

109TH CONGRESS
2D SESSION

H. R. 4975

To provide greater transparency with respect to lobbying activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. DREIER (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. CANTOR, Mr. KINGSTON, Mr. PUTNAM, Mr. EHLERS, Mr. TOM DAVIS of Virginia, and Mr. HASTINGS of Washington) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Administration, Rules, Government Reform, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide greater transparency with respect to lobbying activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lobbying Accountability and Transparency Act of
6 2006”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCING LOBBYING DISCLOSURE

- Sec. 101. Quarterly filing of lobbying disclosure reports.
 Sec. 102. Electronic filing of lobbying registrations and disclosure reports.
 Sec. 103. Public database of lobbying disclosure information.
 Sec. 104. Disclosure by registered lobbyists of past executive branch and congressional employment.
 Sec. 105. Disclosure of lobbyist contributions and gifts.
 Sec. 106. Increased penalty for failure to comply with lobbying disclosure requirements.

TITLE II—SLOWING THE REVOLVING DOOR

- Sec. 201. Notification of post-employment restrictions.
 Sec. 202. Disclosure by Members of the House of Representatives of employment negotiations.
 Sec. 203. Wrongfully influencing, on a partisan basis, an entity's employment decisions or practices.

TITLE III—SUSPENSION OF PRIVATELY-FUNDED TRAVEL; CURBING LOBBYIST GIFTS

- Sec. 301. Suspension of privately-funded travel.
 Sec. 302. Recommendations on gifts and travel.
 Sec. 303. Prohibiting registered lobbyists on corporate flights.
 Sec. 304. Valuation of tickets to sporting and entertainment events.

TITLE IV—OVERSIGHT OF LOBBYING AND ENFORCEMENT

- Sec. 401. Audits of lobbying reports by House Inspector General.
 Sec. 402. House Inspector General review and annual reports.

TITLE V—INSTITUTIONAL REFORMS

- Sec. 501. Earmarking reform.
 Sec. 502. Frequent and comprehensive ethics training.
 Sec. 503. Biennial publication of ethics manual.

TITLE VI—REFORM OF SECTION 527 ORGANIZATIONS

- Sec. 601. Short title.
 Sec. 602. Treatment of section 527 organizations.
 Sec. 603. Rules for allocation of expenses between Federal and non-Federal activities.
 Sec. 604. Repeal of limit on amount of party expenditures on behalf of candidates in general elections.
 Sec. 605. Construction.
 Sec. 606. Judicial review.
 Sec. 607. Severability.

TITLE VII—FORFEITURE OF RETIREMENT BENEFITS

Sec. 701. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—ENHANCING LOBBYING DISCLOSURE

SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the “Act”) (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the heading, by striking “SEMI-ANNUAL” and inserting “QUARTERLY”;

(B) by striking “45” and inserting “20”;

(C) by striking “the semiannual period” and all that follows through “July of each year” and insert “the quarterly period beginning on the first day of January, April, July, and October of each year”; and

(D) by striking “such semiannual period” and insert “such quarterly period”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “semiannual report” and inserting “quarterly report”;

(B) in paragraph (2), by striking “semi-annual filing period” and inserting “quarterly period”;

(C) in paragraph (3), by striking “semi-annual period” and inserting “quarterly period”; and

(D) in paragraph (4), by striking “semi-annual filing period” and inserting “quarterly period”.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking “six month period” and inserting “3-month period”.

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking “semiannual period” and inserting “quarterly period”; and

(B) in subsection (b)(3)(A), by striking “semiannual period” and inserting “quarterly period”.

(3) ENFORCEMENT.—Section 6(6) of the Act (2 U.S.C. 1605(6)) is amended by striking “semiannual period” and inserting “quarterly period”.

1 (4) ESTIMATES.—Section 15 of the Act (2
2 U.S.C. 1610) is amended—

3 (A) in subsection (a)(1), by striking “semi-
4 annual period” and inserting “quarterly pe-
5 riod”; and

6 (B) in subsection (b)(1), by striking “semi-
7 annual period” and inserting “quarterly pe-
8 riod”.

9 (5) DOLLAR AMOUNTS.—

10 (A) REGISTRATION.—Section 4 of the Act
11 (2 U.S.C. 1603) is amended—

12 (i) in subsection (a)(3)(A)(i), by strik-
13 ing “\$5,000” and inserting “\$2,500”;

14 (ii) in subsection (a)(3)(A)(ii), by
15 striking “\$20,000” and inserting
16 “\$10,000”;

17 (iii) in subsection (b)(3)(A), by strik-
18 ing “\$10,000” and inserting “\$5,000”;
19 and

20 (iv) in subsection (b)(4), by striking
21 “\$10,000” and inserting “\$5,000”.

22 (B) REPORTS.—Section 5 of the Act (2
23 U.S.C. 1604) is amended—

1 (i) in subsection (c)(1), by striking
 2 “\$10,000” and “\$20,000” and inserting
 3 “\$5,000” and “\$10,000”, respectively; and
 4 (ii) in subsection (c)(2), by striking
 5 “\$10,000” both places such term appears
 6 and inserting “\$5,000”.

7 **SEC. 102. ELECTRONIC FILING OF LOBBYING REGISTRA-**
 8 **TIONS AND DISCLOSURE REPORTS.**

9 (a) REGISTRATIONS.—Section 4 of the Act (2 U.S.C.
 10 1603) in amended—

11 (1) by redesignating subsection (d) as sub-
 12 section (e); and

13 (2) by inserting after subsection (c) the fol-
 14 lowing:

15 “(d) ELECTRONIC FILING REQUIRED.—A registra-
 16 tion required to be filed under this section on or after the
 17 date of enactment of the Lobbying Accountability and
 18 Transparency Act of 2006 shall be filed in electronic form,
 19 in addition to any other form that may be required by
 20 the Secretary of the Senate or the Clerk of the House of
 21 Representatives. The due date for a registration filed in
 22 electronic form shall be no later than the due date for a
 23 registration filed in any other form.”.

24 (b) REPORTS.—Section 5 of the Act (2 U.S.C. 1604)
 25 is amended by adding at the end the following:

1 “(d) ELECTRONIC FILING REQUIRED.—

2 “(1) IN GENERAL.—A report required to be
3 filed under this section shall be filed in electronic
4 form, in addition to any other form that may be re-
5 quired by the Secretary of the Senate or the Clerk
6 of the House of Representatives. The due date for
7 a report filed in electronic form shall be no later
8 than the due date for a report filed in any other
9 form, except as provided in paragraph (2).

