

104TH CONGRESS
1ST SESSION

H. R. 2261

To provide for the regulation of lobbyists and gift reform.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 1995

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

A BILL

To provide for the regulation of lobbyists and gift reform.

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

3 **TITLE I—LOBBYING**
4 **DISCLOSURE**

5 **SEC. 101. SHORT TITLE.**

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

8 **SEC. 102. FINDINGS.**

9 The Congress finds that—

1 (1) responsible representative Government re-
2 quires public awareness of the efforts of paid lobby-
3 ists to influence the public decisionmaking process in
4 both the legislative and executive branches of the
5 Federal Government;

6 (2) existing lobbying disclosure statutes have
7 been ineffective because of unclear statutory lan-
8 guage, weak administrative and enforcement provi-
9 sions, and an absence of clear guidance as to who
10 is required to register and what they are required to
11 disclose; and

12 (3) the effective public disclosure of the identity
13 and extent of the efforts of paid lobbyists to influ-
14 ence Federal officials in the conduct of Government
15 actions will increase public confidence in the integ-
16 rity of Government.

17 **SEC. 103. DEFINITIONS.**

18 As used in this title:

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

22 (2) CLIENT.—The term “client” means any
23 person or entity that employs or retains another per-
24 son for financial or other compensation to conduct
25 lobbying activities on behalf of that person or entity.

1 A person or entity whose employees act as lobbyists
2 on its own behalf is both a client and an employer
3 of such employees. In the case of a coalition or asso-
4 ciation that employs or retains other persons to con-
5 duct lobbying activities, the client is the coalition or
6 association and not its individual members.

7 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—
8 The term “covered executive branch official”
9 means—

10 (A) the President;

11 (B) the Vice President;

12 (C) any officer or employee, or any other
13 individual functioning in the capacity of such
14 an officer or employee, in the Executive Office
15 of the President;

16 (D) any officer or employee serving in a
17 position in level I, II, III, IV, or V of the Exec-
18 utive Schedule, as designated by statute or Ex-
19 ecutive order;

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

23 (F) any officer or employee serving in a
24 position of a confidential, policy-determining,
25 policy-making, or policy-advocating character

1 described in section 7511(b)(2) of title 5, Unit-
2 ed States Code.

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

6 (A) a Member of Congress;

7 (B) an elected officer of either House of
8 Congress;

9 (C) any employee of, or any other individ-
10 ual functioning in the capacity of an employee
11 of—

12 (i) a Member of Congress;

13 (ii) a committee of either House of
14 Congress;

15 (iii) the leadership staff of the House
16 of Representatives or the leadership staff
17 of the Senate;

18 (iv) a joint committee of Congress;

19 and

20 (v) a working group or caucus orga-
21 nized to provide legislative services or
22 other assistance to Members of Congress;
23 and

24 (D) any other legislative branch employee
25 serving in a position described under section

1 109(13) of the Ethics in Government Act of
2 1978 (5 U.S.C. App. 109(13)).

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

7 (A) independent contractors; or

8 (B) volunteers who receive no financial or
9 other compensation from the person or entity
10 for their services.

11 (6) FOREIGN ENTITY.—The term “foreign en-
12 tity” means a foreign principal (as defined in section
13 1(b) of the Foreign Agents Registration Act of 1938
14 (22 U.S.C. 611(b)).

15 (7) LOBBYING ACTIVITIES.—The term “lobby-
16 ing activities” means lobbying contacts and efforts
17 in support of such contacts, including preparation
18 and planning activities, research and other back-
19 ground work that is intended, at the time it is per-
20 formed, for use in contacts, and coordination with
21 the lobbying activities of others.

22 (8) LOBBYING CONTACT.—

23 (A) DEFINITION.—The term “lobbying
24 contact” means any oral or written communica-
25 tion (including an electronic communication) to

1 a covered executive branch official or a covered
2 legislative branch official that is made on behalf
3 of a client with regard to—

4 (i) the formulation, modification, or
5 adoption of Federal legislation (including
6 legislative proposals);

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

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

17 (iv) the nomination or confirmation of
18 a person for a position subject to confirma-
19 tion by the Senate.

