of the registrant,

1 and approximate percentage of equitable ownership  
2 in the client (if any) of any foreign entity that—

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

6 “(B) directly or indirectly, in whole or in  
7 major part, plans, supervises, controls, directs,  
8 finances, or subsidizes the activities of the cli-  
9 ent or any organization identified under para-  
10 graph (3); or

11 “(C) is an affiliate of the client or any or-  
12 ganization identified under paragraph (3) and  
13 has a direct interest in the outcome of the lob-  
14 bying activity;

15 “(5) a statement of—

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

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

23 “(6) the name of each employee of the reg-  
24 istrant who has acted or whom the registrant ex-  
25 pects to act as a lobbyist on behalf of the client and,

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

7 “(c) GUIDELINES FOR REGISTRATION.—

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

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

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

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

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

22 may so notify the Secretary of the Senate and the Clerk  
23 of the House of Representatives and terminate its reg-  
24 istration.

1 **“SEC. 405. REPORTS BY REGISTERED LOBBYISTS.**

2       “(a) SEMIANNUAL REPORT.—No later than 45 days  
3 after the end of the semiannual period beginning on the  
4 first day of each January and the first day of July of each  
5 year in which a registrant is registered under section 404,  
6 each registrant shall file a report with the Secretary of  
7 the Senate and the Clerk of the House of Representatives  
8 on its lobbying activities during such semiannual period.  
9 A separate report shall be filed for each client of the reg-  
10 istrant.

11       “(b) CONTENTS OF REPORT.—Each semiannual re-  
12 port filed under subsection (a) shall contain—

13               “(1) the name of the registrant, the name of  
14 the client, and any changes or updates to the infor-  
15 mation provided in the initial registration;

16               “(2) for each general issue area in which the  
17 registrant engaged in lobbying activities on behalf of  
18 the client during the semiannual filing period—

19                       “(A) a list of the specific issues upon  
20 which a lobbyist employed by the registrant en-  
21 gaged in lobbying activities, including, to the  
22 maximum extent practicable, a list of bill num-  
23 bers and references to specific executive branch  
24 actions;

25                       “(B) a statement of the Houses of Con-  
26 gress and the Federal agencies contacted by

1 lobbyists employed by the registrant on behalf  
2 of the client;

3 “(C) a list of the employees of the reg-  
4 istrant who acted as lobbyists on behalf of the  
5 client; and

6 “(D) a description of the interest, if any,  
7 of any foreign entity identified under section  
8 404(b)(4) in the specific issues listed under  
9 subparagraph (A).

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; and

17 “(4) in the case of a registrant engaged in lob-  
18 bying activities on its own behalf, a good faith esti-  
19 mate of the total expenses that the registrant and its  
20 employees incurred in connection with lobbying ac-  
21 tivities during the semiannual filing period.

22 “(c) ESTIMATES OF INCOME OR EXPENSES.—For  
23 purposes of this section, estimates of income or expenses  
24 shall be made as follows:

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

3           “(2) In the event income or expenses do not ex-  
4 ceed \$10,000, the registrant shall include a state-  
5 ment that income or expenses totaled less than  
6 \$10,000 for the reporting period.

7           “(3) A registrant that reports lobbying expendi-  
8 tures pursuant to section 6033(b)(8) of the Internal  
9 Revenue Code of 1986 may satisfy the requirement  
10 to report income or expenses by filing with the Sec-  
11 retary of the Senate and the Clerk of the House of  
12 Representatives a copy of the form filed in accord-  
13 ance with section 6033(b)(8).

14 **“SEC. 406. DISCLOSURE AND ENFORCEMENT.**

15           “The Secretary of the Senate and the Clerk of the  
16 House of Representatives shall—

17           “(1) provide guidance and assistance on the  
18 registration and reporting requirements of this title  
19 and develop common standards, rules, and proce-  
20 dures for compliance with this title;

21           “(2) review, and, where necessary, verify and  
22 inquire to ensure the accuracy, completeness, and  
23 timeliness of registration and reports;

1           “(3) develop filing, coding, and cross-indexing  
2 systems to carry out the purpose of this title, includ-  
3 ing—