10 “(2) EXTENSION OF TIME TO FILE IN ELEC-
11 TRONIC FORM.—The Secretary of the Senate or the
12 Clerk of the House of Representatives may establish
13 a later due date for the filing of a report in elec-
14 tronic form by a registrant, if and only if—

15 “(A) on or before the original due date, the
16 registrant—

17 “(i) timely files the report in every
18 form required, other than electronic form;
19 and

20 “(ii) makes a request for such a later
21 due date to the Secretary or the Clerk, as
22 the case may be; and

23 “(B) the request is supported by good
24 cause shown.”.

1 **SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
2 **FORMATION.**

3 (a) DATABASE REQUIRED.—Section 6 of the Act (2
4 U.S.C. 1605) is amended—

5 (1) in paragraph (7), by striking “and” at the
6 end;

7 (2) in paragraph (8), by striking the period and
8 inserting “; and”; and

9 (3) by adding at the end the following:

10 “(9) maintain, and make available to the public
11 over the Internet, without a fee or other access
12 charge, in a searchable, sortable, and downloadable
13 manner, an electronic database that—

14 “(A) includes the information contained in
15 registrations and reports filed under this Act;
16 and

17 “(B) is searchable and sortable, at a min-
18 imum, by each of the categories of information
19 described in section 4(b) or 5(b).”.

20 (b) AVAILABILITY OF REPORTS.—Section 6(4) of the
21 Act is amended by inserting before the semicolon the fol-
22 lowing: “and, in the case of a registration filed in elec-
23 tronic form pursuant to section 4(d) or a report filed in
24 electronic form pursuant to section 5(d), shall make such
25 registration or report (as the case may be) available for
26 public inspection over the Internet not more than 48 hours

1 after the registration or report (as the case may be) is
 2 approved as received by the Secretary of the Senate or
 3 the Clerk of the House of Representatives (as the case
 4 may be)''.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated such sums as may be
 7 necessary to carry out paragraph (9) of section 6 of the
 8 Act, as added by subsection (a) of this section.

9 **SEC. 104. DISCLOSURE BY REGISTERED LOBBYISTS OF**
 10 **PAST EXECUTIVE BRANCH AND CONGRES-**
 11 **SIONAL EMPLOYMENT.**

12 Section 4(b)(6) of the Act (2 U.S.C. 1603) is amend-
 13 ed by striking “2 years” and inserting “7 years”.

14 **SEC. 105. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND**
 15 **GIFTS.**

16 (a) IN GENERAL.—Section 5(b) of the Act (2 U.S.C.
 17 1604(b)) is amended—

18 (1) in paragraph (4), by striking “and” after
 19 the semicolon;

20 (2) in paragraph (5), by striking the period and
 21 inserting a semicolon; and

22 (3) by adding at the end the following:

23 “(6) for each registrant (and for any political
 24 committee, as defined in 301(4) of the Federal Elec-
 25 tion Campaign Act of 1971 (2 U.S.C. 431(4)), affili-

1 ated with such registrant), and for each employee
2 listed as a lobbyist by a registrant under paragraph
3 (2)(C), the name of each Federal candidate or of-
4 ficeholder, and of each leadership PAC, political
5 party committee, or other political committee to
6 whom a contribution was made which is required to
7 be reported to the Federal Election Commission by
8 the recipient, and the date and amount of such con-
9 tribution; and

10 “(7) the date, recipient, and amount of any gift
11 that under the Rules of the House of Representa-
12 tives counts towards the cumulative annual limit de-
13 scribed in such rules and is given by a registrant or
14 employee listed as a lobbyist to a covered legislative
15 branch official.”.

16 (b) CONFORMING AMENDMENT.—Section 3 of the
17 Act (2 U.S.C. 1602) is amended by adding at the end the
18 following new paragraphs:

19 “(17) GIFT.—The term ‘gift’ means a gratuity,
20 favor, discount, entertainment, hospitality, loan, for-
21 bearance, or other item having monetary value. The
22 term includes gifts of services, training, and meals
23 whether provided in kind, by purchase of a ticket,
24 payment in advance, or reimbursement after the ex-
25 pense has been incurred.

1 “(18) LEADERSHIP PAC.—The term ‘leader-
 2 ship PAC’ means, with respect to an individual hold-
 3 ing Federal office, an unauthorized political com-
 4 mittee (as defined in the Federal Election Campaign
 5 Act of 1971) which is associated with such indi-
 6 vidual.”.

7 **SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY**
 8 **WITH LOBBYING DISCLOSURE REQUIRE-**
 9 **MENTS.**

10 Section 7 of the Act (2 U.S.C. 1606) is amended by
 11 striking “\$50,000” and inserting “\$100,000”.

12 **TITLE II—SLOWING THE**
 13 **REVOLVING DOOR**

14 **SEC. 201. NOTIFICATION OF POST-EMPLOYMENT RESTRIC-**
 15 **TIONS.**

16 Section 207(e) of title 18, United States Code, is
 17 amended by adding at the end the following new para-
 18 graph:

19 “(8) NOTIFICATION OF POST-EMPLOYMENT RE-
 20 STRICTIONS.—After a Member of the House of Rep-
 21 resentatives or an elected officer of the House of
 22 Representatives leaves office, or after the termi-
 23 nation of employment with the House of Representa-
 24 tives of an employee of the House of Representatives
 25 covered under paragraph (2), (3), or (4), the Clerk

1 of the House of Representatives, after consultation
2 with the Committee on Standards of Official Con-
3 duct, shall inform the Member, officer, or employee
4 of the beginning and ending date of the prohibitions
5 that apply to the Member, officer, or employee under
6 this subsection, and also inform each office of the
7 House of Representatives with respect to which such
8 prohibitions apply of those dates.”.

9 **SEC. 202. DISCLOSURE BY MEMBERS OF THE HOUSE OF**
10 **REPRESENTATIVES OF EMPLOYMENT NEGO-**
11 **TIATIONS.**

12 The Code of Official Conduct set forth in rule XXIII
13 of the Rules of the House of Representatives is amended
14 by redesignating clause 14 as clause 15 and by inserting
15 after clause 13 the following new clause:

16 “14. (a) A Member, Delegate, or Resident Commis-
17 sioner shall file with the Committee on Standards of Offi-
18 cial Conduct a statement that he or she is negotiating
19 compensation for prospective employment or has any ar-
20 rangement concerning prospective employment if a conflict
21 of interest or the appearance of a conflict of interest may
22 exist. Such statement shall be made within 5 days (other
23 than Saturdays, Sundays, or public holidays) after com-
24 mencing the negotiation for compensation or entering into
25 the arrangement.

