Rehberg	Shadegg	Thomas
Rogers (MI)	Shuster	Thornberry
Rohrabacher	Simpson	Tiahrt
Royce	Smith (TX)	Westmoreland
Ryun (KS)	Stearns	Wilson (SC)
Sessions	Taylor (NC)	

NOT VOTING—13

Butterfield	Evans	Kolbe
Case	Forbes	Ney
Cleaver	Johnson, Sam	Strickland
Culberson	Keller	
Davis (FL)	Kennedy (MN)	

□ 1551

Messrs. GOODLATTE, SHUSTER, Camp of Michigan and BURTON of Indiana changed their vote from ''yea'' to ''nay.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KOLBE. Mr. Speaker, on rollcall No. 447, my vote was not recorded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, BAKER, GARY G. MILLER of California, BROWN of South Carolina, BOOZMAN, OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Mr. BISHOP of New York.

From the Committee on Resources, for consideration of sections 2017, 2020, 2025, and 2027 of the House bill, and sections 3019, 5007, and 5008 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. MUSGRAVE, and Mr. KIND.

There was no objection.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may be permitted to include extraneous material on House Resolution 1003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1003 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1003

Resolved, That upon adoption of this resolution, House Resolution 1000, amended by the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the resolution, is hereby adopted.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, today we are considering a very important reform that is a bipartisan reform. It is bipartisan because it is an issue that I am happy to say, as we have moved down the road towards reform, has enjoyed strong bipartisan support. In fact, it was a key provision in the House-passed Lobbying Accountability and Transparency Act, which did enjoy bipartisan support, not as strong as I would have liked, but it did enjoy bipartisan support.

Specifically, Mr. Speaker, with this new rule, Member-directed spending to projects in their district, or earmarks, will no longer be anonymous. It is very simple.

We all know, as it stands now, there are no disclosure requirements in appropriations, tax bills or authorizing legislation. Earmarks can be buried in the text of bills that often number into the thousands of pages. There is no easy way to account for how many earmarks are in a bill or who is sponsoring them.

This new rule requires sponsors of earmarks to be listed in committee reports. Conference reports must also have a list of earmarks that are ''airdropped'' or brought into an agreement in the conference report itself. It is just that simple.

We are blowing away the fog of anonymity so the public can have a clear picture of what the projects are, how much they cost, and who is sponsoring them. It is just a very simple case of transparency.

Mr. Speaker, this is a victory for fiscal responsibility and a victory for spending taxpayer dollars more wisely.

As an enforcement mechanism, this new rule also provides for a question of consideration when a bill or conference report does not contain a list of earmarks. The question of consideration is debatable for 30 minutes, 15 minutes equally divided.

Mr. Speaker, if a Member feels strongly enough about a proposed earmark, they will have to attach their name to it. That is all we are asking. And they need to be prepared to make their case in full view of their colleagues, their constituents, and the American people as a whole.

Mr. Speaker, the earmark reform bill will build on the reforms that have already been implemented by the Appropriations Committee, and I take my hat off to the Appropriations Committee for the very bold and dynamic reforms that they have made. They have reduced the number of earmarks already by 37 percent. Overall spending on Member projects was reduced by $7.8 billion below last year's level.

Over the last 2 years, Member project spending has decreased by over $10 million, and I want to especially express my appreciation to my very dear friend, JERRY LEWIS, who has so ably chaired the Appropriations Committee and has stepped up to the plate and taken on this issue of reform and done it with great success because of the fact that he has been able to rein in Federal spending. It doesn't get a lot of attention, but he has been very successful in doing that.

Mr. Speaker, I also want to make very clear that our focus is not solely on appropriations. This was one of the requests that Chairman LEWIS made of us as we were proceeding with this work.

For this reform to be effective, it must be comprehensive, and that was the commitment that the Speaker of the House and our leadership team made to our Members. So let me point out that this earmark reform applies across the board. It doesn't just apply to some committees. It covers all committees, all appropriations, all tax, all authorizing legislation, anything that moves through this House through regular order.

Mr. Speaker, we have taken great care to clearly and precisely state what constitutes a tax, an appropriation, or an authorizing earmark. And the good news is that there is more agreement than disagreement on those definitions. Yet clearly there is no magic bullet. There is not going to be one definition that will be perfect and please everybody. But at the end of the day, we have to come together. We have to come together, Mr. Speaker, and move this process forward. If there is an earmark in a bill, it belongs on a list. It is just that simple.

□ 1600

If there is an earmark, we need to see it. Now, is this new disclosure going to completely end the practice of earmarking? I certainly hope not. I don't want it to, because I believe that earmarking is part of our constitutional responsibility. But it will shine a spotlight on earmarks without grinding the legislative process to a halt.

Let me make very clear that the larger goal of this new rule is to make a profound and lasting change in how this institution handles earmarks and spends taxpayer dollars. The goal is to increase transparency, disclosure and accountability, and the goal is to pull back the curtain on earmarks for the public, because I believe, Mr. Speaker, that they have a right to know.

For this earmark reform to be both meaningful and lasting, everyone, from committee chairmen on down, must make a good-faith effort to comply with the spirit of the new rule. Our leadership, and certainly the Rules Committee, has made such a commitment, and we are determined to make this work.

Mr. Speaker, I would also like to point out that while this is an important milestone in the path toward reform, we have not reached the goal

line. In fact, I don't believe that we will ever reach the absolute goal line because reform is a continuous process. It gains momentum from Members who never let up and never settle for the status quo.

Mr. Speaker, I urge my colleagues to vote ''yes'' for reforming earmarks, and ''yes'' to setting the stage for more reforms that we will face down the road.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, it is no secret why fewer than 30 percent of Americans approve of the job that Congress is doing. It is not hard to figure out why nearly 75 percent of Americans feel as though the country is headed in the wrong direction, and it is easy to see why so few citizens are confident that this government will turn things around.

Our elected officials routinely abuse the public trust, promising one thing and delivering another. They intentionally disguise business as usual to look like positive reform, and Members of the House have ignored the rules written in the public interest, and have allowed the deliberative process at the heart of our democracy to be captured by special interests.

The result has been a Congress where corrupt lobbyists write the bills, 15-minute votes are held open for 3 hours and entirely new legislation is crammed into acts in the dead of night. The American people know it, and they are tired of the old games. When finally faced with public awareness and anger over just how corrupt our House has become, Republicans promised a great deal.

In fact, they opened 2006 with a flurry of promises. My good friend and colleague, DAVID DREIER, the chairman of the Rules Committee and Republican ethics reform leader, had this to say on the floor in February, and I quote, ''We are committed to bold, strong, dynamic reforms for this institution,'' he said. Adding the quote, ''the Republican Party has stood for reform ever since I can remember.''

But since then, Mr. Speaker, very little of anything has come from my Republican friends, even though their party controls the House, the Senate and the White House. If they were interested in ethics reform, they would have passed it swiftly. Instead they seem here at the last throes simply determined to merely run out the clock on the issue of passing a few deceptive bills here and there while secretly hoping the whole subject would go away.

We saw this strategy with the first ethics reform act passed by the House in February, which was a minor rules change that simply prevented former Members from using the House gym, as if that is the only place that dishonest business transpires in Washington.

Then in May a broader Republican bill theoretically focused on preventing future lobbyist abuses was lambasted by commentators of all stripes for being what it was, a sham. It has been a history of deliberate inaction, Mr. Speaker, and the same story here today.

As this legislative session comes to a close, it is truly shameful that bills like this one are all the House is going to be able to accomplish. Consider the context in which this bill comes to us.

While my colleagues on the other side spent years railing against the evils of Congressional earmarks, they have been presiding over the greatest earmark explosion in American history. According to the Heritage Foundation, earmarks are appropriations bills that increased tenfold between 1995 and 2005. In the mid-1990s, they accounted for $10 billion in Federal spending. Today it is over $27 billion.

Nonappropriation earmarks have skyrocketed as well. Last year's transportation reauthorization bill, for example, contains 6,371 earmarks, totaling $25 billion, including the ''Bridge to Nowhere.''

We cannot afford to keep spending in such an irresponsible way, Mr. Speaker. One look at our skyrocketing national deficit is proof enough of that. But this is about more than just debt, it is about the future of democracy itself.

Unchecked earmarks, and many of them for relatives of the persons who wrote them, or for businesses that they own, are a cause of the culture of corruption that pervades Washington and undermines our democracy. They are routinely traded for political favors, exchanged for votes and used to benefit family members. They are, in the words of Representative FLAKE, the currency of corruption in Washington.

Yet, my Republican friends have given us a bill today that is a nonresponse to the crucial issue, a deceptive bill that is riddled with loopholes. Just like the previous legislation, this is, once again, a sham.

This measure is supposed to increase disclosure of which Members are behind which earmarks. But it is intentionally limited. It leaves numerous means by which Members can conceal their earmarks. The rules change proposed to the resolution applies only to reported bills, so a Member who wanted to avoid disclosing earmarks to the public could simply include them in the manager's amendment or bring the bill straight to the House floor without a committee markup, therefore, no identifiable earmarks. That is a loophole you could drive a truck through.

If that is not bad enough, the bill defines many types of earmarks right out of existence. For example, spending on Federal entities can no longer be classified as an earmark under the bill. That would have allowed the infamous $200 million ''Bridge to Nowhere'' earmark that blew up in a scandal last year to avoid disclosure entirely. The $400 million Home Depot ceiling fan giveaway that we heard so much about would not have counted as a earmark either, just because the resolution did not include tariff and duty changes in its definition.

Of course, this entire piece of legislation would expire in January. Let me make that point again. What we are doing here today, when this passes today, it is only good till the end of the year. How serious a bill is that?

This is a deeply flawed solution to a serious problem, a temporary stopgap measure, and I think we won't be writing any more earmarks this year, which is designed to do little more than get the Republicans through the November elections.

As always, there is an alternative. More than 6 months ago my Democrat colleagues and I offered a tough, commonsense report package that would have corrected many of the most rampant abuses plaguing Washington, abuses that have diverted the work being done here away from the good of the people and toward the wants of a few.

Legislation I introduced on behalf of the Democratic leadership in May bans travel on corporate gifts, bans lobbyist gifts, slows down the revolving door between Capitol Hill and K Street, prohibits lobbyists writing the bills, addresses many of the broken procedures and rules here in this House.

It focuses on earmarks, too, in a much more direct and systemic way than the bill before us does now. In fact, it requires Members to publicly disclose all district-specific earmark requests that they make on bills and conference reports. This past May I am proud to say that 16 Republicans joined with the Democrats in support of this bill.

In the end, it failed the House by only two votes. It was deeply encouraging to see rank-and-file Republicans of conscience challenge their Republican Party's leadership, to see them back up their pledge to clean up the House with real action. They will have other chances to do it, too, because Democrats have not given up this fight.

We have always prided ourselves on delivering what we have promised, and we are committed to eliminating the corruption that plagues our Congress today. We won't stop until we get there.

Together, we will give the country a Congress they can be proud of again.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say in response to my good friend from New York once again, this is a bipartisan effort. I know that the Democratic Caucus has talked about the need to implement this reform. We hope very much, when we come back to majority status in January of next year, to renew and build on this kind of reform.