20 (B) EXCEPTIONS.—The term “lobbying
21 contact” does not include a communication that
22 is—

23 (i) made by a public official acting in
24 the public official’s official capacity;

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

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

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

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

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

24 (vii) testimony given before a commit-
25 tee, subcommittee, or task force of the

1 Congress, or submitted for inclusion in the
2 public record of a hearing conducted by
3 such committee, subcommittee, or task
4 force;

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

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

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

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

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

1 (I) a judicial proceeding or a
2 criminal or civil law enforcement in-
3 quiry, investigation, or proceeding; or

4 (II) a filing or proceeding that
5 the Government is specifically re-
6 quired by statute or regulation to
7 maintain or conduct on a confidential
8 basis,

9 if that agency is charged with responsibil-
10 ity for such proceeding, inquiry, investiga-
11 tion, or filing;

12 (xiii) made in compliance with written
13 agency procedures regarding an adjudica-
14 tion conducted by the agency under section
15 554 of title 5, United States Code, or sub-
16 stantially similar provisions;

17 (xiv) a written comment filed in the
18 course of a public proceeding or any other
19 communication that is made on the record
20 in a public proceeding;

21 (xv) a petition for agency action made
22 in writing and required to be a matter of
23 public record pursuant to established agen-
24 cy procedures;

1 (xvi) made on behalf of an individual
2 with regard to that individual's benefits,
3 employment, or other personal matters in-
4 volving only that individual, except that
5 this clause does not apply to any commu-
6 nication with—

7 (I) a covered executive branch of-
8 ficial, or

9 (II) a covered legislative branch
10 official (other than the individual's
11 elected Members of Congress or em-
12 ployees who work under such Mem-
13 bers' direct supervision),

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

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

22 (xviii) made by—

23 (I) a church, its integrated auxil-
24 iary, or a convention or association of
25 churches that is exempt from filing a

1 Federal income tax return under
2 paragraph 2(A)(i) of section 6033(a)
3 of the Internal Revenue Code of 1986,
4 or

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

9 (xix) between—

10 (I) officials of a self-regulatory
11 organization (as defined in section
12 3(a)(26) of the Securities Exchange
13 Act) that is registered with or estab-
14 lished by the Securities and Exchange
15 Commission as required by that Act
16 or a similar organization that is des-
17 ignated by or registered with the
18 Commodities Future Trading Com-
19 mission as provided under the Com-
20modity Exchange Act; and

21 (II) the Securities and Exchange
22 Commission or the Commodities Fu-
23 ture Trading Commission, respec-
24 tively;

1 relating to the regulatory responsibilities of
2 such organization under that Act.

3 (9) LOBBYING FIRM.—The term “lobbying
4 firm” means a person or entity that has 1 or more
5 employees who are lobbyists on behalf of a client
6 other than that person or entity. The term also in-
7 cludes a self-employed individual who is a lobbyist.

8 (10) LOBBYIST.—The term “lobbyist” means
9 any individual who is employed or retained by a cli-
10 ent for financial or other compensation for services
11 that include more than one lobbying contact, other
12 than an individual whose lobbying activities con-
13 stitute less than 20 percent of the time engaged in
14 the services provided by such individual to that cli-
15 ent over a six month period.

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

22 (12) MEMBER OF CONGRESS.—The term
23 “Member of Congress” means a Senator or a Rep-
24 resentative in, or Delegate or Resident Commis-
25 sioner to, the Congress.

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

3 (14) PERSON OR ENTITY.—The term “person
4 or entity” means any individual, corporation, com-
5 pany, foundation, association, labor organization,
6 firm, partnership, society, joint stock company,
7 group of organizations, or State or local government.

8 (15) PUBLIC OFFICIAL.—The term “public offi-
9 cial” means any elected official, appointed official, or
10 employee of—

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

13 (i) a college or university;

14 (ii) a government-sponsored enterprise
15 (as defined in section 3(8) of the Congres-
16 sional Budget and Impoundment Control
17 Act of 1974);

18 (iii) a public utility that provides gas,
19 electricity, water, or communications;

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

24 (v) an agency of any State functioning
25 as a student loan secondary market pursu-

1 ant to section 435(d)(1)(F) of the Higher
2 Education Act of 1965 (20 U.S.C.
3 1085(d)(1)(F));

4 (B) a Government corporation (as defined
5 in section 9101 of title 31, United States
6 Code);

7 (C) an organization of State or local elect-
8 ed or appointed officials other than officials of
9 an entity described in clause (i), (ii), (iii), (iv),
10 or (v) of subparagraph (A);

11 (D) an Indian tribe (as defined in section
12 4(e) of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 450b(e));

14 (E) a national or State political party or
15 any organizational unit thereof; or

16 (F) a national, regional, or local unit of
17 any foreign government.

18 (16) STATE.—The term “State” means each of
19 the several States, the District of Columbia, and any
20 commonwealth, territory, or possession of the United
21 States.

22 **SEC. 104. REGISTRATION OF LOBBYISTS.**

23 (a) REGISTRATION.—

24 (1) GENERAL RULE.—No later than 45 days
25 after a lobbyist first makes a lobbying contact or is

1 employed or retained to make a lobbying contact,
2 whichever is earlier, such lobbyist (or, as provided
3 under paragraph (2), the organization employing
4 such lobbyist), shall register with the Secretary of
5 the Senate and the Clerk of the House of Represent-
6 atives.

