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CORNELL
KASTENMEIER*
REUSS

* Indicates Members of
the Judiciary Committee

***Indicates Members
of the Subcommittee



I. H. R. 15 (H. R. 1734)

A. Definitions

1. *Defines "lobbyist" to be a person who receives or expends over \$250 in any quarterly filing period, or \$500 during four consecutive filing periods.
2. Excludes from the definition of "lobbying" the following:
 - a. An appearance before a congressional committee or the submission of a written statement thereto or to an executive department or agency at the request of such department or agency. (Apparently does not exclude oral communications made to an executive agency or department made at the request of said entity.)
 - b. communications or solicitations by a federal officer or employee
 - c. communications or solicitations through the normal course of business of any news, editorial view, advertising or like matter by:
 - (1) periodical distribution to the general public;
 - (2) radio or television broadcast; or
 - (3) a book publisher.

B. Must file notice of representation within 15 days showing—

1. identification of lobbyist;
2. identification of person retaining the lobbyist and the financial terms agreed to;
3. the decisions to be influenced;
4. identification of anyone solicited by lobbyist to engage in lobbying and the financial terms of such arrangement.

C. Records—must disclose;

1. total income received by lobbyist;

*The apparent intent is to make these dollar amounts disjunctive rather than conjunctive. However, the drafting of section 2(10) could be construed to mean the contrary. (See p. 4A)



2. total expenditures of lobbyist and itemization thereof;
3. identification of each person from whom income is received, but in the case of a voluntary membership organization, the name of a member need not be disclosed unless he contributes more than \$100 to the organization during the quarterly filing period including the three preceding quarterly periods.

D. Reports—must disclose

1. All the information required in 2 and 3, supra;
2. identification of each federal officer or employee with whom the lobbyist communicated during the filing period;
3. A copy of any written communication used by the lobbyist to solicit others to lobby.

E. Effect on Tax Status—The various reports required by this Act are not to be considered by the IRS.

F. Executive Logging—

1. All executive branch employees in grades GS-15 or above, or in any of the executive levels under title 5 must log all oral and written communications which express an opinion or contain information relating to pending decisions.
2. These records shall include:
 - a. name and position of the official contacted;
 - b. date communication received;
 - c. identification of person from whom the communication was received;
 - d. summary of the subjects discussed;
 - e. copies of any written communications;
 - f. description of action taken by official, if any.

G. Commission

1. Sets up Federal Elections Commission as administrator of Act.
2. Powers of Commission:
 - a. subpoena power;



b. may hold hearings and conduct investigations.

c. Commission is the primary enforcing agency. It may prosecute both civil and criminal violations.

H. Duties of Commission

1. develop forms;
2. create filing and indexing system;
3. make notices and reports available to public inspection;
4. retain records for 10 years;
5. summarize reports and put in Federal Register;
6. make audits and field investigations.

I. Sanctions

1. Willful failure to file notice of representation—\$5,000, 2 yrs. imprisonment, or both.
 2. Falsification of any notice of representation or report—same as 1.
 3. Falsification of any communication to influence legislation—same as 1.
 4. Failure of executive official to log or falsification of such log—same as 1.
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H. R. 15

JANUARY 14, 1975

A BILL

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the “Public
Disclosure of Lobbying Act of 1975”.

7 SEC. 2. As used in this Act, the term—

8 (1) "person" includes a corporation, company,
9 association, firm, partnership, society, or joint stock
10 company, as well as an individual;

11 (2) “the policymaking process” means any action



1 taken by a Federal officer or employee with respect to
2 any bill, resolution, or other measure in Congress, or
3 with respect to any rule, adjudication, or other policy
4 matter in the executive branch;

5 (3) "Federal officer or employee" means any offi-
6 cer or employee in the legislative or executive branch,
7 and includes a Member of Congress, Delegate to Con-
8 gress, or the Resident Commissioner from Puerto Rico;

9 (4) "income" means the receipt or promise of any
10 consideration, whether or not legally enforceable;

11 (5) "expenditure" means the transfer or promise
12 of any consideration, whether or not legally enforceable;

13 (6) "quarterly filing period" means any calendar
14 quarter;

15 (7) "voluntary membership organization" means
16 an organization composed of individuals who are mem-
17 bers thereof on a voluntary basis and who, as a condition
18 of membership, are required to make regular payments
19 to the organization;

20 (8) "identification" means in the case of an indi-
21 vidual, the name, address, occupation, principal place
22 of business, and position held in that business, of the
23 individual, and in the case of a person other than an
24 individual, its name, address, principal officers, and
25 board of directors, if any;

1 (9) "lobbying" means a communication or the
2 solicitation or employment of another to make a com-
3 munication with a Federal officer or employee in order
4 to influence the policymaking process, but does not
5 include—

6 (A) an appearance before a congressional
7 committee, subcommittee, or joint committee or
8 the submission of a written statement thereto or
9 to any Federal executive department, agency, or
10 entity at the request of such department, agency, or
11 entity;

12 (B) any communication or solicitation by a
13 Federal officer or employee; or

14 (C) except with respect to a publication of
15 a voluntary membership organization, any com-
16 munication or solicitation through the distribution
17 in the normal course of business of any news, edi-
18 torial view, letter to an editor, advertising, or like
19 matter by—

20 (1) a periodical distribution to the gen-
21 eral public;

22 (2) radio or television broadcast; or

23 (3) a book publisher;

24 (10) "lobbyist" means, with respect to any quar-

terly filing period, any person who engages in lobbying during that period and who—

(A) receives income of \$250 or more for such lobbying during that period, whether such income is the prorated portion of total income attributable to that lobbying, or is received specifically for the lobbying;

(B) receives an income of \$500 or more for such lobbying during a total of four consecutive quarterly filing periods, in each period of those four which begins after that total of \$500 has been received;

(C) makes an expenditure of \$250 or more, except for the personal travel expenses of the lobbyist, for lobbying during that period; and

(D) makes an expenditure of \$500 or more for lobbying during a total of four consecutive quarterly filing periods, in each period of those four which begins after that total of \$500 has been expended;

(11) "Commission" means the Federal Election Commission.

NOTICES OF REPRESENTATION

SEC. 3. Each lobbyist shall file a notice of representation with the Commission not later than fifteen days after

first becoming a lobbyist, and each lobbyist who has filed such a notice and has been inactive as a lobbyist for three consecutive quarterly filing periods shall also file a notice of representation when that lobbyist again becomes a lobbyist. The notice of representation shall be in such form and contain such information as the Commission shall prescribe, including—

(1) an identification of the lobbyist;

(2) an identification, so far as possible, of each person on whose behalf the lobbyist expects to perform services as a lobbyist;

(3) a description of the financial terms and conditions on which any lobbyist who is an individual is retained by any person, and the identification of that person;

(4) each aspect of the policymaking process which the lobbyist expects to seek to influence, including any Government agency, committee, or Federal officer or employee, with which contact is to be made, the form of communication used, and whether for or against a particular measure;

(5) an identification of each person who, as of the date of filing, is expected to be acting for such lobbyist and to be engaged in lobbying including—



(A) any financial terms or conditions of such person's so acting; and

(B) the aspects of the policymaking process such person is expected to work at influencing; and

(6) in the case of a voluntary membership organization, the approximate number of members and a description of the methods by which the decision to engage in lobbying is made.

RECORDS

SEC. 4. Each lobbyist shall maintain for not less than two years after the date of recording records which shall be available to the Commission for inspection and which contain the following information:

(1) The total income received by the lobbyist, and the amount of such income attributable to lobbying.

(2) The identification of each person from whom income is received and the amount received, but in the case of a voluntary membership organization a contribution during any quarterly filing period from a member need be recorded only if the contributions to such organization from such member are more than \$100 during that quarterly filing period, or during that quarterly filing period combined with the three immediately preceding such periods.

(3) The total expenditures of such lobbyist for lobbying, itemizing any expenditure made—

(A) to employ lobbyists (and the amount received by each lobbyist so employed); and

(B) for research, advertising, staff, offices, travels, mailings, and publications.

(4) Each expenditure made directly or indirectly to or for any Federal officer or employee.

REPORTS

SEC. 5. Each lobbyist shall not later than fifteen days after the last day of a quarterly filing period file a report with the Commission covering that lobbyist's activities during that quarterly filing period. Each such report shall be in such form and contain such information as the Commission shall prescribe, including—

(1) an identification of the reporting lobbyist;

(2) an identification of each person on whose behalf the reporting lobbyist performed services as a lobbyist during the covered period, but not including any member of any voluntary membership organization on whose behalf the lobbyist performed such services, if the member contributed not more than \$100 to the organization during the covered period or during that period combined with the three immediately preceding quarterly filing periods;

(3) an identification of each person who acted as

1 a lobbyist on behalf of the reporting lobbyist during the
2 covered period;

3 (4) each decision of the policymaking process the
4 reporting lobbyist sought to influence during the covered
5 period, including bill numbers where relevant;

6 (5) an identification of each Federal officer or
7 employee with whom the reporting lobbyist communi-
8 cated during the covered period in order to influence
9 the policymaking process;

10 (6) a copy of any written communication used by
11 the reporting lobbyist during the covered period to solicit
12 other persons to lobby, and an estimate of the number
13 of persons to whom such written communication was
14 made; and

15 (7) copies of the records required to be kept by
16 the reporting lobbyist under section 4, to the extent
17 such records pertain to the covered period.

