

that has been debated this morning. It started at 9 o'clock, it would be my hope that during the debate on Bosnia we could continue our bipartisan efforts to reach some agreement on a gift ban.

I do not know of anybody here that will live or die based on what happens on the gift ban. I think what we want to make certain of is that you do not have someone in this body who gets in trouble for some unintentional act.

I received five birthday cakes last week. I am not certain what the value of the cakes were. I only ate one piece. But I might be in trouble because I am certain that the value of some of those cakes was in excess of \$20.

I was in Ocala, FL, on Sunday. They gave me a very nice piece of artistic work from wood. I do not know the value of it. The artist is not well known but well known in that part of Florida. Are we to say we cannot take that? There was not any lobbying group there. There were about 400 people there. For some reason they were happy I was there, and they gave me this gift.

I believe that the thing we want to make certain of is that we do not go over the cliff here. I know there are 23 exemptions, as I understand it, for "nonlobbyists." But I would hope my friend from Kentucky, who is present on the floor, would make certain, in our effort to make certain we are all simon pure, that we do not unintentionally involve one of our colleagues in some difficulty down the road if somebody in an election year, particularly if somebody did not register this birthday cake, they did not register this or that. I think it is easy to go to the extreme.

If you do not have any friends they do not give you any gifts, and you do not have any problem. But most of us have friends, and they are good people. They are people from our home State, and people from other States which we visit.

I am talking about minimal gifts, not anything of any great substance.

If we can work out a bipartisan agreement, then obviously we will take it up tomorrow. If not, we may delay it for a while because we want to start on the State Department authorization bill. Hopefully, we can finish that in 2 or 3 days. That would still leave DOD authorization and appropriations, also foreign operations, welfare reform bill, four appropriations bills, the Ryan White bill, and a few other things before we recess for August.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1846

The PRESIDING OFFICER. Under the previous order, the Senate now resumes deliberation of amendment 1846, offered by the Senator from New Jersey, Senator LAUTENBERG.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 327 Leg.]
YEAS—72

Abraham	Feinstein	McConnell
Akaka	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Grassley	Moynihan
Bingaman	Gregg	Murkowski
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pressler
Bumpers	Hutchison	Pryor
Burns	Inhofe	Reid
Byrd	Inouye	Robb
Campbell	Jeffords	Rockefeller
Chafee	Kassebaum	Santorum
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Shelby
D'Amato	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Kyl	Smith
Dodd	Lautenberg	Snowe
Domenici	Levin	Thomas
Dorgan	Lieberman	Thompson
Exon	Lugar	Warner
Feingold	McCain	Wellstone

NAYS—26

Ashcroft	Ford	Lott
Bond	Gorton	Mack
Brown	Gramm	Nickles
Coats	Grams	Packwood
Cochran	Hatch	Roth
Coverdell	Helms	Specter
Craig	Johnston	Stevens
Dole	Kempthorne	Thurmond
Faircloth	Leahy	

NOT VOTING—2

Bennett Graham

So the amendment (No. 1846) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOBBYING REFORM

Mr. DOLE. Mr. President, earlier this year, Congress took an important step forward in reforming the way we conduct the Nation's business by passing congressional coverage legislation. Now, we will think twice before imposing new regulatory burdens on the private sector because these burdens will be imposed on Congress, too.

Today, we will pass another key element of the reform agenda—lobbying reform.

Unlike last year's bill, this legislation strikes the right balance: it tightens up the registration and disclosure requirements for the Washington-based lobbyists, without infringing upon the rights of ordinary citizens at the grassroots to petition their Government. This was the main bone of contention during last year's debate, and I believe we have resolved our disagreements.

While I was hopeful that we could have made a number of additional changes, including codifying President Clinton's executive order which imposes a 5-year ban on postemployment lobbying by executive branch officials, I am nonetheless pleased that the bill includes my amendment restricting the postemployment activities of our Nation's top trade negotiators.

This amendment will prohibit anyone who has served as U.S. Trade Representative or Deputy U.S. Trade Representative, from ever representing, aiding, or advising any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of an executive agency.

