

104TH CONGRESS
2D SESSION

H. R. 3078

To amend title 31, United States Code, to prohibit the use of appropriated funds by Federal agencies for lobbying activities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 1996

Mr. CLINGER (for himself, Mr. TAUZIN, Mr. GILMAN, Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. GOODLING, Mr. LIVINGSTON, Mr. STUMP, Mr. HANSEN, Mr. ROBERTS, Mr. WOLF, Mr. BURTON of Indiana, Mrs. VUCANOVICH, Mr. BARTON of Texas, Mr. MYERS of Indiana, Mr. BUNNING of Kentucky, Mr. HASTERT, Mr. HEFLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. PARKER, Mr. CUNNINGHAM, Mr. EWING, Mr. ZELIFF, Mr. BACHUS, Mr. CALVERT, Mr. HOEKSTRA, Mr. HORN, Mr. HUTCHINSON, Mr. LAZIO of New York, Mr. MICA, Mr. SMITH of Michigan, Mr. TALENT, Mr. BASS, Mr. COOLEY of Oregon, Mr. DAVIS, Mr. EHRLICH, Mr. FOX of Pennsylvania, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. HOSTETTLER, Mr. LATOURETTE, Mr. MCINTOSH, Mr. SCARBOROUGH, Mr. SHADEGG, Mrs. SEASTRAND, Mr. SOUDER, Mr. STOCKMAN, Mr. TIAHRT, Mr. HOBSON, Mr. BLILEY, and Mr. NETHERCUTT) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend title 31, United States Code, to prohibit the use of appropriated funds by Federal agencies for lobbying activities.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Agency Anti-
3 Lobbying Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) Federal agency employees have used appro-
7 priated funds to foster public support and opposition
8 to legislation pending before the Congress;

9 (2) there are conflicting interpretations of the
10 existing anti-lobbying restrictions; and

11 (3) the use of appropriated funds derived from
12 tax revenues paid to the Treasury by all Americans
13 to preferentially support or oppose pending legisla-
14 tion is inappropriate and improper.

15 (b) PURPOSE.—The purpose of this Act is to estab-
16 lish a civil prohibition on the expenditure of appropriated
17 funds by Federal agencies for lobbying purposes and to
18 make clear that such funds may not be used in any man-
19 ner or in any amount, however small, to organize efforts
20 to affect the outcome of congressional action by appealing
21 directly or indirectly for public support.

22 **SEC. 3. PROHIBITION ON USE OF APPROPRIATED FUNDS**
23 **FOR LOBBYING BY FEDERAL AGENCIES.**

24 (a) IN GENERAL.—Subchapter III of chapter 13 of
25 title 31, United States Code, is amended by adding at the
26 end the following new section:

1 **“§ 1354. Prohibition on lobbying by Federal agencies**

2 “(a) PROHIBITION.—Except as provided in sub-
3 section (b), until or unless such activity has been specifi-
4 cally authorized by an Act of Congress and notwithstand-
5 ing any other provision of law, no funds made available
6 to any Federal agency by appropriation shall be used by
7 such agency for any activity (including the preparation,
8 publication, distribution, or use of any kit, pamphlet,
9 booklet, public presentation, news release, radio, tele-
10 vision, or film presentation, video, or other written or oral
11 statement) that is intended to promote public support or
12 opposition to any legislative proposal (including the con-
13 firmation of the nomination of a public official or the rati-
14 fication of a treaty) on which congressional action is not
15 complete.

16 “(b) EXCEPTIONS.—

17 “(1) PRESIDENT AND VICE PRESIDENT.—Sub-
18 section (a) shall not apply to the President or Vice
19 President.

20 “(2) CONGRESSIONAL COMMUNICATIONS.—Sub-
21 section (a) shall not be construed to prevent any of-
22 ficer or employee of a Federal agency from—

23 “(A) communicating directly to a Member
24 of Congress (or to any staff of a Member or
25 committee of Congress) a request for legislation
26 or appropriations that such officer or employee

1 deems necessary for the efficient conduct of the
2 public business; or

3 “(B) responding to a request for informa-
4 tion or technical assistance made by a Member
5 of Congress (or by any staff of a Member or
6 committee of Congress).

7 “(3) PUBLIC COMMUNICATIONS ON VIEWS OF
8 PRESIDENT.—Subsection (a) shall not be construed
9 to prevent any Federal agency official whose ap-
10 pointment is confirmed by the Senate, any official in
11 the Executive Office of the President directly ap-
12 pointed by the President or Vice President, or the
13 head of any Federal agency described in subsection
14 (d)(2), from communicating with the American pub-
15 lic, through radio, television, or other public commu-
16 nication media, on the views of the President for or
17 against any pending legislative proposal. The preced-
18 ing sentence shall not permit any such official to del-
19 egate to another person the authority to make com-
20 munications subject to the exemption provided by
21 such sentence.

22 “(c) COMPTROLLER GENERAL.—

23 “(1) ASSISTANCE OF INSPECTOR GENERAL.—In
24 exercising the authority provided in section 712, as
25 applied to this section, the Comptroller General may

1 obtain, without reimbursement from the Comptroller
2 General, the assistance of the Inspector General
3 within whose Federal agency activity prohibited by
4 subsection (a) of this section is under review.

5 “(2) EVALUATION.—One year after the date of
6 the enactment of this section, the Comptroller Gen-
7 eral shall report to the Committee on Government
8 Reform and Oversight of the House of Representa-
9 tives and the Committee on Governmental Affairs of
10 the Senate on the implementation of this section.

11 “(3) ANNUAL REPORT.—The Comptroller Gen-
12 eral shall, in the annual report under section 719(a),
13 include summaries of investigations undertaken by
14 the Comptroller General with respect to subsection
15 (a).

16 “(d) DEFINITION.—For purposes of this section, the
17 term ‘Federal agency’ means—

18 “(1) any executive agency, within the meaning
19 of section 105 of title 5; and

20 “(2) any private corporation created by a law of
21 the United States for which the Congress appro-
22 priates funds.”.

23 (b) CONFORMING AMENDMENT.—The table of sec-
24 tions for chapter 13 of title 31, United States Code, is

1 amended by inserting after the item relating to section
2 1353 the following new item:

“1354. Prohibition on lobbying by Federal agencies.”.

3 (c) APPLICABILITY.—The amendments made by this
4 section shall apply to the use of funds after the date of
5 the enactment of this Act, including funds appropriated
6 or received on or before such date.

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