

January 5, 2006

## **CAMPAIGN REFORM**

\*S. 256, **Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**, introduced by **Grassley-Hatch**, et al, on 2/1/05 (*Title XII; Section 1235*)—providing that Federal Election Law *finances and penalties* are non-dischargeable debt—Passed Senate, by a vote of 74-25, on 3/10/05; Passed House, by a vote of 302-126, on 4/14/05; **became Public Law 109-8, approved 4/20/05**. (See also: H.R. 685). (*Note: On 9/6/05, Congresswoman Slaughter introduced H.R. 3662, which would delay, for two years, the effective date of Public Law 109-8; this bill has been referred jointly to Judiciary and Financial Services*).

### **Senate Floor Action**

Feingold amendment providing no bankruptcy protection for insolvent political committees—**Amendment withdrawn, by unanimous consent, on 3/9/05**.

S. 271, **527 Reform Act of 2005**, introduced by **McCain, Feingold, Lott and Schumer** on 2/2/05—requiring 527s that raise and spend funds to influence federal elections comply with federal campaign finance laws; exempting from this requirement 527s with annual receipts of less than \$25,000 and those that raise and spend money exclusively in connection with non-federal elections, state or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices, such as judicial positions; requiring 527 political committees to use at least 50% hard money for voter mobilization activities or public communications that affect both federal and nonfederal elections; and requiring, further, that the nonfederal share of funds used for these activities come from individuals only, in amounts of not more than \$25,000 per year, per individual donor—Rules held hearing on 3/8/05; ordered reported, amended, on 4/27/05; reported original bill on 5/17/05, S. 1053). (*For further action see: S. 1053*). (See also: H.R. 513 and H.R. 1316).

### **Committee Amendments**

Bennett amendment excluding Internet Communications from the FECA definition of public communication—**Amendment agreed to**.

Bennett Amendment raising, and indexing for inflation: contribution limits to PACs—from \$5,000 to \$7,500; contributions from PACs to other committees—from \$5,000 to \$7,500; and contributions from PACs to National Parties—from \$15,000 to \$25,000—**Amendment agreed to**.

Bennett amendment raising the FEC registration threshold, from \$1,000 to \$10,000—**Amendment agreed to**.

Bennett amendment eliminating prior approval and twice-yearly solicitations for trade association PACs—**Amendment agreed to**.

Bennett amendment permitting unlimited transfers from Leadership PACs to party committees—**Amendment agreed to**.

Feinstein amendment requiring 527s, labor unions, corporations, and trade associations to disclose, every 24 hours, in the last three weeks of a campaign, all non-broadcast communications, after such groups spend more than \$2,000 on such activities—**Amendment withdrawn. Senator Feinstein plans to offer this as a floor amendment**.

Schumer amendment exempting from regulation voter registration and get-out-the-vote activities conducted electronically—**Amendment agreed to.**

Durbin amendment requiring media outlets to provide candidates non-preemptible lowest unit rate for broadcast ads (charge should be based on the yearly lowest unit charge, not the lowest unit charge offered immediately before an election)—**Amendment agreed to.**

Lott motion to table the Dayton amendment requiring, effective, October 1, 2006, a “paper trail” of all votes cast in an election—**Motion to table agreed to.**

S. 391, **Federal Election Integrity Act**, introduced by **Lautenberg-Kerry**, et al, on 2/16/05—prohibiting a chief State election administration official from taking an active role in the campaign of a federal candidate if that election official is responsible for monitoring, supervising, and certifying the results of the federal election in which the federal candidate is a participant—referred to Rules. (See also: S. 450-*Title V* and H.R. 834).

S. 450, **Count Every Vote Act of 2005**, introduced by **Clinton-Boxer**, et al, on 2/17/05—**Title V**—prohibiting chief State election officials from taking part in prohibited political activities with respect to any election for federal office over which such official has managerial authority; and **Title VIII**—Federal Election Day Act of 2005—designating federal election day as a federal holiday—referred to Rules. (See also: S. 391; Title V of S. 450 is almost identical to the provisions of S. 391.)

S. 678, introduced by **Reid** on 3/17/05—excluding Internet communications from the FECA definition of public communication—referred to Rules and Administration. (See also: H.R. 1605, H.R. 1606, H.R. 4194 and 4389). (*Note: This language is included in 527 reform legislation—it was adopted as a committee amendment to S. 271 and is also included in S. 1053.*)

S. 1053, **527 Reform Act of 2005**, introduced by **Lott** on 5/17/05—requiring 527s that raise and spend funds to influence federal elections comply with federal campaign finance laws; exempting from this requirement 527s with annual receipts of less than \$25,000 and those that raise and spend money exclusively in connection with nonfederal elections, state or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices, such as judicial positions; requiring 527 political committees to use at least 50% hard money for voter mobilization activities or public communications that affect both federal and nonfederal elections and requiring, further, that the nonfederal share of funds used for these activities come from individuals only, in amounts of not more than \$25,000 per year, per individual donor; excluding Internet communications from the FECA definition of public communication; raising, and indexing for inflation: contribution limits to PACs—from \$5,000 to \$7,500, contributions from PACs to other committees—from \$5,000 to \$7,500, and contributions from PACs to National Parties—from \$15,000 to \$25,000; raising the FEC registration threshold from \$1,000 to \$10,000; eliminating prior approval and twice-yearly solicitations for trade association PACs; permitting unlimited transfers from Leadership PACs to party committees; exempting from regulation voter registration and get-out-the-vote activities conducted electronically; and requiring media outlets to provide candidates non-preemptible lowest unit rate for broadcast ads (charge should be based on the yearly lowest unit charge, not the lowest unit charge offered immediately before an election); Rules Committee

reported on 5/17/05 (without written report); on Senate Calendar. *(This bill is essentially S. 271, as amended during Committee mark-up).* (See also: S. 271, H.R. 513 and H.R. 1316).

S. 1398, **Lobbying and Ethics Reform Act of 2005**, introduced by **Feingold** on 7/14/05—**Section 302**: Amending the gift rule to require Senators and staff to publicly disclose information on any flight on a corporate jet and to reimburse the owner of a corporate jet at the charter rate, instead of first class airfare as is currently permitted; and *requiring campaigns to pay for the use of corporate jets at the charter rate, instead of first class airfare between cities commercially served, as is currently permitted*—referred to jointly to Homeland Security and Governmental Affairs.

S. 1508, **Senate Campaign Disclosure Parity Act**, introduced by **Feingold, McCain** and **Cochran** on 7/27/05—requiring reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours—referred to Rules.

\*H.R. 3, **the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or SAFETEA-LU**—Passed House, by a vote of 417-9, on 3/10/05; Passed Senate, amended, on 5/17/05; conference report filed 6/28/05 (H. Rept. 109-203); House agreed to conference report, by a vote of 412-8, on 7/29/05; Senate agreed to conference report, by a vote of 91-4, on 7/29/05; **became Public Law 109-59, approved 8/10/05.**

*(Note: Section 1109 of this bill as passed the House states that: “Nothing in this section may be construed to prohibit a State from enacting a law or issuing an order that limits the amount of money that an individual, doing business with a State agency for a Federal-aid highway project, may contribute to a political campaign.” This provision was stripped in conference).*

#### **Senate Floor Action**

Inhofe motion to table the Corzine-Lautenberg amendment allowing states to set contracting rules that limit campaign contributions by contracting providers—**Motion to table agreed to, by a vote of 57-40, on 5/11/05.**

H.R. 46, **First Amendment Restoration Act**, introduced by **Bartlett** on 1/4/05—repealing the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the FEC; and repealing the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations—referred to House Administration. (See also: H.R. 689).

