

Union Calendar No. 244

109TH CONGRESS
2^D SESSION

H. R. 4975

[Report No. 109–439, Parts I, II, III, and IV]

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

APRIL 25, 2006

Additional sponsors: Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mrs. SCHMIDT, and Mr. ISSA

APRIL 25, 2006

Reported from the Committee on the Judiciary with an amendment
[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 25, 2006

Reported from the Committee on House Administration

APRIL 25, 2006

Reported from the Committee on Rules with amendments
[Omit the part struck through in brackets and insert the part printed in **boldface roman**]

APRIL 25, 2006

Reported from the Committee on Government Reform with amendments

[Omit the part struck through in parentheses and insert the part printed in boldface italic]

APRIL 25, 2006

Committee on Standards of Official Conduct discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

7 (b) ~~TABLE OF CONTENTS.~~—The table of contents for
 8 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. 502. Mandatory ethics training for House employees.
 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.)
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.

1 **TITLE I—ENHANCING LOBBYING**

2 **DISCLOSURE**

3 **SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE**

4 **REPORTS.**

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

1 (1) in subsection (a)—

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

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

5 (C) by striking “the semiannual period”
6 and all that follows through “July of each
7 year” and insert “the quarterly period begin-
8 ning on the first day of January, April, July,
9 and October of each year”; and

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

12 (2) in subsection (b)—

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

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

19 (C) in paragraph (3), by striking “semi-
20 annual period” and inserting “quarterly pe-
21 riod”; and

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

25 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

17 (A) in subsection (a)(1), by striking “semi-
18 annual period” and inserting “quarterly pe-
19 riod”; and

20 (B) in subsection (b)(1), by striking “semi-
21 annual period” and inserting “quarterly pe-
22 riod”.

23 (5) DOLLAR AMOUNTS.—

24 (A) REGISTRATION.—Section 4 of the Act
25 (2 U.S.C. 1603) is amended—

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

3 (ii) in subsection (a)(3)(A)(ii), by
4 striking “\$20,000” and inserting
5 “\$10,000”;

6 (iii) in subsection (b)(3)(A), by strik-
7 ing “\$10,000” and inserting “\$5,000”;
8 and

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

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

13 (i) in subsection (c)(1), by striking
14 “\$10,000” and “\$20,000” and inserting
15 “\$5,000” and “\$10,000”, respectively; and

16 (ii) in subsection (c)(2), by striking
17 “\$10,000” both places such term appears
18 and inserting “\$5,000”.

19 **SEC. 102. ELECTRONIC FILING OF LOBBYING REGISTRA-**
20 **TIONS AND DISCLOSURE REPORTS.**

21 (a) REGISTRATIONS.—Section 4 of the Act (2 U.S.C.
22 1603) is amended—

23 (1) by redesignating subsection (d) as sub-
24 section (e); and

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

3 “(d) **ELECTRONIC FILING REQUIRED.**—A registra-
4 tion required to be filed under this section on or after the
5 date of enactment of the Lobbying Accountability and
6 Transparency Act of 2006 shall be filed in electronic form,
7 in addition to any other form that may be required by
8 the Secretary of the Senate or the Clerk of the House of
9 Representatives. The due date for a registration filed in
10 electronic form shall be no later than the due date for a
11 registration filed in any other form.”.

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

14 “(d) **ELECTRONIC FILING REQUIRED.**—

15 “(1) **IN GENERAL.**—A report required to be
16 filed under this section shall be filed in electronic
17 form, in addition to any other form that may be re-
18 quired by the Secretary of the Senate or the Clerk
19 of the House of Representatives. The due date for
20 a report filed in electronic form shall be no later
21 than the due date for a report filed in any other
22 form, except as provided in paragraph (2).

23 “(2) **EXTENSION OF TIME TO FILE IN ELEC-**
24 **TRONIC FORM.**—The Secretary of the Senate or the
25 Clerk of the House of Representatives may establish

1 a later due date for the filing of a report in elec-
2 tronic form by a registrant, if and only if—

3 “(A) on or before the original due date, the
4 registrant—

5 “(i) timely files the report in every
6 form required, other than electronic form;
7 and

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

11 “(B) the request is supported by good
12 cause shown.”.

13 **SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
14 **FORMATION.**

15 (a) **DATABASE REQUIRED.**—Section 6 of the Act (2
16 U.S.C. 1605) is amended—

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

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

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

22 “(9) maintain, and make available to the public
23 over the Internet, without a fee or other access
24 charge, in a searchable, sortable, and downloadable
25 manner, an electronic database that—

1 “(A) includes the information contained in
2 registrations and reports filed under this Act;
3 and

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

7 (b) AVAILABILITY OF REPORTS.—Section 6(4) of the
8 Act is amended by inserting before the semicolon the fol-
9 lowing: “and, in the case of a registration filed in elec-
10 tronic form pursuant to section 4(d) or a report filed in
11 electronic form pursuant to section 5(d), shall make such
12 registration or report (as the case may be) available for
13 public inspection over the Internet not more than 48 hours
14 after the registration or report (as the case may be) is
15 approved as received by the Secretary of the Senate or
16 the Clerk of the House of Representatives (as the case
17 may be)”.

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

1 **SEC. 104. DISCLOSURE BY REGISTERED LOBBYISTS OF**
2 **PAST EXECUTIVE BRANCH AND CONGRES-**
3 **SIONAL EMPLOYMENT.**

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

6 **SEC. 105. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND**
7 **GIFTS.**

8 (a) **IN GENERAL.**—Section 5(b) of the Act (2 U.S.C.
9 1604(b)) is amended—

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

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

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

15 “(6) for each registrant (and for any political
16 committee, as defined in 301(4) of the Federal Elec-
17 tion Campaign Act of 1971 (2 U.S.C. 431(4)), affili-
18 ated with such registrant); and for each employee
19 listed as a lobbyist by a registrant under paragraph
20 (2)(C), the name of each Federal candidate or of-
21 ficeholder, and of each leadership PAC, political
22 party committee, or other political committee to
23 whom a contribution was made which is required to
24 be reported to the Federal Election Commission by
25 the recipient, and the date and amount of such con-
26 tribution; and

1 “(7) the date, recipient, and amount of any gift
2 that under the Rules of the House of Representa-
3 tives counts towards the cumulative annual limit de-
4 scribed in such rules and is given by a registrant or
5 employee listed as a lobbyist to a covered legislative
6 branch official.”.

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

10 “(17) GIFT.—The term ‘gift’ means a gratuity,
11 favor, discount, entertainment, hospitality, loan, for-
12 bearance, or other item having monetary value. The
13 term includes gifts of services, training, and meals
14 whether provided in kind, by purchase of a ticket,
15 payment in advance, or reimbursement after the ex-
16 pense has been incurred.

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

1 **SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY**
2 **WITH LOBBYING DISCLOSURE REQUIRE-**
3 **MENTS.**

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

6 **TITLE II—SLOWING THE**
7 **REVOLVING DOOR**

8 **SEC. 201. NOTIFICATION OF POST-EMPLOYMENT RESTRIC-**
9 **TIONS.**

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

13 “(8) NOTIFICATION OF POST-EMPLOYMENT RE-
14 STRICTIONS.—After a Member of the House of Rep-
15 resentatives or an elected officer of the House of
16 Representatives leaves office, or after the termi-
17 nation of employment with the House of Representa-
18 tives of an employee of the House of Representatives
19 covered under paragraph (2), (3), or (4), the Clerk
20 of the House of Representatives, after consultation
21 with the Committee on Standards of Official Con-
22 duct, shall inform the Member, officer, or employee
23 of the beginning and ending date of the prohibitions
24 that apply to the Member, officer, or employee under
25 this subsection, and also inform each office of the

1 House of Representatives with respect to which such
2 prohibitions apply of those dates.”.

3 **SEC. 202. DISCLOSURE BY MEMBERS OF THE HOUSE OF**
4 **REPRESENTATIVES OF EMPLOYMENT NEGO-**
5 **TATIONS.**

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

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

20 “(b) A Member, Delegate, or Resident Commissioner
21 should refrain from voting on any legislative measure
22 pending before the House or any committee thereof if the
23 negotiation described in subparagraph (a) may create a
24 conflict of interest.”.

1 **SEC. 203. WRONGFULLY INFLUENCING, ON A PARTISAN**
 2 **BASIS, AN ENTITY'S EMPLOYMENT DECISIONS**
 3 **OR PRACTICES.**

4 The Code of Official Conduct set forth in rule XXIII
 5 of the Rules of the House of Representatives (as amended
 6 by section 202) is further amended by redesignating
 7 clause 15 as clause 16 and by inserting after clause 14
 8 the following new clause:

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

14 “(a) take or withhold, or offer or threaten to
 15 take or withhold, an official act; or

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

18 **TITLE III—SUSPENSION OF PRI-**
 19 **VATELY-FUNDED TRAVEL;**
 20 **CURBING LOBBYIST GIFTS**

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

22 Notwithstanding clause 5 of rule XXV of the Rules
 23 of the House of Representatives, no Member, Delegate,
 24 Resident Commissioner, officer, or employee of the House
 25 may accept a gift of travel (including any transportation,

1 lodging, and meals during such travel) from any private
2 source.

3 **SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON**
4 **STANDARDS OF OFFICIAL CONDUCT ON**
5 **GIFTS AND TRAVEL.**

6 Not later than December 15, 2006, the Committee
7 on Standards of Official Conduct shall report its rec-
8 ommendations on changes to rule XXXV of the Rules of
9 the House of Representatives to the Committee on Rules.
10 In developing such recommendations, the Committee on
11 Standards of Official Conduct shall consider the following:

12 (1) The ability of the current provisions of rule
13 XXXV to protect the House, its Members, officers,
14 and employees, from the appearance of impropriety.

15 (2) With respect to the allowance for privately-
16 funded travel contained in clause 5(b) of rule
17 XXXV—

18 (A) the degree to which privately-funded
19 travel meets the representational needs of the
20 House, its Members, officers, and employees;

21 (B) whether certain entities should or
22 should not be permitted to fund the travel of
23 the Members, officers, and employees of the
24 House, what sources of funding may be permis-

1 sible, and what other individuals may partici-
2 pate in that travel; and

3 (C) the adequacy of the current system of
4 approval and disclosure of such travel.

5 (3) With respect to the exceptions to the limita-
6 tion on the acceptance of gifts contained in clause
7 5(a)—

8 (A) the degree to which those exceptions
9 meet the representational and personal needs of
10 the House, its Members, officers, and employ-
11 ees;

12 (B) the clarity of the limitation and its ex-
13 ceptions; and

14 (C) the suitability of the current dollar
15 limitations contained in clause 5(a)(1)(B) of
16 such rule, including whether such limitations
17 should be lowered.

18 **SEC. 303. PROHIBITING REGISTERED LOBBYISTS ON COR-**
19 **PORATE FLIGHTS.**

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

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

24 “If a Representative in, or Delegate or Resident
25 Commissioner to, the Congress or an officer or employee

1 of the House of Representatives is a passenger or crew
 2 member on a flight of an aircraft not licensed by the Fed-
 3 eral Aviation Administration to operate for compensation
 4 or hire that is owned or operated by a person who is the
 5 client of a lobbyist or a lobbying firm, then such lobbyist
 6 may not be a passenger or crew member on that flight.”.

7 **SEC. 304. VALUATION OF TICKETS TO SPORTING AND EN-**
 8 **TERTAINMENT EVENTS.**

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

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

12 (2) adding at the end the following:

13 “(ii) A gift of a ticket to a sporting or entertainment
 14 event shall be valued at the face value of the ticket, pro-
 15 vided that in the case of a ticket without a face value,
 16 the ticket shall be valued at the highest cost of a ticket
 17 with a face value for the event.”.

18 **TITLE IV—OVERSIGHT OF**
 19 **LOBBYING AND ENFORCEMENT**

20 **SEC. 401. AUDITS OF LOBBYING REPORTS BY HOUSE IN-**
 21 **SPECTOR GENERAL.**

22 (a) ACCESS TO LOBBYING REPORTS.—The Office of
 23 Inspector General of the House of Representatives shall
 24 have access to all lobbyists’ disclosure information received
 25 by the Clerk of the House of Representatives under the

1 Lobbying Disclosure Act of 1995 and shall conduct ran-
2 dom audits of lobbyists' disclosure information as nec-
3 essary to ensure compliance with that Act.

4 (b) REFERRAL AUTHORITY.—The Office of the In-
5 spector General of the House of Representatives may refer
6 potential violations by lobbyists of the Lobbying Diselo-
7 sure Act of 1995 to the Department of Justice for discipli-
8 nary action.

9 **SEC. 402. HOUSE INSPECTOR GENERAL REVIEW AND AN-**
10 **NUAL REPORTS.**

11 (a) ONGOING REVIEW REQUIRED.—The Inspector
12 General of the House of Representatives shall review on
13 an ongoing basis the activities carried out by the Clerk
14 of the House of Representatives under section 6 of the
15 Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The
16 review shall emphasize—

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

20 (2) whether the Clerk has the resources and au-
21 thorities needed for effective oversight and enforce-
22 ment of that Act.

23 (b) ANNUAL REPORTS.—Not later than December 31
24 of each year, the Inspector General of the House of Rep-
25 resentatives shall submit to the House of Representatives

1 a report on the review required by subsection (a). The re-
2 port shall include the Inspector General's assessment of
3 the matters required to be emphasized by that subsection
4 and any recommendations of the Inspector General to—

5 (1) improve the compliance by lobbyists with
6 the requirements of the Lobbying Disclosure Act of
7 1995; and

8 (2) provide the Clerk of the House of Rep-
9 resentatives with the resources and authorities need-
10 ed for effective oversight and enforcement of that
11 Act.

