

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

THE SPEAKER pro tempore (Mr. WOMACK). Without objection, pursuant to House Resolution 3, the Chair announces the Speaker's appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from California (Mr. MCCARTHY) and

The gentlewoman from California (Ms. PELOSI).

There was no objection.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE ELECTION OF THE SPEAKER AND THE CLERK

Mr. CONYERS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Paul D. Ryan, a Representative from the State of Wisconsin as Speaker, and Karen L. Haas, a citizen of the State of Maryland as Clerk, of the House of Representatives of the One Hundred Fifteenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. MCCARTHY. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Fourteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Fourteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Fifteenth 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) DECORUM.—

(1) In clause 3 of rule II, add the following new paragraph:

“(g)(1) The Sergeant-at-Arms is authorized and directed to impose a fine against a Member, Delegate, or the Resident Commissioner for the use of an electronic device for still photography or for audio or visual recording or broadcasting in contravention of clause 5 of rule XVII and any applicable Speaker's announced policy on electronic devices.

“(2) A fine imposed pursuant to this paragraph shall be \$500 for a first offense and \$2,500 for any subsequent offense.

“(3)(A) The Sergeant-at-Arms shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker, the Chief Administrative Officer, and the Committee on Ethics of any such fine.

“(B) Such Member, Delegate, or Resident Commissioner may appeal the fine in writing to the Committee on Ethics not later than 30 calendar days or five legislative days, whichever is later, after notification pursuant to subdivision (A).

“(C) Upon receipt of an appeal pursuant to subdivision (B), the Committee on Ethics shall have 30 calendar days or five legislative days, whichever is later, to either dismiss the fine or allow it to proceed. Upon a determination regarding the appeal or if no appeal has been filed at the expiration of the period specified in subdivision (B), the chair of the Committee on Ethics shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker and the Chief Administrative Officer. The Speaker shall promptly lay such notification before the House.

“(4) The Sergeant-at-Arms and the Committee on Ethics are authorized to establish policies and procedures for the implementation of this paragraph.”

(2) In clause 4 of rule II, add the following new paragraph:

“(d)(1) Upon notification from the chair of the Committee on Ethics pursuant to clause 3(g)(3)(C), the Chief Administrative Officer shall deduct the amount of any fine levied under clause 3(g) from the net salary otherwise due the Member, Delegate, or the Resident Commissioner.

“(2) The Chief Administrative Officer is authorized to establish policies and procedures for such salary deductions.”

(3) Rule XVII is amended by redesignating clause 9 as clause 10, and by inserting after clause 8 the following new clause:

“Legislative Proceedings

“9.(a) A Member, Delegate, the Resident Commissioner, officer, or employee of the House may not engage in disorderly or disruptive conduct in the Chamber, including—

“(1) intentionally obstructing or impeding the passage of others in the Chamber;

“(2) the use of an exhibit to impede, disrupt, or disturb the proceedings of the House; and

“(3) the denial of legislative instruments to others seeking to engage in legislative proceedings.

“(b) This clause establishes a standard of conduct within the meaning of clause 3(a)(2) of rule XI.”

(b) AUTHORIZATION AND OVERSIGHT PLANS.—

(1) Clause 2(d) of rule X is amended to read as follows:

“(d)(1) Not later than February 15 of the first session of a Congress, each standing committee (other than the Committee on Appropriations, the Committee on Ethics, and the Committee on Rules) shall, in a meeting that is open to the public, adopt its authorization and oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform, the Com-

mittee on House Administration, and the Committee on Appropriations.

“(2) Each such plan shall include, with respect to programs and agencies within the committee's jurisdiction, and to the maximum extent practicable—

“(A) a list of such programs or agencies with lapsed authorizations that received funding in the prior fiscal year or, in the case of a program or agency with a permanent authorization, which has not been subject to a comprehensive review by the committee in the prior three Congresses;

“(B) a description of each such program or agency to be authorized in the current Congress;

“(C) a description of each such program or agency to be authorized in the next Congress, if applicable;

“(D) a description of any oversight to support the authorization of each such program or agency in the current Congress; and

“(E) recommendations for changes to existing law for moving such programs or agencies from mandatory funding to discretionary appropriations, where appropriate.

“(3) Each such plan may include, with respect to the programs and agencies within the committee's jurisdiction—

“(A) recommendations for the consolidation or termination of such programs or agencies that are duplicative, unnecessary, or inconsistent with the appropriate roles and responsibilities of the Federal Government;

“(B) recommendations for changes to existing law related to Federal rules, regulations, statutes, and court decisions affecting such programs and agencies that are inconsistent with the authorities of the Congress under Article I of the Constitution; and

“(C) a description of such other oversight activities as the committee may consider necessary.

“(4) In the development of such plan, the chair of each committee shall coordinate with other committees of jurisdiction to ensure that programs and agencies are subject to routine, comprehensive authorization efforts.

“(5) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Oversight and Government Reform shall report to the House the authorization and oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of authorization and oversight plans and otherwise to achieve the objectives of this clause.”

(2) In clause 1(d)(2)(B) of rule XI, insert “authorization and” before “oversight”.

(3) In clause 1(d)(2)(C) of rule XI, insert “authorization and” before “oversight”.

(c) AMENDMENTS TO APPROPRIATION BILLS.—In clause 2 of rule XXI, add the following new paragraph:

“(g) An amendment to a general appropriation bill shall not be in order if proposing a net increase in the level of budget authority in the bill.”

(d) DUPLICATION OF FEDERAL PROGRAMS.—In clause 3(c) of rule XIII, add the following new subparagraph:

“(5) On a bill or joint resolution that establishes or reauthorizes a Federal program, a statement indicating whether any such program is known to be duplicative of another such program, including at a minimum an explanation of whether any such program was included in a report to Congress pursuant to section 21 of Public Law 111-139 or whether the most recent Catalog of Federal Domestic Assistance (published pursuant to section 6104 of title 31, United States Code)

identified other programs related to the program established or reauthorized by the measure.”.

(e) RECOGNITION OF MEMBERS.—

(1) In clause 6 of rule I, strike “The Speaker shall rise to put a question but may state it sitting.”.

(2) In clause 6(d) of rule XIII, strike “rises” and insert “seeks recognition”.

(3) In clause 1(a) of rule XVII, strike “rise and”.

(4) In clause 2 of rule XVII, strike “rise at once” and insert “seek recognition”.

(5) In clause 5 of rule XVII, strike “walk out of or across” and insert “exit or cross”.

(6) In clause 1(a) of rule XX, strike “from their seats to” and insert “or otherwise indicate from their seats and”.

(f) CONVENING OUTSIDE THE HALL OF THE HOUSE.—In clause 12(d) of rule I, strike “whenever” and insert “if”.

(g) TEMPORARY PRESIDING AUTHORITY CLARIFICATION.—In clause 2(a) of rule II, insert “and in the absence of a Member acting as Speaker pro tempore pursuant to clause 8(b)(3)(A) of rule I,” after “tempore.”.

(h) CONTINUING LITIGATION AUTHORITIES.—In clause 8 of rule II, add the following new paragraph:

“(c) The House, the Speaker, a committee or the chair of a committee authorized during a prior Congress to act in a litigation matter is authorized to act as the successor in interest to the House, the Speaker, such committee or the chair of such committee of a prior Congress, respectively, with respect to such litigation matter, and to take such steps as may be appropriate to ensure continuation of such litigation matter.”.

(i) CLARIFYING STAFF ACCESS TO THE HOUSE FLOOR.—In clause 5 of rule IV, strike “shall remain at the desk and”.

(j) MEMBER RECORDS.—In clause 6 of rule VII—

(1) redesignate paragraphs (a) and (b) as subparagraphs (1) and (2);

(2) designate the existing sentence as paragraph (a);

(3) in paragraph (a) (as so designated), insert “as described in paragraph (b)” after “Resident Commissioner”; and

(4) add at the end the following new paragraph:

“(b) Records created, generated, or received by the congressional office of a Member, Delegate, or the Resident Commissioner in the performance of official duties are exclusively the personal property of the individual Member, Delegate, or the Resident Commissioner and such Member, Delegate, or Resident Commissioner has control over such records.”.

(k) RESPONSE TO SUBPOENAS.—Amend rule VIII to read as follows—

“RULE VIII

“RESPONSE TO SUBPOENAS

“(1.a) When a Member, Delegate, Resident Commissioner, officer, or employee of the House is properly served with a judicial subpoena or order, such Member, Delegate, Resident Commissioner, officer, or employee shall comply, consistently with the privileges and rights of the House, with the judicial subpoena or order as hereinafter provided, unless otherwise determined under this rule.

“(b) For purposes of this rule, ‘judicial subpoena or order’ means a judicial subpoena or judicial order directing appearance as a witness relating to the official functions of the House or for the production or disclosure of any document relating to the official functions of the House.

“(2.a) Upon receipt of a properly served judicial subpoena or order, a Member, Delegate, Resident Commissioner, officer, or employee of the House shall promptly notify

the Speaker in writing of its receipt together with either:

“(1) a determination as to whether the issuance of the judicial subpoena or order is a proper exercise of jurisdiction by the court and is consistent with the privileges and rights of the House; or

“(2) a statement that such Member, Delegate, Resident Commissioner, officer, or employee of the House intends to make a determination with respect to the matters described in subparagraph (1).

“(b) The notification required by paragraph (a) shall promptly be laid before the House by the Speaker.

“(3.a) Except as specified in paragraph (b) or otherwise ordered by the House, upon notification to the House that a judicial subpoena or order is a proper exercise of jurisdiction by the court and is consistent with the privileges and rights of the House, the Member, Delegate, Resident Commissioner, officer, or employee of the House shall comply with the judicial subpoena or order by supplying copies.

“(b) Under no circumstances may minutes or transcripts of executive sessions, or evidence of witnesses in respect thereto, be disclosed or copied. During a period of recess or adjournment of longer than three days, the Speaker may authorize compliance or take such other action as the Speaker considers appropriate under the circumstances. Upon the reconvening of the House, all matters that transpired under this clause shall promptly be laid before the House by the Speaker.

“(4. Nothing in this rule shall be construed to deprive, condition, or waive the constitutional or legal privileges or rights applicable or available at any time to a Member, Delegate, Resident Commissioner, officer, or employee of the House, or of the House itself, or the right of such Member, Delegate, Resident Commissioner, officer, or employee, or of the House itself, to assert such privileges or rights before a court in the United States.”.

(1) REQUIREMENTS FOR SUBCOMMITTEES.—Amend clause 5(d)(2) of rule X to read as follows:

“(2)(A) A committee that maintains a subcommittee on oversight may have not more than six subcommittees.

“(B) The Committee on Appropriations may have not more than 13 subcommittees.

“(C) The Committee on Armed Services may have not more than seven subcommittees.

“(D) The Committee on Foreign Affairs may have not more than seven subcommittees.

“(E) The Committee on Oversight and Government Reform may have not more than seven subcommittees.

“(F) The Committee on Transportation and Infrastructure may have not more than six subcommittees.”.

(m) COMMITTEE HEARINGS.—In clause 2(g)(2)(D) of rule XI, insert “, the Committee on Homeland Security” after “Armed Services”.

(n) REFERRALS TO THE COURT OF CLAIMS.—

(1) In clause 1(a)(1) of rule XIII—

(A) insert “or” before “releasing”; and

(B) strike “, or referring a claim to the Court of Claims”; and

(2) In clause 3 of rule XVIII—

(A) insert “or” before “releasing”; and

(B) strike “, or referring a claim to the Court of Claims”.

(o) CONTENTS OF COMMITTEE REPORTS SHOWING CHANGES TO EXISTING LAW.—Clause 3(e)(1) of rule XIII is amended by striking “accompanying document—” and all that follows and inserting “accompanying document (showing by appropriate typographical devices the omissions and insertions proposed)—

“(A) the entire text of each section of a statute that is proposed to be repealed; and

“(B) a comparative print of each amendment to the entire text of a section of a statute that the bill or joint resolution proposes to make.”.

(p) AUTHORITY TO POSTPONE RECORD VOTES ON CERTAIN MOTIONS.—In clause 8(a)(2) of rule XX—

(1) Redesignate subdivisions (E) through (H) as subdivisions (G) through (J), respectively;

(2) Insert after subdivision (D) the following new subdivisions:

“(E) The question of adopting a motion to recommit.

“(F) The question of adopting a motion to concur in a Senate amendment, with or without amendment.”; and

(3) In subdivision (G) (as redesignated), strike “subdivision (A), (B), (C), or (D)” and insert “subdivisions (A) through (F)”.

(q) CONFORMING GUIDELINES FOR FIVE-MINUTE VOTING.—In clause 9 of rule XX—

(1) In paragraph (a), insert “or” after the semicolon; and

(2) Strike paragraphs (b) and (c) and insert the following:

“(b) if in the discretion of the Speaker Members would be afforded an adequate opportunity to vote—

“(1) on any question arising after a report from the Committee of the Whole without debate or intervening motion; or

“(2) on the question of adoption of a motion to recommit (or ordering the previous question thereon) arising without intervening motion or debate other than debate on the motion.”.

(r) ELECTRONIC AVAILABILITY.—In clause 3 of rule XXIX, strike “in electronic form at a location designated by the Committee on House Administration” and insert “at an electronic document repository operated by the Clerk”.

(s) COMPARATIVE PRINTS FOR BILLS OR JOINT RESOLUTIONS CONSIDERED ON FLOOR.—Effective December 31, 2017, in rule XXI, add at the end the following new clause:

“(12.a)(1) Before a bill or joint resolution proposing to repeal or amend a statute or part thereof may be considered, there shall be made available on a publicly available website of the House an easily searchable electronic comparative print that shows how the bill or joint resolution proposes to change current law, showing (to the greatest extent practicable) by appropriate typographical devices the omissions and insertions proposed.

“(2) Before an amendment in the nature of a substitute may be considered if the amendment proposes to repeal or amend a statute or part thereof, there shall be made available on a publicly available website of the House an easily searchable electronic comparative print that shows (to the greatest extent practicable) how the amendment proposes to change current law, showing by appropriate typographical devices the omissions and insertions proposed.

“(b) If a committee reports a bill or joint resolution, before the bill or joint resolution may be considered with text different from the text reported, there shall be made available on a publicly available website of the House a document that shows, by appropriate typographical devices, the differences between the text of the bill or joint resolution as proposed to be considered and the text of the bill or joint resolution as reported.”.

(t) APPOINTMENT OF CHAIR.—Clause 1 of rule XVIII is amended by inserting “, Delegate, or the Resident Commissioner” after “Member”.

SEC. 3. SEPARATE ORDERS.

(a) HOLMAN RULE.—During the first session of the One Hundred Fifteenth Congress, any

reference in clause 2 of rule XXI to a provision or amendment that retrenches expenditures by a reduction of amounts of money covered by the bill shall be construed as applying to any provision or amendment (offered after the bill has been read for amendment) that retrenches expenditures by—

(1) the reduction of amounts of money in the bill;

(2) the reduction of the number and salary of the officers of the United States; or

(3) the reduction of the compensation of any person paid out of the Treasury of the United States.

(b) **STAFF DEPOSITION AUTHORITY.**—

(1) During the One Hundred Fifteenth Congress, the chair of a standing committee (other than the Committee on House Administration or the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(3) At least one member of the committee shall be present at each deposition taken under the authority prescribed in this subsection, unless—

(A) the witness to be deposed agrees in writing to waive this requirement; or

(B) the committee authorizes the taking of a specified deposition without the presence of a member during a specified period, provided that the House is not in session on the day of the deposition.

(c) **INDEPENDENT PAYMENT ADVISORY BOARD.**—Section 1899A(d) of the Social Security Act shall not apply in the One Hundred Fifteenth Congress.

(d) **PROVIDING FOR TRANSPARENCY WITH RESPECT TO MEMORIALS SUBMITTED PURSUANT TO ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.**—With respect to any memorial presented under clause 3 of rule XII purporting to be an application of the legislature of a State calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, or a rescission of any such prior application—

(1) the chair of the Committee on the Judiciary shall, in the case of such a memorial presented in the One Hundred Fourteenth Congress or the One Hundred Fifteenth Congress, and may, in the case of such a memorial presented prior to the One Hundred Fourteenth Congress, designate any such memorial for public availability by the Clerk; and

(2) the Clerk shall make such memorials as are designated pursuant to paragraph (1) publicly available in electronic form, organized by State of origin and year of receipt, and shall indicate whether the memorial was designated as an application or a rescission.

(e) **SPENDING REDUCTION AMENDMENTS IN APPROPRIATIONS BILLS.**—

(1) During the reading of a general appropriation bill for amendment in the Committee of the Whole House on the state of the Union, it shall be in order to consider en bloc amendments proposing only to transfer appropriations from an object or objects in the bill to a spending reduction account. When considered en bloc under this paragraph, such amendments may amend portions of the bill not yet read for amendment (following disposition of any points of order against such portions) and are not subject to a demand for division of the question in the House or in the Committee of the Whole.

(2) Except as provided in paragraph (1), it shall not be in order to consider an amendment to a spending reduction account in the House or in the Committee of the Whole House on the state of the Union.

(3) A point of order under clause 2(b) of rule XXI shall not apply to a spending reduction account.

(4) A general appropriation bill may not be considered in the Committee of the Whole House on the state of the Union unless it includes a spending reduction account as the last section of the bill. An order to report a general appropriation bill to the House shall constitute authority for the chair of the Committee on Appropriations to add such a section to the bill or modify the figure contained therein.

(5) For purposes of this subsection, the term “spending reduction account” means an account in a general appropriation bill that bears that caption and contains only—

(A) a recitation of the amount by which an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of new budget authority proposed by the bill; or

(B) if no such allocation is in effect, “\$0”.

(f) **POINT OF ORDER AGAINST MOTION TO RISE AND REPORT.**—

(1) During the One Hundred Fifteenth Congress, except as provided in paragraph (3), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(2) If a point of order under paragraph (1) is sustained, the Chair shall put the question: “Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?” Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(3) Paragraph (1) shall not apply—

(A) to a motion offered under clause 2(d) of rule XXI; or

(B) after disposition of a question under paragraph (2) on a given bill.

(4) If a question under paragraph (2) is decided in the negative, no further amendment shall be in order except—

(A) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(B) pro forma amendments, if offered by the chair or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(g) **LIMITATION ON ADVANCE APPROPRIATIONS.**—

(1) Except as provided in paragraph (2), any general appropriation bill or bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide an advance appropriation.

