

117TH CONGRESS 1ST SESSION

H. R. 470

To withhold the salaries of Members of Congress upon failure to agree to a budget resolution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 25, 2021

Mr. Hern introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Rules, the Budget, Oversight and Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To withhold the salaries of Members of Congress upon failure to agree to a budget resolution, 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.
- 4 This Act may be cited as the "Roadmap to Congres-
- 5 sional Reform Act".

1	SEC. 2. HOLDING SALARIES OF MEMBERS OF CONGRESS IN
2	ESCROW UPON FAILURE TO AGREE TO BUDG-
3	ET RESOLUTION.
4	(a) Holding Salaries in Escrow.—
5	(1) In General.—If by April 15, 2021, a
6	House of Congress has not agreed to a concurrent
7	resolution on the budget for fiscal year 2022 pursu-
8	ant to section 301 of the Congressional Budget Act
9	of 1974, during the period described in paragraph
10	(2) the payroll administrator of that House of Con-
11	gress shall deposit in an escrow account all pay-
12	ments otherwise required to be made during such
13	period for the compensation of Members of Congress
14	who serve in that House of Congress, and shall re-
15	lease such payments to such Members only upon the
16	expiration of such period.
17	(2) Period described.—With respect to a
18	House of Congress, the period described in this
19	paragraph is the period which begins on April 16,
20	2021 and ends on the earlier of—
21	(A) the day on which the House of Con-
22	gress agrees to a concurrent resolution on the
23	budget for fiscal year 2022 pursuant to section
24	301 of the Congressional Budget Act of 1974;
25	or

- 1 (B) the last day of the One Hundred Sev-2 enteenth Congress.
 - (3) WITHHOLDING AND REMITTANCE OF AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The payroll administrator shall provide for the same withholding and remittance with respect to a payment deposited in an escrow account under paragraph (1) that would apply to the payment if the payment were not subject to paragraph (1).
 - (4) Release of amounts at end of the Congress.—In order to ensure that this section is carried out in a manner that shall not vary the compensation of Senators or Representatives in violation of the twenty-seventh article of amendment to the Constitution of the United States, the payroll administrator of a House of Congress shall release for payments to Members of that House of Congress any amounts remaining in any escrow account under this section on the last day of the One Hundred Seventeenth Congress.
 - (5) Role of Secretary of the Treasury shall provide the payroll administrators of the Houses of Congress with such assistance as may be necessary to enable the payroll administrators to carry out this section.

1	(b) Treatment of Delegates as Members.—In
2	this section, the term "Member of Congress" includes a
3	Delegate or Resident Commissioner to the Congress.
4	(c) Payroll Administrator Defined.—In this
5	section, the "payroll administrator" of a House of Con-
6	gress means—
7	(1) in the case of the House of Representatives,
8	the Chief Administrative Officer of the House of
9	Representatives, or an employee of the Office of the
10	Chief Administrative Officer who is designated by
11	the Chief Administrative Officer to carry out this
12	section; and
13	(2) in the case of the Senate, the Secretary of
14	the Senate, or an employee of the Office of the Sec-
15	retary of the Senate who is designated by the Sec-
16	retary to carry out this section.
17	SEC. 3. NO BUDGET, NO RECESS.
18	(a) In General.—Section 300 of the Congressional
19	Budget Act of 1974 (2 U.S.C. 631) is amended—
20	(1) by striking "The timetable" and inserting
21	the following:
22	"(a) IN GENERAL.—The timetable"; and
23	(2) by adding at the end the following:
24	"(b) No Budget, No Recess.—

1	"(1) Limits in the senate and house of
2	REPRESENTATIVES.—The procedures specified in
3	paragraphs (2), (3), and (4) shall apply in the Sen-
4	ate and the procedures specified in paragraphs (2),
5	(3), and (5) shall apply in the House of Representa-
6	tives—
7	"(A) on and after April 15 of each year,
8	if the Senate and House of Representatives
9	have not adopted a concurrent resolution on the
10	budget for the next fiscal year; and
11	"(B) on and after August 1 of each year,
12	if the Senate and House of Representatives
13	have not passed, individually or collectively, all
14	the regular appropriations bills for the next fis-
15	cal year.
16	"(2) No recess or adjournment.—During a
17	period described in paragraph (1), it shall not be in
18	order in the Senate or the House of Representatives
19	to move to recess or to adjourn for more than 8
20	hours.
21	"(3) No official travel.—
22	"(A) IN GENERAL.—Except as provided in
23	subparagraph (B), during a period described in
24	paragraph (1), no amounts may be obligated or

