

**SECTION-BY-SECTION SUMMARY OF H.RES. 5
ADOPTING HOUSE RULES FOR THE 107TH CONGRESS**

REVISED

Wednesday, January 3, 2001, 11:00AM

Section 1. Resolved Clause.

The rules of the House of Representatives for the 106th Congress are adopted as the rules of the House of the 107th Congress with amendments as provided in section 2, and with other orders provided in section 3.

Section 2. Changes in Standing Rules.

(a) **Publication of Documents.** The rules regarding the responsibilities of the Clerk of the House with respect to the printing or methods of distributing executive branch reports, the House Journal and calendars of the House are modified generically to encompass alternative forms of publication and distribution. [*Rule II, clause 2*]

(b) **Preparation of Enrolled Bills.** The responsibility for examining all bills, amendments and joint resolutions after passage by the House, and for examining all bills and joint resolutions that have passed both Houses of Congress to see that they are correctly enrolled and presented to the President will be transferred from the Committee on House Administration to the Clerk of the House. [*Rule II, clause 2(d); Rule X, clause 4(d)(1)*]

(c) **Responding to Subpoenas.** The rules addressing responses to the legal process are clarified to reflect the current interpretation that such rules apply to both judicial orders and administrative subpoenas. [*Rule VIII*]

(d-1) **Establishment of Committee on Financial Services.** The Committee on Banking and Financial Services is abolished and a new Committee on Financial Services is established consisting of the jurisdiction of the old Committee on Banking and Financial Services, and jurisdiction over securities and exchanges and insurance generally (which is transferred from the Committee on Commerce). [*Rule X, clause 1*]

(d-2) **Renaming of Committee on Commerce.** The Committee on Commerce is redesignated as the Committee on Energy and Commerce. [*Rule X, clause 1*]

(e) **Enhanced Oversight Planning.** Committees are required to include in the oversight plans they adopt at the beginning of each Congress a review of specific problems with federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or impose a severe financial burden on individuals. This review would be the basis for the consideration of bills that may be candidates for the Corrections Calendar procedure. [*Rule X, clause 2(d)(1)*]

(f) **Intelligence Oversight.** The Permanent Select Committee on Intelligence is to have exclusive oversight responsibility over the sources and methods of the core intelligence agencies. [*Rule X, clause 3*]

(g) **Oversight of Officers.** The Committee on House Administration will provide policy direction only for the Inspector General and not for other officers of the House. The Committee will retain all oversight responsibilities over the Clerk, Sergeant-at-Arms, and Chief Administrative Officer. [*Rule X, clause 4(d)(1)(b); rule II, clause 4(a)*]

(h) **Size of Intelligence Committee.** The size of the Permanent Select Committee on Intelligence will be increased from not more than 16 Members to not more than 18 Members, of which no more than 10 may be from the same party. [*Rule X, clause 11*]

(i) **Preserving Majority Quorum Requirements.** The requirement for a majority quorum for ordering a measure reported, the release of executive session material, the issuance of subpoenas, and determining if evidence or testimony may tend to defame, degrade, or incriminate any person is clarified with conforming language. [*Rule XI, clause 2(h)(3)*]

(j) **Clarification of Hearing Procedures.** The procedures for committee hearings are modified to: resolve an unintended implication about hearings labeled as something other than investigative; clarify that a copy of the committee rules and hearing procedures shall be made available to each witness "upon request;" and clarify that an assertion that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person must be made either by a Member of the committee or by a witness at a hearing. [*Rule XI, clause 2(k)*]

(k) **Certain Supplemental Reports Without Additional Layover.** A committee may file a supplemental report without additional layover to correct errors in the depiction of record votes in committee. [*Rule XIII, clause 3(a)(2)*]

(l) **Performance Goals and Objectives.** The requirement that committee reports include a summary of oversight findings and recommendations by the Committee on Government Reform, if timely submitted, is repealed and replaced with a new

requirement that committee reports include a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [*Rule XIII, clause 3(c); rule X, clause 4(c)(2)*]

(m) **Report Detail on Unauthorized Appropriations.** The reporting requirements for unauthorized appropriations are expanded to include a statement of the last year for which the expenditures were authorized, the level of expenditures authorized for that year, the actual level of expenditures for that year, and the level of appropriations in the bill for such expenditures. [*Rule XIII, clause 3(f)(1)*]

(n) **Corrections Calendar.** On the second and fourth Tuesdays of a month, a bill that is printed in the Corrections Calendar section of the daily calendar may be considered without further layover. [*Rule XIII, clause 4(a)(2); rule XV, clause 6(a)*]

(o) **Objections to Exhibits.** When the use of an exhibit in debate is objected to, the requirement that the question of its use be decided without debate by a vote of the House is modified to provide discretion to the Chair to submit the question of its use to the House without debate. [*Rule XVII, clause 6*]

(p) **Postponing Requests for Recorded Votes on Amendments in Committee of Whole.** The current practice of providing authority, through special rules, to the Chair to postpone votes on amendments in the Committee of the Whole, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote, is made permanent. [*Rule XVIII, clause 6*]

(q) **Naming of Public Works.** It shall not be in order to consider a bill, joint resolution, amendment, or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner, or Senator. [*Rule XXI*]

(r) **Motions Instructing Conferees.** The intended operation of the rule to avoid noticing a 20-day motion to instruct on the first legislative day of a week is restored, and the elements of privilege are restated to clarify that they operate in tandem and not independently. Further, instructions to conferees in any motion may not include argument. [*Rule XXII, clause 7*]

(s) **Repeal of Automatic Public-Debt Measure.** The rule regarding the statutory limit on the public debt is repealed, and the succeeding rules are redesignated accordingly. [*Rule XXIII*]

(t) **Prohibition on Paid Employment Spouse.** The application of the provisions of section 3110 of Title V of the U.S. Code as it relates to Members of the House is

prospectively strengthened. [*Rule XXIV, clause 8 (redesignated as rule XXIII, clause 8)*]

(u) **Oaths Concerning Classified Information.** The requirement that a Member, Delegate, or Resident Commissioner sign a secrecy oath before having access to classified information is modified to require the Clerk of the House to make such signatures a matter of public record, publish new signatures, if any, in the Congressional Record on the last legislative day of the week, and make cumulative lists of such names available each day for public inspection in an appropriate office of the House. [*Rule XXIV, clause 13 (redesignated as rule XXIII)*]

(v) **Activities of Consultants.** The prohibition against representing a third party or interest by individuals whose services are compensated by the House pursuant to a consultant contract is limited to the contracting office or committee, including its staff. Such individuals will continue to be considered employees of the House for purposes of other applicable provisions of the Code of Conduct. [*Rule XXIV, clause 14 (redesignated as rule XXIII)*]

(w) **Clarification of Terms in Gift Rule.** In the gift rule, the definition of "employee" is clarified to cover all employees of the House, not the narrower meaning assigned for purposes of the limitations on outside earned income. [*Rule XXVI, clause 4(a) and 5(e) (redesignated as rule XXV)*]

(x) **Technical Corrections in Recodification.** Technical and grammatical changes are made throughout the rules of the House to correct changes that were made as a result of the recodification of the House rules at the beginning of the 106th Congress.

Section 3. Separate Orders.

(a) **Standards Committee Rules.** The free-standing directives of H.Res. 168 of the 105th Congress (sections 3, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 20, and 21) regarding ethics reform shall be carried forward in the 106th Congress. However, notwithstanding section 13 of that resolution, the chairman and ranking minority member of the Committee on Standards of Official Conduct may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee.

(b) **Budget Enforcement.** During the 107th Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution. In the case of a reported bill or

joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be. During the 107th Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(c) **Certain Subcommittees.** Notwithstanding clause 5(d) of rule X, during the 107th Congress the Committee on Government Reform may have not more than eight subcommittees; the Committee on International Relations may have not more than six subcommittees; and the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(d) **Numbering of Bills.** In the 107th Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.