

109TH CONGRESS
2D SESSION

H. RES. 659

Amending the Rules of the House of Representatives to protect the integrity
of the institution.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2006

Mr. OBEY (for himself, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mr. ALLEN, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOREN, Mr. BOYD, Mr. BROWN of Ohio, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARDOZA, Ms. CARSON, Mr. CASE, Mr. CHANDLER, Mr. CLEAVER, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McINTYRE, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Ms. MILLENDER-McDONALD, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Mr. SKELTON, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WATT,

Mr. WAXMAN, Ms. WOOLSEY, and Mr. WU) submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Amending the Rules of the House of Representatives to
protect the integrity of the institution.

1 *Resolved,*

2 **SECTION 1. LIMITING INFLUENCE BY LOBBYISTS.**

3 (a) REQUIREMENTS FOR ACCEPTING PAYMENT OF
4 TRAVEL EXPENSES.—Clause 5 of rule XXV of the Rules
5 of the House of Representatives is amended—

6 (1) by redesignating paragraphs (e) and (f) as
7 paragraphs (f) and (g); and

8 (2) by inserting after paragraph (d) the fol-
9 lowing new paragraph:

10 “(e) Before a Member, Delegate, Resident Commis-
11 sioner, officer, or employee of the House may accept trans-
12 portation or lodging or reimbursement for such expenses
13 which are otherwise permitted to be accepted or reim-
14 bursed under this clause, the Member, Delegate, Resident
15 Commissioner, officer, or employee (as the case may be)
16 shall obtain a written certification from the sponsoring or-
17 ganization or person stating that—

1 “(1) no registered lobbyist has been invited to
2 participate in the transportation, lodging, or any as-
3 sociated meetings;

4 “(2) the organization or person conducts no
5 lobbying activities as defined in section 501 of the
6 Internal Revenue Code of 1986;

7 “(3) the organization or person neither employs
8 nor contracts for the services of a registered lobbyist
9 nor is affiliated with an organization that employs or
10 contracts for the services of a registered lobbyist;
11 and

12 “(4) no part of the trip is financed by a cor-
13 poration or person, unless the trip is financed by
14 contributions that are deductible under the Internal
15 Revenue Code of 1986 and the source of all such
16 contributions are disclosed in the written certifi-
17 cation.

18 Each such certification shall be signed by the individual
19 receiving it and filed with the Clerk who shall make such
20 signed certification available to the public in a timely man-
21 ner.”.

22 (b) FLOOR PRIVILEGES OF FORMER MEMBERS AND
23 HEADS OF DEPARTMENTS.—

24 (1) Clause 4(a) of rule IV of the Rules of the
25 House of Representatives is amended—

1 (A) by striking “and” at the end of sub-
 2 paragraph (1);

3 (B) by striking the period and inserting “;
 4 and” at the end of subparagraph (2); and

5 (C) by inserting at the end the following
 6 new subparagraph:

7 “(3) they sign a declaration each time they are
 8 admitted to the Hall of the House or the rooms
 9 leading thereto, to be maintained by the Sergeant-
 10 at-Arms, stating that the conditions set forth in sub-
 11 paragraphs (1) and (2) are true and also that they
 12 will not lobby for the passage, amendment, or defeat
 13 of any legislative measure pending before the House,
 14 reported by a committee, or under consideration in
 15 any of its committees or subcommittees.”.

16 (2) Clauses 2(a)(12) and (14) of rule IV of the
 17 Rules of the House of Representatives are each
 18 amended by inserting “(subject to clause (4))” before
 19 the period.

20 **SEC. 2. FISCAL RESPONSIBILITY.**

21 (a) RECONCILIATION.—Clause 10 of rule XVIII of
 22 the Rules of the House of Representatives is amended by
 23 adding at the end the following new paragraph:

24 “(d) It shall not be in order to consider any reconcili-
 25 ation legislation which has the net effect of reducing the

1 surplus or increasing the deficit compared to the most re-
2 cent Congressional Budget Office estimate for any fiscal
3 year.”.

