

[COMMITTEE PRINT]

APRIL 21, 2006

Committee on Rules

[Amendment in the Nature of a Substitute to H.R. 4975, as Reported]

Strike all after the enacting clause and insert the following:

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 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. 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. Mandatory ethics training for House employees.
Sec. 503. Biennial publication of ethics manual.

TITLE VI—FORFEITURE OF RETIREMENT BENEFITS

- Sec. 601. 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
6 the Lobbying Disclosure Act of 1995 (in this title referred
7 to 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”;

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

12 (C) by striking “the semiannual period”

13 and all that follows through “July of each

14 year” and insert “the quarterly period begin-

1 ning on the first day of January, April, July,
2 and October of each year”; and

3 (D) by striking “such semiannual period”
4 and insert “such quarterly period”; and
5 (2) in subsection (b)—

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

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

12 (C) in paragraph (3), by striking “semi-
13 annual period” and inserting “quarterly pe-
14 riod”; and

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

18 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

18 (5) DOLLAR AMOUNTS.—

19 (A) REGISTRATION.—Section 4 of the Act
20 (2 U.S.C. 1603) is amended—

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

23 (ii) in subsection (a)(3)(A)(ii), by
24 striking “\$20,000” and inserting
25 “\$10,000”;

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

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

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

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

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

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

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

18 (1) by redesignating subsection (d) as sub-
19 section (e); and

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

22 “(d) ELECTRONIC FILING REQUIRED.—A registra-
23 tion required to be filed under this section on or after the
24 date of enactment of the Lobbying Accountability and
25 Transparency Act of 2006 shall be filed in electronic form,

1 in addition to any other form that may be required by
2 the Secretary of the Senate or the Clerk of the House of
3 Representatives. The due date for a registration filed in
4 electronic form shall be no later than the due date for a
5 registration filed in any other form.”.

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

8 “(d) ELECTRONIC FILING REQUIRED.—

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

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

22 “(A) on or before the original due date, the
23 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
8 cause 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
20 charge, in a searchable, sortable, and downloadable
21 manner, 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

1 filed with the Federal Election Commission
2 under section 304 of the Federal Election Cam-
3 paign Act 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 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(b)(6)) is
5 amended 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 (3), by striking “and” after
11 the semicolon;

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

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

15 “(5) 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 the registrant), and for each employee list-
19 ed as a lobbyist by the 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;

1 “(6) 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 to a covered legis-
5 lative branch official by the registrant or an em-
6 ployee listed as a lobbyist by the registrant under
7 paragraph (2)(C); and

8 “(7) the date, recipient, and amount of funds
9 contributed by the registrant or an employee listed
10 as a lobbyist by the registrant under paragraph
11 (2)(C)—

12 “(A) to, or on behalf of, an entity that is
13 named for a covered legislative branch official,
14 or to a person or entity in recognition of such
15 official; or

16 “(B) to an entity established, financed,
17 maintained, or controlled by a covered legisla-
18 tive branch official;

19 except that this paragraph shall not apply to any
20 payment or reimbursement made from funds re-
21 quired to be reported under section 304 of the Fed-
22 eral Election Campaign Act of 1971 (2 U.S.C.
23 434).”.

24 (b) FACTORS TO BE CONSIDERED TO DETERMINE
25 RELATIONSHIP BETWEEN OFFICIALS AND OTHER ENTI-

1 TIES.—Section 5 of the Act (2 U.S.C. 1604), as amended
2 by section 102(b) of this Act, is amended by adding at
3 the end the following new subsection:

4 “(e) FACTORS TO DETERMINE RELATIONSHIP BE-
5 TWEEN OFFICIALS AND OTHER ENTITIES.—

6 “(1) IN GENERAL.—In determining under sub-
7 section (b)(7)(B) whether a covered legislative
8 branch official directly or indirectly established, fi-
9 nances, maintains, or controls an entity, the factors
10 described in paragraph (2) shall be examined in the
11 context of the overall relationship between that cov-
12 ered official and the entity to determine whether the
13 presence of any such factor or factors is evidence
14 that the covered official directly or indirectly estab-
15 lished, finances, maintains, or controls the entity.

16 “(2) FACTORS.—The factors referred to in
17 paragraph (1) include, but are not limited to, the
18 following:

19 “(A) Whether the covered official, directly
20 or through its agent, owns a controlling interest
21 in the voting stock or securities of the entity.

22 “(B) Whether the covered official, directly
23 or through its agent, has the authority or abil-
24 ity to direct or participate in the governance of
25 the entity through provisions of constitutions,

1 bylaws, contracts, or other rules, or through
2 formal or informal practices or procedures.

3 “(C) Whether the covered official, directly
4 or through its agent, has the authority or abil-
5 ity to hire, appoint, demote, or otherwise con-
6 trol the officers or other decisionmaking em-
7 ployees or members of the entity.

8 “(D) Whether the covered official has a
9 common or overlapping membership with the
10 entity that indicates a formal or ongoing rela-
11 tionship between the covered official and the en-
12 tity.

13 “(E) Whether the covered official has com-
14 mon or overlapping officers or employees with
15 the entity that indicates a formal or ongoing re-
16 lationship between the covered official and the
17 entity.

18 “(F) Whether the covered official has any
19 members, officers, or employees who were mem-
20 bers, officers, or employees of the entity that in-
21 dicates a formal or ongoing relationship be-
22 tween the covered official and the entity, or
23 that indicates the creation of a successor entity.

24 “(G) Whether the covered official, directly
25 or through its agent, provides funds or goods in

1 a significant amount or on an ongoing basis to
2 the entity, such as through direct or indirect
3 payments for administrative, fundraising, or
4 other costs.

5 “(H) Whether the covered official, directly
6 or through its agent, causes or arranges for
7 funds in a significant amount or on an ongoing
8 basis to be provided to the entity.

9 “(I) Whether the covered official, directly
10 or through its agent, had an active or signifi-
11 cant role in the formation of the entity.

12 “(J) Whether the covered official and the
13 entity have similar patterns of receipts or dis-
14 bursements that indicate a formal or ongoing
15 relationship between the covered official and the
16 entity.”.

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

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

1 payment in advance, or reimbursement after the ex-
2 pense has been incurred.

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

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

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

13 (1) by striking “Whoever” and inserting “(a)
14 CIVIL PENALTY.—Whoever”;

15 (2) by striking “\$50,000” and inserting
16 “\$100,000”; and

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

18 “(b) CRIMINAL PENALTY.—

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

23 “(2) CORRUPTLY.—Whoever knowingly, will-
24 fully, and corruptly fails to comply with any provi-
25 sion of this Act shall be imprisoned not more than

1 5 years, or fined under title 18, United States Code,
2 or both.”.

3 **SEC. 107. GAO STUDY OF EMPLOYMENT CONTRACTS OF**
4 **LOBBYISTS.**

5 The Comptroller General of the United States shall
6 conduct a study of employment contracts of lobbyists in
7 order to determine the extent of contingent fee agree-
8 ments, and shall report the findings of the study to the
9 Committee on the Judiciary of the House of Representa-
10 tives.

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

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

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

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

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

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

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

15 “14. (a) A Member, Delegate, or Resident Com-
16 missioner shall file with the Committee on Stand-
17 ards of Official Conduct a statement that he or she
18 is negotiating compensation for prospective employ-
19 ment or has any arrangement concerning prospective
20 employment if a conflict of interest or the appear-
21 ance of a conflict of interest may exist. Such state-
22 ment shall be made within 5 days (other than Satur-
23 days, Sundays, or public holidays) after commencing
24 the negotiation for compensation or entering into the
25 arrangement.

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

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

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

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

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

22 “(b) influence, or offer or threaten to in-
23 fluence, the official act of another.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **SEC. 304. VALUATION OF TICKETS TO SPORTING AND EN-**
17 **TERTAINMENT EVENTS.**

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

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

21 (2) adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) a general appropriation bill reported by the
2 Committee on Appropriations unless the report in-
3 cludes a list of earmarks in the bill or in the report
4 (and the names of Members who submitted requests
5 to the Committee on Appropriations for earmarks
6 included in such list); or

7 (2) a conference report to accompany a general
8 appropriation bill unless the joint explanatory state-
9 ment prepared by the managers on the part of the
10 House and the managers on the part of the Senate
11 includes a list of earmarks in the conference report
12 or joint statement (and the names of Members who
13 submitted requests to the Committee on Appropria-
14 tions for earmarks included in such list) that were—

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

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

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

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

24 (c)(1) A point of order raised under subsection (a)(1)
25 may be based only on the failure of a report of the Com-

1 mittee on Appropriations to include the list required by
2 subsection (a)(1).

3 (2) As disposition of a point of order under
4 subsection (a), the Chair shall put the question of
5 consideration with respect to the proposition that is
6 the subject of the point of order.

7 (3) As disposition of a point of order under
8 subsection (b) with respect to a rule or order relat-
9 ing to a conference report, the Chair shall put the
10 question of consideration as follows: “Shall the
11 House now consider the resolution notwithstanding
12 the assertion of [the maker of the point of order]
13 that the object of the resolution introduces a new
14 earmark or new earmarks?”.

15 (4) The question of consideration under this
16 subsection shall be debatable for 15 minutes by the
17 Member initiating the point of order and for 15 min-
18 utes by an opponent, but shall otherwise be decided
19 without intervening motion except one that the
20 House adjourn.

21 (d)(1) For the purpose of this resolution, the term
22 “earmark” means a provision in a bill or conference re-
23 port, or language in an accompanying committee report
24 or joint statement of managers, providing or recom-
25 mending a specific amount of discretionary budget author-

1 ity to a non-Federal entity, if such entity is specifically
2 identified in the report or bill; or if the discretionary budg-
3 et authority is allocated outside of the normal formula-
4 driven or competitive bidding process and is targeted or
5 directed to an identifiable person, specific State, or con-
6 gressional district.

7 (2) For the purpose of subsection (a), government-
8 sponsored enterprises, Federal facilities, and Federal
9 lands shall be considered Federal entities.

10 (3) For the purpose of subsection (a), to the extent
11 that the non-Federal entity is a State or territory, an In-
12 dian tribe, a foreign government or an intergovernmental
13 international organization, the provision or language shall
14 not be considered an earmark unless the provision or lan-
15 guage also specifies the specific purpose for which the des-
16 igned budget authority is to be expended.

17 **SEC. 502. MANDATORY ETHICS TRAINING FOR HOUSE EM-**
18 **PLOYEES.**

19 (a) MANDATORY ETHICS TRAINING FOR HOUSE EM-
20 PLOYEES.—

21 (1) CHIEF ADMINISTRATIVE OFFICER.—Clause
22 4 of rule II of the Rules of the House of Representa-
23 tives is amended by inserting the following new
24 paragraph at the end:

1 “(d) The Chief Administrative Officer may not pay
2 any compensation to any employee of the House with re-
3 spect to any pay period during which the employee, as de-
4 termined by the Committee on Standards of Official Con-
5 duct, is not in compliance with the applicable requirements
6 of regulations promulgated pursuant to clause 3(r) of Rule
7 XI. ”.

8 (2) MANDATORY ETHICS TRAINING PROGRAM.—
9 Clause 3 of rule XI of the Rules of the House of
10 Representatives is amended by adding at the end the
11 following:

12 “(r) The committee shall establish a program of reg-
13 ular ethics training for employees of the House and pro-
14 mulgate regulations providing for the following:

15 “(1)(A) Except as otherwise provided, all em-
16 ployees of the House are required to complete ethics
17 training offered by the committee at least once dur-
18 ing each congress. Any employee who is hired after
19 the date of adoption of such rules is required to
20 complete such training within 30 days of being
21 hired.

22 “(B) Any employee of the House who works in
23 a Member’s district office shall not be required to
24 complete such ethics training until 30 days after the
25 district office has received a notice from the Com-

1 committee on Standards of Official Conduct that the re-
2 quired ethics training program is available on the
3 Internet.

4 “(2) After any employee of the House com-
5 pletes such ethics training, that employee shall file
6 a written certification with the committee that he is
7 familiar with the contents of any pertinent publica-
8 tions that are so designated by the committee and
9 has completed the required ethics training.

10 “(3) As used in this paragraph, the term ‘em-
11 ployee of the House’ refers to any individual whose
12 compensation is disbursed by the Chief Administra-
13 tive Officer, including any staff assigned to a Mem-
14 ber’s personal office, any staff of a committee or
15 leadership office, or any employee of the Office of
16 the Clerk, of the Office of the Chief Administrative
17 Officer, or of the Sergeant-at-Arms, but does not in-
18 clude a Member, Delegate, or Resident Commis-
19 sioner.”.

20 (b) ETHICS TRAINING FOR MEMBERS, DELEGATES
21 AND THE RESIDENT COMMISSIONER.—Clause 3 of rule XI
22 of the Rules of the House of Representatives is amended
23 by inserting the following new paragraph at the end:

24 “(s) The committee shall establish a program of reg-
25 ular ethics training for Members, Delegates, and the Resi-

1 dent Commissioner similar to the program established in
 2 paragraph (r), and encourage participation in such pro-
 3 gram.”.

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

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

16 **TITLE VI—FORFEITURE OF**
 17 **RETIREMENT BENEFITS**

18 **SEC. 601. LOSS OF PENSIONS ACCRUED DURING SERVICE**

19 **AS A MEMBER OF CONGRESS FOR ABUSING**
 20 **THE PUBLIC TRUST.**

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

24 “(o)(1) Notwithstanding any other provision of this
 25 subchapter, the service of an individual finally convicted

1 of an offense described in paragraph (2) shall not be taken
2 into account for purposes of this subchapter, except that
3 this sentence applies only to service rendered as a Member
4 (irrespective of when rendered). Any such individual (or
5 other person determined under section 8342(c), if applica-
6 ble) shall be entitled to be paid so much of such individ-
7 ual's lump-sum credit as is attributable to service to which
8 the preceding sentence applies.

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

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

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

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

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

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

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

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

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

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

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

24 “(B) provisions under which the Office may
25 provide for—

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

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

13 “(5) For purposes of this subsection—

14 “(A) the term ‘Member’ has the meaning given
15 such term by section 2106, notwithstanding section
16 8331(2); and

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

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

22 “(1)(1) Notwithstanding any other provision of this
23 chapter, the service of an individual finally convicted of
24 an offense described in paragraph (2) shall not be taken
25 into account for purposes of this chapter, except that this

1 sentence applies only to service rendered as a Member (ir-
2 respective of when rendered). Any such individual (or
3 other person determined under section 8424(d), if applica-
4 ble) shall be entitled to be paid so much of such individ-
5 ual's lump-sum credit as is attributable to service to which
6 the preceding sentence applies.

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

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

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

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

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

11 “(i) the payment, to the spouse or children
12 of any individual referred to in the first sen-
13 tence of paragraph (1), of any amounts which
14 (but for this clause) would otherwise have been
15 nonpayable by reason of such first sentence, but
16 only to the extent that the application of this
17 clause is considered necessary given the totality
18 of the circumstances; 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 8401(20); and

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