4           “(A) a publicly available list of all reg-  
5 istered lobbyists, lobbying firms, and their cli-  
6 ents; and

7           “(B) computerized systems designed to  
8 minimize the burden of filing and maximize  
9 public access to materials filed under this title;

10          “(4) make available for public inspection and  
11 copying at reasonable times the registrations and re-  
12 ports filed under this title;

13          “(5) retain registrations for a period of at least  
14 6 years after they are terminated and reports for a  
15 period of at least 6 years after they are filed;

16          “(6) compile and summarize, with respect to  
17 each semiannual period, the information contained  
18 in registrations and reports filed with respect to  
19 such period in a clear and complete manner;

20          “(7) notify any lobbyist or lobbying firm in  
21 writing that may be in noncompliance with this title;  
22 and

23          “(8) notify the United States Attorney for the  
24 District of Columbia that a lobbyist or lobbying firm  
25 may be in noncompliance with this title, if the reg-

1       istrant has been notified in writing and has failed to  
2       provide an appropriate response within 60 days after  
3       notice was given under paragraph (6).

4       **“SEC. 407. PENALTIES.**

5       “Whoever knowingly fails to—

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

10              “(2) comply with any other provision of this  
11       title;

12 shall, upon proof of such knowing violation by a prepon-  
13 derance of the evidence, be subject to a civil fine of not  
14 more than \$50,000, depending on the extent and gravity  
15 of the violation.

16       **“SEC. 408. RULES OF CONSTRUCTION.**

17       “(a) CONSTITUTIONAL RIGHTS.—Nothing in this  
18 title shall be construed to prohibit or interfere with—

19              “(1) the right to petition the government for  
20       the redress of grievances;

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

22              “(3) the right of association,

23 protected by the first amendment to the Constitution.

24       “(b) PROHIBITION OF ACTIVITIES.—Nothing in this  
25 title shall be construed to prohibit, or to authorize any



1 court to prohibit, lobbying activities or lobbying contacts  
2 by any person or entity, regardless of whether such person  
3 or entity is in compliance with the requirements of this  
4 title.

5 “(c) AUDIT AND INVESTIGATIONS.—Nothing in this  
6 title shall be construed to grant general audit or investiga-  
7 tive authority to the Secretary of the Senate or the Clerk  
8 of the House of Representatives.

9 **“SEC. 409. AMENDMENTS TO THE FOREIGN AGENTS REG-**  
10 **ISTRATION ACT.**

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

13 “(1) in section 1—

14 “(A) by striking subsection (j);

15 “(B) in subsection (o) by striking ‘the dis-  
16 semination of political propaganda and any  
17 other activity which the person engaging therein  
18 believes will, or which he intends to, prevail  
19 upon, indoctrinate, convert, induce, persuade,  
20 or in any other way influence’ and inserting  
21 ‘any activity that the person engaging in be-  
22 lieves will, or that the person intends to, in any  
23 way influence’;

24 “(C) in subsection (p) by striking the semi-  
25 colon and inserting a period; and

1           “(D) by striking subsection (q);

2           “(2) in section 3(g) (22 U.S.C. 613(g)), by  
3 striking ‘established agency proceedings, whether  
4 formal or informal.’ and inserting ‘judicial proceed-  
5 ings, criminal or civil law enforcement inquiries, in-  
6 vestigations, or proceedings, or agency proceedings  
7 required by statute or regulation to be conducted on  
8 the record.’;

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

11          “(h) Any agent of a person described in section  
12 1(b)(2) or an entity described in section 1(b)(3) if the  
13 agent is required to register and does register under the  
14 Lobbying Disclosure Act of 1995 in connection with the  
15 agent’s representation of such person or entity.’;

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

17               “(A) by striking ‘political propaganda’ and  
18 inserting ‘informational materials’; and

19               “(B) by striking ‘and a statement, duly  
20 signed by or on behalf of such an agent, setting  
21 forth full information as to the places, times,  
22 and extent of such transmittal’;

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

1           “(A) in the matter preceding clause (i), by  
2 striking ‘political propaganda’ and inserting ‘in-  
3 formational materials’; and

