

H. Res. 6

In the House of Representatives, U.S.,

January 5, 2007.

Resolved,

Title I. Adoption of Rules of One Hundred Ninth Congress

SEC. 101. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress.

Title II. Ethics

SEC. 201. That the Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 202. ENDING THE K-STREET PROJECT.

Rule XXIII is amended by redesignating clause 14 as clause 15, and by inserting after clause 13 the following new clause:

“14. A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

“(a) take or withhold, or offer or threaten to take or withhold, an official act; or

“(b) influence, or offer or threaten to influence, the official act of another.”.

SEC. 203. BAN ON GIFTS FROM LOBBYISTS.

(a) Clause 5(a)(1)(A) of rule XXV is amended by inserting “(i)” after “(A)” and adding at the end the following:

“(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.”.

(b) Clause 5(a)(1)(B) of rule XXV is amended by inserting “not prohibited by subdivision (A)(ii)” after the parenthetical.

SEC. 204. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(1)(B) of rule XXV is further amended by inserting “(i)” after “(B)” and adding at the end the following:

“(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.”.

SEC. 205. RESTRICTION OF PRIVATELY FUNDED TRAVEL.

(a) PROHIBITION.—Clause 5(b)(1) of rule XXV is amended—

(1) in subdivision (A), by striking “from a private source” and all that follows through “prohibited by this clause” and inserting “for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs

registered lobbyists or agents of a foreign principal (except as provided in subdivision (C))”; and

(2) by adding at the end the following new subdivision:

“(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Standards of Official Conduct to implement this provision—

“(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

“(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on March 1, 2007.

SEC. 206. LOBBYIST ORGANIZATIONS AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) **IN GENERAL.**—Clause 5 of rule XXV is further amended by redesignating paragraphs (c), (d), (e), and (f) as paragraphs (e), (f), (g), and (h), respectively, and by inserting after paragraph (b) the following:

“(c)(1)(A) Except as provided in subdivision (B), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

“(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

“(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs reg-

istered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C) of this clause.

“(3) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal.

“(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source—

“(1) provide to the Committee on Standards of Official Conduct before such trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source—

“(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

“(B) that the source either—

“(i) does not retain or employ registered lobbyists or agents of a foreign principal; or

“(ii) is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

“(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as de minimis under such rules;

“(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

“(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the mean-

ing of section 101 of the Higher Education Act of 1965); and

“(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

“(2) after the Committee on Standards of Official Conduct has promulgated the regulations mandated in paragraph (i)(1)(B) of this clause, obtain the prior approval of the committee for such trip.”.

(b) CONFORMING CHANGES IN CROSS-REFERENCES.— Clause 5 of rule XXV is further amended by—

(1) in clause 5(a)(3)(E), striking “paragraph (e)(3)” and inserting “paragraph (e)(3)”; and

(2) in clause 5(e)(2) (as redesignated), striking “paragraph (d)” and inserting “paragraph (f)”.

(c) TIMELINESS OF INFORMATION.— Clause 5(b)(1)(A)(ii) of rule XXV is amended by striking “30 days” and inserting “15 days”.

(d) CONFORMING AMENDMENT.— Clause 5(b)(3) of rule XXV is amended by striking “of expenses reimbursed or to be reimbursed”.

(e) PUBLIC AVAILABILITY.— Clause 5(b)(5) of rule XXV is amended to read as follows:

“(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

SEC. 207. FURTHER LIMITATION ON THE USE OF FUNDS FOR TRAVEL.

Rule XXIII is further amended by redesignating clause 15 (as earlier redesignated) as clause 16, and by inserting after clause 14 the following new clause:

“15. (a) A Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire.

“(b) In this clause, the term ‘campaign funds’ includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act.”.

SEC. 208. EXPENSES FOR OFFICIALLY CONNECTED TRAVEL.

Clause 5 of rule XXV is further amended by adding at the end the following:

“(i)(1) Not later than 45 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary—

“(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

“(i) a connection between a trip and official duties;

“(ii) the reasonableness of an amount spent by a sponsor;

“(iii) a relationship between an event and an officially connected purpose; and

“(iv) a direct and immediate relationship between a source of funding and an event; and

“(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

“(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.”.

SEC. 209. ADDITIONAL DISCLOSURE.

Clause 5(b)(3) of rule XXV is further amended—

(a) by striking “and” after the semicolon at the end of subdivision (E);

(b) by redesignating subdivision (F) as subdivision (G); and

(c) by inserting after subdivision (E) the following new subdivision:

“(F) a description of meetings and events attended; and”.

SEC. 210. CLERICAL CORRECTION.

Clause 5(f)(1) of rule XXV (as earlier redesignated) is amended by striking “are” and inserting “is”.

SEC. 211. ANNUAL ETHICS TRAINING FOR MEMBERS, OFFICERS AND EMPLOYEES OF THE HOUSE.

(a) TRAINING PROGRAM.—Clause 3(a) of rule XI is amended by adding at the end the following new subparagraph:

“(6)(A) The committee shall offer annual ethics training to each Member, Delegate, Resident Commissioner, officer, and employee of the House. Such training shall—

“(i) involve the classes of employees for whom the committee determines such training to be appropriate; and

“(ii) include such knowledge of the Code of Official Conduct and related House rules as may be determined appropriate by the committee.

“(B)(i) A new officer or employee of the House shall receive training under this paragraph not later than 60 days after beginning service to the House.

“(ii) Not later than January 31 of each year, each officer and employee of the House shall file a certification with the committee that the officer or employee attended ethics training in the last year as established by this subparagraph.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 1, 2007.

SEC. 212. DESIGNATING COMMITTEE ON EDUCATION AND LABOR.

(a) Clause 1(e) of rule X is amended by striking “**Committee on Education and the Workforce**” and inserting “**Committee on Education and Labor**”.

(b) Clause 3(d) of rule X is amended by striking “Committee on Education and the Workforce” and inserting “Committee on Education and Labor”.

SEC. 213. DESIGNATING COMMITTEE ON FOREIGN AFFAIRS.

(a) Clause 1 of rule X is amended by—

(1) redesignating the existing paragraphs (h) through (m), as paragraphs (m), (i), (j), (h), (k), and

(l), respectively (inserting paragraph (h), as redesignated, after paragraph (g)); and

(2) in paragraph (h), as redesignated, striking “**Committee on International Relations**” and inserting “**Committee on Foreign Affairs**”.

(b) Clause 3 of rule X is amended by—

(1) redesignating the existing paragraphs (b) through (i) as paragraphs (e), (e), (d), (i), (g), (f), (b) and (h), respectively (inserting paragraph (b), as redesignated, after paragraph (a); inserting paragraph (d), as redesignated, after paragraph (c); and inserting paragraph (f), as redesignated, after paragraph (e)); and

(2) in paragraph (f), as redesignated, striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”.

(c) Clause 11(a)(1)(C) of rule X is amended by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”.

(d) Clause 2(d) of rule XII is amended by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”.

SEC. 214. DESIGNATING COMMITTEE ON NATURAL RESOURCES.

(a) Clause 1(l) of rule X (as earlier redesignated) is amended by striking “**Committee on Resources**” and inserting “**Committee on Natural Resources**”.

(b) Clause 3(h) of rule X (as earlier redesignated) is amended by striking “Committee on Resources” and inserting “Committee on Natural Resources”.

SEC. 215. DESIGNATING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.

(a) Clause 1 of rule X is further amended by—

(1) inserting paragraph (m) (as earlier redesignated), after paragraph (l) (as earlier redesignated); and

(2) in paragraph (m) (as earlier redesignated), striking “**Committee on Government Reform**” and inserting “**Committee on Oversight and Government Reform**”.

(b) Clause 2 of rule X is amended by—

(1) in paragraph (d)(1), striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”; and

(2) in paragraph (d)(2), striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”.

(c) Clause 3 of rule X is further amended by—

(1) inserting paragraph (i) (as earlier redesignated) after paragraph (h) (as earlier redesignated); and

(2) in paragraph (i), (as earlier redesignated), striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”.

(d) Clause 4 of rule X is amended by—

(1) in paragraph (c)(1), striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”; and

(2) in paragraph (c)(2), striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”.

(e) Clause 5(d)(2) of rule X is amended by striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”.

(f) Clause 4 of rule XV is amended by striking “Committee on Government Reform” and inserting “Committee on Oversight and Government Reform”.

SEC. 216. DESIGNATING COMMITTEE ON SCIENCE AND TECHNOLOGY.

(a) Clause 1(o) of rule X is amended by striking “**Committee on Science**” and inserting “**Committee on Science and Technology**”.

(b) Clause 3(k) of rule X is amended by striking “Committee on Science” and inserting “Committee on Science and Technology”.

SEC. 217. SEPARATE ORDER: NUMBERING OF BILLS

In the One Hundred Tenth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for

assignment by the Speaker to such bills as she may designate.

Title III. Civility

SEC. 301. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 302. PROPER CONDUCT OF VOTES.

Clause 2(a) of rule XX is amended by inserting after the second sentence the following sentence: “A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.”.

SEC. 303. FULL AND OPEN DEBATE IN CONFERENCE.

