

House Rules Affecting Committees

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Summary

The rules of the House of Representatives, especially Rules X-XIII, govern the authority and operations of its committees and subcommittees. In many respects, the House allows each of its committees to decide for itself how to conduct its business. However, the House does impose various requirements and prohibitions on its committees; and because the committees are the agents of the House, they are obligated to comply with all House directives that apply to them.

This report identifies and summarizes the provisions of the House's standing rules and certain other directives that affect committee powers, authority, activities, and operations. It is organized under seven headings: (1) general, (2) establishment and assignments, (3) hearings, markups, and other meetings, (4) reporting, (5) oversight and investigations, (6) funding, staff, and travel, and (7) other duties.

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House Rules Affecting Committees¹

Introduction

At the beginning of each Congress, the House adopts its rules of procedure for that Congress. Although it usually readopts most provisions of its rules from the previous Congress, the House also changes some aspects of its procedures for each new Congress. Rules X-XIII are the primary House rules that govern the authority and operations of House committees and subcommittees.

Because the committees are the agents of the House, they are obligated to comply with all House directives that apply to them. However, in some respects the House allows each of its committees to decide for itself how to conduct its business. For this purpose, each committee is required to adopt written rules of procedure within the limitations of House rules.

This report identifies and summarizes the provisions of the House's standing rules and certain other directives that affect committee powers, authority, activities, and operations. It does not address party conference rules, the rules adopted by individual committees that supplement House rules, or committee practices on matters not covered by House rules. The report is organized under seven headings: (1) general, (2) establishment and assignments, (3) hearings, markups, and other meetings, (4) reporting, (5) oversight and investigations, (6) funding, staff, and travel, and (7) other duties.

This report primarily covers requirements and prohibitions contained in the Rules of the House of Representatives that are of direct and general applicability to most or all House committees. The report does not encompass most other provisions of law or the House's rules that apply only to one committee, such as the Intelligence or Standards of Official Conduct Committee, or House rules governing certain appropriations hearings and the content of appropriations measures.

The summaries presented here are not intended to capture every nuance and detail of the rules themselves. Members and staff are advised to consult the text of the appropriate standing rule or provision of law.²

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²Information that supplements and interprets the provisions of House rules is contained in the *House Rules Manual* for each Congress, as well as several sources that compile or summarize House precedents: *Cannon's Procedure*, *House Practice*, *Deschler's* and *Deschler-Brown Precedents*, and *Hinds' and Cannon's Precedents*.

Committee Rules

Application of House Rules to Committees

Rule XI, clause 1(a)(1)(A)

Rule XI provides that, in general, the rules of the House "are the rules of its committees and subcommittees so far as applicable." In addition to this general principle; see *Motions to Recess* and *Reading Measures During Markup*.

Although this provision is clear in principle, it is not always obvious how it is to be applied in practice. There are various rules, for example, that govern how the House may consider measures on the floor, but this clause does not specify which of these rules is to be applicable to committees and subcommittees.

In the commentary accompanying Rule XI, the House Parliamentarian observes that:

[t]he procedures applicable in the House as in the Committee of the Whole generally apply to proceedings in committees of the House of Representatives, except that since a measure considered in committee must be read for amendment, a motion to limit debate under the five-minute rule in committee must be confined to the portion of the bill then pending. The previous question may only be moved on the measure in committee if the entire measure has been read, or considered as read, for amendment.

The Parliamentarian continues: "Committees generally conduct their business under the five-minute rule, but may employ the ordinary motions which are in order in the House...and may also employ the motion to limit debate under the five-minute rule on a proposition which has been read."

Application of Committee Rules to Subcommittees

Rule XI, clause 1(a)(2)

The rules of a committee apply to its subcommittees, "so far as applicable." Furthermore, subcommittees are subject to the authority and direction of the committee of which they are a part.

Adoption of Committee Rules

Rule XI, clause 2(a)(1)

Each committee is required to adopt written rules that "may not be inconsistent" with House rules and applicable rule-making provisions of law. For convenience, the committee's rules are to incorporate applicable provisions of clause 2 of Rule XI.

The meeting at which the committee adopts its rules is to be open to the public unless in open session the committee votes, by roll call and with a quorum present, to close part or all of the meeting.

Publication of Committee Rules

Rules Rule XI, clause 2(a)(2)

The rules that a committee adopts are to be published in the *Congressional Record* by no later than thirty days after the committee members are elected at the beginning of a Congress.

Committee Documents and Records

Activities Report

Rule XI, clause 1(d)

At the end of the Congress, each committee is to submit to the House a report on its activities during the preceding two years. The activities report is to differentiate between the committee's legislative and oversight activities. A committee chair may file an activities report after the adjournment of Congress *sine die* and without formal approval by the committee, provided the report has been available to committee members for at least seven calendar days for inclusion of supplemental, minority, and additional views.

Members' Access to Records

Rule XI, clause 2(e)(2)

The records of a committee must be kept separate from the personal office records of the chair of the committee. Committee records are the property of the House and all its Members shall have access to them; however, certain records of the Committee on Standards of Official Conduct are not available to non-committee Members without the prior approval of the Committee.