Current law prohibits the U.S. Trade Representative from aiding or advising a foreign entity for a period of 3 years after his service has ended. My amendment transforms this 3-year ban into a lifetime ban and applies the ban to the Deputy Trade Representative as well.

The real problem here is one of appearance—the appearance of a revolving door between government service and private-sector enrichment. This appearance problem becomes all the more acute when former high Government officials work on behalf of foreign interests.

Service as a high Government official is a privilege, not a right. This amendment may discourage some individuals from accepting the U.S.T.R. job, but in my view, this is a small price to pay when the confidence of the American people is at stake.

Finally, Mr. President, I want to congratulate my distinguished colleagues, Senators LEVIN, COHEN, MCCONNELL, and LOTT, for all the hard work they have put into this effort.

I know they have been working a number of days—in fact weeks—in trying to come to some agreement. And because of their efforts, and because of their willingness on a give-and-take proposition, I believe they have crafted a very clear and a very sensible bill. And it should go a long way toward helping restore the trust of the American people in their elected representatives.

I think the vote yesterday reflects broad support. The vote for the McConnell-Levin substitute was 98 to 0. There were two Senators absent, or it would have been 100 to 0. And I predict the vote today will probably be unanimous. Every Senator present will vote in favor of it.

So, again I congratulate my colleague from Kentucky, Senator MCCONNELL, Senator LEVIN from Michigan, Senator LOTT, who more or less had the responsibility for moving this bill along for the past several weeks and working with different groups; and, of course, Senator COHEN who was the principal author of the bill last year and again worked hard this year.

Mr. FEINGOLD. Mr. President, let me take just a few brief moments to commend the Senator from Michigan, Senator LEVIN, and the Senator from Maine, Senator COHEN, for their tireless work on trying to plug the gaping holes that exist in our current lobbying disclosure laws.

Like the gift ban legislation that the Senate will soon be turning to, the Lobbying Disclosure Act has traveled a long and winding road. S. 349, the original lobbying disclosure bill, passed the Senate in 1993 by a margin of 95 to 2.

Unfortunately, that legislation fell victim to a filibuster near the end of the 103d Congress when some last-minute concerns were raised that the bill might infringe on the lobbying activities of grassroots and religious organizations.

Though the Senator from Michigan, Senator LEVIN, has made clear that that bill would have had no such effects, I think it is to his credit that he has addressed those concerns in the underlying legislation, and made perfectly clear that it is neither the intent nor the practical effect of the bill to restrict such grassroots lobbying in any way.

The effort of the Levin-Cohen legislation to shed some much-needed light on the activities of Washington's paid lobbyists is long overdue, and together with a strong gift ban bill will make dramatic progress toward lessening the degree of influence that the special interests have here in Washington.

The Levin-Cohen bill, which I am an original cosponsor of, does not ban lobbying or restrict the rights of individuals to petition their Government in any way. It is simply a disclosure bill. It states that if you spend a certain percentage of time lobbying or spend x number of dollars on lobbying activities, you must disclose certain types of information about what legislators you are lobbying and the issues raised.

The bill would require paid, professional lobbyists to disclose essential information, such as who they are lobbying, who they are representing and what issues they are lobbying on.

The Levin-Cohen bill would also simplify and streamline the reporting process by allowing a single registration by each organization that employs professional lobbyists. This will dramatically cut down on the unnecessary and burdensome paperwork that has become associated with our current inadequate registration laws.

As I said, Mr. President, this legislation is long overdue. Our constituents are entitled to know who is lobbying us, who they represent, how much they

are spending to lobby us, and what issues they are trying to influence us on.

The Senator from Michigan, Senator LEVIN, has probably illustrated how the current lobbying disclosure laws are riddled with holes and inefficiencies, and have resulted in only a fraction of the Washington lobbyists actually registering under the current laws. In short, the public is essentially in the dark as to the kinds of back room lobbying and deal cutting that has unfortunately become a large part of the legislative process.

