

108TH CONGRESS
1ST SESSION

H. RES. 5

Adopting rules for the One Hundred Eighth Congress.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. DELAY submitted the following resolution; which was considered and agreed to

RESOLUTION

Adopting rules for the One Hundred Eighth Congress.

1 *Resolved*, That the Rules of the House of Representa-
2 tives of the One Hundred Seventh Congress, including ap-
3 plicable provisions of law or concurrent resolution that
4 constituted rules of the House at the end of the One Hun-
5 dred Seventh Congress, are adopted as the Rules of the
6 House of Representatives of the One Hundred Eighth
7 Congress, with amendments to the standing rules as pro-
8 vided in section 2, and with other orders as provided in
9 sections 3 and 4.

1 **SEC. 2. CHANGES IN STANDING RULES.**

2 (a) MEMBERS TO ACT AS SPEAKER PRO TEMPORE.—

3 In clause 8(b) of rule I, add at the end the following new
4 subparagraph:

5 “(3)(A) In the case of a vacancy in the office
6 of Speaker, the next Member on the list described in
7 subdivision (B) shall act as Speaker pro tempore
8 until the election of a Speaker or a Speaker pro tem-
9 pore. Pending such election the Member acting as
10 Speaker pro tempore may exercise such authorities
11 of the Office of Speaker as may be necessary and
12 appropriate to that end.

13 “(B) As soon as practicable after his election
14 and whenever he deems appropriate thereafter, the
15 Speaker shall deliver to the Clerk a list of Members
16 in the order in which each shall act as Speaker pro
17 tempore under subdivision (A).

18 “(C) For purposes of subdivision (A), a vacancy
19 in the office of Speaker may exist by reason of the
20 physical inability of the Speaker to discharge the du-
21 ties of the office.”.

22 (b) TERM OF SPEAKER.—In rule I—

23 (1) strike clause 9; and

24 (2) redesignate clause 13 as clause 9.

25 (c) RECESS AND CONVENING AUTHORITIES.—In
26 clause 12 of rule I—

1 (1) amend the caption to read:

2 ***“Recess and convening authorities”;***

3 and

4 (2) designate the existing text as paragraph (a)

5 and add thereafter the following new paragraphs:

6 “(b) To suspend the business of the House when noti-
7 fied of an imminent threat to its safety, the Speaker may
8 declare an emergency recess subject to the call of the
9 Chair.

10 “(c) During any recess or adjournment of not more
11 than three days, if the Speaker is notified by the Sergeant-
12 at-Arms of an imminent impairment of the place of recon-
13 vening at the time previously appointed, then he may, in
14 consultation with the Minority Leader—

15 “(1) postpone the time for reconvening within
16 the limits of clause 4, section 5, article I of the Con-
17 stitution and notify Members accordingly; or

18 “(2) reconvene the House before the time pre-
19 viously appointed solely to declare the House in re-
20 cess within the limits of clause 4, section 5, article
21 I of the Constitution and notify Members accord-
22 ingly.

23 “(d) The Speaker may convene the House in a place
24 at the seat of government other than the Hall of the

1 House whenever, in his opinion, the public interest shall
2 warrant it.”.

3 (d) PRIVILEGES OF FLOOR.—In clause 2(a)(7) of
4 rule IV, after “consideration” insert a comma followed by
5 “and staff of the respective party leaderships when so as-
6 signed with the approval of the Speaker”.

7 (e) MEMBERSHIP OF BUDGET COMMITTEE.—In
8 clause 5(a)(2) of rule X, amend subdivision (A)(i) to read
9 as follows:

10 “(i) Members, Delegates, or the Resident Com-
11 missioner who are members of other standing com-
12 mittees, including five from the Committee on Ap-
13 propriations, five from the Committee on Ways and
14 Means, and one from the Committee on Rules;”.

15 (e-1) TENURE OF CERTAIN CHAIRMEN AND RANK-
16 ING MINORITY MEMBERS.—

17 (1) In clause 5(a)(2) of rule X, amend subdivi-
18 sion (C) to read as follows:

19 “(C) In the case of a Member, Delegate, or
20 Resident Commissioner elected to serve as the
21 chairman or the ranking minority member of
22 the committee, tenure on the committee shall be
23 limited only by paragraph (c)(2) of this
24 clause.”.

1 (2) In clause 11(a)(4) of rule X, amend subdivi-
2 sion (B) to read as follows:

3 “(B) In the case of a Member, Delegate, or
4 Resident Commissioner appointed to serve as
5 the chairman or the ranking minority member
6 of the select committee, tenure on the select
7 committee shall not be limited.”.