12 **TITLE V—INSTITUTIONAL** 13 **REFORMS**

14 **SEC. 501. EARMARKING REFORM.**

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

17 (1) a general appropriation bill reported by the
18 Committee on Appropriations unless the report in-
19 cludes a list of earmarks in the bill or in the report
20 (and the name of any Member who submitted a re-
21 quest to the Committee on Appropriations for an
22 earmark included in such list); or

23 (2) a conference report to accompany a general
24 appropriation bill unless the joint explanatory state-
25 ment prepared by the managers on the part of the

1 House and the managers on the part of the Senate
2 includes a list of earmarks in the conference report
3 or joint statement (and the name of any Member
4 who submitted a request to the Committee on Ap-
5 propriations for an earmark included in such list)
6 that were—

7 (A) not committed to the conference com-
8 mittee by either House;

9 (B) not in the report specified in para-
10 graph (1); and

11 (C) not in a report of a committee of the
12 Senate on a companion measure.

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

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

20 (2) As disposition of a point of order under this sec-
21 tion, the Chair shall put the question of consideration with
22 respect to the proposition that is the subject of the point
23 of order.

24 (3) The question of consideration under this sub-
25 section shall be debatable for 10 minutes by the Member

1 initiating the point of order and for 10 minutes by an op-
2 ponent, but shall otherwise be decided without intervening
3 motion except one that the House adjourn.

4 ~~[(d)(1) For purposes of this section, the term “ear-~~
5 ~~mark” means a provision in a bill, joint resolution, or con-~~
6 ~~ference report, or language in an accompanying committee~~
7 ~~report or joint statement of managers, providing a specific~~
8 ~~amount of discretionary budget authority to a non-Federal~~
9 ~~entity, if such entity is identified by name.~~

10 ~~[(2) For purposes of paragraph (1), government-~~
11 ~~sponsored enterprises, Federal facilities, and Federal~~
12 ~~lands shall be considered Federal entities.~~

13 ~~[(3) For purposes of subsection (a), to the extent~~
14 ~~that the non-Federal entity is a unit of State or local gov-~~
15 ~~ernment, an Indian tribe, or a foreign government, the~~
16 ~~provision or language shall not be considered an earmark~~
17 ~~unless the provision or language also specifies the specific~~
18 ~~purpose for which the designated budget authority is to~~
19 ~~be expended.]~~

20 **(d)(1) For the purpose of this section, the**
21 **term “earmark” means a provision in a bill,**
22 **joint resolution or conference report, or lan-**
23 **guage in an accompanying committee report**
24 **or joint statement of managers, providing or**
25 **recommending a specific amount of discre-**

1 **tionary budget authority to a non-Federal en-**
2 **tity, if such entity is specifically identified in**
3 **the report or bill; or if the discretionary budg-**
4 **et authority is allocated outside of the normal**
5 **formula-driven or competitive bidding proc-**
6 **ess and is targeted or directed to an identifi-**
7 **able person, specific State, or Congressional**
8 **district.**

9 **(2) For the purpose of paragraph (1), gov-**
10 **ernment-sponsored enterprises, Federal fa-**
11 **cilities, and Federal lands shall be considered**
12 **Federal entities.**

13 **(3) For the purpose of paragraph (1), to**
14 **the extent that the non-Federal entity is a**
15 **State or territory, an Indian tribe, a foreign**
16 **government or an intergovernmental inter-**
17 **national organization, the provision or lan-**
18 **guage shall not be considered an earmark un-**
19 **less the provision or language also specifies**
20 **the specific purpose for which the designated**
21 **budget authority is to be expended.**

22 **[SEC. 502. FREQUENT AND COMPREHENSIVE ETHICS**
23 **TRAINING.**

24 **[(a) ETHICS TRAINING.—**

1 ~~[(1) IN GENERAL.—The Committee on Stand-~~
2 ~~ards of Official Conduct shall provide ethics training~~
3 ~~once per Congress to each employee of the House of~~
4 ~~Representatives, including training on the Code of~~
5 ~~Official Conduct, related rules of the House of Rep-~~
6 ~~resentatives, and applicable provisions of law.~~

7 ~~[(2) NEW EMPLOYEES.—A new employee of the~~
8 ~~House of Representatives shall receive training~~
9 ~~under this section not later than 30 days after be-~~
10 ~~ginning service to the House.~~

11 ~~[(3) MEMBERS.—While the House of Rep-~~
12 ~~resentatives recognizes that adding qualifications to~~
13 ~~service as a Member may be unconstitutional, it en-~~
14 ~~courages Members to participate in ethics training.~~

15 ~~[(b) CERTIFICATION.—Within 30 days of completing~~
16 ~~required ethics training, each employee of the House of~~
17 ~~Representatives shall file a certification with the Com-~~
18 ~~mittee on Standards of Official Conduct that the employee~~
19 ~~has completed such training and is familiar with the con-~~
20 ~~tents of any pertinent publications that are so designated~~
21 ~~by the committee.]~~

22 **SEC. 502. MANDATORY ETHICS TRAINING FOR HOUSE EM-**
23 **PLOYEES.**

24 **(a) MANDATORY ETHICS TRAINING FOR**
25 **HOUSE EMPLOYEES.—**

1 **(1) CHIEF ADMINISTRATIVE OFFICER.—**
2 **Clause 4 of rule II of the Rules of the**
3 **House of Representatives is amended by**
4 **inserting the following new paragraph at**
5 **the end:**

6 **“(d) The Chief Administrative Officer may**
7 **not pay any compensation to any employee of**
8 **the House with respect to any pay period dur-**
9 **ing which the employee, as determined by the**
10 **Committee on Standards of Official Conduct,**
11 **is not in compliance with the applicable re-**
12 **quirements of regulations promulgated pur-**
13 **suant to clause 3(r) of Rule XI. ”.**

14 **(2) MANDATORY ETHICS TRAINING PRO-**
15 **GRAM.—Clause 3 of rule XI of the Rules of**
16 **the House of Representatives is amended**
17 **by adding at the end the following:**

18 **“(r) The committee shall establish a pro-**
19 **gram of regular ethics training for employees**
20 **of the House and promulgate regulations pro-**
21 **viding for the following:**

22 **“(1)(A) Except as otherwise provided,**
23 **all employees of the House are required**
24 **to complete ethics training offered by the**
25 **committee at least once during each con-**

1 **gress. Any employee who is hired after**
2 **the date of adoption of such rules is re-**
3 **quired to complete such training within**
4 **30 days of being hired.**

5 **“(B) Any employee of the House who**
6 **works in a Member’s district office shall**
7 **not be required to complete such ethics**
8 **training until 30 days after the district**
9 **office has received a notice from the**
10 **Committee on Standards of Official Con-**
11 **duct that the required ethics training**
12 **program is available on the Internet.**

13 **“(2) After any employee of the House**
14 **completes such ethics training, that em-**
15 **ployee shall file a written certification**
16 **with the committee that he is familiar**
17 **with the contents of any pertinent publi-**
18 **cations that are so designated by the**
19 **committee and has completed the re-**
20 **quired ethics training.**

21 **“(3) As used in this paragraph, the**
22 **term ‘employee of the House’ refers to**
23 **any individual whose compensation is**
24 **disbursed by the Chief Administrative Of-**
25 **ficer, including any staff assigned to a**

1 **Member’s personal office, any staff of a**
2 **committee or leadership office, or any**
3 **employee of the Office of the Clerk, of the**
4 **Office of the Chief Administrative Officer,**
5 **or of the Sergeant-at-Arms, but does not**
6 **include a Member, Delegate, or Resident**
7 **Commissioner.”.**

8 **(b) ETHICS TRAINING FOR MEMBERS, DELE-**
9 **GATES AND THE RESIDENT COMMISSIONER.—**
10 **Clause 3 of rule XI of the Rules of the House**
11 **of Representatives is amended by inserting**
12 **the following new paragraph at the end:**

13 **“(s) The committee shall establish a pro-**
14 **gram of regular ethics training for Members,**
15 **Delegates, and the Resident Commissioner**
16 **similar to the program established in para-**
17 **graph (r), and encourage participation in**
18 **such program.”.**

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

20 Within 120 days after the date of enactment of this
21 Act and during each Congress thereafter, the Committee
22 on Standards of Official Conduct shall publish an up-to-
23 date ethics manual for Members, officers, and employees
24 of the House of Representatives and make such manual
25 available to all such individuals. The committee has a duty

1 to keep all Members, Delegates, the Resident Commis-
 2 sioner, officers, and employees of the House of Represent-
 3 atives apprised of current rulings or advisory opinions
 4 when potentially constituting changes to or interpretations
 5 of existing policies.

6 **TITLE VI—REFORM OF SECTION**
 7 **527 ORGANIZATIONS**

8 **SEC. 601. SHORT TITLE.**

9 This title may be cited as the “527 Reform Act of
 10 2006”.

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

12 (a) **DEFINITION OF POLITICAL COMMITTEE.**—Sec-
 13 tion 301(4) of the Federal Election Campaign Act of 1971
 14 (2 U.S.C. 431(4)) is amended—

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

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

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

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

22 “(27) **APPLICABLE 527 ORGANIZATION.**—

23 “(A) **IN GENERAL.**—For purposes of para-
 24 graph (4)(D), the term ‘applicable 527 organi-

1 zation' means a committee, club, association, or
2 group of persons that—

3 “(i) has given notice to the Secretary
4 of the Treasury under section 527(i) of the
5 Internal Revenue Code of 1986 that it is
6 to be treated as an organization described
7 in section 527 of such Code; and

8 “(ii) is not described in subparagraph
9 (B).

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

13 “(i) an organization described in sec-
14 tion 527(i)(5) of the Internal Revenue
15 Code of 1986;

16 “(ii) an organization which is a com-
17 mittee, club, association or other group of
18 persons that is organized, operated, and
19 makes disbursements exclusively for paying
20 expenses described in the last sentence of
21 section 527(e)(2) of the Internal Revenue
22 Code of 1986 or expenses of a newsletter
23 fund described in section 527(g) of such
24 Code;

1 ~~“(iii) an organization which is a com-~~
2 ~~mittee, club, association, or other group~~
3 ~~that consists solely of candidates for State~~
4 ~~or local office, individuals holding State or~~
5 ~~local office, or any combination of either,~~
6 ~~but only if the organization refers only to~~
7 ~~one or more non-Federal candidates or ap-~~
8 ~~plicable State or local issues in all of its~~
9 ~~voter drive activities and does not refer to~~
10 ~~a Federal candidate or a political party in~~
11 ~~any of its voter drive activities; or~~

12 ~~“(iv) an organization described in sub-~~
13 ~~paragraph (C).~~

14 ~~“(C) APPLICABLE ORGANIZATION.—For~~
15 ~~purposes of subparagraph (B)(iv), an organiza-~~
16 ~~tion described in this subparagraph is a com-~~
17 ~~mittee, club, association, or other group of per-~~
18 ~~sons whose election or nomination activities re-~~
19 ~~late exclusively to—~~

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

22 ~~“(ii) one or more of the following pur-~~
23 ~~poses:~~

24 ~~“(I) Influencing the selection,~~
25 ~~nomination, election, or appointment~~

1 of one or more candidates to non-Fed-
2 eral offices.

3 “(II) Influencing one or more ap-
4 plicable State or local issues.

5 “(III) Influencing the selection,
6 appointment, nomination, or con-
7 firmation of one or more individuals
8 to non-elected offices.

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

15 “(i) A public communication that pro-
16 motes, supports, attacks, or opposes a
17 clearly identified candidate for Federal of-
18 fice during the 1-year period ending on the
19 date of the general election for the office
20 sought by the clearly identified candidate
21 (or, if a runoff election is held with respect
22 to such general election, on the date of the
23 runoff election).

24 “(ii) Any voter drive activity during a
25 calendar year, except that no disburse-

1 ments for any voter drive activity shall be
2 taken into account under this subpara-
3 graph if the committee, club, association,
4 or other group of persons during such cal-
5 endar year—

6 “(I) makes disbursements for
7 voter drive activities with respect to
8 elections in only 1 State and complies
9 with all applicable election laws of
10 that State, including laws related to
11 registration and reporting require-
12 ments and contribution limitations;

13 “(II) refers to one or more non-
14 Federal candidates or applicable State
15 or local issues in all of its voter drive
16 activities and does not refer to any
17 Federal candidate or any political
18 party in any of its voter drive activi-
19 ties;

20 “(III) does not have a candidate
21 for Federal office, an individual who
22 holds any Federal office, a national
23 political party, or an agent of any of
24 the foregoing, control or materially
25 participate in the direction of the or-

1 organization, solicit contributions to the
2 organization (other than funds which
3 are described under clauses (i) and
4 (ii) of section 323(e)(1)(B)), or direct
5 disbursements, in whole or in part, by
6 the organization; and

7 “(IV) makes no contributions to
8 Federal candidates.

9 “(E) CERTAIN REFERENCES TO FEDERAL
10 CANDIDATES NOT TAKEN INTO ACCOUNT.—For
11 purposes of subparagraphs (B)(iii) and
12 (D)(ii)(II), a voter drive activity shall not be
13 treated as referring to a clearly identified Fed-
14 eral candidate if the only reference to the can-
15 didate in the activity is—

16 “(i) a reference in connection with an
17 election for a non-Federal office in which
18 such Federal candidate is also a candidate
19 for such non-Federal office; or

20 “(ii) a reference to the fact that the
21 candidate has endorsed a non-Federal can-
22 didate or has taken a position on an appli-
23 cable State or local issue, including a ref-
24 erence that constitutes the endorsement or
25 position itself.

