

CRS Report for Congress

Lobbying Reform Legislation: Side-by-Side Analysis of Lobbying Provisions in S. 1 and H.R. 2316, 110th Congress

Updated June 1, 2007

Jack Maskell
Legislative Attorney
American Law Division



Prepared for Members and
Committees of Congress

Lobbying Reform Legislation: Side-by-Side Analysis of Lobbying Provisions in S. 1 and H.R. 2316, 110th Congress

Summary

This report is intended to provide a quick reference chart and short analysis comparing the lobbying reform provisions in S. 1, 110th Congress, as passed by the Senate, with the lobbying reform legislation reported in the House, H.R. 2316, 110th Congress. The chart examines and analyzes the provisions of the bills in question as they relate to the general area of lobbying and lobbying disclosure, and with regard to post-employment lobbying restrictions on Members of Congress and congressional staff.

Although the Senate bill, S. 1, contains provisions dealing with lobbying disclosure, internal Senate ethics rules, and procedural reforms in the Senate, H.R. 2316 focuses more narrowly on lobbying disclosure reforms, as the House adopted procedural and internal ethics changes earlier in the present Congress. The changes made to the internal House Rules on January 4, 2007, in H.Res. 6, and the proposed amendments to the Senate Rules in S. 1, regarding the broader area of “ethics” and such things as the receipt of outside private gifts by Members and staff, the acceptance of “officially connected” travel expenses, and travel on private corporate aircraft, are analyzed in CRS Report RL33893, *Gifts and Ethics Rules: Side-by-Side Comparison of Provisions of S. 1 and H.Res. 6, 110th Congress*, by Jack Maskell. In addition, the proposals to amend the pension provisions of federal law with regard to Members of Congress who have been convicted of certain federal corruption charges, proposed in S. 1, as passed by the Senate, and as adopted separately by the House in H.R. 476, 110th Congress, are analyzed in CRS Report 96-530, *Loss of Federal Pensions for Members of Congress Convicted of Certain Offenses*, by Jack Maskell.

The provisions of S.1 analyzed are those in the bill as passed by the Senate on January 18, 2007; and the provisions of H.R. 2316 that are analyzed in this report are those contained in the legislation as passed by the House of Representatives on May 24, 2007.

Contents

Side-by-Side Comparison of the Provisions of S. 1 and H.R. 2316, 110 th Congress	2
--	---

Lobbying Reform Legislation: Side-by-Side Analysis of Lobbying Provisions in S. 1 and H.R. 2316, 110th Congress

This report is intended to provide a quick reference chart and short analysis comparing the lobbying reform provisions in S. 1, 110th Congress, as passed by the Senate, with the lobbying reform legislation reported in the House, H.R. 2316, 110th Congress. The chart examines and analyzes the provisions of the bills in question as they relate to the general area of lobbying and lobbying disclosure, and with regard to post-employment lobbying restrictions on Members of Congress and congressional staff.

Although the Senate bill, S. 1, contains provisions dealing with lobbying disclosure, internal Senate ethics rules, and procedural reforms in the Senate, H.R. 2316 focuses more narrowly on lobbying disclosure reforms, as the House adopted procedural and internal ethics changes earlier in the present Congress. The changes made to the internal House Rules on January 4, 2007, in H.Res. 6, and the proposed amendments to the Senate Rules in S. 1, regarding the broader area of “ethics” and such things as the receipt of outside private gifts by Members and staff, the acceptance of “officially connected” travel expenses, and travel on private corporate aircraft, are analyzed in CRS Report RL33893, *Gifts and Ethics Rules: Side-by-Side Comparison of Provisions of S. 1 and H.Res. 6, 110th Congress*, by Jack Maskell. In addition, the proposals to amend the pension provisions of federal law with regard to Members of Congress who have been convicted of certain federal corruption charges, proposed in S. 1, as passed by the Senate, and as adopted separately by the House in H.R. 476, 110th Congress, are analyzed in CRS Report 96-530, *Loss of Federal Pensions for Members of Congress Convicted of Certain Offenses*, by Jack Maskell.

