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Lobbying and Related Reform Proposals: Consideration of Selected Measures, 109th Congress

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R. Eric Petersen
Analyst in American National Government
Government and Finance Division

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Summary

Numerous measures related to the reform of lobbying activities, including lobbying disclosure laws, campaign finance provisions, and congressional ethics and procedural rules have been introduced in the House and Senate in the 109th Congress. This report describes action taken on measures that have received committee consideration and have been subsequently reported either to the House or Senate. These measures are H.R. 4975 the Lobbying Accountability and Transparency Act of 2006; S. 2349, the Legislative Transparency and Accountability Act of 2006, ; S. 2128, the Lobbying Transparency and Accountability Act of 2005 and H.Res. 648, to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House. H.Res. 648 was adopted by the House on January 25, 2006.

H.R. 4975 was passed by the House on May 3, 2006, by a vote of 217-213. S. 2349, which incorporated S. 2128, was passed by the Senate on March 29, 2006 by a vote of 90 - 8. The House passed S. 2349 on May 23, 2006, with an amendment that substituted the language of H.R. 4975, as passed by the House. A conference between the chambers to reconcile differences between the House and Senate versions of the bill is pending.

For further background and discussion of other lobbying-related proposals, please consult the CRS Current Legislative Issues page on Lobbying, Ethics and Related Procedural Reform at [http://beta.crs.gov/cli/cli.aspx?PRDS_CLI_ITEM_ID=2405].

This report will be updated to reflect congressional action.

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Introduction

Numerous measures related to the reform of lobbying activities, including lobbying disclosure laws, campaign finance provisions, and congressional ethics and procedural rules have been introduced in the House and Senate in the 109th Congress.¹ This report describes action taken on the following four measures that have received committee consideration and have been subsequently reported either to the House or Senate:

- H.R. 4975, the Lobbying Accountability and Transparency Act of 2006, introduced by Representative David Dreier;
- S. 2349, the Legislative Transparency and Accountability Act of 2006, introduced by Senator Trent Lott;
- S. 2128, the Lobbying Transparency and Accountability Act of 2006, introduced by Senator John McCain; and
- H.Res. 648, to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House, introduced by Representative David Dreier.

Generally, the measures described in this report would amend some or all of the following:

- Lobbying Disclosure Act of 1995 (LDA),² as amended by the Lobbying Disclosure Technical Amendments Act of 1998.³ LDA requires lobbyists who are compensated for their actions, whether an individual or firm, to register and to file semiannual reports of their

¹ See CRS Report RL33065, *Lobbying Reform: Background and Legislative Proposals, 109th Congress*, by R. Eric Petersen, and CRS Report RL33234. *Lobbying Disclosure and Ethics Proposals Related to Lobbying Introduced in the 109th Congress: A Comparative Analysis*, by R. Eric Petersen.

² P.L. 104-65, Lobbying Disclosure Act of 1995 (109 Stat. 691, 2 U.S.C. 1601).

³ P.L. 105-166, Lobbying Disclosure Technical Amendments Act of 1998 (112 Stat. 38, 2 U.S.C. 1601 note).

activities with the Clerk of the House and the Secretary of the Senate.

- 18 U.S.C. 207, which specifies limitations on lobbying activities by former executive branch officials, Members of Congress, and congressional staff.
- Senate Rule XVI, Appropriations and Amendments to General Appropriations Bills.
- Senate Rule XXIII, Privileges of the Floor.
- Senate Rule XXXV, Gifts.
- Senate Rule XXVIII, Conference Committees; reports; open meetings.
- House Rule IV, The Hall of the House.

In the decade since enactment of LDA, concerns have been raised about the capacity of Congress to oversee the activities of professional lobbyists through existing institutional arrangements. The oversight of lobbying, and the transparency intended by congressional rules, LDA, and other related laws may be impaired by the actions of lobbyists and others who seek to participate in public policy activities through the formation of coalitions and associations whose members may not be identifiable, or the use of grassroots campaigns that attempt to mobilize citizens to advance the message of a lobbyist's client. Some lobbying activities have also been linked to campaign finance practices, congressional procedures regarding the acceptance of gifts from lobbyists, and the inclusion of earmarks advocated by lobbyists in legislation.

In the 109th Congress, legislative proposals related to lobbying disclosure and related ethics rules focus on external and internal participants in the public policy-making process. External groups include lobbyists, their clients, entities that provide services, such as mass mailings or phone banks, and affiliated political committees that might have a peripheral role in lobbying activities through campaign finance activities. Legislative approaches to address external groups include proposals to amend lobbying disclosure, and in some cases campaign finance laws, to require lobbyists to identify themselves, their clients, and activities on behalf of those clients in a more comprehensive manner than currently required by LDA. Internal groups include executive branch officials, Members of Congress and their staffs, and other legislative branch officials who might interact with lobbyists in the course of their official duties. Legislative proposals addressing internal groups include amendment of House and Senate rules regarding interactions with lobbyists by Members and congressional staff, as well as increased waiting periods on certain types of employment these officials may undertake after they leave office or public service.

Recent Action

S. 2349, Appointment of Conferees. The House considered S. 2349 on May 23, 2006. Pursuant to H.Res. 783 discussed below, the House struck all after the enacting clause of S. 2349 and insert in lieu thereof the provisions of H.R. 4975 as engrossed by the House by unanimous consent.⁴ The same day, the Senate disagreed to the House amendments, requested a conference, and appointed conferees.⁵ A section by section analysis of S. 2349, as passed by the Senate, is available in Table 1. The appointment of House conferees is pending at the time of this writing.

