

House Passes Its Version of Lobbying Reform

July 2007

On May 24, 2007, the U.S. House of Representatives passed its version of lobbying reform in HR 2316. This bill is the companion piece to S1, which was passed by the U.S. Senate in January. (See related story: www.wileyrein.com/electionlawnews_senatelobbybill.) Both bills are now headed towards conference.

Although there are several major differences between the two bills (as discussed further below), they also share many of the same types of reform proposals. Several of these are listed below:

- Increased civil penalties for violations of the Lobbying Disclosure Act (LDA) (although the proposed increase in the Senate is greater)
- Criminal penalties for certain violations of the LDA;
- A prohibition on gifts from lobbyists, lobbying firms, entities that employ in-house lobbyists, and employee-lobbyists to Members, officers and staffers of Congress if such gifts are prohibited by the relevant house of Congress;
- Quarterly LDA reports from lobbyists, lobbying firms, and entities that employ in-house lobbyists (as opposed to semiannual);
- A three-month window to analyze whether someone qualifies as a lobbyist (as opposed to the current six-month window);
- Mandatory electronic filing of LDA reports;
- Certification that gifts have not been provided to Members, officers, or employees of Congress in violation of the law;
- Additional reporting requirements for lobbyists, their employers and their PACs, including reporting of recipients of contributions, events to honor covered officials, payments to

Authors

D. Mark Renaud
Partner
202.719.7405
mrenaud@wiley.law

certain entities and for certain meetings and retreats, and payments to organizations established, financed, maintained or controlled by certain covered officials; and

- Reporting of "bundled contributions" by lobbyists, lobbying firms and entities that employ in-house lobbyists (although the bills vary greatly as to what constitutes "bundled" contributions and the House also includes "multicandidate political committees" as covered recipients of such bundling activity).

HR 2316 is not, however, a carbon copy of S1. Indeed, there are many provisions in HR 2316 that do not appear at all in S1, including, among other ideas, the following:

- A broad prohibition on lobbying by attorneys or law firms under contract to provide legal services to Members of Congress or Congressional committees or organizations;
- A "reverse revolving door" prohibition on persons entering government service from the private sector; and
- Reports of donations to 527 political organizations by lobbyists, lobbying firms, and entities that employ in-house lobbyists.

HR 2316 also would remove the blanket exception in the House gift rules for gifts and travel provided to House Members and staffers from state and local governments.

HR 2316 does not contain, among other things, the following proposals found in S1:

- Amendments to the private aircraft reimbursement rules for campaign travel;
- Expansion of the scope and length of certain post-employment "cooling off" periods for former Members and staffers; or
- Specific disclosure of certain fundraising events.