

## H. RES. 6

### ADOPTING THE RULES FOR THE 116<sup>th</sup> CONGRESS

#### SECTION-BY-SECTION ANALYSIS

##### **Title I. Rules of the One Hundred Sixteenth Congress**

##### ***Section 101. Adoption of the Rules of the One Hundred Fifteenth Congress.***

This section provides that the Rules of the 115<sup>th</sup> Congress are the Rules of the 116<sup>th</sup> Congress, except for the amendments contained in section 102 of the resolution and orders contained in the resolution.

##### ***Section 102. Changes to the Standing Rules.***

***Notification of Convening of the House.*** Subsection (a) clarifies that Delegates and the Resident Commissioner must be notified of action regarding the convening of the House pursuant to clause 12 of rule I.

***Voting by Delegates and the Resident Commissioner in the Committee of the Whole.*** Subsection (b) extends the same powers and privileges of Members to Delegates and the Resident Commissioner when in the Committee of the Whole. The subsection also provides that any recorded vote in the Committee of the Whole, decided within a margin where the Delegates and the Resident Commissioner may have had a decisive impact on the final outcome of the vote, will be re-conducted in the House.

***Allowing Delegates and the Resident Commissioner to Serve on Joint Committees.*** Subsection (c) provides that Delegates and the Resident Commissioner may serve on joint committees.

***Admittance to the Hall of the House.*** Subsection (d) adds Delegates-elect, the Resident Commissioner-elect, contestants in elections for Delegate or the Resident Commissioner, and Governors of the Territories to the list of people who are permitted in the Hall of the House.

***Office of Speaker.*** Subsection (e) amends rule IX to provide that a resolution causing a vacancy in the Office of Speaker shall be privileged if offered at the direction of a party caucus or conference. This change does not otherwise alter the application of rule IX to privileged resolutions. A resolution causing a vacancy in the Office of Speaker offered at the direction of a party caucus or conference remains subject to the notice and debate procedures in clause 2(a) of rule IX. This change does not apply to a resolution reported as privileged by the Committee on Ethics pursuant to clause 5(a)(5) of rule XIII.

**Designating Committee on Oversight and Reform.** Subsection (f) changes the name of the Committee on Oversight and Government Reform to the Committee on Oversight and Reform.

**Designating Committee on Education and Labor.** Subsection (g) changes the name of the Committee on Education and the Workforce back to the Committee on Education and Labor.

**Education and Labor Jurisdiction Clarification.** Subsection (h) clarifies that the Committee on Education and Labor's jurisdiction includes the general management of the Department of Education and the general management of the Department of Labor. This change is intended to clarify the Committee's existing jurisdiction over the organization and administration of the departments, and it not intended to alter jurisdiction over programs within the departments.

**Committee Oversight Plans.** Subsection (i) amends the requirements for committee oversight plans. The subsection requires the chair of each standing committee (with the exception of the Committees on Appropriations, Ethics, and Rules), in consultation with the ranking minority member, to prepare and submit an oversight plan to the Committees on House Administration and Oversight and Reform by March 1 of the first session of a Congress. Finally, the Committee on Oversight and Reform, in consultation with House leadership of both parties, is required to submit the oversight plans to the House by April 15<sup>th</sup> of the first session of a Congress with any recommendation it has for the effective coordination of oversight plans.

The subsection favors the standard of previous Congresses over the 115<sup>th</sup> Congress, requiring an oversight plan as opposed to the 115<sup>th</sup> Congress's new authorization and oversight plan. The March 1<sup>st</sup> submission deadline is an extension from the prior February 15<sup>th</sup> deadline. The subsection also replaces the requirement for a committee meeting on the plan with a requirement that the chair consult with the ranking minority member, make the plan available to each member of the committee for at least seven calendar days, and include any committee member's views received before the submission deadline. This subsection also modifies which committees will initially receive these plans, removing the Committee on Appropriations. Finally, the Committee on Oversight and Reform's April 15<sup>th</sup> submission deadline to the House is in line with the subsection's new timeline.

**Activity Reports.** Subsection (j) amends language in clauses 1(d)(2)(B) and 1(d)(2)(C) of Rule XI referencing authorization and oversight plans to conform with the changes described in subsection (i).

**Oversight Over the Executive Office of the President.** Subsection (k) clarifies the Committee on Oversight and Reform's existing special oversight authority over all operations of government.

