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Comparison of Selected Senate Earmark Reform Proposals

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March 6, 2006

Abstract. Proposals to modify the earmark processes have been included in some Senate bills. On February 28, 2006, for example, the Senate Committee on Rules and Administration ordered reported S. 2349, Legislative Transparency and Accountability Act of 2006, which includes, in part, such proposed changes. In addition, provisions in both S. 2261 and S. 2265, sponsored by Senator Barack Obama and Senator John McCain, respectively, would also make changes in the earmark process. This report provides a comparison of these three measures: S. 2349, S. 2261, and S. 2265 with the current Senate rules and practices.

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March 6, 2006

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Summary

In response to reports of, and concern over, alleged irregularities in certain lobbying and representational activities, the Senate is considering various lobby and ethics reform proposals. Some have argued that the Senate should consider changes to the process by which the Senate earmarks spending priorities as a part of the larger focus on lobby and ethics reform.

Proposals to modify the earmark processes have been included in some Senate bills. On February 28, 2006, for example, the Senate Committee on Rules and Administration ordered reported S. 2349, Legislative Transparency and Accountability Act of 2006, which includes, in part, such proposed changes. In addition, provisions in both S. 2261 and S. 2265, sponsored by Senator Barack Obama and Senator John McCain, respectively, would also make changes in the earmark process.

This report provides a comparison of these three measures: S. 2349, S. 2261, and S. 2265 with the current Senate rules and practices.

This report will be updated to reflect any congressional action.

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Comparison of Selected Senate Earmark Reform Proposals

Introduction

In response to reports of, and concern over, alleged irregularities in certain lobbying and representational activities, the Senate is considering various lobby and ethics reform proposals. Some have argued that the Senate should consider changes to the process by which the Senate earmarks spending priorities as a part of the larger focus on lobby and ethics reform.

Proposals to modify the earmark processes have been included in some Senate bills. On February 28, 2006, for example, the Senate Committee on Rules and Administration ordered reported S. 2349, Legislative Transparency and Accountability Act of 2006, which includes, in part, such proposed changes. In addition, provisions in both S. 2261 and S. 2265, sponsored by Senator Barack Obama and Senator John McCain, respectively, would also make changes in the earmark process.

This report provides a comparison of these three measures: S. 2349, S. 2261, and S. 2265 with the current Senate rules and practices.

Table 1. Comparison of Selected Senate Earmark Reform Proposals

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Earmark Definition			
(1) Currently, there is no formal definition of “earmark,” nor is there an informal definition accepted by all practitioners and observers of the federal budget process. Broadly, “earmark” may refer to provisions associated with legislation (appropriations or general legislation) that specify certain congressional spending priorities or in revenue bills that apply to a very limited number of individuals or entities. Earmarks may appear in either the legislative text or report language (committee reports accompanying reported bills and joint explanatory statement accompanying a conference report). <small>http://wikileaks.org/wiki/GRRL3395</small>	(1) A provision that specifies the identity of a non-federal entity to receive assistance (budget authority, contract authority, loan authority, other expenditures, tax expenditures, and other revenue items) and the amount of that assistance. (2) This definition would apply to any bill, including appropriation, authorization, and revenue bills. (Section 3 of S. 2349.)	(1) A provision that requires or permits the obligation or expenditure of any amount appropriated for the benefit of an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that: (a) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the requirement or permission, for the amount appropriated; or (b) applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction is described or otherwise clearly identified in: (i) a law, treaty stipulation, or an Act or resolution previously passed by the Senate during the same session; or (ii) the President’s budget request	(1) Generally, an appropriation that is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that: (a) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction, direction, or authorization, for the amount appropriated; or (b) is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in:

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
		<p>submitted in accordance with law.</p> <p>(2) This definition would apply to appropriations bills.^a (Section 2 of S. 2261 would add a new paragraph to Rule XVI, Appropriations and Amendments to General Appropriations Bills.)</p>	<p>(i) a law, treaty stipulation, or an Act or resolution previously passed by the Senate during the same session; or (ii) the President's budget request submitted in accordance with law. These documents must specifically provide for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.</p> <p>(2) This definition would apply to general appropriations bills. (Section 2 of S. 2265.)</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Prohibition Against Unauthorized Appropriations			
<p>(1) On a point of order made by any Senator, no amendment shall be received to any general appropriations bill the effect of which will be to increase an appropriation in the bill, or add a new appropriation that is unauthorized. Such funding is unauthorized, unless it is:</p> <ul style="list-style-type: none"> (a) made to carry out the provisions of an existing law, treaty stipulation, or act or resolution previously passed by the Senate during the same session of Congress; (b) included in President's budget requests submitted in accordance with law; or (c) moved by the Committee on Appropriations or a committee with legislative jurisdiction over the activity funded. <p>Funding exceeding spending levels provided in the above documents are also considered unauthorized appropriations. Under current Senate precedents, the term 'specifically authorized' has no meaning distinct from 'authorized.' An appropriation in an appropriation bill</p>	<p>No changes.</p>	<p>No changes.</p>	<p>(1) On a point of order made by any Senator, no unauthorized appropriation may be included in any general appropriations bill (House-passed or Senate bill), or any accompanying amendment, conference report, or amendment between the Houses. (This would apply to the text of the House-passed bill and House amendments between the Houses.)</p> <p>(2) Unauthorized appropriation means an appropriation not:</p> <ul style="list-style-type: none"> (a) specifically authorized by law, treaty stipulation, or act or resolution previously passed by the Senate during the same session of Congress; or (b) included in the President's budget request submitted in accordance with law. <p>The term unauthorized appropriation would also include the amount of the appropriation that exceeds the authorization (or budget request) level in the above documents.</p> <p>(3) The prohibition against unauthorized appropriations would also apply to</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<p>may have more specificity than is provided in authorizing language. Historically, legislation has authorized government functions and implicitly allowed for specific appropriations within those functions.</p> <p>(2) A Senate amendment between the Houses on a general appropriations bill is subject to the prohibition against unauthorized appropriations on a general appropriations bill. (Under paragraph 1 of Senate Rule XVI.)</p> <p>(3) Sustain an appeal of the Presiding Officer's ruling: majority vote. There is currently no waiver mechanism in the Senate standing rules.</p> <p style="text-align: right;">http://www.senate.gov/crsguide/s295.htm</p>			<p>certain earmarks. An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that:</p> <ul style="list-style-type: none"> (i) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction, direction, or authorization, for the amount appropriated; or (ii) is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified: <p>(A) in a law, treaty stipulation, or an</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
http://wikileaks.org/wiki/CRS-RL33295			<p>act or resolution previously passed by the Senate during the same session or</p> <p>(B) included in President's budget request submitted in accordance with law.</p> <p>These sources must specifically provide for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.</p> <p>(3) If point of order sustained: language would be stricken and a corresponding reduction in both the total amount of bill and Senate Committee on Appropriation's 302(a) allocation of discretionary budgetary resources would be made.^b</p> <p>(4) Motion to waive or sustain an appeal of the Presiding Officer's ruling: affirmative vote of 3/5 of all Senators required.</p> <p>(5) The disposition of a point of order made under any Standing Rule of the Senate (including this one) that is not sustained, or is waived, does not</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<p style="text-align: center;">http://wikileaks.org/wiki/CRS-RL33295</p>			<p>preclude, or affect, a point of order made under this paragraph regarding the same matter.</p> <p>(6) Notwithstanding any other rule of the Senate, a Senator may raise a single point of order that several provisions of a general appropriation bill or accompanying conference report or amendments between the houses violate this paragraph. The Presiding Officer may sustain the point of order against all or some of the provisions.</p> <p>For special procedures regarding enforcement of this prohibition on conference reports, see Conference Reports, Result of Sustaining Point of Order, below.</p> <p>(Section 2 of S. 2265 replaces paragraph 1 of Rule XVI, Appropriations and Amendments to General Appropriations Bills.)</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Prohibition Against Legislation on a General Appropriations Bill			
<p>(1) The Committee on Appropriations shall not report a general appropriations bill containing amendments to such bill proposing new or general legislation. A point of order may be made against the bill, and if sustained, the bill shall be recommitted to the appropriations committee. A point of order may also be made against a committee amendment and, if sustained, only the amendment would fall. (Under paragraph 2 of Senate Rule XVI)</p> <p>(2) On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received. (Paragraph 4 of Senate Rule XVI.)</p> <p>(3) A Senate amendment between the Houses on a general appropriations bill is subject to the prohibition against legislation on a general appropriations bill. (Under Senate Rule XVI.)</p>			<p>In addition to existing Senate rule, bill would add the following:</p> <ul style="list-style-type: none"> (1) On a point of order made by any Senator, no general appropriation bill (including House-passed bill or original Senate bill) or conference report on a general appropriation bill may include new or general legislation. (2) If point of order sustained: language would be stricken and a corresponding reduction in both the total amount of bill and Senate Committee on Appropriations 302(a) allocation of discretionary budgetary resources would be made.^a (3) Motion to waive or sustain an appeal of the Presiding Officer's ruling: affirmative vote of 3/5 of all Senators required. (4) The disposition of a point of order made under any Standing Rule of the Senate (including this one) that is not sustained, or is waived, does not preclude, or affect, a point of order made under this paragraph regarding the same matter. (5) Notwithstanding any other rule of the