4           “(B) by striking ‘(i) in the form of prints,  
5 or’ and all that follows through the end of the  
6 subsection and inserting ‘without placing in  
7 such informational materials a conspicuous  
8 statement that the materials are distributed by  
9 the agent on behalf of the foreign principal, and  
10 that additional information is on file with the  
11 Department of Justice, Washington, District of  
12 Columbia. The Attorney General may by rule  
13 define what constitutes a conspicuous statement  
14 for the purposes of this subsection.’;

15           “(6) in section 4(c) (22 U.S.C. 614(c)), by  
16 striking ‘political propaganda’ and inserting ‘infor-  
17 mational materials’;

18           “(7) in section 6 (22 U.S.C. 616)—

19           “(A) in subsection (a) by striking ‘and all  
20 statements concerning the distribution of politi-  
21 cal propaganda’;

22           “(B) in subsection (b) by striking ‘, and  
23 one copy of every item of political propaganda’;  
24 and

1           “(C) in subsection (c) by striking ‘copies of  
2 political propaganda,’;

3           “(8) in section 8 (22 U.S.C. 618)—

4           “(A) in subsection (a)(2) by striking ‘or in  
5 any statement under section 4(a) hereof con-  
6 cerning the distribution of political propa-  
7 ganda’; and

8           “(B) by striking subsection (d); and

9           “(9) in section 11 (22 U.S.C. 621) by striking  
10 ‘, including the nature, sources, and content of polit-  
11 ical propaganda disseminated or distributed’.

12 **“SEC. 410. AMENDMENTS TO THE BYRD AMENDMENT.**

13           “(a) REVISED CERTIFICATION REQUIREMENTS.—  
14 Section 1352(b) of title 31, United States Code, is  
15 amended—

16           “(1) in paragraph (2) by striking subpara-  
17 graphs (A), (B), and (C) and inserting the following:

18           ““(A) the name of any registrant under  
19 the Lobbying Disclosure Act of 1995 who has  
20 made lobbying contacts on behalf of the person  
21 with respect to that Federal contract, grant,  
22 loan, or cooperative agreement; and

23           ““(B) a certification that the person mak-  
24 ing the declaration has not made, and will not

1           make, any payment prohibited by subsection  
2           (a).’;

3           “(2) in paragraph (3) by striking all that fol-  
4           lows ‘loan shall contain’ and inserting ‘the name of  
5           any registrant under the Lobbying Disclosure Act of  
6           1995 who has made lobbying contacts on behalf of  
7           the person in connection with that loan insurance or  
8           guarantee.’; and

9           “(3) by striking paragraph (6) and redesignat-  
10          ing paragraph (7) as paragraph (6).

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

14                 “(1) by striking subsection (d); and

15                 “(2) by redesignating subsections (e), (f), (g),  
16                 and (h) as subsections (d), (e), (f), and (g), respec-  
17                 tively.

18          **“SEC. 411. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

19                 “(a) REPEAL OF THE FEDERAL REGULATION OF  
20          LOBBYING ACT.—The Federal Regulation of Lobbying  
21          Act (2 U.S.C. 261 et seq.) is repealed.

22                 “(b) REPEAL OF PROVISIONS RELATING TO HOUS-  
23          ING LOBBYIST ACTIVITIES.—

1           “(1) Section 13 of the Department of Housing  
2           and Urban Development Act (42 U.S.C. 3537b) is  
3           repealed.

4           “(2) Section 536(d) of the Housing Act of 1949  
5           (42 U.S.C. 1490p(d)) is repealed.

6   **“SEC. 412. CONFORMING AMENDMENTS TO OTHER STAT-**  
7                                   **UTES.**

8           “(a) AMENDMENT TO COMPETITIVENESS POLICY  
9   COUNCIL ACT.—Section 5206(e) of the Competitiveness  
10 Policy Council Act (15 U.S.C. 4804(e)) is amended by in-  
11 serting ‘or a lobbyist for a foreign entity (as the terms  
12 “lobbyist” and “foreign entity” are defined under section  
13 3 of the Lobbying Disclosure Act of 1995)’ after ‘an agent  
14 for a foreign principal’.