H.R. 338, **Voters' Right to Know Act of 2005**, introduced by **Maloney** and **Petri** on 1/25/05—requiring operators of political push polls and phone banks, who conduct calls within 25 days preceding a federal election and seek the opinion of more than 1,500 households, to disclose the identity of the organization paying for the call; and, in cases where the caller is advocating the election or defeat of a federal candidate, requiring the campaign or organization conducting the calls to disclose to the FEC the number of households they have contacted and the script they used in making the calls—referred to House Administration.

H.R. 471, introduced by **Larson** on 2/1/05—increasing the frequency of disclosure of information by political organizations; and improving the linkage between databases for public disclosure of election-related information maintained by the IRS and the Federal Election Commission—referred jointly to Ways and Means and House Administration.

H.R. 491, **Push Poll Disclosure Act of 2005**, introduced by **Petri-Maloney**, et al, on 2/1/05—requiring that each participant in a poll, conducted for a federal candidate and seeking the opinion of more than 1,200 households, be told the identity of the survey's sponsor and whether or not the survey results will be released to the public, in which case the cost of the poll and the sources of its funding must be reported to the FEC, along with a count of the households contacted and a transcript of the questions asked—referred to House Administration.

H.R. 513, **527 Reform Act of 2005**, introduced by **Shays** and **Meehan** on 2/2/05—requiring 527s that raise and spend funds to influence federal elections comply with federal campaign finance laws; exempting from this requirement 527s with annual receipts of less than \$25,000 and those that raise and spend money exclusively in connection with nonfederal elections, state or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices, such as judicial positions; requiring 527 political committees to use at least 50% hard money for voter mobilization activities or public communications that affect both federal and nonfederal elections; and requiring, further, that the nonfederal share of funds used for these activities come from individuals only, in amounts of not more than \$25,000 per year, per individual donor—House Administration ordered reported, by a vote of 5-3, on 6/29/05; report filed on 7/22/05 (H. Rept. 109-181); on House Calendar. (See also: S. 271, S. 1053 and H.R. 1316).

H.R. 685, **Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**, introduced by **Sensenbrenner-Todd**, et al, on 2/9/05 (*Title XII; Section 1235*)—providing that federal election law fines and penalties are non-dischargeable debt—referred to Judiciary. (*For further action, see: S. 256*).

H.R. 689, **First Amendment Restoration Act**, introduced by **Bartlett-Akin**, et al, on 2/9/05—repealing the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the FEC; and repealing the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations—referred to House Administration. (See also: H.R. 46).

H.R. 701, **Personal Accountability in Campaign Committees Act**, introduced by **English** on 2/9/05—prohibiting an authorized committee of a winning federal candidate, which received a personal loan from the candidate, from making any repayment on the loan after the date on which the candidate begins serving in such office—referred to House Administration.

H.R. 702, **Candidate Anti-Corruption Act**, introduced by **English** on 2/9/05—prohibiting the use of any contribution made to a federal candidate, or any donation made to an individual as support for the individual's activities as the federal office holder, for the payment of a salary to the candidate or individual, or to any member of the immediate family of the candidate, or

individual—referred to House Administration.

H.R. 834, **Federal Election Integrity Act of 2005**, introduced by **Strickland-Ryan**, et al, on 2/15/05—prohibiting a chief State election administration official from taking an active role in the campaign of a federal candidate if that election official is responsible for monitoring, supervising and certifying the results of the federal election in which the federal candidate is a participant—referred to House Administration. (See also: S. 391).

H.R. 914, **Truth in Spending Act of 2005**, introduced by **English** and **Putnam** on 2/17/05—amending the Internal Revenue Code to provide parity in reporting requirements for national party committees and unregulated political organizations, by requiring political organizations to report monthly, in lieu of quarterly—referred to Ways and Means.

H.R. 958, **Citizens Involvement in Campaigns (CIVIC) Act**, introduced by **Petri-Kanjorski-Rahall** on 2/17/05—providing a credit and a deduction for small political contributions—referred to Ways and Means.

H.R. 1316, **527 Fairness Act of 2005**, introduced by **Pence** and **Wynn** on 3/15/05—repealing the limit on the aggregate amount of campaign contributions that an individual may give to candidates and committees during an election cycle; repealing the limit on expenditures coordinated between party committees and candidates; increasing the limit made to or by PACs from \$5,000 to \$7,500; increasing the limit on PAC contributions to national party committees from \$15,000 to \$25,000; indexing contribution limits for PACs and state party committees; permitting unlimited transfers between leadership PACs and national party committees; raising the political committee registration threshold from \$1,000 to \$10,000; prohibiting foreign nationals from making contributions to 527 groups; requiring 527 groups to file reports with the FEC in the same manner, under the same terms and conditions, and at the same time applicable to federal political committees; permitting incorporated 501(c)(4), (c)(5) and (c)(6) organizations to engage in electioneering communications, provided such communications are paid for with funds donated by individual American citizens; allowing corporate and labor union PACs to solicit their “restricted classes” using fax machines or e-mail; removing the “prior approval” restriction on solicitations by trade association PACs; permitting more than one trade association to solicit the restricted class of a member company without obtaining prior written approval from the company; allowing State and local parties to use nonfederal funds for voter registration and sample ballots; permitting federal officeholders and candidates to attend and participate in state and local party fundraisers without restriction or regulation; excluding Internet communications from the FECA definition of “public communication”; allowing federal officeholders and candidates to endorse state, local or other federal candidates without such endorsements being considered coordinated communications; permitting federal officeholders and candidates to state their positions on state and local ballot initiatives or referenda; stipulating that if any portion of this Act is found unconstitutional, the other portions will remain in effect; and making the provisions of this Act effective January 1, 2006—House Administration held hearing on 4/20/05; ordered reported, by a vote of 6-3, on 6/8/05; report filed on 6/22/05 (H. Rept. 109-146); on House Calendar. (See also: H.R. 513, S. 271 and S. 1053)..

### **Committee Action**

Ney amendment in the nature of a substitute for the bill—**Amendment agreed to, by a vote of 6-3, on 6/8/05.**

H.R. 1580, **Stand By Your Internet Act**, introduced by **Price (NC)-Castle**, et al, on 4/12/05—requiring that certain campaign communications—audio or video Internet ads and prerecorded telephone calls—that mention another federal candidate running for the same office carry a “Stand by Your Ad” disclaimer stating that the candidate personally approved the message—referred to House Administration.

H.R. 1605, introduced by **Hensarling** on 4/13/05—excluding communications over the Internet from the definition of public communication—referred to House Administration. (See also: H.R. 1606 and S. 678).

H.R. 1606, **Online Freedom of Speech Act**, introduced by **Hensarling** on 4/13/05—excluding communications over the Internet from the definition of public communication—referred to House Administration. Placed on Suspension Calendar, failed to pass by 2/3 majority (225-182), 11/2/05. (See also: H.R. 1605, H.R. 4194, H.R. 4389 and S. 678).