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<p>(4) If the legislation included in an amendment might be germane to a provision(s) in the House-passed bill, a Senator may raise the germaneness defense. Then, the question of germaneness of the amendment shall be submitted to the Senate and decided without debate. If the Senate agrees, by majority vote, that the amendment is germane, the point of order against legislation on the amendment falls and the amendment may be considered. If the Senate disagrees, the amendment falls because the Senate does not consider it germane. (Under paragraphs 2 and 4 of Senate Rule XVI.) There is currently no waiver mechanism in the Senate standing rules.</p>			<p>Senate, a Senator may raise a single point of order that several provisions of a general appropriation bill or accompanying conference report or amendments between the Houses violate this paragraph. The Presiding Officer may sustain the point of order against all or some of the provisions. For special procedures regarding enforcement of this prohibition on conference reports, see Conference Reports, Result of Sustaining Point of Order, below. (Section 2 of S. 2265 replaces paragraph 1 of Rule XVI, Appropriations and Amendments to General Appropriations Bills.)</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Germaneness Requirement			
<p>(1) Under existing rules and precedents, germaneness is a parliamentary prohibition against adding a new subject to a bill, therefore germaneness only applies to amendments.</p> <p>(2) There is no existing rule requiring earmarks offered as amendments to be germane to a bill.</p> <p>(3) More broadly, however, Rule XVI does require all committee amendments, as well as floor amendments, to a general appropriations bill to be germane. On a point of order made under Rule XVI, the question of germaneness of an amendment shall be submitted to the Senate and decided without debate, by majority vote.</p> <p>(4) Under cloture, depending on the procedural situation, certain committee amendments to appropriations bills may be required to be germane. In such cases, the Presiding Officer rules on germaneness. On appeal of the Presiding Officer's ruling, a majority vote, a quorum being present, is required to sustain the ruling. (Paragraph 2 of Rule XXII.)</p>		<p>(1) Prohibits consideration of an appropriation bill, unless all earmarks are germane to the bill.</p> <p>(2) Motion to waive: affirmative vote of 2/3 of all Senators required.</p> <p>(Section 2 of S. 2261 adds a new paragraph to Rule XVI.)^a</p>	

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Existing Senate Rule (and precedents or Public Law)	S. 2349	S. 2261	S. 2265
(5) There is currently no waiver mechanism in the Senate standing rules.			

