



Legislative Bulletin.....January 3, 2013

Contents:

UPDATED: H.Res. 5 – House Rules Package for the 113th Congress

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(Rep. Sessions, R-TX)**

Order of Business: H.Res. 5 will be considered by the House on Thursday, January 3, 2013, after the 113th Congress opens with a quorum call, the election of the Speaker of the House, and the swearing-in of Members. This bulletin has been updated to reflect the special GOP Conference on the evening of January 2, 2013, during which some further amendments were adopted.

Summary of Changes for the 113th Congress as Compared to the Rules of the 112th Congress:

Highlighting Welfare Spending in Budget Resolutions: An accepted amendment by RSC Chairman Scalise requires that all budget resolutions before the House, including substitute amendments, include an analysis of the historical and projected growth of means-tested direct spending and non-means-tested direct spending. This provision will allow Members of Congress and the public to have an accurate picture of the true cost of welfare spending and begin to engage in a serious debate on real welfare reforms.

Number of Regulations Promulgated: An accepted amendment by RSC Chairman Scalise requires that committee reports include an estimate of the number of directed rule-makings the accompanying legislation promulgates. This will bring regulatory transparency to all legislation being reported from committees.

Motions to Recommit: An accepted amendment by Congresswoman Hartzler allows the Speaker to reduce votes on all motions to recommit to not less than 5 minutes.

Clarifying Modified Current Law: An accepted amendment by Congressman Amash requires that committee reports include provisions of current law that surround modifications. The purpose of this is to clarify the intent and effect of an amended law.

Citing the U.S. Code When Drafting: An accepted amendment by Congressman Amash requires legislative counsel or others who draft legislation to repeal or amend any uncodified law to include parallel citations to the U.S. Code, if available.

Acknowledgement of Duplicative Programs: An accepted amendment by Congressman Lankford allows the chair of any standing committee to request that GAO analyze legislation referred to that committee to assess whether it creates or reauthorizes duplicative or overlapping federal programs, which must be disclosed in the committee's report, acknowledging that the legislation referred to the committee is potentially growing government with duplicative programs.

Spending Reduction Accounts: The package continues the Spending Reduction Accounts provided in appropriations bills, which allow Members to rescind funds in the bill under consideration via the amendment process and reduce overall spending of JUST that bill by "locking away" the rescinded funds. The overall discretionary spending cap would remain unaffected.

Committee Activity Reports: The rules package reduces the requirement to prepare and file committee activity reports from four times per Congress to two times per Congress and extends the filing date through January 2nd of each year.

Voting: The rules package also authorizes the Chair to reduce the time from 5 minutes to not less than two minutes for a vote after a quorum call in the Committee of the Whole and authorizes the Speaker to reduce the time for a vote on any question under consideration by the Committee of the Whole. The package also eliminates the mandatory record vote on a motion to close a meeting of a conference committee; however, a Member may still request a record vote.

Committee Jurisdiction: The Committee on Homeland Security's existing jurisdiction to oversee the Department of Homeland Security's general management is clarified and the jurisdiction of the Committee on Natural Resources is altered by changing "Insular possessions" to "Insular areas" to reflect terminology used by the Departments of State and Interior.

Changes to the Code of Conduct, Committee on Ethics, and Continued Prohibitions: These changes include:

- expanding the current nepotism rule, prohibiting Members from employing their grandchildren subject to the same restrictions applied to spouses;
- allowing Members to pay their pro rata share for charter flight based on the fair market value and to use personal or official funds to pay for the flight;
- correcting typographical or other errors (including the need to cancel a committee meeting that was never noticed) and addressing new technology;
- eliminating the requirement for printing Member Financial Disclosures, due to the online disclosure requirement under the STOCK Act;
- continuing the prohibition on any former Members, former officers, or spouses who are registered lobbyists from accessing House exercise facilities; and

- continuing the provisions in H.Res. 451 (110th Congress) directing the Committee on Ethics to empanel investigative subcommittees within 30 days after a Member is indicted or criminal charges are filed.

Patient Protection and Affordable Care Act: Eliminates provisions in ObamaCare that would otherwise limit the ability of the House in considering recommendations from the Independent Payment Advisory Board (IPAB). (Note: The U.S. Constitution grants each house of Congress the power to set its own rules for consideration of legislation.)

Budget Point of Order: Provides a point of order preventing the Committee of the Whole from rising to report a bill that exceeds the 302(b) subcommittee allocations as estimated by the Budget Committee.

Current Budgeting: Determines that the current House Budget Resolution spending authority will be in effect until a budget for FY14 is adopted.

Subcommittees: The Committees on Armed Services and Foreign Affairs are allowed up to seven subcommittees each, and the Committee on Transportation and Infrastructure up to six subcommittees.

Fast and Furious: The package authorizes the Committee on Oversight and Government Reform to continue litigation to enforce a subpoena against the Attorney General regarding the “Fast and Furious” incidents.

Miscellaneous Reauthorizations: The package also authorizes the following:

- the Bipartisan Legal Advisory Group, which serves to articulate the House position in all litigation in which the House is involved, to continue litigating a number of cases in which the House has already intervened and confirms the Bipartisan Legal Advisory Group's role;
- the House Democracy Partnership;
- the Tom Lantos Human Rights Commission; and
- the Office of congressional Ethics.

Committee Action: H.Res. 5 will be formally introduced once the 113th Congress commences.

Cost to Taxpayers: The House Rules themselves do not directly impact federal spending.

Does the Resolution Expand the Size and Scope of the Federal Government?: No.

Does the Resolution Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No. Note that the current rules for earmarks would remain in place.

Constitutional Authority: House Rules do not require a statement of constitutional authority to accompany resolutions when introduced, however, the U.S. Constitution grants each house of Congress the power to set its own internal rules (Article I, Section 5, Clause 2).

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