

***In the Senate of the United States,***

*November 9, 1995.*

*Resolved*, That the resolution from the House of Representatives (H.J. Res. 115) entitled “Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes” do pass with the following

**AMENDMENTS:**

1 **(1)**Page 2, line 20, after “1948,” insert: *section 313 of*  
2 *the Foreign Relations Authorization Act, Fiscal Years 1994*  
3 *and 1995 (Public Law 103–236),*

4 **(2)**Page 10, line 19, after “resolution.” insert: *Included*  
5 *in the apportionment for the Federal Payment to the Dis-*  
6 *trict of Columbia shall be an additional \$15,000,000 above*  
7 *the amount otherwise made available by this joint resolu-*  
8 *tion, for purposes of certain capital construction loan re-*  
9 *payments pursuant to Public Law 85–451, as amended.*

10 **(3)**Page 15, strike out line 1 and all that follows over  
11 to and including line 7 on page 36, and insert:

## TITLE III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS  
WITH TAXPAYER FUNDS

1           *SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any*  
2 *other provision of law, any organization receiving Federal*  
3 *grants in an amount that, in the aggregate, is greater than*  
4 *\$125,000 in the most recent Federal fiscal year, shall be*  
5 *subject to the limitations on lobbying activity expenditures*  
6 *under section 4911(c)(2)(B) of the Internal Revenue Code*  
7 *of 1986, except that, if exempt purpose expenditures are*  
8 *over \$17,000,000 then the organization shall also be subject*  
9 *to a limitation on lobbying of 1 percent of the excess of*  
10 *the exempt purpose expenditures over \$17,000,000 unless*  
11 *otherwise subject to section 4911(c)(2)(A) based on an elec-*  
12 *tion made under section 501(h) of the Internal Revenue*  
13 *Code of 1986.*

14           *(2) An organization described in section 501(c)(4) of*  
15 *the Internal Revenue Code of 1986 that engaged in lobbying*  
16 *activities during the organization's previous taxable year*  
17 *shall not be eligible to receive Federal funds constituting*  
18 *a taxpayer subsidized grant. This paragraph shall not*  
19 *apply to organizations described in section 501(c)(4) with*  
20 *gross annual revenues of less than \$3,000,000 in such pre-*  
21 *vious taxable year, including Federal funds received as a*  
22 *taxpayer subsidized grant.*

1       **(b) DEFINITIONS.**—*For the purposes of this title:*

2               **(1) AGENCY.**—*The term “agency” has the mean-*  
3       *ing given that term in section 551(1) of title 5, Unit-*  
4       *ed States Code.*

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

15              **(3) COVERED EXECUTIVE BRANCH OFFICIAL.**—  
16       *The term “covered executive branch official” 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 of*  
22       *the President;*

23                      **(D) any officer or employee serving in a po-**  
24       *sition in level I, II, III, IV, or V of the Executive*

1           *Schedule, as designated by statute or Executive*  
 2           *order;*

3           *(E) any member of the uniformed services*  
 4           *whose pay grade is at or above O-7 under sec-*  
 5           *tion 201 of title 37, United States Code; and*

6           *(F) any officer or employee serving in a po-*  
 7           *sition of a confidential, policy-determining, pol-*  
 8           *icy-making, or policy-advocating character de-*  
 9           *scribed in section 7511(b)(2) of title 5, United*  
 10          *States Code.*

11          (4) *COVERED LEGISLATIVE BRANCH OFFICIAL.*—  
 12          *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 of*  
 24                          *Representatives or the leadership staff of the*  
 25                          *Senate;*

1                   (iv) a joint committee of Congress; and

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

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

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

13                  (A) independent contractors; or

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

17                  (6) FOREIGN ENTITY.—The term “foreign entity”  
18                  means a foreign principal (as defined in section 1(b)  
19                  of the Foreign Agents Registration Act of 1938 (22  
20                  U.S.C. 611(b)).

21                  (7) GRANT.—The term “grant” means the provi-  
22                  sion of any Federal funds, appropriated under this or  
23                  any other Act, to carry out a public purpose of the  
24                  United States, except—

1           (A) *the provision of funds for acquisition*  
2           *(by purchase, lease, or barter) of property or*  
3           *services for the direct benefit or use of the United*  
4           *States;*

5           (B) *the payments of loans, debts, or entitle-*  
6           *ments;*

7           (C) *the provision of funds to, or distribution*  
8           *of funds by, a Federal court established under*  
9           *Article I or III of the Constitution of the United*  
10          *States;*

11          (D) *nonmonetary assistance provided by the*  
12          *Department of Veterans Affairs to organizations*  
13          *approved or recognized under section 5902 of*  
14          *title 38, United States Code; and*

15          (E) *the provision of grant and scholarship*  
16          *funds to students for educational purposes.*

