

H. RES. 5
ADOPTING RULES FOR THE 114TH CONGRESS

SECTION-BY-SECTION ANALYSIS

Section 1. Resolved Clause.

This section provides that the Rules of the 113th Congress are the Rules of the 114th 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.

Disclosure of Foreign Payments to Witnesses. Subsection (a)(1) requires nongovernmental witnesses to disclose payments to the witness or an organization they represent originating from foreign governments received in the current calendar year or either of the two previous calendar years.

Jurisdictional Changes. Subsection (a)(2) clarifies the jurisdiction of the Committee on the Judiciary with respect to the criminalization of actions. This subsection also clarifies the jurisdiction of the Committee on Appropriations with respect to certain loan obligations and new loan guarantees.

Clarifying the Jurisdiction of the Committee on House Administration. Subsection (a)(3) clarifies the House Committee on Administration's jurisdictional over the Chief Administrative Officer.

Committee Activity Reports. Subsection (a)(4) reduces the frequency of committee activity reports from two times per Congress to one time per Congress.

Dissenting Views. Subsection (a)(5) codifies current practice by updating the rule regarding supplemental, minority, or additional views to include "dissenting" views.

Consolidating Requirements for Written Rules. Subsection (a)(6) consolidates the requirement for written committee rules in clause 2 of rule XI and eliminates the reference to the adoption of written committee rules in clause 4 of rule XI.

Conforming Committee and House Broadcasting Standards. Subsection (a)(7) conforms the language in clause 4(b) of rule XI with clause 2(c) of rule V to ensure consistent application of broadcasting standards.

Eliminating the Point of Order Against Considering Appropriations Measures without Printed Hearings. Subsection (a)(8) eliminates the point of order against the consideration of appropriations measures without printed hearings. This information is largely available through archived broadcasts,

testimony, and other documents available on the Appropriations Committee's website and the public hearings themselves.

Permanent Select Committee on Intelligence. Subsection (a)(9) increases the size of the committee to 22 members, not more than 13 of which can be from the majority.

Bipartisan Legal Advisory Group. Subsection (b) updates the authorization for the Bipartisan Legal Authority Group to conform to current practice.

Cost Estimates for Major Legislation to Incorporate Macroeconomic Scoring. Subsection (c) requires the Congressional Budget Office and Joint Committee on Taxation, to the extent practicable, to incorporate the macroeconomic effects of "major legislation" into the official cost estimates used for enforcing the budget resolution and other rules of the House. The subsection requires a qualitative assessment of the long-term budgetary and macroeconomic effects of "major legislation", which is defined to cover legislation that causes a gross budgetary effect in any fiscal year covered by the budget resolution that is equal to or greater than 0.25 percent of the projected GDP for that year. This subsection also allows the chair of the Budget Committee, or in the case of revenue legislation the House member serving as the Chair or Vice Chair of the Joint Committee on Taxation, to designate legislation as "major legislation" for purposes of this rule.

This subsection also repeals the existing provision in rule XIII(3)(h)(2) for an advisory macroeconomic impact analysis of revenue legislation, which is superseded by the new rule.

Providing for Reconvening Authority for the House of Representatives. Subsection (d) allows the Speaker, after consultation with the Minority Leader, to reconvene the House during an adjournment of three days or less, at a time other than previously appointed.

Providing Conference Committees with Time to Reach Agreement. Subsection (e) modifies clause 7(c)(1) of rule XXII by providing conference committees 45 calendar days and 25 legislative days after the House agrees to go to conference to reach agreements before motions to instruct managers may be offered.

Technical and Conforming Changes. Subsection (f)(1) conforms the standing rules to reflect the name in statute of the Joint Committee on Taxation (JCT). Subsection (f)(2) removes a reference inadvertently left in place at the start of the 113th Congress, which is no longer necessary due to the enactment of 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.

Staff Deposition Authority for Certain Committees. Subsection (b) provides the Committees on Energy and Commerce, Financial Services, Science, Space, and Technology, and Ways and Means deposition authority to be conducted by a member or committee counsel during the first session of the 114th Congress. Depositions taken under this authority shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

Providing for Transparency with Respect to Memorials Submitted Pursuant to Article V of the Constitution of the United States. Subsection (c) clarifies the procedures of the House upon receipt of Article V memorials from the States by directing the Clerk to make each memorial, designated by the chair of the Committee on the Judiciary, electronically available and organized by State of origin and year of receipt.

Spending Reduction Amendments in Appropriations Bills. Subsection (d) carries forward the requirement from the 112th and 113th Congresses 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.

Budget Matters. Subsection (e)(1) provides that titles III, IV, and VI, of House Concurrent Resolution 25 (113th Congress), as well as the allocations, aggregates, and appropriate levels contained in the Chair of the Committee on the Budget’s statement submitted in the Congressional Record on April 29, 2014, as adjusted, will continue to have force and effect until a budget resolution for fiscal year 2015 is adopted. This subsection also provides that the chair of the Committee on the Budget may revise allocations, aggregates, and appropriate levels for measures maintaining the Highway Trust Fund, provided such a measure does not increase the deficit over the 10-year window and revise allocations, aggregates, and appropriate levels to take into account updated CBO baselines.

Subsection (e)(2) carries forward from the 113th Congress the requirement that 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.

Continuing Litigation Authorities. Subsection (f) addresses continuing litigation in which the House is a party. Paragraph (1) continues the authorization of 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. Paragraph (2) continues the authorization of the House to continue as the successor in interest with respect to ongoing civil actions regarding the implementation of the Patient Protection and Affordable Care Act. The lawsuit was authorized by H. Res. 676 (113th Congress). The subsection also clarifies the authorities provided by H. Res. 676 (113th Congress) remain in effect in the 114th Congress. Paragraph (3) authorizes Michael W. Sheehy to provide testimony in ongoing criminal action in accordance with authorizations from the Select Committee on Intelligence in the 112th and 113th Congresses.

Duplication of Federal Programs. Subsection (g) carries forward from the 113th Congress the authorization of a committee chair to request that the Government Accountability Office perform a duplication analysis of any bill or joint resolution referred to that committee. The subsection also requires committee reports to include a statement on whether any provision of the measure establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program. This order has been modified to allow for a statement that no program is being established or reauthorized for purposes of complying with the order.

Estimates of Direct Spending. Subsection (h) carries forward from the 113th Congress the prohibition of consideration of a concurrent resolution on the budget, or any proposed amendment to or conference report thereon, unless it includes specified information and estimates related to direct spending, including means-tested direct spending and nonmeans-tested direct spending. The subsection also requires the chair of the Committee on the Budget to publish a description in the Congressional Record of covered programs.

Disclosure of Directed Rulemakings. Subsection (i) carries forward from the 113th Congress the requirement that committee reports on bills or joint resolutions are to include an estimate of the number of directed rule makings required by the measure. The subsection defines "directed rule making" to include those rule makings specifically directed to be completed by a provision in the legislation, but does not include a grant of discretionary rule making authority.

Subcommittees. Subsection (j) waives clause 5(d) of rule X to allow the

Committees on Armed Services and Foreign Affairs up to seven subcommittees each and the Committees on Transportation and Infrastructure and Agriculture up to six subcommittees. Other than the inclusion of the Committee on Agriculture, this is similar to provisions carried in the rules package during the last several congresses.

Exercise Facilities for Former Members. Subsection (k) continues the prohibition on access to any exercise facility that 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 (l) 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.

Inclusion of U.S. Code Citations. Subsection (m) carries forward the requirement that the sponsor of a bill or joint resolution include, if available, and to the maximum extent practicable, the applicable United States Code citation when the legislation proposes to repeal, amend in full or in part, any uncodified law.

Temporary Designation. Subsection (n) directs the Committee on House Administration to designate a location for documents to be made publicly available.

Section 4. Committees, Commissions, and House Offices.

Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi. Subsection (a) carries forward the select committee authorized by H. Res. 567 (113th Congress). Additionally, the subsection provides the select committee authority to adopt a rule or motion allowing for a ten-minute rule for the questioning of witnesses.

House Democracy Partnership. 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 114th Congress and clarifies that term limits do not apply to members of the OCE.

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 16, 2015.