

Calendar No. 124

104TH CONGRESS
1ST SESSION

S. 101

A BILL

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

JUNE 9 (legislative day, JUNE 5), 1995
Committee discharged; ordered to be placed on the calendar

Calendar No. 124104TH CONGRESS
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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JUNE 9 (legislative day, JUNE 5), 1995

Committee discharged; ordered to be placed on the calendar

A BILL

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

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

TITLE I—LOBBYING DISCLOSURE

SECTION 101. SHORT TITLE.

This title may be cited as the “Lobbying Disclosure Act of 1995”.

SEC. 102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 103. DEFINITIONS.

As used in this title:

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

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

14 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—
15 The term “covered executive branch official”
16 means—

17 (A) the President;

18 (B) the Vice President;

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

23 (D) any officer or employee serving in a
24 position in level I, II, III, IV, or V of the Exec-

1 utive Schedule, as designated by statute or Ex-
2 ecutive order;

3 (E) any officer or employee serving in a
4 Senior Executive Service position, as defined in
5 section 3132(a)(2) of title 5, United States
6 Code;

7 (F) any member of the uniformed services
8 whose pay grade is at or above O-7 under sec-
9 tion 201 of title 37, United States Code; and

10 (G) any officer or employee serving in a
11 position of a confidential, policy-determining,
12 policy-making, or policy-advocating character
13 described in section 7511(b)(2) of title 5, Unit-
14 ed States Code.

15 (4) COVERED LEGISLATIVE BRANCH OFFI-
16 CIAL.—The term “covered legislative branch official”
17 means—

18 (A) a Member of Congress;

19 (B) an elected officer of either House of
20 Congress;

21 (C) any employee of, or any other individ-
22 ual functioning in the capacity of an employee
23 of—

24 (i) a Member of Congress;

1 (ii) a committee of either House of
2 Congress;

3 (iii) the leadership staff of the House
4 of Representatives or the leadership staff
5 of the Senate;

6 (iv) a joint committee of Congress;
7 and

8 (v) a working group or caucus orga-
9 nized to provide legislative services or
10 other assistance to Members of Congress;
11 and

12 (D) any other legislative branch employee
13 serving in a position described under section
14 109(13) of the Ethics in Government Act of
15 1978 (5 U.S.C. App.).

16 (5) DIRECTOR.—The term “Director” means
17 the Director of the Office of Lobbying Registration
18 and Public Disclosure.

19 (6) EMPLOYEE.—The term “employee” means
20 any individual who is an officer, employee, partner,
21 director, or proprietor of a person or entity, but does
22 not include—

23 (A) independent contractors; or

1 (B) volunteers who receive no financial or
2 other compensation from the person or entity
3 for their services.

4 (7) FOREIGN ENTITY.—The term “foreign en-
5 tity” means a foreign principal (as defined in section
6 1(b) of the Foreign Agents Registration Act of 1938
7 (22 U.S.C. 611(b)).

8 (8) LOBBYING ACTIVITIES.—The term “lobby-
9 ing activities” means lobbying contacts and efforts
10 in support of such contacts, including preparation
11 and planning activities, research and other back-
12 ground work that is intended, at the time it is per-
13 formed, for use in contacts, and coordination with
14 the lobbying activities of others. Lobbying activities
15 also include efforts to stimulate grassroots lobbying,
16 as described in section 4911(d)(1)(A) of the Internal
17 Revenue Code of 1986, to the extent that such com-
18 munications are made in support of a lobbying con-
19 tact by a registered lobbyist. A communication in
20 support of a lobbying contact is a lobbying activity
21 even if the communication is excluded from the defi-
22 nition of “lobbying contact” under paragraph
23 (9)(B).

24 (9) LOBBYING CONTACT.—

1 (A) DEFINITION.—The term “lobbying
2 contact” means any oral or written communica-
3 tion (including an electronic communication) to
4 a covered executive branch official or a covered
5 legislative branch official that is made on behalf
6 of 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), except that this clause does not in-
20 clude communications that are made to
21 any covered executive branch official—

22 (I) who is serving in a Senior Ex-
23 ecutive Service position described in
24 paragraph (3)(E); or

1 (II) who is a member of the uni-
2 formed services whose pay grade is
3 lower than O-9 under section 201 of
4 title 37, United States Code,

5 in the agency responsible for taking such
6 administrative or executive action; or

7 (iv) the nomination or confirmation of
8 a person for a position subject to confirma-
9 tion by the Senate.

10 (B) EXCEPTIONS.—The term “lobbying
11 contact” does not include a communication that
12 is—

13 (i) made by a public official acting in
14 the public official’s official capacity;

15 (ii) made by a representative of a
16 media organization if the purpose of the
17 communication is gathering and dissemi-
18 nating news and information to the public;

19 (iii) made in a speech, article, publica-
20 tion or other material that is widely dis-
21 tributed to the public, or through radio,
22 television, cable television, or other medium
23 of mass communication;

24 (iv) made on behalf of a government
25 of a foreign country or a foreign political

1 party and disclosed under the Foreign
2 Agents Registration Act of 1938 (22
3 U.S.C. 611 et seq.);

4 (v) a request for a meeting, a request
5 for the status of an action, or any other
6 similar administrative request, if the re-
7 quest does not include an attempt to influ-
8 ence a covered executive branch official or
9 a covered legislative branch official;

10 (vi) made in the course of participa-
11 tion in an advisory committee subject to
12 the Federal Advisory Committee Act;

13 (vii) testimony given before a commit-
14 tee, subcommittee, or task force of the
15 Congress, or submitted for inclusion in the
16 public record of a hearing conducted by
17 such committee, subcommittee, or task
18 force;

19 (viii) information provided in writing
20 in response to a written request by a cov-
21 ered executive branch official or a covered
22 legislative branch official for specific infor-
23 mation;

24 (ix) required by subpoena, civil inves-
25 tigative demand, or otherwise compelled by

1 statute, regulation, or other action of the
2 Congress or an agency;

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

10 (xi) not possible to report without dis-
11 closing information, the unauthorized dis-
12 closure of which is prohibited by law;

13 (xii) made to an official in an agency
14 with regard to—

15 (I) a judicial proceeding or a
16 criminal or civil law enforcement in-
17 quiry, investigation, or proceeding; or

18 (II) a filing or proceeding that
19 the Government is specifically re-
20 quired by statute or regulation to
21 maintain or conduct on a confidential
22 basis,

23 if that agency is charged with responsibil-
24 ity for such proceeding, inquiry, investiga-
25 tion, or filing;

1 (xiii) made in compliance with written
2 agency procedures regarding an adjudica-
3 tion conducted by the agency under section
4 554 of title 5, United States Code, or sub-
5 stantially similar provisions;

6 (xiv) a written comment filed in the
7 course of a public proceeding or any other
8 communication that is made on the record
9 in a public proceeding;

10 (xv) a petition for agency action made
11 in writing and required to be a matter of
12 public record pursuant to established agen-
13 cy procedures;

14 (xvi) made on behalf of an individual
15 with regard to that individual's benefits,
16 employment, or other personal matters in-
17 volving only that individual, except that
18 this clause does not apply to any commu-
19 nication with—

20 (I) a covered executive branch of-
21 ficial, or

22 (II) a covered legislative branch
23 official (other than the individual's
24 elected Members of Congress or em-

1 employees who work under such Mem-
2 bers' direct supervision),
3 with respect to the formulation, modifica-
4 tion, or adoption of private legislation for
5 the relief of that individual;

6 (xvii) a disclosure by an individual
7 that is protected under the amendments
8 made by the Whistleblower Protection Act
9 of 1989, under the Inspector General Act
10 of 1978, or under another provision of law;

11 (xviii) made by—

12 (I) a church, its integrated auxil-
13 iary, or a convention or association of
14 churches that is exempt from filing a
15 Federal income tax return under
16 paragraph 2(A)(i) of section 6033(a)
17 of the Internal Revenue Code of 1986,
18 or

19 (II) a religious order that is ex-
20 empt from filing a Federal income tax
21 return under paragraph (2)(A)(iii) of
22 such section 6033(a); and

23 (xix) between—

24 (I) officials of a self-regulatory
25 organization (as defined in section

1 3(a)(26) of the Securities Exchange
2 Act) that is registered with or estab-
3 lished by the Securities and Exchange
4 Commission as required by that Act
5 or a similar organization that is des-
6 ignated by or registered with the
7 Commodities Future Trading Com-
8 mission as provided under the Com-
9 modity Exchange Act; and

10 (II) the Securities and Exchange
11 Commission or the Commodities Fu-
12 ture Trading Commission, respec-
13 tively;

14 relating to the regulatory responsibilities of
15 such organization under that Act.

16 (10) LOBBYING FIRM.—The term “lobbying
17 firm” means a person or entity that has 1 or more
18 employees who are lobbyists on behalf of a client
19 other than that person or entity. The term also in-
20 cludes a self-employed individual who is a lobbyist.

21 (11) LOBBYIST.—The term “lobbyist” means
22 any individual who is employed or retained by a cli-
23 ent for financial or other compensation for services
24 that include 1 or more lobbying contacts, other than
25 an individual whose lobbying activities constitute less

1 than 10 percent of the time engaged in the services
2 provided by such individual to that client.

3 (12) MEDIA ORGANIZATION.—The term “media
4 organization” means a person or entity engaged in
5 disseminating information to the general public
6 through a newspaper, magazine, other publication,
7 radio, television, cable television, or other medium of
8 mass communication.

9 (13) MEMBER OF CONGRESS.—The term
10 “Member of Congress” means a Senator or a Rep-
11 resentative in, or Delegate or Resident Commis-
12 sioner to, the Congress.

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

15 (15) PERSON OR ENTITY.—The term “person
16 or entity” means any individual, corporation, com-
17 pany, foundation, association, labor organization,
18 firm, partnership, society, joint stock company,
19 group of organizations, or State or local government.

20 (16) PUBLIC OFFICIAL.—The term “public offi-
21 cial” means any elected official, appointed official, or
22 employee of—

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

25 (i) a college or university;

1 (ii) a government-sponsored enterprise
2 (as defined in section 3(8) of the Congres-
3 sional Budget and Impoundment Control
4 Act of 1974);

5 (iii) a public utility that provides gas,
6 electricity, water, or communications;

7 (iv) a guaranty agency (as defined in
8 section 435(j) of the Higher Education Act
9 of 1965 (20 U.S.C. 1085(j))), including
10 any affiliate of such an agency; or

11 (v) an agency of any State functioning
12 as a student loan secondary market pursu-
13 ant to section 435(d)(1)(F) of the Higher
14 Education Act of 1965 (20 U.S.C.
15 1085(d)(1)(F));

16 (B) a Government corporation (as defined
17 in section 9101 of title 31, United States
18 Code);

19 (C) an organization of State or local elect-
20 ed or appointed officials other than officials of
21 an entity described in clause (i), (ii), (iii), (iv),
22 or (v) of subparagraph (A);

23 (D) an Indian tribe (as defined in section
24 4(e) of the Indian Self-Determination and Edu-
25 cation Assistance Act (25 U.S.C. 450b(e));

1 (E) a national or State political party or
2 any organizational unit thereof; or

3 (F) a national, regional, or local unit of
4 any foreign government.

