

House Rules Changes Relevant to Committees in the 113th Congress

The rules package for the 113th Congress, contained in H. Res. 5, contains a number of changes to the House Rules. While most of the changes address other topics, a few of the changes either directly affect or can impact committee operations. The following is intended to provide some initial clarification on the changes. If you have questions, please contact us at extension 5-9191.

ACTIVITY REPORTS

The activity report requirement in clause 1(d) of rule XI was changed to make the requirement annual, rather than semiannual. Under the revised requirement, the report must be filed with the House by January 2 of each year. Because the reports are limited to the end of each year, so long as they are circulated to the committee members after December 15, no markup is required. The Rules Committee also advises that the second report of each congress should be cumulative to ensure that the final volume is complete for each congress.

CHANGES TO THE RAMSEYER RULE & CITATION STANDARDS

H. Res. 5 also contains two provisions that could affect drafting of bills and reports. First, the resolution contains a separate order intended to increase the use of United States Code citations. Second, it amends the “Ramseyer” comparative print requirement for committee reports to include “adjacent” provisions to the amendments in the Ramseyer if, in the opinion of the chair of the committee, inclusion of the additional material would be useful to understanding the amendment. The Rules Committee is working with the House Office of Legislative Counsel to implement these provisions and will provide further guidance to committees in the future if needed.

STATEMENT ON PROGRAM DUPLICATION

The intention of this provision is to ensure that committees are looking for other similar Federal programs when creating or reauthorizing programs in their jurisdiction. The

rule has two components: (1) the Chair *may* request that the GAO perform a “duplication analysis” to determine whether the proposed program duplicates another, and (2) the Chair is ***required to include a statement in the report*** indicating that the Chair checked GAO reports and the Catalog of Federal Domestic Assistance to determine whether the proposed program is duplicative.

This provision has the same force and effect as any other statement required to be included in a report pursuant to rule XIII or XXI.

DISCLOSURE OF “DIRECTED” RULE MAKINGS

The intention of this provision is to provide data on the number of instances where an executive branch official is *specifically directed* to promulgate a rule pursuant to legislation. The statement should be a simple tally of provisions, e.g. “The chair estimates that this legislation directs [the Secretary of Transportation] to conduct 5 rule making proceedings,” or “the chair does not believe that the legislation directs an executive branch official to conduct any specific rule making proceedings.”

The intention is to require the statement in cases where the number of required rule making proceedings can be easily quantified; where the grant of authority is discretionary (e.g. “The Secretary may by regulation exempt individuals from these requirements.”), there is no ability to easily count the rule makings and therefore no disclosure is required.

This is an area that will require some refinement over the next several months, and we expect the Rules Committee to issue more detailed guidance soon.