

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT  
OF 2006

APRIL 25, 2006.—Ordered to be printed

Mr. TOM DAVIS of Virginia, from the Committee on Government Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4975]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 44, strike line 15 and all that follows through page 50, line 2, and insert the following:

## **TITLE VII—FORFEITURE OF RETIREMENT BENEFITS**

### **SEC. 701. SHORT TITLE.**

This title may be cited as the “Federal Pension Forfeiture Act”.

### **SEC. 702. CONVICTION OF CERTAIN OFFENSES.**

(a) IN GENERAL.—Section 8312 of title 5, United States Code, is amended in subsection (a)—

- (1) in paragraph (1), by striking “or” at the end;
- (2) in paragraph (2), by striking the period at the end and inserting “; or”;
- (3) by adding after paragraph (2) the following new paragraph:  
“(3) was convicted of an offense named by subsection (d), to the extent provided by that subsection.”;
- (4) in subparagraph (A), by striking “and” at the end;
- (5) in subparagraph (B), by striking the period at the end and inserting “; and”;
- (6) by adding after subparagraph (B) the following new subparagraph:  
“(C) with respect to the offenses named by subsection (d), to the period after the date of the conviction.”.

(b) OFFENSES COVERED.—Such section is further amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following new subsection:

“(d)(1) Subject to paragraph (2), the following are the offenses to which subsection (a)(3) applies:

“(A) In title 18—

- “(i) section 201 (bribery of public officials and witnesses);
- “(ii) section 219 (officers and employees acting as agents of foreign principals);
- “(iii) section 371 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201; or
- “(iv) section 641 (public money, property or records).

“(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

“(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).

“(2) Paragraph (1) applies only if—

- “(A) the offense is committed while the individual is a Member of Congress, a Congressional employee, or a political appointee;
- “(B) the offense is committed after the date of the enactment of the Federal Pension Forfeiture Act; and
- “(C) the offense is punishable by imprisonment for more than one year.

“(3) In this subsection, the term ‘political appointee’ means an individual—

- “(A) who is paid at the rate for one of the levels of the Executive Schedule, as provided under sections 5312 through 5315 or under any other provision of law;
- “(B) who is a noncareer appointee in the Senior Executive Service, as defined in section 3132(a)(7); or
- “(C) whose position is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

### **SEC. 703. ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.**

Section 8313 of title 5, United States Code, is amended in subsection (a)(1)—

- (1) in subparagraph (A), by striking “or” at the end;
- (2) in subparagraph (B), by striking “and” at the end and inserting “or” ; and
- (3) by inserting after subparagraph (B) the following new subparagraph:  
“(C) after the date of the enactment of the Federal Pension Forfeiture Act, for an offense named by section 8312(d) of this title; and”.

### **SEC. 704. REFUND OF CONTRIBUTIONS AND DEPOSITS.**

Section 8316 of title 5, United States Code, is amended in subsection (b)—

- (1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) if the individual was convicted of an offense named by section 8312(d), for the period after the conviction.”.

**SEC. 705. RESTORATION OF ANNUITY OR RETIRED PAY.**

Section 8318(b) of title 5, United States Code, is amended by striking “section 8314 or 8315” and inserting “section 8312(a)(3), 8313(a)(1)(C), 8314, or 8315”.

Page 3, in the matter before line 1, strike the item relating to section 701 and insert the following:

Sec. 701. Short title.

Sec. 702. Conviction of certain offenses.

Sec. 703. Absence from the United States to avoid prosecution.

Sec. 704. Refund of contributions and deposits.

Sec. 705. Restoration of annuity or retired pay.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

On March 16, 2006, Rep. David Dreier (R-CA) introduced H.R. 4975 to provide greater transparency with respect to lobbying activities. The legislation would: enhance lobbying disclosure; require reporting of outside employment negotiations that could cause conflicts of interest; impose restrictions on privately funded travel and lobbyist gifts; enhance transparency in the congressional earmarking process; amend the Federal Campaign Election Act; and require the forfeiture of retirement benefits for Members of Congress convicted of certain public interest related crimes.