I am pleased that this body is apparently going to overwhelmingly approve this bill. I have said before that many of these reform issues can be done and should be done on a bipartisan basis. I have joined with the senior Senator from Arizona on a number of issues, ranging from campaign finance reform to revolving door lobbying reform to gift reform, and I hope that the bipartisan cooperation that was so effective in producing this strong lobbying disclosure bill can be extended to make progress and the many other areas of our legislative process that have cried out for reform in recent years.

Again, I compliment the two sides for their willingness to get together, compromise and produce a bipartisan bill that preserves the tough disclosure requirements in the original Levin-Cohen bill while ensuring that the reporting provisions in this bill are not overly burdensome to those who are going to be complying with the new requirements. I look forward to a resounding vote on this legislation and I yield the floor.

AMENDMENT NO. 1847

(Purpose: To make technical corrections to lobby reform bill)

Mr. LEVIN. Mr. President, I now send to the desk a managers' amendment in behalf of myself and Senator MCCONNELL. This amendment clears up two provisions in the bill in order to make the wording more understandable. The first part of amendment is the request of the Finance Committee to clarify the language in the bill which avoids double bookkeeping. The second part of the amendment restructures the amendment of Senator BROWN on the disclosure of income and assets to make it conform to the structure of the Ethics in Government Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCONNELL, proposes an amendment numbered 1847.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the page 57 of the bill, at line 13, strike "required to account for lobbying expenditures and does account for lobbying expenditures pursuant" and insert: "subject".

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

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

(1) in clause (vii) by striking "or"; and
(2) by striking clause (viii) and inserting the following:

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

"(ix) greater than \$5,000,000."

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

(1) in subparagraph (F) by striking "and"; and

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

"(G) greater than \$1,000,000 but not more than \$5,000,000;

"(H) greater than \$5,000,000 but not more than \$25,000,000;

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

"(J) greater than \$50,000,000."

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

"(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000."

The PRESIDING OFFICER. There are 5 minutes equally divided on the amendment.

Mr. LEVIN. Mr. President, let me simply say lobbying reform is one of the three pillars of political reform. Gifts and campaign finance reform are the other two.

For 50 years we have tried to reform lobby disclosure laws. Last year we almost made it. This year we are back on the road. I hope that the House will quickly adopt what we pass here, hopefully this afternoon.

I want to thank Senator COHEN and Senator GLENN and all Senators on both sides who have been helpful—Senator LOTT, Senator MCCONNELL—and Senator DASCHLE, who has stood with political reform with great constancy throughout his determination that we take up political reform issues, is one of the driving forces behind these efforts. I particularly want to thank him as well. But I think we are back on the road when it comes to political reform. I am glad that we did it on a bipartisan basis.

I yield the floor.

Mr. MCCONNELL. Mr. President, let me just say briefly that this is now a good bill. It will not keep citizens from exercising their rights to petition the Congress. We were able through bipartisan compromise to work out something which I think everybody can proudly vote for.

I particularly want to thank Melissa Patack of my staff, and Alison Carroll of Senator LOTT's staff for the good

work they have done on this and helping us get to this particular place.

Mr. LEVIN. Mr. President, in addition to the two staffers that Senator MCCONNELL mentioned that deserve plaudits, indeed, let me thank particularly Jim Weber of Senator DASCHLE's staff, Kennie Gill of Senator FORD's staff, and my two staffers who are really extraordinary, Linda Gustitis and Peter Levine. They have carried this and guided this for many years. And a special thanks to Senator FORD whose guidance has been so helpful and whose wisdom has been so constant throughout this effort.

The PRESIDING OFFICER. Do the managers yield back their remaining time?

Mr. LEVIN. I yield back the time.

Mr. MCCONNELL. I yield back the remaining time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1847.