1	expended for official travel by a Member of
2	Congress.
3	"(B) RETURN TO DC.—If a Member of
4	Congress is away from the seat of Government
5	when a period described in paragraph (1) be-
6	gins, funds may be obligated and expended for
7	official travel by the Member of Congress to re-
8	turn to the seat of Government.
9	"(4) Additional limits in the senate.—
10	"(A) Determination of Presence of A
11	QUORUM.—Notwithstanding any provision of
12	the Standing Rules of the Senate, in the Sen-
13	ate, during each day during a period described
14	in paragraph (1), the Presiding Officer shall di-
15	rect the Clerk to call the roll to ascertain the
16	presence of a quorum—
17	"(i) at noon; and
18	"(ii) at 6:00 p.m.
19	"(B) Lack of Quorum.—
20	"(i) In general.—If, upon a calling
21	of the roll under subparagraph (A), it shall
22	be ascertained that a quorum is not
23	present—

1	"(I) the Presiding Officer shall
2	direct the Clerk to call the names of
3	any absent Senators; and
4	"(II) following the calling of the
5	names under subclause (I), the Pre-
6	siding Officer shall, without inter-
7	vening motion or debate, submit to
8	the Senate by a yea-and-nay vote the
9	question: 'Shall the Sergeant-at-Arms
10	be directed to request the attendance
11	of absent Senators?'.
12	"(ii) Direction to compel attend-
13	ANCE.—If a quorum is not present 30
14	minutes after the time at which the vote
15	on a question submitted under clause
16	(i)(II) starts, the Presiding Officer shall,
17	without intervening motion or debate, sub-
18	mit to the Senate by a yea-and-nay vote
19	the question: 'Shall the Sergeant-at-Arms
20	be directed to compel the attendance of ab-
21	sent Senators?'.
22	"(iii) Arrest of absent sen-
23	Ators.—Effective 30 minutes after the
24	Sergeant-at-Arms is directed to compel the
25	attendance of absent Senators under clause

1	(ii), if any Senator not excused under rule
2	XII of the Standing Rules of the Senate is
3	not in attendance, the Senate shall be
4	deemed to have agreed an order that reads
5	as follows: 'Ordered, That the Sergeant-at-
6	Arms be directed to arrest absent Sen-
7	ators, that warrants for the arrests of all
8	Senators not sick nor excused be issued
9	under the signature of the Presiding Offi-
10	cer and attested by the Secretary, and that
11	such warrants be executed without delay.'.
12	"(iv) Reports.—Not less frequently
13	than once per hour during proceedings to
14	compel the attendance of absent Senators,
15	the Sergeant-at-Arms shall submit to the
16	Senate a report on absent Senators, which
17	shall—
18	"(I) be laid before the Senate;
19	"(II) identify each Senator whose
20	absence is excused;
21	"(III) identify each Senator who
22	is absent without excuse; and
23	"(IV) for each Senator identified
24	under subclause (III), provide infor-

1	mation on the current location of the
2	Senator.
3	"(C) Regaining the floor.—If a Sen-
4	ator had been recognized to speak at the time
5	a call of the roll to ascertain the presence of a
6	quorum was initiated under subparagraph (A),
7	and if the presence of a quorum is established,
8	that Senator shall be entitled to be recognized
9	to speak.
10	"(D) No suspension of require-
11	MENTS.—The Presiding Officer may not enter-
12	tain a request to suspend the operation of this
13	paragraph by unanimous consent or motion.
14	"(E) Consistency with senate emer-
15	GENCY PROCEDURES AND PRACTICES.—Nothing
16	in this paragraph shall be construed in a man-
17	ner that is inconsistent with S. Res. 296 (108th
18	Congress) or any other emergency procedures
19	or practices of the Senate.
20	"(5) Additional limits in the house of
21	REPRESENTATIVES.—Notwithstanding any provision
22	of the Rules of the House of Representatives, in the
23	House of Representatives, during each day during a
24	period described in paragraph (1), each Member of