H.R. 4975 was referred to the Government Reform Committee for consideration of Title VII of the legislation, “Forfeiture of Retirement Benefits.” Title VII of the bill as introduced would prohibit a Member of Congress who gets convicted of a crime related to public corruption that is punishable by more than one year imprisonment—for an act committed while the individual was employed by the federal government—from accruing retirement benefits based on the time spent as a Member. The crimes covered by the legislation are 18 U.S.C. 201 (bribery of public officials and witnesses), 18 U.S.C. 219 (officers, employees acting as agents of foreign principals) and 18 U.S.C. 371 (conspiracy to commit offense or to defraud United States). In addition, the legislation would give the Office of Personnel Management the authority to write regulations providing for the restoration of the forfeited annuity based on a totality of the circumstances.

BACKGROUND AND NEED FOR LEGISLATION

On February 1, 2006, the Committee held a hearing entitled “Restoring the Public Trust: A Review of the Federal Pension Forfeiture Act.” The purpose of the hearing was to evaluate a proposal put forward by Chairman Davis which would deny federal retirement benefits to any Member, congressional employee or political appointee convicted of a crime related to public corruption punishable by more than one year imprisonment for an act committed while the individual was employed by the federal government. The crimes covered by Chairman Davis’s proposal included 18 U.S.C. 201 (bribery of public officials and witnesses), 18 U.S.C. 203 (illegally seeking outside compensation), 18 U.S.C. 209 (illegally seek-

ing outside compensation), 18 U.S.C. 219 (officers, employees acting as agents of foreign principals), 18 U.S.C. 371 (conspiracy to commit offense or to defraud United States), 18 U.S.C. 641 (embezzlement), 18 U.S.C. 1001 (making false statements), perjury, and subornation.

At the April 6, 2005 mark up, Chairman Davis offered an amendment designed to bring the pension forfeiture provisions in H.R. 4975 more in line with the provisions of his proposed “Federal Pension Forfeiture Act.” Specifically, the amendment would deny federal retirement benefits to any Member of Congress, congressional employee, or political appointee in the executive branch who gets convicted of a crime related to public corruption that is punishable by more than one year imprisonment for an act committed while the individual was employed by the federal government. The amendment would also provide the President the discretion to restore a retirement benefit of an employee, dependent or beneficiary that gets denied under this legislation.

The purpose of Chairman Davis’ amendment is to ensure that top policymakers in the executive and legislative branches are sufficiently deterred from yielding to outside influences. This amendment would provide such a deterrent by denying federal retirement benefits for federal policymakers convicted of accepting bribes, defrauding the federal government, embezzling federal property, or committing perjury.

#### SECTION-BY-SECTION

##### *Section 701. Short title*

This section provided that the Title VII would be cited as the “Federal Pension Forfeiture Act”.

##### *Section 702. Conviction of certain offenses*

This section would add the following new offenses to the list of offenses for which a conviction might require forfeiture of federal retirement benefits. The new offenses would include: bribery of public officials and witnesses (18 U.S.C. 201); officers, employees acting as agents of foreign principals, (18 U.S.C. 219); conspiracy to commit offense or to defraud United States (18 U.S.C. 371); embezzlement (public money, property or records) (18 U.S.C. 641); perjury; subornation. These new offenses would only require forfeiture if the individual was a Member of Congress, a congressional staff member, or a political appointee. Furthermore, these new offenses would only require forfeiture if the offense committed exposed the individual to a sentence of imprisonment by more than one year, and the offense was committed after the date of enactment of this Act. This section would also specifically define what the term “political appointee” means for the purposes of this section.

##### *Section 703. Absence from the United States to avoid prosecution*

This section would add the Federal Pension Forfeiture Act to the list of penalties which an individual cannot forestall by simply remaining outside of the United States in order to avoid prosecution.