4 (b) APPLICATION OF POINTS OF ORDER UNDER
5 CONGRESSIONAL BUDGET ACT TO ALL BILLS AND JOINT
6 RESOLUTIONS CONSIDERED UNDER SPECIAL ORDERS OF
7 BUSINESS.—Rule XXI of the Rules of the House of Rep-
8 resentatives is amended by adding at the end the following
9 new clause:

10 “7. For purposes of applying section 315 of the Con-
11 gressional Budget and Impoundment Control Act of 1974,
12 the term ‘as reported’ under such section shall be consid-
13 ered to include any bill or joint resolution considered in
14 the House pursuant to a special order of business.”.

15 **SEC. 3. CURBING ABUSES OF POWER.**

16 (a) LIMIT ON TIME PERMITTED FOR RECORDED
17 ELECTRONIC VOTES.—Clause 2(a) of rule XX of the
18 Rules of the House of Representatives is amended by in-
19 serting after the second sentence the following sentence:
20 “The maximum time for a record vote by electronic device
21 shall be 20 minutes, except that the time may be extended
22 with the consent of both the majority and minority floor
23 managers of the legislation involved or both the majority
24 leader and the minority leader.”.

1 (b) CONGRESSIONAL INTEGRITY.—Rule XXIII of the
2 Rules of the House of Representatives (the Code of Offi-
3 cial Conduct) is amended—

4 (1) by redesignating clause 14 as clause 16;
5 and

6 (2) by inserting after clause 13 the following
7 new clauses:

8 “14. A Member, Delegate, or Resident Commissioner
9 shall not condition the inclusion of language to provide
10 funding for a district-oriented earmark, a particular
11 project which will be carried out in a Member’s congres-
12 sional district, or a limited tax benefit in any bill or joint
13 resolution (or an accompanying report thereof) or in any
14 conference report on a bill or joint resolution (including
15 an accompanying joint statement of managers thereto) on
16 any vote cast by the Member, Delegate, or Resident Com-
17 missioner in whose Congressional district the project will
18 be carried out.

19 “15. (a) A Member, Delegate, or Resident Commis-
20 sioner who advocates to include a district-oriented ear-
21 mark in any bill or joint resolution (or an accompanying
22 report) or in any conference report on a bill or joint resolu-
23 tion (including an accompanying joint statement of man-
24 agers thereto) shall disclose in writing to the chairman
25 and ranking member of the relevant committee (and in

1 the case of the Committee on Appropriations to the chair-
2 man and ranking member of the full committee and of
3 the relevant subcommittee)—

4 “(1) the name of the Member, Delegate, or
5 Resident Commissioner;

6 “(2) the name and address of the intended re-
7 cipient of such earmark;

8 “(3) the purpose of such earmark; and

9 “(4) whether the Member, Delegate, or Resi-
10 dent Commissioner has a financial interest in such
11 earmark.

12 “(b) Each committee shall make available to the gen-
13 eral public the information transmitted to the committee
14 under paragraph (a) for any earmark included in any
15 measure reported by the committee or conference report
16 filed by the chairman of the committee or any sub-
17 committee thereof.

18 “(c) The Joint Committee on Taxation shall review
19 any revenue measure or any reconciliation bill or joint res-
20 olution which includes revenue provisions before it is re-
21 ported by a committee and before it is filed by a committee
22 of conference of the two Houses, and shall identify wheth-
23 er such bill or joint resolution contains any limited tax
24 benefits. The Joint Committee on Taxation shall prepare
25 a statement identifying any such limited tax benefits, stat-

1 ing who the beneficiaries are of such benefits, and any
 2 substantially similar introduced measures and the spon-
 3 sors of such measures. Any such statement shall be made
 4 available to the general public by the Joint Committee on
 5 Taxation.”.

