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Lobbying, Ethics and Related Procedural Reforms: Comparison of Current Provisions of S. 2349 and H.R. 4975

March 23, 2006

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Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 23 MAR 2006		2. REPORT TYPE N/A		3. DATES COVERED -	
4. TITLE AND SUBTITLE Lobbying, Ethics and Related Procedural Reforms: Comparison of Current Provisions of S.2349 and H.R. 4975				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Congressional Research Service The Library of Congress 101 Independence Ave, SE Washington, DC 20540-7500				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release, distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT UU	18. NUMBER OF PAGES 28	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

Lobbying, Ethics and Related Procedural Reforms: Comparison of Current Provisions of S. 2349 and H.R. 4975

Summary

This report provides a table to summarize and provide a side-by-side comparison of the provisions concerning lobbying, ethics, and related congressional procedural reforms that are currently being considered in S. 2349 and H.R. 4975, 109th Congress. The table will be updated and amended regularly to reflect amendments and changes in the legislation discussed.

Primarily responsible for the coverage of the provisions concerning congressional ethics is Jack Maskell, Legislative Attorney, American Law Division; lobbying reform is Eric Petersen, Analyst in American National Government, Government and Finance Division; and congressional procedural reform is Sandy Streeter, Analyst in American National Government, Government and Finance Division. Assistance with the provision concerning congressional pay raises was provided by Ida Brudnick, Analyst in American National Government, Government and Finance Division, and with the campaign finance provisions relating to “527s” by Paige Whitaker, Legislative Attorney, American Law Division, and Joe Cantor, Specialist in American National Government, Government and Finance Division.

At the conclusion of the side-by-side comparison is a list of CRS Reports that provide further discussion and more detailed analysis of many of the issues that are addressed in the legislation and summarized in the preceding charts.

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Lobbying, Ethics and Related Procedural Reforms: Comparison of Current Provisions of S. 2349 and H.R. 4975

The following table provides a side-by-side summary and comparison of the provisions of S. 2349, as amended on March 8, 2006, and H.R. 4975, as introduced on March 16, 2006, 109th Congress.