*Section 704. Refund of contributions and deposits*

This section provided that the affected individual would be entitled to a refund with interest for their contributions toward the annuity if they were convicted under the Federal Pension Forfeiture Act.

*Section 705. Restoration of annuity or retired pay*

The provision would authorize the President to restore the forfeited annuity of the employee or the employee's dependent or beneficiary based on the totality of the facts and circumstances.

## EXPLANATION OF AMENDMENTS

The Committee accepted a substitute amendment to title VII of H.R. 4975, the provisions of which are explained in the descriptive portions of this report.

## COMMITTEE CONSIDERATION

On February 1, 2006, the Committee held a hearing entitled "Restoring the Public Trust: A Review of the Federal Pension Forfeiture Act." The purpose of the hearing was to evaluate a proposal put forward by Chairman Davis which would deny federal retirement benefits to any Member, congressional employee or political appointee convicted of a crime related to public corruption punishable by more than one year imprisonment for an act committed while the individual was employed by the federal government. The Committee heard testimony from: the Honorable Linda M. Springer, Director, U.S. Office of Personnel Management; Ms. Chellie Pingree, President, Common Cause; and, Ms. Joan Claybrook, President, Public Citizen.

On Thursday, April 6, 2006, the Committee met in open session and ordered reported favorably the bill, H.R. 4975, as amended, by voice vote, a quorum being present.

## ROLL CALL VOTES

No roll call votes were held.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill would deny federal retirement benefits to any Member of Congress or congressional employee who gets convicted of a crime related to public corruption that is punishable by more than one year imprisonment for an act committed while the individual was employed by the federal government.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 4975. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement whether the provisions of the reported bill include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 4975. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4975 from the Director of Congressional Budget Office:

*H.R. 4975—Lobbying Accountability and Transparency Act of 2006*

Summary: H.R. 4975 would amend the Lobbying Disclosure Act of 1995 and the Federal Election Campaign Act of 1971. Major provisions of the legislation would expand reporting requirements for lobbyists and Members of Congress, temporarily ban privately funded travel, create additional restrictions on gifts and travel, and require training for Members and staff on ethics issues. The legis-

lation also would eliminate pension benefits for Members convicted of certain offenses. In addition, H.R. 4975 would require certain political organizations involved in federal election activities to register with the Federal Election Commission (FEC).

CBO estimates that implementing H.R. 4975 would cost about \$2 million in fiscal year 2007 and \$1 million a year in subsequent years, subject to the availability of appropriated funds. Enacting the bill could affect direct spending and revenues from reduced pensions for certain Members of Congress, and new violations of campaign finance laws, but CBO estimates that those effects would not be significant.

H.R. 4975 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

H.R. 4975 would impose several private-sector mandates, as defined in UMRA, on the lobbying industry and certain political organizations. Based on information from government sources, CBO estimates that the total direct cost of all of the mandates in the bill would fall below the annual threshold established by UMRA for private-sector mandates (\$128 million in 2006, adjusted annually for inflation).

Estimated Cost to the Federal Government: Estimated budgetary impact of H.R. 4975 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—				
	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION <sup>a</sup>					
Estimated Authorization Level .....	2	1	1	1	1
Estimated Outlays .....	2	1	1	1	1

<sup>a</sup> Enacting the bill could also reduce pensions for certain Members of Congress, and increase revenues from civil penalties, but CBO estimates any such effects would be less than \$500,000 a year.

**Basis of Estimate:** For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2006 and that spending will follow historical patterns for similar activities.

#### *Spending subject to appropriation*

The legislation would expand reporting requirements for lobbyists and would require the Congress to provide Members and staff with additional training on ethics issues. Based on information from Congressional administrative staff, CBO estimates that Congressional offices and committees would spend about \$1 million annually to collect and disseminate newly reported information from lobbyists and to provide the required ethics training.

