H. RES. 6
(104th Congress)

SECTION-BY-SECTION ANALYSIS

Adopting Rules for the 104th Congress

January 5, 1995

[Pages H33-38][1]

TITLE I
CONTRACT WITH AMERICA: A BILL OF ACCOUNTABILITY

Title I of the resolution contains eight sections relating to the "Opening Day Checklist" of House reforms contained in the "Contract with America." Each section is preceded by an identical introductory paragraph adopting the rules of the previous Congress together with the amendment(s) in that section in order to permit a division of the question vote on each section.

SEC. 101. COMMITTEE, SUBCOMMITTEE AND STAFF REFORMS:

(a) COMMITTEE STAFF REDUCTIONS.—Subsection (a) requires that the number of House committee staff in the 104th Congress be at least one-third less than the corresponding total in the 103rd Congress. It is the intent of the resolution that this reduction be achieved at the outset of the new Congress. The Committee on House Oversight will be responsible for overseeing the reductions and enforcing them through the committee funding process.

(b) SUBCOMMITTEE REDUCTIONS.—Subsection (b) replaces clause 6(d) of House rule X which currently requires all committee having more than 20 members to establish at least four subcommittees. In its place, the new paragraph requires that committees establish no more than six subcommittees. The only exceptions are the committees on Appropriations (13). Government Reform and Oversight (7), and Transportation and Infrastructure (6).

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[1] This summary material and section-by-section was placed in the Congressional Record (See Volume 141, No. 1; January 4, 1995, 104th Congress, 1st Session).

This paragraph should be read in the context of sec. 204 of the resolution which limits Members to no more than four subcommittee assignments. In that section, subcommittee is defined as "any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a standing committee that is established for a cumulative period longer than six months in any Congress." The intent of these two limitations is to make both Member and committee work more deliberative, participatory, and manageable by reducing scheduling conflicts and jurisdictional overlap. This is especially important given the ban on proxy voting in committees.

(c) CONSOLIDATED COMMITTEE STAFF AND BIENNIAL FUNDING.—

Subsection (c) amends clause 5 of rule XI ("Committee Expenses") in two important respects. First, it requires that all committee staff salaries and expenses be authorized in an expense resolution reported by the Committee on House Oversight. At present, only investigative staff salaries and expenses are funded through expense resolutions while so-called statutory staff (see amendments to rule XI clause 6 below), are paid for directly from appropriations.

Second, the subsection provides for one primary expense resolution per Congress instead of one each session. This is the system currently in effect in the Senate. The purpose for the biennial resolution is to permit committee to plan for a full Congress and to free-up the time otherwise consumed by the House and its committees on processing two budgets per Congress. The ability of committees to request additional or supplemental expense resolutions in a Congress is preserved. The only committee exempted from this consolidated funding process will be Appropriations which has been traditionally exempt to avoid undue pressures on its funding decisions. The Budget Committee, which has been exempt from the funding process since its formation in 1975, would be brought under the funding process by this rule change.

The resolution contains a free-standing, interim funding rule for committees until their expense resolutions are adopted. This permits committees to incur expenses consistent with their planned staff reductions. Clause 5(d) of rule XI is amended to require that committee chairmen make available to each subcommittee sufficient staff to carry out its responsibilities under committee rules, and that the minority is treated fairly in the appointment of subcommittee staff. This replaces an existing provision which entitles each subcommittee chairman and ranking minority member to appoint one staff person at a rate of pay up to 75% of the maximum allowable for committee staff. It is the intent of this provision to reestablish the primacy of

committees over subcommittees while maintaining the ability of subcommittees to carry out their functions as arms of the parent committee. Nothing in this rule would prevent a committee chairman from allowing a subcommittee chairman to nominate a staff member for approval, either as a matter of policy or committee rule. But, it places ultimate authority over all committee staff in the full committee chairman and restores the line of responsibility of all such staff to the full committee.

Subsection (d) amends clause 6 of rule XI ("Committee Staffs") in several respects. First, it eliminates the distinction between professional and clerical staff so that all 30 of the core committee staff are termed "professional." Under existing rules, each committee may appoint 18 professional and 12 clerical staff, with the minority entitled to one-third of each category. The one- third guarantee to the minority is retained, but with the difference that it would apply even if the committee appoints fewer than 30 staff.

The existing conditions that committee staff engage only in committee business during congressional working hours and not be assigned duties other than committee business are retained. However, the rule is amended to recognize the existence of shared or associate staff who may be paid from both Member clerk hire as well as committee funds. In such cases, the chairman must certify that their committee work is commensurate with their pay. It is the intent of this rule to permit a chairman to require by committee rule or policy that a supervising [p. H34] Member first certify the same to the chairman if a staff member is not working directly under the chairman. The new rule also makes clear that the employment of such shared or committee staff is subject to such terms, conditions, or limitations as may be established by the

Committee on House Oversight

SEC. 102. TRUTH-IN-BUDGETING BASELINE REFORM:

Subsection (a) amends House rule XI, clause 2(l)(3), relating to the contents of committee reports, to require that cost estimates submitted for reports on measures providing new budget authority shall include, when practicable, a comparison of the total estimated funding for the program (or programs), to the appropriate levels under current law.

Subsection (b) inserts similar language in clause 7(a) of rule XIII, relating to cost estimates in committee reports (other than those of the Committees on Appropriations, Rules, House Oversight, and Standards of Official Conduct).