15          “(b) AMENDMENTS TO TITLE 18, UNITED STATES  
16 CODE.—Section 219(a) of title 18, United States Code,  
17 is amended—

18           “(1) by inserting ‘or a lobbyist required to reg-  
19           ister under the Lobbying Disclosure Act of 1995 in  
20           connection with the representation of a foreign en-  
21           tity, as defined in section 3(7) of that Act’ after ‘an  
22           agent of a foreign principal required to register  
23           under the Foreign Agents Registration Act of 1938’;  
24           and

25           “(2) by striking out ‘, as amended,’.



1 with a covered legislative branch official or a covered execu-  
2 tive branch official shall—

3 “(1) if the client on whose behalf the lobbying  
4 contact was made is a foreign entity, identify such  
5 client, state that the client is considered a foreign  
6 entity under this Act, and state whether the person  
7 making the lobbying contact is registered on behalf  
8 of that client under section 4; and

9 “(2) identify any other foreign entity identified  
10 pursuant to section 404(b)(4) that has a direct in-  
11 terest in the outcome of the lobbying activity.

12 “(c) IDENTIFICATION AS COVERED OFFICIAL.—  
13 Upon request by a person or entity making a lobbying con-  
14 tact, the individual who is contacted or the office employ-  
15 ing that individual shall indicate whether or not the indi-  
16 vidual is a covered legislative branch official or a covered  
17 executive branch official.

18 **“SEC. 414. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

19 “(a) ENTITIES COVERED BY SECTION 6033(b) OF  
20 THE INTERNAL REVENUE CODE OF 1986.—A registrant  
21 that is required to report and does report lobbying expend-  
22 itures pursuant to section 6033(b)(8) of the Internal Rev-  
23 enue Code of 1986 may—

24 “(1) make a good faith estimate (by category of  
25 dollar value) of applicable amounts that would be re-



1       required to be disclosed under such section for the ap-  
2       propriate semiannual period to meet the require-  
3       ments of sections 404(a)(3), 405(a)(2), and  
4       405(b)(4); and

5               “(2) in lieu of using the definition of ‘lobbying  
6       activities’ in section 3(8) of this Act, consider as lob-  
7       bying activities only those activities that are influ-  
8       encing legislation as defined in section 4911(d) of  
9       the Internal Revenue Code of 1986.

10       “(b) ENTITIES COVERED BY SECTION 162(e) OF THE  
11       INTERNAL REVENUE CODE OF 1986.—A registrant that  
12       is subject to section 162(e) of the Internal Revenue Code  
13       of 1986 may—

14               “(1) make a good faith estimate (by category of  
15       dollar value) of applicable amounts that would not  
16       be deductible pursuant to such section for the appro-  
17       priate semiannual period to meet the requirements  
18       of sections 404(a)(3), 405(a)(2), and 405(b)(4); and

19               “(2) in lieu of using the definition of ‘lobbying  
20       activities’ in section 403(7) of this Act, consider as  
21       lobbying activities only those activities, the costs of  
22       which are not deductible pursuant to section 162(e)  
23       of the Internal Revenue Code of 1986.

24       “(c) DISCLOSURE OF ESTIMATE.—Any registrant  
25       that elects to make estimates required by this Act under

1 the procedures authorized by subsection (a) or (b) for re-  
2 porting or threshold purposes shall—

3 “(1) inform the Secretary of the Senate and the  
4 Clerk of the House of Representatives that the reg-  
5 istrant has elected to make its estimates under such  
6 procedures; and

7 “(2) make all such estimates, in a given cal-  
8 endar year, under such procedures.

9 “(d) STUDY.—Not later than March 31, 1997, the  
10 Comptroller General of the United States shall review re-  
11 porting by registrants under subsections (a) and (b) and  
12 report to the Congress—

13 “(1) the differences between the definition of  
14 ‘lobbying activities’ in section 403(7) and the defini-  
15 tions of ‘lobbying expenditures’, ‘influencing legisla-  
16 tion’, and related terms in sections 162(e) and 4911  
17 of the Internal Revenue Code of 1986, as each are  
18 implemented by regulations;

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

22 “(3) any changes to this Act or to the appro-  
23 priate sections of the Internal Revenue Code of 1986  
24 that the Comptroller General may recommend to  
25 harmonize the definitions.