(2) An advance appropriation may be provided for programs, projects, activities, or accounts identified in a list submitted for printing in the Congressional Record by the chair of the Committee on the Budget (when elected) under the heading—

(A) “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority; and

(B) “Veterans Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$66,385,032,000 in new budget authority.

(3) **DEFINITION.**—The term “advance appropriation” means any new discretionary budget authority provided in a general appropriation bill or bill or joint resolution continuing appropriations for fiscal year 2017, or any amendment thereto or conference report thereon, that first becomes available for the fiscal year following fiscal year 2017.

(h) **POINT OF ORDER AGAINST INCREASING DIRECT SPENDING.**—

(1) **CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.**—The Director of the Congressional Budget Office shall, to the extent practicable, prepare an estimate of whether a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or amendment thereto or conference report thereon, would cause, relative to current law, a net increase in direct spending in excess of \$5,000,000,000 in any of the 4 consecutive 10-fiscal year periods beginning with the first fiscal year that is 10 fiscal years after the current fiscal year.

(2) **POINT OF ORDER.**—It shall not be in order to consider any bill or joint resolution reported by a committee, or amendment thereto or conference report thereon, that would cause a net increase in direct spending in excess of \$5,000,000,000 in any of the 4 consecutive 10-fiscal year periods described in paragraph (1).

(3) **DETERMINATIONS OF BUDGET LEVELS.**—For purposes of this subsection, the levels of net increases in direct spending shall be determined on the basis of estimates provided by the chair of the Committee on the Budget.

(4) **LIMITATION.**—This subsection shall not apply to any bill or joint resolution, or amendment thereto or conference report thereon—

(A) repealing the Patient Protection and Affordable Care Act and title I and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010;

(B) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010; or

(C) for which the chair of the Committee on the Budget has made an adjustment to the allocations, levels, or limits contained in the most recently adopted concurrent resolution on the budget.

(i) **DISCLOSURE OF DIRECTED RULE MAKINGS.**—

(1) The report of a committee on a bill or joint resolution shall include a list of directed rule makings required by the measure or a statement that the proposition contains no directed rule makings.

(2) For purposes of this subsection, the term “directed rule making” means a specific rule making within the meaning of section 551 of title 5, United States Code, specifically directed to be completed by a provision in the measure, but does not include a grant of discretionary rule making authority.

(j) **EXERCISE FACILITIES FOR FORMER MEMBERS.**—During the One Hundred Fifteenth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this subsection, the term

“Member” includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

(k) NUMBERING OF BILLS.—In the One Hundred Fifteenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker and the second 10 numbers for bills (H.R. 11 through H.R. 20) shall be reserved for assignment by the Minority Leader.

(l) INCLUSION OF CITATIONS FOR PROPOSED REPEALS AND AMENDMENTS.—To the maximum extent practicable and consistent with established drafting conventions, an instruction in a bill or joint resolution proposing to repeal or amend any law or part thereof not contained in a codified title of the United States Code shall include, in parentheses immediately following the designation of the matter proposed to be repealed or amended, the applicable United States Code citation (which may be a note in the United States Code), or, if no such citation is available, an appropriate alternate citation to the applicable law or part.

(m) BROADENING AVAILABILITY OF LEGISLATIVE DOCUMENTS IN MACHINE-READABLE FORMATS.—The Committee on House Administration, the Clerk, and other officers and officials of the House shall continue efforts to broaden the availability of legislative documents in machine readable formats in the One Hundred Fifteenth Congress in furtherance of the institutional priority of improving public availability and use of legislative information produced by the House and its committees.

(n) CONGRESSIONAL MEMBER ORGANIZATION TRANSPARENCY REFORM.—

(1) PAYMENT OF SALARIES AND EXPENSES THROUGH ACCOUNT OF ORGANIZATION.—A Member of the House of Representatives and an eligible Congressional Member Organization may enter into an agreement under which—

(A) an employee of the Member's office may carry out official and representational duties of the Member by assignment to the Organization; and

(B) to the extent that the employee carries out such duties under the agreement, the Member shall transfer the portion of the Members' Representation Allowance of the Member which would otherwise be used for the salary and related expenses of the employee to a dedicated account in the House of Representatives which is administered by the Organization, in accordance with the regulations promulgated by the Committee on House Administration under paragraph (2).

(2) REGULATIONS.—The Committee on House Administration (hereafter referred to in this subsection as the “Committee”) shall promulgate regulations as follows:

(A) USE OF MRA.—Pursuant to the authority of section 101(d) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5341(d)), the Committee shall prescribe regulations to provide that an eligible Congressional Member Organization may use the amounts transferred to the Organization's dedicated account under paragraph (1)(B) for the same purposes for which a Member of the House of Representatives may use the Members' Representational Allowance, except that the Organization may not use such amounts for franked mail, official travel, or leases of space or vehicles.

(B) MAINTENANCE OF LIMITATIONS ON NUMBER OF SHARED EMPLOYEES.—Pursuant to the authority of section 104(d) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5321(d)), the Committee shall prescribe regulations to provide that an employee of the office of a

Member of the House of Representatives who is covered by an agreement entered into under paragraph (1) between the Member and an eligible Congressional Member Organization shall be considered a shared employee of the Member's office and the Organization for purposes of such section, and shall include in such regulations appropriate accounting standards to ensure that a Member of the House of Representatives who enters into an agreement with such an Organization under paragraph (1) does not employ more employees than the Member is authorized to employ under such section.

(C) PARTICIPATION IN STUDENT LOAN REPAYMENT PROGRAM.—Pursuant to the authority of section 105(b) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 4536(b)), relating to the student loan repayment program for employees of the House, the Committee shall promulgate regulations to provide that, in the case of an employee who is covered by an agreement entered into under paragraph (1) between a Member of the House of Representatives and an eligible Congressional Member Organization and who participates in such program while carrying out duties under the agreement—

(i) any funds made available for making payments under the program with respect to the employee shall be transferred to the Organization's dedicated account under paragraph (1)(B); and

(ii) the Organization shall use the funds to repay a student loan taken out by the employee, under the same terms and conditions which would apply under the program if the Organization were the employing office of the employee.

(D) ACCESS TO HOUSE SERVICES.—The Committee shall prescribe regulations to ensure that an eligible Congressional Member Organization has appropriate access to services of the House.

(E) OTHER REGULATIONS.—The Committee shall promulgate such other regulations as may be appropriate to carry out this subsection.

(3) ELIGIBLE CONGRESSIONAL MEMBER ORGANIZATION DEFINED.—In this subsection, the term “eligible Congressional Member Organization” means, with respect to the One Hundred Fifteenth Congress, an organization meeting each of the following requirements:

(A) The organization is registered as a Congressional Member Organization with the Committee on House Administration.

(B) The organization designates a single Member of the House of Representatives to be responsible for the administration of the organization, including the administration of the account administered under paragraph (1)(B), and includes the identification of such Member with the statement of organization that the organization files and maintains with the Committee on House Administration.

(C) At least 3 employees of the House are assigned to work for the organization.

(D) During the One Hundred Fourteenth Congress, at least 30 Members of the House of Representatives used a portion of the Members' Representational Allowance of the Member for the salary and related expenses of an employee who was a shared employee of the Member's office and the organization.

(E) The organization files a statement with the Committee on House Administration and the Chief Administrative Officer of the House of Representatives certifying that it will administer an account in accordance with paragraph (1)(B).

(o) SOCIAL SECURITY SOLVENCY.—

(1) POINT OF ORDER.—During the One Hundred Fifteenth Congress, it shall not be in order to consider a bill or joint resolution, or an amendment thereto or conference report thereon, that reduces the actuarial balance

by at least .01 percent of the present value of future taxable payroll of the Federal Old-Age and Survivors Insurance Trust Fund established under section 201(a) of the Social Security Act for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to a measure that would improve the actuarial balance of the combined balance in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

(p) SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Fifteenth Congress the Committee on Agriculture may have not more than six subcommittees.

(q) TREATMENT OF CONVEYANCES OF FEDERAL LAND.—

(1) IN GENERAL.—In the One Hundred Fifteenth Congress, for all purposes in the House, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, requiring or authorizing a conveyance of Federal land to a State, local government, or tribal entity shall not be considered as providing new budget authority, decreasing revenues, increasing mandatory spending, or increasing outlays.

(2) DEFINITIONS.—In this subsection:

(A) The term “conveyance” means any method, including sale, donation, or exchange, by which all or any portion of the right, title, and interest of the United States in and to Federal land is transferred to another entity.

(B) The term “Federal land” means any land owned by the United States, including the surface estate, the subsurface estate, or any improvements thereon.

(C) The term “State” means any of the several States, the District of Columbia, or a territory (including a possession) of the United States.

SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.

(a) HOUSE DEMOCRACY PARTNERSHIP.—House Resolution 24, One Hundred Tenth Congress, shall apply in the One Hundred Fifteenth Congress in the same manner as such resolution applied in the One Hundred Tenth Congress except that the commission concerned shall be known as the House Democracy Partnership.

(b) TOM LANTOS HUMAN RIGHTS COMMISSION.—Sections 1 through 7 of House Resolution 1451, One Hundred Tenth Congress, shall apply in the One Hundred Fifteenth Congress in the same manner as such provisions applied in the One Hundred Tenth Congress, except that—

(1) the Tom Lantos Human Rights Commission may, in addition to collaborating closely with other professional staff members of the Committee on Foreign Affairs, collaborate closely with professional staff members of other relevant committees; and

(2) the resources of the Committee on Foreign Affairs which the Commission may use shall include all resources which the Committee is authorized to obtain from other offices of the House of Representatives.

(c) OFFICE OF CONGRESSIONAL ETHICS.—Section 1 of House Resolution 895, One Hundred Tenth Congress, shall apply in the One Hundred Fifteenth Congress in the same manner as such provision applied in the One Hundred Tenth Congress, except that—

(1) the Office of Congressional Ethics shall be treated as a standing committee of the House for purposes of section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i));

(2) references to the Committee on Standards of Official Conduct shall be construed as references to the Committee on Ethics;

(3) any requirement for concurrence in section 1(b)(1) shall be construed as a requirement for consultation;

(4) the second sentence of section 1(b)(6)(A) shall not apply;

(5) members subject to section 1(b)(6)(B) may be reappointed for a third additional term;

(6) any individual who is the subject of a preliminary review or second-phase review by the board shall be informed of the right to be represented by counsel and invoking that right should not be held negatively against them; and

(7) the Office may not take any action that would deny any person any right or protection provided under the Constitution of the United States.

SEC. 5. ORDERS OF BUSINESS.

(a) The Speaker may recognize a Member for the reading of the Constitution on any legislative day through January 13, 2017.

(b) Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 21) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for “midnight rules”, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees; and (2) one motion to recommit.

Mr. MCCARTHY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO REFER

Ms. NORTON. Mr. Speaker, I rise to offer a motion that is at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Norton moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, whether there is any reason to deny Delegates, in particular the Delegate from the District of Columbia, whose residents pay the highest per capita federal income taxes in the United States to support the federal government, the right to vote in the Committee of the Whole House on the state of the Union in light of the decision of the United States Court of Appeals for the District of Columbia Circuit in *Michel v. Anderson* (14 F.3d 623 (D.C. Cir. 1994)) upholding the constitutionality of such right to vote, and the inclusion of such right to vote in the Rules for the 103rd, 110th and 111th Congresses.

MOTION TO TABLE

Mr. MCCARTHY. Mr. Speaker, I have a motion to table at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to table.

The Clerk read as follows:

Mr. McCarthy moves to lay on the table the motion to refer.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 184, not voting 21, as follows:

[Roll No. 3]

YEAS—228

Abraham	Garrett	Olson
Aderholt	Gibbs	Palazzo
Allen	Gohmert	Palmer
Amash	Goodlatte	Paulsen
Amodei	Gosar	Pearce
Arrington	Granger	Perry
Babin	Graves (GA)	Pittenger
Bacon	Graves (LA)	Poe (TX)
Banks (IN)	Graves (MO)	Poliquin
Barletta	Griffith	Posey
Barr	Grothman	Ratcliffe
Barton	Guthrie	Reed
Bergman	Harper	Reichert
Beutler	Harris	Rice (SC)
Biggs	Hartzler	Roby
Bilirakis	Hensarling	Roe (TN)
Bishop (MI)	Hice, Jody B.	Rogers (AL)
Bishop (UT)	Higgins (LA)	Rogers (KY)
Black	Hill	Rohrabacher
Blackburn	Holding	Rokita
Blum	Hollingsworth	Rooney, Francis
Bost	Hudson	Ros-Lehtinen
Brady (TX)	Huizenga	Roskam
Brat	Hultgren	Ross
Bridenstine	Hunter	Rothfus
Brooks (AL)	Hurd	Rouzer
Brooks (IN)	Jenkins (KS)	Royce (CA)
Buchanan	Jenkins (WV)	Russell
Buck	Johnson (LA)	Rutherford
Bucshon	Johnson (OH)	Sanford
Budd	Johnson, Sam	Scalise
Burgess	Jordan	Schweikert
Byrne	Joyce (OH)	Scott, Austin
Calvert	Katko	Sensenbrenner
Carter (GA)	Kelly (MS)	Sessions
Carter (TX)	Kelly (PA)	Shimkus
Chabot	King (NY)	Shuster
Chaffetz	Kinzinger	Simpson
Cheney	Knight	Smith (MO)
Coffman	Kustoff (TN)	Smith (NE)
Cole	Labrador	Smith (NJ)
Collins (GA)	LaHood	Smith (TX)
Collins (NY)	LaMalfa	Smucker
Comer	Lamborn	Stefanik
Comstock	Lance	Stewart
Conaway	Latta	Stivers
Cook	Lewis (MN)	Taylor
Costello (PA)	LoBiondo	Tenney
Cramer	Long	Thompson (PA)
Crawford	Loudermillk	Thornberry
Culberson	Love	Tiberi
Curbelo (FL)	Lucas	Tipton
Davidson	Luetkemeyer	Trott
Davis, Rodney	MacArthur	Turner
Denham	Marino	Upton
Dent	Marshall	Valadao
DeSantis	Massie	Wagner
DesJarlais	Mast	Walberg
Diaz-Balart	McCarthy	Walden
Donovan	McCaul	Walker
Duffy	McClintock	Walorski
Duncan (SC)	McHenry	Walters, Mimi
Duncan (TN)	McKinley	Weber (TX)
Dunn	McMorris	Webster (FL)
Emmer	Rodgers	Wenstrup
Farenthold	McSally	Westerman
Faso	Meadows	Williams
Ferguson	Meehan	Wilson (SC)
Fitzpatrick	Messer	Wittman
Fleischmann	Mitchell	Womack
Flores	Moolenaar	Woodall
Fortenberry	Mooney (WV)	Yoder
Fox	Mullin	Yoho
Franks (AZ)	Murphy (PA)	Young (IA)
Frelinghuysen	Newhouse	Zeldin
Gaetz	Noem	
Gallagher	Nunes	

NAYS—184

Aguilar	Gabbard	Norcross
Barragan	Gallego	O'Halleran
Bass	Garamendi	O'Rourke
Beatty	Gonzalez (TX)	Pallone
Becerra	Gottheimer	Panetta
Bera	Green, Al	Pascarell
Beyer	Green, Gene	Payne
Blumenauer	Grijalva	Pelosi
Bonamici	Hastings	Perlmutter
Boyle, Brendan	Heck	Peters
F.	Himes	Peterson
Brady (PA)	Hoyer	Pingree
Brown (MD)	Huffman	Pocan
Brownley (CA)	Jackson Lee	Polis
Bustos	Jayapal	Price (NC)
Butterfield	Jeffries	Quigley
Capuano	Johnson (GA)	Raskin
Carbajal	Johnson, E. B.	Richmond
Cárdenas	Kaptur	Rosen
Carson (IN)	Keating	Roybal-Allard
Cartwright	Kelly (IL)	Ruiz
Castor (FL)	Kennedy	Ruppersberger
Castro (TX)	Khanna	Rush
Chu, Judy	Kihuen	Ryan (OH)
Cicilline	Kildee	Sánchez
Clark (MA)	Kilmer	Sarbanes
Clarke (NY)	Kind	Schakowsky
Clay	Krishnamoorthi	Schiff
Cleaver	Kuster (NH)	Schneider
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly	Larson (CT)	Serrano
Conyers	Lawrence	Sewell (AL)
Cooper	Lawson (FL)	Shea-Porter
Correa	Lee	Sherman
Costa	Levin	Sinema
Courtney	Lewis (GA)	Sires
Crist	Lieu, Ted	Slaughter
Crowley	Lipinski	Smith (WA)
Cuellar	Loeb sack	Soto
Cummings	Lofgren	Speier
Davis (CA)	Lowenthal	Suozy
Davis, Danny	Lowe	Swalwell (CA)
DeFazio	Lujan Grisham,	Takano
DeGette	M.	Thompson (CA)
Delaney	Luján, Ben Ray	Thompson (MS)
DeLauro	Maloney,	Titus
DelBene	Carolyn B.	Tonko
Demings	Maloney, Sean	Torres
DeSaulnier	Matsui	Tsongas
Deutch	McCollum	Vargas
Dingell	McEachin	Veasey
Doggett	McGovern	Vela
Doyle, Michael	McNerney	Velázquez
F.	Meeks	Visclosky
Ellison	Meng	Walz
Engel	Moore	Wasserman
Eshoo	Moulton	Schultz
Espallat	Murphy (FL)	Waters, Maxine
Esty	Nadler	Watson Coleman
Evans	Napolitano	Welch
Foster	Neal	Wilson (FL)
Frankel (FL)	Nolan	Yarmuth

NOT VOTING—21

Adams	Issa	Renacci
Bishop (GA)	Jones	Rice (NY)
Blunt Rochester	King (IA)	Rooney, Thomas
Fudge	Lynch	J.
Gowdy	Marchant	Young (AK)
Gutiérrez	Mulvaney	Zinke
Hanabusa	Pompeo	
Higgins (NY)	Price, Tom (GA)	

□ 1504

Mr. GARAMENDI and Mrs. DAVIS of California changed their vote from “yea” to “nay.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RENACCI. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 3.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent that the time allocated to me be controlled by the esteemed gentleman from Texas (Mr. SESSIONS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I also include in the RECORD a section-by-section analysis of the resolution.

H. RES. 5

ADOPTING THE RULES FOR THE 115TH CONGRESS

SECTION-BY-SECTION ANALYSIS

Section 1. Resolved Clause.

This section provides that the Rules of the 114th Congress are the Rules of the 115th Congress, except for 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.