Preservation of Records

Rule VII, clauses 1, (2), and (6)

The noncurrent records of each committee are to be preserved at the National Archives and Records Administration. At the end of each Congress, the chair of each committee is to transfer the noncurrent records of the committee to the Clerk of the House. The Clerk then delivers these records to the Archivist of the United States for preservation at the Archives, but the records continue to be the property of the House.

A committee "record" is defined as "an official, permanent record of the committee (including any record of a legislative, oversight, or other activity of such committee or subcommittee thereof)."

Availability of Archived Records

Rule VII, clauses 3 and 5(a)-(b)

In general, the Archivist makes archived records publicly available under the following rules (and any orders of the House). First, any record that a committee makes publicly available before its delivery to the Archivist is to be available immediately. Second, the following records will be available after 50 years: (1) investigative records containing personal data on living individuals, (2) personnel records, and (3) records of closed hearings. Third, a committee order that specifies the time, schedule, or condition for availability of committee records shall govern, except as otherwise provided by order of the House. Finally, records other than those covered above are to be available after 30 years.

The Committee on House Administration may establish guidelines and regulations governing the applicability and implementation of House Rule VII on noncurrent records, and this rule does not supersede other House rules or authorize disclosure if prohibited by law or executive order.

Nonavailability of Archived Records

Rule VII, clause 4

An archived record of a committee is not to be available to the public if the Clerk of the House determines that availability would be "detrimental to the public interest or inconsistent with the rights and privileges of the House." The Clerk is to notify the Committee on House Administration of such determination. A committee may change any such determination by a later order.

Withdrawal of Archived Records

Rule VII, clause 5(c)

For official use, a committee may temporarily withdraw a record from the Archives.

Committee Rules on Availability of Archived Records

Rule XI, clause 2(e)(3)

As part of its written rules, each committee is to include standards for availability of archived records. The standards are to specify the committee's procedures for adopting orders (under House Rule VII) relating to the time, schedule, or condition for availability of its records, including those the Clerk of the House initially determines shall not be available to the public. The rules also should contain a requirement that nonavailability of a committee's record for a period longer than required by House rules requires committee approval.

Documents Available Electronically

Rule XI, clause 2(e)(4)

To the maximum extent feasible, committees are to make their publications available to the public in electronic form (i.e., on the Internet).

Establishment, Referrals, and Assignments

Establishment and Referrals

Establishment and Jurisdiction of Standing Committees. Rule X, clause 1

Nineteen standing committees are established, and the subjects within the jurisdiction of each committee are listed. Measures and matters are to be referred to committees based on these jurisdictions.

Number of Subcommittees. Rule X, clause 5(d); H.Res. 5, 107th Congress

In general, a House committee may not create more than five subcommittees, or six subcommittees if one of the six is an oversight subcommittee, except that Appropriations may have not more than 13 subcommittees. H.Res. 5, which the House adopted on January 3, 2001, made three more exceptions for the 107th Congress: the Committee on Government Reform may have as many as eight subcommittees and the Committees on International Relations and on Transportation and Infrastructure each may have not more than six subcommittees.

Referrals by the Speaker. Rule XII, clause 2

The Speaker is to refer a measure or other matter to each standing committee that has jurisdiction over the subject matter of any provision(s), to the maximum extent feasible.

The Speaker has authority to refer a matter to more than one committee. In such cases, he is to designate a primary committee and also may refer a measure sequentially to other committees, with time limitations for consideration of provisions within their jurisdiction, or refer portions of the measure to one or more additional committees. He also may create a special ad hoc committee to consider a matter, appointing Members with House approval and with Members from the committees of jurisdiction. The Speaker also may make other referral arrangements he deems appropriate.

Assignments

Assignment to Standing Committees. Rule X, clause 5(a)(1) and 5(e)

Members are elected to standing committees by the House based on nominations by the party caucuses as contained in resolutions. The resolutions are

privileged for floor consideration, and Members must be elected to committees by the seventh day after the beginning of a Congress.

Vacancies in standing committees also are filled by election of the House on the basis of nominations by the party conferences.

Limitation on Assignments. Rule X, clause 5(b)(2)

No Member may serve on more than six standing panels: two standing committees and four of their subcommittees. However, the chair or ranking member of a full committee may serve ex officio on all its subcommittees. Any other exceptions must be recommended by the pertinent party conference and approved by the House.

Chairmanship Election and Limitation. Rule X, clause (5)(c)

The House elects the chair of each standing committee on the basis of a nomination submitted by the majority party conference. In case of the temporary absence of the chairman, the next ranking majority party member acts as chairman. In case of a permanent vacancy, the House elects a new committee chairman.

In general, a Member may not chair a particular standing committee or subcommittee for more than three consecutive terms (beginning with the 104th Congress).

Select and Conference Committees. Rule I, clause 11, and Rule III, clause 3(b)

The Speaker is authorized to appoint members of select and conference committees, and may remove members or appoint additional members at any time. He may appoint the Resident Commissioner from Puerto Rico and the Delegates to any select or conference committee.

To the maximum extent feasible in naming conferees, the Speaker is to (1) appoint no less than a majority of Members who generally supported the House position, (2) name the Members who were primarily responsible for the legislation, and (3) include the principal proponents of the major provisions of the measure as passed by the House.