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

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

9 “(ii) a reference for the purpose of
10 identifying the entity making the public
11 communication or carrying out the voter
12 drive activity; or

13 “(iii) a reference in a manner or con-
14 text that does not reflect support for or op-
15 position to a Federal candidate or can-
16 didates and does reflect support for or op-
17 position to a State or local candidate or
18 candidates or an applicable State or local
19 issue.

20 “(G) APPLICABLE STATE OR LOCAL
21 ISSUE.—For purposes of this paragraph, the
22 term ‘applicable State or local issue’ means any
23 State or local ballot initiative, State or local ref-
24 erendum, State or local constitutional amend-

1 ment, State or local bond issue, or other State
2 or local ballot issue.”.

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

7 “(28) VOTER DRIVE ACTIVITY.—The term
8 ‘voter drive activity’ means any of the following ac-
9 tivities conducted in connection with an election in
10 which a candidate for Federal office appears on the
11 ballot (regardless of whether a candidate for State
12 or local office also appears on the ballot):

13 “(A) Voter registration activity.

14 “(B) Voter identification.

15 “(C) Get-out-the-vote activity.

16 “(D) Generic campaign activity.

17 “(E) Any public communication related to
18 activities described in subparagraphs (A)
19 through (D).

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

22 (d) REGULATIONS.—The Federal Election Commis-
23 sion shall promulgate regulations to implement this sec-
24 tion not later than 60 days after the date of enactment
25 of this Act.

1 (e) **EFFECTIVE DATE.**—The amendments made by
2 this section shall take effect on the date which is 60 days
3 after the date of enactment of this Act.

4 **SEC. 603. RULES FOR ALLOCATION OF EXPENSES BETWEEN**
5 **FEDERAL AND NON-FEDERAL ACTIVITIES.**

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

9 **“SEC. 325. ALLOCATION AND FUNDING RULES FOR CER-**
10 **TAIN EXPENSES RELATING TO FEDERAL AND**
11 **NON-FEDERAL ACTIVITIES.**

12 “(a) **IN GENERAL.**—In the case of any disbursements
13 by any political committee that is a separate segregated
14 fund or nonconnected committee for which allocation rules
15 are provided under subsection (b)—

16 “(1) the disbursements shall be allocated be-
17 tween Federal and non-Federal accounts in accord-
18 ance with this section and regulations prescribed by
19 the Commission; and

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

23 “(b) **COSTS TO BE ALLOCATED AND ALLOCATION**
24 **RULES.**—

1 “(1) IN GENERAL.—Disbursements by any sep-
2 arate segregated fund or nonconnected committee,
3 other than an organization described in section
4 323(b)(1), for any of the following categories of ac-
5 tivity shall be allocated as follows:

6 “(A) 100 percent of the expenses for public
7 communications or voter drive activities that
8 refer to one or more clearly identified Federal
9 candidates, but do not refer to any clearly iden-
10 tified non-Federal candidates, shall be paid with
11 funds from a Federal account, without regard
12 to whether the communication refers to a polit-
13 ical party.

14 “(B) At least 50 percent, or a greater per-
15 centage if the Commission so determines by
16 regulation, of the expenses for public commu-
17 nications and voter drive activities that refer to
18 one or more clearly identified candidates for
19 Federal office and one or more clearly identified
20 non-Federal candidates shall be paid with funds
21 from a Federal account, without regard to
22 whether the communication refers to a political
23 party.

24 “(C) At least 50 percent, or a greater per-
25 centage if the Commission so determines by

1 regulation, of the expenses for public commu-
2 nications or voter drive activities that refer to
3 a political party, but do not refer to any clearly
4 identified Federal or non-Federal candidate,
5 shall be paid with funds from a Federal ac-
6 count, except that this paragraph shall not
7 apply to communications or activities that re-
8 late exclusively to elections where no candidate
9 for Federal office appears on the ballot.

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

22 “(E) Unless otherwise determined by the
23 Commission in its regulations, at least 50 per-
24 cent of any administrative expenses, including
25 rent, utilities, office supplies, and salaries not

1 attributable to a clearly identified candidate,
2 shall be paid with funds from a Federal ac-
3 count, except that for a separate segregated
4 fund such expenses may be paid instead by its
5 connected organization.

6 “(F) At least 50 percent, or a greater per-
7 centage if the Commission so determines by
8 regulation, of the direct costs of a fundraising
9 program or event, including disbursements for
10 solicitation of funds and for planning and ad-
11 ministration of actual fundraising events, where
12 Federal and non-Federal funds are collected
13 through such program or event shall be paid
14 with funds from a Federal account, except that
15 for a separate segregated fund such costs may
16 be paid instead by its connected organization.
17 This paragraph shall not apply to any fund-
18 raising solicitations or any other activity that
19 constitutes a public communication.

20 “(2) CERTAIN REFERENCES TO FEDERAL CAN-
21 DIDATES NOT TAKEN INTO ACCOUNT.—For purposes
22 of paragraph (1), a public communication or voter
23 drive activity shall not be treated as referring to a
24 clearly identified Federal candidate if the only ref-

1 erence to the candidate in the communication or ac-
2 tivity is—

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

7 “(B) a reference to the fact that the can-
8 didate has endorsed a non-Federal candidate or
9 has taken a position on an applicable State or
10 local issue (as defined in section 301(27)(G));
11 including a reference that constitutes the en-
12 dorsement or position itself.

13 “(3) CERTAIN REFERENCES TO POLITICAL PAR-
14 TIES NOT TAKEN INTO ACCOUNT.—For purposes of
15 paragraph (1), a public communication or voter
16 drive activity shall not be treated as referring to a
17 political party if the only reference to the party in
18 the communication or activity is—

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

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

24 “(C) a reference in a manner or context
25 that does not reflect support for or opposition

1 to a Federal candidate or candidates and does
2 reflect support for or opposition to a State or
3 local candidate or candidates or an applicable
4 State or local issue.

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

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

9 “(A) that, subject to the limitations of
10 paragraphs (2) and (3), are raised by the sepa-
11 rate segregated fund or nonconnected com-
12 mittee only from individuals; and

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

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

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

23 “(B) AFFILIATION.—For purposes of this
24 paragraph, all qualified non-Federal accounts of
25 separate segregated funds or nonconnected

1 committees which are directly or indirectly es-
2 tablished, financed, maintained, or controlled by
3 the same person or persons shall be treated as
4 one account.

5 “(3) FUNDRAISING LIMITATION.—

6 “(A) IN GENERAL.—No donation to a
7 qualified non-Federal account may be solicited,
8 received, directed, transferred, or spent by or in
9 the name of any person described in subsection
10 (a) or (c) of section 323.

11 “(B) FUNDS NOT TREATED AS SUBJECT
12 TO ACT.—Except as provided in subsection
13 (a)(2) and this subsection, any funds raised for
14 a qualified non-Federal account in accordance
15 with the requirements of this section shall not
16 be considered funds subject to the limitations,
17 prohibitions, and reporting requirements of this
18 Act for any purpose (including for purposes of
19 subsection (a) or (c) of section 323 or sub-
20 section (d)(1) of this section).

21 “(d) DEFINITIONS.—

22 “(1) FEDERAL ACCOUNT.—The term ‘Federal
23 account’ means an account which consists solely of
24 contributions subject to the limitations, prohibitions,
25 and reporting requirements of this Act. Nothing in

1 this section or in section ~~323(b)(2)(B)(iii)~~ shall be
2 construed to infer that a limit other than the limit
3 under section ~~315(a)(1)(C)~~ applies to contributions
4 to the account.

5 “~~(2) NONCONNECTED COMMITTEE.~~—The term
6 ‘nonconnected committee’ shall not include a polit-
7 ical committee of a political party.

8 “~~(3) VOTER DRIVE ACTIVITY.~~—The term ‘voter
9 drive activity’ has the meaning given such term in
10 section ~~301(28).~~”.

11 ~~(b) REPORTING REQUIREMENTS.~~—Section ~~304(e)~~ of
12 the Federal Election Campaign Act of 1971 (~~2 U.S.C.~~
13 ~~434(e)~~) is amended—

14 (1) by redesignating paragraphs ~~(3)~~ and ~~(4)~~ as
15 paragraphs ~~(4)~~ and ~~(5)~~; and

16 (2) by inserting after paragraph ~~(2)~~ the fol-
17 lowing new paragraph:

18 “~~(3) RECEIPTS AND DISBURSEMENTS FROM~~
19 ~~QUALIFIED NON-FEDERAL ACCOUNTS.~~—In addition
20 to any other reporting requirement applicable under
21 this Act, a political committee to which section
22 ~~325(a)~~ applies shall report all receipts and disburse-
23 ments from a qualified non-Federal account (as de-
24 fined in section ~~325(e)~~).”.

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

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

8 **SEC. 604. REPEAL OF LIMIT ON AMOUNT OF PARTY EX-**
9 **PENDITURES ON BEHALF OF CANDIDATES IN**
10 **GENERAL ELECTIONS.**

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

14 (1) in paragraph (1)—

15 (A) by striking “(1) Notwithstanding any
16 other provision of law with respect to limita-
17 tions on expenditures or limitations on con-
18 tributions, the national committee” and insert-
19 ing “Notwithstanding any other provision of
20 law with respect to limitations on amounts of
21 expenditures or contributions, a national com-
22 mittee”;

23 (B) by striking “the general” and inserting
24 “any”; and

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

6 (b) CONFORMING AMENDMENTS.—

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

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

11 (B) in paragraph (2)(B)(i), by striking
12 “subsections (b) and (d)” and inserting “sub-
13 section (b)”.

14 (2) INCREASE IN LIMITS FOR SENATE CAN-
15 DIDATES FACING WEALTHY OPPONENTS.—Section
16 315(i) of such Act (2 U.S.C. 441a(i)(1)) is amend-
17 ed—

18 (A) in paragraph (1)(C)(iii)—

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

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

23 (iii) by striking subclause (III);

1 (B) in paragraph (2)(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 (2)(A)(ii), by striking
5 “and party expenditures previously made”; and

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

8 (3) INCREASE IN LIMITS FOR HOUSE CAN-
9 DIDATES FACING WEALTHY OPPONENTS.—Section
10 315A(a) of such Act (2 U.S.C. 441a—1(a)) is
11 amended—

12 (A) in paragraph (1)—

13 (i) by adding “and” at the end of sub-
14 paragraph (A);

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

17 (iii) by striking subparagraph (C);

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

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

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

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

3 **SEC. 605. CONSTRUCTION.**

4 No provision of this title, or amendment made by this
5 title, shall be construed—

6 ~~(1) as approving, ratifying, or endorsing a regu-~~
7 ~~lation promulgated by the Federal Election Commis-~~
8 ~~sion;~~

9 ~~(2) as establishing, modifying, or otherwise af-~~
10 ~~fecting the definition of political organization for~~
11 ~~purposes of the Internal Revenue Code of 1986; or~~

12 ~~(3) as affecting the determination of whether a~~
13 ~~group organized under section 501(c) of the Internal~~
14 ~~Revenue Code of 1986 is a political committee under~~
15 ~~section 301(4) of the Federal Election Campaign~~
16 ~~Act of 1971.~~

17 **SEC. 606. JUDICIAL REVIEW.**

18 ~~(a) SPECIAL RULES FOR ACTIONS BROUGHT ON~~
19 ~~CONSTITUTIONAL GROUNDS.—~~If any action is brought for
20 ~~declaratory or injunctive relief to challenge the constitu-~~
21 ~~tionality of any provision of this title or any amendment~~
22 ~~made by this title, the following rules shall apply:~~

23 ~~(1) The action shall be filed in the United~~
24 ~~States District Court for the District of Columbia~~
25 ~~and shall be heard by a 3-judge court convened pur-~~

1 suant to section 2284 of title 28, United States
2 Code.

3 ~~(2) A copy of the complaint shall be delivered~~
4 promptly to the Clerk of the House of Representa-
5 tives and the Secretary of the Senate.

6 ~~(3) A final decision in the action shall be re-~~
7 viewable only by appeal directly to the Supreme
8 Court of the United States. Such appeal shall be
9 taken by the filing of a notice of appeal within 10
10 days, and the filing of a jurisdictional statement
11 within 30 days, of the entry of the final decision.

12 ~~(4) It shall be the duty of the United States~~
13 District Court for the District of Columbia and the
14 Supreme Court of the United States to advance on
15 the docket and to expedite to the greatest possible
16 extent the disposition of the action and appeal.

17 ~~(b) INTERVENTION BY MEMBERS OF CONGRESS.—In~~
18 any action in which the constitutionality of any provision
19 of this title or any amendment made by this title is raised
20 (including but not limited to an action described in sub-
21 section (a)), any Member of the House of Representatives
22 (including a Delegate or Resident Commissioner to Con-
23 gress) or Senate shall have the right to intervene either
24 in support of or opposition to the position of a party to
25 the case regarding the constitutionality of the provision

1 or amendment. To avoid duplication of efforts and reduce
2 the burdens placed on the parties to the action, the court
3 in any such action may make such orders as it considers
4 necessary, including orders to require intervenors taking
5 similar positions to file joint papers or to be represented
6 by a single attorney at oral argument.

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

12 (d) APPLICABILITY.—

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

17 (2) SUBSEQUENT ACTIONS.—With respect to
18 any action initially filed after December 31, 2008,
19 the provisions of subsection (a) shall not apply to
20 any action described in such subsection unless the
21 person filing such action elects such provisions to
22 apply to the action.

