

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 707: Mr. METCALF.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2564

OFFERED BY: MR. CLINGER

AMENDMENT NO. 3: Beginning on page 25, redesignate sections 8 through 24 as sections 9 through 25, respectively, strike "this Act" each place it occurs and insert "this Act (other than section 8)", and insert after line 2 the following:

SEC. 8. PROHIBITION ON USE OF APPROPRIATIONS FOR LOBBYING.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new section:

"§1354. Prohibition on lobbying by Federal agencies

"(a) PROHIBITION.—Except as provided in subsection (b), until or unless such activity has been specifically authorized by an Act of Congress and notwithstanding any other provision of law, no funds made available to any Federal agency, by appropriation or otherwise, shall be used by such agency for any activity (including the preparation, publication, distribution, or use of any kit, pamphlet, booklet, public presentation, news release, radio, television, or film presentation, video, or other written or oral statement) that is intended to promote public support or opposition to any legislative proposal (including the confirmation of the nomination of a public official or the ratification of a treaty) on which congressional action is not complete.

"(b) CONSTRUCTION.—

(1) COMMUNICATIONS.—Subsection (a) shall not be construed to prevent officers or employees of Federal agencies from communicating directly to Members of Congress, through the proper official channels, their requests for legislation or appropriations that they deem necessary for the efficient conduct of the public business or from responding to requests for information made by Members of Congress.

"(2) OFFICIALS.—Subsection (a) shall not be construed to prevent the President, Vice President, any Federal agency official whose appointment is confirmed by the Senate, any official in the Executive Office of the President directly appointed by the President or Vice President, or the head of any Federal agency described in paragraph (2) or (3) of subsection (d), from communicating with the American public, through radio, television, or other public communication media, on the views of the President for or against any pending legislative proposal. The preceding sentence shall not permit any such official to delegate to another person the authority to make communications subject to the exemption provided by such sentence.

"(c) COMPTROLLER GENERAL.—

"(1) ASSISTANCE OF INSPECTOR GENERAL.—In exercising the authority provided in section 712, as applied to this section, the Comptroller General may obtain, without reimbursement from the Comptroller General, the assistance of the Inspector General within whose Federal agency activity prohibited by subsection (a) of this section is under review.

"(2) EVALUATION.—One year after the date of the enactment of this section, the Com-

troller General shall report to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate on the implementation of this section.

"(3) ANNUAL REPORT.—The Comptroller General shall, in the annual report under section 719(a), include summaries of investigations undertaken by the Comptroller General with respect to subsection (a).

"(d) DEFINITION.—For purpose of this section, the term 'Federal agency' means—

"(1) any executive agency, within the meaning of section 105 of title 5;

"(2) any government-sponsored enterprise, within the meaning of section 3(8) of the Congressional Budget Act of 1974; and

"(3) any private corporation created by a law of the United States for which the Congress appropriates funds."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1353 the following new item:

"1354. Prohibition on lobbying by Federal agencies."

(c) APPLICABILITY.—The amendments made by this section shall apply to the use of funds after the date of the enactment of this Act, including funds appropriated or received on or before such date.

H.R. 2564

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: At the appropriate point in the bill:

SEC. . RECORD OF VISITS BY LOBBYISTS.

Each Member of the House of Representatives and the Senate shall keep a record available to any member of the public, in which shall be recorded each visit to such Member by an individual who is registered under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267). Such record shall include the date of the visit recorded, the name and affiliation of the individual who made the visit, and the subject of the visit to such Member. At the end of each calendar quarter, such record shall be transmitted to the Clerk of the House of Representatives.

SEC. . EFFECTIVE DATE.

Section shall take effect on January 1, 1996.