H.R. 4975, House Consideration. Debate on H.R. 4975 commenced on May 3, 2006. Pursuant to a structured rule governing consideration of the measure adopted by the House on April 27, and discussed below, amendments were offered by Representatives Gohmert, Castle (two amendments), Lungren, Gingrey and Flake. All but the Gohmert amendment were adopted by voice vote. At the conclusion of debate on the bill, the Gohmert amendment was rejected by a vote of 108 – 320.⁶

Representative Slaughter offered a motion to recommit H.R. 4975 to the Committee on Rules with instructions. The motion was rejected by a vote of 213 – 216.⁷ H.R. 4975 subsequently passed the House by a vote of 217 – 213.⁸ A section by section analysis of H.R. 4975, as passed by the House, is available in Table 2.

Previous Activity

H.Res. 783. The House Committee on Rules met on April 26 to consider a rule governing House consideration of H.R. 4975. Pursuant to previous notice by the committee, 74 proposed amendments to the bill were submitted for consideration.⁹ After taking testimony from many Members, the committee adopted a structured rule by a vote of 9 – 2 that made in order the following amendments:

⁴ *Congressional Record*, daily edition, May 23, 2006, p. H3038

⁵ *Ibid.*, p. S5027.

⁶ *Ibid.*, May 3, 2006, pp.H2045-H2044.

⁷ *Ibid.*, p. H 2056.

⁸ *Ibid.*, p. H 2056-H2057.

⁹ The committee debated and voted on amendments offered by Representative Louise M. Slaughter, the panel's ranking member, and Representative James McGovern. Representative Slaughter's amendments included providing for an open rule for the consideration of H.R. 4975; a substitute amendment; provisions to prohibit securities trading by congressional staff based on nonpublic information; and a proposal to strike a provision in the rule that would waive all points of order against amendments made in order by the rule. Representative McGovern offered two amendments. The first addressed lobbying law related to the executive branch, including enhanced disclosure by political appointees. The second would require an LDA-registered lobbyist to disclose the solicitation and transmission of a campaign contribution on behalf of a candidate, as well as service as the treasurer of a campaign or a chairman of a political committee. Each amendment was rejected by a vote of 2 – 9.

- to strike language on failure to comply with lobbying disclosure requirements and replace it with an ascending civil penalty structure subsequent offenses, offered by Representative Louie Gohmert;
- to require that lobbyists be held liable for offering gifts in violation of the House gift ban, and subjecting violators who knowingly offer a gift to a Member of the House or House employee to a civil fine of up to \$50,000, offered by Representative Michael Castle;
- to allow Members and staff to participate in privately funded travel paid for by a 501(c)(3) non-profit organization if the travel funding does not originate, in whole or in part, from a registered lobbyist, and lobbyists would be prohibited from traveling on the trip. The trip sponsor would be required to disclose the itinerary of the trip to the House Committee on Standards of Official Conduct, which would be posted to the Internet, offered by Representative Dan Lungren
- to create a voluntary ethics training program for Members, and requiring them to publicly disclose whether they had completed the course, offered by Representative Mike Sodrel.
- to amend congressional pension forfeiture provisions in the bill to modify the extent to which pensions can be withheld from the spouse and family of a Member who loses his or her pension due to a conviction related to a violation of the public trust, offered by Representative Sheila Jackson-Lee.
- to extend current prohibitions on converting campaign dollars for personal use by campaign committees to leadership political action committees, offered by Representative Phil Gingrey.
- to prohibit former ambassadors and Central Intelligence Agency station chiefs from working as an agent of the nation where they were stationed for five years after their service concludes, offered by Representative Frank R. Wolf;
- to require LDA-registered lobbyists complete eight hours of ethics training during each Congress, and establishing civil penalties for failing to complete the training, offered by Representative Castle; and
- to clarify the application of criminal bribery and illegal gratuities statutes with regard to earmarks, and to prohibit a public official from corruptly soliciting or accepting anything of value in return for influence in the performance of an official act relating to an earmark, offered by Representative Jeff Flake.

In addition to the amendments, the rule provided for including the language of H.R. 513, the 527 Reform Act of 2006, which passed in the House on April 5, in the

version of H.R. 4975 passed by the House. Following completion of consideration of H.R. 4975, the rule made in order consideration of S. 2349, to strike all after the enacting clause of that measure, and to insert the text of H.R. 4975 as engrossed. Upon adoption, it would be in order to insist on the House amendment, and request a conference with the Senate.

The House considered the rule, designated as H.Res. 783, on April 27, and adopted it by a vote of 216-207.¹⁰

H.R. 4975, Committee Consideration. During the week of April 3, 2006, the House Committees on the Judiciary, Rules, House Administration, Government Reform and Standards of Official Conduct held markups of H.R. 4975, and voted to report the measure to the House.

Committee on the Judiciary. The Committee on the Judiciary met to consider H.R. 4975 on April 5. During consideration of the measure, Representative James Sensenbrenner, chairman of the panel, offered a manager's amendment, with the support of Ranking Member Representative John Conyers. The amendment would

- require disclosure of the date, recipient, and amount of funds contributed for fund-raising events for federal candidate or officeholders or their leadership PACs or a political party committee for whom a fund-raising event was hosted;
- require disclosure of the date, recipient, and amount of funds contributed or arranged to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official; contribute to any entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such an official; contribute to any entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, one or more covered legislative branch officials or covered executive branch officials;
- define leadership PAC as an unauthorized political committee established, financed, maintained and controlled by a federal officeholder or candidate for federal office;
- require disclosure of the names of Members of Congress with whom registrants have had lobbying contacts. The Clerk of the House and Secretary of the Senate would be required to notify Members of their respective chambers when an LDA registrant discloses Member contact;

¹⁰ *Congressional Record*, daily edition, Apr, 27, 2006, pp. H1887-H1888.