Party Membership. Rule X, clause 5(b)(1)

Membership on standing committees during a Congress is contingent upon continued membership in the party conference to which the Member belonged when assigned to committees. If a Member ceases to be a member of a particular party, the Member automatically loses his or her committee assignments.

Committee Service of the Resident Commissioner and Delegates. Rule III, clause 3(a)

The Delegates and the Resident Commissioner from Puerto Rico are elected to standing committees by the same procedures, and have the same "powers and privileges" in committees, as Members of the House.

Hearings, Markups, and Other Meetings

General

Authority to Meet. Rule XI, clause 2(m)(1)(A)

To carry out its authorized functions and duties, each committee and subcommittee is empowered "to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary. . . ."

Committee Sessions During Joint Sessions and Meetings. Rule XI, clause 2(i)

No committee of the House may meet during a joint session or meeting of the House and Senate.

Presiding at Committee Meetings. Rule XI, clause 2(d)

The committee chairman may designate a member of the majority party to be the vice chairman of the committee or one of its subcommittees. The vice chairman shall preside over the committee or subcommittee in the temporary absence of its chairman. In the absence of the chairman and the vice chairman, the most senior member of the majority party shall preside.

Motions to Recess. Rule XI, clause 1(a)(1)

In committee and subcommittee, a motion to recess from day to day is privileged and nondebatable.

Broadcasting Sessions. Rule XI, clause 4

Any committee or subcommittee meeting or hearing that is open to the public also is open to still photography and to radio and television coverage.

A committee may adopt, as part of its written rules, procedures regulating photography and broadcasts of its meetings and hearings, but these committee rules must conform with the 12 requirements and stipulations laid out in this clause of House Rule XI. Among other issues, these requirements pertain to coverage of sessions without commercial sponsorship; positions and placement of television cameras and location of photographers; installation and removal of media equipment; lighting; allocation of the number of still photographers; accreditation by the press galleries; and conduct of media personnel.

Records of Committee Sessions. Rule XI, clause 2(e)(1)(A)

Hearing and markup transcripts kept by a committee must be substantially verbatim. A person may make only technical, typographical, and grammatical corrections in his or her remarks.

Hearings

Public Announcement. Rule XI, clause 2(g)(3)

A committee is to give at least one week's public notice of the date, place, and subject of any hearing. If the committee, or the chair with the concurrence of the ranking minority member, decides that there is "good cause" to begin the hearing in less than a week, the public announcement should be made as soon as possible. The announcement is to appear in the "Daily Digest" section of the *Congressional Record* and is to be "made available in electronic form."

These requirements do not apply to the Rules Committee.

Subject of Hearing. Rule XI, clause 2(k)(1)

In an opening statement, the chair is to announce the subject of the hearing.

Quorum at Hearing. Rule XI, clause 2(h)(2)

Each committee may set its own quorum for conducting a hearing, so long as that quorum is at least two members.

Subpoena. Rule XI, clause 2(m)

A committee or subcommittee may subpoena witnesses or any materials necessary to carry out its authorized responsibilities. A subpoena may be authorized and issued by a committee or subcommittee with a majority quorum present, but this authority may be delegated to the committee chair in accordance with any limitations or rules the committee may establish.

The chair, or any Member designated by the committee, signs authorized subpoenas. Compliance with a subpoena may be enforced only by the House.

Witnesses Selected by the Minority. Rule XI, clause 2(j)(1)

The minority party members of a committee are entitled to call witnesses of their choice "during at least one day of hearing" on a measure or matter, but only if a majority of the committee's minority party members make such a request of the chairman "before the completion of the hearing."

Administering the Oath. Rule XI, clause 2(m)(2)

"The chairman of the committee, or any member designated by the chairman, may administer oaths to witnesses."

Statements of Witnesses. Rule XI, clause 2(g)(4)

To the extent practicable, each witness is to submit a written statement before he or she testifies, and to present only a summary as his or her oral testimony. As part of the written statement, a non-governmental witness is required to include a resume and information on federal grants and contracts received by the witness or the organization being represented during the current and previous two fiscal years.

Questioning Witnesses. Rule XI, clause 2(j)(2)

In general, each committee member shall have five minutes to question each witness until all committee members have had that opportunity. However, a committee may extend the time for questioning witnesses by adopting a rule or motion to allow a specified number of its majority and minority party members to question a witness for no more than a total of one hour, with the time to be equally divided between the parties. Similarly, a committee may adopt a rule or motion allowing its majority and minority staff to question a witness for equal periods of time, not to exceed one hour in total.

Rights of Witnesses. Rule XI, clause 2(k)

Upon request, witnesses are entitled to receive a copy of the committee's rules and clause 2 of House Rule XI. Witnesses also may be accompanied by counsel "for the purpose of advising them concerning their constitutional rights." The chair may punish "breaches of order and decorum, and of professional ethics" by counsel, and a committee may cite an offender to the House for contempt.

At the discretion of the committee, a witness may submit a sworn, written statement for inclusion in the hearing record. A witness may obtain a transcript of testimony given in open session, but needs the authorization of the committee for a copy of testimony presented in closed session.