6 (c) RESTRICTIONS ON REPORTING CERTAIN
 7 RULES.—Clause 6(c) of rule XIII of the Rules of the
 8 House of Representatives is amended—

9 (1) by striking “or” at the end of subparagraph
 10 (1);

11 (2) by striking the period at the end of sub-
 12 paragraph (2) and inserting a semicolon; and

13 (3) by adding at the end the following new sub-
 14 paragraphs:

15 “(3) a rule or order for consideration of a bill
 16 or joint resolution reported by a committee that
 17 makes in order as original text for purposes of
 18 amendment, text which differs from such bill or joint
 19 resolution as recommended by such committee to be
 20 amended unless the rule or order also makes in
 21 order as preferential a motion to amend that is nei-
 22 ther divisible nor amendable but, if adopted will be
 23 considered original text for purposes of amendment,
 24 if requested by the chairman or ranking minority
 25 member of the reporting committee, and such rule

1 or order shall waive all necessary points of order
2 against that amendment only if it restores all or
3 part of the text of the bill or joint resolution as rec-
4 ommended by such committee or strikes some or all
5 of the original text inserted by the Committee on
6 Rules that was not contained in the recommended
7 version;

8 “(4) a rule or order that waives any points of
9 order against consideration of a bill or joint resolu-
10 tion, against provisions in the measure, or against
11 consideration of amendments recommended by the
12 reporting committee unless the rule or order makes
13 in order and waives the same points of order against
14 one germane amendment if requested by the minor-
15 ity leader or a designee;

16 “(5) a rule or order that waives clause 10(d) of
17 rule XVIII, unless the majority leader and minority
18 leader each agree to the waiver and a question of
19 consideration of the rule is adopted by a vote of two-
20 thirds of the Members voting, a quorum being
21 present; or

22 “(6) a rule or order that waives clause 12(a) of
23 rule XXII.”.

1 **SEC. 4. ENDING 2-DAY WORK WEEKS.**

2 Rule XV of the Rules of the House of Representatives
3 is amended by adding at the end the following new clause:

4 “8. It shall not be in order to consider a resolution
5 providing for adjournment sine die unless, during at least
6 20 weeks of the session, a quorum call or recorded vote
7 was taken on at least 4 of the weekdays (excluding legal
8 public holidays).”.

9 **SEC. 5. KNOWING WHAT THE HOUSE IS VOTING ON.**

10 (a) **BILLS AND JOINT RESOLUTIONS.**—

11 (1) **IN GENERAL.**—Rule XIII of the Rules of
12 the House of Representatives is amended by adding
13 at the end the following new clause:

14 “8. Except for motions to suspend the rules and con-
15 sider legislation, it shall not be in order to consider in the
16 House a bill or joint resolution until 24 hours after or,
17 in the case of a bill or joint resolution containing a dis-
18 trict-oriented earmark or limited tax benefit, until 3 days
19 after copies of such bill or joint resolution (and, if the bill
20 or joint resolution is reported, copies of the accompanying
21 report) are available (excluding Saturdays, Sundays, or
22 legal holidays except when the House is in session on such
23 a day).”.

24 (2) **PROHIBITING WAIVER.**—Clause 6(c) of rule
25 XIII of the Rules of the House of Representatives,
26 as amended by section 3(a), is further amended—

1 (A) by striking “or” at the end of subpara-
2 graph (5);

3 (B) by striking the period at the end of
4 subparagraph (6) and inserting “; or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(7) a rule or order that waives clause 8 of rule
8 XIII or clause 8(a)(1)(B) of rule XXII, unless a
9 question of consideration of the rule is adopted by
10 a vote of two-thirds of the Members voting, a
11 quorum being present.”.

12 (b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of
13 rule XXII of the Rules of the House of Representatives
14 is amended by striking “2 hours” and inserting “24 hours
15 or, in the case of a conference report containing a district-
16 oriented earmark or limited tax benefit, until 3 days
17 after”.