17          (8) *LOBBYING ACTIVITIES.*—*The term “lobbying*  
18          *activities” means lobbying contacts and efforts in*  
19          *support of such contacts, including preparation and*  
20          *planning activities, research and other background*  
21          *work that is intended, at the time it is performed, for*  
22          *use in contacts, and coordination with the lobbying*  
23          *activities of others.*

24          (9) *LOBBYING CONTACT.*—

1           (A) *DEFINITION.*—The term “lobbying con-  
2           tact” means any oral or written communication  
3           (including an electronic communication) to a  
4           covered executive branch official or a covered leg-  
5           islative branch official that is made on behalf of  
6           a client with regard to—

7                   (i) the formulation, modification, or  
8                   adoption of Federal legislation (including  
9                   legislative proposals);

10                   (ii) the formulation, modification, or  
11                   adoption of a Federal rule, regulation, Ex-  
12                   ecutive order, or any other program, policy,  
13                   or position of the United States Govern-  
14                   ment;

15                   (iii) the administration or execution of  
16                   a Federal program or policy (including the  
17                   negotiation, award, or administration of a  
18                   Federal contract, grant, loan, permit, or li-  
19                   cense); or

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

23           (B) *EXCEPTIONS.*—The term “lobbying con-  
24           tact” does not include a communication that  
25           is—

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

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

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

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

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

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



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

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

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

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

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

24          (xii) made to an official in an agency  
25          with regard to—

- 1                   (I) a judicial proceeding or a  
2                   criminal or civil law enforcement in-  
3                   quiry, investigation, or proceeding; or  
4                   (II) a filing or proceeding that the  
5                   Government is specifically required by  
6                   statute or regulation to maintain or  
7                   conduct on a confidential basis,  
8                   if that agency is charged with responsibility  
9                   for such proceeding, inquiry, investigation,  
10                  or filing;  
11                  (xiii) made in compliance with written  
12                  agency procedures regarding an adjudica-  
13                  tion conducted by the agency under section  
14                  554 of title 5, United States Code, or sub-  
15                  stantially similar provisions;  
16                  (xiv) a written comment filed in the  
17                  course of a public proceeding or any other  
18                  communication that is made on the record  
19                  in a public proceeding;  
20                  (xv) a petition for agency action made  
21                  in writing and required to be a matter of  
22                  public record pursuant to established agency  
23                  procedures;  
24                  (xvi) made on behalf of an individual  
25                  with regard to that individual's benefits,

1           *employment, or other personal matters in-*  
2           *volving only that individual, except that*  
3           *this clause does not apply to any commu-*  
4           *nication with—*

5                     *(I) a covered executive branch offi-*  
6                     *cial, or*

7                     *(II) a covered legislative branch*  
8                     *official (other than the individual's*  
9                     *elected Members of Congress or employ-*  
10                    *ees who work under such Members' di-*  
11                    *rect supervision),*

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

15                    *(xvii) a disclosure by an individual*  
16                    *that is protected under the amendments*  
17                    *made by the Whistleblower Protection Act of*  
18                    *1989, under the Inspector General Act of*  
19                    *1978, or under another provision of law;*

20                    *(xviii) made by—*

21                    *(I) a church, its integrated auxil-*  
22                    *iary, or a convention or association of*  
23                    *churches that is exempt from filing a*  
24                    *Federal income tax return under para-*

1 *graph 2(A)(i) of section 6033(a) of the*  
2 *Internal Revenue Code of 1986, or*

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

7 *(xix) between—*

8 *(I) officials of a self-regulatory or-*  
9 *ganization (as defined in section*  
10 *3(a)(26) of the Securities Exchange*  
11 *Act) that is registered with or estab-*  
12 *lished by the Securities and Exchange*  
13 *Commission as required by that Act or*  
14 *a similar organization that is des-*  
15 *ignated by or registered with the Com-*  
16 *modities Future Trading Commission*  
17 *as provided under the Commodity Ex-*  
18 *change Act; and*

19 *(II) the Securities and Exchange*  
20 *Commission or the Commodities Fu-*  
21 *ture Trading Commission, respectively;*  
22 *relating to the regulatory responsibilities of*  
23 *such organization under that Act.*

24 *(10) LOBBYING FIRM.—The term “lobbying*  
25 *firm” means a person or entity that has 1 or more*

1 *employees who are lobbyists on behalf of a client other*  
2 *than that person or entity. The term also includes a*  
3 *self-employed individual who is a lobbyist.*

4 (11) *LOBBYIST.*—*The term “lobbyist” means any*  
5 *individual who is employed or retained by a client*  
6 *for financial or other compensation for services that*  
7 *include more than one lobbying contact, other than an*  
8 *individual whose lobbying activities constitute less*  
9 *than 20 percent of the time engaged in the services*  
10 *provided by such individual to that client over a six*  
11 *month period.*