Table 1. Comparison of Current Provisions of S. 2349 and H.R. 4975

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
CONGRESSIONAL ETHICS REFORMS			
Gifts — <i>de minimis</i> exception	Senate Rule XXXV, House Rule XXV, cl. 5, prohibit receipt of gifts by Members and staff from most sources, but exempt a gift of under \$50 in value (if aggregate gifts in one year from same source do not exceed \$100).	Section 106. For Senators and staff, prohibits even <i>de minimis</i> gifts, that is, those under \$50 (including meals), from a registered lobbyist or agent of a foreign principal. (Note: refreshments of “nominal value,” when offered “other than as part of a meal,” would appear to still be permitted under exception at Senate Rule XXXV, cl. 1(c)(22)).	Section 302. Instructs the House Committee on Standards of Official Conduct to recommend, by December 15, 2006, any changes in “current dollar limitations” under House gift rules.
Gifts — valuation	No specific valuation provision in current House or Senate Rules.	No provision.	Section 304. Requires valuation (for purposes of the under-\$50- <i>de minimis</i> exception) of unpriced tickets and passes to sporting/entertainment events at the highest price of a ticket to event with a face value.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Gifts — Travel: private sources paying for “officially connected” travel	House Rule XXV, cl. 5(f), Senate Rule XXXV, cl. 2(d), now allow acceptance of “officially connected,” “necessary” and “reasonable” travel expenses from some private sources (not lobbyists or foreign agents) for a limited amount of time when purpose of trip is sufficiently connected to official duties, if such travel and expenses are disclosed within 30 days of trip. “Necessary expenses” currently excludes expenses for personal entertainment or recreational activities.	Section 107(a). Requires certification to and approval from the Senate Select Committee on Ethics prior to Senators, officers, or employees accepting travel and transportation expenses or reimbursements from a private source (not a governmental entity) for any “officially connected” travel. Sponsor of trip must certify in writing as to source of funds. Detailed itinerary, and reporting required.	Section 301. Suspends permission to accept any privately financed travel in connection with official duties by Members, officers and employees of the House. Section 302 instructs House Committee on Standards to recommend Rule changes concerning the acceptance of privately funded, “officially connected” travel by December 15, 2006.
Travel on private, “corporate aircraft”	Travel on private, corporate aircraft generally must be reimbursed so that such travel for official purposes will not be a contribution to an “unofficial office account” (Senate Rule XXXVIII, House Rule XXIV), or, if for personal reasons, a personal “gift” to Member, officer or employee. No specific provision on “market value,” rate of reimbursement, required for such flights under House or Senate Rules (but see F.E.C. regs. for reimbursement of campaign-related travel).	Section 107(b). Amends Senate Rules to require reporting of travel by Senators and staff on private corporate jets (aircraft not licensed by the FAA for commercial air travel), — detailing to Secretary of Senate date, destination, owner or lessee of aircraft, purpose of and persons on trip. Does not prohibit, nor establish “market value” of such travel for purposes of reimbursement. Requires similar reporting to the F.E.C. for candidate travel for campaign purposes.	Section 303. Amends Lobbying Disclosure Act of 1995 [LDA] to prohibit lobbyist or lobbying firm from being on flight with House Member or staff on a private aircraft (aircraft not licensed by the FAA for commercial air travel) if aircraft is owned or operated by a client of the lobbyist of a lobbying firm. Does not prohibit such travel on private jets generally, nor establish rules for the “market value” of travel for purposes of reimbursement.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
“Revolving door,” post-employment conflicts of interest	18 U.S.C. § 207(d) prohibits, for one year after leaving office, “very senior” executive branch officials from lobbying — making communications or appearances with intent to influence — certain officials on the Executive Schedule within the entire executive branch, and all employees within one’s former agency. 18 U.S.C. § 207(e) prohibits, for one year after leaving office, Members and certain senior staff from lobbying — making communications or appearances with intent to influence — either House of Congress (for former Members), or their former employing office (for senior staff). Senate Rules (Rule XXXVII(9)) prohibit all Senate employees who become lobbyists from lobbying their former office for one year.	Section 241. Increases from 1 to 2 years current post-employment “cooling off” period for very senior executive branch personnel (Vice President, cabinet members, and certain presidential and vice presidential assistants), and for Members of Congress lobbying certain personnel in former branch of Government. Also increases scope of current 1-year “cooling off” period for senior Hill staff by restricting for 1 year post-employment lobbying of any Member, office, or employee of the entire House of Congress in which the staffer had worked (and not merely one’s former employing office or Member). Section 108. Amends current Senate Rules by prohibiting “senior” Senate staff (compensated at a rate of more than 75% of a Member’s salary, and employed more than 60 days) who become registered lobbyists from lobbying, for one year after leaving office, <i>any</i> Member, officer or employee of Senate.	No further post-employment lobbying, “revolving door,” prohibitions. Section 201 requires the Clerk of the House to notify departing Members and staff of the current restrictions on post-employment lobbying.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
“Revolving door,” post-employment conflicts of interest — employment negotiations	No current provisions for legislative branch	Section 109. Amends Senate Rule on conflicts of interest to prohibit Members of the Senate from arranging or negotiating private employment until the Member’s successor is elected, unless the Member discloses to the Secretary of the Senate for public release details of such private employment negotiations or arrangements.	Section 202. Amends House Rules to require Members to file with Comm. on Standards a statement that they are negotiating compensation for prospective employment or have any arrangement for prospective employment, if there would exist a conflict or appearance of a conflict of interest. Statement must be made within 5 days of negotiations, and Member should refrain from voting on pending measures in House or in committee concerning such conflicts.
Influencing private employment decisions	No specific provisions in current law.	Section 111. Amends the Senate Code of Conduct to prohibit Members from attempting to influence, on the basis of partisan political affiliation, the hiring or employment decisions of a private entity by promising or threatening to take or withhold official action by the Member or another.	Section 203. Amends the House Code of Official Conduct to prohibit Members from attempting to influence, on the basis of partisan political affiliation, the hiring or employment decisions of a private entity by promising or threatening to take or withhold official action by the Member or another.

