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110TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 110–167

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2317) TO AMEND THE LOBBYING DISCLOSURE ACT OF 1995 TO REQUIRE REGISTERED LOBBYISTS TO FILE QUARTERLY REPORTS ON CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS, AND FOR OTHER PURPOSES AND PROVIDING FOR THE CONSIDERATION OF THE BILL (H.R. 2316) TO PROVIDE MORE RIGOROUS REQUIREMENTS WITH RESPECT TO DISCLOSURE AND ENFORCEMENT OF LOBBYING LAWS AND REGULATIONS, AND FOR OTHER PURPOSES

MAY 24 (legislative day of MAY 23), 2007.—Referred to the House Calendar and ordered to be printed

Ms. CASTOR, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 437]

The Committee on Rules, having had under consideration House Resolution 437, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2317, to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes, and for consideration of H.R. 2316, to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, and for other purposes.

With respect to H.R. 2317, the resolution provides a closed rule with one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in part A of this report, shall be considered as adopted and the bill, as modified, shall be considered as read. All points of order against the bill, as amended, are waived. The resolution provides one motion to recommit with or without instructions.

With respect to H.R. 2316, the resolution provides a structured rule with one hour of general debate equally divided and controlled

by the chairman and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill except for those arising under clauses 9 or 10 of rule XXI. The resolution considers as an original bill for the purpose of further amendment the amendment in the nature of a substitute recommended by the Committee on the Judiciary. The committee amendment shall be considered as read. The resolution waives all points of order against the committee amendment except for those arising under clauses 9 or 10 of rule XXI.

The resolution makes in order those amendments printed in part B of this report and waives all points of order against such amendments except for those arising under clauses 9 or 10 of rule XXI. The resolution provides one motion to recommit with or without instructions.

The resolution permits the Chair, during consideration of either H.R. 2316 or H.R. 2317, to postpone further consideration until a time designated by the Speaker. Finally, the resolution amends the Rules of the House governing Member and staff attendance at charitable events.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against H.R. 2317 and its consideration (except for those arising under clauses 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against the bill and its consideration are prophylactic in nature.

Although the rule waives all points of order against H.R. 2316 and its consideration (except for those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against the bill and its consideration are prophylactic in nature.

CHANGES IN EXISTING HOUSE RULES MADE BY SECTION 4 OF THE RESOLUTION

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

RULES OF THE HOUSE OF REPRESENTATIVES

One Hundred Tenth Congress

RULE XXV—LIMITATIONS ON OUTSIDE EARNED INCOME AND ACCEPTANCE OF GIFTS

Gifts

5(a) * * * 3(Q) **[**Free attendance at a widely attended event permitted under subparagraph (4).**]** *Free attendance at an event permitted under subparagraph (4).*

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 199

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Dreier.
Summary of motion: To grant an open rule.
Results: Defeated 4–8.
Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 200

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Dreier.
Summary of motion: To make in order and provide appropriate waivers for a substitute amendment consisting of a motion to recommit offered by Mrs. Slaughter on May 3, 2006 to H.R. 4975.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 201

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Dreier.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Dreier (CA), #41, which adds a provision passed by the House in the 109th Congress authorizing and requiring the House Inspector General to conduct random audits of lobbying disclosure filings. The amendment also authorizes the House Inspector General to refer wrongdoing by lobbyists to the Department of Justice.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 202

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Dreier.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (AZ) and Rep. Boehner (OH), #18, which would remove the exemption in the House gift rule for state and local government entities.
Results: Defeated 4–7.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 203

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Garrett (NJ), #19, which would make it a federal offense for persons convicted of federal, state, or local felonies to register as lobbyists.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 204

Date: May 23, 2007.
Measure: H.R. 2316.
Motion By: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), #8, which would extend the prohibition on converting campaign dollars for personal use currently applicable to campaign committees to leadership PACs. Leadership PACs could use funds for authorized expenditures in connection with campaigns for Federal office, charitable contributions, or for transfers to a national, state, or local committee of a political party. Leadership PAC is defined as a political committee that is directly or indirectly established, maintained, or controlled by a candidate for election for Federal office or an individual holding Federal office.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 205

Date: May 23, 2007.
Measure: H.R. 2316. Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order en bloc and provide appropriate waivers for an amendment by Rep. Issa (CA), #7, which would amend the Lobbying Disclosure Act to prohibit state, local, or other government or semi-sovereign entities, including public institutions of higher education, from providing gifts to Members, officers, or employees of the House; and an amendment by Rep. McHenry (NC), #36, which would require Members' disclosure of residential properties, including primary residences and mortgage liabilities.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 206

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order en bloc and provide appropriate waivers for an amendment by Rep. Flake (AZ), #38, which requires registered lobbyists to report Congressional earmarks for which they lobby; an amendment by Rep. Flake (AZ), #39, which prohibits lobbyists from lobbying for Congressional earmarks with federal funds; and an amendment by Rep. Flake (AZ), #40, which would require registered lobbyists who work for an entity that was created by earmarks to include in their annual report a statement detailing the total amount, by year, of Federal funds the entity has received since the founding of the entity, including which funds were received by such a Congressional earmark and which funds were received by a competitive grant process.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 207

