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 Joan Claybrook, President

## Detailed Comparison of Lobbying Reform Legislative Proposals: The Senate Legislation (S. 2349), House Republican Leadership Bill (H.R. 4975), and the Executive Branch Reform Act (H.R. 5112)

May 4, 2006

Type of Lobbyist Activity Subject to Regulation	Senate Lott-Collins-Lieberman (S. 2349)	House Republican Leadership (H.R. 4975)	Executive Branch Reform Rep. Waxman (H.R. 5112)
<b>CAMPAIGN CONTRIBUTIONS TO POLITICIANS</b>	<b>CURRENT LAW</b> <ul style="list-style-type: none"> <li>• Lobbyists are subject to the same \$2,100 per election contribution limit as all other individuals; \$5,000 per year to PACs; and \$26,700 per year to all national party committees. Individuals are also subject to the \$101,400 per election cycle aggregate limit to all candidates and committees.</li> <li>• There are no restrictions on who can organize fundraising events or serve on fundraising committees, such as lobbyists.</li> <li>• Contributions are reported to the FEC, which are difficult to track, not as part of disclosure reports filed by lobbyists with the Senate and House.</li> </ul>		
<b>Prohibit campaign contributions from or arranged by lobbyists</b>	No	No	No
<b>Prohibit lobbyists from hosting fundraising events</b>	No	No	No

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<b>Prohibit lobbyists from bundling campaign contributions from others</b>	No	No	No
<b>Prohibit lobbyists from serving on officeholder fundraising committees</b>	No	No	No
<b>Report lobbyists' campaign contributions</b>	Yes, lobbyists to disclose contributions given to, and fundraising events hosted for, candidates, committees and Leadership PACs on their lobbying reports.	Yes, lobbyists and lobbying firms to disclose contributions given directly to candidates, committees and Leadership PACs on their lobbying reports. No disclosure of hosting fundraising events or events to honor officeholders on the lobbying reports.	No requirement for lobbyists to report contributions other than the current reporting requirement for candidates to disclose donors to the FEC.
<b>Regulate Section 527 organizations</b>	No	Yes, and repeals party coordinated spending limits.	No
<b>TRAVEL RESTRICTIONS</b>	<p><b>CURRENT LAW</b></p> <ul style="list-style-type: none"> <li>• Congressional rules, rather than statutes, prohibit lobbyists from paying for travel for members of Congress and their staff.</li> <li>• Lobbyists may arrange travel and have their clients pay for it.</li> <li>• Corporations and special interests may pay travel expenses for members of Congress and staff.</li> <li>• Corporate jets may be used for travel valued usually at lower-cost first-class airfare, rather than the actual higher-cost charter rate.</li> <li>• The sponsor and cost of travel is to be reported by the member and staff shortly after the event .</li> <li>• Executive branch travel rules are stricter than congressional rules, requiring pre-approval and subject to per diem rates.</li> </ul>		

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<b>Prohibit privately-sponsored trips</b>	No	Privately-sponsored trips permitted by two-thirds approval of the ethics committee until the committee develops new travel regulations by June 15.	No, but executive branch travel rules are stricter than congressional rules, requiring pre-approval and subject to per diem rates.
<b>Prohibit lobbyists from paying for trips</b>	Yes, codifies current ethics rules that prohibit lobbyists from paying for trips.	Current ethics rules prohibit lobbyists from paying for trips.	Current executive branch travel rules restrict travel arranged by “prohibited sources” – those with vested interests before the official’s agency.
<b>Prohibit lobbyists from organizing trips</b>	Yes	No	Current executive branch travel rules restrict travel arranged by “prohibited sources” – those with vested interests before the official’s agency.
<b>Prohibit lobbyists from participating in trips</b>	Yes	No	No
<b>Restrict use of corporate jets to transport officials on trips</b>	No, but requires disclosure of date, destination and owner of the jet on trips related to official duties and campaign trips.	No, but requires greater disclosure and lobbyists may not fly on a corporate jet provided for officially-related and campaign travel.	Current executive branch travel rules restrict transportation in most cases to coach or business class fares on commercial airlines.
<b>Require detailed disclosure of trips</b>	Yes	Yes	No.
<b>Limit expenses on trips</b>	No	No	Current executive branch travel rules restrict expenses.
<b>GIFT RULES</b>	<b>CURRENT LAW</b> <ul style="list-style-type: none"> <li>• Congressional rules cap gifts at \$50 per item and \$100 per year from any individual to a member of Congress and staff.</li> <li>• Executive branch rules cap gifts at \$20 per item and \$50 per year from any individual to a covered official.</li> <li>• The value of a seat in a skybox is artificially set at below \$50 under congressional ethics rules, but not executive branch rules.</li> <li>• There are no special reporting requirements for gifts that are not travel related.</li> </ul>		