23 **SEC. 607. SEVERABILITY.**

24 If any provision of this title or any amendment made
25 by this title, or the application of a provision or amend-

1 ment to any person or circumstance, is held to be uncon-
 2 stitutional, the remainder of this title and the amendments
 3 made by this title, and the application of the provisions
 4 and amendments to any person or circumstance, shall not
 5 be affected by the holding.

6 **(TITLE VII—FORFEITURE OF**
 7 **RETIREMENT BENEFITS**

8 **(SEC. 701. LOSS OF PENSIONS ACCRUED DURING SERVICE**
 9 **AS A MEMBER OF CONGRESS FOR ABUSING**
 10 **THE PUBLIC TRUST.**

11 **(a) CIVIL SERVICE RETIREMENT SYSTEM.**—Section
 12 8332 of title 5, United States Code, is amended by adding
 13 at the end the following:

14 **(“(o)(1) Notwithstanding any other provision of this**
 15 **subchapter, the service of an individual finally convicted**
 16 **of an offense described in paragraph (2) shall not be taken**
 17 **into account for purposes of this subchapter, except that**
 18 **this sentence applies only to service rendered as a Member**
 19 **(irrespective of when rendered). Any such individual (or**
 20 **other person determined under section 8342(e), if applica-**
 21 **ble) shall be entitled to be paid so much of such individ-**
 22 **ual’s lump-sum credit as is attributable to service to which**
 23 **the preceding sentence applies.**

1 ~~“(2)(A) An offense described in this paragraph is~~
2 ~~any offense described in subparagraph (B) for which the~~
3 ~~following apply:~~

4 ~~“(i) Every act or omission of the individual~~
5 ~~(referred to in paragraph (1)) that is needed to sat-~~
6 ~~isfy the elements of the offense occurs while the in-~~
7 ~~dividual is a Member.~~

8 ~~“(ii) Every act or omission of the individual~~
9 ~~that is needed to satisfy the elements of the offense~~
10 ~~directly relates to the performance of the individual’s~~
11 ~~official duties as a Member.~~

12 ~~“(iii) The offense is committed after the date~~
13 ~~of enactment of this subsection.~~

14 ~~“(B) An offense described in this subparagraph is~~
15 ~~only the following, and only to the extent that the offense~~
16 ~~is a felony under title 18:~~

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

19 ~~“(ii) An offense under section 219 of title 18~~
20 ~~(officers and employees acting as agents of foreign~~
21 ~~principals).~~

22 ~~“(iii) An offense under section 371 of title 18~~
23 ~~(conspiracy to commit offense or to defraud United~~
24 ~~States) to the extent of any conspiracy to commit an~~

1 act which constitutes an offense under clause (i) or
2 (ii).

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

8 ~~“(4) The Office of Personnel Management shall pre-~~
9 ~~scribe any regulations necessary to carry out this sub-~~
10 ~~section. Such regulations shall include—~~

11 ~~“(A) provisions under which interest on any~~
12 ~~lump-sum payment under the second sentence of~~
13 ~~paragraph (1) shall be limited in a manner similar~~
14 ~~to that specified in the last sentence of section~~
15 ~~8316(b); and~~

16 ~~“(B) provisions under which the Office may~~
17 ~~provide for—~~

18 ~~“(i) the payment, to the spouse or chil-~~
19 ~~dren of any individual referred to in the first~~
20 ~~sentence of paragraph (1), of any amounts~~
21 ~~which (but for this clause) would otherwise have~~
22 ~~been nonpayable by reason of such first sen-~~
23 ~~tence, but only to the extent that the applica-~~
24 ~~tion of this clause is considered necessary given~~
25 ~~the totality of the circumstances; and~~

1 ~~“(ii) an appropriate adjustment in the~~
2 ~~amount of any lump-sum payment under the~~
3 ~~second sentence of paragraph (1) to reflect the~~
4 ~~application of clause (i).~~

5 ~~“(5) For purposes of this subsection—~~

6 ~~“(A) the term ‘Member’ has the meaning~~
7 ~~given such term by section 2106, notwithstanding~~
8 ~~section 8331(2); and~~

9 ~~“(B) the term ‘child’ has the meaning given~~
10 ~~such term by section 8341.”.~~

11 ~~(b) FEDERAL EMPLOYEES’ RETIREMENT SYS-~~
12 ~~TEM.—Section 8411 of title 5, United States Code, is~~
13 ~~amended by adding at the end the following:~~

14 ~~“(i)(1) Notwithstanding any other provision of this~~
15 ~~chapter, the service of an individual finally convicted of~~
16 ~~an offense described in paragraph (2) shall not be taken~~
17 ~~into account for purposes of this chapter, except that this~~
18 ~~sentence applies only to service rendered as a Member (ir-~~
19 ~~respective of when rendered). Any such individual (or~~
20 ~~other person determined under section 8424(d), if applica-~~
21 ~~ble) shall be entitled to be paid so much of such individ-~~
22 ~~ual’s lump-sum credit as is attributable to service to which~~
23 ~~the preceding sentence applies.~~

1 ~~“(2) An offense described in this paragraph is any~~
2 ~~offense described in section 8332(o)(2)(B) for which the~~
3 ~~following apply:~~

4 ~~“(A) Every act or omission of the individual~~
5 ~~(referred to in paragraph (1)) that is needed to sat-~~
6 ~~isfy the elements of the offense occurs while the in-~~
7 ~~dividual is a Member.~~

8 ~~“(B) Every act or omission of the individual~~
9 ~~that is needed to satisfy the elements of the offense~~
10 ~~directly relates to the performance of the individual’s~~
11 ~~official duties as a Member.~~

12 ~~“(C) The offense is committed after the date~~
13 ~~of enactment of this subsection.~~

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

18 ~~“(4) The Office of Personnel Management shall pre-~~
19 ~~scribe any regulations necessary to carry out this sub-~~
20 ~~section. Such regulations shall include—~~

21 ~~“(A) provisions under which interest on any~~
22 ~~lump-sum payment under the second sentence of~~
23 ~~paragraph (1) shall be limited in a manner similar~~
24 ~~to that specified in the last sentence of section~~
25 ~~8316(b); and~~

1 ~~“(B)~~ provisions under which the Office may
2 provide for—

3 ~~“(i)~~ the payment, to the spouse or chil-
4 dren of any individual referred to in the first
5 sentence of paragraph (1), of any amounts
6 which (but for this clause) would otherwise have
7 been nonpayable by reason of such first sen-
8 tence, but only to the extent that the applica-
9 tion of this clause is considered necessary given
10 the totality of the circumstances; and

11 ~~“(ii)~~ an appropriate adjustment in the
12 amount of any lump-sum payment under the
13 second sentence of paragraph (1) to reflect the
14 application of clause (i).

15 ~~“(5)~~ For purposes of this subsection—

16 ~~“(A)~~ the term ‘Member’ has the meaning
17 given such term by section 2106, notwithstanding
18 section 8401(20); and

19 ~~“(B)~~ the term ‘child’ has the meaning given
20 such term by section 8341.”.)

21 ***TITLE VII—FORFEITURE OF*** 22 ***RETIREMENT BENEFITS***

23 ***SEC. 701. SHORT TITLE.***

24 ***This title may be cited as the “Federal Pen-***
25 ***sion Forfeiture Act”.***

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

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

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

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

9 ***(3) by adding after paragraph (2) the***
10 ***following new paragraph:***

11 ***“(3) was convicted of an offense***
12 ***named by subsection (d), to the extent pro-***
13 ***vided by that subsection.”;***

14 ***(4) in subparagraph (A), by striking***
15 ***“and” at the end;***

16 ***(5) in subparagraph (B), by striking***
17 ***the period at the end and inserting “;***
18 ***and”;*** and

19 ***(6) by adding after subparagraph (B)***
20 ***the following new subparagraph:***

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

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

1 ***(1) by redesignating subsection (d) as***
2 ***subsection (e); and***

3 ***(2) by inserting after subsection (c)***
4 ***the following new subsection:***

5 ***“(d)(1) Subject to paragraph (2), the fol-***
6 ***lowing are the offenses to which subsection***
7 ***(a)(3) applies:***

8 ***“(A) In title 18—***

9 ***“(i) section 201 (bribery of public***
10 ***officials and witnesses);***

11 ***“(ii) section 219 (officers and em-***
12 ***ployees acting as agents of foreign***
13 ***principals);***

14 ***“(iii) section 371 (conspiracy to***
15 ***commit offense or to defraud United***
16 ***States), to the extent of any conspiracy***
17 ***to commit an act which constitutes an***
18 ***offense within the purview of such sec-***
19 ***tion 201; or***

20 ***“(iv) section 641 (public money,***
21 ***property or records).***

22 ***“(B) Perjury committed under the stat-***
23 ***utes of the United States in falsely deny-***
24 ***ing the commission of an act which con-***

1 *stitutes an offense within the purview of a*
2 *statute named by subparagraph (A).*

3 *“(C) Subornation of perjury com-*
4 *mitted in connection with the false denial*
5 *of another individual as specified by sub-*
6 *paragraph (B).*

7 *“(2) Paragraph (1) applies only if—*

8 *“(A) the offense is committed while the*
9 *individual is a Member of Congress, a*
10 *Congressional employee, or a political ap-*
11 *pointee;*

12 *“(B) the offense is committed after the*
13 *date of the enactment of the Federal Pen-*
14 *sion Forfeiture Act; and*

15 *“(C) the offense is punishable by im-*
16 *prisonment for more than one year.*

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

19 *“(A) who is paid at the rate for one of*
20 *the levels of the Executive Schedule, as*
21 *provided under sections 5312 through*
22 *5315 or under any other provision of law;*

23 *“(B) who is a noncareer appointee in*
24 *the Senior Executive Service, as defined in*
25 *section 3132(a)(7); or*

1 “(C) *whose position is excepted from*
2 *the competitive service because of its con-*
3 *fidential, policy-determining, policy-mak-*
4 *ing, or policy-advocating character.”.*

5 SEC. 703. ABSENCE FROM THE UNITED STATES TO AVOID
6 PROSECUTION.

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

9 (1) *in subparagraph (A), by striking*
10 *“or” at the end;*

11 (2) *in subparagraph (B), by striking*
12 *“and” at the end and inserting “or” ; and*

13 (3) *by inserting after subparagraph*
14 *(B) the following new subparagraph:*

15 “(C) *after the date of the enact-*
16 *ment of the Federal Pension For-*
17 *feiture Act, for an offense named by*
18 *section 8312(d) of this title; and”.*

19 SEC. 704. REFUND OF CONTRIBUTIONS AND DEPOSITS.

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

22 (1) *in paragraph (1), by striking “or”*
23 *at the end;*

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

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

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

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

7 **Section 8318(b) of title 5, United States**
 8 **Code, is amended by striking “section 8314 or**
 9 **8315” and inserting “section 8312(a)(3),**
 10 **8313(a)(1)(C), 8314, or 8315”.**

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

12 (a) *SHORT TITLE.*—*This Act may be cited as the*
 13 *“Lobbying Accountability and Transparency Act of 2006”.*

14 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 15 *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.

Sec. 107. Requiring lobbyists to file reports on solicitations and transfers of contributions for candidates.

Sec. 108. GAO study of employment contracts of lobbyists.

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.*

1 ***TITLE I—ENHANCING LOBBYING***
 2 ***DISCLOSURE***

3 ***SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE***
 4 ***REPORTS.***

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

8 *(1) in subsection (a)—*

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

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

2 (C) by striking “the semiannual period”
3 and all that follows through “July of each year”
4 and insert “the quarterly period beginning on
5 the first day of January, April, July, and Octo-
6 ber of each year”; and

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

9 (2) in subsection (b)—

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

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

16 (C) in paragraph (3), by striking “semi-
17 annual period” and inserting “quarterly pe-
18 riod”; and

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

22 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

12 (4) *ESTIMATES.*—Section 15 of the Act (2 *U.S.C.*
13 *1610*) is amended—

14 (A) in subsection (a)(1), by striking “semi-
15 annual period” and inserting “quarterly pe-
16 riod”; and

17 (B) in subsection (b)(1), by striking “semi-
18 annual period” and inserting “quarterly pe-
19 riod”.

20 (5) *DOLLAR AMOUNTS.*—

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

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

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

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

5 (iv) in subsection (b)(4), by striking
6 “\$10,000” and inserting “\$5,000”.

7 (B) *REPORTS*.—Section 5(c) of the Act (2
8 U.S.C. 1604(c)) is amended—

9 (i) in paragraph (1), by striking
10 “\$10,000” and “\$20,000” and inserting
11 “\$5,000” and “\$1,000”, respectively; and

12 (ii) in paragraph (2), by striking
13 “\$10,000” both places such term appears
14 and inserting “\$5,000”.

15 **SEC. 102. ELECTRONIC FILING OF LOBBYING REGISTRA-**
16 **TIONS AND DISCLOSURE REPORTS.**

17 (a) *REGISTRATIONS*.—Section 4 of the Act (2 U.S.C.
18 1603) is amended—

19 (1) by redesignating subsection (d) as subsection
20 (e); and

21 (2) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) *ELECTRONIC FILING REQUIRED*.—A registration
24 required to be filed under this section on or after the date
25 of enactment of the Lobbying Accountability and Trans-

1 *parenity Act of 2006 shall be filed in electronic form, in*
2 *addition to any other form that may be required by the*
3 *Secretary of the Senate or the Clerk of the House of Rep-*
4 *resentatives. The due date for a registration filed in elec-*
5 *tronic form shall be no later than the due date for a reg-*
6 *istration filed in any other form.”.*

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

9 *“(d) ELECTRONIC FILING REQUIRED.—*

10 *“(1) IN GENERAL.—A report required to be filed*
11 *under this section shall be filed in electronic form, in*
12 *addition to any other form that may be required by*
13 *the Secretary of the Senate or the Clerk of the House*
14 *of Representatives. The due date for a report filed in*
15 *electronic form shall be no later than the due date for*
16 *a report filed in any other form, except as provided*
17 *in paragraph (2).*

18 *“(2) EXTENSION OF TIME TO FILE IN ELEC-*
19 *TRONIC FORM.—The Secretary of the Senate or the*
20 *Clerk of the House of Representatives may establish a*
21 *later due date for the filing of a report in electronic*
22 *form by a registrant, if and only if—*

23 *“(A) on or before the original due date, the*
24 *registrant—*

1 “(i) timely files the report in every
2 form required, other than electronic form;
3 and

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

7 “(B) the request is supported by good cause
8 shown.”.