Decorum. Subsection (a) authorizes the Sergeant-at-Arms to impose a fine against a Member, Delegate, or the Resident Commissioner for the use of an electronic device for photography, audio or visual recording, or broadcasting on the House floor in contravention of clause 5 of rule XVII and any applicable Speaker's announced policy on electronic devices. A fine for a first offense will be \$500 and \$2,500 for subsequent offenses. Any subsequent offense will be assessed at the higher amount, regardless of whether it is connected to any other offense by time or proximity.

The subsection provides that any Member, Delegate, or Resident Commissioner that has been assessed a fine may appeal the fine in writing to the Committee on Ethics not later than 30 calendar days or five legislative days, whichever is later, after notification. Upon receipt of an appeal, the Committee on Ethics is provided 30 calendar days or five legislative days, whichever is later, to either dismiss the fine or allow it to proceed. Upon a determination regarding the appeal or if no appeal has been filed at the expiration of the period, the chair of the Committee on Ethics shall promptly notify the Member, Delegate, or the Resident Commissioner, the Speaker and the Chief Administrative Officer. The Speaker is required to promptly lay such notification before the House.

The Sergeant-at-Arms, Committee on Ethics, and Chief Administrative Officer are authorized to establish policies and procedures to implement this subsection. Upon notification from the chair of the Committee on Ethics, the Chief Administrative Officer shall deduct the amount of any fine from the net salary of the Member, Delegate, or Resident Commissioner.

The subsection also modifies rule XVII to clarify conduct considered disorderly or disruptive during legislative proceedings to ensure that a Member may be referred to the Committee on Ethics for behavior impeding in the rights of another Member, Delegate, or the Resident Commissioner to participate in floor proceedings, including blocking access to legislative instruments such as microphones and blocking access the well of the House.

Authorization and Oversight Plans. Subsection (b) amends the current oversight plan requirements. The subsection requires each standing committee (except the Committees on Appropriations, Ethics, and Rules) to adopt an authorization and oversight plan, which must be submitted to the Committees on Oversight and Government Reform, House Administration, and Appropriations no later than February 15 of the first session of Congress. The plan must include a list of unauthorized programs and agencies within their jurisdiction that have received funding in the prior fiscal year, or in the case of a permanent authorization, has not received a comprehensive review by the committee in the prior three Congresses. The subsection requires committees to describe each program or agency that is intended to be authorized in the current Congress or next Congress, and a description of oversight to support reauthorization in the current Congress. The subsection also requires recommendations, if any, for moving such programs or agencies from mandatory to discretionary funding.

The subsection also provides that committees may make recommendations to consolidate or terminate duplicative programs or agencies, or those that are inconsistent with the appropriate role of the Federal government. Committees may make recommendations for changes to existing law to address Federal rules, regulations, statutes, and court decisions related to these programs that are inconsistent with Congress' Article I authorities. The subsection requires the Committee on Oversight and Government Reform, after consultation with the Speaker, Majority Leader, and the Minority Leader, report the oversight and authorization plans to the House by March 31 of the first session of Congress.

Amendments to Appropriation Bills. Subsection (c) codifies the standing order from the 112th, 113th, and 114th Congresses prohibiting an amendment to a general appropriation bill proposing a net increase in budget authority in the bill.

Duplication of Federal Programs. Subsection (d) codifies the standing order from the 113th and 114th Congresses that 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. The subsection also eliminates unnecessary language regarding 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, and makes technical changes.

Recognition of Members. Subsection (e) eliminates from the rules outdated references to physical mobility. This is a clarification to address the needs of Members who are physically unable to stand.

Convening Outside the Hall of the House. Subsection (f) conforms the standing rules with current practice regarding convening outside the Hall of the House.

Temporary Presiding Authority Clarification. Subsection (g) clarifies that the authority of a Speaker pro tempore appointed under clause 8(b)(3)(A) of rule I takes priority over

the Clerk's authority to preserve order and decorum pending the election of a new Speaker.

Continuing Litigation Authorities. Subsection (h) authorizes the House, the Speaker, a committee or chair of a committee to carry forward litigation from the previous Congress as the successor in interest in any continuing litigation matter in which the House, the Speaker, the committee or chair of a committee, respectively, was previously authorized to be involved. This subsection automatically continues previously authorized litigation authority and fully empowers the successor in interest to take all steps necessary to carry such litigation forward during the new Congress, thereby eliminating the need for a separate resolution authorizing the continuation of such litigation as in the past.

Clarifying Staff Access to the House Floor. Subsection (i) conforms the standing rules to the current practice that staff accompanying Members on the floor are not required to remain at the desk.

Member Records. Subsection (j) adds language to the definition of "Records of the House" to clarify the ownership of congressional office records of a Member, Delegate, or Resident Commissioner, and to codify the longstanding custom and practice of the House under which such records have been recognized to be the personal property of the Member, Delegate, or Resident Commissioner, in keeping with the common law. Prior rules of the House drew a distinction between the records of House committees and officers, on the one hand, and congressional office records of Members, Delegates, or the Resident Commissioner, on the other. The latter do not belong to the House, because the Rule expressly defined House "records" to exclude them. See, e.g., Rule VII.6, Rules of the U.S. House of Representatives, 114th Cong. (2015); Rule XXXVI, Rules of the U.S. House of Representatives, 105th Cong. (1997). This subsection adds language confirming that congressional office records are the personal property of the Member, Delegate, or Resident Commissioner who creates, generates, or receives them, in accordance with longstanding House custom and prior pronouncements. See, e.g., H. Con. Res. 307, 110th Cong. (2008) ("[B]y custom [congressional papers of Members, Delegates, and Resident Commissioners] are considered the personal property of the Member who receives and creates them, and it is therefore the Member who is responsible to decide on their ultimate disposition . . ."); H. Rep. No. 99-994, 99th Cong. (1986), at 5 ("[I]t is relatively clear that Members' papers have been regarded as their personal property . . .").

Response to Subpoenas. Subsection (k) clarifies and streamlines procedures governing notification of, and response to, properly served judicial subpoenas and judicial orders directing appearance as a witness relating to the official functions of the House or compelling the production or disclosure of any document relating to the official functions of the House.

The subsection continues the practice of granting authority to respond to subpoenas without the necessity of a House vote, and streamlines the notification process to eliminate inefficiencies. The recipient of a properly served judicial subpoena or order compelling testimony or production of documents relating to the official functions of the House must promptly notify the Speaker in writing of the receipt of that judicial order or subpoena and must determine whether the subpoena or order is a proper exercise of the jurisdiction of the court and is consistent with the rights and privileges of the House. In keeping with current practice, the notification to the Speaker must either

set forth those determinations (if they have already been made at the time of the notification) or state that the recipient intends to make those determinations. The prior rule's additional reference to determining whether the subpoena or order "is material and relevant" has been omitted as redundant and superfluous, because it is subsumed within the requirement to determine whether the subpoena or order is consistent with the privileges and rights of the House; it would not be consistent with the privileges and rights of the House for a Member, Delegate, Resident Commissioner, officer, or employee to be compelled to respond to a judicial subpoena or order seeking information that is not material and relevant to the underlying cause. Accordingly, no substantive change is made by the deletion of the "is material and relevant" determination.

The subsection omits the obsolete requirements for the Clerk of the House to provide a copy of rule VIII to the court and for recipients of judicial subpoenas or orders to submit "certified" copies of documents when production of documents in response to a properly served judicial subpoena or order has been determined to be appropriate. References to administrative subpoenas relating to the official functions of the House have also been deleted, because the rule should not be interpreted to suggest that compliance with such subpoenas may be mandatory. The subsection deletes the truism that notifications received when the House is adjourned will be laid before the House upon its reconvening.

Requirements for Subcommittees. Subsection (l) codifies the exceptions carried in previous rules packages to clause 5(d) of rule X to allow the Committee on Appropriations up to thirteen subcommittees, the Committees on Armed Services, Foreign Affairs, and Oversight and Government Reform up to seven subcommittees, and the Committee on Transportation and Infrastructure up to six subcommittees.

Committee Hearings. Subsection (m) provides the Committee on Homeland Security with authority to close hearings for an additional 5 consecutive days when considering sensitive matters that require an executive session.

Referrals to the Court of Claims. Subsection (n) conforms the standing rules with the current practice that measures making a referral to the Court of Claims are referred to the private calendar.

Contents of Committee Reports Showing Changes to Existing Law. Subsection (o) modifies language adopted in the 114th Congress to address an unintended consequence that required a committee report or accompanying document to portray duplicative prints. This subsection continues to require that a Ramseyer print show the entire text of each section of statute that is proposed to be repealed and a comparative print of each amendment to the entire text of a section of statute the bill or joint resolution proposes to make. The subsection also clarifies existing practice that appropriate typographical devices be used for both repealed text and comparative prints.

Authority to Postpone Record Votes on Certain Motions. Subsection (p) adds motions to recommit and motions to concur to the list of postponable questions under clause 8 of rule XX.

Conforming Guidelines for Five-Minute Voting. Subsection (q) clarifies that the Speaker's ability to reduce the time for a vote pursuant to clause 9(b) or 9(c) of rule XX is subject to the same guidelines as the reduction of the time for a vote pursuant to clause 8(c)(2) of rule XX.

Electronic Availability. Subsection (r) modifies and codifies a standing order from the

112th, 113th, and 114th Congresses by designating the electronic document repository operated by the Clerk of the House for the purposes of electronic availability rules.

Comparative Prints for Bills or Joint Resolution Considered on Floor. Subsection (s) provides that by December 31, 2017, each bill, joint resolution, or amendment in the nature of a substitute shall have an easily searchable electronic comparative print that shows how the proposed legislation will change current law, showing by appropriate typographical devices the omissions and insertions proposed. The subsection also seeks to enhance transparency on changes made to a measure after it has been reported by a committee.

Appointments of Chair. Subsection (t) allows Delegates and the Resident Commissioner to serve as chair of the Committee of the Whole.

Section 3. Separate Orders.

Holman Rule. Subsection (a) provides a new standing order for the first session of the 115th Congress based on the "Holman Rule," most of which was removed from the standing rules in 1983. This standing order functions as an exception to clause 2 of rule XXI to allow provisions changing law in certain limited circumstances. Under this order, a provision in a general appropriation bill or an amendment thereto may contain legislation to retrench expenditures by (1) reducing amounts of money in the bill, (2) reducing the number or salaries of Federal employees, or (3) reducing the compensation of any person paid by the Treasury. To qualify for treatment under this order, an amendment must be offered after the reading of the bill and must comply with all applicable rules of the House, such as the germaneness rule. The purpose of this provision is to see if the reinstatement of the Holman rule will provide Members with additional tools to reduce spending during consideration of the regular general appropriation bills.

Staff Deposition Authority. Subsection (b) carries forward and modifies provisions from the 114th Congress to provide the Permanent Select Committee on Intelligence and each standing committee of the 115th Congress (except for the Committees on Rules and House Administration) the authority to order the taking of a deposition by a member or committee counsel of such committee. The authority provided under this subsection extends for the entirety of the 115th Congress. Depositions taken under this authority are subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

The subsection modifies the member attendance requirement, which applies unless (1) the witness waives the requirement or (2) the committee authorizes the taking of a specified deposition without the presence of a member during a specified period and the deposition occurs on a day that the House is not in session. The latter authority enables a committee to authorize the taking of one or more such depositions of one or more specified witnesses at any point over the course of a specified period of days, such as a district work period.

Independent Payment Advisory Board. Subsection (c) carries forward a provision from the 113th and 114th Congresses that turns off a provision contained in the Affordable Care Act, which limits 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.

Providing for Transparency with Respect to Memorials Submitted Pursuant to Article V of the Constitution of the United States. Subsection (d) carries forward and modifies provisions

from the 114th Congress that clarify the procedures of the House regarding the 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, organized by State of origin and year of receipt, and indicate whether the memorial was designated as an application or recession.

In carrying out this subsection, it is expected that the chair of the Committee on the Judiciary will be solely charged with determining whether a memorial purports to be an application of the legislature of a state calling for a constitutional convention or recession of prior applications. The Clerk's role will be entirely administrative. The chair of the Committee on the Judiciary will only designate memorials from state legislatures (and not petitions from individuals or other parties), as it is only state legislatures that are contemplated under Article V of the Constitution.

In submitting each memorial to the Clerk, the chair of the Committee on the Judiciary will include a transmission letter that indicates it has been designated under this subsection of House Resolution 5. The Clerk will make publicly available the memorial and the transmission letter from the chair. Ancillary documentation from the state or other parties is not expected to be publicized.

The chair of the Committee on the Judiciary is also permitted to designate memorials from Congresses prior to the 114th Congress to be made publicly available under the same procedure.

Spending Reduction Amendments in Appropriations Bills. Subsection (e) modifies and carries forward the prohibition from the 112th, 113th, and 114th Congresses against consideration of a general appropriation bill that does not include a "spending reduction account." The subsection updates the definition of a spending reduction account to state a recitation of the amount by which an applicable allocation of new budget authority under section 302(b) (Appropriations subcommittee allocations) of the Congressional Budget Act of 1974 exceeds the amount of new budget authority proposed by the bill, or if no such allocation is in effect, \$0.

Point of Order Against Motion to Rise and Report. Subsection (f) carries forward from the 113th and 114th Congresses 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) as estimated by the Committee on the Budget and continues a point of order.

Limitation on Advance Appropriations. Subsection (g) provides limits against a fiscal year 2017 general appropriation bill or measure continuing appropriations from making advanced appropriations in fiscal year 2018. The subsection provides a limited number of standard exceptions which provide advanced appropriations only for fiscal year 2018.

Point of Order Against Increasing Direct Spending. Subsection (h) establishes a point of order against consideration of a bill or joint resolution reported by a committee (other than the Committee on Appropriations) or an amendment thereto, or a conference report thereon, which has the net effect of increasing direct spending in excess of \$5 billion for any of the four consecutive ten fiscal year periods beginning with the first fiscal year that is 10 fiscal years after the current fiscal year. The subsection also provides exemptions for measures repealing or reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010, and measures where the chair of the

Committee on the Budget made an adjustment to the allocation levels or limits contained in the most recently adopted budget resolution.

Disclosure of Directed Rule Makings. Subsection (i) carries forward and modifies the requirement that committee reports on bills or joint resolutions include a list of directed rule makings required by the measure or a statement that the measure contains no directed rule makings. The subsection carries forward the definition of “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. The prior standing order only required an estimate of the number of direct rule makings.

Exercise Facilities for Former Members. Subsection (j) 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 (k) 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 for Proposed Repeals and Amendments. Subsection (l) continues to add, to the maximum extent practicable, a requirement for parallel citations for amendatory instructions to Public Laws and Statutes at Large that are not classified in the U.S. Code.

Broadening Availability of Legislative Documents in Machine-Readable Formats. Subsection (m) continues to instruct the appropriate officers and committees to continue to advance government transparency by taking further steps to publish documents of the House in machine-readable formats.

Congressional Member Organization Transparency Reform. Subsection (n) carries forward the provisions from the 114th Congress to allow participating Members to enter into agreements with eligible Congressional Member Organizations for the purpose of payment of salaries and expenses. The Committee on House Administration is required to promulgate regulations, consistent with current law, to carry out this subsection.

Social Security Solvency. Subsection (o) carries forward from the 114th Congress a point of order against legislation that would reduce the actuarial balance of the Federal Old-Age and Survivors Insurance Trust Fund, but provides an exemption to the point of order if a measure improves the overall financial health of the combined Social Security Trust Funds. This subsection would protect the Old-Age and Survivors Insurance (OASI) Trust Fund from diversion of its funds to finance a broken Disability Insurance system.

Subcommittees. Subsection (p) waives clause 5(d) of rule X to allow the Committee on Agriculture up to six subcommittees, which is consistent with authorities in the 114th Congress.

Treatment of Conveyances of Federal Land. Subsection (q) provides that any provision in a bill, joint resolution, amendment, or conference report requiring or authorizing a conveyance of federal land to a State, local government, or tribal entity, shall not be considered as providing new budget authority, decreasing revenues, increasing mandatory spending, or increasing outlays.

Section 4. Committees, Commissions, and House Offices.

House Democracy Partnership. Subsection (a) reauthorizes the House Democracy As-

sistance Commission, now known as the House Democracy Partnership.

Tom Lantos Human Rights Commission. Subsection (b) reauthorizes the Tom Lantos Human Rights Commission.

Office of Congressional Ethics. Subsection (c) reauthorizes the Office of Congressional Ethics (OCE) and clarifies that term limits do not apply to members of the OCE. The subsection reaffirms that a person subject to a review by the Office of Congressional Ethics has a right to be represented by counsel, and establishes that invoking such right is not to be held as a presumption of guilt. The subsection modifies the language to require consultation prior to the appointment of members rather than concurrence. The subsection also prohibits the Office of Congressional Ethics from taking action that would deny a person any rights or protections provided under the Constitution of the United States of America.

Section 5. Additional Orders of Business.

Reading of the Constitution. Subsection (a) allows the Speaker to recognize Members for the reading of the Constitution on any legislative day through January 13, 2017.

Consideration of Midnight Rules Relief Act of 2017. Subsection (b) provides for the consideration of the Midnight Rules Relief Act of 2017 under a closed rule.

Mr. SESSIONS. Mr. Speaker, today is an exciting day, a brand new 115th Congress. Here in the House of Representatives, we have new Members of Congress who are bringing their families, coming to Washington with a sense of exuberance, but mostly with what I believe is respect for the American people who sent them here, respect for the people who elected each of us with the thoughts and ideas from our districts back home, all the way to the election of the President-elect of the United States of America, Donald Trump.

So we do this every 2 years. We reorganize the House of Representatives. We start anew. We start fresh. We start with the best ideas that are brought forth, and we try and bring the teams together. That is what Republicans have done. That is what Democrats are doing. We gather together and add up literally the amount of teams and who is on each side, and that is how we determine who is elected the Speaker of the House. It is from the majority party. In this case, today we elected the gentleman from Wisconsin (Mr. RYAN), a great young leader for not just our party, but for our country.

So today what we do is we show up and we exercise our constitutional rights, our duties, our views, the ideas that we have, the ideas that we were sent here to exercise, and the ideas of our majorities, of the bodies, of the groups that we represent.

So today those men and women who gather together with their ideas and plans, they are going to help project and move our country forward over the next 2 years. I think that what we are saying today is important. That is, we are trying to change the direction that this country has been going for at least 2 years, and some could argue for 8 years. We are going to change that direction because the American people have given Republicans an opportunity to lead in the United States House of

Representatives, in the United States Senate, and in the Presidency of the United States.