- require LDA registrants to report their expenses rounded to the nearest \$1,000;
- require the clerk to create and maintain a databases that links LDA information to the FECA database;
- increase the civil penalty for noncompliance with LDA from \$50,000 to \$100,000; and
- establish criminal penalties for knowingly and wilfully failing to comply with LDA disclosure requirements, punishable by imprisonment of up to three years. Cases of corrupt failure to comply with disclosure requirements would carry a potential prison term of up to five years.

The Sensenbrenner amendment was adopted by voice vote. Other amendments to H.R. 4975 considered in the Judiciary Committee included the following:

- Representative Martin Meehan offered an amendment to require grassroots lobbying firms to register under LDA and to disclose an estimate of income, including those related to paid advertising. The amendment was ruled not germane.
- Representative Darrell Issa offered an amendment that would have exempted violations for failure to file disclosures electronically, if the violation would be subject to a civil fine. After brief debate the amendment was withdrawn when another Member of the committee raised a point of order that the amendment was improperly drafted.
- Representative Meehan offered an amendment to prohibit a Member of Congress or elected officers of either chamber from knowingly engaging in lobbying activities within two years of leaving office. The amendment would also prohibit congressional staff members from lobbying for one year after leaving congressional employment. The amendment was ruled not germane.
- Representative Chris Van Hollen offered an amendment to require registered lobbyists to disclose information on any contributions they solicited and transferred to a candidate or political committee. Additionally, registered lobbyists who serve as the treasurer of the election committee of a candidate for a federal office or as treasurer or chairman of a political committee, would be required to disclose those affiliations to the Secretary of the Senate and the Clerk of the House. The amendment was adopted by a vote of 28 - 4.
- Representative Maxine Waters offered an amendment to require lobbyists to disclose the names of congressional staff members, with whom lobbying contacts are made. The amendment was adopted by voice vote.

- Representative Robert Scott offered an amendment to require the Government Accountability Office (GAO) to conduct a study on lobbyist employment practices and fee agreements. The amendment was adopted by voice vote.

The Committee on the Judiciary voted to report H.R. 4975, as amended, to the House by a vote of 18-16.

Committee on Rules. The Committee on Rules met to markup H.R. 4975 on April 5. The following amendments were considered:

- Representative Shelley Capito offered an amendment authorizing the Chief Administrative Officer (CAO) to withhold the salaries of House staff members who do not participate in mandatory ethics training required in H.R. 4975. Representative James McGovern offered a second degree amendment to the Capito amendment that would strike the section of the underlying amendment calling for staff salaries to be withheld if congressional staffers do not participate in the mandatory ethics training. The McGovern second degree amendment was rejected by a voice vote. The Capito amendment was adopted by voice vote.
- Representative Louise Slaughter offered an amendment to require a list of any items that were not in either the House- or Senate-passed versions of a bill to be included in the rule providing for consideration of a conference report. Additionally, the amendment would provide for a motion to strike items beyond the scope of a conference. The amendment was rejected by a vote of 4-9.
- Representative Phil Gingrey offered an amendment to expand the definition of earmark to include legislative directives to federal programs. The amendment was adopted by voice vote.
- Representative Slaughter offered an amendment to require a list published in the *Congressional Record* of Members who voted or changed their votes after 30 minutes whenever a recorded vote is held open for more than 30 minutes. The amendment was rejected by a vote of 4-9.
- Representative Slaughter offered an amendment to create a new point of order for the exclusive use of the majority and minority leaders that could be raised against a conference report when the integrity of that conference is in question. The amendment was rejected by a vote of 4-9.
- Representative Slaughter offered an amendment providing that staff on the Committee of Standards of Official Conduct could be dismissed only by vote of the committee. The amendment was rejected by a vote of 4-9.

- Representative McGovern offered an amendment to allow a point of order to be raised to determine whether the House will consider conference report if the three-day layover were waived. The amendment was rejected by a vote of 4-9.
- Representative McGovern offered an amendment to require members to pay full charter costs when using corporate jets for official travel and to disclose in the *Congressional Record* the owner or lessee of the aircraft and any other passengers on the flight. The amendment was rejected by a vote of 4-9.
- Representative McGovern offered an amendment to clarify that the meaning of “face value,” as used in section 304 of H.R. 4975, of a ticket for a sporting or entertainment event would mean the cost of that ticket if a member of the general public were purchasing it. The amendment was rejected by a vote of 4-9.
- Representative Alcee Hastings offered an amendment to mandate public disclosure of Members who sponsor earmarks in authorization, appropriation, and tax bills, including whether Members have a financial interest in the recipient or beneficiary of the earmark. The amendment was rejected by voice vote.
- Representative Hastings offered an amendment to establish a pre-approval and disclosure system for privately funded travel, to be overseen by the Committee on Standards of Official Conduct. The amendment was rejected by a vote of 3-8.
- Representative Doris Matsui offered an amendment to require a roll call vote in an open meeting of conferees, in order to report a conference report. The amendment was rejected by a vote of 4-7.
- Representative Matsui offered an amendment requiring 24 hours, instead of one legislative day, as the layover requirement for House consideration of a rule reported out of the Committee on Rules. The amendment was rejected by a vote of 4-8.

The Committee on Rules reported H.R. 4975, as amended, to the House by voice vote.

Committee on Government Reform. The Committee on Government Reform met to markup H.R. 4975 on April 6. Representative Tom Davis, chairman of the panel, offered an amendment revoking federal retirement benefits for Members of Congress, congressional staff, and political appointees in the executive branch, convicted of certain crimes (including acceptance of bribes, perjury, falsifying information, embezzlement), punishable by at least one year of imprisonment when those crimes are committed while employed by the government. The amendment was adopted by voice vote.

Representative Issa offered two amendments broadening the scope of government employees affected by pension revocation provisions. Both amendments were withdrawn after brief debate.

The Committee on Government Reform reported H.R. 4975 to the House by voice vote.