\* H.R. 1815, **National Defense Authorization Act for Fiscal Year 2006**, introduced by **Hunter** on 4/26/05, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for the fiscal year. (*Language subjecting 527 groups to the same FEC disclosure requirements as political parties and PACs and lifting limits on coordinated party expenditures by political parties was briefly added to the conference report and then removed*). Signed by President, January 6, 2006—P.L. 109-163.

H.R. 1942, **527 Transparency Act of 2005**, introduced by **Shaw** on 4/27/05—amending the Internal Revenue Code to impose penalties for the failure of 527 organizations to comply with disclosure requirements—referred to Ways and Means. (See also: H.R. 2204).

H.R. 1950, **Robo COP Act: Robo Calls Off Phones**, introduced by **Foxx** on 4/28/05—directing the FTC to revise the regulations regarding the Do-No-Call registry to prohibit politically-oriented recorded message telephone calls to telephone numbers listed on that registry—referred to Energy and Commerce.

H.R. 2204, **527 Transparency Act of 2005**, introduced by **Shaw-Johnson**, et al, on 5/5/05—requiring 527 organizations to file contribution and expenditure reports simultaneously with the IRS and FEC, on a monthly basis, including pre-election reports and post-election reports; imposing a 30% excise tax, in addition to the current 35% excise tax, on those 527 organizations failing to file; holding the organization’s Board of Directors liable for the tax penalty should the it be unable to pay; and removing the gift tax exemption from 527 organizations that fail to file—referred jointly to Ways and Means and House Administration. (See also: H.R. 1942).

H.R. 2294, **Robocaller Identification Act**, introduced by **Johnson** and **Foxx** on 5/11/05—prohibiting the use of auto-dialers for purposes of political solicitations—referred to Energy and Commerce.

H.R. 2753, **Public Campaign Financing Act of 2005**, introduced by **Andrews** on 6/7/05—establishing a public financing system for qualifying House candidates to be administered by the Federal Election Commission; providing publicly financed House candidates with 2-1/2 hours of commercial television time on local television stations in the candidate's district and requiring that they participate in at least two televised debates; capping the amount a publicly financed candidate may receive at \$750,000; and establishing reporting requirements—referred to House Administration.

H.R. 3099, **Clean Money, Clean Elections Act**, introduced by **Tierney-Grijalva**, et al, on 6/28/05.

*Title I—Clean Money Financing of House Election Campaigns:* Establishing, within the Treasury, the House of Representatives Election Fund, to provide financing and broadcast benefits in primary, general, and runoff elections to those House candidates who agree to abide by specified voluntary spending limits and certain other specified conditions; requiring private money candidates facing “clean money” opponents to report within 48 hours expenditures which in the aggregate exceed the amount provided to a clean money candidate, with additional reporting of increments of \$100; requiring the FEC to notify the affected “clean money” candidate within 24 hours of receiving such reports; and stipulating that a candidate who received private contributions or made private expenditures prior to enactment of the Act will not be disqualified as a “clean money” candidate provided such funds are returned to the contributor or submitted to the FEC for deposit in the House of Representatives Election Fund.

*Title II—Independent Expenditures; Coordinated Political Party Expenditures:* Requiring reporting of independent expenditures made, or obligated to be made, in support of an opponent of, or in opposition to a “clean money” candidate, as follows: (1) prior to 20 days before the date of the election, each such independent expenditure which exceeds an aggregate of \$1,000 by a person shall be reported within 48 hours, and (2) after 20 days prior to the date of the election, each such independent expenditure made or obligated to be made which exceeds an aggregate of \$500 shall be reported within 24 hours; stipulating that for any House district where one or more candidates is a “clean money” candidate, the amount that a party may spend in support of its nominee in the general election period is 10% of the amount of funds a “clean money” candidate is eligible to receive in that election; requiring a political party committee that makes a coordinated expenditure in a federal general election in excess of \$5,000 to certify that such committee will not make any independent expenditures in connection with that campaign.

*Title III—Voter Information:* Providing clean money candidates with 30 minutes of free broadcast time during the primary election (and runoff) period and 75 minutes of free broadcast time during the general election (and runoff) period; requiring broadcasters to charge a “clean money” candidate in a contested election at 50% of the lowest unit rate under Section 315(b) of the Communications Act of 1934 for TV time purchased in the 30 days preceding the primary (and runoff) and the 60 days preceding the general (and runoff) election; prohibiting broadcasters

from preempting time purchased by House candidates; prohibiting franked mass mailings by a Member of the House from the date the primary election period begins (i.e., 90 days before the primary) to the date of the general election, unless they are not a candidate for any federal office in that year.

*Title IV—Restructuring and Strengthening of the Federal Election Commission:* Adding a seventh member to the FEC, appointed by the President from among persons recommended by the Commission; authorizing the FEC to conduct random audits and investigations to ensure voluntary compliance with the FECA; authorizing and setting standards for initiation by the Commission of a civil action for a temporary restraining order or preliminary injunction; granting the Commission greater discretion in opening an investigation by changing the “reason to believe that” standard to a “reason to open an investigation on whether” standard; allowing the FEC to petition the Supreme Court on certiorari; authorizing the Commission to order expedited proceedings based on clear and convincing evidence that a violation of the FECA has occurred, is occurring, or is about to occur; mandating electronic filing for those required to file with the FEC; requiring, within 24 hours of receipt, the reporting of all contributions made to any political committee within 90 days prior to an election; and authorizing the Commission to issue a subpoena without the signature of the chairman or vice chairman of the Commission.

*Title V—Miscellaneous Provisions:* Providing that if any provision or amendment to this Act is declared unconstitutional, the remainder of the Act and amendments made by the Act will be unaffected; providing that appeals regarding rulings on the constitutionality of any provision of this Act may be taken directly to the Supreme Court; and providing that this Act shall take effect on January 1, 2006—referred jointly to House Administration, Energy and Commerce, and Government Reform.

H.R. 4180, **Identification and Disclosure Act**, introduced by **Schmidt** and **Shays** on 10/28/05--to amend the FECA to require communications which consist of prerecorded telephone calls to meet the disclosure and disclaimer requirements applicable to general public campaign communications transmitted via radio—referred to House Administration.

H.R. 4194, **Internet Anti-Corruption and Free Speech Protection Act of 2005**, introduced by **Shays** and **Meehan** on 11/1/05--to amend the FECA’s definition of “public communication” at 2 U.S.C. 431(22) to exclude Internet communications *except* for (1) communications placed on another person’s web site for a fee, (2) made by a corporation (except for corporations whose principal purpose is operating a web log), (3) made by a state, district, or local party committee, or (4) made by any political committee--referred to House Administration. (See Also: H.R. 1605, H.R. 1606, H.R. 4389 and S. 678).

H.R. 4389, introduced by **Miller** (NC) on 11/18/05--to amend the FECA to exempt news stories, commentaries, and editorials distributed through the Internet from treatment as expenditures or electioneering communications and to exempt the value of organizing meetings through the Internet from the definition of contribution--referred to House Administration. (See Also: H.R. 1605, H.R. 1606, H.R. 4194 and S. 678).



H.J. Res. 13, introduced by **Leach** on 1/26/05—proposing a Constitutional amendment regarding regulations on the amounts of expenditures of personal funds made by candidates for election for public office—referred to Judiciary.

### **CONGRESSIONAL/EXECUTIVE BRANCH REFORM**

S. 60, introduced by **Feingold** on 1/24/04—repealing the law that provides automatic pay adjustments for Members of Congress—referred to Committee on Homeland Security and Governmental Affairs.

