

116TH CONGRESS
2D SESSION

H. R. 8022

To amend the Lobbying Disclosure Act of 1995 to assign unique identification numbers to each lobbyist who registers under such Act and to each client of the lobbyist and each person who provides strategic lobbying services in support of the lobbyist, to require the disclosure of information on any persons who provide strategic lobbying services in support of registered lobbyists under such Act, to require the Clerk of the House of Representatives and the Secretary of the Senate to assign a unique identification number to each individual who registers as a lobbyist under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 2020

Mr. PHILLIPS (for himself and Mr. CLINE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Lobbying Disclosure Act of 1995 to assign unique identification numbers to each lobbyist who registers under such Act and to each client of the lobbyist and each person who provides strategic lobbying services in support of the lobbyist, to require the disclosure of information on any persons who provide strategic lobbying services in support of registered lobbyists under such Act, to require the Clerk of the House of Representatives and the Secretary of the Senate to assign a unique identification number to each individual who registers as a lobbyist 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lobbying Disclosure
5 Reform Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the right to petition government for redress
9 of grievances is a fundamental right in our rep-
10 resentative democracy, which is often realized
11 through lobbying;

12 (2) responsible representative government re-
13 quires public awareness of the efforts of paid lobby-
14 ists to influence the public decision making process
15 in both the legislative and executive branches of the
16 Federal Government;

17 (3) existing lobbying disclosure laws have not
18 been as effective as they could be because of unclear
19 statutory language, weak administrative and enforce-
20 ment provisions, and an absence of clear guidance as
21 to who is required to register and what they are re-
22 quired to disclose;

23 (4) the effective public disclosure of the identity
24 and extent of the efforts of paid lobbyists to influ-
25 ence Federal officials in the conduct of government

1 actions will increase public confidence in the integ-
 2 rity of government; and

3 (5) experience with lobbying laws and regula-
 4 tions for nearly a half century led to substantial im-
 5 provements in the law in 1995, and experience with
 6 the Lobbying Disclosure Act of 1995 over the last
 7 decade provides a sound basis for new refinements
 8 today.

9 **SEC. 3. ASSIGNMENT OF UNIQUE IDENTIFICATION NUM-**
 10 **BERS TO LOBBYISTS, CLIENTS, AND PRO-**
 11 **VIDERS OF STRATEGIC LOBBYING SERVICES.**

12 (a) ASSIGNMENT OF UNIQUE IDENTIFICATION NUM-
 13 BERS.—Section 6(a)(3) of the Lobbying Disclosure Act of
 14 1995 (2 U.S.C. 1605(a)(3)) is amended—

15 (1) by striking “and” at the end of subpara-
 16 graph (A);

17 (2) by adding “and” after the semicolon the
 18 end of subparagraph (B); and

19 (3) by adding after subparagraph (B) the fol-
 20 lowing:

21 “(C) a system that assigns an identifica-
 22 tion number for each lobbyist for whom a reg-
 23 istration or report is filed under this Act, each
 24 client of such a lobbyist, and each provider of

1 strategic lobbying services on behalf of such cli-
2 ent;”.

3 (b) INCLUSION IN REGISTRATION STATEMENTS.—

4 (1) INFORMATION ON REGISTRANTS.—Section
5 4(b)(1) of such Act (2 U.S.C. 1603(b)(1)) is amend-
6 ed by striking “name,” and inserting “name, unique
7 identification number (if available at the time of reg-
8 istration),”.

9 (2) INFORMATION ON CLIENTS.—Section
10 4(b)(2) of such Act (2 U.S.C. 1603(b)(2)) is amend-
11 ed by striking “name,” and inserting “name, unique
12 identification number (if available at the time of reg-
13 istration),”.

14 (3) INFORMATION ON EMPLOYEES.—Section
15 4(b)(6) of such Act (2 U.S.C. 1603(b)(6)) is amend-
16 ed by striking “the name” and inserting “the name
17 and unique identification number (if available at the
18 time of registration)”.

19 (c) INCLUSION IN QUARTERLY REPORTS.—

20 (1) INFORMATION ON REGISTRANTS AND CLI-
21 ENTS.—Section 5(b)(1) of such Act (2 U.S.C.
22 1604(b)(1)) is amended by striking “the name of the
23 registrant, the name of the client” and inserting the
24 following: “the name and unique identification num-

1 ber of the registrant, the name and unique identi-
 2 fication number of the client”.

3 (2) INFORMATION ON EMPLOYEES.—Section
 4 5(b)(2)(C) of such Act (2 U.S.C. 1604(b)(2)(C)) is
 5 amended by striking “a list of the employees” and
 6 inserting “a list of the names and unique identifica-
 7 tion numbers of the employees”.