The provisions of S.1 analyzed are those in the bill as passed by the Senate on January 18, 2007; and the provisions of H.R. 2316 that are analyzed in this report are those contained in the legislation as passed by the House of Representatives on May 24, 2007.

Side-by-Side Comparison of the Provisions of S. 1 and H.R. 2316, 110th Congress

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Lobbying Disclosures			
Timing of filing lobbying reports	Lobbying Disclosure Act of 1995 [LDA] requires periodic reports from registered lobbyists to be filed semi-annually, within 45 days of January 1st and July 1 st . (2 U.S.C. § 1604(a)).	Section 211(a). Requires quarterly, instead of semi-annual, filing of lobbying disclosure reports by registered lobbyists, not later than 20 days after January 1, April 1, July 1, and October 1 of each year.	Section 201(a). Requires quarterly, instead of semi-annual, filing of lobbying disclosure reports by registered lobbyists, not later than 45 days after January 1, April 1, July 1, and October 1 of each year.
Threshold amounts to trigger registration, reports and disclosures	Current law establishes certain amounts of income or expenditures by a person or entity within a six-month reporting period to “trigger” the registration and reporting requirements of LDA, see 2 U.S.C. §§ 1602, 1603, 1610.	Section 211(b). Threshold amounts are adjusted, generally halved, to reflect new quarterly reporting periods, rather than semi-annual periods.	Section 201(b). Threshold amounts are adjusted, generally halved, to reflect new quarterly reporting periods, rather than semi-annual periods.
Disclosure of “earmark” requests	No express reporting provision now in LDA. A registrant must now report “issues” and “bill numbers” concerning which “lobbying activities” were performed. 2 U.S.C. § 1604(b)(2)(A).	No provision.	Section 203(b). Amends provision requiring periodic reports from lobbyists (2 U.S.C. § 1604(b)(2)(A)), to require information on “requests for Congressional earmarks” made by registrant.
Disclosure of political committees established by a registrant.	Current lobbying law does not address issue in LDA of 1995, but rather certain political committees must file reports pursuant to federal campaign law, the Federal Election Campaign Act [FECA].	Section 212. Requires additional public reporting by registrants and lobbyists of political committees established by registrant. (Adds 2 U.S.C. § 1604(d)(1)(B)).	Section 204. Requires additional public reporting by registrants and lobbyists of political committees established by registrant. (Adds 2 U.S.C. § 1604(e)(1)(C)).

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Disclosure of political contributions by a registrant or registrant’s political committee.	Current lobbying law does not address issue in LDA of 1995, but rather certain political contributions for federal elections must be disclosed and reported by the <i>recipient</i> pursuant to FECA.	Section 212. Requires registrants and lobbyists in quarterly reports to disclose political contributions over \$200 to federal candidates, officeholders, leadership PACs or party committees made by registrant or lobbyist or political committee established by registrant. (Adds 2 U.S.C. §1604(d)(1)(C)).	Section 204. Requires registrants and lobbyists in quarterly reports to disclose political contributions over \$200 to federal candidates, officeholders, leadership PACs or party committees made by registrant or lobbyist or political committee established by registrant. (Adds 2 U.S.C. §1604(e)(1)(D)).
Disclosure of fundraising events.	No provision in LDA. FECA does not have express disclosure provisions for “hosting” fundraisers, but certain outlays of funds or in-kind services for fundraisers for candidates may trigger “contribution” limits and reporting requirements by recipients. 11 C.F.R. §§ 100.75, 100.77.	Section 212. Requires disclosure of fund-raising events hosted, co-hosted or sponsored by lobbyist or registrant’s political committee for a federal candidate, officeholder, leadership PAC or party committee. (Adds 2 U.S.C. § 1604(d)(1)(D)).	No provision.
Disclosure of “bundled” political contributions collected or arranged by a lobbyist.	No provision in LDA. FECA does not expressly address “bundling,” but addresses disclosures regarding “conduits” of “earmarked” contributions by requiring disclosures of <i>original</i> contributors, unless “conduit” exercises “direction or control” over the choice of the recipient, then contribution is deemed to come from both original source and conduit. 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6.	Section 212. Requires in quarterly lobbying reports the disclosure of “bundled” political contributions collected or arranged for a federal candidate, officeholder, leadership PAC or party committee. (Adds 2 U.S.C. § 1604(d)(1)(E)).	Section 204(b). Requires, in quarterly lobbying reports, disclosure of 2 or more campaign contributions, exceeding a total of \$5,000, received and forwarded by, or credited or attributed to, a lobbyist or registrant for a federal officeholder or candidate, leadership PAC, multi-candidate committee, or a political party committee. Requires lobbyist to send a report by certified mail to recipient-covered official containing information that will be reported. (Adds 2 U.S.C. § 1604(f)).