8 (f) ASSOCIATE STAFF.—In clause 9(b) of rule X—

9 (1) redesignate subparagraph (2) as subpara-
10 graph (2)(A);

11 (2) redesignate subparagraph (3) as subpara-
12 graph (2)(B);

13 (3) in subparagraph (2)(B), as redesignated, in-
14 sert “other than the Committee on Appropriations”
15 after “a committee”; and

16 (4) strike subparagraph (4).

17 (g) POSTPONING VOTES IN COMMITTEES.—At the
18 end of clause 2(h) of rule XI, add the following new sub-
19 paragraph:

20 “(4)(A) Each committee may adopt a rule author-
21 izing the chairman of a committee or subcommittee—

22 “(i) to postpone further proceedings when a
23 record vote is ordered on the question of approving
24 a measure or matter or on adopting an amendment;
25 and

1 “(ii) to resume proceedings on a postponed
2 question at any time after reasonable notice.

3 “(B) A rule adopted pursuant to this subparagraph
4 shall provide that when proceedings resume on a post-
5 poned question, notwithstanding any intervening order for
6 the previous question, an underlying proposition shall re-
7 main subject to further debate or amendment to the same
8 extent as when the question was postponed.”.

9 (h) CODIFICATION OF FREESTANDING ETHICS
10 RULES.—In clause 3 of rule XI, add at the end the fol-
11 lowing new paragraphs:

12 **“Committee agendas**

13 “(f) The committee shall adopt rules providing that
14 the chairman shall establish the agenda for meetings of
15 the committee, but shall not preclude the ranking minority
16 member from placing any item on the agenda.

17 **“Committee staff**

18 “(g)(1) The committee shall adopt rules providing
19 that—

20 “(A) the staff be assembled and retained as a
21 professional, nonpartisan staff;

22 “(B) each member of the staff shall be profes-
23 sional and demonstrably qualified for the position
24 for which he is hired;

1 “(C) the staff as a whole and each member of
2 the staff shall perform all official duties in a non-
3 partisan manner;

4 “(D) no member of the staff shall engage in
5 any partisan political activity directly affecting any
6 congressional or presidential election;

7 “(E) no member of the staff or outside counsel
8 may accept public speaking engagements or write for
9 publication on any subject that is in any way related
10 to his or her employment or duties with the com-
11 mittee without specific prior approval from the
12 chairman and ranking minority member; and

13 “(F) no member of the staff or outside counsel
14 may make public, unless approved by an affirmative
15 vote of a majority of the members of the committee,
16 any information, document, or other material that is
17 confidential, derived from executive session, or clas-
18 sified and that is obtained during the course of em-
19 ployment with the committee.

20 “(2) Only subdivisions (C), (E), and (F) of subpara-
21 graph (1) shall apply to shared staff.

22 “(3)(A) All staff members shall be appointed by an
23 affirmative vote of a majority of the members of the com-
24 mittee. Such vote shall occur at the first meeting of the

1 membership of the committee during each Congress and
2 as necessary during the Congress.

3 “(B) Subject to the approval of the Committee on
4 House Administration, the committee may retain counsel
5 not employed by the House of Representatives whenever
6 the committee determines, by an affirmative vote of a ma-
7 jority of the members of the committee, that the retention
8 of outside counsel is necessary and appropriate.

9 “(C) If the committee determines that it is necessary
10 to retain staff members for the purpose of a particular
11 investigation or other proceeding, then such staff shall be
12 retained only for the duration of that particular investiga-
13 tion or proceeding.

14 “(D) Outside counsel may be dismissed before the
15 end of a contract between the committee and such counsel
16 only by an affirmative vote of a majority of the members
17 of the committee.

18 “(4) In addition to any other staff provided for by
19 law, rule, or other authority, with respect to the com-
20 mittee, the chairman and ranking minority member each
21 may appoint one individual as a shared staff member from
22 his or her personal staff to perform service for the com-
23 mittee. Such shared staff may assist the chairman or
24 ranking minority member on any subcommittee on which
25 he serves.

1 ***“Meetings and hearings***

2 “(h)(1) The committee shall adopt rules providing
3 that—

4 “(A) all meetings or hearings of the committee
5 or any subcommittee thereof, other than any hearing
6 held by an adjudicatory subcommittee or any sanc-
7 tion hearing held by the committee, shall occur in
8 executive session unless the committee or sub-
9 committee by an affirmative vote of a majority of its
10 members opens the meeting or hearing to the public;
11 and

12 “(B) any hearing held by an adjudicatory sub-
13 committee or any sanction hearing held by the com-
14 mittee shall be open to the public unless the com-
15 mittee or subcommittee by an affirmative vote of a
16 majority of its members closes the hearing to the
17 public.