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Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Staff contacts with Member's family who lobby	No current provisions in law or Rule.	Section 110. Amends Senate Rules to require that a Member prohibit his or her staff from having "official contact" with any of the Member's "immediate family" who are registered lobbyists or are retained by registered lobbyists to influence legislation.	No provision.
Congressional pensions	Members of Congress, like all federal employees, lose their federal pensions (annuities) for violations of various national security offenses, under so-called "Hiss Act." 5 U.S.C. §§ 8311, 8312.	No provisions.	Section 701. Members would generally lose credit towards their federal pensions for all service as a Member of Congress if they are convicted of bribery, acting as an agent of a foreign principal, or conspiracy to commit such offenses or to defraud U.S., when such conduct related to their official duties as a Member. Allows for certain flexibility in OPM for particular hardships for innocent spouse and dependent children

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Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Ethics training	No specific provision in Rules.	Section 232. Senate Ethics Comm. must conduct ethics training for Senate personnel, new Senators and staff to complete training no later than 60 days after beginning service and existing staff to complete program no later than 120 days after enactment.	Section 502. Requires H. Comm. on Standards of Official Conduct to provide ethics training once per Congress for every Member and employee. New employees shall receive training not later than 30 days after employment. Does not make ethics training mandatory for Members.
Publication of Ethics Manual	No specific provision in Rules. Senate Ethics Manual last published in 108 th Congress.	No provision.	Section 503. Requires H. Comm. on Standards of Official Conduct to publish an updated Ethics Manual within 120 days of enactment of this provision, and to update Manual every Congress thereafter.
Ethics Committees' reports	No specific provision in Rules.	Section 234. Requires annual reports from Senate Select Comm. on Ethics and the H. Comm. on Standards of Official Conduct on numbers and disposition of all complaints of alleged violations of rules.	No provision.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
LOBBYING DISCLOSURE REFORM			
Timing of reports from lobbyists.	2 U.S.C. §§ 1602, 1603, 1604 1605. Lobbying Disclosure Act of 1995 [LDA] requires and implements semi-annual reporting by covered “lobbyists.”	Section 211. Requires quarterly, rather than semi-annual, filing by lobbyists, and adjusts the threshold and triggering amounts in the Lobbying Disclosure Act of 1995 [LDA] to reflect the new quarterly periods.	Section 101. Requires quarterly, rather than semi-annual, filing by lobbyists, and adjusts the threshold and triggering amounts in the LDA to reflect the new quarterly periods.
Reporting thresholds	2 U.S.C. § 1604. If 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.	Section 211. Would reduce thresholds to \$2,500 and \$10,000, respectively, to reflect quarterly reporting.	Section 101. Would reduce thresholds to \$2,500 and \$10,000, respectively.
Disclosure of expenses	2 U.S.C. § 1604. Requires a “good faith estimate” 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.	Section 211. 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, and increments above \$25,000, rounded to the nearest \$20,000.	Section 101. Would reduce estimated expense increments for lobbying to less than \$5,000 and \$10,000.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Electronic filing	2 U.S.C. § 1604. Requires registered lobbyists to “file a report” with Clerk of House and Secretary of Senate. Pursuant to a directive issued by the chairman of the Committee on House Administration, the Clerk only accepts electronic filing of LDA materials after Jan. 1, 2006 (Bob Ney, chairman, Committee on House Administration, “Electronic Filing of Disclosure Reports,” dear colleague letter, June 29, 2005.)	Section 219. Requires electronic filing by lobbyists in addition to any written, paper reports filed.	Section 102. Requires LDA registrations and reports to be filed in electronic form in addition to any other form that may be required by the Clerk or the Secretary.
	2 U.S.C. § 1605. Instructs Clerk of House and Secretary of Senate to be repositories and to allow public inspection of lobby disclosures and filings.	Section 213. Requires repositories of lobbying disclosure reports to create a searchable, sortable, and downloadable database of lobbyist reports and registrations, linked to campaign reports filed with the F.E.C., available to the public within 48 hours of filing.	Section 103. Requires creation and maintenance by the Clerk and the Secretary of a searchable, sortable, and downloadable database containing LDA registration and disclosure information, made available through the Internet.