18 EFFECT OF FILING ON CERTAIN DETERMINATIONS UNDER

19 THE INTERNAL REVENUE CODE OF 1954

20 SEC. 6. Compliance with the filing requirements of this
21 Act shall not be taken into consideration in determining, for
22 purposes of the Internal Revenue Code of 1954, whether a
23 substantial part of the activities of an organization is carry-
24 ing on propaganda, or otherwise attempting, to influence
25 legislation.

1 RECORDS OF OUTSIDE CONTACTS

2 SEC. 7. (a) All officials and employees of the executive
3 branch in grades GS-15 or above in the General Schedule,
4 or in any of the executive levels under title 5 of the United
5 States Code, or who are designated by any person to whom
6 this subsection otherwise applies as being responsible for
7 making or recommending decisions affecting the policymak-
8 ing process in the executive branch, shall prepare a record
9 of each oral or written communication received directly or by
10 referral from outside parties expressing an opinion or con-
11 taining information with respect to such process. The records
12 shall be in such form and contain such information as the
13 Commission shall prescribe, including—

14 (1) the name and position of the official or em-
15 ployee who received the communication;

16 (2) the date upon which the communication was
17 received;

18 (3) an identification, so far as possible, of the person
19 from whom the communication was received and of the
20 person on whose behalf such person was acting in mak-
21 ing the communication;

22 (4) a brief summary of the subject matter or mat-
23 ters of the communication, including relevant docket
24 numbers if known;

25 (5) in the case of communications through letters,

1 documents, briefs, and other written material, copies of
2 such material in its original form; and

3 (6) a brief description, when applicable, of any
4 action taken by the official or employee in response
5 to the communication.

6 (b) Each agency in the executive branch shall assure
7 that records prepared pursuant to subsection (a) of this
8 section shall be placed, within two working days of the date
9 when such communication was received, in the case file of
10 the rulemaking or adjudication to which the communication
11 related. If the communication related to matters for which
12 there was no such case file, the records of such communica-
13 tion shall be placed in a public file which shall be maintained
14 in the same location as the case files.

15 (c) Each agency in the executive branch shall assure
16 that records filed pursuant to subsection (b) of this section
17 shall be made available for public inspection in a convenient
18 location within the agency. A comprehensive index of such
19 records by subject matter and, when applicable, docket num-
20 ber shall be maintained and made available for public
21 inspection in such location.

22 POWERS OF COMMISSION

23 SEC. 8. (a) The Commission has the power for the pur-
24 poses of this Act—

25 (1) to require, by special or general orders, any

1 person to submit in writing such reports and answers to
2 questions as the Commission may prescribe; and such
3 submission shall be made within such reasonable period
4 and under oath or otherwise as the Commission may
5 determine;

6 (2) to administer oaths;

7 (3) to require by subpoena, signed by the Chair-
8 man or the Vice Chairman, the attendance and testi-
9 mony of witnesses and the production of all documen-
10 tary evidence relating to the execution of its duties;

11 (4) in any proceeding or investigation to order
12 testimony to be taken by deposition before any person
13 who is designated by the Commission and has the power
14 to administer oaths and, in such instances, to compel
15 testimony and the production of evidence in the same
16 manner as authorized under paragraph (3) of this sub-
17 section;

18 (5) to initiate (through civil proceedings for in-
19 junctive relief and through presentation to Federal
20 grand juries), prosecute, defend, or appeal any civil or
21 criminal action in the name of the Commission for the
22 purpose of enforcing the provisions of the Act through
23 its General Counsel;

24 (6) to delegate any of its functions or powers,
25 other than the power to issue subpoenas under paragraph

1 (3), to any officer or employee of the Commission; and
 2 (7) to make, amend, and repeal such rules as are
 3 necessary to carry out the provisions of this Act.

4 (b) Any United States district court within the juris-
 5 diction of which any inquiry is carried on may, upon peti-
 6 tion by the Commission, in case of refusal to obey a sub-
 7 pena or order of the Commission issued under subsection (a)
 8 of this section, issue an order requiring compliance there-
 9 with. Any failure to obey the order of the court may be pun-
 10 ished by the court as a contempt thereof.

11 (c) Notwithstanding any other provision of law, the
 12 Commission shall be the primary civil and criminal enforce-
 13 ment agency for violations of the provisions of this Act.
 14 Any violations of any such provision shall be prosecuted by
 15 the Attorney General or Department of Justice personnel
 16 only after consultation with, and with the consent of, the
 17 Commission.

18 DUTIES OF THE COMMISSION

19 SEC. 9. It shall be the duty of the Commission—

20 (1) to develop forms for the filing of notices of
 21 representation, and reports pursuant to sections 3 and
 22 5 of this Act and to furnish such forms to lobbyists
 23 upon request;

24 (2) to develop forms for the filing of records of out-
 25 side contacts under section 7;

1 (3) to prepare a manual setting forth recommended
 2 uniform methods of bookkeeping and reporting and to
 3 furnish such manual to lobbyists upon request;

4 (4) to develop a filing, coding, and cross-indexing
 5 system consonant with the purpose of this Act;

6 (5) to make the notices of representation and
 7 reports filed with it available for public inspection and
 8 copying, commencing as soon as practicable but not
 9 later than the end of the second day following the day
 10 during which it was received, and to permit copying of
 11 any such report or statement by hand or by duplicating
 12 machine, as requested by any person, at the expense of
 13 such person, provided that the charge does not exceed
 14 actual marginal cost, but no information copied from
 15 such reports and statements shall be sold or utilized by
 16 any person for the purpose of soliciting contributions
 17 or for any commercial purpose;

18 (6) to preserve the originals or copies of such
 19 notices and reports for a period of ten years from date
 20 of receipt;

21 (7) to compile and summarize, with respect to
 22 each filing period, the information contained in such
 23 notices, and reports in a manner reflective of the dis-
 24 closure intent of this Act and in specific relation to—

25 (A) the lobbying activities and expenditures

pertaining to specific legislative or executive actions, including the identity of the lobbyists involved and of the persons in whose behalf they are acting; and

(B) the lobbying activities and expenditures of persons who share an economic, business, or professional interest in the legislative or executive actions which they have sought to influence;

(8) to have such information, as so compiled and summarized, published in the Federal Register within fifteen days after the close of each filing period;

(9) to have each notice of representation which is filed by any lobbyist published in the Federal Register within three days after each such notice was received by the Commission;

(10) to ascertain whether any lobbyist has failed to comply fully and accurately with the disclosure requirements of this Act and promptly notify such person to file such notices and reports as are necessary to satisfy the requirements of this Act or regulations prescribed by the Commission under this Act;

(11) to make audits and field investigations with respect to the notices, and reports filed under the provisions of this Act, and with respect to alleged failures to file any statement or reports required under the pro-

visions of this Act, and, upon complaint by any individual, with respect to alleged violations of any part of this Act;

(12) to prepare a special study or report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Commission; or, if such records do not contain the necessary information, but the information would fall under the scope of information required by this Act, the Commission may inspect the records of the appropriate parties and prepare the report, but only if such special inspection can be completed in a reasonable time before the information would normally be filed;

(13) to prepare and publish such other reports as it may deem appropriate;

(14) to prescribe suitable rules and regulations to carry out the provisions of this Act; and

(15) to recommend legislation to carry out the purposes of this Act.

SANCTIONS

SEC. 10. (a) Any lobbyist who knowingly and willfully violates section 3 of this Act shall be fined not more than \$5,000 or imprisoned for not more than two years.

(b) Any person who knowingly and willfully falsifies all or part of any notice of representation or report which he files with the Commission under this Act shall be fined

1 not more than \$5,000 or imprisoned for not more than two
2 years, or both.

3 (c) Any person who knowingly and willfully falsifies or
4 forges all or part of any communication to influence legis-
5 lative or executive action shall be fined not more than
6 \$5,000 or imprisoned for not more than two years, or both.

7 (d) Any Federal officer or employee of the executive
8 branch to whom section 7 applies who knowingly and will-
9 fully falsifies, forges, or fails to file any record as required
10 by such section shall be fined not more than \$5,000, or
11 imprisoned not more than two years, or both.

12 REPEAL OF FEDERAL REGULATION OF LOBBYING ACT

13 SEC. 11. The Federal Regulation of Lobbying Act (60
14 Stat. 839-842; 2 U.S.C. 261 et seq.) and that part of the
15 table of contents of the Legislative Reorganization Act of
16 1946 which pertains to title III, also known as the Federal
17 Regulation of Lobbying Act (60 Stat. 813), are repealed,
18 effective on the date on which the regulations to carry out
19 this Act first become effective.

20 EFFECTIVE DATE

21 SEC. 12. The provisions of this Act shall take effect upon
22 the date of its enactment, except that any person required
23 by section 5(a) to maintain records shall not have any
24 duties or obligations under this Act to maintain such rec-
25 ords until the date on which the regulations to carry out
26 this Act first becomes effective.



94TH CONGRESS
1ST SESSION

H. R. 15

A BILL

To regulate lobbying and related activities.

