



# Rules of the House Republican Conference for the 115<sup>th</sup> Congress

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## SCHEDULE FOR CONSIDERATION:

Expected to be considered under a [structured process](#) on November 16, 2016.

### TOPLINE SUMMARY:

The Republican Conference Rules govern the activities of the Republican Conference. This includes the roles and election of Republican leadership and Steering Committee, the assignment of Members to committees and the selection of committee chairs, the conduct of GOP Conference meetings, the composition and roles of the National Republican Congressional Committee (NRCC), and guidelines on House floor scheduling for legislation.

### CONSERVATIVE CONCERNS:

There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

The Republican Conference Rules govern the activities of the Republican Conference. These rules must be adopted by the Republican Conference each Congress.

The Organizational Task Force of the Republican Conference produced the [proposed Rules for the 115<sup>th</sup> Congress](#). A comparative print to the Rules for the 114<sup>th</sup> Congress is available [here](#).

A summary of each proposed rule follows below, with major changes from the Rules for the 114<sup>th</sup> Congress **highlighted**:

#### Rule 1 – Conference Membership

Rule 1 Establishes the membership of the Republican Conference as all Republican Members of the House and any additional, non-Republican Members admitted by a determination of the Conference. This rule also establishes the process for expelling a Member from the conference by a 2/3 vote.

#### Rule 2 – Republican Leadership

Rule 2 establishes the Elected Republican Leadership of the House, including: Speaker, Republican Leader, Republican Whip, Chair of the Republican Conference, Chair of the NRCC, Chair of the Committee on Policy,

Vice Chair of the Republican Conference, and the Secretary of the Republican Conference. The rule limits the Speaker, Leader, Whip to serving on only a single committee, and prohibits any of those individuals from serving as a committee chair. Finally, rule 2 provides that any time Republicans are in the minority, the office of the Speaker shall be deemed vacant, the duties of the Speaker shall be deemed vested in the Republican Leader, and the duties of committee chairs shall be vested in the ranking Republican Member of a committee.

### **Rule 3 – Organizing Conference**

Rule 3 requires that the Speaker call an organizing conference to elect leadership and adopt rules prior to the 20<sup>th</sup> of December following an election. The rule sets out the order of elections during the organizing conference as follows: Speaker, Republican Leader, Republican Whip, Chair of the Republican Conference, Chair of the NRCC, Chair of the Committee on Policy, Vice Chair of the Republican Conference, and the Secretary of the Republican Conference. The rule also requires that the current Conference Chair call a Conference meeting to serve as a candidate forum prior to the organizing conference.

### **Rule 4 – Conference Election Procedures**

Rule 4 sets out the election process for Republican Leadership. All contested elections are conducted by secret ballot. An absolute majority of members present and voting is required to an election, and in the event of more than two candidates with none receiving such a majority, the candidate receiving the fewest ballots shall be dropped from the subsequent ballot until a majority is achieved.

### **Rule 5 – Conference Meetings**

Rule 5 allows for the call of a Conference meeting by the Chair after consultation with the Speaker. The meeting should, whenever possible, be noticed at least 24 hours prior to convening. Further, the rule requires the Speaker to call an annual meeting at the beginning of each session to outline Leadership's plan for the coming session.

Under the Rules for the 114<sup>th</sup> Congress, rule 5 also allowed for the call of a special Conference meeting upon the written request of 20 percent of membership. This provision would not be included under rule 5, but rather incorporated into the revised rule 6.

### **Rule 6 – Rules of Procedure and Order of Business**

Rule 6 would consolidate parts of the former Rules 5, 6, and 7 into a single rule covering the procedures of the Republican conference, petitions and resolutions.

Rule 6 would stipulate that the Rules of the house shall govern the proceedings of the Republican Conference insofar as they are applicable, including governing the allowance and precedence of motions defined under rule XVI and XIX of the Rules of the House. Motions to reconsider would be in order in accordance with the Rules of the house.

Rule 6 would allow for the consideration of matters by the Conference in the form of a resolution, which would be referred by the Leadership to the appropriate committee. Any resolution with the signature of 25 or more Members would be considered by the committee as soon as possible, and resolutions may be discharged from committee with the signature of 50 or more Members. Resolutions proposing to change Conference Rules would be referred to an ad hoc committee appointed by the Speaker with at least one proponent of the resolution being appointed. This provision is functionally similar to the previous rule 7.

