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

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Summary

This report summarizes and compares the provisions concerning lobbying, ethics, and related congressional procedural reforms being considered in S. 2349, 109th Congress, as passed by the Senate on March 29, 2006, and H.R. 4975, 109th Congress, as passed by the House on May 3, 2006. The table presents a side-by-side comparison of the bills and will be updated regularly to reflect amendments to and changes in the legislation.

Contributors to the report include Jack Maskell, legislative attorney, American Law Division (primarily responsible for covering the provisions concerning congressional ethics); Eric Petersen, analyst in American National Government, Government and Finance Division (lobbying reform); and Sandy Streeter, analyst in American National Government, Government and Finance Division (congressional procedural reform). Ida Brudnick, analyst in American National Government, Government and Finance Division, assisted with the provision concerning congressional pay raises. Paige Whitaker, legislative attorney, American Law Division, and Joe Cantor, specialist in American National Government, Government and Finance Division, assisted with the campaign finance provisions relating to 527 organizations.

The report concludes with a list of CRS resources that provide further discussion and more detailed analysis of the issues addressed by the legislation presented in the table.

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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 passed by the Senate on March 29, 2006, and H.R. 4975, as passed by the House on May 3, 2006.

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

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
Congressional Ethics Reforms			
Gifts — *de minimis* 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 *de minimis* gifts — those under $50 (including meals) — from a registered lobbyist or foreign agent. (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 any changes to the "exceptions to the limitations on the acceptance of gifts" in clause 5(a) of Rule XXV of the House Rules.
Gifts — valuation	No specific valuation provision in current House or Senate Rules.	No provision, but, as noted above, would ban most *de minimis* gifts (under $50) from a registered lobbyist or agent of a foreign principal.	Section 304. Requires valuation (for purposes of the under-$50-*de minimis* exception) of unpriced tickets and passes to sporting/entertainment events at the highest price of a ticket to event with a face value.
Gifts from lobbyists — prohibitions (see also "Lobbying Disclosure Reform," below)	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.	Section 251. Would amend Lobby Disclosure Act of 1995 (LDA) to expressly prohibit a lobbyist from making a gift or providing travel to a Member or staff of Congress unless gift is permitted under the provisions of the applicable Rules of the House of Representatives or of the Senate.	Sec. 107. Amends LDA to expressly prohibit a lobbyist or client from making any gift to a Member or employee of the House knowing that such gift violates the Rules of the House of Representatives. Provides fine of up to $50,000 for violations.

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
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 S. Select Comm. on Ethics prior to Senators, officers, and staff 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, that trip is not funded, planned, or arranged by a registered lobbyist, and that a lobbyist will not participate or attend. Detailed itinerary and reporting required.	Section 301. Suspends permission to accept privately financed travel in connection with official duties by Members and staff of House until House Committee on Standards recommends Rule changes concerning the acceptance of privately funded, "officially connected" travel by June 15, 2006. Until then, H. Comm. on Standards may preapprove such travel by 2/3rds vote. After that, private sources must get H. Comm. on Standards to certify that travel conforms to Rules.
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 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. regulations 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 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 or 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, as passed by Senate	H.R. 4975, as passed by House
"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 office). 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, *any* 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.

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"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 H. 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 Senate Conduct Rules 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 House Conduct Rules to prohibit Members from attempting to influence, on the basis of partisan political affiliation, hiring or employment decisions of a private entity by promising or threatening to take or withhold official action by the Member or another.
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.

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Ethics training: Members and staff	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. Committee on Standards to provide mandatory ethics training for House employees once per Congress, and would withhold pay from any staff not completing such training. Amends House Rule XI to require H. Comm. On Standards to establish ethics training for Members, and requires publication of names of Members not taking training on Committee website and in the *Congressional Record.*
Ethics training: Lobbyists (see also Lobbying Disclosure Reform)	No provision.	No Provision.	Section 701 (amendment 8). Requires H. Comm. on Standards to provide 8-hour ethics training program to registered lobbyists on the Code of Official Conduct and disclosure rules applicable to House Members and staff. Provides for penalties for failure by lobbyists to take training once per Congress.
Publication of Ethics Manual	No specific provision in Rules.	No provision. Senate Ethics Manual published in 108th Congress.	Section 503. Requires House Comm. on Standards to publish an updated Ethics Manual within 120 days of this law, and to update Manual every Congress thereafter.