18 ***“Public disclosure***

19 “(i) The committee shall adopt rules providing that,
20 unless otherwise determined by a vote of the committee,
21 only the chairman or ranking minority member, after con-
22 sultation with each other, may make public statements re-
23 garding matters before the committee or any sub-
24 committee thereof.

1 ***“Requirements to constitute a complaint***

2 “(j) The committee shall adopt rules regarding com-
3 plaints to provide that whenever information offered as a
4 complaint is submitted to the committee, the chairman
5 and ranking minority member shall have 14 calendar days
6 or five legislative days, whichever is sooner, to determine
7 whether the information meets the requirements of the
8 rules of the committee for what constitutes a complaint.

9 ***“Duties of chairman and ranking minority member***
10 ***regarding properly filed complaints***

11 “(k)(1) The committee shall adopt rules providing
12 that whenever the chairman and ranking minority member
13 jointly determine that information submitted to the com-
14 mittee meets the requirements of the rules of the com-
15 mittee for what constitutes a complaint, they shall have
16 45 calendar days or five legislative days, whichever is
17 later, after that determination (unless the committee by
18 an affirmative vote of a majority of its members votes oth-
19 erwise) to—

20 “(A) recommend to the committee that it dis-
21 pose of the complaint, or any portion thereof, in any
22 manner that does not require action by the House,
23 which may include dismissal of the complaint or res-
24 olution of the complaint by a letter to the Member,
25 officer, or employee of the House against whom the
26 complaint is made;

1 “(B) establish an investigative subcommittee; or

2 “(C) request that the committee extend the ap-
3 plicable 45-calendar day or five-legislative day period
4 by one additional 45-calendar day period when they
5 determine more time is necessary in order to make
6 a recommendation under subdivision (A).

7 “(2) The committee shall adopt rules providing that
8 if the chairman and ranking minority member jointly de-
9 termine that information submitted to the committee
10 meets the requirements of the rules of the committee for
11 what constitutes a complaint, and the complaint is not dis-
12 posed of within the applicable time periods under subpara-
13 graph (1), then they shall establish an investigative sub-
14 committee and forward the complaint, or any portion
15 thereof, to that subcommittee for its consideration. How-
16 ever, if, at any time during those periods, either the chair-
17 man or ranking minority member places on the agenda
18 the issue of whether to establish an investigative sub-
19 committee, then an investigative subcommittee may be es-
20 tablished only by an affirmative vote of a majority of the
21 members of the committee.

1 ***“Duties of chairman and ranking minority member***
2 ***regarding information not constituting a***
3 ***complaint***

4 “(l) The committee shall adopt rules providing that
5 whenever the chairman and ranking minority member
6 jointly determine that information submitted to the com-
7 mittee does not meet the requirements of the rules of the
8 committee for what constitutes a complaint, they may—

9 “(1) return the information to the complainant
10 with a statement that it fails to meet the require-
11 ments of the rules of the committee for what con-
12 stitutes a complaint; or

13 “(2) recommend to the committee that it au-
14 thorize the establishment of an investigative sub-
15 committee.

16 ***“Investigative and adjudicatory subcommittees***

17 “(m) The committee shall adopt rules providing
18 that—

19 “(1)(A) an investigative subcommittee shall be
20 composed of four Members (with equal representa-
21 tion from the majority and minority parties) when-
22 ever such a subcommittee is established pursuant to
23 the rules of the committee;

24 “(B) an adjudicatory subcommittee shall be
25 composed of the members of the committee who did
26 not serve on the pertinent investigative sub-

1 committee (with equal representation from the ma-
2 jority and minority parties) whenever such a sub-
3 committee is established pursuant to the rules of the
4 committee; and

5 “(C) notwithstanding any other provision of
6 this clause, the chairman and ranking minority
7 member of the committee may consult with an inves-
8 tigative subcommittee either on their own initiative
9 or on the initiative of the subcommittee, shall have
10 access to information before a subcommittee with
11 which they so consult, and shall not thereby be pre-
12 cluded from serving as full, voting members of any
13 adjudicatory subcommittee;

14 “(2) at the time of appointment, the chairman shall
15 designate one member of a subcommittee to serve as chair-
16 man and the ranking minority member shall designate one
17 member of the subcommittee to serve as the ranking mi-
18 nority member; and

19 “(3) the chairman and ranking minority member of
20 the committee may serve as members of an investigative
21 subcommittee, but may not serve as non-voting, ex officio
22 members.

