and it might make sense to apply some sense of germaneness and mutual relevancy as we look at which might be rolled, and I assume the gentleman would agree to take those kinds of factors into consideration as well.

Mr. CANADY of Florida. Yes; of course the Chair will be making the decisions as to when the rolling of amendments will take place and who will be recognized to offer an amendment, but it would certainly be my desire to work with all Members to take into account those considerations.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield, let me say the subcommittee chairman has been perfectly fair, and I think there is no problem.

Mr. SKAGGS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Tim Sanders, one of his secretaries.

LOBBYING DISCLOSURE ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2564.

□ 1951

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 1 hour, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today this House is presented with an historic opportunity to end 40 years of inaction on the issue of lobbying disclosure reform. H.R. 2564, the Lobbying Disclosure Act of 1995, provides for the effective disclosure of those who lobby the executive and legislative branches of Government, what legislation they are attempting to influence, and how much they are being compensated to do so.

An identical measure passed the Senate on July 25 by a vote of 98 to zero. However, the Senate vote should not be taken as a sign that lobbying disclosure reform legislation is a sure bet for even the 104th Congress, which has been far more reform-minded than those which came before. Indeed, for more than 40 years, there is only one word to describe the attempts at meaningful reform of the laws governing disclosure of lobbying activities—that word is ''gridlock.'' Over the years, Congress has tried again and again, but failed again and again, to pass meaningful lobbying disclosure legislation.

The Supreme Court's narrow construction of the 1946 Regulation of Lobbying Act in U.S. versus Harriss unquestionably made the legislation virtually meaningless. But the Court in that same opinion also demonstrated that it was sympathetic to the need for lobbying disclosure. In fact, the Court made it plain that Congress needed to be aware of the activities of interest and pressure groups.

As Chief Justice Earl Warren stated, ''The full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate * * *'' lobbying activities. ''Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal.''

Ironically, in 1950 the staff director of the Joint Committee on the Organization of Congress, George Galloway, said in reference to the 1946 act that ''after the lobbying law had been in operation for a few years, experience would reveal any defects in it which could be corrected by amending and strengthening the Act.'' Unfortunately, Mr. Galloway could not have been more wrong. Yes, the act has revealed its extensive defects. However, every attempt to strengthen the act has turned into an exercise in futility.

The history of lobbying disclosure reform is a history of inaction and stalemate. From 1956 to 1959, major revisions to the Lobbying Act were proposed. No action was taken on those proposals.

In 1965, the Senate's Committee on Rules and Administration issued a report recommending that administration of the Lobbying Act be assigned to the Comptroller General. No action was taken on this recommendation.

In 1967, measures strengthening the Lobbying Act passed the Senate. President Johnson urged the House to take similar action, but the House failed to do so.

In 1970, the Committee on Standards of Official Conduct, newly established in the wake of the Bobby Baker investigations, reported a complex lobbying disclosure bill titled the Legislative Activities Disclosure Act. This major effort at lobbying reform ultimately came to naught.

In 1976, a bill was approved in the Senate, but the House did not act until the final day of the 94th Congress. There was no time to reconcile the different bills passed by each chamber of Congress. Once again nothing was accomplished.

In 1977, the House Judiciary Committee and the full House passed lobbying disclosure legislation, but the Senate bill was held up in committee.

In 1979, the House Judiciary Committee once again reported a measure, but the House leadership held up floor consideration until the Senate showed it could get a bill through committee. The bill never made it through the Senate Committee.

In 1992, after years of study by the Senate Committee on Governmental Affairs, the first version of the Lobbying Disclosure Act was introduced. However, the Senate did not consider the bill in the 102d Congress.

Just last year in the 103d Congress, this House passed a lobbying disclosure reform bill by an overwhelming majority. The Senate passed an identical bill last year, but cloture could not be obtained on the Conference Committee report in the Senate. Thus the effort failed.

In some years as this history shows, one chamber passed lobbying reform and the other chamber then failed to act. In other years, the legislation died in conference between the House and the Senate. At other times, there was simply no movement forward.

The bottom line was always the same: Gridlock. But today this House can end the gridlock. Today this House can pass the Lobbying Disclosure Act without amendment. Today this House can send the Senate-passed bill directly to the President's desk for his signature. This is an historic opportunity we cannot let slip away from us.

The Committee on the Judiciary reported this legislation last week with no amendments and no dissenting votes. Today this House will consider a number of amendments to this bill. Some of the amendments have considerable merit; others have less merit; and a few are quite simply bad ideas.

But all of the amendments have one thing in common: they threaten to derail this important reform bill. If this issue goes back to the Senate, and if history is any guide, we may very well hear nothing more about lobbying reform during this Congress. We should not forsake the good in order to achieve the ''perfect'' lobbying disclosure reform bill. The risk of derailing this bill is simply too great.

Mr. Chairman, let me briefly describe what this bill does. H.R. 2564 is designed to strengthen public confidence in Government by replacing the existing patchwork of lobbying disclosure laws with a single, uniform statute which covers the activities of paid, professional lobbyists. The Act streamlines disclosure requirements to ensure that meaningful information is provided and requires all paid, professional lobbyists to register and file regular, semiannual reports identifying

their clients, the issues on which they lobby, and the amount of their compensation.

□ 2000

It also creates a more effective and equitable system for administering and enforcing the disclosure requirements.

Under the bill, a lobbyist is defined as any individual who is employed or retained for 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 6-month period.

Lobbyists for hire are exempted from these disclosure requirements if their total income from a particular client does not exceed $5,000 in a semiannual period. ''In-house'' lobbyists are also exempted from registration if their total lobbying expenses do not exceed $20,000 in a semiannual period.

If we are to succeed today, and as the House continues with consideration of this bill later this week, I urge my colleagues to defeat any and all amendments to this bill so we may send it directly to the President for his signature. If we amend this bill, I fear that history may repeat itself, and this Congress will become just another chapter in the 40-year history of failure to enact meaningful lobbying disclosure reform. Today we have a golden opportunity to move forward to end 40 years of gridlock on this issue. I urge all of my colleagues to support H.R. 2564 without amendment.

Mr. Chairman, I would conclude by thanking a number of Members who have played a critical role in moving this legislation forward. First, I would like to thank the gentleman from Massachusetts [Mr. FRANK], who is the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary. The gentleman from Massachusetts [Mr. FRANK] has played a key role in moving this legislation through the Committee on the Judiciary and bringing it to the floor today. I want to express my gratitude to him for his diligent efforts on behalf of this important legislation.

I also want to thank my colleague on the Committee on the Judiciary, the gentleman from Texas [Mr. BRYANT]. The gentleman from Texas has worked hard on this legislation for quite a while. In the last Congress he played the key role in moving the legislation forward. Ultimately, that effort failed, but the gentleman from Texas [Mr. BRYANT] has made an invaluable contribution to this whole subject. I want to acknowledge him.

Further, I should thank my colleague, the gentleman from Connecticut [Mr. SHAYS]. Mr. SHAYS has been diligent in pursuing this issue of lobbying disclosure reform as he has pursued the issue of gift reform, and I am grateful to him for his assistance.

I also want to thank the gentleman from Pennsylvania [Mr. MCHALE] for his leadership on this issue, as the House has moved forward with the consideration of it.

Mr. Chairman, this is truly a bipartisan issue. There is strong support for this effort on both the Democratic side of the House and the Republican side of the House. This is not an issue that should be viewed in a partisan way at all. This is an issue about making information available to the American people, so the American people can know what is going on in the corridors of power here in Washington. For too long, lobbying activities have not been disclosed. For too long, there have been questions about the propriety of certain activities. I believe that the best disinfectant is sunlight, and this sort of disclosure law will help eliminate many of the concerns that have been previously expressed.

Mr. Chairman, I look forward to the continued debate on this issue. I believe that this House will rise to the occasion and break the 40 years of gridlock and give the American people the sort of disclosure that they deserve on this important issue.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the generous words of my colleague, the gentleman from Florida [Mr. CANADY]. The subcommittee on which we jointly serve, under his chairmanship, played a very important role in this. There was some resistance to that role when the bill that we are in effect dealing with now, the House version of a Senate bill, when the Senate bill came over it was held at the desk. The Speaker, for reasons that were never made explicit, did not want to refer it to us.

I think it is fair to say that there have been people in this House who were not eager to see this bill become law, but their resistance was overcome by the persistence of a number of Members, and I think it is interesting that the reluctance never quite came out in public. The gentleman from Florida [Mr. CANADY] is right when he said that sunlight can be the best disinfectant.

It was, in fact, important in bringing this bill forward because there were people who wished it would go away, but it did not go away. They were not prepared to confront it.

Legislation very similar to this passed the House in the previous Congress. I think the record that the former Speaker, Tom Foley, compiled in a number of areas has been insufficiently appreciated, particularly in the reform area. Under his Speakership the House did do a version of the Congressional Compliance Act, very close to what is now the law. The House did pass this bill. The two pieces of legislation, some other reforms, campaign finance reform, all ran into problems in the Senate. The procedures of the Senate are part of the problem. The Senate has very different rules than the House, and the filibuster and other rules interfered.

That is why I join the gentleman from Florida [Mr. CANADY], the chairman of the subcommittee, as well as the gentleman from Pennsylvania, the gentleman from Connecticut, the bipartisan group that has been actively advocating this, and my friend, the gentleman from Texas. All of us, Democratic and Republican, who have been advocates of this lobbying reform either through our committee position or through sponsorship of the bill, or both, believe that it is very important that Members join us in voting against amendments.

Mr. Chairman, I want to express my appreciation to the chairman of the Committee on Rules, to the chairman of the full Committee on the Judiciary, and the subcommittee, because they did the honorable thing. It is an open rule. I suppose it is unusual for supporters of a bill to come to the floor and say, ''One, we are glad to have an open rule; two, we hope none of the amendments are adopted.'' But I think that is a position which shows respect for democratic procedures and some confidence in the House.

We do believe that the adoption of amendments, no matter how meritorious, bring this bill back into the kind of perilous back and forth that they have had before. We want to explain to people, people have said, ''You are being too cautious. After all, it passed overwhelmingly.''

As the gentleman from Florida pointed out in his history, this legislation has the history of receiving more verbal support and less actual support than almost anything. Everybody is for this, but it still dies. Everybody is for it, but something happens to it, so the fact that it was not a close vote in the Senate does not mean that if we amend it and send it back, it will come merrily whispering back here.

This is legislation that a lot of people do not like. If we give them opportunities to trip it up it will be tripped up. We now stand closer to changing the lobbying law in a direction that will improve it than in anybody's memory, because we now have a bill out of the Senate and it is here, and we have the power to send it to the President of the United States for his signature.

Any amendment here, no matter how meritorious, will put this bill back into the Senate and cause the kind of problems that have happened before, because, as I said, it is a bill that has a lot of people laying in ambush for it. So what I want to repeat is what the gentleman from Florida [Mr. CANADY] I know agrees with: We do not believe this is the end to lobbying legislation; indeed, we believe it is the beginning. We could actually pass a bill that makes reforms. We, I think, agree, and others agree with us, not that we have identical views, but we agree that further reform is necessary.

Mr. Chairman, I look forward to a two-step process. We will send this bill

to the President and he will sign it, and it will become law. We will show people we can do something. Then we will deal with some of the other very worthwhile amendments that people have had.

Finally, I just want to say that among those who should be given some credit is the chairman of our Democratic Caucus, the gentleman from California, [Mr. FAZIO] who through his role on the Legislative Subcommittee of the Committee on Appropriations pushed hard for this, and it took a lot of people to get it here. It is clearly an improvement.

We should note that, to my knowledge, every organization in the private sector, in the volunteer sector that monitors lobbying from the standpoint of wanting to reform procedures agrees that we should pass this bill. There are people from a range of organizations who came to us and said, ''Yes, it could be improved. This could be made better, but do not do that now, please, because we think it is best to send this bill to the President.''

So we can tell Members that there is an overwhelming consensus from the advocates of this bill in the House, from those of us on the committee, from the advocates in the voluntary community, from the people who felt we need reform. They overwhelmingly believe that a commitment to true reform is best demonstrated by passing this bill as is, and then, under the leadership of the gentleman from Florida, fairly soon after, starting the process of hearing and markups. We may well have a second bill. However, if we do not get this one forward, I think we risk being added to the list of glorious failures in the effort to reform.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware, [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am not going to take anything close to 5 minutes, with the hour of the night and the work we have been doing. I would just like to second everything we have heard already in the rules discussion, what the gentleman from Massachusetts [Mr. FRANK] has said, what the gentleman from Florida [Mr. CANADY] has said, particularly in the area of not amending this legislation. I do not care how meritorious an amendment could be, it could be fatal to the passage of a very important step in progressing with true lobbying reform.

We have already heard the history here of 50 years of different Members of Congress on both sides of the aisle finding a whole variety of reasons why they are not able to support the basic elements of lobbying reform, disclosure, the things we needed to do in order to make sure that we are dealing with the problem that is perceived, and I think to some degree is a reality, of dealing with lobbyists in the United States of America and in the Congress of the United States of America. I would hope we would all follow that.

I believe this bill before us today meets the basic purpose of lobbying disclosure, which is quite simple: Require people who are paid to lobby Congress to disclose who is paying them, how much they are being paid, and what they are paid to lobby about. It is not much more complicated than that. I congratulate the Senate and the sponsor here for capturing the essence of this.

The bill takes care of this by carefully defining who is a lobbyist and which lobbyist must register; again, something which is, in my view, very imprecise today and ill-defined in the laws of the United States of America. Of course, it makes it very difficult to follow exactly who are the lobbyists, what is the problem, and what should we be doing about it.

I congratulate all of those who have put it together. The bottom line is that the House of Representatives must pass lobbying reform legislation this year that ultimately can be signed into law, and there is no reason for a delay. Through the process tonight and the votes that may be taken on other days as we deal with this particular piece of legislation, we must resist it.