S. 877, **Biennial Budgeting and Appropriations Act**, introduced by **Domenici-Lieberman**, et al, on 4/21/05—converting the annual budget and appropriations process to a two-year cycle; and enhancing oversight and the performance of the Federal Government—referred to Budget. (See also: H.R. 2664).

S. 1398, **Lobbying and Ethics Reform Act of 2005**, introduced by **Feingold** on 7/14/05—***Section 302***: Amending the gift rule to require Senators and staff to publicly disclose information on any flight on a corporate jet and to reimburse the owner of a corporate jet at the charter rate, instead of first class airfare as is currently permitted; and ***requiring campaigns to pay for the use of corporate jets at the charter rate, instead of first class airfare between cities commercially served, as is currently permitted***—referred to jointly to Homeland Security and Governmental Affairs.

S. 2128, **Lobbying Transparency and Accountability Act of 2005**, introduced by **McCain** on 12/16/05—to provide greater transparency with respect to lobbying activities—referred to Homeland Security and Government Affairs.

S.J. Res. 6, introduced by **Cornyn** and **Chambliss** on 2/17/05—proposing a Constitutional amendment to ensure continuity of congressional operations and the avoidance of martial law in the event of mass incapacitations or death in either House of Congress—referred to Judiciary.

H.R. 223, **Deficit Accountability Act of 2005**, introduced by **Stearns** on 1/4/05—providing that no automatic pay adjustment for Members of Congress shall be made in the year following a fiscal year in which there is a Federal budget deficit—referred jointly to the Committees on House Administration and Government Reform.

H.R. 806, **Congressional Pay for Performance Act**, introduced by **Bilirakis** on 2/15/05—modifying the provision of law that provides a permanent appropriation for the compensation of Member of Congress—referred jointly to Rules and Appropriations.

\*H.R. 841, **Continuity in Representation Act of 2005**, introduced by **Sensenbrenner-Dreier**, et al, on 2/16/05—requiring states to hold special elections to fill vacancies in the House no later than 49 days after the vacancy is announced by the Speaker of the House in extraordinary circumstances—House Administration reported on 2/24/05 (H. Rept. 109-109-8, Pt. 1); Passed

House, by a vote of 329-68, on 3/3/05; on Senate Calendar. *(NOTE: Title III of the FY 2006 Legislative Branch Appropriations Bill, H.R. 2985, is identical to the language of H.R. 841. On 6/22/05, Congressman Baird offered, and the full House rejected, by a vote of 143-268, an amendment to strike Title III from the bill. H.R. 2985, with the language of H.R. 841 intact, subsequently passed both Houses and was sent to the President for signature; H.R. 2985 became Public Law 109-55, approved 8/2/05. )*

#### **House Floor Action**

Manager's amendment increasing the timeframe for expedited special elections to 49 days—  
**Amendment agreed to, by voice vote, on 3/3/05.**

H.R. 1980, **Fiscal Responsibility Act of 2005**, introduced by **Deal-Gingrey**, et al, on 4/28/05—providing that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit—referred jointly to House Administration and Government Reform.

H.R. 2664, **Biennial Budgeting and Appropriations Act of 2005**, introduced by **Dreier-Young**, et al, on 5/26/05—converting the annual budget and appropriations process to a two-year cycle—referred jointly to Budget, Rules, and Government Reform. (See also: S. 877).

\* H.R. 2985, **Legislative Appropriations Act, 2006**, introduced by **Lewis** on 6/20/05, makes appropriations for legislative branch and, among other things, provides for speedy elections if more than 100 House members can no longer perform their duties; Passed House (H Rept 109-139), 330-82, on June 22; Passed Senate (S Pret 109-89) by voice vote, on June 30; Conference report adopted in House (H Rept 109-189), 305-122, July 28; Cleared Senate, 96-4, on July 29; signed by President 8/2/05—P.L. 109-55.

H.R. 3177, **Lobby Gift Ban Act of 2005**, introduced by **George Miller** on 6/30/05—prohibiting registered lobbyists from making gifts to Members of Congress and congressional employees—referred jointly to Judiciary and Rules. (See Also: S. 2128).

H.R. 3623, introduced by **Andrews** on 7/29/05—increasing, to five years, the period during which former Members of Congress may not engage in certain lobbying activities—referred to Judiciary.

H.R. 4134, introduced by **Flake** on 10/25/05—providing that rates of pay for Congressional Members will not be increased as a result of any adjustment otherwise scheduled to take effect in FY 2006--referred to House Administration and Government Reform.

H.R. 4524, **Congressional Pension Forfeiture Act of 2005**, introduced by **Jones** on 12/14/05, to amend Title 5 to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits--referred to House Administration and Government Reform. (See also: H.R. 4535 and H.R. 4548).

H.R. 4535, **Congressional Integrity and Pension Forfeiture Act of 2005**, introduced by **Kirk**, 12/14/05—to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other

purposes—referred to Administration and Government Reform. (See also: H.R. 4524 and H.R. 4548).

H.R. 4548, introduced by **Terry** on 12/14/05--to amend title 5, United States Code, to deny federal retirement benefits to individuals convicted of certain offenses, and for other purposes—referred to House Committee on Government Reform. (See also: H.R. 4535 and H.R. 4524).

H.J. Res. 26, introduced by **Rohrabacher** and **Baird** on 2/17/05—proposing a Constitutional amendment relating to Congressional succession—referred to Judiciary.

H.J. Res. 49, introduced by **Lofgren** on 5/12/05—proposing a Constitutional amendment regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve due to death, resignation, or incapacity—referred to Judiciary.

H.J. Res. 51, introduced by **Pallone** on 5/23/05—proposing a Constitutional amendment to allow debate to be closed on any measure, motion, or other matter pending before the Senate only by unanimous consent or the concurrence of three-fifths of the Senators—referred to Judiciary.

H.J. Res 71, introduced by **Kennedy** on 11/4/05—proposing Constitutional amendment to authorize the President to reduce or disapprove any appropriation bill presented by the Congress—referred to Judiciary.

## **FEDERAL ELECTION COMMISSION**

### **Nominations**

President Bush sends four FEC Commissioner nominations to the Senate, December 16, 2005:

- Robert D. Lenhard, for a term expiring April 30, 2011, vice Danny Lee McDonald, term expired.
- David M. Mason, for a term expiring April 30, 2009. (Reappointment)
- Hans von Spakovsky, for a term expiring April 30, 2011, vice Bradley A. Smith, resigned.
- Steven T. Walther, for a term expiring April 30, 2009, vice Scott E. Thomas, term expired.

Mr. Lenhard, Mr. von Spakovsky, and Mr. Walther were recess appointed on January 4, 2006.

### **Rescission**

- \* H.R. 2863, **Defense Appropriations Bill for 2006**, introduced by **Young** on 6/10/2005, provides for \$453.5 in defense spending and for a 1% across-the-board rescission of 2006 discretionary appropriations. Passed House (H Rept 109-119), 389-19, on June 20; passed Senate (S Rept 109-141), 97-0, on Oct. 7; House adopted conference report, including ANWR language (H Rept 109-359), 308-106, on Dec. 19; Senate adopted S Con Res 74, instructing congressional clerks to strip the ANWR language, 93-0, on Dec. 21; House adopted S Con Res 74 to strip ANWR

language, by voice vote, on Dec. 22. Signed by the President, December 31, 2005—P.L. 109-148.