The amendment (No. 1847) was agreed to.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—98

Abraham	Daschle	Hutchison
Akaka	DeWine	Inhofe
Ashcroft	Dodd	Inouye
Baucus	Dole	Jeffords
Biden	Domenici	Johnston
Bingaman	Dorgan	Kassebaum
Bond	Exon	Kempthorne
Boxer	Faircloth	Kennedy
Bradley	Feingold	Kerrey
Breaux	Feinstein	Kerry
Brown	Ford	Kohl
Bryan	Frist	Kyl
Bumpers	Glenn	Lautenberg
Burns	Gorton	Leahy
Byrd	Gramm	Levin
Campbell	Grams	Lieberman
Chafee	Grassley	Lott
Coats	Gregg	Lugar
Cochran	Harkin	Mack
Cohen	Hatch	McCain
Conrad	Hatfield	McConnell
Coverdell	Heflin	Mikulski
Craig	Helms	Moseley-Braun
D'Amato	Hollings	Moynihan

Murkowski	Robb	Snowe
Murray	Rockefeller	Specter
Nickles	Roth	Stevens
Nunn	Santorum	Thomas
Packwood	Sarbanes	Thompson
Pell	Shelby	Thurmond
Pressler	Simon	Warner
Pryor	Simpson	Wellstone
Reid	Smith	

NOT VOTING—2

Bennett

Graham

So the bill (S. 1060), as amended, was passed, as follows:

S. 1060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 3. DEFINITIONS.

As used in this Act:

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

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

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

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

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

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

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

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

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

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

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

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

(A) independent contractors; or

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

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))).

(7) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

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

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

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

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress,

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

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

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

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

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

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

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

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph 2(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

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

(9) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

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

(12) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

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

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

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

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

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

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

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

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

(16) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Sen-

ate and the Clerk of the House of Representatives.

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

(3) EXEMPTION.—

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

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

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed \$20,000,

(as estimated under section 5) in the semi-annual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

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

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

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

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

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

(A) contributes more than \$10,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than \$10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

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

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has

served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) **GUIDELINES FOR REGISTRATION.**—

(1) **MULTIPLE CLIENTS.**—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

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

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

(1) is no longer employed or retained by a client to conduct lobbying activities, and

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

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) **SEMIANNUAL REPORT.**—No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) **CONTENTS OF REPORT.**—Each semiannual report filed under subsection (a) shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

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

(D) a description of the interest, if any, of any foreign entity identified under section 4(b)(4) in the specific issues listed under subparagraph (A).

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

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) **ESTIMATES OF INCOME OR EXPENSES.**—For purposes of this section, estimates of income or expenses shall be made as follows:

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

(2) In the event income or expenses do not exceed \$10,000, the registrant shall include a

statement that income or expenses totaled less than \$10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

SEC. 6. DISCLOSURE AND ENFORCEMENT.

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

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

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

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

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

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

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

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

SEC. 7. PENALTIES.

Whoever knowingly fails to—

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

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

SEC. 8. RULES OF CONSTRUCTION.

(a) **CONSTITUTIONAL RIGHTS.**—Nothing in this Act shall be construed to prohibit or interfere with—

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

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

(3) the right of association, protected by the first amendment to the Constitution.

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

(c) **AUDIT AND INVESTIGATIONS.**—Nothing in this Act shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

SEC. 9. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

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

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking “the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence” and inserting “any activity that the person engaging in believes will, or that the person intends to, in any way influence”;

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking “established agency proceedings, whether formal or informal.” and inserting “judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.”;

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

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

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

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

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

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

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

(B) by striking “(i) in the form of prints, or” and all that follows through the end of the subsection and inserting “without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.”;

(6) in section 4(c) (22 U.S.C. 614(c)), by striking “political propaganda” and inserting “informational materials”;

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking “and all statements concerning the distribution of political propaganda”;

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

(C) in subsection (c) by striking “copies of political propaganda.”;

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking “or in any statement under section 4(a) hereof concerning the distribution of political propaganda”; and

(B) by striking subsection (d); and

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

SEC. 10. AMENDMENTS TO THE BYRD AMENDMENT.

(a) **REVISED CERTIFICATION REQUIREMENTS.**—Section 1352(b) of title 31, United States Code, is amended—

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

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

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

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

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

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 11. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

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

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

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

SEC. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.

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

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

(1) by inserting “or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act” after “an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938”; and

(2) by striking out “, as amended.”.