9 **SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
10 **FORMATION.**

11 (a) *DATABASE REQUIRED.*—Section 6 of the Act (2
12 *U.S.C. 1605*) is amended—

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

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

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

18 “(9) maintain, and make available to the public
19 over the Internet, without a fee or other access charge,
20 in a searchable, sortable, and downloadable manner,
21 an electronic database that—

22 “(A) includes the information contained in
23 registrations and reports filed under this Act;

24 “(B) directly links the information it con-
25 tains to the information disclosed in reports filed

1 with the Federal Election Commission under sec-
2 tion 304 of the Federal Election Campaign Act
3 of 1971 (2 U.S.C. 434); and

4 “(C) is searchable and sortable, at a min-
5 imum, by each of the categories of information
6 described in sections 4(b) and 5(b).”.

7 (b) *AVAILABILITY OF REPORTS.*—Section 6(4) of the
8 Act is amended by inserting before the semicolon the fol-
9 lowing: “and, in the case of a registration filed in electronic
10 form pursuant to section 4(d) or a report filed in electronic
11 form pursuant to section 5(d), shall make such registration
12 or report (as the case may be) available for public inspec-
13 tion over the Internet not more than 48 hours after the reg-
14 istration or report (as the case may be) is approved as re-
15 ceived by the Secretary of the Senate or the Clerk of the
16 House of Representatives (as the case may be)”.

17 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
18 authorized to be appropriated such sums as may be nec-
19 essary to carry out paragraph (9) of section 6 of the Act,
20 as added by subsection (a) of this section.

21 **SEC. 104. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST**
22 **EXECUTIVE BRANCH AND CONGRESSIONAL**
23 **EMPLOYMENT.**

24 Section 4(b)(6) of the Act (2 U.S.C. 1603(b)(6)) is
25 amended by striking “2 years” and inserting “7 years”.

1 **SEC. 105. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND**
2 **GIFTS.**

3 (a) *IN GENERAL.*—Section 5(b) of the Act (2 U.S.C.
4 1604(b)) is amended—

5 (1) in paragraph (3), by striking “and” after the
6 semicolon;

7 (2) in paragraph (4), by striking the period and
8 inserting a semicolon; and

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

10 “(5) for each registrant (and for any political
11 committee, as defined in 301(4) of the Federal Elec-
12 tion Campaign Act of 1971 (2 U.S.C. 431(4)), affili-
13 ated with the registrant), and for each employee listed
14 as a lobbyist by the registrant under paragraph
15 (2)(C)—

16 “(A) the name of each Federal candidate or
17 officeholder, and of each leadership PAC, polit-
18 ical party committee, or other political com-
19 mittee to whom a contribution was made which
20 is required to be reported to the Federal Election
21 Commission by the recipient, and the date and
22 amount of such contribution; and

23 “(B) the name of each Federal candidate or
24 officeholder, leadership PAC of such candidate or
25 officeholder, or political party committee for
26 whom a fundraising event was hosted or cohosted

1 *(as stated on the official invitation) by the reg-*
2 *istrant and each employee listed by the reg-*
3 *istrant as a lobbyist, the date and location of the*
4 *event, and the total amount raised by the event;*

5 *“(6) the date, recipient, and amount of any gift*
6 *that under the Rules of the House of Representatives*
7 *counts towards the cumulative annual limit described*
8 *in such rules and is given to a covered legislative*
9 *branch official by the registrant or an employee listed*
10 *as a lobbyist by the registrant under paragraph*
11 *(2)(C);*

12 *“(7) the date, recipient, and amount of funds*
13 *contributed by the registrant or an employee listed as*
14 *a lobbyist by the registrant under paragraph (2)(C)—*

15 *“(A) to pay the costs of an event the pur-*
16 *pose of which is (as stated by the registrant or*
17 *employee, or in official materials describing the*
18 *event) to honor or recognize a covered legislative*
19 *branch official or covered executive branch offi-*
20 *cial;*

21 *“(B) to, or on behalf of, an entity that is*
22 *named for a covered legislative branch official or*
23 *covered executive branch official, or to a person*
24 *or entity in recognition of such official;*

1 “(C) to an entity established, financed,
2 maintained, or controlled by a covered legislative
3 branch official or covered executive branch offi-
4 cial, or an entity designated by such official; or

5 “(D) to pay the costs of a meeting, retreat,
6 conference, or substantially similar event held
7 by, or for the benefit of, 1 or more covered legis-
8 lative branch officials or covered executive
9 branch officials;

10 *except that this paragraph shall not apply to any*
11 *payment or reimbursement made from funds required*
12 *to be reported under section 304 of the Federal Elec-*
13 *tion Campaign Act of 1971 (2 U.S.C. 434); and*

14 “(8) the name of each Member of Congress, and
15 each employee of a Member of Congress, with whom
16 any lobbying contact has been made on behalf of the
17 client by the registrant or an employee listed as a lob-
18 byist by the registrant under paragraph (2)(C).”.

19 **(b) FACTORS TO BE CONSIDERED TO DETERMINE RE-**
20 **LATIONSHIP BETWEEN OFFICIALS AND OTHER ENTI-**
21 **TIES.—Section 5 of the Act (2 U.S.C. 1604), as amended**
22 **by section 102(b) of this Act, is amended by adding at the**
23 **end the following new subsection:**

24 “(e) **FACTORS TO DETERMINE RELATIONSHIP BE-**
25 **TWEEN OFFICIALS AND OTHER ENTITIES.—**

1 “(1) *IN GENERAL.*—*In determining under sub-*
2 *section (b)(7)(C) whether a covered legislative branch*
3 *official or covered executive branch official directly or*
4 *indirectly established, finances, maintains, or controls*
5 *an entity, the factors described in paragraph (2) shall*
6 *be examined in the context of the overall relationship*
7 *between that covered official and the entity to deter-*
8 *mine whether the presence of any such factor or fac-*
9 *tors is evidence that the covered official directly or in-*
10 *directly established, finances, maintains, or controls*
11 *the entity.*

12 “(2) *FACTORS.*—*The factors referred to in para-*
13 *graph (1) include, but are not limited to, the fol-*
14 *lowing:*

15 “(A) *Whether the covered official, directly or*
16 *through its agent, owns a controlling interest in*
17 *the voting stock or securities of the entity.*

18 “(B) *Whether the covered official, directly or*
19 *through its agent, has the authority or ability to*
20 *direct or participate in the governance of the en-*
21 *tity through provisions of constitutions, bylaws,*
22 *contracts, or other rules, or through formal or in-*
23 *formal practices or procedures.*

24 “(C) *Whether the covered official, directly or*
25 *through its agent, has the authority or ability to*

1 *hire, appoint, demote, or otherwise control the of-*
2 *ficers or other decisionmaking employees or*
3 *members of the entity.*

4 “(D) *Whether the covered official has a com-*
5 *mon or overlapping membership with the entity*
6 *that indicates a formal or ongoing relationship*
7 *between the covered official and the entity.*

8 “(E) *Whether the covered official has com-*
9 *mon or overlapping officers or employees with*
10 *the entity that indicates a formal or ongoing re-*
11 *lationship between the covered official and the*
12 *entity.*

13 “(F) *Whether the covered official has any*
14 *members, officers, or employees who were mem-*
15 *bers, officers, or employees of the entity that in-*
16 *dicates a formal or ongoing relationship between*
17 *the covered official and the entity, or that indi-*
18 *cates the creation of a successor entity.*

19 “(G) *Whether the covered official, directly*
20 *or through its agent, provides funds or goods in*
21 *a significant amount or on an ongoing basis to*
22 *the entity, such as through direct or indirect*
23 *payments for administrative, fundraising, or*
24 *other costs.*

1 “(H) Whether the covered official, directly
2 or through its agent, causes or arranges for funds
3 in a significant amount or on an ongoing basis
4 to be provided to the entity.

5 “(I) Whether the covered official, directly or
6 through its agent, had an active or significant
7 role in the formation of the entity.

8 “(J) Whether the covered official and the en-
9 tity have similar patterns of receipts or disburse-
10 ments that indicate a formal or ongoing rela-
11 tionship between the covered official and the en-
12 tity.”.

13 (c) *CONFORMING AMENDMENT.*—Section 3 of the Act
14 (2 U.S.C. 1602) is amended by adding at the end the fol-
15 lowing new paragraphs:

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

23 “(18) *LEADERSHIP PAC.*—The term ‘leadership
24 PAC’ means an unauthorized political committee that
25 is established, financed, maintained, and controlled

1 *by an individual who is a Federal officeholder or a*
2 *candidate for Federal office.”.*

3 *(d) NOTIFICATION OF MEMBERS.—Section 6(2) of the*
4 *Act (2 U.S.C. 1605(2)) is amended—*

5 *(1) by striking “review” and inserting “(A) re-*
6 *view”;*

7 *(2) by inserting “and” after the semicolon at the*
8 *end; and*

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

10 *“(B) if a report states (under section 5(b)(8) or*
11 *otherwise) that a Member of Congress, or an employee*
12 *of a Member of Congress, was the subject of a lobbying*
13 *contact, immediately inform that Member or employee*
14 *(as the case may be) of that report;”.*

15 **SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY**
16 **WITH LOBBYING DISCLOSURE REQUIRE-**
17 **MENTS.**

18 *Section 7 of the Act (2 U.S.C. 1606) is amended—*

19 *(1) by striking “Whoever” and inserting “(a)*
20 *CIVIL PENALTY.—Whoever”;*

21 *(2) by striking “\$50,000” and inserting*
22 *“\$100,000”; and*

23 *(3) by adding at the end the following:*

24 *“(b) CRIMINAL PENALTY.—*

1 “(1) *IN GENERAL.*—Whoever knowingly and
2 *willfully fails to comply with any provision of this*
3 *Act shall be imprisoned not more than 3 years, or*
4 *fined under title 18, United States Code, or both.*

5 “(2) *CORRUPTLY.*—Whoever knowingly, willfully,
6 *and corruptly fails to comply with any provision of*
7 *this Act shall be imprisoned not more than 5 years,*
8 *or fined under title 18, United States Code, or both.”.*

9 **SEC. 107. REQUIRING LOBBYISTS TO FILE REPORTS ON SO-**
10 **LICITATIONS AND TRANSFERS OF CONTRIBU-**
11 **TIONS FOR CANDIDATES.**

12 (a) *REPORTS REQUIRED.*—Section 5 of the Act (2
13 *U.S.C. 1604), as amended by sections 102(b) and 105(b),*
14 *is amended by adding at the end the following new sub-*
15 *section:*

16 “(f) *REPORTS OF SOLICITATIONS AND TRANSFERS OF*
17 *CONTRIBUTIONS IN FEDERAL ELECTIONS.*—

18 “(1) *REPORTS OF SOLICITATIONS AND TRANS-*
19 *FERS REQUIRED.*—Any lobbyist registered under sec-
20 *tion 4 who solicits a contribution for or on behalf of*
21 *a candidate or political committee from any other*
22 *person and transmits the contribution to the can-*
23 *didate or political committee, or who transfers any*
24 *contribution made by any other person to a candidate*
25 *or political committee, shall file a report with the*

1 *Secretary of the Senate and the Clerk of the House of*
2 *Representatives containing—*

3 “(A) *the name, address, business telephone*
4 *number, and principal place of business of the*
5 *lobbyist, and a general description of the lobby-*
6 *ist’s business or activities;*

7 “(B) *the name of the person from whom the*
8 *lobbyist solicited the contribution or from whom*
9 *the lobbyist transferred the contribution; and*

10 “(C) *the identity of the candidate or polit-*
11 *ical committee on whose behalf the contribution*
12 *was solicited and transmitted or transferred*
13 *(and, in the case of a political committee which*
14 *is an authorized committee of a candidate, the*
15 *identity of the candidate).*

16 “(2) *REPORTS OF SERVICE AS OFFICER OF PO-*
17 *LITICAL COMMITTEE.—Any lobbyist registered under*
18 *section 4 who serves as the treasurer of an authorized*
19 *committee of a candidate for election for Federal of-*
20 *fice or as the treasurer or chair of any other political*
21 *committee, shall file a report with the Secretary of the*
22 *Senate and the Clerk of the House of Representatives*
23 *containing the position held by the lobbyist and the*
24 *identity of the candidate and committee involved.*

1 “(3) *TIMING OF REPORTS.*—*Reports required to*
2 *be filed under this subsection shall be filed for the*
3 *same time periods required for political committees*
4 *under section 304(a)(4)(B) of the Federal Election*
5 *Campaign Act of 1971, except that a report is not re-*
6 *quired to be filed under this subsection with respect*
7 *to any month during which the lobbyist did not so-*
8 *licit and transmit or transfer a contribution described*
9 *in paragraph (1) or serve in a position described in*
10 *paragraph (2).*