This is a good bill. I am proud to be a cosponsor of it. I encourage all of us to follow it very carefully, to understand what is in it, and as we did with the gift ban reform today, which I think turned out in a way that only a few could dream about before, we can pass this, too, and we will have taken two tremendous strides in making Congress a more respected and better-perceived place by the public, as they look at what we are doing in our jobs here.

Mr. Chairman, I wish the sponsor very good luck with all of this as we deal with this in the days to come, and urge its passage.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT] who has had more to do with this bill legislatively, I think, than any Member in the House, both in the last session and in this one.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman very much for yielding time to me, and would first like to thank him for his kind remarks and his very hard work on this bill. I would very much like to thank the gentleman from Florida [Mr. CANADY] for his very kind remarks a moment ago.

It is very interesting tonight, this is the second bill in a row that we have taken up in the midst of maybe the most heated, partisan standoff in recent history in the Congress, and while it goes on around us, we have taken up two bills that were totally bipartisan, and I think reflect on the great work this Congress can do when the two sides work together well.

I would like to also say about the gentleman from Florida [Mr. CANADY], his deserves great praise this year. Last year when we were moving it through in the past majority, though, he was also with us from the beginning, even when it was tough, even when at the last it took on kind of a partisan tone. I just want to say thank you to him for being loyal to the cause no matter what happened, and congratulate him for how far he has brought it today.

Mr. Chairman, this bill has no opponents. Therefore, I am not going to talk a long time, but it does have a threat to its success. That is those who, no doubt well-meaning individuals, want to offer amendments. I suspect that many of them are good amendments, things that I would love to vote for, and both the gentleman from Massachusetts and the gentleman from Florida would approve as well. But the fact of the matter is that the history of this effort has already been given tonight by two speakers.

We have tried over and over and over to pass it. We got it all the way through the House to the Senate, to the conference committee, out of the conference committee, back to the Senate, and it was filibustered to death last year. We have a chance this time, a golden opportunity, to actually pass it. If we simply pass it tonight with no amendments, it will then go to the President for signature, and we will have really achieved something that everybody has been trying to achieve for years and years and not been able to do.

What will we have achieved? We will have passed legislation that allows the public to see what is really going on here with regard to lobbying the Congress; now, under this bill, the executive branch as well.

The bill closes a raft of loopholes that are in the existing lobbying laws which are not really very useful in their current state. It covers professional lobbyists, and lawyers cannot get off the hook. They have to register just like nonlawyers, and it exempts anybody who spends less than 20 percent of their time lobbying, so average people who just want to petition their government are not going to be affected by this, nor are the representatives of various institutions who need to come from time to time. A professional lobbyist would have to register, however.

What it requires is disclosure of who is paying how much to whom to lobby which Federal agencies or which Houses of Congress, and on what issues. It requires this disclosure in a simplified way, so the public can inquire and can find out what is really going on in the legislative process.

□ 2015

I am proud to be associated with the bill. As I said, since it has no opponents, I do not think a lot of time should be taken talking about it, but I

strongly urge Members who are considering offering amendments, in view of the fact this is an open rule, not to do so. Because no matter how well meaning they may be, they could be the cause of letting this bill be killed. Because if it goes back, has to go to conference committee, once again I think we will see it go down the drain.

Finally, Mr. Chairman, I want to reiterate my thanks to the gentleman from Florida [Mr. CANADY] and to the gentleman from Massachusetts [Mr. FRANK] and urge Members to vote for the bill against the amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I thank the gentleman from Florida [Mr. CANADY], and I want to associate myself with all the remarks so far.

Mr. Chairman, on March 3, I introduced a freestanding piece of legislation, H.R. 1130, to radically alter how special interests lobby the Federal Government. The bill before us now, H.R. 2564, contains a vital provision of my legislation. This provision, placed in this bill at my behest by Senator SIMPSON, prohibits tax-exempt lobbying organizations, that is 501(c)(4) groups, from receiving Federal funds.

I just was not able to find room for it on the House floor schedule, and the fast train moved by, so Senator SIMPSON was nice enough to accommodate me, and was strongly, if not passionately, for exactly what I was trying to accomplish.

Mr. Chairman, there are over 142,000 of these 501(c)(4) groups, and most of them do good work. They are in the sole business, some of them, however, of lobbying the Federal Government. That is what they were created to do. Collectively, they own over $35 billion in assets. They spend nearly $18 billion each year running their organizations, pursuing their agendas, and pushing their causes.

It is all great. Covered by free speech. But certainly one of the most egregious examples of a conflict of interest that I think I have ever heard of is for political advocacy groups to receive the tax dollars of hard working American citizens. Presidents of some of these 142,000 organizations often reap hundreds of thousands of dollars in salaries.

Just a couple of examples. The President of AARP makes over, way over, $300,000 a year. That is two full Congress people and a chief of staff, who is rather senior. the five senior executives of the Mutual of America Life Insurance Company, and yes, Mr. Chairman, they are a tax-exempt lobbying organization, they make a combined, five people, $2.7 million. Why do they need the hard-earned money of taxpayers? This is an absurdity.

A political advocacy group can now, under current law, lobby Congress to create a new program; and then, once created, apply for and receive Federal funds dispensed through that very same program. Then they come back to Congress and lobby for continued or increased funding of that very same program or a new program.

Of course, these lobbying groups have not successfully manipulated this system by luck. They have argued that no Federal funds they receive are used for lobbying, because, of course, that is against the law. They will also argue that any money they receive is designated for administering of various social programs created by Congress, some good, some not so good, some even counterproductive. But they have many elderly housing and senior citizen employment jobs, for example, at EPA, the Environmental Protection Agency.

What they and their defenders fail to address, and we have seen this happen for decades with the old melted down evil empire, is the fungible nature of money. One dollar from someone else's pocket frees up one dollar in their own pockets. Imagine the outcry if the Michigan militia were to receive Federal dollars from a literacy program to teach children how to read. Reasonable minds would understand that such funds are wholly fungible; and, notwithstanding the arguably deserving nature of the reading program, the militia's political nature should, of course, preclude them as a grantee.

Mr. Chairman, the political nature of tax-exempt lobbying organizations is exactly the point that we should address when it comes to ultimately deciding who gets Federal funding and who does not.

Not long ago outrage was expressed when it was discovered that the Nation of Islam was receiving taxpayer funding. There is no doubt about it, alarm bells would have been ringing, rightly, all over Capitol Hill if the bigoted, the disgraceful, racist KKK was a Federal grantee providing day care or low-income housing.

Whether from the far left of the political spectrum, all the way to the far right, or every stop in between, this provision should stop that. It would cover the National Rifle Association as well as AARP or NCSC. It is my firm belief that political advocacy groups should not receive one penny of taxpayer funds for any program.

Mr. Chairman, the Dornan language in H.R. 2564 puts a stop to this gross example of everything that is wrong with some of the lobbying on this Capitol Hill. I thank the manager of the bill for its inclusion and and I thank everybody for working so hard on this.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman very much for yielding time to me.

I would like to join in piling on as far as the praise that ought to be dispensed tonight, not only to floor managers of the bill, the gentlemen at the desks, but also my friend, the gentleman from Texas [Mr. BRYANT], the gentleman from Pennsylvania [Mr. MCHALE], certainly the gentleman from Connecticut [Mr. SHAYS], all of whom deserve the thanks of the Members for pushing this legislation so vigorously.

Mr. Chairman, the gentleman from Oklahoma and the gentleman from Indiana, however, have given notice that they will try to attach their controversial and much traveled Istook-McIntosh amendment to this bill. Do my colleagues remember that amendment? It would create a reporting, paperwork, litigation and bureaucratic nightmare for businesses, charities, civic organizations, churches and other groups.

My colleagues remember that amendment. It would restrict the ability of organizations like the Red Cross and the YMCA to talk to any level of government, State, Federal or local, about the pressing problems this Nation's communities face every day.

It would, in the words of George Will, make lawyers happy. It would erect a litigation-breeding, regulatory regime of baroque complexity regarding political expression, according to noted conservative columnist George Will. Or it represents what former Republican Congressman and former president of the American Conservative Union, Mickey Edwards, calls Big Brother with a vengeance.

Mr. Chairman, my colleagues remember that amendment. Well, it is back. The only thing new is that the proponents have cut the Istook-McIntosh amendment into four pieces to be offered as four amendments to the lobby reform bill before us. I call this approach the Kentucky Fried Chicken method of legislating. You take a whole bill and cut it into pieces hoping that this will somehow make it easier to swallow.

They have pulled their amendment apart hoping it will seem more reasonable. Well. Mr. Chairman, parts is parts. Whether it is one amendment or four amendments, the Istook-McIntosh proposal is still enough to make anyone choke. Or perhaps more accurately, it is enough to strangle any charity in red tape.

The first of the amendments, the Istook offering, would set limits for businesses or other organizations use of their own funds to talk to virtually any government official at any level about nearly anything, including regulations, contracts, loans, permits, renewals, licenses, awards, if that organization, business or nonprofit received any Federal funds.

In addition to businesses and charities, if Members can believe this, these regulated organizations include colleges and universities and State and local governments that use any independent contractors to help them with their government relations.

These regulated organizations, yes, even States and local governments, would be required to file annual reports

with the Federal Government detailing every penny they use to talk to any level of government. And on top of that, today's Istook amendment broadly expands the current Tax Code definition of lobbying to include any contact about ''a program, policy, or position'' of a government agency.

The next serving consists of three McIntosh amendments. One would create a bounty hunter lawsuit system that would encourage harassing lawsuits against tens of thousands of regulated charities, businesses and other groups. This is nothing but a lawyer relief proposal. This amendment incorporates what is called the False Claims Act, which will allow any zealous citizen, regardless of motive, to sue any charity, business or other group claiming some violation of this whole block of Istook-McIntosh regulations, and to collect as a bounty up to 30 percent of the treble damages provided for under the False Claims Act.

So anybody who does not happen to agree, for instance, with Catholic Charities or Planned Parenthood, has every incentive to sue and try to collect money for their trouble.

Another McIntosh amendment would also create an additional paperwork reporting and bureaucratic maze for any organization described under section 501 of the Tax Code, including charities, civic organizations, churches, veterans groups, business groups such as the Chamber of Commerce, and many others if they receive almost anything from the Federal Government. As far as I can figure, virtually all section 501 organizations are likely to be regulated.

These regulated groups would also have to file reports with the Federal Government detailing the use of the group's own funds on political advocacy, lobbying, their endorsements, coalition memberships, the names of those they have hired to do their government relations work, any in-kind support or payments to participate in any initiative or referendum.

Finally, the third McIntosh amendment would create a system that treats any group of 501(c)(4) organizations who happen to use the same name or represent themselves as being affiliated as if they were one single organization for purposes of the limitations and regulations that are contemplated here. This would mean, for instance, that all Rotary Clubs around the country would have to somehow collect from the thousands of local Rotary chapters all of the public policy involvement and spending information and then file it with the Federal Government.

There are many other organizations that would fall into the same trap, including the National Rifle Association, Disabled American Veterans, the National League of Cities, Veterans of Foreign Wars, Ladies Auxiliary, and the International Olympic Commission.

Mr. Chairman, whether this is offered to us in four ugly pieces or one ugly whole, the Istook-McIntosh proposal is a bureaucratic swamp that will interfere with the mission of charities, bog down American businesses, and encourage unnecessary and absolutely pointless litigation. It should be defeated in all its forms. It should be defeated both because of its own lack of merit and because of the effect it and any other amendment will have on the prospects for final enactment of this legislation as has already been well discussed this evening.

Mr. Chairman, I thank the gentleman again for the time.

Mr. CANADY of Florida. Mr. Chairman, I yield 7 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank my colleague from Florida for yielding me this time.

I would begin by saying that this is the Lobbying Disclosure Act, and in some of the early debate on this we have heard about the thousands and thousands of lobbyists who frequent the halls of Congress and how only about 4,000 of these folks are registered.

□ 2030

I do want to say something, though, positive about lobbyists. I have not been up here that long. I have been here as a freshman about a year now, and I have found a couple of words that I think are misused and abused quite often. That is the words ''lobbyists'' and ''bureaucrats.''

Mr. Chairman, I have found out that these folks are real people. They have beating hearts and they have families and children, and so forth. They work at their jobs very hard. The lobbyists I have found are good people. They represent a lot of people when they come up here to Washington, when they come to our offices. They represent folks back home who do not have the opportunity to visit in Washington and see us personally. They often have good information, education, and they often disagree with each other.

But with that said, Mr. Chairman, I think this bill is very appropriate, and I would support it. I think what we need is more accountability, more sunshine, as the gentleman from Florida [Mr. CANADY] has mentioned, and more disclosure. I think that would be wholesome for this system. I think it has been evidenced by the fact that the other body passed this same bill by a score of 98 to nothing on July 25.

Mr. Chairman, a week or so ago I was proud to be a part of the House Committee on the Judiciary who considered this bill, and again saw a strong bipartisan effort in support of this bill. There were 30 people who voted for it and no one voted against it.

By passing this Lobbying Disclosure Act, I think we can end the business as usual that we see up here and certainly the perception by the folks back home that there is business as usual up here, and it is not good business. We can demonstrate that we want disclosure of lobbying activities and thus improve the level of accountability and the legislative process itself.

Now, I know there is not a lot of disagreement about what is in this bill, but I would like to go over some of it. My colleague, the gentleman from Texas [Mr. BRYANT], indicated that he expected some controversial amendments, but that everyone agrees pretty much what is in the base bill.

Mr. Chairman, I would like to tell the people back in the district that I represent what this bill actually does do, though. It is going to require these lobbyists to identify their clients and the people that they lobby. They will have to register to do that. They will need to disclose the general issues on which they are lobbying, and they will also have to tell how much money they are being paid to do this lobbying.

We have a fine definition of what a lobbyist is. I think it is one that is fair. It does not get into the problem some of the lobbying bills of last year got into, some of the groups that really are not lobbyists, and I do not think we are going to see any type of problem there.