1 ***“Standard of proof for adoption of statement of al-***
2 ***leged violation***

3 “(n) The committee shall adopt rules to provide that
4 an investigative subcommittee may adopt a statement of
5 alleged violation only if it determines by an affirmative
6 vote of a majority of the members of the subcommittee
7 that there is substantial reason to believe that a violation
8 of the Code of Official Conduct, or of a law, rule, regula-
9 tion, or other standard of conduct applicable to the per-
10 formance of official duties or the discharge of official re-
11 sponsibilities by a Member, officer, or employee of the
12 House of Representatives, has occurred.

13 ***“Subcommittee powers***

14 “(o)(1) The committee shall adopt rules providing
15 that an investigative subcommittee or an adjudicatory sub-
16 committee may authorize and issue subpoenas only when
17 authorized by an affirmative vote of a majority of the
18 members of the subcommittee.

19 “(2) The committee shall adopt rules providing that
20 an investigative subcommittee may, upon an affirmative
21 vote of a majority of its members, expand the scope of
22 its investigation approved by an affirmative vote of a ma-
23 jority of the members of the committee.

24 “(3) The committee shall adopt rules to provide
25 that—

1 “(A) an investigative subcommittee may, upon
2 an affirmative vote of a majority of its members,
3 amend its statement of alleged violation anytime be-
4 fore the statement of alleged violation is transmitted
5 to the committee; and

6 “(B) if an investigative subcommittee amends
7 its statement of alleged violation, the respondent
8 shall be notified in writing and shall have 30 cal-
9 endar days from the date of that notification to file
10 an answer to the amended statement of alleged vio-
11 lation.

12 ***“Due process rights of respondents***

13 “(p) The committee shall adopt rules to provide
14 that—

15 “(1) not less than 10 calendar days before a
16 scheduled vote by an investigative subcommittee on
17 a statement of alleged violation, the subcommittee
18 shall provide the respondent with a copy of the
19 statement of alleged violation it intends to adopt to-
20 gether with all evidence it intends to use to prove
21 those charges which it intends to adopt, including
22 documentary evidence, witness testimony, memo-
23 randa of witness interviews, and physical evidence,
24 unless the subcommittee by an affirmative vote of a
25 majority of its members decides to withhold certain

1 evidence in order to protect a witness; but if such
2 evidence is withheld, the subcommittee shall inform
3 the respondent that evidence is being withheld and
4 of the count to which such evidence relates;

5 “(2) neither the respondent nor his counsel
6 shall, directly or indirectly, contact the subcommittee
7 or any member thereof during the period of time set
8 forth in paragraph (1) except for the sole purpose of
9 settlement discussions where counsel for the re-
10 spondent and the subcommittee are present;

11 “(3) if, at any time after the issuance of a
12 statement of alleged violation, the committee or any
13 subcommittee thereof determines that it intends to
14 use evidence not provided to a respondent under
15 paragraph (1) to prove the charges contained in the
16 statement of alleged violation (or any amendment
17 thereof), such evidence shall be made immediately
18 available to the respondent, and it may be used in
19 any further proceeding under the rules of the com-
20 mittee;

21 “(4) evidence provided pursuant to paragraph
22 (1) or (3) shall be made available to the respondent
23 and his or her counsel only after each agrees, in
24 writing, that no document, information, or other ma-

1 materials obtained pursuant to that paragraph shall be
2 made public until—

3 “(A) such time as a statement of alleged
4 violation is made public by the committee if the
5 respondent has waived the adjudicatory hear-
6 ing; or

7 “(B) the commencement of an adjudica-
8 tory hearing if the respondent has not waived
9 an adjudicatory hearing;

10 but the failure of respondent and his counsel to so
11 agree in writing, and their consequent failure to re-
12 ceive the evidence, shall not preclude the issuance of
13 a statement of alleged violation at the end of the pe-
14 riod referred to in paragraph (1);

15 “(5) a respondent shall receive written notice
16 whenever—

17 “(A) the chairman and ranking minority
18 member determine that information the com-
19 mittee has received constitutes a complaint;

20 “(B) a complaint or allegation is trans-
21 mitted to an investigative subcommittee;

22 “(C) an investigative subcommittee votes
23 to authorize its first subpoena or to take testi-
24 mony under oath, whichever occurs first; or

1 “(D) an investigative subcommittee votes
2 to expand the scope of its investigation;

3 “(6) whenever an investigative subcommittee
4 adopts a statement of alleged violation and a re-
5 spondent enters into an agreement with that sub-
6 committee to settle a complaint on which that state-
7 ment is based, that agreement, unless the respon-
8 dent requests otherwise, shall be in writing and
9 signed by the respondent and respondent’s counsel,
10 the chairman and ranking minority member of the
11 subcommittee, and the outside counsel, if any;

12 “(7) statements or information derived solely
13 from a respondent or his counsel during any settle-
14 ment discussions between the committee or a sub-
15 committee thereof and the respondent shall not be
16 included in any report of the subcommittee or the
17 committee or otherwise publicly disclosed without
18 the consent of the respondent; and

19 “(8) whenever a motion to establish an inves-
20 tigative subcommittee does not prevail, the com-
21 mittee shall promptly send a letter to the respondent
22 informing him of such vote.