Mr. Speaker, I yield 2 minutes to my very good friend, a hardworking member of the Commerce Committee, the

gentleman from Phoenix, Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding. I compliment him for his hard work in this effort at earmark reform, and I also compliment the leaders of this House.

Mr. Speaker, just a year ago, I think no one would have believed that we would have been standing here now on the verge of adopting very far-reaching earmark reform. I compliment everybody engaged in this debate, from my Democrat colleagues to my Republican colleagues, all of the people involved, including the chairman of the Appropriations Committee, who has engaged in this vigorously.

This is a milestone. This is a step forward for the American people. This is a day in which we are saying the American people get to know how their money is spent.

Importantly, when we passed similar language several months ago, the chairman of the Appropriations Committee said it is wrong to single out a single committee. This should apply to all committees, and he was right then, and he is right now. It is important, indeed, I would argue it is vital that the American people be able to know how every dollar they send us in taxes gets spent, and this legislation will allow that to happen.

It says that every earmark and every Member who requested an earmark must be openly acknowledged in the legislation itself. By shedding the light of day on the earmarks that move through this Congress, we are being open and straightforward. Those who have what they consider to be a good earmark for the country can come to this floor and defend it and explain it, and the American people can examine it. I believe this is a tremendous step forward.

I want to caution people listening to the debate. What you will hear in the debate here today is that this bill isn't right, because it is not perfect. It doesn't go far enough. The definitions aren't quite precise. We just heard the minority say it is not a good bill because there has been an explosion in earmarks. So, somehow, since there has been an explosion in earmarks, we should not do anything.

That is outrageous. No bill that I have voted on in my career in this Congress has been perfect. No bill has had every definition exactly right. This is a tremendous step forward. This is a vote for sunshine. This is a vote for openness in our government, and I urge my colleagues to support it.

I compliment our leadership and the chairman of the Rules Committee.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, after all the scandals, after all the corruption, after all the unethical abuse of earmarks, after all the public outrage, this is it? This is the best that you can do? With all due respect to my colleague from Arizona, who just spoke, I don't want your compliments. I don't want to take credit for this.

This measure before us is not earmark reform or any other kind of real reform. It is not accountability, and it is not transparency. It is, at best, a press release. There are so many loopholes in this measure that you could drive a Mack truck right through it. Unreported bills, manager's amendments and other amendments are not subject to this so-called reform.

That is where a great deal of the earmarking abuse occurs, but it is all exempt. We need to clean this place up. We need to change the culture of corruption in this House of Representatives. We need a comprehensive lobbying bill that has teeth in it, that means something.

Let me say to my colleagues, this entire institution has suffered as a result of the corrupt practices of the Tom DeLays and the Duke Cunninghams. It has suffered under the 12 years of mismanagement by the Republican majority here. People have had it. People have lost faith in this institution.

This chairman of the Rules Committee talks about how the Republican majority is interested in reining in spending. Federal spending has gone up 40 percent since George Bush took office. In terms of earmarks, they are coming late to this game. In 1995, when they took power, there were about 1,400 earmarks. There are over 14,000 earmarks as of 2005.

You know, the only way to regain the confidence of the American people is by combating the corruption, by cleaning up this institution, by implementing real, honest-to-goodness reform.

□ 1615

This is not it. If you are going to do something, do it right.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a very hardworking member of the Committee on Rules, my very, very good friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H. Res. 1000, a resolution providing for earmark reform in the U.S. House of Representatives. I want to say that I support this resolution because I take my responsibility to allocate the hard-earned money of the residents of Georgia's 11th District very, very seriously.

There are fundamental duties of the Federal Government, tasks that the American people cannot do individually, but they rely on the collective strength of our Nation's capital to accomplish. Some of these tasks are national security, ensuring the safety of our citizens at home and abroad, and maintaining our national highways and infrastructure. However, over the years, the Federal Government has expanded this definition to encompass many extraneous projects that cannot be defended.

Mr. Speaker, there is a reason earmarks have become such an integral part of the appropriation and authorization process in Congress. It is because each individual Member of Congress knows what is needed in their own districts better than anyone else. It is for this reason that I fully support this legislation, because it does not outlaw earmarks. Rather, it represents reform that is long overdue.

Mr. Speaker, I have submitted earmark requests on behalf of my constituents, but I have always tried to prioritize these projects in an effort to maintain my credibility as a trustworthy steward of the taxpayer dollars.

So I rise today not to condemn the earmark process, but rather to applaud the legislation that inherently reforms it. This legislation takes a stand for transparency in an effort to curb the current trend of frivolous Federal spending. Congress always needs to remember to whom we are ultimately accountable, and because of this legislation, Congress will be able to restore that full credibility.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I thank my good friend from New York for yielding me time.

Mr. Speaker, the American people are demanding real reform of Congress. This bill isn't it.

The second session of the 109th Congress began with Members on both sides of the aisle deeply concerned that the dignity of this great institution had been tarnished. Newspapers across the country ran stories almost every day about the illegal practices of well-connected lobbyists. Stories discussed the ways in which unethical conduct had become the cost of doing business in Congress.

We read about the K Street Project. We read about legislation written in secret by lobbyists and about back-room deals to benefit narrow special interests. Editorial boards from all 50 States called for reform.

In May, the House passed a fundamentally flawed approach to reform. It included some new restrictions on lobbyists, yes, but we showed no willingness to demand reform of ourselves. That sent a terrible message to our constituents.

There is a better approach. I have joined many of my colleagues as a cosponsor of the Honest Leadership Open Government Act. It injects transparency and accountability into Congress itself. There would be no more K Street Project. There would be no more meals or gifts from lobbyists. No more travel on corporate jets. And it would ensure better legislation. Members would be guaranteed 24 hours to read a bill before voting on it. And we would end the common practice of last-minute provisions slipped into conference reports.

The majority is interested in none of this. The legislation was rejected in May along party lines. And since then, the House has not shown any interest in moving ahead with any meaningful reform.

So here we are in the waning days of the 109th Congress debating only a narrow earmark reform resolution full of exceptions and unlikely to pass.

Every Member of this House knows that this bill is not what the American people demanded of us at the beginning of the year. Certainly, this resolution will not restore the integrity of the institution in which we serve.

Mr. Speaker, the American people want real reform. They will not be fooled by fig leaves.

We still have time to act in a unified fashion to restore the dignity of this House. Unfortunately, this resolution falls far short of that necessary effort.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to the very distinguished majority leader, who has been a great champion of earmark reform for many, many years, my friend, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from California (Mr. DREIER), the chairman of the Rules Committee, for yielding, and thank him and the Speaker for their tremendous work on this rule change.

Mr. Speaker, today is an important day for the House as an institution. There has been much written this year about the practice of earmarking, which has allowed lawmakers to anonymously insert spending projects into bills without scrutiny or significant debate. It is a major source of frustration, I think, for the American people, and for those of us who believe that we need greater accountability and transparency in the way Congress works.

Earlier this year, I, along with many of my colleagues, called for reforms to this earmark process. We need a process where we can determine what are worthy projects and distinguish those from worthless pork. These reforms before us will help accomplish that goal so unworthy projects can be publicly identified, debated and, hopefully, weeded out.

I think the reforms before us are very straightforward. They specify that if the House considers a bill which includes earmarks, it must be accompanied by a list identifying those earmarks as well as the names of the Members who requested them. The reforms also ensure that in the case of a conference report, the list includes any earmarks that were what we call ''airdropped,'' or in other words, not included in either the House or Senate bills.

No longer will Members, the media or average taxpayers have to thumb through pages of legislative and report language looking for earmarks that are sometimes added at the eleventh hour. This information will be publicly available for everyone to see.

I think it is simple common sense. If you request a project, you ought to be willing to put your name on it, and if you aren't willing to put your name on a project, you shouldn't expect the American people to pay for it.

Fulfilling a commitment made by Republican leaders earlier this year to treat everyone equally, these reforms will apply to all committees, authorizers, appropriators and tax writers alike. The goal here is to bring earmarking out of the shadows and into the light of public scrutiny. These reforms will bring sunshine and transparency to the earmark process, resulting in greater accountability for lawmakers and greater public confidence in how their taxpayer dollars are spent.

Importantly, it also likely will result in fewer earmarks, building on the progress already made by leaders such as chairman of the Appropriations Committee, JERRY LEWIS. This year during the appropriations process, there were 37 percent fewer earmarks than the year before and the cost of those earmarks has been reduced by some $7.8 billion.

Earmark reform is just one component of Republicans' larger effort to promote fiscal discipline and ensure that Congress spends America's taxpayer dollars wisely.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I thank the gentlewoman.

Former Secretary of State William Jennings Bryan once said, ''The government being the people's business, it necessarily follows that its operations should be at all times open to the public view. Publicity, therefore, is as essential to honest administration as freedom of speech is to representative government.''

Public scrutiny and oversight is what our earmarking process needs, and one of the best ways to do this is by implementing meaningful reforms that bring transparency and accountability to the process.

The Republican leadership has offered a very modest rules amendment, but I think we should go even further. It is in that spirit that I have introduced H.R. 1008, a resolution outlining a comprehensive approach to earmark reform that brings real transparency and publicity to the earmarking process for appropriations, authorizations and tax benefits.

My comprehensive proposal, H.R. 1008, includes requirements not only for reporting the Member's name along with the earmark request; it also requires that earmark requests be submitted to the committee or committees at least 7 days before an earmark request is scheduled to be voted upon.

But, most importantly, most importantly, my proposal requires that information on all earmarks be posted on committee Web sites for public inspection at least 48 hours prior to the time of the vote, and also directs the Clerk of the House to establish a public Web site that provides links to all committee Web sites with information on earmark requests. By providing easily accessible information on earmarks and ''one-stop shopping'' for American taxpayers, we can bring real accountability to the earmarking process.

The need to control the growth of earmarks should not be a partisan issue. This is not about Democrats and Republicans, it is about a good idea and something good for the American public. We should come together to pass comprehensive earmark reform that brings real accountability and transparency to the process.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Kansas. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would simply say that the gentleman has some very interesting, creative ideas. As I said in my opening remarks, the reform process is an ongoing thing that we are dealing with, and I am more than happy to look at the proposals that the gentleman has, especially as we look at our opening day rules package for January of next year.

Mr. MOORE of Kansas. Mr. Speaker, I would ask the gentleman to accept the amendment to his proposal.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to a strong proponent of the issue of earmark reform, our friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, the United States Congress is a wonderful and storied institution. It is with great reverence and pride that each of us who is elected comes into this body. But with earmarking, we have departed from the practices and traditions of the People's House.

When working properly, the House of Representatives follows the time-honored practice of authorization, appropriation and oversight. Earmarking short circuits this process. Today, we do far too little authorizing, far too much appropriating and far too little oversight.

When I was first elected, I had visions of participating in the great debates of our time. It is not that these policy debates haven't occurred. They have and they do. But I believe it is safe to say that they are diminishing.

In Congress, policies and priorities are established when money is attached to them. When the carefully designed process of authorization, appropriation and oversight is adhered to, these policies and priorities are given a thorough vetting. But when earmarks are inserted into bills at the last minute behind closed doors, there is no debate, deliberation or scrutiny.

When appropriation bills reach the House floor, passage by a lopsided margin is virtually assured because Members with earmarks are obligated to

vote for the entire bill. The scope of debate is substantially narrowed when even partisan disagreements that would otherwise occur are hushed as Republicans and Democrats find common cause in protecting their earmarks.