5 (17) STATE.—The term “State” means each of
6 the several States, the District of Columbia, and any
7 commonwealth, territory, or possession of the United
8 States.

9 **SEC. 104. REGISTRATION OF LOBBYISTS.**

10 (a) REGISTRATION.—

11 (1) GENERAL RULE.—No later than 30 days
12 after a lobbyist first makes a lobbying contact or is
13 employed or retained to make a lobbying contact,
14 whichever is earlier, such lobbyist (or, as provided
15 under paragraph (2), the organization employing
16 such lobbyist), shall register with the Office of Lob-
17 bying Registration and Public Disclosure.

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

23 (3) EXEMPTION.—

1 (A) GENERAL RULE.—Notwithstanding
2 paragraphs (1) and (2), a person or entity
3 whose—

4 (i) total income for matters related to
5 lobbying activities on behalf of a particular
6 client (in the case of a lobbying firm) does
7 not exceed and is not expected to exceed
8 \$2,500; or

9 (ii) total expenses in connection with
10 lobbying activities (in the case of an orga-
11 nization whose employees engage in lobby-
12 ing activities on its own behalf) do not ex-
13 ceed or are not expected to exceed \$5,000,
14 (as estimated under section 105) in the semi-
15 annual period described in section 105(a) dur-
16 ing which the registration would be made is not
17 required to register under subsection (a) with
18 respect to such client.

19 (B) ADJUSTMENT.—The dollar amounts in
20 subparagraph (A) shall be adjusted—

21 (i) on January 1, 1997, to reflect
22 changes in the Consumer Price Index (as
23 determined by the Secretary of Labor)
24 since the date of enactment of this title;
25 and

1 (ii) on January 1 of each fourth year
2 occurring after January 1, 1997, to reflect
3 changes in the Consumer Price Index (as
4 determined by the Secretary of Labor)
5 during the preceding 4-year period,
6 rounded to the nearest \$500.

7 (b) CONTENTS OF REGISTRATION.—Each registra-
8 tion under this section shall be in such form as the Direc-
9 tor shall prescribe by regulation and shall contain—

10 (1) the name, address, business telephone num-
11 ber, and principal place of business of the registrant,
12 and a general description of its business or activi-
13 ties;

14 (2) the name, address, and principal place of
15 business of the registrant's client, and a general de-
16 scription of its business or activities (if different
17 from paragraph (1));

18 (3) the name, address, and principal place of
19 business of any organization, other than the client,
20 that—

21 (A) contributes more than \$5,000 toward
22 the lobbying activities of the registrant in a
23 semiannual period described in section 105(a);
24 and

1 (B) participates significantly in the plan-
2 ning, supervision, or control of such lobbying
3 activities;

4 (4) the name, address, principal place of busi-
5 ness, amount of any contribution of more than
6 \$5,000 to the lobbying activities of the registrant,
7 and approximate percentage of equitable ownership
8 in the client (if any) of any foreign entity that—

9 (A) holds at least 20 percent equitable
10 ownership in the client or any organization
11 identified under paragraph (3);

12 (B) directly or indirectly, in whole or in
13 major part, plans, supervises, controls, directs,
14 finances, or subsidizes the activities of the cli-
15 ent or any organization identified under para-
16 graph (3); or

17 (C) is an affiliate of the client or any orga-
18 nization identified under paragraph (3) and has
19 a direct interest in the outcome of the lobbying
20 activity;

21 (5) a statement of—

22 (A) the general issue areas in which the
23 registrant expects to engage in lobbying activi-
24 ties on behalf of the client; and

1 (B) to the extent practicable, specific is-
2 sues that have (as of the date of the registra-
3 tion) already been addressed or are likely to be
4 addressed in lobbying activities; and

5 (6) the name of each employee of the registrant
6 who has acted or whom the registrant expects to act
7 as a lobbyist on behalf of the client and, if any such
8 employee has served as a covered executive branch
9 official or a covered legislative branch official in the
10 2 years before the date on which such employee first
11 acted (after the date of enactment of this Act) as a
12 lobbyist on behalf of the client, the position in which
13 such employee served.

14 (c) GUIDELINES FOR REGISTRATION.—

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

19 (2) MULTIPLE CONTACTS.—A registrant who
20 makes more than 1 lobbying contact for the same
21 client shall file a single registration covering all such
22 lobbying contacts.

23 (d) TERMINATION OF REGISTRATION.—A registrant
24 who after registration—

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

3 (2) does not anticipate any additional lobbying
4 activities for such client,

5 may so notify the Director and terminate its registration.

6 **SEC. 105. REPORTS BY REGISTERED LOBBYISTS.**

7 (a) SEMIANNUAL REPORT.—

8 (1) IN GENERAL.—No later than 30 days after
9 the end of the semiannual period beginning on the
10 first day of each January and the first day of July
11 of each year in which a registrant is registered
12 under section 104, each registrant shall file a report
13 with the Office of Lobbying Registration and Public
14 Disclosure on its lobbying activities during such
15 semiannual period. A separate report shall be filed
16 for each client of the registrant.

17 (2) EXEMPTION.—

18 (A) GENERAL RULE.—Any registrant
19 whose—

20 (i) total income for a particular client
21 for matters that are related to lobbying ac-
22 tivities on behalf of that client (in the case
23 of a lobbying firm), does not exceed and is
24 not expected to exceed \$2,500; or

1 (ii) total expenses in connection with
2 lobbying activities (in the case of a reg-
3 istrant whose employees engage in lobbying
4 activities on its own behalf) do not exceed
5 and are not expected to exceed \$5,000,
6 in a semiannual period (as estimated under
7 paragraph (3) or (4) of subsection (b) or para-
8 graph (4) of subsection (c), as applicable) is
9 deemed to be inactive during such period and
10 may comply with the reporting requirements of
11 this section by so notifying the Director in such
12 form as the Director may prescribe.

13 (B) ADJUSTMENT.—The dollar amounts in
14 subparagraph (A) shall be adjusted as provided
15 in section 104(a)(3)(B).

16 (b) CONTENTS OF REPORT.—Each semiannual re-
17 port filed under subsection (a) shall be in such form as
18 the Director shall prescribe by regulation and shall con-
19 tain—

20 (1) the name of the registrant, the name of the
21 client, and any changes or updates to the informa-
22 tion provided in the initial registration;

23 (2) for each general issue area in which the reg-
24 istrant engaged in lobbying activities on behalf of
25 the client during the semiannual filing period—

1 (A) a list of the specific issues upon which
2 a lobbyist employed by the registrant engaged
3 in lobbying activities, including, to the maxi-
4 mum extent practicable, a list of bill numbers
5 and references to specific regulatory actions,
6 programs, projects, contracts, grants, and
7 loans;

8 (B) a statement of the Houses and com-
9 mittees of Congress and the Federal agencies
10 contacted by lobbyists employed by the reg-
11 istrant on behalf of the client;

12 (C) a list of the employees of the registrant
13 who acted as lobbyists on behalf of the client;
14 and

15 (D) a description of the interest, if any, of
16 any foreign entity identified under section
17 104(b)(4) in the specific issues listed under
18 subparagraph (A).

19 (3) in the case of a lobbying firm, a good faith
20 estimate of the total amount of all income from the
21 client (including any payments to the registrant by
22 any other person for lobbying activities on behalf of
23 the client) during the semiannual period, other than
24 income for matters that are unrelated to lobbying
25 activities; and

1 (4) in the case of a registrant engaged in lobby-
2 ing activities on its own behalf, a good faith estimate
3 of the total expenses that the registrant and its em-
4 ployees incurred in connection with lobbying activi-
5 ties during the semiannual filing period.

6 (c) ESTIMATES OF INCOME OR EXPENSES.—For pur-
7 poses of this section, estimates of income or expenses shall
8 be made as follows:

9 (1) \$100,000 OR LESS.—Income or expenses of
10 \$100,000 or less shall be estimated in accordance
11 with the following categories:

12 (A) \$10,000 or less.

13 (B) More than \$10,000 but not more than
14 \$20,000.

15 (C) More than \$20,000 but not more than
16 \$50,000.

17 (D) More than \$50,000 but not more than
18 \$100,000.

19 (2) MORE THAN \$100,000 BUT NOT MORE
20 THAN \$500,000.—Income or expenses in excess of
21 \$100,000 but not more than \$500,000 shall be esti-
22 mated and rounded to the nearest \$50,000.

23 (3) MORE THAN \$500,000.—Income or ex-
24 penses in excess of \$500,000 shall be estimated and
25 rounded to the nearest \$100,000.

1 (4) CONSTRUCTION.—In estimating total in-
2 come or expenses under this section, a registrant is
3 not required to include—

4 (A) the value of contributed services for
5 which no payment is made; or

6 (B) the expenses for services provided by
7 an independent contractor of the registrant who
8 is separately registered under this title.

9 (d) CONTACTS.—

10 (1) CONTACTS WITH COMMITTEES.—For pur-
11 poses of subsection (b)(2), any contact with a mem-
12 ber of a committee of Congress, an employee of a
13 committee of Congress, or an employee of a member
14 of a committee of Congress regarding a matter with-
15 in the jurisdiction of such committee shall be consid-
16 ered to be a contact with the committee.

17 (2) CONTACTS WITH HOUSE OF CONGRESS.—
18 For purposes of subsection (b)(2), any contact with
19 a Member of Congress or an employee of a Member
20 of Congress regarding a matter that is not within
21 the jurisdiction of a committee of Congress of which
22 that Member is a member shall be considered to be
23 a contact with the House of Congress of that Mem-
24 ber.

1 (3) CONTACTS WITH FEDERAL AGENCIES.—For
2 purposes of subsection (b)(2), any contact with a
3 covered executive branch official shall be considered
4 to be a contact with the Federal agency that em-
5 ploys that official, except that a contact with a cov-
6 ered executive branch official who is detailed to an-
7 other Federal agency or to the Congress shall be
8 considered to be a contact with the Federal agency
9 or with the committee of Congress or House of Con-
10 gress to which the official is detailed.