By Mr. RAILSBACK and Mr. KASTENMEIER

JANUARY 14, 1975

Referred to the Committees on the Judiciary and
Standards of Official Conduct

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KENNETH N. KLEE

September 4, 1975

MEMORANDUM

TO: Congressman Carlos J. Moorhead
Congressman Thomas N. Kindness

FROM: Alan Coffey *AC*

SUBJECT: Background on Lobby Disclosure Legislation

On Thursday, September 11, the Subcommittee on Administrative Law and Governmental Relations will begin hearings on H.R. 15 and other related Lobby Disclosure bills. It is expected that the entire hearing on that day will consist of testimony from the House sponsors and co-sponsors, including Congressman Railsback, Chairman Rodino and Congressman Kastenmeier. On Friday, the 12th, the tentative plan is to hear witnesses from the Department of Justice, the General Accounting Office and Federal Energy Administration. Hearings will follow on September 18 and 19 with the witnesses at that time being from major interest groups including: Common Cause, Chamber of Commerce, the AFL/CIO and the Wilderness Society. Additional hearings are planned but not yet scheduled.

Consequently, I thought that the following preliminary analysis might be useful for you to have at this time. Specifically, the purposes of this memorandum are: (a) to identify the most notable loopholes in the existing Federal Regulation of Lobbying Act (2 U.S.C. §261-70; 60 Stat. 839-842); (b) to outline the major features of the Railsback-Kastenmeier bill (H.R. 15); and (c) to discuss possible Constitutional arguments that could be used against provisions in H.R. 15.

A. Loopholes:

(1) Under the existing law an organization must "solicit, collect, or receive" funds to come under the coverage of the statute. So, an organization which merely expends its own funds in a lobbying effort, avoids coverage under the law.

(2) Under the "Principal Purpose" doctrine enunciated in the U.S. v. Harriss, 347 U.S. 612(1954), an organization must have as its main purpose the influencing of legislation before Congress to come under the ambit of the statute.

(3) The 1946 law applies only to attempts to influence legislation. It does not cover attempts to influence decisions or rulemaking by the Executive Branch or Federal regulatory agencies.

(4) The existing lobby statute does not cover efforts to influence legislation by personnel in the Executive Branch or lobbying which may be done by other government officials (i.e. state and local government).

(5) There is little or no enforcement provided for in the 1946 law. It merely requires that lobbyists, who come under the coverage of the statute, register and file periodic reports with the Clerk of the House and the Secretary of the Senate. Their's is a custodial function; there is no requirement that they investigate into the accuracy of the reports.

(6) The Harriss decision also interpreted the 1946 law to mean that there must be direct communication or contact with a member of Congress for an act to constitute lobbying. Consequently, the general view is that contact with Congressional staff members or the generation of a grass roots lobbying effort (such as a letter writing campaign) does not constitute coverage under the 1946 law.

B. Public Disclosure of Lobbying Act of 1975 - H.R. 15

(1) Lobbying - is "a communication or the solicitation or employment of another to make a communication with a Federal



officer or employee in order to influence the policymaking process".¹ Section 2(9). This definition aims at filling a much criticized loophole in the existing law by covering indirect lobbying as well as direct communications. In U.S. v. Harriss, 347 U.S. 612(1954), the Supreme Court interpreted the 1946 law to mean that there must be direct communication or contact with a member of Congress for an act to constitute lobbying.

(2) Lobbyist - One must meet both income and expenditure tests. They are: (A) receives income of \$250 or more for lobbying during a quarterly filing period (a calendar quarter); (B) receives income of \$500 or more for lobbying during four consecutive filing periods; (C) spends \$250 or more for lobbying during a quarter (personal travel expenses excepted); and (D) spends \$500 or more for lobbying in four consecutive filing periods.² Section 2(10)(A)-(D).

(3) Exceptions - "Lobbying" in H.R. 15 does not include the following: (A) testimony before a Congressional Committee or an appearance before or the submission of a written statement to an Executive agency at its request; (B) any communication

¹"Policymaking process" is defined in Section 2(2) of the bill as "any action taken by a Federal officer or employee with respect to any bill, resolution, or other measure in Congress, or with respect to any rule, adjudication, or other policy matter in the executive branch." The aim is clearly to cover lobbying not only before the Congress but in the Executive Branch as well. However, this definition raises Constitutional questions of due process and overbreadth, due to the vagueness of phrases like "any action taken" and "other policy matter" in a criminal statute. Is one on notice as to what type of conduct is covered and forbidden? Connally v. General Construction Co., 269 U.S. 385, 391(1925); Grayned v. City of Rockford, 408 U.S. 104, 108-9(1972).

²The intent of the sponsors was to have each of the four tests apply in the disjunctive so that if they fell under any of the four categories, you had to file as a lobbyist. However, the way the bill is drafted these four criteria can be read to mean a conjunctive test, i.e. that one must meet all four criteria before he has to file.



or solicitation by a Federal officer or employee;³ (C) any communication or solicitation within the normal course of business by newspapers, periodicals, radio and television, or by book publishers.⁴ Section 2(9)(A)-(C). Regarding exception "(C)" for the media, it should be noted that "advertising" is included along with "news" and "editorial views". Presumably advertising is included so as to make it clear that a newspaper would not have to register as a lobbyist just because it carries an advertisement intended to influence some aspect of the policymaking or political process.⁵

(4) Registration - Within 15 days after becoming a lobbyist, one must file a "notice of representation" with the Federal Elections Commission. The Commission is the designated enforcement agency under H.R. 15. This notice of representation must include the following (as well as any additional information

³Note that lobbying by State or local officials is not an exception. So, for example, a mayor who repeatedly contacts HUD regarding his city's urban renewal application would have to register as a lobbyist. Lobbying by such officials is excepted in the Kennedy-Stafford bill (S. 815) and in the Metcalf bill (S. 2068).

⁴This exception, however, does not extend to publications of a "voluntary membership organization" like the Farm Bureau, the Chamber of Commerce or the Sierra Club. Solicitations or communication by such groups would be forms of indirect lobbying under H.R. 15 and would be covered.

⁵The Subcommittee may want to consider a number of additional exceptions, so as to eliminate many of the potential First Amendment arguments against the bill. For example, Senator Metcalf's bill (S. 2068) includes the following exceptions:

- "A communication by an individual, acting solely on his own behalf, for redress of his grievances or to express his own opinion;"
- "A communication by an attorney of record on behalf of any person made in connection with any criminal investigation or prosecution of such a person;"
- "A communication which relates to the status, purpose, or effect of a decision."

the Commission might prescribe): (1) the lobbyist's identity; (2) the identity of his employer or identity of those on whose behalf he will perform his services; (3) a description of the financial terms and conditions under which he is retained; (4) list each aspect of the policymaking process he expects to seek to influence, who will be contacted, the form of communication to be used, and what his position will be;⁶ (5) identify each person expected to act as an agent for the lobbyist, including the financial arrangements and those aspects of the policymaking process the agent-lobbyist is expected to seek to influence; (6) in the case of a voluntary membership organization, the approximate number of members and a description of the methods by which the decision to lobby is made. Section 3(1)-(6).

(5) Recordkeeping - Each lobbyist is required to maintain certain records, which will be available to the Commission for inspection for at least a period of two years from the date of recording. They shall contain the following information: (1) total income received by the lobbyist and the amount attributable to lobbying;⁷ (2) identification of each person from whom income is received and how much (in the case of voluntary membership organization, the identity of the individual member need only be recorded if it exceeds \$100 during the quarterly filing period);⁸ (3) the total expenditures, itemizing

⁶Here again, due process-vagueness problems are raised. Does a lobbyist always know in advance what issues he will seek to influence and what persons he will have to contact? Can one reasonably be expected to comply with this requirement? A criminal penalty--a \$5,000 fine and up to 2 years imprisonment--can be imposed for a knowing willful violation of Section 3 requirements. See Section 10(a) of the bill.

⁷Why total income received and not just the income attributable to lobbying?

⁸The listing of members contributing \$100 or more in a quarter, which is also required in the reporting provisions (Sec. 5), raises Constitutional questions with regard to associational freedom and the right to privacy. In a number of decisions the Supreme Court has found the requirement of disclosure of membership lists to violate the First Amendment. NAACP v. Alabama, 357 U.S. 499(1958); Bates v. Little Rock, 361 U.S. 526(1960); NAACP v. Button, 371 U.S. 415(1963); Gibson v. Florida Legislature Committee, 372 U.S. 539(1963). The test laid down by the Court is: whether or not there is a substantial relationship between the information sought (i.e. the list) and a compelling, overriding state interest, so as to justify such an intrusion into the First Amendment rights of speech, press, association, and petition.

each expenditure made, to employ lobbyists for research, advertising, staff, offices, travel, mailings, and publications; (4) each expenditure made directly or indirectly to or for any Federal officer or employee. Section 4.

(6) Reporting - Within fifteen days after the end of a quarterly filing period, each lobbyist must file a report with the Commission covering his activities within that quarter. Each report shall contain the following information (in addition, the Commission shall prescribe any other information it feels necessary): (1) lobbyists' identity; (2) the identity of each person⁹ on whose behalf the lobbyist performed services during the quarter (but in the case of a voluntary membership organization, the listing should include only those who contributed \$100 or more during the quarter);¹⁰ (3) each decision of the policymaking process the lobbyist sought to influence during the quarter;¹¹ (5) the identity of each Federal officer or employee with the lobbyist communicated during the quarter; (6) a copy of any written communication, used by the lobbyist to solicit others to lobby and the approximate number of persons contacted; (7) copies of the records required in Section 4, pertinent to the quarterly period in question. Section 5(1)-(7).

