
H.RES.5

Resolved, That the Rules of the House of Representatives of the One Hundred Tenth Congress, including applicable provisions of law or concurrent resolution that constituted rules... (Engrossed as Agreed to or Passed by House)

HRES 5 EH

H. Res. 5

In the House of Representatives, U. S.,

January 6, 2009.

Resolved, That the Rules of the House of Representatives of the One Hundred Tenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Tenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eleventh 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) Inspector General Audits- Amend clause 6(c)(1) of rule II to read as follows:

`(1) provide audit, investigative, and advisory services to the House and joint entities in a manner consistent with government-wide standards;`.

(b) Homeland Security- In clause 3(g) of rule X, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

`(2) In addition, the committee shall review and study on a primary and continuing basis all Government activities, programs, and organizations related to homeland security that fall within its primary legislative jurisdiction.`.

(c) Additional Functions of the Committee on House Administration- In clause 4(d)(1) of rule X--

(1) redesignate subdivisions (B) and (C) as subdivisions (C) and (D) and insert after subdivision (A) the following new subdivision:

`(B) oversee the management of services provided to the House by the Architect of the Capitol, except those services that lie within the jurisdiction of the Committee on Transportation and Infrastructure under clause 1(r);`; and

- (2) in subdivision (D) (as redesignated) strike `(B)' and insert `(C)'.
- (d) Terms of Committee Chairmen- In clause 5 of rule X--
(1) amend paragraph (a)(2)(C) to read as follows:
`(C) A Member, Delegate, or Resident Commissioner may exceed the limitation of subdivision (B) if elected to serve a second consecutive Congress as the chair or a second consecutive Congress as the ranking minority member.'; and
(2) in paragraph (c)--
(A) strike the designation of subparagraph (1); and
(B) strike subparagraph (2).
- (e) Calendar Wednesday--
(1) In clause 6 of rule XV--
(A) in paragraph (a)--
(i) strike `the committees' and insert `those committees'; and
(ii) strike `unless two-thirds' and all that follows and insert `whose chair, or other member authorized by the committee, has announced to the House a request for such call on the preceding legislative day.'; and
(B) strike paragraphs (c), (d), and (f) (and redesignate paragraph (e) as paragraph (c)).
(2) In clause 6(c) of rule XIII, strike subparagraph (1) and the designation `(2)'.
- (f) Postponement Authority- In clause 1 of rule XIX, add the following new paragraph:
`(c) Notwithstanding paragraph (a), when the previous question is operating to adoption or passage of a measure pursuant to a special order of business, the Chair may postpone further consideration of such measure in the House to such time as may be designated by the Speaker.'
- (g) Instructions in the Motion to Recommit- In clause 2(b) of rule XIX--
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(1) designate the existing sentence as subparagraph (1);
(2) in subparagraph (1) (as so designated)--
(A) strike `if'; and
(B) strike `includes instructions, it'; and
(3) add the following new subparagraph at the end:
`(2) A motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report an amendment or amendments back to the House forthwith.'
- (h) Conduct of Votes- In clause 2(a) of rule XX, strike `A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.'
- (i) General Appropriation Conference Reports- In clause 9 of rule XXI--

(1) insert after paragraph (a) the following new paragraph (and redesignate succeeding paragraphs accordingly):

`(b) It shall not be in order to consider a conference report to accompany a regular general appropriation bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes-

- - `(1) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) that were neither committed to the conference committee by either House nor in a report of a committee of either House on such bill or on a companion measure; or
 - `(2) a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.'; and

(2) in paragraph (c) (as redesignated)--

(A) in the first sentence, after `paragraph (a)' insert `or (b)'; and

(B) amend the second sentence to read as follows:

`As disposition of a point of order under this paragraph or paragraph (b), the Chair shall put the question of consideration with respect to the rule or order or conference report, as applicable.'

(j) Paygo-

(1) Amend clause 10 of rule XXI to read as follows:

`10.(a)(1) Except as provided in paragraphs (b) and (c), it shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising--

`(A) the current fiscal year, the budget year set forth in the most recently completed concurrent resolution on the budget, and the four fiscal years following that budget year; or

`(B) the current fiscal year, the budget year set forth in the most recently completed concurrent resolution on the budget, and the nine fiscal years following that budget year.

`(2) The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

`(b) If a bill, joint resolution, or amendment is considered pursuant to a special order of the House directing the Clerk to add as new matter at the end of such measure the provisions of a separate measure as passed by the House, the provisions of such separate measure as passed by the House shall be included in the evaluation under paragraph (a) of the bill, joint resolution, or amendment.