**Oversight and Reform Committee Depositions.** Subsection (l) removes the requirement that Members be present during counsel-led depositions, returning to the standard of the 111<sup>th</sup> Congress.

**Removing Certain Committee Term Limits.** Subsection (m) removes term limits for committee chairs as well as members of the Committee on the Budget.

**Rules of Committees.** Subsection (n) extends the deadline for committees to make their rules available to the public from 30 days to 60 days after the chair's election at the beginning of a Congress. This change is intended to grant committees adequate time to organize, as some committees do not have a full complement of members at the start of a Congress.

**Committee Markup Notice.** Subsection (o) modifies the three-day notification requirement for committee markups by specifying that Saturdays, Sundays, or legal holidays, except when the House is in session, do not count toward fulfillment of the notification requirement.

**Annual Ethics Training.** Subsection (p) extends the annual ethics training requirement to all Members, Delegates, and the Resident Commissioner. The previous rule required new Members, Delegates, and Resident Commissioner to attend ethics training, and staff to attend ethics training annually.

**Considering Criminal Trial Evidence in Ethics Investigation.** Subsection (q) authorizes the Committee on Ethics to consider as evidence the transcripts and exhibits from trial where a Member, Delegate, or the Resident Commissioner was convicted by a court of record for a crime related to the subject of the investigation by the Committee on Ethics.

**Consensus Calendar.** Subsection (r) creates a Consensus Calendar, and mandates that the Speaker must designate, and the House must consider, at least one measure on the Consensus Calendar during any week in which the House convenes (except at the beginning and the end of a Congress). The designation is accomplished via an announcement from the chair immediately prior to a measure's consideration. Measures may be considered in any manner otherwise available under the rules to satisfy this requirement.

This subsection also provides that, to be eligible for placement on the Consensus Calendar, a measure must accumulate 290 cosponsors, and must not have been reported by its primary committee of jurisdiction. Once this cosponsorship threshold is reached the sponsor of the measure may, while the House is in session, submit to the Clerk a written motion to place the measure on the Consensus Calendar. If the above-mentioned conditions have been met, the Clerk will note the motion's submission in the Congressional Record of that day, and enter the motion on a comprehensive list of Consensus Calendar Motions (which will be viewable on the Clerk's website). Once a measure that was the subject of a properly filed motion has maintained 290 cosponsors for a cumulative total of 25 legislative days, it is placed on the Consensus Calendar, where it remains until it is considered in the House or reported by its

primary committee. The 25-legislative day count begins on the legislative day after a proper motion is filed, and the required 25 legislative days need not run contiguously to be counted. Any day on which the measure has less than 290 cosponsors shall not count towards the 25-day cumulative total. A Consensus Calendar motion is considered withdrawn if the measure that is the subject of such motion is reported by its primary committee before the measure has been placed on the Consensus Calendar. However, once the measure has been placed on the Consensus Calendar it remains there even if it falls below 290 cosponsors after such placement.

**Recorded Votes in Rules Committee Reports.** Subsection (s) provides that the requirement for recorded votes to be depicted in committee reports applies to reports from the Committee on Rules on a rule, joint rule, or the order of business only to the maximum extent practicable, due to the constricted timeframe under which such reports are prepared and filed. This change is intended to ensure special rules – and thus the floor schedule – cannot be delayed due to a typographical error in the recorded votes depiction.

**72-Hour Text Availability.** Subsection (t) requires that legislative text be made publicly available for a full 72 hours before it is considered in the House. Previously, legislative text could not be considered before “the third day” on which it had been available to Members, Delegates, and the Resident Commissioner. The new 72-hour availability requirement would apply to the same types of text to which the former three-day availability rules applied: reports accompanying measures or matters (clause 4(a)(1) of rule XIII); unreported bills and joint resolutions (clause 11 of rule XXI); conference reports (clause 8(a)(1)(A) of rule XXII); and amendments reported from conference in disagreement (clause 8(b)(1)(A) of rule XXII). In all cases, the 72-hour clock would begin to run at the time that the relevant text is made available electronically. The additional language inserted in clause 4(a)(1) of rule XIII regarding the proposed text of a report is intended to ensure that, in the case of reports, the 72-hour clock will begin to run at the time the proposed content of a report (other than any supplemental, minority, additional, or dissenting views described in clause 2(l) of rule XI) is made available electronically.