11 (e) EXTENSION FOR FILING.—The Director may
12 grant an extension of time of not more than 30 days for
13 the filing of any report under this section, upon the re-
14 quest of the registrant, for good cause shown.

15 **SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBY-**
16 **ING FIRMS, AND AGENTS OF FOREIGN PRIN-**
17 **CIPALS.**

18 (a) IN GENERAL.—

19 (1) PROHIBITION.—No lobbyist or lobbying
20 firm registered under this title and no agent of a
21 foreign principal registered under the Foreign
22 Agents Registration Act may provide a gift, directly
23 or indirectly, to any covered legislative branch offi-
24 cial.

1 (2) DEFINITION.—For purposes of this sec-
2 tion—

3 (A) the term “gift” means any gratuity,
4 favor, discount, entertainment, hospitality, loan,
5 forbearance, or other item having monetary
6 value and such term includes gifts of services,
7 training, transportation, lodging, and meals,
8 whether provided in kind, by purchase of a tick-
9 et, payment in advance, or reimbursement after
10 the expense has been incurred; and

11 (B) a gift to the spouse or dependent of a
12 covered legislative branch official (or a gift to
13 any other individual based on that individual’s
14 relationship with the covered legislative branch
15 official) shall be considered a gift to the covered
16 legislative branch official if it is given with the
17 knowledge and acquiescence of the covered leg-
18 islative branch official and is given because of
19 the official position of the covered legislative
20 branch official.

21 (b) GIFTS.—The prohibition in subsection (a) in-
22 cludes the following:

23 (1) Anything provided by a lobbyist or a foreign
24 agent which is paid for, charged to, or reimbursed
25 by a client or firm of such lobbyist or foreign agent.

1 (2) Anything provided by a lobbyist, a lobbying
2 firm, or a foreign agent to an entity that is main-
3 tained or controlled by a covered legislative branch
4 official.

5 (3) A charitable contribution (as defined in sec-
6 tion 170(c) of the Internal Revenue Code of 1986)
7 made by a lobbyist, a lobbying firm, or a foreign
8 agent on the basis of a designation, recommenda-
9 tion, or other specification of a covered legislative
10 branch official (not including a mass mailing or
11 other solicitation directed to a broad category of per-
12 sons or entities).

13 (4) A contribution or other payment by a lobby-
14 ist, a lobbying firm, or a foreign agent to a legal ex-
15 pense fund established for the benefit of a covered
16 legislative branch official or a covered executive
17 branch official.

18 (5) A charitable contribution (as defined in sec-
19 tion 170(c) of the Internal Revenue Code of 1986)
20 made by a lobbyist, a lobbying firm, or a foreign
21 agent in lieu of an honorarium to a covered legisla-
22 tive branch official.

23 (6) A financial contribution or expenditure
24 made by a lobbyist, a lobbying firm, or a foreign
25 agent relating to a conference, retreat, or similar

1 event, sponsored by or affiliated with an official con-
2 gressional organization, for or on behalf of covered
3 legislative branch officials.

4 (c) NOT GIFTS.—The following are not gifts subject
5 to the prohibition in subsection (a):

6 (1) Anything for which the recipient pays the
7 market value, or does not use and promptly returns
8 to the donor.

9 (2) A contribution, as defined in the Federal
10 Election Campaign Act of 1971 (2 U.S.C. 431 et
11 seq.) that is lawfully made under that Act, or at-
12 tendance at a fundraising event sponsored by a po-
13 litical organization described in section 527(e) of the
14 Internal Revenue Code of 1986.

15 (3) Food or refreshments of nominal value of-
16 fered other than as part of a meal.

17 (4) Benefits resulting from the business, em-
18 ployment, or other outside activities of the spouse of
19 a covered legislative branch official, if such benefits
20 are customarily provided to others in similar cir-
21 cumstances.

22 (5) Pension and other benefits resulting from
23 continued participation in an employee welfare and
24 benefits plan maintained by a former employer.

1 (6) Informational materials that are sent to the
2 office of a covered legislative branch official in the
3 form of books, articles, periodicals, other written
4 materials, audiotapes, videotapes, or other forms of
5 communication.

6 (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE
7 AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE
8 PERSONAL FRIENDSHIP.—

9 (1) IN GENERAL.—A gift given by an individual
10 under circumstances which make it clear that the
11 gift is given for a nonbusiness purpose and is moti-
12 vated by a family relationship or close personal
13 friendship and not by the position of the covered leg-
14 islative branch official shall not be subject to the
15 prohibition in subsection (a).

16 (2) NONBUSINESS PURPOSE.—A gift shall not
17 be considered to be given for a nonbusiness purpose
18 if the individual giving the gift seeks—

19 (A) to deduct the value of such gift as a
20 business expense on the individual's Federal in-
21 come tax return, or

22 (B) direct or indirect reimbursement or
23 any other compensation for the value of the gift
24 from a client or employer of such lobbyist or
25 foreign agent.

1 (3) FAMILY RELATIONSHIP OR CLOSE PER-
2 SONAL FRIENDSHIP.—In determining if the giving of
3 a gift is motivated by a family relationship or close
4 personal friendship, at least the following factors
5 shall be considered:

6 (A) The history of the relationship between
7 the individual giving the gift and the recipient
8 of the gift, including whether or not gifts have
9 previously been exchanged by such individuals.

10 (B) Whether the gift was purchased by the
11 individual who gave the item.

12 (C) Whether the individual who gave the
13 gift also at the same time gave the same or
14 similar gifts to other covered legislative branch
15 officials.

16 **SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUB-**
17 **LIC DISCLOSURE.**

18 (a) ESTABLISHMENT AND DIRECTOR.—

19 (1) ESTABLISHMENT.—There is established an
20 executive agency to be known as the Office of Lob-
21 bying Registration and Public Disclosure.

22 (2) DIRECTOR.—(A) The Office shall be headed
23 by a Director, who shall be appointed by the Presi-
24 dent, by and with the advice and consent of the Sen-
25 ate.

1 (B) The Director shall be an individual who, by
2 demonstrated ability, background, training, and ex-
3 perience, is qualified to carry out the functions of
4 the position. The term of service of the Director
5 shall be 5 years. The Director may be removed for
6 cause.

7 (C) Section 5316 of title 5, United States Code,
8 is amended by adding at the end the following: “Di-
9 rector of the Office of Lobbying Registration and
10 Public Disclosure”.

11 (b) ADMINISTRATIVE POWERS.—The Director may—

12 (1) appoint officers and employees, including
13 attorneys, in accordance with chapter 51 and sub-
14 chapter III of chapter 53 of title 5, United States
15 Code, define their duties and responsibilities, and di-
16 rect and supervise their activities;

17 (2) contract for financial and administrative
18 services (including those related to budget and ac-
19 counting, financial reporting, personnel, and pro-
20 curement) with the General Services Administration,
21 or such Federal agency as the Director determines
22 appropriate, for which payment shall be made in ad-
23 vance or by reimbursement from funds of the Office
24 in such amounts as may be agreed upon by the Di-
25 rector and the head of the agency providing such

1 services, but the contract authority under this para-
2 graph shall be effective for any fiscal year only to
3 the extent that appropriations are available for that
4 purpose;

5 (3) request the head of any Federal department
6 or agency (who is hereby so authorized) to detail to
7 temporary duties with the Office such personnel
8 within the agency head's administrative jurisdiction
9 as the Office may need for carrying out its functions
10 under this title, with or without reimbursement;

11 (4) request agency heads to provide information
12 needed by the Office, which information shall be
13 supplied to the extent permitted by law;

14 (5) utilize, with their consent, the services and
15 facilities of Federal agencies with or without reim-
16 bursement;

17 (6) accept, use, and dispose of gifts or dona-
18 tions of services or property, real, personal, or
19 mixed, tangible or intangible, for purposes of aiding
20 or facilitating the work of the Office; and

21 (7) use the United States mails in the same
22 manner and under the same conditions as other de-
23 partments and agencies of the United States.

24 (c) COOPERATION WITH OTHER GOVERNMENTAL
25 AGENCIES.—In order to avoid unnecessary expense and

1 duplication of function among Government agencies, the
2 Office may make such arrangements or agreements for co-
3 operation or mutual assistance in the performance of its
4 functions under this title as is practicable and consistent
5 with law. The head of the General Services Administration
6 and each department, agency, or establishment of the
7 United States shall cooperate with the Office and, to the
8 extent permitted by law, provide such information, serv-
9 ices, personnel, and facilities as the Office may request
10 for its assistance in the performance of its functions under
11 this title.

12 (d) DUTIES.—The Director shall—

13 (1) after notice and a reasonable opportunity
14 for public comment, and consultation with the Sec-
15 retary of the Senate, the Clerk of the House of Rep-
16 resentatives, and the Administrative Conference of
17 the United States, prescribe such regulations, pen-
18 alty guidelines, and forms as are necessary to carry
19 out this title;

20 (2) provide guidance and assistance on the reg-
21 istration and reporting requirements of this title, in-
22 cluding—

23 (A) providing information to all registrants
24 at the time of registration about the obligations
25 of registered lobbyists under this title, and

1 (B) issuing published decisions and advisory
2 opinions;

3 (3) review the registrations and reports filed
4 under this title and make such verifications or inquiries
5 as are necessary to ensure the completeness,
6 accuracy, and timeliness of the registrations and reports;
7

8 (4) develop filing, coding, and cross-indexing
9 systems to carry out the purposes of this title, including—
10

11 (A) a publicly available list of all registered
12 lobbyists and their clients; and

13 (B) computerized systems designed to minimize
14 the burden of filing and maximize public
15 access to materials filed under this title;

16 (5) ensure that the computer systems developed
17 pursuant to paragraph (4)—

18 (A) allow the materials filed under this
19 title to be accessed by the client name, lobbyist
20 name, and registrant name;

21 (B) are compatible with computer systems
22 developed and maintained by the Federal Election
23 Commission, and that information filed in
24 the two systems can be readily cross-referenced;
25 and

1 (C) are compatible with computer systems
2 developed and maintained by the Secretary of
3 the Senate and the Clerk of the House of Rep-
4 resentatives;

5 (6) make copies of each registration and report
6 filed under this title available to the public, upon the
7 payment of reasonable fees, not to exceed the cost
8 of such copies, as determined by the Director, in
9 written and electronic formats, as soon as prac-
10 ticable after the date on which such registration or
11 report is received;

12 (7) preserve the originals or accurate reproduc-
13 tion of—

14 (A) registrations filed under this title for a
15 period that ends not less than 3 years after the
16 termination of the registration under section
17 104(d); and