\* H.R. 3058, **Transportation-Treasury-Housing Appropriations, FY 2006**—appropriating \$54,700,000 to the Federal Election Commission for FY 2006, of which no less than \$4,700,000 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses; and extends the Administrative Fine Program through December 31, 2008—full Appropriations Committee ordered reported on 6/21/05; report filed on 6/24/05 (H. Rept. 109-153); Passed House, by a vote of 405-18, on 6/30/05; Senate Appropriations Transportation-Treasury Subcommittee reported to full Committee on 7/19/05; full Senate Appropriations Committee ordered reported on 7/21/05; report filed on 7/26/05 (S. Rept. 109-109); Senate version passed on Oct. 20 by a vote of 93 to 1—*Amended by Bond to remove Section 719, which would have permitted unlimited transfers from Leadership PACs to national party committees.* House adopted conference report (H Rept 109-307), 329-31, on Oct. 20; Senate cleared report by voice vote November 18. Final version appropriates \$54,700,000 to the Federal Election Commission for FY 2006, of which no less than \$4,700,000 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses; and extending the Administrative Fine Program through December 31, 2008. Signed by President November 30, 2005—P.L. 109-115.

#### **Senate Committee Action**

H.R. 3058, as reported by the Senate:

- appropriates \$54,600,000 to the FEC (*as opposed to \$54,700,000 proposed by the House*), of which no less than \$4,700,000 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses;
- does not extend Administrative Fine Program; and
- permits unlimited transfers from Leadership PACs to national party committees (*Section 719 of the bill, as reported by the Senate*).

#### **Continuing Resolution**

H.J. Res. 68, provides FY 2006 appropriations for continuing projects and activities of the federal government through November 18, 2005; signed by President, September 30, 2005-- P.L. 109-77.

H.J. Res. 72, signed by President Bush on November 19, 2005, extends continuing resolution through December 17, 2005--P.L. 109-105.

H.J. Res. 75, signed by President Bush on December 18, 2005, extends continuing resolution through December 31, 2005—P.L. 109-128.

#### **GENERAL GOVERNMENT**

S. 115, **Notification of Risk to Personal Data Act**, introduced by **Feinstein** on 1/24/05—

requiring those federal agencies and persons engaged in interstate commerce, and in possession of electronic data containing personal information, to disclose any unauthorized acquisition of such information—referred to Judiciary. (See also: S. 751, S. 1326 and H.R. 1069).

S. 394, **Open Government Act of 2005**, introduced by **Cornyn** and **Leahy** on 2/16/05—establishing FOIA hotline services, either by telephone or on the Internet, to enable requestors to track the status of their requests; creating a new FOIA ombudsman, located at the Administrative Conference of the United States, to review agency FOIA compliance and provide alternatives to litigation; ensuring that the 20-day statutory clock runs immediately upon the receipt of the request; imposing real consequences on federal agencies for missing statutory deadlines; enhancing authority of the Office of Special Counsel to take disciplinary action against government officials who arbitrarily and capriciously deny disclosure; strengthening the reporting requirements on FOIA compliance to identify agencies plagued by excess delay and to identify excessive delays in fee status determines; improving personnel policies for FOIA official to enhance agency FOIA performance and examining the need for FOIA awareness training for federal employees—Judiciary Subcommittee on Terrorism, Technology and Homeland Security hearing held on 3/15/05. (See also: H.R. 867).

S. 457, **Purchase Card Waste Elimination Act of 2005**, introduced by **Collins** and **Feingold** on 2/18/05—requiring the Director of OMB to issue guidance for, and provide oversight of, the management of micro-purchases made with Government-wide commercial purchase cards—Homeland Security and Governmental Affairs ordered reported on 6/22/05.

S. 484, introduced by **Warner-Collins** on 3/1/05—authorizing federal retirees to pay health insurance premiums on a pre-tax basis—referred jointly to Ways and Means, Government Reform, and Armed Services. (See also: H.R. 994).

S. 494, **Federal Employee Protection of Disclosures Act**, introduced by **Akaka-Collins**, et al, on 3/2/05—clarifying Congressional intent regarding the scope of protection provided to whistleblowers; providing for an independent determination as to whether a whistleblower was retaliated against by the revocation of his/her security clearance; establishing a pilot program to suspend the Federal Circuit Court of Appeals' monopoly on federal employee whistleblower cases for a period of five years; and providing the Office of Special Counsel, which is charged with representing the interests of federal whistleblowers, the authority to file amicus briefs with federal courts in support of whistleblowers—Homeland Security and Governmental Affairs ordered reported on 4/13/05; report filed on 5/25/05 (S. Rept. 109-72); on Senate Calendar. (See also: H.R. 1317).

S. 619, **Social Security Fairness Act of 2005**, introduced by **Feinstein-Collins**, et al, on 3/14/05—repealing the Government pension offset and windfall elimination provisions—referred to Finance. (See also: H.R. 147).

S. 749, **Federal Prison Industries Competition in Contracting Act**, introduced by **Levin-Thomas**, et al, on 4/11/05—ending FPI's mandatory source status that protects it from competition, thus requiring FPI to compete for government contracts; and limiting the

circumstances under which prison services may be sold into the private sector economy—referred to Homeland Security and Governmental Affairs.

S. 751, **Notification of Risk to Personal Data Act**, introduced by **Feinstein** on 4/11/05—requiring federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information—referred to Judiciary. (See also: S. 115, S. 1326, S. 1789 and H.R. 1069).

S. 866, **Public Servant Retirement Protection Act of 2005**, introduced by **Hutchison** on 4/21/05—protecting the retirement of public servants by repealing the windfall elimination provisions—referred to Finance. (See also: H.R. 1714).

S. 981, **Reservists Pay Security Act of 2005**, introduced by **Durbin-Mikulski**, et al, on 5/9/05—ensuring that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred—referred to Homeland Security and Governmental Affairs. (See also: S. 989).

S. 989, **Reservists Pay Security Act of 2005**, introduced by **Durbin** and **Mikulski** on 5/10/05—ensuring that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred—referred to Homeland Security and Governmental Affairs. (See also: S. 981). *(Note: The language of this bill was subsequently offered as an amendment to S. 1042, the FY 2006 Defense Authorization Act, however, action on the amendment was postponed after the Senate failed to invoke cloture on the bill on 7/26/05. S. 1042 was returned to the Senate Calendar.)*

S. 1018, **Federal Employee Commuter Benefits Act of 2005**, introduced by **Sarbanes** on 5/12/05—providing that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; allowing passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities—referred to Homeland Security and Governmental Affairs.

S. 1130, **Democracy Day Act of 2005**, introduced by **Stabenow** on 5/26/05—treating the Tuesday next after the first Monday in November as a legal public holiday for purposes of federal employment—referred to Judiciary. (See also: H.R. 63).

S. 1155, **Commission on the Accountability and Review of Federal Agencies (CARFA) Act**, introduced by **Brownback-Alexander**, et al, on 5/26/05—establishing a commission to conduct a comprehensive review of Federal agencies and programs; and recommending the elimination or

realignment of duplicative, wasteful, or outdated functions—referred to Homeland Security and Governmental Affairs. (See also: H.R. 2470).

S. 1169, the **Federal Agency Data-Mining Reporting Act**, introduced by **Feingold-Sununu**, et al, on 6/6/05—requiring all federal agencies to report to Congress, within 90 days of enactment, and every year thereafter, on data-mining programs developed and used to find a pattern indicating terrorist or other criminal activity and how these programs implicate the civil liberties and privacy of all Americans—referred to Judiciary.