11 “(4) *EXCEPTION FOR LOBBYISTS AS CAN-*
12 *DIDATES.*—*In the case of a lobbyist who is a can-*
13 *didate for election for Federal office, paragraph (1)*
14 *shall not apply to a contribution made to the lobbyist*
15 *or to an authorized committee of the lobbyist.*

16 “(5) *DEFINITIONS.*—*In this subsection, the terms*
17 *‘authorized committee’, ‘candidate’, ‘election’, and ‘po-*
18 *litical committee’ have the meanings given those*
19 *terms in section 301 of the Federal Election Cam-*
20 *paign Act of 1971.’.*

21 “(b) *EFFECTIVE DATE.*—*The amendment made by sub-*
22 *section (a) shall apply with respect to solicitations or trans-*
23 *fers made on or after the date of enactment of this Act.*

1 **SEC. 108. GAO STUDY OF EMPLOYMENT CONTRACTS OF**
2 **LOBBYISTS.**

3 *The Comptroller General of the United States shall*
4 *conduct a study of employment contracts of lobbyists in*
5 *order to determine the extent of contingent fee agreements,*
6 *and shall report the findings of the study to the Committee*
7 *on the Judiciary of the House of Representatives.*

8 **TITLE II—SLOWING THE**
9 **REVOLVING DOOR**

10 **SEC. 201. NOTIFICATION OF POST-EMPLOYMENT RESTRIC-**
11 **TIONS.**

12 *Section 207(e) of title 18, United States Code, is*
13 *amended by adding at the end the following new paragraph:*

14 *“(8) NOTIFICATION OF POST-EMPLOYMENT RE-*
15 *STRICTIONS.—After a Member of the House of Rep-*
16 *resentatives or an elected officer of the House of Rep-*
17 *resentatives leaves office, or after the termination of*
18 *employment with the House of Representatives of an*
19 *employee of the House of Representatives covered*
20 *under paragraph (2), (3), or (4), the Clerk of the*
21 *House of Representatives, after consultation with the*
22 *Committee on Standards of Official Conduct, shall in-*
23 *form the Member, officer, or employee of the beginning*
24 *and ending date of the prohibitions that apply to the*
25 *Member, officer, or employee under this subsection,*
26 *and also inform each office of the House of Represent-*

1 *atives with respect to which such prohibitions apply*
2 *of those dates.”.*

3 **SEC. 202. DISCLOSURE BY MEMBERS OF THE HOUSE OF**
4 **REPRESENTATIVES OF EMPLOYMENT NEGO-**
5 **TIATIONS.**

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

10 *“14. (a) A Member, Delegate, or Resident Commis-*
11 *sioner shall file with the Committee on Standards of Offi-*
12 *cial Conduct a statement that he or she is negotiating com-*
13 *pensation for prospective employment or has any arrange-*
14 *ment concerning prospective employment if a conflict of in-*
15 *terest or the appearance of a conflict of interest may exist.*
16 *Such statement shall be made within 5 days (other than*
17 *Saturdays, Sundays, or public holidays) after commencing*
18 *the negotiation for compensation or entering into the ar-*
19 *rangement.*

20 *“(b) A Member, Delegate, or Resident Commissioner*
21 *should refrain from voting on any legislative measure pend-*
22 *ing before the House or any committee thereof if the negotia-*
23 *tion described in subparagraph (a) may create a conflict*
24 *of interest.”.*

1 **SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON**
2 **STANDARDS OF OFFICIAL CONDUCT ON**
3 **GIFTS AND TRAVEL.**

4 *Not later than December 15, 2006, the Committee on*
5 *Standards of Official Conduct shall report its recommenda-*
6 *tions on changes to rule XXV of the Rules of the House of*
7 *Representatives to the Committee on Rules. In developing*
8 *such recommendations, the Committee on Standards of Offi-*
9 *cial Conduct shall consider the following:*

10 (1) *The ability of the current provisions of rule*
11 *XXV to protect the House, its Members, officers, and*
12 *employees, from the appearance of impropriety.*

13 (2) *With respect to the allowance for privately-*
14 *funded travel contained in clause 5(b) of rule XXV—*

15 (A) *the degree to which privately-funded*
16 *travel meets the representational needs of the*
17 *House, its Members, officers, and employees;*

18 (B) *whether certain entities should or*
19 *should not be permitted to fund the travel of the*
20 *Members, officers, and employees of the House,*
21 *what sources of funding may be permissible, and*
22 *what other individuals may participate in that*
23 *travel; and*

24 (C) *the adequacy of the current system of*
25 *approval and disclosure of such travel.*

1 (3) *With respect to the exceptions to the limita-*
2 *tion on the acceptance of gifts contained in clause*
3 5(a)—

4 (A) *the degree to which those exceptions*
5 *meet the representational and personal needs of*
6 *the House, its Members, officers, and employees;*

7 (B) *the clarity of the limitation and its ex-*
8 *ceptions; and*

9 (C) *the suitability of the current dollar lim-*
10 *itations contained in clause 5(a)(1)(B) of such*
11 *rule, including whether such limitations should*
12 *be lowered.*

13 **SEC. 303. PROHIBITING REGISTERED LOBBYISTS ON COR-**
14 **PORATE FLIGHTS.**

15 *The Lobbying Disclosure Act of 1995 is amended by*
16 *inserting after section 5 the following new section:*

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

19 *“If a Representative in, or Delegate or Resident Com-*
20 *missioner to, the Congress, or an officer or employee of the*
21 *House of Representatives, is a passenger or crew member*
22 *on a flight of an aircraft that is not licensed by the Federal*
23 *Aviation Administration to operate for compensation or*
24 *hire and that is owned or operated by a person who is the*

1 *client of a lobbyist or a lobbying firm, then such lobbyist*
 2 *may not be a passenger or crew member on that flight.”.*

3 **SEC. 304. VALUATION OF TICKETS TO SPORTING AND EN-**
 4 **TERTAINMENT EVENTS.**

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

7 *(1) inserting “(i)” after “(A)”;* and

8 *(2) adding at the end the following:*

9 *“(ii) A gift of a ticket to a sporting or entertainment*
 10 *event shall be valued at the face value of the ticket, provided*
 11 *that in the case of a ticket without a face value, the ticket*
 12 *shall be valued at the highest cost of a ticket with a face*
 13 *value for the event.”.*

14 **TITLE IV—OVERSIGHT OF**
 15 **LOBBYING AND ENFORCEMENT**

16 **SEC. 401. AUDITS OF LOBBYING REPORTS BY HOUSE IN-**
 17 **SPECTOR GENERAL.**

18 *(a) ACCESS TO LOBBYING REPORTS.—The Office of*
 19 *Inspector General of the House of Representatives shall have*
 20 *access to all lobbyists’ disclosure information received by*
 21 *the Clerk of the House of Representatives under the Lob-*
 22 *bying Disclosure Act of 1995 and shall conduct random au-*
 23 *ditions of lobbyists’ disclosure information as necessary to en-*
 24 *sure compliance with that Act.*

1 (b) *REFERRAL AUTHORITY.*—*The Office of the Inspec-*
2 *tor General of the House of Representatives may refer po-*
3 *tential violations by lobbyists of the Lobbying Disclosure*
4 *Act of 1995 to the Department of Justice for disciplinary*
5 *action.*

6 **SEC. 402. HOUSE INSPECTOR GENERAL REVIEW AND AN-**
7 **NUAL REPORTS.**

8 (a) *ONGOING REVIEW REQUIRED.*—*The Inspector*
9 *General of the House of Representatives shall review on an*
10 *ongoing basis the activities carried out by the Clerk of the*
11 *House of Representatives under section 6 of the Lobbying*
12 *Disclosure Act of 1995 (2 U.S.C. 1605). The review shall*
13 *emphasize—*

14 (1) *the effectiveness of those activities in securing*
15 *the compliance by lobbyists with the requirements of*
16 *that Act; and*

17 (2) *whether the Clerk has the resources and au-*
18 *thorities needed for effective oversight and enforcement*
19 *of that Act.*

20 (b) *ANNUAL REPORTS.*—*Not later than December 31*
21 *of each year, the Inspector General of the House of Rep-*
22 *resentatives shall submit to the House of Representatives a*
23 *report on the review required by subsection (a). The report*
24 *shall include the Inspector General’s assessment of the mat-*

1 *ters required to be emphasized by that subsection and any*
2 *recommendations of the Inspector General to—*

3 *(1) improve the compliance by lobbyists with the*
4 *requirements of the Lobbying Disclosure Act of 1995;*
5 *and*

6 *(2) provide the Clerk of the House of Representa-*
7 *tives with the resources and authorities needed for ef-*
8 *fective oversight and enforcement of that Act.*

9 **TITLE V—INSTITUTIONAL**
10 **REFORMS**

11 **SEC. 501. EARMARKING REFORM.**

12 *(a) In the House of Representatives, it shall not be in*
13 *order to consider—*

14 *(1) a general appropriation bill reported by the*
15 *Committee on Appropriations unless the report in-*
16 *cludes a list of earmarks in the bill or in the report*
17 *(and the name of any Member who submitted a re-*
18 *quest to the Committee on Appropriations for an ear-*
19 *mark included in such list); or*

20 *(2) a conference report to accompany a general*
21 *appropriation bill unless the joint explanatory state-*
22 *ment prepared by the managers on the part of the*
23 *House and the managers on the part of the Senate in-*
24 *cludes a list of earmarks in the conference report or*
25 *joint statement (and the name of any Member who*

1 *submitted a request to the Committee on Appropria-*
2 *tions for an earmark included in such list) that*
3 *were—*

4 *(A) not committed to the conference com-*
5 *mittee by either House;*

6 *(B) not in the report specified in paragraph*
7 *(1); and*

8 *(C) not in a report of a committee of the*
9 *Senate on a companion measure.*

10 *(b) In the House of Representatives, it shall not be in*
11 *order to consider a rule or order that waives the application*
12 *of subsection (a)(2).*

13 *(c)(1) A point of order raised under subsection (a) may*
14 *be based only on the failure of a report of the Committee*
15 *on Appropriations or joint statement, as the case may be,*
16 *to include the list required by subsection (a).*

17 *(2) As disposition of a point of order under this sec-*
18 *tion, the Chair shall put the question of consideration with*
19 *respect to the proposition that is the subject of the point*
20 *of order.*

21 *(3) The question of consideration under this subsection*
22 *shall be debatable for 10 minutes by the Member initiating*
23 *the point of order and for 10 minutes by an opponent, but*
24 *shall otherwise be decided without intervening motion ex-*
25 *cept one that the House adjourn.*

1 (d)(1) *For purposes of this section, the term “earmark”*
2 *means a provision in a bill, joint resolution, or conference*
3 *report, or language in an accompanying committee report*
4 *or joint statement of managers, providing a specific amount*
5 *of discretionary budget authority to a non-Federal entity,*
6 *if such entity is identified by name.*

7 (2) *For purposes of paragraph (1), government-spon-*
8 *sored enterprises, Federal facilities, and Federal lands shall*
9 *be considered Federal entities.*

10 (3) *For purposes of subsection (a), to the extent that*
11 *the non-Federal entity is a unit of State or local govern-*
12 *ment, an Indian tribe, or a foreign government, the provi-*
13 *sion or language shall not be considered an earmark unless*
14 *the provision or language also specifies the specific purpose*
15 *for which the designated budget authority is to be expended.*

16 **SEC. 502. FREQUENT AND COMPREHENSIVE ETHICS TRAIN-**
17 **ING.**

18 (a) *ETHICS TRAINING.—*

19 (1) *IN GENERAL.—The Committee on Standards*
20 *of Official Conduct shall provide ethics training once*
21 *per Congress to each employee of the House of Rep-*
22 *resentatives, including training on the Code of Offi-*
23 *cial Conduct, related rules of the House of Represent-*
24 *atives, and applicable provisions of law.*

1 (2) *NEW EMPLOYEES.*—A new employee of the
2 *House of Representatives shall receive training under*
3 *this section not later than 30 days after beginning*
4 *service to the House.*

5 (3) *MEMBERS.*—While the House of Representa-
6 *tives recognizes that adding qualifications to service*
7 *as a Member may be unconstitutional, it encourages*
8 *Members to participate in ethics training.*

9 (b) *CERTIFICATION.*—Within 30 days of completing re-
10 *quired ethics training, each employee of the House of Rep-*
11 *resentatives shall file a certification with the Committee on*
12 *Standards of Official Conduct that the employee has com-*
13 *pleted such training and is familiar with the contents of*
14 *any pertinent publications that are so designated by the*
15 *committee.*

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

17 *Within 120 days after the date of enactment of this*
18 *Act and during each Congress thereafter, the Committee on*
19 *Standards of Official Conduct shall publish an up-to-date*
20 *ethics manual for Members, officers, and employees of the*
21 *House of Representatives and make such manual available*
22 *to all such individuals. The committee has a duty to keep*
23 *all Members, Delegates, the Resident Commissioner, officers,*
24 *and employees of the House of Representatives apprised of*

1 *current rulings or advisory opinions when potentially con-*
 2 *stituting changes to or interpretations of existing policies.*

3 **TITLE VI—REFORM OF SECTION**
 4 **527 ORGANIZATIONS**

5 **SEC. 601. SHORT TITLE.**

6 *This title may be cited as the “527 Reform Act of*
 7 *2006”.*

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

9 *(a) DEFINITION OF POLITICAL COMMITTEE.—Section*
 10 *301(4) of the Federal Election Campaign Act of 1971 (2*
 11 *U.S.C. 431(4)) is amended—*

12 *(1) by striking the period at the end of subpara-*
 13 *graph (C) and inserting “; or”; and*