Rule 6 would also allow for the call of a special Conference meeting as soon as practicable upon the written request of 20 percent of membership. This provision is functionally similar to the provision of the previous rule 5.

### **Rule 7 – Conference Meetings: Quorum**

Rule 7 establishes that a majority of membership shall constitute a quorum. This was previously rule 8.

### **Rule 8 – Conference Meetings: Secret Ballot**

Rule 8 establishes that a question shall be decided by secret ballot on the request of one member with the support of five others. This was previously rule 9.

### **Rule 9 – Conference Meetings: Admittance**

Rule 9 allows the Chair to determine whether a meeting shall be open or closed to the public, to designate Leadership staff or other eligible persons to attend meetings that are closed, and call an executive session open only to Members of the Conference. A meeting may also be taken into executive session on the demand of one member with the support of 25 others. This was previously rule 10.

### **Rule 10 – Conference Meetings: Journal**

Rule 10 stipulates that the Secretary of Conference shall keep a journal of the proceedings of the Conference, which shall be open to inspection by any Member of the Conference. This was previously rule 11.

### **Rule 11 – Republican Steering Committee**

Rule 11 codifies the structure and election procedure for the Republican Steering Committee. Previously, the structure of the Steering Committee and process for setting regions was not defined in Conference or House Rules. This codification and reform of the steering election process is intended to add transparency and to address long-standing concerns of Members about the ability of Leadership to fill the committee with loyalists due to an opaque process.

The Committee would be composed of the following Members: Speaker, Republican Leader, Republican Whip, Chief Deputy Whip, Conference Chair, NRCC Chair, Policy Chair, Conference Vice-Chair, Conference Secretary, former NRCC chair, a designee of the Speaker, Members elected as regional representatives, a sophomore representative, and a freshman representative. In deciding committee appointments, the chair of the committee under consideration would also serve as a voting member of Steering.

The Speaker would have 4 votes, the Leader 2 votes, and each other Member 1 vote.

Maps for the each regional representative area would be proposed by a task force appointed by the Speaker, and must be approved by resolution prior to the election of regional representatives. Maps must be available for three calendar days prior to consideration and are subject to amendment. The election of regional representatives could occur after two calendar days following the adoption of the maps.

### **Rule 12 – Election Procedures for Standing Committees**

Rule 12 provides that the Steering Committee recommend the Members who will serve on each standing committee of the House. This recommendation is ultimately must be adopted by the House, usually by unanimous consent. The Democrat caucus's recommendations for their own Members is also usually adopted by unanimous consent in the House.

Rule 12 sets out special procedures for the election of Members to the Committee on the Budget and the Committee on Rules.

For the Committee on the Budget, the Steering Committee recommends the Chair of budget, as well as most of the membership, but at least one Member must be drawn from each of the the Appropriations, Ways and Means, and Rules committees. The Speaker also selects one Member, who will serve as the second most senior Member of the committee.

For the Committee on Rules, the Speaker nominates the full slate of Members as well as the Chair of the committee, subject to the approval of the Republican Conference considered en bloc.

### **Rule 13 – Appointments to Joint and Select Committees**

Rule 13 allows the Speaker to nominate all Members who serve on joint, select, or ad hoc committees, such as the Joint Committee on Taxation and the permanent Select Committee on Intelligence.

#### **Rule 14 – Nomination and Election of Committee Chairs**

Rule 14 sets out the process for electing the chair of standing committees other than Rules and Budget, which are provided for in rule 12. The Steering Committee shall nominate a chair for each committee, who need not be the most senior member of that committee. The Republican Conference shall vote on each recommended chair individually, by secret ballot. If a recommendation is rejected by the Conference, it shall be recommitted to Steering. Steering may also recommend Members to serve as vice chair.

Rule 14 also includes a new section stating the obligations of elected chairs. Specifically, the rule requires chairs to ensure that positions taken by the Republican Conference are accurately represented on the Floor of the House. Further, the rule requires that, in general, a chair must schedule a hearing within 15 days and hold such hearing within 30 days on any measure cosponsored by a majority of the Republican Conference and at least 1/3 or the members of the relevant committee. This new provision is intended to prevent chairs from holding measure with the support of the majority of the Conference from advancing.