In rule XXII—

(a) clause 12(a) is amended by adding at the end the following new subparagraphs:

“(3) In conducting conferences with the Senate, managers on the part of the House should endeavor to ensure—

“(A) that meetings for the resolution of differences between the two Houses occur only under

circumstances in which every manager on the part of the House has notice of the meeting and a reasonable opportunity to attend;

“(B) that all provisions on which the two Houses disagree are considered as open to discussion at any meeting of a conference committee; and

“(C) that papers reflecting a conference agreement are held inviolate to change without renewal of the opportunity of all managers on the part of the House to reconsider their decisions to sign or not to sign the agreement.

“(4) Managers on the part of the House shall be provided a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not) of the final conference agreement by placing their signatures (or not) on the sheets prepared to accompany the conference report and joint explanatory statement of the managers.”.

(b) add the following new clause at the end:

“13. It shall not be in order to consider a conference report the text of which differs in any way, other than clerical, from the text that reflects the action of the conferees on all of the differences between the two Houses, as recorded by their placement of their signatures (or not) on the sheets pre-

pared to accompany the conference report and joint explanatory statement of the managers.”.

Title IV. Fiscal Responsibility

SEC. 401. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 402. RECONCILIATION.

Rule XXI is amended by adding at the end the following new clause:

“7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law reducing the surplus or increasing the deficit for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. In determining whether reconciliation directives specify

changes in law reducing the surplus or increasing the deficit, the sum of the directives for each reconciliation bill (under section 310 of the Congressional Budget Act of 1974) envisioned by that measure shall be evaluated.”.

**SEC. 403. APPLYING POINTS OF ORDER UNDER BUDGET ACT TO
BILLS AND JOINT RESOLUTIONS CONSIDERED
UNDER SPECIAL RULES.**

Rule XXI is amended by adding at the end the following new clause:

“8. With respect to measures considered pursuant to a special order of business, points of order under title III of the Congressional Budget Act of 1974 shall operate without regard to whether the measure concerned has been reported from committee. Such points of order shall operate with respect to (as the case may be)—

“(a) the form of a measure recommended by the reporting committee where the statute uses the term “as reported” (in the case of a measure that has been so reported);

“(b) the form of the measure made in order as an original bill or joint resolution for the purpose of amendment; or

“(c) the form of the measure on which the previous question is ordered directly to passage.”.

SEC. 404. CONGRESSIONAL EARMARK REFORM.

(a) POINT OF ORDER AGAINST CONGRESSIONAL EARMARKS.—Rule XXI is amended by adding at the end the following new clause:

“9. (a) It shall not be in order to consider—

“(1) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

“(2) a bill or joint resolution not reported by a committee unless the chairman of each committee of initial referral has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration;

“(3) an amendment to a bill or joint resolution to be offered at the outset of its consideration for amendment by a member of a committee of initial referral as designated in a report of the Committee on Rules to accompany a resolution prescribing a special order of business unless the proponent has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the amendment (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the proponent for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

“(4) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a state-

ment that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

“(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a). 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 that waives the application of paragraph (a). 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.

“(c) In order to be cognizable by the Chair, a point of order raised under paragraph (a) may be based only on the failure of a report, submission to the Congressional Record, or joint explanatory statement to include a list required by paragraph (a) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

“(d) For the purpose of this clause, the term ‘congressional earmark’ means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other ex-

penditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

“(e) For the purpose of this clause, the term ‘limited tax benefit’ means—

“(1) any revenue-losing provision that—

“(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

“(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

“(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

“(f) For the purpose of this clause, the term ‘limited tariff benefit’ means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) RELATED AMENDMENT TO CODE OF OFFICIAL CONDUCT.—Rule XXIII is amended—

(a) by redesignating clause 16 (as earlier redesignated) as clause 18; and

(b) by inserting after clause 15 the following new clauses:

“16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms ‘congressional earmark’, ‘limited tax benefit’, and ‘limited tariff benefit’ shall have the meanings given them in clause 9 of rule XXI.

“17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

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

“(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

“(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

“(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

“(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

“(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.”.

SEC. 405. PAY-AS-YOU-GO POINT OF ORDER.

Rule XXI is amended by adding at the end the following new clause:

“10. It shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit or reducing the surplus for either the period comprising the current fiscal year and the five fiscal years beginning with the fiscal year that ends in the following calendar year or the period comprising the current fiscal year and the ten fiscal years beginning with the fiscal year that ends in the following calendar year. The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to—

“(a) the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

“(b) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

Title V. Miscellaneous

SEC. 501. The Rules of the House of Representatives of the One Hundred Ninth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Ninth Congress, together with such amendments thereto in this resolution as may otherwise have been adopted, are adopted as the Rules of the House of Representatives of the One Hundred Tenth Congress, with the following amendments:

SEC. 502. DEPOSITION AUTHORITY.

Clause 4(c) of rule X is amended by adding at the end the following new subparagraph:

“(3)(A) The Committee on Oversight and Government Reform may adopt a rule authorizing and regulating the taking of depositions by a member or counsel of the committee, including pursuant to subpoena under clause 2(m) of rule XI (which hereby is made applicable for such purpose).

