

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 (3) WITHHOLDING AND REMITTANCE OF
4 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The
5 payroll administrator shall provide for the same
6 withholding and remittance with respect to a pay-
7 ment deposited in an escrow account under para-
8 graph (1) that would apply to the payment if the
9 payment were not subject to paragraph (1).

10 (4) RELEASE OF AMOUNTS AT END OF THE
11 CONGRESS.—In order to ensure that this section is
12 carried out in a manner that shall not vary the com-
13 pensation of Senators or Representatives in violation
14 of the twenty-seventh article of amendment to the
15 Constitution of the United States, the payroll ad-
16 ministrator of a House of Congress shall release for
17 payments to Members of that House of Congress
18 any amounts remaining in any escrow account under
19 this section on the last day of the One Hundred Sev-
20 enteenth Congress.

21 (5) ROLE OF SECRETARY OF THE TREASURY.—
22 The Secretary of the Treasury shall provide the pay-
23 roll administrators of the Houses of Congress with
24 such assistance as may be necessary to enable the
25 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
25 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 Congres-
13 sional Budget Act of 1974 (2 U.S.C. 640) is amended by
14 inserting “or August” after “July”.

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
19 who (in the case” and all that follows through
20 “2004”.

21 (2) APPLICABILITY.—The amendment made by
22 paragraph (1) shall apply with respect to an indi-
23 vidual who first serves as a Member of the House
24 of Representatives, including a Delegate or Resident

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-

1 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-
12 mine the rules and keep a journal of its proceedings,
13 respectively;

14 (2) article I, section 7, clause 2 to ensure that
15 bills that become law have been actually passed by,
16 not just passed through, each House of Congress;
17 and

18 (3) article I, section 8, clause 18, which author-
19 izes Congress to make all laws that are necessary
20 and proper for carrying into execution the rules of
21 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:

6 (1) The Constitution of the United States vests
7 all legislative powers granted therein in Congress.

8 (2) Each Member of Congress is elected by the
9 people to whom the Member is accountable, and
10 Members must represent the people of their respec-
11 tive State or District in exercising their legislative
12 powers.

13 (3) Establishing a Government of enumerated
14 powers, article I, section 1 of the Constitution of the
15 United States obliges Congress to exercise only those
16 legislative powers provided for in the Constitution of
17 the United States, and article VI of the Constitution
18 of the United States requires that each Member of
19 Congress be bound by oath or affirmation to support
20 the Constitution of the United States by enacting
21 only those laws, and making only those resolutions,
22 that are pursuant to the Constitution of the United
23 States and not prohibited thereby.

24 (4) To ensure that Congress is politically and
25 legally accountable to the people, article I, section 5

1 of the Constitution of the United States requires
2 each House of Congress to keep a journal of its pro-
3 ceedings and from time to time publish the same.

4 (5) To ensure that no legislation is passed with-
5 out effective representation of the interests of the
6 people by the elected Members of Congress, article
7 I, section 7 of the Constitution of the United States
8 provides that only a bill “which shall have passed
9 the House of Representatives and the Senate,” and
10 not vetoed by the President, shall “become a law”.

11 (6) According to section I of the Manual of
12 Parliamentary Practice for the Use of the Senate of
13 the United States, written by Thomas Jefferson in
14 1801 (referred to in this section as “Jefferson’s
15 Manual”), “nothing tended more to throw power
16 into the hands of administration and those who
17 acted with the majority . . . than a neglect of, or
18 departure from, the rules of proceeding [which] op-
19 erated as a check and control of the actions of the
20 majority [and] a shelter and protection to the minor-
21 ity”.

22 (7) According to sections XXII and XL of Jef-
23 ferson’s Manual, it was the rule of the Senate that
24 every bill receive 3 readings, 2 full readings by the
25 Clerk of the Senate, and a third reading of the title

1 of the bill only, because “every member of the Sen-
2 ate had a printed copy [of the bill] in his hand.”.

3 (8) According to sections XXIV, XXV, and XL
4 of Jefferson’s Manual, it was the rule of the House
5 of Representatives, following the parliamentary pro-
6 cedure of the English House of Commons, that every
7 bill receive 2 full readings by the Clerk of the House
8 of Representatives, and a reading of the whole con-
9 tents of the bill verbatim by the Speaker of the
10 House of Representatives before the House of Rep-
11 resentatives voted on the bill.

12 (9) Under the current rules of the Senate, the
13 Senate has departed from its original practice of a
14 full first and second reading of each bill, and of en-
15 suring that each Senator has a printed or other ver-
16 batim copy of each bill before passage thereof, hav-
17 ing by rule XIV of the Standing Rules of the Senate
18 limited each reading of a bill to the reading of the
19 title of the bill only, unless the Senate in any case
20 shall otherwise order.