the House of Representatives shall record his or her

1 presence for purposes of establishing a quorum at 2 noon and 6:00 p.m. 3 "(6) No WAIVER.—Notwithstanding section 4 904(b), paragraphs (2), (3), (4), and (5) of this sub-5 section may not be waived or suspended in the Sen-6 ate or the House of Representatives. 7 "(7) PERMANENT LAW.—Notwithstanding sec-8 tion 904(a), paragraph (3) of this subsection is not 9 enacted as an exercise of the rulemaking power of 10 the Senate or the House of Representatives.". 11 (b) Completion of House Action on Regular 12 Appropriations Bills.—Section 309 of the Congressional Budget Act of 1974 (2 U.S.C. 640) is amended by 13 inserting "or August" after "July". 14 15 SEC. 4. MAKING FERS OPTIONAL FOR MEMBERS. 16 (a) IN GENERAL.— 17 (1) AMENDMENT.—Section 8401(20) of title 5, 18 United States Code, is amended by striking ", and who (in the case" and all that follows through 19 20 "2004". 21 (2) APPLICABILITY.—The amendment made by 22 paragraph (1) shall apply with respect to an indi-

vidual who first serves as a Member of the House

of Representatives, including a Delegate or Resident

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1	Commissioner to the Congress, on or after the date
2	of enactment of this Act.
3	(b) CONTINUED PARTICIPATION IN TSP.—
4	(1) Amendment.—Section 8401(20) of title 5,
5	United States Code, as amended by subsection (a),
6	is further amended—
7	(A) by striking "term 'Member' has" and
8	inserting the following: "term 'Member'—
9	"(A) has";
10	(B) by inserting ", subject to subpara-
11	graph (B)," after "except that";
12	(C) by adding "and" after the semicolon at
13	the end; and
14	(D) by adding at the end the following:
15	"(B) for purposes of subchapter III, has the
16	same meaning as provided in section 2106, without
17	regard to whether the individual elects not to partici-
18	pate in the Federal Employees' Retirement Sys-
19	tem;".
20	(2) Conforming amendment to TSP.—Sec-
21	tion 8431(a) of title 5, United States Code, is
22	amended by inserting "except as provided in section
23	8401(20)(B)," after "subchapter,".
24	(3) APPLICABILITY.—The amendments made
25	by this subsection shall apply with respect to an in-

- dividual who makes an election described in section
- 2 8401(20) of title 5, United States Code, not to par-
- 3 ticipate in the Federal Employees' Retirement Sys-
- 4 tem before, on, or after the date of enactment of this
- 5 Act.

6 SEC. 5. CONGRESSIONAL LEGISLATION REQUIREMENTS.

- 7 (a) Constitutional Authority Statement.—
- 8 This section is enacted pursuant to the power conferred
- 9 by the Constitution of the United States upon each House
- 10 of Congress by—
- 11 (1) article I, section 5, clauses 2 and 3 to deter-
- mine the rules and keep a journal of its proceedings,
- 13 respectively;
- 14 (2) article I, section 7, clause 2 to ensure that
- bills that become law have been actually passed by,
- not just passed through, each House of Congress;
- 17 and
- 18 (3) article I, section 8, clause 18, which author-
- izes Congress to make all laws that are necessary
- and proper for carrying into execution the rules of
- each House of Congress.
- 22 (b) STANDING PROVISION.—The provision of this
- 23 section under which any person who is aggrieved by the
- 24 enforcement of any law enacted either in violation of the
- 25 rules of proceedings of either House of Congress, or by

- 1 the suspension of the rules, as prescribed herein, shall
- 2 have standing in a court of law, is enacted pursuant to
- 3 article III, section 2 of the Constitution of the United
- 4 States.