7 (2) EMPLOYER FILING.—Any organization that
8 has 1 or more employees who are lobbyists shall file
9 a single registration under this section on behalf of
10 such employees for each client on whose behalf the
11 employees act as lobbyists.

12 (3) EXEMPTION.—

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

16 (i) total income for matters related to
17 lobbying activities on behalf of a particular
18 client (in the case of a lobbying firm) does
19 not exceed and is not expected to exceed
20 \$5,000; or

21 (ii) total expenses in connection with
22 lobbying activities (in the case of an orga-
23 nization whose employees engage in lobby-
24 ing activities on its own behalf) do not ex-

1 ceed or are not expected to exceed
2 \$20,000,
3 (as estimated under section 105) in the semi-
4 annual period described in section 105(a) dur-
5 ing which the registration would be made is not
6 required to register under subsection (a) with
7 respect to such client.

8 (B) ADJUSTMENT.—The dollar amounts in
9 subparagraph (A) shall be adjusted—

10 (i) on January 1, 1997, to reflect
11 changes in the Consumer Price Index (as
12 determined by the Secretary of Labor)
13 since the date of enactment of this Act;
14 and

15 (ii) on January 1 of each fourth year
16 occurring after January 1, 1997, to reflect
17 changes in the Consumer Price Index (as
18 determined by the Secretary of Labor)
19 during the preceding 4-year period,
20 rounded to the nearest \$500.

21 (b) CONTENTS OF REGISTRATION.—Each registra-
22 tion under this section shall contain—

23 (1) the name, address, business telephone num-
24 ber, and principal place of business of the registrant,

1 and a general description of its business or activi-
2 ties;

3 (2) the name, address, and principal place of
4 business of the registrant's client, and a general de-
5 scription of its business or activities (if different
6 from paragraph (1));

7 (3) the name, address, and principal place of
8 business of any organization, other than the client,
9 that—

10 (A) contributes more than \$10,000 toward
11 the lobbying activities of the registrant in a
12 semiannual period described in section 105(a);
13 and

14 (B) in whole or in major part plans, super-
15 vises, or controls such lobbying activities.

16 (4) the name, address, principal place of busi-
17 ness, amount of any contribution of more than
18 \$10,000 to the lobbying activities of the registrant,
19 and approximate percentage of equitable ownership
20 in the client (if any) of any foreign entity that—

21 (A) holds at least 20 percent equitable
22 ownership in the client or any organization
23 identified under paragraph (3);

24 (B) directly or indirectly, in whole or in
25 major part, plans, supervises, controls, directs,

1 finances, or subsidizes the activities of the cli-
2 ent or any organization identified under para-
3 graph (3); or

4 (C) is an affiliate of the client or any orga-
5 nization identified under paragraph (3) and has
6 a direct interest in the outcome of the lobbying
7 activity;

8 (5) a statement of—

9 (A) the general issue areas in which the
10 registrant expects to engage in lobbying activi-
11 ties on behalf of the client; and

12 (B) to the extent practicable, specific is-
13 sues that have (as of the date of the registra-
14 tion) already been addressed or are likely to be
15 addressed in lobbying activities; and

16 (6) the name of each employee of the registrant
17 who has acted or whom the registrant expects to act
18 as a lobbyist on behalf of the client and, if any such
19 employee has served as a covered executive branch
20 official or a covered legislative branch official in the
21 2 years before the date on which such employee first
22 acted (after the date of enactment of this Act) as a
23 lobbyist on behalf of the client, the position in which
24 such employee served.

25 (c) GUIDELINES FOR REGISTRATION.—

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

5 (2) MULTIPLE CONTACTS.—A registrant who
6 makes more than 1 lobbying contact for the same
7 client shall file a single registration covering all such
8 lobbying contacts.

9 (d) TERMINATION OF REGISTRATION.—A registrant
10 who after registration—

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

13 (2) does not anticipate any additional lobbying
14 activities for such client,

15 may so notify the Secretary of the Senate and the Clerk
16 of the House of Representatives and terminate its reg-
17 istration.

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

19 (a) SEMIANNUAL REPORT.—No later than 45 days
20 after the end of the semiannual period beginning on the
21 first day of each January and the first day of July of each
22 year in which a registrant is registered under section 104,
23 each registrant shall file a report with the Secretary of
24 the Senate and the Clerk of the House of Representatives
25 on its lobbying activities during such semiannual period.