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order en bloc and provide appropriate waivers for an amendment by Rep. Castle (DE), #21, which extends to two years the lobbying ban for former members of Congress, senior staff, and executive branch officials; an amendment by Rep. Castle (DE), #23, which requires all registered lobbyists to complete a mandatory 8-hours of ethics training, conducted by the House Committee on Standards, each Congress. Ethics training would include the code of conduct and disclosure requirements applicable to Members, officers, and employees of the House, including rules relating to acceptance of gifts (including travel and meals), and financial disclosure requirements under the Ethics in Government Act of 1978. Failure to complete ethics training each Congress would trigger penalties; and an amendment by Rep. Castle (DE), #24, which would prohibit a campaign committee or leadership PAC of a candidate or Federal office holder from making payments to a spouse or immediate family member of candidate for services provided. The amendment exempts nominal reimbursements under $500.
Results: Defeated 4–6.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 208

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Sessions.
Summary of motion: To make in order en bloc and provide appropriate waivers for an amendment by Rep. Kirk (IL), #48, which addresses Members of Congress forfeiting their congressional pension

should they be convicted of certain felonies. The amendment expands the number of such felonies from 3 to 22; an amendment by Rep. Shadegg (AZ), #42, which would prohibit a Member of Congress convicted of bribery from receiving his or her taxpayer-funded retirement benefits; and an amendment by Rep. Terry (NE), #14, which provides for the loss of pensions for Members of Congress convicted of current federal "white-collar" criminal offenses like bribery, solicitation of gifts, perjury, making false claims, lying to a grand jury, etc. The amendment denies pension benefits only for the period of federal service in the U.S. Congress and for offenses related to the service as a Member.

Results: Defeated 4–6.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 209

Date: May 23, 2007.

Measure: H.R. 2316.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Shays (CT), #29, which establishes an Office of Public Integrity (OPI) to assist the House Ethics Committee. OPI would be a nonpartisan office comprised of professional staff who would investigate non-frivolous complaints of potential ethics violations and present its findings to the Ethics Committee for adjudication. OPI would also provide both formal and informal guidance to Members and their staff on the permissibility of conduct under House and Senate rules. Finally, OPI would provide informal guidance to registered lobbyists about reporting requirements and conduct random audits of reports.

Results: Defeated 3–6, with one member voting present.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Pres; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 210

Date: May 23, 2007.

Measure: H.R. 2316.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Terry (NE) and Rep. Price, Tom (GA), #43, which sets forth findings that the House Committee on Standards of Official Conduct has not provided Members of Congress with adequate and clear guidance on the definition of a congressional earmark and what constitutes a Member's financial interest in a congressional earmark. The amendment requires the Committee to publish an updated manual clearly explaining the new rules governing congressional earmark transparency and what constitutes a Member's financial interest in an earmark.

Results: Defeated 3–7, with one member voting present.

Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Pres; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 211

Date: May 23, 2007.
Measure: H.R. 2316.
Motion by: Mr. Sessions.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Wolf (VA), #15, which would make it a federal offense for former ambassadors and CIA station chiefs to act as an agent of the foreign nation where they were assigned for five years after their service as ambassador or station chief is completed.
Results: Defeated 4–7.
Vote by Members: Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 212

Date: May 23, 2007.
Measure: H.R. 2317–H.R. 2316.
Motion by: Mr. McGovern.
Summary of motion: To report the rule.
Results: Adopted 7–4.
Vote by Members: Hastings (FL)—Yea; Matsui—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENT IN PART A CONSIDERED AS ADOPTED

The amendment provides that the statement which a covered registered lobbyist is required to provide to the recipient must include a notification that the recipient has the right to respond to the statement to challenge and correct any information included before the registered lobbyist files the report.

SUMMARY OF AMENDMENTS IN PART B MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Conyers (MI): Manager's Amendment. This amendment would make technical corrections to the text of the bill. In addition, it would permit Members to omit personally identifiable information not required to be disclosed on the reports posted on the Internet by the Clerk. (10 minutes)

2. Dreier (CA): The amendment adds language passed by the House as part of H.R. 4975 in the 109th Congress amending the post-employment restrictions contained in section 207(e) of title 18, United States Code. The amendment would direct the Clerk, in consultation with the Committee on Standards of Official Conduct, to inform a Member, officer, or employee who is subject to the post-employment restrictions on lobbying contacts contained in that section of the beginning and ending dates of the restriction. The Clerk must also inform each office of the House to which the restriction applies of the restriction. The amendment also adds a new provision directing the Clerk to place the information on its public Internet site in a format that is searchable, sortable, and downloadable. (10 minutes)

3. Abercrombie (HI): This amendment places a one-year ban on flag and general officers of the Armed Services from receiving compensation from any company that does greater than $50 million in business with the Department of Defense. This ban will take place 120 days from the enactment of the legislation. (10 minutes)

4. Castle (DE)/Platts (PA): Amendment states that it is the sense of Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate. (10 minutes)

5. Cardoza (CA): This amendment gives judges the discretion to increase the sentence for public officials convicted of bribery, fraud, extortion or theft of public funds greater than $10,000. If a public official was convicted of one of the enumerated crimes, a sentencing judge would have the discretion to double the length of a sentence (up to two years) for those public officials. Public officials are defined as Federal, State, or local elected officials; Presidential appointees; or a State or local official appointed by an elected state or local official. (10 minutes)

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Page 3, line 23, strike "and".

Page 4, line 4, strike the period and insert "; and".

Page 4, insert after line 4 the following:

"(C) a notification that the covered recipient has the right to respond to the statement to challenge and correct any information included before the registered lobbyist files the report under paragraph (1).".

PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, in the item relating to section 206 in the table of contents, strike "association" and insert "associations".

Page 17, line 21, strike "**ASSOCIATION**" and insert "**ASSOCIATIONS**".

Page 4, line 11, strike "this clause" and insert "this rule".

Page 5, line 24, strike "or any" and insert "any".

Page 5, line 24, insert "or section 872," after "209,".

Page 13, line 21, strike "the Act" and insert "the Lobbying Disclosure Act of 1995".

Page 26, insert after line 2 the following:

(3) OMISSION OF PERSONALLY IDENTIFIABLE INFORMATION.—Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) shall be permitted to omit personally identifiable information not required to be disclosed on the reports posted on the public Internet site under this section (such as home address, Social Security numbers, personal bank account numbers, home telephone, and names of children) prior to the posting of such reports on such public Internet site.

(4) ASSISTANCE IN PROTECTING PERSONAL INFORMATION.—The Clerk of the House of Representatives, in consultation with the Committee on Standards of Official Conduct, shall include in

any informational materials concerning any disclosure that will be posted on the public Internet site under this section an explanation of the procedures for protecting personally identifiable information as described in this section.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DREIER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Immediately prior to section 104, add the following new section, redesignate section 104 as section 105, and conform the table of contents accordingly:

SEC. 104. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

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

"(8) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—After a Member of the House of Repesentatives or an elected officer of the House of Representatives leaves office, or after the termination of employment with the House of Representatives of an employee of the House of Representatives covered under paragraph (2), (3), or (4), the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, shall notify the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under this subsection, and also notify each office of the House of Representatives with respect to which such prohibitions apply of those dates. The Clerk shall also post the information contained in such notification on the public Internet site of the Office of the Clerk in a format that is searchable, sortable, and downloadable.".

Section 105 (as so redesignated) is amended by adding at the end the following new subsection:

(d) SECTION 104.—The amendments made by section 104 shall take effect on the date of enactment of this Act.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ABERCROMBIE OF HAWAII, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert the following after section 103 and redesignate the succeeding section accordingly:

SEC. 104. RESTRICTIONS ON CERTAIN UNIFORMED OFFICERS.

Section 207 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(m) ADDITIONAL RESTRICTIONS ON CERTAIN OFFICERS OF THE ARMED FORCES.—Any person who is a general or flag officer of the Armed Forces and who, within 1 year after the person's retirement or separation from the Armed Forces, receives compensation from any entity under contract with the Department of Defense if the contract or contracts in effect at the time of the receipt of the compensation are in amounts, in the aggregate, greater than $50,000,000 shall be punished as provided in section 216 of this title.".

In section 105, as redesignated, add the following at the end:

(d) SECTION 104.—The amendment made by section 104 shall apply to any individual who retires or is separated from the Armed Forces more than 120 days after the date of the enactment of this Act.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert the following after section 208 and redesignate the succeeding sections, and conform the table of contents, accordingly:

SEC. 209. SENSE OF CONGRESS REGARDING LOBBYING BY IMMEDIATE FAMILY MEMBERS.

It is the sense of the Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARDOZA OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after title IV the following new title and redesignate the succeeding title accordingly:

TITLE V—ADDITIONAL CRIMINAL PENALTIES FOR PUBLIC OFFICIALS

SEC. 501. CRIMINAL PENALTIES FOR PUBLIC OFFICIALS.

(a) IN GENERAL.—Subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"§ 3587. Increased imprisonment for certain offenses by public officials.

"(a) GENERAL RULE.—In any Federal criminal case in which a public official is convicted of an offense against the United States—

"(1) consisting of conduct during the course of official duty, intended to enrich that official; and

"(2) involving bribery, fraud, extortion, or theft of public funds greater than $10,000;

the sentencing judge may increase the sentence of imprisonment by an amount of up to 2 years. The sentencing judge may double the sentence of imprisonment that would otherwise be imposed in that case: *Provided, however* that in no instance may the sentencing judge be allowed to increase the sentence by more than 2 years.

"(b) DEFINITION.—In this section, the term 'public official' means—

"(1) an elected official of the United States or of a State or local government;

"(2) a presidentially-appointed official; and

"(3) an official appointed to a State or local governmental office by an elected official of a State or local government.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter D of chapter 227 of title 18, United States Code, is amended by adding at the end the following new item:

"3587. Increased imprisonment for certain offenses by public officials.".

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