`(c)(1) Except as provided in subparagraph (2), the evaluation under paragraph (a) shall exclude a provision expressly designated as an emergency for purposes of pay-as-you-go principles in the case of a point of order under this clause against consideration of--

`(A) a bill or joint resolution;

`(B) an amendment made in order as original text by a special order of business;

`(C) a conference report; or

`(D) an amendment between the Houses.

`(2) In the case of an amendment (other than one specified in subparagraph (1)) to a bill or joint resolution, the evaluation under paragraph (a) shall give no cognizance to any designation of emergency.

`(3) If a bill, a joint resolution, an amendment made in order as original text by a special order of business, a conference report, or an amendment between the Houses includes a provision expressly designated as an emergency for purposes of pay-as-you-go principles, the Chair shall put the question of consideration with respect thereto.'

(2) In clause 7 of rule XXI, strike `the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year' and insert `period described in clause 10(a)'

(k) Disclosure by Members of Employment Negotiations- In clause 1 of rule XXVII, strike `until after his or her successor has been elected,'.

(l) Gender Neutrality-

(1) In the standing rules--

(A) strike `chairman' each place it appears and insert `chair'; and

(B) strike `Chairman' each place it appears and insert `Chair' (except in clause 4(a)(1)(B) of rule X).

(2) In rule I--

(A) in clause 1 strike `his';

(B) in clause 7, strike `his' and insert `such';

(C) in clause 8--

(i) in paragraph (b)(1) strike `his'; and

(ii) in paragraph (b)(3)(B), strike `his election and whenever he deems' and insert `the election of the Speaker and whenever'; and

(D) in clause 12--

- (i) in paragraph (c) strike `he' and insert `the Speaker'; and
 - (ii) in paragraph (d) strike `his opinion' and insert `the opinion of the Speaker'.
- (3) In rule II--
 - (A) in clause 1--
 - (i) strike `his office' and insert `the office';
 - (ii) strike `his knowledge and ability' and insert `the knowledge and ability of the officer'; and
 - (iii) strike `his department' and insert `the department concerned';
 - (B) in clause 2--
 - (i) in paragraph (b) strike `he is required to make' and insert `required to be made by such officer';
 - (ii) in paragraph (g) strike `his temporary absence or disability' and insert `the temporary absence or disability of the Clerk'; and
 - (iii) in paragraph (i)(1) strike `Whenever the Clerk is acting as a supervisory authority over such staff, he' and insert `When acting as a supervisory authority over such staff, the Clerk'; and
 - (C) in clause 3--
 - (i) in paragraph (a) strike `him' and insert `the Sergeant-at-Arms';
 - (ii) in paragraph (b) strike `him' and insert `the Sergeant-at-Arms';
 - (iii) in paragraph (c) strike `his employees' and insert `employees of the office of the Sergeant-at-Arms'; and
 - (iv) in paragraph (d)--
 - (I) strike `; and' and insert `and,'; and
 - (II) strike `he'.
- (4) In rule III--
 - (A) in clause 1 strike `he has' and insert `having'; and
 - (B) in clause 2(a)--
 - (i) strike `his vote' and insert `the vote of such Member'; and
 - (ii) strike `his presence' and insert `the presence of such Member'.
- (5) In rule IV--
 - (A) in clause 4(a) strike `he or she' and insert `such individual'; and
 - (B) in clause 6(b) strike `his family' and insert `the family of such individual'.
- (6) In rule V--
 - (A) strike `administer a system subject to his direction and control' each place it appears and insert `administer, direct, and control a system';

