

H. RES. 5
ADOPTING RULES FOR THE 113TH CONGRESS

SECTION-BY-SECTION ANALYSIS

Section 1. Resolved Clause.

This section provides that the Rules of the 112th Congress are the Rules of the 113th Congress, except with the amendments contained in section 2 of the resolution and orders contained in sections 3, 4, and 5.

Section 2. Changes to the Standing Rules.

Committee Activity Reports. Subsection (a) reduces the frequency of committee activity reports from four times per Congress to two times per Congress (once per Session). The process for filing end of session committee reports is also modified to allow filings through January 2nd of each year.

Voting. Subsection (b) streamlines the voting process for several specific instances in the House and the Committee of the Whole. Paragraph (1) authorizes the Chair to reduce the time from 5 minutes to not less than 2 minutes for a vote after a quorum call in the Committee of the Whole, which is similar to the Speaker's current authority in the House to shorten votes following a quorum call. Paragraph (2) authorizes the Speaker to reduce the time for voting on any question after the Committee of the Whole rises. Paragraph (3) eliminates the mandatory record vote on a motion to close a meeting of a conference committee. This would allow a vote to close conference to be adopted by voice vote, but any Member may still request a record vote.

Clarifications in Rule X. Subsection (c) makes two clarifications with respect to clause 1 of rule X. Paragraph (1) clarifies that the Committee on Homeland Security's jurisdiction includes the general management of the Department of Homeland Security. This change is intended to clarify the Committee's existing jurisdiction over the organization and administration of the department, and is not intended to alter the pattern of bill referrals to the Committee on Homeland Security. Paragraph (2) conforms terminology used in the Committee on Natural Resources jurisdiction to terminology recognized by the Departments of State and Interior.

Changes to the Code of Conduct and the Committee on Ethics. Subsection (d) makes several improvements and clarifications to the Code of Conduct. Paragraph (1) allows the chair and ranking minority member of the Committee on Ethics to jointly extend the time for consideration of a dismissal referred by the Office of Congressional Ethics. Paragraph (2) amends clause 8(c) of rule XXIII to expand the current nepotism rule to conform to current law and adds grandchildren to the rule, who are not currently covered under House Rules or current law. The provision permits grandchildren who were employed by a

relative prior to the 113th Congress to retain their employment subject to the same restrictions applied to spouses employed prior to the 107th Congress. Paragraph (3) transfers the responsibility to maintain copies of the executed classified oath, in the case of an officer or employee of the House, to the Sergeant-at-Arms. The Clerk of the House will continue to maintain the executed oaths for Members, Delegates, and Resident Commissioners. Paragraph (4) amends the restrictions on the use of private aircraft contained in the Code of Conduct so as to conform the House rule to the existing rule in the Senate. The changes allow Members to pay their pro rata share for a charter flight based upon the fair market value of the flight, divided by the number of Members, officers, or employees of the House on the flight. It also increases the flexibility of Members with regard to which aircraft may be used. Members may pay for a charter flight authorized under this provision with either personal or official funds. This paragraph also provides that the chair and ranking minority member of the Committee on Ethics may jointly waive this section, subject to such conditions as they may prescribe. This provision is intended to facilitate the use of private aircraft in extraordinary circumstances, such as in an emergency or in the aftermath of a natural disaster.

Technical and Clarifying Changes. Subsection (e) corrects a host of typographic and other simple errors. Paragraph (1) corrects a typographic error. Paragraph (2) amends rule II (relating to House Officers) to add the Committee on Appropriations to the list of recipients of audit reports prepared by the Inspector General of the House. Paragraph (3) amends rule V (relating to Broadcasting of House proceedings) to address new technology and clarify acceptable uses of coverage of the floor proceedings. Paragraph (4) conforms the process for regular meeting notices to committee practice, which will eliminate the need to cancel the regular meeting if it was never noticed. Paragraph (5) clarifies the process for noticing a special meeting called pursuant to clause 2(c)(2) of rule XI. Paragraphs (6) and (7) are technical changes. Paragraph (8) amends rule XI to clarify that if any Member notifies a committee of the intention to file views, all Members are entitled to file views. Paragraph (9) makes a typographic change and related conforming changes. Paragraph (10) conforms clause 6(g) of rule XIII to the Rules Committee practice of specifying waivers in committee reports rather than resolutions. Paragraph (11) amends rule XV to clarify that motions to discharge a committee apply to all committees, including select committees. Paragraph (12) clarifies that precedents related to Calendar Wednesday business in effect before the 111th Congress will be applied only to the extent consistent with clause 6 of rule XV. Paragraph (13) clarifies that with respect to a call of the House in the event of a catastrophic circumstance, the Speaker may consult with the Majority Leader and Minority Leader or their designees. Paragraph (14) conforms rules related to conference reports to existing electronic availability for bills and other measures. Paragraph (15) is a technical change to conform to current House practices. Paragraph (16) eliminates the requirement for physical printing of Member Financial Disclosures in light of online disclosure under the STOCK Act.

Section 3. Separate Orders.

Independent Payment Advisory Board. Subsection (a) eliminates provisions contained in the Affordable Care Act that limit the ability of the House to determine the method of consideration for a recommendation from the Independent Payment Advisory Board or to repeal the provision in its entirety.

Budget Matters. Subsection (b)(1) clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless referred to or reported by the Budget Committee) only applies to bills and joint resolutions and not to simple or concurrent resolutions. Paragraph (2) makes a section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as an original bill by a special rule. Paragraph (3) provides that specified or minimum levels of compensation for a Federal office will not be considered as providing new entitlement authority. Paragraph (4) prevents the Committee of the Whole from rising to report a bill to the House that exceeds an applicable allocation of new budget authority under section 302 (b) (Appropriations subcommittee allocations) as estimated by the Budget Committee and creates a point of order. Paragraph (5) provides that the provisions of House Concurrent Resolution 112 (112th Congress), as adopted by the House, and the allocations of spending authority printed in tables 11 and 12 of House Report 112-421 (112th Congress) will be in effect until a budget resolution for fiscal year 2014 is adopted.

Determinations for PAYGO Acts. Subsection (c) allows the Chairman of the Budget Committee to take into account the exemptions provided under 503(b)(1) of H. CON. RES. 112 (112th Congress) for the purpose of complying with Statutory PAYGO.

Spending Reduction Amendments in Appropriations Bills. Subsection (d) carries forward the requirement from the 112th Congress that in each general appropriations bill there be a "spending reduction" account, the contents of which is a recitation of the amount by which, through the amendment process, the House has reduced spending in other portions of the bill and indicated that such savings should be counted towards spending reduction. It provides that other amendments that propose to increase spending in accounts in a general appropriations bill must include an offset of equal or greater value.

Certain Subcommittees. Subsection (e) waives clause 5(d) of rule X to allow the Committees on Armed Services and Foreign Affairs up to seven subcommittees each, and the Committee on Transportation and Infrastructure up to six subcommittees. This is a standard provision carried in the rules package during the last several congresses.

Exercise Facilities for Former Members. Subsection (f) continues the prohibition on access to any exercise facility which is made available exclusively to Members, former Members, officers and former officers of the House and their spouses to any former member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995.

Numbering of Bills. Subsection (g) reserves the first 10 numbers for bills (H.R. 1 through H.R. 10) for assignment by the Speaker and the second 10 numbers (H.R. 11 through H.R. 20) for assignment by the Minority Leader.

Section 4. Committees, Commissions, and House Offices.

Litigation Matters. Subsection (a) addresses continuing litigation in which the House is a party. Paragraph (1) authorizes the Bipartisan Legal Advisory Group to continue litigating a number of cases in the 113th Congress in which the Bipartisan Legal Advisory Group has successfully intervened as a defendant, including one case currently before the Supreme Court (*Windsor v. United States*). This paragraph also confirms that the Bipartisan Legal Advisory Group speaks for the House and articulates its institutional position in all litigation matters in which it appears. Paragraph (2) authorizes the Committee on Oversight and Government Reform, through the House Office of the General Counsel, to continue litigation to enforce a subpoena against the Attorney General related to the "Fast and Furious" investigation. This lawsuit was authorized by H. Res. 706 (112th Congress). It also authorizes the chair of the Committee on Oversight and Government Reform (when elected) to take certain actions necessary to continuing the litigation. Parallel authority was contained in H. Res. 5 (111th Congress) on a similar contempt matter.

House Democracy Assistance Commission. Subsection (b) reauthorizes the House Democracy Assistance Commission, now known as the House Democracy Partnership.

Tom Lantos Human Rights Commission. Subsection (c) reauthorizes the Tom Lantos Human Rights Commission.

Office of Congressional Ethics. Subsection (d) reauthorizes the Office of Congressional Ethics (OCE) for the 113th Congress and clarifies that term limits do not apply to members of the OCE.

Empanelling Investigative Subcommittee of the Committee on Standards and Official Conduct. Subsection (e) continues House Resolution 451 (110th Congress) directing the Committee on Standards of Official Conduct (now Ethics) to empanel investigative subcommittees within 30 days after the date a Member is indicted or criminal charges are filed.

Section 5. Additional Order of Business

Reading of the Constitution. This section allows the Speaker to recognize Members for the reading of the Constitution on any legislative day through January 15, 2013.