These provisions apply to individual pieces of legislation and not to the budget in its entirety. The changes as they relate to discretionary spending authorizations will require that the cost estimates show the entire amount being authorized by current law. In virtually all instances this will be the entire amount of the program because the authorization will be either extending an expired authorization (in which case the current law is zero) or expanding an existing authorization (in which case the current law for expansion will be zero). Therefore, the rule will require that cost estimates for all legislation providing discretionary spending authorization show the entire amount being authorized. Cost estimates for discretionary appropriations will likewise show the entire amount being appropriated.

The rule as applied to entitlement legislation will require that the cost estimate show the entire amount of spending estimated to occur due to the proposed legislation as well as the amount estimated under current law. This is a change from the previous method of scoring entitlement legislation which only showed the change from current law. Thus, if proposed entitlement legislation provides a lower rate of increase in spending than current law, the cost estimate will show that spending is increasing under the proposed legislation whereas previously the cost estimate would have shown only a reduction from current law.

SEC. 103. TERM LIMITS FOR SPEAKER, COMMITTEE AND SUBCOMMITTEE CHAIRMEN:

Subsection (a) amends rule I ("Duties of the Speaker") by adding a new clause 8 at the end which prohibits any person from serving as House Speaker for more than four consecutive terms (excluding any service for less than a session of Congress), beginning with the 104th Congress. The eight year limit is consistent with the spirit of the current two-term limit on Presidents, with the exception of the term "consecutive." While the rule cannot be made binding on future Congresses, since each has the constitutional authority to make its own rules, it does set a standard to go by which has been encouraged and agreed to by the new Speaker in the 104th Congress.

Subsection (b) amends clause 6(e) of rule X which currently provides that all vacancies on House standing committees shall be filled by election by the House from nominations submitted by the respective party caucus or conference. The new sentence provides that no Member may serve as the chairman of the same standing committee or subcommittee for more than three consecutive Congresses, beginning with the 104th Congress. The purpose of this new limitation is not merely to allow other Members to assume leadership responsibilities sooner, but more

importantly to prevent stagnation or too close a relationship to develop between committee leaders and the interests they oversee at the expense of balanced oversight and legislation.

SEC. 104. PROXY VOTING BAN:

Subsection (a) amends House rule XI, clause 2, which currently permits proxy voting in committees, by prohibiting the use of proxies by any Member on any measure or matter before a committee. Subsection (b) simply makes a conforming change in clause 2(e)(1) of rule XI by striking a reference to proxy voting.

The main purpose for this change is to ensure greater participation in committee deliberations and decisions so that the legislative product will be more representative and developed than if produced by a few members present. The overall aim of many of the committee reforms is to restore committees as the legislative workshops of the House.

This rule does not apply to House-Senate conference committees which operate under joint rules agreed to by a particular conference. Conference committees, for instance, do not require an actual meeting to sign the report (though they must hold at least one meeting at some point) – only a majority of conferees from each House to sign the report.

SEC. 105. COMMITTEE SUNSHINE RULES:

Subsection (a) amends clause 2(g)(1) of rule XI, relating to open meetings to require that meetings which are open to the public shall also be open to the broadcast and photographic media. It also requires that meetings may only be closed by majority vote, with a majority present, if it is determined that matters to be disclosed would endanger national security, compromise sensitive law enforcement information, tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House. The subsection also strikes a provision allowing for a meeting to be closed to discuss internal budget or personnel matters.

Under present House rules, a committee must vote to approve coverage of a meeting by radio, television and still photography. And, a meeting may be closed for any purpose by majority vote.

Subsection (b) amends clause 2(g)(2) of rule XI, relating to open committee hearings, to require that any hearing open to the public is also open to the broadcast and photographic media and may only be closed by majority vote, a majority being present, for the same reasons stated in the open meeting rule above.

The present House rule requires a majority vote to open a hearing to the broadcast and photographic media. It also

prohibits closing a meeting except for all of the specified reasons above except one: the new rule adds the condition relating to the disclosure of "sensitive law enforcement information."

Unchanged is the present rule provision permitting a majority of a committee hearing quorum (which could be as few as two members if a committee has adopted such a quorum requirement as permitted by House rules) to vote to close a hearing either to discuss whether testimony or evidence to be received would endanger national security or, in the case of an investigatory hearing, would tend to defame, degrade or incriminate any person (see clause 2(k)(5) of rule XI); or if a majority of the same hearing quorum makes a determination at an investigatory hearing that testimony or evidence to be disclosed would tend to defame, degrade or incriminate any person.

Subsection (c) amends clause 3(d) of rule XI, relating to the broadcasting of committee meetings or hearings, by striking the clause that makes coverage by the audio and visual media "a privilege made available by the House."

This reflects the new requirement that public meetings and hearings are automatically open to these media and does not require an affirmative vote of the committee.

Subsection (d) amends paragraph (e) of clause 3, rule XI, by eliminating the requirement that a committee must vote to permit audio and visual media coverage except as provided in paragraph (f)(2). Paragraph (f)(2), which permits a subpoenaed witness to demand that audio and visual coverage of that witness' testimony be prohibited, remains unchanged under the new rule. The subsection also provides that a committee or subcommittee may not limit television or photographic coverage to less than two representatives of each medium except for legitimate space or safety considerations, in which case pool coverage shall be authorized.