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Conference Reports			
<i>Layover Requirement</i>			
<p>There is no general layover requirement on conference reports.</p> <p>(1) The motion to proceed to consider a conference report is in order when copies of the conference report are available to each Senator. (Under paragraph 1 of Rule XXVIII, Conference Committees; Reports; Open Meetings.)</p> <p style="text-align: right;">http://wikileaks.org/wikileaks.org/2012/05/12/295</p>	<p>(1) Prohibits consideration of a conference report unless the report is made available on the Internet for at least 24 hours before its consideration. (Section 4 of S. 2349 adds a new paragraph to Rule XXVIII.)</p> <p>(2) Prohibits consideration of any Senate bill, Senate amendment, or conference report on such bill (including appropriations, revenue, and authorization bills), unless a list of all earmarks in such measure, identification of the Senator(s) proposing each earmark, and an explanation of the essential government purpose for the earmark are available on the Internet for at least 24 hours before consideration. (Section 3 of S. 2349 would add a new rule, Rule XLIV.)</p>		<p>(1) The motion to proceed to consider a conference report shall not be in order until after such report is filed and made available 48 hours prior to consideration of the motion. (Section 3 of S. 2265 adds a new paragraph to Rule XXVIII)</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<i>New Matter and Non-Germane Matter</i>			
(1) Conferees shall not insert in their report matter not committed to them by either House. (Paragraph 2 of Rule XXVIII) (2) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report matter which is a germane modification of subjects in disagreement. (Paragraph 3 of Rule XXVIII.) <small>CCSRL 12/29/2015</small>	(1) A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either house. (Section 2 of S. 2349. This is a freestanding provision and does not explicitly or directly amend any Senate rule.)		(1) It shall not be in order to consider a conference report which includes matter not committed to the conferees by either house. (Section 3 of S. 2265 adds a new paragraph to Rule XXVIII) (2) Adds provision regarding conference reports on a general appropriation bill. On a point of order by any Senator, no new matter or non-germane matter may be included in a conference report on a general appropriation bill. The result of sustaining this point of order is different from the result provided under Rule XXVIII, see comparison in next row. (Section 2 of S. 2265 replaces paragraph 1 of Rule XVI)

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<i>Result of Sustaining a Point of Order Against New Matter</i>			
(1) If new matter is inserted in a conference report, a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon. (Paragraph 2 of Rule XXVIII.)	<p>Similar in effect to the application of the Byrd Rule to conference reports on reconciliation bills.</p> <p>(1) If a point of order against the conference report is sustained, then:</p> <ul style="list-style-type: none"> (a) the new matter shall be deemed to have been stricken; (b) when all other points of order under this provision have been disposed of: <ul style="list-style-type: none"> (i) the Senate shall proceed to the question as to whether the Senate shall recede from its position and concur with a further amendment consisting only of the portion of the conference report not stricken; (ii) the question shall be debatable; (iii) no further amendment shall be in order; and (iv) if the Senate agrees to the amendment, the bill and amendment shall be returned to the House. <p>(2) Motion to waive or suspend the rule, or sustain an appeal of the Presiding Officer's ruling: affirmative vote of 3/5</p>		<p>Similar in effect to the application of the Byrd Rule to conference reports on reconciliation bills.</p> <p>(1) If a point of order is sustained against unauthorized appropriation, legislation, new matter, or non-germane provision in a conference report, then:</p> <ul style="list-style-type: none"> (a) the language shall be deemed to have been stricken; and (b) a corresponding reduction in total amount of the bill and Senate appropriations committee's 302(a) allocation of discretionary budgetary resources shall be deemed made; <p>(c) when all other points of order under this paragraph have been disposed of:</p> <ul style="list-style-type: none"> (i) the Senate shall proceed to the question as to whether the Senate shall recede from its position and concur with a further amendment consisting only of the portion of the conference report not stricken; (ii) the question shall be debatable; (iii) no further amendment shall be in

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<p style="text-align: right;">http://wikileaks.org/wiki/CRS-RL33295</p>	<p>of all Senators required. (Section 2 of S. 2349. This is a freestanding provision and does not explicitly or directly amend any Senate rule.)</p>		<p>order; and</p> <ul style="list-style-type: none"> (iv) if the Senate agrees to the amendment, the bill and amendment shall be returned to the House. <p>(2) Motion to waive or sustain an appeal of the Presiding Officer's ruling: affirmative vote of 3/5 of all Senators required.</p> <p>(3) The disposition of a point of order made under any Standing Rule of the Senate (including this one) that is not sustained, or is waived, does not preclude, or affect, a point of order made under this paragraph regarding the same matter.</p> <p>(4) Notwithstanding any other rule of the Senate, a Senator may raise a single point of order that several provisions of a general appropriation bill or accompanying conference report or amendments between the Houses violate this paragraph. The Presiding Officer may sustain the point of order against all or some of the provisions.</p>