- 5 (c) FINDINGS.—Congress finds the following:
- (1) The Constitution of the United States vests
 all legislative powers granted therein in Congress.
 - (2) Each Member of Congress is elected by the people to whom the Member is accountable, and Members must represent the people of their respective State or District in exercising their legislative powers.
 - (3) Establishing a Government of enumerated powers, article I, section 1 of the Constitution of the United States obliges Congress to exercise only those legislative powers provided for in the Constitution of the United States, and article VI of the Constitution of the United States requires that each Member of Congress be bound by oath or affirmation to support the Constitution of the United States by enacting only those laws, and making only those resolutions, that are pursuant to the Constitution of the United States and not prohibited thereby.
 - (4) To ensure that Congress is politically and legally accountable to the people, article I, section 5

- of the Constitution of the United States requires each House of Congress to keep a journal of its proceedings and from time to time publish the same.
 - (5) To ensure that no legislation is passed without effective representation of the interests of the people by the elected Members of Congress, article I, section 7 of the Constitution of the United States provides that only a bill "which shall have passed the House of Representatives and the Senate," and not vetoed by the President, shall "become a law".
 - (6) According to section I of the Manual of Parliamentary Practice for the Use of the Senate of the United States, written by Thomas Jefferson in 1801 (referred to in this section as "Jefferson's Manual"), "nothing tended more to throw power into the hands of administration and those who acted with the majority . . . than a neglect of, or departure from, the rules of proceeding [which] operated as a check and control of the actions of the majority [and] a shelter and protection to the minority".
 - (7) According to sections XXII and XL of Jefferson's Manual, it was the rule of the Senate that every bill receive 3 readings, 2 full readings by the Clerk of the Senate, and a third reading of the title

- of the bill only, because "every member of the Senate had a printed copy [of the bill] in his hand.".
 - (8) According to sections XXIV, XXV, and XL of Jefferson's Manual, it was the rule of the House of Representatives, following the parliamentary procedure of the English House of Commons, that every bill receive 2 full readings by the Clerk of the House of Representatives, and a reading of the whole contents of the bill verbatim by the Speaker of the House of Representatives before the House of Representatives voted on the bill.
 - (9) Under the current rules of the Senate, the Senate has departed from its original practice of a full first and second reading of each bill, and of ensuring that each Senator has a printed or other verbatim copy of each bill before passage thereof, having by rule XIV of the Standing Rules of the Senate limited each reading of a bill to the reading of the title of the bill only, unless the Senate in any case shall otherwise order.
 - (10) Under the current rules of the House of Representatives, the House of Representatives has by rule XVI (8) and rule XVIII (5) embraced its original practice of full first and second readings of each bill, but has regularly departed from this prac-

tice by unanimous consent of the House of Representatives, and has dispensed altogether its original practice of a verbatim third reading of each bill before passage, limiting such third reading to the reading of the title only, including the reading of the title only even when Members of the House of Representatives have no printed or other verbatim copy of the bill before passage.

- (11) Although section 106 of title 1, United States Code, requires a bill to be made available in written form to each Member of Congress before final passage, Congress has by statute conferred upon itself the power, during the last 6 days of a session of Congress, by concurrent resolution, to vote for passage of a bill that is not in written form at the time of final passage.
- (12) As a direct consequence of the departure of the Senate and the House of Representatives from the salutary practice of full, verbatim readings of each bill before final passage, and further, as a direct consequence of Congress, by concurrent resolution and otherwise, having permitted certain appropriation, budget, and regulatory bills to be enacted into law without such bills being printed and

1	presented to Congress in written form prior to final
2	passage, Congress has—
3	(A) imposed upon the people of the United
4	States excessively long bills, largely written by
5	an unelected bureaucracy, resulting in generally
6	incomprehensible, cumbersome, oppressive, and
7	burdensome laws, containing hidden provisions
8	for special interests;
9	(B) deprived the people of the United
10	States and their elected Senators and Members
11	of a full and fair opportunity to examine the
12	text of bills, and all amendments thereto, prior
13	to passage;
14	(C) undermined the confidence of the peo-
15	ple of the United States as a result of its fail-
16	ure to provide adequate notice to the people be-
17	fore a vote is taken on the bills and amend-
18	ments thereto; and
19	(D) has called into question the integrity
20	and reliability of the legislative processes in
21	both Houses of Congress by its failure to en-
22	sure that each Senator and each Member of the
23	House of Representatives has, prior to passage,

either listened attentively to the reading of the

1	full text of each bill, and amendments thereto,
2	or has personally read the text thereof.
3	(13) Federal law currently sets forth various re-
4	quirements relating to the form of bills and resolu-
5	tions, and the procedure for enacting laws, includ-
6	ing—
7	(A) the form of the enacting clause of all
8	Acts of Congress (section 101 of title 1, United
9	States Code);
10	(B) the form of the resolving clause of all
11	joint resolutions (section 102 of title 1, United
12	States Code);
13	(C) a limitation on the use of enacting or
14	resolving words (section 103 of title 1, United
15	States Code);
16	(D) the requirement regarding the num-
17	bering of sections and the requirement that
18	each contain a single proposition (section 104
19	of title 1, United States Code);
20	(E) the style and title for all bills making
21	appropriations (section 105 of title 1, United
22	States Code); and
23	(F) the process by which each bill or joint
24	resolution is handled after passage (section 106
25	of title 1, United States Code).

