

115TH CONGRESS
2D SESSION

H. R. 6533

To amend the Lobbying Disclosure Act of 1995 to require an individual to register as a lobbyist under such Act if the individual is employed or retained by a client for making more than one lobbying contact over a 2-year period and to treat legislative, political, and strategic counseling in support of lobbying contacts as lobbying activity under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2018

Mr. SARBANES (for himself and Mr. POLIS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, 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 amend the Lobbying Disclosure Act of 1995 to require an individual to register as a lobbyist under such Act if the individual is employed or retained by a client for making more than one lobbying contact over a 2-year period and to treat legislative, political, and strategic counseling in support of lobbying contacts as lobbying activity under such Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Curtailling Lobbying
3 and Empowering Americans for a New Politics Act of
4 2018” or the “CLEAN Politics Act of 2018”.

5 **SEC. 2. EXPANDING SCOPE OF INDIVIDUALS AND ACTIVI-**
6 **TIES SUBJECT TO REQUIREMENTS OF LOB-**
7 **BYING DISCLOSURE ACT OF 1995.**

8 (a) ELIMINATION OF 20 PERCENT EXEMPTION FOR
9 DETERMINATION OF THRESHOLD OF LOBBYING CON-
10 TACTS REQUIRED FOR INDIVIDUALS TO REGISTER AS
11 LOBBYISTS.—Section 3(10) of the Lobbying Disclosure
12 Act of 1995 (2 U.S.C. 1602(10)) is amended by striking
13 “more than one lobbying contact” and all that follows and
14 inserting “more than one lobbying contact over a 2-year
15 period.”.

16 (b) COVERAGE OF INDIVIDUALS PROVIDING LEGIS-
17 LATIVE, POLITICAL, AND STRATEGIC COUNSELING SERV-
18 ICES.—

19 (1) TREATMENT OF LEGISLATIVE, POLITICAL,
20 AND STRATEGIC COUNSELING SERVICES IN SUPPORT
21 OF LOBBYING CONTACTS AS LOBBYING ACTIVITY.—
22 Section 3(7) of such Act (2 U.S.C. 1602(7)) is
23 amended—

24 (A) by striking “efforts” and inserting
25 “any efforts”; and

(B) by striking “research and other background work” and inserting the following: “legislative, political, and strategic counseling services, research, and other background work”.

(2) TREATMENT OF LOBBYING CONTACT MADE WITH SUPPORT OF LEGISLATIVE, POLITICAL, AND STRATEGIC COUNSELING SERVICES AS LOBBYING CONTACT MADE BY INDIVIDUAL PROVIDING SERVICES.—Section 3(8) of such Act (2 U.S.C. 1602(8)) is amended by adding at the end the following new subparagraph:

“(C) TREATMENT OF PROVIDERS OF LEGISLATIVE, POLITICAL, AND STRATEGIC COUNSELING SERVICES.—Any individual who for financial or other compensation provides legislative, political, and strategic counseling services which are treated as lobbying activity under paragraph (7), and which are used in support of a lobbying contact under this paragraph which is made by another individual, shall be considered to have made the same lobbying contact at the same time and in the same manner to the covered executive branch official or covered legislative branch official involved.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply with respect to lobbying contacts
 3 made on or after the date of the enactment of this Act.

4 **SEC. 3. TREATMENT OF CERTAIN CONTRIBUTIONS FOR**
 5 **PURPOSES OF CONTRIBUTION LIMITS UNDER**
 6 **FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

7 (a) TREATMENT OF BUNDLED CONTRIBUTIONS AS
 8 CONTRIBUTIONS BY DONOR AND BUNDLER.—Section
 9 315(a) of the Federal Election Campaign Act of 1971 (52
 10 U.S.C. 30116(a)) is amended by adding at the end the
 11 following new paragraph:

12 “(10)(A) For purposes of paragraph (1), any bundled
 13 contribution to a committee described in section 304(i)(6)
 14 that is forwarded by or credited to a person described in
 15 section 304(i)(7) (including the agent of such a person)
 16 shall be treated both as a contribution made by the person
 17 forwarding such contribution or credited with such con-
 18 tribution, and as a contribution made by the contributor.

19 “(B) For purposes of determining the amount of bun-
 20 dled contributions provided by a person to a committee
 21 which were received by the person at a fundraising event
 22 sponsored by the person, or in response to an invitation
 23 to attend a fundraising event sponsored by the person,
 24 each person who is a sponsor of the event shall be consid-
 25 ered to have provided to the committee the aggregate

1 amount of all bundled contributions which were provided
2 to the committee by all sponsors of the event.

3 “(C) This paragraph does not apply with respect to
4 a contribution made by any individual who is a spouse,
5 parent, child, sibling, father-in-law, or mother-in-law of
6 the person described in section 304(i)(7).

7 “(D) Nothing in this paragraph may be construed to
8 prohibit any person from engaging in volunteer activity
9 on behalf of a candidate or from making communications
10 which provide information about the candidate but which
11 do not include the solicitation of contributions or other
12 fundraising activity in support of the candidate.

13 “(E) In this paragraph, the term ‘bundled contribu-
14 tion’ has the meaning given such term in section 304(i)(8),
15 except that such term also includes a contribution which
16 would be a bundled contribution under section 304(i)(8)
17 if it met the applicable threshold described in section
18 304(i)(3).”.