18 (B) reports filed under this title for a pe-
19 riod that ends not less than 3 years after the
20 date on which the report is received;

21 (8) maintain a computer record of—

22 (A) the information contained in registra-
23 tions for a period that ends not less than 5
24 years after the termination of the registration
25 under section 104(d); and

1 (B) the information contained in reports
2 filed under this title for a period that ends not
3 less than 5 years after the date on which the
4 reports are received;

5 (9) compile and summarize, with respect to
6 each semiannual period, the information contained
7 in registrations and reports filed with respect to
8 such period in a manner which clearly presents the
9 extent and nature of expenditures on lobbying activi-
10 ties during such period;

11 (10) make information compiled and summa-
12 rized under paragraph (9) available to the public in
13 electronic and hard copy formats as soon as prac-
14 ticable after the close of each semiannual filing pe-
15 riod;

16 (11) provide, by computer telecommunication or
17 other transmittal in a form accessible by computer,
18 to the Secretary of the Senate and the Clerk of the
19 House of Representatives copies of all registrations
20 and reports received under sections 104 and 105
21 and all compilations, cross-indexes, and summaries
22 of such registrations and reports, as soon as prac-
23 ticable (but not later than 3 working days) after
24 such material is received or created;

1 (12) make available to the public a list of all
2 persons whom the Director determines, under sec-
3 tion 109 (after exhaustion of all appeals under sec-
4 tion 111) to have committed a major or minor viola-
5 tion of this title and submit such list to the Con-
6 gress as part of the report provided for under para-
7 graph (13);

8 (13) make available to the public upon request
9 and transmit to the President, the Secretary of the
10 Senate, the Clerk of the House of Representatives,
11 the Committee on Governmental Affairs of the Sen-
12 ate, and the Committee on the Judiciary of the
13 House of Representatives a report, not later than
14 March 31 of each year, describing the activities of
15 the Office and the implementation of this title, in-
16 cluding—

17 (A) a financial statement for the preceding
18 fiscal year;

19 (B) a summary of the registrations and re-
20 ports filed with the Office with respect to the
21 preceding calendar year;

22 (C) a summary of the registrations and re-
23 ports filed on behalf of foreign entities with re-
24 spect to the preceding calendar year; and

1 (D) recommendations for such legislative
2 or other action as the Director considers appro-
3 priate; and

4 (14) study the appropriateness of the definition
5 of “public official” under section 103(17) and make
6 recommendations for any change in such definition
7 in the first report filed pursuant to paragraph (13).

8 **SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.**

9 (a) ALLEGATION OF A VIOLATION.—Whenever the
10 Office of Lobbying Registration and Public Disclosure has
11 reason to believe that a person or entity may be in viola-
12 tion of the requirements of this title, the Director shall
13 notify the person or entity in writing of the nature of the
14 alleged violation and provide an opportunity for the person
15 or entity to respond in writing to the allegation within 30
16 days after the notification is sent or such longer period
17 as the Director may determine appropriate in the cir-
18 cumstances.

19 (b) INITIAL DETERMINATION.—

20 (1) IN GENERAL.—If the person or entity re-
21 sponds within the period described in the notification
22 under subsection (a), the Director shall—

23 (A) issue a written determination that the
24 person or entity has not violated this title if the

1 person or entity provides adequate information
2 or explanation to make such determination; or

3 (B) make a formal request for information
4 under subsection (c) or a notification under sec-
5 tion 109(a), if the information or explanation
6 provided is not adequate to make a determina-
7 tion under subparagraph (A).

8 (2) WRITTEN DECISION.—If the Director makes
9 a determination under paragraph (1)(A), the Direc-
10 tor shall issue a public written decision in accord-
11 ance with section 110.

12 (c) FORMAL REQUEST FOR INFORMATION.—If a per-
13 son or entity fails to respond in writing within the period
14 described in the notification under subsection (a) or the
15 response is not adequate to determine whether such per-
16 son or entity has violated this title, the Director may make
17 a formal request for specific additional written informa-
18 tion (subject to applicable privileges) that is reasonably
19 necessary for the Director to make such determination.
20 Each such request shall be structured to minimize any
21 burden imposed, consistent with the need to determine
22 whether the person or entity is in compliance with this
23 title, and shall—

1 (1) state the nature of the conduct constituting
2 the alleged violation which is the basis for the in-
3 quiry and the provision of law applicable thereto;

4 (2) describe the class or classes of material to
5 be produced pursuant to the request with such defi-
6 niteness and certainty as to permit such material to
7 be readily identified; and

8 (3) prescribe a return date or dates which pro-
9 vide a reasonable period of time within which the
10 person or entity may assemble and make available
11 for inspection and copying or reproduction the mate-
12 rial so requested.

13 **SEC. 109. DETERMINATIONS OF VIOLATIONS.**

14 (a) NOTIFICATION AND HEARING.—If the informa-
15 tion provided to the Director under section 108 indicates
16 that a person or entity may have violated this title, the
17 Director shall—

18 (1) notify the person or entity in writing of this
19 finding and, if appropriate, a proposed penalty as-
20 sessment and provide such person or entity with an
21 opportunity to respond in writing within 30 days
22 after the notice is sent; and

23 (2) if requested in writing by that person or en-
24 tity within that 30-day period, afford the person or
25 entity an opportunity for a hearing on the record

1 under the provisions of section 554 of title 5, United
2 States Code.

3 (b) DETERMINATION.—Upon the receipt of a written
4 response under subsection (a)(1) when no hearing under
5 subsection (a)(2) is requested, upon the completion of a
6 hearing requested under subsection (a)(2), or upon the ex-
7 piration of 30 days in a case in which no such written
8 response is received, the Director shall review the informa-
9 tion received under section 108 and this section (including
10 evidence presented at any such hearing) and make a final
11 determination whether there was a violation and a final
12 determination of the penalty, if any. If no written response
13 was received under this section within the 30-day period
14 provided, the determination and penalty assessment shall
15 constitute a final order not subject to appeal.

16 (c) WRITTEN DECISION.—

17 (1) DETERMINATION OF VIOLATION.—If the
18 Director makes a final determination under sub-
19 section (b) that there was a violation, the Director
20 shall issue a written decision in accordance with sec-
21 tion 110—

22 (A) directing the person or entity to cor-
23 rect the violation; and

24 (B) assessing a civil monetary penalty—

1 (i) in the case of a minor violation,
2 which shall be no more than \$10,000, de-
3 pending on the extent and gravity of the
4 violation;

5 (ii) in the case of a major violation,
6 which shall be more than \$10,000, but no
7 more than \$100,000, depending on the ex-
8 tent and gravity of the violation;

9 (iii) in the case of a late registration
10 or filing, which shall be \$200 for each
11 week by which the registration or filing
12 was late, unless the Director determines
13 that the failure to timely register or file
14 constitutes a major violation (as defined
15 under subsection (e)(2)) in which case the
16 amount shall be as prescribed by clause
17 (ii); or

18 (iv) in the case of a failure to provide
19 information requested by the Director pur-
20 suant to section 108(c), which shall be no
21 more than \$10,000, depending on the ex-
22 tent and gravity of the violation, except
23 that no penalty shall be assessed if the Di-
24 rector determines that the violation was
25 the result of a good faith dispute over the

1 validity or appropriate scope of a request
2 for information.

3 (2) DETERMINATION OF NO VIOLATION OR IN-
4 SUFFICIENT EVIDENCE.—If the Director determines
5 that no violation occurred or there was not sufficient
6 evidence that a violation occurred, the Director shall
7 issue a written decision in accordance with section
8 110.

9 (d) CIVIL INJUNCTIVE RELIEF.—If a person or en-
10 tity fails to comply with a directive to correct a violation
11 under subsection (c), the Director shall refer the case to
12 the Attorney General to seek civil injunctive relief in the
13 appropriate court of the United States to compel such per-
14 son or entity to comply with such directive.

15 (e) PENALTY ASSESSMENTS.—

16 (1) GENERAL RULE.—No penalty shall be as-
17 sessed under this section unless the Director finds
18 that the person or entity subject to the penalty knew
19 or should have known that such person or entity was
20 in violation of this title. In determining the amount
21 of a penalty to be assessed, the Director shall take
22 into account the totality of the circumstances, in-
23 cluding the extent and gravity of the violation,
24 whether the violation was voluntarily admitted and
25 corrected, the extent to which the person or entity

1 may have profited from the violation, the ability of
2 the person or entity to pay, and such other matters
3 as justice may require.

4 (2) REGULATIONS.—Regulations prescribed by
5 the Director under section 107 shall define major
6 and minor violations. Major violations shall be de-
7 fined to include a failure to register and any other
8 violation that is extensive or repeated, if the person
9 or entity who failed to register or committed such
10 other violation—

11 (A) had actual knowledge that the conduct
12 constituted a violation;

13 (B) acted in deliberate ignorance of the
14 provisions of this title or regulations related to
15 the conduct constituting a violation; or

16 (C) acted in reckless disregard of the pro-
17 visions of this title or regulations related to the
18 conduct constituting a violation.

19 (f) LIMITATION.—No proceeding shall be initiated
20 under section 108 or this section unless the Director noti-
21 fies the person or entity who is to be the subject of the
22 proceeding of the alleged violation within 3 years after the
23 date on which the alleged violation occurred.

1 **SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.**
2

3 (a) DISCLOSURE OF INFORMATION.—Information
4 provided to the Director pursuant to sections 108 and 109
5 shall not be made available to the public without the con-
6 sent of the person or entity providing the information, ex-
7 cept to the extent that such information may be included
8 in—

9 (1) a new or amended report or registration
10 filed under this title; or

11 (2) a written decision issued by the Director
12 under this section.

13 (b) WRITTEN DECISIONS.—All written decisions is-
14 sued by the Director under sections 108 and 109 shall
15 be made available to the public. The Director may provide
16 for the publication of a written decision if the Director
17 determines that publication would provide useful guidance.
18 Before making a written decision public, the Director—

19 (1) shall delete information that would identify
20 a person or entity who was alleged to have violated
21 this title if—

22 (A) there was insufficient evidence to de-
23 termine that the person or entity violated this
24 title or the Director found that person or entity
25 did not violate this title, and

26 (B) the person or entity so requests; and

1 (2) shall delete information that would identify
2 any other person or entity (other than a person or
3 entity who was found to have violated this title), if
4 the Director determines that such person or entity
5 could reasonably be expected to be injured by the
6 disclosure of such information.

7 **SEC. 111. JUDICIAL REVIEW.**

8 (a) FINAL DECISION.—A written decision issued by
9 the Director under section 109 shall become final 60 days
10 after the date on which the Director provides notice of
11 the decision, unless such decision is appealed under sub-
12 section (b) of this section.