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Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Earmarks must be in bill (or Act)			
Earmarks may appear in either the legislative text or report language (committee reports accompanying reported bills and joint explanatory statement accompanying a conference report). http://wikileaks.org/wiki/CRS_Rule_2265	No changes.	Establishes new rule language and a supermajority-vote requirement to waive. (1) Prohibits consideration of an appropriation bill, unless all earmarks are contained in the text of the bill and not incorporated by reference or directed in the committee report. (2) Motion to waive: affirmative vote of 2/3 of all Senators required. (Section 2 of S. 2261 adds a new paragraph to Rule XVI.) ^a	Prohibits federal agencies from obligating funds for appropriation earmarks included only in congressional reports. (1) Prohibits any federal agency from obligating any funds made available in an appropriation act to implement an earmark included in reports filed by the House and Senate Committees on Appropriations or joint explanatory statement, unless the earmark is also included in the appropriation act. (2) For purposes of this provision, earmark is defined as a provision that specifies the identity of an entity (which includes a state or locality, but not any federal agency) to receive a grant, loan, loan guarantee, or contract and the amount involved. (3) This provision applies to appropriation acts enacted after December 31, 2006. (Section 4 of S. 2265, note different earmark definition under this section than under section 2, see top cell.)

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Disclosure			
<p>Layover Requirement.</p> <p>(1) Bill</p> <p>(a) Any non-privileged committee-reported bill or House-passed bill shall lie over for one legislative day, unless the Senate agrees to consider the measure earlier by unanimous consent or a motion to suspend the rules, requiring 2/3 vote a quorum being present (Paragraph 4 of Rule XVII).</p> <p>(b) In addition, most committee-reported bills that are accompanied by a written report, can not be considered until the report has been available for at least 2 calendar days, unless the Majority and Minority Leaders jointly agree to waive this rule. (Paragraph 5 of Rule XVII.) There is no rule in the Senate that requires each reported bill to be accompanied by a written report.</p> <p>(2) Amendment between the Houses: No layover requirement.</p> <p>(3) Conference Report: (see Conference Report, Layover Requirement, above)</p>	<p>Layover Requirement.</p> <p>(1) Prohibits consideration of any Senate bill, Senate amendment, or conference report on such bill (including appropriations, revenue, and authorization bills), unless a list of all earmarks in such measure, identification of the Senator(s) proposing each earmark, and an explanation of the essential government purpose for the earmark are available on the Internet for at least 24 hours before consideration. (Section 3 of S. 2349 would add a new rule, Rule XLIV.)</p>	<p>Layover Requirement.</p> <p>(1) Prohibits consideration of an appropriation bill, unless a list of all earmarks in such bill, the name of the requestor, and a short justification for each earmark are available on the Internet for at least 72 hours before consideration.</p> <p>(2) Motion to waive: affirmative vote of 2/3 of all Senators required. (Section 2 of S. 2261 adds a new paragraph to Rule XVI.)^a</p>	No requirement.

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
<p>(1) There is no rule in the Senate that requires each committee-reported bill to be accompanied by a written report. The Senate Committee on Appropriations, however, typically files such a report on general appropriation bills, except ^{CRSS-133295} continuing resolutions. If the appropriations committee files such a report, the committee is required to identify each recommended committee amendment that proposes an item of appropriation, which does not carry out the provisions of existing law, a treaty stipulation, or an act or resolution previously passed by the Senate in the same session of Congress. (This does not apply to a bill.) (Paragraph 7 of Rule XVI.)</p>			<p>(1) Prohibits consideration of a general appropriations bill or accompanying amendments between the houses that includes unauthorized appropriations, unless such bill is accompanied by a report that provides a detailed listing of:</p> <ul style="list-style-type: none"> (a) all unauthorized appropriations in such bill; (b) an identification of the Member(s) who proposed the unauthorized appropriation; and (c) an explanation of the essential governmental purpose for the unauthorized appropriation. <p>This would include earmarks as defined under Prohibition Against Unauthorized Appropriations, above.</p> <p>(Section 5(a) of S. 2265 adds a new paragraph to Rule XVI.)</p>