19 (b) TREATMENT OF CONTRIBUTIONS SOLICITED BY
20 LOBBYISTS AS CONTRIBUTIONS BY DONOR AND LOB-
21 BYIST.—Section 315(a) of such Act (52 U.S.C. 30116(a)),
22 as amended by subsection (a), is further amended by add-
23 ing at the end the following new paragraph:

24 “(11)(A) For purposes of paragraph (1), any con-
25 tribution made to a committee described in section

1 304(i)(6) that is solicited by a person described in section
 2 304(i)(7) (including the agent of such a person) shall be
 3 treated both as a contribution made by the contributor
 4 and as a contribution made by the person who solicited
 5 the contribution.

6 “(B) This paragraph does not apply with respect to
 7 a contribution made by any individual who is a spouse,
 8 parent, child, sibling, father-in-law, or mother-in-law of
 9 the person described in section 304(i)(7).”.

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply with respect to contributions made
 12 on or after the date of the enactment of this Act.

13 **SEC. 4. PROHIBITING CANDIDATES FROM SOLICITING CAM-**
 14 **PAIGN CONTRIBUTIONS FROM REGISTERED**
 15 **LOBBYISTS WHILE CONGRESS IS IN SESSION.**

16 Title III of the Federal Election Campaign Act of
 17 1971 (2 U.S.C. 30101 et seq.) is amended by adding at
 18 the end the following new section:

19 **“SEC. 325. PROHIBITING CANDIDATES FROM SOLICITING**
 20 **CONTRIBUTIONS FROM REGISTERED LOBBY-**
 21 **ISTS WHILE CONGRESS IS IN SESSION.**

22 “(a) CANDIDATES FOR SENATE.—A candidate for the
 23 office of Senator, an individual holding the office of Sen-
 24 ator, an agent of such a candidate or an individual holding
 25 such office, or an entity directly or indirectly established,

1 financed, maintained, or controlled by or acting on behalf
2 of 1 or more such candidates or individuals holding such
3 office may not solicit from any registered lobbyist funds
4 in connection with any election for the office of Senator
5 during any period in which the Senate is in session.

6 “(b) CANDIDATES FOR HOUSE.—A candidate for the
7 office of Representative in, or Delegate or Resident Com-
8 missioner to, the Congress, an individual holding such an
9 office, an agent of a candidate or an individual holding
10 such an office, or an entity directly or indirectly estab-
11 lished, financed, maintained, or controlled by or acting on
12 behalf of 1 or more such candidates or individuals holding
13 such an office may not solicit from any registered lobbyist
14 funds in connection with any election for the office of Rep-
15 resentative in, or Delegate or Resident Commissioner to,
16 the Congress during any period in which the House of
17 Representatives is in session.

18 “(c) REGISTERED LOBBYIST DEFINED.—For pur-
19 poses of this section, the term ‘registered lobbyist’ means
20 any person who is described in subparagraph (A), (B), or
21 (C) of section 304(i)(7).

22 “(d) DETERMINATION OF WHEN BODY IS IN SES-
23 SION.—For purposes of this section, the Senate or House
24 of Representatives shall be considered to be in session dur-
25 ing any period unless such body has adjourned for, or is

1 in recess for, a period of 10 consecutive calendar days or
 2 longer.”.

3 **SEC. 5. CLARIFICATION OF ACTIONS CONSTITUTING SOLIC-**
 4 **ITATION UNDER FEDERAL ELECTION CAM-**
 5 **PAIGN ACT OF 1971.**

6 Section 301 of the Federal Election Campaign Act
 7 of 1971 (52 U.S.C. 30101) is amended by adding at the
 8 end the following new paragraph:

9 “(27) The term ‘solicit’ means to directly or in-
 10 directly ask, request, or recommend, explicitly or im-
 11 plicitly, that another person make a contribution,
 12 donation, transfer of funds, or otherwise provide
 13 anything of value.”.

14 **SEC. 6. REPEALING EXEMPTION FROM REGISTRATION**
 15 **UNDER FOREIGN AGENTS REGISTRATION**
 16 **ACT OF 1938 FOR PERSONS FILING DISCLO-**
 17 **SURE REPORTS UNDER LOBBYING DISCLO-**
 18 **SURE ACT OF 1995.**

19 (a) REPEAL OF EXEMPTION.—Section 3 of the For-
 20 eign Agents Registration Act of 1938 (22 U.S.C. 613) is
 21 amended by striking subsection (h).

22 (b) TIMING OF FILING OF REGISTRATION STATE-
 23 MENTS.—Section 2 of the Foreign Agents Registration
 24 Act of 1938 (22 U.S.C. 612) is amended—

1 (1) in subsection (a), in the matter preceding
2 paragraph (1), in the fourth sentence, by striking
3 “The registration statement shall include” and in-
4 serting “Except as provided in subsection (h), the
5 registration statement shall include”; and

6 (2) by adding at the end the following:

7 “(h) TIMING FOR FILING OF STATEMENTS BY PER-
8 SONS REGISTERED UNDER LOBBYING DISCLOSURE ACT
9 OF 1995.—In the case of an agent of a person described
10 in section 1(b)(2) or an entity described in section 1(b)(3)
11 who has registered under the Lobbying Disclosure Act of
12 1995 (2 U.S.C. 1601 et seq.), after the agent files the
13 first registration required under subsection (a) in connec-
14 tion with the agent’s representation of such person or enti-
15 ty, the agent shall file all subsequent statements required
16 under this section at the same time, and in the same fre-
17 quency, as the reports filed with the Clerk of the House
18 of Representatives or the Secretary of the Senate (as the
19 case may be) under section 5 of the Lobbying Disclosure
20 Act of 1995 (2 U.S.C. 1604) in connection with the
21 agent’s representation of such person or entity.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect 180 days after the date of
24 the enactment of this Act.

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