I believe that we are looking at those elected officials, including the newly elected President, at the next generation, people who will take our places soon, people who we need to leave a better America for, people who are counting on us to, yes, as the saying goes, Make America Great Again, but, more importantly, to live up to the challenges of our job, the challenges that the American people have said we expect you to go to Washington and make tough decisions, not easy decisions, but to do things that are in our best interest rather than in the best interest of a government.

Well, that is what this experiment is about. This experiment takes place every 4 years with the election of a Presidency and perhaps every 2 years with a new Congress.

Mr. Speaker, during the first 7 years of the Obama administration, they had an opportunity, the House, to send to the President, to forge a path that they felt would be best for the American people, perhaps based upon a calling or the things that they heard. What happened is that Federal regulations added up to an average of 81 new major regulations per year for a total of 556 regulations, at least 220 of which contained new burdens on individuals and businesses with an annual cost of \$108 billion.

We see things differently. That is why you are going to see not only in the rules package, but by the way that we do business here in the House of Representatives, that we look at regulations differently; that we work based upon the law, the intent of the law, not the intent of a regulator who would, as I would suggest, see things perhaps differently than others would see them.

So while it sounds like these are staggering numbers and they do a lot of damage on our country, it is not too late to change that. It is not too late to reevaluate the way things have been done and the way that things should be done.

So we have a lot of work to do. We have a lot of work to do not just about rules and regulations but about the day-to-day business, the progression of GDP, and the growth of jobs and job creation in this country.

For the first time in a long time, we will have a President-elect—yes, Donald Trump—who will, I believe, work with the United States Congress forthrightly and find the avenues of consensus between the House of Representatives and between the United States Senate to push this body.

I met with Mr. Trump earlier in the year when he was just a candidate for the Presidency, and he told me point blank: It is not so much that I am opposed to what you guys are doing in Congress; it is more to I think you ought to be forced into making more tough decisions.

He said: I think Congress gets away from doing the tough things. They do

the easy lift rather than the things that will be better for the American people, because proud people sent us up here.

That is the standard that, I believe, we should adopt to have and be prepared for in these next 2 years: tough, straightforward, honest work that is meaningful, that can move our country forward, that will propel a generation to believe not only in a great day's pay and a hard day's work, but, more importantly, leading to something that will make our country stronger and yet stronger the next day with a heartbeat from a Nation and a people who deeply believe that America's greatest days are in our future and they are willing to give that to the next generation. That is why we are here.

We have a lot of new Members who bring ideas, Mr. Speaker. They come here to Washington full and brimming with ideas about things that they would like to see happen. Well, what we are going to do is we are going to make sure that we are ready to do business with them, that we are open and prepared for them.

So you will see that this package carries forward many of the rules from the previous Congress and builds on House Republicans' efforts to streamline House processes, increase transparency, and improve accountability. Specifically, it preserves the important reforms that were made in three previous Congresses. It also adds perfecting amendments in order to help us further advance and share our ideas and goals of transparency.

We think this is important. We think the ideas that are contained within this package will help propel not only us in better decisionmaking, but the American people will buy into what we are doing.

Fairness is important for all of us. As chairman of the Rules Committee, it is my hope that I will continue to be open, that the Rules Committee will be open to hearing from every single Member. We will welcome them. They will know that they are in the right place to not only share their ideas, but one where they can receive feedback on those ideas and help participate in what we do.

Mr. Speaker, that is what we are here today to do, the new rules package for the 115th Congress.

Mr. HOYER. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, as the gentleman knows, there is a provision in the rules that are proposed which are not in the rules of the last Congress, which give us great pause because we think it tends to put Members in a difficult place from a constitutional perspective and from a freedom-of-speech perspective. The rule, of course, of which I speak is the rule that relates to empowering the Sergeant at Arms to levy fines.

□ 1515

May I ask the gentleman first: Did the Rules Committee find that there was any precedent for such a provision in rules historically?

Mr. SESSIONS. Mr. Speaker, I thank the gentleman very much. I would like to refer to something which I believe has been made available, and, if not, I would be very pleased to do it.

The House has delegated fining authority, section 1103 of the Manual, where the House incorporates, by reference, title I of the Ethics in Government Act. Under this section, if a financial disclosure is filed late, the filer is subject to a \$200 filing fee. It is a fine by another name that is administered by the House Ethics Committee.

So what I am suggesting to you is we have seen where there has been the backup of rules that have been backed up by the levying of a fine, and I believe that is what the gentleman is seeking.

Mr. HOYER. I thank the gentleman, and will the gentleman yield again?

Mr. SESSIONS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas.

The gentleman refers to a fee that was levied, apparently, for a late filing of a financial disclosure statement that is required under the rules. We are troubled, however, by the fact that this is not a fee in the sense; it is a penalty for taking an action which is obviously directed toward proscribing that action, which we see as speech and transparency to the American people.

One of the things that concerns us most, Mr. Speaker, is that there appears to be no due process; that is to say, the Sergeant at Arms can make an individual determination as to whether or not the rule has been violated without any opportunity given to the Member to explain or deny the allegations that are made on which the fine would be based.

Mr. SESSIONS. I appreciate the gentleman asking me.

As a matter of fact, we believe this may have been addressed yesterday by the gentleman from North Carolina (Mr. MEADOWS), who specifically, in our Conference, brought this issue up. It is my understanding, as I further consult my assistant who is well briefed on this, that the Meadows amendment has allowed a process which allows an appeal to the Ethics Committee that would be outside of the person who originally made the fine present, would go to the Ethics Committee for them to assess that challenge as necessary.

Mr. HOYER. If I might, that was adopted last night?

Mr. SESSIONS. I believe that is correct, sir.

Mr. HOYER. So it is not in the rules as disclosed?

Mr. SESSIONS. It would be in this package that I believe we have today. It was not in what was originally brought forth, publicly available, and then changed last night when that was

then posted on the Rules Committee Web site. Yes, sir.

Mr. HOYER. Thank you for that response.

I have one additional question. We looked at what might be precedent. Frankly, the only one we could come up with was the gag rule that was adopted in the 19th century which precluded the introduction of legislation which would abolish slavery in the various States. That rule was in place for a number of years until ultimately repealed.

This rule, we believe, Mr. Speaker, seeks to gag Members of the House of Representatives. It seeks to undermine transparency to the extent that it relates to communications devices which can—and at the point in time the grievance, from your perspective, occurred, we were in recess, as the gentleman understands.

Mr. SESSIONS. Yes, sir.

Mr. HOYER. If I may conclude, as the gentleman knows, and I won't say thousands, but hundreds of pictures were taken just an hour ago on this floor—hundreds. We were in session, not in recess.

Mr. SESSIONS. If I could address that, and I want to do this very gingerly because I do not want to start a battle here. The gentleman and I both know what caused this action was a deep, deep feeling that many Members on your side had about a particular issue. It resulted in what could be seen as—and I saw it as—a protest. Look, we are used to that in this body, people being upset. We are not used to people violating the rule, and it already was a rule that you cannot use, for recording purposes, those devices. We did not make this up. That was already a rule. So it became an advent of a protest.

We are simply trying to say—and I am not trying to get you to change your viewpoints at all—but I think it would be wise, and I believe we will not always be in the majority. I believe some day there will be a chance where the Democrats will be in the majority. I would be for this same rule, for the sake of the Speaker and the leadership and the person sitting in that chair. I can look at myself in a mirror because I was a part of this thinking. How do we say to Members a gag order says you cannot utter bad things? This, if you are willing to pay the fine and you want to do that, that is not a gag order. That is a violation of a rule. If you would like to participate in that, go for it all you want. But I don't think it is the right thing. So we tried to limit, in my opinion, very carefully to say we are going to make this a fine.

Mr. HOYER. I thank the gentleman for that response, and I appreciate his feelings and, I think, his intellectually honest feelings.

Mr. SESSIONS. I take it that way, and I know the gentleman does, too. That is why we are using my time right now, and I assume the gentleman knows that.

Mr. HOYER. Let me briefly close, then, by saying that the gentleman in

his opening comments talked about transparency and talked about openness.

Mr. SESSIONS. I sure did.

Mr. HOYER. And the Speaker talked about, just after noon, about respecting one another's views and hearing one another's views and considering one another's views, even though we disagree with them. I share the Speaker's view on that. Very frankly, I think the gentleman is correct; it was a protest which gave rise to this rule which I think is ill-advised, but I understand the difference.

The protest was because—and as Rules chairman, the gentleman probably knows this better than anybody else—we asked for an amendment that we thought 85 to 90 percent of the American people were for. We didn't get transparency, we didn't get openness, and we did not get an opportunity to express our views. That is why we are so concerned because we think, frankly, this is analogous to a gag rule: to shut us down, to shut us out, and to shut us up. But I appreciate the gentleman's view.

Mr. SESSIONS. I appreciate what the gentleman is saying. The gentleman understands what I am saying because, if the shoe were on the other foot, I am telling you I would still be on this foot and this shoe. I think the gentleman understands that because he has been in the position of not only responsibility but power, and he did not misuse his power nor his judgment, and I do not think we are. But we are trying to lay out, ahead of time, what it would be. I thank the gentleman very much for his feedback to me.

I would add one more thing. I have always, during the years I have been the Rules Committee chair, tried to make the committee open to anybody that would choose to come up, to speak as long as they would like to speak, as long as they move forward with their ideas without commanding the committee, telling us what to do, and I would hope that we continue to do that. As I told the gentleman years ago, I am open to his feedback.

Mr. HOYER. I thank the gentleman for his patience and for participating in this session.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume; and I thank my good friend, the gentleman from Texas (Mr. SESSIONS) for yielding me the customary time, and I want to wish everybody a happy new year. I hope, circumstances notwithstanding, that we can have one.

I want to follow on what the gentleman from Maryland (Mr. HOYER) was talking about. I have been pretty concerned here since the day we did what was a protest regarding some of the actions we are looking at. Last night, in what I thought was a moment of pique, the majority decided that they would put into the rules package a gutting of the Office of Congressional Ethics,

which was totally unconstitutional in the fact that they were not going to get rid of it, but they took everything it had from them and forbade them having on their committee a person who could talk to the press and forbade them talking to people.

Mr. Speaker, that is a gag order. That is against the constitutional right that we have. It was only an hour ago that all of us raised our right hand and swore that we were going to uphold the Constitution, and now, not an hour later, we are struggling to defy it. This is not new for me. I have been very concerned about this since we were here in June and had our protest.

Now, it is our job, and we all said we were going to protect the Constitution from all enemies, foreign and domestic. But we may have enemies right here in the room, which is troubling to me, because of what happened last night. I appreciate that cooler heads prevailed and that part was taken out because there was such a hue and cry of: "What the heck do they think they are doing now?" So this whole change did not last even 24 hours. In conjunction with that, I need to go back to what happened here on the House floor.

We tried for years to try to do the simplest kinds of things on gun control measures: background checks, closing loopholes, coming up with absolutely nothing. We live in a country now where doctors are forbidden from asking patients if there are guns in the home. Doctors can ask if there are drugs in the home or any other thing that may cause great harm, but they are not allowed, by law, to ask if there are guns in the home. We have gone so far in the gun culture here that 335 million Americans own over 320 million guns, and that is life now in the United States.

So what we were trying to do, what we thought made the most eminent sense—and I would almost guarantee that not a single American man, woman, or child would object to it—we said, if you were on the terrorist list and you can't fly on an airplane, you shouldn't be able to buy a gun. We called it no fly, no buy. There is such eminent sense in it. But because we are shut out—and I know there is a lot of openness talk going on today, but in the Rules Committee there is none. We didn't have an open rule all year, over this whole last term. We don't get amendments. We don't get to talk. We were desperate to try to do something about the carnage in this country.

Because it was overwhelming to us, we decided something had to be done about letting terrorists who couldn't get on airplanes have guns. So we gathered our people. I think it was totally spontaneous. There was no great plan to do it, no vote to get here. So we sat here and talked peacefully. The microphones were all turned off and C-SPAN was shut out. They couldn't hear what was going on. Because of the times we live in, some of our enterprising Members, they took their iPhones and

streamed what was going on on the floor. Then Facebook took it up, and then C-SPAN got it from their stream and the whole country saw what was going on here. It was basically for the first time.

Now, one of the things in the Constitution that we all revere today is the right of peaceful assembly. There were no threats, no action, no violence, no anything. We just said, if we have no bill, we will have no break. Everybody understood exactly what we were trying to do.

So now what we are getting to, which again is totally unconstitutional, is to decide to fine Members of Congress for doing what we did. In other words, their free speech does not work on the floor of the House of Representatives, when we are the people who swear to uphold the Constitution.

It was really an amazing sight for the people of America to see that kind of thing going on here where we are so circumscribed in what we say and how long we have to say it. So the rules of the House that we are doing today say you are going to punish a sitting Member, but not in the way that the Constitution says you can do that.

□ 1530

If you are going to punish a Member in the House, the whole House has to vote on it. But there is no provision in there to allow anybody other than the leader of this House to fine a Member.

The idea of your doing that so that people can have due process is ridiculous. If you are brought up on ethics charges, you have lawyers. It was proposed simply to get at us and to say to the minority: Keep your place over there; you know where you belong.

So I have talked to numerous lawyers and constitutional experts, and I know that was unconstitutional. I think I have said enough about it, but I think we will have more to say on another day.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Texas has 12½ minutes remaining. The gentlewoman from New York has 24 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), who is the Democratic whip.

Mr. HOYER. I thank the gentlewoman, and, again, I thank the gentleman from Texas for being generous with his time.

Mr. Speaker, I am deeply concerned by a number of controversial provisions included by the majority in the rules they have proposed for the 115th Congress.

First, reinstating the Holman rule would make it easier for the majority to circumvent the current legislative process in order to fire or cut the pay

of Federal employees. It undermines civil service protections. It goes back to the 19th century. Republicans have consistently made our hardworking Federal employees scapegoats, in my opinion, for lack of performance of the Federal Government itself, and this rules change will enable them to make shortsighted and ideologically driven changes to our Nation's civil service.

Secondly, I am deeply concerned by the rules changes regarding decorum in this House. The chairman was generous enough to have that discussion with me. When the cameras were turned off in this House, there was no way to communicate with the American people other than by something that I didn't know existed, and that was the streaming of the debate that was going on. As the ranking member of the Rules Committee pointed out, it was peaceful, it was honest, and it was deeply held. Now you seek to impose fines and ethics charges against any Member who broadcasts to the American people what takes place in the people's House while it is in recess and deny Americans access to their Congress.

Thirdly—and I am very concerned about this and I will talk to the chairman further about it at some point in time—these rules continue the Republican policy of denying a voice to the people of the District of Columbia, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and the U.S. Virgin Islands.

When I was majority leader, we allowed them to vote in the Committee of the Whole. It showed them respect, it gave them a reason to come to the floor, and it gave them an opportunity to have their constituents see how they felt on a particular issue by putting their name up on the board. I regret that we were unable to continue that policy and I will talk to the chairman about it further.

Millions of American citizens will not be able to have their delegates and resident commissioner represent their views during the consideration of amendments in the Committee of the Whole House.

I also find it deeply disturbing that Republicans had been planning to use this rules package to strip away the independence of the Office of Congressional Ethics.

When Democrats took the majority in 2007, we created that body to ensure that the strictest ethical standards are upheld in this House, and that partisanship could never get in the way of those standards.

I am glad that public pressure led Republicans to abandon this ill-conceived proposal.

The American people deserve a Congress whose rules reflect what is best about our country—fair, just, and honorable.

This package does not meet that test.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. CLYBURN), who is the assistant Democratic leader.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the proposed changes to the rules of the House that are before us today. I have long maintained that the Affordable Care Act is the Civil Rights Act of the 21st century. Repealing the Affordable Care Act and putting discrimination back into health care is a step history will not forgive.

While the majority has included a new rule limiting the consideration of legislation which increases direct spending in excess of \$5 billion, they have specifically exempted from this rule any spending that may flow from repeal of the Affordable Care Act.

They are admitting in their own rules that their proposal to repeal the Affordable Care Act will be devastating for the Federal deficit and the national debt. The nonpartisan Congressional Budget Office has estimated that full repeal of the ACA will increase the deficit by \$137 billion. The Rules Committee has put before the House a rule that defies all those expectations.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), who is the chairman of the Democratic Caucus.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman for yielding me such time.

Well, it is a new year, but it is the same old games from our Republican colleagues. This time they are using the official rules of the House to further their radical agenda and to gag Members of the Democratic Caucus, which you all know includes taking away healthcare coverage for millions of Americans, putting insurance companies back in charge of healthcare decisions, and raising costs for taxpayers in this country.

Among all the power grabs and cynical ploys in this rules package, there is a very telling sign in their priorities. They know that their plan to repeal the Affordable Care Act won't just create chaos for American families and their health care; it will also blow a huge deficit in our Nation's budget—a huge deficit in our Nation's budget—the height of irresponsible governing.

But they apparently won't let that get in the way of political games. So, today, the majority is giving themselves a pass. They wrote a rule that allows them to ignore the huge financial impact of gutting our healthcare system. They are, once again, putting themselves above the law and crushing everyday Americans under their shoes.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SÁNCHEZ), who is the vice-chair of the Democratic Caucus.

Ms. SÁNCHEZ. Mr. Speaker, I rise to oppose the partisan and free-speech-crushing Republican rules package governing the 115th Congress.

I had such high hopes that we would start off 2017 by working together on bipartisan reforms and improvements to the procedures that govern this body. Instead, I am disappointed, but not surprised, to find that House Republicans would rather undermine the public trust and integrity of this institution by these dangerous proposed changes in the rules package, changes that truly undermine the very foundation of our Constitution.

The American public deserves transparency and honesty in the way that their elected officials govern themselves. Instead, this rules package is a dangerous step towards silencing free speech and open debate in the very place that should be the shining example for the world. These rules changes frighten me. We can't stand by and allow the very core of our democracy to be shredded.

Mr. Speaker, I urge my colleagues to vote "no" on the rules package.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), the co-chair of the House Democratic Steering and Policy Committee.

Ms. DELAURO. Mr. Speaker, this rules package sets a disturbing tone for our new session of Congress. It requires authorizing committees to propose programs that should be moved from mandatory to discretionary.

Now, what does that mean?

Mandatory programs must be funded—must. Discretionary programs do not have to be funded. It is a calculated move to cut vital programs like Social Security, Medicare, Medicaid, and Pell grants.

As a member of the Appropriations Committee, I know that we do not even have the discretionary money—the dollars—to support the current programs in place. Medical research at the National Institutes of Health has been cut by \$7.5 billion since 2003.