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

18 (13) *MEMBER OF CONGRESS.*—*The term “Mem-*  
19 *ber of Congress” means a Senator or a Representative*  
20 *in, or Delegate or Resident Commissioner to, the Con-*  
21 *gress.*

22 (14) *ORGANIZATION.*—*The term “organization”*  
23 *means a person or entity other than an individual.*

24 (15) *PERSON OR ENTITY.*—*The term “person or*  
25 *entity” means any individual, corporation, company,*

1 *foundation, association, labor organization, firm,*  
2 *partnership, society, joint stock company, group of or-*  
3 *ganizations, or State or local government.*

4 (16) *PUBLIC OFFICIAL.*—*The term “public offi-*  
5 *cial” means any elected official, appointed official, or*  
6 *employee of—*

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

9 (i) *a college or university;*

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

14 (iii) *a public utility that provides gas,*  
15 *electricity, water, or communications;*

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

20 (v) *an agency of any State functioning*  
21 *as a student loan secondary market pursu-*  
22 *ant to section 435(d)(1)(F) of the Higher*  
23 *Education Act of 1965 (20 U.S.C.*  
24 *1085(d)(1)(F));*

1           (B) a Government corporation (as defined  
2           in section 9101 of title 31, United States Code);

3           (C) an organization of State or local elected  
4           or appointed officials other than officials of an  
5           entity described in clause (i), (ii), (iii), (iv), or  
6           (v) of subparagraph (A);

7           (D) an Indian tribe (as defined in section  
8           4(e) of the Indian Self-Determination and Edu-  
9           cation Assistance Act (25 U.S.C. 450b(e));

10          (E) a national or State political party or  
11          any organizational unit thereof; or

12          (F) a national, regional, or local unit of  
13          any foreign government.

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

18                                   DISCLOSURE REQUIREMENTS

19          SEC. 302. (a) IN GENERAL.—Not later than December  
20          31 of each year, each taxpayer subsidized grantee, except  
21          an individual person, shall provide (via either electronic  
22          or paper medium) to each Federal entity that awarded or  
23          administered its taxpayer subsidized grant an annual re-  
24          port for the previous Federal fiscal year, certified by the  
25          taxpayer subsidized grantee’s chief executive officer or  
26          equivalent person of authority, setting forth—

1 (1) *the taxpayer subsidized grantee's name and*  
2 *grantee identification number;*

3 (2) *a statement that the taxpayer subsidized*  
4 *grantee agrees that it is, and shall continue to be,*  
5 *contractually bound by the terms of this title as a*  
6 *condition of the continued receipt and use of Federal*  
7 *funds; and*

8 (3)(A) *a statement that the taxpayer subsidized*  
9 *grantee spent less than \$25,000 on lobbying activities*  
10 *in the grantee's most recent taxable year; or*

11 (B)(i) *the amount or value of the taxpayer sub-*  
12 *sidized grant (including all administrative and over-*  
13 *head costs awarded);*

14 (ii) *a good faith estimate of the grantee's actual*  
15 *expenses on lobbying activities in the most recent tax-*  
16 *able year; and*

17 (iii) *a good faith estimate of the grantee's al-*  
18 *lowed expenses on lobbying activities under section*  
19 *301 of this Act.*

20 *PUBLIC ACCOUNTABILITY*

21 *SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING*  
22 *DISCLOSURE FORMS.—Any Federal entity awarding a tax-*  
23 *payer subsidized grant shall make publicly available any*  
24 *taxpayer subsidized grant application, and the annual re-*  
25 *port of a taxpayer subsidized grantee provided under sec-*  
26 *tion 302 of this Act.*



1       (b) *ACCESSIBILITY TO PUBLIC.*—*The public’s access to*  
2 *the documents identified in subsection (a) shall be facili-*  
3 *tated by placement of such documents in the Federal enti-*  
4 *ty’s public document reading room and also by expediting*  
5 *any requests under section 552 of title 5, United States*  
6 *Code, the Freedom of Information Act as amended, ahead*  
7 *of any requests for other information pending at such Fed-*  
8 *eral entity.*

9       (c) *WITHHOLDING PROHIBITED.*—*Records described*  
10 *in subsection (a) shall not be subject to withholding, except*  
11 *under the exemption set forth in subsection (b)(7)(A) of sec-*  
12 *tion 552 of title 5, United States Code.*

13       (d) *FEES PROHIBITED.*—*No fees for searching for or*  
14 *copying such documents shall be charged to the public.*

15       (e) *EFFECTIVE DATE.*—*The amendments made by this*  
16 *title shall become effective January 4, 1996.*

Attest:

*Secretary.*

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

H. J. RES. 115

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AMENDMENTS

HJ 115 EAS—2

HJ 115 EAS—3

HJ 115 EAS—4

HJ 115 EAS—5