23 ***“Committee reporting requirements***

24 “(q) The committee shall adopt rules to provide
25 that—

1 “(1) whenever an investigative subcommittee
2 does not adopt a statement of alleged violation and
3 transmits a report to that effect to the committee,
4 the committee may by an affirmative vote of a ma-
5 jority of its members transmit such report to the
6 House of Representatives;

7 “(2) whenever an investigative subcommittee
8 adopts a statement of alleged violation, the respond-
9 ent admits to the violations set forth in such state-
10 ment, the respondent waives his or her right to an
11 adjudicatory hearing, and the respondent’s waiver is
12 approved by the committee—

13 “(A) the subcommittee shall prepare a re-
14 port for transmittal to the committee, a final
15 draft of which shall be provided to the respond-
16 ent not less than 15 calendar days before the
17 subcommittee votes on whether to adopt the re-
18 port;

19 “(B) the respondent may submit views in
20 writing regarding the final draft to the sub-
21 committee within seven calendar days of receipt
22 of that draft;

23 “(C) the subcommittee shall transmit a re-
24 port to the committee regarding the statement
25 of alleged violation together with any views sub-

1 mitted by the respondent pursuant to subdivi-
2 sion (B), and the committee shall make the re-
3 port together with the respondent’s views avail-
4 able to the public before the commencement of
5 any sanction hearing; and

6 “(D) the committee shall by an affirmative
7 vote of a majority of its members issue a report
8 and transmit such report to the House of Rep-
9 resentatives, together with the respondent’s
10 views previously submitted pursuant to subdivi-
11 sion (B) and any additional views respondent
12 may submit for attachment to the final report;
13 and

14 “(3) members of the committee shall have not
15 less than 72 hours to review any report transmitted
16 to the committee by an investigative subcommittee
17 before both the commencement of a sanction hearing
18 and the committee vote on whether to adopt the re-
19 port.”.

20 (i) JOINT REFERRAL.—In clause 2(e)(1) of rule XII,
21 insert before the semicolon the following: “(except where
22 he determines that extraordinary circumstances justify re-
23 view by more than one committee as though primary)”.

1 (j) MACROECONOMIC ANALYSES OF TAX PRO-
2 POSALS.—In clause 3(h) of rule XIII, strike subpara-
3 graphs (2) and (3) and insert in lieu thereof the following:

4 “(2)(A) It shall not be in order to consider a
5 bill or joint resolution reported by the Committee on
6 Ways and Means that proposes to amend the Inter-
7 nal Revenue Code of 1986 unless—

8 “(i) the report includes a macroeconomic
9 impact analysis;

10 “(ii) the report includes a statement from
11 the Joint Committee on Internal Revenue Tax-
12 ation explaining why a macroeconomic impact
13 analysis is not calculable; or

14 “(iii) the chairman of the Committee on
15 Ways and Means causes a macroeconomic im-
16 pact analysis to be printed in the Congressional
17 Record before consideration of the bill or joint
18 resolution.

19 “(B) In subdivision (A), the term ‘macro-
20 economic impact analysis’ means—

21 “(i) an estimate prepared by the Joint
22 Committee on Internal Revenue Taxation of the
23 changes in economic output, employment, cap-
24 ital stock, and tax revenues expected to result
25 from enactment of the proposal; and

1 “(ii) a statement from the Joint Com-
2 mittee on Internal Revenue Taxation identifying
3 the critical assumptions and the source of data
4 underlying that estimate.”.

5 (k) PERSONAL ELECTRONIC EQUIPMENT ON
6 FLOOR.—In clause 5 of rule XVII, strike “any personal”
7 and all that follows in the penultimate sentence and insert
8 in lieu thereof “a wireless telephone or personal computer
9 on the floor of the House.”.

10 (l) ACCOUNTING FOR VACANCIES.—In clause 5 of
11 rule XX, add after paragraph (b) the following new para-
12 graph:

13 “(c) Upon the death, resignation, expulsion, disquali-
14 fication, or removal of a Member, the whole number of
15 the House shall be adjusted accordingly. The Speaker
16 shall announce the adjustment to the House. Such an an-
17 nouncement shall not be subject to appeal. In the case of
18 a death, the Speaker may lay before the House such docu-
19 mentation from Federal, State, or local officials as he
20 deems pertinent.”.