Open Hearings. Rule XI, clauses 2(g)(2) and 2(k)(5)

Each committee and subcommittee hearing is to be open to the public unless the committee or subcommittee votes in open session, by roll call and *with a majority present*, to close part or all of the hearing on that day. A committee or subcommittee may vote to close part or all of a hearing if disclosure of the matters to be considered at the session "would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House."

A majority of whatever quorum a committee requires to conduct a hearing may vote to close a hearing (1) whenever a member of the committee has asserted that the anticipated testimony "may tend to defame, degrade, or incriminate any person," or (2) whenever a witness has asserted that his or her testimony "may tend to defame, degrade, or incriminate" that witness, or (3) solely to discuss whether there is a cause, pursuant to clause 2 of Rule XI, to resume the hearing in closed session.

If a committee member asserts that testimony may tend to defame, degrade or incriminate a person who is not a witness, that person shall have the opportunity to appear as a witness and to request that the committee subpoena additional witnesses.

In other cases, the chair receives and the committee disposes of requests to subpoena witnesses.

Evidence or testimony taken in closed session may not be made public without the approval of the committee.

By these procedures, most committees or subcommittees may vote to close a particular day of hearing and one subsequent day of hearing. The Appropriations and Armed Services Committees and the Permanent Select Committee on Intelligence, and their subcommittees, may vote to close up to five additional consecutive days of hearings.

Members of the House may attend, but not participate in, hearings of committees or subcommittees (except the Committee on Standards of Official Conduct) on which they do not serve, unless the House votes to authorize a committee or subcommittee to use the procedures for closing hearings to the public (clause 2(g)(2)) to close one or more hearings on a particular measure or subject to non-committee members.

See also *Broadcasting Sessions* and *Open Meetings*.

Printing of Hearings. Rule XI, clause 1(c)

Each committee is authorized to have its hearings printed and bound.

Availability of Printed Hearings. Rule XIII, clause 4(b)

"A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates and the Resident Commissioner before the consideration of the measure or matter in the House."

Preservation of Committee Hearings. Sec. 141 of the Legislative Reorganization Act of 1946, codified as amended at 2 U.S.C. 145a

At the end of each session of Congress, each committee's printed hearings are to be bound by the Library of Congress.

Enforcement of Hearing Requirements. Rule XI, clause 2(g)(5)

A point of order cannot be made on the House floor on the grounds that the committee reporting the measure in question had not complied with all the requirements concerning hearings in clause 2 of Rule XI unless (1) the point of order is made on the floor by a member of the reporting committee, and (2) the point of order had been properly made in committee but had been "improperly disposed of in the committee."

Markups and Other Business Meetings

Regular Meeting Day. Rule XI, clause 2(b)

As part of its written rules, each committee is to adopt a regular meeting day, which is to be at least once each month.

The committee is to meet on each of its regular meeting days "unless otherwise provided by written rule adopted by the committee." The latter provision allows the committee to dispense with meetings when there is no business that is ready to be transacted. Committee rules can authorize the chairman to dispense with such a meeting or fix some other procedure for the same purpose.

Additional Committee Meetings. Rule XI, clause 2(c)

The chairman of a committee is authorized to convene additional meetings to consider legislation or to transact other committee business.

In addition, three members of a committee may make a written request that the chairman call a special meeting only for a specified purpose. If, within three days of receiving the request, the chairman does not schedule the requested meeting to take place within seven days after the request was made, a majority of the committee can call the special meeting by submitting to the committee office a written notice giving the date and time of the meeting and the measure or matter to be considered.

Open Meetings. Rule XI, clause 2(g)(1)

The requirement that hearings be open to the public, unless closed under specified procedures, applies to meetings as well. A committee or subcommittee may vote in open session, by roll call and with a majority present, to close part or all of the day's meeting, but only for certain reasons.

A committee or subcommittee may vote to close part or all of a meeting only if disclosure of the matters to be considered at the meeting "would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate a law or rule of the House."

If the committee or subcommittee votes to close part or all of a meeting, it may be attended only by committee members and by such non-members, committee staff, and "departmental representatives as the committee may authorize.

See also *Open Hearings* and *Broadcasting Sessions*.

Quorum at Meeting. Rule XI, clause 2(h)(3)

A committee may set its own quorum requirement for transacting most kinds of business, so long as that quorum is not less than one-third of the committee's members. (Other provisions of House rules require a majority quorum to order a measure or matter to be reported, to authorize a subpoena, or to close a session to the public.)

This provision does not apply to the Appropriations, Budget, and Ways and Means Committees.

See also *Quorum at Hearing*.

Reading Measures During Markups. Rule XI, clause 1(a)(1)

In committee and subcommittee, a motion to dispense with the first reading of a measure is privileged and nondebatable, but only if "printed copies" of the measure are available.

When a committee or subcommittee begins to mark up a measure, it is to be read in full unless the reading is dispensed with by unanimous consent or by use of this motion.

Proxy Voting. Rule XI, clause 2(f)

Proxy voting is prohibited in committees and subcommittees.

Records of Rollcall Votes. Rule XI, clause 2(e)(1)

As part of its records, the committee shall maintain a record of all rollcall votes. The committee shall make this information available for public inspection in its offices.

The information on each rollcall vote shall include a description of the question as well as the names of members voting for and against it and those present but not voting.

Reporting

General

Quorum for Reporting. Rule XI, clause 2(h)(1)

"A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present."

This provision also applies to subcommittees, and requires that the majority be present during the vote to order the measure or matter reported.

Timely Filing of Reports. Rule XIII, clause 2(b)

After a committee has ordered a measure reported, the chairman is required to ensure that it is reported promptly to the House, and "to take or cause to be taken steps necessary to bring the measure or matter to a vote."

If a majority of a committee's members so request in writing, the report on a measure the committee has approved must be filed within seven more calendar days (excluding days when the House is not in session).

The latter procedure does not apply to reports of the Rules Committee on the House's rules or its order of business on the floor (i.e., "special rules") or to reports on resolutions of inquiry.

Appropriations and Tax Provisions. Rule XXI, clause 5(a)-(b)

"A bill or joint resolution carrying an appropriation may not be reported by a committee not having jurisdiction to report appropriations...."

"A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures...."

Budget Legislation. Sec. 306 of the Congressional Budget Act, codified as amended at 2 U.S.C. 637

Measures (and in general amendments, motions, or conference reports) dealing with matter within the jurisdiction of the Budget Committee will be considered in the House only if reported by (or discharged from) the Budget Committee.

Federal Intergovernmental Mandates. Sec. 425 of the Congressional Budget Act, as amended by P.L. 104-4, the Unfunded Mandates Reform Act of 1995, 109 Stat 50

The House is not to consider a bill or joint resolution that would increase "the direct costs of Federal intergovernmental mandates" by certain amounts unless the measure also satisfies certain qualifications specified in the same section of the law.

Layover Requirements. Rule XIII, clause 4(a)

With several exceptions, it is not in order for the House to consider a measure or matter until at least the third calendar day (excluding weekends and legal holidays) on which the committee report on it has been available to Members.

This "three-day rule" does not apply to (1) resolutions reported by the Rules Committee, which are subject to a one-day layover requirement (clause 6(a) of Rule XIII), (2) concurrent budget resolutions reported by the Budget Committee, for which there is a five-day layover requirement (Sec. 305(a)(1) of the Congressional Budget Act, as amended), (3) resolutions presenting questions of the privileges of the House, (4) measures declaring war or a national emergency, and (5) resolutions of disapproval (legislative veto resolution).

It always is in order for the House to consider a resolution, reported by the Rules Committee, that specifically waives the three-day rule. Such a resolution is not subject to the one-day layover rule of Rule XIII, clause 6(a).

Resolutions of Inquiry. Rule XIII, clause 7

If a committee fails to report a resolution of inquiry addressed to the head of an executive department within fourteen legislative days after it is introduced, a

privileged motion is in order to discharge the committee from further consideration of the resolution.

Content of Committee Reports

Other Views. Rule XI, clause 2(l); Rule XIII, clause 2(c)

At the time a committee votes to approve any measure or matter, any committee member may give notice of his or her intention to file "supplemental, minority, or additional views." If such notice is given, the member then has at least two calendar days after the day of the notice (excluding weekends and legal holidays) to submit those views in writing to the committee. A committee may arrange to file its report up to one hour after the two days permitted for filing views, or sooner if the committee has received all views. If any views are submitted within the deadline, they are to be printed as part of the committee's report on the measure or matter.

Rollcall Votes Taken. Rule XIII, clause 3(b)

The committee report on any public "measure or matter" shall include the names and numbers of committee members voting for and against, as well as the total number of votes cast, during any rollcall votes that took place in committee on reporting the measure or matter or on adopting amendments to it.

This requirement does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

Cost Estimates. Rule XIII, clauses 3(c)(3) and 3(d)(2)-(3); Sec. 403 of the Congressional Budget Act, codified as amended at 2 U.S.C. 653

Under Sec. 403 of the Congressional Budget Act, as amended, the Congressional Budget Office (CBO) is to prepare, "to the extent practicable," a cost estimate for any public bill or resolution reported by any House or Senate committee except the Appropriations Committees. The estimate is to project the cost of implementing the measure during the fiscal year in which it would take effect and each of the next four fiscal years.

CBO also is to estimate, for the same fiscal years, the costs that State and local governments would incur in implementing or complying with a "significant" public bill or resolution. ("Significant" is defined in Sec. 403(c).)

Finally, CBO is to compare its cost estimates with other estimates made by the reporting committee or by "any Federal agency."

Sec. 403 and clause 3(c) of Rule XIII require a committee to include such a CBO cost estimate in the committee's report on a measure if CBO submits its estimate in time for the committee to include it.

Under clause 3(d)(2) of Rule XIII, in the absence of a CBO cost estimate, the committee is to prepare and include in its report its own estimate of how much it will cost to implement a public bill or joint resolution during the fiscal year in which it

is reported and in each of the five following fiscal years. If a committee is required to prepare its own estimate, it shall include a comparison of (1) the committee's cost estimate with any other estimate that the committee receives from "a Government agency" (defined in clause 3(d)(3)(A)), and (2) the funding levels proposed by the measure with any corresponding levels under current law.

This clause does not apply to the Committees on Appropriations, House Administration, Rules, and Standards of Official Conduct.