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Prohibit lobbyists from giving gifts to members and staff	Yes, but the ban does not apply to the organizations that employ the lobbyists.	No, but lobbyists are held liable for violating current gift limits.	No, but gifts are currently restricted from “prohibited sources” – those with vested interests before the agency.
Require full value for sporting tickets provided as gifts	No	Yes	Currently required.
<b>REVOLVING DOOR</b>	<b>CURRENT LAW</b> <ul style="list-style-type: none"> <li>• Former members of Congress and their staff and executive branch officials may become lobbyists immediately upon leaving public service, but are generally prohibited from making lobbying contacts with their former colleagues for one year.</li> <li>• Executive branch officials are prohibited from negotiating future employment from persons with official business, unless a confidential waiver is received.</li> <li>• Members of Congress are advised not to create a conflict of interest through negotiating future employment, but there is no prohibition.</li> <li>• Congressional staff are required to inform members when they are negotiating future employment that may pose a conflict of interest and receive their approval.</li> </ul>		
Extend current one-year “cooling-off period” during which an individual cannot lobby	Yes, to two years for lobbying contacts by former members and very senior executive branch officials. Prohibits former congressional staff from making lobbying contacts with any office of Congress for one year.	No	Yes, to two years for lobbying contacts by former covered executive branch officials.
Include during “cooling-off-period” any paid lobbying activity, such as supervising others and developing lobbying strategy	No	No	No

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<b>Disclose when seeking private employment if a potential conflict of interest is present</b>	Yes, for members only. No recusal from official actions involving the potential employer is required.	Yes, for members only. No recusal from official actions involving the potential employer is required.	Yes, and executive branch officials are required to recuse themselves from any official action involving potential employers, unless a waiver is granted by OGE under “exceptional circumstances.”
<b>Restrict the “reverse revolving door” in which conflicts of interest arise from businesspeople-turned-government official</b>	No	No	Yes, executive branch officials must recuse themselves from official actions affecting former employers for two years after entering public service.
<b>Prohibit government officials from taking jobs with those whom they have awarded government contracts</b>	No	No	Yes, prohibits former procurement officials from receiving compensation from contractors or related entities as “consultant, lawyer or lobbyist” for two years after leaving public service. Procurement officers must also report job offers made by contractors to family members.
<b>Prohibit special privileges (e.g. access to the congressional floor and gym) for members who become lobbyists</b>	Yes, for floor privileges by members-turned-lobbyist.	House rules currently prohibit floor privileges by members-turned-lobbyist.	N/A
<b>Restrict government officials from influencing employment decisions of lobbying firms based on partisanship</b>	Yes	Yes	No

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<b>Restrict nepotism in lobbying</b>	Yes, prohibits “official lobbying contacts” by members of Congress with their own immediate family who are registered lobbyists.	No	No
<b>LOBBYIST DISCLOSURE</b>	<b>CURRENT LAW</b> <ul style="list-style-type: none"> <li>• Lobbyists file semi-annual financial disclosure reports usually in paper format that are made available on the Internet; they are searchable only by limited fields, such as lobbyist name.</li> <li>• There are no reporting requirements for bundled contributions – money raised by lobbyists from their family, friends and colleagues.</li> <li>• Specific lobbying contacts with “covered” officials – members of Congress, their senior staff, or officials in the executive branch – are not required to be disclosed.</li> <li>• Members of lobbying coalitions are not disclosed.</li> <li>• Grass-roots lobbying activity (hiring consultants, advertising, phone banks, direct mail, paid state staff, grants to groups) is not subject to disclosure.</li> </ul>		
<b>Disclose lobbying contacts</b>	No	No	Yes, covered executive branch officials report contacts with lobbyists and special interests.
<b>File quarterly reports</b>	Yes	Yes	No
<b>Mandatory electronic filing and full Web-based disclosure of lobbying reports</b>	Yes	Yes	Yes, of lobbying contacts and other reports filed with OGE.
<b>Disclose stealth lobbying coalitions</b>	Yes, or organizational members of coalitions who participate in a substantial way in controlling such coalition activities.	No	No
<b>Disclose grassroots lobbying</b>	Yes	No	No
<b>Disclose lobbyists’ previous federal employment</b>	Yes, of all previous federal employment.	Yes, up to 7 years.	No

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Create a central database of all lobbying, travel, ethics and campaign finance records	Yes	Yes	No
Create electronic database of lobbying activity by foreign governments	Yes	No	No
<b>ENFORCEMENT</b>	<b>CURRENT LAW</b> <ul style="list-style-type: none"> <li>Monitoring reporting violations of lobbyists is the responsibility of the Secretary of the Senate and the Clerk of the House in Congress, each of which may refer violations to the Department of Justice (DOJ) for legal sanctions.</li> <li>Office of Government Ethics is responsible for ethics reporting requirements, but not lobbying reports, for the executive branch.</li> <li>Lobbying reporting violations are subject to a maximum penalty of \$50,000.</li> <li>Monitoring compliance to the travel or gift rules is the responsibility of the ethics committees in Congress, which may assess a variety of penalties on members and staff depending on the violations, and the OGE and DOJ for the executive branch.</li> </ul>		
Create an office with independent authority for monitoring and enforcing compliance to ethics rules and lobbying laws	No	No	Yes, strengthens the role of OGE in monitoring and enforcing ethics laws applicable to the executive branch. OGE has no authority over lobbying disclosure reports or congressional ethics.
Forfeit congressional pension if convicted of a felony	No	Yes	N/A
Increase penalties for violations of lobbying disclosure laws	Yes, for reporting violations, up to \$100,000.	Yes, for reporting violations, up to \$100,000; for corruptly criminal violations, up to 5 years in prison.	N/A

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Require periodic audits of lobbying reports	Yes, annual reports by GAO to assess compliance.	Yes, House Inspector General will conduct random audits and provide annual reports on level of compliance.	N/A
Require periodic reports on ethics violations	Yes, annual report on general activities by the ethics committee.	No	Yes, for the executive branch.
<b>GOVERNMENT OPERATIONS</b>	<b>CURRENT LAW</b> <ul style="list-style-type: none"> <li>• <b>Congressional rules committees may attach “closed rules” to specific bills, which limit the time for debate, restrict the opportunity for amendments, and/or rescind the requirement that the bills be in print prior to consideration.</b></li> <li>• <b>Conference committee deliberations occasionally exclude selected committee members based on partisanship.</b></li> <li>• <b>Conference reports submitted to the floor often contain provisions inserted by congressional leaders rather than the conference committee.</b></li> <li>• <b>Earmarks are appropriations for special projects, often non-germane to an appropriations bill, that are frequently inserted without debate in conference committee.</b></li> </ul>		
Require conference bills to be in print and available to the public before a vote	Yes	No	N/A
Restrict earmarks in appropriations	Yes, earmarks in any appropriations, tax or authorizing bill must be disclosed and associated with a specific member.	Yes, earmarks in appropriations bills that are not listed in conference reports are subject to removal by a point of order.	N/A
Penalty for voting against congressional pay raises	Yes, members who vote against COLA pay raises are denied the pay raises.	No	N/A
Disclose government funding of public communications	No	No	Yes

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<b>Make unclassified information publicly available</b>	No	No	Yes
<b>Provide protection to national security whistleblowers</b>	No	No	Yes
<b>Require ethics training</b>	Yes, for members and staff.	Yes, for congressional staff and lobbyists; voluntary ethics training for members.	No

**Source:** Craig Holman, Legislative Representative, Public Citizen (2006).