

TO ELIMINATE FLOOR PRIVILEGES AND ACCESS TO  
 MEMBER EXERCISE FACILITIES FOR FORMER MEMBERS  
 WHO ARE REGISTERED LOBBYISTS

JANUARY 31, 2006.—Referred to the House Calendar and ordered printed

Mr. DREIER, from the Committee on Rules,  
 submitted the following

R E P O R T

[To accompany H. Res. 648]

The Committee on Rules, to whom was referred the resolution (H. Res. 648) to eliminate floor privileges and access to Member exercise facilities for registered lobbyists who are former Members or officers of the House, report favorably thereon and recommend that the resolution be agreed to.

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PURPOSE AND SUMMARY

H. Res. 648, eliminates floor privileges and access to member exercise facilities for registered lobbyists who are former members or officers of the House.

BACKGROUND AND NEED FOR LEGISLATION

Clause 2(a)(15) of rule IV of the Rules of the House of Representatives for the 109th Congress (“Rules”) authorizes the admission of

former Members, Delegates, and Resident Commissioners, former Parliamentarians of the House, elected officers, and minority officer nominees to the Hall of the House or the rooms leading thereto. Currently, clause 4 of rule IV limits this privilege when that person (1) has a “direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee” or (2) are employed by an entity for the purpose of influencing the legislative work of the House.

Given the need to maintain the integrity of the House and its proceedings—and the need to prevent even the appearance of impropriety—the Committee believes that it is necessary to tighten the rules and regulations governing the access of former Members to the Floor and other exclusive facilities of the House.

#### HEARINGS

The Committee on Rules received testimony from the Honorable Vic Snyder.

#### COMMITTEE CONSIDERATION

The Committee on Rules met on January 31, 2006 in open session and ordered H. Res. 648 favorably reported to the House without amendment by a voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. No record votes were taken in conjunction with the consideration of this legislation. A motion by Mr. Hastings of Washington to report the bill to the House with a favorable recommendation was agreed to by a voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings that are reflected in this report.

#### PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The appropriate officers and employees of the House will limit access to the Hall of the House and rooms leading thereto, as well as any exercise facility exclusively available for Members, officers and former Members and officers, and their spouses, consistent with the provisions of this resolution.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

The cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available in time for the filing of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 5, clause 2 (relating to the authority of each House to determine the rules of its proceedings).

## EXCHANGE OF COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
*Washington, DC, January 31, 2006.*

Hon. DAVID DREIER,  
*Chairman, Committee on Rules,  
The Capitol, Washington, DC.*

DEAR CHAIRMAN DREIER, Section 2 of H. Res. 648 restricts the access of registered lobbyists to House exercise facilities and accordingly falls within the jurisdiction of the Committee on House Administration pursuant to Rule X (which confers jurisdiction to this Committee over services to the House and administration of the House Office Buildings). The resolution further directs the Committee on House Administration to promulgate regulations to carry out the restriction.

In recognition of the desire to move this resolution expeditiously, I will waive consideration of the bill by the Committee on House Administration. By agreeing to waive its consideration of the resolution, the Committee on House Administration does not waive its jurisdiction over the resolution.

I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your work on these issues and your attention to this matter.

Sincerely,

VERNON J. EHLERS,  
*Acting Chairman.*

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COMMITTEE ON RULES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 31, 2006.*

Hon. VERNON J. EHLERS,  
*Acting Chairman, Committee on House Administration,  
Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN EHLERS: Thank you for your letter regarding your Committee's jurisdictional interest in H. Res. 648, a resolution to eliminate floor privileges and access to member exercise facilities for former members who are registered lobbyists.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on House Administration with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and

this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

DAVID DREIER,  
*Chairman.*

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Floor Privileges of Former Members and Officers*

Clause 4(a) of Rule IV currently limits the privilege of access to the Hall of the House granted to former Members, Delegates, or Resident Commissioners, former Parliamentarians of the House, or former elected officers of the House or former minority employees nominated as elected officers of the House in clause 2(a) when that person has a direct personal or pecuniary interest in pending legislation or is in the employ of an entity attempting to influence the consideration of a legislative proposal. This section amends clause 4(a) to clarify that former Members, Delegates, or Resident Commissioners, former Parliamentarians of the House, or former elected officers of the House or former minority employees nominated as elected officers of the House do not have the privilege of the Hall of the House when that person is a registered lobbyist or agent of a foreign principal. The amended rule also retains the current restrictions against access if a person has a direct personal or pecuniary interest in pending legislation or is in the employ of an entity attempting to influence the consideration of a legislative proposal.

Subsection (b) authorizes the Speaker to promulgate regulations to exempt certain ceremonial or educational functions from the restrictions of the clause, such as a joint meeting to receive a message from a foreign head of state, a tour when the House is not in session, or Former Member's Day. The Committee expects that the Clerk of the House will assist the Sergeant-at-Arms in carrying out the provisions of this section.

##### *Section 2. Prohibiting Access to Member Exercise Facilities for Lobbyists who are Former Members or Officers*

Section 2 prohibits the House from providing access to any exercise facility which is made available exclusively to Members, 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 registered lobbyist or an agent of a foreign principal. Further, it directs the Committee on House Administration to promulgate regulations to carry out this section.

#### CHANGES IN THE STANDING RULES OF THE HOUSE MADE BY THE RESOLUTION, AS REPORTED

In compliance with clause 3(g) of rule XIII of the Rules of the House of Representatives, changes in the standing rules of the House made by the resolution, as reported, are shown as follows (existing rules proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**RULE IV—THE HALL OF THE HOUSE**

\* \* \* \* \*

4. (a) **[Former Members, Delegates, and Resident Commissioners; former Parliamentarians of the House; and former elected officers and minority employees nominated as elected officers of the House shall be entitled to the privilege of admission to the Hall of the House and rooms leading thereto only if]** *A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—*

*(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;*

**[(1) they do not have]** *(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; [and] or*

**[(2) they are not]** *(3) is in the employ of, or [do not represent] represents, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative [measure pending before the House, reported by a committee, or under consideration in any of its committees or subcommittees] proposal.*

(b) The Speaker **[shall]** *may promulgate [such] regulations [as may be necessary to implement this rule and to ensure its enforcement] that exempt ceremonial or educational functions from the restrictions of this clause.*

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