1 “(b) A Member, Delegate, or Resident Commissioner
2 should refrain from voting on any legislative measure
3 pending before the House or any committee thereof if the
4 negotiation described in subparagraph (a) may create a
5 conflict of interest.”.

6 **SEC. 203. WRONGFULLY INFLUENCING, ON A PARTISAN**
7 **BASIS, AN ENTITY’S EMPLOYMENT DECISIONS**
8 **OR PRACTICES.**

9 The Code of Official Conduct set forth in rule XXIII
10 of the Rules of the House of Representatives (as amended
11 by section 202) is further amended by redesignating
12 clause 15 as clause 16 and by inserting after clause 14
13 the following new clause:

14 “15. A Member, Delegate, Resident Commissioner,
15 officer, or employee of the House may not, with the intent
16 to influence on the basis of political party affiliation an
17 employment decision or employment practice of any pri-
18 vate or public entity (except for the Congress)—

19 “(a) take or withhold, or offer or threaten to
20 take or withhold, an official act; or

21 “(b) influence, or offer or threaten to influence,
22 the official act of another.”.

1 **TITLE III—SUSPENSION OF PRI-**
2 **VATELY-FUNDED TRAVEL;**
3 **CURBING LOBBYIST GIFTS**

4 **SEC. 301. SUSPENSION OF PRIVATELY-FUNDED TRAVEL.**

5 Notwithstanding clause 5 of rule XXV of the Rules
6 of the House of Representatives, no Member, Delegate,
7 Resident Commissioner, officer, or employee of the House
8 may accept a gift of travel (including any transportation,
9 lodging, and meals during such travel) from any private
10 source.

11 **SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON**
12 **STANDARDS OF OFFICIAL CONDUCT ON**
13 **GIFTS AND TRAVEL.**

14 Not later than December 15, 2006, the Committee
15 on Standards of Official Conduct shall report its rec-
16 ommendations on changes to rule XXV of the Rules of
17 the House of Representatives to the Committee on Rules.
18 In developing such recommendations, the Committee on
19 Standards of Official Conduct shall consider the following:

20 (1) The ability of the current provisions of rule
21 XXV to protect the House, its Members, officers,
22 and employees, from the appearance of impropriety.

23 (2) With respect to the allowance for privately-
24 funded travel contained in clause 5(b) of rule
25 XXV—

1 (A) the degree to which privately-funded
2 travel meets the representational needs of the
3 House, its Members, officers, and employees;

4 (B) whether certain entities should or
5 should not be permitted to fund the travel of
6 the Members, officers, and employees of the
7 House, what sources of funding may be permis-
8 sible, and what other individuals may partici-
9 pate in that travel; and

10 (C) the adequacy of the current system of
11 approval and disclosure of such travel.

12 (3) With respect to the exceptions to the limita-
13 tion on the acceptance of gifts contained in clause
14 5(a)—

15 (A) the degree to which those exceptions
16 meet the representational and personal needs of
17 the House, its Members, officers, and employ-
18 ees;

19 (B) the clarity of the limitation and its ex-
20 ceptions; and

21 (C) the suitability of the current dollar
22 limitations contained in clause 5(a)(1)(B) of
23 such rule, including whether such limitations
24 should be lowered.

1 **SEC. 303. PROHIBITING REGISTERED LOBBYISTS ON COR-**
 2 **PORATE FLIGHTS.**

3 The Lobbying Disclosure Act of 1995 is amended by
 4 inserting after section 5 the following new section:

5 **“SEC. 5A. PROHIBITING REGISTERED LOBBYISTS ON COR-**
 6 **PORATE FLIGHTS.**

7 “If a Representative in, or Delegate or Resident
 8 Commissioner to, the Congress or an officer or employee
 9 of the House of Representatives is a passenger or crew
 10 member on a flight of an aircraft not licensed by the Fed-
 11 eral Aviation Administration to operate for compensation
 12 or hire that is owned or operated by a person who is the
 13 client of a lobbyist or a lobbying firm, then such lobbyist
 14 may not be a passenger or crew member on that flight.”.

15 **SEC. 304. VALUATION OF TICKETS TO SPORTING AND EN-**
 16 **TERAINMENT EVENTS.**

17 Clause 5(a)(2)(A) of rule XXV of the Rules of the
 18 House of Representatives is amended by—

19 (1) inserting “(i)” after “(A)”; and

20 (2) adding at the end the following:

21 “(ii) A gift of a ticket to a sporting or entertainment
 22 event shall be valued at the face value of the ticket, pro-
 23 vided that in the case of a ticket without a face value,
 24 the ticket shall be valued at the highest cost of a ticket
 25 with a face value for the event.”.

1 **TITLE IV—OVERSIGHT OF**
2 **LOBBYING AND ENFORCEMENT**

3 **SEC. 401. AUDITS OF LOBBYING REPORTS BY HOUSE IN-**
4 **SPECTOR GENERAL.**

5 (a) ACCESS TO LOBBYING REPORTS.—The Office of
6 Inspector General of the House of Representatives shall
7 have access to all lobbyists' disclosure information received
8 by the Clerk of the House of Representatives under the
9 Lobbying Disclosure Act of 1995 and shall conduct ran-
10 dom audits of lobbyists' disclosure information as nec-
11 essary to ensure compliance with that Act.

12 (b) REFERRAL AUTHORITY.—The Office of the In-
13 specter General of the House of Representatives may refer
14 potential violations by lobbyists of the Lobbying Disclo-
15 sure Act of 1995 to the Department of Justice for discipli-
16 nary action.

17 **SEC. 402. HOUSE INSPECTOR GENERAL REVIEW AND AN-**
18 **NUAL REPORTS.**

19 (a) ONGOING REVIEW REQUIRED.—The Inspector
20 General of the House of Representatives shall review on
21 an ongoing basis the activities carried out by the Clerk
22 of the House of Representatives under section 6 of the
23 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The
24 review shall emphasize—

1 (1) the effectiveness of those activities in secur-
 2 ing the compliance by lobbyists with the require-
 3 ments of that Act; and

4 (2) whether the Clerk has the resources and au-
 5 thorities needed for effective oversight and enforce-
 6 ment of that Act.

7 (b) ANNUAL REPORTS.—Not later than December 31
 8 of each year, the Inspector General of the House of Rep-
 9 resentatives shall submit to the House of Representatives
 10 a report on the review required by subsection (a). The re-
 11 port shall include the Inspector General’s assessment of
 12 the matters required to be emphasized by that subsection
 13 and any recommendations of the Inspector General to—

14 (1) improve the compliance by lobbyists with
 15 the requirements of the Lobbying Disclosure Act of
 16 1995; and

17 (2) provide the Clerk of the House of Rep-
 18 resentatives with the resources and authorities need-
 19 ed for effective oversight and enforcement of that
 20 Act.