I am under no illusion that this legislation, which deals only with the issue of transparency, will solve the problem of earmarking. Too many in this body have been convinced that they have both the right and the obligation to personally direct funding to their district. But this bill does represent an important first step.

Mr. Speaker, we owe this institution more than we are giving it. Let's pass this bill and give it more of the respect it deserves.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, this bill represents the death of lobby reform. Over the last year, as we all know, this House has received a black eye because of the DeLay scandal, stories about lobbyists paying for golf trips to Scotland, the Cunningham blatant bribery case, the Abramoff scandal, and we have been awash in talk of reform. But comprehensive reform packages have not been allowed to come to this floor. We have not been allowed by the majority to have votes on them.

But now, 7 weeks before the election, we get a chance to see that the majority has labored long and produced a mouse, or a fig leaf at best.

My old friend, Archie the Cockroach, said once, ''The trouble with most people is that they lose their sense of proportion; of what use is it for a queen bee to fall in love with a bull?'' Think about it a minute.

The problem with this bill is that there is a huge problem and this bill proposes a minuscule solution. The answer of the majority leadership is to require a list of what they call earmarks. But this package is more notable for what it does not include than it is for what it does include.

□ 1630

I would call it the 1 percent solution.

Now, my personal anger about earmarks I think is well known in this body. The last time I chaired the Appropriations Committee there was not a single earmark in the Labor-H appropriation bill. Today there are over 1,200. And 3 years ago the Labor-H Subcommittee used the earmarks as blackmail by threatening to cut off earmarks for any Member who refused to vote for an inadequate bill. I did not especially like that and I made that quite clear. But the point is that the problem is not earmarks. It is the abuse of the earmark process.

This proposal does nothing to ensure institutional integrity. It is consumer fraud masquerading as earmark reform. Look at what it does not cover: It applies only to committee reported bills. It exempts managers' amendments. That means the famous ''Bridge to Nowhere'' would be exempted from this bill. On tax earmarks this bill actually makes the existing law worse. Right now a tax earmark is defined as a special treatment for 100 or fewer persons. This bill says the only time that it is going to be counted as a tax earmark is if it affects one entity. That means you can have a huge tax break for two multinational oil companies and it isn't even covered in this package.

In the 1986 tax bill, there were 340 separate transition rules costing over $10 billion. There were special tax breaks for two Chrysler plants. This bill wouldn't cover it. The only way that that would be exposed under this bill is if there had only been one tax break for one of those Chrysler plants.

The tax bill that passed last year that provided special treatment for ceiling fan imports or for U.S. horse and dog racing or Hollywood studios that produce the movies in the Gulf, all exempt under this bill.

There were 190 special provisions in the Pension Protection Act of 2000, costing $180 million in taxpayers' money—virtually all of them would be exempt under this proposition.

If you want to save taxpayers' dollars, rather than continuing this silly game of Trivial Pursuit, what you would do is to require that reconciliation bills can be used only to reduce the deficit rather than increase it as the majority party has cynically used the reconciliation process the last 4 years. This bill, indeed, is Trivial Pursuit.

I don't care if you list the Members who sponsor earmarks. I put out press releases on every one of them. I attended a ceremony last week where we had a groundbreaking for an expansion of the Mel Laird Medical Center in my district. I got that earmark. I am proud of it, and I am proud to stand for it. The problem is what this package doesn't contain.

This is a joke. It is a fraud. It plays Trivial Pursuit. It focuses on the minutiae instead of the big problems. That should not be surprising given the track record of the majority party in this House. But this House ought to be able to do better.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority leader, and I, in my role as chairman of the Committee on Rules, have made a commitment not only to the appropriators but to all Members of this body that we will enforce this rule with respect to unreported measures and amendments, including managers' amendments, submitted to the Rules Committee. If the House considers a bill that has not been reported by a committee, the committee of jurisdiction must comply with the earmark rule and provide a list of earmarks along with the name of the Member who requested the earmark. If the House considers a manager's amendment on a bill, the committee must comply with the earmark rule and provide a list of earmarks along with the name of the Member who requested the earmark. By adopting this new rule, we as a body are not only making the commitment to live under its provisions, but every Member must make a commitment to adhere to the spirit of this new rule. This is more than just adding a new rule. It is making a commitment to change the culture of this institution.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend from Wisconsin.

Mr. OBEY. I thank you. Will you tell me how this is going to apply to the defense appropriations bill that will be coming back to us this year from conference?

Mr. DREIER. Yes. If I could reclaim my time, the agreement that we have for implementaton of this rule means that if there is anything that has a so-called airdrop provision in it, this rule will apply to—

Mr. OBEY. So none of the earmarks presently in the bill will be required?

Mr. DREIER. So this rule will be implemented immediately.

Mr. OBEY. So none of the Senate earmarks will be included; the Senate will continue to be anonymous?

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I will tell you this. I know full well that the United States Senate is watching this debate very, very closely and they very much are interested in seeing us comply with this.

Mr. Speaker, at this point I would be happy to yield 2 minutes to my very good friend from Columbus, Indiana, the chairman of the Republican Study Committee, Mr. PENCE.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding, and I thank him for his leadership on House Resolution 1000, providing for earmarking reform in the House of Representatives. I also feel moved to thank particularly the House majority leader, JOHN BOEHNER, for his yeoman's leadership and keeping his word on this issue with Members in our effort to bring this modest but meaningful reform to the floor of the Congress.

Under Article I of the Constitution of the United States, the power of the purse is the power of the House of Representatives. And today we will not yield that power in any way. The Constitution gives this body the ability to spend the money of the American people in ways large and small. House Resolution 1000 simply requires that we earmark the earmarks.

Mr. Speaker, we actually had a cow farm when I was growing up, and I know what an earmark is. It is a tag in the ear of a cow that will tell you whose cow it is. Well, the reality is under the rules that have developed over generations here in the House, we can add provisions to legislation, authorizing bills and appropriation bills,

without adding names. Today by H. Res. 1000 we will simply require that we earmark the earmarks.

Transparency promotes accountability, and this institution would do well to embrace this modest but meaningful step toward greater transparency.

As JEFF FLAKE, a great leader on this issue, said earlier, it saddens me to see evidence of the low regard that millions of Americans hold the institution of the Congress. It is an historic institution filled with men and women of both parties of goodwill and integrity. By adopting this modest but meaningful earmarking reform today, we will take an important step toward restoring public confidence in the fundamental integrity of our legislative process at the national level.

I urge my colleagues in both parties to say ''yes'' to transparency and greater accountability, say ''yes'' to earmarking reform.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of giving a response, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I would simply point out under this provision, when the defense appropriations bill comes back from the Senate, not a single Senate earmark will be listed, and in the future only House earmarks will be listed. The Senate earmarks will not be listed.

I would also point out that if you read the language of this resolution, it makes quite clear that the tax provisions covered by this bill are, in fact, fewer than under existing law and also that same fact applies to trade preferences.

Trade bills are hard enough to pass now. So what happens is they slip in all kinds of special deals for special commodities in order to get 218 votes.

This bill will not lay a glove on them, and for that matter, it will not lay a glove on a single appropriations earmark. It doesn't do anything to any earmark in the House or the Senate. This bill is a fraud.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, 9 months ago the Speaker said, ''Now is the time for action'' on real lobbying and ethics reform. At the same time, the current majority leader said we must act ''because of a growing perception that the United States Congress is for sale.''

And yet here we are today discussing legislation that will do nothing to prevent the abuses that have occurred on the Republican Congress' watch by both parties and both parties' Members. In short, business as usual continues here in the people's House.

When Members of Congress make millions from land deals tied to earmarks, you know something is wrong in the people's House. When Members' spouses are paid six-figure salaries for ''no-show'' lobbying jobs, you know something is wrong in the people's House. When a mid-level staffer gets a $2 million buyout from a lobbying firm only to have the revolving door return him to his old job on the committee, you know something is wrong in the people's House. And this bill simply tells all the current players that the House remains open for business. Business as usual continues.

When the Speaker's gavel comes down, it is intended to open the people's House, not the auction house. The fact is we have an institutional problem requiring an institutional solution.

To that end Representatives VAN HOLLEN, DOGGETT, DELAHUNT, BEAN, BARROW, and I introduced real earmark reform legislation yesterday to eliminate the abuses. Our bill prohibits earmarks that personally benefit Members, their spouses, and immediate family members. It bans earmarks that benefit lobbyists who chair a Member's leadership PAC. It prohibits earmarks to any entity or lobbying firm employing the spouse, family member, or former staffer of the earmark sponsor. Finally, it eliminates the ''sweetheart'' tax provisions for a single individual or corporation, and it ends the practice of adding new earmarks into conference reports in the dead of night.

This is real reform the American people are demanding, and I challenge my colleagues to let us have a vote on it. But I know they won't because 12 years ago the Republicans came to Congress to change Washington and in those 12 years Washington changed them.

It is time for a new direction. It is time for a change. The ''for sale'' sign still exists on the West Lawn of the people's House.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Well, Mr. Speaker, I guess it is pretty obvious that we are 54 days away from an election. I listened to that speech, and the only thing that I can say is that we have seen a challenge here, both political parties in this institution, and we have stepped up to the plate, and we believe that accountability, transparency, and disclosure will provide an opportunity to address the understandable concerns that have existed, and I believe that we have a great opportunity with this legislation to bring about that change.

Let me just respond to Mr. OBEY's concern briefly, before I yield to my colleague, on the issue of bringing back the defense conference report. When we implement this rule, we will clearly be placing onto the shoulders of whoever is chairing that conference from the House side the responsibility of bringing back a conference report that includes a full listing, full transparency and full disclosure of all earmarks that were not in that measure when it was passed through either the House or the Senate. So for that reason we in the House would not be able to bring up and pass a report that did not have that full list that we are looking for.

Mr. Speaker, I yield 2 minutes to the gentleman from Dallas, our good friend who has worked very hard on this issue, Mr. HENSARLING.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I certainly thank him for his leadership in helping bring this rule.

Two hundred and seventy-three thousand dollars to implement ''garden mosaics'' at a local university, $179,000 to produce hydroponic tomatoes, $550,000 for a Museum of Glass, $400,000 for an Italian market in the Bronx, $500,000 for buses at Disneyland.

Mr. Speaker, there are many worthy earmarks, worthy of this institution, but today there are still too many that do not pass the smell test, that do not pass the laugh test, and certainly do not pass the fiscal responsibility test.

Ultimately, Mr. Speaker, we have to decide do we wish to be judged by the principles on which we stand or the pork that we are able to carry? For the integrity of our institution and the fiscal future of our republic, I certainly hope it is the former.

The simple but profound rule that we are debating today will empower Members to engage in a proper debate as to whether an earmark is truly worthwhile and the opportunity to challenge its merits if it is not.

This is truly a defining moment for those who claim fealty to fiscal responsibility. The question, Mr. Speaker, now is will Democrats put their votes where their mouths are and support this rule? If they do not, they will once again be exposed for the reckless and wasteful spenders that they are.

I want to thank the Republican leadership for bringing this rule to the floor. I want to thank Chairman LEWIS for the great progress that has been made in dealing with earmarks under his watch. And I personally want to thank the gentleman from Arizona (Mr. FLAKE) for his courage and relentless commitment to fight irresponsible Federal spending in the area of earmarks, and I urge the adoption of this rule.