These rules also deny Members their freedom of speech. They institute potentially unconstitutional mechanisms to punish Members for speaking their minds on the floor of this House and delivering a message to people. Our constituents elect us to speak our minds on the floor of this House.

It is wrong, it is a disgrace, and it is the wrong way to start a new session. This represents the total denunciation of what our jobs are as Members of Congress.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SWALWELL), who is the co-chair of the House Democratic Steering and Policy Committee.

Mr. SWALWELL of California. Mr. Speaker, today begins the House Republicans' efforts to end the guarantee of Medicare, an earned benefit giving our seniors healthcare security. Today

also marks a united effort by House Democrats to protect it.

Taking away this healthcare guarantee from our seniors hurts not just the seniors but everyone in the family. It is a family matter. Ending Medicare will burden their children and families who have to shoulder the responsibility of picking up the costs of their parents' health care.

Many of those children are millennials, millions of whom now have health care thanks to the Affordable Care Act—health security that is also under threat due to the incoming administration and this Republican House. These efforts will further jeopardize the health security of millennials who are paying into it and expecting to receive benefits when they get older.

We are obligated to protect the health security of all Americans, young and old. Help hold the health and economic security of families together and vote against this resolution.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), who is the ranking member of the Committee on Ways and Means.

Mr. NEAL. Mr. Speaker, as Joe Friday used to say: "Just the facts, ma'am."

Let's oppose H. Res. 5 because this is a backdoor effort to move away from the Affordable Care Act. The act does work, it continues to work, and the statistics bear it out. It has increased the solvency of the Medicare, Social Security trust fund by 10 years. 137 million Americans now have access to preventive care, which saves us costs in the long run. Woe to those who decide that they are going to make fundamental alterations to this without explaining to the American people what they mean.

Medicaid at one time in Johnson's vision was supposed to be for the poor. Medicaid, because of long-term care, dementia, Alzheimer's disease, and nursing homes, has quickly become a middle class benefit.

Early intervention saves costs in the long run, and that is precisely what the Affordable Care Act was intended to do, and it has been successful. When you look today at the Affordable Care Act and how it has worked, there are 20 million more Americans who now have health insurance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. NEAL. Mr. Speaker, we might remind ourselves of this today as well. This is also a sneaky effort to alter Medicare and its guarantee, and next it will be on to Social Security. What we want to understand here is, because of the Affordable Care Act and the solvency of the trust funds, that Medi-

care, Social Security, Medicaid, and the Affordable Care Act have all now been wed. You can't change one without making alterations to the other.

Here is another consideration: you could not hope, if you were in your 40s today, preparing children for college and simultaneously taking care of aged parents. So let me boldly assert—and I think it bears up under scrutiny—the reason that Mom and Dad are not living in your attic is because of Social Security, Medicare, Medicaid, and now the Affordable Care Act.

We have heard a lot of talk about repeal, repeal, and repeal. I guarantee you in an actuarial sense, as an individual who pays a lot of attention to this, you are going to have a great deal of difficulty touching one of these entitlements without touching the others.

Mr. Speaker, I thank the gentleman for extending the time.

Mr. SESSIONS. I continue to reserve the balance of my time, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the resolution that would establish a point of order against any legislation that would undo the requirements in the Affordable Care Act that have provided millions of Americans with affordable access to quality health care.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), who is the distinguished ranking member of the Committee on Energy and Commerce.

Mr. PALLONE. Mr. Speaker, today we are seeing just how far House Republicans are willing to go to repeal the Affordable Care Act. The party that claims to be fiscally responsible is now looking to change the rules of the House so that it can be fiscally reckless in its dangerous assault on the Affordable Care Act.

House Republicans know that repealing the ACA will increase direct spending and the deficit by \$3 trillion, and this cynical rules proposal shows that Republicans want to hide the true costs of their repeal plans from the American people.

Now, repealing the ACA would take away health care from about 20 to 30 million people. It would increase healthcare costs for everyone else. Premium growth for Americans in employer-sponsored plans has slowed since the ACA became law.

□ 1545

If the ACA had not been enacted and average growth remained the same, job-based premiums would be a projected \$3,600 higher today.

Repeal will also harm hospitals. The hospital industry has warned that re-

pealing the ACA could cost hospitals \$165 billion and trigger an "unprecedented public health crisis." Since the ACA was enacted, uncompensated care costs have declined for hospitals by approximately 21 percent. These costs cripple hospitals and are passed on to others in the form of higher prices.

Mr. Speaker, repeal would also harm the 55 million seniors and people with disabilities enrolled in Medicare. In addition to ensuring free preventive services for Medicare beneficiaries and closing the prescription drug doughnut hole, the ACA lengthened the solvency of the Medicare trust fund by 11 years.

Reforms in the ACA helped slow the rate of healthcare cost growth in Medicare, which means Medicare seniors pay less today than they would have if the ACA weren't enacted. Medicare spending was \$473 billion less from 2009 to 2014, compared with spending if pre-ACA cost growth trends had continued. Repeal would reverse these gains and shift costs to seniors who simply cannot afford it.

Mr. Speaker, Republicans say they are fiscally responsible and that government spending is out of control, but today they will vote to add \$3 trillion to the deficit with their ACA repeal bill. Their assault is not logical. I urge all Members to vote against this GOP hypocrisy.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BYRNE), one of the most distinguished members of the Rules Committee.

Mr. BYRNE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have heard a lot about free speech. There is not one thing in this rules package that interferes with any Member's right of free speech. In fact, what it does is guarantee our right of free speech because it provides a way for disciplining people in this body who break our rules of decorum. Every time one of us breaks the rules of decorum, we rob the right of free speech from other Members.

The rules of decorum are not new. They go back to the beginning of our constitutional government in Mr. Jefferson's Manual. As technology has proceeded in this world, our rules have kept up. We haven't created any new sanction. We created a new way to make the sanction be effective. Without effective sanctions, we cannot have free speech on this floor. Every Member of this House should be concerned about maintaining the decorum of the House.

The package also contains very important provisions, such as removing outdated references to physical mobility, codifying that those Members who cannot stand due to age, infirmity, or disability are not required to do so.

The package provides that by December 31, 2017, each bill, joint resolution, or amendment in the nature of a substitute will have a searchable, comparative print that shows how the proposed legislation will change current

law. This will enhance transparency in our process so that Members and the general public will know what we are doing.

The package contains a provision championed by the gentleman from Virginia (Mr. GRIFFITH) that restores the Holman rule to the House. This provision, which lasted almost a century, until it was removed in 1983, will allow the Congress to easily reform the Federal Government and cut down on bureaucracy.

I was pleased the rules package also includes an important effort to address unauthorized appropriations, an issue I have championed as a member of the Rules Committee. I think it is very concerning for Congress to appropriate money to any Federal agency that has not gone through the appropriations process or has seen their authorization expire.

Thanks to provisions included in this package, it is my hope that each of our standing committees will make a better effort to address unauthorized programs and ensure that Congress is providing diligent oversight of the Federal bureaucracy.

Mr. Speaker, the American people sent us to this body to make real changes on their behalf. We must adopt these rules today so that we can go about the people's business. I urge my colleagues to support these rules so the House can address the many important issues that await our attention so that we can all, each and every one of us, have real free speech.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I say to the gentleman from Alabama, as much as I appreciate his enthusiasm, what he is proposing here—and I say this to my dear friend from Texas as well—with respect to speech, is both unprecedented, unconstitutional, and unnecessary.

It is unprecedented. You heard Representative HOYER review this earlier. The Parliamentarian has researched this. Shame on this House of Representatives for imposing these kind of restrictions on its Members.

It is unconstitutional because it directly violates Article I, section 6 of the Constitution where it specifically says, with respect to speech and debate, that those shouldn't be impeded in this House. And this rule does that.

It also says, with respect to one's salary, which this rule specifically goes after, if you tamper with the salary, that can only be done through the law. It is in the Constitution. That requires both Chambers and the President to do that. That rule is blatant.

What it does also is ignore hundreds of petitions from all across the country from people who only ask for a vote. And that is why this rule is unnecessary.

All we have asked for is a vote.

Mr. SESSIONS. Mr. Speaker, the Rules Committee has a number of

bright and able young, new members. One of them is a brand new member of our Republican leadership.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to support the rules of the House for the 115th Congress. In fact, let's just look at it and say that this package benefited from thorough discussion within the Republican Conference. My colleagues' thoughtful debate strengthened this resolution, as we adopted cogent amendments offered by several members of our conference.

As a member of the House Rules Committee, I have seen how strong, smart rules promote the effectiveness of this body as we work on behalf of 320 million Americans.

The rules for the 115th Congress govern the House of Representatives, and this package also reminds us of our priority, our promises, and the hard work ahead of us. To that end, Republicans have outlined a plan that embraces commonsense policies that work for all Americans.

Regulatory reform will strengthen our economy and get hardworking men and women back to work. A glut of regulatory burdens have made it harder for our families to make ends meet, but our plan and these rules will work to reverse that trend and to ensure that America remains the land where any person can turn their hopes, dreams, and ambitions into reality.

Our priority is for our policies to reflect the values and the voice of the American people. This rules package helps us achieve that goal by calling for robust oversight plans for our committees, smarter budgeting and spending, and increases transparency throughout government.

Therefore, this resolution works to make legislation easier for everyday Americans to access and understand. It also updates outdated policies so that our rules better reflect the realities of today.

Mr. Speaker, I urge my colleagues to support these rules. As we embark on a new Congress, it is critical that we begin under the guidance of documents that emphasize and improve our service to every American and move forward with a better future and a brighter tomorrow as we look forward to the proper role of this body.

When we look to the role of this body, people are watching. Our voice is heard every day on this floor. For anyone to say different is just making a political show of a good set of rules.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the distinguished ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H. Res. 5.

This rules package contains a special provision exempting the Affordable Care Act from normal budget rules, giving the Republicans an easier path to repealing the Affordable Care Act without an alternative.

The reason this exception is needed is because the regular budget process in the rule provides that, when legislation is passed which increases spending, it must be paid for to avoid increasing the deficit.

ObamaCare actually saves money. Under the normal rule, repealing it would have to be paid for. The exception in the rule will allow for the repeal without offsetting the cost of that repeal, costing billions, possibly hundreds of billions to the deficit. And what do we get with a repeal?

By the way, when they say "repeal and replace," the only thing you can be sure of is the repeal part. If there were a viable alternative, we would have seen what that alternative looked like sometime in the last 6 years. But we have seen nothing.

We do know what repeal would look like. Just some of the consequences would be tens of millions of people would lose insurance, employers would start dropping coverage, those with preexisting conditions would lose coverage or be charged a lot more, and a loss of consumer protections. It would hurt the Medicare trust fund. Because the solvency of the trust fund was extended under the Affordable Care Act, that process would be reversed. Billions would be added to the national debt.

We should not facilitate that debacle by granting this exemption found in the rule, which would add billions to the deficit and jeopardize lifesaving insurance coverage for tens of millions of hardworking Americans.

We should vote "no" on this rule.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NEWHOUSE), one of our bright, young members of the Rules Committee.

Mr. NEWHOUSE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, adopting the rules of the House is not a mundane exercise, but it is a critically important undertaking that will allow the new, unified Republican government to do the job the American people elected us to do.

By adopting these rules, we can demonstrate that House Republicans are committed to enacting an agenda that will install conservative, free-market principles to grow our economy, restore prosperity, and increase opportunities for all Americans.

H. Res. 5 takes important steps toward achieving these goals and will provide increased transparency, enhance accountability, and will build on past efforts by House Republicans to streamline the process. This is a fair package that will empower Members and allow all voices to be heard, regardless of status or seniority.

The House should serve as a model for the rest of the country on the fair and equal treatment of all Americans, and this package eliminates outdated rules to adequately address the physical needs of all Members.

Further, this package puts an impetus on congressional oversight, maintains decorum, slows the growth of unauthorized appropriations, ensures

mechanisms are in place to control spending, reduces redundancy in the Federal Government, and lowers the national debt.

Now is the time to lead the country out of years of historic economic stagnation, roll back years of job-killing regulations, return to a system of limited government, and reform the way Congress works.

As we begin this Congress, I look forward to working with my House and Senate colleagues, the incoming President, and the American people to rein in a Federal bureaucracy, provide oversight to agencies, restore the proper separation of powers, and reestablish a "government of the people, by the people, for the people."

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished gentlewoman for yielding.

Mr. Speaker, for 8 years, House Republicans have governed under the philosophy: obstruction today, obstruction tomorrow, obstruction forever.

This irresponsible approach to governance has now resulted in a Republican hostile takeover here in Washington, DC. The culture of obstruction has ended, but the culture of destruction is just getting started. House Republicans plan to destroy Social Security, destroy Medicare, destroy the Affordable Care Act, destroy the social safety net, and destroy the ability of duly elected Members of the House of Representatives to vigorously engage in speech and debate in the people's House.

This proposed set of rules is unfair, unjust, unacceptable, unconstitutional, and unconscionable. Every Member who truly cares about doing the people's business should vote it down.

□ 1600

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Mr. Speaker, I include in the RECORD a letter from dozens of legal scholars expressing their strong concerns with the language in H. Res. 5 that permits the Sergeant at Arms to punish and fine Members of the House.

JANUARY 3, 2017.

Hon. PAUL RYAN,

The Speaker of the U.S. House of Representatives, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,

The Minority Leader of the U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI, We write to express our strong concerns regarding provisions in H. Res. 5 that would authorize the Sergeant-at-Arms of the House of Representatives to unilaterally punish and fine Members of the House for certain alleged infractions without any action by the full House. These provisions were apparently written in response to the House Democrats' protest last year over inaction on gun safety legislation. As constitutional

and legal experts with experience in academia, the Federal courts, and Congress, we believe there are significant constitutional and policy problems presented by the proposed new provisions.

If adopted, the new provisions would undermine core constitutional protections under Article I of the Constitution and the Bill of Rights. At a minimum, it would seem that significant and controversial changes of this nature would benefit from the input of legal experts before being considered by the full House of Representatives.

Section 2 of the proposed rules package includes several potentially problematic provisions. Under subsection (a), clause 3 of House Rule II would be amended to provide that the Sergeant-at-Arms "is authorized and directed to impose a fine against a Member . . . for the use of an electronic device for still photography, audio or visual recording or broadcasting . . ." A fine for the first offense is set at \$500 and fines for second or subsequent offenses are set at \$2,500. A limited appeal of a fine is permitted to the Committee on Ethics, however that appeal process does not provide Members with recourse to a full vote of the House. Subsection (a) would also amend clause 4 of Rule II to require the Chief Administrative Officer to deduct the amount of the fine from the Member's net salary, and amend rule XVII to add a provision providing that a Member, officer or employee of the House may not engage in "disorderly or disruptive conduct in the Chamber," which such conduct is deemed subject to House Ethics Committee review. The amendments also authorize the Speaker to issue further announcements on electronic devices, and the Sergeant-at-Arms, the Committee on Ethics, and the Chief Administrative Officer to establish implementing procedures and policies for these rules changes.

The changes would give an administrative officer the power to do what no single Member of Congress could do—act alone to punish and fine another Member. The unprecedented delegation of systematic authority to assess fines to officers of the House—in this case the Sergeant-at-Arms and the Chief Administrative Officer—removes the power from where it belongs: the Members themselves acting as a body. Article I, Section 5 of the Constitution provides that "Each House may . . . punish its Members for disorderly Behavior," and this power has always been exercised by the full House of Representatives and never delegated to a single Member or administrative officer. The Supreme Court held in *Powell v. McCormack*, 395 U.S. 495 (1969) that this type of constitutional authority cannot be used to abrogate other parts of the Constitution.

The unprecedented delegation of the House punishment power to an administrative officer is designed to restrict activity that is at the core of the First Amendment freedom of speech, and the Members' rights under the Article I, Section 6 Speech or Debate Clause. The rules would sharply limit the ability of Members to video record proceedings on the House floor, offending the spirit if not the text of these constitutional requirements. In this regard, we would note that federal courts have previously held there is a First Amendment right to video record city council proceedings. The proposed new rules include a number of potentially vague or overbroad terms (e.g., "use of an exhibit to impede" and "denial of legislative instruments"), thereby implicating due process concerns. The fact that the proposed rules were amended late last evening to allow a limited appeal to the Ethics Committee—a Committee equally divided on partisan lines—does not resolve our constitutional concerns with these changes. This is because

we are left with a process whereby an administrative officer of the House has been empowered to fine Members for speech-related activities, and the Member has no recourse under the rules for consideration by the full House.

Nearly 70 years ago in *Tenney v. Brandhove*, the Court quoted the writings of James Wilson to highlight the importance of legislative immunity provided in the Speech or Debate Clause: "In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offense."

We believe the House of Representatives should heed these words and tread very carefully before taking any action that authorizes an administrative officer of the House to punish Members of Congress for expressing themselves and informing the public concerning actions being taken on the House floor.

Thank you for your consideration of these views.

(Titles are indicated for identification purposes only.)

Jamie Raskin, Professor of Constitutional Law, American University, Washington College of Law; Victoria F. Nourse, Professor of Law, Georgetown University Law Center; Irvin B. Nathan, Former General Counsel of the U.S. House of Representatives; Timothy M. Westmoreland, Professor of Law from Practice, Georgetown University Law Center; Charles Gardner Geyh, John F. Kimberling Professor of Law, Maurer School of Law; Malla Pollack, Former Visiting Assistant Professor, University of Idaho, College of Law; Loftus Becker, Professor of Law, University of Connecticut School of Law.

Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School; Joe Onek, Former Senior Counsel to the Speaker of the House and Former Deputy White House Counsel; Steven R. Ross, Former General Counsel of the U.S. House of Representatives; Mark Kende, James Madison Chair in Constitutional Law, Director, Drake University, Constitutional Law Center; Mark A. Graber, Regents Professor, University of Maryland Carey School of Law; Janet Cooper Alexander, Frederick I. Richman Professor of Law, Emerita Stanford Law School; Ira Lupu, F. Elwood & Eleanor Davis, Professor of Law Emeritus, George Washington University.

Erwin Chemerinsky, Dean, University of California, Irvine School of Law; Norman Ornstein Congressional Scholar; Charles Tiefer, Former General Counsel of the House of Representatives Professor, University of Baltimore School of Law; Dr. Neil H. Cogan, Professor of Law and Former Dean, Whittier College School of Law; Paul Finkelman, John E. Murray Visiting Professor of Law, University of Pittsburgh School of Law; Eric M. Freedman, Sigi B. Wilzig Distinguished Professor of Constitutional Rights, Maurice A. Deane School of Law at Hofstra University; Nancy L. Rosenblum, Senator Joseph Clark Research Professor of Ethics in Politics and Government, Harvard University.