1 **“SEC. 415. SEVERABILITY.**

2 “If any provision of this title, or the application  
3 thereof, is held invalid, the validity of the remainder of  
4 this title and the application of such provision to other  
5 persons and circumstances shall not be affected thereby.

6 **“SEC. 416. EFFECTIVE DATES.**

7 “(a) Except as otherwise provided in this section, this  
8 title and the amendments made by this title shall take ef-  
9 fect, and shall be effective with respect to calendar years  
10 beginning on, January 1, 1996.

11 “(b) The repeals and amendments made under sec-  
12 tions 409, 410, and 411 shall take effect as provided  
13 under subsection (a), except that such repeals and amend-  
14 ments—

15 “(1) shall not affect any proceeding or suit  
16 commenced before the effective date under sub-  
17 section (a), and in all such proceedings or suits, pro-  
18 ceedings shall be had, appeals taken, and judgments  
19 rendered in the same manner and with the same ef-  
20 fect as if this Act had not been enacted; and

21 “(2) shall not affect the requirements of Fed-  
22 eral agencies to compile, publish, and retain infor-  
23 mation filed or received before the effective date of  
24 such repeals and amendments.

1           **“TITLE V—CONGRESSIONAL**  
2                                   **GIFT RULES**

3   **“SEC. 501. AMENDMENT 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)(1) No Member, officer, or employee of the  
7 House of Representatives shall knowingly accept a gift ex-  
8 cept as provided in this rule.

9           “‘(2) A Member, officer, or employee may accept a  
10 gift (other than cash or cash equivalent) which the Mem-  
11 ber, officer, or employee reasonably and in good faith be-  
12 lieves to have a value of less than \$50, and a cumulative  
13 value from one source during a calendar year of less than  
14 \$100. No gift with a value below \$10 shall count toward  
15 the \$100 annual limit. No formal recordkeeping is re-  
16 quired by this paragraph, but a Member, officer, or em-  
17 ployee shall make a good faith effort to comply with this  
18 paragraph.

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

1       “(2)(A) A gift to a family member of a Member,  
2 officer, or employee, or a gift to any other individual based  
3 on that individual’s relationship with the Member, officer,  
4 or employee, shall be considered a gift to the Member, offi-  
5 cer, or employee if it is given with the knowledge and ac-  
6 quiescence of the Member, officer, or employee and the  
7 Member, officer, or employee has reason to believe the gift  
8 was given because of the official position of the Member,  
9 officer, or employee.

10       “(B) If food or refreshment is provided at the same  
11 time and place to both a Member, officer, or employee and  
12 the spouse or dependent thereof, only the food or refresh-  
13 ment provided to the Member, officer, or employee shall  
14 be treated as a gift for purposes of this rule.

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

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

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

1           “(3) A gift from a relative as described in sec-  
2           tion 107(2) of title I of the Ethics in Government  
3           Act of 1978 (Public Law 95-521).

4           “(4)(A) Anything provided by an individual on  
5           the basis of a personal friendship unless the Mem-  
6           ber, officer, or employee has reason to believe that,  
7           under the circumstances, the gift was provided be-  
8           cause of the official position of the Member, officer,  
9           or employee and not because of the personal friend-  
10          ship.

11          “(B) In determining whether a gift is provided  
12          on the basis of personal friendship, the Member, of-  
13          ficer, or employee shall consider the circumstances  
14          under which the gift was offered, such as:

15               “(i) The history of the relationship be-  
16               tween the individual giving the gift and the re-  
17               cipient of the gift, including any previous ex-  
18               change of gifts between such individuals.

19               “(ii) Whether to the actual knowledge of  
20               the Member, officer, or employee the individual  
21               who gave the gift personally paid for the gift or  
22               sought a tax deduction or business reimburse-  
23               ment for the gift.

24               “(iii) Whether to the actual knowledge of  
25               the Member, officer, or employee the individual

1           who gave the gift also at the same time gave  
2           the same or similar gifts to other Members, of-  
3           ficers, or employees.