□ 1645

Ms. SLAUGHTER. The world knows who is doing the big spending. We have the worst deficit we have ever seen. And as far as stepping up to the plate, the Democrats never get a chance at bat. We have absolutely nothing we can do, all we can do is vote up or down. We don't know when the bills were written, we have no impact on them at all. As far as the deliberative body, it is all on your side. So I urge all of my colleagues to vote ''no'' on this today.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, despite the huge scandals that have worked this town, this Congress has failed to pass a lobbying reform bill, we failed to pass an ethics reform bill, we failed to deal with the gift ban, we

failed to stop the flying on the corporate jets, we failed to shut the resolving door. There has been a shameful lack of accountability.

Now, I support greater transparency in the earmark process, I support greater sunshine. But we should get right at the root of the problem and eliminate the worst abuses outright. Now, Mr. EMANUEL and I and others offered an amendment the other day in the Rules Committee to stop the inside dealing and to stop the sweetheart deals, and the Republican leadership said no.

What did that amendment do? It was pretty simple. It said a Member of Congress can't take Federal taxpayers' dollars and earmark them for an organization that employs their spouse or their family members. They said no to that. It says let's not take Federal taxpayer dollars and steer them to an organization that just employed one of their former staffers. They said no to that.

Mr. DREIER. Would the gentleman yield?

Mr. VAN HOLLEN. Not out of my time, Mr. Chairman.

Mr. DREIER. If I could yield myself 10 seconds out of my time.

Mr. VAN HOLLEN. I would be happy to.

Mr. DREIER. I was just going to say that there was no amendment offered in the Rules Committee whatsoever, so nothing was rejected.

Mr. VAN HOLLEN. There was an amendment.

Mr. DREIER. No, there wasn't. I chair the committee, and I will tell you that there was not an amendment that was offered in the Rules Committee.

Mr. VAN HOLLEN. There was a proposal.

We made some proposals to address that issue.

Mr. DREIER. It wasn't offered in the Rules Committee.

Mr. VAN HOLLEN. Thank you.

There is a proposal also out there that we have sponsored that I hope you will address and make in order to this particular piece of legislation with respect to prohibiting funds from going to somebody who has an organization, if that person is also the head of a political action committee of a leadership PAC, some simple rules of the game that we should all therefore be able to agree to, I hope. If you didn't take it up in the Rules Committee, maybe we can take it up now today if we all agree that those are abuses that we should end.

Ms. SLAUGHTER. If the gentleman will yield, and I will give him the extra time, but let me make clear that this amendment was submitted to the Rules Committee for consideration. The fact that you would not take it up is not the fault of Mr. VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Speaker, we submitted an amendment to the Rules Committee for its consideration. I am sorry that the chairman decided not to take up the amendment, but what the amendment did was outline the very simple prohibitions that we talked about, to prohibit us from steering Federal taxpayers' dollars to organizations that employed family members, that employed former staff members, or where monies were steered through lobbyists and lobbyist organizations that employed spouses or family members or former staff members.

The key issue here is trying to end the sort of inside dealing and sweetheart deals that have rocked this town. We have not done that. What worries me about this piece of legislation is that people are going to pass it and they are going to go home to their congressional districts and they are going to tell people: We have cleaned up Washington; that we have stopped the abuses, that we have done something about the nexus between lobbying problems and the earmark process, when in fact we haven't done it.

The earmarks have skyrocketed since the Republicans took control of Congress, and yet they have also refused to adopt a rule that we proposed for a pay-as-you-go budget. The President and others complain about earmarks, but he hasn't vetoed a single bill except the stem cell bill. We keep hearing about the problems on the spending side, and yet every one of the bills that has gone through this Congress has been signed by the President. Again, the only bill he has vetoed is the bill dealing with stem cell research.

So if we are serious about fiscal accountability, let's adopt the pay-as-you-go rule that has been proposed by the Democrats, and let's adopt the measures that I talked about that we submitted to the Rules Committee that would end the worst abuses. And I still don't understand why the Rules Committee failed to take up and consider those proposals.

I thank my colleague from New York for the time. Let's send a signal to the people around this country that we recognize the abuses that have taken place, that we are going to do something real, let's not just pretend we are doing something. There is some momentum to do things here. We are not taking advantage of it. Let's do that.

Mr. DREIER. Mr. Speaker, I yield myself 45 seconds to say to my friend that to call increasing transparency, accountability, and disclosure as pretend is absolutely outrageous.

There is bipartisan concern about this problem, as stated from my friend from Wisconsin and from other Members on both sides of the aisle, and I believe that this measure will allow us to do that.

The proposal that the gentleman is talking about may have been listed upstairs, but it wasn't offered on the Committee on Rules for us to consider. And in looking at it, Mr. Speaker, I have got to tell you that we found that it was the most impractical thing imaginable.

Mr. Speaker, I yield 2 minutes to my very good friend from Newport Beach, Mr. CAMPBELL.

Mr. CAMPBELL of California. Mr. Speaker, I have been in this House for less than a year, not a very long time, but it is long enough to know that this is real reform.

In the first 90 days after I was elected to this House, I received 70, that is 7–0, requests for various earmarks. A whole lot of those, frankly, were not appropriate; whether there wasn't a Federal nexus, whether there wasn't a public benefit, for whatever reason, they weren't appropriate. Now, I submitted seven of those 70 for consideration by the Appropriations Committee, and I have made very public what those seven were. Because if we are going to spend taxpayer money, we ought to be able to justify it and to stand behind what we are doing, why we are doing it, and who is doing it. And that is what this does. It simply says if we are going to spend the taxpayers' money in this way, and there is nothing inappropriate if there is a Federal nexus, et cetera, about Members spending money on things that have a Federal nexus and are appropriate and have a public good in their district. There is nothing wrong with that process. But you should be able to shine the light of day on it, to stand behind it, to say this is what I am doing and this is why I am doing it and this is who is doing it. And that is what this does.

Now, you could sit there as some of our friends on the other side of the aisle want to do and try to indicate everything that is inappropriate. But isn't it better if we just simply say, here it is and here is the name, so that the person doing it, if they know that there is anything there, then they won't come forward with it.

Now, I have to tell you this is unlikely to save any money, unlikely to reduce spending, but what it will do is I think it will add greatly to what we do spend being spent better.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Austin, Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. I thank the chairman for his leadership on this important resolution.

Mr. Speaker, in the past we have seen abusive earmarks in appropriation bills while the Members responsible hide from the scrutiny of the American taxpayer. We have also seen earmarks included in the conference process in the darkness of night. Well, this bill changes all that. As a former Federal prosecutor in the Public Integrity Section, I have always said that sunlight is the best disinfectant.

From now on, our appropriations tax and authorizing earmarks will have a bright light shined upon them. From now on, all reported bills and conference reports will include a list of earmarks and the name of the Member requesting them. Members will also be able to challenge any ''air-dropped earmark.''

This is exactly the transparency and accountability that the House needs, and it is something that the American

people have come to expect and deserve. I urge my colleagues to vote for this important step to restoring integrity to the process.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the gentleman from Wantage, New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, it is time for us to open up our books to the American people so that everyone in the public can be fully apprised as to how their hard-earned dollars are spent by the Federal Government. I rise in support of this bill for reform.

Accountability is not something that should be or could be postponed. It should be instinctive in all of our work as stewards of the American taxpayer. It should be reflective, but sadly it is not.

I am encouraged that we are taking up this bill. I believe it is an important first step forward in accountability. The reforms we consider today in essence broaden the efforts of our earlier reforms and lobbying reform package of legislation that we passed earlier. It goes now to appropriations, authorization, and tax bills.

We must stop the process of loading up authorization bills with pork the way we loaded up appropriations bills. That infamous Bridge to Nowhere, that was an appropriations bill. It was an earmark in a bill authorizing Federal spending giving the congressional imprimatur to the project.

We must police Federal tax laws better as well. We load up our tax bills with special tax breaks, making the IRS Code totally incomprehensible even to the most skilled and practiced CPA. We cannot begin the process of simplifying the Tax Code until we end the practice of random tax cut earmarks.

For too long these earmarks have lived a really quiet existence in the back room, in the dead of night; they slip into language without even the public's awareness to it. But let me just make this other point: Not all earmarks are bad. There are local projects that are worthy of Federal assistance. But worthy projects will be those that stand up to the light of day in public scrutiny and floor debate. And as we work to curb spending and government waste, such accountability is crucial.

So as one of my fellow Members likes to say, and I often quote him, we must put the focus back on the family budget and not on the Federal budget. In fact, until we get a handle on all earmarks, all our other efforts to rein in spending, to reduce the deficit, and to fund true national priorities like protecting our Nation from terrorism will be useless.

Ms. SLAUGHTER. Mr. Speaker, I will be asking for a ''no'' vote on the previous question so I can amend the rule to give the House an opportunity to vote today up or down on a comprehensive reform package.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question. That will include the listing of the amendments at the Rules Committee.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Republican leadership in this House has promised for months it would enact comprehensive ethics and lobbying reform legislation in this Congress. We all know that it has not and most likely will not happen before the House adjourns for the mid-term elections in just 2 weeks. But we still have time and opportunity to do something today if we will defeat the previous question.

The amendment provides that, immediately after the House adopts this rule, it will bring up ethics and lobbying reform legislation that is identical to the motion to recommit that I offered this past May. That motion to recommit, which had bipartisan support, came within three votes of passing.

□ 1700

This legislation, called the Honest Leadership and Open Government Act, is a truly comprehensive ethics and lobbying reform initiative. It takes a tough stand on a number of the problems that have led to the culture of corruption that has evolved in the 109th Congress.

I urge all Members to vote ''no'' on the previous question so we can bring up legislation and give Members of this House the right to cast a vote for cleaning up the ethics problems that have plagued this institution for too long. Time is running out for the 109th Congress. If we do not act now, there will be no opportunity to show the American people that we are serious about reform.

Vote ''no'' on the previous question and vote ''no'' on the rule for this piece of legislation that will only live for two more weeks.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, under the very able leadership of my California colleague JERRY LEWIS we have seen a 37 percent reduction in the number of earmarks. We have seen either a flat line or real cuts in the appropriations bills with the exception of our priorities of national defense and homeland security, and we have seen a very strong commitment to institutional reform. I take my hat off to JERRY LEWIS for the fine work that he has done.

Mr. Speaker, we are constantly looking at more reform. The Speaker of the House, the majority leader, I believe that Members on both sides of the aisle believe that we should pursue greater transparency, greater disclosure and greater accountability. I have heard Democrats and Republicans alike say that over the past hour. We have an opportunity to do just that right now.

We, I am very happy to say, have put into place bold economic policies that have led to a $58 billion reduction in the deficit over last year's number.

We today have the lowest unemployment rate on the face of the earth. There is no other country in the world with an unemployment rate as low as our unemployment rate, and yet we need to continue to do everything that we can to try and rein in Federal spending.

I, as a Republican, believe that the reach of government not only costs money, but it impinges on individual initiative and opportunity. I believe that as we focus on this kind of reform we will be in a position where we will be able to improve the quality of life and the standard of living for our constituents.

Mr. Speaker, vote ''yes'' on the previous question and ''yes'' on this rule.