14 *(2) by adding at the end the following:*

15 *“(D) any applicable 527 organization.”.*

16 *(b) DEFINITION OF APPLICABLE 527 ORGANIZA-*
 17 *TION.—Section 301 of such Act (2 U.S.C. 431) is amended*
 18 *by adding at the end the following new paragraph:*

19 *“(27) APPLICABLE 527 ORGANIZATION.—*

20 *“(A) IN GENERAL.—For purposes of para-*
 21 *graph (4)(D), the term ‘applicable 527 organiza-*
 22 *tion’ means a committee, club, association, or*
 23 *group of persons that—*

24 *“(i) has given notice to the Secretary*
 25 *of the Treasury under section 527(i) of the*

1 *Internal Revenue Code of 1986 that it is to*
2 *be treated as an organization described in*
3 *section 527 of such Code; and*

4 “(i) *is not described in subparagraph*
5 *(B).*

6 “(B) *EXCEPTED ORGANIZATIONS.—A com-*
7 *mittee, club, association, or other group of per-*
8 *sons described in this subparagraph is—*

9 “(i) *an organization described in sec-*
10 *tion 527(i)(5) of the Internal Revenue Code*
11 *of 1986;*

12 “(ii) *an organization which is a com-*
13 *mittee, club, association or other group of*
14 *persons that is organized, operated, and*
15 *makes disbursements exclusively for paying*
16 *expenses described in the last sentence of*
17 *section 527(e)(2) of the Internal Revenue*
18 *Code of 1986 or expenses of a newsletter*
19 *fund described in section 527(g) of such*
20 *Code;*

21 “(iii) *an organization which is a com-*
22 *mittee, club, association, or other group that*
23 *consists solely of candidates for State or*
24 *local office, individuals holding State or*
25 *local office, or any combination of either,*

1 *but only if the organization refers only to*
2 *one or more non-Federal candidates or ap-*
3 *plicable State or local issues in all of its*
4 *voter drive activities and does not refer to*
5 *a Federal candidate or a political party in*
6 *any of its voter drive activities; or*

7 “(iv) *an organization described in sub-*
8 *paragraph (C).*

9 “(C) *APPLICABLE ORGANIZATION.—For*
10 *purposes of subparagraph (B)(iv), an organiza-*
11 *tion described in this subparagraph is a com-*
12 *mittee, club, association, or other group of per-*
13 *sons whose election or nomination activities re-*
14 *late exclusively to—*

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

17 “(ii) *one or more of the following pur-*
18 *poses:*

19 “(I) *Influencing the selection,*
20 *nomination, election, or appointment*
21 *of one or more candidates to non-Fed-*
22 *eral offices.*

23 “(II) *Influencing one or more ap-*
24 *plicable State or local issues.*

1 “(III) *Influencing the selection,*
2 *appointment, nomination, or con-*
3 *firmation of one or more individuals to*
4 *non-elected offices.*

5 “(D) *EXCLUSIVITY TEST.*—*A committee,*
6 *club, association, or other group of persons shall*
7 *not be treated as meeting the exclusivity require-*
8 *ment of subparagraph (C) if it makes disburse-*
9 *ments aggregating more than \$1,000 for any of*
10 *the following:*

11 “(i) *A public communication that pro-*
12 *motest, supports, attacks, or opposes a clear-*
13 *ly identified candidate for Federal office*
14 *during the 1-year period ending on the date*
15 *of the general election for the office sought*
16 *by the clearly identified candidate (or, if a*
17 *runoff election is held with respect to such*
18 *general election, on the date of the runoff*
19 *election).*

20 “(ii) *Any voter drive activity during a*
21 *calendar year, except that no disbursements*
22 *for any voter drive activity shall be taken*
23 *into account under this subparagraph if the*
24 *committee, club, association, or other group*
25 *of persons during such calendar year—*

1 “(I) makes disbursements for voter
2 drive activities with respect to elections
3 in only 1 State and complies with all
4 applicable election laws of that State,
5 including laws related to registration
6 and reporting requirements and con-
7 tribution limitations;

8 “(II) refers to one or more non-
9 Federal candidates or applicable State
10 or local issues in all of its voter drive
11 activities and does not refer to any
12 Federal candidate or any political
13 party in any of its voter drive activi-
14 ties;

15 “(III) does not have a candidate
16 for Federal office, an individual who
17 holds any Federal office, a national po-
18 litical party, or an agent of any of the
19 foregoing, control or materially par-
20 ticipate in the direction of the organi-
21 zation, solicit contributions to the or-
22 ganization (other than funds which are
23 described under clauses (i) and (ii) of
24 section 323(e)(1)(B)), or direct dis-

1 *bursments, in whole or in part, by the*
2 *organization; and*

3 *“(IV) makes no contributions to*
4 *Federal candidates.*

5 *“(E) CERTAIN REFERENCES TO FEDERAL*
6 *CANDIDATES NOT TAKEN INTO ACCOUNT.—For*
7 *purposes of subparagraphs (B)(iii) and*
8 *(D)(ii)(II), a voter drive activity shall not be*
9 *treated as referring to a clearly identified Fed-*
10 *eral candidate if the only reference to the can-*
11 *didate in the activity is—*

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

16 *“(ii) a reference to the fact that the*
17 *candidate has endorsed a non-Federal can-*
18 *didate or has taken a position on an appli-*
19 *cable State or local issue, including a ref-*
20 *erence that constitutes the endorsement or*
21 *position itself.*

22 *“(F) CERTAIN REFERENCES TO POLITICAL*
23 *PARTIES NOT TAKEN INTO ACCOUNT.—For pur-*
24 *poses of subparagraphs (B)(iii) and (D)(ii)(II),*
25 *a voter drive activity shall not be treated as re-*

1 *ferring to a political party if the only reference*
2 *to the party in the activity is—*

3 *“(i) a reference for the purpose of iden-*
4 *tifying a non-Federal candidate;*

5 *“(ii) a reference for the purpose of*
6 *identifying the entity making the public*
7 *communication or carrying out the voter*
8 *drive activity; or*

9 *“(iii) a reference in a manner or con-*
10 *text that does not reflect support for or op-*
11 *position to a Federal candidate or can-*
12 *didates and does reflect support for or oppo-*
13 *sition to a State or local candidate or can-*
14 *didates or an applicable State or local*
15 *issue.*

16 *“(G) APPLICABLE STATE OR LOCAL*
17 *ISSUE.—For purposes of this paragraph, the*
18 *term ‘applicable State or local issue’ means any*
19 *State or local ballot initiative, State or local ref-*
20 *erendum, State or local constitutional amend-*
21 *ment, State or local bond issue, or other State or*
22 *local ballot issue.”.*

23 *(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section*
24 *301 of such Act (2 U.S.C. 431), as amended by subsection*

1 (b), is further amended by adding at the end the following
2 new paragraph:

3 “(28) *VOTER DRIVE ACTIVITY*.—The term ‘voter
4 drive activity’ means any of the following activities
5 conducted in connection with an election in which a
6 candidate for Federal office appears on the ballot (re-
7 gardless of whether a candidate for State or local of-
8 fice also appears on the ballot):

9 “(A) Voter registration activity.

10 “(B) Voter identification.

11 “(C) Get-out-the-vote activity.

12 “(D) Generic campaign activity.

13 “(E) Any public communication related to
14 activities described in subparagraphs (A)
15 through (D).

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

18 (d) *REGULATIONS*.—The Federal Election Commission
19 shall promulgate regulations to implement this section not
20 later than 60 days after the date of enactment of this Act.

21 (e) *EFFECTIVE DATE*.—The amendments made by this
22 section shall take effect on the date which is 60 days after
23 the date of enactment of this Act.

1 **SEC. 603. RULES FOR ALLOCATION OF EXPENSES BETWEEN**
2 **FEDERAL AND NON-FEDERAL ACTIVITIES.**

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

6 **“SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN**
7 **EXPENSES RELATING TO FEDERAL AND NON-**
8 **FEDERAL ACTIVITIES.**

9 “(a) *IN GENERAL.*—In the case of any disbursements
10 by any political committee that is a separate segregated
11 fund or nonconnected committee for which allocation rules
12 are provided under subsection (b)—

13 “(1) the disbursements shall be allocated between
14 Federal and non-Federal accounts in accordance with
15 this section and regulations prescribed by the Com-
16 mission; and

17 “(2) in the case of disbursements allocated to
18 non-Federal accounts, may be paid only from a quali-
19 fied non-Federal account.

20 “(b) **COSTS TO BE ALLOCATED AND ALLOCATION**
21 **RULES.**—

22 “(1) *IN GENERAL.*—Disbursements by any sepa-
23 rate segregated fund or nonconnected committee, other
24 than an organization described in section 323(b)(1),
25 for any of the following categories of activity shall be
26 allocated as follows:

1 “(A) 100 percent of the expenses for public
2 communications or voter drive activities that
3 refer to one or more clearly identified Federal
4 candidates, but do not refer to any clearly iden-
5 tified non-Federal candidates, shall be paid with
6 funds from a Federal account, without regard to
7 whether the communication refers to a political
8 party.

9 “(B) At least 50 percent, or a greater per-
10 centage if the Commission so determines by regu-
11 lation, of the expenses for public communications
12 and voter drive activities that refer to one or
13 more clearly identified candidates for Federal of-
14 fice and one or more clearly identified non-Fed-
15 eral candidates shall be paid with funds from a
16 Federal account, without regard to whether the
17 communication refers to a political party.

18 “(C) At least 50 percent, or a greater per-
19 centage if the Commission so determines by regu-
20 lation, of the expenses for public communications
21 or voter drive activities that refer to a political
22 party, but do not refer to any clearly identified
23 Federal or non-Federal candidate, shall be paid
24 with funds from a Federal account, except that
25 this paragraph shall not apply to communica-

1 *tions or activities that relate exclusively to elec-*
2 *tions where no candidate for Federal office ap-*
3 *pears on the ballot.*

4 “(D) *At least 50 percent, or a greater per-*
5 *centage if the Commission so determines by regu-*
6 *lation, of the expenses for public communications*
7 *or voter drive activities that refer to a political*
8 *party and refer to one or more clearly identified*
9 *non-Federal candidates, but do not refer to any*
10 *clearly identified Federal candidates, shall be*
11 *paid with funds from a Federal account, except*
12 *that this paragraph shall not apply to commu-*
13 *nications or activities that relate exclusively to*
14 *elections where no candidate for Federal office*
15 *appears on the ballot.*

16 “(E) *Unless otherwise determined by the*
17 *Commission in its regulations, at least 50 per-*
18 *cent of any administrative expenses, including*
19 *rent, utilities, office supplies, and salaries not*
20 *attributable to a clearly identified candidate,*
21 *shall be paid with funds from a Federal account,*
22 *except that for a separate segregated fund such*
23 *expenses may be paid instead by its connected*
24 *organization.*

1 “(F) *At least 50 percent, or a greater per-*
2 *centage if the Commission so determines by regu-*
3 *lation, of the direct costs of a fundraising pro-*
4 *gram or event, including disbursements for solici-*
5 *tation of funds and for planning and adminis-*
6 *tration of actual fundraising events, where Fed-*
7 *eral and non-Federal funds are collected through*
8 *such program or event shall be paid with funds*
9 *from a Federal account, except that for a sepa-*
10 *rate segregated fund such costs may be paid in-*
11 *stead by its connected organization. This para-*
12 *graph shall not apply to any fundraising solici-*
13 *tations or any other activity that constitutes a*
14 *public communication.*

15 “(2) *CERTAIN REFERENCES TO FEDERAL CAN-*
16 *DIDATES NOT TAKEN INTO ACCOUNT.—For purposes of*
17 *paragraph (1), a public communication or voter drive*
18 *activity shall not be treated as referring to a clearly*
19 *identified Federal candidate if the only reference to*
20 *the candidate in the communication or activity is—*

21 “(A) *a reference in connection with an elec-*
22 *tion for a non-Federal office in which such Fed-*
23 *eral candidate is also a candidate for such non-*
24 *Federal office; or*

1 “(B) a reference to the fact that the can-
2 didate has endorsed a non-Federal candidate or
3 has taken a position on an applicable State or
4 local issue (as defined in section 301(27)(G)), in-
5 cluding a reference that constitutes the endorse-
6 ment or position itself.

7 “(3) CERTAIN REFERENCES TO POLITICAL PAR-
8 TIES NOT TAKEN INTO ACCOUNT.—For purposes of
9 paragraph (1), a public communication or voter drive
10 activity shall not be treated as referring to a political
11 party if the only reference to the party in the commu-
12 nication or activity is—

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

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

18 “(C) a reference in a manner or context
19 that does not reflect support for or opposition to
20 a Federal candidate or candidates and does re-
21 flect support for or opposition to a State or local
22 candidate or candidates or an applicable State
23 or local issue.

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

1 “(1) *IN GENERAL.*—For purposes of this section,
2 the term ‘qualified non-Federal account’ means an ac-
3 count which consists solely of amounts—

4 “(A) that, subject to the limitations of para-
5 graphs (2) and (3), are raised by the separate
6 segregated fund or nonconnected committee only
7 from individuals, and

8 “(B) with respect to which all requirements
9 of Federal, State, or local law (including any
10 law relating to contribution limits) are met.

11 “(2) *LIMITATION ON INDIVIDUAL DONATIONS.*—

12 “(A) *IN GENERAL.*—A separate segregated
13 fund or nonconnected committee may not accept
14 more than \$25,000 in funds for its qualified
15 non-Federal account from any one individual in
16 any calendar year.

17 “(B) *AFFILIATION.*—For purposes of this
18 paragraph, all qualified non-Federal accounts of
19 separate segregated funds or nonconnected com-
20 mittees which are directly or indirectly estab-
21 lished, financed, maintained, or controlled by the
22 same person or persons shall be treated as one
23 account.

24 “(3) *FUNDRAISING LIMITATION.*—

1 “(A) *IN GENERAL.*—No donation to a quali-
2 fied non-Federal account may be solicited, re-
3 ceived, directed, transferred, or spent by or in the
4 name of any person described in subsection (a)
5 or (e) of section 323.

6 “(B) *FUNDS NOT TREATED AS SUBJECT TO*
7 *ACT.*—Except as provided in subsection (a)(2)
8 and this subsection, any funds raised for a
9 qualified non-Federal account in accordance
10 with the requirements of this section shall not be
11 considered funds subject to the limitations, pro-
12 hibitions, and reporting requirements of this Act
13 for any purpose (including for purposes of sub-
14 section (a) or (e) of section 323 or subsection
15 (d)(1) of this section).

16 “(d) *DEFINITIONS.*—

17 “(1) *FEDERAL ACCOUNT.*—The term ‘Federal ac-
18 count’ means an account which consists solely of con-
19 tributions subject to the limitations, prohibitions, and
20 reporting requirements of this Act. Nothing in this
21 section or in section 323(b)(2)(B)(iii) shall be con-
22 strued to infer that a limit other than the limit under
23 section 315(a)(1)(C) applies to contributions to the
24 account.

1 “(2) *NONCONNECTED COMMITTEE.*—*The term*
2 *‘nonconnected committee’ shall not include a political*
3 *committee of a political party.*

4 “(3) *VOTER DRIVE ACTIVITY.*—*The term ‘voter*
5 *drive activity’ has the meaning given such term in*
6 *section 301(28).”.*

7 **(b) *REPORTING REQUIREMENTS.***—*Section 304(e) of*
8 *the Federal Election Campaign Act of 1971 (2 U.S.C.*
9 *434(e)) is amended—*

10 (1) *by redesignating paragraphs (3) and (4) as*
11 *paragraphs (4) and (5); and*

12 (2) *by inserting after paragraph (2) the fol-*
13 *lowing new paragraph:*

14 “(3) *RECEIPTS AND DISBURSEMENTS FROM*
15 *QUALIFIED NON-FEDERAL ACCOUNTS.*—*In addition to*
16 *any other reporting requirement applicable under this*
17 *Act, a political committee to which section 325(a) ap-*
18 *plies shall report all receipts and disbursements from*
19 *a qualified non-Federal account (as defined in section*
20 *325(c)).”.*

21 **(c) *REGULATIONS.***—*The Federal Election Commission*
22 *shall promulgate regulations to implement the amendments*
23 *made by this section not later than 180 days after the date*
24 *of enactment of this Act.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on the date which is 180 days after*
3 *the date of enactment of this Act.*

4 **SEC. 604. REPEAL OF LIMIT ON AMOUNT OF PARTY EXPEND-**
5 **ITURES ON BEHALF OF CANDIDATES IN GEN-**
6 **ERAL ELECTIONS.**

7 (a) *REPEAL OF LIMIT.*—*Section 315(d) of the Federal*
8 *Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is*
9 *amended—*

10 (1) *in paragraph (1)—*

11 (A) *by striking “(1) Notwithstanding any*
12 *other provision of law with respect to limitations*
13 *on expenditures or limitations on contributions,*
14 *the national committee” and inserting “Notwith-*
15 *standing any other provision of law with respect*
16 *to limitations on amounts of expenditures or*
17 *contributions, a national committee”;*

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

20 (C) *by striking “Federal office, subject to*
21 *the limitations contained in paragraphs (2), (3),*
22 *and (4) of this subsection” and inserting “Fed-*
23 *eral office in any amount”; and*

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

25 (b) *CONFORMING AMENDMENTS.*—

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

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

5 (B) in paragraph (2)(B)(i), by striking
6 “subsections (b) and (d)” and inserting “sub-
7 section (b)”.

8 (2) *INCREASE IN LIMITS FOR SENATE CAN-*
9 *DIDATES FACING WEALTHY OPPONENTS.*—Section
10 *315(i)* of such Act (2 *U.S.C. 441a(i)(1)*) is amend-
11 *ed*—

12 (A) in paragraph (1)(C)(iii)—

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

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

17 (iii) by striking subclause (III);

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

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

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

1 (3) *INCREASE IN LIMITS FOR HOUSE CANDIDATES FACING WEALTHY OPPONENTS.*—Section
2 315A(a) of such Act (2 U.S.C. 441a—1(a)) is amended—
3 ed—
4

5 (A) in paragraph (1)—

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

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

10 (iii) by striking subparagraph (C);

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

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

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

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

20 **SEC. 605. CONSTRUCTION.**

21 No provision of this title, or amendment made by this
22 title, shall be construed—

23 (1) as approving, ratifying, or endorsing a regu-
24 lation promulgated by the Federal Election Commis-
25 sion;

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

4 (3) *as affecting the determination of whether a*
5 *group organized under section 501(c) of the Internal*
6 *Revenue Code of 1986 is a political committee under*
7 *section 301(4) of the Federal Election Campaign Act*
8 *of 1971.*

9 **SEC. 606. JUDICIAL REVIEW.**

10 (a) *SPECIAL RULES FOR ACTIONS BROUGHT ON CON-*
11 *STITUTIONAL GROUNDS.—If any action is brought for de-*
12 *claratory or injunctive relief to challenge the constitu-*
13 *tionality of any provision of this title or any amendment*
14 *made by this title, the following rules shall apply:*

15 (1) *The action shall be filed in the United States*
16 *District Court for the District of Columbia and shall*
17 *be heard by a 3-judge court convened pursuant to sec-*
18 *tion 2284 of title 28, United States Code.*

19 (2) *A copy of the complaint shall be delivered*
20 *promptly to the Clerk of the House of Representatives*
21 *and the Secretary of the Senate.*

22 (3) *A final decision in the action shall be review-*
23 *able only by appeal directly to the Supreme Court of*
24 *the United States. Such appeal shall be taken by the*
25 *filing of a notice of appeal within 10 days, and the*

1 *filing of a jurisdictional statement within 30 days, of*
2 *the entry of the final decision.*

3 *(4) It shall be the duty of the United States Dis-*
4 *trict Court for the District of Columbia and the Su-*
5 *preme Court of the United States to advance on the*
6 *docket and to expedite to the greatest possible extent*
7 *the disposition of the action and appeal.*

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

23 *(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any*
24 *Member of Congress may bring an action, subject to the spe-*
25 *cial rules described in subsection (a), for declaratory or in-*

1 *unctive relief to challenge the constitutionality of any pro-*
2 *vision of this title or any amendment made by this title.*

3 (d) *APPLICABILITY.*—

4 (1) *INITIAL CLAIMS.*—*With respect to any action*
5 *initially filed on or before December 31, 2008, the*
6 *provisions of subsection (a) shall apply with respect*
7 *to each action described in such subsection.*

8 (2) *SUBSEQUENT ACTIONS.*—*With respect to any*
9 *action initially filed after December 31, 2008, the*
10 *provisions of subsection (a) shall not apply to any ac-*
11 *tion described in such subsection unless the person fil-*
12 *ing such action elects such provisions to apply to the*
13 *action.*

14 **SEC. 607. SEVERABILITY.**

15 *If any provision of this title or any amendment made*
16 *by this title, or the application of a provision or amend-*
17 *ment to any person or circumstance, is held to be unconsti-*
18 *tutional, the remainder of this title and the amendments*
19 *made by this title, and the application of the provisions*
20 *and amendments to any person or circumstance, shall not*
21 *be affected by the holding.*

1 **TITLE VII—FORFEITURE OF**
2 **RETIREMENT BENEFITS**

3 **SEC. 701. LOSS OF PENSIONS ACCRUED DURING SERVICE**
4 **AS A MEMBER OF CONGRESS FOR ABUSING**
5 **THE PUBLIC TRUST.**

6 (a) *CIVIL SERVICE RETIREMENT SYSTEM.*—Section
7 8332 of title 5, United States Code, is amended by adding
8 at the end the following:

9 “(o)(1) *Notwithstanding any other provision of this*
10 *subchapter, the service of an individual finally convicted*
11 *of an offense described in paragraph (2) shall not be taken*
12 *into account for purposes of this subchapter, except that this*
13 *sentence applies only to service rendered as a Member (irre-*
14 *spective of when rendered). Any such individual (or other*
15 *person determined under section 8342(c), if applicable)*
16 *shall be entitled to be paid so much of such individual’s*
17 *lump-sum credit as is attributable to service to which the*
18 *preceding sentence applies.*

19 “(2)(A) *An offense described in this paragraph is any*
20 *offense described in subparagraph (B) for which the fol-*
21 *lowing apply:*

22 “(i) *Every act or omission of the individual (re-*
23 *ferred to in paragraph (1)) that is needed to satisfy*
24 *the elements of the offense occurs while the individual*
25 *is a Member.*

1 “(ii) Every act or omission of the individual
2 that is needed to satisfy the elements of the offense di-
3 rectly relates to the performance of the individual’s of-
4 ficial duties as a Member.

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

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

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

12 “(ii) An offense under section 219 of title 18 (of-
13 ficers and employees acting as agents of foreign prin-
14 cipals).

15 “(iii) An offense under section 371 of title 18
16 (conspiracy to commit offense or to defraud United
17 States) to the extent of any conspiracy to commit an
18 act which constitutes an offense under clause (i) or
19 (ii).

20 “(3) An individual convicted of an offense described
21 in paragraph (2) shall not, after the date of the final convic-
22 tion, be eligible to participate in the retirement system
23 under this subchapter or chapter 84 while serving as a
24 Member.

1 “(4) *The Office of Personnel Management shall pre-*
2 *scribe any regulations necessary to carry out this sub-*
3 *section. Such regulations shall include—*

4 “(A) *provisions under which interest on any*
5 *lump-sum payment under the second sentence of*
6 *paragraph (1) shall be limited in a manner similar*
7 *to that specified in the last sentence of section*
8 *8316(b); and*

9 “(B) *provisions under which the Office may pro-*
10 *vide for—*

11 “(i) *the payment, to the spouse or children*
12 *of any individual referred to in the first sentence*
13 *of paragraph (1), of any amounts which (but for*
14 *this clause) would otherwise have been nonpay-*
15 *able by reason of such first sentence, but only to*
16 *the extent that the application of this clause is*
17 *considered necessary given the totality of the cir-*
18 *cumstances; and*

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

23 “(5) *For purposes of this subsection—*

1 “(A) the term ‘Member’ has the meaning given
2 such term by section 2106, notwithstanding section
3 8331(2); and

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

6 (b) *FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.*—
7 Section 8411 of title 5, United States Code, is amended by
8 adding at the end the following:

9 “(i)(1) Notwithstanding any other provision of this
10 chapter, the service of an individual finally convicted of an
11 offense described in paragraph (2) shall not be taken into
12 account for purposes of this chapter, except that this sen-
13 tence applies only to service rendered as a Member (irre-
14 spective of when rendered). Any such individual (or other
15 person determined under section 8424(d), if applicable)
16 shall be entitled to be paid so much of such individual’s
17 lump-sum credit as is attributable to service to which the
18 preceding sentence applies.

19 “(2) An offense described in this paragraph is any of-
20 fense described in section 8332(o)(2)(B) for which the fol-
21 lowing apply:

22 “(A) Every act or omission of the individual (re-
23 ferred to in paragraph (1)) that is needed to satisfy
24 the elements of the offense occurs while the individual
25 is a Member.

1 “(B) *Every act or omission of the individual*
2 *that is needed to satisfy the elements of the offense di-*
3 *rectly relates to the performance of the individual’s of-*
4 *ficial duties as a Member.*

5 “(C) *The offense is committed after the date of*
6 *enactment of this subsection.*

7 “(3) *An individual finally convicted of an offense de-*
8 *scribed in paragraph (2) shall not, after the date of the con-*
9 *viction, be eligible to participate in the retirement system*
10 *under this chapter while serving as a Member.*

11 “(4) *The Office of Personnel Management shall pre-*
12 *scribe any regulations necessary to carry out this sub-*
13 *section. Such regulations shall include—*

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

19 “(B) *provisions under which the Office may pro-*
20 *vide for—*

21 “(i) *the payment, to the spouse or children*
22 *of any individual referred to in the first sentence*
23 *of paragraph (1), of any amounts which (but for*
24 *this clause) would otherwise have been nonpay-*
25 *able by reason of such first sentence, but only to*

1 *the extent that the application of this clause is*
2 *considered necessary given the totality of the cir-*
3 *cumstances; and*

4 *“(i) an appropriate adjustment in the*
5 *amount of any lump-sum payment under the*
6 *second sentence of paragraph (1) to reflect the*
7 *application of clause (i).*

8 *“(5) For purposes of this subsection—*

9 *“(A) the term ‘Member’ has the meaning given*
10 *such term by section 2106, notwithstanding section*
11 *8401(20); and*

12 *“(B) the term ‘child’ has the meaning given such*
13 *term by section 8341.”.*

Union Calendar No. 244

109TH CONGRESS
2^D SESSION

H. R. 4975

[Report No. 109-439, Parts I, II, III, and IV]

A BILL

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

APRIL 25, 2006

Reported from the Committee on the Judiciary with an amendment

APRIL 25, 2006

Reported from the Committee on House Administration

APRIL 25, 2006

Reported from the Committee on Rules with amendments

APRIL 25, 2006

Reported from the Committee on Government Reform with amendments

APRIL 25, 2006

Committee on Standards of Official Conduct discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed