

H. Res. 5

In the House of Representatives, U. S.,

January 3, 2013.

Resolved, That the Rules of the House of Representatives of the One Hundred Twelfth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Twelfth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Thirteenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.

SEC. 2. CHANGES TO THE STANDING RULES.

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

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

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

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

(b) VOTING.—

(1) In clause 6 of rule XVIII—

(A) in subparagraph (b)(3), strike “five minutes” and insert “not less than two minutes”; and

(B) amend paragraph (g) to read as follows:

“(g) The Chair may postpone a request for a recorded vote on any amendment. The Chair may resume proceedings on a postponed request at any time. The Chair may reduce to not less than two minutes the minimum time for electronic voting—

“(1) on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes; or

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

(2) In rule XX—

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

“(c) The Speaker may reduce to five minutes the minimum time for electronic voting on a question post-

poned under this clause, or on a question incidental thereto, that—

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

“(2) follows a report from the Committee of the Whole without intervening debate or motion if in the discretion of the Speaker Members would be afforded an adequate opportunity to vote.”; and

(B) amend clause 9 to read as follows:

“9. The Speaker may reduce to five minutes the minimum time for electronic voting—

“(a) on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the preceding electronic vote;

“(b) on any question arising after a report from the Committee of the Whole without debate or intervening motion; or

“(c) on the question of adoption of a motion to recommit (or ordering the previous question thereon) arising without intervening motion or debate other than debate on the motion.”.

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

(1) in paragraph (j)(2), strike “Organization and administration” and insert “Organization, administration, and general management”; and

(2) in paragraph (m)(9), strike “Insular possessions” and insert “Insular areas”.

(d) MODIFICATION OF THE RAMSEYER RULE.—In clause 3(e)(1)(B) of rule XIII, insert “and adjacent provisions if useful to enable the intent and effect of the amendment to be clearly understood,” before “showing”.

(e) CHANGES TO THE CODE OF CONDUCT AND THE COMMITTEE ON ETHICS.—

(1) In clause 3(b)(8) of rule XI—

(A) amend subdivision (A)(ii) to read as follows:

“(ii) upon the day of such decision or vote, make a public statement that the matter, relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, officer, or employee of the House who is the subject of the applicable referral, has been extended.”; and

(B) in subdivision (B)(ii)—

(i) strike “the committee votes to extend the matter” and insert “the matter is extended”; and

(ii) strike “the committee has voted to extend the matter” and insert “the matter has been extended”.

(2) In clause 8(c) of rule XXIII—

(A) strike “spouse” in each place it appears and insert (in each instance) “relative”;

(B) in subparagraph (2), strike “One Hundred Seventh Congress” and insert “One Hundred Thirteenth Congress”; and

(C) add the following new subparagraph:

“(3) As used in this paragraph, the term ‘relative’ means an individual who is related to the Member, Delegate, or Resident Commissioner as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandson, or granddaughter.”.

(3) In clause 13 of rule XXIII, strike “Copies of the executed oath (or affirmation) shall be retained by

the Clerk as part of the records of the House.” and insert “Copies of the executed oath (or affirmation) shall be retained as part of the records of the House, in the case of a Member, Delegate, or the Resident Commissioner, by the Clerk, and in the case of an officer or employee of the House, by the Sergeant-at-Arms.”.

(4) In clause 15 of rule XXIII—

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

(B) in paragraph (b)—

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

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

“(A) an individual on the basis of personal friendship; or

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

(ii) in subparagraph (4), strike the period and insert “; or”; and

(iii) add the following:

“(5) the owner or operator of the aircraft is paid a pro rata share of the fair market value of the normal and usual charter fare or rental charge

for a comparable plane of comparable size as determined by dividing such cost by the number of Members, Delegates, or the Resident Commissioner, officers, or employees of Congress on the flight.”; and

(C) redesignate paragraph (c) as paragraph (d) and insert after paragraph (b) the following new paragraph:

“(e) An advance written request for a waiver of the restriction in paragraph (a) may be granted jointly by the chair and ranking minority member of the Committee on Ethics, subject to such conditions as they may prescribe.”.

(f) TECHNICAL AND CLARIFYING CHANGES.—

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

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

(3) In rule V—

(A) in clause 1, strike “telecommunications” each place it appears and insert (in each instance) “communications”;

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

(C) in clause 2(e)(1), strike “political purpose” and insert “partisan political campaign purpose”.

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

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

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

(7) In clause 2(e)(2)(A) of rule XI, strike “all committee hearings, records, data, charts, and files” and insert “all committee records (including hearings, data, charts, and files)”.

(8) In clause 2(l) of rule XI—

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

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

(9) In clause 3(h) of rule XI—

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

(B) redesignate subdivisions (A) and (B) as subparagraphs (1) and (2), respectively.

(10) In clause 6(g) of rule XIII, strike “it shall (to the maximum extent possible) specify in the resolution the object of” and insert “it shall to the maximum extent possible specify in the accompanying report”.

(11) In clause 2 of rule XV, strike “standing” each place it appears.