H.R. 2564

OFFERED BY: MR. DINGELL

AMENDMENT NO. 5: Add at the end of section 14 the following:

(d) MISUSE OF NAME.—

(1) AMENDMENT.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1035. Misappropriation of Person's Name in Connection with Lobbying Contact

"Whoever falsely uses or employs the name of any person, or causes such name to be falsely used or employed, in any telegram, letter, other printed or written matter, or electronic communication intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation before the Congress or any nomination pending before the Senate, whether before or after the introduction of such legislation or the submission of such nomination, for the purpose of conveying the impression that such person authorized such use or employment of the person's name shall be fined under this title or imprisoned for not more than one year, or both."

(2) CONFORMING AMENDMENT.—The table of sections for such chapter 47 is amended by adding at the end the following:

"1035. Misappropriation of person's name in connection with lobbying contact."

H.R. 2564

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 6: Page 23, insert after line 2 the following:

(d) PROHIBITION ON GIFTS.—

(1) IN GENERAL.—No lobbyist who is registered under section 4 may provide any gift to a Member of the House of Representatives, a Senator, or an officer or employee of the House of Representatives or the Senate unless the lobbyist is related to the Member, Senator, or officer or employee.

(2) DEFINITION.—For the purpose of paragraph (1), the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(3) EXCEPTION.—The restriction in paragraph (1) shall not apply to the following:

(A) Anything for which the Member, Senator, officer, or employee pays the market value, or does not use and promptly returns to the donor.

(B) A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, a contribution for election to a State or local government office limited as prescribed by section 301(8)(B) of such Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(C) A gift from a relative as described in section 109(5) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

(D)(i) Anything provided by an individual on the basis of a personal friendship unless the Member, Senator, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, Senator, officer, or employee and not because of the personal friendship.

(ii) In determining whether a gift is provided on the basis of personal friendship, the Member, Senator, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(I) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

(II) Whether to the actual knowledge of the Member, Senator, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether to the actual knowledge of the Member, Senator, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

(E) A contribution or other payment to a legal expense fund established for the benefit of a Member, Senator, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

(F) Any gift from another Member, Senator, officer, or employee of the Senate or the House of Representatives.

(G) Food, refreshments, lodging, and other benefits—

(i) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, Senator, officer, or employee as an officeholder) of the Member, Senator, officer, or employee, or the spouse of the Member, Senator, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, Senator, officer, or employee and are customarily provided to others in similar circumstances;

(ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(iii) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

(H) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(I) Informational materials that are sent to the office of the Member, Senator, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(J) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

(K) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

(L) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(M) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, Senator, officer, or employee, if such training is in the interest of the Senate or House of Representatives.

(N) Bequests, inheritances, and other transfers at death.

(O) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(P) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(Q) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

(R) Free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event provided by the sponsor of the event.

(S) Opportunities and benefits which are—
(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(iv) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(T) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

(U) Anything for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

H.R. 2564

OFFERED BY: MR. UPTON

AMENDMENT NO. 7: Page 39, redesignate sections 22 through 24 as sections 23 through 25, respectively, and insert after line 10 on page 39 the following:

SEC. 22. PERMANENT RESTRICTION ON REPRESENTING FOREIGN GOVERNMENTS.

(a) RESTRICTION.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "Any" and inserting "Subject to paragraph (2), any";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(3) by inserting after paragraph (1) the following:

"(2) ADDITIONAL RESTRICTIONS FOR MEMBERS OF CONGRESS.—Any person who is a Member of Congress and who, after that person leaves office as such Member—

"(A) represents a foreign government before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out the officer's or employee's official duties; or

"(B) aids or advises a foreign government with the intent to influence a decision of any officer or employee of the United States in carrying out the officer's or employee's official duties;

shall be punished as provided in section 216 of this title."

(b) DEFINITIONS.—Section 207(f)(4) of title 18, United States Code, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'foreign entity' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938 or a foreign political party as defined in section 1(f) of that Act; and

"(B) the term 'foreign government' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendments made by this section shall apply to any person whose service as a Member of Congress (as defined in section 202(d) of title 18, United States Code) terminates before, on, or after the effective date set forth in paragraph (1), but shall not apply to activities prohibited by such amendments which are conducted before such effective date.