13 (b) APPEAL.—Any person or entity adversely affected
14 by a written decision issued by the Director under section
15 109 may appeal such decision, except as provided under
16 section 109(b), to the appropriate United States court of
17 appeals. Such review may be obtained by filing a written
18 notice of appeal in such court no later than 60 days after
19 the date on which the Director provides notice of the Di-
20 rector's decision and by simultaneously sending a copy of
21 such notice of appeal to the Director. The Director shall
22 file in such court the record upon which the decision was
23 issued, as provided under section 2112 of title 28, United
24 States Code. The findings of fact of the Director shall be
25 conclusive, unless found to be unsupported by substantial

1 evidence, as provided under section 706(2)(E) of title 5,
2 United States Code. Any penalty assessed or other action
3 taken in the decision shall be stayed during the pendency
4 of the appeal.

5 (c) RECOVERY OF PENALTY.—Any penalty assessed
6 in a written decision which has become final under this
7 title may be recovered in a civil action brought by the At-
8 torney General in an appropriate United States district
9 court. In any such action, no matter that was raised or
10 that could have been raised before the Director or pursu-
11 ant to judicial review under subsection (b) may be raised
12 as a defense, and the determination of liability and the
13 determination of amounts of penalties and assessments
14 shall not be subject to review.

15 **SEC. 112. RULES OF CONSTRUCTION.**

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

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

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

21 (3) the right of association,

22 protected by the first amendment to the Constitution.

23 (b) PROHIBITION OF ACTIVITIES.—Nothing in this
24 title shall be construed to prohibit, or to authorize the Di-
25 rector or any court to prohibit, lobbying activities or lobby-

1 ing contacts by any person or entity, regardless of whether
2 such person or entity is in compliance with the require-
3 ments of this title.

4 (c) AUDIT AND INVESTIGATIONS.—Nothing in this
5 title shall be construed to grant general audit or investiga-
6 tive authority to the Director.

7 **SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REG-**
8 **ISTRATION ACT.**

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

11 (1) in section 1—

12 (A) by striking subsection (j);

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

22 (C) in subsection (p) by striking the semi-
23 colon and inserting a period; and

24 (D) by striking subsection (q);

1 (2) in section 3(g) (22 U.S.C. 613(g)), by strik-
2 ing “established agency proceedings, whether formal
3 or informal.” and inserting “judicial proceedings,
4 criminal or civil law enforcement inquiries, investiga-
5 tions, or proceedings, or agency proceedings required
6 by statute or regulation to be conducted on the
7 record.”;

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

10 “(h) Any agent of a person described in section
11 1(b)(2) or an entity described in section 1(b)(3) if the
12 agent is required to register and does register under the
13 Lobbying Disclosure Act of 1994 in connection with the
14 agent’s representation of such person or entity.”;

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

16 (A) by striking “political propaganda” and
17 inserting “informational materials”; and

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

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

23 (A) in the matter preceding clause (i), by
24 striking “political propaganda” and inserting
25 “informational materials”; and

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

12 (6) in section 4(c) (22 U.S.C. 614(c)), by strik-
13 ing “political propaganda” and inserting “informa-
14 tional materials”;

15 (7) in section 6 (22 U.S.C. 616)—

16 (A) in subsection (a) by striking “and all
17 statements concerning the distribution of politi-
18 cal propaganda”;

19 (B) in subsection (b) by striking “, and
20 one copy of every item of political propaganda”;
21 and

22 (C) in subsection (c) by striking “copies of
23 political propaganda,”;

24 (8) in section 8 (22 U.S.C. 618)—

1 (A) in subsection (a)(2) by striking “or in
2 any statement under section 4(a) hereof con-
3 cerning the distribution of political propa-
4 ganda”; and

5 (B) by striking subsection (d); and

6 (9) in section 11 (22 U.S.C. 621) by striking
7 “, including the nature, sources, and content of po-
8 litical propaganda disseminated or distributed”.

9 **SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.**

10 (a) REVISED CERTIFICATION REQUIREMENTS.—Sec-
11 tion 1352(b) of title 31, United States Code, is amended—

12 (1) in paragraph (2) by striking subparagraphs
13 (A), (B), and (C) and inserting the following:

14 “(A) the name of any registrant under the
15 Lobbying Disclosure Act of 1994 who has made
16 lobbying contacts on behalf of the person with
17 respect to that Federal contract, grant, loan, or
18 cooperative agreement; and

19 “(B) a certification that the person making
20 the declaration has not made, and will not
21 make, any payment prohibited by subsection
22 (a).”;

23 (2) in paragraph (3) by striking all that follows
24 “loan shall contain” and inserting “the name of any
25 registrant under the Lobbying Disclosure Act of

1 1994 who has made lobbying contacts on behalf of
2 the person in connection with that loan insurance or
3 guarantee.”; and

4 (3) by striking paragraph (6) and redesignating
5 paragraph (7) as paragraph (6).

6 (b) REMOVAL OF OBSOLETE REPORTING REQUIRE-
7 MENT.—Section 1352 of title 31, United States Code, is
8 further amended—

9 (1) by striking subsection (d); and

10 (2) by redesignating subsections (e), (f), (g),
11 and (h) as subsections (d), (e), (f), and (g), respec-
12 tively.

13 **SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

14 (a) REPEAL OF THE FEDERAL REGULATION OF LOB-
15 BYING ACT.—The Federal Regulation of Lobbying Act (2
16 U.S.C. 261 et seq.) is repealed.

17 (b) REPEAL OF PROVISIONS RELATING TO HOUSING
18 LOBBYIST ACTIVITIES.—

19 (1) Section 13 of the Department of Housing
20 and Urban Development Act (42 U.S.C. 3537b) is
21 repealed.

22 (2) Section 536(d) of the Housing Act of 1949
23 (42 U.S.C. 1490p(d)) is repealed.

1 **SEC. 116. CONFORMING AMENDMENTS TO OTHER STAT-**
2 **UTES.**

3 (a) AMENDMENT TO COMPETITIVENESS POLICY
4 COUNCIL ACT.—Section 5206(e) of the Competitiveness
5 Policy Council Act (15 U.S.C. 4804(e)) is amended by in-
6 serting “or a lobbyist for a foreign entity (as the terms
7 ‘lobbyist’ and ‘foreign entity’ are defined under section
8 103 of the Lobbying Disclosure Act of 1994)” after “an
9 agent for a foreign principal”.

10 (b) AMENDMENTS TO TITLE 18, UNITED STATES
11 CODE.—Section 219(a) of title 18, United States Code,
12 is amended—

13 (1) by inserting “or a lobbyist required to reg-
14 ister under the Lobbying Disclosure Act of 1994 in
15 connection with the representation of a foreign en-
16 tity, as defined in section 103(7) of that Act” after
17 “an agent of a foreign principal required to register
18 under the Foreign Agents Registration Act of
19 1938”; and

20 (2) by striking out “, as amended,”.

21 (c) AMENDMENT TO FOREIGN SERVICE ACT OF
22 1980.—Section 602(c) of the Foreign Service Act of 1980
23 (22 U.S.C. 4002(c)) is amended by inserting “or a lobby-
24 ist for a foreign entity (as defined in section 103(7) of
25 the Lobbying Disclosure Act of 1994)” after “an agent

1 of a foreign principal (as defined by section 1(b) of the
2 Foreign Agents Registration Act of 1938)’’.

3 **SEC. 117. SEVERABILITY.**

4 If any provision of this title, or the application there-
5 of, is held invalid, the validity of the remainder of this
6 title and the application of such provision to other persons
7 and circumstances shall not be affected thereby.

8 **SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated for fiscal
10 years 1995, 1996, 1997, 1998, and 1999 such sums as
11 may be necessary to carry out this title.

12 **SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED OF-**
13 **FICIALS.**

14 (a) ORAL LOBBYING CONTACTS.—Any person or en-
15 tity that makes an oral lobbying contact with a covered
16 legislative branch official or a covered executive branch of-
17 ficial shall, on the request of the official at the time of
18 the lobbying contact—

19 (1) state whether the person or entity is reg-
20 istered under this title and identify the client on
21 whose behalf the lobbying contact is made; and

22 (2) state whether such client is a foreign entity
23 and identify any foreign entity required to be dis-
24 closed under section 104(b)(4) that has a direct in-
25 terest in the outcome of the lobbying activity.

1 (b) WRITTEN LOBBYING CONTACTS.—Any person or
2 entity registered under this title that makes a written lob-
3 bying contact (including an electronic communication)
4 with a covered legislative branch official or a covered execu-
5 tive branch official shall—

6 (1) if the client on whose behalf the lobbying
7 contact was made is a foreign entity, identify such
8 client, state that the client is considered a foreign
9 entity under this title, and state whether the person
10 making the lobbying contact is registered on behalf
11 of that client under section 104; and

12 (2) identify any other foreign entity identified
13 pursuant to section 104(b)(4) that has a direct in-
14 terest in the outcome of the lobbying activity.

15 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
16 request by a person or entity making a lobbying contact,
17 the individual who is contacted or the office employing
18 that individual shall indicate whether or not the individual
19 is a covered legislative branch official or a covered execu-
20 tive branch official.

21 **SEC. 120. TRANSITIONAL FILING REQUIREMENT.**

22 (a) SIMULTANEOUS FILING.—Subject to subsection
23 (b), each registrant shall transmit simultaneously to the
24 Secretary of the Senate and the Clerk of the House of

1 Representatives an identical copy of each registration and
2 report required to be filed under this title.

3 (b) SUNSET PROVISION.—The simultaneous filing re-
4 quirement under subsection (a) shall be effective until
5 such time as the Director, in consultation with the Sec-
6 retary of the Senate and the Clerk of the House of Rep-
7 resentatives, determines that the Office of Lobbying Reg-
8 istration and Public Disclosure is able to provide computer
9 telecommunication or other transmittal of registrations
10 and reports as required under section 107(b)(11).

11 (c) IMPLEMENTATION.—The Director, the Secretary
12 of the Senate, and the Clerk of the House of Representa-
13 tives shall take such actions as necessary to ensure that
14 the Office of Lobbying Registration and Public Disclosure
15 is able to provide computer telecommunication or other
16 transmittal of registrations and reports as required under
17 section 107(b)(11) on the effective date of this title, or
18 as soon thereafter as reasonably practicable.