4           “(5) Except as provided in paragraph 3(c), a  
5           contribution or other payment to a legal expense  
6           fund established for the benefit of a Member, officer,  
7           or employee, that is otherwise lawfully made, if the  
8           person making the contribution or payment is identi-  
9           fied for the Committee of Standards of Official Con-  
10          duct and complies with other disclosure require-  
11          ments established by such Committee.

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  
18                  or employment activities (or other outside ac-  
19                  tivities that are not connected to the duties of  
20                  the Member, officer, or employee as an office-  
21                  holder) of the Member, officer, or employee, or  
22                  the spouse of the Member, officer, or employee,  
23                  if such benefits have not been offered or en-  
24                  hanced because of the official position of the

1 Member, officer, or employee and are customar-  
2 ily provided to others in similar circumstances;

3 ““(B) customarily provided by a prospec-  
4 tive employer in connection with bona fide em-  
5 ployment 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, audiotapes, videotapes, or other forms of  
18 communication.

19 ““(10) Awards or prizes which are given to  
20 competitors in contests or events open to the public,  
21 including 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) Training (including food and refresh-  
9 ments furnished to all attendees as an integral part  
10 of the training) provided to a Member, officer, or  
11 employee, if such training is in the interest of the  
12 House of Representatives.

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

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

19 ““(16) Anything which is paid for by the Fed-  
20 eral Government, by a State or local government, or  
21 secured by the Government under a Government  
22 contract.

23 ““(17) A gift of personal hospitality (as defined  
24 in section 109(14) of the Ethics in Government Act)

1 of an individual other than a registered lobbyist or  
2 agent of a foreign principal.

3 ““(18) Free attendance at a widely attended  
4 event permitted pursuant to subparagraph (d).

5 ““(19) Opportunities and benefits which are—

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

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

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

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

1           “(E) in the form of loans from banks and  
2           other financial institutions on terms generally  
3           available to the public; or

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

10          “(20) A plaque, trophy, or other item that is  
11          substantially commemorative in nature and which is  
12          intended solely for presentation.

13          “(21) Anything for which, in an unusual case,  
14          a waiver is granted by the Committee on Standards  
15          of Official Conduct.

16          “(22) Food or refreshments of a nominal value  
17          offered other than as a part of a meal.

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

20          “(d)(1) A Member, officer, or employee may accept  
21          an offer of free attendance at a widely attended conven-  
22          tion, conference, symposium, forum, panel discussion, din-  
23          ner, viewing, reception, or similar event, provided by the  
24          sponsor of the 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 clause (1) may accept a sponsor’s unso-  
12          licited offer of free attendance at the event for an accom-  
13          panying individual if others in attendance will generally  
14          be similarly accompanied or if such attendance is appro-  
15          priate to assist in the representation of the House of Rep-  
16          resentatives.

17          “(3) A Member, officer, or employee, or the spouse  
18          or dependent thereof, may accept a sponsor’s unsolicited  
19          offer of free attendance at a charity event, except that re-  
20          imbursement for transportation and lodging may not be  
21          accepted in connection with an event that does not meet  
22          the standards provided in paragraph 2.

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, nor does it include food  
5 or refreshments taken other than in a group setting with  
6 all or substantially all other attendees.

7       “(e) No Member, officer, or employee may accept  
8 a gift the value of which exceeds \$250 on the basis of  
9 the personal friendship exception in subparagraph (c)(4)  
10 unless the Committee on Standards of Official Conduct  
11 issues a written determination that such exception applies.  
12 No determination under this subparagraph is required for  
13 gifts given on the basis of the family relationship excep-  
14 tion.

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

19       “(g)(1) A reimbursement (including payment in  
20 kind) to a Member, officer, or employee from an individual  
21 other than a registered lobbyist or agent of a foreign prin-  
22 cipal for necessary transportation, lodging and related ex-  
23 penses for travel to a meeting, speaking engagement, fact-  
24 finding trip or similar event in connection with the duties  
25 of the Member, officer, or employee as an officeholder

1 shall be deemed to be a reimbursement to the House of  
2 Representatives and not a gift prohibited by this rule, if  
3 the Member, officer, or employee—

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

8           “(B) discloses the expenses reimbursed or to  
9 be reimbursed and the authorization to the Clerk of  
10 the House of Representatives within 30 days after  
11 the travel is completed.

