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Lobbying and Related Reform Proposals: Consideration of Selected Measures, 109th Congress

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R. Eric Petersen
Analyst in American National Government
Government and Finance Division

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Summary

Numerous measures related to the reform of lobbying activities, including lobbying disclosure laws, campaign finance provisions, and congressional ethics and procedural rules have been introduced in the House and Senate in the 109th Congress. This report describes action taken on three measures that have received committee consideration and have been subsequently reported either to the House or Senate. These measures are: S. 2349, the Legislative Transparency and Accountability Act of 2006, introduced by Senator Trent Lott and reported to the Senate by the Committee on Rules and Administration on February 28, 2006; S. 2128, the Lobbying Transparency and Accountability Act of 2005, introduced by Senator John McCain, and reported to the Senate by the Committee on Homeland Security and Governmental Affairs on March 2, 2006; and H.Res. 648, to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House, introduced by Representative David Dreier, and adopted by the House on January 25, 2006.

During the markups in each of the Senate committees, several Senators indicated that floor consideration of both measures could begin during the week of March 6. It has been reported that the provisions of S. 2128 and S. 2349 may be combined in some manner before floor consideration.

This report provides two tables. The first table provides a comparison of current law and congressional rules with S. 2349 and S. 2128 as reported by the Committees on Rules and Administration and Homeland Security and Governmental Affairs, respectively. The second table provides a summary of the changes made to S. 2128 between its introduction and time it was reported by the Committee on Homeland Security and Governmental Affairs.

For further background and discussion of other lobbying-related proposals, please consult see the CRS Current Legislative Issues page on Lobbying Disclosure and Ethics Reform at [http://beta.crs.gov/cli/cli.aspx?PRDS_CLI_ITEM_ID=2405]; CRS Report RL33065, *Lobbying Disclosure Reform: Background and Legislative Proposals, 109th Congress*, by R. Eric Petersen; CRS Report RL33234, *Lobbying Disclosure and Ethics Proposals Related to Lobbying Introduced in the 109th Congress: A Comparative Analysis*, by R. Eric Petersen; CRS Report RL33237, *Congressional Gifts and Travel, Legislative Proposals for the 109th Congress*, by Mildred Amer; and CRS Report RS22226, *Summary and Analysis of Provisions of H.R. 2412, the Special Interest Lobbying and Ethics Accountability Act of 2005*, by Jack Maskell.

This report will be updated to reflect congressional action.

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Lobbying and Related Reform Proposals: Consideration of Selected Measures, 109th Congress

Introduction

Numerous measures related to the reform of lobbying activities, including lobbying disclosure laws, campaign finance provisions, and congressional ethics and procedural rules have been introduced in the House and Senate in the 109th Congress. This report describes action taken on three measures that have received committee consideration and have been subsequently reported either to the House or Senate. These measures are:

- S. 2349, the Legislative Transparency and Accountability Act of 2006, introduced by Senator Trent Lott;
- S. 2128, the Lobbying Transparency and Accountability Act of 2006, introduced by Senator John McCain; and
- H.Res. 648, to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House, introduced by Representative David Dreier.

Generally, the measures described in this report would amend some or all of the following:

- Lobbying Disclosure Act of 1995 (LDA),¹ as amended by the Lobbying Disclosure Technical Amendments Act of 1998.² LDA requires lobbyists who are compensated for their actions, whether an individual or firm, to register and to file semiannual reports of their activities with the Clerk of the House and the Secretary of the Senate.
- 18 U.S.C. 207, which specifies limitations on lobbying activities by former executive branch officials, Members of Congress, and congressional staff.

¹ P.L. 104-65, Lobbying Disclosure Act of 1995 (109 Stat. 691, 2 U.S.C. 1601).

² P.L. 105-166, Lobbying Disclosure Technical Amendments Act of 1998 (112 Stat. 38, 2 U.S.C. 1601 note).

- Senate Rule XVI, Appropriations and Amendments to General Appropriations Bills.
- Senate Rule XXIII, Privileges of the Floor.
- Senate Rule XXXV, Gifts.
- Senate Rule XXVIII, Conference Committees; reports; open meetings.
- House Rule IV, The Hall of the House.

For further background and discussion of other lobbying-related proposals, please consult CRS Report RL33065, *Lobbying Disclosure Reform: Background and Legislative Proposals, 109th Congress*, by R. Eric Petersen; CRS Report RL33234, *Lobbying Disclosure and Ethics Proposals Related to Lobbying Introduced in the 109th Congress: A Comparative Analysis*, by R. Eric Petersen; CRS Report RL33237, *Congressional Gifts and Travel, Legislative Proposals for the 109th Congress*, by Mildred Amer; and CRS Report RS22226, *Summary and Analysis of Provisions of H.R. 2412, the Special Interest Lobbying and Ethics Accountability Act of 2005*, by Jack Maskell.