I	(d) TEXT OF BILL OR RESOLUTION TO SPECIFY ITS
2	CONSTITUTIONAL AUTHORITY, CURRENT LAW.—Chapter
3	2 of title 1, United States Code, is amended by inserting
4	after section 105 the following:
5	"§ 105a. Text of bill or resolution to specify its con-
6	stitutional authority
7	"(a) Requirement.—
8	"(1) In general.—Any bill or resolution intro-
9	duced in either House of Congress shall contain a
10	provision citing the specific powers granted to Con-
11	gress in the Constitution of the United States to
12	enact the proposed bill or resolution, including all
13	the provisions thereof.
14	"(2) Failure to comply.—Any bill or resolu-
15	tion that does not comply with paragraph (1) shall
16	not be accepted by the Clerk of the House of Rep-
17	resentatives or the Secretary of the Senate.
18	"(b) Floor Consideration.—
19	"(1) In general.—The requirements of sub-
20	section (a)(1) shall apply to any bill or resolution
21	presented for consideration on the floor of either
22	House of Congress, including a bill or resolution re-
23	ported from a committee of either House of Con-
24	gress, produced by conference between the 2 Houses
25	of Congress, or offered as a manager's amendment.

1	"(2) Failure to comply.—Any bill or resolu-
2	tion that does not comply with paragraph (1) shall
3	not be submitted for a vote on final passage.
4	"(c) No Waiver or Modification.—Neither House
5	of Congress, nor Congress jointly, by concurrent resolu-
6	tion, unanimous consent, or any other order, resolution,
7	vote, or other means, may dispense with, or otherwise
8	waive or modify, the requirements under this section.
9	"§ 105b. Text of bill or resolution to set forth current
10	law
11	"(a) Requirement.—
12	"(1) In general.—Any bill or resolution intro-
13	duced in either House of Congress that is intended
14	to amend or modify the effect of, or would have the
15	effect of amending or modifying the effect of, any
16	current provision of law, including the expiration
17	date of any law, shall set forth—
18	"(A) the current version of the entire sec-
19	tion of the current law that the bill or resolu-
20	tion proposes to amend, verbatim;
21	"(B) the amendments proposed in the bill
22	or resolution; and
23	"(C) the section of law as it would read as
24	modified by the amendments proposed, except
25	that this subparagraph shall not apply to any

1 bill or resolution that would strike the text of 2 an entire section of a law. 3 "(2) Failure to comply.—Any bill or resolu-4 tion that does not comply with paragraph (1) shall 5 not be accepted by the Clerk of the House of Rep-6 resentatives or the Secretary of the Senate. 7 "(b) Floor Consideration.— 8 "(1) In General.—The requirements under 9 subsection (a)(1) shall apply to any bill or resolution 10 presented for consideration on the floor of either 11 House of Congress, including a bill or resolution re-12 ported from a committee of either House of Con-13 gress, produced by conference between the 2 Houses 14 of Congress, or offered as a manager's amendment. "(2) Failure to comply.—Any bill or resolu-15 16 tion that does not comply with paragraph (1) shall 17 not be submitted to a vote on final passage. 18 "(c) No Waiver or Modification.—Neither House of Congress, nor Congress jointly, by concurrent resolu-19 tion, unanimous consent, or any other order, resolution, 20 21 vote, or other means, may dispense with, or otherwise 22 waive or modify, the requirements under this section. 23 "§ 105c. Procedures prior to vote on bill or resolution "(a) IN GENERAL.— 24

"(1) Requirements for vote.—A vote on final passage of a bill (except for private bills) or a resolution may not occur in either House of Congress, unless—