21 (m) PROCEEDINGS DURING CALL OF HOUSE.—In
22 clause 6(c) of rule XX, strike “the Speaker may entertain
23 a motion that the House adjourn” and insert in lieu there-
24 of “a motion that the House adjourn shall be in order”.

1 (n) FIVE-MINUTE VOTING IN SERIES.—In rule XX,
2 amend clause 9 to read as follows:

3 “9. The Speaker may reduce to five minutes the min-
4 imum time for electronic voting on any question arising
5 without intervening business after an electronic vote on
6 another question if notice of possible five-minute voting
7 for a given series of votes was issued before the preceding
8 electronic vote.”.

9 (o) CERTAIN TAX OR TARIFF PROVISIONS.—In clause
10 5(a) of rule XXI, designate the existing text as subpara-
11 graph (1) and add thereafter the following new subpara-
12 graph:

13 “(2) For purposes of paragraph (1), a tax or
14 tariff measure includes an amendment proposing a
15 limitation on funds in a general appropriation bill
16 for the administration of a tax or tariff.”.

17 (p) MOTIONS TO INSTRUCT DURING CONFERENCE.—
18 In clause 7(c)(1) of rule XXII, strike “20 calendar days”
19 and insert in lieu thereof “20 calendar days and 10 legisla-
20 tive days”.

21 (q) PRACTICE OF MEDICINE.—In clause 2 of rule
22 XXV, insert “except for the practice of medicine” after
23 “fiduciary relationship” in both places it appears.

24 (r) GIFTS OF PERISHABLE FOOD.—In clause
25 5(a)(1)(B) of rule XXV, before the last sentence insert

1 the following: “The value of perishable food sent to an
 2 office shall be allocated among the individual recipients
 3 and not to the Member, Delegate, or Resident Commis-
 4 sioner.”.

5 (s) CHARITY TRAVEL.—In clause 5(a)(4)(C) of rule
 6 XXV, insert before the period the following:

7 “unless—

8 (i) all of the net proceeds of the event are for
 9 the benefit of an organization described in section
 10 501(c)(3) of the Internal Revenue Code of 1986 and
 11 exempt from taxation under section 501(a) of such
 12 Code;

13 (ii) reimbursement for the transportation and
 14 lodging in connection with the event is paid by such
 15 organization; and

16 (iii) the offer of free attendance at the event
 17 is made by such organization”.

18 (t) PUBLIC DEBT-LIMIT LEGISLATION.—Redesig-
 19 nate rule XXVII as rule XXVIII and insert after rule
 20 XXVI the following new rule:

21 “RULE XXVII

22 “STATUTORY LIMIT ON PUBLIC DEBT

23 “1. Upon adoption by Congress of a concurrent reso-
 24 lution on the budget under section 301 or 304 of the Con-
 25 gressional Budget Act of 1974 that sets forth, as the ap-

1 appropriate level of the public debt for the period to which
2 the concurrent resolution relates, an amount that is dif-
3 ferent from the amount of the statutory limit on the public
4 debt that otherwise would be in effect for that period, the
5 Clerk shall prepare an engrossment of a joint resolution
6 increasing or decreasing, as the case may be, the statutory
7 limit on the public debt in the form prescribed in clause
8 2. Upon engrossment of the joint resolution, the vote by
9 which the concurrent resolution on the budget was finally
10 agreed to in the House shall also be considered as a vote
11 on passage of the joint resolution in the House, and the
12 joint resolution shall be considered as passed by the House
13 and duly certified and examined. The engrossed copy shall
14 be signed by the Clerk and transmitted to the Senate for
15 further legislative action.

16 “2. The matter after the resolving clause in a joint
17 resolution described in clause 1 shall be as follows: ‘That
18 subsection (b) of section 3101 of title 31, United States
19 Code, is amended by striking out the dollar limitation con-
20 tained in such subsection and inserting in lieu thereof
21 “\$_____”.’, with the blank being filled with a dollar
22 limitation equal to the appropriate level of the public debt
23 set forth pursuant to section 301(a)(5) of the Congres-
24 sional Budget Act of 1974 in the relevant concurrent reso-
25 lution described in clause 1. If an adopted concurrent reso-

1 lution under clause 1 sets forth different appropriate levels
2 of the public debt for separate periods, only one engrossed
3 joint resolution shall be prepared under clause 1; and the
4 blank referred to in the preceding sentence shall be filled
5 with the limitation that is to apply for each period.

