

**SECTION-BY-SECTION SUMMARY OF H.RES. 5  
ADOPTING HOUSE RULES FOR THE 108TH CONGRESS**

**REVISED**

**Tuesday, January 7, 2003**

**Section 1. Resolved Clause.**

The rules of the House of Representatives for the 107th Congress are adopted as the rules of the House for the 108th Congress with amendments as provided in section 2, and with other orders provided in sections 3 and 4.

**Section 2. Changes in Standing Rules.**

(a) **Speaker succession.** The Speaker is required to submit to the Clerk of the House a list of Members to succeed the Speaker in the event of a vacancy in the office of the Speaker until the House reconvenes in order to elect a new Speaker. [Rule I, clause 8(b)]

(b) **Repeal of Speaker term limit.** This provision strikes Clause 9 of Rule 1, which limits a Member to no more than 4 consecutive terms as Speaker. [Rule I, clause 9]

(c) **Declaration of emergency recess.** The Speaker may, when notified of an imminent threat to the House's safety, declare an emergency recess subject to the call of the Chair. Allows the Speaker to accelerate or postpone the reconvening of the House in the event of an emergency. [Rule I, clause 12]

(d) **Clarification of staff access to House Floor.** The practice of allowing leadership staff with Floor responsibilities access to the House Floor is codified. [Rule IV, clause 2(a)(7)]

(e) **Rules Member on Budget Committee.** The Committee on the Budget shall include one member of the Committee on Rules. Codifies action taken in the 108th Republican Conference organizational meeting requiring that one Member of the Rules Committee serve on the Budget Committee. [Rule X, clause 5(a)(2)]

(f) **Associate and professional staff.** This change clarifies that the professional staff of the Appropriations Committee shall comply with the same rules regarding their duties as the professional staff of all other House committees. Further clarifies that the associate or shared staff of the Appropriations Committee are not subject to the review of the Committee on House Administration in connection with the reporting of committee expense resolutions. This change is technical in nature. [Rules X, clause 9(b)]

(g) **Postponing votes in committee.** Committees may adopt a rule which allows the chairman of a committee or subcommittee to postpone votes on approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable

notice. An underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [Rule XI, clause 2(h)]

(h) **Incorporation of H. Res. 168 (105th) in clause 3 of Rule XI "(Committee on Standards of Official Conduct)."** Over the last two consecutive Congresses the Committee on Standards of Official Conduct's operating procedure has been carried over as a separate order referencing a resolution adopted by the 105th Congress. This modification codifies the aforementioned operating procedures. [Rule XI, clause 3]

(i) **Joint referral.** Joint referral of measures without designation of primary jurisdiction will be permitted under 'exceptional circumstances.' Under this designation, the Speaker may designate more than one committee as though primary. [Rule XII, clause 2(c)(1)]

(j) **Require dynamic scoring in Ways & Means reports.** The Committee on Ways and Means is required to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. The committee is not required to include such analysis if the Joint Tax Committee certifies that such analysis is not calculable. In addition, the chairman of the Ways & Means Committee may satisfy this requirement by inserting such analysis in the Congressional Record prior to the bill's consideration on the floor. [Rule XIII, clause 3(h)]

(k) **Personal electronic equipment on the Floor.** This provision modernizes the rules of the House to prohibit only the use of wireless telephones and personal computers on the House floor, thereby permitting the use of unobtrusive handheld electronic devices. [Rule XVII, clause 5]

(l) **Accounting for vacancies.** The practice of adjusting the whole number of the House in the case of vacancies in the membership is codified. [Rule XX, clause 5]

(m) **Proceedings during call of House.** This change clarifies that a motion to adjourn retains its normal privilege and is in order during a call of the House under clause 6 of rule XX. The former language of the rule could be interpreted to give the Speaker the discretion to entertain such motion. This change is technical in nature. [Rule XX, clause 6(c)]

(n) **Five-minute voting in series.** The Speaker's authority to reduce the minimum time for electronic voting following a fifteen-minute vote is expanded to include all succeeding votes provided no other business intervenes and notice of possible five-minute voting is given. This change is technical in nature. [Rule XX, clause 9]

(o) **Prohibition on limitation amendments for the administration of taxes and tariffs.** Expands the application of clause 5(a) of rule XXI to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. [Rule XXI, clause 5(a)]

(p) **Motions to instruct during conference.** Permits further motions to instruct to be offered after 20 calendar days, but not less than 10 legislative days. [Rule XXII, clause 7(c)(1)]

(q) **Fiduciary relationship exemption for physicians.** Redefines a fiduciary relationship as not including "the practice of medicine," thereby allowing dentists and physicians to earn outside income up to \$22,500. [Rule XXV, clause 2]

(r) **Perishable food as gift.** Provides that the value of perishable food sent as a gift to an office shall be allocated among the individual recipients and not to the Member. [Rule XXV, clause 5(a)(1)(B)]

(s) **Gift ban exemption for charity travel.** Clarifies the gift ban to allow Members to be reimbursed for travel and lodging expenses by a charity organization, in cases where the net proceeds of the event go to a qualified charity, and the invitation is issued by the charity. [Rule XXV, clause 5(a)(4)(C)]

(t) **Statutory limit on public debt.** (Reinstate "Gephardt Rule", former Rule XXIII of the 106th Congress.) Provides for automatic House passage of a joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the budget resolution shall be deemed the vote on the joint resolution. [New Rule XXVII, former Rule XXVII redesignated as Rule XXVIII]

(u) **Technical corrections.** Technical and grammatical changes are made throughout the rules of the House, including those correcting changes that were made as a result of the recodification of the House rules.

### **Section 3. Separate Orders.**

(a)(1) - (a)(3) **Continuation of budget enforcement mechanisms from the 107th.** This order clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple and concurrent resolutions. It also 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 original bill by a special rule. Specified or minimum levels of compensation will not be considered as providing new entitlement authority.

(a)(4) **Continuation of budget "deeming" resolution from the 2nd Session of the 107th Congress.** This order establishes that the provisions of House Concurrent Resolution 353 as adopted by the House in the 107th Congress, shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

(b) **Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure.** A waiver of Rule X, clause 5(d), is granted for International Relations, Transportation & Infrastructure, and Armed Services for 6 subcommittees in the 108th Congress.

(c) **Numbering of bills.** In the 108th 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.

(d) **Wednesday suspension day.** During the first session of the 108th Congress, motions to suspend the rules shall be in order on Wednesdays through the second Wednesday in April.

**Section 4. Select Committee on Homeland Security.**

This section establishes the Select Committee on Homeland Security for the 108th Congress. It establishes that the Select Committee will have legislative jurisdiction to develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107-296).