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
<p>Disclosure of travel payments provided to covered official</p>	<p>No current provision in LDA expressly addressing travel payments made to covered officials. House and Senate Rules currently restrict the acceptance of “officially connected” travel expenses from most lobbyists and their clients, and require disclosure of privately paid “officially connected” travel. House Rule XXV, Senate Rule XXXV.</p>	<p>Section 212. Requires in quarterly lobbying reports the detailed disclosure of amounts, purpose and itinerary of any payments for “officially connected” travel provided for the benefit of a federal official. (Adding 2 U.S.C. § 1604(d)(1)(F)).</p>	<p>No similar reporting. Requires in section 203 a certification in quarterly reports that the registrant or lobbyist did not provide any gift, “including travel,” to a Member, officer or employee of Congress that is in <i>violation</i> of the House or Senate Rules, but no further reporting of providing “officially connected” travel expenses permitted by Rules.</p>
<p>Disclosure of provision of payments for events, retreats, conferences, or testimonials for covered officials.</p>	<p>No current provision in LDA.</p>	<p>Section 212. Requires in quarterly lobbying reports the disclosure of payments (i) for events honoring or recognizing federal officials, (ii) to an entity named in honor of a covered federal official or to a person or entity in recognition of such official, (iii) made to organizations associated with such officials, or (iv) made to pay the costs of retreats, conferences or similar events for the benefit of 1 or more covered federal officials (Adding 2 U.S.C. § 1604(d)(1)(G)).</p>	<p>Section 204. Requires in quarterly lobbying reports the disclosure of payments (i) for events honoring or recognizing federal officials, (ii) to an entity named in honor of a covered federal official or to a person or entity in recognition of such official, (iii) made to organizations associated with such officials, or (iv) made to pay the costs of retreats, conferences or similar events for the benefit of 1 or more covered federal officials. (Adding 2 U.S.C. § 1604(e)(1)(E).)</p>

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Disclosure of FECA-reported information concerning “conduit” forwarding of “earmarked” contributions.	No provision in LDA. FECA addresses “earmarked” contributions made through a “conduit” as a contribution from the original contributor, to be reported and disclosed as such by recipient. 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6(a),(c). If the conduit or intermediary, however, exercises “direction or control over the choice of the recipient candidate,” then the contribution will be considered also from conduit, as well as from original contributor. 11 C.F.R. § 110.6(d).	No specific provision, but see “bundling” disclosure requirements, Section 212.	Section 204. Requires any information on being the “conduit” for “earmarked” campaign contributions, required to be disclosed under the FECA, to be reported in quarterly lobbying reports under LDA. (Adding 2 U.S.C. § 1604(e)(1)(F)).
Disclosure of funds provided to 527 organizations.	No provision in LDA. FECA requires the disclosure by the recipient of “contributions” made to “political committees,” but not all contributions to “527” political organizations are disclosed under FECA (but over a certain threshold are to the IRS)	No provision.	Section 204. Requires registrants and lobbyists in quarterly reports to disclose “any funds provided” to a 527 political organization. (Adding 2 U.S.C. § 1604(e)(1)(G)).
Disclosure of “gifts” made to covered officials.	No current provision in LDA.	Section 212. Requires in quarterly lobbying reports the disclosure of gifts in excess of \$20 made to covered officials from lobbyists or their political committees. (Adding 2 U.S.C. § 1604(d)(1)(H)).	No similar reporting requirement, but requires, in Section 203(b), a certification in quarterly reports that the registrant or lobbyist did not provide any gift, “including travel,” to a Member, officer or employee of Congress that is in <i>violation</i> of the House or Senate Rules.