21 (10) Under the current rules of the House of
22 Representatives, the House of Representatives has
23 by rule XVI (8) and rule XVIII (5) embraced its
24 original practice of full first and second readings of
25 each bill, but has regularly departed from this prac-

1 tice by unanimous consent of the House of Rep-
2 resentatives, and has dispensed altogether its origi-
3 nal practice of a verbatim third reading of each bill
4 before passage, limiting such third reading to the
5 reading of the title only, including the reading of the
6 title only even when Members of the House of Rep-
7 resentatives have no printed or other verbatim copy
8 of the bill before passage.

9 (11) Although section 106 of title 1, United
10 States Code, requires a bill to be made available in
11 written form to each Member of Congress before
12 final passage, Congress has by statute conferred
13 upon itself the power, during the last 6 days of a
14 session of Congress, by concurrent resolution, to
15 vote for passage of a bill that is not in written form
16 at the time of final passage.

17 (12) As a direct consequence of the departure
18 of the Senate and the House of Representatives
19 from the salutary practice of full, verbatim readings
20 of each bill before final passage, and further, as a
21 direct consequence of Congress, by concurrent reso-
22 lution and otherwise, having permitted certain ap-
23 propriation, budget, and regulatory bills to be en-
24 acted 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,
24 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).

1 (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.

15 “(2) FAILURE TO COMPLY.—Any bill or resolu-
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
19 of Congress, nor Congress jointly, by concurrent resolu-
20 tion, unanimous consent, or any other order, resolution,
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**

24 “(a) IN GENERAL.—

1 “(1) REQUIREMENTS FOR VOTE.—A vote on
2 final passage of a bill (except for private bills) or a
3 resolution may not occur in either House of Con-
4 gress, unless—

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

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

24 “(C) except as provided in paragraph (2),
25 the Clerk of the House of Representatives or

1 the Secretary of the Senate has read the full
2 text of the bill or resolution, verbatim, to the
3 respective body of each House of Congress,
4 which have been called to order and physically
5 assembled with a constitutionally required
6 quorum to do business being present through-
7 out the time of the full reading of the text of
8 the bill or resolution.

9 “(2) If a bill or resolution is enrolled by either
10 the House of Representatives or the Senate, for any
11 subsequent consideration of the enrolled bill or reso-
12 lution—

13 “(A) it is not necessary for the full text of
14 the bill or resolution to be reread to the House
15 of Congress in which the bill or resolution
16 passed; and

17 “(B) the full text of any amendment to the
18 text of the enrolled bill or resolution shall be
19 read, verbatim, to each House of Congress.

20 “(b) AFFIDAVIT.—

21 “(1) IN GENERAL.—Before voting in favor of
22 final passage of a bill (except a private bill) or reso-
23 lution, each Senator and each Member of the House
24 of Representatives, except as provided in paragraph
25 (2), shall sign an affidavit executed under penalty of

1 perjury under section 1621 of title 18 attesting that
2 the Senator or Member—

3 “(A) was present throughout the entire
4 reading of each such bill or resolution, and lis-
5 tened attentively to such reading in its entirety;
6 or

7 “(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.

20 “(c) JOURNAL.—With respect to each vote on final
21 passage of a bill (except for a private bill) or resolution,
22 each House of Congress shall cause to be recorded in the
23 journal of its proceedings that the publishing, notice, read-
24 ing, and affidavit requirements under this section have
25 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,
4 vote, or other means, may dispense with, or otherwise
5 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
9 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
13 amount in controversy, a cause of action under sections
14 2201 and 2202 of title 28, United States Code, against
15 the United States seeking appropriate relief (including an
16 injunction against enforcement of any law, the passage of
17 which did not conform to the requirements of section
18 105a, 105b, or 105c) may be brought by—

19 “(1) a person aggrieved by an action of an offi-
20 cer or employee in the executive branch of the Fed-
21 eral Government under an Act of Congress that did
22 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
6 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:

 “105a. Text of bill or resolution to specify its constitutional authority.

 “105b. Text of bill or resolution to set forth current law.

 “105c. Procedures prior to vote on bill or resolution.

 “105d. Enforcement clause.”.

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.

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.

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 explana-
21 tory statement of managers, includes a congressional
22 earmark, limited tax benefit, or limited tariff benefit.

23 (2) **PROCEDURE.**—If a point of order is raised
24 under paragraph (1) with respect to a congressional
25 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
25 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
15 “congressional earmark” means a provision or re-
16 port language included primarily at the request of a
17 Member, Delegate, Resident Commissioner, or Sen-
18 ator providing, authorizing or recommending a spe-
19 cific amount of discretionary budget authority, credit
20 authority, or other spending authority for a contract,
21 loan, loan guarantee, grant, loan authority, or other
22 expenditure with or to an entity, or targeted to a
23 specific State, locality or congressional district, other
24 than through a statutory or administrative formula-
25 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
7 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
10 which such former Senator, Member, or elected offi-
11 cial seeks action by a Member, officer, or employee
12 of either House of Congress, in his or her official ca-
13 pacity, shall be punished as provided in section 216
14 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”
22 and inserting “leaves employment”; and

23 (4) by striking “former elected officer or”.

24 (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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