Recent Action

S. 2128. On March 2, 2006, the Senate Committee on Homeland Security and Governmental Affairs marked up S. 2128. Panel Chairman Senator Susan Collins offered an amendment in the nature of a substitute for the entire measure. Seven additional amendments were offered to the substitute during the markup. Amendments adopted by the committee included:

- striking language to create an office of public integrity that would have overseen LDA registration and disclosure processes, and conducted certain activities related to congressional ethics investigations. The amendment, which included provisions for the writing of annual reports by the ethics committees of the House and Senate, was offered by Senator George Voinovich, and adopted by the committee by a vote of 10-5;
- the regulation of grassroots lobbying under LDA, offered by Senators Joseph Lieberman and Carl Levin, and adopted by the committee by a vote of 10-6; and
- two measures offered by Senator Norm Coleman. The first would create a commission to strengthen confidence in Congress that would evaluate congressional ethics and lobbying regulations and laws and report its findings to Congress. The second amendment set a 30-day deadline for disclosure by Senators of any privately funded travel they take. Both amendments were adopted by voice vote.

Three amendments were offered and withdrawn after brief debate. These were:

- an amendment to create a database for foreign lobbyists registered under the Foreign Agents Registration Act of 1938, as amended,³ offered by Senator Levin;
- an amendment to restrict the activities of some legislative and executive branch officials and assure impartiality in performing official duties, offered by Senator Mark Dayton; and
- an amendment to prohibit the wrongful influencing of a private entity's employment decisions in exchange for political access or favors, offered by Senator Frank Lautenberg.

The committee approved the substitute as amended and approved a motion to report S. 2128 as amended to the Senate by a vote of 13 to 1.

S. 2349. On February 28, 2006, the Senate Committee on Rules and Administration marked up an original measure, the Legislative Transparency and Accountability Act of 2006. The measure was reported to the Senate by an 18-0 vote. Introduced in the Senate on March 1, and numbered S. 2349, the measure amends Senate rules governing the interaction of Senators and Senate staff with lobbyists, and makes several changes regarding Senate procedures thought to be subject to influence by lobbyists. As reported by the committee, S. 2349 would:

- amend Senate rules to prohibit for one year any former Senate senior-level employee⁴ who served on the staff of a Senator or of a Senate committee, and who subsequently becomes a registered lobbyist or lobbyist employee for the purpose of influencing legislation, from lobbying any Senator, officer, or employee of the Senate;
- require a Senator to file with the Secretary of the Senate, a statement for public disclosure that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. The disclosure would be required to file a disclosure within three days of commencing such negotiation or arrangement;
- require a Senator or Senate staff to obtain written certification before undertaking any travel that the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent, and that the provider

³ 22 U.S.C. 612.

⁴ The proposal would affect Senate staff who worked for a Senator or Senate committee and whose rate of pay was equal to or greater than 75% of the rate of pay of a Senator for more than 60 days in a calendar year. Senators are paid \$165,200. Senate staff who earned more than \$2,382.69 or more per week for more than nine weeks, or \$123,900 per year, would be subject to the post employment restriction proposal.

did not accept funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses. A Senator would be required to provide the Select Committee on Ethics a written, detailed itinerary of the trip; and a determination that the trip is primarily educational; consistent with the official duties of the Member, officer, or employee; does not create an appearance of use of public office for private gain; and has a minimal or no recreational component;

- require written approval of privately funded travel from the Select Committee on Ethics. Within 30 days of completing the travel, a Senator, officer, or employee would be required to file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied them, subject to limited exception on national security grounds. The measure would require that trip information be posted on the Senator's official website not later than 30 days after the completion of the travel;
- amend Senate rules to require the disclosure of noncommercial air travel taken in connection with the duties of the Member, officer, or employee, and file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft;
- amend Senate rules to prohibit Senators from accepting gifts from lobbyists. Senators and Senate staff could accept a meal or other food from lobbyists subject to gift rule limits. Any food gift accepted would be subject to public disclosure through the Senator's website;
- amend Senate rules to revoke floor privileges from any former Senator, Senator-elect, Secretary of the Senate, Sergeant at Arms of the Senate, or Speaker of the House who is a registered lobbyist or agent of a foreign principal, or is an employee or representative of any party or organization for the purpose of influencing, the passage, defeat, or amendment of any legislative proposal; and
- require a Senator whose spouse or immediate family member⁵ is a registered lobbyist or employees of a registrant under LDA for the purpose of influencing legislation to prohibit all staff employed by the Senator, including staff in personal, committee and leadership offices, from having any official contact with the family member.

⁵ Under the measure, immediate family member would mean the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Senator.

S. 2349 would also allow any Senator to make a point of order against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order could be made and voted on separately for each item alleged to be in violation. The point of order could be waived or suspended by an affirmative vote of three fifths of the Members, duly chosen and sworn. The Senate could appeal a ruling of the Chair on a point of order raised under this measure by a three fifths vote.

Additionally, the measure would amend Senate rules, creating Rule XLIV regarding earmarks. An earmark would be defined as a provision that specifies the identity of a non-federal entity to receive assistance in the form of budget authority; contract authority; loan authority; and other expenditures; or other revenue items, and the amount of the assistance. Before consideration of any bill, amendment or conference report could be in order, a list identifying all earmarks in the measure, along with identification of the Senator(s) who proposed them, and an explanation of the essential governmental purpose for the earmark must be made available, along with any joint statement of managers associated with the measure, to all Senators and made available on the Internet to the general public for at least 24 hours before its consideration. Similarly, S. 2349 would amend Senate rules to require that conference reports be available on the Internet 24 hours before consideration.