**Macroeconomic Analysis.** Subsection (u) removes the requirement that the Congressional Budget Office and Joint Committee on Taxation make assumptions, to the extent practicable, regarding changes in macroeconomic variables (often called “dynamic scoring”) when preparing estimates on the budgetary effects of major legislation.

**Discharge Petitions.** Subsection (v) amends the discharge petition process. The subsection expands the number of days on which motions to discharge, following a perfected discharge petition, may be considered by removing the provision that currently restricts motions to discharge to the second and fourth Mondays of a month. Instead, the subsection requires the Speaker to schedule the consideration of a privileged motion to discharge within two legislative days after the day on which a Member who signed the discharge petition announces to the House an intention to offer a motion to discharge. A motion to discharge may only be called up by the Member who gave notice under this rule.

**Private Calendar.** Subsection (w) expands the availability of the discretionary call of the Private Calendar beyond the third Tuesday of a month, permitting the Speaker or a designee to call up eligible private measures on any day with sufficient notice. The subsection requires the measure to have been on the Private Calendar for at least seven days, after which the Speaker or a designee may announce to the House an intention to call up the measure. That measure then may be called up two legislative days after the legislative day on which the announcement is made, after the disposal of such business on the Speaker's table as requires reference only. The level of specificity in timing is intended to ensure that the Official Objectors are able to be on the Floor at the appropriate day and time.

**Religious Headdress.** Subsection (x) clarifies and maintains the existing prohibition on wearing hats in the Hall of the House, while making express that this prohibition does not include religious headwear. The language for this clarification is modeled on the statutory provision providing for proper decorum during the Pledge of Allegiance, 4 U.S.C. 4.

**Quorum in the Committee of the Whole.** Subsection (y) clarifies that Delegates and the Resident Commissioner count when establishing a quorum in the Committee of the Whole and when determining if the requisite number are present to request a recorded vote therein. The subsection also instructs the Chair to include Delegates and the Resident Commissioner when determining if Members are provided adequate opportunity to vote. This change conforms clause 6 of rule XVIII to the changes made to the House rules in subsection (b).

**Two-Minute Voting in the Committee of the Whole.** Subsection (z) provides the Chair of the Committee of the Whole with additional discretion to reduce votes to two minutes, if in the discretion of the Chair Members, Delegates, and the Resident Commissioner would be afforded an adequate opportunity to vote.

**Postponability of Certain Votes.** Subsection (aa) provides that any vote on an amendment in the House is postponable, as is a vote on ordering the previous question thereon.

**Discretion for Five-Minute Votes.** Subsection (bb) provides the Speaker with additional discretion to reduce votes to 5 minutes, if in the discretion of the Speaker Members would be afforded an adequate opportunity to vote.

**Net Increase in Budget Authority.** Subsection (cc) removes the point of order prohibiting amendments to general appropriation bills that propose a net increase in the level of budget authority in a bill. This will allow amendments that increase spending without offsetting that increase, so long as the amendment does not cause the bill to exceed 302(a) or 302(b) budget allocations.

**Removing Supermajority Vote.** Subsection (dd) removes the requirement that the House agree by at least a 3/5 supermajority in order to raise revenue through additional Federal income taxes. The subsection also removes the requirement that any such measure

receives an automatic record vote, and provides a technical fix to a cross-reference in clause 5(a)(2) of rule XXI.

***Pay-As-You-Go Point of Order.*** Subsection (ee) reinstates the PAYGO rule from the 111<sup>th</sup> Congress, with changes to conform with the recent practice of tying the measurement timeline to the calendar year, rather than the last completed budget resolution. As in the 111<sup>th</sup> Congress, this provision establishes a point of order against any measure that has a net effect of increasing the deficit or reducing the surplus for the current fiscal year, the budget year, and up to nine fiscal years following that budget year. The subsection stipulates that the net budgetary effects of a measure will be determined by the non-partisan Congressional Budget Office (CBO) but provides that if a measure is considered pursuant to a special order that instructs the Clerk of the House to add the measure to another measure passed by the House, then the net budgetary effects of the entire package will be considered. Finally, the subsection provides for exemptions, given an emergency designation.

***Banning Discrimination on the Basis of Sexual Orientation or Gender Identity.*** Subsection (ff) adds to the Code of Official Conduct a prohibition on discrimination by any Member, Delegate, Resident Commissioner, officer, or employee of the House on the basis of sexual orientation or gender identity.