Finally, rule 14 stipulates that no Member may serve as chair of a single committee for more than three consecutive terms. Further, a chair must step aside temporarily if he or she is seeking other federal, state, or local office.

#### **Rule 15 – Limitation on Number of Committee Chairs and Subcommittee Chairs**

Rule 15 prohibits Members from chairing multiple committees or subcommittees simultaneously, with the exception of the chair of the Committee on Standards and Official Conduct (ethics), Committee on House Administration, and any joint, select, or ad hoc committee.

#### **Rule 16 – Vacancies in Committee Chair Positions**

Rule 16 provides that a vacant chair position shall be filled under the process outlined in rule 14, and whenever possible, shall be filled within 30 days.

#### **Rule 17 – Committee Organizing Conference**

Rule 17 requires the holding of a caucus of Republican committee members prior to the organizing meeting for such committee.

#### **Rule 18 – Periodic Committee Caucuses**

Rule 18 allows a majority of Members of a committee to demand, in writing, the calling of a committee caucus within ten days to discuss a specific subject matter.

#### **Rule 19 – Election of Subcommittee Chairs**

Rule 19 establishes the process for selecting subcommittee chairs. In general, the chair of the full committee has the discretion to select subcommittee chairs, subject to the disapproval of a majority of Republican committee Members. Further, the chair must formalize the selection process in writing, which may be modified by majority vote of the Republican committee members.

For the Committee on Appropriations, the chair shall submit selections of subcommittee chairs to the Steering Committee for approval and shall submit a new nominee in the event of rejection.

#### **Rule 20 – Vacancies in the Position of Subcommittee Chairs**

Rule 20 stipulates that subcommittee chair vacancies shall be filled in accordance with rule 19.

#### **Rule 21 – Committee on Standards and Official Conduct**

Rule 21 stipulates that no Member shall serve on the Committee on Standards and Official Conduct (Ethics) for more than three consecutive terms.

### **Rule 22 – Committee on Policy**

Rule 22 establishes the structure and role of the Committee on Policy. The Policy Committee is composed of one Member from each Steering Region, two sophomore and one freshman class Members, the House Republican Leadership, one Member from each standing committee, and members-at-large as appointed by the Speaker. The committee is intended to discuss legislative issues likely to be considered in the House and recommend policy to the Conference and Leadership.

### **Rule 23 – The National Republican Congressional Committee**

Rule 23 establishes the structure and role of the NRCC. The committee is composed of an executive committee including: the elected Leadership, and 30 Members recommended by the Chair of the NRCC and confirmed individually by the Conference by secret ballot. The NRCC is charged with furnishing support to Members consistent with the Rules of the House and overseeing election campaigns of Republicans contesting elections for the House.

### **Rule 24 – Republican Personnel**

Rule 24 vests broad control over the staff and budgets of the Republican Leadership. This includes direct authority over Republican Floor Assistants and Republican Conference, and supervisory authority over all other employees.

### **Rule 25 – Temporary Step Aside of a Member of Leadership who is Indicted**

Rule 25 requires that any Member of leadership who is indicted on a felony for which a sentence of two years imprisonment or more may be imposed must step aside and his or her post filled on a temporary basis by election in the Republican Conference.

### **Rule 26 – Temporary Step Aside of a Chair who is Indicted**

Rule 25 requires that any committee or subcommittee chair who is indicted on a felony for which a sentence of two years imprisonment or more may be imposed must step aside and his or her post filled on a temporary basis by the next most senior Republican on the committee.

### **Rule 27 – Automatic Replacement of a Chair who is Censured or Convicted**

Rule 26 stipulates that any committee or subcommittee chair who is censured by the House or convicted of a felony subject to two or more years imprisonment shall be automatically removed from the position of chair, which shall be considered vacant and filled pursuant to rule 16 or rule 20, as appropriate.

### **Rule 28 – Guidelines on Suspension of house Rules**

Rule 28 outlines a number of guidelines for the scheduling of measures for consideration in the House under suspension of the rules. Under these guidelines, the Leader shall not schedule a measure which: fails to include a cost estimate; has not been noticed to the minority; creates a new program without eliminating a program of equal or greater size; authorizes appropriations without a sunset; authorize a new net authorizations, appropriations, or direct spending; is purely laudatory in nature; or directs the generic striking of a Congressional Gold medal.

These guidelines may be waived by a majority vote of the Elected Leadership. Some Members may be concerned that such votes are not public or disclosed to Members.