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Lobbyists' past Government employment	2 U.S.C. § 1603(b)(6). Details required contents of lobbyist registration statements including identity information, clients, entities contributing \$10,000 or more to lobbying activities, identity of certain foreign entities involved, general issue areas of interest, names of employees of registrant who will lobby.	Section 214. Requires lobbyists also to disclose all prior executive and legislative branch employment in registration statements.	Section 104. Requires lobbyists also to disclose all prior executive and legislative branch employment in registration statements for seven years prior to registration.
"Coalition" lobbying: disclosures	2 U.S.C. § 1602. In definitions section, LDA provides that a "coalition" is generally to be considered the "client" of a lobbyist, and not the individual organizations that are members of the coalition.	Section 217. Requires lobbyist-registrant to list, besides "coalition" as "client," any other organization contributing more than \$10,000 to lobbying activities of lobbyist in reporting period and who "participates in a substantial way in the planning supervision or control of such lobbying activities." Exempts organizations for which the affiliation or funding of coalition is "publicly available knowledge," unless organization plans, supervises, or controls the lobbying activities. Provides that individuals who are members of an organization do not need to be disclosed under these provisions.	No provision.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Gifts from lobbyists — prohibition	House and Senate Rules regulate Members and staff accepting gifts from lobbyists, but Rules do not extend to lobbyists who are outside of purview of ethics committees. Lobbyists, and all others, prohibited from offering “bribes” and “illegal gratuities” to Members and staff. 18 U.S.C. § 201.	Section 251. Would amend LDA to expressly prohibit a lobbyist from making a gift or providing travel to a Member, officer or employee of Congress unless such gift is permitted under the provisions of the applicable Rules of the House of Representatives or of the Senate.	No provision.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Gifts, donations from lobbyists — reporting	No specific reporting provision.	Section 215. Lobbyists must disclose payments for travel “in connection with the duties” of a covered official “provided, or directed or arranged” for covered legislative branch or executive branch official. Lobbyists must also provide details on any funds “contributed or disbursed by, or arranged by” a registrant or employee lobbyist to pay costs of event honoring covered official; donated on behalf of an entity named for an official or to an entity in recognition of an official, or to an entity “established, financed, maintained, or controlled by” a covered legislative or executive branch official; or to pay the costs of a meeting, retreat or conference for the benefit of a covered official, other than campaign related items covered by the Federal Election Campaign Act.	Section 105. Requires lobbyists to disclose any gifts that count toward the annual gift limit established by House rules.