***Banning Sexual Relationships Between Members and Committee Staff.*** Subsection (gg) extends the prohibition on sexual relationships between members (including Delegates and the Resident Commissioner) and their employees to include members who serve on a committee on which a staffer works, even if that staffer is not his or her direct employee.

***Service of Indicted Members in Leadership and on Committees.*** Subsection (hh) adds to the Code of Official Conduct the standard that a Member, Delegate, or Resident Commissioner who has been indicted or formally charged with criminal conduct for a felony offense punishable by at least two years in prison should resign from any committee on which he or she serves, and step aside from any party caucus or conference leadership position the Member, Delegate, or Resident Commissioner holds, until he or she is acquitted or the charges are dismissed or reduced below the previously described threshold.

***Banning Members, Officers, and Employees from Sitting on Corporate Boards.*** Subsection (ii) prohibits Members, Delegates and the Resident Commissioner, officers, and employees of the House from serving as an officer or director of any public company, effective January 1, 2020. The subsection also requires the Committee on Ethics to develop regulations by December 31, 2019, addressing other types of prohibited service or positions that could lead to conflicts of interest.

***Suspension of the Debt Limit.*** Subsection (jj) provides that when the House adopts a budget resolution, a separate joint resolution suspending the Federal debt limit through September 30 of the budget year is deemed to have passed the House by the same vote and is engrossed separately and sent to the Senate.

**Section 103. Separate Orders.**

**Deposition Authority.** Subsection (a) provides the Permanent Select Committee on Intelligence and each standing committee of the 116<sup>th</sup> Congress (except for the Committee on Rules) the authority to order the taking of a deposition by a member or counsel of such committee. Members, Delegates, and the Resident Commissioner may participate in all such depositions, but their presence is not required. Depositions taken under this authority are subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

**Providing for Transparency with Respect to Memorials Submitted Pursuant to Article V of the Constitution of the United States.** Subsection (b) carries forward provisions from the 115<sup>th</sup> Congress that clarify the procedures of the House regarding the receipt of Article V memorials from the States by directing the Clerk to make each memorial, designated by the chair of the Committee on the Judiciary, electronically available, organized by State of origin and year of receipt, and indicate whether the memorial was designated as an application or rescission.

In carrying out this subsection, it is expected that the chair of the Committee on the Judiciary will be solely charged with determining whether a memorial purports to be an application of the legislature of a state calling for a constitutional convention or rescission of prior applications. The Clerk's role will be entirely administrative. The chair of the Committee on the Judiciary will only designate memorials from state legislatures (and not petitions from individuals or other parties), as it is only state legislatures that are contemplated under Article V of the Constitution.

In submitting each memorial to the Clerk, the chair of the Committee on the Judiciary will include a transmission letter that indicates it has been designated under this subsection of House Resolution 6. The Clerk will make publicly available the memorial and the transmission letter from the chair. Ancillary documentation from the state or other parties is not expected to be publicized.

The chair of the Committee on the Judiciary is also permitted to designate memorials from Congresses prior to the 116<sup>th</sup> Congress to be made publicly available under the same procedure.

**Limitation on Advance Appropriations.** Subsection (c) prohibits fiscal year 2019 general appropriation bills or measures continuing appropriations for fiscal year 2019 from making advance appropriations, apart from exceptions designated by the chair of the Committee on the Budget.

**Exercise Facilities for Former Members.** Subsection (d) continues the prohibition on access to any exercise facility that is made available exclusively to Members, Delegates, the Resident Commissioner, former Members, former Delegates, former Resident Commissioners,

officers, and former officers of the House and their spouses to any former Member, former Delegate, former Resident Commissioner, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995.

**Numbering of Bills.** Subsection (e) reserves the first 10 numbers for bills (H.R. 1 through H.R. 10) for assignment by the Speaker and the second 10 numbers (H.R. 11 through H.R. 20) for assignment by the Minority Leader.

**Inclusion of Citations for Proposed Repeals and Amendments.** Subsection (f) continues from the 115<sup>th</sup> Congress a requirement, to the maximum extent practicable, for parallel citations for amendatory instructions to Public Laws and Statutes at Large that are not classified in the U.S. Code.