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
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.
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 provision.	Section 601. 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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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.

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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.
Searchable database of lobbyists	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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Electronic filing and searchable database for agents of foreign principals	Foreign Agents Registration Act (FARA) (22 U.S.C. 611 *et seq*.) requires reporting, disclosure to Justice Dept. by lobbying or political "agents" of "foreign principals"; does not require electronic filing, nor provide for public database of foreign agents.	Section 221. Requires FARA registration or updates to also be filed in electronic form. Requires Attorney General to create a searchable, sortable, downloadable database of reports and disclosure filings, linked to campaign reports filed under FECA, available to the public within 48 hours of filing.	No provision.
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.

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"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.
Identification of public entity clients	No specific identification provision.	Section 215 would amend LDA to require specific identification of a public entity that is the client of the reporting lobbyist.	No provision.
Gifts from lobbyists — prohibition	House and Senate Rules regulate Members and staff accepting gifts from lobbyists, but Rules do not extend to lobbyists themselves, who are beyond jurisdiction of ethics committees. Lobbyists 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.	Sec. 107. Amends LDA to expressly prohibit a lobbyist or client from making any gift to a Member or employee of the House knowing that such gift violates the Rules of the House of Representatives. Provides fine of up to $50,000.

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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. Section 105b. Establishes factors to be considered to determine the relationship between officials and "affiliated" committees and other entities.
"Grassroots" lobbying disclosure	2 U.S.C. § 1602; 2 U.S.C. § 1604. Current law requires only reporting of expenses and information on *direct* "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...."	No new provision.

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		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 above $25,000, rounded to the nearest $20,000.	
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. Establishes criminal penalties, up to three years for knowing and willful violation, up to five years for knowing willful and corrupt violation.

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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.
Ethics training: Lobbyists	No provision.	No provision.	Section 701 (amendment 8). Requires H. Comm. on Standards to provide 8-hour ethics training program to registered lobbyists on the Code of Official Conduct and disclosure rules applicable to House Members and staff. Provides for penalties for failure by lobbyists to take training once per Congress.

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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 exceeding the scope of the differences between the House- or Senate-passed versions of the bill in a conference report. In cases in which conferees are negotiating over a bill and a complete substitute amendment, conferees may include in the 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 the bill or the original substitute amendment. If a point of order that the conference report violates this rule is sustained, the conference report falls or is recommitted to the conference committee. The chair's ruling may be appealed, sustaining the chair's ruling requires a majority votes.	Section 102. Prohibits consideration on the Senate floor of any conference report that exceeds the scope of the differences between the House- or Senate-passed versions of the bill. If a point of order under this provision is sustained, the new matter is stricken and the Senate considers whether to send an amendment containing the remaining provisions in the conference report to the House. A point of order may be raised against each provision in violation of this rule, and the Senate considers the amendment after all points of order have been disposed of. This question is debatable, although no further amendments are allowed. A 3/5 vote of all Senators is required to waive or suspend section 102 or, on appeal, overrule the chair's ruling.	No new provision.

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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. Prohibits consideration of a conference report, unless it is available to all Senators and available on Internet for at least 48 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 is required to develop a website capable of meeting the above requirement, after consulting with the Clerk of the House of Representatives, the Government Printing Office, and the Senate Committee on Rules and Administration.	No new provision.
Earmarks	Earmarks are not currently defined in law or congressional rule. As defined by section 103 of S. 2349, earmarks have been 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). The Senate typically brings up a measure for consideration by unanimous consent or on a motion to proceed, requiring a	Section 103. Requires disclosure of certain earmarks and a 48-hour layover requirement. It prohibits consideration of any Senate bill, Senate amendment, or conference report to any bills (including appropriations, authorization, and revenue bills) unless certain earmark information is available to all Senators, and available on the Internet for at least 48 hours, before its consideration. The earmark information required is (1) a list of all earmarks in the measure; (2) identification of the Senator(s) who proposed the earmark; and (3) an explanation of the essential governmental purpose of the earmark. This section defines	Section 501. Requires disclosure of certain earmarks. It prohibits consideration of a general appropriations bill reported by the House Committee on Appropriations unless the committee report includes (1) a list of earmarks provided in the reported bill or in the committee report and (2) identification of Representatives submitting requests for earmarks in the list. Section 501 also prohibits consideration of a conference report for a general appropriations bill unless the joint explanatory statement contains a list of earmarks (and Representatives requesting such earmarks) that originated at the conference stage. If a