Mr. DINGELL. Mr. Speaker, I rise today in opposition to the legislation before us today. This legislation is not real reform; it is merely an empty shell riddled with loopholes that will allow the culture of corruption that has infected this House to continue virtually unchecked.

This bill—for which the text has only been available for less than 12 hours—is simply a poorly masked effort by Republicans to distract voters from the fact that they have failed to live up to their promises to pass real ethics and lobbying reform. The only reform they can claim victory for is banning former Members who are now lobbyists from the Members' gym. While this is of course an admirable step, it is a baby step at most.

Mr. Speaker, I believe that sunshine is the best disinfectant—and I can truly say that this House has never been more in need of a good dose of sunshine. Over the past few years, we have seen some truly appalling abuses of power. Legislation has been passed without Members even knowing what they are voting for; votes have been held open for record amounts of time; and lobbyists have had more access to conference negotiations than Members of the conference. This shameful behavior should not be acceptable to Members of either party, and this bill is just another example of how Congress has done nothing to stop it.

I urge my colleagues to reject this bill and to make valid, meaningful reform a genuine priority for the 109th Congress.

Mr. SHAYS. Mr. Speaker, I urge support of H. Res. 1000, which will require disclosure of earmark sponsors in the text of any legislation considered in the House. This is a commonsense change that should improve the transparency of the earmarking process and eliminate questions about who is really behind the funding of thousands of projects.

I believe securing federal funding for local projects can be an important role for a member of Congress, so long as the project meets basic requirements. I use two tests to determine whether to seek funding. First, I ensure that transportation projects have the support of the local chief executive, regional planning agency and the Connecticut Department of Transportation.

Secondly, I apply my "community meeting" test. If I can't justify the funding to constituents, I know it's not a project I should support.

Earmarks have funded a broad array of transportation projects in the Fourth Congressional District, including the Bridgeport Intermodal Center, the Norwalk Pulse Point Improvement project, and the Stamford Urban Transitway, and projects promoting urban development in our urban areas and education.

Unfortunately, projects like Alaska's "Bridge to Nowhere," taint views of all congressionally-directed funding.

I do not believe adoption of this resolution today lessens the need for comprehensive lobbying and ethics reform, because today's action still does not prevent the type of behavior we have witnessed in recent months. The resolution does provide additional sunlight on the process, however, which I think we can all agree is a good thing,

Mr. SMITH of Texas. Mr. Speaker, I strongly support this resolution to reform the earmark process in Congress.

Not all spending requests are bad. Many of them fund legitimate public projects.

The Constitution gives Congress the power of the purse, and Members of Congress are often in a better position to determine the priorities of their districts than government employees in Washington.

However, the often secret process that has been used in recent years to fund earmarks has led to wasteful and unnecessary spending.

The earmark process needs more sunshine on it, and this new rule provides for that.

This bill will bring greater transparency to the legislative process, ensuring that Members of Congress are held accountable for their requests.

By requiring a list of earmarks and their sponsors to accompany every bill and conference report considered by the House we will deter wrongful behavior and give the public a better view of what their elected officials are doing in Washington.

Full disclosure will enable our constituents to decide whether spending requests are justified and whether they serve the public interest.

I have long advocated for this important reform and I am glad the House is acting on it.

Republicans in the House have a strong record of implementing ethics reform. This rule change governing earmarks represents a great improvement over the current system and is another example of our party's leadership on ethics reform.

At this time, I request unanimous consent to place in the RECORD an op-ed I wrote on the subject.

I am hopeful that we will continue to implement additional reforms, including greater public disclosure of lobbying activities, and continue to uphold the integrity of the House.

Mr. Speaker, I am glad this resolution has been brought to the floor and urge my colleagues to support it.

Mr. DREIER. Mr. Speaker, I am inserting in the RECORD a list of additional Members who would like to be considered as cosponsors of H. Res. 1000.

Additional Members include: MARK GREEN, JOHN LINDER, and CHARLES BASS.

The material previously referred by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 1003 RULE PROVIDING FOR CONSIDERATION OF H. RES. 1000

At the end of the resolution add the following new sections:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit with or without instructions."

SEC. 3. The text referred to in section 2 is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.
Sec. 102. Elimination of floor privileges and access to Members exercise facilities for former Member lobbyists.
Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.
Sec. 104. Ethics review of employment negotiations by executive branch officials.
Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Electronic filing of lobbying disclosure reports.
Sec. 203. Additional lobbying disclosure requirements.
Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.
Sec. 207. Public database of lobbying disclosure information.
Sec. 208. Conforming amendment.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

Sec. 301. Ban on gifts from lobbyists.
Sec. 302. Prohibition on privately funded travel.
Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.
Sec. 304. Prohibition on obligation of funds for travel by legislative and executive branch officials.
Sec. 305. Per diem expenses for congressional travel.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 401. Office of public integrity.
Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 403. Penalty for false certification in connection with congressional travel.
Sec. 404. Mandatory annual ethics training for House employees.

TITLE V—OPEN GOVERNMENT

Sec. 501. Fiscal responsibility.
Sec. 502. Curbing abuses of power.
Sec. 503. Ending 2-day work weeks.
Sec. 504. Knowing what the House is voting on.
Sec. 505. Full and open debate in conference.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

Sec. 601. Minimum requirements for political appointees holding public safety positions.
Sec. 602. Effective date.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

Sec. 701. Public availability of Federal contract awards.
Sec. 702. Prohibition on award of monopoly contracts.
Sec. 703. Competition in multiple award contracts.
Sec. 704. Suspension and debarment of unethical contractors.
Sec. 705. Criminal sanctions for cheating taxpayers and wartime fraud.
Sec. 706. Prohibition on contractor conflicts of interest.
Sec. 707. Disclosure of Government contractor overcharges.
Sec. 708. Penalties for improper sole-source contracting procedures.
Sec. 709. Stopping the revolving door.

TITLE VIII—PRESIDENTIAL LIBRARIES

Sec. 801. Presidential libraries.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

Sec. 901. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER MEMBERS AND EMPLOYEES OF CONGRESS AND EXECUTIVE BRANCH OFFICIALS.

Section 207 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "One-year" and inserting "Two-year";

(B) in paragraph (1), by striking "1 year" and inserting "2 years" in both places it appears; and

(C) in paragraph (2)(B), by striking "1-year period" and inserting "2-year period;"

(2) in subsection (d)—

(A) in paragraph (1), by striking "1 year" and inserting "2 years"; and

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years"; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking "1 year" and inserting "2 years";

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years";

(C) in paragraph (3), by striking "1 year" and inserting "2 years";

(D) in paragraph (4), by striking "1 year" and inserting "2 years";

(E) in paragraph (5)(A), by striking "1 year" and inserting "2 years"; and

(F) in paragraph (6), by striking "1-year period" and inserting "2-year period".

SEC. 102. ELIMINATION OF FLOOR PRIVILEGES AND ACCESS TO MEMBERS EXERCISE FACILITIES FOR FORMER MEMBER LOBBYISTS.

(a) FLOOR PRIVILEGES.—(1) Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

''4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House; or a head of a department shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

''(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

''(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

''(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

''(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.''.

(2) Clause 2(a)(12) of rule IV of the Rules of the House of Representatives is amended by inserting ''(subject to clause 4)'' before the period.

(b) EXERCISE FACILITIES.—(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members of the House of Representatives to any former Member who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute. For purposes of this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this section.

SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND SENIOR CONGRESSIONAL STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by adding at the end the following new clause:

''14. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House covered by the post employment restriction provisions of title 18, United States Code, shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

''(b) The disclosure and notification under subparagraph (a) shall be made within 3 business days after the commencement of such negotiation or arrangement.

''(c) A Member or employee to whom this rule applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Committee on Standards of Official Conduct of such recusal.

''(d)(1) The Committee on Standards of Official Conduct shall develop guidelines concerning conduct which is covered by this paragraph.

''(2) The Committee on Standards of Official Conduct shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).''.

SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after ''the Government official responsible for appointment to his or her position'' the following: ''and the Office of Government Ethics''; and

(B) by striking ''a written determination made by such official'' and inserting ''a written determination made by the Office of Government Ethics, after consultation with such official,''; and

(2) in subsection (b)(3), by striking ''the official responsible for the employee's appointment, after review of'' and inserting ''the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of''; and

(3) in subsection (d)(1)—

(A) by striking ''Upon request'' and all that follows through ''Ethics in Government Act of 1978.'' and inserting ''In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption.''; and

(B) by striking ''the agency may withhold'' and inserting ''the Office of Government Ethics may withhold''.

SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

''Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

''(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.''.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.''.

(d) HOUSE RULES.—Rule XXIII of the Rules of the House (as amended by section 103) is further amended by redesignating clause 15 as clause 16, and by inserting after clause 14 the following new clause:

''15. No Member, Delegate, or Resident Commissioner shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

''(1) take or withhold, or offer or threaten to take or withhold, an official act; or

''(2) influence, or offer or threaten to influence, the official act of another.''.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking ''Semiannual'' and inserting ''Quarterly'';

(B) by striking ''the semiannual period'' and all that follows through ''July of each year'' and insert ''the quarterly period beginning on the first days of January, April, July, and October of each year''; and

(C) by striking ''such semiannual period'' and insert ''such quarterly period''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''semiannual report'' and inserting ''quarterly report'';

(B) in paragraph (2), by striking ''semiannual filing period'' and inserting ''quarterly period'';

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''quarterly period''; and

(D) in paragraph (4), by striking ''semiannual filing period'' and inserting ''quarterly period''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking ''six month period'' and inserting ''three-month period''.

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(3)(A), by striking ''semiannual period'' and inserting ''quarterly period''.

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking ''semiannual period'' and inserting ''quarterly period''.

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking ''semiannual period'' and inserting ''quarterly period''; and

(B) in subsection (b)(1), by striking ''semiannual period'' and inserting ''quarterly period''.

(5) DOLLAR AMOUNTS.—

(A) Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking ''$5,000'' and inserting ''$2,500'';

(ii) in subsection (a)(3)(A)(ii), by striking ''$20,000'' and inserting ''$10,000'';

(iii) in subsection (b)(3)(A), by striking ''$10,000'' and inserting ''$5,000''; and

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

(B) Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking ''$10,000'' and ''$20,000'' and inserting ''$5,000'' and ''$10,000'', respectively; and

(ii) in subsection (c)(2), by striking ''$10,000'' both places such term appears and inserting ''$5,000''.

SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of

the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall provide for public access to such reports on the Internet.''.

SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE OF CONTRIBUTIONS AND PAYMENTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (5), as added by section 204(c), by striking the period and inserting a semicolon; and

(2) by adding at the end the following:

''(6) for each registrant (and for any political committee, as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant) and for each employee listed as a lobbyist by a registrant under paragraph 2(C)—

''(A) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution was made, and the amount of such contribution; and

''(B) the name of each Federal candidate or officeholder, or a leadership PAC of such candidate or officeholder, or political party committee for whom a fundraising event was hosted, cohosted, or otherwise sponsored, the date and location of the event, and the total amount raised by the event;

''(7) a certification that the lobbying firm or registrant has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation of clause 5 of rule XXV of the Rules of the House of Representatives;

''(8) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

''(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

''(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

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

''(9) the name of each Member of Congress contacted by lobbyists employed by the registrant on behalf of the client.''.