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Disclosure of contributions to a presidential library or presidential inaugural committee.	No current provision in LDA.	Section 212. Requires in quarterly lobbying reports the disclosure of contributions to a presidential library or presidential inaugural committee. (Adding 2 U.S.C. § 1604(d)(1)(I)).	No provision.
Identifying public or private entity clients in quarterly reports.	No express provision, but registrant must currently identify “client” and describe “business or activities” of the client, in the registration statement. 2 U.S.C. § 1603(b).	Section 213. Requires lobbyists in quarterly reports (2 U.S.C. § 1604(b)) to disclose whether a client is a public entity (including a State or local government or a department, agency, special purpose district or other instrumentality of a State), or a private entity.	No provision.
Electronic database of lobbyists’ registrations and reports.	2 U.S.C. § 1605 requires reports and registrations to be made to the Secretary of the Senate and the Clerk of the House. No current requirement for maintaining and providing access to electronic database.	Section 214. Requires Secretary of Senate and Clerk of the House to maintain and make available to the public over the Internet a free searchable, sortable, and downloadable electronic database of reports and registrations made under this Act, and to link such information to the campaign financing reports and information disclosed to the Federal Election Commission under FECA. Requires electronic reports to be available over the Internet within 48 hours.	Section 208. Requires Secretary of Senate and Clerk of the House to maintain and make available to the public over the Internet a free searchable, sortable, and downloadable electronic database of reports and registrations made under this Act, and to link such information to the campaign financing reports and information disclosed to the Federal Election Commission under FECA. Requires electronic reports to be available over the Internet within 48 hours.
Identification of any past Government service.	A registrant or lobbying-employee must disclose if he/she served as a covered official within the past 2 years. 2 U.S.C. § 1603(b)(6).	Section 215. Requires identification of a registrant, or lobbying-employee of an entity who has at <i>any</i> time served as a covered legislative branch or executive branch official.	Section 207. Requires identification of any registrant, or lobbying-employee of an entity who has at <i>any</i> time served as a covered legislative branch or executive branch official.

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Fines for violations of law.	Current civil penalty in LDA for failure to file within 60 days’-“notice of defect” from Secretary or Senate or Clerk of House, or knowing failure to comply with any other provision of LDA, is \$50,000.	Section 216. Increases the Lobbying Disclosure Act’s specific penalty for knowing violations of the law from \$50,000 to \$200,000.	Section 301. Increases the Lobbying Disclosure Act’s specific penalty for knowing violations of the law from \$50,000 to \$100,000.
Coalition lobbying: disclosure of organizational members of coalition as “client.”	The “client” of a lobbyist is considered to be the “coalition” itself which retains the lobbyist, and not the individual organizational members of the coalition (2 U.S.C. §1602(2)), unless an organization contributes more than \$10,000 in a semi-annual reporting period and “in whole or in major part plans, supervises, or controls” the lobbying activities of the registered lobbyist. (2 U.S.C. §1603(b)(3)).	Section 217. Requires identification of certain organizational participants in a lobbying “coalition.” Would require identification by a lobbyist of any organization (in addition to client “coalition”) which contributes more than \$5,000 in any quarterly period, and which “participates in a substantial way in the planning, supervision, or control” of the lobbying activities of the coalition’s registrant. Members of coalitions publicly known to be affiliated with coalition, or for whom funding of coalition has been publicly disclosed, need not be listed in registration statement unless that organization “in whole or in <i>major</i> part plans, supervises, or controls” lobbying activities of lobbyist. In no event must <i>individuals</i> who are members of or donors to a “client” entity need to be disclosed.	Section 206. Requires identification of the organizational members of a coalition or an association when such coalition or association employs or retains “other persons to conduct lobbying activities,” when member is expected to contribute \$500 or more to the coalition’s lobbying in a quarter. Exempts member-organization of a coalition which is itself incorporated as a 501(c)(3) charitable or educational organization; any other non-profit, tax-exempt organization which has “substantial exempt activities other than lobbying” on the specific issue for which it engaged the lobbyist; or any organization for which there is publicly available knowledge of affiliates, unless such affiliate in whole or major part plans, controls or supervises such lobbying. In no event must <i>individuals</i> who are members of or donors to a “client” entity need to be disclosed.

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Referrals of violations.	Administrators of LDA to whom reports and registration statements are filed (Clerk of the House and the Secretary of the Senate) are authorized by law to make referrals to the U.S. Attorney for D.C. in cases of noncompliance with the disclosure provisions, when the lobbyist or lobbying firm has been notified “in writing and has failed to make an appropriate response within 60 days after notice.” 2 U.S.C. § 1605(8).	Section 218. Clerk of House and Secretary of Senate are required to make publicly available the number per year of lobbyists and lobbying firms that were referred to U.S. Attorney for noncompliance. U.S. Attorney for D.C. must report semi-annually to the Senate Committees on Judiciary, and Homeland Security & Government Affairs, and House Committees on the Judiciary, and Oversight and Government Reform, the aggregate number of enforcement actions taken under the Act.	No provision.
Electronic filing of registrations and reports.	Not required by law, but Clerk of House and Secretary of Senate have developed electronic filing options.	Section 219. Places statutory requirement to file the lobbying disclosure reports in electronic form, and requires the Clerk of the House and Secretary of the Senate to use the same electronic software for receipt and recording of the filings.	Section 202. Places statutory requirement to file the lobbying disclosure reports in electronic form with the Clerk of the House and Secretary of the Senate.

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Foreign Agents Registration Act electronic filings and data bank.	No current provision in Foreign Agents Registration Act [FARA], which requires registration and reporting to Department of Justice by agents of foreign principles. (22 U.S.C. § 611 <i>et seq.</i>)	Section 220. Amends FARA to require electronic filing of foreign agent registration statements and updates made to the Attorney General, and requires A.G. to maintain and make available for free over the Internet a searchable, sortable and downloadable database of foreign agent filings and updates under FARA, and link such information to the information disclosed in reports filed with the Federal Election Commission.	No provision.
“Gifts” from lobbyists and congressional ethics rules - certification and prohibition.	Congressional Rules regulate Members and staff accepting gifts from lobbyists, but Rules do not extend to lobbyists themselves who are outside of jurisdiction of ethics committees. Lobbyists prohibited from offering “bribes,” “illegal gratuities” to Members or staff (18 U.S.C. 201), or engaging in a scheme to defraud the public out of the “honest services” of their public officials. 18 U.S.C. §§ 1341, 1343, 1346.	Section 221. In addition to the other information required to be filed in periodic reports by lobbyists, each filer must certify that the lobbying firm, registrant, or each employee listed as a lobbyist of an organization or firm, has not “provided, requested or directed” a gift (including travel) to a Member or employee of Congress, the acceptance of which would constitute a violation of the House or Senate Rules on gifts.	Section 203(a). Requires in quarterly reports a certification that the registrant or lobbyist did not provide any gift, “including travel,” to a Member, officer or employee of Congress that is in violation of the House or Senate Rules. Section 205. Expressly prohibits a registrant lobbyist, an organization that registers 1 or more employees as lobbyists, and such employee/lobbyist, from making any gift, including travel, to a Member or staffer of Congress if the donor has knowledge that such gift may not be accepted under the House or Senate Rules.

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Criminal penalties	Current LDA does not provide express criminal penalty; but, intentional false filing to a federal agency may be “false statement” (18 U.S.C. §1001), with criminal penalty up to 5 years’ imprisonment, and fine per § 3571.	Section 222. Provides additional criminal penalty for knowing, willful and corrupt failure to comply with LDA of up to 10 years’ imprisonment, and/or fine up to \$250,000 for an individual, and \$500,000 for an organization (see 18 U.S.C. § 3571).	Section 301. Provides additional, express criminal penalty for “corruptly” failing to comply with LDA of imprisonment of up to 5 years and/or fine up to \$250,000 for an individual, and up to \$500,000 for an organization (see 18 U.S.C. § 3571).
Audits of Lobby Disclosure reports	No current provisions.	Section 231. Requires the Comptroller General to annually audit LDA lobbying registrations/reports to determine compliance or noncompliance with law, and report to Congress with recommendations for improvement of compliance.	No provision
Lobbying by Member’s family.	No current provision of law or Rule. See general “conflict of interest” provision in Senate Rule 37.	Section 113. Amends Senate Rule to require a Member to prohibit staff from having official contact with any of the Senator’s “immediate family” who are registered lobbyists or are employed by a lobbyist to influence legislation (Section 113(a)), except prohibition not to apply to spouse of a Senator already registered as lobbyist at least 1 year prior to the election of Member or 1 year prior to their marriage. (Section 113(c)). <i>But</i> Senators and employees also prohibited from having official contact with a spouse of <i>any</i> Senator if that spouse is a “lobbyist” or is retained by a registered lobbyist. (Section 113(b)).	Section 401. Amends House Rules to require a Member to prohibit all staff employed by a Member, including personal, committee or leadership offices, from having official contact with a spouse of a Member of the House if that spouse is a “lobbyist” under LDA of 1995, or is employed or retained by such a lobbyist to influence legislation. Section 209. Provides that it is the sense of Congress that the use by a lobbyist of a family relationship to a Member of Congress to gain special advantage is “inappropriate.”

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Non-applicability to campaign committees	LDA provisions currently apply only to registrants - "lobbyists," as defined, and organizations whose employees are lobbyists because they engage in certain amount of direct lobbying.	No provision.	Section 210. Provides expressly that amendments made to LDA "shall not apply to the activities of any political committee described in" FECA.
Other Provisions			
Influencing private employment decisions	No specific provisions in current law.	Section 114. Would amend Senate Rules (Senate Rule XLIII) to prohibit a Senator from taking or withholding, or threatening or promising to take or withhold, any official act, or to influence or to offer to influence an official act of another, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of a private entity.	Section 102. Would add a federal criminal law to prohibit a Member from taking or withholding, or threatening or promising to take or withhold, any official act, or to influence or to offer to influence an official act of another, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of a private entity.
Lobbying by Contractors of the Congress	No specific provision in current law.	No provision.	Section 103. Adds a criminal provision to federal law to prohibit a private attorney or law firm (including the employing law firm of an attorney) which contracts with a Member, committee, leadership office, or working group or caucus in Congress from "lobbying" any Member, officer or employee of either House of Congress during the pendency of that contract, and for one year after the contract ends.

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Increased availability of certain disclosures over Internet	No provision in current law.	No provision.	Section 402. Requires the Clerk of the House to post on the public Internet site of the Office of the Clerk the written advanced authorizations and the disclosures required for Members, officers and employees of the House with respect to “officially connected” travel expenses accepted by Members and staff from private sources under House Rule XXV. Requires the Clerk of the House to post on the public Internet site of the Office of the Clerk the personal financial disclosure reports filed under the Ethics in Government Act of 1978 by Members of the House.
Gifts from State and local Governments	Gifts from State or local governments are now generally exempt from gift limitations and prohibitions of House and Senate Rules. House Rule 25, clause 5(a)(3)(O); Senate Rule 35, clause 1(c)(16).	No provision.	Section 403. Amends House Rules to eliminate from the gifts prohibition the exception for gifts from State or local governments. House Rule 25, cl. 5(a)(3)(O).

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
Post-Employment, “Revolving Door” Lobbying			
<p>Statutory 1-Year “Cooling Off” Period for Members and senior staff</p>	<p>Members of Congress, elected congressional officers, and senior congressional staff (those earning a salary at the rate of 75% of a Member’s salary) are limited for one year after leaving office from making certain communications with intent to influence to Congress. Members and elected officers may not lobby anyone in either House of Congress for one year (18 U.S.C. § 207(e)(1)); while former senior staff may not lobby their former office or committee for one year. (18 U.S.C. § 207(e)(2)-(5).</p>	<p>Section 241. Would expand from 1-year to 2-years the “cooling off” period on Members of Congress and elected officers, whereby they would not be able to “lobby” Congress for 2-years after leaving office (Sec. 241(b)(1)); would expand the 1-year cooling off period to 2 years for “very senior” executive branch officials (cabinet officers and certain others) (Section 241(b)); and would keep the 1-year cooling for staff, but amend the 1-year provision to prohibit lobbying the entire House of Congress in which they had worked, rather than merely their former office.</p> <p>Would add a new restriction for former Members and elected officers to include behind-the-scenes activities, advice, or consultations that former Member or officer may have “in support of ... lobbying contacts” made on behalf of a client, “including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and the coordination of the lobbying activities of others.” (Section 241(b)(3) and (c)(4)).</p>	<p>No provision.</p>