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Contributions from lobbyists — reporting	No specific gift or contribution reporting requirement of lobbyists. General FEC reporting requirements by recipients of contributions, at 2 U.S.C. §§ 431 - 434.	Section 212. Requires registered lobbyists to report annually identifying any Federal candidate, officeholder, leadership PAC, or political party committee to whom a contribution of over \$200 was made, or for whom a fund-raiser was hosted, co-hosted or sponsored.	Section 105a. Requires each LDA registrant and lobbyist, and any “affiliated” political committee defined in FECA to disclose any contributions made to federal candidates, officeholders, leadership PACs, political party committees or other entity that would be subject to disclosure under FECA. Lobbyists would also be required to disclose any gifts that count toward the annual gift limit established by House rules. No specific definition of “affiliated” committee in current legislative proposals concerning their interactions with entities that secure lobbying services that must be disclosed under LDA.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
“Grassroots” lobbying disclosure	2 U.S.C. § 1602; 2 U.S.C. § 1604. Current law requires only reporting of expenses and information on <i>direct</i> “lobbying contacts,” and certain other “lobbying activities” in support of such direct contacts, but does not separately require reporting of “grassroots” lobbying expenditures.	Section 220. Would require reporting of certain paid efforts to stimulate grassroots lobbying that are done on behalf of clients. Further defines “lobbying activities” to “include paid efforts to stimulate grassroots lobbying but that do not include grassroots lobbying.” Defines “paid efforts to stimulate grassroots lobbying” as “any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered official to urge those officials (or Congress) to take specific action....” Grassroots lobbying firms would be any person or entity “retained by one or more clients in paid efforts to stimulate grassroots lobbying on behalf of such clients.” Requires registration by grassroots lobbying firms not later than 45 days after it is retained by a client. Requires separate itemization by registered lobbyists and registered grassroots lobbying firms of paid efforts to stimulate grassroots lobbying from the total amount of income received for lobbying. Estimates for paid efforts to stimulate grassroots lobbying may be disclosed in increments of less than \$10,000, less than \$25,000, and increments	No new provision.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Increased penalties for Lobby Disclosure Act violations	2 U.S.C. § 1606. Fine for violations of LDA is up to \$50,000.	Section 216. Raises penalties for knowingly failing to file or other violations of the Lobbying Disclosure Act of 1995 from \$50,000 fine to \$100,000.	Section 106. Raises penalties for knowingly failing to file or other violations of the Lobbying Disclosure Act of 1995 from \$50,000 fine to \$100,000.
Oversight, Administration of Lobbying Disclosure	No current explicit provision of law or Rule. The Committee on House Administration and the Senate Committee on Rules and Administration have jurisdiction over the Clerk of the House and the Secretary of the Senate, respectively, and may have some oversight authority of LDA provisions the Clerk and the Secretary must implement.	Section 218. Requires semi-annual reports from the administrators of the LDA concerning the aggregate number of non-compliance referrals made to the Department of Justice, and requires a semi-annual report from the United States Attorney for the District of Columbia concerning enforcement actions taken by that office on such referrals.	No provision.
Audits of Lobbying Reports	No current provision of law or Rule.	Section 231. Requires Comptroller General to audit lobbying reports annually to determine extent of compliance with law., and to report not later than April 1 annually to Congress assessment of compliance and any recommendations to improve compliance and oversight.	Sections 401, 402. Requires the Inspector General of the House to audit LDA disclosure information, and to refer potential violations of the Act to the Department of Justice. The measure provides for ongoing reviews and annual reports by the inspector general on activities carried out by the Clerk of the House under LDA. 401, 402

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Self regulation of lobbying	No current provision of law or Rule.	Section 233. Expresses the sense of the Senate that the “lobbying community” should create standards for lobbyists, require training programs for such persons, develop educational materials, standardize a suggested fee structure, and have third-party certification program which includes ethics training for lobbyists.	No provision.

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CONGRESSIONAL OPERATIONS AND PROCEDURES			
Conference Reports — out of scope matters	Senate Rule XXVIII prohibits members of a conference committee (conferees) from including matter not provided in the House- or Senate-passed versions of bill (new matter) in a conference report. In cases in which conferees are negotiating over a bill and a complete substitute amendment, conferees may include in conference report a new substitute on the same subject. While conferees may not include new matter, they may include matter which is a germane modification of provisions in either bill or original substitute amendment. If a point of order that conference report violates this rule is sustained, conference report falls or is recommitted to conference committee. Chair's ruling may be appealed, sustaining Chair's ruling requires majority vote, w/quorum present.	Section 102 provides a freestanding provision that does not explicitly or directly amend any Senate rule. This section would prohibit consideration on the Senate floor of any conference report that includes matter that was not provided in the House- or Senate-passed versions of the bill. If a point of order under this provision was sustained, the new matter would be stricken and the Senate would consider whether to send an amendment containing the remaining provisions in the conference report to the House. More than one point of order could be raised, and the Senate would consider the amendment after all points of order have been disposed of. This question would be debatable. No further amendments would be allowed. A 3/5 vote of all Senators would be required to waive or suspend section 102 or override an appeal of the Chair's ruling.	No new provision.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Conference Reports — layover requirements	Senate Standing Rule XXVIII allows a motion to proceed to consider a conference report at any time if copies of the conference report are available to each Senator.	Section 104 amends the Standing Rules of the Senate (XXVIII) to prohibit consideration of a conference report, unless report is available to all Senators and available on Internet for at least 24 hours before its consideration. The effective date of this section is 60 days after enactment. Not later than this date, the Secretary of the Senate would be required to develop and establish a website capable of meeting the above requirement, after consulting with Enrolling Clerks of the Senate and House of Representatives, the Government Printing Office, and the Senate Committee on Rules and Administration.	No new provision.