Committee on House Administration. The committee on House Administration met to consider H.R. 4975 on April 6. During consideration, Representative Juanita Millender-McDonald, ranking member of the panel offered three amendments to regulate the acceptance of privately funded travel by Members and staff of the House; to create an office of public integrity in the office of the House Inspector General; and to strike Title VI of H.R. 4975 related to the regulation of 527 groups. Each of the three amendments were rejected by votes of 2 - 5.

The Committee on House Administration reported the measure to the House without amendment by a vote of 5 - 2.

Committee on Standards of Official Conduct. It has been reported that the Committee on Standards of Official Conduct met to consider H.R. 4975 on April 6, and voted to report H.R. 4975 without amendment.¹¹

S. 2349, Senate Consideration. Floor consideration of S. 2349 was begun in the Senate by unanimous consent on March 6, 2006. During debate, Senator Trent Lott offered S.Amdt. 2907. The amendment was a substitute for S. 2349 consisting of the text of S. 2349, as reported, as Title I, and S. 2128, as reported, as Title II. S.Amdt. 2907 was adopted by unanimous consent and was considered a part of the original text of the bill for any further amendments.

On March 8, 2006, five other amendments were offered during Senate debate, including the following:

- S.Amdt. 2942, offered by Senator Christopher Dodd. The measure struck language from S. 2349, an exception in the measure that would have allowed lobbyists to provide meals and refreshments to Members of Congress and their staff. S.Amdt. 2942 was adopted by voice vote.
- S.Amdt. 2932, offered by Senator Harry Reid, would require Members of Congress and senior congressional staff to disclose employment negotiations; require review by the Office of Government Ethics of employment negotiations by certain executive branch officials; prohibit wrongfully influencing a private employment entity's employment decisions or practices by a Member of Congress; ban Senators and Senate staff from accepting gifts from lobbyists; prohibit Senators from accepting privately

¹¹ "Committee Endorses Lobbying Bill in Closed Session," *CQ Committee Coverage*, Apr. 6, 2006, retrieved from cq.com.

funded travel from certain entities that are affiliated with any group that lobbies Congress; prohibit Senators from accepting travel and accommodations planned, organized, or funded by lobbyists; amend LDA to require registrant to certify that they have not provided any gift, including travel, to a Member or employee of Congress in violation of Senate Rule XXXV; establish civil penalties for making false certifications in connection with congressional travel; establish criminal penalties for failing to comply with LDA; establish the sense of the Senate regarding meetings of conference committees and related procedures; and amend Senate rules to require Senate conferees an opportunity to vote in an open meeting on the full text of any conference report. S.Amdt. 2932 was rejected by the Senate by a vote of 44-55.¹²

- S.Amdt. 2934, offered by Senator James Inhofe. Unrelated to lobbying issues, the amendment would deny a cost of living increase to any Member of Congress who voted against such increases. The amendment was adopted by a voice vote
- S.Amdt. 2944, offered by Senator Ron Wyden. Unrelated to lobbying issues, the amendment would establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.
- S.Amdt. 2959 was offered by Senator Charles Schumer as a second degree amendment to S.Amdt. 2944. Unrelated to lobbying, the amendment would prohibit any foreign government that recognized the Taliban as the legitimate government of Afghanistan between 1996-2001 from owning, leasing, operating, or managing real property or facility at a United States port through a company it owns or controls.

A cloture motion on S. 2349 was presented on March 8 by Senator Bill Frist. The vote for cloture on the bill failed to achieve the necessary three-fifths majority, 51 - 47 on March 9.¹³

Further consideration of S. 2349 resumed on March 28. Senator Schumer withdrew S.Amdt. 2959, and Senator Susan Collins offered S.Amdt. 3176 as a second degree amendment to S.Amdt. 2944. S.Amdt. 3176 would have created a Senate office of public integrity with responsibility for carrying out certain activities related to Senate Ethics investigations. After two hours of debate, the Senate failed to adopt S.Amdt. 3176 by a vote of 30 - 67, but adopted S.Amdt. 2944 by a vote of 84 - 13.¹⁴

¹² *Congressional Record*, Mar 8, 2006 (daily edition), p. S1868.

¹³ *Congressional Record*, Mar 9, 2006 (daily edition), p. S1944.

¹⁴ *Congressional Record*, Mar 28, 2006 (daily edition), p. S2459.

With general agreement among most Senators as to the disposition of several proposed amendments to S. 2349, the Senate was able to invoke cloture on March 28 by a vote of 81 - 16.¹⁵

On March 29, the Senate resumed debate on S. 2349. Several amendments drafted by several Senators¹⁶ were called up by Senators Dodd and Lott, but were set aside temporarily by unanimous consent. The Senate considered several other amendments, including S.Amdt. 2962, offered by Senator Russell Feingold, to prohibit Senators and Senate staff from accepting lobbyist-paid meals. The Senate adopted S.Amdt. 2962 by a vote of 68-30.¹⁷

Senator Lott raised a point of order under Senate Rule XXII against several amendments.¹⁸ The point of order was sustained by the presiding officer, and the amendments fell. Several amendments were adopted en bloc by unanimous consent, including:

- S.Amdt. 2960, offered by Senator Carl Levin, requiring the creation and maintenance by the Department of Justice of an electronic filing system and database of disclosures received by the department under the Foreign Agents Registration Act. The database would be required to be searchable and sortable, and to link with information maintained by the Federal Election Commission under the Federal Election Campaign Act of 1971 (FECA);
- S.Amdt. 2963, offered by Senator Feingold, to require certification that any privately funded travel taken by Senators or Senate staff is not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent and that no registered lobbyists would participate in the trip;
- S.Amdt. 2970, offered by Senator John Sununu, to revise the time period for Internet availability in the provisions relating to earmarks and availability of conference reports from 24 hours to 48 hours;

¹⁵ Ibid., p. S2460.