The measure would also amend Senate rules to prohibit a Senator from taking or withholding, or threatening to take or withhold an official act, or to influence or offer or threaten to influence the official act of another with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity. Finally, S. 2349 would establish the sense of the Senate that any restrictions on legislative branch employees should apply to the executive and judicial branches.

During the markups in both of these committees, several Senators indicated that floor consideration of both measures could begin during the week of March 6, 2006. It has been reported that the provisions of S. 2128 and S. 2349 may be combined in some manner before floor consideration.⁶

Table 1 provides a comparison of current law and congressional rules and S. 2349 and S. 2128 as reported by the Committees on Rules and Administration and Homeland Security and Governmental Affairs, respectively. **Table 2** provides a summary of the changes made to S. 2128 between its introduction and the time it was reported by the Committee on Homeland Security and Governmental Affairs.

Previous Activity

House Action. On January 31, 2006, Representative David Dreier, Chairman of the Committee on Rules introduced H.Res. 648. On February 1, the House

⁶ Martin Kady, II, "Senate Panel Scales Back Lobbying Bill; Floor Action on Two Plans Up Next," *CQ Today*, Mar. 2, 2006, at [<http://cq.com/display.do?docid=2058298&sourcetype=6>].

adopted the measure under suspension of the Rules, by a vote of 379 - 50, 1 present. H.Res. 648 amended House Rule IV to deny floor privileges to former Representatives, House officers, parliamentarians or former minority party employees nominated as an elected officer of the House if they: are a registered lobbyist or agent of a foreign principal; have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or are employed or represent any entity for the purpose of influencing, the passage, defeat, or amendment of any legislative proposal.

The measure also amended House Rule IV to deny access to Member exercise facilities to any former Member, officers, or their spouses, who is a registered lobbyist.

Senate Activity. On January 25, 2006, the Senate Committee on Homeland Security and Governmental Affairs held a hearing on lobbying proposals, including S. 2128. As introduced, S. 2128 would amend LDA to require:

- quarterly, instead of semiannual, filing of lobbying disclosure reports;
- reduction of the thresholds for which registration and disclosure are required from \$5,000 to \$2,500 for a lobbying firm, and from \$20,000 to \$10,000 for an organization whose employees engage in lobbying activities on its own behalf;
- reduction of the increments in which lobbying expenditures may be estimated, from less than \$10,000 to less than \$5,000, or in larger increments, from \$20,000 to \$10,000;
- disclosure by registered lobbyists of all past executive branch and congressional employment;
- electronic filing of lobbyist registrations and disclosure reports filed with the Secretary of the Senate or the Clerk of the House of Representatives;
- establishment and maintenance of lobbying disclosure information in an electronic database that directly links lobbying disclosure information to the information disclosed in reports filed with the FEC under FECA and made available to the public free of charge through the Internet; and
- disclosure of grassroots lobbying communications by paid lobbyists and itemized disclosure of expenditures on grassroots lobbying activities. In the event that a grassroots lobbyist receives or spends \$250,000 or more for grassroots lobbying activities, an additional report must be made within 20 days.

S. 2128 as introduced would have amended LDA to redefine the term “client” as any person or entity that employs a lobbyist to carry out lobbying or grass roots

lobbying activities on behalf of that person or entity. The measure required that firms and other entities that are members of coalitions or associations that employ a lobbyist are to be considered clients, along with the coalition or association, if their total contribution related to lobbying activities is greater than \$10,000.

S. 2128 as introduced would have increased the civil penalty for failure to comply with lobbying disclosure requirements up to \$100,000. The measure provided for reviews and semiannual reports by the Comptroller General on activities carried out by the Clerk of the House and the Secretary of the Senate under LDA. Additionally, the ban on former senior executive personnel, former Members of Congress, and legislative branch personnel preventing them from lobbying the entity in which they previously served would have been extended from one to two years.⁷

⁷ S. 2128 requires a number of other changes to laws and rules governing congressional ethics that are not directly related to lobbying disclosure. These include requiring public disclosure by Members of Congress of employment negotiations and increased disclosure of travel by Members of Congress. The measure also specifies the valuation of tickets to sporting and entertainment events provided to covered executive and legislative branch officials.

Table 1. Current Law and Senate Rules, S. 2128 and S. 2349 as reported to the Senate

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Definition of Client	LDA, 2 U.S.C. 1602 (2). A “client” is defined as any person or entity that employs and compensates another person to conduct lobbying activities on their behalf. Under LDA, groups that carry out lobbying activities on their own behalf must also register with the Clerk and the Secretary.	Would further define a client as any person or entity that participates in a substantial way in planning, supervision or control of lobbying activities. Would not require disclosure if a connection between the person or entity and the client is public knowledge, unless the person or entity plans, supervises or controls lobbying activities	No provision proposed.
Definition of Grassroots Lobbying	No provisions.	Further defines lobbying activities to include paid efforts to stimulate grassroots lobbying but that do not include grassroots lobbying. Defines grassroots lobbying to mean the voluntary efforts of members of the general public to communicate their views on an issue to federal officials, or to encourage other members of the public to do the same.	No provision proposed.
Definition of Grassroots Lobbyist	No provisions.	The term “grassroots lobbyist” would mean any individual who is retained by a client to engage in grassroots lobbying, and who is paid \$25,000 or more in each quarterly period.	No provision proposed.
Definition of Grassroots Lobbying Firm	No provisions.	No provision proposed.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Definition of Grassroots Lobbying Activities	No provisions.	No provision proposed.	No provision proposed.
Definition of Leadership PAC	No provisions.	No provision proposed.	No provision proposed.
Paid Efforts to Stimulate Grassroots Lobbying	No provisions.	Would define paid efforts to stimulate grassroots lobbying as any paid attempt in support of lobbying contacts on behalf of a client to influence more than 500 members of the general public to contact one or more covered official to urge those officials (or Congress) to take specific action on an issue. The measure excludes communications from an entity to its members, employees, officers, or shareholders.	No provision proposed.
Disclosure Periods	LDA, 2 U.S.C. 1604. Requires registrants to file LDA disclosure reports semiannually.	Would require quarterly disclosure.	No provision proposed.
Electronic Filing of Lobbying Registration and Disclosure Reports	Not required under LDA; voluntary for filing with the Secretary of the Senate; and mandatory after January 1, 2006 for filing with the Clerk of the House.	Would require electronic filing.	No provision proposed.
Registration Requirements	LDA 2 U.S.C. 1603 (a)(1) . Registration is required within 45 days of a lobbying contact with a covered official.	No provision proposed.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Reporting Thresholds	LDA, 2 U.S.C. 1603 (a)(3)(A)(i) and (ii). If the total income for matters related to lobbying activities on behalf of a client represented by a lobbying firm exceeds \$5,000, or total expenses in connection with the lobbying activities by an organization whose employees engage in lobbying activities on its own behalf exceeds \$20,000, then registration and disclosure are required.	Would reduce thresholds to \$2,500 and \$10,000, respectively.	No provision proposed.
Disclosure of Lobbying Expenses	LDA, 2 U.S.C. 1604 (c). A good faith estimate, by broad category, of the total amount of lobbying-related income from the client, or expenditures by an organization lobbying in its own behalf, during the semiannual period. Expenditures may be estimated at less than \$10,000 or in increments of \$20,000.	Would reduce estimated expense increments for non-grassroots lobbying to less than \$5,000 and \$10,000. Grassroots lobbyists would be subject to disclosure ranges of less than \$10,000, less than \$25,000, with increments above \$25,000 rounded to the nearest \$20,000.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Linking Lobbying Disclosure Information with Federal Election Commission Reports	Not required.	Would require establishment and maintenance of lobbying disclosure information in an electronic data base which directly links lobbying disclosure information to the information disclosed in reports filed with the Federal Election Commission under the Federal Election Campaign Act of 1971, and made available to the public free of charge through the Internet.	No provision proposed.
Previous Executive Branch or Legislative Branch Employment	LDA 2 U.S.C. 1603. Registrants must disclose whether they have served as a covered legislative branch or executive branch official in the two years preceding their registration.	Would require disclosure by registered lobbyists of all past executive branch and congressional employment.	No provision proposed.
Disclosure and Separate Itemization of Grassroots Lobbying Expenses	No provisions.	Would require good faith estimates of the proportion of the total amount spent on grassroots lobbying activities, and within that amount, the total amount specifically relating to grassroots lobbying through paid advertising.	No provision proposed.
Disclosure of Lobbyist Contributions and Payments--Campaigns	No provisions.	Would require registrants and lobbyists to file a report disclosing their name, employer, and the name of each federal candidate or officeholder, leadership PAC, or political party committee to whom a contribution of \$200 or more was made, or for whom a fund-raising event was hosted or otherwise sponsored.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Disclosure of Lobbyist Contributions and Payments--Travel	No provisions.	Would require disclosure within 30 days of travel the name of each covered official for whom a registrant or lobbyist employee provided or arranged any payment or reimbursement for travel, including an itemization of payments or reimbursements provided the purpose and final itinerary of the trip, the names of registrants or employees who were on the trip, the identity of the trip sponsor, and the identity of any person or entity other than the sponsor who provided direct or indirect payment for the travel.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Disclosure of Lobbyist Contributions and Payments--Honors	No provisions.	Would require disclosure of the date, recipient, and amount of funds contributed or arranged by a registrant or registrant employee to pay the costs of; an event to honor or recognize a covered legislative branch official or covered executive branch official; contributions to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official; an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of one or more covered official.	No provision proposed.
Disclosure of Lobbyist Contributions and Payments--Gifts	No provisions.	No provision proposed. See Gifts or Travel Provision by Registered Lobbyists.	No provision proposed.
Gifts or Travel Provision by Registered Lobbyists.	No LDA provisions	Would prohibit a registered lobbyist from making a gift or providing travel to any Member of Congress or their staff	No provision proposed.
Penalties for Noncompliance	LDA 2 U.S.C. 1606. Civil penalty, up to \$50,000	Civil penalty, up to \$100,000	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Disclosure of Enforcement for Non Compliance	No provisions.	Would require the Clerk and the Secretary to provide semiannual reports to the House Committee on Government Reform and Senate Committee on Homeland Security and Governmental Affairs listing the number of lobbyists and lobbying firms referred to the United States Attorney for the District of Columbia for noncompliance. Would require the United States Attorney for the District of Columbia to report on a semiannual basis the number of enforcement actions and the amount of any fines to the House Committees on Government Reform and the Judiciary, and the Senate committees on Homeland Security and Governmental Affairs and the Judiciary.	No provision proposed.
Revolving Door Provisions	18 U.S.C. 207. Former senior executive personnel, former Members of Congress and some noncongressional legislative branch personnel are prevented from lobbying the entity in which they previously served for one year. Senior congressional personnel are prevented from lobbying the office or committee in which they previously served for one year.	Former senior executive personnel, former Members of Congress, and legislative branch personnel, would be prevented from lobbying the entity in which they previously served for two years. The measure would extend the chamber-wide ban on Members of Congress to include senior congressional staff.	Would amend Senate rules to prohibit for one year any former Senate employee who served on the staff of a Senator or of a committee and whose rate of pay was equal to or greater than 75% of the rate of pay of a Senator for more than 60 days in a calendar year, and who subsequently becomes a registered lobbyist or lobbyist employee for the purpose of influencing legislation, from lobbying any Senator, officer, or employee of the Senate.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Public Disclosure by Members of Employment Negotiations	No provisions.	No provision proposed.	Would require a Senator to file with the Secretary of the Senate a statement for public disclosure that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. The disclosure would be required to file a disclosure within three days of commencing such negotiation or arrangement.
Sporting and Entertainment Ticket Valuation	House Rule XXV and Senate Rule XXXV generally ban the acceptance of gifts valued in excess of \$100, subject to some limitations unrelated to interactions with lobbyists.	No provision proposed.	No provision proposed.
Oversight of Lobbying	No specific provisions.	Would require the Comptroller General to audit annually registrations and reports filed under LDA to determine the extent of compliance by lobbyists and their clients and report to Congress by April 1.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Privately Sponsored Travel	House Rule XXV, Senate Rule XXXV. Lobbyists are prohibited from paying for travel for Members and staff, but may arrange travel and have their clients pay for it with certain restrictions. Firms and other entities may pay travel expenses for Members. Privately owned aircraft may be used for travel. The cost of that travel is valued at the same rate as first-class airfare, which may be different than charter rates or actual cost. Members and staff must disclose the sponsor and costs of privately funded travel.	No provision proposed.	Before undertaking any privately sponsored travel, a Senator, or Senate officer or employee would be required to obtain written certification from the travel provider that the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent, and that the provider did not accept funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses. A Senator would be required to provide the Select Committee on Ethics a written, detailed itinerary of the trip; and a determination that the trip is primarily educational; consistent with the official duties of the Member, officer, or employee; does not create an appearance of use of public office for private gain; and has a minimal or no recreational component. The measure would require written approval of the trip from the Select Committee on Ethics. Within 30 days of completing the travel, a Senator, officer, or employee would be required to file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied them, subject to limited exception on national security grounds. The measure would require that trip information be posted on the Senator's official website not later than 30 days after the completion of the travel. The measure would amend Senate rules to require the disclosure

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Gifts	House Rule XXV, Senate Rule XXXV.	No provision proposed.	Would amend Senate rules to prohibit Senators from accepting gifts from lobbyists. Would allow Senators and Senate staff to accept a meal or other food from lobbyists subject to gift rule limits. Any food gift accepted would be subject to public disclosure through the Senator's website.
Floor Privileges	House Rule IV and Senate Rule XXIII provide floor privileges to former Members of the respective chambers.	No provision proposed.	Would amend Senate rules to revoke floor privileges from any former Senator, Senator-elect, Secretary of the Senate, Sergeant at Arms of the Senate, or Speaker of the House who is a registered lobbyist or agent of a foreign principal, or is an employee or representative of any party or organization for the purpose of influencing, the passage, defeat, or amendment of any legislative proposal.
Disclosure of Employment Negotiations	No provisions.	No provision proposed.	No provision proposed.
Ethics Training	No provisions requiring training. Training is provided by the ethics committee of each chamber.	Would require the Senate Select Committee on Ethics to conduct ongoing training and awareness programs for the Senate, and require new Senators and staff to complete training within 60 days of commencing service or employment. Current Senators and staff would be required to complete training within 120 days of enactment.	No provision proposed.
Ethics Committees Annual Reports	No provisions.	Would require the ethics panel in each chamber to issue an annual report by January 31 listing the number of allegations received, and their disposition.	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Commission to Strengthen Confidence in Congress	No provisions.	<p>Would establish a Commission to Strengthen Confidence in Congress. The bipartisan, 10 member commission would be appointed by the majority and minority leadership of each chamber. The commission would be charged with:</p> <ul style="list-style-type: none"> – evaluating and reporting the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and making recommendations for new penalties; – weighing the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues: – determining whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent: – determining whether the statutory framework governing lobbying disclosure should be expanded to include additional means of influencing covered officials; – determining whether additional ethical conduct or disclosure standards need to be enacted; and – reporting findings to Congress. 	No provision proposed.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Out of Scope Matters in Conference Reports	No provisions.	No provision proposed.	Would allow any Senator to make a point of order against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order could be made and voted on separately for each item alleged to be in violation. The point of order could be waived or suspended by an affirmative vote of three fifths of the Members, duly chosen and sworn. The Senate could appeal the ruling of the Chair on a point of order raised under this measure by a three fifths vote.
Earmark Reform	No provisions.	No provision proposed.	Would amend Senate rules, creating Rule XLIV regarding earmarks. An earmark would be defined as provision that specifies the identity of a non-federal entity to receive assistance in the form of budget authority; contract authority; loan authority; and other expenditures; or other revenue items, and the amount of the assistance. Before consideration of any bill, amendment or conference report could be in order, a list identifying all earmarks in the measure, along with identification of the Senator(s) who proposed them, and an explanation of the essential governmental purpose for the earmark must be made available, along with any joint statement of managers associated with the measure, to all Senators, and made available on the Internet to the general public for at least 24 hours before its consideration.

Issue	Current Provisions	S. 2128, Reported by Committee on Homeland Security and Governmental Affairs	S. 2349, Reported by Committee on Rules and Administration
Conference Reports on the Internet	No provisions.	No provision proposed.	Would amend Senate Rules to require that conference reports be available on the Internet 24 hours before consideration.
Official Contact with Family Members Who Lobby	No provisions.	No provision proposed.	Would require a Senator whose spouse or immediate family member is a registered lobbyist or employees of a registrant under LDA for the purpose of influencing legislation to prohibit all staff employed by the Senator, including staff in personal, committee and leadership offices from having any official contact with the family member.
Influencing Hiring Decisions	No provisions.	No provision proposed.	Would amend Senate rules to prohibit a Senator from taking or withholding, or threatening to take or withhold an official act, or to influence or offer or threaten to influence the official act of another with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity.
Sense of the Senate	No provisions.	No provision proposed.	Would establish the sense of the Senate that any restrictions on legislative branch employees should apply to the executive and judicial branches.

Table 2. S. 2128 as Introduced and as Reported to the Senate

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Definition of Client	Would amend LDA to redefine the term “client” as any person or entity that employs a lobbyist on behalf of that person or entity. The measure requires that firms and other entities that are members of coalitions or associations that employ a lobbyist, are to be considered clients, along with the coalition or association, if their total contribution related to lobbying activities is greater than \$10,000. Would treat nonprofit entities that are tax exempt under Section 501 (c) of the Internal Revenue Code as clients.	Would further define a client as any person or entity that participates in a substantial way in planning, supervision or control of lobbying activities. Would not require disclosure if a connection between the person or entity and the client is public knowledge, unless the person or entity plans supervises or controls lobbying activities.
Definition of Grassroots Lobbying	Under the measures, the term “grassroots lobbying” — would mean (A) any attempt to influence the general public, or segments thereof, to engage in lobbying contacts whether or not those contacts were made on behalf of a client; and (B) does not include any attempt described in subparagraph (A) by a person or entity directed to its members, employees, officers or shareholders, unless such attempt is financed with funds directly or indirectly received from or arranged by a retained registrant.	Further defines lobbying activities to include paid efforts to stimulate grassroots lobbying but that do not include grassroots lobbying. Defines grassroots lobbying to mean the voluntary efforts of members of the general public to communicate their views on an issue to federal officials, or to encourage other Members of the public to do the same.
Definition of Grassroots Lobbyist	The term “grassroots lobbyist” would mean any individual who is retained by a client for financial or other compensation for services to engage in grassroots lobbying.	The term “grassroots lobbyist” would mean any individual who is retained by a client to engage in grassroots lobbying, and who is paid \$25,000 or more in each quarterly period.
Definition of Grassroots Lobbying Firm	The term “grassroots lobbying firm” would mean (A) a person or entity that has one or more employees who are grassroots lobbyists on behalf of a client other than that person or entity; and (B) includes a self-employed individual who is a grassroots lobbyist.	No provision proposed.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Definition of Grassroots Lobbying Activities	The term “grassroots lobbying activities” would mean grassroots lobbying and efforts in support of grassroots lobbying, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in grassroots lobbying, and coordination with the lobbying activities or grassroots lobbying activities of others.	No provision proposed.
Definition of Leadership PAC	The term “leadership PAC” would mean, with respect to an individual holding federal office, an unauthorized political committee which is associated with such individual.	No provision proposed.
Paid Efforts to Stimulate Grassroots Lobbying		Would define paid efforts to stimulate grassroots lobbying as any paid attempt in support of lobbying contacts on behalf of a client to influence more than 500 members of the general public to contact one or more covered official to urge those officials (or Congress) to take specific action on an issue. The measure excludes communications from an entity to its members, employees, officers, or shareholders.
Disclosure Periods	Would require quarterly disclosure.	Would require quarterly disclosure.
Electronic Filing of Lobbying Registration and Disclosure Reports	Would require electronic filing of lobbyist registrations and disclosure reports filed with the Secretary of the Senate or the Clerk of the House of Representatives.	Would require electronic filing.
Registration Requirements	Registration would be required within 20 days of contact.	No provision proposed.
Reporting Thresholds	Would reduce thresholds to \$2,500 and \$10,000, respectively.	Would reduce thresholds to \$2,500 and \$10,000, respectively.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Disclosure of Lobbying Expenses	Would reduce estimated expense increments to less than \$5,000 and \$10,000.	Would reduce estimated expense increments for non-grassroots lobbying to less than \$5,000 and \$10,000. Grassroots lobbyists would be subject to disclosure ranges of less than \$10,000, less than \$25,000, with increments above \$25,000 rounded to the nearest \$20,000.
Linking Lobbying Disclosure Information with Federal Election Commission Reports	Would require establishment and maintenance of lobbying disclosure information in an electronic data base which directly links lobbying disclosure information to the information disclosed in reports filed with the Federal Election Commission under the Federal Election Campaign Act of 1971, and made available to the public free of charge through the Internet.	Would require establishment and maintenance of lobbying disclosure information in an electronic data base which directly links lobbying disclosure information to the information disclosed in reports filed with the Federal Election Commission under the Federal Election Campaign Act of 1971, and made available to the public free of charge through the Internet.
Previous Executive Branch or Legislative Branch Employment	Would require disclosure by registered lobbyists of all past executive branch and congressional employment.	Would require disclosure by registered lobbyists of all past executive branch and congressional employment.
Disclosure and Separate Itemization of Grassroots Lobbying Expenses	Would require good faith estimates of the proportion of the total amount spent on grassroots lobbying activities, and within that amount, the total amount specifically relating to grassroots lobbying through paid advertising.	Would require good faith estimates of the proportion of the total amount spent on grassroots lobbying activities, and within that amount, the total amount specifically relating to grassroots lobbying through paid advertising.
Disclosure of Large Grassroots Expenditures	A grassroots lobbying firm that receives income of, or spends or agrees to spend, an aggregate amount of \$250,000 or more on grassroots lobbying activities for a client, or for a group of clients for a joint effort, would be required to file a report within 20 days after receiving, spending, or agreeing to spend that amount, and additional reports within 20 days after each subsequent time an aggregate amount of \$250,000 is spent on grassroots lobbying activities for a client, or for a group of clients for a joint effort.	No provision proposed.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Disclosure of Grassroots Lobbying Activities	In the disclosure of a grassroots lobbying firm, for each client, the measure would require: a list of the specific issues upon which the registrant engaged in grassroots lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch activities; the total disbursements made for grassroots lobbying activities, and a subtotal for disbursements made for grassroots lobbying through paid advertising; identification of each person or entity who received a disbursement of funds for grassroots lobbying activities of \$10,000 or more during the period and the total amount each person or entity received; and if such disbursements are made through a person or entity who serves as an intermediary or conduit, identification of each such intermediary or conduit, the person or entity who receives the funds, and the total amount each such person or entity received.	No parallel provision proposed. See Disclosure and Separate Itemization of Grassroots Lobbying Expenses
Disclosure of Lobbyist Contributions and Payments — Campaigns	For each LDA registrant, and for any political committee, as defined Section in 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant, and for each employee of an LDA registrant, the measure would require the disclosure of the name of each federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution was made, and the date and amount of such contribution, and for whom a fund-raising event was sponsored, the date and location of the event, and the total amount raised by the event.	Would require registrants and lobbyists to file a report disclosing their name, employer, and the name of each federal candidate or officeholder, leadership PAC, or political party committee to whom a contribution of \$200 or more was made, or for whom a fund-raising event was hosted or otherwise sponsored.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
<p>Disclosure of Lobbyist Contributions and Payments — Travel</p>	<p>Would require each LDA registrant, its employees, and any affiliated political committee, as defined in FECA, to disclose the name of each covered legislative branch official or covered executive branch official for whom the registrant provided any payment or reimbursements for travel and related expenses in connection with the covered official's duties. For each covered official the registrant would be required to disclose: an itemization of the payments or reimbursements provided to finance the travel and related expenses for the covered official, and to whom the payments or reimbursements were made; the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended; the names of any registrant or individual employed by the registrant who traveled on any such trip; the identity of official or listed sponsor of travel; and the identity of any person or entity, other than the listed sponsor of the travel, which directly or indirectly provided for payment.</p>	<p>Would require disclosure within 30 days of travel the name of each covered official for whom a registrant or lobbyist employee provided or arranged any payment or reimbursement for travel, including an itemization of payments or reimbursements provided the purpose and final itinerary of the trip, the names of registrants or employees who were on the trip, the identity of the trip sponsor, and the identity of any person or entity other than the sponsor who provided direct or indirect payment for the travel.</p>
<p>Disclosure of Lobbyist Contributions and Payments — Honors</p>	<p>Would require each LDA registrant, its employees, and any affiliated political committee, as defined in FECA, to disclose the date, recipient, and amount of funds contributed to pay the costs of; an event to honor or recognize a covered legislative branch official or covered executive branch official; contributions to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official; an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of one or more covered official.</p>	<p>Would require disclosure of the date, recipient, and amount of funds contributed or arranged by a registrant or registrant employee to pay the costs of; an event to honor or recognize a covered legislative branch official or covered executive branch official; contributions to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official; an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of one or more covered official.</p>