8 (d) EFFECTIVE DATE.—The Clerk of the House of
 9 Representatives and the Secretary of the Senate shall im-
 10 plement the system described in subparagraph (C) of sec-
 11 tion 6(a)(3) of the Lobbying Disclosure Act of 1995, as
 12 added by subsection (a), not later than the first day of
 13 the One Hundred Seventeenth Congress.

14 **SEC. 4. REQUIRING DISCLOSURE OF PERSONS PROVIDING**
 15 **STRATEGIC LOBBYING SERVICES.**

16 (a) DISCLOSURE IN LOBBYIST REGISTRATION
 17 STATEMENTS.—Section 4(b)(6) of the Lobbying Disclo-
 18 sure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended—

19 (1) by striking “expects to act as a lobbyist on
 20 behalf of the client and” and inserting the following:
 21 “expects to act as a lobbyist on behalf of the client,
 22 or who has been or who the registrant expects to be
 23 a provider of strategic lobbying services on behalf of
 24 the client, and”; and

1 (2) by inserting after “first acted as a lobbyist”
2 the following: “or was first a provider of strategic
3 lobbying services”.

4 (b) DISCLOSURE IN QUARTERLY REPORTS.—Section
5 5(b)(2) of such Act (2 U.S.C. 1604(b)(2)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (C);

8 (2) by adding “and” at the end of subpara-
9 graph (D); and

10 (3) by adding at the end the following new sub-
11 paragraphs:

12 “(E) a list of the names and unique identi-
13 fication numbers of the employees of the reg-
14 istrant who were providers of strategic lobbying
15 services in support of the registrant’s lobbying
16 activities on behalf of the client during the
17 quarterly period; and

18 “(F) a list of the names of all other per-
19 sons who were retained as providers of strategic
20 lobbying services in support of the registrant’s
21 lobbying activities on behalf of the client during
22 the quarterly period, together with—

23 “(i) the nature of the strategic lob-
24 bying services provided, along with a brief
25 summary of work performed;

1 “(ii) the amount paid to each such
2 person for such services;

3 “(iii) the name of any individual em-
4 ployed by such person who supervised the
5 provision of such services, and, if the indi-
6 vidual served as a covered executive branch
7 official or a covered legislative branch offi-
8 cial in the previous 20 years, a statement
9 describing the position in which such indi-
10 vidual served; and

11 “(iv) the name of any individual em-
12 ployed by such person who provided such
13 services during the quarterly period, and, if
14 the individual served as a covered executive
15 branch official or a covered legislative
16 branch official in the previous 20 years, a
17 statement describing the position in which
18 such individual served.”.

19 (c) INCLUSION IN FILING, CODING, AND CROSS-IN-
20 DEXING SYSTEMS.—Section 6(a)(3)(A) of such Act (2
21 U.S.C. 1605(a)(3)(A)) is amended by striking “and their
22 clients” and inserting “and their clients and providers of
23 strategic lobbying services”.

24 (d) DEFINITION.—Section 3 of such Act (2 U.S.C.
25 1602) is amended—

1 (1) by redesignating paragraphs (15) and (16)
2 as paragraphs (16) and (17); and

3 (2) by inserting after paragraph (14) the fol-
4 lowing new paragraph:

5 “(15) PROVIDER OF STRATEGIC LOBBYING
6 SERVICES.—

7 “(A) IN GENERAL.—The term ‘provider of
8 strategic lobbying services’ means any person
9 who, during a quarterly period described in sec-
10 tion 5, provided a registrant under section 4
11 with 12 or more hours of services which are de-
12 scribed in subparagraph (C) but which are not
13 otherwise treated as lobbying activities or lob-
14 bying contacts.

15 “(B) SPECIAL RULE FOR FORMER OFFI-
16 CIALS.—In the case of a person who served as
17 a covered executive branch official or a covered
18 legislative branch official in the previous 20
19 years and who, during a quarterly period de-
20 scribed in section 5, provided a registrant under
21 section 4 with services described in subpara-
22 graph (A) and also carried out lobbying activi-
23 ties on behalf of the registrant, such person
24 shall be treated as a provider of strategic lob-
25 bying services if the combined time spent in

1 providing services described in subparagraph
2 (A) and lobbying activities on behalf of the reg-
3 istrant during the period was 12 hours or
4 greater.

5 “(C) SERVICES DESCRIBED.—The services
6 described in this subparagraph are the fol-
7 lowing:

8 “(i) Providing strategic planning for
9 lobbying activities or lobbying campaigns.

10 “(ii) Providing strategic advice re-
11 garding earned media or press coverage re-
12 lated to specific issues upon which a lob-
13 byist employed by the registrant engaged
14 in lobbying activities.

15 “(iii) Polling services enlisted by a
16 registrant related to specific issues upon
17 which a lobbyist employed by the reg-
18 istrant engaged in lobbying activities.