**Broadening Availability of Legislative Documents in Machine-Readable Formats.** Subsection (g) continues from the 115<sup>th</sup> Congress a requirement to instruct the appropriate officers and committees to continue to advance government transparency by taking further steps to publish documents of the House in machine-readable formats.

**Subcommittees.** Subsection (h) waives clause 5(d) of rule X to allow the Committee on Agriculture up to six subcommittees, which is consistent with authorities in the 114<sup>th</sup> and 115<sup>th</sup> Congresses, and the Committee on Financial Services up to seven subcommittees.

**Requiring Committee Hearing and Markup on Bills and Joint Resolutions.** Subsection (i) provides, effective March 1, 2019, a point of order against the consideration of a bill or joint resolution pursuant to a special order of business reported by the Committee on Rules if such measure has not been reported by at least one committee. The provision also provides a point of order against any bill or joint resolution reported by committee if the report does not contain a list of relevant committee and subcommittee hearings, which includes the designation of at least one such hearing that was used to develop or consider the underlying measure. Finally, the provision provides exceptions to the points of order for continuing resolutions, measures that contain specified emergency designations pursuant to the Balanced Budget and Emergency Deficit Control Act, and measures on the Consensus Calendar designated for consideration pursuant to clause 7(a) of rule XV.

**Member Day Hearing Requirement.** Subsection (j) requires each standing committee (except for the Committee on Ethics) to hold a Member Day Hearing during the first session of the 116<sup>th</sup> Congress to hear testimony from Members, Delegates, and the Resident Commissioner – whether or not they are a member of the committee – on proposed legislation within its jurisdiction. The subsection permits the Committee on Rules to hold its Member Day Hearing during the second session, in order to receive testimony on proposed changes to the standing rules for the next Congress.

**Empaneling Investigative Subcommittee of the Committee on Ethics.** Subsection (k) reinstates House Resolution 451 from the 110<sup>th</sup> Congress, directing the Committee on Ethics to



empanel an investigative subcommittee or issue a report within 30 days of the date a Member, Delegate, or the Resident Commissioner is indicted or criminal charges are filed. The subsection updates any references in House Resolution 451 to the Committee on Standards of Official Conduct to be references to the Committee on Ethics.

**War Powers Resolution.** Subsection (l) expressly provides that any motion to discharge a measure introduced pursuant to section 6 or section 7 of the War Powers Resolution would not be subject to a motion to table. House action on similar House procedures has made it unclear as to whether such a motion to table would be available. The order serves to provide certainty for all Members, Delegates, and the Resident Commissioner on this procedure.

**Budget Matters.** Subsection (m) reestablishes that the allocations, aggregates, and other appropriate levels contained in the statement of the chair of the Committee on the Budget of May 10, 2018, as adjusted during the 115<sup>th</sup> Congress, are effective pending the adoption of an FY19 budget resolution. The subsection also provides that the provisions of House Concurrent Resolution 71 from the 115<sup>th</sup> Congress, effective pursuant to section 30104(f)(1) of the Bipartisan Budget Act of 2018, will no longer be in effect except for sections 5201, 5202, 5203, and 5401.

**Legal Issues Related to the Patient Protection and Affordable Care Act.** Subsection (n) authorizes the Speaker, on behalf of the House, to intervene, otherwise appear, or take any other steps in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.), or any other case involving the constitutionality or legality of any provision of the Patient Protection and Affordable Care Act, including provisions ensuring affordable health coverage for those with preexisting conditions.

**Legal Issues Related to the Supplemental Nutrition Assistance Program.** Subsection (o) directs the Office of General Counsel of the House of Representatives to explore all possible legal options for responding to any rulemaking by the United States Department of Agriculture, on or after December 20, 2018, to the Supplemental Nutrition Assistance Program involving requirements for able-bodied adults without dependents.

**Congressional Member Organization Transparency Reform.** Subsection (p) allows participating Members to enter into agreements with eligible Congressional Member Organizations for the purpose of payment of salaries and expenses and expands the definition of Congressional Member Organizations from the 114<sup>th</sup> and 115<sup>th</sup> Congresses. The subsection requires that for the organization to be eligible during the 116<sup>th</sup> Congress, the organization must register with the Committee on House Administration, designate a single Member to be responsible for the administration of the organization, have at least 3 employees assigned to perform some work for the organization, and had at least 15 Members during the 115<sup>th</sup> Congress using a portion of their Members' Representational Allowance (MRA) to pay for the salaries and expenses of the organization.