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
<p>“Revolving Door,” post-employment conflicts of interest - representing Indian tribes</p>	<p>All representations of Indian tribes by former federal officers or employees are now exempt from “revolving door” law at 18 U.S.C. § 207 by provisions of Indian Self-Determination Act, 25 U.S.C. §450i(j).</p>	<p>Section 110. Would more closely conform exemption for representing Indian tribes by former federal officials to current exemption for representing State or local governments by such officials, by exempting acts of former officials carrying out official duties or as elected officials for tribes.</p>	<p>No provisions.</p>
<p>1-Year “Cooling Off” Period — Senate Rule</p>	<p>Current Senate Rule, Rule XXXVII(9), prohibits all former staff who have become registered lobbyists or are in employ of such to influence legislation, from lobbying their former office for 1 year.</p>	<p>Section 111. Would amend Senate Rule XXXVII to prohibit all “senior” Senate staff (paid at rate of 75% of Member’s salary) from lobbying entire Senate for one year after leaving office.</p>	<p>No provision.</p>
<p>Negotiating Private Employment</p>	<p>No current restrictions or express disclosures for Members, officers or employees of the legislative branch of Government.</p>	<p>Section 112. Amends Senate Rules to prohibit Senators from negotiating or having an arrangement concerning prospective private employment until Senator’s successor has been elected, unless Senator, within 3 days after “negotiations” begin, files a publicly disclosed signed statement with the Sec. of the Senate revealing names of the private parties or private entities involved, and date negotiations or arrangements began. If job is to involve “lobbying activities,” Senator may not negotiate or have arrangement for such employment until after successor is elected.</p>	<p>Section 101. Amends House Rules to prohibit Members from negotiating or having an arrangement concerning prospective private employment until the Member’s successor has been elected, unless the Member, within 3 days after “negotiations” begin, files with the House Committee on Standards of Official Conduct a statement including the names of the private parties or private entities involved, and the date such negotiations or arrangements commenced.</p>

Issue	Current Provisions of Law or Rule	S. 1	H.R. 2316
(Negotiating private employment, cont'd)		Senior staff (compensated at a rate in excess of 75% of a Senator) would be required to notify the S. Select Committee on Ethics within 3 days about the commencement of negotiations or arrangements for prospective private employment. Such an employee is then required to recuse himself or herself concerning any official matter which would create a conflict or an appearance of a conflict of interest because of such negotiations or arrangements, and to notify the Ethics Committee.	Senior staff (compensated at a rate in excess of 75% of a Member's salary) must notify within 3 days the Committee on Standards of Official Conduct that he or she is negotiating or has an arrangements for future private employment. Members and staff must recuse themselves from "any matter" in which there is a conflict or an appearance of a conflict of interest for that Member or employee under this Rule, and notify the House Committee on Standards of such recusal. If a Member recuses himself or herself, the Member shall submit to the Clerk for public disclosure the statement made to the Committee on Standards.
Notification of "cooling off" periods	No provision.	No provision.	Section 104. Requires the Clerk of the House to notify affected departing Members and staff, and each applicable office of the House, of the beginning and end of 1-year "cooling off" period for the Member or staffer.
Restrictions on congressional staff concerning former private employers	No provision.	No provision.	Section 105. Amends criminal law to prohibit, in course of staffer's official duties, a senior congressional employee who during 1 year prior to congressional employment had been a lobbyist, from "making any communication to or appearance before" organization or client for whom staffer had lobbied.