S. 1326, **Notification of Risk to Personal Data Act**, introduced by **Sessions** on 6/28/05—requiring agencies, and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft—referred to Judiciary; Reported by Specter, 10/20/05, without written report; placed on Senate Legislative Calendar. (See also: S. 115, S. 751 and H.R. 1069).

S. 1399, **The Government Reorganization and Program Performance Improvement Act of 2005**, introduced by **Thomas** on 7/14/05—authorizing establishment, in the Executive Branch, of one or more Results Commissions to improve the overall effectiveness, efficiency, or accountability of Executive Branch operations through reorganization; and establishing a Sunset Commission to review the performance of, and need for, executive branch agencies and programs at least once every ten years—referred jointly to Homeland Security and Governmental Affairs. (See also: H.R. 3276).

S. 1495, **The Obligation of Funds Transparency Act of 2005**, introduced by **McCain** and **Coburn** on 7/26/05—prohibiting Federal agencies from obligating funds for appropriations earmarks included only in congressional reports—referred to Homeland Security and Governmental Affairs.

S. 1789, **Personal Data Privacy and Security Act of 2005**, introduced by **Specter, Leahy, Feinstein** and **Feingold** on 9/29/05--to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information—referred to Judiciary; Reported by Specter with amendment in the nature of a substitute (no written report) 11/17/05; Placed on Calendar. (See also: S. 115, S. 1326, S. 1789, and H.R. 1069).

S. 1890, **Government Settlement Transparency Act of 2005**, introduced by **Baucus** on 10/19/2005--amends the Internal Revenue Code to provide that no deduction shall be allowed for any fine or penalty paid to, or at the direction of, a government or nongovernmental regulatory entity for a violation of law or for the investigation or inquiry by such government or entity into a potential violation of any law; requires governmental agencies involved in a settlement with a taxpayer to report to the Secretary of the Treasury and the taxpayer information about such settlement, including the amount of the settlement, the amount paid as restitution or remediation of property, and the amount paid to come into compliance with law—referred to Finance.

S. Con. Res. 8, introduced by **Sarbanes-Collins**, et al, on 2/1/05—expressing the sense of the Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the U.S.—referred to Homeland Security and Governmental Affairs. (See also: H. Con. Res. 40).

H.R. 63, **Democracy Day Act of 2005**, introduced by **Conyers-Nadler**, et al, on 1/4/05—designating the Tuesday next after the first Monday in November (election day) as a Federal holiday—referred to Government Reform. (See also: S. 1130).

H.R. 147, **Social Security Fairness Act of 2005**, introduced by **McKeon-Berman**, et al, on 1/4/05—repealing the Government pension offset and windfall elimination provisions—referred to Ways and Means. (See also: S. 619).

H.R. 185, **Program Assessment and Results Act**, introduced by **Platts** and **Tom Davis** on 1/4/05—requiring the Director of the OMB, to the maximum extent practicable, to conduct an assessment of each Federal program at least once every five fiscal years and to report its findings to Congress at the same time the President submits its budget to Congress; changing the date for submission of strategic plans to September 30 of each year following a Presidential election, beginning with September 30, 2005; and reducing, from five to four years, the period of coverage of strategic plans—Government Reform ordered reported on 3/10/05; report filed on 3/17/05 (H. Rept. 109-26); on House Calendar.

H.R. 220, **Identity Theft Prevention Act of 2005**, introduced by **Paul-Bartlett-Henchey** on 1/4/05—prohibiting the establishment in the Federal Government of any uniform national identifying number; and prohibiting Federal agencies from imposing standards for identification of individuals on other agencies or persons—referred jointly to the Committees on Ways and Means and Government Reform.

H.R. 475, **Family and Medical Leave Inclusion Act**, introduced by **Maloney-DeLauro**, et al, on 2/1/05—permitting leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent suffering from a serious health condition—referred jointly to Education and the Workforce, Government Reform, and House Administration.

H.R. 476, **Family and Medical Leave Enhancement Act of 2005**, introduced by **Maloney-DeLauro**, et al, on 2/1/05—permitting employees to take, as additional leave, parental involvement leave to participate in, or attend, their children's and grandchildren's educational and extracurricular activities; and clarifying that leave may be taken for routine family medical needs and to assist elderly relatives—referred jointly to Education and the Workforce, Government Reform and House Administration.

H.R. 480, introduced by **James Moran-Hoyer**, et al, on 2/1/05—clarifying the method for computing part-time service annuities under the Civil Service Retirement System—referred to Government Reform.



H.R. 633, introduced by **Hoyer-Kilpatrick**, et al, on 2/8/05—increasing the level of Government contributions under the Federal employees health benefits program—referred to Government Reform.

H.R. 692, introduced by **Bilirakis** on 2/9/05—**Civil Service Retirement and Disability Fund—Off-Budget**—referred to Budget and Government Reform.

H.R. 725, **Paperwork and Regulatory Improvements Act of 2005**, introduced by **Rogers** on 2/9/05—reforming federal paperwork and regulatory processes—referred to Government Reform.

H.R. 867, **Open Government Act of 2005**, introduced by **Lamar** and **Smith** on 2/16/05—establishing FOIA hotline services, either by telephone or on the Internet, to enable requestors to track the status of their requests; creating a new FOIA ombudsman, located at the Administrative Conference of the United States, to review agency FOIA compliance and provide alternatives to litigation; ensuring that the 20-day statutory clock runs immediately upon the receipt of the request; imposing real consequences on federal agencies for missing statutory deadlines; enhancing authority of the Office of Special Counsel to take disciplinary action against government officials who arbitrarily and capriciously deny disclosure; strengthening the reporting requirements on FOIA compliance to identify agencies plagued by excess delay and to identify excessive delays in fee status determines; improving personnel policies for FOIA official to enhance agency FOIA performance and examining the need for FOIA awareness training for federal employees—referred to Government Reform. (See also: S. 394).

H.R. 973, **Program Reform Commission Act**, introduced by **Smith-Shays**, et al, on 2/17/05—establishing the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs; and expressing the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations—referred to Government Reform.

H.R. 994, introduced by **Tom Davis-Porter**, et al, on 3/1/05—authorizing federal retirees to pay health insurance premiums on a pre-tax basis—referred jointly to Ways and Means; Government Reform; and Armed Services; Government Reform Subcommittee on Federal Workforce and Agency Organization ordered reported to full Committee on 5/17/05; full Committee on Governmental Affairs ordered reported on 6/16/05. (See also: S. 484).

H.R. 1069, **Notification of Risk to Personal Data Act**, introduced by **Bean-Emanuel**, et al, on 3/3/05—requiring those Federal agencies and persons engaged in interstate commerce, and in possession of electronic data containing personal information, to disclose any unauthorized acquisition of such information; requiring financial institutions to disclose to customers and consumer reporting agencies any unauthorized access to personal information; and requiring consumer reporting agencies to implement a fraud alert with respect to any consumer when the agency is notified of any such unauthorized access—referred jointly to Energy and Commerce; Government Reform and Financial Services. (See also: S. 115, S. 751 and S. 1326).

\* H.R. 1268, Supplemental Appropriations, FY 2005—**Public Law 109-13, approved 5/11/05.**

**Senate Floor Action**

Durbin amendment ensuring that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred—**Amendment agreed to, by a voice vote, on 4/13/05. (Amendment stripped in conference.) (Note: Senator Durbin also offered this amendment to S. 1042, the FY 2006 Defense Authorization Act. However, the Senate failed to reach cloture on S. 1042 and it was returned to the Senate Calendar).**

H.R. 1271, introduced by **Tom Davis** on 3/14/05—repealing provision relating to privacy officers in the Consolidated Appropriations Act, 2005—referred to Government Reform.

\* H.R. 1283, introduced by **Moran-Van Hollen**, et al, on 3/14/05—providing that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; allowing passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities—Government Reform Subcommittee on Federal Workforce and Agency Organization ordered reported to full Committee on 5/17/05; full Committee ordered reported on 6/16/05. (Note: Subsequently attached to H.R. 3, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or SAFETEA-LU—**Section 3049**, which became Public Law 109-59, approved 8/10/05).

H.R. 1317, **Federal Employee Protection of Disclosures Act**, introduced by **Platts-Blumenauer**, et al, on 3/15/05—clarifying which disclosures of information are protected from prohibited personnel practices; requiring a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms and agreements are consistent with certain disclosure protections—Government Reform ordered reported (amended) 34-1 on 9/29/05. (See also: S. 494).

H.R. 1642, **Obligation of Funds Transparency Act of 2005**, introduced by **Flake-Knecht**, et al, on 4/14/05—prohibiting Federal agencies from obligating funds for appropriations earmarks included only in Congressional reports—referred jointly to Government Reform and Rules.

H.R. 1714, **Public Servant Retirement Protection Act of 2005**, introduced by **Brady-Paul**, et al, on 4/20/05—protecting the retirement of public servants by repealing the windfall elimination provision—referred to Ways and Means. (See also: S. 866).

H.R. 1739, **FERS Redeposit Act**, introduced by **Moran-Kolbe**, et al, on 4/20/05—permitting individuals who return to Government service after receiving a retirement refund to recapture credit for the service covered by that refund by repaying the amount that was received, with interest—referred to Government Reform.

H.R. 2066, **General Services Administration Modernization Act**, introduced by **Tom Davis** and **Hunter** on 5/4/05—replacing the General Supply Fund and Information Technology Fund with an Acquisition Services Fund; abolishing the General Supply Fund and the Information Technology Fund in the Treasury and transferring remaining capital assets and balances in such Funds to the Acquisition Services Fund; requiring that the Acquisition Services Fund be credited with all reimbursements, advances, and refunds, or recoveries relating to personal property or services procured through the Fund; requiring the Administrator of GSA to establish rates to be charged agencies provided, or to be provided, personal property and non-personal services through the Fund; authorizing the use of the Fund for personal IT services and permitting the Administrator to fix prices at levels sufficient to recover the cost of personal services employed directly in providing information technology—Government Reform ordered reported on 5/5/05; report filed on 5/23/05 (H. Rept. 109-91); Passed House, by voice vote, on 5/23/05; referred to Senate Committee on Homeland Security and Governmental Affairs.

H.R. 2067, **Acquisition System Improvement Act**, introduced by **Tom Davis** and **Hunter** on 5/4/05—providing for an improved Federal acquisition system—referred jointly to Government Reform and Armed Services.

H.R. 2470, **Commission on the Accountability and Review of Federal Agencies Act**, introduced by **Tiahrt** on 5/18/05—establishing a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions—referred to Government Reform and Rules. (See also: S. 1155).

H.R. 2489, **Improving Government Accountability Act**, introduced by **Cooper**, **Shays** and **Van Hollen** on 5/19/05—enhancing the independence of the Inspectors General; and creating a Council of the Inspectors General on Integrity and Efficiency—referred to Government Reform.

H.R. 2671, **Vision Preservation Act of 2005**, introduced by **Green-Ros-Lehtinen**, et al, on 5/26/05—providing for the expansion of Federal programs to prevent and manage vision loss—referred jointly to Energy and Commerce, and Ways and Means.

H.R. 2752, introduced by **Andrews** on 6/7/05—making available to Federal employees the option of obtaining health benefits coverage for dependent parents—referred to Government Reform.

H.R. 3097, **Federal Employee Protection of Disclosures Act**, introduced by **Platts** on 6/28/05—clarifying which disclosures of information are protected from prohibited personnel practices; requiring a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms and agreements are consistent with certain disclosure protections—referred to Government Reform.

H.R. 3128, **Clarification of Federal Employment Protections Act**, introduced by **Waxman-Shays**, et al, on 6/30/05—affirming that Federal employees are protected from discrimination on the basis of sexual orientation; and repudiating any assertion to the contrary—referred to Government Reform.

H.R. 3201, **Health Care Relief for Military Families Act**, introduced by **Andrews** on 7/11/05—requiring executive agencies to pay the premiums for health care coverage provided under the Federal Employees Health Benefits Program for reservists in the Armed Forces called or ordered to active duty for more than 30 days—referred to Government Reform. (See also: S. 1399).

H.R. 3276, **Government Reorganization and Improvement of Performance Act**, introduced by **Porter-Tom Davis-Brady** on 7/14/05—establishing Results Commissions to improve the results of executive branch agencies on behalf of the American people—referred jointly to Government Reform and Rules—Government Reform subcommittee hearing scheduled for 9/27/05.

H.R. 3277, **Federal Agency Performance Review and Sunset Act**, introduced by **Brady-Tom Davis-Porter** on 7/14/05—establishing the Sunset Commission to review and maximize the performance of all Federal agencies and programs—referred jointly to Government Reform and Rules—Government Reform subcommittee hearing 9/27/05.

H.R. 3282, **Abolishment of Obsolete Agencies and Federal Sunset Act of 2005**, introduced by **Brady-Baker**, et al, on 7/14/05—providing for the periodic review of the efficiency and public need for Federal agencies; establishing a Commission for the purpose of reviewing the efficiency and public need of such agencies; and providing for the abolishment of agencies for which a public need does not exist—referred to Government Reform.

H.R. 3750, introduced by **Lewis** on 9/13/05—temporarily increasing the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code and to temporarily increase the reimbursement rate for use of an automobile by Federal employees—referred jointly to Ways and Means and Government Reform.

H.R. 4127, introduced by **Stearns** on 10/25/05—requiring reasonable security policies and procedures to protect computerized data containing personal information and to provide for nationwide notice in the event of a security breach--referred to Energy and Commerce.

H.R. 4316, **Electronic Waste Recycling Promotion and Consumer Protection Act**, introduced by **Millender-McDonald** on 11/14/2005—requiring recycling of display screens and system units procured by federal government and other consumers--referred to Ways and Means, Energy and Commerce and Government Reform.

H.R.4526, **Government Waste Reduction Act of 2005**, introduced by **Barrett** on 12/14/05, to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2011 and to extend paygo for direct spending--referred to Budget and Rules.

H. Con. Res. 40, introduced by **Hoyer-Davis**, et al, on 2/1/05—expressing the sense of the Congress that, for fiscal year 2006, rates of compensation for civilian employees should be

adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services—referred to Government Reform. (See also: S. Con. Res. 8).

## **MISCELLANEOUS**

S. 920, **Presidential Succession Act of 2005**, introduced by **Cornyn** on 4/27/05—providing that the Secretary of Homeland Security, the U.S. Ambassador to the United Nations, and the U.S. Ambassadors to each of the four other permanent members of the U.N. Security Council—Great Britain, Russia, China, and France—be added to the Presidential line of succession; eliminating the requirement that a cabinet secretary resign in order to succeed to the Presidency; eliminating the ability of the House Speaker or Senate President pro tempore to assert their right, under current law, to take over the reins from a cabinet officer holding office as Acting President; ensuring that only individuals who are actually confirmed to the Cabinet-level office are eligible to serve in the line of succession; expressing the sense of the Congress that, prior to their political party's nominating conventions, candidates for President and Vice President should announce individuals who should be chosen by members of the Electoral College in the event that either the Presidential or Vice Presidential nominee is killed or permanently incapacitated prior to the Electoral College vote and advising the political parties to craft rules and procedures consistent with these principles; and stating the sense of the Congress that, in the event of the election of a new President, the outgoing Administration should work together to ensure a smooth transition—referred to Rules and Administration. (See also: H.R. 1943).

S. 1975, the **Deceptive Practices and Voter Intimidation Act of 2005**, introduced by **Obama** on 11/8/05, to amend Title 42 to prohibit persons from knowingly deceiving another person about the time, place, or manner of a federal election or the qualifications for or restrictions on voter eligibility—referred to Rules.

S.J. Res. 11, introduced by **Feinstein** on 3/16/05—proposing a Constitutional amendment to abolish the Electoral College; and providing for the direct popular election of the President and Vice President—referred to Judiciary. (See also: H.J. Res. 50).

H.R. 1647, **Election Weekend Act of 2005**, introduced by **Hastings-Honda**, et al, on 4/14/05—requiring that general federal elections be held during the first consecutive Saturday and Sunday in November—referred to House Administration.

H.R. 1943, **Presidential Succession Act of 2005**, introduced by **Sherman** on 4/27/05—providing that the Secretary of Homeland Security, the U.S. Ambassador to the United Nations, and the U.S. Ambassadors to each of the four other permanent members of the U.N. Security Council—Great Britain, Russia, China, and France—be added to the Presidential line of succession; eliminating the requirement that a cabinet secretary resign in order to succeed to the Presidency; eliminating the ability of the House Speaker or Senate President pro tempore to assert their right, under current law, to take over the reins from a cabinet officer holding office as Acting President; ensuring that only individuals who are actually confirmed to the Cabinet-level office are eligible to serve in the line of succession; expressing the sense of the Congress that, prior to their political party's nominating conventions, candidates for President and Vice President should

announce individuals who should be chosen by members of the Electoral College in the event that either the Presidential or Vice Presidential nominee is killed or permanently incapacitated prior to the Electoral College vote and advising the political parties to craft rules and procedures consistent with these principles; and stating the sense of the Congress that, in the event of the election of a new President, the outgoing Administration should work together to ensure a smooth transition—referred to Rules and Administration. (See also: S. 920).

H.R. 2412, **Special Interest Lobbying and Ethics Accountability Act of 2005**, introduced by **Meehan-Emanuel**, et al, on 5/17/05—directing the Clerk of the House and *the FEC* to establish a system to provide direct hyperlinks between information disclosed by registered lobbyists and campaign finance disclosures for federal candidates—referred jointly to Judiciary, Standards of Official Conduct, and Rules.

H.R. 3177, **Lobby Gift Ban Act of 2005**, introduced by **George Miller** on 6/30/05—prohibiting registered lobbyists from making gifts to Members of Congress and congressional employees—referred jointly to Judiciary and Rules.

H.R. 4140, **Ensuring Ballot Access for Hurricanes Katrina and Rita Act of 2005**, introduced by **Millender-McDonald** on 10/25/05—directs Election Assistance Commission to make grants to states to restore and replace election administration supplies, materials, and equipment damaged by Hurricanes Katrina or Rita—referred to House Administration.

H.R. 4141, introduced by **Millender-McDonald** on 10/25/05—amends Help America Vote Act of 2002 to permit individuals to use a national write-in absentee ballot to cast votes in elections for federal office—referred to House Administration.

H.R. 4225, introduced by **DeLauro** on 11/3/05—amends the Help America Vote Act of 2002 to require that the addresses of victims of domestic violence, which are included in states' computerized voter registration lists, be kept confidential—referred to House Administration.

H.R. 4364, **Public Prayer Protection Act of 2005**, introduced by **Barrett**, 11/17/2005, to protect the rights of elected and appointed officials to express their religious beliefs through public prayer—referred to Judiciary.

H.J. Res. 2, introduced by **Conyers** and **Sherman** on 1/4/05—proposing a Constitutional amendment to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 20 years, to be eligible to hold the Office of President—referred to Judiciary. (See also: H.J. Res. 15 and H.J. Res. 42).

H.J. Res. 15, introduced by **Rohrabacher** on 2/1/05—proposing a Constitutional amendment to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 20 years, to be eligible to hold the Office of President—referred to Judiciary. (See also: H.J. Res. 2 and H.J. Res. 42).

H.J. Res. 17, introduced by **Engel-Hastings**, et al, on 2/9/05—proposing a Constitutional

amendment providing for the direct election of the President and Vice President by popular vote—referred to Judiciary. (See also: H.J. Res. 36).

H.J. Res. 36, introduced by **Jesse Jackson** on 3/2/05—providing for the direct popular election of the President and Vice President—referred to Judiciary. (See also: H.J. Res. 17).

H.J. Res. 42, introduced by **Snyder** on 4/14/05—proposing a Constitutional amendment to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 35 years, to be eligible to hold the offices of President and Vice President—referred to Judiciary. (See also: H.J. Res. 2 and H.J. Res. 15).

H.J. Res. 50, introduced by **Lofgren** on 5/12/05—proposing a Constitutional amendment to abolish the Electoral College and providing for the direct election of the President—referred to Judiciary. (See also: S.J. Res. 11).

### **PRESIDENTIAL PUBLIC FUNDING**

H.R. 45, **Political Convention Reform Act of 2005**, introduced by **Bartlett** on 1/4/05—prohibiting the use of Presidential Election Campaign Funds for party conventions—referred to House Administration.

H.R. 850, introduced by **Hoyer-Ney** on 2/16/05—establishing a uniform date for the release of payments from the Presidential Election Campaign Fund to eligible candidates for election to the office of President of the United States—referred to House Administration.

### **TERM LIMITS**

S.J. Res. 3, introduced by **Vitter** on 2/10/05—proposing a Constitutional amendment limiting House members to six terms and Senators to two terms—referred to Judiciary. (See also: H.J. Res. 11).

H.J. Res. 9, introduced by **Serrano** on 1/4/05—proposing a Constitutional amendment to repeal the twenty-second amendment, thereby removing the limitation on the number of terms an individual may serve as President—referred to Judiciary.

H.J. Res. 11, introduced by **Platts** on 1/25/05—proposing a Constitutional amendment limiting Senators to two full consecutive terms, but permitting a Senator to serve again one year after the end of a second full consecutive term; and limiting House Members to six full consecutive terms, but permitting a House Member to serve again one year after the end of the sixth full consecutive term—referred to Judiciary. (See also: S.J. Res. 3).

H.J. Res. 24, introduced by **Hoyer-Berman**, et al, on 2/17/05—proposing a Constitutional amendment to repeal the twenty-second amendment, thereby removing the limitation on the number of terms an individual may serve as President—referred to Judiciary.