

[CONFERENCE PRINT]

113TH CONGRESS
1ST SESSION

H. RES. 5

Adopting rules for the One Hundred Thirteenth Congress.

IN THE HOUSE OF REPRESENTATIVES

M. _____ submitted the following resolution; which was referred to
the Committee on _____

RESOLUTION

Adopting rules for the One Hundred Thirteenth Congress.

1 *Resolved*, That the Rules of the House of Representa-
2 tives of the One Hundred Twelfth Congress, including ap-
3 plicable provisions of law or concurrent resolution that
4 constituted rules of the House at the end of the One Hun-
5 dred Twelfth Congress, are adopted as the Rules of the
6 House of Representatives of the One Hundred Thirteenth
7 Congress, with amendments to the standing rules as pro-
8 vided in section 2, and with other orders as provided in
9 sections 3, 4, and 5.

1 **SECTION 2. CHANGES TO THE STANDING RULES.**

2 (a) COMMITTEE ACTIVITY REPORTS.—In clause 1(d)
3 of rule XI—

4 (1) in subparagraph (1), strike “the 30th day
5 after June 1 and December 1” and insert “January
6 2 of each year” and strike “semiannual” ;

7 (2) in subparagraph (2)(B), insert “in each
8 Congress” after “first such report”; and

9 (3) in subparagraph (3), strike “second or
10 fourth semiannual”.

11 (b) VOTING.—

12 (1) In clause 6 of rule XVIII—

13 (A) in subparagraph (b)(3) , strike “five
14 minutes” and insert “not less than two min-
15 utes”; and

16 (B) amend paragraph (g) to read as fol-
17 lows:

18 “(g) The Chair may postpone a request for a
19 recorded vote on any amendment. The Chair may re-
20 sume proceedings on a postponed request at any
21 time. The Chair may reduce to not less than two
22 minutes the minimum time for electronic voting—

23 “(1) on any postponed question that fol-
24 lows another electronic vote without intervening
25 business, provided that the minimum time for

1 electronic voting on the first in any series of
2 questions shall be 15 minutes; or

3 “(2) on any postponed question taken
4 without intervening debate or motion after the
5 Committee of the Whole resumes its sitting if
6 in the discretion of the Chair Members would
7 be afforded an adequate opportunity to vote.”.

8 (2) In rule XX—

9 (A) amend clause 8(c) to read as follows:

10 “(c) The Speaker may reduce to five minutes
11 the minimum time for electronic voting on a ques-
12 tion postponed under this clause, or on a question
13 incidental thereto, that—

14 “(1) follows another electronic vote without
15 intervening business, so long as the minimum
16 time for electronic voting on the first in any se-
17 ries of questions is 15 minutes; or

18 “(2) follows a report from the Committee
19 of the Whole without intervening debate or mo-
20 tion if in the discretion of the Speaker Members
21 would be afforded an adequate opportunity to
22 vote.”; and

23 (B) amend clause 9 to read as follows:

24 “9. The Speaker may reduce to five minutes the min-
25 imum time for electronic voting—

1 “(a) on any question arising without inter-
2 vening business after an electronic vote on another
3 question if notice of possible five-minute voting for
4 a given series of votes was issued before the pre-
5 ceding electronic vote; or

6 “(b) on any question arising after a report from
7 the Committee of the Whole without debate or inter-
8 vening motion.”.

9 (3) In clause 12(a)(2) of rule XXII, strike
10 “shall be privileged, shall be decided without debate,
11 and shall be decided by the yeas and nays” and in-
12 sert “shall be privileged and decided without de-
13 bate”.

14 (c) CLARIFICATIONS IN RULE X.—In clause 1 of rule
15 X—

16 (1) in paragraph (j)(2), strike “Organization
17 and administration” and insert “Organization, ad-
18 ministration, and the general management of”; and

19 (2) in paragraph (m)(9), strike “Insular posses-
20 sions” and insert “Insular areas”.

21 (d) CHANGES TO THE CODE OF CONDUCT AND THE
22 COMMITTEE ON ETHICS.—

23 (1) In clause 3(b)(8)(B)(ii) of rule XI strike
24 “the committee votes to extend the matter” and in-
25 sert “the matter is extended”.