¹⁶ Amendments brought up and temporarily set aside include S.Amdt. 2930, S.Amdt. 2965, and S.Amdt. 2995, offered by Senator Dodd for Senator Barack Obama; S.Amdt. 2960 offered by Senator Dodd for Senator Carl Levin; S.Amdt. 2963, offered by Senator Russell Feingold; S.Amdt. 3181, and S.Amdt. 3182, offered by Senator Dodd for Senator Robert Byrd; S.Amdt. 2954, offered by Senator Dodd for Senator Max Baucus; S.Amdt. 2980, S.Amdt. 2981 and S.Amdt. 2893, offered by Senator Lott for John Ensign; S.Amdt. 2961, offered by Senator Lott for Senator John Cornyn; S.Amdt. 3175, offered by Senator Lott for Senator Tom Coburn, S.Amdt. 2970, offered by Senator Lott for Senator John Sununu; and S.Amdt. 2936, S.Amdt. 2937, and S.Amdt. 2982, offered by Senator Lott for Senator James Inhofe.

¹⁷ *Congressional Record*, Mar 29, 2006 (daily edition), p. S2498.

¹⁸ Amendments that fell include S.Amdt. 2965, S.Amdt. 2995, S.Amdt. 2954, S.Amdt. 3175, S.Amdt. 2936, S.Amdt. 2937, and S.Amdt. 2982.

- S.Amdt. 2961, offered by Senator John Cornyn, requiring that identification of LDA clients as public, governmental entity or a private entity; and
- several amendments that Senator Lott described as technical amendments.¹⁹

The Senate then considered S.Amdt. 2980, offered by Senator John Ensign, to clarify the definition and applicability of earmarks. The Senate adopted S.Amdt. 2980 by a vote of 57 - 41.²⁰

On March 29, S. 2349, as amended, was passed by the Senate by a vote of 90-8.²¹

S. 2128, Committee Consideration. On March 2, 2006, the Senate Committee on Homeland Security and Governmental Affairs marked up S. 2128. Panel Chairman Senator Collins offered an amendment in the nature of a substitute for the entire measure. Seven additional amendments were offered to the substitute during the markup. Amendments adopted by the committee included

- striking language to create an office of public integrity that would have overseen LDA registration and disclosure processes, and conducted certain activities related to congressional ethics investigations. The amendment, which included provisions for the writing of annual reports by the ethics committees of the House and Senate, was offered by Senator George Voinovich, and adopted by the committee by a vote of 10-5;
- the regulation of grassroots lobbying under LDA, offered by Senators Joseph Lieberman and Carl Levin, and adopted by the committee by a vote of 10-6; and
- two measures offered by Senator Norm Coleman. The first would create a commission to strengthen confidence in Congress that would evaluate congressional ethics and lobbying regulations and laws and report its findings to Congress. The second amendment set a 30-day deadline for disclosure by Senators of any privately funded travel they take. Both amendments were adopted by voice vote.

Three amendments were offered and withdrawn after brief debate:

¹⁹ Technical and clarifying amendments adopted by unanimous consent include S.Amdt. 2930, S.Amdt. 3181, and S.Amdt. 3182; S.Amdt. 2979, S.Amdt. 3184, and S.Amdt. 3185, offered by Senator Lott; and S.Amdt. 3186, S.Amdt. 3187, and S.Amdt. 3188, offered by Senator Lott for Senator Collins.

²⁰ *Congressional Record*, Mar 29, 2006 (daily edition), p. S2509.

²¹ *Ibid.*, p.2511.

- an amendment to create a database for foreign lobbyists registered under the Foreign Agents Registration Act of 1938, as amended,²² offered by Senator Levin;
- an amendment to restrict the activities of some legislative and executive branch officials and assure impartiality in performing official duties, offered by Senator Mark Dayton; and
- an amendment to prohibit the wrongful influencing of a private entity's employment decisions in exchange for political access or favors, offered by Senator Frank Lautenberg.

The committee approved the substitute as amended and approved a motion to report S. 2128 as amended to the Senate by a vote of 13 to 1.

S. 2349, Committee Consideration. On February 28, 2006, the Senate Committee on Rules and Administration marked up an original measure, the Legislative Transparency and Accountability Act of 2006. The measure was reported to the Senate by an 18-0 vote. Introduced in the Senate on March 1, and numbered S. 2349, the measure amends Senate rules governing the interaction of Senators and Senate staff with lobbyists, and makes several changes regarding Senate procedures thought to be subject to influence by lobbyists. As reported by the committee, S. 2349 would

- amend Senate rules to prohibit for one year any former Senate senior-level employee²³ who served on the staff of a Senator or of a Senate committee, and who subsequently becomes a registered lobbyist or lobbyist employee for the purpose of influencing legislation, from lobbying any Senator, officer, or employee of the Senate;
- require a Senator to file with the Secretary of the Senate, a statement for public disclosure that he or she is negotiating or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. The disclosure would be required to file a disclosure within three days of commencing such negotiation or arrangement;
- require a Senator or Senate staff to obtain written certification before undertaking any travel that the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent, and that the provider did not accept funds from a registered lobbyist or foreign agent

²² 22 U.S.C. 612.