19 “(iv) Providing advice on or producing
20 public communications related to specific
21 issues upon which a lobbyist employed by
22 the registrant engaged in lobbying activi-
23 ties.

24 “(v) Encouraging persons to support
25 or oppose legislative or administrative ac-

1 tion or take action with regard to specific
2 issues upon which a lobbyist employed by
3 the registrant engaged in lobbying activi-
4 ties, including the costs of creating formal
5 or informal coalitions of organizations for
6 such purposes.”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to statements and re-
9 ports filed on or after the first day of the One Hundred
10 Seventeenth Congress.

11 **SEC. 5. PROMOTING ENFORCEMENT BY ATTORNEY GEN-**
12 **ERAL.**

13 (a) REFERENCE OF NONCOMPLIANCE TO ATTORNEY
14 GENERAL.—Section 6(a) of the Lobbying Disclosure Act
15 of 1995 (2 U.S.C. 1605(a)) is amended by striking “the
16 United States Attorney for the District of Columbia” each
17 place it appears in paragraph (8) and paragraph (11) and
18 inserting “the Attorney General”.

19 (b) INCLUSION IN ENFORCEMENT REPORTS OF
20 IDENTIFICATION OF INDIVIDUALS SUBJECT TO IMPOSI-
21 TION OF SENTENCE.—Section 6(b)(1) of such Act (2
22 U.S.C. 1605(b)(1)) is amended by striking “by case, any
23 sentences imposed, except that such report shall not in-
24 clude the names of individuals, or personally identifiable
25 information, that is not already a matter of public record”

1 and inserting “by case and by the name of the individual
2 and (if applicable) the lobbying firm involved, any sen-
3 tences imposed”.

4 (c) RECOMMENDATIONS TO PROMOTE ENFORCE-
5 MENT AND COMPLIANCE.—Section 6 of such Act (2
6 U.S.C. 1605) is amended by adding at the end the fol-
7 lowing new subsection:

8 “(c) RECOMMENDATIONS TO PROMOTE ENFORCE-
9 MENT AND COMPLIANCE.—The Attorney General, at any
10 time, may make recommendations to Congress on steps
11 to promote the enforcement of and compliance with this
12 Act, including recommendations regarding the Attorney
13 General’s need for resources to carry out the enforcement
14 of this Act.”.

15 **SEC. 6. INCREASING TRANSPARENCY OF SYSTEM FOR FIL-**
16 **ING, CODING, AND CROSS-INDEXING OF RE-**
17 **PORTED INFORMATION.**

18 (a) CLARIFYING REQUIREMENT TO IMPLEMENT SYS-
19 TEM.—Section 6(a)(3) of the Lobbying Disclosure Act of
20 1995 (2 U.S.C. 1605(a)(3)) is amended in the matter pre-
21 ceding subparagraph (A) by striking “develop” and insert-
22 ing “develop and implement”.

23 (b) AVAILABILITY OF INFORMATION THROUGH
24 SOFTWARE APPLICATIONS.—Section 6(a)(3)(B) of such
25 Act (2 U.S.C. 1605(a)(3)(B)) is amended by striking

1 “computerized systems” and inserting “computerized sys-
 2 tems, including a system through which individuals may
 3 use software or web-based applications to obtain access
 4 to a searchable, sortable, and downloadable database of
 5 information,”

6 **SEC. 7. OTHER REFORMS IN REGULATION OF LOBBYISTS**
 7 **AND LOBBYING ACTIVITY.**

8 (a) REVISION OF THRESHOLD FOR EXEMPTION
 9 FROM TREATMENT AS LOBBYIST.—

10 (1) REVISION.—Section 3(10) of the Lobbying
 11 Disclosure Act of 1995 (2 U.S.C. 1602(10)) is
 12 amended—

13 (A) by striking “by a client” and inserting
 14 “by a client or by a registrant”; and

15 (B) by striking “other than an individual”
 16 and all that follows and inserting the following:
 17 “other than an individual who, over a 3-month
 18 period, spends fewer than 12 hours engaged in
 19 lobbying activities for such client or such reg-
 20 istrant.”.

21 (2) EFFECTIVE DATE.—The amendments made
 22 by paragraph (1) shall apply with respect to lob-
 23 bying activities occurring on or after the first day of
 24 the One Hundred Seventeenth Congress.

25 (b) DEADLINE FOR REGISTRATION.—

1 (1) REVISION OF DEADLINE.—Section 4(a) of
2 such Act (2 U.S.C. 1603(a)) is amended—

3 (A) by striking “45 days” and inserting
4 “30 days”; and

5 (B) by striking “45th day” each place it
6 appears and inserting “30th day”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall apply with respect to lob-
9 bying contacts occurring on or after the first day of
10 the One Hundred Seventeenth Congress.