1 (2) In clause 8(c) of rule XXIII—

2 (A) strike “spouse” in each place it ap-
3 pears and insert “relative”;

4 (B) in subparagraph (2), strike “One Hun-
5 dred Seventh Congress” and insert “One Hun-
6 dred Thirteenth Congress”; and

7 (C) add the following new subparagraph:

8 “(3) As used in this paragraph, the term
9 ‘relative’ means an individual who is related to
10 the Member, Delegate, or Resident Commis-
11 sioner as father, mother, son, daughter, broth-
12 er, sister, uncle, aunt, first cousin, nephew,
13 niece, husband, wife, father-in-law, mother-in-
14 law, son-in-law, daughter-in-law, brother-in-law,
15 sister-in-law, stepfather, stepmother, stepson,
16 stepdaughter, stepbrother, stepsister, half
17 brother, half sister, grandson, or grand-
18 daughter.”.

19 (3) In clause 13 of rule XXIII, strike “Copies
20 of the executed oath (or affirmation) shall be re-
21 tained by the Clerk as part of the records of the
22 House.” and insert “Copies of the executed oath (or
23 affirmation) shall be retained as part of the records
24 of the House, in the case of a Member, Delegate, or
25 the Resident Commissioner, by the Clerk, and in the

1 case of an officer or employee of the House, by the
2 Sergeant-at-Arms.”.

3 (4) In clause 15 of rule XXIII—

4 (A) in paragraph (a), strike “paragraph
5 (b)” and insert “paragraphs (b) and (c)” ;

6 (B) in paragraph (b)—

7 (i) amend subparagraph (3) to read
8 as follows:

9 “(3) the flight consists of the personal use
10 of an aircraft by a Member, Delegate, or the
11 Resident Commissioner that is supplied by—

12 “(A) an individual on the basis of per-
13 sonal friendship; or

14 “(B) another Member, Delegate, or
15 the Resident Commissioner;”;

16 (ii) in subparagraph (4), strike the pe-
17 riod and insert “; or”; and

18 (iii) add the following:

19 “(5) the owner or operator of the aircraft
20 is paid a pro rata share of the fair market value
21 of the normal and usual charter fare or rental
22 charge for a comparable plane of comparable
23 size as determined by dividing such cost by the
24 number of Members, Delegates, or the Resident

1 Commissioner, officers, or employees of Con-
2 gress on the flight.”; and,

3 (C) redesignate paragraph (c) as para-
4 graph (d) and insert after paragraph (b) the
5 following new paragraph:

6 “(c) An advance written request for a waiver of
7 paragraph (a) may be granted jointly by the chair
8 and ranking minority member of the Committee on
9 Ethics, subject to such conditions as they may pre-
10 scribe.”.

11 (e) TECHNICAL AND CLARIFYING CHANGES.—

12 (1) In clause 12(b)(2) of rule I, strike “Chair
13 of the Committee of the Whole” and insert “chair of
14 the Committee of the Whole”.

15 (2) In clause 6(c)(4) of rule II, before “the
16 Committee on House Administration”, insert “the
17 Committee on Appropriations and”.

18 (3) In rule V—

19 (A) in clause 1, strike “telecommuni-
20 cations” each place it appears and insert (in
21 each instance) “communications”;

22 (B) in clause 2(a), strike “recording of the
23 proceedings” and insert “recording of the floor
24 proceedings”; and

1 (C) in clause 2(c)(1), strike “political pur-
2 pose” and insert “partisan political campaign
3 purpose”.

4 (4) In clause 2(b) of rule XI, strike “unless
5 otherwise provided by written rule adopted by the
6 committee” and insert “if notice is given pursuant
7 to paragraph (g)(3)”.

8 (5) In clause 2(c)(2) of rule XI, before the last
9 sentence, insert “Such notice shall also be made
10 publicly available in electronic form and shall be
11 deemed to satisfy paragraph (g)(3)(A)(ii).”

12 (6) In clause 2(e)(1)(A)(ii) of rule XI, strike
13 “record vote is demanded” and insert “record vote
14 is taken”.

15 (7) In clause 2(e)(2)(A) of rule XI, strike “all
16 committee hearings, records, data, charts, and files”
17 and insert “all committee records (including hear-
18 ings, data, charts, and files)”.

19 (8) In clause 2(l) of rule XI—

20 (A) strike “that member shall be entitled”
21 and insert “all members shall be entitled”; and

22 (B) strike “to file such views, in writing
23 and signed by that member,” and insert “to file
24 such written and signed views”.

25 (9) In clause 3(h) of rule XI—

1 (A) strike “(h)(1)” and insert “(h)”; and

2 (B) redesignate subdivisions (A) and (B)

3 as subparagraphs (1) and (2), respectively.

4 (10) In clause 6(g) of rule XIII, strike “it shall

5 (to the maximum extent possible) specify in the reso-

6 lution the object of” and insert “it shall to the max-

7 imum extent possible specify in the accompanying

8 report”.

9 (11) In clause 2 of rule XV, strike “standing”

10 each place it appears.

11 (12) In clause 6 of rule XV, add the following

12 new paragraph:

13 “(d) Precedents, rulings, or procedures in effect

14 before the One Hundred Eleventh Congress regard-

15 ing the priority of business and the availability of

16 other business on Wednesday shall be applied only

17 to the extent consistent with this clause.”.

18 (13) In clause 5(c)(3)(B) of rule XX, after

19 “Minority Leader” each place it appears insert (in

20 each instance) “(or their respective designees)”.

21 (14) In clause 8(a)(1) of rule XXII—

22 (A) in subdivision (A), after “in the Con-

23 gressional Record” insert “or pursuant to

24 clause 3 of rule XXIX”; and

1 (B) in subdivision (B), before “copies” in-
2 sert “printed or electronic”.

3 (15) In clause 2 of rule XXIV, strike “Clerk”
4 and insert “Chief Administrative Officer”.

5 (16) In clause 1 of rule XXVI, strike the sec-
6 ond sentence.

7 **SEC. 3. SEPARATE ORDERS.**

8 (a) INDEPENDENT PAYMENT ADVISORY BOARD.—
9 Section 1899A(d) of the Social Security Act shall not
10 apply in the 113th Congress.

11 (b) BUDGET MATTERS.—

12 (1) During the One Hundred Thirteenth Con-
13 gress, references in section 306 of the Congressional
14 Budget Act of 1974 to a resolution shall be con-
15 strued in the House of Representatives as references
16 to a joint resolution.

17 (2) During the One Hundred Thirteenth Con-
18 gress, in the case of a reported bill or joint resolu-
19 tion considered pursuant to a special order of busi-
20 ness, a point of order under section 303 of the Con-
21 gressional Budget Act of 1974 shall be determined
22 on the basis of the text made in order as an original
23 bill or joint resolution for the purpose of amendment
24 or to the text on which the previous question is or-
25 dered directly to passage, as the case may be.

1 (3) During the One Hundred Thirteenth Con-
2 gress, a provision in a bill or joint resolution, or in
3 an amendment thereto or a conference report there-
4 on, that establishes prospectively for a Federal office
5 or position a specified or minimum level of com-
6 pensation to be funded by annual discretionary ap-
7 propriations shall not be considered as providing
8 new entitlement authority within the meaning of the
9 Congressional Budget Act of 1974.

10 (4)(A) During the One Hundred Thirteenth
11 Congress, except as provided in subparagraph (C), a
12 motion that the Committee of the Whole rise and re-
13 port a bill to the House shall not be in order if the
14 bill, as amended, exceeds an applicable allocation of
15 new budget authority under section 302(b) of the
16 Congressional Budget Act of 1974, as estimated by
17 the Committee on the Budget.

18 (B) If a point of order under subparagraph
19 (A) is sustained, the Chair shall put the ques-
20 tion: “Shall the Committee of the Whole rise
21 and report the bill to the House with such
22 amendments as may have been adopted not-
23 withstanding that the bill exceeds its allocation
24 of new budget authority under section 302(b) of
25 the Congressional Budget Act of 1974?”. Such

1 question shall be debatable for 10 minutes
2 equally divided and controlled by a proponent of
3 the question and an opponent but shall be de-
4 cided without intervening motion.

5 (C) Subparagraph (A) shall not apply—

6 (i) to a motion offered under clause
7 2(d) of rule XXI; or

8 (ii) after disposition of a question
9 under subparagraph (B) on a given bill.

10 (D) If a question under subparagraph (B)
11 is decided in the negative, no further amend-
12 ment shall be in order except—

13 (i) one proper amendment, which shall
14 be debatable for 10 minutes equally divided
15 and controlled by the proponent and an op-
16 ponent, shall not be subject to amendment,
17 and shall not be subject to a demand for
18 division of the question in the House or in
19 the Committee of the Whole; and

20 (ii) pro forma amendments, if offered
21 by the chair or ranking minority member
22 of the Committee on Appropriations or
23 their designees, for the purpose of debate.

24 (5) During the first session of the One Hun-
25 dred Thirteenth Congress, pending the adoption of a

1 concurrent resolution on the budget for fiscal year
2 2014, the provisions of House Concurrent Resolu-
3 tion 112 (112th Congress), as adopted by the
4 House, shall have force and effect in the House as
5 though Congress has adopted such concurrent reso-
6 lution and the allocations of spending authority
7 printed in tables 11 and 12 of House Report 112-
8 421 (112th Congress), and shall be considered for
9 all purposes in the House to be the allocations under
10 section 302(a) of the Congressional Budget Act of
11 1974.

12 (c) DETERMINATIONS FOR PAYGO ACTS.—In deter-
13 mining the budgetary effects of any legislation for the pur-
14 poses of complying with the Statutory Pay-As-You-Go Act
15 of 2010 (including the required designation in PAYGO
16 Acts), the chair of the Committee on the Budget may
17 make adjustments to take into account the exemptions
18 and adjustments set forth in section 503(b)(1) of House
19 Concurrent Resolution 112 (112th Congress).

20 (d) SPENDING REDUCTION AMENDMENTS IN APPRO-
21 PRIATIONS BILLS.—

22 (1) During the reading of a general appropria-
23 tion bill for amendment in the Committee of the
24 Whole House on the state of the Union, it shall be
25 in order to consider en bloc amendments proposing

1 only to transfer appropriations from an object or ob-
2 jects in the bill to a spending reduction account.
3 When considered en bloc under this clause, such
4 amendments may amend portions of the bill not yet
5 read for amendment (following disposition of any
6 points of order against such portions) and are not
7 subject to a demand for division of the question in
8 the House or in the Committee of the Whole.

9 (2) Except as provided in paragraph (1), it
10 shall not be in order to consider an amendment to
11 a spending reduction account in the House or in the
12 Committee of the Whole House on the state of the
13 Union.

14 (3) It shall not be in order to consider an
15 amendment to a general appropriation bill proposing
16 a net increase in budget authority in the bill (unless
17 considered en bloc with another amendment or
18 amendments proposing an equal or greater decrease
19 in such budget authority pursuant to clause 2(f) of
20 rule XXI).

21 (4) A point of order under clause 2(b) of rule
22 XXI shall not apply to a spending reduction ac-
23 count.

24 (5) A general appropriation bill may not be con-
25 sidered in the Committee of the Whole House on the

1 state of the Union unless it includes a spending re-
2 duction account as the last section of the bill. An
3 order to report a general appropriation bill to the
4 House shall constitute authority for the chair of the
5 Committee on Appropriations to add such a section
6 to the bill or modify the figure contained therein.

7 (6) For purposes of this subsection, the term
8 “spending reduction account” means an account in
9 a general appropriation bill that bears that caption
10 and contains only a recitation of the amount by
11 which an applicable allocation of new budget author-
12 ity under section 302(b) of the Congressional Budg-
13 et Act of 1974 exceeds the amount of new budget
14 authority proposed by the bill.

15 (e) CERTAIN SUBCOMMITTEES.—Notwithstanding
16 clause 5(d) of rule X, during the One Hundred Thirteenth
17 Congress—

18 (1) the Committee on Armed Services may have
19 not more than seven subcommittees;

20 (2) the Committee on Foreign Affairs may have
21 not more than seven subcommittees; and

22 (3) the Committee on Transportation and In-
23 frastructure may have not more than six subcommit-
24 tees.

1 (f) EXERCISE FACILITIES FOR FORMER MEMBERS.—

2 During the One Hundred Thirteenth Congress—

3 (1) The House of Representatives may not pro-
4 vide access to any exercise facility which is made
5 available exclusively to Members and former Mem-
6 bers, officers and former officers of the House of
7 Representatives, and their spouses to any former
8 Member, former officer, or spouse who is a lobbyist
9 registered under the Lobbying Disclosure Act of
10 1995 or any successor statute or agent of a foreign
11 principal as defined in clause 5 of rule XXV. For
12 purposes of this section, the term “Member” in-
13 cludes a Delegate or Resident Commissioner to the
14 Congress.

15 (2) The Committee on House Administration
16 shall promulgate regulations to carry out this sub-
17 section.

18 (g) NUMBERING OF BILLS.—In the One Hundred
19 Thirteenth Congress, the first 10 numbers for bills (H.R.
20 1 through H.R. 10) shall be reserved for assignment by
21 the Speaker and the second 10 numbers for bills (H.R.
22 11 through H.R. 20) shall be reserved for assignment by
23 the Minority Leader.

24 **SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.**

25 (a) LITIGATION MATTERS.—

1 (1) CONTINUING AUTHORITY FOR THE BIPAR-
2 TISAN LEGAL ADVISORY GROUP.—

3 (A) The House authorizes the Bipartisan
4 Legal Advisory Group of the 113th Congress—

5 (i) to act as successor in interest to
6 the Bipartisan Legal Advisory Group of
7 the 112th Congress with respect to civil ac-
8 tions in which it intervened in the 112th
9 Congress to defend the constitutionality of
10 section 3 of the Defense of Marriage Act
11 (1 U.S.C. 7) or related provisions of titles
12 10, 31, and 38, United States Code, in-
13 cluding in the case of *Windsor v. United*
14 *States*, 833 F. Supp.2d 394 (S.D.N.Y.
15 June 6, 2012), *aff'd*, 699 F.3d 169 (2d
16 Cir. Oct. 18, 2012), *cert. granted*, No. 12–
17 307 (Dec. 7, 2012), *cert. pending* No. 12–
18 63 (July 16, 2012) and 12-____ (Dec.
19 ____2012);

20 (ii) to take such steps as may be ap-
21 propriate to ensure continuation of such
22 civil actions; and

23 (iii) to intervene in other cases that
24 involve a challenge to the constitutionality
25 of section 3 of the Defense of Marriage

1 Act or related provisions of titles 10, 31,
2 and 38, United States Code.

3 (B) Pursuant to clause 8 of rule II, the Bi-
4 partisan Legal Advisory Group continues to
5 speak for, and articulate the institutional posi-
6 tion of, the House in all litigation matters in
7 which it appears, including in *Windsor v.*
8 *United States*.

9 (2) CONTINUING AUTHORITIES FOR THE COM-
10 MITTEE ON OVERSIGHT AND GOVERNMENT REFORM
11 AND THE OFFICE OF GENERAL COUNSEL.—

12 (A) The House authorizes—

13 (i) the Committee on Oversight and
14 Government Reform of the 113th Congress
15 to act as the successor in interest to the
16 Committee on Oversight and Government
17 Reform of the 112th Congress with respect
18 to the civil action *Committee on Oversight*
19 *and Government Reform, United States*
20 *House of Representatives v. Eric H. Hold-*
21 *er, Jr.*, in his official capacity as Attorney
22 General of the United States, filed by the
23 Committee on Oversight and Government
24 Reform in the 112th Congress pursuant to
25 House Resolution 706; and

1 (ii) the chair of the Committee on
2 Oversight and Government Reform (when
3 elected), on behalf of the Committee on
4 Oversight and Government Reform, and
5 the Office of General Counsel to take such
6 steps as may be appropriate to ensure con-
7 tinuation of such civil action, including
8 amending the complaint as circumstances
9 may warrant.

10 (B) The House authorizes the chair of the
11 Committee on Oversight and Government Re-
12 form (when elected), on behalf of the Com-
13 mittee on Oversight and Government Reform
14 and until such committee has adopted rules
15 pursuant to clause 2(a) of rule XI, to issue sub-
16 poenas related to the investigation into the
17 United States Department of Justice operation
18 known as “Fast and Furious” and related mat-
19 ters.

20 (C) The House authorizes the chair of the
21 Committee on Oversight and Government Re-
22 form (when elected), on behalf of the Com-
23 mittee on Oversight and Government Reform,
24 and the Office of General Counsel to petition to
25 join as a party to the civil action referenced in

1 paragraph (1), any individual subpoenaed by
2 the Committee on Oversight and Government
3 Reform of the 112th Congress as part of its in-
4 vestigation into the United States Department
5 of Justice operation known as “Fast and Furi-
6 ous” and related matters, or any successor to
7 such individual, who failed to comply with such
8 subpoena or, at the authorization of the Speak-
9 er after consultation with the Bipartisan Legal
10 Advisory Group, to initiate judicial proceedings
11 concerning the enforcement of subpoenas issued
12 to such individuals.

13 (D) The House authorizes the chair of the
14 Committee on Oversight and Government Re-
15 form (when elected), on behalf of the Com-
16 mittee on Oversight and Government Reform,
17 and the Office of General Counsel—

18 (i) to petition to join as a party to the
19 civil action referenced in paragraph (1)
20 any individual subpoenaed by the Com-
21 mittee on Oversight and Government Re-
22 form of the 112th Congress as part of its
23 investigation into the United States De-
24 partment of Justice operation known as
25 “Fast and Furious” and related matters

1 who failed to comply with such subpoena,
2 or any successor to such individual; and

3 (ii) at the authorization of the Speak-
4 er after consultation with the Bipartisan
5 Legal Advisory Group, to initiate judicial
6 proceedings concerning the enforcement of
7 subpoenas issued to such individuals.

8 (b) HOUSE DEMOCRACY ASSISTANCE COMMISSION.—
9 House Resolution 24, One Hundred Tenth Congress, shall
10 apply in the One Hundred Thirteenth Congress in the
11 same manner as such resolution applied in the One Hun-
12 dred Tenth Congress except that the commission con-
13 cerned shall be known as the House Democracy Partner-
14 ship.

15 (c) TOM LANTOS HUMAN RIGHTS COMMISSION.—
16 Sections 1 through 7 of House Resolution 1451, One Hun-
17 dred Tenth Congress, shall apply in the One Hundred
18 Thirteenth Congress in the same manner as such provi-
19 sions applied in the One Hundred Tenth Congress, except
20 that—

21 (1) the Tom Lantos Human Rights Commission
22 may, in addition to collaborating closely with other
23 professional staff members of the Committee on
24 Foreign Affairs, collaborate closely with professional
25 staff members of other relevant committees; and

1 (2) the resources of the Committee on Foreign
2 Affairs which the Commission may use shall include
3 all resources which the Committee is authorized to
4 obtain from other offices of the House of Represent-
5 atives.

6 (d) OFFICE OF CONGRESSIONAL ETHICS.—Section 1
7 of House Resolution 895, One Hundred Tenth Congress,
8 shall apply in the One Hundred Thirteenth Congress in
9 the same manner as such provision applied in the One
10 Hundred Tenth Congress, except that—

11 (1) the Office of Congressional Ethics shall be
12 treated as a standing committee of the House for
13 purposes of section 202(i) of the Legislative Reorga-
14 nization Act of 1946 (2 U.S.C. 72a(i));

15 (2) references to the Committee on Standards
16 of Official Conduct shall be construed as references
17 to the Committee on Ethics; and

18 (3) the second sentence of section 1(b)(6)(A)
19 shall not apply.

20 (e) EMPANELING INVESTIGATIVE SUBCOMMITTEE OF
21 THE COMMITTEE ON STANDARDS OF OFFICIAL CON-
22 DUCT.—The text of House Resolution 451, One Hundred
23 Tenth Congress, shall apply in the One Hundred Thir-
24 teenth Congress in the same manner as such provision ap-
25 plied in the One Hundred Tenth Congress.

1 **SEC. 5. ADDITIONAL ORDER OF BUSINESS.**

2 The Speaker may recognize a Member for the reading
3 of the Constitution on any legislative day through January
4 15, 2013.