***Non-Disclosure Agreements.*** Subsection (q) provides that Non-Disclosure Agreements required by offices as a condition of employment for paid or unpaid staff or contractors cannot require notice or approval for employees to communicate with the Committee on Ethics, the Office of Congressional Workplace Rights, or any other office or entity designated by the Committee on House Administration; and that Non-Disclosure Agreements must also provide clear guidance to that effect.

***Requiring Members to Pay for Discrimination Settlements.*** Subsection (r) requires a Member, Delegate, or the Resident Commissioner to reimburse the Treasury for any settlement of a complaint related to a claim alleging a violation by the Member of sections 201(a), 206(a), or 207 of the Congressional Accountability Act of 1995, which cover discrimination based on race, color, religion, sex (which the Equal Employment Opportunity Commission recognizes as including sexual orientation and gender identity), national origin, disability, or an employee's service in the uniformed services, and retaliation for claims alleging such discrimination.

***Mandatory Anti-Harassment and Anti-Discrimination Policies for House Offices.*** Subsection (s) requires each House office to adopt an anti-harassment and anti-discrimination policy. Identical language was passed by the House in House Resolution 724 in the 115<sup>th</sup> Congress. It requires the Committee on House Administration to issue regulations to carry out the subsection by April 1, 2019.

***Displaying Statement of Rights and Protections Provided to House Employees.*** Subsection (t) directs the Committee on House Administration to issue regulations requiring each House office to prominently display a statement of the rights and protections provided to House employees under the Congressional Accountability Act of 1995, including procedures available to employees for responding to and adjudicating allegations of workplace rights violations. Identical language was passed by the House in the 115<sup>th</sup> Congress in House Resolution 630.

#### ***Section 104. Committees, Commissions, and House Offices.***

***House Democracy Partnership.*** Subsection (a) reauthorizes the House Democracy Assistance Commission, now known as the House Democracy Partnership.

***Tom Lantos Human Rights Commission.*** Subsection (b) reauthorizes the Tom Lantos Human Rights Commission. The subsection carries forward and makes modest modifications to provisions from the 115<sup>th</sup> Congress to reaffirm that the commission's budget is in addition to and separate from the House Committee on Foreign Affairs' budget, and to ensure equal distribution of funding between the commission's co-chairs to reflect the bipartisan structure of the commission. It authorizes \$52,000 for staff and resources in the first quarter of 2019.

**Office of Congressional Ethics.** Subsection (c) reauthorizes the Office of Congressional Ethics (OCE) and carries forward provisions from the 115<sup>th</sup> Congress without substantive revision.

**Office of Diversity and Inclusion.** Subsection (d) establishes the Office of Diversity and Inclusion in the House of Representatives. The subsection instructs the Speaker, in consultation with the Minority Leader, to appoint a Director from recommendations provided by the chair of the Committee on House Administration, in consultation with the ranking minority member. The subsection establishes a 60-day deadline after the appointment of the Director for the Office to submit an operational plan to the Committee on House Administration. Within 90 days of submitting the operational plan, the Office is required to submit a diversity plan to the Committee on House Administration for review and approval.

The diversity plan must include: (1) policies to direct and guide House offices to recruit, hire, train, develop, advance, promote and retain a diverse workforce; (2) the development of a survey to evaluate diversity in House offices; (3) a framework for the House of Representatives diversity report; and (4) a proposal for the composition of an Advisory Council to inform the work of the Office.

The subsection also requires the Office to submit a House of Representatives diversity report at the end of each session of Congress to the Speaker, the Majority and Minority Leaders, and the chairs and ranking minority members of the Committee on House Administration and the Subcommittee on the Legislative Branch of the Committee on Appropriations.

**Office of the Whistleblower Ombudsman.** Subsection (e) establishes an Office of the Whistleblower Ombudsman and authorizes the Speaker, in consultation with the chairs and ranking minority members of the Committees on House Administration and Oversight and Reform, to appoint a Whistleblower Ombudsman. The subsection also instructs the Whistleblower Ombudsman, under the direction of the Committee on House Administration and in consultation with other committees at the request of their chairs, to develop best practices for whistleblower intake for House offices and provide trainings to House offices on how to safely receive information from whistleblowers.

