

115TH CONGRESS
2D SESSION

S. 3274

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 SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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 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 “, other than” and all that follows through the period at
14 the end and inserting “over a 2-year period.”.

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

18 (1) **TREATMENT OF LEGISLATIVE, POLITICAL,**
19 **AND STRATEGIC COUNSELING SERVICES IN SUPPORT**
20 **OF LOBBYING CONTACTS AS LOBBYING ACTIVITY.**—
21 Section 3(7) of the Lobbying Disclosure Act of 1995
22 (2 U.S.C. 1602(7)) is amended—

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

25 (B) by striking “research and other back-

26 ground work” and inserting “legislative, polit-

1 ical, and strategic counseling services, research,
 2 and other background work”.

3 (2) TREATMENT OF LOBBYING CONTACT MADE
 4 WITH SUPPORT OF LEGISLATIVE, POLITICAL, AND
 5 STRATEGIC COUNSELING SERVICES AS LOBBYING
 6 CONTACT MADE BY INDIVIDUAL PROVIDING SERV-
 7 ICES.—Section 3(8) of the Lobbying Disclosure Act
 8 of 1995 (2 U.S.C. 1602(8)) is amended by adding
 9 at the end the following:

10 “(C) TREATMENT OF PROVIDERS OF LEG-
 11 ISLATIVE, POLITICAL, AND STRATEGIC COUN-
 12 SELING SERVICES.—Any individual who for fi-
 13 nancial or other compensation provides legisla-
 14 tive, political, and strategic counseling services
 15 that are treated as a lobbying activity under
 16 paragraph (7), and that are used in support of
 17 a lobbying contact under this paragraph that is
 18 made by another individual, shall be considered
 19 to have made the same lobbying contact at the
 20 same time and in the same manner to the cov-
 21 ered executive branch official or covered legisla-
 22 tive branch official involved.”.

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

1 **SEC. 3. TREATMENT OF CERTAIN CONTRIBUTIONS FOR**
2 **PURPOSES OF CONTRIBUTION LIMITS UNDER**
3 **FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

4 (a) TREATMENT OF BUNDLED CONTRIBUTIONS AS
5 CONTRIBUTIONS BY DONOR AND BUNDLER.—Section
6 315(a) of the Federal Election Campaign Act of 1971 (52
7 U.S.C. 30116(a)) is amended by adding at the end the
8 following new paragraph:

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

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

25 “(C) This paragraph does not apply with respect to
26 a contribution made by any individual who is a spouse,

1 parent, child, sibling, father-in-law, or mother-in-law of
 2 the person described in section 304(i)(7).

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

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

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

20 “(11)(A) For purposes of paragraph (1), any con-
 21 tribution made to a committee described in section
 22 304(i)(6) that is solicited by a person described in section
 23 304(i)(7) (including the agent of such a person) shall be
 24 treated both as a contribution made by the contributor

1 and as a contribution made by the person who solicited
2 the contribution.

3 “(B) 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 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to contributions made
9 on or after the date of the enactment of this Act.

10 **SEC. 4. PROHIBITING CANDIDATES FROM SOLICITING CAM-**
11 **PAIGN CONTRIBUTIONS FROM REGISTERED**
12 **LOBBYISTS WHILE CONGRESS IS IN SESSION.**

13 Title III of the Federal Election Campaign Act of
14 1971 (2 U.S.C. 30101 et seq.) is amended by adding at
15 the end the following new section:

16 **“SEC. 325. PROHIBITING CANDIDATES FROM SOLICITING**
17 **CONTRIBUTIONS FROM REGISTERED LOBBY-**
18 **ISTS WHILE CONGRESS IS IN SESSION.**

19 “(a) CANDIDATES FOR SENATE.—A candidate for the
20 office of Senator, an individual holding the office of Sen-
21 ator, an agent of such a candidate or an individual holding
22 such office, or an entity directly or indirectly established,
23 financed, maintained, or controlled by or acting on behalf
24 of one or more such candidates or individuals holding such
25 office may not solicit from any registered lobbyist funds

1 in connection with any election for the office of Senator
2 during any period in which the Senate is in session.

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

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

19 “(d) DETERMINATION OF WHEN BODY IS IN SES-
20 SION.—For purposes of this section, the Senate or House
21 of Representatives shall be considered to be in session dur-
22 ing any period unless such body has adjourned for, or is
23 in recess for, a period of 10 consecutive calendar days or
24 longer.”.

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

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

7 “(27) SOLICIT.—The term ‘solicit’ means to di-
 8 rectly or indirectly ask, request, or recommend, ex-
 9 plicitly or implicitly, that another person make a
 10 contribution, donation, transfer of funds, or other-
 11 wise provide anything of value.”.

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

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

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

23 (1) in subsection (a), in the matter preceding
 24 paragraph (1), in the fourth sentence, by striking
 25 “The registration statement shall include” and in-

1 serting “Except as provided in subsection (h), the
2 registration statement shall include”; and

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

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

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date that is 180 days
21 after the date of enactment of this Act.

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