The definition that we have in this bill truly identifies the lobbyist who walks the Halls of Congress, who represents many people up here, who lobbies Congressmen and their staff and who gets paid to do it.

More about this bill. It does not create any new bureaucracy. There is an awful lot of talk about adding more jobs. This does not do that. We use the services of the Clerk of the House and the Secretary of the Senate to implement the disclosure requirements, which will be done on a semiannual basis.

Second, the bill contains no criminal penalties. The lobbyists who knowingly violate this bill may receive civil fines up to $50,000. Third, grassroots lobbying organizations are affected under this legislation. As I mentioned earlier, last year's controversial provisions are not in this bill.

Mr. Chairman, H.R. 2564 also addresses the problem of nonprofit organizations using taxpayer money to lobby and this bill does it in a very clean, simple manner. The bill adopts the Simpson amendment from the other body. Its provisions simply state that 501(c)(4) organizations, which are the lobbying arms of many nonprofit groups, if they engage in lobbying, they are ineligible. They cannot receive Federal funds.

These kinds of nonprofit organizations can choose to lobby and not receive Federal funds, or to receive Federal funds and not lobby. This provision does not affect the normal charities who do not lobby and are identified as 501(c)(3) under the Internal Revenue Code.

Such diverse organizations as the U.S. Chamber of Commerce, the American Association of Association Executives, the American League of Lobbyists, and the Alliance for Justice, all support this legislation.

There is one other part of this particular bill that I do like, and I want to add it as part of my discussion, because I think it is important. Under the current law, our U.S. Trade Representative cannot aid or advise a foreign entity on matters before any officer or employee of any department or agency of the United States within 3 years after the termination of this individual service. What this bill does is make that a lifetime ban for activity on the part of a former trade representative or a deputy trade representative in conducting any of these relationships.

Moreover, it takes the reverse also in determining who is eligible to serve an administration as a deputy trade representative or as a trade representative. It would disqualify any person who has represented a foreign entity or aided or advised a foreign entity in any trade negotiation or trade dispute.

Mr. Chairman, I think altogether we have something here that is a very sound bill and I am proud to rise again in a bipartisan effort to support this very fine lobbying bill and urge my colleagues to vote for it.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE], one of the main sponsors of this bill.

Mr. MCHALE. Mr. Chairman, many years ago Lt. Gen. Arthur MacArthur, Gen. Douglas MacArthur's father, wrote to his superiors saying, and I quote:

> I have just been offered $250,000 and the most beautiful woman I have ever seen to betray my trust. I am depositing the money with the Treasury of the United States and request immediate relief from this command. They are getting too close to my price.

Mr. Chairman, the American people are concerned that not every high-ranking official of our Government may have General MacArthur's sense of humor or his high sense of integrity.

Mr. Chairman, H.R. 2564 is the most significant lobbying reform in the last 50 years. The legislation under which we operate this evening has been in effect since 1946. It is woefully inadequate, and there is a bipartisan recognition that the law needs to be reformed and it needs to be reformed tonight.

Under H.R. 2564, paid professional lobbyists will be required to file semiannual reports detailing their identity, their clients, the lobbying issues upon which they have contacted covered officials, and the money spent when contacting Members of Congress, executive agencies, senior staff and, General MacArthur would be pleased to know, high-ranking military officers.

Lobbying is a constitutionally protected activity, but one best exercised with maximum public exposure. In politics, as elsewhere, sunshine is the best disinfectant. Mr. Chairman, I am pleased to stand at this microphone tonight and recognize that on this occasion, one of so many that we have missed during the past 11 months, so many missed opportunities during the 104th Congress, recognize this evening that in a bipartisan effort with the gentleman from Florida [Mr. CANADY], with the gentleman from Massachusetts [Mr. FRANK] seated immediately to my right, the gentleman from Connecticut [Mr. SHAYS] having shepherded this bill from the beginning, and all of these Members having at least allowed my participation, we are about to bring before the membership of this House the most extraordinary change in the lobbying law of the United States considered in the last 5 decades.

We have done it with, I think, an extraordinary sense of the importance of the ability of the people under the Constitution to petition their government. As pointed out by one of the previous speakers, unlike earlier legislation, we have provided sufficient attention to detail in guaranteeing the right to petition the government, in protecting the rights of grassroots lobbying.

Mr. Chairman, the legislation that we now consider I anticipate will receive the same bipartisan measure of support that it received on July 25 when the Members of the U.S. Senate voted 98 to zero to pass it. It is critically important for those of us who advocate genuine lobbying reform that we keep the bill clean this evening and that we resist the temptation to adopt any one amendment because, frankly, those who would kill this bill lack the courage to do so on the floor, but might be successful in a conference committee.

Therefore, having experienced that defeat previously, I urge the Members to oppose all amendments, vote for the bill, and send it to the President, where I anticipate he will promptly sign it.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FLANAGAN], the vice chairman of the Subcommittee on the Constitution.

(Mr. FLANAGAN asked and was given permission to revise and extend his remarks.)

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 2564, the Lobbying Disclosure Act of 1995, and urge my colleagues to support it too by opposing all amendments. Any amendment adopted today to this bill could ultimately serve to kill lobbying disclosure reform this year in Congress.

Mr. Chairman, although this bill isn't perfect—in fact, it could go further in controlling and disclosing lobbying activities here in Washington—it is a conscientious, bipartisan attempt to end over a half century of gridlock on this issue. But, I warn you that gridlock will remain if this bill isn't kept clean and, instead, is loaded with extraneous amendments. I would like to remind all of my colleagues, that if a single word is changed to this bill, it will have to go back to the dim, dark dungeons of the other body where many, many bills go, but only a few come back, and even fewer become law.

For over five decades, Congress has tried to enact meaningful lobbying reform proposals, like this one, only to have their efforts thwarted because of House-Senate differences. Just last year, both Chambers of Congress passed different lobbying disclosure bills. However, because those proposals were different and those differences were never rectified in conference, neither of them were ever enacted into law.

Mr. Chairman, given the history of gridlock on this issue, it is important that the Lobbying Disclosure Act we have before us today not be weighed down with extraneous amendments that will only serve to derail real lobbying reform efforts this year and probably in this Congress.

The proposal we are considering today is identical to S. 1060, the other body's lobbying disclosure legislation which passed that Chamber earlier this year by a vote of 98 to zero. The House should now follow the Senate's lead by passing their language today so a bill can be placed on the President's desk this weekend, a bill he will certainly sign into law.

Mr. Chairman, this legislation, which is sponsored by the Republican gentleman from Florida [Mr. CANADY] and the Democratic gentleman from Massachusetts [Mr. FRANK], is a good bill. It is a genuine attempt to impose new disclosure requirements for lobbyists who contact legislative and executive branch officials and their staff, and it deserves the support of every member of the House of Representatives.

Specifically, the bill requires all paid, professional lobbyists who contact Federal Government officials, including Congressmen, or their staff to identify their clients, the general issues on which they lobby, and how much they are paid. Under this bill, lobbyists must register and report semiannually with the Clerk of the House and the Secretary of the Senate so their information is readily available to the public. If lobbyists knowingly fail to register or disclose false information, they will be turned over to the Justice Department where they will be prosecuted and faced with a maximum civil penalty of $50,000.

This bill protects average citizens' right to petition Government by defining a lobbyists as ''any individual who is employed or retained for compensation for services that include more than one lobbying contact.'' This language will ensure that no person's first amendment rights are violated and that genuine grassroots lobbying is exempted from this bill.

With all this said, I again urge my colleagues to withhold from offering or voting for amendments so we can have a strong lobbying disclosure reform law on the books—something that has not occurred in this country in over 40 years.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise to applaud the gentleman from Florida [Mr. CANADY] and the ranking member [Mr. FRANK] and their bipartisan effort to really put forward a very, very good bill.

Mr. Chairman, interestingly enough, one of the many responsibilities that we have in the U.S. Congress and one that I frankly enjoy, is the opportunity to listen to and to interact with those who come to present their issues. Most often, those are individual citizens who have come to express their views about an issue.

If there is an amendment I cherish more, it is certainly the first amendment that protects our right for freedom of expression. However, I think it is extremely important that we recognize that this bill still applauds and affirms that right. This Lobby Disclosure Act, H.R. 2564, a bipartisan legislation, clearly reaffirms what my colleagues have already taken to the floor, the right of lobbyists to present their views on behalf of their clients.

The legislation only requires that lobbyists file semiannual reports on the following which include, the legislation that they are lobbying Members. A simple request. That simply means what is the lobbyist there lobbying the Member about, so that it relates to their responsibilities and their clients' interests.

□ 2045

The amount of income received from clients, the expenses incurred by lobbying organizations and, of course, these reports are to be made public. I think foremost we need to realize that lobbyists are doing their job and they are pressing forward under the first amendment, they rise to express their beliefs or their arguments on behalf of citizens mostly of this country.

This bill is good because it exempts small firms. For example, individuals and lobbying firms that spend less than $5,000 within a 6-month period would be exempted from the bill's registration requirements. In addition, organizations spending less than $20,000 on lobbying expenses during a 6-month period would also be exempted from these requirements.

Furthermore, individuals who spend less than 20 percent of their time on lobbying activities would not have to meet the registration requirements. It strikes a fair balance between the rights of our citizens under the first amendment and the Constitution to express their views.

I always look for a local flavor to legislation, and there is a local flavor to this lobbying bill. There is a good part that responds to the accusations that have been made about lobbyists and lobbyists' activities. But then we have the amendments, the baby Istook amendment that I hope we will reject.

This evening the United Negro College Fund is having a dinner in Houston, an organization that has supported educating youngsters across this Nation. I would imagine if the Istook amendment was passed and if the United Negro College Fund, a national organization, desired to press us on educational issues to educate young people, they would be denied under this amendment. For example, the Ensemble Theater, a local community theater in my community that brings arts to those who might not have the opportunity, if they joined in to a national arts group and wanted to press this Congress under the first amendment to enhance arts dollars, they would be forbidden.

Then the Houston Partnership, an organization that has promoted the city of Houston and encourages international trade, might join into the national Chamber of Commerce and be denied under the Istook amendment or any others.

Then the Clear Lake Economic Council that wanted to fight to preserve the jobs of those citizens at the Johnson Space Center would be denied. And then Hester House, an institution that supports the rights and needs of children in Houston, formerly Congresswoman Barbara Jordan and Mickey Leland grew up in the Hester House. That organization might be denied, under the McIntosh proposal and the baby Istook amendments, to press the point of providing more Medicaid, more health care for our children.

We have got good legislation on the table. We have got a good bill that acknowledges that lobbyists have rights to press constitutional issues, their rights under the first amendment on behalf of their clients. But in fact what may happen to those who will be denied is that important points will not be made, important points from organizations like United Negro College Fund, the Boy Scouts, and the Girl Scouts.

So we need legislation that reaffirms the rights of Americans under the first amendment whether they come to us as lobbyists or come to us as individuals. This sunshine law discloses any questions that we may have through a very fine registration program, through an evidencing of who you represent as a lobbyist and whether in fact you are pressing the issues of your client. That is fair, my colleagues. I will tell you that it is not fair to deny those who would come, who simply want to press their points and organize such as AARP, when we were organizing about the Medicare issue in the U.S. Congress and senior citizens came and organized rallies on the grassy area out front, to deny them that right. That is not the kind of bill that I think these two fine gentlemen have offered. So I would simply say, vote separately for this bill and leave the amendments alone and we will have a fair bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in the strongest possible support of the lobbying reform proposal before us this evening. I applaud the gentleman from Florida and Massachusetts for bringing this bill to the floor. In the 104th Congress, we have passed many reform initiatives, including the Congressional Accountability Act, to make Congress follow the same laws that all Americans must follow.

Earlier this year, the House passed term limits, and earlier tonight we passed gift ban legislation. It is my hope, as someone who refuses all PAC contributions, that we will enact in this Congress campaign finance reform that bans all PAC contributions to House and Senate campaigns.

But tonight we have before us a solid bill to reform the way lobbyists do business in Congress. This important issue has achieved bipartisan support as evidenced by a unanimous vote reporting the legislation out of the Committee on the Judiciary. Hopefully this bipartisan cooperation will spill over into the budget debate and help us reach a balanced budget as well.

Clearly, Americans have many questions about how lobbyists work in Washington, DC. In its current form, this bill does not tie the hands of groups or individuals who seek to make their voice heard in the legislative process. This legislation is simply a more stringent disclosure of lobbyists activities. Under this proposal, registered lobbyists must disclose the congressional Chamber and Federal agencies they approach, the issues they discuss with the relevant officials and the amount of money they spend on their efforts. This is basic commonsense reform.

The freshman and sophomore classes constitute half the Members of this Congress. We came to Washington on a promise to change the way this House, this Congress and this Federal Government operate. This bill is one more step in fulfilling that commitment.

I would urge my colleagues to pass the bill as written, as any amendment will delay implementation and possibly kill the bill in this Congress. There will be efforts to include other provisions in the general area of lobbying disclosure and reform. But the bill before us tonight is not the vehicle for those additional provisions.

I urge all my colleagues to pass the bill without additional amendments so

we will see lobbying reform become law this year.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], one of those who has been active on behalf of this bill.

Mr. BARRETT of Nebraska. Mr. Chairman, most Americans who have watched television this week or read newspapers certainly are under the impression that Democrats and Republicans cannot get along at all. It is unfortunate because this is one of those instances where Democrats and Republicans have worked very well together. I think it is important that we point that out to the American people.

I want to pay tribute to the gentleman from Florida [Mr. CANADY] and the gentleman from Connecticut [Mr. SHAYS] on the Republican side, both of whom have been very active on this measure, the gentleman from Massachusetts [Mr. FRANK], the gentleman from Pennsylvania [Mr. MCHALE], and the gentleman from Texas [Mr. BRYANT], who also have been active on the Democratic side.