Budgetary and Fiscal Impact. Rule XIII, clause 3(c)(2); Sec. 308(a)(1) of the Congressional Budget Act, codified as amended at 2 U.S.C. 639

In addition to estimating the cost of legislation (described above), CBO is to furnish information on providing for the cost of the legislation. Specifically, sec. 308(a) directs CBO to prepare a statement on the budgetary and fiscal impact of any reported measure or committee amendment, if it provides new budget authority, new spending authority (under Sec. 401(c)(2) of the Act), new credit authority, or an increase or decrease in revenues or tax expenditures.

The statement shall:

- (1) show the impact of the measure on the applicable sub-allocations under Sec. 302(b) of the Act;
- (2) identify any new spending authority under Sec. 401(c)(2), which defines entitlements, and explain why the committee chose that funding mechanism in preference to annual appropriations;
- (3) project the measure's impact on new budget authority, outlays, spending authority, revenues, tax expenditures, direct loan obligations, or primary loan guarantee commitments under existing law for the fiscal year in which the measure would become effective and each of the four following fiscal years; and
- (4) estimate the level of new budget authority the measure provides for assistance to State and local governments.

The committee is to include this statement in its report on the measure (or make it available to the House in the case of a committee amendment that is not reported to the House). The latter two components of the statement are to be included in the committee's report only if either or both are "timely submitted before such report is filed."

These requirements do not apply to continuing resolutions.

Clause 3(c)(2) of Rule XIII reiterates the requirement for these CBO statements to be included in committee reports, and adds that, with respect to new budget authority, they "shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law."

"Ramseyer Rule" Print. Rule XIII, clause 3(e)

When a committee reports a bill or joint resolution that would repeal or change all or part of some existing law, the accompanying committee report shall reprint the portion of existing law that would be repealed and show, by using different typographical devices, how existing law would be amended to read if the measure were to be enacted. However, if the committee reports the measure with one or more amendments, this requirement applies to the committee amendment(s), not to the measure as introduced.

This requirement is popularly known as the "Ramseyer Rule" in honor of Rep. Ramseyer of Iowa, who served in the House during 1915-1933. The comparative print sometimes is known simply as "the Ramseyer."

Oversight Findings. Rule XIII, clause 3(c)(1)

The committee report on any measure is to include any pertinent oversight findings and recommendations by the committee, pursuant to clause 2(b)(1) of Rule X. This requirement does not apply to the Appropriations Committees.

Performance Goals and Objectives. Rule XIII, clause 3(c)(4)

The committee report on any measure also is to include "[a] statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding."

Constitutional Authority Statement. Rule XIII, clause 3(d)(1)

The committee report on a public bill or joint resolution shall include a statement citing the specific powers granted to Congress by the Constitution to enact the proposed law.

Applicability to Congress.; Sec. 102(b)(3) of P.L. 104-1, the Congressional Accountability Act of 1995; 109 Stat 6

The committee report accompanying a bill or joint resolution "relating to terms and conditions of employment or access to public services or accommodations" is to describe how the provisions of the measure apply to Congress or why they do not.

A point of order can be made against House consideration of a bill if the accompanying report does not comply with this requirement, but the requirement may be waived by majority vote.

Federal Mandates. Sections 423-426 of the Congressional Budget Act, as amended by P.L. 104-4, the Unfunded Mandates Reform Act of 1995, 109 Stat 50

The Unfunded Mandates Reform Act of 1995, P.L. 104-4, added to the Budget Act new Sections 423-426 concerning committee reports on public bills and joint resolutions that may contain Federal mandates. The committee is to prepare and print in its report a statement on the matters required by Sec. 423, and also to include (or

have printed in the *Congressional Record*) any statement prepared and submitted by CBO pursuant to Sec. 424.

Under Sec. 425, it is not in order for the House to consider a measure if the accompanying report fails to include any required CBO statement. Sec. 426 governs waivers of Sec. 425.

Federal Advisory Committees. Sec. 5(b) of the Federal Advisory Committee Act of 1972, codified as amended at 5 U.S.C Appendix

In considering legislation to establish or authorize a Federal advisory committee, a House or Senate committee is to determine "and report such determination" as to whether the functions of the proposed committee are or could be performed by an existing agency or advisory committee or by "enlarging the mandate" of an existing advisory committee.

Cover Page of Committee Report. Rule XIII, clause 3(a)

The cover of the committee report on a measure or matter shall so indicate whenever it includes any supplemental, minority, or additional views, or whenever it contains the CBO cost estimate or oversight findings and recommendations made by the Committee on Government Reform.

Oversight and Investigations

Powers, Plans, and Organization

General Oversight Responsibilities. Rule X, clause 2(b)

Standing committees are charged with continually overseeing the "application, administration, execution, and effectiveness" of laws and programs within their jurisdictions, as well as the agencies responsible for administering or executing these laws and programs. Committees also must review the need for new legislation, and conduct future research and forecasting within their jurisdictions. This clause does not apply to the Committee on Appropriations.

Special Oversight Functions. Rule X, clause 3

Several committees have special oversight duties, primarily to oversee issues that fall within the purview of multiple standing committees.

Review of Tax Policies. Rule X, clause 2(c)

Standing committees are to review and study the impact or the probable impact of tax policies affecting subjects within their jurisdictions.