²³ The proposal would affect Senate staff who worked for a Senator or Senate committee and whose rate of pay was equal to or greater than 75% of the rate of pay of a Senator for more than 60 days in a calendar year. Senators are paid \$165,200. Senate staff who earned more than \$2,382.69 or more per week for more than nine weeks, or \$123,900 per year, would be subject to the post employment restriction proposal.

specifically earmarked for the purpose of financing the travel expenses. A Senator would be required to provide the Select Committee on Ethics a written, detailed itinerary of the trip; and a determination that the trip is primarily educational; consistent with the official duties of the Member, officer, or employee; does not create an appearance of use of public office for private gain; and has a minimal or no recreational component;

- require written approval of privately funded travel from the Select Committee on Ethics. Within 30 days of completing the travel, a Senator, officer, or employee would be required to file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied them, subject to limited exception on national security grounds. The measure would require that trip information be posted on the Senator's official website not later than 30 days after the completion of the travel;
- amend Senate rules to require the disclosure of noncommercial air travel taken in connection with the duties of the Member, officer, or employee, and file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft;
- amend Senate rules to prohibit Senators from accepting gifts from lobbyists. Senators and Senate staff could accept a meal or other food from lobbyists subject to gift rule limits. Any food gift accepted would be subject to public disclosure through the Senator's website;
- amend Senate rules to revoke floor privileges from any former Senator, Senator-elect, Secretary of the Senate, Sergeant at Arms of the Senate, or Speaker of the House who is a registered lobbyist or agent of a foreign principal, or is an employee or representative of any party or organization for the purpose of influencing, the passage, defeat, or amendment of any legislative proposal; and
- require a Senator whose spouse or immediate family member²⁴ is a registered lobbyist or employees of a registrant under LDA for the purpose of influencing legislation to prohibit all staff employed by the Senator, including staff in personal, committee and leadership offices, from having any official contact with the family member.

²⁴ Under the measure, immediate family member would mean the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Senator.

S. 2349 would also allow any Senator to make a point of order against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order could be made and voted on separately for each item alleged to be in violation. The point of order could be waived or suspended by an affirmative vote of three fifths of the Members, duly chosen and sworn. The Senate could appeal a ruling of the Chair on a point of order raised under this measure by a three fifths vote.

Additionally, the measure would amend Senate rules, creating Rule XLIV regarding earmarks. An earmark would be defined as a provision that specifies the identity of a non-federal entity to receive assistance in the form of budget authority; contract authority; loan authority; and other expenditures; or other revenue items, and the amount of the assistance. Before consideration of any bill, amendment or conference report could be in order, a list identifying all earmarks in the measure, along with identification of the Senator(s) who proposed them, and an explanation of the essential governmental purpose for the earmark must be made available, along with any joint statement of managers associated with the measure, to all Senators and made available on the Internet to the general public for at least 24 hours before its consideration. Similarly, S. 2349 would amend Senate rules to require that conference reports be available on the Internet 24 hours before consideration.

The measure would also amend Senate rules to prohibit a Senator from taking or withholding, or threatening to take or withhold an official act, or to influence or offer or threaten to influence the official act of another with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity. Finally, S. 2349 would establish the sense of the Senate that any restrictions on legislative branch employees should apply to the executive and judicial branches.

House Action. On January 31, 2006, Representative David Dreier, Chairman of the Committee on Rules introduced H.Res. 648. On February 1, the House adopted the measure under suspension of the Rules, by a vote of 379 - 50, 1 present. H.Res. 648 amended House Rule IV to deny floor privileges to former Representatives, House officers, parliamentarians or former minority party employees nominated as an elected officer of the House if they: are a registered lobbyist or agent of a foreign principal; have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or are employed or represent any entity for the purpose of influencing, the passage, defeat, or amendment of any legislative proposal.

The measure also amended House Rule IV to deny access to Member exercise facilities to any former Member, officers, or their spouses, who is a registered lobbyist.

Senate Activity. On January 25, 2006, the Senate Committee on Homeland Security and Governmental Affairs held a hearing on lobbying proposals, including S. 2128. As introduced, S. 2128 would amend LDA to require the following:

- quarterly, instead of semiannual, filing of lobbying disclosure reports;

- reduction of the thresholds for which registration and disclosure are required from \$5,000 to \$2,500 for a lobbying firm, and from \$20,000 to \$10,000 for an organization whose employees engage in lobbying activities on its own behalf;
- reduction of the increments in which lobbying expenditures may be estimated, from less than \$10,000 to less than \$5,000, or in larger increments, from \$20,000 to \$10,000;
- disclosure by registered lobbyists of all past executive branch and congressional employment;
- electronic filing of lobbyist registrations and disclosure reports filed with the Secretary of the Senate or the Clerk of the House of Representatives;
- establishment and maintenance of lobbying disclosure information in an electronic database that directly links lobbying disclosure information to the information disclosed in reports filed with the FEC under FECA and made available to the public free of charge through the Internet; and
- disclosure of grassroots lobbying communications by paid lobbyists and itemized disclosure of expenditures on grassroots lobbying activities. In the event that a grassroots lobbyist receives or spends \$250,000 or more for grassroots lobbying activities, an additional report must be made within 20 days.

S. 2128 as introduced would have amended LDA to redefine the term “client” as any person or entity that employs a lobbyist to carry out lobbying or grass roots lobbying activities on behalf of that person or entity. The measure required that firms and other entities that are members of coalitions or associations that employ a lobbyist are to be considered clients, along with the coalition or association, if their total contribution related to lobbying activities is greater than \$10,000. S. 2128 as introduced would have increased the civil penalty for failure to comply with lobbying disclosure requirements up to \$100,000. The measure provided for reviews and semiannual reports by the Comptroller General on activities carried out by the Clerk of the House and the Secretary of the Senate under LDA. Additionally, the ban on former senior executive personnel, former Members of Congress, and legislative branch personnel preventing them from lobbying the entity in which they previously served would have been extended from one to two years.²⁵

²⁵ S. 2128 requires a number of other changes to laws and rules governing congressional ethics that are not directly related to lobbying disclosure. These include requiring public disclosure by Members of Congress of employment negotiations and increased disclosure of travel by Members of Congress. The measure also specifies the valuation of tickets to sporting and entertainment events provided to covered executive and legislative branch officials.