"(A) the full text of the bill or resolution is published at least 7 days before the vote on an official Internet website of each House of Congress, easily available to and readily usable by the public, using an open format that is platform independent, machine readable, and available without restrictions on searchability, retrieval, downloading, and indexing, separate and apart from the calendar of the Senate or the House of Representatives;

"(B) public notice of the specific calendar week during which the vote is scheduled to take place is posted on the official Internet websites described in subparagraph (A) not less than 6 days before the Monday of the calendar week during which the vote is scheduled to take place, with failure to take the vote during the noticed week requiring a new notice under this subparagraph; and

"(C) except as provided in paragraph (2), the Clerk of the House of Representatives or the Secretary of the Senate has read the full text of the bill or resolution, verbatim, to the respective body of each House of Congress, which have been called to order and physically assembled with a constitutionally required quorum to do business being present throughout the time of the full reading of the text of the bill or resolution.

"(2) If a bill or resolution is enrolled by either the House of Representatives or the Senate, for any subsequent consideration of the enrolled bill or resolution—

- "(A) it is not necessary for the full text of the bill or resolution to be reread to the House of Congress in which the bill or resolution passed; and
- "(B) the full text of any amendment to the text of the enrolled bill or resolution shall be read, verbatim, to each House of Congress.

"(b) Affidavit.—

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"(1) IN GENERAL.—Before voting in favor of final passage of a bill (except a private bill) or resolution, each Senator and each Member of the House of Representatives, except as provided in paragraph (2), shall sign an affidavit executed under penalty of

1 perjury under section 1621 of title 18 attesting that 2 the Senator or Member— "(A) was present throughout the entire 3 4 reading of each such bill or resolution, and lis-5 tened attentively to such reading in its entirety; 6 or7 "(B) prior to voting for passage of such 8 bill or resolution, read attentively each such bill 9 or resolution in its entirety. 10 "(2) Vote against passage.—A Senator or a 11 Member of the House of Representatives shall not be 12 required to sign an affidavit described in paragraph 13 (1) if the Senator or Member voted against passage 14 of the bill or resolution. 15 "(3) Records.—Copies of each affidavit de-16 scribed in paragraph (1) signed by a Senator or a 17 Member of the House of Representatives shall be 18 maintained by the Secretary of the Senate or the 19 Clerk of the House of Representatives, respectively. "(c) JOURNAL.—With respect to each vote on final 20 21 passage of a bill (except for a private bill) or resolution, 22 each House of Congress shall cause to be recorded in the

journal of its proceedings that the publishing, notice, read-

ing, and affidavit requirements under this section have

been satisfied.

- 1 "(d) No Waiver or Modification.—Neither House 2 of Congress, nor Congress jointly, by concurrent resolu-3 tion, unanimous consent, or any other order, resolution, vote, or other means, may dispense with, or otherwise waive or modify, the requirements set forth in this section. 6 "§ 105d. Enforcement clause 7 "(a) IN GENERAL.—An Act of Congress that does 8 not comply with section 105a, 105b, or 105c shall have no force or effect and no legal, equitable, regulatory, civil, 10 or criminal action may be brought under such an Act of 11 Congress. 12 "(b) Cause of Action.—Without regard to the amount in controversy, a cause of action under sections 2201 and 2202 of title 28, United States Code, against 14 15 the United States seeking appropriate relief (including an injunction against enforcement of any law, the passage of 16 which did not conform to the requirements of section 18 105a, 105b, or 105c) may be brought by— "(1) a person aggrieved by an action of an offi-19
- cer or employee in the executive branch of the Federal Government under an Act of Congress that did
- not comply with sections 105a, 105b, and 105c;
- 23 "(2) a Member of Congress aggrieved by the 24 failure of the House of Congress of which the Mem-

- 1 ber is a Member to comply with section 105a, 105b,
- 2 or 105c; and
- 3 "(3) a person individually aggrieved by the fail-
- 4 ure of a Senator for the State in which the ag-
- 5 grieved person resides or by the failure of a Member
- of the House of Representatives for the District in
- 7 which the aggrieved person resides to fulfill the obli-
- 8 gations of the Senator or Member under section
- 9 105a, 105b, or 105c.".
- 10 (e) Technical and Conforming Amendments.—
- 11 The table of sections for chapter 2 of title 1, United States
- 12 Code, is amended by inserting after the item relating to
- 13 section 105 the following:

- 14 (f) SEVERABILITY CLAUSE.—If any provision of this
- 15 section or an amendment made by this section, or the ap-
- 16 plication of a provision or amendment to any person or
- 17 circumstance, is held to be invalid for any reason in any
- 18 court of competent jurisdiction, the remainder of this sec-
- 19 tion and amendments made by this section, and the appli-
- 20 cation of the provisions and amendment to any other per-
- 21 son or circumstance, shall not be affected.