In addition, H.R. 4975 would require certain political organizations, defined by section 527 of the tax code, to register with the FEC. Based on information from the FEC and subject to the availability of appropriated funds, CBO estimates that implementing the legislation would cost the FEC about \$1 million in fiscal year 2007. This cost covers the one-time computer-related expenses as well as writing new regulations to implement the new provisions of the legislation. In future years, the legislation would increase general administrative costs to the FEC, but we estimate that those additional costs would not be significant.

*Revenues and direct spending*

Enacting H.R. 4975 would likely increase collections of fines and penalties for violations of campaign finance law for failure to register with the FEC. Such collections are recorded in the budget as revenues. CBO estimates that the additional collections of penalties and fines would not be significant because of the relatively small number of cases likely to be involved.

H.R. 4975 would also deny pension benefits (based on periods of elected service) to Members convicted of bribery, acting as foreign agents, or defrauding the federal government. CBO estimates that any savings in direct spending as a result of this provision would not be significant because we expect that the number of violations would be small.

Estimated impact on State, local, and tribal governments: H.R. 4975 contains no intergovernmental mandates as defined in the UMRA and would impose no costs on state, local, or tribal governments.

Estimated impact on the private sector: H.R. 4975 would impose several private-sector mandates, as defined in UMRA, on the lobbying industry and certain political organizations. The bill would impose new restrictions on lobbying activities and require lobbyists and lobbying organizations to submit additional reports and disclosures to the Senate Office of Public Records and the Office of the Clerk of the House. The bill also would require certain 527 organizations to register as political committees with the Federal Election Commission and comply with current regulations on federal campaign finance. Based on information from government sources, CBO estimates that the total direct cost of all of the mandates in the bill would fall below the annual threshold established by UMRA for private-sector mandates (\$128 million in 2006, adjusted annually for inflation).

The bill would impose several new requirements on lobbyists and lobbying organizations. Requirements on lobbyists and lobbying organizations would include but not be limited to:

- Electronic filing of lobbyist registrations and disclosure reports filed with the Secretary of the Senate or the Clerk of the House of Representatives;
- Quarterly, instead of semiannual, filing of lobbying disclosure reports; and
- Additional information in registration and disclosure reports including information on: contributions to Members, Congressional staff, federal officers and political entities by lobbyists; any gifts distributed by lobbying entities; and whether or not each registered lobbyist had prior experience as a covered executive or legislative branch official.

As of January 1, 2006, all lobbyists and lobbying organizations must register and file semiannual disclosure reports electronically to the Clerk of the House. However, electronic reporting is still optional for lobbyists and lobbying organizations filing in the Senate. Since all lobbyists must file similar reports to both the Clerk of the House and the Secretary of the Senate, the incremental cost of filing reports electronically to the Senate should be minimal. Generally, because such entities already collect the information requested in the registration and disclosure reports, CBO estimates that the incremental costs associated with the new reporting re-

quirements in the bill would not be substantial relative to UMRA's annual threshold for private-sector mandates.

The bill also would prohibit lobbyists from traveling on an aircraft that is owned by a client and is not licensed by the FAA to operate for compensation if a Member, delegate, resident commissioner, officer or employee of the House is on board. According to government and industry sources, roughly 500 or less of those recorded flights are made each year. That estimate includes federal officials and staff from both the executive and legislative branches. H.R. 4975 would only restrict the travel of a lobbyist with House officials and staff. The bill would not prohibit employees of the client from traveling on such planes with a Member, delegate, resident commissioner, officer or employee of the House. Thus, CBO estimates that the direct costs associated with complying with the mandate would be minimal compared to UMRA's threshold.

The bill would change the definition of a political committee to include certain "527" organizations, as defined by section 527 of the Internal Revenue Code. Those organizations would be required to register as political committees with the FEC and comply with current regulations on federal campaign finance including certain limits on contributions and reporting and disclosure requirements. Based on information from the FEC, CBO estimates that the direct costs associated with those requirements would be minimal.