6 “3. (a) The report of the Committee on the Budget
7 on a concurrent resolution described in clause 1 and the
8 joint explanatory statement of the managers on a con-
9 ference report to accompany such a concurrent resolution
10 each shall contain a clear statement of the effect the even-
11 tual enactment of a joint resolution engrossed under this
12 rule would have on the statutory limit on the public debt.

13 (b) It shall not be in order for the House to consider
14 a concurrent resolution described in clause 1, or a con-
15 ference report thereon, unless the report of the Committee
16 on the Budget or the joint explanatory statement of the
17 managers complies with paragraph (a).

18 “4. Nothing in this rule shall be construed as limiting
19 or otherwise affecting—

20 “(a) the power of the House or the Senate to
21 consider and pass bills or joint resolutions, without
22 regard to the procedures under clause 1, that would
23 change the statutory limit on the public debt; or

24 “(b) the rights of Members, Delegates, the
25 Resident Commissioner, or committees with respect

1 to the introduction, consideration, and reporting of
2 such bills or joint resolutions.

3 “5. In this rule the term ‘statutory limit on the public
4 debt’ means the maximum face amount of obligations
5 issued under authority of chapter 31 of title 31, United
6 States Code, and obligations guaranteed as to principal
7 and interest by the United States (except such guaranteed
8 obligations as may be held by the Secretary of the Treas-
9 ury), as determined under section 3101(b) of such title
10 after the application of section 3101(a) of such title, that
11 may be outstanding at any one time.”.

12 (u) TECHNICAL AND CODIFYING CHANGES.—

13 (1) In clause 2(g) of rule II—

14 (A) strike “do” in each place it appears
15 and insert in lieu thereof “perform”; and

16 (B) strike “done” and insert in lieu thereof
17 “performed”.

18 (2) In clause 1(g)(6) of rule X, strike “organi-
19 zation” and insert in lieu thereof “organizations”.

20 (3) In clause 3(a)(1)(B) of rule XIII, strike “or
21 (4)”.

22 (4) In clause 3 of rule XVIII, strike “All bills”
23 and insert in lieu thereof “All public bills”.

24 (5) In clause 2(a) of rule XX, strike “9 or 10”
25 and insert in lieu thereof “8 or 9”.

1 (6) In clause 8 of rule XX—

2 (A) amend paragraph (a)(1) to read as fol-
3 lows:

4 “(a)(1) When a recorded vote is ordered, or the yeas
5 and nays are ordered, or a vote is objected to under clause
6 6—

7 “(A) on any of the questions specified in sub-
8 paragraph (2), the Speaker may postpone further
9 proceedings to a designated place in the legislative
10 schedule within two additional legislative days; and

11 “(B) on the question of agreeing to the Speak-
12 er’s approval of the Journal, the Speaker may post-
13 pone further proceedings to a designated place in
14 the legislative schedule on that legislative day.”; and

15 (B) in paragraph (a)(2), strike “the” be-
16 fore “subparagraph (1)”.

17 (7) In clause 8 of rule XX—

18 (A) in paragraph (b) strike “in the order
19 in which it was considered”; and

20 (B) in paragraph (d) strike “in the order
21 in which they were considered”.

22 (8) In clause 1 of rule XXII, strike “bill or res-
23 olution” in each place it appears and insert in lieu
24 thereof “proposition”.

1 (9) In clause 12(a)(2) of rule XXII, strike “by
2 a record vote” and insert in lieu thereof “by the yeas
3 and nays”.

4 **SEC. 3. SEPARATE ORDERS.**

5 (a) BUDGET MATTERS.—

6 (1) During the One Hundred Eighth Congress,
7 references in section 306 of the Congressional Budget
8 Act of 1974 to a resolution shall be construed in
9 the House of Representatives as references to a joint
10 resolution.

11 (2) During the One Hundred Eighth Congress,
12 in the case of a reported bill or joint resolution con-
13 sidered pursuant to a special order of business, a
14 point of order under section 303 of the Congres-
15 sional Budget Act of 1974 shall be determined on
16 the basis of the text made in order as an original bill
17 or joint resolution for the purpose of amendment or
18 to the text on which the previous question is ordered
19 directly to passage, as the case may be.

20 (3) During the One Hundred Eighth Congress,
21 a provision in a bill or joint resolution, or in an
22 amendment thereto or a conference report thereon,
23 that establishes prospectively for a Federal office or
24 position a specified or minimum level of compensa-
25 tion to be funded by annual discretionary appropria-

1 tions shall not be considered as providing new enti-
2 tlement authority within the meaning of the Con-
3 gressional Budget Act of 1974.