[&]quot;105a. Text of bill or resolution to specify its constitutional authority.

[&]quot;105b. Text of bill or resolution to set forth current law.

[&]quot;105c. Procedures prior to vote on bill or resolution.

[&]quot;105d. Enforcement clause.".

1	SEC. 6. WITHHOLDING PAY OF MEMBERS WHO VOTE BY
2	PROXY.
3	(a) WITHHOLDING.—If on any day during a Congress
4	a Member of the House of Representatives uses a des-
5	ignated proxy to cast a vote in the House or record the
6	Member's presence in the House in response to a quorum
7	call, the Chief Administrative Officer of the House of Rep-
8	resentatives shall—
9	(1) withhold from the payments otherwise re-
10	quired to be made with respect to a pay period for
11	the compensation of the Member an amount equal to
12	the product of—
13	(A) an amount equal to one day's worth of
14	pay under the annual rate of pay applicable to
15	the Member under section 601(a) of the Legis-
16	lative Reorganization Act of 1946 (2 U.S.C
17	4501); and
18	(B) the number of days during the pay pe-
19	riod on which the Member uses a designated
20	proxy to cast a vote in the House or record the
21	Member's presence in the House in response to
22	a quorum call; and
23	(2) deposit in an escrow account all amounts
24	withheld under paragraph (1).
25	(b) Release of Amounts at End of the Con-
26	GRESS.—In order to ensure that this section is carried out

- 1 in a manner that shall not vary the compensation of Rep-
- 2 resentatives in violation of the twenty-seventh article of
- 3 amendment to the Constitution of the United States, the
- 4 Chief Administrative Officer shall release for payments to
- 5 Members any amounts remaining in any escrow account
- 6 under this section on the last day of the Congress during
- 7 which the amounts were deposited in the account.
- 8 (c) Role of Secretary of the Treasury.—The
- 9 Secretary of the Treasury shall provide the Chief Adminis-
- 10 trative Officer with such assistance as may be necessary
- 11 to enable the Chief Administrative Officer to carry out this
- 12 section.

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13 SEC. 7. PROHIBITING CONSIDERATION OF LEGISLATION

- 14 CONTAINING EARMARKS.
- 15 (a) Prohibition.—
- 16 (1) In general.—It shall not be in order in
 17 the House of Representatives to consider any bill,
 18 joint resolution, amendment, or conference report if
 19 the bill, joint resolution, amendment, or conference
 20 report, or any accompanying report or joint explana21 tory statement of managers, includes a congressional
 - (2) PROCEDURE.—If a point of order is raised under paragraph (1) with respect to a congressional earmark, limited tax benefit, or limited tariff benefit

earmark, limited tax benefit, or limited tariff benefit.

1	and the point of order is sustained, the congressional
2	earmark, limited tax benefit, or limited tariff benefit
3	shall be deemed to be stricken from the measure in-
4	volved.
5	(3) Special procedure for conference
6	REPORT AND AMENDMENTS BETWEEN THE
7	HOUSES.—
8	(A) In general.—If a point of order is
9	raised and sustained under paragraph (1) with
10	respect to a conference report or a motion that
11	the House recede from its disagreement to a
12	Senate amendment and concur therein, with or
13	without amendment, then after disposition of all
14	such points of order the conference report or
15	motion, as the case may be, shall be considered
16	as rejected and the matter remaining in dis-
17	agreement shall be disposed of under subpara-
18	graph (B) or (C), as the case may be.
19	(B) Conference reports.—After the
20	House has sustained one or more points of
21	order under paragraph (1) with respect to a
22	conference report—
23	(i) if the conference report accom-
24	panied a House measure amended by the