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Disclosure of Lobbyist Contributions and Payments — Gifts	For each LDA registrant, and for any political committee, as defined Section in 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant, and for each employee of an LDA registrant, the measure would require the disclosure of the date, recipient, and amount of any gift that, under the rules of the House of Representatives or Senate, counts towards the \$100 cumulative annual limit valued in excess of \$20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official.	No provision proposed. See Gifts or Travel Provision by Registered Lobbyists.
Gifts or Travel Provision by Registered Lobbyists.	As above.	Would prohibit a registered lobbyist from making a gift or providing travel to any Member of Congress or their staff.
Penalties for Noncompliance	Civil penalty, up to \$100,000.	Civil penalty, up to \$100,000.
Disclosure of Enforcement for Non Compliance	No provision proposed.	Would require the Clerk and the Secretary to provide semiannual reports to the House Committee on Government Reform and Senate Committee on Homeland Security and Governmental Affairs listing the number of lobbyists and lobbying firms referred to the United States Attorney for the District of Columbia for noncompliance. Would require the United States Attorney for the District of Columbia to report on a semiannual basis the number of enforcement actions and the amount of any fines to the House Committees on Government Reform and the Judiciary, and the Senate committees on Homeland Security and Governmental Affairs and the Judiciary.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Revolving Door Provisions	Former senior executive personnel, former Members of Congress, and legislative branch personnel, would be prevented from lobbying the entity in which they previously served for two years.	Former senior executive personnel, former Members of Congress, and legislative branch personnel, would be prevented from lobbying the entity in which they previously served for two years. The measure would extend the chamber wide ban on Members of Congress to include senior congressional staff.
Public Disclosure by Members of Employment Negotiations	Within three days of commencing such negotiation or arrangement, a Member would be required to file with the Clerk of the House or Secretary of the Senate, as appropriate, a statement for public disclosure that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist.	No provision proposed.
Other Employment Rights	An individual who was formerly a government official and who is an employee of an American Indian tribe employed to perform services formerly performed for the United States, may communicate with and appear before any department, agency, court, or commission on behalf of the American Indian tribe with respect to any matter, upon providing notification to the head of the appropriate entity of the extent of their previous involvement with the matter as a government official.	No provision proposed.
Sporting and Entertainment Ticket Valuation	Requires tickets for sporting and entertainment events that are given as gifts to covered officials to be valued at face value. Tickets without a face value would be valued at the highest published rate.	No provision proposed.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
Oversight of Lobbying	Would require the Comptroller General to review semiannually the activities of the Clerk and Secretary under Section 6 of LDA, emphasizing the effectiveness in securing compliance by lobbyists with the requirements of LDA and whether the clerk, and the secretary have the resources and authorities needed for effective oversight and enforcement of the act.	Would require the Comptroller General to audit annually registrations and reports filed under LDA to determine the extent of compliance by lobbyists and their clients and report to Congress by April 1.
Disclosure of Employment Negotiations	Would require a Member of Congress to file with the Clerk of the House or Secretary of the Senate, as appropriate, a statement for public disclosure that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. The Member would be required to file a disclosure within three days of commencing such negotiation or arrangement.	No provision proposed.
Ethics Training	No provision proposed.	Would require the Senate Select Committee on ethics to conduct ongoing training and awareness programs for the Senate, and require New Senators and staff to complete training within 60 days of commencing service or employment. Current Senators and staff would be required to complete training within 120 days of enactment.
Ethics Committees Annual Reports	No provision proposed.	Would require the ethics panel in each chamber to issue an annual report by January 31 listing the number of allegations received, and their disposition.

Issue	S. 2128, as Introduced	As Reported by Committee on Homeland Security and Governmental Affairs
<p>Commission to Strengthen Confidence in Congress</p>	<p>No provision proposed.</p>	<p>Would establish a Commission to Strengthen Confidence in Congress. The bipartisan, 10 member commission would be appointed by the majority and minority leadership of each chamber. The commission would be charged with:</p> <ul style="list-style-type: none"> – evaluating and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties; – weighing the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues – determining whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent – determining whether the statutory framework governing lobbying disclosure should be expanded to include additional means of influencing covered officials; – determining whether additional ethical conduct or disclosure standards need to be enacted; and – reporting findings to Congress.