1 A separate report shall be filed for each client of the reg-
2 istrant.

3 (b) CONTENTS OF REPORT.—Each semiannual re-
4 port filed under subsection (a) shall contain—

5 (1) the name of the registrant, the name of the
6 client, and any changes or updates to the informa-
7 tion provided in the initial registration;

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

11 (A) a list of the specific issues upon which
12 a lobbyist employed by the registrant engaged
13 in lobbying activities, including, to the maxi-
14 mum extent practicable, a list of bill numbers
15 and references to specific executive branch ac-
16 tions;

17 (B) a statement of the Houses of Congress
18 and the Federal agencies contacted by lobbyists
19 employed by the registrant on behalf of the cli-
20 ent;

21 (C) a list of the employees of the registrant
22 who acted as lobbyists on behalf of the client;
23 and

24 (D) a description of the interest, if any, of
25 any foreign entity identified under section

1 104(b)(4) in the specific issues listed under
2 subparagraph (A).

3 (3) in the case of a lobbying firm, a good faith
4 estimate of the total amount of all income from the
5 client (including any payments to the registrant by
6 any other person for lobbying activities on behalf of
7 the client) during the semiannual period, other than
8 income for matters that are unrelated to lobbying
9 activities; and

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

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

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

20 (2) In the event income or expenses do not ex-
21 ceed \$10,000, the registrant shall include a state-
22 ment that income or expenses totaled less than
23 \$10,000 for the reporting period.

24 (3) A registrant that reports lobbying expendi-
25 tures pursuant to section 6033(b)(8) of the Internal

1 Revenue Code of 1986 may satisfy the requirement
2 to report income or expenses by filing with the Sec-
3 retary of the Senate and the Clerk of the House of
4 Representatives a copy of the form filed in accord-
5 ance with section 6033(b)(8).

6 **SEC. 106. DISCLOSURE AND ENFORCEMENT.**

7 The Secretary of the Senate and the Clerk of the
8 House of Representatives shall—

9 (1) provide guidance and assistance on the reg-
10 istration and reporting requirements of this title and
11 develop common standards, rules, and procedures for
12 compliance with this title;

13 (2) review, and, where necessary, verify and in-
14 quire to ensure the accuracy, completeness, and
15 timeliness of registration and reports;

16 (3) develop filing, coding, and cross-indexing
17 systems to carry out the purpose of this title, includ-
18 ing—

19 (A) a publicly available list of all registered
20 lobbyists, lobbying firms, and their clients; and

21 (B) computerized systems designed to min-
22 imize the burden of filing and maximize public
23 access to materials filed under this title;

1 (4) make available for public inspection and
2 copying at reasonable times the registrations and re-
3 ports filed under this title;

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

7 (6) compile and summarize, with respect to
8 each semiannual period, the information contained
9 in registrations and reports filed with respect to
10 such period in a clear and complete manner;

11 (7) notify any lobbyist or lobbying firm in writ-
12 ing that may be in noncompliance with this title;
13 and

14 (8) notify the United States Attorney for the
15 District of Columbia that a lobbyist or lobbying firm
16 may be in noncompliance with this title, if the reg-
17 istrant has been notified in writing and has failed to
18 provide an appropriate response within 60 days after
19 notice was given under paragraph (6).

20 **SEC. 107. PENALTIES.**

21 Whoever knowingly fails to—

22 (1) remedy a defective filing within 60 days
23 after notice of such a defect by the Secretary of the
24 Senate or the Clerk of the House of Representatives;

25 or

1 (2) comply with any other provision of this title;
2 shall, upon proof of such knowing violation by a pre-
3 ponderance of the evidence, be subject to a civil fine
4 of not more than \$50,000, depending on the extent
5 and gravity of the violation.

6 **SEC. 108. RULES OF CONSTRUCTION.**

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

9 (1) the right to petition the government for the
10 redress of grievances;

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

12 (3) the right of association,

13 protected by the first amendment to the Constitution.

14 (b) PROHIBITION OF ACTIVITIES.—Nothing in this
15 title shall be construed to prohibit, or to authorize any
16 court to prohibit, lobbying activities or lobbying contacts
17 by any person or entity, regardless of whether such person
18 or entity is in compliance with the requirements of this
19 title.

20 (c) AUDIT AND INVESTIGATIONS.—Nothing in this
21 title shall be construed to grant general audit or investiga-
22 tive authority to the Secretary of the Senate or the Clerk
23 of the House of Representatives.