Adoption of Oversight Plan. Rule X, clause 2(d)(1)

Each standing committee is required to adopt an oversight plan for each Congress. In developing the plan, to the maximum extent feasible each committee must consult and coordinate with other committees; give priority of review to permanent laws, programs, or agencies; and look to review significant laws, programs, or agencies at least every ten years.

In developing its plan, each committee is to “review specific problems with federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals....”

The oversight plan must be adopted in open session by February 15 of the first session of a Congress, and must be submitted to both the Committee on Government Reform and the Committee on House Administration. After consultation with the leadership, the Committee on Government Reform must report these plans to the House by March 31 together with any recommendations to promote effective and coordinated oversight.

Establishment of Oversight Subcommittees. Rule X, clauses 2(b) and 5(d)

Most standing committees with more than 20 members must either create separate oversight subcommittees or require their subcommittees (if any) to conduct oversight within their respective jurisdictions.

An oversight subcommittee does not count against the limit of five subcommittees that most committees may establish pursuant to Rule X, clause 5(d).

Establishment of Ad Hoc Oversight Committees. Rule X, clause 2(e)

With the approval of the House, the Speaker may appoint ad hoc oversight committees to review matters that fall within the jurisdiction of two or more standing committees.

Studies and Investigations. Rule XI, clause 1(b)(1)

Each committee is authorized to conduct studies and investigations at any time, and to incur related expenses.

Reports

Reports Considered as Read. Rule XI, clause 1(b)(2)

An oversight or investigative report will be considered as read in committee if it has been available to the members for at least 24 hours prior to its consideration. Weekends and legal holidays are excluded, unless the House is in session.

Filing Joint Reports. Rule XI, clause 1(b)(3)

A report on an investigation or study conducted by two or more committees can be filed jointly. Each committee must independently comply with all requirements for approving and filing the report.

Filing After Adjournment. Rule XI, clause 1(b)(4)

An oversight or investigative report may be filed after the adjournment of Congress *sine die*, provided that members who make timely requests have at least seven calendar days for inclusion of supplemental, minority, and additional views.

Funding, Staff, and Travel

Funding

Biennial Funds. Rule X, clause 6(a) and 5(c)

Committees are to be authorized funds for each Congress through a "primary expense resolution" reported by the Committee on House Administration. The resolution may be considered in the House only if the report thereon has been available for one calendar day. The report must contain the total level of funds to be provided to the committee, and to the extent practicable should contain statements on expenses for the committee's anticipated activities and programs.

The Committee on Appropriations is exempt from this process. Further, the provision does not apply to (1) any interim resolution providing funds from the beginning of a first session of Congress until the adoption of the primary expense resolution, and (2) any resolution providing additional equipment, stamps, supplies, or staff for all standing committees that contains an authorization for these items subject to enactment of the resolution as permanent law.

Committee Reserve Fund. Rule X, clause 6(a)

A primary expense resolution may contain a reserve fund for unanticipated needs of committees. Funds from the reserve may be allocated to a committee only with the approval of the Committee on House Administration.

Automatic Interim Funding. Rule X, clause 7

Committees are provided automatic interim funding until the adoption of a primary funding resolution. From January 3 until March 31 of each new Congress, committees are authorized funds from the salary and expenses account of the House at a monthly rate of nine percent of the last session's level or at a lower level set by the Committee on House Oversight. Interim funds shall be spent in accordance with regulations prescribed by the Committee on House Administration.

Payment of expenses is to be made on vouchers authorized by the committee, signed by the chair, and approved by the Committee on House Administration. However, until the election of committee members at the beginning of a Congress, a committee's vouchers are to be signed by the chair in the last Congress or, if that individual is no longer a Member, the ranking majority party member returning to Congress.

These provisions apply to select committees established by resolution in the preceding Congress if (1) no resolution terminating the funding of the select committee was agreed to during the previous Congress, and (2) a resolution to reestablish the select committee has been introduced. Further, they apply to all committees only insofar as they are "not inconsistent with" any resolution reported by the Committee on House Administration and agreed to after the adoption of House rules.

Supplemental Funds. Rule X, clauses 6(b) and 6(c)

After its initial authorization of funds, a committee may receive supplemental funds through a resolution reported by the Committee on House Administration. This resolution may be considered in the House only if the report thereon has been available for one calendar day. The report must contain the amount of additional funds to be provided, the purpose(s) of those funds, and the reason(s) the funds were not provided in the primary expense resolution.

As with the provision on biennial funds, this provision does not apply to any interim funding resolution at the outset of a Congress, and any resolution providing specified items and funds for the same to all committees, subject to enactment as permanent law.

Staff

Appointment of Professional Staff. Rule X, clause 9(a)(1) and 9(d)

By majority vote, each standing committee may appoint not more than 30 professional staff. These staff are assigned to the chair and the ranking minority member "as the committee deems advisable."

This provision does not apply to the Committee on Appropriations, which sets its own staff level subject to appropriations of funds (under clause 9(d)).