What we have shown here is, if the two parties have people in them who talk to each other and communicate, we can actually do things that move this country forward. This bill is an excellent example of a bill that will move this country forward because the lobbying disclosure provisions that have already passed the U.S. Senate under unanimous vote in July of this year are provisions that virtually everyone agrees with. These are provisions that will make it easier not only for the American people to know what is going on in Congress but actually make it easier for the lobbyists not to be buried in paperwork.

It provides some streamlining provisions that make more sense, some commonsense proposals that have been introduced into this law. It also requires disclosure of who is paying whom how much to lobby, which Federal agencies and Houses of Congress. It is important for the American people to know who the people are that are sinking dollars into this institution. I think that this is a good step forward.

It also closes some loopholes in existing lobbying registration laws. Probably most importantly, it covers all professional lobbyists. Unfortunately, with the loopholes that we have in the current law, there are too many people who can come and work the halls of this Congress but never have to actually register as lobbyists.

So I applaud all the Members on both sides of aisle who have worked on this measure, and it is my hope that we move forward. I also hope very strongly that we avoid the Istook amendment and other amendments because these amendments will only have the effect of killing this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I was prepared this evening to offer an amendment that would permanently ban Members, former Members of Congress forever from lobbying on behalf of a foreign government. I had intended to offer that amendment because I believe very strongly that it is wrong for former Members to use their job here as a revolving door to cash in later on behalf of a foreign government. Currently there is a 1-year ban on that activity, not a lifetime ban.

Americans all across this land are very upset with the role that lobbyists play here in Washington and with good reason. All too often our elected leaders represent perhaps the most influential lobbyists rather than the people who elected them. Executive branch officials, I might note, are in fact barred for life from lobbying on behalf of foreign governments. The underlying bill that we are taking up today, H.R. 2564, also bars U.S. trade officials from representing foreign countries for life.

As we work to restore the public confidence in this Congress, we should apply that same standard to Members who serve here. I feel that we need to encourage folks to become public servants for the right reasons and that reward for helping people while you serve, not using that service to benefit our own pockets. It is not right that taxpayers send their representatives to Washington to fight for them and then that elected official leaves office and perhaps sells that knowledge to another government at the expense of the American people. Each of us were sent here to represent our own districts and our State and certainly our country. And it would be wrong for us to use that experience to represent someplace else.

I understand the debate that is going on tonight. The bill that has come over from the Senate, the committee chairman, subcommittee chair as well as the ranking side prefer no amendments because they want to get this bill through. In a number of private discussions that I have had with Members this evening, I feel that it may be more prudent in fact to offer this at another time on another bill, but in fact in this Congress to get the job done. I might.

Mr. Chairman, I yield to the gentleman from Florida [Mr. CANADY] for some clarification of that.

Mr. CANADY of Florida. Mr. Chairman, let me commend the gentleman on this amendment. I believe that this amendment addresses a very important issue. I believe that it is wrong for Members of Congress who have left the Congress to then run out and find a foreign client, a foreign government to represent here in Washington. I think that is an abuse of the system and something that should not continue.

I believe that we should consider restrictions on that sort of activity. It would be my intention as chairman of the Subcommittee on the Constitution to hold hearings on this subject as well as other related issues that we are not addressing in this bill but which do need to be addressed. I appreciate the gentleman from Michigan.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the constructive spirit in which the gentleman is approaching this. I think he has a very good amendment. I have not had a chance to give a lot of thought but it seems very good to me. If I had to vote on it right now, I would vote for it. But I think it will obviously be a useful thing for us to have at the hearings, the markup.

I hope something very much like it will emerge. I believe and I know my friend from Florida agrees. It is very likely that we will want to do another bill because there are a number of good ideas that have come up. I will be urging that we go forward with this, and I am very, very likely to be supporting legislation of the sort the gentleman from Michigan offered. I appreciate the spirit of trying to get this bill through that he would give us a chance to do it in that manner.

Mr. UPTON. Reclaiming my time, I appreciate those comments from both my friends. I would at this point indicate that I will not offer my amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, let us all hope that he is a role model for our colleagues.

Mr. UPTON. I will not offer therefore my amendment this evening and look forward to working with both gentlemen in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, George Will's conservative credentials are second to none, but in the case of the Istook amendment, even card-carrying conservatives like Mr. Will cannot hold their nose and support this legislation.

This amendment slams the doors of the political process in the faces of the Girl Scouts, Mothers Against Drunk Driving, and thousands of community-based nonprofit organizations across this great Nation. In doing so, it will create untold amounts of government redtape and bureaucracy for America's charities.

Mr. Chairman, we need this lobby reform bill now more than ever. This is a Congress where the NRA writes the gun laws, the polluters write the Clean Water Act, and the Christian Coalition dictates social policy. That's the problem—and the American people know it. But does anyone in this Chamber, or anyone in America, really think that the Girl Scouts and the YMCA have too much power and influence in Washington? Of course not.

Several weeks ago, Mr. Chairman, I was successful in passing legislation in

this body that will finally get tough with underage drinking and driving, a crime that claims thousands of lives every year. My zero tolerance legislation was offered with the encouragement, support, and cooperation of Mothers Against Drunk Driving.

As a charity, MADD operates under the existing laws that govern charities, including those which limit advocacy work. However, MADD will be directly impacted by the Istook amendment because it works with the Department of Transportation and the Department of Justice to combat drunk driving and assist the victims of this crime. In the words of MADD's national president, the Istook amendment will have ''a chilling effect'' on MADD's ability to fulfill its mission.

Mr. Chairman, MADD was started in 1980 Candy Lightner, who in attempting to bring the drunk driver who killed her daughter to justice, found the system rigged against her. Since 1980, it has been MADD's leadership that has been instrumental in curbing the carnage on our roadways. However, had the Istook provision been in effect 15 years ago, MADD would not have been able to bring us to where we are today.

As George Will has stated, the Istook amendment will ''erect a litigation-breeding regulatory regime of baroque complexity.''

Let's not punish Girls Scouts. Defeat this extremist amendment.

□ 2100

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. SHAYS] who has done more than any other person to move forward with the agenda of reform on gifts and lobbying than any other person in the Congress.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding this time to me, but there have been so many who have been working on reform, and I think one of the reasons why I have stayed here tonight is it is rather comforting and calming to be in an environment where Republicans and Democrats are working together for a common cause. It may not be as exciting, but it sure is relaxing.

I first want to thank the subcommittee chairman and the ranking member, the gentleman from Florida [Mr. CANADY], the chairman, and the gentleman from Massachusetts [Mr. FRANK], the ranking member, for doing yeoman's work in getting this bill out of their subcommittee intact, identical to the way the Senate passed the bill, getting it through the full committee intact identical to the way the Senate passed this bill, and for good reasons. The Senate passed a fine bill. They passed it way back in July, and candidly we probably would not even be dealing with this legislation today if it was not for the work of Mr. LEVIN and Mr. COHEN and Mr. MCCONNELL, and the work that they did in the Senate in giving us a bill that we can present to the President of the United States if it leaves this Chamber without amendment.

Mr. Chairman, we have one gigantic choice. We can amend the bill and send it to the Senate, where it may pass eventually someday, some year at some time, or we can send it to the President where he will put his signature and for the first time in nearly 50 years we will have an updated and better lobby disclosure bill.

The Lobbying Disclosure Act of 1995 deserves to be made law. It will for the first time require the registration of people who have not been registered before. It will require them to disclose general information about what they do and how much they spend, and I know that in addition to the fine work of the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] he has had a supportive committee on both sides, Republican and Democrat, and I particularly want to thank the gentleman from Tennessee [Mr. BRYANT] and the gentleman from Illinois [Mr. FLANAGAN] and the gentleman from Virginia [Mr. GOODLATTE] for their help, and also the gentleman from Texas [Mr. BRYANT] on the other side of the aisle, the gentleman from Wisconsin [Mr. BARRETT] on the other side of the aisle, the gentleman from Pennsylvania [Mr. MCHALE] on the other side of the aisle. This is legislation that the gentleman from Pennsylvania [Mr. MCHALE introduced in support of what the Senate has done. There really is no excuse for us to cave in and do candidly, and when I say ''candidly'' it almost sounds like the gentleman's name, candidly to do what unfortunately some in my own leadership want to have happen, they want this bill amended.

Mr. Chairman, for some reason my colleagues want it sent back to the Senate. For some reason they want it to go to conference. I do not understand why. To me it is simply the wrong way to go. There are going to be some excellent proposals made, and it is going to be tempting to go along with those proposals, but we have a chairman and the ranking member of the committee who have agreed to take these good proposals, to take action on them, and bring them back to the floor of the House as a separate bill, and then we can send that bill to the Senate, and let us see what happens.

I would just like to read from the language that accompanied the Lobbying Disclosure Act of 1995, two paragraphs, and one of the things that the gentleman from Florida [Mr. CANADY] pointed out is that in 1991 the General Accounting Office, GAO, found that almost 10,000 of the 13,500 individuals and organizations listed in the book ''Washington Representatives'' were not registered under the 1946 act. GAO interviewed a small sample of the unregistered Washington representatives listed. Three-quarters of those interviewed contacted both Members of Congress and their staffs, dealt with Federal legislation, and sought to influence the actions of Congress or the executive branch. We have 10,000 of the 13,500 listed as Washington representatives not registered as lobbyists. I mean there is a reason. When we passed the act many years ago in 1946, the Federal Regulation of Lobbying Act of 1946, the Senate, the Supreme Court, significantly weakened that act in 1954 and basically made it pretty much unworkable. The 1946 act requires anybody whose principal purpose is influencing legislation to register with the Clerk of the House or the Secretary of the Senate. It simply is not being done because the Senate gutted that requirement.

So I am concerned a bit about the fact that we will seek and discuss amendments tonight. I am concerned that tomorrow we may just have one vote after another. All it is going to take is just one amendment to basically send this bill back to the Senate. There will be for some reason some people satisfied and happy that we have sent it back to the Senate. For the life of me I do not understand why we would not want to know who is a lobbyist, know what they do, and how much money is involved.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to first thank the ranking member of the Committee on the Judiciary, the gentleman from Massachusetts [Mr. FRANK], for yielding me this time. Now I would like to thank the gentleman from Florida [Mr. CANADY] for offering this legislation today, and I would like to rise in support of the Lobbying Disclosure Act of 1995 as it has been introduced. This bill makes important and substantive changes to the current regulations related to the lobbying process. I do have concerns, however, about a particular provision.

For the purposes of clarification of this provision, I would like to enter into a colloquy with the gentleman from Florida [Mr. CANADY], the chairman of the subcommittee and the author of this legislation.

Section 18 of H.R. 2564 prevents 501(c)(4) organizations, as defined under the Internal Revenue Code of 1986 from receiving a Federal ''award, grant, contract, loan or any other form'' if such organizations want to engage in lobbying activity.

I have been contacted by members of the Disabled American Veterans from my home State of Rhode Island. They are concerned and have expressed concern that section 18 of H.R. 2564 may preclude them from utilizing space at local Veterans Administration facilities. The DAV, the Disabled American Veterans, works for the physical, social, mental, and economic rehabilitation of wounded and disabled veterans, obtains fair and just compensation, adequate medical care, and oftentimes

suitable gainful employment for wartime veterans who became disabled in service to our country. They deserve every bit of it.

Annually, the DAV provides assistance to 300,000 veterans and their families—at no charge to the veteran and no charge to the Federal Government. I am concerned that section 18 would place in jeopardy the vital services provided by the DAV.

As my colleagues, the gentleman from Florida [Mr. CANADY] knows, these veterans' organizations often use the facilities, these veterans' facilities, as an opportunity for them to reach out to the same constituency that the veterans' facilities are mandated to reach out to. They do not want to be shut out, and I think that what we want to do is help them help us in the Federal Government do the job that we are trying to do on behalf of our veterans, and I would ask my colleague, the gentleman from Florida [Mr. CANADY] to clarify this section for me.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman from Rhode Island for yielding, and I appreciate the gentleman's expression of concern on this issue.

Section 18 provides that organizations described in section 501(c)(4) of the Internal Revenue Code which ''engage in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan or any other form.'' It is my understanding that ''any other form'' as referred to in this section means any other form of Federal funds. It is my intention that use of a borrowed room by the Disabled American Veterans would not constitute receipt of Federal funds and the DAV would not run afoul of this provision.

I believe that this should address the concern raised by the Disabled American Veterans, an organization which does so much to help so many American veterans.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank my colleagues for his assistance on this matter, commend him, and look forward to continuing to work with him on behalf of our veterans, and I thank him for his explanation and clarification of this. I think it honors the spirit of what the DAV is trying to do, and I think it also honors the spirit of our bill, so in both of those respects I would like to commend the author, once again like to commend the ranking member, the gentleman from Massachusetts [Mr. FRANK], and I appreciate the opportunity this evening to speak on behalf of the bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I just wanted to continue the colloquy which was very ably started by the gentleman from Rhode Island [Mr. KENNEDY]. I, too, rise to assure the veterans beyond the DAV, to the Purple Heart veterans, American Legion, the VFW, and all other veterans' groups of service men and women who have done so much for our country, when it comes to any activity as described that has been by the gentleman from Rhode Island [Mr. KENNEDY] and other activities that the gentleman from Massachusetts [Mr. FRANK] and I would describe to our colleagues, are all of them, as far as the gentleman is concerned, protected under the legislation and it would not rise to any infraction on their part?

Mr. CANADY of Florida. Mr. Chairman, if the gentleman would yield, that is absolutely correct. This principle would apply to other organizations who are serving in a similar manner.

Mr. FOX of Pennsylvania. I know, because speaking for all 435 Members of this House, and I am sure the 100 Members in the other Chamber, would want to have that protection knowing that the veterans we are trying to serve, work with, would in fact be protected under this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just would like to join in and agree, although I should note that presently there are only 433 Members of this House.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. We added a few in this partisan reform Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, the events of the last week have shaken the public's confidence in this great house.

Now, we have the chance to restore some of that confidence by passing the lobbying disclosure bill.