19 **SEC. 121. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

20 (a) ENTITIES COVERED BY SECTION 6033(b) OF THE
21 INTERNAL REVENUE CODE OF 1986.—A registrant that
22 is required to report and does report lobbying expenditures
23 pursuant to section 6033(b)(8) of the Internal Revenue
24 Code of 1986 may—

1 (1) make a good faith estimate (by category of
2 dollar value) of applicable amounts that would be re-
3 quired to be disclosed under such section for the ap-
4 propriate semiannual period to meet the require-
5 ments of sections 104(a)(3), 105(a)(2), and
6 105(b)(4); and

7 (2) in lieu of using the definition of “lobbying
8 activities” in section 103(8) of this title, consider as
9 lobbying activities only those activities that are influ-
10 encing legislation as defined in section 4911(d) of
11 the Internal Revenue Code of 1986.

12 (b) ENTITIES COVERED BY SECTION 162(e) OF THE
13 INTERNAL REVENUE CODE OF 1986.—A registrant that
14 is required to account for lobbying expenditures and does
15 account for lobbying expenditures pursuant to section
16 162(e) of the Internal Revenue Code of 1986 may—

17 (1) make a good faith estimate (by category of
18 dollar value) of applicable amounts that would not
19 be deductible pursuant to such section for the appro-
20 priate semiannual period to meet the requirements
21 of sections 104(a)(3), 105(a)(2), and 105(b)(4); and

22 (2) in lieu of using the definition of “lobbying
23 activities” in section 103(8) of this title, consider as
24 lobbying activities only those activities, the costs of

1 which are not deductible pursuant to section 162(e)
2 of the Internal Revenue Code of 1986.

3 (c) DISCLOSURE OF ESTIMATE.—Any registrant that
4 elects to make estimates required by this title under the
5 procedures authorized by subsection (a) or (b) for report-
6 ing or threshold purposes shall—

7 (1) inform the Director that the registrant has
8 elected to make its estimates under such procedures;
9 and

10 (2) make all such estimates, in a given calendar
11 year, under such procedures.

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

16 (1) the differences between the definition of
17 “lobbying activities” in section 103(8) and the defi-
18 nitions of “lobbying expenditures”, “influencing leg-
19 islation”, and related terms in sections 162(e) and
20 4911 of the Internal Revenue Code of 1986, as each
21 are implemented by regulations;

22 (2) the impact that any such differences may
23 have on filing and reporting under this title pursu-
24 ant to this subsection; and

1 (3) any changes to this title or to the appro-
2 prate sections of the Internal Revenue Code of 1986
3 that the Comptroller General may recommend to
4 harmonize the definitions.

5 **SEC. 122. EFFECTIVE DATES AND INTERIM RULES.**

6 (a) **IN GENERAL.**—Except as otherwise provided in
7 this section, this title and the amendments made by this
8 title shall take effect January 1, 1996.

9 (b) **EFFECTIVE DATE OF GIFT PROHIBITION.**—Sec-
10 tion 106 shall take effect on January 3, 1995. Beginning
11 on that date, and for the remainder of calendar year 1995,
12 such section shall apply to any gift provided by a lobbyist
13 or an agent of a foreign principal registered under the
14 Federal Regulation of Lobbying Act or the Foreign Agents
15 Registration Act, including any person registered under
16 such Acts as of July 1, 1994, or thereafter.

17 (c) **ESTABLISHMENT OF OFFICE.**—Sections 107 and
18 118 shall take effect on the date of enactment of this Act.

19 (d) **REPEALS AND AMENDMENTS.**—The repeals and
20 amendments made under sections 113, 114, 115, and 116
21 shall take effect as provided under subsection (a), except
22 that such repeals and amendments—

23 (1) shall not affect any proceeding or suit com-
24 menced before the effective date under subsection

25 (a), and in all such proceedings or suits, proceedings

1 shall be had, appeals taken, and judgments rendered
2 in the same manner and with the same effect as if
3 this title had not been enacted; and

4 (2) shall not affect the requirements of Federal
5 agencies to compile, publish, and retain information
6 filed or received before the effective date of such re-
7 peals and amendments.

8 (e) REGULATIONS.—Proposed regulations required to
9 implement this title shall be published for public comment
10 no later than 270 days after the date of the enactment
11 of this Act. No later than 1 year after the date of the
12 enactment of this Act, final regulations required to imple-
13 ment this title shall be published.

14 (f) PHASE-IN PERIOD.—No penalty shall be assessed
15 by the Director under section 109(e) for a violation of this
16 title, other than for a violation of section 106, which oc-
17 curs during the first semiannual reporting period under
18 section 105 after the effective date prescribed by sub-
19 section (a).

20 (g) INTERIM DIRECTOR.—Within 30 days after the
21 date of the enactment of this Act, the President shall des-
22 ignate an interim Director of the Office of Lobbying Reg-
23 istration and Public Disclosure, who shall serve at the
24 pleasure of the President until a Director of such Office
25 has been nominated by the President and confirmed by

1 the Senate. The interim Director may not promulgate
2 final regulations pursuant to section 107(d) or initiate
3 procedures for alleged violations pursuant to section 108.

4 **TITLE II—CONGRESSIONAL GIFT** 5 **RULES**

6 **SEC. 201. AMENDMENTS TO SENATE RULES.**

7 Rule XXXV of the Standing Rules of the Senate is
8 amended to read as follows:

9 “1. No Member, officer, or employee of the Senate
10 shall accept a gift, knowing that such gift is provided by
11 a registered lobbyist, a lobbying firm, or an agent of a
12 foreign principal in violation of the Lobbying Disclosure
13 Act of 1994.

14 “2. (a) In addition to the restriction on receiving gifts
15 from registered lobbyists, lobbying firms, and agents of
16 foreign principals provided by paragraph 1 and except as
17 provided in this Rule, no Member, officer, or employee of
18 the Senate shall knowingly accept a gift from any other
19 person.

20 “(b)(1) For the purpose of this Rule, the term ‘gift’
21 means any gratuity, favor, discount, entertainment, hospi-
22 tality, loan, forbearance, or other item having monetary
23 value. The term includes gifts of services, training, trans-
24 portation, lodging, and meals, whether provided in kind,

1 by purchase of a ticket, payment in advance, or reimburse-
2 ment after the expense has been incurred.

3 “(2) A gift to the spouse or dependent of a Member,
4 officer, or employee (or a gift to any other individual based
5 on that individual’s relationship with the Member, officer,
6 or employee) shall be considered a gift to the Member,
7 officer, or employee if it is given with the knowledge and
8 acquiescence of the Member, officer, or employee and the
9 Member, officer, or employee has reason to believe the gift
10 was given because of the official position of the Member,
11 officer, or employee.

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

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

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

23 “(3) Anything provided by an individual on the
24 basis of a personal or family relationship unless the
25 Member, officer, or employee has reason to believe

1 that, under the circumstances, the gift was provided
2 because of the official position of the Member, offi-
3 cer, or employee and not because of the personal or
4 family relationship. The Select Committee on Ethics
5 shall provide guidance on the applicability of this
6 clause and examples of circumstances under which a
7 gift may be accepted under this exception.

8 “(4) A contribution or other payment to a legal
9 expense fund established for the benefit of a Mem-
10 ber, officer, or employee, that is otherwise lawfully
11 made, if the person making the contribution or pay-
12 ment is identified for the Select Committee on
13 Ethics.

14 “(5) Any food or refreshments which the recipi-
15 ent reasonably believes to have a value of less than
16 \$20.

17 “(6) Any gift from another Member, officer, or
18 employee of the Senate or the House of Representa-
19 tives.

20 “(7) Food, refreshments, lodging, and other
21 benefits—

22 “(A) resulting from the outside business or
23 employment activities (or other outside activi-
24 ties that are not connected to the duties of the
25 Member, officer, or employee as an officeholder)

1 of the Member, officer, or employee, or the
2 spouse of the Member, officer, or employee, if
3 such benefits have not been offered or enhanced
4 because of the official position of the Member,
5 officer, or employee and are customarily pro-
6 vided to others in similar circumstances;

7 “(B) customarily provided by a prospective
8 employer in connection with bona fide employ-
9 ment discussions; or

10 “(C) provided by a political organization
11 described in section 527(e) of the Internal Rev-
12 enue Code of 1986 in connection with a fund-
13 raising or campaign event sponsored by such an
14 organization.

15 “(8) Pension and other benefits resulting from
16 continued participation in an employee welfare and
17 benefits plan maintained by a former employer.

18 “(9) Informational materials that are sent to
19 the office of the Member, officer, or employee in the
20 form of books, articles, periodicals, other written
21 materials, audiotapes, videotapes, or other forms of
22 communication.

23 “(10) Awards or prizes which are given to com-
24 petitors in contests or events open to the public, in-
25 cluding random drawings.

1 “(11) Honorary degrees (and associated travel,
2 food, refreshments, and entertainment) and other
3 bona fide, nonmonetary awards presented in recogni-
4 tion of public service (and associated food, refresh-
5 ments, and entertainment provided in the presen-
6 tation of such degrees and awards).

7 “(12) Donations of products from the State
8 that the Member represents that are intended pri-
9 marily for promotional purposes, such as display or
10 free distribution, and are of minimal value to any in-
11 dividual recipient.

12 “(13) Food, refreshments, and entertainment
13 provided to a Member or an employee of a Member
14 in the Member’s home State, subject to reasonable
15 limitations, to be established by the Committee on
16 Rules and Administration.

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

19 “(15) Training (including food and refresh-
20 ments furnished to all attendees as an integral part
21 of the training) provided to a Member, officer, or
22 employee, if such training is in the interest of the
23 Senate.

24 “(16) Bequests, inheritances, and other trans-
25 fers at death.

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

5 “(18) Anything which is paid for by the Federal
6 Government, by a State or local government, or se-
7 cured by the Government under a Government con-
8 tract.

9 “(19) A gift of personal hospitality of an indi-
10 vidual, as defined in section 109(14) of the Ethics
11 in Government Act.

12 “(20) Free attendance at a widely attended
13 event permitted pursuant to subparagraph (d).

14 “(21) Opportunities and benefits which are—

15 “(A) available to the public or to a class
16 consisting of all Federal employees, whether or
17 not restricted on the basis of geographic consid-
18 eration;

19 “(B) offered to members of a group or
20 class in which membership is unrelated to con-
21 gressional employment;

22 “(C) offered to members of an organiza-
23 tion, such as an employees’ association or con-
24 gressional credit union, in which membership is
25 related to congressional employment and similar

1 opportunities are available to large segments of
2 the public through organizations of similar size;

3 “(D) offered to any group or class that is
4 not defined in a manner that specifically dis-
5 criminate among Government employees on the
6 basis of branch of Government or type of re-
7 sponsibility, or on a basis that favors those of
8 higher rank or rate of pay;

9 “(E) in the form of loans from banks and
10 other financial institutions on terms generally
11 available to the public; or

12 “(F) in the form of reduced membership or
13 other fees for participation in organization ac-
14 tivities offered to all Government employees by
15 professional organizations if the only restric-
16 tions on membership relate to professional
17 qualifications.