Previous CBO estimates: Many of the lobbying reform and campaign finance provisions in the eight pieces of legislation listed below are contained in H.R. 4975. The differences among these bills are reflected in the cost estimates. However, the four versions of H.R. 4975 are very similar, and as such, their estimated costs are nearly identical.

- On April 19, 2006, CBO transmitted a cost estimate for H.R. 4975 as ordered reported by the House Committee on Rules on April 5, 2006.
- On April 19, 2006, CBO transmitted a cost estimate for H.R. 4975 as ordered reported by the House Committee on House Administration on April 6, 2006.
- On April 19, 2006, CBO transmitted a cost estimate for H.R. 4975 as ordered reported by the House Committee on the Judiciary on April 5, 2006.
- On March 7, 2006, CBO transmitted a cost estimate for S. 2349, the Legislative Transparency and Accountability Act of 2006, as ordered reported by the Senate Committee on Rules and Administration on March 1, 2006.
- On March 6, 2006, CBO transmitted a cost estimate for S. 2128, the Lobbying Transparency and Accountability Act of 2006, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 3, 2006.
- On July 13, 2005, CBO transmitted a cost estimate for H.R. 513, the 527 Reform Act of 2005, as ordered reported by the House Committee on Administration on June 29, 2005.
- On July 6, 2005, CBO transmitted a cost estimate for S. 1053, the 527 Reform Act of 2005, as ordered reported by the Senate Committee on Rules and Administration on April 27, 2005.
- On June 17, 2005, CBO transmitted a cost estimate for H.R. 1316, the 527 Fairness Act of 2005, as ordered reported

by the House Committee on House Administration on June 8, 2005.

Estimate prepared by: Federal Costs: Matthew Pickford and Deborah Reis. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private-Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Pursuant to the terms of the referral of the bill to the Committee, the Committee adopted an amendment striking those provisions which were referred to the Committee and inserting new text.

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the provisions of the bill referred to the Committee, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

CHAPTER 83 OF TITLE 5, UNITED STATES CODE

CHAPTER 83—RETIREMENT

\* \* \* \* \*

SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

\* \* \* \* \*

§ 8312. Conviction of certain offenses

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

(1) was convicted, before, on, or after September 1, 1954, of an offense named by subsection (b) of this section, to the extent provided by that subsection; **[or]**

(2) was convicted, before, on, or after September 26, 1961, of an offense named by subsection (c) of this section, to the extent provided by that subsection**[.]**; *or*

(3) *was convicted of an offense named by subsection (d), to the extent provided by that subsection.*

The prohibition on payment of annuity or retired pay applies—

(A) with respect to the offenses named by subsection (b) of this section, to the period after the date of the conviction or after September 1, 1954, whichever is later; **[and]**

(B) with respect to the offenses named by subsection (c) of this section, to the period after the date of conviction or after September 26, 1961, whichever is later**[.]**; *and*

(C) *with respect to the offenses named by subsection (d), to the period after the date of the conviction.*

\* \* \* \* \*

(d)(1) Subject to paragraph (2), the following are the offenses to which subsection (a)(3) applies:

(A) In title 18—

- (i) section 201 (bribery of public officials and witnesses);
- (ii) section 219 (officers and employees acting as agents of foreign principals);
- (iii) section 371 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201; or
- (iv) section 641 (public money, property or records).

(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).

(2) Paragraph (1) applies only if—

- (A) the offense is committed while the individual is a Member of Congress, a Congressional employee, or a political appointee;
- (B) the offense is committed after the date of the enactment of the Federal Pension Forfeiture Act; and
- (C) the offense is punishable by imprisonment for more than one year.