SEC. 106. LIMITATIONS ON TAX INCREASES:

Subsection (a) amends clause 5 of rule XXI by adding a new paragraph (c) at the end requiring a three-fifths vote of the House to pass or agree to any bill, joint resolution, amendment or conference report carrying a Federal income tax rate increase. The three-fifths vote would be of those present and voting. This should be read in the context of section 214 of the resolution which requires an automatic rollcall vote in the House on the final passage of any bill, joint resolution or conference report carrying a Federal income tax rate increase.

Subsection (b) adds a new paragraph (d) to clause 5 or rule XXI prohibiting the consideration of any bill, joint resolution, amendment or conference report carrying a retroactive Federal

income tax rate increase. For purposes of these rules the term "Federal income tax rate increase" is, for example, an increase in the individual income tax rates established in section 1, and the corporate income tax rates established in section 11, respectively, of the Internal Revenue Code of 1986.

SEC. 107. COMPREHENSIVE HOUSE AUDIT:

This section is a free-standing requirement that the Inspector General of the House, during the 104th Congress, in consultation with the Speaker and the Committee on House Oversight, conduct a comprehensive audit of House financial records and administrative operations, be authorized to contract with independent auditing firms for such purposes, and report the results of the audit as provided in House rule VI ("Office of Inspector General"), which requires the submission of any audit reports simultaneously to the Speaker, majority leader, and the chairman and ranking minority members of the

Committee on House Oversight.

SEC. 108. CONSIDERATION OF THE "CONGRESSIONAL ACCOUNTABILITY ACT":

Sec. 108 is a free-standing, special rule, permitting the consideration in the House, at any time after the adoption of the House rules' resolution, of H.R. 1 (104th Congress), a bill to make certain laws applicable to the legislative branch of the Federal Government, if offered by the majority leader or a designee. The special rule provides for one-hour of debate controlled equally by the majority and minority leaders, or their designees, and orders the previous question to final passage without intervening motion except one motion to recommit. The bill would not be subject to amendment unless offered as part of amendatory instructions in the motion to recommit.

TITLE II. GENERAL

Title II consists of 23 additional sections under a single introductory paragraph adopting the rules of the 103rd Congress together with the further amendments contained in those sections. As such, the 23 sections would not be subject to a division of the question [p. H35] and separate votes. These would be a single vote on Title II following debate on it (and on any vote on a motion to commit).

SEC. 201. ADMINISTRATIVE REFORMS:

Subsection (a) strikes from rule II references to the Doorkeeper as an elected House Officer (the office is abolished) and add the office of Chief Administrative Officer as a newly elected Officer of the House.

Subsection (b) amends rule III ("Duties of the Clerk") by adding two new clauses, 7 and 8, requiring the Clerk to make semi-annual reports on finances and operations of the Office, to the Committee on House Oversight, and to cooperate with the appropriate offices and persons conducting performance reviews and audits of the Office's finances and operations.

Subsection (c) amends House rules IV, V, and VI as follows:

Rule IV ("Duties of the Sergeant-at-Arms"), is amended to reflect the assumption by the Sergeant-at-Arms of certain duties and responsibilities previously under the Doorkeeper; to require semi-annual reports be made to the Committee on House Oversight regarding the finances and operations of the Office; and to require cooperation with appropriate persons in the performance of reviews and audits.

Rule V, previously relating to the "Duties of the Doorkeeper," is replaced by a new rule relating to the "Chief Administrative Officer" who shall assume many of the duties and functions previously vested in the Director of Non-Legislative and Financial Services (rule VI, clause 1, 103rd Congress). Specifically, the Chief shall have operational and financial responsibility for functions assigned by the Speaker and Committee on House Oversight, subject to their policy direction and oversight. In addition, the Chief shall make semi-annual reports to the Committee on House Oversight on the finances and operations of the Office, and cooperate fully with appropriate offices and persons conducting performance reviews and audits.

Rule VI, previously relating to the Director of Non-Legislative and Financial Services and the Office of Inspector General, is replaced by a new rule establishing the Office of Inspector General. The Office of Director of Non-legislative and Financial Services would be abolished by the adoption of this new rule.

As with the previous rule VI, clause 2, the Inspector General is to be appointed by the Speaker, majority leader, and minority leader, acting jointly. The Inspector General would be subject to the policy direction and oversight of the Committee on House Oversight, and would be responsible for conducting periodic audits of the financial and administrative functions of the House and joint entities. The audit responsibilities of the previous Inspector General were confined to the financial functions under

the Director of Non-legislative and Financial Services, the Clerk, the Sergeant-at-Arms and the Doorkeeper.

The new responsibilities are therefore broadened to include all financial and administrative functions of the House and joint entities. The existing reporting and consultation requirements regarding any audits would be retained.

Specifically, the Inspector General would be required to report simultaneously to the Speaker, majority leader, and the chairman and ranking minority member of the Committee on House Oversight any financial irregularities discovered, as well as on the final results of any audit.

Moreover, the Inspector General is required to report to the Committee on Standards of Official Conduct any potential violations of House rules or laws applicable to the performance of official duties or the discharge of official responsibilities of any Member, officer or employee of the House. The Committee on Standards of Official Conduct would retain existing authority to refer any possible law violations to the appropriate Federal or State authorities, subject to House approval, under clause 4(e)(1)(C) of rule X.

Subsection (d) eliminates clause 3(j) of rule X which established a bipartisan Subcommittee on House Oversight of the former Committee on House Administration for the purpose of receiving audit reports and exercising oversight of the Clerk, Sergeant-at-Arms, Doorkeeper, Director of Non-legislative and Financial Services, and the Inspector General. These responsibilities will be assumed by the full Committee on House Oversight.

Subsection (e) amends clause 4(d) of rule X, regarding the additional functions of the Committee on House Oversight, by making conforming changes reflecting the committee's new name and changes made in the other Offices of the House.

SEC. 202. CHANGES IN THE COMMITTEE SYSTEM:

This section rewrites clause 1 of rule X ("The Committees and Their Jurisdiction"), to reflect the abolition of three committees – District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service – the transfer of their jurisdictions, and the renaming and jurisdictional changes in other standing committees of the House.

Specifically, from the Committee on Merchant Marine and Fisheries, the national security aspects of merchant marine jurisdiction is transferred to the Committee on National Security (formerly Armed Services); the Coast Guard jurisdiction is transferred to the Committee on Transportation and Infrastructure (formerly Public Works and Transportation); and the fisheries, marine, non-national security aspects of the

merchant marine, oceanographic affairs, and endangered species jurisdictions are transferred to the Committee on Resources (formerly Natural Resources).

The Committee on Government Reform and Oversight (formerly Government Operations), would assume the jurisdictions of the committees on District of Columbia and Post Office and Civil Service, except for the Franking Commission which goes to House Oversight (formerly House Administration).Approximately 20 percent of the jurisdiction of the former Committee on Energy and Commerce (renamed the Committee on Commerce by this resolution) would go to the following committees: primary jurisdiction over Glass-Steagall reform legislation to the Committee on Banking and Financial Services (formerly Banking, Finance and Urban Affairs); consolidation of food inspection jurisdiction to the Committee on Agriculture; railroad jurisdiction to the Committee on Transportation and Infrastructure; Trans-Alaska Pipeline to the Committee on Resources; inland waterways jurisdiction to Transportation and Infrastructure; and consolidation of energy research and development jurisdiction under the Committee on Science.

The Committee on the Budget would gain certain jurisdiction over budgetary legislation from the Committee on Government Reform and Oversight.

Other committee names changes include: Economic and Educational Opportunities (formerly Education and Labor); and International Relations (formerly Foreign Affairs).

SEC. 203. OVERSIGHT REFORM:

Subsection (a) adds two new subparagraphs (d) and (e) at the end of clause 2 of rule X ("General Oversight Responsibilities"). Paragraph (a) requires each standing committee of the House, no later than February 15 of the first session of a Congress, to adopt in open session, with a quorum present, its oversight plans for that Congress, and to submit them to the committees on House Oversight and Government Reform and Oversight.

Committees shall, to the maximum extent feasible, consult with other committees having related jurisdictions to ensure coordination and cooperation in formulating and implementing oversight plans; give priority consideration to including in its plans the review of those laws, programs or agencies operating under permanent authority; and ensure that all laws within their jurisdictions are subject to oversight review at least once every ten years.

No expense resolution could be considered for any committee which has not submitted its oversight plans to the Committee on House Oversight and the Committee on Government Reform

and Oversight. Not later than March 31 of the first session of a Congress, after consulting with the Speaker and majority and minority leaders, the Committee on Government Reform and Oversight shall publish the oversight plans of the various committees, together with any recommendations made by the joint leadership group to ensure the most effective coordination of the plans.

Paragraph (e) of rule X, clause 2, authorizes the Speaker, with the approval of the House, to appoint special, ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more committees.

Subsection (b) of the resolution amends clause 1(d) of rule XI, which now requires committee to submit an activity report at the end of each Congress, to include in such reports separate sections on the committees' legislative and oversight activities, including a summary of the oversight plans submitted and actions taken and recommendations made with respect to each such plans, as well as any additional oversight activities undertaken by the committees.

It is the intent of this section to ensure that committees make a more concerted, coordinated and conscientious effort to develop meaningful oversight plans at the beginning of each Congress and to follow-through on their implementation, with a view to examining the full range of the laws under their jurisdiction over a period of five Congresses.

SEC. 204. MEMBER ASSIGNMENT LIMITS:

Clause 6(b) of rule X, relating to committee memberships, would be amended by adding a new subparagraph (b) that would limit Members to no more than two standing committee assignments and four subcommittee assignments. The limitation would not apply to committee chairman and ranking minority members who serve as ex officio members of all subcommittees of their committees. Any exceptions to these limits must be approved by the House upon the recommendation of the respective party caucus or conference.

The term subcommittee is defined for purposes of this subparagraph as any panel (other than a special oversight panel of the Committee on National Security), task force, special subcommittee, or any subunit of a committee that is established for a cumulative period of longer than six months in a Congress.

It is the intent of this rule that any waivers by a party caucus or conference be specifically approved before it is presented to the House for consideration. If such party caucus or conference recommendations are specifically approved at the beginning of a Congress, the election of committees by the House will be considered as the requisite approval by the House of any

exceptions to the committee limitation. However, any exceptions to the subcommittee limitation would [p. H36] have to be reported to the House from the respective party caucus or conference.

SEC. 205. MULTIPLE REFERRAL REFORM:

Clause 5(c) of rule X ("Referral of Bills, Resolutions, and Other Matters to Committees") is amended to require the Speaker to designate a committee of primary jurisdiction upon the initial referral of a measure to a committee. The Speaker would have the discretion to also refer the same measure to other committees in sequence (sequential referral), either upon its initial introduction or after the primary committee has reported, subject to time limits for reporting by the secondary committees; or to refer designated portions of the same measure to other committees (split referral); or to refer a measure to a special ad hoc committee consisting of committees with shared jurisdictions over the measure.

This rule change differs from the present referral rule in four significant respects. First, the designation of a committee of primary jurisdiction is designed to ensure greater accountability for legislation. Second, the rule eliminates so-called joint referrals which technically gave committees authority to consider the same portions of legislation as other committees (though referrals are always for consideration only of such provisions as fall within a committee's jurisdiction). Third, giving the Speaker discretion to make sequential or split referrals allows more flexibility than the current requirement that every committee having any jurisdiction over a measure, no matter how minor, must receive a referral. And fourth, the ability of the Speaker to designate a secondary committee for sequential referral purposes upon the initial introduction of a measure will allow that committee to proceed with its work on the measure immediately, if it wishes.

Nothing in this rule should be construed to prevent a secondary committee from reporting prior to the primary committee. However, it is the intent of the rule to the extent possible, to allow the primary committee to report before a measure is scheduled for floor consideration, unless it waives its right to report or the Speaker exercises discretion to impose a time limit on the primary committee for reporting and it fails to meet the deadline, in which case it will be considered to have been discharged of the measure.

SEC. 206. ACCURACY OF COMMITTEE TRANSCRIPTS:

Clause 2(e)(1) of rule XI ("Committee Records"), is amended to require that committee transcripts shall be a substantially verbatim account of remarks actually made during proceedings, subject only to technical, grammatical, and typographical

corrections authorized by the person making the remarks involved.

The current rule requires committees to keep a complete record of all committee action, including a record of the votes on any question on which a rollcall vote is demanded. It is the intent of the new rule to require that where stenographic transcripts are kept of committee meetings or hearings, they not be subject to substantive changes by either the persons making the remarks or by staff.

It is not the intent of this rule that all meeting and hearing transcripts be published. However, in those instances in which persons involved in a meeting or hearing are allowed to review and correct their remarks before publication of the transcripts, any corrections must be specifically authorized by that person and cannot alter the substantive content of the remarks.

To the extent a person making remarks wishes to elaborate on 4 any point, such substantive modifications should be treated the same as extensions of remarks on House floor speeches, i.e., they should be clearly delineated from remarks actually made by being printed in a typeface that is clearly distinguishable from verbatim remarks.

SEC. 207. ELIMINATION OF "ROLLING QUORUMS":

Clause 2(l)(2)(A) of rule XI is amended by striking the existing provision which establishes a presumption that a committee majority was actually present at the time a measure is reported if the records of the committee show that a majority of the committee responded on a rollcall vote on the question, and prohibits a point of order to lie in the House that a majority was not present unless the point of order was timely made in the House.

In so doing, the rule change restores the previous requirement that a "majority of the committee was actually present" at the time a measure was ordered reported. The fact that a committee orders a measure reported by voice vote without a quorum present, and no point of order is made at the time, does not prevent the point of order from being made in the House when the measure is called-up for consideration.

It should also be emphasized that the requirement that a majority be actually present at the time the measure is reported from a committee means that a majority must be contemporaneously assembled at the time the vote is taken. Unlike a House floor vote during which Members may come and go during the course of a vote, the committee quorum rule, absent the old "rolling quorum" latitude, means a committee can no longer simply leave a vote open until a sufficient number of Members have responded to their names. Prior to the "rolling

quorum" rule, the Committee on Rules has decided against granting a rule when presented with evidence that a majority was not actually present when the measure was reported.

SEC. 208. LIMITATION ON COMMITTEES' SITTINGS:

Clause 2(i) of rule XI, which currently prohibits committees from sitting during a joint, House-Senate session or meeting, would be amended to prohibit any committees except the committees on Appropriations, Budget, Rules, Standards of Official Conduct, and Ways and Means, from sitting while the House is reading a measure for amendment under the five-minute rule. Special leave to sit could be granted unless ten or more members object to a unanimous consent request, or upon the adoption by the House of a motion offered by the majority leader. This restores the rule in existence prior to the 103d Congress, with the only exception being the addition of a privileged motion by the majority leader. It is anticipated that the Speaker will again promulgate guidelines as to when and under what circumstances special leave may be requested.

SEC. 209. ACCOUNTABILITY FOR COMMITTEE VOTES:

Clause 2(l)(2)(B) of rule XI, which now requires that the results of any rollcall vote to report a measure be included in a committee report, would be amended to require that the names of those members voting for and against any amendment or motion to report a measure by rollcall vote be included in the committee report.

It is the intent of this rule to provide for greater accountability for record votes in committees and to make such votes easily available to the public in committee reports. At present, under clause 2(e)(1) of rule XI, the public can only inspect rollcall votes on matters in the offices of committees. It is anticipated that with the availability of committee reports to the public through electronic form the listing of votes in reports will be more bill-specific than earlier proposals to publish all votes in the Congressional Record twice a year.

SEC. 210. AFFIRMING THE MINORITY'S RIGHT ON MOTIONS TO RECOMMIT:

Clause 4(b) of rule XI, which, among other things, prohibits the Committee on Rules from denying a motion to recommit as provided in clause 4 of rule XVI, would be amended to clarify and ensure that such right includes the right to offer amendatory instructions, otherwise in order under the rules, in a motion to recommit, if offered by the minority leader or a designee.

Exempted from this guarantee would be the motion to recommit a Senate bill or resolution for which the text of a House-passed measure has been substituted. This exemption

recognizes that the minority would already have had the opportunity to offer a motion to recommit with instructions on the original House-passed measure being substituted for the Senate measure.

It is the intent of this rule to restore the original purpose of clause 4(b) when it was adopted in 1909 to give the minority a final opportunity to offer an amendment of its choosing in a motion to recommit prior to the final passage of a bill.

SEC. 211. WAIVER POLICY FOR SPECIAL RULES:

Clause 4 of rule XI, relating to the Rules Committee, is amended by adding a new paragraph (e) at the end to require that whenever the Rules Committee reports a resolution providing for the consideration of a measure, it shall, to the maximum extent possible, specify in the resolution any House rules being waived against the measure or against its consideration.

It is the intent of this rule that Members be fully informed as to what potential violations of House Rules are involved in considering a bill. This in turn will require committee chairmen to determine in advance of their Rules Committee appearance what waivers they will seek, and to be prepared to explain and defend those waivers before the Rules Committee. It is the ultimate intent of the rule change that Committee will be more careful prior to reporting a measure to ensure against any rules violations in the bill or report.

While the failure of the Rules Committee to specify waivers in a rule would not give rise to a point of order against a special rule that waives all points of order, it is expected that the Rules Committee will, in all but the most time-sensitive situations, endeavor to determine what specific waivers are required and to detail them in the rule.

SEC. 212. PROHIBITION ON DELEGATE VOTING IN COMMITTEE OF THE WHOLE:

Subsection (a) amends rule XII ("Resident Commissioner and Delegates") by striking clause 2 which now entitles the Resident Commissioner from Puerto Rico and each Delegate to the House to the same powers and privileges in the Committee of the Whole on the state of the Union as other House Members.

Subsection (b) amends clause 1 of rule XXIII ("Of Committees of the Whole House") by striking "Resident Commissioner, or Delegate" as being eligible for appointment by the Speaker to chair the Committee of the Whole.

Subsection (c) amends clause 2 of rule XXIII by striking paragraph (d) which provided for an immediate re-vote in the House whenever the votes of the Resident Commissioner and

Delegates were decisive to the outcome of a vote in the Committee of the Whole.

SEC. 213. ACCURACY OF THE CONGRESSIONAL RECORD:

Rule XIV ("Of Decorum and Debate") is amended by adding a new clause 9 requiring that the Congressional Record be a substantially verbatim account of remarks made during debate. Members could only authorize technical, grammatical and typographical corrections. Unparliamentary remarks could only be deleted by permission or order of the House. However, Members may [p. H37] still insert undelivered remarks so long as they are delineated by a different typeface. Breaches of the rule could be subject to investigation by the Committee on Standards of Official Conduct.

SEC. 214. AUTOMATIC ROLLCALL VOTES:

Rule XV ("On Calls of the Roll and House") is amended by adding a new clause 7 to require an automatic rollcall vote on the final passage or adoption of any bill, joint resolution, or conference report, making general appropriations, increasing Federal income tax rates, or on final adoption of a budget resolution or a conference report thereon.

SEC. 215. APPROPRIATIONS REFORMS:

Subsection (a) amends clause 2(d) of rule XXI ("On Bills") by providing that motions to rise and report an appropriations bill after the bill has been read for amendment shall only have precedence if offered by the majority leader or a designee. Under current rules, so-called limitation amendments not specifically contained or authorized in existing law, may only be offered if the motion to rise is not offered or is rejected after other amendments to the bill have been disposed of. The intent of the new rule is to permit the offering of limitation amendments at the end of the reading, subject only to a motion to rise offered by the majority leader or a designee. Subsection (b) adds a new paragraph (e) to clause 2 of rule XXI to prohibit reporting any non-emergency matter in an appropriations bill containing an emergency designation under the Budget Act. The only exceptions are for provisions which rescind budget authority, reduce direct spending authority, or reduce the amount for a designated emergency. While the Committee on Appropriations could evade this prohibition by giving an entire bill an emergency designation, it is the clear intent of this rule that no non-emergency items should be given such blanket coverage. Let exposed, as they should be, such non-emergency items would be subject to deletion if a point of order is made and sustained.

It is not the intent of this rule to make in order any amendments not otherwise in order under the rules. Thus, any amendments to rescind or reduce direct spending must be

germane to the bill as reported or be given special protection by way of a special rule reported by the Rules Committee and adopted by the House.

Subsection (c) amends clause 2 of rule XXI by adding a new paragraph (f) to permit the offering of so-called offsetting amendments in appropriations bill. At present, appropriations measures are read for amendment by paragraph, meaning it is not possible to offer an amendment that is deficit neutral if it goes to paragraphs not yet pending. The new rule would allow the offering of such off-setting amendments en bloc and not subject to a division of the question in the House or the Committee of the Whole.

When such an en bloc amendment is offered, and prior to the debate on it, the chair will ask whether there are any points of order against any portion of the bill covered by the amendment. If such a point of order is sustained, and the provision in the bill stricken, the amendment would no longer be in order as a proper offset.

To qualify as an offsetting amendment for purposes of this paragraph, the proponent must be able to demonstrate that the net effect of the amendment would not increase overall budget authority or outlays in the bill. Since appropriations bills only contain the amount of budget authority being appropriated, it should be kept in mind that the off-setting numbers may not be the same since the ultimate test is whether the amendment does not increase the deficit – and deficits are determined by outlays in a fiscal year, not by the amount of budget authority appropriated for a particular matter. It will therefore be necessary for the author of an offsetting amendment to work closely with the Congressional Budget Office to ensure that the bottom line amendment makes equivalent increases and decreases in outlays resulting from the changes in budget authority.

Subsection (d) amends clause 3 of rule XXI to require that the Committee on Appropriations include in its report a list of all appropriations contained in a bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects or activities). Clause 3 already requires that committee reports include a listing of legislative provisions contained in the bill. Since the point of order under clause 2 of rule XXI lies against both unauthorized and legislative provisions, it is only reasonable that the report should contain information on both. It is the intent of this rule that the test of compliance will be whether the committee has made a good faith effort to include all unauthorized matters in its report that it is aware of. The inadvertent omission of an unauthorized matter in a committee report will not give rise to

a point of order against the consideration of the bill, though a point of order would still lie against the provision in the bill.

Subsection (e) adds a new clause 8 to rule XXI[2] to provide for the automatic reservation of points of order against provisions in an appropriations bill at the time the report on it is filed. Under current rules, the points of order under clause 2 of rule XXI are against the reporting of any unauthorized or legislative provision in an appropriations bill. This means that, for a point of order to be valid, it must be raised or reserved at the time the measure is actually reported, that is, at the time the report is filed in the House. This has required that a minority representative of the committee accompany the majority member filing the report in order to reserve points of order at the time the report is filed. Under the new rule, it will no longer be necessary to reserve points of order at the time an appropriations bill is filed. Members' rights to later raise such points of order will automatically be protected.

SEC. 216. BAN ON COMMEMORATIVES:

Subsection (a) amends clause 2 of rule XXII ("Of Memorial, Bills and Resolutions") by prohibiting the introduction or consideration of any bill, resolution, or amendment which establishes or expresses any commemoration. For purposes of the new rule, a commemoration is defined as "any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time." The existing clause 2, which would be retained as paragraph (a), includes a similar prohibition against the receipt or consideration by the House of private bills, resolutions or amendments authorizing or directing the payment of money for certain property damages or for personal injury or death for which suit may be instituted under the Tort Claims procedure; for the construction of a bridge across a navigable stream; or for the correction of a military or naval record.

The new ban on date-specific commemorative measures or amendments applies to both the introduction and consideration of any measure containing such a commemorative. This is intended to include measures in which such a commemorative may only be incidental to the overall purpose of the measure. Such measures will be returned to the sponsor if they are dropped in the legislative hopper. The prohibition against consideration also extends to any measures received from the Senate which contain date-specific commemorative. While it does not block their receipt from the other body, it is intended that such measures would not be referred to the appropriate

[2] Clause 8 of rule XXI was recodified as clause 1 of rule XXI when the rules were recodified in H. Res. 5 (106th Congress).

committee of the House or be considered by the House. Instead, they would simply be held at the desk without further action. Should such a commemorative be included in a conference report or Senate amendment to a House bill, the entire conference report or Senate amendment would be subject to a point of order.

While the ban does not apply to commemorative which do not set aside a specified period of time, and instead simply call for some form of national recognition, it is not the intent of the rule that such alternative forms should become a new outlet for the consideration of such measures.

Thus, while they could be referred to an appropriate committee, it is not expected that such committees should feel obligated or pressured to establish special rules for their release to the House floor. Nor should it be expected that the Rule Committee should become the new avenue for regular waivers of the rule against date specific commemorative. Such exceptions should be limited to those rare situations warranting special national recognition as determined by the Leadership.

Subsection (b) is a free-standing directive to the Committee on Government Reform and Oversight to consider alternative means for establishing commemorations, including the creation of an independent or Executive branch commission for such purpose, and to report to the House its recommendations thereon.

SEC. 217. NUMERICAL DESIGNATION OF AMENDMENTS:

Clause 6 of rule XXIII ("Of Committees of the Whole") is amended to add a new sentence requiring that amendments submitted for printing in the amendments portion of the Congressional Record be given a numerical designation in the sequence submitted for a particular bill.

The clause already requires that amendments printed in the Record be allowed five minutes of debate for and against, even if the Committee of the Whole has voted to close debate on a particular section or paragraph, and that time has expired. It is the purpose of this further amendment to the rule to facilitate reference to such amendments for the convenience of Members and committee managers alike, and to encourage Members to utilize the pre-printing option for their amendments.

The new rule may also make it possible for the Committee on Rules to reference numerically designated amendments in special rules that structure the amendment process since the Congressional Record is often more readily available to Members and their staff than are Rules Committee reports.

SEC. 218. PLEDGE OF ALLEGIANCE:

Clause 1 of rule XXIV ("Order of Business") is amended to insert the Pledge of Allegiance as the third order of business each day in the House, following the approval of the Journal and preceding the correction of reference of public bills. This change codifies a practice in effect in the House since 1988.

SEC. 219. DISCHARGE PETITIONS:

Clause 3 of rule XXVII ("Change or Suspension of the Rules") is amended to require that the Clerk publish in the Congressional Record on the last day of House session each week the names of those Members who have signed a discharge motion during that week, and to make available on a daily basis, in an appropriate office, the cumulative lists of names of those Members who have signed pending discharge motions. Finally, the new rule directs the Clerk to devise a means for making such names on discharge petitions available to House offices and the public by electronic form.

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In the 103d Congress, the House adopted a new rule making the names of Members signing discharge petitions immediately available for public inspection. However, the rule change did not specify how such publication was to be accomplished. This rule change codifies the current practice of daily availability of all motions and signatures in a House office, and the weekly publication of new signatures in the Congressional Record. The directive regarding making such lists available by computer is in line with other ongoing initiatives to make House documents generally available to the public through computer networks.

SEC. 220. PROTECTION OF CLASSIFIED MATERIALS:

Rule XLIII ("Code of Official Conduct") would be amended by adding a new clause 13 requiring that any Member, officer or employee of the House take an oath or affirmation on non-disclosure of classified information prior to being given access to such materials. Copies of the executed oath would be retained by the Clerk of the House as part of the records of the House.

SEC. 221. SELECT COMMITTEE ON INTELLIGENCE:

Subsection (a) amends clause 1(a) of rule XLVIII ("Permanent Select Committee on Intelligence") to change the composition of the committee from 19 to 16 members, of whom not more than nine may be of the same political party.

Subsection (b) amends clause 1(b) of rule XLVIII, to substitute the Speaker for the majority leader as a non- voting ex officio member of the committee, along with the minority

leader. The subsection also allows both the Speaker and minority leader to designate one of their leadership staff to assist them in their roles as ex officio members of the committee, with all the same rights, privileges, and requirements as if members of the select committee staff. The purpose of this clause is to allow designated leadership staff the same access to committee documents and materials, briefings, hearings, and meetings, without having to become committee staff members for such access.

A conforming change is made by striking subparagraph (c)(3) of clause 7 which permits the Speaker to attend any select committee meeting and have access to any committee information.

Subsection (c) amends clause 1 of rule XLVIII to extend from three (in any five consecutive Congresses) to four (in any six consecutive Congresses) the number of consecutive Congresses any Member (other than the Speaker and minority leader) may serve on the select committee, and to permit a chairman or ranking minority member who attain those positions in their fourth terms on the committee to serve in those positions for an additional term.

Subsection (d) amends clause 2(a) of rule XLVIII to clarify the committee's jurisdiction to reflect current referral practices.

SEC. 222. ABOLITION OF LEGISLATIVE SERVICE ORGANIZATIONS:

This is a free-standing provision that prohibits in the 104th Congress the establishment or continuation of any legislative service organization (as the term is defined and authorized in the 103rd Congress). The Committee on House Oversight is authorized to take necessary steps to ensure the orderly termination and accounting for funds of any such LSO in existence on January 3, 1995. So-called LSO's are those organizations recognized through the House Administration Committee in the 103rd Congress which are allowed to utilize Member Clerk hire funds for the staffing of such special purpose organizations. It is the intent of this rule that the Committee on House Oversight will oversee the shut-down of such organizations in a manner to ensure the maximum accountability possible for any funds allocated for their operation.

This is especially important in view of the comprehensive audit required by section 107 of the resolution.

SEC. 223. MISCELLANEOUS PROVISIONS AND CLERICAL CORRECTIONS:

Subsection (a) amends clause 5(b)(1) of rule I ("Duties of the Speaker") to expand the Speaker's current authority to postpone

votes on certain matters for up to two legislative days to include the previous question votes on adopting a resolution, passing a bill, instructing conferees, or agreeing to a conference report. At present, the only previous question vote the Speaker may postpone is on a privileged resolution from the Rules Committee.

Subsection (b) establishes an Office for Legislative Floor Activities in the Office of the Speaker, and authorizes the Speaker to appoint and set the pay for floor assistants to assist him in managing legislative floor activity.

Subsection (c) amends clause 2(d) of rule XI by allowing the chairman of a committee to designate any member of the committee, or of any subcommittee thereof, as vice chairman, to preside in the chairman's absence. The present rule specifies that the ranking majority member shall serve as vice chairman.

Subsection (d) amends clause 7 of rule XIV ("Of Decorum and Debate") to include in those provisions of prohibited activities on the House floor the use of personal, electronic office equipment, including cellular phones and computers. It is the purpose of this new rule to avoid the disruptions and distractions that can be caused by the sounds emitted from such equipment. As with any disruption to the decorum of House floor debate, it is anticipated that the Speaker could instruct the Sergeant-at-Arms to take necessary steps to restore order.

Subsection (e) amends clause 5(b) of rule XV ("On Calls of the Roll and House") to permit the Speaker to reduce to five-minutes the vote that occurs following the vote on the previous question on any matter. The present rule confines this authority to the vote following the previous question vote only on a special rule from the Rules Committee.

Subsection (f) makes clerical corrections in clause 3 of rule III, "Duties of the Clerk" by inserting "and" prior to the last in a series of clauses; and in clause 2(l)(1)(B) of rule XI by striking a reference to subdivision (C) that had been previously repealed.

Subsection (g) is a free-standing provision that permits more than one prime sponsor on the first 20 bills and the first three joint resolutions introduced in the House in the 104th Congress. This is done to permit the Leadership to designate multiple-authors of certain priority legislation.