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Earmarks	In current practice, earmarks may be included in measures, committee reports, conference reports, joint explanatory statements, and committee lists. A single list by bill is frequently not available, instead earmarks may be organized in a document by agency, subject, or program. The documents generally do not include information identifying the earmark sponsor(s). Senate: The Senate typically brings up a measure by unanimous consent or on a motion to proceed, requiring a majority vote. If a motion is used, a point of order against its consideration could be raised. The chair would rule on the point of order, although the ruling would be subject to appeal. House: Before the House considers a general appropriations measure,^a or conference report to such a bill, it typically adopts a blanket waiver of any rules that might prohibit consideration of the measure or conference report. If a waiver is not adopted and a point of order is raised, the Presiding Officer rules on the point of order. If the point of order is	Section 103 adds a new Senate Standing Rule, Rule XLIV, which would require disclosure of certain earmarks and a 24-hour layover requirement. It would prohibit consideration of any Senate bill, Senate amendment, or conference report to any bills (including appropriations, authorization, and revenue bills) unless certain earmark information was available to all Senators, and available on the Internet for at least 24 hours, before its consideration. The required earmark information is: (1) a list of all earmarks in the measure, (2) identification of the Senator(s) that proposed the earmark, and (3) an explanation of the essential governmental purpose of the earmark. This section defines <i>earmark</i> as a provision that specifies the identity of a non-federal entity to receive a specific amount of assistance (in the form of budget authority, contract authority, loan authority, other expenditures, tax expenditure, or other revenue items). If a point of order is raised under this provision, the chair would rule on it, although the ruling would be subject to appeal.	Section 501 would require disclosure of certain earmarks. It would prohibit consideration of a general appropriations bill reported by the House Committee on Appropriations unless the committee report included (1) a list of earmarks provided in the reported bill or in the committee report and (2) identification of any Representative submitting a request for an earmark on the list. Section 501 also would prohibit consideration of a conference report for a general appropriations bill unless the joint explanatory statement contained a list of earmarks (and any Representative requesting such earmark) that originated at the conference stage. The provision regarding conference reports would not be subject to a waiver. If a point of order was raised under section 501, the chair would not rule. Instead, the House would consider the question of consideration, which would be debatable for 20 minutes. This section defines <i>earmark</i> as a provision in a measure (committee report, conference

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Votes and congressional pay raises	2 U.S.C. 31 provides for an automatic annual adjustment of pay for Members of Congress that is determined by a formula using a component of the Employment Cost Index, which measures rate of change in private sector pay. The adjustment for Members automatically takes effect unless (1) Congress statutorily prohibits the adjustment; (2) Congress statutorily revises the adjustment; or (3) the annual base pay adjustment of General Schedule (GS) federal employees is established at a rate less than the scheduled increase for Members, in which case Members are paid the lower rate.	Provides that any adjustment under 2 U.S.C. 31 shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made. Directs any amount not paid under this provision be transmitted to the Treasury for deposit in the appropriations account under the subheading "Medical Services" under the heading "Veterans Health Administration".	No new provision.