21 **TITLE V—INSTITUTIONAL** 22 **REFORMS**

23 **SEC. 501. EARMARKING REFORM.**

24 (a) In the House of Representatives, it shall not be
 25 in order to consider—

1 (1) a general appropriation bill reported by the
2 Committee on Appropriations unless the report in-
3 cludes a list of earmarks in the bill or in the report
4 (and the name of any Member who submitted a re-
5 quest to the Committee on Appropriations for an
6 earmark included in such list); or

7 (2) a conference report to accompany a general
8 appropriation bill unless the joint explanatory state-
9 ment prepared by the managers on the part of the
10 House and the managers on the part of the Senate
11 includes a list of earmarks in the conference report
12 or joint statement (and the name of any Member
13 who submitted a request to the Committee on Ap-
14 propriations for an earmark included in such list)
15 that were—

16 (A) not committed to the conference com-
17 mittee by either House;

18 (B) not in the report specified in para-
19 graph (1); and

20 (C) not in a report of a committee of the
21 Senate on a companion measure.

22 (b) In the House of Representatives, it shall not be
23 in order to consider a rule or order that waives the appli-
24 cation of subsection (a)(2).

1 (c)(1) A point of order raised under subsection (a)
2 may be based only on the failure of a report of the Com-
3 mittee on Appropriations or joint statement, as the case
4 may be, to include the list required by subsection (a).

5 (2) As disposition of a point of order under this sec-
6 tion, the Chair shall put the question of consideration with
7 respect to the proposition that is the subject of the point
8 of order.

9 (3) The question of consideration under this sub-
10 section shall be debatable for 10 minutes by the Member
11 initiating the point of order and for 10 minutes by an op-
12 ponent, but shall otherwise be decided without intervening
13 motion except one that the House adjourn.

14 (d)(1) For purposes of this section, the term “ear-
15 mark” means a provision in a bill, joint resolution, or con-
16 ference report, or language in an accompanying committee
17 report or joint statement of managers, providing a specific
18 amount of discretionary budget authority to a non-Federal
19 entity, if such entity is identified by name.

20 (2) For purposes of paragraph (1), government-spon-
21 sored enterprises, Federal facilities, and Federal lands
22 shall be considered Federal entities.

23 (3) For purposes of subsection (a), to the extent that
24 the non-Federal entity is a unit of State or local govern-
25 ment, an Indian tribe, or a foreign government, the provi-

1 sion or language shall not be considered an earmark unless
 2 the provision or language also specifies the specific pur-
 3 pose for which the designated budget authority is to be
 4 expended.

5 **SEC. 502. FREQUENT AND COMPREHENSIVE ETHICS TRAIN-**
 6 **ING.**

7 (a) ETHICS TRAINING.—

8 (1) IN GENERAL.—The Committee on Stand-
 9 ards of Official Conduct shall provide ethics training
 10 once per Congress to each employee of the House of
 11 Representatives, including training on the Code of
 12 Official Conduct, related rules of the House of Rep-
 13 resentatives, and applicable provisions of law.

14 (2) NEW EMPLOYEES.—A new employee of the
 15 House of Representatives shall receive training
 16 under this section not later than 30 days after be-
 17 ginning service to the House.

18 (3) MEMBERS.—While the House of Represent-
 19 atives recognizes that adding qualifications to service
 20 as a Member may be unconstitutional, it encourages
 21 Members to participate in ethics training.

22 (b) CERTIFICATION.—Within 30 days of completing
 23 required ethics training, each employee of the House of
 24 Representatives shall file a certification with the Com-
 25 mittee on Standards of Official Conduct that the employee

1 has completed such training and is familiar with the con-
 2 tents of any pertinent publications that are so designated
 3 by the committee.

4 **SEC. 503. BIENNIAL PUBLICATION OF ETHICS MANUAL.**

5 Within 120 days after the date of enactment of this
 6 Act and during each Congress thereafter, the Committee
 7 on Standards of Official Conduct shall publish an up-to-
 8 date ethics manual for Members, officers, and employees
 9 of the House of Representatives and make such manual
 10 available to all such individuals. The committee has a duty
 11 to keep all Members, Delegates, the Resident Commis-
 12 sioner, officers, and employees of the House of Represent-
 13 atives apprised of current rulings or advisory opinions
 14 when potentially constituting changes to or interpretations
 15 of existing policies.

16 **TITLE VI—REFORM OF SECTION**
 17 **527 ORGANIZATIONS**

18 **SEC. 601. SHORT TITLE.**

19 This title may be cited as the “527 Reform Act of
 20 2006”.

21 **SEC. 602. TREATMENT OF SECTION 527 ORGANIZATIONS.**

22 (a) DEFINITION OF POLITICAL COMMITTEE.—Sec-
 23 tion 301(4) of the Federal Election Campaign Act of 1971
 24 (2 U.S.C. 431(4)) is amended—

1 (1) by striking the period at the end of sub-
 2 paragraph (C) and inserting “; or”; and

3 (2) by adding at the end the following:

4 “(D) any applicable 527 organization.”.

5 (b) DEFINITION OF APPLICABLE 527 ORGANIZA-
 6 TION.—Section 301 of such Act (2 U.S.C. 431) is amend-
 7 ed by adding at the end the following new paragraph:

8 “(27) APPLICABLE 527 ORGANIZATION.—

9 “(A) IN GENERAL.—For purposes of para-
 10 graph (4)(D), the term ‘applicable 527 organi-
 11 zation’ means a committee, club, association, or
 12 group of persons that—

13 “(i) has given notice to the Secretary
 14 of the Treasury under section 527(i) of the
 15 Internal Revenue Code of 1986 that it is
 16 to be treated as an organization described
 17 in section 527 of such Code; and

18 “(ii) is not described in subparagraph
 19 (B).

20 “(B) EXCEPTED ORGANIZATIONS.—A com-
 21 mittee, club, association, or other group of per-
 22 sons described in this subparagraph is—

23 “(i) an organization described in sec-
 24 tion 527(i)(5) of the Internal Revenue
 25 Code of 1986;

1 “(ii) an organization which is a com-
2 mittee, club, association or other group of
3 persons that is organized, operated, and
4 makes disbursements exclusively for paying
5 expenses described in the last sentence of
6 section 527(e)(2) of the Internal Revenue
7 Code of 1986 or expenses of a newsletter
8 fund described in section 527(g) of such
9 Code;

10 “(iii) an organization which is a com-
11 mittee, club, association, or other group
12 that consists solely of candidates for State
13 or local office, individuals holding State or
14 local office, or any combination of either,
15 but only if the organization refers only to
16 one or more non-Federal candidates or ap-
17 plicable State or local issues in all of its
18 voter drive activities and does not refer to
19 a Federal candidate or a political party in
20 any of its voter drive activities; or

21 “(iv) an organization described in sub-
22 paragraph (C).