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

SEC. 13. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 14. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this Act and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this Act that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

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

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

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.

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

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of “lobbying activities” in section 3(8) of this Act, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

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

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

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

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this Act under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

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

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of “lobbying activities” in section 3(8) and the definitions of “lobbying expenditures”, “influencing legislation”, and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

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

(3) any changes to this Act or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

SEC. 16. REPEAL OF THE RAMSPECK ACT.

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

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

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

SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

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

“(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service, such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102). In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit based appointments.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and

(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

SEC. 18. EXEMPT ORGANIZATIONS.

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

SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (P.L. 75-583).

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

“SECTION 11. REPORTS TO THE CONGRESS.—The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.”.

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

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

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

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

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

“(ix) greater than \$5,000,000.”.

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

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

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

"(G) greater than \$1,000,000 but not more than \$5,000,000;

"(H) greater than \$5,000,000 but not more than \$25,000,000;

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

"(J) greater than \$50,000,000."

(C) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

"(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000."

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

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

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

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

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative."

(C) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

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

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

(B) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5) and inserting "(5), and (8)".

(C) EFFECTIVE DATE.—

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

SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NON-DEDUCTIBLE.

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

(B) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

SEC. 24. EFFECTIVE DATES.

(A) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

(B) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

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

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ANNOUNCEMENT OF POSITION ON VOTE

• Mr. GRAHAM. Mr. President, I advise the Senate that on Tuesday, July 25, I was a delegate to the 1995 Defense Ministerial of the Americas in Williamsburg, VA. The Defense Ministerial, which brought together military personnel from throughout the Western Hemisphere, is a forum for the discussion of the role of militaries in democratic societies. Had I been present at the time of the final vote on S. 1060 on July 25, I would have voted in the affirmative.●

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:57 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

Mr. DOLE. Mr. President, pursuant to the unanimous consent agreement on July 20, I now ask the Senate resume consideration of S. 21, the Bosnia and Herzegovina Self-Defense Act.

I have asked my colleague from Connecticut, Senator LIEBERMAN, to lead the effort this afternoon. Also, will my colleague from Virginia be willing to help manage the effort this afternoon?

Mr. WARNER. Mr. President, I will be privileged to do so.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of this proposal, which I am privileged to cosponsor with the distinguished Senate majority leader and a large number of other Senators from both sides of the aisle.

If passed, and we hope it will be passed overwhelmingly, this proposal will provide for a unilateral lifting of the arms embargo that was imposed against the former Yugoslavia in 1991 and remains in effect today, most notably victimizing the people of Bosnia.

There are times when people speak of this arms embargo as if it were Holy Writ, it were descended from the heavens, it were the Ten Commandments or the Sermon on the Mount.

The arms embargo against Bosnia is a political act, adopted by the Security Council of the United Nations in 1991, when Yugoslavia was still intact. It is, in the narrow legal sense, therefore, in my opinion, illegal as it is applied to Bosnia because Bosnia did not even exist as a separate country at that time.

But more to the point and ironically, cynically, when adopted by the United Nations Security Council in 1991, this arms embargo on the former Yugoslavia was requested by and supported by the then Government of Yugoslavia in Belgrade, which is to say the Milosevic government. And I say cynically because the pattern that was to follow was clear then, which was that the Milosevic government was going to set about systematically trying to create a greater Serbia and, therefore, knowing that Serbia itself, by accident of history, contained the warmaking capacity, the munitions, the weapons which were part of Yugoslavia, would enjoy essentially a monopoly of force as against its neighbors.

But we took that political act, supported by well-meaning governments in the West and elsewhere, as a way to stop arms from flowing into the Balkans so as to stop a war from going on, and we have made it into the Holy Writ. It is not. It is immoral. It is the opposite of the Holy Writ. It is immoral and it is illegal; illegal not only for the technical legal reasons I cited a moment ago but because it denies—this political resolution of the Security Council—denies Bosnia the rights it has gained as a member nation of the United Nations to defend itself.

What could be more fundamental to a nation as the guarantor of its own existence than the right to defend itself?