(7) Tax Status - Section 6 contains a disclaimer that none of the registration, recordkeeping and reporting requirements of this legislation should be taken into consideration by the Internal Revenue Service in determining whether or not a specific organization deserves preferred tax status. The present educational and charitable exemption and deduction provisions prohibit the granting of preferred tax status to any organization which carries on substantial political activities, such as attempting to influence

⁹"Person" is defined in Sec. 2 as "a corporation, company, association, firm, partnership, society, or joint stock company, as well as an individual". Note that the definition does not specifically mention a union.

¹⁰See footnote #8 regarding the Constitutional questions raised by requiring what amounts to a partial membership list.

¹¹How is "decision" to be interpreted by the lobbyist? "Decision" is not defined anywhere in the bill. Again, the language is vague and raises due process questions.



legislation.¹²

(8) Logging - Each official or employee of the Executive Branch who is grade GS-15 or above, or is designated as being responsible for making or recommending decisions affecting the "policymaking process" must maintain detailed records or oral or written communications received directly or indirectly expressing an opinion or containing information with respect to such policy matters. The records shall contain at least the following information: (1) the name and position of the official or employee who received the communication; (2) the date upon which the communication was received; (3) an identification, so far as possible, of the person from whom the communication was received and of the person on whose behalf such person was acting in making the communication; (4) a brief summary of the subject matter or matters of the communication, including relevant docket numbers if known; (5) in the case of communications through letters, documents, briefs, and other written material, copies of such material in its original form; and (6) a brief description, when applicable, of any action taken by the official or employee in response to the communication. Section 7(a)(1)-(6).

Each agency in the Executive Branch is responsible for assuring that the records prepared pursuant to this provision are placed in the appropriate case files, within two working days after the communication is received. Also these records shall be made available for public inspection. Section 7(b) and 7(c).

(9) Administration and Enforcement - The Federal Elections Commission¹³ is made the administrator of the Act and is also

¹²Int. Rev. Code of 1954, Sec. 170(c)(B)-(D), Sec. 501(c)(3), as amended, Tax Reform Act of 1969, Pub. L. No. 91-172, Sec. 201 (a)(1)(B), 83 Stat. 549.

¹³The Federal Elections Commission was established under Section 310 of the "Federal Election Campaign Act Amendments of 1974". (P.L. 93-443). The Constitutionality of its powers and the method of appointment of the Commissioners is currently under court challenge. Buckley, et. al. v. Valeo, et. al., Civil No. 75-0001(D.C. Cir., 1975).

given the primary civil and criminal enforcement responsibility under it. Included among its powers: (1) the power to compel answers to written interrogatories; (2) power to subpoena witnesses, and to compel testimony and documentary evidence; (3) the power to initiate civil and criminal actions for the purpose of enforcing provisions of the Act.¹⁴ Section 8(a)-(7); Section 8(b) and Section 8(c).

The duties of the Commission include: (1) development of all necessary forms as well as rules, regulations and guidelines for compliance; (2) create a filing and indexing system; (3) retain the records of the notices and reports for ten years; (4) make notices and reports available for public inspection; (5) summarize the reports received and put in the Federal Register; (6) conduct investigations to ascertain whether any lobbyist has failed to comply fully and accurately; (7) make audits and field investigations; and (8) recommend additional legislation to carry out the purposes of the Act. Section 9.

(10) Criminal Penalties - (1) Knowing and willful failure to file notice of representation--\$5,000, 2 yrs. imprisonment, or both; (2) Falsification of any notice or representation or report--\$5,000, 2 yrs. imprisonment, or both; (3) Falsification of any communication to influence legislation and executive decisions--\$5,000, 2 yrs. imprisonment, or both; (4) Failure of executive official to log or falsification of such log--\$5,000, 2 yrs. imprisonment, or both. Section 10(a)-(d).

(11) Miscellaneous - Section 11 repeals the 1946 statute and Section 12 provides that the Act take effect on the date of enactment (However, the recordkeeping requirements under Section 5(a) would not begin until the regulations are issued.).

¹⁴Section 8(c) states that the Commission is the "primary civil and criminal enforcement agency" under the Act and that the Justice Department has no authority to enforce any civil or criminal violation of the Act unless the Commission consents. To vest exclusive enforcement in the Commission may violate the doctrine of separation of powers. Ponzi v. Fessenden, 258 U.S. 254, 262(1922), Myers v. U.S., 272 U.S. 52, 164(1926); Springer v. Philippine Islands, 277 U.S. 189, 202(1928); Humphrey's Executor v. U.S., 295 U.S. 602 (1935); U.S. v. Cox, 342 F. 2d 167, 171(5th Cir., 1965).



C. Constitutional Questions Raised by Lobby Disclosure Legislation

(1) Right to Petition - Lobbying has been judicially recognized as an exercise of the First Amendment right to petition the Government for the redress of grievances. U.S. v. Harriss, 347 U.S. 612(1954); Liberty Lobby v. Pearson, 390 F.2d 489(1968). Consequently, any interference with, or modification of those rights must be closely scrutinized to determine whether the limitation on these rights is reasonable, necessary and justified by the national interest.

So, for example, one might argue that the "Logging" provision in Section 7(a) of H.R. 15 serves to discourage government officials from communicating with private parties regarding important policy matters. It could inhibit the access of private interest groups and even individual citizens to public officials. Does the discouragement of such communications serve a national interest? Is such a deterrent to the exercise of First Amendment rights reasonable?

(2) Due Process - H.R. 15 and, in fact, all of the lobby disclosure bills pending before our Subcommittee contain criminal penalties. Thus, the language of the bills cannot be vague or broad, or there is a violation of the Due Process clause. The Constitutional requirement of definiteness is violated by a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden under the statute . . . no man should be held criminally responsible for the conduct which he could not responsibly understand would be proscribed and forbidden. Connally v. General Construction Co., 269 U.S. 285, 291(1925); Jordan v. DeGeorge, 341 U.S. 223, 230-232(1951); Grayned v. City of Rockford, 408 U.S. 104, 108-9 (1972).


H.R. 15 contains phrases like "any action taken", "other policy matter", and "attempts to influence the policymaking process." Is a person clearly on notice as to what conduct the bill covers and what is forbidden?

(3) Freedom to Associate - Section 4(2) of H.R. 15 requires that a voluntary membership organization supply a list of its

individual members that contribute \$100 or more during a quarterly reporting period to the Federal Elections Commission (e.g. enforcement agency). While, admittedly, this requirement would probably result only in a partial membership list, it still raises Constitutional questions regarding the rights of privacy and associational freedom. In a number of cases, the Supreme Court has found the requirement of disclosure of membership lists to violate the First Amendment. NAACP v. Alabama, 357 U.S. 499(1958); Gibson v. Florida Legislative Committee, 372 U.S. 539(1963), et. al. There must be an overriding public interest to justify such an intrusion.

(4) Unlawful Delegation of Executive Powers - H.R. 15 would place the primary criminal enforcement authority in the Federal Elections Commission. The Commission is, at least partially, a legislative body, since a majority of its members are appointed and removable by Congress (the President nominates only two of its members). P.L. 93-443. Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. Springer v. Philippine Islands, 277 U.S. 189, 202(1928). The prosecution of offenses against the United States is an executive function within the exclusive prerogative of the Attorney General. Ponzi v. Fessenden, 258 U.S. 254, 262(1922); U.S. v. Cox, 342 F.2d 167, 190(5th Cir., 1965). The argument that the powers and composition of the Commission violates the doctrine of separation of powers is one of the issues now being litigated in Buckley, et. al. v. Valeo, et. al., Civil No. 75-0001(D.C. Cir., 1975).

AFC:mk
Enclosure



September 12, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF
THROUGH: VERN LOEN
FROM: CHARLES LEPPERT, JR.
SUBJECT: Status Report on Legislation to
Regulate Lobbying

This is in response to your request for a status report on legislation to regulate lobbying.

H. R. 15, "the Public Disclosure of Lobbying Act of 1975," was introduced in the House of Representatives on January 14, 1975, co-sponsored by Rep. Tom Rallsback (R. -Ill.) and Rep. Bob Kastenmeier (D. -Wisc.). A number of identical bills have been introduced with one hundred and fifty-five co-sponsors (See list attached).

On September 11, 1975, the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary before hearings on H. R. 15. Only members of Congress testified on the legislation on September 11th and the hearings continue on September 12.

A copy of H. R. 15 is attached.