(b) LEADERSHIP PAC.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by adding at the end the following:

''(17) LEADERSHIP PAC.—The term 'leadership PAC' means an unauthorized multicandidate political committee that is established, financed, maintained, and controlled by an individual who is a Federal officeholder or a candidate for Federal office.''.

(c) FULL AND DETAILED ACCOUNTING.—Section 5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)(1)) is amended by striking ''shall be rounded to the nearest $20,000'' and inserting ''shall be rounded to the nearest $1,000''.

(d) NOTIFICATION OF MEMBERS.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (2) by striking ''review, and, where necessary'' and inserting ''review and—

''(A) if a report states (under section 5(b)(9) or otherwise) that a Member of Congress was contacted, immediately notify that Member of that report; and

''(B) where necessary,''.

SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end the following: ''Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.''; and

(2) by adding at the end the following:

''(18) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

''(19) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—The term 'paid efforts to stimulate grassroots lobbying'—

''(A) means any paid attempt to influence the general public, or segments thereof, to engage in grassroots lobbying or lobbying contacts; and

''(B) does not include any attempt described in subparagraph (A) by a person or entity directed to its members, employees, officers or shareholders, unless such attempt is financed with funds directly or indirectly received from or arranged by a lobbyist or other registrant under this Act retained by another person or entity.

''(20) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

''(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

''(B) receives income of, or spends or agrees to spend, an aggregate of $50,000 or more for such efforts in any quarterly period.''.

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

(1) in paragraph (1), by striking ''45'' and inserting ''20'';

(2) in the flush matter at the end of paragraph (3)(A)—

(A) by striking ''as estimated'' and inserting ''as included''; and

(B) by adding at the end the following: ''For purposes of clauses (i) and (ii) the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) GRASSROOTS LOBBYING FIRMS.—Not later than 20 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.''.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after ''total amount of all income'' the following: ''(including a separate good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) striking ''and'' after the semicolon;

(2) in paragraph (4), by—

(A) inserting after ''total expenses'' the following: ''(including a good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)''; and

(B) striking the period and inserting a semicolon;

(3) by adding at the end the following:

''(5) in the case of a grassroots lobbying firm, for each client—

''(A) a good faith estimate of the total disbursements made for grassroots lobbying activities, and a subtotal for disbursements made for grassroots lobbying through paid advertising;

''(B) identification of each person or entity other than an employee who received a disbursement of funds for grassroots lobbying activities of $10,000 or more during the period and the total amount each person or entity received; and

''(C) if such disbursements are made through a person or entity who serves as an intermediary or conduit, identification of each such intermediary or conduit, identification of the person or entity who receives the funds, and the total amount each such person or entity received.''; and

(4) by adding at the end the following:

''Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.''.

(d) LARGE GRASSROOTS EXPENDITURE.—Section 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

(1) by striking ''No later'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), not later''; and

(2) by adding at the end the following:

''(2) LARGE GRASSROOTS EXPENDITURE.—A registrant that is a grassroots lobbying firm and that receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort, shall file—

''(A) a report under this section not later than 20 days after receiving, spending, or agreeing to spend that amount; and

''(B) an additional report not later than 20 days after each time such registrant receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort.''.

SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

''(2) CLIENT.—

''(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

''(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), in the case of a coalition or association that employs or retains other persons to conduct lobbying activities, each of the individual members of the coalition or association (and not the coalition or association) is the client. For purposes of section 4(a)(3), the preceding sentence shall not apply, and the coalition or association shall be treated as the client.

''(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In case of an association—

''(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code

of 1986 and exempt from tax under section 501(a) of such Code, or

''(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying with respect to the specific issue for which it engaged the person filing the registration statement under section 4,

the association (and not its members) shall be treated as the client.

''(iii) EXCEPTION FOR CERTAIN MEMBERS.—

''(I) IN GENERAL.—Information on a member of a coalition or association need not be included in any registration under section 4 if the amount reasonably expected to be contributed by such member toward the activities of the coalition or association of influencing legislation is less than $500 per any quarterly period.

''(II) EXCEPTION.—Subclause (I) shall not apply with respect to any member who unexpectedly makes aggregate contributions of more than $500 in any quarterly period, and the date the aggregate of such contributions first exceeds $500 in such period shall be treated as the date of first employment or retention to make a lobbying contact for purposes of section 4.

''(III) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—No disclosure is required under this Act if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in this paragraph shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under this paragraph.''.

''(iv) LOOK-THRU RULES.—In the case of a coalition or association which is treated as a client under the first sentence of clause (i)—

''(I) such coalition or association shall be treated as employing or retaining other persons to conduct lobbying activities for purposes of determining whether any individual member thereof is treated as a client under clause (i), and

''(II) information on such coalition or association need not be included in any registration under section 4 of the coalition or association with respect to which it is treated as a client under clause (i).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking ''or a covered legislative branch official'' and all that follows through ''as a lobbyist on behalf of the client,'' and inserting ''or a covered legislative branch official,''.

SEC. 207. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7) by striking ''and'' at the end;

(2) in paragraph (8) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

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

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

''(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

''(C) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b).''.

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: ''and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed''.

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

SEC. 208. CONFORMING AMENDMENT.

The requirements of this Act shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

SEC. 301. BAN ON GIFTS FROM LOBBYISTS.

(a) IN GENERAL.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting ''(i)'' after ''(A)'' and adding at the end the following:

''(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraphs (2)(B) or (3) of this paragraph.''.

(b) RULES COMMITTEE REVIEW.—The Committee on Rules shall review the present exceptions to the House gift rule and make recommendations to the House not later than 3 months after the date of enactment of this Act on eliminating all but those which are absolutely necessary to effectuate the purpose of the rule.

SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.

Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting ''or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal'' after ''foreign principal''.

SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and (f) as paragraphs (g) and (h), respectively, and by inserting after paragraph (d) the following:

''(e) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept transportation or lodging on any trip that is planned, organized, requested, arranged, or financed in whole or in part by a lobbyist or agent of a foreign principal, or in which a lobbyist participates.

''(f) Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept transportation or lodging otherwise permissible under this paragraph from any person, such individual shall obtain 30 days before such trip a written certification from such person (and provide a copy of such certification to the Committee on Standards of Official Conduct) that—

''(1) the trip was not planned, organized, requested, arranged, or financed in whole, or in part by a registered lobbyist or agent of a foreign principal and was not organized at the request of a registered lobbyist or agent of a foreign principal;

''(2) registered lobbyists will not participate in or attend the trip; and

''(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Committee on Standards of Official Conduct shall make public information received under this paragraph as soon as possible after it is received.''.

(b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of rule XXV of the Rules of the House of Representatives is amended—

(1) by striking ''of expenses reimbursed or to be reimbursed'';

(2) in subdivision (E), by striking ''and'' after the semicolon;

(3) in subdivision (F), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(G) a description of meetings and events attended during such travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee works to jeopardize the safety of an individual or otherwise interfere with the official duties of the Member, Delegate, Resident Commissioner, officer, or employee.''.

(c) PUBLIC AVAILABILITY.—Subparagraph (5) of rule XXV of the Rules of the House of Representatives is amended to read as follows:

''(e) The Clerk of the House shall make available to the public all advance authorizations, certifications, and disclosures filed pursuant to subparagraphs (1) and subparagraph (3)(H) as soon as possible after they are received.''.

SEC. 304. PROHIBITION ON OBLIGATION OF FUNDS FOR TRAVEL BY LEGISLATIVE AND EXECUTIVE BRANCH OFFICIALS.

No Federal agency may obligate any funds made available in an appropriation Act for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, taken as part of official duties of a United States Senator, a Member, Delegate, or Resident Commissioner of the House of Representatives, an officer or employee of the Senate or House of Representatives, or an officer or employee of the executive branch.

SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAVEL.

Rule XXV of the Rules of the House of Representatives (as amended by section 304(b) is further amended by adding at the end the following:

''(h) Not later than 90 days after the date of adoption of this paragraph and at annual

intervals thereafter, the Committee on House Administration shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.''.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

SEC. 401. OFFICE OF PUBLIC INTEGRITY.

(a) ESTABLISHMENT.—There is established within the Office of Inspector General of the House of Representatives an office to be known as the ''Office of Public Integrity'' (referred to in this section as the ''Office''), which shall be headed by a Director of Public Integrity (hereinafter referred to as the ''Director'').

(b) OFFICE.—The Office shall have access to all lobbyists' disclosure information received by the Clerk under the Lobbying Disclosure Act of 1995 and conduct such audits and investigations as are necessary to ensure compliance with the Act.

(c) REFERRAL AUTHORITY.—The Office shall have authority to refer violations of the Lobbying Disclosure Act of 1995 to the Committee on Standards of Official Conduct and the Department of Justice for disciplinary action, as appropriate.

(d) DIRECTOR.—

(1) IN GENERAL.—The Director shall be appointed by the Inspector General of the House. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including investigators and accountants.

(e) AUDITS AND INVESTIGATIONS.—

(1) IN GENERAL.—The Office shall audit lobbying registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of such Act by lobbyists and their clients.

(2) EVIDENCE OF NON-COMPLIANCE.—If in the course an audit conducted pursuant to the requirements of paragraph (1), the Office obtains information indicating that a person or entity may be in non-compliance with the requirements of the Lobbying Disclosure Act of 1995, the Office shall refer the matter to the United States Attorney for the District of Columbia.

(f) CONFORMING AMENDMENT.—Section 8 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607) is amended by striking subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in a separate account such sums as are necessary to carry out this section.

SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting '' (a) CIVIL PENALTY.—'' before ''Whoever'';

(2) by striking ''$50,000'' and inserting ''$100,000''; and

(3) by adding at the end the following:

''(b) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

''(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.''.

SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) CIVIL FINE.—

(1) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code), under clause 5 of rule XXV of the Rules of the House of Representatives, shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(2) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this subsection, as follows:

(A) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(B) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(C) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

(3) ENFORCEMENT.—The Attorney General may bring an action in United States district court to enforce this subsection.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.

SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) ETHICS TRAINING.—

(1) IN GENERAL.—The Committee on Standards of Official Conduct shall provide annual ethics training to each employee of the House which shall include knowledge of the Official Code of Conduct and related House rules.

(2) NEW EMPLOYEES.—A new employee of the House shall receive training under this section not later than 60 days after beginning service to the House.

(b) CERTIFICATION.—Not later than January 31 of each year, each employee of the House shall file a certification with the Committee on Standards of Official Conduct that the employee attended ethics training in the last year as established by this section.

TITLE V—OPEN GOVERNMENT

SEC. 501. FISCAL RESPONSIBILITY.

(a) RECONCILIATION.—Clause 10 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(d) It shall not be in order to consider any reconciliation legislation which has the net effect of reducing the surplus or increasing the deficit compared to the most recent Congressional Budget Office estimate for any fiscal year.''.

(b) APPLICATION OF POINTS OF ORDER UNDER CONGRESSIONAL BUDGET ACT TO ALL BILLS AND JOINT RESOLUTIONS CONSIDERED UNDER SPECIAL ORDERS OF BUSINESS.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''7. For purposes of applying section 315 of the Congressional Budget and Impoundment Control Act of 1974, the term 'as reported' under such section shall be considered to include any bill or joint resolution considered in the House pursuant to a special order of business.''.