Ruthann Robson, Professor of Law and University Distinguished Professor, City University of New York School of Law; Stephen Loffredo, Professor of Law, City University of New York School of Law; Lauren Sudeall Lucas, Assistant Professor, Georgia

State University College of Law; Julie Seaman, Associate Professor of Law Emory University School of Law; David B. Cruz, Professor of Law, University of Southern California Gould School of Law.

Sanford Levinson, W. St. John Garwood and W. St. John Garwood Jr. Centennial Chair in Law, University of Texas Law School; Samuel Bagenstos, Frank G. Millard Professor of Law, University of Michigan Law School; Peter M. Shane, Jacob E. Davis & Jacob E. Davis II Chair in Law, The Ohio State University, Moritz College of Law; Joseph P. Tomain, Dean Emeritus and the Wilbert & Helen Ziegler Professor of Law, University of Cincinnati College of Law; Suzianne D. Painter-Thorne, Associate Professor of Law, Mercer Law.

Mike Steenson, Bell Distinguished Professor of Law, Mitchell I Hamline School of Law; Deborah Pearlstein, Associate Professor of Constitutional Law, Cardozo School of Law; William D. Rich, Associate Professor of Law, The University of Akron School of Law; Gregory P. Magarian, Professor of Law, Washington University in St. Louis; M. Isabel Medina, Professor of Law, Loyola University New Orleans College of Law; Dakota S. Rudesill, Assistant Professor, Moritz College of Law, The Ohio State University.

Ms. CLARK of Massachusetts. Mr. Speaker, I have a question for the majority in the House today. Why would you choose to open this session of this most democratic body, the people's House, by imposing punitive measures to gag debate and reduce accountability and transparency in our government?

Many of you say it is outrage at the sit-in that has brought these rules. The sit-in was one demonstration, borne of frustration from the carnage that was going unanswered by the House majority, to plead, to take a vote on two commonsense, bipartisan bills. Is that so threatening that in response we have these draconian measures?

The stunning silence of Republicans in this House in the face of the public health crisis of gun violence is now met with these unprecedented rules. We can both uphold our Constitution and give voice to the American people. These rules should be rescinded, and that is what we should do.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in strong opposition to H. Res. 5. House rule XVII is amended to add a new section, 9(a), which prohibits Members of Congress from committing "disorderly or disruptive conduct" and defines that conduct as "intentionally obstructing or impeding the passage of others in the Chamber."

It seeks to prohibit JOHN LEWIS from leading a sit-in on the House floor; but this language is overbroad, and it is also lacking in sufficient definiteness or specificity and is, thus, unconstitutionally void for vagueness. A Democrat confined to a wheelchair could be found guilty of violating this rule. A vague rule that is incapable of enabling a person of ordinary intelligence to

know how not to violate the rule lends itself to being arbitrarily and discriminatorily enforced. This rule doesn't even require that there be a victim whose passage within the House Chamber is obstructed or impeded.

This body is better than this rule change, and I ask that the Members vote "no" on H. Res. 5.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS) to discuss our motion to commit.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, not just my colleague but my classmate. We came to the Congress together in 1987. I want to thank her for her leadership. I want to thank her for never giving up or giving in but for keeping the faith.

Now, I don't come to the well that often, but I come because I remember reading someplace that Benjamin Franklin, a Founder of this Nation, once said, "It is the first responsibility of every citizen to question authority," and he made sure the right to dissent is protected by the First Amendment to the Constitution. So today I rise to question the right of House Republicans to institute fines which may violate the First Amendment and have a chilling effect on Members who disagree with the proceedings of this body.

House leadership denied the will of the people to bring strong gun violence legislation to the floor. As a last resort, we staged a sit-in here in the well to give voice to their mandate. As Members of Congress, we have a sworn duty to speak up and to speak out if we do not believe the action of this body represents the will of all Americans.

We should never, ever give up the right to protest for what is right, what is good, and what is necessary. We were elected to stand on the courage of our convictions. We were not sent here to run and hide. We must use our votes, our voices, and the power vested in us by the people of this Nation to speak the truth as we see it, regardless of the penalties.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. LEWIS of Georgia. I am not afraid of a fine. I have been fined before. Many of us have been fined before. During the 1960s, I was arrested and jailed 40 times, beaten, left bloody and unconscious on the march from Selma to Montgomery. But no Congress, nobody, no committee has the power to tell us that we cannot stand up, speak up, and speak truth to power. We have a right to dissent. We have a right to protest for what is right.

Regardless of rule or no rule, we cannot and will not be silenced. At the end of this debate, I will offer a motion to strike the section that silences the call for gun violence prevention.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I also oppose this rule as an infringement on Members' rights to express themselves. The rule says that, if you take a photograph, the Sergeant at Arms can dock your pay and find you guilty without a hearing. Well, that is wrong. And the next step would be you can't take a sketch of what is happening and publish that sketch. And the next thing after that would be you can't take notes and repeat what is spoken in this House.

This proposal is a direct response to JOHN LEWIS. Mr. LEWIS is an American hero. He is the most heroic person to serve in this House maybe ever, and don't forget this is an attack on him for doing what he calls good trouble.

When the civil rights law said African Americans couldn't vote, he went to Selma and he marched, and he was beaten and he was arrested. And he led his Democrats on the floor when we tried to find a way to get a vote through regular order on no fly, no buy. If you were a terrorist on the terrorist list, you could not get a gun. JOHN LEWIS is trying to protect America once again and taking to the floor of this House in protest.

This is wrong. I support JOHN LEWIS. I applaud the gentleman for taking your ethics proposal and ditching it. It was the wrong optics and the wrong thing to do. This is, too.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader of whom we are extraordinarily proud.

Ms. PELOSI. Mr. Speaker, I join our colleague Mr. LEWIS in praising the gentlewoman's leadership as ranking member, formerly chair, of the Committee on Rules.

It is an honor to serve in this House. Every day we step foot on the floor is an exciting moment because we have been sent here by our constituents to represent, as I said earlier, their hopes and their hurts. To serve with JOHN LEWIS is something beyond a privilege. To call him colleague is something that is an honor for all of us. To call him friend is a joy in our lives.

I thank Mr. LEWIS for his leadership on so many issues, but for speaking out so consistently on this public health issue of gun violence in our country, we could not be better served. When, in fact, the sit-in on the floor occurred under his leadership and with his inspiration, the leadership on the Republican side said it is a publicity stunt, and he replied: That is what they said the march on the Selma bridge was, a publicity stunt. It is not a publicity stunt. It is about conveying truth to

the American people. And that is exactly what the Republican leadership does not want the American people to hear: the truth about obstacles to legislation coming to the floor that would reduce gun violence in our country.

So here we are with this rule that has come to the floor that is outrageous in so many ways. Some ways are very esoteric and may mean nothing on first glance to the American people, but let me tell you a few things as to why you, as a person in our country, should be interested in what is happening on the floor today.

You would expect that, after an election that was so hard fought and so focused on the economic security and stability of America's families, the first order of business would have been to say how can we find a bipartisan path to greater economic growth that creates jobs—good-paying jobs—increases salaries, and contributes to the financial stability of America's working families, giving them the confidence that they will be able to buy a home, again address the aspirations of their children, whether that is at college or other training for the workforce, and also to retire with dignity.

Instead, we come to the floor with, first, a proposal that was so outrageous that the Republicans even had to back off of it. Even the President-elect, Donald Trump, criticized the first actions of the Republicans in the House, so they backed off of that for the moment. For the moment they backed off their attempt to harm the way we deal with ethics violations in the Congress. We should be draining the swamp. They are backing off.

I am here because we are talking about, again, a big public health issue: gun violence in our country. When Members of Congress spoke and the response from the public was so great, Republicans decided that, in this rule today, they would do something so outrageous. It is a violation of freedom of speech on the House floor. It is an insult to the intelligence of the American people that they should not be able to hear this. It violates the Constitution by saying the Sergeant at Arms can take money out of your salary if he doesn't like your behavior on the floor. It is absolutely ridiculous.

But our distinguished colleague from Georgia (Mr. LEWIS) has spoken, as have others spoken to that point. I want to just go to another point, and it is a health issue as well, and that is what every family in America should be concerned about about what is happening in this rules package today.

I recently heard over the weekend from my friend that a grandchild of that family was diagnosed with leukemia—3 years old, diagnosed with leukemia. What does that mean and what does this rule mean to that child's life? Well, this rule is a setup to overturn the Affordable Care Act. What the Affordable Care Act is doing for that child is to say you cannot be discriminated against because you have a pre-

existing medical condition, which that child will have for life. Insurance companies cannot have limits on your annual or lifetime limits on what kind of benefits you can receive—you are 3 years old, a whole lifetime of benefits. Up until you are 26 years old, you can be on your parents' policy. That would be eliminated as well. The issues go on and on and on that would affect that child.

If that child's grandparent is on Medicare, that family is affected, too, because, in this legislation, there is a provision that would harm Medicare by changing from mandatory to discretionary.

□ 1615

Inside baseball, I know. But when you realize that the Republican budget has a provision in it to take away the guarantee of Medicare and say to seniors, you are on your own, you have a voucher, you are on your own, now this family is being assaulted at the earliest years—3 years old. Medicare, in the meantime, for grandparents.

In between, it is important to note the following about the Affordable Care Act. While we talk a great deal and with great pride about the fact that 20 million Americans have received health benefits now, have health insurance now because of the Affordable Care Act, we are very proud of that. It is a wonderful thing, but it is only a part of the picture.

Seventy-five percent of the American people get their health insurance through the workplace. One hundred percent of them have increased benefits because of the Affordable Care Act. One hundred percent of them have a rate of growth of the cost of health care greatly diminished—the lowest rate of increase in over 50 years that they have measured these rates of growth.

So if it is a question of access, if it is a question of quality of care, if it is a question of cost, the Affordable Care Act has been a magnificent success.

Can we do better?

We always like to see implementation and how we can do better, and we thought we could work in a bipartisan way to do that. But the fact is that either the Republicans do not understand what this means in the lives of America's families or do not care about what it means in that regard, that they just want to repeal.

They say repeal and replace. Repeal and replace has one thing going for it—alliteration. Beyond that, it has nothing going for it, because they would never even be able to get the votes to repeal and replace the Affordable Care Act. It is just not possible. That is why they don't have a replacement.

Do you want to know why they don't have a replacement?

They don't have the votes for a replacement.

Then they say repeal and delay.

Delay? For how long?

Delay is probably one of the most cowardice actions they could take be-

cause it says: We don't know, but we know that it would be harmful to our politics if people lose their benefits or their costs go up, so we will just delay the impact of our irresponsible action of repealing.

So we have before us the makings of this bombshell of a rule that undermines the health and economic security of America's working families in so many respects. You certainly will be hearing more from us about every aspect of it, whether it is lifetime limits. Oh, we are going to keep no preexisting conditions. You are? At what cost and to whom? We would like to see that proposal. So far we haven't. So for many reasons that are, as I say, too inside baseball to go into.

Think about your own life, you out there who said: Keep your government hands off of my Medicare. They want to put their hands not only on your Medicare, but to squeeze the guarantee right out of it, the lifeblood of what Medicare is, a guarantee.

They want to block grant Medicaid. Do you understand that if you have a senior in your family who is in need of long-term health care, whether it is because of one physical disability or another and some related to dementia and Alzheimer's, at least 50 percent of the benefits of Medicaid go to long-term health care?

So families in America who want them to overturn the Affordable Care Act and all that that means for Medicare and Medicaid and their budget to boot, you are going to have Mom and Dad, as RICHARD NEAL says, living in your house. You are going to be taking care of them right then and there. That may be a welcome sense of community to you or it may not. It may deprive you of opportunity that you want to provide for your children because of an ideological view of Republicans that we should not have Medicaid and Medicare, which are pillars of economic security in our families.

The very idea that in this bill they want to take mandatory money and turn it into discretionary money, subjecting it to the will of the Congress in terms of appropriations, says that they have their eye on Social Security as well. So be very, very vigilant, be very, very aware. I don't want you to be very, very scared, but there is reason to be if the Republicans work their will based on the blueprint that they have both in this bill, this rules package they are bringing to the floor, as well as what they have in their budget.

Even their nominee for President, Donald Trump, has disassociated himself—in the campaign anyway—from what they want to do to Medicare and Social Security and the rest. We will see how that holds up as we go forward. But you can be sure that the Democrats will have a big, bright, relentless spotlight on what is happening here because of what it means to you out there and your families, whether it is a child who is sick, a worker who gets benefits in the workplace which now

will be diminished, or a senior citizen who relies on Medicare, Medicaid, and Social Security.

There is a lot at stake. There is an ideological difference between Democrats and Republicans on these issues. I would hope that these issues would go away and that the public would weigh in in such a significant way that the Republicans would back off, as they backed off this morning when they chickened out on their very bad proposal relating to ethics.

In order for the American people to weigh in, they have to know, which takes us back to what Mr. LEWIS was talking about—they have to know. If it is the determination of this body that the Sergeant at Arms can effectively silence the voice of Members on the floor deducting a penalty from their paycheck, which is totally unconstitutional—but I guess that doesn't matter to the devotees of the Constitution that what they are doing is unconstitutional—then how will the public know?

There is a method to this madness. It is not just about the sit-in on guns. As Mr. COHEN mentioned, it is about what other ways they will deprive us of communicating with the American people about what is at stake for them, America's working families, by actions taken on this floor.

I urge my colleagues, of course, to vote “no,” a thousand times “no” on this legislation, but also to continue the fight that will unfold if it becomes the new rules of the House.

It is a very unfortunate day. We should be starting with a big jobs package for America's working families, not threatening their financial stability by undermining what they have paid into, systems that they have paid into, now being subjected to the whims of an ideological majority.

Again, I urge a “no” vote. I thank, again, our colleague, Mr. LEWIS, for his extraordinary leadership over time and up to the minute today, and I look forward to following his lead as we go forward.

I thank the gentlewoman (Ms. SLAUGHTER), our ranking member, for her leadership as well.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentleman from Virginia (Mr. CONNOLLY) for the purpose of a unanimous consent request.

(Mr. CONNOLLY asked and was given permission to revise and extend his remarks.)

Mr. CONNOLLY. Mr. Speaker, I oppose this rule because of what it does to Federal employees and to the rights of the elected Members of this body.

Mr. Speaker, I rise in opposition to the rules for the 115th Congress proposed by the Majority.

This rules package ushers in a new era of unified Republican government.

One in which facts—when inconvenient—do not matter and ethics are subject to the interpretation of the Majority.

Freedom of speech—a right guaranteed by the U.S. Constitution—has been redefined and

curtailed by this resolution to accommodate the Majority's crackdown on dissent.

Under a unified Republican government, witch hunts against federal employees and the agencies for which they work are empowered and encouraged.

The President-elect has already engaged in a stunning overreach during his transition by demanding the names of federal employees and scientists who have worked on projects he dislikes.

We know the Majority would like to gut the functionality of the federal government. The dangerous and indiscriminate cuts of Sequestration are evidence enough of that.

However, this rules package provides them with the surgical tools necessary to reach into the inner workings of the federal government and cut away each part and employee that runs afoul of their ideological agenda.

I will oppose this resolution, and I cannot see how anyone who calls themselves a friend to federal employees could support the Majority's proposed rules for the 115th Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I include in the RECORD a description of the many troubling Republican rules changes in H. Res. 5.

H. Res. 5, the House rules package for the 115th Congress, contains a number of troubling provisions. Most concerning is that instead of taking action to address the gun violence epidemic, Republicans have responded to the Democratic sit-in of last June by instituting an offensive and possibly unconstitutional gag rule to punish Members who violate the rules on decorum. H. Res. 5 authorizes the Sergeant-at-Arms to fine Members for the use of photographic and audio or visual recording devices on the floor. Fines are set at \$500 for a first offense and \$2,500 for each subsequent offense and the Chief Administrative Officer is instructed to deduct such fines from the Member's salary. The resolution also makes “disorderly or disruptive conduct” in the Chamber an offense for which Members and staff can be referred to the Ethics Committee. There are serious constitutional questions concerning whether fines can be deducted from Members' pay, and whether the House can delegate the responsibility of punishing Members to House officers, but most importantly this change has the potential to have a chilling effect that would silence the Minority party and the millions of constituent they represent.

H. Res. 5 will also dramatically expand the Republican Majority's investigative powers, giving nearly every committee the ability to haul private citizens to Washington to be deposited by Republican staffers. After spending six years demonstrating their eagerness to spend taxpayer money on wasteful, politically-motivated witch hunts, Republicans are giving themselves additional tools to do more of the same. The rules package gives every committee (except Rules and House Administration) the ability to force private citizens to travel to Washington, DC and be subjected to unlimited hours of interrogation by Republican staff. Republicans have expanded committees' investigative powers over the last six years, but even last Congress gave staff deposition authority to only five standing committees. In this rules package, for the first time ever, Republicans are removing entirely any requirement that Members be present during such depositions (unless the House is in session), making it much more likely that depositions will be lengthy and numerous. Freely handing out the power to compel any American to ap-

pear, sit in a room, and answer staff's invasive questions on the record is truly unprecedented, unwarranted, and offensive. Note that due to the Majority's use of this authority to intimidate potential witnesses during the 114th Congress, the ranking members of the relevant committees requested that this authority not be extended at the end of the first session.

Democrats are also troubled that H. Res. 5's expansion of staff deposition authority and delegation of Member punishment to a House officer represent a disturbing trend of giving to staff powers that ought to be, and have traditionally been, exercised by Members.

This rules package also includes a worrisome requirement that each standing committee (except for Appropriations, Ethics, and Rules) include in its oversight plans recommendations for moving programs from mandatory to discretionary funding. This would begin the process of dismantling the guaranteed funding mechanisms for vital safety net programs such as Social Security, Medicare, and Medicaid and expose these programs to the uncertainties of the annual appropriations process—something the Majority has been trying to accomplish for years.

With H. Res. 5's reinstatement of the so-called “Holman Rule,” Republicans are unfairly targeting Federal employees. The Holman Rule, which was largely removed from the standing rules in 1983, permits provisions in and amendments to general appropriations bills that reduce the number of Federal employees, or reduce the salary of any Federal employee. Since 1983, such provisions and amendments have been out of order, as they constitute “legislating on an appropriations bill.” Reinstating this rule represents yet another effort by the Republican Majority to scapegoat Federal employees, make cuts to the Federal workforce, and politicize the civil service system that was established to professionalize agencies and offices. Moreover, in light of the President-Elect's transition team asking agencies to “name names” of Federal employees who have implemented policies with which Republicans disagree, perhaps most worrisome is the potential use of the Holman Rule to persecute career employees for doing their jobs during the Obama Administration.