“(B) A rule adopted by the committee pursuant to this subparagraph—

“(i) may provide that a deponent be directed to subscribe an oath or affirmation before a person authorized by law to administer the same; and

“(ii) shall ensure that the minority members and staff of the committee are accorded equitable treatment

with respect to notice of and a reasonable opportunity to participate in any proceeding conducted thereunder.

“(C) Information secured pursuant to the authority described in subdivision (A) shall retain the character of discovery until offered for admission in evidence before the committee, at which time any proper objection shall be timely.”.

SEC. 503. RECORD VOTES IN THE COMMITTEE ON RULES.

The second sentence of clause 3(b) of rule XIII is amended by inserting “a report by the Committee on Rules on a rule, joint rule, or the order of business or to” after “to”.

SEC. 504. CHANGES TO REFLECT INTELLIGENCE COMMUNITY REFORM.

Clause 11 of rule X is amended by—

(a) in paragraph (b)(1)(A), striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(b) in paragraph (b)(1)(A), striking “Foreign”;

(c) in paragraph (b)(1)(D)(i), striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(d) in paragraph (b)(1)(D)(i), striking “Foreign”;

(e) in paragraph (c)(2), inserting “the Director of National Intelligence,” before “the Director of the Central Intelligence Agency”;

(f) in paragraph (e)(2), striking “Central” and inserting “National”; and

(g) in paragraph (i), striking subparagraphs (1) through (6) and inserting in lieu thereof the following:

“(1) The activities of the Director of National Intelligence and the Office of the Director of National Intelligence.

“(2) The activities of the Central Intelligence Agency.

“(3) The activities of the Defense Intelligence Agency.

“(4) The activities of the National Security Agency.

“(5) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

“(6) The intelligence and intelligence-related activities of the Department of State.

“(7) The intelligence and intelligence-related activities of the Federal Bureau of Investigation.

“(8) The intelligence and intelligence-related activities of all other departments and agencies of the executive branch.”.

SEC. 505. TECHNICAL AND CONFORMING CHANGES.

(a) Clause 12(b) of rule I is amended to read as follows:

“(b)(1) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

“(2) To suspend the business of the Committee of the Whole House on the state of the Union when notified of an imminent threat to its safety, the Chairman of the Committee of the Whole may declare an emergency recess subject to the call of the Chair.”.

(b) Clause 6(b) of rule XIII is amended to read as follows:

“(b) Pending the consideration of a report by the Committee on Rules on a rule, joint rule, or the order of business, the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the report shall have been disposed of.”.

(c) Clause 1(b) of rule XV is amended to read as follows:

“(b) Pending a motion that the House suspend the rules, the Speaker may entertain one motion that the House adjourn but may not entertain any other motion until the vote is taken on the suspension.”.

(d) In clause 2(e) of rule XV, subparagraph (1) is amended to read as follows:

“(1) If a motion prevails to discharge the Committee on Rules from consideration of a resolution, the House shall immediately consider the resolution, pending which the Speaker

may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the resolution has been disposed of. If the resolution is adopted, the House shall immediately proceed to its execution.”.

SEC. 506. SPECIAL ORDER OF BUSINESS: 9/11 SELECT PANEL.

Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a resolution to enhance intelligence oversight authority. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit which may not contain instructions.

SEC. 507. SPECIAL ORDER OF BUSINESS: 9/11 RECOMMENDATIONS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the

Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 1 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 508. SPECIAL ORDER OF BUSINESS: MINIMUM WAGE.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 2 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 509. SPECIAL ORDER OF BUSINESS: STEM CELL.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic

stem cell research. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 3 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 510. SPECIAL ORDER OF BUSINESS: PRESCRIPTION DRUGS.

(a) Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries. All points of order against the bill and against its consideration are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

(b) During consideration of H.R. 4 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 511. SEPARATE ORDERS.

(a) BUDGET MATTERS.—(1) During the One Hundred Tenth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Tenth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Tenth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement

authority under section 401 of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Tenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2008, the provisions of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Tenth Congress has adopted such a concurrent resolution.

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

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget; and

(ii) “Accounts Identified for Advance Appropriations”, which shall be considered to be the programs, projects, activities, or accounts referred to in section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

(5)(A) During the One Hundred Tenth Congress, except as provided in subsection (C), 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.

(B) If a point of order under subsection (A) 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.

(C) Subsection (A) shall not apply—

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

(ii) after disposition of a question under subsection (B) on a given bill.

(D) If a question under subsection (B) is decided in the negative, no further amendment shall be in order except—

(i) 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

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

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

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Tenth 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 section, the term “Member of the

House of Representatives” includes a Delegate or Resident Commissioner to the Congress.

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

Attest:

Clerk.