SEC. 502. CURBING ABUSES OF POWER.

(a) LIMIT ON TIME PERMITTED FOR RECORDED ELECTRONIC VOTES.—Clause 2(a) of rule XX of the Rules of the House of Representatives is amended by inserting after the second sentence the following sentence: ''The maximum time for a record vote by electronic device shall be 20 minutes, except that the time may be extended with the consent of both the majority and minority floor managers of the legislation involved or both the majority leader and the minority leader.''.

(b) CONGRESSIONAL INTEGRITY.—Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

''14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

''15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) the name and address of the intended recipient of such earmark;

''(3) the purpose of such earmark; and

''(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

''(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

''(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such

statement shall be made available to the general public by the Joint Committee on Taxation.''.

(c) RESTRICTIONS ON REPORTING CERTAIN RULES.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(1) by striking ''or'' at the end of subparagraph (1);

(2) by striking the period at the end of subparagraph (2) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(3) a rule or order for consideration of a bill or joint resolution reported by a committee that makes in order as original text for purposes of amendment, text which differs from such bill or joint resolution as recommended by such committee to be amended unless the rule or order also makes in order as preferential a motion to amend that is neither divisible nor amendable but, if adopted will be considered original text for purposes of amendment, if requested by the chairman or ranking minority member of the reporting committee, and such rule or order shall waive all necessary points of order against that amendment only if it restores all or part of the text of the bill or joint resolution as recommended by such committee or strikes some or all of the original text inserted by the Committee on Rules that was not contained in the recommended version;

''(4) a rule or order that waives any points of order against consideration of a bill or joint resolution, against provisions in the measure, or against consideration of amendments recommended by the reporting committee unless the rule or order makes in order and waives the same points of order against one germane amendment if requested by the minority leader or a designee;

''(5) a rule or order that waives clause 10(d) of rule XVIII, unless the majority leader and minority leader each agree to the waiver and a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present; or

''(6) a rule or order that waives clause 12(a) of rule XXII.''.

SEC. 503. ENDING 2-DAY WORK WEEKS.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. It shall not be in order to consider a resolution providing for adjournment sine die unless, during at least 20 weeks of the session, a quorum call or recorded vote was taken on at least 4 of the weekdays (excluding legal public holidays).''.

SEC. 504. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended by section 3(a), is further amended—

(A) by striking ''or'' at the end of subparagraph (5);

(B) by striking the period at the end of subparagraph (6) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(7) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.''.

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking ''2 hours'' and inserting ''24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after''.

SEC. 505. FULL AND OPEN DEBATE IN CONFERENCE.

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''A motion to request or agree to a conference on a general appropriation bill is in order only if the House expresses its disagreements with the House in the form of numbered amendments.''.

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.''.

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).''.

(2) PROHIBITING WAIVER.—Clause 6(c)(6) of rule XIII of the Rules of the House of Representatives, as added by section 3(c)(3), is further amended by striking ''clause 12(a)'' and inserting ''clause 12(a) or clause 13''.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

SEC. 601. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC SAFETY POSITIONS.

(a) IN GENERAL.—A public safety position may not be held by any political appointee who does not meet the requirements of subsection (b).

(b) MINIMUM REQUIREMENTS.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position;

(3) has training and expertise in one or more areas relevant to such position; and

(4) has not, within the 2-year period ending on the date of such individual's nomination for or appointment to such position, been a lobbyist for any entity or other client that is subject to the authority of the agency within which, if appointed, such individual would serve.

(c) POLITICAL APPOINTEE.—For purposes of this section, the term ''political appointee'' means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(d) PUBLIC SAFETY POSITION.—For purposes of this section, the term ''public safety position'' means—

(1) the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security;

(2) the Director of the Federal Emergency Management Agency, Department of Homeland Security;

(3) each regional director of the Federal Emergency Management Agency, Department of Homeland Security;

(4) the Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security;

(5) the Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security;

(6) the Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services;

(7) the Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency; and

(8) any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public safety positions within such agency.

(e) COORDINATION WITH OTHER REQUIREMENTS.—The requirements set forth in subsection (b) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(f) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code);

(2) the terms ''limited term appointee'', ''limited emergency appointee'', and ''noncareer appointee'' have the respective meanings given them by section 3132 of such title 5;

(3) the term ''Senior Executive Service'' has the meaning given such term by section 2101a of such title 5;

(4) the term ''competitive service'' has the meaning given such term by section 2102 of such title 5; and

(5) the terms ''lobbyist'' and ''client'' have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

SEC. 602. EFFECTIVE DATE.

This title shall apply with respect to any appointment made after the end of the 30-

day period beginning on the date of the enactment of this Act.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

SEC. 701. PUBLIC AVAILABILITY OF FEDERAL CONTRACT AWARDS.

(a) AMENDMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by inserting after section 19 the following new section:

"SEC. 19A. PUBLIC AVAILABILITY OF CONTRACT AWARD INFORMATION.

''Not later than 14 days after the award of a contract by an executive agency, the head of the executive agency shall make publicly available, including by posting on the Internet in a searchable database, the following information with respect to the contract:

''(1) The name and address of the contractor.

''(2) The date of award of the contract.

''(3) The number of offers received in response to the solicitation.

''(4) The total amount of the contract.

''(5) The contract type.

''(6) The items, quantities, and any stated unit price of items or services to be procured under the contract.

''(7) With respect to a procurement carried out using procedures other than competitive procedures—

''(A) the authority for using such procedures under section 303(c) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or section 2304(c) of title 10, United States Code; and

''(B) the number of sources from which bids or proposals were solicited.

''(8) The general reasons for selecting the contractor.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 19 the following new item:

''Sec. 19A. Public availability of contract award information.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to contracts entered into more than 90 days after the date of the enactment of this Act.

SEC. 702. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) Paragraph (3) of section 303H(d) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended to read as follows:

''(3)(A) The regulations implementing this subsection shall prohibit the award of monopoly contracts.

''(B) In this subsection, the term 'monopoly contract' means a task or delivery order contract in an amount estimated to exceed $10,000,000 (including all options) awarded to a single contractor.

''(C) Notwithstanding subparagraph (A), a monopoly contract may be awarded if the head of the agency determines in writing that—

''(i) for one of the reasons set forth in section 303(c), a single task or delivery order contract is in the best interest of the Federal Government; or

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work.''.

(b) Section 303H(d)(1) of such Act is amended by striking ''The head'' and inserting ''Subject to paragraph (3), the head''.

(c) Subsection (e) of section 303I of such Act (41 United States Code 253i) is amended to read as follows:

''(e) MULTIPLE AWARDS.—Section 303H(d) applies to a task or delivery order contract for the procurement of advisory and assistance services under this section.''.

SEC. 703. COMPETITION IN MULTIPLE AWARD CONTRACTS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

"SEC. 303N. COMPETITION IN MULTIPLE AWARD CONTRACTS.

''(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

''(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of $100,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

''(A) waives the requirement on the basis of a determination that—

''(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) applies to such individual purchase; or

''(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

''(B) justifies the determination in writing.

''(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

''(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

''(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

''(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

''(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

''(A) offers were received from at least three qualified contractors; or

''(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

''(5) For purposes of paragraph (2), fair notice means notice of intent to make a purchase under a multiple award contract posted, at least 14 days before the purchase is made, on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

''(c) DEFINITIONS.—In this section:

''(1) The term 'individual purchase' means a task order, delivery order, or other purchase.

''(2) The term 'multiple award contract' means—

''(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3);

''(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K; and

''(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

''(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this section and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.''.

SEC. 704. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) CIVILIAN AGENCY CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303N, as added by section 703, the following new section:

"SEC. 303O. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics.

''(b) DEFINITION.—No prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

''(1) has exhibited a pattern of overcharging the Government under Federal contracts;

''(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws; or

''(3) has an outstanding debt with a Federal agency in a delinquent status.''

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303N, as added by section 703, the following new item:

''Sec. 303O. Suspension and debarment of unethical contractors.''.

SEC. 705. CRIMINAL SANCTIONS FOR CHEATING TAXPAYERS AND WARTIME FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Criminal sanctions for cheating taxpayers and wartime fraud

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a Federal contract for the provision of goods or services, knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 10 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1039. Criminal Sanctions for Cheating Taxpayers and Wartime Fraud.''.

(d) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1039,'' after ''1032,''.

(e) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1039''.

(f) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1039 (relating to Criminal Sanctions for Cheating Taxpayers and Wartime Fraud,'' after ''liquidating agent of financial institution),''.

SEC. 706. PROHIBITION ON CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION.—An agency may not enter into a contract for the performance of a function relating to contract oversight with any contractor with a conflict of interest.

(b) DEFINITIONS.—In this section:

(1) The term ''function relating to contract oversight'' includes the following specific functions:

(A) Evaluation of a contractor's performance.

(B) Evaluation of contract proposals.

(C) Development of statements of work.

(D) Services in support of acquisition planning.

(E) Contract management.

(2) The term ''conflict of interest'' includes cases in which the contractor performing the function relating to contract oversight, or any related entity—

(A) is performing all or some of the work to be overseen;

(B) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(C) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(D) has a reverse role with the contractor to be overseen under one or more separate Government contracts; and

(E) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(3) The term ''related entity'', with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—An agency may not enter into a contract for the performance of inherently governmental functions for contract oversight (as described in subpart 7.5 of part 7 of the Federal Acquisition Regulation).

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after the date of enactment of this Act.

SEC. 707. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) The head of each Federal agency or department shall submit to the chairman and ranking member of each committee described in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of $1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other committees of jurisdiction.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).

SEC. 708. PENALTIES FOR IMPROPER SOLE-SOURCE CONTRACTING PROCEDURES.

Section 303 of the Federal Property and Administrative Services Act (41 U.S.C. 253) is amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

''(g) Any official who knowingly and intentionally violates Federal procurement law in the preparation or certification of a justification for a sole-source contract, in the award of a sole-source contract, or in directing or participating in the award of a sole-source contract, shall be subject to administrative sanctions up to and including termination of employment.''.

SEC. 709. STOPPING THE REVOLVING DOOR.

(a) ELIMINATION OF LOOPHOLES THAT ALLOW FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—

(1) Paragraph (1) of section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)(1)) is amended—

(A) by striking ''or consultant'' and inserting ''consultant, lawyer, or lobbyist'';

(B) by striking ''one year'' and inserting ''two years''; and

(C) in subparagraph (C), by striking ''personally made for the Federal agency—'' and inserting ''participated personally and substantially in—''.

(2) Paragraph (2) of section 27(d) of such Act (41 U.S.C. 423(d)(2)) is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'contractor' includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of the contractor.''.

(b) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—A former employee of a contractor who becomes an employee of the Federal government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor.''.

(c) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after ''that official'' the following: ''or for a relative of that official (as defined in section 3110 of title 5, United States Code),''.

(d) ADDITIONAL CRIMINAL PENALTIES.—Paragraph (1) of section 27(e) of such Act (41 U.S.C. (e)(1)) is amended to read as follows:

''(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of—

''(A) subsection (a) or (b) for the purpose of either—

''(i) exchanging the information covered by such subsection for anything of value, or

''(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

''(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.''.