- (B) strike `he' each place it appears and insert `the Speaker'; and
 - (C) in clause 3 strike `his' and insert `the'.
 - (7) In rule VI, strike `he' each place it appears and insert `the Speaker'.
 - (8) In clause 7 of rule VII, strike `his office' each place it appears and insert `the office of the Clerk'.
 - (9) In clause 6(b) of rule VIII, strike `he' and insert `the Speaker'.
 - (10) In clause 2(a)(1) of rule IX, strike `his' and insert `an'.
 - (11) In rule X--
 - (A) in clause 4(f)(1), strike `President submits his budget' and insert `submission of the budget by the President';
 - (B) in clause 5--
 - (i) in paragraph (a)(4)--
 - (I) strike `his designee' each place it appears and insert `a designee'; and
 - (II) strike `his respective party' each place it appears and insert `the respective party of such individual';
 - (ii) in paragraph (b)(1) strike `he was'; and
 - (iii) in paragraph (c) strike `chairmanship' and insert `chair';
 - (C) in clause 8--
 - (i) strike `his expenses' each place it appears and insert `the expenses of such individual'; and
 - (ii) strike `he' each place it appears;
 - (D) in clause 10(a) strike `he is'; and
 - (E) in clause 11--
 - (i) in paragraph (a)(3) strike `member of his leadership staff to assist him in his capacity' and insert `respective leadership staff member to assist in the capacity of the Speaker or Minority Leader';
 - (ii) in paragraph (e)(1) strike `his employment or contractual agreement' and insert `the employment or contractual agreement of such employee or person'; and
 - (iii) in paragraph (g)(2)--
 - (I) in subdivision (B)--
- (aa) strike `he' and insert `the President'; and
- (bb) strike `his'; and
- (II) in subdivision (C) strike `his'.
- (12) In rule XI--
 - (A) in clause 2--

(i) in paragraph (c)(1) strike `he' and insert `the chair'; and

(ii) in paragraph (k)(9) strike `his testimony' and insert `the testimony of such witness';

(B) in clause 3--

(i) in paragraph (a) strike `his duties or the discharge of his responsibilities' each place it appears and insert `the duties or the discharge of the responsibilities of such individual';

(ii) in paragraph (b)--

(I) in subparagraph (2)(B) strike `he' and insert `such Member, Delegate, or Resident Commissioner'; and

(II) in subparagraph (5) strike `disqualify himself' and insert `seek disqualification';

(iii) in paragraph (g)--

(I) in subparagraph (1)(B) strike `he is';

(II) in subparagraph (1)(E) strike `his or her employment or duties with the committee' and insert `the employment or duties with the committee of such individual'; and

(III) in subparagraph (4)--

(aa) strike `his or her personal staff' and insert `the respective personal staff of the chair or ranking minority member'; and

(bb) strike `he' and insert `the chair or ranking minority member';

(iv) in paragraph (p)--

(I) in subparagraph (2) strike `his counsel' and insert `the counsel of the respondent';

(II) in subparagraph (4)--

(aa) strike `his or her counsel' and insert `the counsel of the respondent'; and

(bb) strike `his counsel' and insert `the counsel of the respondent';

(III) in subparagraph (7) strike `his counsel' and insert `the counsel of a respondent';

and

(IV) in subparagraph (8) strike `him' and insert `the respondent'; and

(v) in paragraph (q) strike `his or her' and insert `the'.

(13) In rule XII--

(A) in clause 2(c)(1) strike `he' and insert `the Speaker'; and

- (B) in clause 3 strike `he shall endorse his name' and insert `the Member, Delegate, or Resident Commissioner shall sign it'.
- (14) In clause 6(d) of rule XIII, strike `his'.
- (15) In clause 4(c)(1) of rule XVI strike `his discretion' and insert `the discretion of the Speaker'.
- (16) In rule XVII--
- (A) in clause 1(a) strike `himself to `Mr. Speaker' and insert `the Speaker';
 - (B) in clause 6 strike `his discretion' and insert `the discretion of the Chair'; and
 - (C) in clause 9 strike `he' each place it appears and insert `such individual'.
- (17) In clause 6 of rule XVIII, strike `he' each place it appears and insert `the Chair'.
- (18) In rule XX--
- (A) in clause 5--
 - (i) in paragraph (b) strike `him' and insert `the Sergeant-at-Arms';
 - (ii) in paragraph (c)(3)(B)(I) strike `his' and insert `a'; and
 - (iii) in paragraph (d) strike `he' and insert `the Speaker'; and
 - (B) in clause 6(b)--
 - (i) strike `he' and insert `the Member'; and
 - (ii) strike `his' and insert `such'.
- (19) In clause 7(c)(1) of rule XXII, strike `his'.
- (20) In rule XXIII--
- (A) in clause 1 strike `conduct himself' and insert `behave';
 - (B) in clause 3--
 - (i) strike `his beneficial interest' and insert `the beneficial interest of such individual'; and
 - (ii) strike `his position' and insert `the position of such individual';
 - (C) in clause 6--
 - (i) in paragraph (a)--
 - (I) strike `his campaign funds' and insert `the campaign funds of such individual'; and
 - (II) strike `his personal funds' and insert `the personal funds of such individual'; and
 - (ii) in paragraph (c) strike `his campaign account' and insert `a campaign accounts of such individual';
 - (D) in clause 8--
 - (i) in paragraph (a) strike `he' and insert `such employee'; and
 - (ii) in paragraph (c)--