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

16           “(h) Each advance authorization to accept reim-  
17 bursement shall be signed by the Member or officer under  
18 whose direct supervision the employee works and shall in-  
19 clude—

20           “(1) the name of the employee;

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

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

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

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

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

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

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

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

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

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

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

3       “(j) For the purposes of this paragraph, the term  
4       “necessary transportation, lodging, and related ex-  
5       penses”—

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

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

18              “(3) does not include expenditures for rec-  
19      reational activities, nor does it include entertainment  
20      other than that provided to all attendees as an inte-  
21      gral part of the event, except for activities or enter-  
22      tainment otherwise permissible under this rule; and

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



1 signed by the Member or officer (or in the case of  
2 an employee, the Member or officer under whose di-  
3 rect supervision the employee works) that the at-  
4 tendance of the spouse or child is appropriate to as-  
5 sist in the representation of the House of Represent-  
6 atives.

7 ““(k) The Clerk of the House of Representatives shall  
8 make available to the public all advance authorizations  
9 and disclosures of reimbursement filed pursuant to sub-  
10 paragraph (g) as soon as possible after they are received.

11 ““(l) A gift prohibited by paragraph (a) includes the  
12 following:

13 ““(1) Anything provided by a registered lobby-  
14 ist or an agent of a foreign principal to an entity  
15 that is maintained or controlled by a Member, offi-  
16 cer, or employee.

17 ““(2) A charitable contribution (as defined in  
18 section 170(c) of the Internal Revenue Code of  
19 1986) made by a registered lobbyist or an agent of  
20 a foreign principal on the basis of a designation, rec-  
21 ommendation, or other specification of a Member,  
22 officer, or employee (not including a mass mailing or  
23 other solicitation directed to a broad category of per-  
24 sons or entities), other than a charitable contribu-  
25 tion permitted by paragraph (4).

1           “(3) A contribution or other payment by a reg-  
2           istered lobbyist or an agent of a foreign principal to  
3           a legal expense fund established for the benefit of a  
4           Member, officer, or employee.

5           “(4) A financial contribution or expenditure  
6           made by a registered lobbyist or an agent of a for-  
7           eign principal relating to a conference, retreat, or  
8           similar event, sponsored by or affiliated with an offi-  
9           cial congressional organization, for or on behalf of  
10          Members, officers, or employees.

11          “(m) A charitable contribution (as defined in section  
12          170(c) of the Internal Revenue Code of 1986) made by  
13          a registered lobbyist or an agent of a foreign principal in  
14          lieu of an honorarium to a Member, officer, or employee  
15          shall not be considered a gift under this rule if it is re-  
16          ported as provided in subparagraph (n).

17          “(n) A Member, officer, or employee who designates  
18          or recommends a contribution to a charitable organization  
19          in lieu of honoraria described in subparagraph (m) shall  
20          report within 30 days after such designation or rec-  
21          ommendation to the Clerk of the House of Representa-  
22          tives—

23                 “(1) the name and address of the registered  
24                 lobbyist who is making the contribution in lieu of  
25                 honoraria;

1           “(2) the date and amount of the contribution;  
2           and

3           “(3) the name and address of the charitable  
4           organization designated or recommended by the  
5           Member.

6           The Clerk of the House of Representatives shall make  
7           public information received pursuant to this subparagraph  
8           as soon as possible after it is received.

9           “(o) For purposes of this rule—

10           “(1) the term “registered lobbyist” means a  
11           lobbyist registered under the Federal Regulation of  
12           Lobbying Act or any successor statute; and

13           “(2) the term “agent of a foreign principal”  
14           means an agent of a foreign principal registered  
15           under the Foreign Agents Registration Act.

16           “(p) All the provisions of this rule shall be inter-  
17           preted and enforced solely by the Committee on Standards  
18           of Official Conduct. The Committee on Standards of Offi-  
19           cial Conduct is authorized to issue guidance on any matter  
20           contained in this rule.’”.

21           **“SEC. 502. EFFECTIVE DATE.**

22           “The amendments made by this title shall take effect,  
23           and shall be effective with respect to calendar years begin-  
24           ning on, January 1, 1996.”.

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