23 “(C) APPLICABLE ORGANIZATION.—For
24 purposes of subparagraph (B)(iv), an organiza-
25 tion described in this subparagraph is a com-

mittee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

“(i) elections where no candidate for Federal office appears on the ballot; or

“(ii) one or more of the following purposes:

“(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

“(II) Influencing one or more applicable State or local issues.

“(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

“(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than \$1,000 for any of the following:

“(i) A public communication that promotes, supports, attacks, or opposes a

1 clearly identified candidate for Federal of-
2 fice during the 1-year period ending on the
3 date of the general election for the office
4 sought by the clearly identified candidate
5 (or, if a runoff election is held with respect
6 to such general election, on the date of the
7 runoff election).

8 “(ii) Any voter drive activity during a
9 calendar year, except that no disburse-
10 ments for any voter drive activity shall be
11 taken into account under this subpara-
12 graph if the committee, club, association,
13 or other group of persons during such cal-
14 endar year—

15 “(I) makes disbursements for
16 voter drive activities with respect to
17 elections in only 1 State and complies
18 with all applicable election laws of
19 that State, including laws related to
20 registration and reporting require-
21 ments and contribution limitations;

22 “(II) refers to one or more non-
23 Federal candidates or applicable State
24 or local issues in all of its voter drive
25 activities and does not refer to any

1 Federal candidate or any political
2 party in any of its voter drive activi-
3 ties;

4 “(III) does not have a candidate
5 for Federal office, an individual who
6 holds any Federal office, a national
7 political party, or an agent of any of
8 the foregoing, control or materially
9 participate in the direction of the or-
10 ganization, solicit contributions to the
11 organization (other than funds which
12 are described under clauses (i) and
13 (ii) of section 323(e)(1)(B)), or direct
14 disbursements, in whole or in part, by
15 the organization; and

16 “(IV) makes no contributions to
17 Federal candidates.

18 “(E) CERTAIN REFERENCES TO FEDERAL
19 CANDIDATES NOT TAKEN INTO ACCOUNT.—For
20 purposes of subparagraphs (B)(iii) and
21 (D)(ii)(II), a voter drive activity shall not be
22 treated as referring to a clearly identified Fed-
23 eral candidate if the only reference to the can-
24 didate in the activity is—

1 “(i) a reference in connection with an
2 election for a non-Federal office in which
3 such Federal candidate is also a candidate
4 for such non-Federal office; or

5 “(ii) a reference to the fact that the
6 candidate has endorsed a non-Federal can-
7 didate or has taken a position on an appli-
8 cable State or local issue, including a ref-
9 erence that constitutes the endorsement or
10 position itself.

11 “(F) CERTAIN REFERENCES TO POLITICAL
12 PARTIES NOT TAKEN INTO ACCOUNT.—For pur-
13 poses of subparagraphs (B)(iii) and (D)(ii)(II),
14 a voter drive activity shall not be treated as re-
15 ferring to a political party if the only reference
16 to the party in the activity is—

17 “(i) a reference for the purpose of
18 identifying a non-Federal candidate;

19 “(ii) a reference for the purpose of
20 identifying the entity making the public
21 communication or carrying out the voter
22 drive activity; or

23 “(iii) a reference in a manner or con-
24 text that does not reflect support for or op-
25 position to a Federal candidate or can-

1 didates and does reflect support for or op-
 2 position to a State or local candidate or
 3 candidates or an applicable State or local
 4 issue.

5 “(G) APPLICABLE STATE OR LOCAL
 6 ISSUE.—For purposes of this paragraph, the
 7 term ‘applicable State or local issue’ means any
 8 State or local ballot initiative, State or local ref-
 9 erendum, State or local constitutional amend-
 10 ment, State or local bond issue, or other State
 11 or local ballot issue.”.

12 (c) DEFINITION OF VOTER DRIVE ACTIVITY.—Sec-
 13 tion 301 of such Act (2 U.S.C. 431), as amended by sub-
 14 section (b), is further amended by adding at the end the
 15 following new paragraph:

16 “(28) VOTER DRIVE ACTIVITY.—The term
 17 ‘voter drive activity’ means any of the following ac-
 18 tivities conducted in connection with an election in
 19 which a candidate for Federal office appears on the
 20 ballot (regardless of whether a candidate for State
 21 or local office also appears on the ballot):

22 “(A) Voter registration activity.

23 “(B) Voter identification.

24 “(C) Get-out-the-vote activity.

25 “(D) Generic campaign activity.

1 “(E) Any public communication related to
 2 activities described in subparagraphs (A)
 3 through (D).

4 Such term shall not include any activity described in
 5 subparagraph (A) or (B) of section 316(b)(2).”.

6 (d) REGULATIONS.—The Federal Election Commis-
 7 sion shall promulgate regulations to implement this sec-
 8 tion not later than 60 days after the date of enactment
 9 of this Act.

10 (e) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect on the date which is 60 days
 12 after the date of enactment of this Act.

13 **SEC. 603. RULES FOR ALLOCATION OF EXPENSES BETWEEN**
 14 **FEDERAL AND NON-FEDERAL ACTIVITIES.**

15 (a) IN GENERAL.—Title III of the Federal Election
 16 Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended
 17 by adding at the end the following:

18 **“SEC. 325. ALLOCATION AND FUNDING RULES FOR CER-**
 19 **TAIN EXPENSES RELATING TO FEDERAL AND**
 20 **NON-FEDERAL ACTIVITIES.**

21 “(a) IN GENERAL.—In the case of any disbursements
 22 by any political committee that is a separate segregated
 23 fund or nonconnected committee for which allocation rules
 24 are provided under subsection (b)—

1 “(1) the disbursements shall be allocated be-
 2 tween Federal and non-Federal accounts in accord-
 3 ance with this section and regulations prescribed by
 4 the Commission; and

5 “(2) in the case of disbursements allocated to
 6 non-Federal accounts, may be paid only from a
 7 qualified non-Federal account.

8 “(b) COSTS TO BE ALLOCATED AND ALLOCATION
 9 RULES.—

10 “(1) IN GENERAL.—Disbursements by any sep-
 11 arate segregated fund or nonconnected committee,
 12 other than an organization described in section
 13 323(b)(1), for any of the following categories of ac-
 14 tivity shall be allocated as follows:

15 “(A) 100 percent of the expenses for public
 16 communications or voter drive activities that
 17 refer to one or more clearly identified Federal
 18 candidates, but do not refer to any clearly iden-
 19 tified non-Federal candidates, shall be paid with
 20 funds from a Federal account, without regard
 21 to whether the communication refers to a polit-
 22 ical party.

23 “(B) At least 50 percent, or a greater per-
 24 centage if the Commission so determines by
 25 regulation, of the expenses for public commu-

1 nications and voter drive activities that refer to
2 one or more clearly identified candidates for
3 Federal office and one or more clearly identified
4 non-Federal candidates shall be paid with funds
5 from a Federal account, without regard to
6 whether the communication refers to a political
7 party.

8 “(C) At least 50 percent, or a greater per-
9 centage if the Commission so determines by
10 regulation, of the expenses for public commu-
11 nications or voter drive activities that refer to
12 a political party, but do not refer to any clearly
13 identified Federal or non-Federal candidate,
14 shall be paid with funds from a Federal ac-
15 count, except that this paragraph shall not
16 apply to communications or activities that re-
17 late exclusively to elections where no candidate
18 for Federal office appears on the ballot.

19 “(D) At least 50 percent, or a greater per-
20 centage if the Commission so determines by
21 regulation, of the expenses for public commu-
22 nications or voter drive activities that refer to
23 a political party and refer to one or more clear-
24 ly identified non-Federal candidates, but do not
25 refer to any clearly identified Federal can-

1 didates, shall be paid with funds from a Federal
2 account, except that this paragraph shall not
3 apply to communications or activities that re-
4 late exclusively to elections where no candidate
5 for Federal office appears on the ballot.

6 “(E) Unless otherwise determined by the
7 Commission in its regulations, at least 50 per-
8 cent of any administrative expenses, including
9 rent, utilities, office supplies, and salaries not
10 attributable to a clearly identified candidate,
11 shall be paid with funds from a Federal ac-
12 count, except that for a separate segregated
13 fund such expenses may be paid instead by its
14 connected organization.

15 “(F) At least 50 percent, or a greater per-
16 centage if the Commission so determines by
17 regulation, of the direct costs of a fundraising
18 program or event, including disbursements for
19 solicitation of funds and for planning and ad-
20 ministration of actual fundraising events, where
21 Federal and non-Federal funds are collected
22 through such program or event shall be paid
23 with funds from a Federal account, except that
24 for a separate segregated fund such costs may
25 be paid instead by its connected organization.

1 This paragraph shall not apply to any fund-
2 raising solicitations or any other activity that
3 constitutes a public communication.

4 “(2) CERTAIN REFERENCES TO FEDERAL CAN-
5 DIDATES NOT TAKEN INTO ACCOUNT.—For purposes
6 of paragraph (1), a public communication or voter
7 drive activity shall not be treated as referring to a
8 clearly identified Federal candidate if the only ref-
9 erence to the candidate in the communication or ac-
10 tivity is—

11 “(A) a reference in connection with an
12 election for a non-Federal office in which such
13 Federal candidate is also a candidate for such
14 non-Federal office; or

15 “(B) a reference to the fact that the can-
16 didate has endorsed a non-Federal candidate or
17 has taken a position on an applicable State or
18 local issue (as defined in section 301(27)(G)),
19 including a reference that constitutes the en-
20 dorsement or position itself.

21 “(3) CERTAIN REFERENCES TO POLITICAL PAR-
22 TIES NOT TAKEN INTO ACCOUNT.—For purposes of
23 paragraph (1), a public communication or voter
24 drive activity shall not be treated as referring to a

1 political party if the only reference to the party in
2 the communication or activity is—

3 “(A) a reference for the purpose of identi-
4 fying a non-Federal candidate;

5 “(B) a reference for the purpose of identi-
6 fying the entity making the public communica-
7 tion or carrying out the voter drive activity; or

8 “(C) a reference in a manner or context
9 that does not reflect support for or opposition
10 to a Federal candidate or candidates and does
11 reflect support for or opposition to a State or
12 local candidate or candidates or an applicable
13 State or local issue.

14 “(c) QUALIFIED NON-FEDERAL ACCOUNT.—

15 “(1) IN GENERAL.—For purposes of this sec-
16 tion, the term ‘qualified non-Federal account’ means
17 an account which consists solely of amounts—

18 “(A) that, subject to the limitations of
19 paragraphs (2) and (3), are raised by the sepa-
20 rate segregated fund or nonconnected com-
21 mittee only from individuals, and

22 “(B) with respect to which all require-
23 ments of Federal, State, or local law (including
24 any law relating to contribution limits) are met.

1 “(2) LIMITATION ON INDIVIDUAL DONA-
2 TIONS.—

3 “(A) IN GENERAL.—A separate segregated
4 fund or nonconnected committee may not ac-
5 cept more than \$25,000 in funds for its quali-
6 fied non-Federal account from any one indi-
7 vidual in any calendar year.

8 “(B) AFFILIATION.—For purposes of this
9 paragraph, all qualified non-Federal accounts of
10 separate segregated funds or nonconnected
11 committees which are directly or indirectly es-
12 tablished, financed, maintained, or controlled by
13 the same person or persons shall be treated as
14 one account.

15 “(3) FUNDRAISING LIMITATION.—

16 “(A) IN GENERAL.—No donation to a
17 qualified non-Federal account may be solicited,
18 received, directed, transferred, or spent by or in
19 the name of any person described in subsection
20 (a) or (e) of section 323.

21 “(B) FUNDS NOT TREATED AS SUBJECT
22 TO ACT.—Except as provided in subsection
23 (a)(2) and this subsection, any funds raised for
24 a qualified non-Federal account in accordance
25 with the requirements of this section shall not

1 be considered funds subject to the limitations,
 2 prohibitions, and reporting requirements of this
 3 Act for any purpose (including for purposes of
 4 subsection (a) or (e) of section 323 or sub-
 5 section (d)(1) of this section).

6 “(d) DEFINITIONS.—

7 “(1) FEDERAL ACCOUNT.—The term ‘Federal
 8 account’ means an account which consists solely of
 9 contributions subject to the limitations, prohibitions,
 10 and reporting requirements of this Act. Nothing in
 11 this section or in section 323(b)(2)(B)(iii) shall be
 12 construed to infer that a limit other than the limit
 13 under section 315(a)(1)(C) applies to contributions
 14 to the account.

15 “(2) NONCONNECTED COMMITTEE.—The term
 16 ‘nonconnected committee’ shall not include a polit-
 17 ical committee of a political party.

18 “(3) VOTER DRIVE ACTIVITY.—The term ‘voter
 19 drive activity’ has the meaning given such term in
 20 section 301(28).”.

21 (b) REPORTING REQUIREMENTS.—Section 304(e) of
 22 the Federal Election Campaign Act of 1971 (2 U.S.C.
 23 434(e)) is amended—

24 (1) by redesignating paragraphs (3) and (4) as
 25 paragraphs (4) and (5); and

1 (2) by inserting after paragraph (2) the fol-
 2 lowing new paragraph:

3 “(3) RECEIPTS AND DISBURSEMENTS FROM
 4 QUALIFIED NON-FEDERAL ACCOUNTS.—In addition
 5 to any other reporting requirement applicable under
 6 this Act, a political committee to which section
 7 325(a) applies shall report all receipts and disburse-
 8 ments from a qualified non-Federal account (as de-
 9 fined in section 325(c)).”.

10 (c) REGULATIONS.—The Federal Election Commis-
 11 sion shall promulgate regulations to implement the amend-
 12 ments made by this section not later than 180 days after
 13 the date of enactment of this Act.

14 (d) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on the date which is 180 days
 16 after the date of enactment of this Act.

17 **SEC. 604. REPEAL OF LIMIT ON AMOUNT OF PARTY EX-**
 18 **PENDITURES ON BEHALF OF CANDIDATES IN**
 19 **GENERAL ELECTIONS.**

20 (a) REPEAL OF LIMIT.—Section 315(d) of the Fed-
 21 eral Election Campaign Act of 1971 (2 U.S.C. 441a(d))
 22 is amended—

23 (1) in paragraph (1)—

24 (A) by striking “(1) Notwithstanding any
 25 other provision of law with respect to limita-

tions on expenditures or limitations on contributions, the national committee” and inserting “Notwithstanding any other provision of law with respect to limitations on amounts of expenditures or contributions, a national committee”,

(B) by striking “the general” and inserting “any”, and

(C) by striking “Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection” and inserting “Federal office in any amount”; and

(2) by striking paragraphs (2), (3), and (4).

(b) CONFORMING AMENDMENTS.—

(1) INDEXING.—Section 315(c) of such Act (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)(B)(i), by striking “(d),”; and

(B) in paragraph (2)(B)(i), by striking “subsections (b) and (d)” and inserting “subsection (b)”.

(2) INCREASE IN LIMITS FOR SENATE CANDIDATES FACING WEALTHY OPPONENTS.—Section 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amended—

1 (A) in paragraph (1)(C)(iii)—

2 (i) by adding “and” at the end of sub-
3 clause (I),

4 (ii) in subclause (II), by striking “;
5 and” and inserting a period, and

6 (iii) by striking subclause (III);

7 (B) in paragraph (2)(A) in the matter pre-
8 ceding clause (i), by striking “, and a party
9 committee shall not make any expenditure,”;

10 (C) in paragraph (2)(A)(ii), by striking
11 “and party expenditures previously made”; and

12 (D) in paragraph (2)(B), by striking “and
13 a party shall not make any expenditure”.

14 (3) INCREASE IN LIMITS FOR HOUSE CAN-
15 DIDATES FACING WEALTHY OPPONENTS.—Section
16 315A(a) of such Act (2 U.S.C. 441a—1(a)) is
17 amended—

18 (A) in paragraph (1)—

19 (i) by adding “and” at the end of sub-
20 paragraph (A),

21 (ii) in subparagraph (B), by striking
22 “; and” and inserting a period, and

23 (iii) by striking subparagraph (C);

1 (B) in paragraph (3)(A) in the matter pre-
2 ceding clause (i), by striking “, and a party
3 committee shall not make any expenditure,”;

4 (C) in paragraph (3)(A)(ii), by striking
5 “and party expenditures previously made”; and

6 (D) in paragraph (3)(B), by striking “and
7 a party shall not make any expenditure”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect January 1, 2006.

10 **SEC. 605. CONSTRUCTION.**

11 No provision of this title, or amendment made by this
12 title, shall be construed—

13 (1) as approving, ratifying, or endorsing a regu-
14 lation promulgated by the Federal Election Commis-
15 sion;

16 (2) as establishing, modifying, or otherwise af-
17 fecting the definition of political organization for
18 purposes of the Internal Revenue Code of 1986; or

19 (3) as affecting the determination of whether a
20 group organized under section 501(c) of the Internal
21 Revenue Code of 1986 is a political committee under
22 section 301(4) of the Federal Election Campaign
23 Act of 1971.

1 **SEC. 606. JUDICIAL REVIEW.**

2 (a) SPECIAL RULES FOR ACTIONS BROUGHT ON
3 CONSTITUTIONAL GROUNDS.—If any action is brought for
4 declaratory or injunctive relief to challenge the constitu-
5 tionality of any provision of this title or any amendment
6 made by this title, the following rules shall apply:

7 (1) The action shall be filed in the United
8 States District Court for the District of Columbia
9 and shall be heard by a 3-judge court convened pur-
10 suant to section 2284 of title 28, United States
11 Code.

12 (2) A copy of the complaint shall be delivered
13 promptly to the Clerk of the House of Representa-
14 tives and the Secretary of the Senate.

15 (3) A final decision in the action shall be re-
16 viewable only by appeal directly to the Supreme
17 Court of the United States. Such appeal shall be
18 taken by the filing of a notice of appeal within 10
19 days, and the filing of a jurisdictional statement
20 within 30 days, of the entry of the final decision.

21 (4) It shall be the duty of the United States
22 District Court for the District of Columbia and the
23 Supreme Court of the United States to advance on
24 the docket and to expedite to the greatest possible
25 extent the disposition of the action and appeal.

1 (b) INTERVENTION BY MEMBERS OF CONGRESS.—In
2 any action in which the constitutionality of any provision
3 of this title or any amendment made by this title is raised
4 (including but not limited to an action described in sub-
5 section (a)), any Member of the House of Representatives
6 (including a Delegate or Resident Commissioner to Con-
7 gress) or Senate shall have the right to intervene either
8 in support of or opposition to the position of a party to
9 the case regarding the constitutionality of the provision
10 or amendment. To avoid duplication of efforts and reduce
11 the burdens placed on the parties to the action, the court
12 in any such action may make such orders as it considers
13 necessary, including orders to require intervenors taking
14 similar positions to file joint papers or to be represented
15 by a single attorney at oral argument.

16 (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
17 Member of Congress may bring an action, subject to the
18 special rules described in subsection (a), for declaratory
19 or injunctive relief to challenge the constitutionality of any
20 provision of this title or any amendment made by this title.