(3) In this subsection, the term “political appointee” means an individual—

- (A) who is paid at the rate for one of the levels of the Executive Schedule, as provided under sections 5312 through 5315 or under any other provision of law;
- (B) who is a noncareer appointee in the Senior Executive Service, as defined in section 3132(a)(7); or
- (C) whose position is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.

[(d)] (e)(1) \* \* \*

\* \* \* \* \*

**§ 8313. Absence from the United States to avoid prosecution**

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

(1) is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice—

- (A) after July 31, 1956, for an offense named by section 8312(b) of this title; [or]
- (B) after September 26, 1961, for an offense named by section 8312(c) of this title; [and] or

*(C) after the date of the enactment of the Federal Pension Forfeiture Act, for an offense named by section 8312(d) of this title; and*

\* \* \* \* \*

**§ 8316. Refund of contributions and deposits**

(a) \* \* \*

(b) A refund under subsection (a) of this section shall be made with interest at the rate and for the period provided under the statute, regulation, or agreement under which the annuity would have been payable. However, interest may not be computed—

(1) if the individual was convicted of an offense named by section 8312(b) of this title, or violated section 8314 or 8315(a)(1) of this title, for the period after the conviction or commission of the violation, or after September 1, 1954, whichever is later; **[or]**

(2) if the individual was convicted of an offense named by section 8312(c) of this title, or violated section 8315(a)(2) of this title, for the period after the conviction or commission of the violation, or after September 26, 1961, whichever is later**[/]**; or

*(3) if the individual was convicted of an offense named by section 8312(d), for the period after the conviction.*

\* \* \* \* \*

**§ 8318. Restoration of annuity or retired pay**

(a) \* \* \*

(b) The President may restore, effective as of the date he prescribes, the right to receive annuity or retired pay which is denied, before, on, or after September 1, 1954, under **[section 8314 or 8315]** *section 8312(a)(3), 8313(a)(1)(C), 8314, or 8315* of this title, to the individual and to his survivor or beneficiary.

\* \* \* \* \*

MINORITY VIEWS ON H.R. 4975, THE LOBBYING  
ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The Committee considered the pension reform provisions of H.R. 4975, a proposal developed by the Republican leadership in the name of reforming ethics practices in the legislative branch. Unfortunately, H.R. 4975 constitutes a partisan effort that would not take steps essential to cleaning up the culture of corruption pervasive in Washington today.

In the recent months, we have seen a senior Republican member of Congress plead guilty to taking millions of dollars in bribes. We have seen top aides to the former Republican Majority Leader plead guilty to public corruption charges. We have seen members of Congress acknowledge that their families are taking commission payments out of contributions to their own campaigns.

This culture of corruption has real consequences for the American public. During consideration of the Medicare prescription drug bill, the Bush Administration illegally withheld cost estimates from Congress, the Administration's top Medicare official secretly negotiated job offers representing drug companies, and, according to one Republican member who opposed the legislation, Republican leaders offered a bribe on the House floor. The resulting law has led to enrichment of drug companies and private insurers, while failing to ensure significant savings for seniors in the purchase of popular drugs.

Meaningful ethics reform should provide for an oversight mechanism that would identify and punish corrupt lawmakers. H.R. 4975 fails to ensure the existence of such entity. Instead, the Republican leadership has undermined oversight by the House Ethics Committee with rules changes that have led to quagmire.

There are numerous other gaping holes in H.R. 4975. For example, it fails to place meaningful restrictions on gifts from lobbyists. It doesn't address the use of corporate jets for official travel. And it omits steps necessary to restore integrity to the legislative process, such as prohibiting House voting practices like keeping votes open for hours to twist arms.

For these reasons, we oppose H.R. 4975.

HENRY A. WAXMAN.  
TOM LANTOS.  
CAROLYN B. MALONEY.  
ELIJAH E. CUMMINGS.  
DENNIS J. KUCINICH.  
DIANE E. WATSON.  
CHRIS VAN HOLLEN.  
ELEANOR HOLMES NORTON.