**Select Committee on the Climate Crisis.** Subsection (f) establishes a Select Committee on the Climate Crisis to investigate, study, make findings, and develop recommendations on policies, strategies, and innovations to achieve substantial and permanent reductions in pollution and other activities that contribute to the climate crisis. The Select Committee is authorized to hold hearings and may report to the House or any committee the results of its investigations and studies, together with any detailed findings and policy recommendations it deems advisable. The subsection requires that it issue all policy recommendations to the relevant standing committees by March 31, 2020 and submit all reports to the House by December 31, 2020.

The Speaker is directed to appoint 15 Members, Delegates, or the Resident Commissioner to serve on the Select Committee and to designate one of its members to serve as the chair. Six of the 15 members must be appointed on the recommendation of the Minority Leader.

The Select Committee will be governed by Rules X and XI, except as provided in the subsection. The subsection does not extend subpoena and deposition authority to the Select Committee, but authorizes the Select Committee to submit subpoena and deposition recommendations to the relevant standing committees.

### ***Section 105. Orders of Business.***

***Subsection (a)*** allows the Speaker to recognize Members, Delegates, or the Resident Commissioner for the reading of the Constitution on any legislative day during the first session of the 116<sup>th</sup> Congress.

***Subsection (b)*** grants the Speaker authority to consider bills under suspension of the rules through the legislative day of January 17, 2019.

***Subsection (c)*** grants the House authority, through the legislative day of January 8, 2019, to adopt a report from the Committee on Rules through a majority vote on the same day it is filed, if the resolution reported is related to a measure making or continuing appropriations for the fiscal year ending September 30, 2019.

### **Title II. Select Committee on the Modernization of Congress.**

Title II establishes a Select Committee on the Modernization of Congress to investigate, study, make findings, hold public hearings, and develop recommendations on modernizing Congress. Topics for investigation include: (1) rules to promote a more modern and efficient Congress; (2) procedures including the schedule and calendar; (3) policies to develop the next generation of leaders; (4) staff recruitment, diversity, retention, and compensation and benefits; (5) administrative efficiencies; (6) technology and innovation; and (7) the Franking Commission.

The title requires the Select Committee to provide interim status reports to the Committee on House Administration and the Committee on Rules. It authorizes the Select Committee to report the results of investigations and studies to the House on a rolling basis, along with detailed findings and policy recommendations, and requires a final such report at the end of the first session of the 116<sup>th</sup> Congress. All policy recommendations must be agreed to by at least 2/3 of the Select Committee's members.

The Speaker is directed to appoint 12 Members, Delegates, or the Resident Commissioner to serve on the Select Committee, including two members serving in their first term, two members of the Committee on Rules, and two members from the Committee on House Administration. Six of the 12 members must be appointed on the recommendation of the Minority Leader, including one member from each of the three described categories. The Speaker is directed to designate a chair, and, on the recommendation of the Minority Leader, a vice chair.

The Select Committee will be governed by Rules X and XI, except as provided in the subsection. The subsection does not extend subpoena and deposition authority to the Select Committee, but authorizes the Select Committee to submit subpoena and deposition recommendations to the relevant standing committees. The Select Committee is required to hold a Member Day Hearing.

### **Title III. Intervention in Litigation Involving Patient Protection and Affordable Care Act.**

Title III authorizes the Speaker, on behalf of the House, to intervene, otherwise appear, or take any other steps, in the case *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.), in any appellate proceedings arising from such case. In addition, Title III authorizes the Speaker, in consultation with the Bipartisan Legal Advisory Group, to intervene, otherwise appear, or take any other steps in any other cases involving the Patient Protection and Affordable Care Act, to protect the institutional interests of the House and to defend such act and the amendments made by such Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with preexisting conditions.

The title directs the Office of General Counsel of the House of Representatives to represent the House in any such litigation and authorizes the Office of General Counsel to employ the services of outside counsel, including pro bono counsel, or other outside experts.

The title also requires the chair of the Committee on House Administration to print in the Congressional Record the aggregate amounts expended on outside counsel and other experts within 30 days of the end of each quarter.

This title is included to protect the institutional interests of the House of Representatives in litigation involving the Patient Protection and Affordable Care Act, given that the Department of Justice has not only refused to defend provisions of the law, but has affirmatively argued that certain provisions of the Act are unconstitutional.