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Joan Claybrook, President

Summary of S. 1398 Lobbying and Ethics Reform Act

Sen. Russ Feingold (D-Wisc.)

Status: Referred to the Committee on Homeland Security and Governmental Affairs.

1. Increases Lobbying Disclosure:

- Requires lobbyists to disclose their activities quarterly.
- Mandates electronic filing of lobbying reports.
- Establishes a searchable, sortable and downloadable Internet database of reports.
- Requires disclosure of members (other than individuals) of “stealth” lobbying coalitions.
- Adds “grassroots” activities of “mass communications” directed at the general public to encourage lobbying contacts under the definition of reportable lobbying activities.
- Requires lobbyists to disclose oral communications (phone calls or in-person meetings) with members of Congress. The dates of such contacts must be disclosed, not their substance, although each contact must be listed under the issue or bill to which the contact relates.

2. Slowing the Revolving Door:

- Extends the current one-year “cooling-off period” to two years for members, congressional staff, and executive branch personnel, which prohibits them from making “lobbying contacts” with the entity in which they served.
- Restricts former congressional staff from making lobbying contacts to the entire branch of Congress they worked for, rather than just the employing office as under current law.
- Expands the definition of prohibited activities during the two-year cooling off period to include all “lobbying activity”, rather than just prohibiting lobbying contacts, exclusively for former members of Congress and very senior executive branch officials (cabinet members, heads of agencies).
- Requires lobbyists to disclose on their lobbying registrations any previous employment with the executive or legislative branch, rather than only such employment within two years prior to acting as a lobbyist.
- Requires members, congressional senior staff and executive branch officials to publicly disclose possible conflicts of interest if they are engaged in discussions of future employment.

- Provides that any benefit available equally and only to all former members of the Senate shall not be available to former Senators who are registered lobbyists (e.g., floor privileges, gym membership).
- Prohibits members and staff from influencing who lobbying firms will hire based on partisanship.

3. Curbs Excesses in Congressional Travel:

- Prohibits registered lobbyists from participating in privately-sponsored congressional travel.
- Requires a private entity paying for a trip to certify that the trip was not planned, organized, or financed by a lobbyist.
- Requires members and campaign organizations to reimburse for the use of corporate jets at the full charter rate rather than at first class airfare, as is now required.
- Requires detailed disclosure of the itinerary, purpose, and identity of others who were on the plane for any such trips.
- Requires members of Congress to disclose detailed itineraries of trips.
- Establishes reasonable ceilings on the daily cost of privately-sponsored congressional travel.

4. Strengthens Gift and Ethics Rules:

- Prohibits lobbyists from giving any gifts to members or staff. Includes exceptions for family members and personal friends, campaign contributions, gifts of nominal value, and informational materials.

5. Toughens Enforcement:

- Provides for a civil penalty (fine of up to \$100,000) for breaking this law.
- Mandates that the Government Accountability Office conduct ongoing reviews of oversight and enforcement.

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