Issue/Provision	Current Law or Rule	S. 2349	H.R. 4975
Floor privileges — former Members	House Rule IV, Section 4 disallows floor privileges to former Member who is a registered lobbyist or agent of a foreign principal, has a personal interest in a matter, or is in the employ of anyone to influence the passage or defeat of any measure pending before the House or under consideration of committees. On 1/31/2006, House adopted H.Res. 648, amending House Rule IV to deny floor privileges to former Members, officers and certain staff: who are registered lobbyists or agents of a foreign principal; have any direct personal or pecuniary interest in any legislative measure pending before House or reported by a committee; or are employed or represent any entity to influence the passage, defeat, or amendment of any legislative proposal.	Section 105. Amends the Standing Rules of the Senate to withdraw privileges to the Senate floor for any former Member or officer of the Senate (Senate Rule XXIII) who is a “registered lobbyist” or an “agent of a foreign principal,” or is in the employ or represents any party to influence the passage or defeat of legislation.	No new provision.

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CAMPAIGN FINANCE			
Reform of “527” organizations’ campaign expenditures	Although most 527’s are considered “political committees,” as defined and regulated by the Federal Election Campaign Act (FECA), some are not currently regulated by FECA despite engaging in activity related to federal elections, arguably because their communications do not expressly advocate the election or defeat of a clearly identified candidate.	No provision.	Title VI applies federal regulation to 527s involved in federal election-related activities, but not currently regulated by the FECA. Virtually identical to H.R. 513 (Shays-Meehan), as reported by House Admin. Comm. without recommendation. Would add political organizations operating under § 527 of Internal Revenue Code to definition of <i>political committee</i> under FECA, unless involved exclusively in state and local elections; would require political committees (but not candidate or party committees) making disbursements for voter mobilization activities or public communications that affect both federal and non-federal elections to generally use at least 50% hard money from federal accounts to finance such activities (but requires that 100% of public communications and voter drive activities that refer to only federal candidates be financed with hard money from a federal account). Would allow contributions to non-federal accounts

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			making allocations under this provision only by individuals and in amounts of up to \$25,000 per year. In one additional provision not included in H.R. 513, section 604 would repeal the limitation on coordinated expenditures by political parties under the FECA.

Further Resources

Lobbying

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 RL33293, *Lobbying and Related Reform Proposals: Consideration of Selected Measures, 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 RS22226. *Summary and Analysis of Provisions of H.R. 2412, the Special Interest Lobbying and Ethics Accountability Act of 2005*, by Jack Maskell.

CRS Report RS22209. *Executive Lobbying: Statutory Controls*, by Louis Fisher.

CRS Report 96-809. *Lobbying Regulations on Non-Profit Organizations*, by Jack H. Maskell.

CRS Report RS20725. *Lobbyists and Interest Groups: Sources of Information*, by Mari-Jana “M-J” Oboroceanu.

CRS Report RL33065. *Lobbying Reform: Background and Legislative Proposals, 109th Congress*, by R. Eric Petersen.

Congressional Ethics Rules

CRS Report RL33237, *Congressional Gifts and Travel: Proposals in the 109th Congress*, by Mildred Amer.

CRS Report RL33047, *Restrictions on the Acceptance of “Officially Connected” Travel Expenses From Private Sources Under House and Senate Ethics Rules*, by Jack Maskell.

CRS Report RS22231, *The Acceptance of Gifts of Free Meals by Members of Congress*, by Jack Maskell.

CRS Report RL31126, *Lobbying Congress: An Overview of Legal Provisions and Congressional Ethics Rules*, by Jack Maskell.

CRS Report 97-875, *“Revolving Door,” Post-Employment Laws for Federal Personnel*, by Jack Maskell.

Congressional Procedures

CRS Report RL33295, *Comparison of Selected Senate Earmark Reform Proposals*, by Sandy Streeter.

Campaign Finance

Campaign Finance and Regulation of 527 Organizations, at [http://beta.crs.gov/cli/cli.aspx?PRDS_CLI_ITEM_ID=529].

CRS Report RL32954, *527 Political Organizations: Legislation in the 109th Congress*, by Joseph E. Cantor, and Erika Lunder.