The time for delay is over.

It is time the public knew who is lobbying who and for how much.

It is time Members stop taking contributions from lobbyists for legal defense funds or charities they control.

The people send us here to represent them in the greatest legislative body ever conceived.

That is what it's all about.

Not the lobbyists.

Not the trips.

Not the gifts.

And the American people know that.

We need to send a clear, bipartisan message that we understand that all of us together and that we know that too.

Finally, we need to reject any amendment that would restrict the ability of businesses, universities, and charitable organizations from using their own money, just because they receive some federal funding.

A lobbying disclosure bill passed the other body 98–0.

Let us pass this bill with the same bipartisan spirit and reject any extremist amendment designed to make it partisan.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I would like to thank the gentleman from Florida [Mr. CANADY], my good friend, the chairman of our subcommittee, and the ranking minority member, the gentleman from Massachusetts [Mr. FRANK] for the strong bipartisan support of this important legislation that we have been struggling for years to bring forward, and I also very much appreciate the very kindly way that this debate has proceeded.

□ 2115

We are in general agreement about this, but I would hope that we would have the same kind of level of debate. Even at times when we are in strong disagreement on the underlying issues, we should never let the debate break down, as it does sometimes.

Congressional reforms have been a major priority since last year's elections. For instance, we have taken steps to clean up sloppy administrative and financial practices in the House of Representatives. We have passed into law the Congressional Accountability Act, making Members of Congress subject to the same laws that we pass and impose on everyone else. Now we are focusing on lobbying reform and rules governing gifts to Members of Congress, which rules we just changed earlier this evening. The people that I talk to feel that lobbyists have too much power and more access to the government than average folks. They are right to feel that way. That is why we are taking strong steps to rein in lobbying activity abuse.

Existing rules governing lobbying are unclear, contain weak enforcement provisions, and lack clear guidance as to who is to register as a lobbyist. This bill will take care of this problem. The main focus of this legislation is to provide for meaningful disclosure by full-time lobbyists. Currently, only those lobbyists who, in their personal judgment, believe it is their principle purpose to lobby must register. In other words, it is up to the individual lobbyist to decide whether or not to register.

This legislation, however, carefully defines the term ''lobbyist.'' Someone who spends more than 20 percent of his or her time engaged in lobbying activities for a client in a 6-month period is considered to be a lobbyist. That person must register with the Clerk of the House and the Secretary of the Senate.

Lobbyists will be required to file a semiannual report which contains information about clients, issues, and

Federal agencies in which their lobbying activities are involved, and the ability of the government to enforce lobbying rules is strengthened, but the controversial provisions related to grassroots lobbying contained in last year's bill have been removed, and I think that will be a great reassurance to a great many Americans concerned abut their individual right to contact their Representatives in Congress and make their voice heard. This bill in no way will interfere with that right.

In addition to creating an effective system of disclosure for lobbyists of domestic clients, this bill amends the Foreign Agents Registration Act. That act addresses the disclosure of interests of foreign individuals, corporations, and governments. Under this legislation, major loopholes in these requirements are eliminated, which will greatly enhance the disclosure of lobbying by foreign interests.

The House of Representatives is known as the people's House, and the people's business should be conducted without undue influence. These reforms will help make sure that happens.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 2564, the Lobbying Disclosure Act of 1995 and urge my colleagues to approve a clean bill with no further amendment.

My reason for supporting a clean bill is simple. If we pass this bill as is, it goes directly to the President for his signature. If we amend this legislation, it goes back to the Senate and into likely oblivion.

Let's be clear—amending this bill means killing lobby reform for this Congress. And that would be Washington business-as-usual at its worst. The same type of business-as-usual that has kept lobbying reform bottled up for 40 years.

Mr. Chairman, this important legislation requires meaningful disclosure of the activities of paid lobbyists, by requiring more information than ever before, and it covers lobbying of both the Congress and the Executive Branch.

Any individual who receives at least $5,000 from a single client in a 6-month period for lobbying purposes or an organization which spends more than $20,000 in a 6-month period for lobbying activities is required to register semiannually with the Clerk of the House of Representatives and the Secretary of the Senate.

Registered lobbyists must disclose the congressional chamber and federal agencies they approached, the issues they discuss with the officials, and the amount of money they spent on their lobbying effort.

If foreign entities—such as a company or government—are involved, the lobbyist must state this on the disclosure report. All of this information will be easily available to the House and Senate, as well as to the public.

The bill sets up violations guidelines for people who fail to register or disclose false information. The Clerk of the House of Representatives and the Secretary of the Senate must turn over potential violators to the Department of Justice, which will decide whether to prosecute. Lobbyists found guilty face a maximum civil penalty of $50,000 per violation.

H.R. 2564 also: prevents tax deductions for lobbying expenses, which were eliminated in 1993, from being restored; prohibits 501(c)(4) corporations who lobby Congress from receiving federal grants; repeals the Ramspeck Act, which allows former Congressional or judicial employees to obtain civil service employment without taking the civil service exam; prohibits former U.S. trade representatives or deputies, from representing a foreign government, political party, or business; expands the existing financial disclosure statement for Members of Congress by adding more categories to describe the value of personal assets and liabilities.

This legislation includes meaningful reforms of this outdated system. But lets dispell some of the misconceptions surrounding H.R. 2564.

This bill does not: Create a new bureaucracy—Implementation will be carried out by the Clerk of the House and the Secretary of the Senate.

This bill: Contains no criminal penalties—Only lobbyists who knowingly violate the law may be subjected to civil fines.

This bill: Does not cover grass roots lobbying and does not hinder the ability of ordinary citizens to petition Congress.

Mr. Chairman, this bill is not perfect. But we cannot allow the perfect to be the enemy of the very good. We cannot allow this legislation to suffer the same fate as reform bills in the past.

This is serious reform—another important step toward changing Washington's business-as-usual.

I am afraid it is more than reputation. I am afraid that in the minds of many of us here in this body, we are really in need of serious reform, and must dispel any hint or any smell of business as usual.

Let us do the right thing. I urge my colleagues to oppose any amendments to this bill. As meritorious as some may seem, approving any of them means the destruction of the Lobbying Disclosure Act and any reform in this Congress.

Mr. TOWNS. Mr. Chairman, last week during a 216–210 vote on the very same matter, I voted no. Unfortunately, there was some kind of malfunction in the voting machine and my vote was not recorded.

I want to state for the record that my position on the gentleman from Oklahoma's amendment has not changed. I remain opposed to limitations on any of our citizens' right to petition their Government. Simply because you are a university, a business, or a charitable organization should not force you to give up your first amendment rights.

I would urge opposition to this measure by my colleagues. Let us not trample on first amendment protections in an effort to silence critics of the policies promoted by our colleagues across the aisle.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to the conference report for H.R. 2564, the Defense appropriations bill for fiscal year 1995.

Mr. Chairman, this bill will prohibit military women who are stationed overseas from obtaining an abortion in a military hospital—even if they use their own money to pay for this procedure.

Mr. Chairman, this provision of H.R. 2564 will put the lives of military women in danger, because they will be forced to use third-world clinics or unsafe back alley facilities.

It is true that, as Representative YOUNG pointed our earlier, I voted yesterday for the conference report on H.R. 2020, the Treasury-Postal appropriations bill for fiscal year 1996. I voted for this bill because I know that this measure is necessary to get our Nation's Federal employees back to work.

Under this bill, Federal employees will lose their ability to use their own health insurance to pay for a full range of reproductive services. This is a travesty, and I fought against this provision when it was considered initially by the House.

Nevertheless, I believe that there is a critical difference between the anti-choice provisions in the Defense appropriations bill and the Treasury-Postal appropriations bill.

The difference is that when a military woman needs an abortion, and she is stationed overseas in a third-world nation, the only medical facility which is likely to be clean and safe, with well trained doctors, will be the base Hospital. Plain and simple, I cannot support a bill which denies military women the chance to use the only decent available medical facility.

Today, the anti-choice forces are hoping to score another victory by denying military women, who happen to be stationed overseas, access to a safe and legal abortion.

Military women defend our country with their lives. Now their lives will be in jeopardy if the Defense appropriations conference report passes.

Is this what you would want for your daughter? is this what you would want for your granddaughter?

I urge my colleagues to protect a military woman's constitutional right to reproductive choice. Vote no on the conference report for H.R. 2126.

Mr. DAVIS. Mr. Chairman, I rise in strong support of the Clinger amendment.

The Clinger amendment will save taxpayer dollars and protect career civil servants from being drafted into hardball political advocacy.

Federal workers are routinely being pressured to participate in partisan lobbying campaigns. These lobbying efforts are often offensive to the civil servant's personal values and damaging to his or her career.

What do you think happens to the career employee who expects to serve during numerous Presidencies but who gets caught up in

partisan lobbying efforts by his agency? Well, the next administration with a different political stripe comes in and is naturally suspicious of that civil servant's professional judgment and independence.

The Clinger amendment simply says: Let us leave the political talk to presidentially appointed and Senate confirmed appointees and let the dedicated career Federal workers that I represent get their jobs done free of politics.

I am especially alarmed by some of the unsolicited political propaganda that was mailed to all members of the Virginia General Assembly this year by the Environmental Protection Agency. State senators and delegates complained about this junk mail that featured false statements in opposition to the Unfunded Mandates Reform Act of 1995 and some of the regulatory reform initiatives.

I support an open and vigorous exchange of ideas, and I am proud to serve in a body that epitomizes the free exchange of political thought. While there will always be a time and place for political advocacy, our system of government depends on a dedicated corps of civil servants who actually fulfill the mission crafted by Congress and the President—free of being enlisted in partisan lobbying campaigns.

Surely the President, his hundreds of Senate-confirmed appointees, combined with the thousands of nonprofit and for-profit advocacy organizations in this town can adequately express the full range of diverse policy and political opinions without requiring the taxpayer to finance lobbying campaigns by Federal agencies that harm the careers of civil servants.

I urge my colleagues to unanimously support this important amendment offered by the distinguished chairman of the Government Reform and Oversight Committee.

Mr. LEVIN. Mr. Chairman, there are critics of lobbying reform who hold the cynical belief that if this bill can be amended, it will get bogged down in the Senate, and lobby reform will die.

That would be tragic.

I very much believe in the open, democratic system in our Nation where people can communicate with their elected representatives, directly or through others. To do so is an important aspect of our democracy.

I also believe the American public is entitled to know who is lobbying whom, and who is spending how much.

But today the lobbying disclosure system we have is chaotic and badly broken. It has so many loopholes that the public has no clear idea whatsoever about how lobbyists are spending millions of dollars.

If you take the long view, this is our best chance since 1948, when President Truman called for reform of the lobbying disclosure law, to do the job, and do the job right.

This bill is a good bill as it stands. The Senate supported it unanimously and its leaders on this issue played an indispensable role in its design and passage.

The administration today said the President will sign this bill in its current form.

And now, it is our turn. If we do this right, the American people will be able to know what they are entitled to know: Who is paying how much, to whom, to lobby Congress and the executive branch.

All week long, the American people have been given one reason after another to wonder if there is any issue on which the Senate, and the House, and the President can cooperate. This is surely one such issue.

Put that together with gift ban we passed earlier tonight, and I believe we will have taken two very important steps toward restoring trust in the integrity of Government. I sincerely hope campaign finance reform will be next, and soon.

Mr. LATOURETTE. Mr. Chairman, I rise today to speak in support of the Clinger antilobbying amendment, which would prohibit Federal agencies from using appropriated funds to promote public support or opposition for a legislative proposal.

This amendment is not about stifling free speech, it is not about muzzling lobbying activities. What the Clinger amendment is about, ladies and gentlemen, is the Congress laying down the law and saying ''It is wrong for us to spend a dime of taxpayer money so Federal agencies can lobby the Congress and attempt to shape legislation to suit that agency's agenda or whims.''

As a member of the Transportation and Infrastructure Committee, I saw this practice first hand as we worked on legislation overhauling the Clean Water Act. The Environmental Protection Agency actually allowed its employees to prepare lobbying materials for the committee members. These included fact sheets which had little to do with facts. Instead, these were thinly guised agency propaganda filled with political undertones.

One of the arguments that has been advanced is that this amendment is unconstitutional. That argument is without merit.

The constitutional argument apparently has two prongs—one claims that the first amendment is impacted; the other focuses on the separation of powers between this branch and the executive branch.

It's difficult to see how the first amendment guarantees of Federal officials would be impacted. The language isn't as restraining as the Hatch Act; employees on their own dime may enjoy the freedoms of speech, association, expression, and the right to petition. And, if I understand the CRS opinion correctly, nearly identical language has been included in the Interior Department appropriations for about 15 years.

Turning for a moment to the separation of powers issue, clearly the proposed action is within the authority granted to Congress by the Constitution; the administration's constitutional rights are found in article II, section 3—that is, the President shall ''take care that the laws are faithfully executed'' or to ''recommend to Congress' consideration such measures as he deems necessary and expedient.''

Chairman Clinger's amendment doesn't restrict the administration's ability to enforce or administer the laws of the United States. It doesn't restrict direct contact with Members, and it exempts the President and his Senate-confirmed appointees so it in no way hampers the President from faithfully executing the laws nor providing suggestions to Congress.

However, Federal agency employees should not be preparing lobbying materials to influence the legislative process. It it's a part of their job description then their job description needs to be rewritten. This is a wildly inappropriate use of taxpayer funds, and we as a Congress should seek to stop it, not just for the 104th Congress, but in the future.

What Chairman CLINGER has proposed is a commonsense amendment. It is not harsh, it is not radical, it does not jeopardize the Constitution or our right to free speech.

I think Americans would be appalled to know that at the Department of Veterans Affairs, employee check stubs contain a message from Secretary Jesse Brown urging opposition to the House budget plan.

That the U.S. Department of the Interior sent a letter to public land constituents indicating opposition to the Livestock Grazing Act.

That the U.S. Corps of Engineers and the U.S. Fish and Wildlife Service assembled a ''Taking it Too Far'' slide show and panel discussion to oppose the takings legislation.