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	majority vote. If a motion to proceed 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. Sustaining the chair's ruling would require a majority vote. 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 sustained, the measure or conference report may not be considered. [a. In the House, *general appropriations bill* refers to all 11 annual regular appropriations bills as well as most supplemental appropriations measures.]	earmark 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 rules on it, although the ruling is subject to appeal. Sustaining the chair's ruling requires a majority vote.	point of order is raised under section 501, the chair does not rule. Instead, the House considers the question of consideration, which is debatable for 30 minutes. A point of order against consideration of a bill can only be made against the failure to include a list of earmarks; in contrast, a point of order against consideration of a conference report can be made against the failure to include a complete list of earmarks. Section 501 prohibits the House from considering a rule or order that waives the provision regarding conference reports. If a point of order is raised that a rule or order waives the conference report provision, the House votes on the following question: "Shall the House now consider the resolution notwithstanding the assertion of [the maker of the point of order] that the object of the resolution introduces a new earmark or new earmarks?" Section 501 defines *earmark* as a provision in a measure (committee report, conference report, or joint explanatory statement) providing or recommending a specific amount of funding that is (1) for a non-federal entity specifically identified in the documents, or (2) is allocated outside of the normal formula-driven or competitive

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			bidding process and is targeted to a specific state or congressional district (or identifiable person). Under certain circumstances, the following are excluded: federal facilities, federal lands, government-sponsored enterprises, states, territories, Indian tribes, foreign governments, and intergovernmental international organizations.
Bribery and Earmarks	Lobbyists and all others prohibited from offering things of value to Members and staff as "bribes" or "illegal gratuities" in connection with "any official act" of such Members or staff; all public officials are prohibited from accepting such bribes or illegal gratuities. 18 U.S.C. § 201.	No provision.	A new section would clarify and specify that the prohibitions in 18 U.S.C. § 201on bribery and illegal gratuities apply to a legislative "earmark," as defined in H.R. 4975.

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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.
Senate "Holds"	Senate rules and precedents are silent on "holds," an informal device that permits a single Senator or any number of Senators to stop floor consideration of measures or matters that are available to be scheduled by the Senate.	Section 114 would require Senators to submit written notice to the majority or minority leader, as appropriate, of their intent to object to proceeding to a measure, and submission of that objection fo inclusion in the *Congressional Record* within three days. The publication of the removal of such a hold in the *Congressional Record* is also required.	No provision.

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
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.

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
Study Commission to Strengthen Confidence in Congress	None.	Subtitle E, sections 261-270, establishes 10-member, bipartisan commission (chair and vice-chair appointed jointly by the minority and majority leaders of the House and Senate, 2 members appointed by senior Members of the leadership of the two parties in each chamber, with one of the two appointees each senior leader appoints to be a former Member of the chamber) to study and submit a report to Congress with its findings, conclusions, and recommendations on current congressional ethics requirements and enforcement. Establishes powers of the commission to hold hearings, gather evidence, and obtain information.	No provision.

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
Campaign Finance			
Reform of 527 organizations' campaign expenditures	Although most 527s 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.	Provisions of H.R. 513, 109th Congress, as passed by the House are included in H.R. 4975 (H.Res. 783, Section 2). Applies federal regulation to 527s involved in federal election-related activities, but not currently regulated by the FECA. Would add political organizations operating under § 527 of Internal Revenue Code to definition of *political committee* 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 making allocations under this provision only by individuals and in amounts of up to $25,000 per year.

Issue/Provision	Current Law or Rule	S. 2349, as passed by Senate	H.R. 4975, as passed by House
Personal use of campaign funds: Leadership PACs	Current law prohibits campaign funds received by a federal candidate to be converted to personal use, at 2 U.S.C. § 439a.	No provision.	Section 701. Specifies that the restriction on conversion to personal use of funds given to a candidate applies also to the funds in "Leadership PACs."

Additional 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.