Table 1. S. 2349, as Passed by the Senate, Section by Section^a

S. 2349, as Passed by the Senate	
<i>Title I, Legislative Transparency and Accountability Act of 2006</i>	
Section 101	Legislative Transparency and Accountability Act of 2006
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.
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 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.
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.
Section 105	Amends Senate Rule XXIII to withdraw privileges to the Senate floor for any former Member, officer of the Senate, or Speaker of the House who is a "registered lobbyist or agent of a foreign principal," or is in the employ or represents any party to influence the passage or defeat of legislation.

S. 2349, as Passed by the Senate

S. 2349, as Passed by the Senate	
Section 106	Prohibits <i>de minimis</i> gifts, that is, those under \$50 (including meals), from a registered lobbyist or agent of a foreign principal. Refreshments of “nominal value,” when offered “other than as part of a meal,” appear to still be permitted under Senate Rule XXXV, (1)(c)(22).
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. The sponsor of a trip must certify in writing as to the source of funds. A detailed itinerary, and reporting on the travel is required.
Section 107(b)	Amends Senate rules to require reporting of travel by Senators and staff on private corporate jets (aircraft not licensed by the Federal Aviation Administration (FAA) for commercial air travel), — detailing to the Secretary of Senate date, destination, owner or lessee of aircraft, purpose of travel, and persons on trip. Does not prohibit, or establish, “market value” of such travel for purposes of reimbursement. Requires reporting similar to reporting to the Federal Election Commission (FEC) for candidate travel for campaign purposes.
Section 108	Amends current Senate rules to prohibit “senior” Senate staff, compensated at a rate of more than 75% of a Member’s salary, and employed for 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. A similar provision currently applies to Senators.
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 within three days details of such private employment negotiations or arrangements.
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.
Section 111	Amends the Rule XLIII 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 person.
Section 112	Establishes the sense of the Senate that any applicable restrictions on “congressional branch” employees in Title I should apply to the executive and judicial branches as well.

S. 2349, as Passed by the Senate

Section 113	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.”
Section 114	Requires 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 for inclusion in the <i>Congressional Record</i> within three days. The publication of the removal of such a hold in the <i>Congressional Record</i> is also required.
Section 115	Effective date. With some exceptions, as noted above, Title I is effective upon enactment.
<i>Title II, Lobbying Transparency and Accountability Act of 2006</i>	
Section 201	Legislative Transparency and Accountability Act of 2006

S. 2349, as Passed by the Senate

Subtitle A, Enhancing Lobbying Disclosure

Section 211	Requires quarterly, rather than semi-annual, filing by lobbyists, and adjusts the threshold and triggering amounts in the Lobbying Disclosure Act (LDA) to reflect the new quarterly periods. Reduces thresholds to \$2,500 and \$10,000, respectively, to reflect quarterly reporting. Would reduce estimated expense increments for non-grassroots lobbying to less than \$5,000 and \$10,000. Grassroots lobbyists (see Section 220, below) 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 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 213	Requires repositories of lobbying disclosure reports to create a searchable, sortable, and downloadable database of lobbyist reports and disclosure filings, linked to campaign reports filed under The Federal Election Campaign Act (FECA), available to the public within 48 hours of filing.
Section 214	Requires lobbyists also to disclose all prior executive and legislative branch employment in registration statements.
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 FECA.
Section 216	Raises penalties for knowingly failing to file, or other violations, of LDA to \$100,000.

S. 2349, as Passed by the Senate

Section 217	Requires lobbyist-registrant to list, as a “client” not only a “coalition,” but also 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.
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.
Section 219	Requires electronic filing by lobbyists in addition to any written, paper reports filed.
Section 220	Requires 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 they are 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.
Section 221	Requires registration statements or updates to be filed in electronic form in addition to any other form that may be required by the Attorney General. Requires the Attorney General to create a searchable, sortable, and downloadable database of lobbyist reports and disclosure filings, linked to campaign reports filed under FECA, available to the public within 48 hours of filing.
Section 222	The subtitle and amendments it makes would take effect January 1, 2007.

S. 2349, as Passed by the Senate

Subtitle B, Oversight of Ethics and Lobbying

Section 231	Requires the Comptroller General to audit lobbying reports annually to determine extent of compliance with LDA, and to report annually, not later than April 1, to Congress an assessment of compliance and any recommendations to improve compliance and oversight.
Section 232	Requires the Senate Select Committee on Ethics to conduct ethics training for Senate personnel, new Senators and staff not later than 60 days after beginning service. Existing staff are required to complete the program not later than 120 days after enactment.
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.
Section 234	Requires annual reports from the Senate Select Committee on Ethics and the House Committee on Standards of Official Conduct on numbers and disposition of all complaints of alleged violations of the ethics rules of their respective chambers.

Subtitle C, Slowing the Revolving Door

Section 241	Increases from one to two years current post-employment “cooling off” period for very senior executive branch personnel (including the Vice President, cabinet members, and certain presidential and vice presidential assistants), and for Members of Congress lobbying certain personnel in their respective former branch of government. Also increases the scope of current one-year “cooling off” period for senior congressional staff by restricting for one year post-employment lobbying of any Member, officer, or employee of the entire chamber in which the staffer had worked. Effective 60 days after enactment.
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Subtitle D, Ban on Provision of Gift or Travel by Lobbyists in Violation of the Rules of Congress

Section 251	Amends 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.
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S. 2349, as Passed by the Senate	
Subtitle E, Commission to Strengthen Confidence in Congress Act of 2006	
Section 261	Commission to Strengthen Confidence in Congress Act of 2006
Section 262	Establishes commission.
Section 263	Specifies purposes of the commission.
Section 264	Establishes composition of the 10-member, bipartisan commission: Chair and vice-chair appointed jointly by the minority and majority leaders of the House and Senate; and two members appointed by the senior Members of the leadership of the two parties in each chamber. One of the two appointees each senior leader appoints must be a former Member of the chamber.
Section 265	Requires the commission to submit reports to Congress with its findings, conclusions and recommendations.
Section 266	Establishes powers of the commission to hold hearings, gather evidence, and obtain information.
Section 267	Provides no compensation for commission members, but provides travel and per diem expenses for commission members, professional staff, and administrative support.
Section 268	Requires cooperation of relevant agencies to expeditiously provide commission members and staff with appropriate security clearances.
Section 269	Requires an initial report to Congress no later than July 1, 2006, and annual reports thereafter until termination of the commission five years after enactment of S. 2349.
Section 270	Authorizes such sums as necessary to carry out the title.

a. Based on S. 2349, as passed by the Senate.