1 **SEC. 109. AMENDMENTS TO THE FOREIGN AGENTS REG-**
2 **ISTRATION ACT.**

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

5 (1) in section 1—

6 (A) by striking subsection (j);

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

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

18 (D) by striking subsection (q);

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

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

3 “(h) Any agent of a person described in section
4 1(b)(2) or an entity described in section 1(b)(3) if the
5 agent is required to register and does register under the
6 Lobbying Disclosure Act of 1995 in connection with the
7 agent’s representation of such person or entity.”;

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

9 (A) by striking “political propaganda” and
10 inserting “informational materials”; and

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

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

16 (A) in the matter preceding clause (i), by
17 striking “political propaganda” and inserting
18 “informational materials”; and

19 (B) by striking “(i) in the form of prints,
20 or” and all that follows through the end of the
21 subsection and inserting “without placing in
22 such informational materials a conspicuous
23 statement that the materials are distributed by
24 the agent on behalf of the foreign principal, and
25 that additional information is on file with the

1 Department of Justice, Washington, District of
2 Columbia. The Attorney General may by rule
3 define what constitutes a conspicuous statement
4 for the purposes of this subsection.”;

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

8 (7) in section 6 (22 U.S.C. 616)—

9 (A) in subsection (a) by striking “and all
10 statements concerning the distribution of politi-
11 cal propaganda”;

12 (B) in subsection (b) by striking “, and
13 one copy of every item of political propaganda”;
14 and

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

17 (8) in section 8 (22 U.S.C. 618)—

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

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

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

1 **SEC. 110. AMENDMENTS TO THE BYRD AMENDMENT.**

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

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

6 “(A) the name of any registrant under the
7 Lobbying Disclosure Act of 1995 who has made
8 lobbying contacts on behalf of the person with
9 respect to that Federal contract, grant, loan, or
10 cooperative agreement; and

11 “(B) a certification that the person making
12 the declaration has not made, and will not
13 make, any payment prohibited by subsection
14 (a).”;

15 (2) in paragraph (3) by striking all that follows
16 “loan shall contain” and inserting “the name of any
17 registrant under the Lobbying Disclosure Act of
18 1995 who has made lobbying contacts on behalf of
19 the person in connection with that loan insurance or
20 guarantee.”; and

21 (3) by striking paragraph (6) and redesignating
22 paragraph (7) as paragraph (6).

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

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

1 (2) by redesignating subsections (e), (f), (g),
2 and (h) as subsections (d), (e), (f), and (g), respec-
3 tively.

4 **SEC. 111. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

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

8 (b) REPEAL OF PROVISIONS RELATING TO HOUSING
9 LOBBYIST ACTIVITIES.—

10 (1) Section 13 of the Department of Housing
11 and Urban Development Act (42 U.S.C. 3537b) is
12 repealed.

13 (2) Section 536(d) of the Housing Act of 1949
14 (42 U.S.C. 1490p(d)) is repealed.

15 **SEC. 112. CONFORMING AMENDMENTS TO OTHER STAT-**
16 **UTES.**

17 (a) AMENDMENT TO COMPETITIVENESS POLICY
18 COUNCIL ACT.—Section 5206(e) of the Competitiveness
19 Policy Council Act (15 U.S.C. 4804(e)) is amended by in-
20 serting “or a lobbyist for a foreign entity (as the terms
21 ‘lobbyist’ and ‘foreign entity’ are defined under section 3
22 of the Lobbying Disclosure Act of 1995)” after “an agent
23 for a foreign principal”.

1 (b) AMENDMENTS TO TITLE 18, UNITED STATES
2 CODE.—Section 219(a) of title 18, United States Code,
3 is amended—

4 (1) by inserting “or a lobbyist required to reg-
5 ister under the Lobbying Disclosure Act of 1995 in
6 connection with the representation of a foreign en-
7 tity, as defined in section 3(7) of that Act” after
8 “an agent of a foreign principal required to register
9 under the Foreign Agents Registration Act of
10 1938”; and

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

12 (c) AMENDMENT TO FOREIGN SERVICE ACT OF
13 1980.—Section 602(c) of the Foreign Service Act of 1980
14 (22 U.S.C. 4002(c)) is amended by inserting “or a lobby-
15 ist for a foreign entity (as defined in section 3(7) of the
16 Lobbying Disclosure Act of 1995)” after “an agent of a
17 foreign principal (as defined by section 1(b) of the Foreign
18 Agents Registration Act of 1938)”.

19 **SEC. 113. IDENTIFICATION OF CLIENTS AND COVERED OF-**
20 **FICIALS.**

21 (a) ORAL LOBBYING CONTACTS.—Any person or en-
22 tity that makes an oral lobbying contact with a covered
23 legislative branch official or a covered executive branch of-
24 ficial shall, on the request of the official at the time of
25 the lobbying contact—

1 (1) state whether the person or entity is reg-
2 istered under this Act and identify the client on
3 whose behalf the lobbying contact is made; and

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

8 (b) WRITTEN LOBBYING CONTACTS.—Any person or
9 entity registered under this Act that makes a written lob-
10 bying contact (including an electronic communication)
11 with a covered legislative branch official or a covered exec-
12 utive branch official shall—

13 (1) if the client on whose behalf the lobbying
14 contact was made is a foreign entity, identify such
15 client, state that the client is considered a foreign
16 entity under this Act, and state whether the person
17 making the lobbying contact is registered on behalf
18 of that client under section 4; and

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

22 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
23 request by a person or entity making a lobbying contact,
24 the individual who is contacted or the office employing
25 that individual shall indicate whether or not the individual

1 is a covered legislative branch official or a covered execu-
2 tive branch official.

3 **SEC. 114. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

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

9 (1) make a good faith estimate (by category of
10 dollar value) of applicable amounts that would be re-
11 quired to be disclosed under such section for the ap-
12 propriate semiannual period to meet the require-
13 ments of sections 104(a)(3), 105(a)(2), and
14 105(b)(4); and

15 (2) in lieu of using the definition of “lobbying
16 activities” in section 3(8) of this Act, consider as
17 lobbying activities only those activities that are influ-
18 encing legislation as defined in section 4911(d) of
19 the Internal Revenue Code of 1986.

20 (b) ENTITIES COVERED BY SECTION 162(e) OF THE
21 INTERNAL REVENUE CODE OF 1986.—A registrant that
22 is subject to section 162(e) of the Internal Revenue Code
23 of 1986 may—

24 (1) make a good faith estimate (by category of
25 dollar value) of applicable amounts that would not

1 be deductible pursuant to such section for the appro-
2 priate semiannual period to meet the requirements
3 of sections 104(a)(3), 105(a)(2), and 105(b)(4); and

4 (2) in lieu of using the definition of “lobbying
5 activities” in section 103(7) of this Act, consider as
6 lobbying activities only those activities, the costs of
7 which are not deductible pursuant to section 162(e)
8 of the Internal Revenue Code of 1986.

9 (c) DISCLOSURE OF ESTIMATE.—Any registrant that
10 elects to make estimates required by this Act under the
11 procedures authorized by subsection (a) or (b) for report-
12 ing or threshold purposes shall—

13 (1) inform the Secretary of the Senate and the
14 Clerk of the House of Representatives that the reg-
15 istrant has elected to make its estimates under such
16 procedures; and

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

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

23 (1) the differences between the definition of
24 “lobbying activities” in section 103(7) and the defi-
25 nitions of “lobbying expenditures”, “influencing leg-

1 islation'', and related terms in sections 162(e) and
2 4911 of the Internal Revenue Code of 1986, as each
3 are implemented by regulations;

4 (2) the impact that any such differences may
5 have on filing and reporting under this Act pursuant
6 to this subsection; and

7 (3) any changes to this Act or to the appro-
8 priate sections of the Internal Revenue Code of 1986
9 that the Comptroller General may recommend to
10 harmonize the definitions.

11 **SEC. 115. SEVERABILITY.**

12 If any provision of this title, or the application there-
13 of, is held invalid, the validity of the remainder of this
14 title and the application of such provision to other persons
15 and circumstances shall not be affected thereby.

16 **SEC. 116. EFFECTIVE DATES.**

17 (a) Except as otherwise provided in this section, this
18 title and the amendments made by this title shall take ef-
19 fect, and shall be effective with respect to calendar years
20 beginning on, January 1, 1996.

21 (b) The repeals and amendments made under sec-
22 tions 109, 110, and 111 shall take effect as provided
23 under subsection (a), except that such repeals and amend-
24 ments—

1 (1) shall not affect any proceeding or suit com-
2 menced before the effective date under subsection
3 (a), and in all such proceedings or suits, proceedings
4 shall be had, appeals taken, and judgments rendered
5 in the same manner and with the same effect as if
6 this Act had not been enacted; and

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

11 **TITLE II—CONGRESSIONAL GIFT** 12 **RULES**

13 **SEC. 201. AMENDMENT TO HOUSE RULES.**

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

16 “4. (a)(1) No Member, officer, or employee of the
17 House of Representatives shall knowingly accept a gift ex-
18 cept as provided in this rule.

19 “(2) A Member, officer, or employee may accept a
20 gift (other than cash or cash equivalent) which the Mem-
21 ber, officer, or employee reasonably and in good faith be-
22 lieves to have a value of less than \$50, and a cumulative
23 value from one source during a calendar year of less than
24 \$100. No gift with a value below \$10 shall count toward
25 the \$100 annual limit. No formal recordkeeping is re-

1 quired by this paragraph, but a Member, officer, or em-
2 ployee shall make a good faith effort to comply with this
3 paragraph.

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

11 “(2)(A) A gift to a family member of a Member, offi-
12 cer, or employee, or a gift to any other individual based
13 on that individual’s relationship with the Member, officer,
14 or employee, shall be considered a gift to the Member, offi-
15 cer, or employee if it is given with the knowledge and ac-
16 quiescence of the Member, officer, or employee and the
17 Member, officer, or employee has reason to believe the gift
18 was given because of the official position of the Member,
19 officer, or employee.

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

1 “(c) The restrictions in subparagraph (a) shall not
2 apply 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) A gift from a relative as described in sec-
13 tion 107(2) of the Ethics in Government Act of
14 1978 (5 U.S.C. App. 107(2)).

15 “(4)(A) Anything provided by an individual on
16 the basis of a personal friendship unless the Mem-
17 ber, officer, or employee has reason to believe that,
18 under the circumstances, the gift was provided be-
19 cause of the official position of the Member, officer,
20 or employee and not because of the personal friend-
21 ship.

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

1 “(i) The history of the relationship be-
2 tween the individual giving the gift and the re-
3 cipient of the gift, including any previous ex-
4 change of gifts between such individuals.

5 “(ii) Whether to the actual knowledge of
6 the Member, officer, or employee the individual
7 who gave the gift personally paid for the gift or
8 sought a tax deduction or business reimburse-
9 ment for the gift.

10 “(iii) Whether to the actual knowledge of
11 the Member, officer, or employee the individual
12 who gave the gift also at the same time gave
13 the same or similar gifts to other Members, of-
14 ficers, or employees.

15 “(5) Except as provided in paragraph 3(c), a
16 contribution or other payment to a legal expense
17 fund established for the benefit of a Member, officer,
18 or employee, that is otherwise lawfully made, if the
19 person making the contribution or payment is identi-
20 fied for the Committee of Standards of Official Con-
21 duct and complies with other disclosure require-
22 ments established by such Committee.

23 “(6) Any gift from another Member, officer, or
24 employee of the Senate or the House of Representa-
25 tives.

1 “(7) Food, refreshments, lodging, and other
2 benefits—

3 “(A) resulting from the outside business or
4 employment activities (or other outside activi-
5 ties that are not connected to the duties of the
6 Member, officer, or employee as an officeholder)
7 of the Member, officer, or employee, or the
8 spouse of the Member, officer, or employee, if
9 such benefits have not been offered or enhanced
10 because of the official position of the Member,
11 officer, or employee and are customarily pro-
12 vided to others in similar circumstances;

13 “(B) customarily provided by a prospective
14 employer in connection with bona fide employ-
15 ment discussions; or

16 “(C) provided by a political organization
17 described in section 527(e) of the Internal Rev-
18 enue Code of 1986 in connection with a fund-
19 raising or campaign event sponsored by such an
20 organization.

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

24 “(9) Informational materials that are sent to
25 the office of the Member, officer, or employee in the

1 form of books, articles, periodicals, other written
2 materials, audiotapes, videotapes, or other forms of
3 communication.

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

7 “(11) Honorary degrees (and associated travel,
8 food, refreshments, and entertainment) and other
9 bona fide, nonmonetary awards presented in recogni-
10 tion of public service (and associated food, refresh-
11 ments, and entertainment provided in the presen-
12 tation of such degrees and awards).

13 “(12) Donations of products from the State
14 that the Member represents that are intended pri-
15 marily for promotional purposes, such as display or
16 free distribution, and are of minimal value to any in-
17 dividual recipient.

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

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

1 “(15) 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 “(16) 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 “(17) A gift of personal hospitality (as defined
10 in section 109(14) of the Ethics in Government Act
11 of 1978) of an individual other than a registered
12 lobbyist or agent of a foreign principal.

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

15 “(19) Opportunities and benefits which are—

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

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

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

1 related to congressional employment and similar
2 opportunities are available to large segments of
3 the public through organizations of similar size;

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

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

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

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

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

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

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

5 “(d)(1) A Member, officer, or employee may accept
6 an offer of free attendance at a widely attended conven-
7 tion, conference, symposium, forum, panel discussion, din-
8 ner, viewing, reception, or similar event, provided by the
9 sponsor of the event, if—

10 “(A) the Member, officer, or employee partici-
11 pates in the event as a speaker or a panel partici-
12 pant, by presenting information related to Congress
13 or matters before Congress, or by performing a cere-
14 monial function appropriate to the Member’s, offi-
15 cer’s, or employee’s official position; or

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

19 “(2) A Member, officer, or employee who attends an
20 event described in clause (1) may accept a sponsor’s unso-
21 licited offer of free attendance at the event for an accom-
22 panying individual if others in attendance will generally
23 be similarly accompanied or if such attendance is appro-
24 priate to assist in the representation of the House of Rep-
25 resentatives.