H. Res. 5 also intentionally hides the cost of repealing the Affordable Care Act (ACA), by preemptively waiving the Majority's own long-term direct spending point of order for any ACA repeal legislation. The rules package extends a point of order against considering legislation that would increase direct spending by \$5 billion or more in any of the four 10-year periods following the decade after passage of the legislation. Repealing the ACA will result in increased direct spending and would very likely violate this long-term spending point of order, so H. Res. 5 includes a carve-out exempting ACA repeal legislation from the point of order entirely. On top of that, H. Res. 5 permits the Budget Chair to apply this waiver to any other legislation she wishes.

Similar to the provision waiving the budgetary point of order against legislation repealing the ACA, an amendment to H. Res. 5 was adopted late last night that continues the Republican practice of disregarding fiscal responsibility by requiring the House to ignore the fiscal effects of the sale or transfer of Federal land to a State, local government, or tribal entity. While this rule was included to simplify the process for authorizing the transfer of land, and would also apply to instances when direct spending decreases, it is irresponsible to authorize such a sale or transfer without knowing its total cost.

Democrats also find H. Res. 5's change to the rules to make it easier for the Majority to continue its wasteful, taxpayer-funded lawsuits in future Congresses very unfortunate. The rules package takes the unprecedented step of providing blanket authority for the House, Speaker, or a committee chair to carry forward any litigation from the previous Congress. Previous rules packages listed specific matters to be carried over, ensuring a level of transparency and review that will be absent following this rules change. This change will ultimately permit the Majority to more easily shield its abuse of the legal process from public scrutiny.

H. Res. 5 also includes several rules changes that, while not necessarily problematic on their face, have the potential to be abused by the Majority. First, H. Res. 5 allows the Majority to postpone votes on the motion to recommit by adding such motions, as well as motions to concur, to the list of questions that can be postponed for up to two legislative days under clause 8 of rule XX. This same authority already exists for many other questions and is typically used for time management. Although this may be useful in coordinating the timing of floor votes with Members' schedules, it could be used by the Majority to postpone votes on Democratic priorities if they are concerned about losing a vote.

Second, the rules package explicitly states that records "created, generated, or received" by Members' personal offices are the personal property of the individual Members and, unlike Committee materials, are not records of the House. While this is a codification of a longstanding policy, the rule change could be exploited by the Majority to store materials in Member offices in order to circumvent requirements that they share House records with the Minority. This was a concern in the 114th Congress, for example, in relation to the Republicans' Planned Parenthood investigation. Moreover, this change could lend legitimacy to a defeated Member's decision to refuse to hand over constituent casework files to his or her successor, which appears to have happened last year.

Democrats will monitor the Majority's implementation of these new rules to ensure they are used to assist in the effective operation of the House and not to prevent Members of the Minority Party from representing and serving their constituents.

Finally, Democrats were very concerned with the Republican Conference's adoption of an amendment to the Rules package late last night that would have stripped the Office of Congressional Ethics (OCE) of its independence by placing it under the authority of the Ethics Committee, thereby eliminating its role as an effective Congressional watchdog. It would have effectively gutted the OCE by prohibiting it from investigating anonymous complaints, prohibiting it from having a press secretary or from talking to the press at any time, requiring OCE to refer criminal complaints directly to the Ethics Committee, and allowing the Ethics Committee to stop any OCE investigation at any time.

The OCE was created in 2008 to investigate allegations against Members of Congress, following years of scandal that tarnished this institution. It was intentionally set up as an independent body to ensure that it was able to conduct proper investigations free from political influences and favoritism. Disciplinary actions against Members have increased substantially since the OCE's creation, because there is now finally an office not run by Members of Congress investigating allegations against Members. Independent Inspector General offices ensure accountability in the Executive Branch and the House should be held to the same stand-

ard. This is why the top ethics lawyers to both Presidents George W. Bush and Barack Obama have strongly condemned the Republican effort to gut the OCE.

In attempting to implement this rules change, Republicans showed their true colors. While we are pleased that the public outcry and negative attention from the media forced Republicans to backtrack this morning and leave the OCE intact, it is disturbing that Republicans' first instinct was to weaken rather than strengthen the House's ethics rules.

Ms. SLAUGHTER. Mr. Speaker, in closing, we will continue to fight, as our leader said, with all of the tools that we have. We may not be able to do much in Congress until we get to court, but we will not be silenced.

We invite you to bring regular order back to this House and to bring back the barrel of ideas. And always remember that because you shut out the number of Congresspersons from being a part of what is happening here, that you are shutting out the voices of over half of the American public. Remember, too, that we did get a million more votes in the election previous to this one than you did, and we deserve to speak. Anyway, I want to make that as clear as I can.

I urge a "no" vote on the previous question, and "no" on the motion to commit, and "no" on the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleagues, Republicans and Democrats, for showing up today, not only for expressing their views. The Democrat majority certainly did show up and give us lots of things to think about, which is good. The new year deserves an opportunity for us to hear some of their thoughts and ideas. I will tell you that it went across the board.

I am still stunned that Republicans are blamed for the failures of ObamaCare when, in fact, it is ObamaCare that we are going to amend and we are going to change. Many of the people who came to the floor of the House today know that hundreds—well, tens of hundreds of children's hospitals across the country won't take ObamaCare. Stanford University School of Medicine in California does not take ObamaCare.

It is a discriminatory system. It is a system that does not work. It is a system where you might find a doctor, but no referral. It is a system that is bleeding the life out of businesses and jobs in this country. Yes, we do address that in the rules package. But what we really address in the rules package is an opportunity to streamline the procedures on rules and regulations and our ability to effectively do the work with the consent of the American people. You heard three of my Rules colleagues who very carefully and ably worked through some of the intricacies of the rules package.

Make no mistake about it, Mr. Speaker, as every Member of this body

attempts to gain a voice and to be heard, it will be done in an open and fair way; but there will be decorum attached to that because decorum comes with avoiding chaos. What has always allowed this body to be different from any other body in the world is the discipline of rules and order and procedures, mutual respect for each other, the opportunity to hear and be heard, but, really, the opportunity with an open process, a process that is given to the minority and one that is given to the majority.

Any rule that has been promulgated in this body is not done on a partisan basis because, see, my majority has people who disagree with necessarily some in our party, too. We did not try and stop anybody from voicing what they would voice, but a rule of decorum has been placed upon that. That is what separates this body from any other bodies in the world, and that is what will continue to gain the admiration of not only the American people, but people around the world. It is something that I cherish and I believe that must happen.

Mr. COHEN. Will the gentleman yield?

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman. I will yield to him in just a moment.

Mr. Speaker, what we are doing here today is we are presenting openly the package giving an equal amount of time to Democrats as we do with Republicans. In the Rules Committee, we open ourselves up and hear from Democrats all the time.

I know you heard that we offer no amendments. Of course, that is not true. As a matter of fact, on any given week when we were in session, we offered more amendments in the Rules Committee than HARRY REID did in several years of being in the United States Senate to Republicans. We are a body that works and tries to work well and we try to be fair.

With everything that has been said today, I take it as a challenge on myself to try to work even better and closer with my colleagues to listen and to allow them to be heard. It is something that we have tried to do for a number of years.

□ 1630

Evidently, the gentleman from Tennessee wishes to engage me.

Does the gentleman have a question?

Mr. COHEN. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Tennessee.

Mr. COHEN. Under the rule, if I took a still photograph of just an individual—of a friend—on the floor, would it not come under the rule that the Sergeant at Arms would then be directed to fine me \$500 even though there was no question about decorum being in jeopardy?

Mr. SESSIONS. Mr. Speaker, in reclaiming my time, I would like to read to the gentleman what is the statement:

The use of personal electronic footage not only breaches decorum but provides an avenue to exploit official business for political and personal gain.

If that is personal gain, it would not be allowed.

House video footage can be used for news or public affairs programs but is prohibited from being used for commercial or political purposes.

I would encourage the gentleman, as I would if this were a speeding violation or something else—we have lots of people who are members of the Sergeant at Arms—to go grab your favorite individuals with the Sergeant at Arms and review with them the things which you believe would be in the context of how that Member would come in. Inasmuch as just a picture would be taken, they may say, “but not with a flash.” If it were disruptive, then I would consider that to be a violation. If it were taken in the back and with no one else around, I can’t tell the gentleman as I am not the officer in charge of that; but they are trained in this, and they have been trained very well.

I do appreciate the gentleman’s asking. I would suggest that the gentleman ask that question based upon his own usage.

Mr. Speaker, I ask my colleagues to support this package.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to H. Res. 5, the Rules Package for the 115th Congress, because it will require unprecedented changes to the Standing Rules and cost the American people countless dollars through direct spending and drastic and unnecessary deficit increase.

I am deeply concerned by House Republicans’ decision in the dead of night to strip away the voices of Members echoing the constitutionally protected concerns of their constituents and hide the true cost of their shameful attempts at repealing the Affordable Care Act.

This disturbing change contained in the Rules package has never been implemented in the House.

The most troubling Republican Rules Changes in H. Res. 5 include:

(1) Punishment of Members (sec. 2(a), pp. 2–31)—These changes are unprecedented in the House of Representatives and are clearly being enacted in response to the gun violence sit-in.

Instead of taking action to address the epidemic of gun violence in this country, House Republicans in a potentially unconstitutional way are silencing democratically elected Members of Congress and preventing them from expressing the views and wishes of their constituents by instituting offensive and possibly unconstitutional new mechanisms for punishing Members who supposedly violate the rules on decorum.

(2) Hiding the Cost of Repealing the Affordable Care Act—(sec. 3(h), pp. 22–24)—Aware that repealing the Affordable Care Act will increase direct spending and the deficit, Republicans preemptively waive their own longterm direct spending point of order for ACA repeal legislation.

President-Elect Trump and the Republican Majority have promised to repeal the Afford-

able Care Act, even though such repeal would significantly increase the deficit and directly affect millions of Americans.

In order to move forward with repealing the ACA, House Republicans are preemptively waiving their own long-term direct spending point of order.

Trust in our institutions, including Congress, is already at record lows.

Worsening the damage they are doing to the House as an institution, the Republicans have proposed this change without any hearings or input from Democratic Members late in the evening, less than twenty-four hours before it would be voted on.

H. Res. 5 authorizes the Sergeant-at-Arms to impose fines on Members for use of photographic, audio or visual recording devices on the floor.

Fines are set at \$500 for a first offense and \$2,500 for each subsequent offense.

The Chief Administrative Officer is instructed to deduct such fines from the Member’s salary.

There are serious constitutional questions concerning whether fines can be deducted from Members’ pay, and whether the House can delegate the responsibility of punishing Members to House officers.

The resolution also makes “disorderly or disruptive conduct” in the Chamber an offense for which Members and staff can be referred to the Ethics Committee.

The potential chilling effect of these rules changes raises serious First Amendment concerns.

The Rules package makes another dangerous and unprecedented change to the House rules by introducing H. Res. 5, which extends a point of order against considering legislation that would increase direct spending by \$5 billion or more in any of the four 10-year periods following the decade after passage of the legislation.

Despite the widely acknowledged fact that repeal of the ACA would result in increased direct spending, H. Res. 5 also includes a preemptive waiver of this point of order for any legislation repealing or reforming the ACA.

The resolution also gives the chair of the Budget Committee the power to apply this waiver to any other legislation she or he wishes.

House Republicans could have found willing partners among Democrats to increase transparency and renew faith in government through bipartisan action, including making possible improvements to the Office of Congressional Ethics and the way Congress polices itself and maintains the highest standards of integrity among its Members.

Instead they chose this shameful move, which is an indication of their priorities for the new Congress.

When House Republicans take steps to decrease accountability and make it harder to reveal partisan driven and unethical behavior, the public ought to question why.

House Democrats will continue to fight for the strongest possible ethical standards for our nation’s elected leaders.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 5 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of section 2, add the following new subsection:

(u) RESTRICTIONS ON CONSIDERATION OF CERTAIN LEGISLATIVE PROVISIONS RELATING

TO HEALTH CARE.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

“12. (a) It shall not be in order to consider a bill, joint resolution, amendment, or conference report which includes any provision described in paragraph (b).

“(b) A provision described in this paragraph is a provision which, if enacted into law, would result in any of the following:

“(1) The denial of health insurance coverage to individuals on the basis that such individuals have a preexisting condition or a requirement for individuals with a preexisting condition to pay more for premiums on the basis of such individuals having such a preexisting condition.

“(2) The elimination of the prohibition on life time limits on the dollar value of health insurance coverage benefits.

“(3) The termination of the ability of individuals under 26 years of age to be included on their parent’s employer or individual health coverage.

“(4) The reduction in the number of people receiving health plan coverage pursuant to the Patient Protection and Affordable Care Act.

“(5) An increased cost to seniors for prescription drug coverage pursuant to any changes to provisions closing the Medicare prescription drug ‘donut hole’.

“(6) The requirement that individuals pay for preventive services, such as for mammography, health screening, and contraceptive services.

“(7) The reduction of Medicare solvency or any changes to the Medicare guarantee.

“(8) The reduction of Federal taxes on the 1 percent of the population with the highest income or increase the tax burden (expressed as a percent of aggregate Federal taxes) on the 80 percent of the population with the lowest income.

“(c) It shall not be in order to consider a rule or order that waives the application of paragraph (a) or paragraph (b). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order, as applicable. The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.”.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Carillon’s Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused,

the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 193, not voting 3, as follows:

[Roll No. 4]

YEAS—237

Abraham	Bishop (UT)	Carter (GA)
Aderholt	Black	Carter (TX)
Allen	Blackburn	Chabot
Amash	Blum	Chaffetz
Amodei	Bost	Cheney
Arrington	Brady (TX)	Coffman
Babin	Brat	Cole
Bacon	Bridenstine	Collins (GA)
Banks (IN)	Brooks (AL)	Collins (NY)
Barletta	Brooks (IN)	Comer
Barr	Buchanan	Comstock
Barton	Buck	Conaway
Bergman	Bucshon	Cook
Beutler	Budd	Costello (PA)
Biggs	Burgess	Cramer
Bilirakis	Byrne	Crawford
Bishop (MI)	Calvert	Culberson

Curbelo (FL)	Kelly (MS)	Rogers (KY)
Davidson	Kelly (PA)	Rohrabacher
Davis, Rodney	King (IA)	Rokita
Denham	King (NY)	Rooney, Francis
Dent	Kinzinger	Rooney, Thomas J.
DeSantis	Knight	Ros-Lehtinen
DesJarlais	Kustoff (TN)	Roskam
Diaz-Balart	Labrador	Ross
Donovan	LaHood	Rothfus
Duffy	LaMalfa	Rouzer
Duncan (SC)	Lamborn	Royce (CA)
Duncan (TN)	Lance	Russell
Dunn	Latta	Rutherford
Emmer	Lewis (MN)	Sanford
Farenthold	LoBiondo	Scalise
Faso	Long	Schweikert
Ferguson	Loudermilk	Scott, Austin
Fitzpatrick	Love	Sensenbrenner
Fleischmann	Lucas	Sessions
Flores	Luetkemeyer	Shimkus
Fortenberry	MacArthur	Shuster
Fox	Marchant	Simpson
Franks (AZ)	Marino	Smith (MO)
Frelinghuysen	Marshall	Smith (NE)
Gaetz	Massie	Smith (NJ)
Gallagher	Mast	Smith (TX)
Garrett	McCarthy	Smucker
Gibbs	McCaull	Stefanik
Gohmert	McClintock	Stewart
Goodlatte	McHenry	Stivers
Gosar	McKinley	Taylor
Gowdy	McMorris	Tenney
Granger	Rodgers	Thompson (PA)
Graves (GA)	McSally	Thornberry
Graves (LA)	Meadows	Tiberi
Graves (MO)	Meehan	Tipton
Griffith	Messer	Trott
Grothman	Mitchell	Turner
Guthrie	Moolenaar	Upton
Harper	Mooney (WV)	Valadao
Harris	Mullin	Wagner
Hartzler	Murphy (PA)	Walberg
Hensarling	Newhouse	Walden
Hice, Jody B.	Noem	Walker
Higgins (LA)	Nunes	Walorski
Hill	Olson	Walters, Mimi
Holding	Palazzo	Weber (TX)
Hollingsworth	Palmer	Webster (FL)
Hudson	Paulsen	Wenstrup
Huizenga	Pearce	Westerman
Hultgren	Perry	Williams
Hunter	Pittenger	Wilson (SC)
Hurd	Poe (TX)	Wittman
Issa	Poliquin	Womack
Jenkins (KS)	Posey	Woodall
Jenkins (WV)	Ratcliffe	Yoder
Johnson (LA)	Reed	Yoho
Johnson (OH)	Reichert	Young (AK)
Johnson, Sam	Renacci	Young (IA)
Jones	Rice (SC)	Zeldin
Jordan	Roby	Zinke
Joyce (OH)	Roe (TN)	
Katko	Rogers (AL)	

NAYS—193

Adams	Connolly	Gallego
Aguilar	Conyers	Garamendi
Barragán	Cooper	Gonzalez (TX)
Bass	Correa	Gottheimer
Beatty	Costa	Green, Al
Becerra	Courtney	Green, Gene
Bera	Crist	Grijalva
Beyer	Crowley	Gutiérrez
Bishop (GA)	Cuellar	Hanabusa
Blumenauer	Cummings	Hastings
Blunt Rochester	Davis (CA)	Heck
Bonamici	Davis, Danny	Higgins (NY)
Boyle, Brendan F.	DeFazio	Himes
Brady (PA)	DeGette	Hoyer
Brown (MD)	Delaney	Huffman
Brownley (CA)	DeLauro	Jackson Lee
Bustos	DelBene	Jayapal
Butterfield	Demings	Jeffries
Capuano	DeSaunier	Johnson (GA)
Carbajal	Deutch	Johnson, E. B.
Cardenas	Dingell	Kaptur
Carson (IN)	Doggett	Keating
Cartwright	Doyle, Michael F.	Kelly (IL)
Castor (FL)	Ellison	Kennedy
Castro (TX)	Engel	Khanna
Chu, Judy	Eshoo	Kihuen
Ciulline	Españillat	Kildee
Clark (MA)	Esty	Kilmer
Clarke (NY)	Evans	Kind
Clay	Foster	Krishnamoorthi
Cleaver	Frankel (FL)	Kuster (NH)
Clyburn	Fudge	Langvin
Cohen	Gabbard	Larsen (WA)
		Larson (CT)