Senate, the pending question shall be

1	whether the House shall recede and concur
2	in the Senate amendment with an amend-
3	ment consisting of so much of the con-
4	ference report as was not rejected; and
5	(ii) if the conference report accom-
6	panied a Senate measure amended by the
7	House, the pending question shall be
8	whether the House shall insist further on
9	the House amendment.
10	(C) MOTIONS.—After the House has sus-
11	tained one or more points of order under para-
12	graph (1) with respect to a motion that the
13	House recede and concur in a Senate amend-
14	ment, with or without amendment, the following
15	motions shall be privileged and shall have prece-
16	dence in the order stated:
17	(i) A motion that the House recede
18	and concur in the Senate amendment with
19	an amendment in writing then available on
20	the floor.
21	(ii) A motion that the House insist on
22	its disagreement to the Senate amendment
23	and request a further conference with the
24	Senate.

- 1 (iii) A motion that the House insist 2 on its disagreement to the Senate amend-3 ment.
- 4 (b) Determination by House.—If a point of order
- 5 is raised under this section and the Chair is unable to as-
- 6 certain whether a provision constitutes a congressional
- 7 earmark, limited tax benefit, or limited tariff benefit, the
- 8 Chair shall put the question to the House and the question
- 9 shall be decided without debate or intervening motion.
- 10 (c) Conforming Amendment.—Rule XXI of the
- 11 Rules of the House of Representatives is amended by
- 12 striking clause 9.
- 13 (d) Definitions.—In this section:
- 14 (1) Congressional Earmark.—The term
- "congressional earmark" means a provision or re-
- port language included primarily at the request of a
- Member, Delegate, Resident Commissioner, or Sen-
- ator providing, authorizing or recommending a spe-
- 19 cific amount of discretionary budget authority, credit
- authority, or other spending authority for a contract,
- loan, loan guarantee, grant, loan authority, or other
- 22 expenditure with or to an entity, or targeted to a
- specific State, locality or congressional district, other
- 24 than through a statutory or administrative formula-
- driven or competitive award process.

1	(2) Limited Tax Benefit.—The term "limited
2	tax benefit' means—
3	(A) any revenue-losing provision that—
4	(i) provides a Federal tax deduction,
5	credit, exclusion, or preference to 10 or
6	fewer beneficiaries under the Internal Rev-
7	enue Code of 1986; and
8	(ii) contains eligibility criteria that are
9	not uniform in application with respect to
10	potential beneficiaries of such provision; or
11	(B) any Federal tax provision which pro-
12	vides one beneficiary temporary or permanent
13	transition relief from a change to the Internal
14	Revenue Code of 1986.
15	(3) Limited tariff benefit.—The term
16	"limited tariff benefit" means a provision modifying
17	the Harmonized Tariff Schedule of the United
18	States in a manner that benefits 10 or fewer enti-
19	ties.
20	SEC. 8. PROHIBITING FORMER MEMBERS AND OFFICERS
21	OF CONGRESS FROM LOBBYING CONGRESS.
22	(a) Prohibition.—Section 207(e)(1) of title 18,
23	United States Code, is amended to read as follows:
24	"(1) Members and elected officers of
25	CONGRESS.—Any person who is a Senator, a Mem-

- 1 ber of the House of Representatives, or an elected
- 2 officer of the Senate or the House of Representa-
- 3 tives and who, after that person leaves office, know-
- 4 ingly makes, with the intent to influence, any com-
- 5 munication to or appearance before any Member, of-
- 6 ficer, or employee of either House of Congress or
- any employee of any other legislative office of the
- 8 Congress, on behalf of any other person (except the
- 9 United States) in connection with any matter on
- which such former Senator, Member, or elected offi-
- cial seeks action by a Member, officer, or employee
- of either House of Congress, in his or her official ca-
- pacity, shall be punished as provided in section 216
- of this title.".
- 15 (b) Conforming Amendments.—Section 207(e)(2)
- 16 of such title is amended—
- 17 (1) in the heading, by striking "Officers and
- 18 STAFF" and inserting "STAFF";
- 19 (2) by striking "an elected officer of the Senate,
- 20 or";
- 21 (3) by striking "leaves office or employment"
- and inserting "leaves employment"; and
- 23 (4) by striking "former elected officer or".
- (c) Effective Date.—The amendments made by
- 25 this section shall apply with respect to an individual who

- 1 leaves office on or after the date of the enactment of this
- 2 Act.

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