18 **SEC. 6. FULL AND OPEN DEBATE IN CONFERENCE.**

19 (a) NUMBERED AMENDMENTS.—Clause 1 of rule
20 XXII of the Rules of the House of Representatives is
21 amended by adding at the end the following new sentence:
22 “A motion to request or agree to a conference on a general
23 appropriation bill is in order only if the Senate expresses
24 its disagreements with the House in the form of numbered
25 amendments.”.

1 (b) PROMOTING OPENNESS IN DELIBERATIONS OF
 2 MANAGERS.—Clause 12(a) of rule XXII of the Rules of
 3 the House of Representatives is amended by adding at the
 4 end the following new subparagraph:

5 “(3) All provisions on which the two Houses disagree
 6 shall be open to discussion at any meeting of a conference
 7 committee. The text which reflects the conferees’ action
 8 on all of the differences between the two Houses, including
 9 all matter to be included in the conference report and any
 10 amendments in disagreement, shall be available to any of
 11 the managers at at least one such meeting, and shall be
 12 approved by a recorded vote of a majority of the House
 13 managers. Such text and, with respect to such vote, the
 14 total number of votes cast for and against, and the names
 15 of members voting for and against, shall be included in
 16 the joint explanatory statement of managers accom-
 17 panying the conference report of such conference com-
 18 mittee.”.

19 (c) POINT OF ORDER AGAINST CONSIDERATION OF
 20 CONFERENCE REPORT NOT REFLECTING RESOLUTION
 21 OF DIFFERENCES AS APPROVED.—

22 (1) IN GENERAL.—Rule XXII of the Rules of
 23 the House of Representatives is amended by adding
 24 at the end the following new clause:

1 “13. It shall not be in order to consider a conference
 2 report the text of which differs in any material way from
 3 the text which reflects the conferees’ action on all of the
 4 differences between the two Houses, as approved by a re-
 5 corded vote of a majority of the House managers as re-
 6 quired under clause 12(a).”.

7 (2) PROHIBITING WAIVER.—Clause 6(c)(6) of
 8 rule XIII of the Rules of the House of Representa-
 9 tives, as added by section 3(c)(3), is further amend-
 10 ed by striking “clause 12(a)” and inserting “clause
 11 12(a) or clause 13”.

12 **SEC. 7. REIMBURSEMENT AND DISCLOSURE OF NON-**
 13 **COMMERCIAL TRAVEL.**

14 (a) MARKET VALUE.—Clause 5(a)(3) of rule XXV of
 15 the Rules of the House of Representatives is amended by
 16 inserting “(i)” after “(A)” and by adding at the end the
 17 following:

18 “(ii) Market value for a flight on an airplane
 19 that is not licensed by the Federal Aviation Adminis-
 20 tration to operate for compensation or hire, taken in
 21 connection with the official duties of a Member, Del-
 22 egate, Resident Commissioner, officer, or employee,
 23 shall be the fair market value of a charter flight.
 24 The Committee on Standards of Official Conduct

1 shall make public information received under this
2 item as soon as possible after it is received.”.

3 (b) DISCLOSURE.—Clause 5 of rule XXV of the Rules
4 of the House of Representatives is amended by adding at
5 the end the following:

6 “(g) A Member, Delegate, Resident Commissioner,
7 officer, or employee of the House who takes a flight de-
8 scribed in paragraph (a)(3)(A)(ii) shall, with respect to
9 the flight, cause to be published in the Congressional
10 Record within 10 days after the flight—

11 “(1) the name of the owner or lessee of the air-
12 craft;

13 “(2) the date of the flight;

14 “(3) the destination of the flight;

15 “(4) who else was on the flight, other than
16 those operating the plane;

17 “(5) the purpose of the trip; and

18 “(6) the reason that a commercial airline was
19 not used.”.

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