Appointment of Minority Party Staff. Rule X, clause 9(a)(2), 9(f), and 9(h)

By majority vote, the minority party members on a standing committee may select one-third (up to ten) of the professional staff, unless ten individuals

satisfactory to them have already been assigned. When staff are chosen by the minority, they will be appointed if acceptable to a majority of the committee. If any is deemed unacceptable, the minority party members make another selection. If the minority party requests the appointment of a staff member and none of the 30 professional slots is vacant, the individual will serve as an additional professional staff member until an appropriate vacancy arises.

Minority staff are assigned to committee work by the minority party members.

These provisions do not apply to the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence.

Treatment of Minority Party Staff. Rule X, clause 9(g)

Minority staff are to be given "equitable treatment" with respect to pay, assignment of work facilities, and accessibility of committee records.

Non-partisan Staff. Rule X, clause 9(i)

By vote of a majority of each party, a committee may employ non-partisan staff in lieu of or in addition to staff designated exclusively for the majority or the minority party.

Duties of Professional Staff. Rule X, clauses 9(b)(1) and 9(b)(2)

Professional staff may work only on committee business. This requirement does not apply to "associate" staff or "shared" staff not paid exclusively by the committee, so long as the chair certifies that the salary paid by the committee is commensurate with work performed for the committee.

This provision does not apply to the Committee on Appropriations.

Associate and Shared Staff. Rule X, clause 9(b)(3)

A committee's use of "associate" or "shared" staff is subject to the review of the Committee on House Administration, and to any terms, conditions, or limitations established by this Committee in connection with its report of a funding resolution.

This provision does not apply to the Committee on Appropriations.

Salaries of Staff. Rule X, clause 9(c)

The chair of a standing committee sets the annual salary of each staff member of the committee; such salary may not exceed the maximum set in law.

Detailed Staff. Rule X, clause 9(e)

Staff may not be detailed to a committee from any Government agency or department without the written permission of the Committee on House Administration.

Subcommittee Staff. Rule X, clause 6(d)

From the funds available for staff, the chair of each committee is to "ensure that sufficient staff is made available to each subcommittee" and that the committee's minority party members are "fairly treated in the appointment of such staff."

Consultants and Training. Sections 303-304 of the Legislative Reorganization Act of 1970, codified as amended at 2 U.S.C. 72(a) (i) and (j)

With the approval of the Committee on House Administration, standing committees may hire consultants and obtain specialized training for professional staff.

Travel

Travel by Non-Returning Members. Rule XXV, clause 10

Committee funding resolutions may not pay for the travel expenses of committee members (1) after the date of the general election, if they are defeated, or (2) after the earlier of the date of the general election or the date of *sine die* adjournment, if they are not seeking re-election. Local currencies owned by the United States may not be used to pay foreign travel expenses of committee members under the same circumstances.

Local Currency for Foreign Travel. Rule X, clause 8(a)

Committees may use local currencies owned by the United States when carrying out official duties outside the United States, its territories, or possessions. A committee may not use appropriated funds for expenses in any country if local currencies are available for this purpose.

Reimbursement for Foreign Travel. Rule X, clause 8(b)-(c)

On any day of foreign travel, committee Members and staff may not receive or spend more local currency than the maximum per diem in law. Similarly, where local currencies are unavailable, committee Members and staff may not receive reimbursement for expenses (other than transportation) in excess of the maximum per diem contained in law. In addition, any reimbursement for foreign travel expenses will be at the lesser of the per diem rate or the level of actual expenses (other than transportation).

Reimbursement for Transportation. Rule X, clause 8(d)

Committee Members and staff may be reimbursed for the cost of transportation related to foreign travel only if they have "actually paid for the transportation."

Foreign Travel Reports. Rule X, clause 8(b)(3)

Within 60 days of completing travel to a foreign country, each committee Member or staffer must file a report listing the dates of travel, the amount of per diem and transportation furnished and spent, and funds expended for any other official purpose. The reports are to be filed with the committee chair and to be open for public inspection.

Other Duties

Spending

Annual Appropriations. Rule X, clause 4(e)

In general each standing committee is to ensure that continuing programs and activities are appropriated annually, and must review programs that are not appropriated annually to determine whether changes would allow them to be.

Views and Estimates. Rule X, clause 4(f)(1)

Each standing committee must submit to the Committee on the Budget its views and estimates on spending within its jurisdiction. These statements are to be submitted no later than six weeks after the President submits his budget or at such time as the Budget Committee requests.

Additional Functions

Rule X, clause 4(a)-4(e)

The clause assigns particular functions and duties to the Committees on Appropriations, Budget, Government Reform, and House Administration.

Related CRS Reports

Related CRS reports that are updated periodically include those listed below.

The Committee System in the U.S. Congress. Library of Congress, CRS Report 97-625.

Committees of the United States House of Representatives. Library of Congress, CRS Report 97-524.

House Committee Organization and Process: A Brief Overview. Library of Congress, CRS Report RS20465.

Hearings in the House of Representatives: A Guide for Preparation and Procedure. Library of Congress, CRS Report RL30539.

House Committee Reports: Required Contents. Library of Congress, CRS Report 98-169.

House Rules and Precedents Affecting Committee Markup Procedures. Library of Congress, CRS Report 97-1045.

The Committee Markup Process in the House of Representatives. Library of Congress, CRS Report RL30244.