

An hourglass graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the narrow neck of the hourglass. The top bulb is filled with a dark blue color, and the bottom bulb is filled with a light blue color. The globe is centered in the narrow neck of the hourglass.

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*HOUSE RULES CHANGES AFFECTING FLOOR
PROCEEDINGS IN THE 107TH CONGRESS*

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Abstract. On the first day of the 107th Congress, the House agreed to H.Res. 5, making six substantive changes affecting its floor proceedings. These amendments facilitate use of the Corrections Calendar and voting on amendments in Committee of the Whole. They also limit votes relating to use of exhibits on the floor, and bar motions to instruct containing argument as well as proposals to name public works after sitting members of either house. Finally, the rule providing for the House to agree to change the public debt ceiling without a separate floor vote was repealed.

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House Rules Changes Affecting Floor Proceedings in the 107th Congress

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Summary

On the first day of the 107th Congress, the House agreed to H.Res. 5, making six substantive changes affecting its floor proceedings. These amendments facilitate use of the Corrections Calendar and voting on amendments in Committee of the Whole. They also limit votes relating to use of exhibits on the floor, and bar motions to instruct containing argument as well as proposals to name public works after sitting members of either house. Finally, the rule providing for the House to agree to change the public debt ceiling without a separate floor vote was repealed.

When the 107th Congress convened on January 3, 2001, the House adopted its rules for the next 2 years by agreeing to H.Res. 5. Following a well-established practice, H.Res. 5 provided for the rules of the 106th Congress, including applicable provisions of law and concurrent resolutions, to be the rules of the new Congress, but with a set of amendments proposed on behalf of the majority party conference.

H.Res. 5 made several noteworthy rules changes affecting the House's committee system, including some jurisdictional shifts between the renamed Committee on Energy and Commerce and the new Committee on Financial Services, created to replace the Committee on Banking and Financial Services.¹ By contrast, the resolution made relatively few changes affecting the House's floor proceedings, and none that are likely to have a significant impact on the legislative process on the floor. This report briefly discusses each of the six substantive rules changes that directly affect how the House transacts its legislative business on the floor.²

¹ See *Committee System Rules Changes in the House, 107th Congress*. CRS Report RS20769. January 5, 2001.

² For the text of H.Res. 5 and a section-by-section summary inserted by Rep. David Dreier (R., CA), see *Congressional Record* (daily edition), January 3, 2001, pp. H6-H11. The resolution also made a number of technical, non-substantive changes in the rules to correct problems arising from the recodification of House rules that the House adopted on the first day of the
(continued...)

Corrections Calendar. A bill placed on the Corrections Calendar no longer must satisfy 3-day layover and availability requirements before being eligible for floor consideration. During the 106th Congress, Rule XV had provided that the Speaker could, on any second or fourth Tuesday, direct the clerk to call any bill that had been on the Corrections Calendar for 3 legislative days. In addition, Rule XIII had prohibited, and continues to prohibit, the House from considering most measures reported from committee until the committee's report accompanying the measure has been available to Members for 3 calendar days (excluding weekends and holidays when the House is not in session). Rule XIII had exempted certain kinds of measures from this 3-day rule. H.Res. 5 amended Rule XIII to add an exemption for bills called from the Corrections Calendar. The resolution also amended Rule XVI to permit the Speaker, on the same 2 days of each month, to direct the clerk to call any bill that is printed on the Corrections Calendar.

Objections to Exhibits. H.Res. 5 may expedite decisions concerning the use of exhibits in debate. Clause 6 of Rule XVII had provided that, whenever there was an objection to using an exhibit, the House would decide the matter by vote and do so without debate. Clause 6 now provides that, in case of such an objection, the chair *may* "submit the question of its use to the House without debate." By implication, the chair also now has the discretion to rule on such an objection *instead* of submitting it for the House to decide by vote. This rules change may eliminate the need and opportunity for votes, including electronically recorded votes, concerning the use of exhibits.

Voting on Amendments in Committee of the Whole. H.Res. 5 amends Rule XVIII to codify a recent practice that facilitates voting on amendments in the Committee of the Whole. Beginning in 1995, the Rules Committee frequently had included in its special rules a provision that authorized the chair of the Committee of the Whole to defer, at his or her discretion, requests for record votes on amendments until later in the amending process. This authority was accompanied by the authority to reduce the time consumed by a series of electronic votes on amendments so long as the votes occurred without intervening business. The chair could reduce the time for the second and any subsequent electronic votes to a minimum of 5 minutes each so long as at least 15 minutes was allowed for Members to cast the first vote in the series.

These authorities now have been added to the standing rules, making it unnecessary for the Rules Committee to include them in its special rules. The chair of the Committee of the Whole is empowered but not obligated to exercise these authorities, and he or she may do so with respect to any amendments, whether in the first or second degree, and regardless of whether the measure in question is being considered in the Committee of the Whole under an open rule, a restrictive rule, or some other procedure.

Naming of Public Works. A new clause added to Rule XXI bars consideration of any measure, amendment, or conference report that names a "public work," such as a building or bridge, in honor of a Member, Delegate, Resident Commissioner, or Senator while that person is serving in Congress.

² (...continued)
106th Congress.

Motions to Instruct Conferees. Two changes were made affecting motions to instruct House members of conference committees. First, H.Res. 5 amended clause 7 of Rule XXII to clarify that a motion to instruct conferees is in order after a conference committee has been appointed for 20 calendar days without having filed its report, but only after the Member proposing to make such a motion has given one calendar day's notice of his or her intent to do so.

Second, the resolution added to the same clause a new paragraph that bars motions to instruct conferees and motions to recommit conference reports with instructions from including "argument." It has not been in order to offer a motion to instruct or a motion to recommit with instructions if the instructions are inconsistent with the restrictions that House rules and precedents place on the authority of its conferees. This new paragraph adds the additional restriction that these motions may not couple instructions with language arguing in support of the instructions.

Changes in the Public Debt Ceiling. H.Res. 5 repealed House Rule XXIII, which had provided for the automatic passage of House joint resolutions changing the public debt ceiling to conform with concurrent budget resolutions that the House and Senate had adopted. The rule stated that upon adoption of a concurrent budget resolution setting forth a change in the appropriate statutory limit on the public debt, the clerk of the House was to engross a joint resolution making the necessary change in the debt ceiling, as if the joint resolution were a measure that the House had considered separately and passed. The effect was for the House to approve the statutory increase (or decrease) in the debt ceiling without the need or opportunity for a separate vote on the joint resolution making that change in law.