(12) In clause 6 of rule XV, add the following new paragraph:

“(d) Precedents, rulings, or procedures in effect before the One Hundred Eleventh Congress regarding the priority of business and the availability of other business on Wednesday shall be applied only to the extent consistent with this clause.”.

(13) In clause 5(c)(3)(B) of rule XX, after “Minority Leader” each place it appears insert (in each instance) “(or their respective designees)”.

(14) In clause 8(a)(1) of rule XXII—

(A) in subdivision (A), after “in the Congressional Record” insert “or pursuant to clause 3 of rule XXIX”; and

(B) in subdivision (B), before “copies” insert “printed or electronic”.

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

(16) In clause 1 of rule XXVI, strike the second sentence.

SEC. 3. SEPARATE ORDERS.

(a) INDEPENDENT PAYMENT ADVISORY BOARD.—Section 1899A(d) of the Social Security Act shall not apply in the One Hundred Thirteenth Congress.

(b) BUDGET MATTERS.—

(1) During the One Hundred Thirteenth 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.

(2) During the One Hundred Thirteenth Congress, 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.

(3) During the One Hundred Thirteenth 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.

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

(B) If a point of order under subparagraph (A) is sustained, the Chair shall put the question: “Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under

section 302(b) of the Congressional Budget Act of 1974?’. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subparagraph (A) shall not apply—

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

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

(D) If a question under subparagraph (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

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

(5) During the first session of the One Hundred Thirteenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2014, the provisions of House Concurrent Resolution 112, One Hundred Twelfth Congress, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution, and the allocations of spending authority printed in tables 11 and 12 of House Report 112–421 (One Hundred Twelfth Congress) shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974.

(c) DETERMINATIONS FOR PAYGO ACTS.—In determining the budgetary effects of any legislation for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010 (including the required designation in PAYGO Acts), the chair of the Committee on the Budget may make adjustments to take into account the exemptions and adjustments set forth in section 503(b)(1) of House Concurrent Resolution 112, One Hundred Twelfth Congress.

(d) SPENDING REDUCTION AMENDMENTS IN APPROPRIATIONS BILLS.—

(1) During the reading of a general appropriation bill for amendment in the Committee of the Whole House on the state of the Union, it shall be in order to

consider en bloc amendments proposing only to transfer appropriations from an object or objects in the bill to a spending reduction account. When considered en bloc under this paragraph, such amendments may amend portions of the bill not yet read for amendment (following disposition of any points of order against such portions) and are not subject to a demand for division of the question in the House or in the Committee of the Whole.

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

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

(4) A point of order under clause 2(b) of rule XXI shall not apply to a spending reduction account.

(5) A general appropriation bill may not be considered in the Committee of the Whole House on the state of the Union unless it includes a spending reduction account as the last section of the bill. An order to report

a general appropriation bill to the House shall constitute authority for the chair of the Committee on Appropriations to add such a section to the bill or modify the figure contained therein.

(6) For purposes of this subsection, the term “spending reduction account” means an account in a general appropriation bill that bears that caption and contains only a recitation of the amount by which an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of new budget authority proposed by the bill.

(e) ESTIMATES OF DIRECT SPENDING.—

(1) It shall not be in order to consider any concurrent resolution on the budget, or amendment thereto or conference report thereon, unless it contains a separate heading entitled “Direct Spending”, which shall include a category for “Means-Tested Direct Spending” and a category for “Nonmeans-Tested Direct Spending” and sets forth—

(A) the average rate of growth for each category in the total amount of outlays during the 10-year period preceding the budget year;

(B) estimates for each such category under current law for the period covered by the concurrent resolution; and

(C) information on proposed reforms in such categories.

(2) Before the consideration of a concurrent resolution on the budget by the Committee on the Budget for a fiscal year, the chair of the Committee on the Budget shall submit for printing in the Congressional Record a description of programs which shall be considered means-tested direct spending and nonmeans-tested direct spending for purposes of this subsection.

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

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

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

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(g) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Thirteenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or

spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term “Member” includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

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

(i) INCLUSION OF UNITED STATES CODE CITATIONS.—To the maximum extent practicable and consistent with established drafting conventions, an instruction in a bill or joint resolution proposing to repeal or amend any law or part thereof not contained in a codified title of the United States Code shall include, if available, the applicable United States Code citation in parenthesis immediately following the designation of the matter proposed to be repealed or amended.

(j) DUPLICATION OF FEDERAL PROGRAMS.—

(1) The chair of a committee may request that the General Accountability Office perform a duplication

analysis of any bill or joint resolution referred to that committee. Any such analysis shall assess whether, and the extent to which, the bill or joint resolution creates a new Federal program, office, or initiative that duplicates or overlaps with any existing Federal program, office, or initiative.

(2) The report of a committee on a bill or joint resolution shall include a statement, as though under clause 3(c) of rule XIII, indicating whether any provision of the measure establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program. The statement shall at a minimum explain whether—

(A) any such program was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or

(B) the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169), identified other programs related to the program established or reauthorized by the measure.

(k) DISCLOSURE OF DIRECTED RULE MAKINGS.—

(1) The report of a committee on a bill or joint resolution shall include a statement, as though under clause 3(c) of rule XIII, estimating the number of directed rule makings required by the measure.

(2) For purposes of this subparagraph, the term “directed rule making” means a specific rule making within the meaning of section 551 of title 5, United States Code, specifically directed to be completed by a provision in the measure, but does not include a grant of discretionary rule making authority.

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

(a) LITIGATION MATTERS.—

(1) CONTINUING AUTHORITY FOR THE BIPARTISAN LEGAL ADVISORY GROUP.—

(A) The House authorizes the Bipartisan Legal Advisory Group of the One Hundred Thirteenth Congress—

(i) to act as successor in interest to the Bipartisan Legal Advisory Group of the One Hundred Twelfth Congress with respect to civil actions in which it intervened in the One Hundred Twelfth Congress to defend the constitutionality of section 3 of the Defense of Marriage Act (1 U.S.C. 7) or related provisions of titles 10, 31, and 38, United States Code, in-

cluding in the case of *Windsor v. United States*, 833 F. Supp.2d 394 (S.D.N.Y. June 6, 2012), *aff'd*, 699 F.3d 169 (2d Cir. Oct. 18, 2012), *cert. granted*, No. 12–307 (Dec. 7, 2012), *cert. pending* No. 12–63 (July 16, 2012) and 12–785 (Dec. 28, 2012);

(ii) to take such steps as may be appropriate to ensure continuation of such civil actions; and

(iii) to intervene in other cases that involve a challenge to the constitutionality of section 3 of the Defense of Marriage Act or related provisions of titles 10, 31, and 38, United States Code.

(B) Pursuant to clause 8 of rule II, the Bipartisan Legal Advisory Group continues to speak for, and articulate the institutional position of, the House in all litigation matters in which it appears, including in *Windsor v. United States*.

(2) CONTINUING AUTHORITIES FOR THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM AND THE OFFICE OF GENERAL COUNSEL.—

(A) The House authorizes—

(i) the Committee on Oversight and Government Reform of the One Hundred Thir-

teenth Congress to act as the successor in interest to the Committee on Oversight and Government Reform of the One Hundred Twelfth Congress with respect to the civil action Committee on Oversight and Government Reform, United States House of Representatives v. Eric H. Holder, Jr., in his official capacity as Attorney General of the United States, filed by the Committee on Oversight and Government Reform in the One Hundred Twelfth Congress pursuant to House Resolution 706; and

(ii) the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform, and the Office of General Counsel to take such steps as may be appropriate to ensure continuation of such civil action, including amending the complaint as circumstances may warrant.

(B) The House authorizes the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform and until such committee has adopted rules pursuant to clause 2(a) of rule XI, to issue subpoenas related to the investiga-

tion into the United States Department of Justice operation known as “Fast and Furious” and related matters.

(C) The House authorizes the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform, and the Office of General Counsel to petition to join as a party to the civil action referenced in paragraph (1) any individual subpoenaed by the Committee on Oversight and Government Reform of the One Hundred Twelfth Congress as part of its investigation into the United States Department of Justice operation known as “Fast and Furious” and related matters who failed to comply with such subpoena, or any successor to such individual.

(D) The House authorizes the chair of the Committee on Oversight and Government Reform (when elected), on behalf of the Committee on Oversight and Government Reform, and the Office of General Counsel, at the authorization of the Speaker after consultation with the Bipartisan Legal Advisory Group, to initiate judicial proceedings concerning the enforcement of subpoenas issued to such individuals.

(b) HOUSE DEMOCRACY PARTNERSHIP.—House Resolution 24, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such resolution applied in the One Hundred Tenth Congress except that the commission concerned shall be known as the House Democracy Partnership.

(c) TOM LANTOS HUMAN RIGHTS COMMISSION.—Sections 1 through 7 of House Resolution 1451, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such provisions applied in the One Hundred Tenth Congress, except that—

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

(2) the resources of the Committee on Foreign Affairs which the Commission may use shall include all resources which the Committee is authorized to obtain from other offices of the House of Representatives.

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

(1) the Office of Congressional Ethics shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i));

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

(3) the second sentence of section 1(b)(6)(A) shall not apply; and

(4) members subject to section 1(b)(6)(B) may be reappointed for a second additional term.

(e) EMPANELING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—The text of House Resolution 451, One Hundred Tenth Congress, shall apply in the One Hundred Thirteenth Congress in the same manner as such provision applied in the One Hundred Tenth Congress.

SEC. 5. ADDITIONAL ORDERS OF BUSINESS.

(a) READING OF THE CONSTITUTION.—The Speaker may recognize a Member for the Reading of the Constitution on any legislative day through January 15, 2013.

(b) MOTIONS TO SUSPEND THE RULES.—It shall be in order at any time on the legislative day of January 4, 2013, for the Speaker to entertain motions that the House suspend

the rules, as though under clause 1 of rule XV, relating to a measure addressing flood insurance.

Attest:

Clerk.