### **Rule 29 – Transparency**

Rule 29 requires that, to the extent practicable, measures adopted in the organizing conference shall be publicly available

### **Standing Orders – Earmark Moratorium**

This standing order states that no member shall request an earmark, limited tax benefit, or limited tariff benefit. This is also known as the house earmark ban.

### **Standing Orders – Policy Statements on Article I Powers**

This standing order states that it is the policy of the Republican Conference that Members shall, to the extent practicable, draft legislation to preserve Congress’s Article I powers. This standing order is a new addition to the proposed rules for the 115<sup>th</sup> Congress.

#### **AMENDMENTS:**

- [Palmer \(AL\)](#) #1 Modifies rule 28 to prohibit a measure from being considered under suspension of the rules if the cost exceeds \$500 million. Many conservatives have been concerned by large authorizations being considered under suspensions of the rules, especially given that many such items are debated before most Members return to Washington on fly-in days.
- [Stivers \(OH\)](#) #2 Amends rule 12 to require that all committee slots on all committees be available each Congress when the assignment process begins. Traditionally, Members are allowed to remain on committees on which they served in the previous Congress, often without thorough review or consideration of the strengths or merits of other Members.
- [Stivers \(OH\)](#) #3 Requires that all standing committee chairs bring their nominations for Subcommittee Chair positions to the Republican Steering Committee for approval. Under the underlying proposed rules, only the Appropriations Committee must submit subcommittee chair selections to Steering. All other committee chairs maintain the discretion to choose the manner of selection, subject only to the disapproval of a majority of committee members.
- [Stivers \(OH\)](#) #4 Stipulates that the organizational meeting can be called by the Speaker after December 20th in order to address vacancies in elected leadership that occur outside of the normal election cycle.
- [Stivers \(OH\)](#) #5 Requires that all committee slots on all committees be available each Congress and that the selection of Members to committees by Steering be based on merit, including factors such as knowledge, attendance, participation, support of the Conference, and policy work in the relevant jurisdiction. All Members would be required to submit prioritized requests for committee assignments to Steering, along with a brief justification for the requested assignment.

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- [Latta \(OH\)](#) #6 Allows specific U.S. military units or groups of U.S. military veterans to collectively receive the Congressional Gold Medal for their courageous actions. Under the underlying rules proposal, measures directing the striking of Congressional Gold Medals must apply to a specific person, rather than a group or class of individuals.
- [Buck \(CO\)](#) #7 Would establish an Article I Calendar for consideration of measures in the House and require that at least part of one day each week the House is in session be devoted to measures on such calendar. Such measures would be required to cite the responsibilities of Congress under Article I of the Constitution, and would be debatable for 10 minutes, equally divided.
- Such bills would be intended to be single-issue bills and resolutions repealing executive orders and other executive actions which were not authorized by Congress.
- [Messer, Luke \(IN\)](#) #8 Provides that meetings of the Republican Conference shall be conducted in accordance with the applicable provisions of the Rules of the House of Representatives, including rule XVII, that govern decorum and the personal behavior of the Membership.
- [Messer, Luke \(IN\)](#) #9 Adds a new standing order for the 115<sup>th</sup> Congress directing the Committee on appropriations to establish a mechanism where any Member of the House could offer an amendment to an appropriations bill in committee before markup with an up or down vote.
- Appropriations bills are typically brought to the floor under the protection from all points of order by the rule providing for the bills consideration. Thus, items may be considered as a part of the bill in the committee that would be subject to a point of order, including: legislating on appropriations, appropriating funds for unauthorized programs, or increasing outlays or budget authority. By allowing Members outside of the Appropriations Committee to secure a vote on an amendment within the committee, this amendment would allow for such otherwise prohibited amendments to have an opportunity for inclusion in the bill. This burden would be uniquely applied to the Appropriations Committee under the amendment, while leaving other committee jurisdictions and prerogatives whole.
- [Meadows \(NC\)](#) #10 Amends rule 14 to require a hiatus between chairmanships for chairs that are term limited. Traditionally, many chairs who are prevented from serving additional terms in their current capacity rotate to chair a different committee.
- [Rothfus \(PA\)](#) #11 Amends rule 3 to require that the Republican Conference approve of the legislative schedule (the schedule for when

the house will be in session and voting), prior to the publication of such calendar. Traditionally, the Majority Leader sets this calendar.