That the Corporation for American Service [Americorp] published its first annual report containing selected press clips praising Americorp and criticizing congressional action.

Who pays for all this? You, the public. Is this how you want Federal employees to use their time, crafting political propaganda? I don't think so.

The American people know this is wrong, and they should be offended that this practice has been allowed to exist so long without any adequate remedy.

Maybe I could muster up some sympathy for those who oppose this amendment if we were faced with some dire shortage of lobbyists in this town. Of course, that's not the case.

This morning, just out of curiosity's sake, my office called the Office of Records and Registrations to get the latest tally on the number of lobbyists. Right now, we have 6,531 active lobbyist registrants on Capitol Hill; that's more than twice the number of people who live in my hometown, Madison Village, OH.

Of course, it only gets worse. If you tally up the lobbyists who are active registrants with clients, we've got—get this—12,556 lobbyists. And on the inactive, but still registered front, we've got another 37,181 lobbyists.

Forgive me for stating the obvious, but it sounds to me like we've got our lobbying needs covered and we can make do without Federal employees, who do not even register as lobbyists, jumping into the fray. Where I come from, I'd say we've already got more lobbyists here than you can shake a stick at.

Enough's enough. Let the Federal agency employees do their real jobs. Support the Clinger amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, this bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2564 is as follows.

H.R. 2564

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 Senate 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 semiannual 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 (PUBLIC LAW 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 NONDEDUCTIBLE.

(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.

The CHAIRMAN. Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than

5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Further, debate on each amendment to the bill and any amendments thereto will be limited to 30 minutes, to be equally divided and controlled by the proponent of the amendment and an opponent.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX Pennsylvania: 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.

Mr. FOX of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve a point of order on the amendment. We have not had a chance to see it yet.

The CHAIRMAN. The point of order is preserved.

Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. FOX] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes in opposition.

Mr. Chairman, I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOX] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to say at the outset that H.R. 2564 is a bill whose

time has arrived. It would provide for the disclosure of lobbying activities to influence the Federal Government and for other purposes, and I think that Members in the Chamber realize that each of those who are here tonight as committee chairs, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. CANADY] have done a great deal of work in bringing this legislation forward, and they have my gratitude and that of the other Members, my colleagues, for what they have done to this date.

Mr. Chairman, this legislation is excellent. I have an amendment which I believe is consistent with the bill, and I would say at this time that we have a duty to our constituents to restore accountability to the relationship between lobbyists and Members of Congress. We must work to obtain a higher standard in order to regain the trust of the American people who are sick and tired of business as usual.

My amendment helps to sustain our mission of enacting true lobby reform. The amendment would prohibit registered lobbyists from giving gifts to Members, officers, and employees of Congress. Exemptions apply, including gifts from friends or relatives. Quite simply, the amendment complements House Resolution 250, which was adopted this afternoon, by placing the responsibility on the lobbyist, Mr. Chairman, as opposed to solely on the recipient.

On the floor today we have heard from many Members expressing their frustration with the expansion of gift rules by which they must ethically abide, but without any accountability by the lobbyists. This is quite a disparity, if we are to enact true accountability to the relationships between lobbyists and Members of Congress.

Mr. Chairman, I know that my colleagues are concerned about any amendments that come before this House with regard to this important bill. However, I believe that this amendment is a strengthening provision and not a weakening one. While I endorse all of the provisions in this legislation, I firmly believe that my amendment will made a good bill even better, and we can finally attain the lobby reform we want in this country that will restore the people's trust and confidence in this House, and I believe this amendment will go a long way in maintaining the trust people want to have in their Congress.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would inquire of the gentleman from Massachusetts [Mr. FRANK] whether he will insist on his point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, I will not insist now, I will withdraw it, but I would encourage any Members who do have any amendments to get them to us. I know the gentleman meant no discourtesy, it moved more rapidly than he had anticipated and it was not his fault, but now that we are in the amendment process, any Members who have amendments, if they could get them to us so we could review them for parliamentary purposes, that would expedite things.

Mr. Chairman, I withdraw my reservation of the point of order.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment, although I certainly commend the gentleman for his interests in the receipt of gifts by Members of Congress. That is an issue, of course, that has consumed the considerations of the House today as we have moved forward with the passage of a change in the House rules which will essentially prohibit Members from receiving gifts.

In light of that action by the House today, I find that this amendment is a little unusual. I do not know that there is a need for this amendment in light of the action of the House, that the House took earlier this very day.

Let me further say, Mr. chairman, that my primary reason for opposing this amendment, in addition to the fact that it is unnecessary and duplicative of the restrictions that we imposed on ourselves by our own actions earlier today, this amendment, like all the other amendments which are going to be offered, may be offered with the very best of intentions, but if a single one of these amendments is adopted that poses a great threat to this bill. It poses a threat to derail this reform effort.

We have recounted the history of 40 years of inaction and stalemate and gridlock on this subject of lobbying disclosure reform. Now is the time to move beyond the gridlock.

□ 2130

So, I would urge the Members of the House to vote against the amendment. I would encourage the gentleman to withdraw his amendment, in light of the action taken earlier today by the House on this subject. But, I commend the gentleman for his interest in the issue, and would simply ask that the Members look at this in the proper context.

Mr. Chairman, I know the gentleman is interested in reform, but this amendment, which is advanced in the name of reform, will actually have the potential to derail this major reform effort, so I would oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond briefly to the point raised with regard to the prior legislation, which was a rule adopted this afternoon under the Gingrich-Solomon amendment.

Mr. Chairman, frankly, while that placed a duty on the Members not to accept gifts from lobbyists, this legislation takes it one step further to protect the Member by saying the lobbyists cannot give us gifts, and rather than have a Member who is trying to comply with the law be entrapped, here under this legislation we would not have lobbyists giving gifts to Members. Mr. Chairman, in the spirit of what is right and fair about Congress, this should not be necessary.

Mr. Chairman, I appreciate the opportunity to clarify.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I appreciate the gentleman's intentions, but I would join with the gentleman from Florida [Mr. CANADY] in opposing this on two grounds. First, it will interfere with the likelihood of this bill becoming law if we send this back to the Senate and we have differences between our gift ban and the Senate ban.

In fact, one of the things we talked about was whether or not Members could receive products from their home State. Now, with the objection of the gentleman from Iowa before, products from the State were ruled out under the gift ban, but they are an exception here. So, we have somewhat of a mismatch between them.

Beyond that, I would say to the gentleman from Pennsylvania, I do not think it is an appropriate thing for us to say, namely, that having passed the rule that said we could not accept these things, we somehow need further protection against the temptation of having them offer them to us.

To say that the Members need further protection because it would be against the rule for the Member to because it would be against the rule for the Member to accept it and we therefore, want to make sure the lobbyist does not offer it, I think does the Members a disservice. And as far as the unwary Member, I think the notion of a Member sauntering aimlessly through the halls and being ambushed by a gift-bearing lobbyist and before the Member has time to reject the gift, the Committee on Standards of Official Conduct ''police'' come and the Member is hauled off to the basement of the Capitol to be made to give up the T-shirt that was now illegal for him to receive, because we are not letting Members have T-shirts. I just think that the notion that we, having adopted a stiff rule that says Members cannot accept gifts, that we need to protect Members against the temptation of people offering them gifts is unwise.

But over and above that, Mr. Chairman, I would hope the gentleman would agree with us then even if he believes that this has merit, and it has some merit, it is not worth the jeopardy we would encounter in the other body if we were to change this. I would just say to the gentleman from Pennsylvania, I have heard us get all tangled up in T-shirts. I can just imagine what the Members of the other body would do.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just make the point that this amendment has been explained as an amendment to protect Members of Congress. I do not think we need protection. I think we can ensure that we follow the Rules of the House. We do not need to impose penalties on people outside the House to ensure that we do not violate our own rules.

It would be quite a shame to pass an amendment to protect Members of the House and, in the process, derail this important reform effort. I think our focus needs to be on protecting the American people and ensuring that the American people have access to the information they are entitled to have about lobbying activities here in Washington. That is what this bill does.

This amendment, although it is very well intended and I respect the gentleman's motives, I know that he is entirely supportive of the legislation and he has no intent to cause harm to it. I believe despite the gentleman's pure intentions, the consequence of adopting this amendment can be very harmful to our effort.

Mr. Chairman, if it is adopted, it will prevent this House from taking up the Senate bill, passing it, and sending it directly to the President. That is the direct result of the adoption of this or any other amendment. I urge that the Members of the House defeat this and all other amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Chairman, it is a violation of the law to offer a policeman a bribe, much as it is a violation of the law for the policeman to accept the bribe. I think it is somehow fundamental here that we should sanction this behavior on both ends.

Similarly, if we are serious about a gift ban, I think we should also impose a sanction on the deliberate and intentional giving of a gift that is illegal.

Mr. Chairman, I think that the Fox amendment is a distinct improvement on this underlying bill, which I am a strong supporter of and intend to offer an amendment to as well.

Let me just suggest to the gentlemen who have been making a very eloquent argument here that this bill should be kept pristine, that there should be no role of the House in improving this legislation, may I suggest that we are considering a reform bill here, but not the Pentateuch. There is nothing sacred about the underlying bill.

Mr. Chairman, I think it is incumbent upon us in the House of Representatives to pass the best reform bill that we possibly can. If we have to take that to conference, then we should have the discipline to insist that our conferees come forward with a product that we can approve and send to the White House. I do not think we should skip a step merely out of convenience.

Mr. FOX of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I did want to say that the gentleman said we were arguing this bill was pristine. I did not argue that it was pristine. Indeed, the gentleman from Florida and I think it could benefit from some further amendment.

Mr. Chairman, what we believe is that at this point, we jeopardize the chance to get anything if we amend it. We, therefore, are proposing not that this never be changed, but that we do it in a two-step process; that we get a bill signed into law, and that we immediately begin to take up a second round.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair regarding the amount of time remaining.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOX] has 10 minutes remaining, the gentleman from Florida [Mr. CANADY] has 4 minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 4½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my time to the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. The gentleman from Massachusetts yields the time back to the gentleman from Florida.

The gentleman from Florida now has 8½ minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, it is intoxicating to be in an environment where we are working on a bipartisan basis. I did not think so soon I would actually stand up and oppose one of my best friends in Congress, and someone who I have such high respect for, but I oppose the amendment of the gentleman from Pennsylvania [Mr. FOX] primarily based on the fact that he puts in tremendous jeopardy an effort that began in the Senate, came to the Committee on the Judiciary, was passed by the subcommittee and the full committee without amendment, to finally get us to reform the Lobbying Disclosure Act.

Mr. Chairman, if I recall, the gentleman from Pennsylvania was born in 1947. In 1946, before the gentleman was born, was the last time we amended the Lobbying Disclosure Act, and it was gutted in 1954 by the Supreme Court.

Mr. Chairman, we need to get a strong lobby disclosure bill. This amendment, in my judgment, however strongly the gentleman from Pennsylvania and others feel about it, does not merit placing in jeopardy such an important bill that we could send to the Senate if it is not amended.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to say to the gentleman from Connecticut, because he is a good friend, I appreciate his spirit of friendship to other Members. I would point out to the gentleman that under the gift rule, Members are allowed to give other Members presents, so the gentleman from Connecticut can give a birthday present to the gentleman from Pennsylvania, now that he remembers his birthday, and it does not have to be a product of the gentleman's own State.

Mr. SHAYS. Mr. Chairman, reclaiming my time, but I do not want to give him this present.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, first I want to commend my friends and colleagues, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] and all the Members that have invested so much time in this lobbying reform bill, which is so important to our effort to change how Washington works.

Mr. Chairman, like the gentleman from Pennsylvania [Mr. FOX] who is initiating the amendment that we are considering, this freshman class was elected to change how Washington works and brings a lot of new ideas to the Congress. I think that is what is really important about why I stand in support of the amendment of the gentleman from Pennsylvania.

This amendment prohibits lobbyists from offering gifts to Members of Congress. Think about this. We adopted pretty much a comprehensive gift ban. Nothing. No gifts that Members of Congress can accept, with a few exceptions such as birthdays from personal friends and families. A very limited number of exceptions.

But, Mr. Chairman, I ask my colleagues to think about this. There may be lobbyists out there who may want to take advantage of that rule that we have imposed to set a Member up and somehow offer a gift to a Member of Congress, so they can turn around and initiate an ethics violation against that Member of Congress for campaign purposes.

What this amendment does, this amendment essentially puts the onus, the burden, on the lobbyist and prohibits them from offering the gift in the first place. There are 435 Members of this body. I recognize that the only Members of this body that had input into this bill so far are members of the Committee on the Judiciary. That does not total 435 Members, and I think it is very important that the sponsors of all the amendments being offered have the full opportunity to offer them and of course the House, the 435 Members of the House have the opportunity to vote on them.

When the vote comes up for the amendment offered by the gentleman from Pennsylvania, I plan to vote ''aye'' because I believe this is a good idea to prohibit a lobbyist from offering a gift to a Member of Congress. Let us not allow a Member to be put in a bad situation. We made a decision not to accept gifts today. Let us make sure the lobbyists do not offer them.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. FOX of Pennsylvania. Mr. Chairman, I first of all, I appreciate those Members who spoke in support of the amendment. I do appreciate those who have written the bill and the long history it took to bring this legislation to fruition. As my colleagues know, I strongly support the legislation, as was noted by the author, the gentleman from Florida [Mr. CANADY].

Mr. Chairman, this legislation is excellent. The amendment we think makes it stronger. In fact, I feel certain it does make it stronger. It places an affirmative duty on the lobbyist not to give the gift.

As it was described by the gentleman from Pennsylvania [Mr. ENGLISH] and the gentleman from Illinois [Mr. WELLER], others could thwart that process by in fact leaving gifts at Members' offices and reporting it later for political gain. Mr. Chairman, we know that appearance is reality in politics, and this would keep service with integrity at the forefront.