(e) REGULATIONS.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end of the following new subsection:

''(j) REGULATIONS.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

''(1) promulgate regulations to carry out and ensure the enforcement of this section; and

''(2) monitor and investigate individual and agency compliance with this section.''.

TITLE VIII—PRESIDENTIAL LIBRARIES

SEC. 801. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository, shall submit to the Administration, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate on a quarterly basis, by not later than the applicable date specified in paragraph (2), information with respect to every contributor who, during the designated period—

''(A) with respect to a Presidential archival depository of a President who currently holds the Office of President or for which the Archivist has not accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period; or

''(B) with respect to a Presidential archival depository of a President who no longer holds the Office of President and for which the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or

in-kind) totaling $100 or more for the quarterly period.

''(2) For purposes of paragraph (1), the applicable date—

''(A) with respect to information required under paragraph (1)(A), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing; and

''(B) with respect to information required under paragraph (1)(B), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing.

''(3) As used in this subsection, the term 'information' means the following:

''(A) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

''(B) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

''(C) If the source of such a contribution is an individual, the occupation of the individual.

''(D) The date of each such contribution.

''(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted in accordance with paragraph (1).

''(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(6)(A) It shall be unlawful for any organization described in paragraph (1) to knowingly and willfully submit false material information or omit material information under such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(7)(A) It shall be unlawful for a person to knowingly and willfully—

''(i) make a contribution described in paragraph (1) in the name of another person;

''(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

''(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

''(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act.

''(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.''.

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

SEC. 901. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

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

''(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

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

''(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

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

''(iii) The offense is committed after the date of enactment of this subsection.

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

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

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

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

''(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

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

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

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

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

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

''(1)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

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

''(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

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

''(C) The offense is committed after the date of enactment of this subsection.

''(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

''(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

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

''(B) provisions under which the Office may provide for—

''(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

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

''(5) For purposes of this subsection—

''(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

''(B) the term 'child' has the meaning given such term by section 8341.''.

SUMMARY OF AMENDMENTS SUBMITTED TO THE RULES COMMITTEE FOR H. RES. 1000—PROVIDING FOR EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES

Emanuel (IL)—1. Establishes a new point of order against any reported bill or conference report which contains an earmark that would: personally benefit a Member, Member's spouse, or immediate family member; benefit a registered lobbyist or former registered lobbyist who serves as chairman of the leadership political action committee of the Member requesting the earmark; benefit any entity that employs the spouse or immediate family member of the earmark's sponsor; benefits any entity that employs or is represented by a former employee of the earmark's sponsor, or is represented by a lobbying firm that employs any spouse or close relative of the earmark's sponsor. Applies the point of order to any bill containing an earmark which amends the Internal Revenue Code of 1986 to benefit one individual, corporation or entity. Applies the point of

order to any conference report containing earmarks that were not contained in the House or Senate-passed versions of the matter committed to conference.

King, Steve (IA)—2. Prohibits the consideration of any bill or conference report unless: (1) the bill or conference report is made available on the internet for at least 48 hours prior to its consideration; (2) any amendment made in order under a rule is made available on the internet within one hour after the rule is filed; (3) any amendment under an open rule is made available on the internet immediately after being offered, in a format that is searchable and sortable.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1003, if ordered; and motion to suspend the rules on H.R. 6033.

The vote was taken by electronic device, and there were—yeas 218, nays 194, not voting 20, as follows:

[Roll No. 448]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Baca
Bishop (UT)
Cannon
Case
Culberson
Davis (FL)
Evans
Forbes
Jindal
Johnson, Sam
Keller
Kolbe
Lynch
McHenry
McKinney
McMorris Rodgers
Ney
Ryan (OH)
Sanchez, Loretta
Strickland

□ 1725

Mr. HONDA and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

Messrs. FRANKS of Arizona, YOUNG of Alaska, MILLER of Florida, and ROGERS of Michigan changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 171, not voting 17, as follows:

[Roll No. 449]

AYES—245

Akin
Alexander
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Eshoo
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Kuhl (NY)
LaHood
Langevin
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry

McHugh
McIntyre
McKeon
McMorris Rodgers
Meehan
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wu

NOES—171

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Emanuel
Emerson
Engel
Etheridge
Farr
Fattah
Frank (MA)
Frelinghuysen
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kingston
Knollenberg
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pickering
Price (NC)
Rahall
Rangel
Regula
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherwood
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Bishop (UT)
Case
Culberson
Davis (FL)
Evans
Forbes
Johnson, Sam
Keller
Kolbe
Marshall
Ney
Peterson (MN)
Rush
Sanchez, Loretta
Strickland

□ 1733

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to H. Res. 1003, H. Res. 1000, as amended, is adopted.

The text of H. Res. 1000, as amended, is as follows:

H. RES. 1000

Resolved,

SECTION 1. EARMARKING REFORM IN THE HOUSE OF REPRESENTATIVES.

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

(1) a bill reported by a committee unless the report includes a list of earmarks in the bill or in the report (and the names of Members who submitted requests to the committee for earmarks included in such list); or

(2) a conference report to accompany a bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of earmarks in the conference report or joint statement (and the names of Members who submitted requests to the committee for earmarks included in such list) that were not committed to the conference committee by either House, not in a report specified in paragraph (1), and not in a report of a committee of the Senate on a companion measure.

(3) In order to be cognizable by the Chair, a point of order raised under paragraph (1) may be based only on the failure of a report of a committee to include a list required by paragraph (1).

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

(1) a bill carrying a tax measure reported by the Committee on Ways and Means as to which the Joint Committee on Taxation has—

(A) identified a tax earmark pursuant to subsection (e), unless the report on the bill includes a list of tax earmarks in the bill or report (and the names of Members who submitted requests to the committee for tax earmarks included in such list); or

(B) failed to provide an analysis under subsection (e); or

(2) a conference report to accompany a bill carrying a tax measure as to which the Joint Committee on Taxation has—

(A) identified a tax earmark pursuant to subsection (e), unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of tax earmarks in the conference report or joint statement (and the names of Members who submitted requests to the committee for tax earmarks included in such list) that were not committed to the conference committee by either House, not in a report specified in paragraph (1), and not in a report of a committee of the Senate on a companion measure; or

(B) failed to provide an analysis under subsection (e).

(3) A point of order under paragraph (1) or (2) may not be cognizable by the Chair if the Joint Committee on Taxation has provided an analysis under subsection (e) and has not identified a tax earmark.

(c)(1) In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of subsection (a)(2) or (b)(2).

(2) A point of order that a rule or order waives the application of subsection (b)(2)(A) may not be cognizable by the Chair if the Joint Committee on Taxation has provided an analysis under subsection (e) and has not identified a tax earmark.

(3) In order to be cognizable by the Chair, a point of order that a rule or order waives the application of subsection (b)(2)(A) must specify the precise language of the rule or order and any pertinent analysis by the Joint Committee on Taxation contained in the joint statement of managers.

(d)(1) As disposition of a point of order under subsection (a) or (b), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order.

(2) As disposition of a point of order under subsection (c) with respect to a rule or order relating to a conference report, the Chair shall put the question of consideration as follows: ''Shall the House now consider the resolution notwithstanding the assertion of [the maker of the point of order] that the object of the resolution introduces a new earmark or new earmarks?''.

(3) The question of consideration under this subsection (other than one disposing of a point of order under subsection (b)) shall be debatable for 15 minutes by the Member initiating the point of order and for 15 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

(e) The Joint Committee on Taxation shall review any bill containing a tax measure that is being reported by the Committee on Ways and Means or prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill contains any tax earmarks. The Joint Committee on Taxation shall provide to the Committee on Ways and Means or the committee of conference a statement identifying any such tax earmarks or declaring that the bill or joint resolution does not contain any tax earmarks, and such statement shall be included in the report on the bill or joint statement of managers, as applicable. Any such statement shall also be made available to any Member of Congress by the Joint Committee on Taxation immediately upon request.

SEC. 2. DEFINITIONS.

(a) For the purpose of this resolution, the term ''earmark'' means a provision in a bill or conference report, or language in an accompanying committee report or joint statement of managers—

(1) with respect to a general appropriation bill, or conference report thereon, providing or recommending an amount of budget authority for a contract, loan, loan guarantee, grant, or other expenditure with or to a non-Federal entity, if—

(A) such entity is specifically identified in the report or bill; or

(B) if the discretionary budget authority is allocated outside of the statutory or administrative formula-driven or competitive bidding process and is targeted or directed to an identifiable entity, specific State, or Congressional district; or

(2) with respect to a measure other than that specified in paragraph (1), or conference report thereon, providing authority, including budget authority, or recommending the exercise of authority, including budget authority, for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to a non-Federal entity, if—

(A) such entity is specifically identified in the report or bill;

(B) if the authorization for, or provision of, budget authority, contract authority loan authority or other expenditure is allocated outside of the statutory or administrative formula-driven or competitive bidding process and is targeted or directed to an identifiable entity, specific State, or Congressional district; or

(C) if such authorization for, or provision of, budget authority, contract authority, loan authority or other expenditure preempts statutory or administrative State allocation authority.

(b)(1) For the purpose of this resolution, the term ''tax earmark'' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(2) for purposes of paragraph (1)—

(A) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(B) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(C) all employees of an employer shall be treated as a single beneficiary;

(D) all qualified plans of an employer shall be treated as a single beneficiary;

(E) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(F) all contributors to a charitable organization shall be treated as a single beneficiary;

(G) all holders of the same bond issue shall be treated as a single beneficiary; and

(H) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(3) for the purpose of this subsection, the term ''revenue-losing provision'' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

(A) the first fiscal year for which the provision is effective; or

(B) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

(4) the terms used in this subsection shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

(c) For the purpose of this resolution—

(1) government-sponsored enterprises, Federal facilities, and Federal lands shall be considered Federal entities;

(2) to the extent that the non-Federal entity is a State, unit of local government, territory, an Indian tribe, a foreign government or an intergovernmental international organization, the provision or language shall not be considered an earmark unless the provision or language also specifies the specific purpose for which the designated budget authority is to be expended;

(3) the term ''budget authority'' shall have the same meaning as such term is defined in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622); and

(4) an obligation limitation shall be treated as though it is budget authority.

THOMAS J. MANTON POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6033.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 6033, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 29, as follows:

[Roll No. 450]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Baca
Bachus
Baker
Bishop (UT)
Boehlert
Bonner
Boyd
Burton (IN)
Cardin
Case
Cramer
Culberson
Davis (FL)
Evans
Ferguson
Forbes
Johnson, Sam
Keller
Kolbe
McKinney
Miller, Gary
Neal (MA)
Ney
Nussle
Sanchez, Loretta
Strickland
Westmoreland
Whitfield
Wilson (NM)

□ 1745

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KELLER. Mr. Speaker, I have remained in Orlando, Florida, with my wife as she prepares to give birth to our new baby daughter. If I had been present today, I would have voted in the following manner: rollcall 441: "No"; rollcall 442: "No"; rollcall 443; "Yea"; rollcall 444: "Yea"; rollcall 445: "Nay"; rollcall 446: "Aye"; rollcall 447: "Yea"; rollcall 448: "Yea"; rollcall 449: "Aye"; rollcall 450: "Yea."

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. BOEHNER), the majority leader, for the purposes of inquiring about the schedule for the week to come.