Under the amendment, the schedule would be approved for the first session of a Congress within 21 days of the organizing conference. The calendar for the second session could be approved at any regular Republican Conference meeting with a 21-day notice.

- [Hice, Jody \(GA\)](#) #12 Amends rule 14 to eliminate the Steering Committee nomination and Conference approval of committee chair and vice chair. Instead, chairs and vice chairs would be selected by committee Members by secret ballot.
- [Amodei \(NV\)](#) #13 Amends rule 12 to provide that the Steering Committee shall nominate members from the Appropriations Committee to sit on one additional committee commensurate with the Members subcommittee assignment on Appropriations. Such designees would hold voting rights only in the Committee on Appropriations and not in their assigned authorizing committee.
- [Bishop, Rob \(UT\)](#) #14 Inserts language into Republican Conference Rules for the 115th Congress: "It shall not be a violation of House Republican Conference rules, House rules, or any general protocols to enact a government-to-government land conveyance."

This amendment would create an automatic blanket waiver of House and Conference Rules for federal land transfers. **Some conservatives may be concerned that such a blanket waiver would include a waiver of budgetary points of order against some transfers. While many Members disagree with CBO scoring of certain land transfer activities, some may believe that case-by-case waivers are more appropriate than a blanket waiver that eliminates budgetary restraints.**

- [McClintock \(CA\)](#) #15 Would make multiple amendments intended to resolve disputes within the Republican Conference, rather than in the whole House.

First, the amendment would amend rule 1 to state that it is the duty of members of the Conference to respect the decisions of the conference with regard to officers, rules and special orders, and procedures that discharge or instruct committees of the House

Further, the amendment would create an alternative petition process to that outlined in the proposed rule 6(d)(1), which would allow for any resolution to be brought immediately before the Conference by one Member with the support of 25 others, with a 2/3 vote requirement unless the measure was

previously noticed, in which case it would be subject to a majority vote.

**Rooney (FL)** #16 Excludes requests for authorized water resources development projects of the Army Corps of Engineers and the Bureau of Reclamation from the earmark moratorium in the House Republican Conference rules.

**Some conservatives may be concerned that this proposal would weaken the House earmark moratorium. Further, some conservatives may feel that the WRDA process adopted in the 113<sup>th</sup> and 114<sup>th</sup> Congress has facilitated the approval of water resources projects without the involvement of earmarks.**

**Culberson (TX)** #17 Amends the earmark moratorium standing order to allow earmarks so long as the recipient of the earmark is a federal government entity, or a State or local government entity (not including parks, recreations facilities, or museums).

**Some conservatives may be concerned that this proposal would weaken the House earmark moratorium. The Republican Study Committee has consistently argued against the practice of earmarking over the last decade.**

**Fortenberry (NE)** #18 Requires the Chair to make available in electronic form to all members of the Conference a listing of the various boards, commissions, and committees that include appointees by the Speaker or the Majority Leader, no later than January 31st of each odd-numbered year.

### **OUTSIDE GROUPS:**

Several organizations have released statements in opposition to modifying the Earmark Moratorium standing order. These include:

**Club for Growth:** [Club For Growth Says “No” To Republican Effort To Restore Earmarks](#)

**Heritage Action:** [Republican Congress Must Preserve Earmark Ban](#)

**Americans for Prosperity:** [AFP Calls on House of Representatives to Oppose Relaxing Earmark Ban](#)

**Citizens Against Government Waste:** [CCAGW to House Republican Conference: Vote NO on Earmarks!](#)

**Senate Conservatives Fund:** [Republicans Should Not Bring Back Earmarks](#)

**Freedom Partners:** [Congress Must Say “No” to Lifting the Earmark Ban](#)

**FreedomWorks:** [House Republicans Should Reject Proposal to Bring Back Earmarks](#)

**Americans for Tax Reform:** [ATR Opposes Lifting Earmark Ban](#)

**National Taxpayers Union:** [Earmark Ban Under Threat In House](#)

**Heritage Foundation President Jim DeMint:** [Don't roll back ban on earmarks](#)

**Tea Party Patriots:** [Undoing House Earmark Ban “Show of Callous Cynicism and Hypocrisy”](#)

### **COMMITTEE ACTION:**

The Organizational Task Force conducted numerous meetings and solicited input from Members throughout 2016.

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