Mr. Chairman, no one who is offering amendments, I believe, especially mine is not being offered, to thwart the effort. The fact that there has not been amendment to the bill since 1946 is regrettable, but the 104th Congress did not start until January 4 this year, and I am pleased to see that there is a bipartisan effort to move this legislation forward.

The people of the United States have a zero tolerance when it comes to the gifts. My colleagues can see how quickly we passed House Resolution 250 today, because no one believes that those who come to Congress should privately benefit from that experience in the way of gifts or trips or entertainment. No one runs for this office to receive the gifts. No one runs for reelection for that purpose as well.

Mr. Chairman, this is the people's House and the public wants to keep the confidence in our House. By not having gifts, we do not have to worry about the recordkeeping that we will forget because we are too busy trying to get legislation adopted, answering constituent problems, or doing casework, work which is most important.

□ 2145

This is a concept that is long overdue. I believe it is as important as the bill itself to having lobbying disclosure. It is a bipartisan bill. I believe that to maintain the integrity of the office, to make sure it is consistent with H. Res. 250, I believe the amendment is consistent with the bill. It complements the bill. It is given in good faith. I think both the Republican and Democratic floor leaders know of the fact that I come here with the idea of comity, cooperation and to make sure that we are only doing the best for America, for this House and for the ethics that we want to see pursued and upheld. It is in that spirit that the amendment was offered and is being supported by a few of my colleagues and hopefully a great number more tomorrow.

I hope that the makers understand that we all want to see the legislation itself, H.R. 2564, passed and adopted so that we have for the first time the modern improvement and disclosure of lobbying activities in the United States as well as making sure that lobbyists do not offer gifts to Congressmen because that is also not in the spirit of what this Congress is all about.

Mr. Chairman, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume. I want to again express my admiration to the gentleman from Pennsylvania. He is a valuable Member of the House. I respect his motivation in bringing forward this amendment.

But I have to consider the history of the way the issue of lobbying disclosure reform has been dealt with. The gentleman from Pennsylvania, who spoke earlier, indicated that the House and the Senate should have an opportunity to work on this issue. I believe.

The fact of the matter is that the House and the Senate have been working on this issue for 40 years, but nothing has happened to pass a law. I do not want us to continue to work on it during this Congress and see the same result that we have seen over the last 40 years. We have seen this history of failure after failure. It is simply time that we break the gridlock. It is time for this Congress on a bipartisan basis to recognize that we have to get the job done, that we may not have a perfect bill, but that we have a bill that moves us forward in a significant way.

If the House adopts amendments, what will happen? I do not have a crystal ball to tell Members for certain how things will flow from that, but I can look at the history of the way this issue has been dealt with. And that history leads me to believe that there is a very great chance that this bill would go back to the Senate and that would be the last we would hear of it.

In this Congress. That would be such a shame. We have an historic opportunity to take up this bill, which has come true through the Senate and is identical to the bill that has emerged from the Committee on the Judiciary. We can take up that Senate bill and pass it and put it on the President's desk for him to sign. I believe that the President would sign it. I believe that we can make this reform happen and I believe that is what we should do.

This amendment will interfere with that. I would urge the Members of the House to defeat the amendment offered by my good friend from the State of Pennsylvania.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FOX of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. FOX] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLINGER: 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, 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 Comptroller 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; and

''(2) 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.

Mr. CLINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. CLINGER] and a Member opposed will each be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes in opposition. I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, at the outset let me say that I want to commend the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] for this legislation. And I know the long hours, months, years almost that has gone into bringing this measure before us tonight.

I am also sensitive to the concerns that they have raised this evening about wanting to keep a clean bill. I can understand their concern that we might again jeopardize the hope of getting true lobby reform legislation. But I would remind the Members of this body that this is an open rule. The Committee on Rules did provide us with an open rule. The amendment which I am bringing forward, I think, fits very admirably into the legislation that is being considered. It is an improving measure. It will definitely strengthen the bill, I think. And I think it also, I would suggest that it would be remiss of us to be intimidated by what the other body may or may not do. I think we need to do our work, do our business here, and trust that the other body will be reasonable in this regard.

I would tell Members at the outset that we have had strong indications from Members of the other body that they would be supportive of the inclusion in this measure.

What we are addressing, Mr. Chairman, in this legislation is a matter of some concern and one that I think is shared by most of the Members of this body. That is, what the executive branch does with taxpayer dollars in the way of lobbying.

Frankly, I got this idea for this amendment because we were receiving many, many concerns from many Members where they had heard from their constituents that they had been exposed to various efforts by one or another executive branch agency to apply grass roots lobbying. Initially it was just a trickle and then it was a flood.

We have had many, many examples of this. As they say, the proof is in the pudding, and we have compiled a top 10 reasons to support the Clinger amendment. And there are examples that include an employee check stub from the Department of Veterans Affairs opposing the House budget plan. Secretary Ron Brown had an invitation to attend a briefing to oppose the Mica commerce legislation.

There was a letter that we received from the National Spa and Pool Institute complaining about receiving lobbying materials from an agency that regulates that industry, namely the EPA. And Members might ask, as certainly I did, is there not a law on the books that would preclude an executive branch agency from lobbying through grass roots organizations to try and bring pressure to bear on the Congress. There is. The law is on the books. It is the Anti-Lobbying Act, passed in 1919. It is a criminal statute. The law itself is very unclear and has been the subject of numerous opinions, often conflicting, on what it means and how broadly it reaches.

During the last 75 years, Mr. Chairman, no one, not one individual, has been prosecuted under this law. Frankly, having the Department of Justice as the enforcing agency is a little bit like having the fox guarding the chicken coop.

The amendment that I am offering is modeled after a provision that has been included, civil provision that has been included in the Interior appropriations bill since 1978. So this is not a partisan issue. This has been applied to Republican administrations since it was put into the Interior appropriations bill in 1978. The amendment covers only Federal agencies and provides that no funds would be used for any activity that is intended to promote public support or opposition to any legislative proposal, including preparation of pamphlets, kits, booklets, et cetera. However Federal officials can continue to communicate directly with Members of Congress and provide information and respond to requests from Members.

In addition, the President, the Vice President, Senate confirmed appointees and other White House officials would be able to continue to communicate positions to the public. This is a reasonable and not an unduly restrictive amendment. The comptroller general would enforce the provisions if the funds have been expended in violation. And in addition, the GAO must report on the implementation of the legislation one year after enactment.

This is good government reform, Mr. Chairman. If we apply lobbying reform to Congress, we should also apply it to the executive branch.

For those who are thinking perhaps this is a partisan effort, and there may be those on the other side who would suggest that there was partisan animus here, I would like to point out that it really is not. Once enacted into law, such a provision would remain through all future administrations, and there were certainly examples we could point to during past years. The Reagan defense department organized defense contractors and spent money on a grass roots campaign to build support for the C–5B. That was wrong. It should not have been allowed to go forward, just as some of the activity that is going on in this administration should not be allowed to go forward.

So, as I said, Mr. Chairman, we do have strong indication the Senate would be willing to accept this. I would stress the fact again, we really should not allow ourselves to be intimidated and allow our business to be thwarted by what the other body may or may not do. I urge support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to express my admiration for the gentleman from Pennsylvania.

I have looked at this amendment. I think that this amendment does address a real problem that exists. Based on my review of it, I believe it is an

idea that I would support. However, I do not believe that this bill should be subjected to this amendment. I think this is the wrong place to bring this up.

This is an issue that is within the jurisdiction of the committee that the gentleman from Pennsylvania chairs. I know that this is an issue on which he has devoted or to which he has devoted a considerable amount of time. I believe that it is an issue which could move forward.

I fully accept that the gentleman here is acting because he believes that this is a problem that needs to be addressed and intends no harm to this bill. But my fear, again, is that, if we look at the history of the way this issue of lobbying disclosure reform has proceeded, we see that there have been many slips along the way that have prevented the ultimate success of various efforts.

Now, I think we can repeat history in this Congress, and I do not know that there is any way that we can be assured that the Senate would accept this language or any other language. That is something that the Senate decides. But what I am concerned about is the very real fact that we have to recognize that there are people who do not want this legislation to pass, people who do not want lobbying disclosure.

I do not believe that the gentleman from Pennsylvania is opposed to this. I believe that he supports the underlying bill. I have every confidence of that. But there are people who wish to see this bill derailed. I have seen evidence of that in a number of different ways. I think we have to be cognizant of that, and we have to be aware that this opportunity can slip away from us.

It is here. We have it. We have a good bill. It is a bill that has wide support. It has support from many of the people who are going to be subjected to the very requirements that are imposed by the bill. It is recognized as a reasonable, responsible approach, and it is something that we can go to the American people with and we can tell them that we are acting to protect their rights. We are acting to ensure that they have the knowledge that they are entitled to have.

I want to make sure that we do that in short order. I wanted to make certain that no amendments are adopted that will prevent us from moving forward to that goal.

Again, I respect the gentleman who is offering the amendment. I appreciate his interest in this issue. Quite frankly, when I spoke of different categories of amendments that would be considered, I said that there were some with merit, some that had less merit, and some that were simply bad ideas. I think that this is one of the amendments that is meritorious because I do believe there are problems. I do not think this is a partisan issue because, as the gentleman said, this would affect the current administration and future administrations. But there is a way to accomplish this goal.

I do not believe the way to accomplish this goal is by threatening the lobbying disclosure bill. This is really a somewhat different issue. It is within the jurisdiction of a different committee. I believe that the gentleman from Pennsylvania [Mr. CLINGER] could move forward with his idea as a separate bill. I believe that the Congress would adopt it.

This is not the time to bring it up. This is not the vehicle. I would urge the Members of the House to reject this amendment so that we can get on with the process of breaking the gridlock that has existed for the last 40 years on lobbying disclosure reform.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I agree with the thrust of the gentleman from Florida's comments. I would add a couple. Let us stress this is not within the Committee on the Judiciary's jurisdiction, and it is not about the regulation of private lobbyists.

□ 2200

We have a bill brought out by the Committee on the Judiciary that deals with private lobbyists. This has in common the word ''lobbying'' but it is a different set of issues. This is a potential abuse of public funds by the executive branch. That presents a very different set of issues than the question of disclosure and influence from various private interests, and putting the two together really does not have a great deal of legislative justification except there is a train leaving the station, and people who have a good idea would like to jump to it. That would not necessarily be a problem except that it can jeopardize passage.

The gentleman from Pennsylvania fairly said this is not partisan. This kind of lobbying has been done by Democratic and Republican administrations in the past, they do it in the future, but that is part of the problem because Democratic and Republican administrations will oppose this bill. This is not simply a Senate problem. This invites a veto. It invites a veto from President Clinton, it would have invited a veto from President Bush, it would have invited a veto from President Reagan.

So, I would hope the gentleman from Pennsylvania [Mr. CLINGER], using his chairmanship of the committee, would bring up a piece of legislation separately and let us deal with it, but I acknowledge what he says is true. This is not a partisan one, this is an interbranch one, but we have got a piece of legislation that addresses a real problem that we have been assured, because we have got a letter from the White House, they will sign it. The Senate has passed it. We send it to them, they will sign it.

Now the gentleman asks to add to that a matter not of partisan strife, but of interbranch strive, and to take where we have a consensus bill, to regulate and improve the regulation of private-sector lobbying and add to it a bill, which as my friend from Pennsylvania candidly said, and I agree with him, it is more of an executive branch versus a legislative rather than a partisan one, to add that is to invite a veto or to have people in the Senate who are like this, suddenly become defenders of executive branch prerogative and lobby against it.

So far that reason, because it is a different subject, and because the gentleman from Pennsylvania [Mr. CLINGER] has the ability to bring the bill out—the gentleman from Pennsylvania can bring this bill out at any time, it can come to the floor, we can debate it. I have some questions about some of the substance. It says, for instance, that press releases or oral statements can be done by the direct appointee but they cannot delegate it. As I read this, the problem the way it is drafted is, if the Secretary of State asked a non-Presidential appointee to draft a press release on an issue that was pending before the Congress, that would be a violation. I think that is overdrafted. I would like to deal with that, but let us deal with it in a separate bill brought out by the gentleman's committee, because to take this matter of executive versus legislative prerogative and add it to this other bill is probably more complicated than almost anything else. That is not to go to the merits of it, but it is clearly inviting a veto or a Senate filibuster before we get to a veto, and it will, I think, endanger the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I state at this point that the amendment is germane to the discussion this evening.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN], the prime cosponsor of this amendment.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for yielding this time to me, and indeed I join him in cosponsorship of this amendment. It is a very worthy amendment. I, too, am delighted with the bipartisan nature of this debate tonight and would want to commend all the parties. It is about time for this.

Let me say right up front this is the right place for this amendment. This bill is the right bill for this amendment, and I support this bill as I support this amendment. Why is it the right place for this amendment? This is a bill designed to deal with inappropriate lobbying influences upon this Congress. One of the most inappropriate lobbying influences upon this Congress is a use of taxpayer funds by agencies of our own executive government to influence and indeed to use those funds

to hopefully affect the outcome of legislation before this body. The evidences of it are numerous. The outrageous evidences of it have come to the floor only just recently before this body. Examples of it are like the one I would cite where SBA actually sent materials out to small businesses across America to urge them to support, support the Clinton health plan last year, actively lobbying businesses that they are supposed to help organize to engage themselves in a campaign for a proposition before this House and the Senate. Examples like that are numerous.

Second, the inappropriateness of this use of taxpayer funds in support of issues, in opposition to issues, before this Congress is often in collusion with private lobby groups who work before this body to influence the decisions that are made here. Here is a typical example. ''Taking it too far, a slide slow and panel discussion held at LSU in Baton Rouge.'' Sponsored by whom? Sponsored by the Coastal Energy and Environmental Resources Center, Sierra Club, Delta Chapter, U.S. Fish and Wildlife Service, and the Corps of Engineers to learn more about regulatory takings and the harmful potential effects of taking bills before the Congress, agencies of our Government using taxpayer funds to work with lobby groups organized to influence legislation before this Congress.