Table 2. H.R. 4975, as passed by the House, Section by Section^a

H.R. 4975 as passed by the House	
<i>Title I, Enhancing Lobbying Disclosure</i>	
Section 101	Requires quarterly, rather than semi-annual, filing by lobbyists, and adjusts the threshold and triggering amounts that require LDA disclosure.
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.
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.
Section 104	Requires lobbyists also to disclose all prior executive and legislative branch employment in registration statements for seven years prior to registration.
Section 105	Requires lobbyists to disclose any gifts that count toward the annual gift limit established by House rules. 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. Establishes factors to be considered to determine the relationship between officials and “affiliated” committees and other entities.
Section 106	Raises current penalties for knowingly failing to file or other violations of LDA 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.
Section 107	Establishes a fine of not more than \$50,000 on any registered lobbyist, lobbying firm and their clients who knowingly offer a covered legislative branch official in the House a gift that violates House Rules.
<i>Title II, Slowing the Revolving Door</i>	
Section 201	Amends 18 U.S.C. 207 to require the Clerk of the House, after consultation with the Committee on Standards of Official Conduct, to inform Members, officers, and employee leaving office or House employment of the beginning and ending date of the cooling off prohibitions that apply to them, and to also inform each office of the House with respect to which such prohibitions apply.

H.R. 4975 as passed by the House	
Section 202	Requires Members of the House to file, within 5 days of initiation, with the Committee on Standards of Official Conduct 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. Provides that the Member should refrain from voting on pending measures in House or in committee concerning such conflicts.
Section 203	Amends the House House 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.
<i>Title III, Suspension of Privately-funded Travel; Curbing Lobbyist Gifts</i>	
Section 301	Suspends permission to accept any privately financed travel in connection with official duties by Members, officers and employees of the House unless trip sponsor obtains written certification from the Committee on Standards that the gift of travel complies with House Rules and standards of conduct. The committee may not issue certifications except by 2/3 vote until it issues recommendations on changes to House Rule XXV, by June 15, 2006.
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.
Section 303	Amends LDA to prohibit a 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.
Section 304	Requires valuation of unpriced tickets and passes to sporting and entertainment events at the highest price of a ticket to event with a face value.
<i>Title IV, Oversight of Lobbying and Enforcement</i>	
Section 401	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.
Section 402	Provides for ongoing reviews and annual reports by the inspector general on activities carried out by the Clerk of the House under LDA.

H.R. 4975 as passed by the House

Title V, Institutional Reforms

Section 501	<p>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 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 <i>earmark</i> 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 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.</p>
Section 502	<p>Requires the House Committee on Standards of Official Conduct to provide ethics training once per Congress for every employee. New employees shall receive training not later than 30 days after employment. Authorizes the Chief Administrative Officer of the House to withhold pay from any staff member who does not comply with training requirements. Requires the committee to establish a similar program for Members of the House, and to publish a list of Members who have completed the training on the committee website and the <i>Congressional Record</i>.</p>
Section 503	<p>Requires the House Committee on Standards of Official Conduct to publish an updated Ethics Manual within 120 days of enactment of this provision, and to update the manual in every Congress thereafter.</p>

H.R. 4975 as passed by the House	
<i>Title VI, Forfeiture of Retirement Benefits</i>	
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 the United States, when such conduct is related to their official duties as a Member. Provides for allowances for particular hardships for an innocent spouse and dependent children.
<i>Title VII, Leadership PACs</i>	
Section 701	Defines leadership PACs and specifies permitted uses of funds.
<i>Title VIII, Ethics Training for Lobbyists</i>	
Section 801	Requires the Committee on Standards of Official conduct to provide an 8-hour ethics training program to LDA-registered lobbyists on the Code of Official Conduct and disclosure requirements applicable to Representatives and House staff. Provides for penalties as specified in LDA for failure by lobbyists to take training once per Congress.
<i>Title IX, Miscellaneous Provisions</i>	
Section 901	Requires that the 18 U.S.C. § 201 proscription regarding bribery would also apply, specifically, to decisions or actions on earmarks, as defined by H.R. 4975
<i>Title X, 527 Reform Act of 2006</i>	
Instructs that provisions of H.R. 513, 109 th Congress, as passed by the House, be included in H.R. 4975, which applies federal regulation to 527s involved in federal election-related activities but not currently regulated by FECA. 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 making allocations under this provision only by individuals and in amounts of up to \$25,000 per year.	

a. Based on information from CRS Report RL33326, *Lobbying, Ethics and Related Procedural Reforms: Comparison of Current Provisions of S. 2349 and H.R. 4975*, by Jack Maskell, R. Eric Petersen, and Sandy Streeter, and H.R. 4975, as passed by the House.

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 RL33326, *Lobbying, Ethics and Related Procedural Reforms: Comparison of Current Provisions of S. 2349 and H.R. 4975*, by Jack Maskell, R. Eric Petersen and Sandy Streeter.

CRS Report RL33065, *Lobbying Reform: Background and Legislative Proposals, 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.

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 97-875, *“Revolving Door,” Post-Employment Laws for Federal Personnel*, 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.

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.