18 “(22) A plaque, trophy, or other memento of
19 modest value.

20 “(23) Anything for which, in an unusual case,
21 a waiver is granted by the Select Committee on
22 Ethics.

23 “(d)(1) Except as prohibited by paragraph 1, a Mem-
24 ber, officer, or employee may accept an offer of free at-
25 tendance at a widely attended convention, conference,

1 symposium, forum, panel discussion, dinner, viewing, re-
2 ception, or similar event, provided by the sponsor of the
3 event, if—

4 “(A) the Member, officer, or employee partici-
5 pates in the event as a speaker or a panel partici-
6 pant, by presenting information related to Congress
7 or matters before Congress, or by performing a cere-
8 monial function appropriate to the Member’s, offi-
9 cer’s, or employee’s official position; or

10 “(B) attendance at the event is appropriate to
11 the performance of the official duties or representa-
12 tive function of the Member, officer, or employee.

13 “(2) A Member, officer, or employee who attends an
14 event described in clause (1) may accept a sponsor’s unso-
15 licited offer of free attendance at the event for an accom-
16 panying individual if others in attendance will generally
17 be similarly accompanied or if such attendance is appro-
18 priate to assist in the representation of the Senate.

19 “(3) Except as prohibited by paragraph 1, a Member,
20 officer, or employee, or the spouse or dependent thereof,
21 may accept a sponsor’s unsolicited offer of free attendance
22 at a charity event, except that reimbursement for trans-
23 portation and lodging may not be accepted in connection
24 with the event.

1 “(4) For purposes of this paragraph, the term ‘free
2 attendance’ may include waiver of all or part of a con-
3 ference or other fee, the provision of local transportation,
4 or the provision of food, refreshments, entertainment, and
5 instructional materials furnished to all attendees as an in-
6 tegral part of the event. The term does not include enter-
7 tainment collateral to the event, or food or refreshments
8 taken other than in a group setting with all or substan-
9 tially all other attendees.

10 “(e) No Member, officer, or employee may accept a
11 gift the value of which exceeds \$250 on the basis of the
12 personal relationship exception in subparagraph (c)(3) or
13 the close personal friendship exception in section 106(d)
14 of the Lobbying Disclosure Act of 1994 unless the Select
15 Committee on Ethics issues a written determination that
16 one of such exceptions applies.

17 “(f)(1) The Committee on Rules and Administration
18 is authorized to adjust the dollar amount referred to in
19 subparagraph (c)(5) on a periodic basis, to the extent nec-
20 essary to adjust for inflation.

21 “(2) The Select Committee on Ethics shall provide
22 guidance setting forth reasonable steps that may be taken
23 by Members, officers, and employees, with a minimum of
24 paperwork and time, to prevent the acceptance of prohib-
25 ited gifts from lobbyists.

1 “(3) When it is not practicable to return a tangible
2 item because it is perishable, the item may, at the discre-
3 tion of the recipient, be given to an appropriate charity
4 or destroyed.

5 “3. (a)(1) Except as prohibited by paragraph 1, a re-
6 imbursement (including payment in kind) to a Member,
7 officer, or employee for necessary transportation, lodging
8 and related expenses for travel to a meeting, speaking en-
9 gagement, factfinding trip or similar event in connection
10 with the duties of the Member, officer, or employee as an
11 officeholder shall be deemed to be a reimbursement to the
12 Senate and not a gift prohibited by this Rule, if the Mem-
13 ber, officer, or employee—

14 “(A) in the case of an employee, receives ad-
15 vance authorization, from the Member or officer
16 under whose direct supervision the employee works,
17 to accept reimbursement, and

18 “(B) discloses the expenses reimbursed or to be
19 reimbursed and the authorization to the Secretary of
20 the Senate within 30 days after the travel is com-
21 pleted.

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

1 “(b) Each advance authorization to accept reimburse-
2 ment shall be signed by the Member or officer under whose
3 direct supervision the employee works and shall include—

4 “(1) the name of the employee;

5 “(2) the name of the person who will make the
6 reimbursement;

7 “(3) the time, place, and purpose of the travel;
8 and

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

13 “(c) Each disclosure made under subparagraph
14 (a)(1) of expenses reimbursed or to be reimbursed shall
15 be signed by the Member or officer (in the case of travel
16 by that Member or officer) or by the Member or officer
17 under whose direct supervision the employee works (in the
18 case of travel by an employee) and shall include—

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

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

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

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

3 “(5) a determination that all such expenses are
4 necessary transportation, lodging, and related ex-
5 penses as defined in this paragraph; and

6 “(6) in the case of a reimbursement to a Mem-
7 ber or officer, a determination that the travel was in
8 connection with the duties of the Member or officer
9 as an officeholder and would not create the appear-
10 ance that the Member or officer is using public of-
11 fice for private gain.

12 “(d) For the purposes of this paragraph, the term
13 ‘necessary transportation, lodging, and related ex-
14 penses’—

15 “(1) includes reasonable expenses that are nec-
16 essary for travel for a period not exceeding 3 days
17 exclusive of travel time within the United States or
18 7 days exclusive of travel time outside of the United
19 States unless approved in advance by the Select
20 Committee on Ethics;

21 “(2) is limited to reasonable expenditures for
22 transportation, lodging, conference fees and mate-
23 rials, and food and refreshments, including reim-
24 bursement for necessary transportation, whether or

1 not such transportation occurs within the periods de-
2 scribed in clause (1);

3 “(3) does not include expenditures for rec-
4 reational activities, or entertainment other than that
5 provided to all attendees as an integral part of the
6 event; and

7 “(4) may include travel expenses incurred on
8 behalf of either the spouse or a child of the Member,
9 officer, or employee, subject to a determination
10 signed by the Member or officer (or in the case of
11 an employee, the Member or officer under whose di-
12 rect supervision the employee works) that the at-
13 tendance of the spouse or child is appropriate to as-
14 sist in the representation of the Senate.

15 “(e) The Secretary of the Senate shall make available
16 to the public all advance authorizations and disclosures
17 of reimbursement filed pursuant to subparagraph (a) as
18 soon as possible after they are received.”.

19 **SEC. 202. AMENDMENTS TO HOUSE RULES.**

20 Clause 4 of rule XLIII of the Rules of the House
21 of Representatives is amended to read as follows:

22 “4. (a) No Member, officer, or employee of the House
23 of Representatives shall accept a gift, knowing that such
24 gift is provided directly or indirectly by a registered lobby-

1 ist, a lobbying firm, or an agent of a foreign principal in
2 violation of the Lobbying Disclosure Act of 1994.

3 “(b) In addition to the restriction on receiving gifts
4 from registered lobbyists, lobbying firms, and agents of
5 foreign principals provided by paragraph (a) and except
6 as provided in this Rule, no Member, officer, or employee
7 of the House of Representatives shall knowingly accept a
8 gift from any other person.

9 “(c)(1) For the purpose of this clause, the term ‘gift’
10 means any gratuity, favor, discount, entertainment, hospi-
11 tality, loan, forbearance, or other item having monetary
12 value. The term includes gifts of services, training, trans-
13 portation, lodging, and meals, whether provided in kind,
14 by purchase of a ticket, payment in advance, or reimburse-
15 ment after the expense has been incurred.

16 “(2) A gift to the spouse or dependent of a Member,
17 officer, or employee (or a gift to any other individual based
18 on that individual’s relationship with the Member, officer,
19 or employee) shall be considered a gift to the Member,
20 officer, or employee if it is given with the knowledge and
21 acquiescence of the Member, officer, or employee and the
22 Member, officer, or employee has reason to believe the gift
23 was given because of the official position of the Member,
24 officer, or employee.

1 “(d) The restrictions in paragraph (b) shall not apply
2 to the following:

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

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

12 “(3) Anything provided by an individual on the
13 basis of a personal or family relationship unless the
14 Member, officer, or employee has reason to believe
15 that, under the circumstances, the gift was provided
16 because of the official position of the Member, offi-
17 cer, or employee and not because of the personal or
18 family relationship. The Committee on Standards of
19 Official Conduct shall provide guidance on the appli-
20 cability of this clause and examples of circumstances
21 under which a gift may be accepted under this ex-
22 ception.

23 “(4) A contribution or other payment to a legal
24 expense fund established for the benefit of a Mem-
25 ber, officer, or employee, that is otherwise lawfully

1 made, if the person making the contribution or pay-
2 ment is identified for the Committee on Standards
3 of Official Conduct.

4 “(5) Any food or refreshments which the recipi-
5 ent reasonably believes to have a value of less than
6 \$20.

7 “(6) Any gift from another Member, officer, or
8 employee of the Senate or the House of Representa-
9 tives.

10 “(7) Food, refreshments, lodging, and other
11 benefits—

12 “(A) resulting from the outside business or
13 employment activities (or other outside activi-
14 ties that are not connected to the duties of the
15 Member, officer, or employee as an officeholder)
16 of the Member, officer, or employee, or the
17 spouse of the Member, officer, or employee, if
18 such benefits have not been offered or enhanced
19 because of the official position of the Member,
20 officer, or employee and are customarily pro-
21 vided to others in similar circumstances;

22 “(B) customarily provided by a prospective
23 employer in connection with bona fide employ-
24 ment discussions; or

1 “(C) provided by a political organization
2 described in section 527(e) of the Internal Rev-
3 enue Code of 1986 in connection with a fund-
4 raising or campaign event sponsored by such an
5 organization.

6 “(8) Pension and other benefits resulting from
7 continued participation in an employee welfare and
8 benefits plan maintained by a former employer.

9 “(9) Informational materials that are sent to
10 the office of the Member, officer, or employee in the
11 form of books, articles, periodicals, other written
12 materials, audiotapes, videotapes, or other forms of
13 communication.

14 “(10) Awards or prizes which are given to com-
15 petitors in contests or events open to the public, in-
16 cluding random drawings.

17 “(11) Honorary degrees (and associated travel,
18 food, refreshments, and entertainment) and other
19 bona fide, nonmonetary awards presented in recogni-
20 tion of public service (and associated food, refresh-
21 ments, and entertainment provided in the presen-
22 tation of such degrees and awards).

23 “(12) Donations of products from the State
24 that the Member represents that are intended pri-
25 marily for promotional purposes, such as display or

1 free distribution, and are of minimal value to any in-
2 dividual recipient.