Lawrence	Norcross	Serrano
Lawson (FL)	O'Halleran	Sewell (AL)
Lee	O'Rourke	Shea-Porter
Levin	Pallone	Sherman
Lewis (GA)	Panetta	Sinema
Lieu, Ted	Pascarella	Sires
Lipinski	Payne	Slughter
Loeb sack	Pelosi	Smith (WA)
Lofgren	Perlmutter	Soto
Lowenthal	Peters	Speier
Lowe y	Peterson	Suo zzi
Lujan Grisham,	Pingree	Swalwell (CA)
M.	Pocan	Takano
Luján, Ben Ray	Polis	Thompson (CA)
Lynch	Price (NC)	Thompson (MS)
Maloney,	Quigley	Titus
Carolyn B.	Raskin	Tonko
Maloney, Sean	Rice (NY)	Torres
Matsui	Richmond	Tsongas
McCollum	Rosen	Vargas
McEachin	Roybal-Allard	Veasey
McGovern	Ruiz	Vela
McNerney	Ruppersberger	Velázquez
Meeks	Rush	Visclosky
Meng	Ryan (OH)	Walz
Moore	Sánchez	Wasserman
Moulton	Sarbanes	Schultz
Murphy (FL)	Schakowsky	Waters, Maxine
Nadler	Schiff	Watson Coleman
Napolitano	Schneider	Welch
Neal	Scott (VA)	Wilson (FL)
Nolan	Scott, David	Yarmuth

NOT VOTING—3

Mulvaney	Pompeo	Price, Tom (GA)
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□ 1658

Messrs. PALAZZO and ZINKE changed their vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

MOTION TO COMMIT

Mr. LEWIS of Georgia. Mr. Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Lewis of Georgia moves that the resolution (H. Res. 5) be committed to a select committee composed of the Majority Leader and the Minority Leader with instructions to report it forthwith back to the House with the following amendment:

Strike subsection (a) of section 2 (and redesignate the succeeding subsections accordingly).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 193, nays 236, not voting 4, as follows:

[Roll No. 5]

YEAS—193

Adams	Bonamici	Carson (IN)
Aguilar	Boyle, Brendan F.	Cartwright
Barragán	F.	Castor (FL)
Bass	Brady (PA)	Castro (TX)
Beatty	Brown (MD)	Chu, Judy
Becerra	Brownley (CA)	Ciulline
Bera	Bustos	Clark (MA)
Beyer	Butterfield	Clarke (NY)
Bishop (GA)	Capuano	Clay
Blumenauer	Carbajal	Cleaver
Blunt Rochester	Cárdenas	Clyburn

Cohen	Kaptur	Peters	Latta	Perry	Smith (TX)	Flores	Lewis (MN)	Roskam
Connolly	Keating	Peterson	Lewis (MN)	Pittenger	Smucker	Fortenberry	LoBiondo	Ross
Conyers	Kelly (IL)	Pingree	LoBiondo	Poe (TX)	Stefanik	Foxx	Long	Rothfus
Cooper	Kennedy	Pocan	Long	Poliquin	Stewart	Franks (AZ)	Loudermilk	Rouzer
Correa	Khanna	Polis	Loudermilk	Posey	Stivers	Frelinghuysen	Love	Royce (CA)
Costa	Kihuen	Price (NC)	Love	Ratcliffe	Taylor	Gaetz	Lucas	Russell
Courtney	Kildee	Quigley	Lucas	Reed	Tenney	Gallagher	Luetkemeyer	Rutherford
Crist	Kilmer	Raskin	Luetkemeyer	Reichert	Thompson (PA)	Garrett	MacArthur	Sanford
Crowley	Kind	Rice (NY)	MacArthur	Renacci	Thornberry	Gibbs	Marchant	Scalise
Cuellar	Krishnamoorthi	Richmond	Marchant	Rice (SC)	Tiberi	Gohmert	Marino	Schweikert
Cummings	Kuster (NH)	Rosen	Marino	Roby	Tipton	Goodlatte	Marshall	Scott, Austin
Davis (CA)	Langevin	Roybal-Allard	Marshall	Roe (TN)	Trott	Gosar	Mast	Sensenbrenner
Davis, Danny	Larsen (WA)	Ruiz	Massie	Rogers (AL)	Turner	Gowdy	McCarthy	Sessions
DeFazio	Larson (CT)	Ruppersberger	Mast	Rogers (KY)	Upton	Granger	McCaul	Shimkus
DeGette	Lawrence	Rush	McCarthy	Rokita	Valadao	Graves (GA)	McClintock	Shuster
Delaney	Lawson (FL)	Ryan (OH)	McCaul	Rooney, Francis	Wagner	Graves (LA)	McHenry	Simpson
DeLauro	Lee	Sánchez	McClintock	Rooney, Thomas	Walberg	Graves (MO)	McKinley	Smith (MO)
DeBene	Levin	Sarbanes	McHenry	J.	Walden	Griffith	McMorris	Smith (NE)
Demings	Lewis (GA)	Schakowsky	McKinley	Ros-Lehtinen	Walker	Grothman	Rodgers	Smith (NJ)
DeSaulnier	Lieu, Ted	Schiff	McMorris	Roskam	Walorski	Guthrie	McSally	Smith (TX)
Deutch	Lipinski	Schneider	Rodgers	Ross	Walters, Mimi	Harper	Meadows	Smucker
Dingell	Loeb sack	Scott (VA)	McSally	Rothfus	Weber (TX)	Harris	Meehan	Stefanik
Doggett	Lofgren	Scott, David	Meadows	Rouzer	Webster (FL)	Hartzler	Messer	Stewart
Doyle, Michael	Lowenthal	Serrano	Meehan	Royce (CA)	Westerman	Hensarling	Mitchell	Stivers
F.	Lowey	Sewell (AL)	Messer	Russell	Williams	Hice, Jody B.	Moolenaar	Taylor
Ellison	Lujan Grisham,	Shea-Porter	Mitchell	Rutherford	Wilson (SC)	Higgins (LA)	Mooney (WV)	Tenney
Engel	M.	Sherman	Moolenaar	Sanford	Wittman	Hill	Mullin	Thompson (PA)
Eshoo	Luján, Ben Ray	Sinema	Mooney (WV)	Scalise	Womack	Holding	Murphy (PA)	Thornberry
Espallat	Lynch	Sires	Mullin	Schweikert	Woodall	Hollingsworth	Newhouse	Tiberi
Esty	Maloney,	Slaughter	Murphy (PA)	Scott, Austin	Yoder	Hudson	Noem	Tipton
Evans	Carolyn B.	Smith (WA)	Newhouse	Sensenbrenner	Young (AK)	Huizenga	Nunes	Trott
Foster	Maloney, Sean	Soto	Noem	Sessions	Young (IA)	Hultgren	Olson	Turner
Frankel (FL)	Matsui	Speier	Nunes	Shimkus	Zeldin	Hunter	Palazzo	Upton
Fudge	McCollum	Suozi	Olson	Shuster	Zinke	Hurd	Palmer	Valadao
Gabbard	McEachin	Swalwell (CA)	Palazzo	Simpson		Issa	Paulsen	Wagner
Gallego	McGovern	Takano	Palmer	Smith (MO)		Jenkins (KS)	Pearce	Walberg
Garamendi	McNerney	Thompson (CA)	Paulsen	Smith (NE)		Jenkins (WV)	Perry	Walden
Gonzalez (TX)	Meeks	Thompson (MS)	Pearce	Smith (NJ)		Johnson (LA)	Pittenger	Walker
Gottheimer	Meng					Johnson (OH)	Poe (TX)	Walorski
Green, Al	Moore					Johnson, Sam	Poliquin	Walters, Mimi
Green, Gene	Moulton					Jordan	Posey	Weber (TX)
Grijalva	Murphy (FL)					Joyce (OH)	Ratcliffe	Webster (FL)
Gutiérrez	Nadler					Katko	Reed	Wenstrup
Hanabusa	Napolitano					Kelly (MS)	Reichert	Westerman
Hastings	Neal					Kelly (PA)	Renacci	Williams
Heck	Nolan					King (IA)	Rice (SC)	Wilson (SC)
Higgins (NY)	Norcross					King (NY)	Roby	Wittman
Himes	O'Halleran					Kinzinger	Roe (TN)	Womack
Hoyer	O'Rourke					Knight	Rogers (AL)	Woodall
Huffman	Pallone					Kustoff (TN)	Rogers (KY)	Yoder
Jackson Lee	Panetta					Labrador	Rohrabacher	Yoho
Jayapal	Pascrell					LaHood	Rokita	Young (AK)
Jeffries	Payne					LaMalfa	Rooney, Francis	Young (IA)
Johnson (GA)	Pelosi					Lamborn	Rooney, Thomas	Zeldin
Johnson, E. B.	Perlmutter					Lance	J.	Zinke
						Latta	Ros-Lehtinen	

NOT VOTING—4

Price, Tom (GA)
Rohrabacher

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair would ask Members to observe proper decorum within the Chamber.

□ 1716

Mr. NUNES changed his vote from “yea” to “nay.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 193, not voting 6, as follows:

[Roll No. 6]

YEAS—234

Abraham	Collins (NY)	Graves (GA)	Adams	Crist	Huffman
Aderholt	Comer	Graves (LA)	Aguilar	Crowley	Jackson Lee
Allen	Comstock	Graves (MO)	Amash	Cuellar	Jayapal
Amash	Conaway	Griffith	Barragán	Cummings	Jeffries
Amodei	Cook	Grothman	Bass	Davis (CA)	Johnson (GA)
Arrington	Costello (PA)	Guthrie	Beatty	Davis, Danny	Johnson, E. B.
Babin	Cramer	Harmer	Becerra	DeFazio	Jones
Bacon	Crawford	Harris	Bera	DeGette	Kaptur
Banks (IN)	Culberson	Hartzler	Beyer	Delaney	Keating
Barletta	Curbelo (FL)	Hensarling	Bishop (GA)	DeLauro	Kelly (IL)
Barr	Davidson	Hice, Jody B.	Blumenauer	DelBene	Kennedy
Barton	Davis, Rodney	Higgins (LA)	Blunt Rochester	Demings	Khanna
Bergman	Denham	Hill	Bonamici	DeSaulnier	Kihuen
Beutler	Dent	Holding	Boyle, Brendan	Deutch	Kildee
Biggs	DeSantis	Hollingsworth	F.	Dingell	Kilmer
Bilirakis	DesJarlais	Hudson	Brady (PA)	Doggett	Kind
Bishop (MI)	Diaz-Balart	Huizenga	Brown (MD)	Doyle, Michael	Krishnamoorthi
Bishop (UT)	Donovan	Hultgren	Brownley (CA)	F.	Kuster (NH)
Black	Duffy	Hunter	Bustos	Ellison	Langevin
Blackburn	Duncan (SC)	Hurd	Butterfield	Engel	Larsen (WA)
Blum	Duncan (TN)	Issa	Capuano	Eshoo	Larson (CT)
Bost	Dunn	Jenkins (KS)	Carbajal	Espallat	Lawrence
Brady (TX)	Emmer	Jenkins (WV)	Cárdenas	Esty	Lawson (FL)
Brat	Farenthold	Johnson (LA)	Carson (IN)	Evans	Lee
Bridenstine	Faso	Johnson (OH)	Cartwright	Foster	Levin
Brooks (AL)	Ferguson	Johnson, Sam	Davis, Rodney	Fudge	Lewis (GA)
Brooks (IN)	Fitzpatrick	Jones	Denham	Gabbard	Lieu, Ted
Buchanan	Fleischmann	Jordan	Dent	Gallego	Lipinski
Buck	Flores	Joyce (OH)	DeSantis	Garamendi	Loeb sack
Bucshon	Fortenberry	Katko	Cicilline	Gonzalez (TX)	Lofgren
Budd	Foxx	Kelly (MS)	Clark (MA)	Gottheimer	Lowenthal
Burgess	Franks (AZ)	Kelly (PA)	Clarke (NY)	Green, Al	Lowey
Byrne	Frelinghuysen	King (IA)	Clay	Green, Gene	Lujan Grisham,
Calvert	Gaetz	King (NY)	Cleaver	Grijalva	M.
Carter (GA)	Gallagher	Kinzinger	Clyburn	Gutiérrez	Luján, Ben Ray
Carter (TX)	Garrett	Knight	Cohen	Hanabusa	Lynch
Chabot	Gibbs	Kustoff (TN)	Connolly	Hastings	Maloney,
Chaffetz	Gohmert		Conyers	Heck	Carolyn B.
Cheney	Goodlatte		Cooper	Higgins (NY)	Maloney, Sean
Coffman	Gosar		Correa	Himes	Massie
Cole	Gowdy		Costa	Hoyer	Matsui
Collins (GA)	Granger		Courtney		

McCollum	Polis	Smith (WA)
McEachin	Price (NC)	Soto
McGovern	Quigley	Speier
McNerney	Raskin	Suozi
Meeks	Rice (NY)	Swalwell (CA)
Meng	Richmond	Takano
Moore	Rosen	Thompson (CA)
Moulton	Roybal-Allard	Thompson (MS)
Murphy (FL)	Ruiz	Titus
Nadler	Ruppersberger	Tonko
Napolitano	Ryan (OH)	Torres
Neal	Sánchez	Tsongas
Nolan	Sarbanes	Vargas
Norcross	Schakowsky	Veasey
O'Halloran	Schiff	Vela
O'Rourke	Schneider	Velázquez
Pallone	Scott (VA)	Visclosky
Panetta	Scott, David	Walz
Pascarella	Serrano	Wasserman
Payne	Sewell (AL)	Schultz
Pelosi	Shea-Porter	Waters, Maxine
Peters	Sherman	Watson Coleman
Peterson	Sinema	Welch
Pingree	Sires	Wilson (FL)
Pocan	Slaughter	Yarmuth

NOT VOTING—6

Frankel (FL)	Perlmutter	Price, Tom (GA)
Mulvaney	Pompeo	Rush

□ 1734

Mr. ZINKE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

The message also announced that the Senate has agreed to concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 1. Concurrent Resolution extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

S. Con. Res. 2. Concurrent Resolution to provide for the counting on January 6, 2017, of the electoral votes for President and Vice President of the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will make a statement with respect to the recent change on the use of electronic equipment on the House floor.

The Chair would like to take this opportunity to call to the attention of all Members the changes to rule II and rule XVII just adopted for the 115th Congress. The Sergeant at Arms is charged with enforcement of clause 3(g) rule II, which prohibits the use of electronic devices for still photography or for audio or visual recording or broadcasting in contravention of clause 5 of rule XVII and related policies.

The Chair understands that the Sergeant at Arms will enforce the prohibi-

tion with respect to violations observed firsthand on the House floor as well as violations that become apparent at a later time, such as through publication online or broadcast on television.

In the case of violations observed on the floor, the Sergeant at Arms will hand the offending Member a card noting the violation, and will follow up by sending the Member a written letter. In the case of other violations, Members will receive a written letter detailing the offending conduct.

The fine for a first offense is \$500. The fine for each subsequent offense is \$2,500. The Sergeant at Arms will endeavor to provide Members a written warning prior to assessing a fine for a first offense. Members may appeal a fine to the Committee on Ethics.

The Chair appreciates the attention of all Members to these efforts.

PARLIAMENTARY INQUIRY

Mr. CROWLEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New York will state his parliamentary inquiry.

Mr. CROWLEY. My understanding is, the more money you have, the more free speech you have. Is that what the Chair is indicating?

The more money you have, the more free speech you have in this country: Is that what you are saying?

The SPEAKER pro tempore. The gentleman from New York will state a parliamentary inquiry.

Mr. CROWLEY. I am asking, listening to what the Chair just said for the RECORD, the more money an individual has, does that mean the more free speech that individual has?

The SPEAKER pro tempore. In response to the gentleman's question, he has still not stated a parliamentary inquiry.

Mr. CROWLEY. Thank you, Mr. Speaker.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mrs. McMORRIS RODGERS. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Conaway, Chair.

COMMITTEE ON APPROPRIATIONS: Mr. Frelinghuysen, Chair.

COMMITTEE ON ARMED SERVICES: Mr. Thornberry, Chair.

COMMITTEE ON THE BUDGET: Mrs. Black, Chair.

COMMITTEE ON EDUCATION AND THE WORKFORCE: Ms. Foxx, Chair.

COMMITTEE ON ENERGY AND COMMERCE: Mr. Walden, Chair.

COMMITTEE ON ETHICS: Mrs. Brooks of Indiana, Chair, Mr. Meehan, Mr. Gowdy, Mr. Marchant, and Mr. Lance.

COMMITTEE ON FINANCIAL SERVICES: Mr. Hensarling, Chair.

COMMITTEE ON FOREIGN AFFAIRS: Mr. Royce of California, Chair.

COMMITTEE ON HOMELAND SECURITY: Mr. McCaul, Chair.

COMMITTEE ON HOUSE ADMINISTRATION: Mr. Harper, Chair, Mr. Rodney Davis of Illinois, Mrs. Comstock, Mr. Walker, Mr. Smith of Nebraska, and Mr. Loudermilk.

COMMITTEE ON THE JUDICIARY: Mr. Goodlatte, Chair.

COMMITTEE ON NATURAL RESOURCES: Mr. Bishop of Utah, Chair.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM: Mr. Chaffetz, Chair.

COMMITTEE ON RULES: Mr. Sessions, Chair, Mr. Cole, Mr. Woodall, Mr. Burgess, Mr. Collins of Georgia, Mr. Byrne, Mr. Newhouse, Mr. Buck, and Ms. Cheney.

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY: Mr. Smith of Texas, Chair.

COMMITTEE ON SMALL BUSINESS: Mr. Chabot, Chair.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Shuster, Chair.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Roe of Tennessee, Chair.

COMMITTEE ON WAYS AND MEANS: Mr. Brady of Texas, Chair.

Mrs. McMORRIS RODGERS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mrs. Lowey.

(2) COMMITTEE ON THE BUDGET.—Mr. Yarmuth.

(3) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Scott of Virginia.

(4) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Pallone

(5) COMMITTEE ON FINANCIAL SERVICES.—Ms. Waters.

(6) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Engel.

(7) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi.

(8) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Brady of Pennsylvania.

(9) COMMITTEE ON NATURAL RESOURCES.—Mr. Grijalva.

(10) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Cummings.

(11) COMMITTEE ON RULES.—Ms. Slaughter, Mr. McGovern, Mr. Hastings, and Mr. Polis.

(12) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez.