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S. 1060

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 1995

Referred to the Committee on the Judiciary, and in addition to the Committees on Government Reform and Oversight, Rules, and Ways and Means, 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

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 As used in this Act:

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

24 (2) CLIENT.—The term “client” means any
25 person or entity that employs or retains another per-
26 son for financial or other compensation to conduct

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

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

11 (A) the President;

12 (B) the Vice President;

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

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

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

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

1 policy-making, or policy-advocating character
2 described in section 7511(b)(2) of title 5, Unit-
3 ed States Code.

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

7 (A) a Member of Congress;

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

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

13 (i) a Member of Congress;

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

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

19 (iv) a joint committee of Congress;

20 and

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

24 and

1 (D) any other legislative branch employee
2 serving in a position described under section
3 109(13) of the Ethics in Government Act of
4 1978 (5 U.S.C. App.).

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

9 (A) independent contractors; or

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

13 (6) FOREIGN ENTITY.—The term “foreign en-
14 tity” means a foreign principal (as defined in section
15 1(b) of the Foreign Agents Registration Act of 1938
16 (22 U.S.C. 611(b)).

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

24 (8) 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); or

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

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

- 1 (i) made by a public official acting in
2 the public official's official capacity;
- 3 (ii) made by a representative of a
4 media organization if the purpose of the
5 communication is gathering and dissemi-
6 nating news and information to the public;
- 7 (iii) made in a speech, article, publica-
8 tion or other material that is distributed
9 and made available to the public, or
10 through radio, television, cable television,
11 or other medium of mass communication;
- 12 (iv) made on behalf of a government
13 of a foreign country or a foreign political
14 party and disclosed under the Foreign
15 Agents Registration Act of 1938 (22
16 U.S.C. 611 et seq.);
- 17 (v) a request for a meeting, a request
18 for the status of an action, or any other
19 similar administrative request, if the re-
20 quest does not include an attempt to influ-
21 ence a covered executive branch official or
22 a covered legislative branch official;
- 23 (vi) made in the course of participa-
24 tion in an advisory committee subject to
25 the Federal Advisory Committee Act;

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

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

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

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

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

1 (xii) made to an official in an agency
2 with regard to—

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

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

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

14 (xiii) made in compliance with written
15 agency procedures regarding an adjudica-
16 tion conducted by the agency under section
17 554 of title 5, United States Code, or sub-
18 stantially similar provisions;

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

23 (xv) a petition for agency action made
24 in writing and required to be a matter of

1 public record pursuant to established agen-
2 cy procedures;

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

9 (I) a covered executive branch of-
10 ficial, or

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

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

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

24 (xviii) made by—

1 (I) a church, its integrated auxil-
2 iary, or a convention or association of
3 churches that is exempt from filing a
4 Federal income tax return under
5 paragraph 2(A)(i) of section 6033(a)
6 of the Internal Revenue Code of 1986,
7 or

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

12 (xix) between—

13 (I) officials of a self-regulatory
14 organization (as defined in section
15 3(a)(26) of the Securities Exchange
16 Act) that is registered with or estab-
17 lished by the Securities and Exchange
18 Commission as required by that Act
19 or a similar organization that is des-
20 ignated by or registered with the
21 Commodities Future Trading Com-
22 mission as provided under the Com-
23modity Exchange Act; and

24 (II) the Securities and Exchange
25 Commission or the Commodities Fu-

1 ture Trading Commission, respec-
2 tively;

3 relating to the regulatory responsibilities of
4 such organization under that Act.

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

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

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

24 (12) MEMBER OF CONGRESS.—The term
25 “Member of Congress” means a Senator or a Rep-

1 representative in, or Delegate or Resident Commis-
2 sioner to, the Congress.

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

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

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

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

15 (i) a college or university;

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

20 (iii) a public utility that provides gas,
21 electricity, water, or communications;

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

1 (v) an agency of any State functioning
2 as a student loan secondary market pursu-
3 ant to section 435(d)(1)(F) of the Higher
4 Education Act of 1965 (20 U.S.C.
5 1085(d)(1)(F));

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

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

13 (D) an Indian tribe (as defined in section
14 4(e) of the Indian Self-Determination and Edu-
15 cation Assistance Act (25 U.S.C. 450b(e));

16 (E) a national or State political party or
17 any organizational unit thereof; or

18 (F) a national, regional, or local unit of
19 any foreign government.

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

24 **SEC. 4. REGISTRATION OF LOBBYISTS.**

25 (a) REGISTRATION.—

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

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

14 (3) EXEMPTION.—

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

18 (i) total income for matters related to
19 lobbying activities on behalf of a particular
20 client (in the case of a lobbying firm) does
21 not exceed and is not expected to exceed
22 \$5,000; or

23 (ii) total expenses in connection with
24 lobbying activities (in the case of an orga-
25 nization whose employees engage in lobby-

1 ing activities on its own behalf) do not ex-
2 ceed or are not expected to exceed
3 \$20,000,

4 (as estimated under section 5) in the semi-
5 annual period described in section 5(a) during
6 which the registration would be made is not re-
7 quired to register under subsection (a) with re-
8 spect to such client.

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

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

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

21 rounded to the nearest \$500.

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

24 (1) the name, address, business telephone num-
25 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 5(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. 5. 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 4,
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 4(b)(4) in the specific issues listed under sub-
2 paragraph (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. 6. 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 Act and
11 develop common standards, rules, and procedures for
12 compliance with this Act;

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 Act, 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 Act;

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

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 Act; and

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

19 **SEC. 7. PENALTIES.**

20 Whoever knowingly fails to—

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

1 (2) comply with any other provision of this Act;
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. 8. RULES OF CONSTRUCTION.**

7 (a) CONSTITUTIONAL RIGHTS.—Nothing in this Act
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 Act 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 Act.

20 (c) AUDIT AND INVESTIGATIONS.—Nothing in this
21 Act 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. 9. 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. 10. 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. 11. 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. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.**

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

23 (b) AMENDMENTS TO TITLE 18, UNITED STATES
24 CODE.—Section 219(a) of title 18, United States Code,
25 is amended—

1 ficial shall, on the request of the official at the time of
2 the lobbying contact—

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

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

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

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

21 (2) identify any other foreign entity identified
22 pursuant to section 4(b)(4) that has a direct interest
23 in the outcome of the lobbying activity.

24 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
25 request by a person or entity making a lobbying contact,

1 the individual who is contacted or the office employing
2 that individual shall indicate whether or not the individual
3 is a covered legislative branch official or a covered execu-
4 tive branch official.

5 **SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

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

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

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

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

1 (1) make a good faith estimate (by category of
2 dollar value) of applicable amounts that would not
3 be deductible pursuant to such section for the appro-
4 priate semiannual period to meet the requirements
5 of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

6 (2) in lieu of using the definition of “lobbying
7 activities” in section 3(8) of this Act, consider as
8 lobbying activities only those activities, the costs of
9 which are not deductible pursuant to section 162(e)
10 of the Internal Revenue Code of 1986.

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

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

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

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

1 (1) the differences between the definition of
2 “lobbying activities” in section 3(8) and the defini-
3 tions of “lobbying expenditures”, “influencing legis-
4 lation”, and related terms in sections 162(e) and
5 4911 of the Internal Revenue Code of 1986, as each
6 are implemented by regulations;

7 (2) the impact that any such differences may
8 have on filing and reporting under this Act pursuant
9 to this subsection; and

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

14 **SEC. 16. REPEAL OF THE RAMSPECK ACT.**

15 (a) REPEAL.—Subsection (c) of section 3304 of title
16 5, United States Code, is repealed.

17 (b) REDESIGNATION.—Subsection (d) of section 3304
18 of title 5, United States Code, is redesignated as sub-
19 section (c).

20 (c) EFFECTIVE DATE.—The repeal and amendment
21 made by this section shall take effect 2 years after the
22 date of the enactment of this Act.

1 **SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE**
2 **CONSIDERATIONS FOR COMPETITIVE SERV-**
3 **ICE APPOINTMENTS.**

4 (a) IN GENERAL.—Section 3304 of title 5, United
5 States Code (as amended by section 2 of this Act) is fur-
6 ther amended by adding at the end thereof the following
7 new subsection:

8 “(d) The Office of Personnel Management shall pro-
9 mulgate regulations on the manner and extent that experi-
10 ence of an individual in a position other than the competi-
11 tive service, such as the excepted service (as defined under
12 section 2103) in the legislative or judicial branch, or in
13 any private or nonprofit enterprise, may be considered in
14 making appointments to a position in the competitive serv-
15 ice (as defined under section 2102). In promulgating such
16 regulations OPM shall not grant any preference based on
17 the fact of service in the legislative or judicial branch. The
18 regulations shall be consistent with the principles of equi-
19 table competition and merit based appointments.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall take effect 2 years after the date of the
22 enactment of this Act, except the Office of Personnel Man-
23 agement shall—

24 (1) conduct a study on excepted service consid-
25 erations for competitive service appointments relat-
26 ing to such amendment; and

1 (2) take all necessary actions for the regula-
2 tions described under such amendment to take effect
3 as final regulations on the effective date of this sec-
4 tion.

5 **SEC. 18. EXEMPT ORGANIZATIONS.**

6 An organization described in section 501(c)(4) of the
7 Internal Revenue Code of 1986 which engages in lobbying
8 activities shall not be eligible for the receipt of Federal
9 funds constituting an award, grant, contract, loan, or any
10 other form.

11 **SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRA-**
12 **TION ACT (P.L. 75-583).**

13 Strike section 11 of the Foreign Agents Registration
14 Act of 1938, as amended, and insert in lieu thereof the
15 following:

16 “SECTION 11. REPORTS TO THE CONGRESS.—The
17 Attorney General shall every six months report to the Con-
18 gress concerning administration of this Act, including reg-
19 istrations filed pursuant to the Act, and the nature,
20 sources and content of political propaganda disseminated
21 and distributed.”.