21 (d) APPLICABILITY.—

22 (1) INITIAL CLAIMS.—With respect to any ac-
23 tion initially filed on or before December 31, 2008,
24 the provisions of subsection (a) shall apply with re-
25 spect to each action described in such subsection.

1 (2) SUBSEQUENT ACTIONS.—With respect to
 2 any action initially filed after December 31, 2008,
 3 the provisions of subsection (a) shall not apply to
 4 any action described in such subsection unless the
 5 person filing such action elects such provisions to
 6 apply to the action.

7 **SEC. 607. SEVERABILITY.**

8 If any provision of this title or any amendment made
 9 by this title, or the application of a provision or amend-
 10 ment to any person or circumstance, is held to be uncon-
 11 stitutional, the remainder of this title and the amendments
 12 made by this title, and the application of the provisions
 13 and amendments to any person or circumstance, shall not
 14 be affected by the holding.

15 **TITLE VII—FORFEITURE OF**
 16 **RETIREMENT BENEFITS**

17 **SEC. 701. LOSS OF PENSIONS ACCRUED DURING SERVICE**

18 **AS A MEMBER OF CONGRESS FOR ABUSING**

19 **THE PUBLIC TRUST.**

20 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
 21 8332 of title 5, United States Code, is amended by adding
 22 at the end the following:

23 “(o)(1) Notwithstanding any other provision of this
 24 subchapter, the service of an individual finally convicted
 25 of an offense described in paragraph (2) shall not be taken

1 into account for purposes of this subchapter, except that
2 this sentence applies only to service rendered as a Member
3 (irrespective of when rendered). Any such individual (or
4 other person determined under section 8342(c), if applica-
5 ble) shall be entitled to be paid so much of such individ-
6 ual's lump-sum credit as is attributable to service to which
7 the preceding sentence applies.

8 “(2)(A) An offense described in this paragraph is any
9 offense described in subparagraph (B) for which the fol-
10 lowing apply:

11 “(i) Every act or omission of the individual (re-
12 ferred to in paragraph (1)) that is needed to satisfy
13 the elements of the offense occurs while the indi-
14 vidual is a Member.

15 “(ii) Every act or omission of the individual
16 that is needed to satisfy the elements of the offense
17 directly relates to the performance of the individual's
18 official duties as a Member.

19 “(iii) The offense is committed after the date of
20 enactment of this subsection.

21 “(B) An offense described in this subparagraph is
22 only the following, and only to the extent that the offense
23 is a felony under title 18:

24 “(i) An offense under section 201 of title 18
25 (bribery of public officials and witnesses).

1 “(ii) An offense under section 219 of title 18
2 (officers and employees acting as agents of foreign
3 principals).

4 “(iii) An offense under section 371 of title 18
5 (conspiracy to commit offense or to defraud United
6 States) to the extent of any conspiracy to commit an
7 act which constitutes an offense under clause (i) or
8 (ii).

9 “(3) An individual convicted of an offense described
10 in paragraph (2) shall not, after the date of the final con-
11 viction, be eligible to participate in the retirement system
12 under this subchapter or chapter 84 while serving as a
13 Member.

14 “(4) The Office of Personnel Management shall pre-
15 scribe any regulations necessary to carry out this sub-
16 section. Such regulations shall include—

17 “(A) provisions under which interest on any
18 lump-sum payment under the second sentence of
19 paragraph (1) shall be limited in a manner similar
20 to that specified in the last sentence of section
21 8316(b); and

22 “(B) provisions under which the Office may
23 provide for—

24 “(i) the payment, to the spouse or children
25 of any individual referred to in the first sen-

1 tence of paragraph (1), of any amounts which
 2 (but for this clause) would otherwise have been
 3 nonpayable by reason of such first sentence, but
 4 only to the extent that the application of this
 5 clause is considered necessary given the totality
 6 of the circumstances; and

7 “(ii) an appropriate adjustment in the
 8 amount of any lump-sum payment under the
 9 second sentence of paragraph (1) to reflect the
 10 application of clause (i).

11 “(5) For purposes of this subsection—

12 “(A) the term ‘Member’ has the meaning given
 13 such term by section 2106, notwithstanding section
 14 8331(2); and

15 “(B) the term ‘child’ has the meaning given
 16 such term by section 8341.”.

17 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

18 Section 8411 of title 5, United States Code, is amended
 19 by adding at the end the following:

20 “(i)(1) Notwithstanding any other provision of this
 21 chapter, the service of an individual finally convicted of
 22 an offense described in paragraph (2) shall not be taken
 23 into account for purposes of this chapter, except that this
 24 sentence applies only to service rendered as a Member (ir-
 25 respective of when rendered). Any such individual (or

1 other person determined under section 8424(d), if applica-
2 ble) shall be entitled to be paid so much of such individ-
3 ual's lump-sum credit as is attributable to service to which
4 the preceding sentence applies.

5 “(2) An offense described in this paragraph is any
6 offense described in section 8332(o)(2)(B) for which the
7 following apply:

8 “(A) Every act or omission of the individual
9 (referred to in paragraph (1)) that is needed to sat-
10 isfy the elements of the offense occurs while the in-
11 dividual is a Member.

12 “(B) Every act or omission of the individual
13 that is needed to satisfy the elements of the offense
14 directly relates to the performance of the individual's
15 official duties as a Member.

16 “(C) The offense is committed after the date of
17 enactment of this subsection.

18 “(3) An individual finally convicted of an offense de-
19 scribed in paragraph (2) shall not, after the date of the
20 conviction, be eligible to participate in the retirement sys-
21 tem under this chapter while serving as a Member.

22 “(4) The Office of Personnel Management shall pre-
23 scribe any regulations necessary to carry out this sub-
24 section. Such regulations shall include—

1 “(A) provisions under which interest on any
2 lump-sum payment under the second sentence of
3 paragraph (1) shall be limited in a manner similar
4 to that specified in the last sentence of section
5 8316(b); and

6 “(B) provisions under which the Office may
7 provide for—

8 “(i) the payment, to the spouse or children
9 of any individual referred to in the first sen-
10 tence of paragraph (1), of any amounts which
11 (but for this clause) would otherwise have been
12 nonpayable by reason of such first sentence, but
13 only to the extent that the application of this
14 clause is considered necessary given the totality
15 of the circumstances; and

16 “(ii) an appropriate adjustment in the
17 amount of any lump-sum payment under the
18 second sentence of paragraph (1) to reflect the
19 application of clause (i).

20 “(5) For purposes of this subsection—

21 “(A) the term ‘Member’ has the meaning given
22 such term by section 2106, notwithstanding section
23 8401(20); and

- 1 “(B) the term ‘child’ has the meaning given
- 2 such term by section 8341.”.

○