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Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
http://wikileaks.org/wiki/CRS-RL33295			<p>(2) Prohibits consideration of a conference report that includes unauthorized appropriations, unless the report is accompanied by a joint explanatory statement that provides a detailed listing of:</p> <ul style="list-style-type: none"> (a) all unauthorized appropriations in such bill; (b) an identification of the member(s) who proposed the unauthorized appropriation; and (c) an explanation of the essential governmental purpose for the unauthorized appropriation. <p>This would include earmarks as defined under the Prohibition Against Unauthorized Appropriations, above. (Section 5(b) adds is a new subparagraph to paragraph 4 of Rule XXVIII.)</p>

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Conflict of Interest			
(1) No Senator, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class. (Paragraph 4 of Senate Rule XXXVII, Conflict of Interest.) <small>http://wikileaks.org</small>	No changes.	(1) No Senator may advocate to include an earmark in any bill or joint resolution, accompanying committee report, conference report, or joint explanatory statement if the Member has a financial interest in such earmark. (Section 3 of S. 2261 would add a new paragraph to Senate Rule XXXVII.) (2) No Senator shall condition inclusion of an earmark in any bill or joint resolution, accompanying committee report, conference report, or joint explanatory statement on any vote cast by a Senator in whose state the project will be carried out. (Section 4 of S. 2261 would add a new paragraph to Senate Rule XXXVII.)	No changes.

Existing Senate Rule (and precedents) or Public Law	S. 2349	S. 2261	S. 2265
Recipient of Federal Funds Reporting Requirement			
In general, each person who requests and/or receives a federal contract, grant, loan, loan guarantee, or cooperative agreement from an agency shall file with that agency the name of any registered lobbyist who has lobbied on behalf of the person for those items. If material changes have occurred, the person is also required to update the filing at the end of each calendar quarter. (31 USC 1352(b).)	No changes.	Requires a recipient of federal funds constituting an award, grant, or loan to file semiannual reports with the Secretary of the Senate and Clerk of the House of Representatives containing the name of any lobbyist registered under the Lobbying Disclosure Act of 1995 to whom the recipient paid money to lobby on behalf of federal funding received and the amount of the money paid. (Section 5 of S. 2261 adds the above to section 5 of Lobbying Disclosure Act of 1995, 2 USC 1604.)	Requires a recipient of federal funds constituting an award, grant, or loan to file semiannual reports with the Secretary of the Senate and Clerk of the House of Representatives containing the name of any lobbyist registered under the Lobbying Disclosure Act of 1995 to whom the recipient paid money to lobby on behalf of federal funding received and the amount of the money paid. (Section 5(c) of S. 2265 adds the above to section 5 of Lobbying Disclosure Act of 1995, 2 USC 1604.)

SOURCES: U.S. Congress, Senate, *Senate Manual*, S.Doc. 107-1, 107th Cong., 1st sess. (Washington: GPO, 2001), available at [<http://www.gpoaccess.gov/smanual/index.html>], visited Feb. 24, 2006; S. 2349, as reported by the Senate Committee on Rules and Administration (109th Cong.); S. 2261, as introduced (109th Cong.); and S. 2265, as introduced (109th Cong.).

- a. This provision would amend Senate Rule XVI. The existing requirements under Rule XVI apply only to general appropriations bills, not all appropriations bills. In the Senate, general appropriations bills are appropriations bills providing funds for more than a single purpose or agency, such as the annual regular appropriations bills, most supplemental measures, and continuing resolutions. There are also special appropriations bills that provide funds for a single purpose or agency.
- b. In addition, S. 2265 would prohibit any points of order under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) against the striking of matter, the modification of total amounts of the bill, or reduction of the Senate Appropriations Committee's 302(a) allocation in discretionary budgetary resources provided under section 2 of S. 2265