22 **SEC. 20. DISCLOSURE OF THE VALUE OF ASSETS UNDER**
23 **THE ETHICS IN GOVERNMENT ACT OF 1978.**

24 (a) INCOME.—Section 102(a)(1)(B) of the Ethics in
25 Government Act of 1978 is amended—

1 (1) in clause (vii) by striking “or”; and

2 (2) by striking clause (viii) and inserting the
3 following:

4 “(viii) greater than \$1,000,000 but not
5 more than \$5,000,000, or

6 “(ix) greater than \$5,000,000.”.

7 (b) ASSETS AND LIABILITIES.—Section 102(d)(1) of
8 the Ethics in Government Act of 1978 is amended—

9 (1) in subparagraph (F) by striking “and”; and

10 (2) by striking subparagraph (G) and inserting
11 the following:

12 “(G) greater than \$1,000,000 but not
13 more than \$5,000,000;

14 “(H) greater than \$5,000,000 but not
15 more than \$25,000,000;

16 “(I) greater than \$25,000,000 but not
17 more than \$50,000,000; and

18 “(J) greater than \$50,000,000.”.

19 (c) EXCEPTION.—Section 102(e)(1) of the Ethics in
20 Government Act of 1978 is amended by adding after sub-
21 paragraph (E) the following:

22 “(F) For purposes of this section, cat-
23 egories with amounts or values greater than
24 \$1,000,000 set forth in sections 102(a)(1)(B)
25 and 102(d)(1) shall apply to the income, assets,

1 or liabilities of spouses and dependent children
2 only if the income, assets, or liabilities are held
3 jointly with the reporting individual. All other
4 income, assets, or liabilities of the spouse or de-
5 pendent children required to be reported under
6 this section in an amount or value greater than
7 \$1,000,000 shall be categorized only as an
8 amount or value greater than \$1,000,000.”.

9 **SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING**
10 **OR ADVISING FOREIGN ENTITIES.**

11 (a) REPRESENTING AFTER SERVICE.—Section
12 207(f)(2) of title 18, United States Code, is amended by—

13 (1) inserting “or Deputy United States Trade
14 Representative” after “is the United States Trade
15 Representative”; and

16 (2) striking “within 3 years” and inserting “at
17 any time”.

18 (b) LIMITATION ON APPOINTMENT AS UNITED
19 STATES TRADE REPRESENTATIVE AND DEPUTY UNITED
20 STATES TRADE REPRESENTATIVE.—Section 141(b) of the
21 Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by
22 adding at the end the following new paragraph:

23 “(3) LIMITATION ON APPOINTMENTS.—A per-
24 son who has directly represented, aided, or advised
25 a foreign entity (as defined by section 207(f)(3) of

1 title 18, United States Code) in any trade negotia-
2 tion, or trade dispute, with the United States may
3 not be appointed as United States Trade Represent-
4 ative or as a Deputy United States Trade Rep-
5 resentative.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to an individual ap-
8 pointed as United States Trade Representative or as a
9 Deputy United States Trade Representative on or after
10 the date of enactment of this Act.

11 **SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALI-**
12 **FIED BLIND TRUST.**

13 (a) IN GENERAL.—Section 102(a) of the Ethics in
14 Government Act of 1978 is amended by adding at the end
15 thereof the following:

16 “(8) The category of the total cash value of any
17 interest of the reporting individual in a qualified
18 blind trust, unless the trust instrument was executed
19 prior to July 24, 1995 and precludes the beneficiary
20 from receiving information on the total cash value of
21 any interest in the qualified blind trust.”.

22 (b) CONFORMING AMENDMENT.—Section 102(d)(1)
23 of the Ethics in Government Act of 1978 is amended by
24 striking “and (5) and inserting “(5), and (8)”.

25 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the amendment made by this section shall
3 apply with respect to reports filed under title I of
4 the Ethics in Government Act of 1978 for calendar
5 year 1996 and thereafter.

6 **SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES**
7 **SHOULD REMAIN NONDEDUCTIBLE.**

8 (a) FINDINGS.—The Senate finds that ordinary
9 Americans generally are not allowed to deduct the costs
10 of communicating with their elected representatives.

11 (b) SENSE OF THE SENATE.—It is the sense of the
12 Senate that lobbying expenses should not be tax deduct-
13 ible.

14 **SEC. 24. EFFECTIVE DATES.**

15 (a) Except as otherwise provided in this section, this
16 Act and the amendments made by this Act shall take ef-
17 fect on January 1, 1996.

18 (b) The repeals and amendments made under sec-
19 tions 13, 14, 15, and 16 shall take effect as provided
20 under subsection (a), except that such repeals and amend-
21 ments—

22 (1) shall not affect any proceeding or suit com-
23 menced before the effective date under subsection
24 (a), and in all such proceedings or suits, proceedings
25 shall be had, appeals taken, and judgments rendered

1 in the same manner and with the same effect as if
2 this Act had not been enacted; and

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

Passed the Senate July 25 (legislative day, July 10),
1995.

Attest: KELLY D. JOHNSTON,
Secretary.

S 1060 RFH—2

S 1060 RFH—3

S 1060 RFH—4