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

7 “(4) For purposes of this paragraph, the term ‘free
8 attendance’ may include waiver of all or part of a con-
9 ference or other fee, the provision of local transportation,
10 or the provision of food, refreshments, entertainment, and
11 instructional materials furnished to all attendees as an in-
12 tegral part of the event. The term does not include enter-
13 tainment collateral to the event, nor does it include food
14 or refreshments taken other than in a group setting with
15 all or substantially all other attendees.

16 “(e) No Member, officer, or employee may accept a
17 gift the value of which exceeds \$250 on the basis of the
18 personal friendship exception in subparagraph (c)(4) un-
19 less the Committee on Standards of Official Conduct is-
20 sues a written determination that such exception applies.
21 No determination under this subparagraph is required for
22 gifts given on the basis of the family relationship excep-
23 tion.

24 “(f) When it is not practicable to return a tangible
25 item because it is perishable, the item may, at the discre-

1 tion of the recipient, be given to an appropriate charity
2 or destroyed.

3 “(g)(1) A reimbursement (including payment in kind)
4 to a Member, officer, or employee from an individual other
5 than a registered lobbyist or agent of a foreign principal
6 for necessary transportation, lodging and related expenses
7 for travel to a meeting, speaking engagement, factfinding
8 trip or similar event in connection with the duties of the
9 Member, officer, or employee as an officeholder shall be
10 deemed to be a reimbursement to the House of Represent-
11 atives and not a gift prohibited by this rule, if the Mem-
12 ber, officer, or employee—

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

17 “(B) discloses the expenses reimbursed or to be
18 reimbursed and the authorization to the Clerk of the
19 House of Representatives within 30 days after the
20 travel is completed.

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

1 “(h) 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 “(i) Each disclosure made under subparagraph (g)(1)
14 of expenses reimbursed or to be reimbursed shall be signed
15 by the Member or officer (in the case of travel by that
16 Member or officer) or by the Member or officer under
17 whose direct supervision the employee works (in the case
18 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 “(j) 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 Committee
20 on Standards of Official Conduct;

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, nor does it include entertainment
5 other than that provided to all attendees as an inte-
6 gral part of the event, except for activities or enter-
7 tainment otherwise permissible under this rule; and

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

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

21 “(l) A gift prohibited by subparagraph (a) includes
22 the following:

23 “(1) Anything provided by a registered lobbyist
24 or an agent of a foreign principal to an entity that

1 is maintained or controlled by a Member, officer, or
2 employee.

3 “(2) A charitable contribution (as defined in
4 section 170(c) of the Internal Revenue Code of
5 1986) made by a registered lobbyist or an agent of
6 a foreign principal on the basis of a designation, rec-
7 ommendation, or other specification of a Member,
8 officer, or employee (not including a mass mailing or
9 other solicitation directed to a broad category of per-
10 sons or entities), other than a charitable contribu-
11 tion permitted by paragraph (4).

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

16 “(4) A financial contribution or expenditure
17 made by a registered lobbyist or an agent of a for-
18 eign principal relating to a conference, retreat, or
19 similar event, sponsored by or affiliated with an offi-
20 cial congressional organization, for or on behalf of
21 Members, officers, or employees.

22 “(m) A charitable contribution (as defined in section
23 170(c) of the Internal Revenue Code of 1986) made by
24 a registered lobbyist or an agent of a foreign principal in
25 lieu of an honorarium to a Member, officer, or employee

1 shall not be considered a gift under this rule if it is re-
2 ported as provided in subparagraph (n).

3 “(n) A Member, officer, or employee who designates
4 or recommends a contribution to a charitable organization
5 in lieu of honoraria described in subparagraph (m) shall
6 report within 30 days after such designation or rec-
7 ommendation to the Clerk of the House of Representa-
8 tives—

9 “(1) the name and address of the registered
10 lobbyist who is making the contribution in lieu of
11 honoraria;

12 “(2) the date and amount of the contribution;
13 and

14 “(3) the name and address of the charitable or-
15 ganization designated or recommended by the Mem-
16 ber.

17 The Clerk of the House of Representatives shall make
18 public information received pursuant to this subparagraph
19 as soon as possible after it is received.

20 “(o) For purposes of this rule—

21 “(1) the term ‘registered lobbyist’ means a lob-
22 byist registered under the Federal Regulation of
23 Lobbying Act or any successor statute; and

1 “(2) the term ‘agent of a foreign principal’
2 means an agent of a foreign principal registered
3 under the Foreign Agents Registration Act.

4 “(p) All the provisions of this rule shall be interpreted
5 and enforced solely by the Committee on Standards of Of-
6 ficial Conduct. The Committee on Standards of Official
7 Conduct is authorized to issue guidance on any matter
8 contained in this rule.”.

9 **SEC. 202. EFFECTIVE DATE.**

10 The amendments made by this title shall take effect,
11 and shall be effective with respect to calendar years begin-
12 ning on, January 1, 1996.

○

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