(I) in subparagraph (1)(A) after `his spouse' insert `the spouse of such individual'; and
(II) in subparagraph (1)(B) strike `his spouse' and insert `the spouse of such employee';

(E) in clause 10--

(i) strike `he is a' and insert `such individual is a';
(ii) strike `his innocence' and insert `the innocence of such Member'; and
(iii) strike `he is reelected' and insert `the Member is reelected'; and

(F) in clause 12(b)--

(i) strike `advises his employing authority' and insert `advises the employing authority of such employee'; and
(ii) strike `from his' and insert `from such'; and

(G) in clause 15 strike `his or her family member' each place it appears and insert `a family member of a Member, Delegate, or Resident Commissioner'.

(21) In rule XXIV--

(A) in clause 1--

(i) in paragraph (a) strike `his use' and insert `the use of such individual'; and
(ii) in paragraph (b)(1) strike `his principal campaign committee' and insert `the principal campaign committee of such individual';

(B) in clause 7 strike `he was';

(C) in clause 8 strike `he is' and insert `such individual is'; and

(D) in clause 10 strike `he was' and insert `such individual was'.

(22) In rule XXV--

(A) in clause 2(b) strike `his name' and insert `the name of such individual';

(B) in clause 4--

(i) in paragraph (c) strike `his residence or principal place of employment' and insert `the residence or principal place of employment of such individual'; and

(ii) in paragraph (d)(1)--

(I) in subdivision (B) strike `he' and insert `such individual';

(II) in subdivision (C) strike `him' and insert `such individual'; and

(III) in subdivision (D)--

(aa) strike `he or his family' and insert `such individual or the family of such individual'; and

(bb) strike `him' and insert `such individual';

(C) in clause 5--

(i) strike `his official position' each place it appears and insert `the official position of such individual';

(ii) strike `his actual knowledge' each place it appears and insert `the actual knowledge of such individual';

(iii) strike `his duties' each place it appears and insert `the duties of such individual';

(iv) in paragraph (a)(3)(D)(ii)(I) strike `his relationship' and insert `the relationship of such individual'; and

(v) in paragraph (a)(3)(G)(i) strike `his spouse' and insert `the spouse of such individual';

(D) in clause 6--

(i) strike `he acts' and insert `acting'; and

(ii) strike `he is'; and

(E) in clause 8 strike `his or her' and insert `the'.

(23) In clause 1 of rule XXVI, strike `him' and insert `the Clerk'.

(24) In clause 2 of rule XXVII, strike `he or she' and insert `such individual'.

(25) In clause 2 of rule XXIX, strike `the masculine gender include the feminine' and insert `one gender include the other'.

(m) Technical and Codifying Changes-

(1) In clause 2(h) of rule II, strike `not in session' and insert in lieu thereof `in recess or adjournment'.

(2) In clause 4(b) of rule IV, strike `regulations that exempt' and insert in lieu thereof `regulations to carry out this rule including regulations that exempt'.

(3) In clause 5(c) of rule X--

(A) strike `temporary absence of the chairman' and insert in lieu thereof `absence of the member serving as chair'; and

(B) strike `permanent'.

(4) In clause 7(e) of rule X, strike `signed by' and all that follows, and insert in lieu thereof `signed by the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.'.

(5) In clause 8(a) of rule X, strike `clauses 6 and 8' and insert in lieu thereof `clause 6'.

(6) In clause 2(a) of rule XIII--

(A) in subparagraph (1), strike `as privileged'; and

(B) in subparagraph (2), insert `(other than those filed as privileged)' after `reported adversely'.

(7) In clause 5(c)(3) of rule XX, strike `clause 5(a) of rule XX' and insert `paragraph (a)'.

- (8) In clause 6(c) of rule XX, after `yeas and nays' insert `ordered under this clause'.
- (9) In clause 7(c)(3) of rule XXII, strike `motion meets' and insert in lieu thereof `proponent meets'.
- (10) In clause 1(b)(2) of rule XXIV, strike `office space, furniture, or equipment, and' and insert in lieu thereof `office space, office furniture, office equipment, or'.
- (11) In clause 5(i)(2) of rule XXV, strike `paragraph (1)(A)' and insert `subparagraph (1)(A)'.