3 “(13) Food, refreshments, and entertainment
4 provided to a Member or an employee of a Member
5 in the Member’s home State, subject to reasonable
6 limitations, to be established by the Committee on
7 Standards of Official Conduct.

8 “(14) An item of little intrinsic value such as
9 a greeting card, baseball cap, or a T shirt.

10 “(15) Training (including food and refresh-
11 ments furnished to all attendees as an integral part
12 of the training) provided to a Member, officer, or
13 employee, if such training is in the interest of the
14 House of Representatives.

15 “(16) Bequests, inheritances, and other trans-
16 fers at death.

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

21 “(18) Anything which is paid for by the Federal
22 Government, by a State or local government, or se-
23 cured by the Government under a Government con-
24 tract.

1 “(19) A gift of personal hospitality of an indi-
2 vidual, as defined in section 109(14) of the Ethics
3 in Government Act.

4 “(20) Free attendance at a widely attended
5 event permitted pursuant to paragraph (e).

6 “(21) Opportunities and benefits which are—

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

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

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

20 “(D) offered to any group or class that is
21 not defined in a manner that specifically dis-
22 criminates among Government employees on the
23 basis of branch of Government or type of re-
24 sponsibility, or on a basis that favors those of
25 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 or
5 other fees for participation in organization ac-
6 tivities offered to all Government employees by
7 professional organizations if the only restric-
8 tions on membership relate to professional
9 qualifications.

10 “(22) A plaque, trophy, or other memento of
11 modest value.

12 “(23) Anything for which, in exceptional cir-
13 cumstances, a waiver is granted by the Committee
14 on Standards of Official Conduct.

15 “(e)(1) Except as prohibited by paragraph (a), a
16 Member, officer, or employee may accept an offer of free
17 attendance at a widely attended convention, conference,
18 symposium, forum, panel discussion, dinner, viewing, re-
19 ception, or similar event, provided by the sponsor of the
20 event, if—

21 “(A) the Member, officer, or employee partici-
22 pates in the event as a speaker or a panel partici-
23 pant, by presenting information related to Congress
24 or matters before Congress, or by performing a cere-

1 monial function appropriate to the Member's, offi-
2 cer's, or employee's official position; or

3 "(B) attendance at the event is appropriate to
4 the performance of the official duties or representa-
5 tive function of the Member, officer, or employee.

6 "(2) A Member, officer, or employee who attends an
7 event described in subparagraph (1) may accept a spon-
8 sor's unsolicited offer of free attendance at the event for
9 an accompanying individual if others in attendance will
10 generally be similarly accompanied or if such attendance
11 is appropriate to assist in the representation of the House
12 of Representatives.

13 "(3) Except as prohibited by paragraph (a), a Mem-
14 ber, officer, or employee, or the spouse or dependent there-
15 of, may accept a sponsor's unsolicited offer of free attend-
16 ance at a charity event, except that reimbursement for
17 transportation and lodging may not be accepted in connec-
18 tion with the event.

19 "(4) For purposes of this paragraph, the term 'free
20 attendance' may include waiver of all or part of a con-
21 ference or other fee, the provision of local transportation,
22 or the provision of food, refreshments, entertainment, and
23 instructional materials furnished to all attendees as an in-
24 tegral part of the event. The term does not include enter-
25 tainment collateral to the event, or food or refreshments

1 taken other than in a group setting with all or substan-
2 tially all other attendees.

3 “(f) No Member, officer, or employee may accept a
4 gift the value of which exceeds \$250 on the basis of the
5 personal relationship exception in paragraph (d)(3) or the
6 close personal friendship exception in section 106(d) of the
7 Lobbying Disclosure Act of 1994 unless the Committee
8 on Standards of Official Conduct issues a written deter-
9 mination that one of such exceptions applies.

10 “(g)(1) The Committee on Standards of Official Con-
11 duct is authorized to adjust the dollar amount referred
12 to in paragraph (c)(5) on a periodic basis, to the extent
13 necessary to adjust for inflation.

14 “(2) The Committee on Standards of Official Con-
15 duct shall provide guidance setting forth reasonable steps
16 that may be taken by Members, officers, and employees,
17 with a minimum of paperwork and time, to prevent the
18 acceptance of prohibited gifts from lobbyists.

19 “(3) When it is not practicable to return a tangible
20 item because it is perishable, the item may, at the discre-
21 tion of the recipient, be given to an appropriate charity
22 or destroyed.

23 “(h)(1)(A) Except as prohibited by paragraph (a), a
24 reimbursement (including payment in kind) to a Member,
25 officer, or employee for necessary transportation, lodging

1 and related expenses for travel to a meeting, speaking en-
2 gagement, factfinding trip or similar event in connection
3 with the duties of the Member, officer, or employee as an
4 officeholder shall be deemed to be a reimbursement to the
5 House of Representatives and not a gift prohibited by this
6 paragraph, if the Member, officer, or employee—

7 “(i) in the case of an employee, receives ad-
8 vance authorization, from the Member or officer
9 under whose direct supervision the employee works,
10 to accept reimbursement, and

11 “(ii) discloses the expenses reimbursed or to be
12 reimbursed and the authorization to the Clerk of the
13 House of Representatives within 30 days after the
14 travel is completed.

15 “(B) For purposes of clause (A), events, the activities
16 of which are substantially recreational in nature, shall not
17 be considered to be in connection with the duties of a
18 Member, officer, or employee as an officeholder.

19 “(2) Each advance authorization to accept reimburse-
20 ment shall be signed by the Member or officer under whose
21 direct supervision the employee works and shall include—

22 “(A) the name of the employee;

23 “(B) the name of the person who will make the
24 reimbursement;

1 “(C) the time, place, and purpose of the travel;
2 and

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

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

13 “(A) a good faith estimate of total transpor-
14 tation expenses reimbursed or to be reimbursed;

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

17 “(C) a good faith estimate of total meal ex-
18 penses reimbursed or to be reimbursed;

19 “(D) a good faith estimate of the total of other
20 expenses reimbursed or to be reimbursed;

21 “(E) a determination that all such expenses are
22 necessary transportation, lodging, and related ex-
23 penses as defined in this paragraph; and

24 “(F) in the case of a reimbursement to a Mem-
25 ber or officer, a determination that the travel was in

1 connection with the duties of the Member or officer
2 as an officeholder and would not create the appear-
3 ance that the Member or officer is using public of-
4 fice for private gain.

5 “(4) For the purposes of this paragraph, the term
6 ‘necessary transportation, lodging, and related ex-
7 penses’—

8 “(A) includes reasonable expenses that are nec-
9 essary for travel—

10 “(i) for a period not exceeding 4 days in-
11 cluding travel time within the United States or
12 7 days in addition to travel time outside the
13 United States; and

14 “(ii) within 24 hours before or after par-
15 ticipation in an event in the United States or
16 within 48 hours before or after participation in
17 an event outside the United States,

18 unless approved in advance by the Committee on
19 Standards of Official Conduct;

20 “(B) is limited to reasonable expenditures for
21 transportation, lodging, conference fees and mate-
22 rials, and food and refreshments, including reim-
23 bursement for necessary transportation, whether or
24 not such transportation occurs within the periods de-
25 scribed in clause (A);

1 “(C) does not include expenditures for rec-
2 reational activities or entertainment other than that
3 provided to all attendees as an integral part of the
4 event; and

5 “(D) may include travel expenses incurred on
6 behalf of either the spouse or a child of the Member,
7 officer, or employee, subject to a determination
8 signed by the Member or officer (or in the case of
9 an employee, the Member or officer under whose di-
10 rect supervision the officer or employee works) that
11 the attendance of the spouse or child is appropriate
12 to assist in the representation of the House of Rep-
13 resentatives.

14 “(5) The Clerk of the House of Representatives shall
15 make available to the public all advance authorizations
16 and disclosures of reimbursement filed pursuant to sub-
17 paragraph (1) as soon as possible after they are received.”.

18 **SEC. 203. MISCELLANEOUS PROVISIONS.**

19 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT
20 ACT.—Section 102(a)(2)(B) of the Ethics in Government
21 Act (5 U.S.C. 102, App. 6) is amended by adding at the
22 end thereof the following: “Reimbursements accepted by
23 a Federal agency pursuant to section 1353 of title 31,
24 United States Code, or deemed accepted by the Senate or
25 the House of Representatives pursuant to Rule XXXV of

1 the Standing Rules of the Senate or clause 4 of Rule
2 XLIII of the Rules of the House of Representatives shall
3 be reported as required by such statute or rule and need
4 not be reported under this section.”.

5 (b) REPEAL OF OBSOLETE PROVISION.—Section 901
6 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is re-
7 pealed.

8 (c) SENATE PROVISIONS.—

9 (1) AUTHORITY OF THE COMMITTEE ON RULES
10 AND ADMINISTRATION.—The Senate Committee on
11 Rules and Administration, on behalf of the Senate,
12 may accept gifts provided they do not involve any
13 duty, burden, or condition, or are not made depend-
14 ent upon some future performance by the United
15 States. The Committee on Rules and Administration
16 is authorized to promulgate regulations to carry out
17 this section.

18 (2) FOOD, REFRESHMENTS, AND ENTERTAIN-
19 MENT.—The rules on acceptance of food, refresh-
20 ments, and entertainment provided to a Member of
21 the Senate or an employee of such a Member in the
22 Member’s home State before the adoption of reason-
23 able limitations by the Committee on Rules and Ad-
24 ministration shall be the rules in effect on the day
25 before the effective date of this title.

1 (d) HOUSE PROVISION.—The rules on acceptance of
2 food, refreshments, and entertainment provided to a Mem-
3 ber of the House of Representatives or an employee of
4 such a Member in the Member’s home State before the
5 adoption of reasonable limitations by the Committee on
6 Standards of Official Conduct shall be the rules in effect
7 on the day before the effective date of this title.

8 **SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING**
9 **POWERS.**

10 Sections 201, 202, 203(c), and 203(d) of this title
11 are enacted by Congress—

12 (1) as an exercise of the rulemaking power of
13 the Senate and the House of Representatives, re-
14 spectively, and pursuant to section 7353(b)(1) of
15 title 5, United States Code, and accordingly, they
16 shall be considered as part of the rules of each
17 House, respectively, or of the House to which they
18 specifically apply, and such rules shall supersede
19 other rules only to the extent that they are inconsis-
20 tent therewith; and

21 (2) with full recognition of the constitutional
22 right of either House to change such rules (insofar
23 as they relate to that House) at any time and in the
24 same manner and to the same extent as in the case
25 of any other rule of that House.

1 **SEC. 205. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take effect on May 31, 1995.

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