4 (4)(A) During the One Hundred Eighth Con-
5 gress, pending the adoption of a concurrent resolu-
6 tion on the budget for fiscal year 2003, the provi-
7 sions of House Concurrent Resolution 353 of the
8 One Hundred Seventh Congress, as adopted by the
9 House, shall have force and effect in the House as
10 though the One Hundred Eighth Congress has
11 adopted such a concurrent resolution.

12 (B) The chairman of the Committee on the
13 Budget (when elected) shall submit for printing in
14 the Congressional Record—

15 (i) the allocations contemplated by section
16 302(a) of the Congressional Budget Act of
17 1974 to accompany the concurrent resolution
18 described in subparagraph (A), which shall be
19 considered to be such allocations under a con-
20 current resolution on the budget;

21 (ii) “Accounts Identified for Advance Ap-
22 propriations”, which shall be considered to be
23 the programs, projects, activities, or accounts
24 referred to section 301(b) of House Concurrent

1 Resolution 353 of the One Hundred Seventh
2 Congress, as adopted by the House; and

3 (iii) an estimated unified surplus, which
4 shall be considered to be the estimated unified
5 surplus set forth in the report of the Committee
6 on the Budget accompanying House Concurrent
7 Resolution 353 of the One Hundred Seventh
8 Congress referred to in section 211 of such con-
9 current resolution.

10 (C) The allocation referred to in section 231(d)
11 of House Concurrent Resolution 353 of the One
12 Hundred Seventh Congress, as adopted by the
13 House, shall be considered to be the corresponding
14 allocation among those submitted by the chairman of
15 the Committee on the Budget under subparagraph
16 (B)(i).

17 (b) CERTAIN SUBCOMMITTEES.—Notwithstanding
18 clause 5(d) of rule X, during the One Hundred Eighth
19 Congress—

20 (1) the Committee on Armed Services may have
21 not more than six subcommittees;

22 (2) the Committee on International Relations
23 may have not more than six subcommittees; and

1 (3) the Committee on Transportation and In-
2 frastructure may have not more than six subcommit-
3 tees.

4 (c) NUMBERING OF BILLS.—In the One Hundred
5 Eighth Congress, the first 10 numbers for bills (H.R. 1
6 through H.R. 10) shall be reserved for assignment by the
7 Speaker to such bills as he may designate when introduced
8 during the first session.

9 (d) MOTIONS TO SUSPEND THE RULES.—During the
10 first session of the One Hundred Eighth Congress, the
11 Speaker may entertain motions that the House suspend
12 the rules on Wednesdays through the second Wednesday
13 in April as though under clause 1 of rule XV.

14 **SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.**

15 (a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

16 (1) ESTABLISHMENT.—During the One Hun-
17 dred Eighth Congress, there is established a Select
18 Committee on Homeland Security.

19 (2) COMPOSITION.—The select committee shall
20 be composed of Members appointed by the Speaker,
21 including Members appointed on the recommenda-
22 tion of the Minority Leader. The Speaker shall des-
23 ignate one member as chairman. Service on the se-
24 lect committee shall not count against the limita-

1 tions on committee service in clause 5(b)(2) of rule
2 X.

3 (3) VACANCIES.—Any vacancies occurring in
4 the membership of the select committee shall be
5 filled in the same manner as the original appoint-
6 ment.

7 (b) JURISDICTION; FUNCTIONS.—

8 (1) LEGISLATIVE JURISDICTION.—The select
9 committee may develop recommendations and report
10 to the House by bill or otherwise on such matters
11 that relate to the Homeland Security Act of 2002
12 (Public Law 107–296) as may be referred to it by
13 the Speaker.

14 (2) OVERSIGHT FUNCTION.—The select com-
15 mittee shall review and study on a continuing basis
16 laws, programs, and Government activities relating
17 to homeland security.

18 (3) RULES STUDY.—The select committee is
19 authorized and directed to conduct a thorough and
20 complete study of the operation and implementation
21 of the rules of the House, including rule X, with re-
22 spect to the issue of homeland security. The select
23 committee shall submit its recommendations regard-
24 ing any changes in the rules of the House to the

1 Committee on Rules not later than September 30,
2 2004.

3 (c) PROCEDURE.—The rules of the House applicable
4 to the standing committees shall govern the select com-
5 mittee where not inconsistent with this section.

6 (d) FUNDING.—To enable the select committee to
7 carry out the purposes of this resolution, the select com-
8 mittee may use the services of staff of the House.

9 (e) DISPOSITION OF RECORDS.—Upon dissolution of
10 the select committee, the records of the select committee
11 shall become the records of any committee designated by
12 the Speaker.

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