Attachment

CL:gcb



1 taken by a Federal officer or employee with respect to
2 any bill, resolution, or other measure in Congress, or
3 with respect to any rule, adjudication, or other policy
4 matter in the executive branch;

5 (3) "Federal officer or employee" means any offi-
6 cer or employee in the legislative or executive branch,
7 and includes a Member of Congress, Delegate to Con-
8 gress, or the Resident Commissioner from Puerto Rico;

9 (4) "income" means the receipt or promise of any
10 consideration, whether or not legally enforceable;

11 (5) "expenditure" means the transfer or promise
12 of any consideration, whether or not legally enforceable;

13 (6) "quarterly filing period" means any calendar
14 quarter;

15 (7) "voluntary membership organization" means
16 an organization composed of individuals who are mem-
17 bers thereof on a voluntary basis and who, as a condition
18 of membership, are required to make regular payments
19 to the organization;

20 (8) "identification" means in the case of an indi-
21 vidual, the name, address, occupation, principal place
22 of business, and position held in that business, of the
23 individual, and in the case of a person other than an
24 individual, its name, address, principal officers, and
25 board of directors, if any;

1 (9) "lobbying" means a communication or the
2 solicitation or employment of another to make a com-
3 munication with a Federal officer or employee in order
4 to influence the policymaking process, but does not
5 include—

6 (A) an appearance before a congressional
7 committee, subcommittee, or joint committee or
8 the submission of a written statement thereto or
9 to any Federal executive department, agency, or
10 entity at the request of such department, agency, or
11 entity;

12 (B) any communication or solicitation by a
13 Federal officer or employee; or

14 (C) except with respect to a publication of
15 a voluntary membership organization, any com-
16 munication or solicitation through the distribution
17 in the normal course of business of any news, edi-
18 torial view, letter to an editor, advertising, or like
19 matter by—

20 (1) a periodical distribution to the gen-
21 eral public;

22 (2) radio or television broadcast; or

23 (3) a book publisher;

24 (10) "lobbyist" means, with respect to any quar-



terly filing period, any person who engages in lobbying during that period and who—

(A) receives income of \$250 or more for such lobbying during that period, whether such income is the prorated portion of total income attributable to that lobbying, or is received specifically for the lobbying;

(B) receives an income of \$500 or more for such lobbying during a total of four consecutive quarterly filing periods, in each period of those four which begins after that total of \$500 has been received;

(C) makes an expenditure of \$250 or more, except for the personal travel expenses of the lobbyist, for lobbying during that period; and

(D) makes an expenditure of \$500 or more for lobbying during a total of four consecutive quarterly filing periods, in each period of those four which begins after that total of \$500 has been expended;

(11) "Commission" means the Federal Election Commission.

NOTICES OF REPRESENTATION

SEC. 3. Each lobbyist shall file a notice of representation with the Commission not later than fifteen days after

first becoming a lobbyist, and each lobbyist who has filed such a notice and has been inactive as a lobbyist for three consecutive quarterly filing periods shall also file a notice of representation when that lobbyist again becomes a lobbyist. The notice of representation shall be in such form and contain such information as the Commission shall prescribe, including—

(1) an identification of the lobbyist;

(2) an identification, so far as possible, of each person on whose behalf the lobbyist expects to perform services as a lobbyist;

(3) a description of the financial terms and conditions on which any lobbyist who is an individual is retained by any person, and the identification of that person;

(4) each aspect of the policymaking process which the lobbyist expects to seek to influence, including any Government agency, committee, or Federal officer or employee, with which contact is to be made, the form of communication used, and whether for or against a particular measure;

(5) an identification of each person who, as of the date of filing, is expected to be acting for such lobbyist and to be engaged in lobbying including—

(A) any financial terms or conditions of such person's so acting; and

(B) the aspects of the policymaking process such person is expected to work at influencing; and

(6) in the case of a voluntary membership organization, the approximate number of members and a description of the methods by which the decision to engage in lobbying is made.

RECORDS

SEC. 4. Each lobbyist shall maintain for not less than two years after the date of recording records which shall be available to the Commission for inspection and which contain the following information:

(1) The total income received by the lobbyist, and the amount of such income attributable to lobbying.

(2) The identification of each person from whom income is received and the amount received, but in the case of a voluntary membership organization a contribution during any quarterly filing period from a member need be recorded only if the contributions to such organization from such member are more than \$100 during that quarterly filing period, or during that quarterly filing period combined with the three immediately preceding such periods.

(3) The total expenditures of such lobbyist for lobbying, itemizing any expenditure made—

(A) to employ lobbyists (and the amount received by each lobbyist so employed); and

(B) for research, advertising, staff, offices, travels, mailings, and publications.

(4) Each expenditure made directly or indirectly to or for any Federal officer or employee.

REPORTS

SEC. 5. Each lobbyist shall not later than fifteen days after the last day of a quarterly filing period file a report with the Commission covering that lobbyist's activities during that quarterly filing period. Each such report shall be in such form and contain such information as the Commission shall prescribe, including—

(1) an identification of the reporting lobbyist;

(2) an identification of each person on whose behalf the reporting lobbyist performed services as a lobbyist during the covered period, but not including any member of any voluntary membership organization on whose behalf the lobbyist performed such services, if the member contributed not more than \$100 to the organization during the covered period or during that period combined with the three immediately preceding quarterly filing periods;

(3) an identification of each person who acted as

1 a lobbyist on behalf of the reporting lobbyist during the
2 covered period;

3 (4) each decision of the policymaking process the
4 reporting lobbyist sought to influence during the covered
5 period, including bill numbers where relevant;

6 (5) an identification of each Federal officer or
7 employee with whom the reporting lobbyist communi-
8 cated during the covered period in order to influence
9 the policymaking process;

10 (6) a copy of any written communication used by
11 the reporting lobbyist during the covered period to solicit
12 other persons to lobby, and an estimate of the number
13 of persons to whom such written communication was
14 made; and

15 (7) copies of the records required to be kept by
16 the reporting lobbyist under section 4, to the extent
17 such records pertain to the covered period.

18 EFFECT OF FILING ON CERTAIN DETERMINATIONS UNDER

19 THE INTERNAL REVENUE CODE OF 1954

20 SEC. 6. Compliance with the filing requirements of this
21 Act shall not be taken into consideration in determining, for
22 purposes of the Internal Revenue Code of 1954, whether a
23 substantial part of the activities of an organization is carry-
24 ing on propaganda, or otherwise attempting, to influence
25 legislation.

1 RECORDS OF OUTSIDE CONTACTS

2 SEC. 7. (a) All officials and employees of the executive
3 branch in grades GS-15 or above in the General Schedule,
4 or in any of the executive levels under title 5 of the United
5 States Code, or who are designated by any person to whom
6 this subsection otherwise applies as being responsible for
7 making or recommending decisions affecting the policymak-
8 ing process in the executive branch, shall prepare a record
9 of each oral or written communication received directly or by
10 referral from outside parties expressing an opinion or con-
11 taining information with respect to such process. The records
12 shall be in such form and contain such information as the
13 Commission shall prescribe, including—

14 (1) the name and position of the official or em-
15 ployee who received the communication;

16 (2) the date upon which the communication was
17 received;

18 (3) an identification, so far as possible, of the person
19 from whom the communication was received and of the
20 person on whose behalf such person was acting in mak-
21 ing the communication;

22 (4) a brief summary of the subject matter or mat-
23 ters of the communication, including relevant docket
24 numbers if known;

25 (5) in the case of communications through letters,

1 documents, briefs, and other written material, copies of
2 such material in its original form; and

3 (6) a brief description, when applicable, of any
4 action taken by the official or employee in response
5 to the communication.

6 (b) Each agency in the executive branch shall assure
7 that records prepared pursuant to subsection (a) of this
8 section shall be placed, within two working days of the date
9 when such communication was received, in the case file of
10 the rulemaking or adjudication to which the communication
11 related. If the communication related to matters for which
12 there was no such case file, the records of such communica-
13 tion shall be placed in a public file which shall be maintained
14 in the same location as the case files.

15 (c) Each agency in the executive branch shall assure
16 that records filed pursuant to subsection (b) of this section
17 shall be made available for public inspection in a convenient
18 location within the agency. A comprehensive index of such
19 records by subject matter and, when applicable, docket num-
20 ber shall be maintained and made available for public
21 inspection in such location.

22 POWERS OF COMMISSION

23 SEC. 8. (a) The Commission has the power for the pur-
24 poses of this Act—

25 (1) to require, by special or general orders, any

1 person to submit in writing such reports and answers to
2 questions as the Commission may prescribe; and such
3 submission shall be made within such reasonable period
4 and under oath or otherwise as the Commission may
5 determine;

6 (2) to administer oaths;

7 (3) to require by subpoena, signed by the Chair-
8 man or the Vice Chairman, the attendance and testi-
9 mony of witnesses and the production of all documen-
10 tary evidence relating to the execution of its duties;

11 (4) in any proceeding or investigation to order
12 testimony to be taken by deposition before any person
13 who is designated by the Commission and has the power
14 to administer oaths and, in such instances, to compel
15 testimony and the production of evidence in the same
16 manner as authorized under paragraph (3) of this sub-
17 section;

18 (5) to initiate (through civil proceedings for in-
19 junctive relief and through presentation to Federal
20 grand juries), prosecute, defend, or appeal any civil or
21 criminal action in the name of the Commission for the
22 purpose of enforcing the provisions of the Act through
23 its General Counsel;

24 (6) to delegate any of its functions or powers,
25 other than the power to issue subpoenas under paragraph

(3), to any officer or employee of the Commission; and

(7) to make, amend, and repeal such rules as are necessary to carry out the provisions of this Act.

(b) Any United States district court within the jurisdiction of which any inquiry is carried on may, upon petition by the Commission, in case of refusal to obey a subpoena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) Notwithstanding any other provision of law, the Commission shall be the primary civil and criminal enforcement agency for violations of the provisions of this Act. Any violations of any such provision shall be prosecuted by the Attorney General or Department of Justice personnel only after consultation with, and with the consent of, the Commission.

DUTIES OF THE COMMISSION

SEC. 9. It shall be the duty of the Commission—

(1) to develop forms for the filing of notices of representation, and reports pursuant to sections 3 and 5 of this Act and to furnish such forms to lobbyists upon request;

(2) to develop forms for the filing of records of outside contacts under section 7;

(3) to prepare a manual setting forth recommended uniform methods of bookkeeping and reporting and to furnish such manual to lobbyists upon request;

(4) to develop a filing, coding, and cross-indexing system consonant with the purpose of this Act;

(5) to make the notices of representation and reports filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, provided that the charge does not exceed actual marginal cost, but no information copied from such reports and statements shall be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(6) to preserve the originals or copies of such notices and reports for a period of ten years from date of receipt;

(7) to compile and summarize, with respect to each filing period, the information contained in such notices, and reports in a manner reflective of the disclosure intent of this Act and in specific relation to—

(A) the lobbying activities and expenditures



pertaining to specific legislative or executive actions, including the identity of the lobbyists involved and of the persons in whose behalf they are acting; and

(B) the lobbying activities and expenditures of persons who share an economic, business, or professional interest in the legislative or executive actions which they have sought to influence;

(8) to have such information, as so compiled and summarized, published in the Federal Register within fifteen days after the close of each filing period;

(9) to have each notice of representation which is filed by any lobbyist published in the Federal Register within three days after each such notice was received by the Commission;

(10) to ascertain whether any lobbyist has failed to comply fully and accurately with the disclosure requirements of this Act and promptly notify such person to file such notices and reports as are necessary to satisfy the requirements of this Act or regulations prescribed by the Commission under this Act;

(11) to make audits and field investigations with respect to the notices, and reports filed under the provisions of this Act, and with respect to alleged failures to file any statement or reports required under the pro-

visions of this Act, and, upon complaint by any individual, with respect to alleged violations of any part of this Act;

(12) to prepare a special study or report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Commission; or, if such records do not contain the necessary information, but the information would fall under the scope of information required by this Act, the Commission may inspect the records of the appropriate parties and prepare the report, but only if such special inspection can be completed in a reasonable time before the information would normally be filed;

(13) to prepare and publish such other reports as it may deem appropriate;

(14) to prescribe suitable rules and regulations to carry out the provisions of this Act; and

(15) to recommend legislation to carry out the purposes of this Act.

SANCTIONS

SEC. 10. (a) Any lobbyist who knowingly and willfully violates section 3 of this Act shall be fined not more than \$5,000 or imprisoned for not more than two years.

(b) Any person who knowingly and willfully falsifies all or part of any notice of representation or report which he files with the Commission under this Act shall be fined

1 not more than \$5,000 or imprisoned for not more than two
2 years, or both.

3 (c) Any person who knowingly and willfully falsifies or
4 forges all or part of any communication to influence legis-
5 lative or executive action shall be fined not more than
6 \$5,000 or imprisoned for not more than two years, or both.

7 (d) Any Federal officer or employee of the executive
8 branch to whom section 7 applies who knowingly and will-
9 fully falsifies, forges, or fails to file any record as required
10 by such section shall be fined not more than \$5,000, or
11 imprisoned not more than two years, or both.

12 REPEAL OF FEDERAL REGULATION OF LOBBYING ACT

13 SEC. 11. The Federal Regulation of Lobbying Act (60
14 Stat. 839-842; 2 U.S.C. 261 et seq.) and that part of the
15 table of contents of the Legislative Reorganization Act of
16 1946 which pertains to title III, also known as the Federal
17 Regulation of Lobbying Act (60 Stat. 813), are repealed,
18 effective on the date on which the regulations to carry out
19 this Act first become effective.

20 EFFECTIVE DATE

21 SEC. 12. The provisions of this Act shall take effect upon
22 the date of its enactment, except that any person required
23 by section 5(a) to maintain records shall not have any
24 duties or obligations under this Act to maintain such rec-
25 ords until the date on which the regulations to carry out
26 this Act first becomes effective.



94TH CONGRESS
1ST SESSION

H. R. 15

A BILL

To regulate lobbying and related activities.

By Mr. RAILSBACK and Mr. KASTENMEIER

JANUARY 14, 1975

Referred to the Committees on the Judiciary and
Standards of Official Conduct

CO-SPONSORS

Alabama
BUCHANAN

Arizona
UDALL

California
ANDERSON
BELL
BROWN
BURKE
BURTON, PHILLIP
CORMAN
DANIELSON***
DELLUMS
EDWARDS*
HANNAFORD
HAWKINS
HINSHAW
KETCHUM
KREBS
LAGOMARSINO
MC CLOSKEY
MILLER
MINETA
REES
STARK
WAXMAN

Colorado
SCHROEDER
WIRTH

Connecticut
DODD*
GIAMO
MC KINNEY
SARASIN

Delaware
DUPONT

Florida
BAFALIS
FASCELL

Florida Cont'
LEHMAN
PEPPER
ROGERS
YOUNG

Guam
WON PAT

Hawaii
MATSUNAGA
MINK

Illinois
HALL
HYDE*
MADIGAN
MIKVA
O'BRIEN
RAILSBACK*
SIMON
YATES

Indiana
HAMILTON
JACOBS

Iowa
BEDELL
BLOUIN
HARKIN
MEZVINSKY*

Kansas
KEYS
WINN

Kentucky
HUBBARD
MAZZOLI***

Maine
COHEN*
EMERY

Maryland
GUDE
HOLT
LONG
SARBANES*
SPELLMAN

Massachusetts
BOLAND
DRINAN*
HARRINGTON
HECKLER
MOAKLEY
STUDDS
TSONGAS

Michigan
BLANCHARD
BRODHEAD
CARR
CONYERS*
ESCH
RIEGLE
RUPPE
VANDER JAGT

Minnesota
FRASER
NOLAN
QUIE

Mississippi
COCHRAN
LOTT

Missouri
ICHORD
SYMINGTON

Montana
BAUCUS

New Hampshire
CLEVELAND



CO-SPONSORS CONTINUED

New Jersey

DANIELS
FENWICK
FLORIO
HELSTOSKI
HUGHES*
MEYNER MAGUIRE
PATTEN
RODINO*
ROE

New York

ABZUG
BADILLO*
CHISHOLM
CONABLE
FISH*
GILMAN
HASTINGS
HOLTZMAN*
HORTON
KOCH
LA FALCE
LENT
MC HUGH
MITCHELL
OTTINGER
PATTISON***
RANGEL
RICHMOND
ROSENTHAL
SCHEUER
SOLARZ 31

Nebraska
THONE

North Carolina
NEAL

North Dakota
ANDREWS

Ohio
MOSHER
MOTTL

Oklahoma
ENGLISH

Oregon
AU COIN

Pennsylvania
COUGHLIN
EDGAR
ESHLEMAN
GOODLING
HEINZ
MORGAN
NIX
ROONEY
VIGORITO

Rhode Island
BEARD

South Carolina
DAVIS
JENRETTE
MANN*

South Dakota
PRESSLER

Tennessee
FORD

Texas
PATMAN
STEELMAN
WILSON

Utah
HOWE

Vermont
JEFFORDS

Virginia
FISHER
HARRIS
WHITEHURST

Washington
MC CORMACK
PRITCHARD

West Virginia
HECHLER

Wisconsin
BALDUS
CORNELL
KASTENMEIER*
REUSS

* Indicates Members of
the Judiciary Committee

***Indicates Members
of the Subcommittee

36
25
7
68
155



THE WHITE HOUSE
WASHINGTON

September 13, 1975

MEMORANDUM FOR:

MAX FRIEDERSDORF

FROM:

JACK MARSH *Jam*

On this Lobbying Report, I am more interested in a summary of what the bill seeks to do.

Thanks.



RED TAG

THE WHITE HOUSE

WASHINGTON

September 12, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF
THROUGH: VERN LOEN VL
FROM: CHARLES LEPPERT, JR. C.L.
SUBJECT: Status Report on Legislation to
Regulate Lobbying

This is in response to your request for a status report on legislation to regulate lobbying.

H. R. 15, "the Public Disclosure of Lobbying Act of 1975," was introduced in the House of Representatives on January 14, 1975, co-sponsored by Rep. Tom Railsback (R. -Ill.) and Rep. Bob Kastenmeier (D. -Wisc.). A number of identical bills have been introduced with one hundred and fifty-five co-sponsors (See list attached).

On September 11, 1975, the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary before hearings on H. R. 15. Only members of Congress testified on the legislation on September 11th and the hearings continue on September 12.

A copy of H. R. 15 is attached.

Attachment



94TH CONGRESS
1ST SESSION

H. R. 15

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. RAILSBACK (for himself and Mr. KASTENMEIER) introduced the following bill; which was referred to the Committees on the Judiciary and Standards of Official Conduct

A BILL

To regulate lobbying and related activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Public
5 Disclosure of Lobbying Act of 1975".

6 DEFINITIONS

7 SEC. 2. As used in this Act, the term—

8 (1) "person" includes a corporation, company,
9 association, firm, partnership, society, or joint stock
10 company, as well as an individual;

11 (2) "the policymaking process" means any action



1 taken by a Federal officer or employee with respect to
2 any bill, resolution, or other measure in Congress, or
3 with respect to any rule, adjudication, or other policy
4 matter in the executive branch;

5 (3) "Federal officer or employee" means any offi-
6 cer or employee in the legislative or executive branch,
7 and includes a Member of Congress, Delegate to Con-
8 gress, or the Resident Commissioner from Puerto Rico;

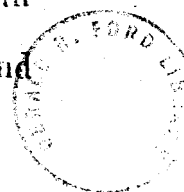
9 (4) "income" means the receipt or promise of any
10 consideration, whether or not legally enforceable;

11 (5) "expenditure" means the transfer or promise
12 of any consideration, whether or not legally enforceable;

13 (6) "quarterly filing period" means any calendar
14 quarter;

15 (7) "voluntary membership organization" means
16 an organization composed of individuals who are mem-
17 bers thereof on a voluntary basis and who, as a condition
18 of membership, are required to make regular payments
19 to the organization;

20 (8) "identification" means in the case of an indi-
21 vidual, the name, address, occupation, principal place
22 of business, and position held in that business, of the
23 individual, and in the case of a person other than an
24 individual, its name, address, principal officers, and
25 board of directors, if any;



1 (9) "lobbying" means a communication or the
2 solicitation or employment of another to make a com-
3 munication with a Federal officer or employee in order
4 to influence the policymaking process, but does not
5 include—

6 (A) an appearance before a congressional
7 committee, subcommittee, or joint committee or
8 the submission of a written statement thereto or
9 to any Federal executive department, agency, or
10 entity at the request of such department, agency, or
11 entity;

12 (B) any communication or solicitation by a
13 Federal officer or employee; or

14 (C) except with respect to a publication of
15 a voluntary membership organization, any com-
16 munication or solicitation through the distribution
17 in the normal course of business of any news, edi-
18 torial view, letter to an editor, advertising, or like
19 matter by—

20 (1) a periodical distribution to the gen-
21 eral public;

22 (2) radio or television broadcast; or

23 (3) a book publisher;

24 (10) "lobbyist" means, with respect to any quar-



1 terly filing period, any person who engages in lobby-
2 ing during that period and who—

3 (A) receives income of \$250 or more for such
4 lobbying during that period, whether such income
5 is the prorated portion of total income attributable
6 to that lobbying, or is received specifically for the
7 lobbying;

8 (B) receives an income of \$500 or more for
9 such lobbying during a total of four consecutive
10 quarterly filing periods, in each period of those
11 four which begins after that total of \$500 has
12 been received;

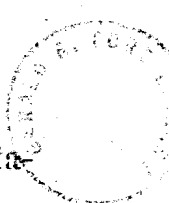
13 (C) makes an expenditure of \$250 or more,
14 except for the personal travel expenses of the lobby-
15 ist, for lobbying during that period; and

16 (D) makes an expenditure of \$500 or more
17 for lobbying during a total of four consecutive
18 quarterly filing periods, in each period of those
19 four which begins after that total of \$500 has been
20 expended;

21 (11) "Commission" means the Federal Election
22 Commission.

23 NOTICES OF REPRESENTATION

24 SEC. 3. Each lobbyist shall file a notice of representa-
25 tion with the Commission not later than fifteen days after



1 first becoming a lobbyist, and each lobbyist who has filed
2 such a notice and has been inactive as a lobbyist for three
3 consecutive quarterly filing periods shall also file a notice
4 of representation when that lobbyist again becomes a lobby-
5 ist. The notice of representation shall be in such form and
6 contain such information as the Commission shall prescribe,
7 including—


8 (1) an identification of the lobbyist;

9 (2) an identification, so far as possible, of each
10 person on whose behalf the lobbyist expects to perform
11 services as a lobbyist;

12 (3) a description of the financial terms and con-
13 ditions on which any lobbyist who is an individual is
14 retained by any person, and the identification of that
15 person;

16 (4) each aspect of the policymaking process which
17 the lobbyist expects to seek to influence, including any
18 Government agency, committee, or Federal officer or
19 employee, with which contact is to be made, the form
20 of communication used, and whether for or against a
21 particular measure;

22 (5) an identification of each person who, as of
23 the date of filing, is expected to be acting for such
24 lobbyist and to be engaged in lobbying including—



1 (A) any financial terms or conditions of such
2 person's so acting; and

3 (B) the aspects of the policymaking process
4 such person is expected to work at influencing; and

5 (6) in the case of a voluntary membership organi-
6 zation, the approximate number of members and a de-
7 scription of the methods by which the decision to engage
8 in lobbying is made.


9 RECORDS

10 SEC. 4. Each lobbyist shall maintain for not less than
11 two years after the date of recording records which shall be
12 available to the Commission for inspection and which con-
13 tain the following information:

14 (1) The total income received by the lobbyist,
15 and the amount of such income attributable to lobbying.

16 (2) The identification of each person from whom
17 income is received and the amount received, but in the
18 case of a voluntary membership organization a contribu-
19 tion during any quarterly filing period from a member
20 need be recorded only if the contributions to such or-
21 ganization from such member are more than \$100 during
22 that quarterly filing period, or during that quarterly fil-
23 ing period combined with the three immediately preced-
24 ing such periods.

25 (3) The total expenditures of such lobbyist for
26 lobbying, itemizing any expenditure made—



1 (A) to employ lobbyists (and the amount re-
2 ceived by each lobbyist so employed) ; and

3 (B) for research, advertising, staff, offices,
4 travels, mailings, and publications.

5 (4) Each expenditure made directly or indirectly to
6 or for any Federal officer or employee.


7 REPORTS

8 SEC. 5. Each lobbyist shall not later than fifteen days
9 after the last day of a quarterly filing period file a report
10 with the Commission covering that lobbyist's activities dur-
11 ing that quarterly filing period. Each such report shall be
12 in such form and contain such information as the Commis-
13 sion shall prescribe, including—

14 (1) an identification of the reporting lobbyist;

15 (2) an identification of each person on whose
16 behalf the reporting lobbyist performed services as a
17 lobbyist during the covered period, but not including
18 any member of any voluntary membership organization
19 on whose behalf the lobbyist performed such services,
20 if the member contributed not more than \$100 to the
21 organization during the covered period or during that
22 period combined with the three immediately preceding
23 quarterly filing periods;

24 (3) an identification of each person who acted as



1 a lobbyist on behalf of the reporting lobbyist during the
2 covered period;

3 (4) each decision of the policymaking process the
4 reporting lobbyist sought to influence during the covered
5 period, including bill numbers where relevant;


6 (5) an identification of each Federal officer or
7 employee with whom the reporting lobbyist communi-
8 cated during the covered period in order to influence
9 the policymaking process;

10 (6) a copy of any written communication used by
11 the reporting lobbyist during the covered period to solicit
12 other persons to lobby, and an estimate of the number
13 of persons to whom such written communication was
14 made; and

15 (7) copies of the records required to be kept by
16 the reporting lobbyist under section 4, to the extent
17 such records pertain to the covered period. f

18 EFFECT OF FILING ON CERTAIN DETERMINATIONS UNDER
19 THE INTERNAL REVENUE CODE OF 1954

20 SEC. 6. Compliance with the filing requirements of this
21 Act shall not be taken into consideration in determining, for
22 purposes of the Internal Revenue Code of 1954, whether a
23 substantial part of the activities of an organization is carry-
24 ing on propaganda, or otherwise attempting, to influence
25 legislation.



1 RECORDS OF OUTSIDE CONTACTS

2 SEC. 7. (a) All officials and employees of the executive
3 branch in grades GS-15 or above in the General Schedule,
4 or in any of the executive levels under title 5 of the United
5 States Code, or who are designated by any person to whom
6 this subsection otherwise applies as being responsible for
7 making or recommending decisions affecting the policymak-
8 ing process in the executive branch, shall prepare a record
9 of each oral or written communication received directly or by
10 referral from outside parties expressing an opinion or con-
11 taining information with respect to such process. The records
12 shall be in such form and contain such information as the
13 Commission shall prescribe, including—

14 (1) the name and position of the official or em-
15 ployee who received the communication;

16 (2) the date upon which the communication was
17 received;

18 (3) an identification, so far as possible, of the person
19 from whom the communication was received and of the
20 person on whose behalf such person was acting in mak-
21 ing the communication;

22 (4) a brief summary of the subject matter or mat-
23 ters of the communication, including relevant docket
24 numbers if known;

25 (5) in the case of communications through letters,



1 documents, briefs, and other written material, copies of
2 such material in its original form; and

3 (6) a brief description, when applicable, of any
4 action taken by the official or employee in response
5 to the communication.

6 (b) Each agency in the executive branch shall assure
7 that records prepared pursuant to subsection (a) of this
8 section shall be placed, within two working days of the date
9 when such communication was received, in the case file of
10 the rulemaking or adjudication to which the communication
11 related. If the communication related to matters for which
12 there was no such case file, the records of such communica-
13 tion shall be placed in a public file which shall be maintained
14 in the same location as the case files.

15 (c) Each agency in the executive branch shall assure
16 that records filed pursuant to subsection (b) of this section
17 shall be made available for public inspection in a convenient
18 location within the agency. A comprehensive index of such
19 records by subject matter and, when applicable, docket num-
20 ber shall be maintained and made available for public
21 inspection in such location.

22 POWERS OF COMMISSION

23 SEC. 8. (a) The Commission has the power for the pur-
24 poses of this Act—

25 (1) to require, by special or general orders, any



1 person to submit in writing such reports and answers to
2 questions as the Commission may prescribe; and such
3 submission shall be made within such reasonable period
4 and under oath or otherwise as the Commission may
5 determine;

6 (2) to administer oaths;

7 (3) to require by subpoena, signed by the Chair-
8 man or the Vice Chairman, the attendance and testi-
9 mony of witnesses and the production of all documen-
10 tary evidence relating to the execution of its duties;

11 (4) in any proceeding or investigation to order
12 testimony to be taken by deposition before any person
13 who is designated by the Commission and has the power
14 to administer oaths and, in such instances, to compel
15 testimony and the production of evidence in the same
16 manner as authorized under paragraph (3) of this sub-
17 section;

18 (5) to initiate (through civil proceedings for in-
19 junctive relief and through presentation to Federal
20 grand juries), prosecute, defend, or appeal any civil or
21 criminal action in the name of the Commission for the
22 purpose of enforcing the provisions of the Act through
23 its General Counsel;

24 (6) to delegate any of its functions or powers,
25 other than the power to issue subpoenas under paragraph



1 (3), to any officer or employee of the Commission; and
2 (7) to make, amend, and repeal such rules as are
3 necessary to carry out the provisions of this Act.

4 (b) Any United States district court within the juris-
5 diction of which any inquiry is carried on may, upon peti-
6 tion by the Commission, in case of refusal to obey a sub-
7 pena or order of the Commission issued under subsection (a)
8 of this section, issue an order requiring compliance there-
9 with. Any failure to obey the order of the court may be pun-
10 ished by the court as a contempt thereof.

11 (c) Notwithstanding any other provision of law, the
12 Commission shall be the primary civil and criminal enforce-
13 ment agency for violations of the provisions of this Act.
14 Any violations of any such provision shall be prosecuted by
15 the Attorney General or Department of Justice personnel
16 only after consultation with, and with the consent of, the
17 Commission.

18 DUTIES OF THE COMMISSION

19 SEC. 9. It shall be the duty of the Commission—

20 (1) to develop forms for the filing of notices of
21 representation, and reports pursuant to sections 3 and
22 5 of this Act and to furnish such forms to lobbyists
23 upon request;

24 (2) to develop forms for the filing of records of out-
25 side contacts under section 7;



1 (3) to prepare a manual setting forth recommended
2 uniform methods of bookkeeping and reporting and to
3 furnish such manual to lobbyists upon request;

4 (4) to develop a filing, coding, and cross-indexing
5 system consonant with the purpose of this Act;

6 (5) to make the notices of representation and
7 reports filed with it available for public inspection and
8 copying, commencing as soon as practicable but not
9 later than the end of the second day following the day
10 during which it was received, and to permit copying of
11 any such report or statement by hand or by duplicating
12 machine, as requested by any person, at the expense of
13 such person, provided that the charge does not exceed
14 actual marginal cost, but no information copied from
15 such reports and statements shall be sold or utilized by
16 any person for the purpose of soliciting contributions
17 or for any commercial purpose;

18 (6) to preserve the originals or copies of such
19 notices and reports for a period of ten years from date
20 of receipt;

21 (7) to compile and summarize, with respect to
22 each filing period, the information contained in such
23 notices, and reports in a manner reflective of the dis-
24 closure intent of this Act and in specific relation to—

25 (A) the lobbying activities and expenditures



1 pertaining to specific legislative or executive
2 actions, including the identity of the lobbyists
3 involved and of the persons in whose behalf they
4 are acting; and

5 (B) the lobbying activities and expenditures
6 of persons who share an economic, business, or
7 professional interest in the legislative or execu-
8 tive actions which they have sought to influence;

9 (8) to have such information, as so compiled and
10 summarized, published in the Federal Register within
11 fifteen days after the close of each filing period;

12 (9) to have each notice of representation which
13 is filed by any lobbyist published in the Federal Reg-
14 ister within three days after each such notice was
15 received by the Commission;

16 (10) to ascertain whether any lobbyist has failed
17 to comply fully and accurately with the disclosure
18 requirements of this Act and promptly notify such per-
19 son to file such notices and reports as are necessary to
20 satisfy the requirements of this Act or regulations pre-
21 scribed by the Commission under this Act;

22 (11) to make audits and field investigations with
23 respect to the notices, and reports filed under the pro-
24 visions of this Act, and with respect to alleged failures
25 to file any statement or reports required under the pro-



visions of this Act, and, upon complaint by any individual, with respect to alleged violations of any part of this Act;

(12) to prepare a special study or report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Commission; or, if such records do not contain the necessary information, but the information would fall under the scope of information required by this Act, the Commission may inspect the records of the appropriate parties and prepare the report, but only if such special inspection can be completed in a reasonable time before the information would normally be filed;

(13) to prepare and publish such other reports as it may deem appropriate;

(14) to prescribe suitable rules and regulations to carry out the provisions of this Act; and

(15) to recommend legislation to carry out the purposes of this Act.

SANCTIONS

SEC. 10. (a) Any lobbyist who knowingly and willfully violates section 3 of this Act shall be fined not more than \$5,000 or imprisoned for not more than two years.

(b) Any person who knowingly and willfully falsifies all or part of any notice of representation or report which

is filed with the Commission under this Act shall be fined



1 not more than \$5,000 or imprisoned for not more than two
2 years, or both.

3 (c) Any person who knowingly and willfully falsifies or
4 forges all or part of any communication to influence legis-
5 lative or executive action shall be fined not more than
6 \$5,000 or imprisoned for not more than two years, or both.

7 (d) Any Federal officer or employee of the executive
8 branch to whom section 7 applies who knowingly and will-
9 fully falsifies, forges, or fails to file any record as required
10 by such section shall be fined not more than \$5,000, or
11 imprisoned not more than two years, or both.

12 REPEAL OF FEDERAL REGULATION OF LOBBYING ACT

13 SEC. 11. The Federal Regulation of Lobbying Act (60
14 Stat. 839-842; 2 U.S.C. 261 et seq.) and that part of the
15 table of contents of the Legislative Reorganization Act of
16 1946 which pertains to title III, also known as the Federal
17 Regulation of Lobbying Act (60 Stat. 813), are repealed,
18 effective on the date on which the regulations to carry out
19 this Act first become effective..

20 EFFECTIVE DATE

21 SEC. 12. The provisions of this Act shall take effect upon
22 the date of its enactment, except that any person required
23 by section 5(a) to maintain records shall not have any
24 duties or obligations under this Act to maintain such rec-
25 ords until the date on which the regulations to carry out
26 this Act first becomes effective.



RED TAG

THE WHITE HOUSE

WASHINGTON

October 6, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX L. FRIEDERSDORF
VERN LOEN

FROM:

CHARLES LEPPERT, JR. *CLJr.*

SUBJECT:

Summary and Status Report of H. R. 15,
a Bill to Regulate Lobbying and Related
Activities

Attached is a brief summary of the legislation as requested and a background memorandum on the bill which was provided to the Republican Members of the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee.

Note that paragraph "F" of the brief summary and "page 7" of the background memorandum set forth the "logging" requirements for Executive branch employees.

The status of H. R. 15 is that the Subcommittee has held five public hearings on the bill. Subcommittee Chairman Walter Flowers (D-Ala.) has asked counsel to seek a consensus from the Subcommittee Members on the provisions of a draft bill prior to any mark-up session of the subcommittee. Counsel informs me that both Democrats and Republicans on the subcommittee have problems with H. R. 15 which has the support of and is the product of Common Cause.



THE WHITE HOUSE

WASHINGTON

June 21, 1976

File

MEMORANDUM FOR: JIM CANNON

THROUGH: MAX FRIEDERSDORF
CHARLES LEPPERT, JR. *clg.*

FROM: PATRICK ROWLAND *PR*

SUBJECT: Public Disclosure of the Lobbying Act of 1976

Attached is the latest committee print of the bill as reported by Congressman Walter Flowers (D-Ala.) subcommittee on June 17, 1976.

In separate conversations with the majority counsel, Bill Shattuck, and minority counsel, Alan Coffey, I learned the following:

- The bill will be introduced as a clean bill by Flowers on Thursday, June 24.
- Many changes in the bill took place in the last meeting on the 17th where by votes of 3 to 2, Flowers added many sections which were thought to be authored by the AFL-CIO.
- Flowers is being contacted by business groups and the Chamber of Commerce in an effort to delete these sections so the attached committee print may yet be changed.
- It is anticipated that this bill will not be taken up by the full committee until after the July recess.

passed 6-15-76

S. 2477 Rept'd to Senate - Admin will not object as rept'd

H.R. 15 - Subcommittee took up S. 2477 + Amended - Justice feels bill pretty much the same as Senate rept'd bill.



BILLS-AAI-1
SUBCOMMITTEE PRINT

As Reported June 17, 1976

94TH CONGRESS
2D SESSION

H. R.

IN THE HOUSE OF REPRESENTATIVES

JUNE , 1976

Mr. _____ introduced the following bill; which was referred to the Com-
mittee on _____

A BILL

To regulate lobbying and related activities.

*Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,*
That this Act may be cited as the "Public Disclosure of
Lobbying Act of 1976".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "affiliate" means—

(A) organizations which are associated with
each other through a formal relationship based upon
ownership or an agreement (including a charter,
franchise agreement, or bylaws) under which one
of the organizations maintains actual control or has

J. 72-375



THE WHITE HOUSE

WASHINGTON

June 21, 1976

MEMORANDUM FOR:

JIM CANNON

THROUGH:

MAX FRIEDERSDORF
CHARLES LEPPERT, JR.

FROM:

PATRICK ROWLAND PR

SUBJECT:

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As Reported June 17, 1976

94TH CONGRESS
2D SESSION**H. R.**

IN THE HOUSE OF REPRESENTATIVES

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To regulate lobbying and related activities.

*Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,*

That this Act may be cited as the "Public Disclosure of
Lobbying Act of 1976".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "affiliate" means—

(A) organizations which are associated with
each other through a formal relationship based upon
ownership or an agreement (including a charter,
franchise agreement, or bylaws) under which one
of the organizations maintains actual control or has

