

Lobbying Reform Proposals Pick Up Steam in the 109th Congress

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House and Senate Considering a Variety of Restrictions, Including a Lobbyist Gift Ban

On the floor of the Senate this week, lawmakers began debate on a pair of lobbying reform proposals designed to address several ethics issues arising out of the Jack Abramoff scandal. As part of the debate, the Senate announced an amendment to one of the bills that would ban lobbyist gifts for Members of congress staff. As a first step toward its own lobbying reforms, earlier this year the House of Representatives passed a resolution eliminating floor and gym privileges for former Members of Congress who become lobbyists. These bills, however, are just a few of the nearly two dozen proposals that Republicans and Democrats on Capitol Hill have introduced in the last year. Although the specific details of each of these proposals differ, many of the broader themes addressed in each bill are similar, and the final result of the reform efforts, if any, is far from clear.

Nearly all of the proposed initiatives would require electronic filing and increased disclosure by lobbyists in the form of quarterly—rather than semi-annual—reporting. As part of the new disclosure obligations, many of the bills also call for lobbyists to disclose amounts spent on grassroots lobbying activities. Several of the proposals go a step further and would require lobbyists to itemize their campaign contributions and/or any payments made for events to honor legislative officials.

Beyond new disclosure obligations, several of the bills under consideration would enact additional restrictions on the ability of Members and their staff to accept gifts and privately-financed travel from lobbyists and non-governmental organizations. Generally speaking, most of the Democratic proposals include a ban on all gifts from lobbyists, while Republican proposals enact some additional restrictions on lobbyist gifts but stop short of an outright ban. For example, the current version of the McCain-Shays proposal would require tickets without a face value for sporting or entertainment events to be valued at the face value of the highest-priced ticket to the event, but would not curtail any other gifts from lobbyists. As initially reported out of the Senate Rules Committee, Senator Lott's bill (S 2349) would ban most gifts from lobbyists but would retain an exception for meals and refreshments subject to the current limits (*i.e.*, \$49.9 per event, \$99.99 per year). The initial proposal also required Members to post on their website within 15 days of receipt the value of meals and refreshments given to them or their staff along with the name of the person who paid for the item. Arguing

that this disclosure requirement amounted to an effective ban, however, Senators passed an amendment on March 8, 2006, effectively banning meals and refreshments from lobbyists.

In the area of privately-financed travel, initial reports suggested that House Republicans might support a ban on all trips paid for with nongovernmental funds. However, following the election of a new majority leader and discussions with Members of the House Republican Conference, House Republicans appear to be moving away from the concept of a total ban, but it is still too early to know for sure. A bill advanced by the House and Senate Democratic leadership would ban all privately-financed travel except for trips paid for by certain organizations that do not use or employ lobbyists. Some other proposals currently on the table would require that all travel be approved in advance by the appropriate House or Senate Ethics Committees and that lawmakers pay the charter rate for the use of a corporate jet.

A number of the current proposals, including the McCain-Shays, Reid (S 2180) and Pelosi bills (HR 4682) would require Members of lobbying coalitions to disclose their identities. Additionally, these proposals would require disclosure of grassroots lobbying activities and require reports for large grassroots expenditures. Efforts have been proposed to create an independent commission to review lobbyist reports but have generally been met with fierce opposition on both sides of the aisle, including a defeat in Senate committee. Several of the legislative proposals also include campaign finance reform, with curbing the role of 527 organizations a chief focus of several Republican efforts. Other areas where there is general agreement among the leading Republican and Democratic bills include: (1) extending the post-employment restrictions on lobbying from one year to at least two years, (2) requiring Members to disclose prospective employment negotiations and (3) increasing the penalties for violators.

Although the final result of all of these lobbying reform efforts is unclear, additional action is anticipated on several of these proposals in the coming weeks.