Mr. Chairman, no one, no one should allow that to happen under Democratic or Republican regimes. If ever there was a nonpartisan amendment that was offered in the right place at the right time, this is it. We ought to adopt this amendment. We ought to say affirmatively in the law that agencies of our Government indeed can communicate with Congress, agencies of our Government can indeed express administrative positions to the general public, but no agency ought to use taxpayer funds whether by themselves or in collusion with private lobby groups to influence the outcome of legislation before this body. That ought to be illegal. This amendment makes it illegal.

Mr. CANADY of Florida. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] makes some very important points. He has pointed out some examples which are very troubling. They trouble me, and I believe that the Congress should act to deal with those problems. I simply do not think that this is the right place or the right time, and I would like to follow up on the excellent point that the gentleman from Massachusetts made.

This issue represents a conflict between the legislative branch and the executive branch. It is fraught with the potential for a veto, and I do not believe that lobbying disclosure reform should be held hostage to this issue of executive branch lobbying, and I am afraid that that is what would happen. I am afraid that we would see a scenario in which this bill would be sent to the President, potentially with this in it, if everything went as we would like to have it, and we were able to get it through both houses, it would go to the President, and the President would veto it, and once again we would have failed to address the critical issue of lobbying disclosure reform that the Congress has been working on for 40 years without any product in terms of a new law being passed.

I respect the motivations of the proponents of this amendment, as I have said. I understand that they have identified a real problem, they are looking for a way to address it. But this is not the only vehicle in town. We are seeing a plethora of amendments coming forward, and I will guarantee my colleagues, given the history of this, I do not know that this is such a great vehicle to begin with, given the way this issue has not moved to final passage, so I would urge them maybe to re-evaluate whether this is indeed such a good vehicle.

The point is, if we can keep these amendments off, the House will have the opportunity to send this bill directly to the President, see it passed into law, and in the midst of all the conflict that is going on in Washington now, all the fighting that is going on and the stalemate that we see, and we all have our different views of why that is and who is to blame, but in the midst of that if we could pass this bipartisan reform effort and send it to the President for his signature, I think we would be sending a message to the American people that we can work together.

When we will listen to one another and when we will focus on the good of the American people, we can accomplish something that will benefit the people of this country, and this disclosure effort is good for democracy, it will help restore public confidence in the system of government established by our Constitution, and it will help eliminate some questions that now exist about the lobbying activities that go on in Washington.

So I would urge that we move forward with that effort, and reject this amendment and all other amendments to this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time, and I say that I was contemplating not opposing this amendment for two reasons: One, I like it, and second, it is being offered by the chairman of the Committee on Government Reform and Oversight, who is my chairman, and I believe the best chairman in Congress. He has made that committee such an outstanding committee. I hope he does not tell the gentleman from Ohio [Mr. KASICH] that I said that.

My big concern is that this amendment has never had a hearing, never really had the opportunity to be considered, and I would like to encourage my chairman to offer this as a bill, take it up in our committee, allow people on both sides of the aisle to come before the committee, allow the administration to defend some of the outrageous things they have been doing and some that have been done in previous administrations, because this has been an abuse.

What a golden opportunity to set on the record a document that would justify its passage, and so I hope that by the time I wake up tomorrow the chairman of my Committee on Government Reform and Oversight will realize that it really belongs in the Committee on Government Reform and Oversight. This is not the right place or the right time in my judgment to tack on so many amendments to this lobby disclosure bill when it has not passed in over 50 years or 49 years. When nothing has gotten through this Chamber in nearly 50 years, to me it is just to invite a very unfortunate situation, and that is that lobby disclosure will once again be killed.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN], chairman of the Subcommittee on Government Management, Information, and Technology.

Mr. HORN. Mr. Chairman, this has been a great day for reform. This is the second great day this year. The first was the first day of this Congress when we applied the workplace laws. Thanks to my colleague, the gentleman from Connecticut [Mr. SHAYS], we got rid of proxies, we cut committee staff, term limits on committee chairs.

Reform is growing in this country. A good example is California. Within 2 months, 100,000 people signed up to start a new reform party in California. People want us to get the job done. Today we had a great victory. The Speaker's proposal to ban all gifts was overwhelmingly adopted except by a handful of Members.

Now we need to finish this day tonight and tomorrow. We ought to accept reasonable amendments. The Clinger amendment is a reasonable amendment. I happen to think the Traficant amendment to deal with foreign lobbyists is a reasonable amendment. I do not think we who have equal bicameral status with the other body should simply tailor things to what we think might or might not be done in the other body. They have to feel the pressure of the people, they will feel the pressure of the people. A President that vetoes this bill because this provision is in it will feel the wrath of the people. So will the Members of the United States Senate feel that wrath.

The fact is here we have a complete misuse of taxpayer money by government officials regardless of party. It goes back for years. We need to hone

this in at the source of it, and it is Cabinet officers that are using civil servants that are there to operate programs to stir up kits for them and fliers and all the rest that can be used by lobby groups to come here and tell us the glories of this program or that program.

□ 2215

Let those lobby groups pay their own way. We should not have to be using taxpayer dollars.

Thomas Jefferson had it right when he talked about religious freedom. We ought to be talking about political freedom. We said, in conclusion, ''To compel a man to furnish contributions of money for propaganda and opinion which he disbelieves and abhors is sinful and tyrannical.'' I thank Jefferson was right. I think the clinger amendment comes at the right time. We have a whole series of cases. We do not need to hold a hearing to find that it exists. It exists.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, Mr. Chairman, partisanship does now appear to be rearing its head. We now see a threat to this bill. The gentleman from California was fair and talked about problems in previous administrations and an executive branch problem, but the gentleman who just spoke and the other gentleman used this as a platform to attack the Clinton administration. That is going to unravel this kind of consensus.

There was documentation only about recent problems. Yes, there have been tensions between the executive and the legislative, but the gentleman from California and the gentleman from Louisiana want to make this into a platform for attacking the current administration. No, you are not going to easily get a bill both back again through the other body and then signed by the President when it does this.

I am very surprised to hear my friend, the gentleman from California, say this does not need hearings. Every bill needs hearings and a markup to make sure you get it right. For example, this bill does, it seems to me to say that a press release can only be done if it deals with any pending legislative issue, including a nomination by the Cabinet head himself or herself. It says you cannot delegate this. Saying that you respond to an oral request for an interview, it can only be done by the Cabinet head himself or herself. No legislation does not need a hearing.

I think if this is what we are going to have, that this kind of partisan attack on one administration, no reference, except the gentleman from Pennsylvania, to the fact that this has been done previously, then you are not going to get legislation. If you care about it, you control the subcommittee and the committee, where is your bill? Why did you not bring a bill out? If this is so important, what have you been waiting for? Have your hearing, have your markup, bring a bill and let us debate it, but do not catch a ride on this train when you know it is going to derail it.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has the right to close.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding time to me.

Mr. Chairman, I think it is very significant to note it has been 40 years since we got to this now. I do not want to wait another 40 years before we get to the part of the problem that we have. I think this Clinger amendment addresses some of the important problems that we have now. I am sorry, I am a freshman here. I do not have a lot of experience on previous administrations. I do want to thank the current administration, because I think they had something to do with me being here.

I have found that there are agencies today that are abusing the system by sending out mailings in the hopes of influencing legislation. These are not individuals, these are not nonprofit groups, these are not private sector companies, these are Federal agencies that are using lobbying money, using money to lobby for more tax dollars to be spent on their agency.

In June this year, the Department of Energy sent out a mailing that was timed in correspondence, they sent out 10,000 of these to private individuals and businesses, at the cost of $3.50 each. June was selected to oppose some current legislation coming out, H.R. 993, the bill to abolish the Department of Energy. Part of the propaganda read, ''Dismantling the Department of Energy only is likely to disrupt Secretary O'Leary's efforts to reshape the department and produce meaningful savings.''

Let us talk about some of the meaningful expenditures. This is the agency that has over 500 public relations employees, costing taxpayers $25 million. This the agency that has spent over $46,000 to hire a private investigation firm to develop a list of unfavorable people, and ''to work on these people a little.'' Does that sound like lobbying, to work on these people a little? This is the agency that has hired a personal media consultant for Secretary O'Leary at a cost of $75,000 per year. These are all abuse.

This money does not go toward any valid mission of the Department of Energy, not toward environment management, not toward developing an agency energy policy, not toward finding one drop of oil, not one valid mission. I think it is an abuse of taxpayer dollars. That is why I support the Clinger amendment.

The CHAIRMAN. I would advise Members, the gentleman from Pennsylvania [Mr. CLINGER] has 2½ minutes remaining, the gentleman from Massachusetts [Mr. FRANK] has one-half minute remaining, and the gentleman from Florida [Mr. CANADY] has one-half minute remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the remainder of my time to the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] now has 1 minute remaining.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in support of the Clinger amendment. For too long executive branch employees have improperly used appropriated funds to foster public support or opposition to pending legislation before Congress. Without a doubt, such activities are a blatant misuse of taxpayers' funds. The Clinger amendment does not impact any other Federal agency, it only targets the Federal Government. We must stop agencies from punching in at work, putting on their lobby hats, and taking taxpayers to the cleaners. The type of activity by the Federal bureaucrats is clearly not legitimate, and the Clinger amendment will halt all this abuse. The Clinger amendment is a key part of real government reform. It is not partisan in any way, and would apply permanently to no matter what administration was in place.

There have been abuses in previous administrations, but nothing has been done. The Department of Justice as the enforcing agency, we are giving a pack of wolves a red-carpet route to the sheep herd.

Federal bureaucracies should not be picking favors to one group or another pursuant to their own self-interest. Their jobs are to carry out the law passed by Congress not give speeches on congressional legislation or play lobbyists.

Enough is enough. I urge my colleagues to support the endeavors and vote on the Clinger amendment. If we do not make the most of this opportunity to hold Federal bureaucracies accountable for fulfilling their proper duty, then we in Congress should be held accountable. Let us not drop the ball on this one, let us support the amendment.

Mr. CLINGER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 1 minute remaining.

Mr. CLINGER. Mr. Chairman, I am sensitive to the fact that there is concern here about passing true lobby reform. I would point out, however, that we do have time. This is, after all, only the first session of the 104th Congress, so if there is a need to go to a conference, that can be done. May I also say that there are other ways in which this can be done, if in fact this piece of legislation happens to bog down.

Let me just in closing point out some of the organizations that have strongly endorsed this legislation: the National Taxpayers Union, the National Federation of Independent Businessmen, the

Chamber of Commerce, the Competitive Enterprise Institute, the National Association of Wholesaler-Distributors, Citizens Against Government Waste, the Chamber of Commerce, and many, many others.

Mr. Chairman, this is an amendment that has broad-based support because the need is very apparent. The abuse that has been throughout many administrations needs to be corrected. This amendment does correct it, does it in a reasonable and very fair way. I would urge support of the amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask that the Members of the House keep their eye on the ball as we go through this debate. We have to keep focused on what the underlying bill is about and what we are trying to accomplish in the underlying bill. That is to reform lobbying disclosure, to have meaningful disclosure of lobbying activities that go on here in Washington with the executive branch and the legislative branch.

The gentleman from Pennsylvania [Mr. CLINGER] has what I believe is a good idea, an idea which addresses a real problem, but I believe that his idea should go through the committee process, it should be subjected to the hearing process, there should be a markup, and his idea should move forward as a separate initiative. It only has the potential for derailing this bill which has been worked on for so long by so many different people. I know that is not the gentleman's intention, but I am very much afraid that that may be the consequence if his amendment is adopted. I urge the Members of the House to defeat this proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER].

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] will be postponed.

The point of no quorum is considered withdrawn.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. FOX of Pennsylvania] having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT AND WAIVING POINTS OF ORDER AGAINST CORRECTED CONFERENCE REPORT ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–348) on the resolution (H. Res. 272) authorizing a specified correction in the form of the conference report to accompany the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and waiving points of order against the corrected conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2606, PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–349) on the resolution (H. Res. 273) providing for consideration of the bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, that it adjourn to meet at 9:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LOBBYING DISCLOSURE ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2564.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2564). To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, with Mr. KOLBE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] had been disposed of.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: 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. LIMITATION ON REPRESENTING OR ADVISING CERTAIN FOREIGN ENTITIES.

(a) AMENDMENT.—Section 207(f) of title 18, United States Code, is amended to read as follows:

''(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

''(1) PERMANENT RESTRICTION.—Any person who is an officer or employee described in paragraph (3) and who, after the termination of his or her service or employment as such officer or employee, knowingly acts as an agent or attorney for or otherwise represents or advises, for compensation, a government of a foreign country or a foreign political party, if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest, shall be punished as provided in section 316 of this title.

''(2) FIVE-YEAR RESTRICTION.—Any person who is an officer or employee described in paragraph (3) and who, within 5 years after the termination of his or her service or employment as such officer or employee, knowingly acts as an agent or attorney for or otherwise represents or advises, for compensation—

''(A) a person outside of the United States, unless such person—

''(i) if an individual, is a citizen of and domiciled within the United States, or

''(ii) if not an individual, is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States, or

''(B) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country,

if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest, shall be punished as provided in section 216 of this title.

''(3) PERSONS TO WHOM RESTRICTIONS APPLY.—The officers and employees referred to in paragraphs (1) and (2) to whom the restrictions contained in such paragraphs apply are—

''(A) the President of the United States; and

''(B) any person subject to the restrictions contained in subsection (c), (d), or (e).

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'compensation' means any payment, gift, benefit, rewards, favor, or gratuity which is provided, directly or indirectly, for services rendered;

''(B) the term 'government of a foreign country' has the meaning given that term in section 1(e) of the Foreign Agents Registration Act of 1938, as amended;

''(C) the term 'foreign political party' has the meaning given that term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended;

''(D) the term 'United States' means the several States, the District of Columbia, and