11 (c) INCLUSION OF SPECIFIC INFORMATION IN REG-
12 ISTRATION STATEMENTS ON ISSUED ADDRESSED IN LOB-
13 BYING ACTIVITIES.—

14 (1) IN GENERAL.—Section 4(b)(5)(B) of such
15 Act (2 U.S.C. 1603(b)(5)(B)) is amended by strik-
16 ing the semicolon at the end and inserting the fol-
17 lowing: “, including any Federal rule, regulation,
18 Executive Order, or any other program, policy, pol-
19 icy, or position of the United States Government, as
20 well as any proposed Federal legislation or a descrip-
21 tion thereof;”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall apply with respect to state-
24 ments filed on or after the first day of the One Hun-
25 dred Seventeenth Congress.

1 (d) CLARIFICATION OF TIMING OF TERMINATION OF
 2 REGISTRATION.—Section 4(d) of such Act (2 U.S.C.
 3 1603(d)) is amended—

4 (1) in paragraph (1), by striking “by a client”
 5 and inserting “by a client or by a registrant”; and

6 (2) in paragraph (2), by striking “for such cli-
 7 ent” and inserting “for such client or lobbying
 8 firm”.

9 **SEC. 8. QUADRENNIAL REPORTS ON EFFECTIVENESS OF**
 10 **COLLECTION, STORING, AND RELEASE OF IN-**
 11 **FORMATION.**

12 (a) INCLUSION IN ANNUAL AUDITS BY COMP-
 13 TROLLER GENERAL.—

14 (1) IN GENERAL.—Section 26 of the Lobbying
 15 Disclosure Act of 1995 (2 U.S.C. 1614) is amend-
 16 ed—

17 (A) by redesignating subsection (b) as sub-
 18 section (c); and

19 (B) by inserting after subsection (a) the
 20 following new subsection:

21 “(b) QUADRENNIAL REPORTS ON MODERNIZATION
 22 OF REPORTING AND DISCLOSURES.—Beginning in 2020
 23 and every 4 years thereafter, the Comptroller General
 24 shall include with the audit conducted under subsection
 25 (a) an evaluation of the technology and methods employed

1 by the Secretary of the Senate and the Clerk of the House
 2 to collect, store, review, and electronically publish the in-
 3 formation filed with the Secretary and Clerk under this
 4 Act, and shall include in such evaluation an analysis of—

5 “(1) whether additional technological means
 6 could be employed to reduce the burden on filers and
 7 increase the accuracy of filings;

8 “(2) whether automated means are being maxi-
 9 mally employed to allow the Secretary and the Clerk
 10 to automatically process, normalize, and verify the
 11 data they have received; and

12 “(3) whether the Secretary and the Clerk could
 13 undertake other measures to improve how such is
 14 collected, reviewed, and reported to the public.”.

15 (2) CONFORMING AMENDMENT RELATING TO
 16 SUBMISSION OF REPORT TO CONGRESS.—Section
 17 26(c)(1) of such Act (2 U.S.C. 1614(c)(1)), as re-
 18 designated by paragraph (1), is amended by in the
 19 matter preceding subparagraph (A) by striking the
 20 period at the end of the first sentence and inserting
 21 the following: “, and, if applicable, the quadrennial
 22 evaluation conducted under subsection (b).”.

23 (b) JOINT REVIEW BY SECRETARY OF SENATE AND
 24 CLERK OF HOUSE OF REPRESENTATIVES.—The Lobbying

1 Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended
2 by adding at the end the following new section:

3 **“SEC. 27. QUADRENNIAL REVIEW OF INFORMATION COL-**
4 **LECTION AND DISSEMINATION BY SEC-**
5 **RETARY OF SENATE AND CLERK OF HOUSE**
6 **OF REPRESENTATIVES.**

7 “(a) REVIEW.—Not later than April 1, 2021, and
8 every 4 years thereafter, the Secretary of the Senate and
9 the Clerk of the House of Representatives shall jointly
10 conduct and submit to Congress a review of how the Sec-
11 retary and Clerk collect, store, review, and disseminate in-
12 formation filed with the Secretary and the Clerk under
13 this Act.

14 “(b) FACTORS.—In conducting the review under sub-
15 section (a), the Secretary and the Clerk—

16 “(1) shall include an analysis of how the filing
17 and public disclosure of the information filed under
18 this Act can be improved, including a detailed plan
19 with deadlines for improving filing and disclosure
20 mechanisms; and

21 “(2) shall consult with members of the public,
22 with an emphasis on those members of the public
23 who regularly seek access to such information.

24 “(c) ADDITIONAL OR SEPARATE VIEWS PER-
25 MITTED.—The Secretary and the Clerk may each include

- 1 additional or separate views in the review submitted to
- 2 Congress under subsection (a).”.

○