

The mandate granted the majority, evidenced by our increased majorities in both Houses of Congress and the first Presidential majority in 16 years, is clear. The American people have entrusted the state of their security, prosperity and families to us; and over the course of the next 2 years, that sacred trust will be honored by action.

We will continue to defend our homeland and prosecute the war on terror without retreat, and without excuses. We will provide our military, and their families, with the resources they need to do their heroic work on behalf of the Nation they serve.

We will hold rogue regimes accountable for their mischief, and hold fast to our friends around the world, from defiant democrats in Israel and Taiwan, to longstanding comrades-in-arms like the British and Australians, to our resurgent allies in New Europe.

We will work with our ever-expanding coalition of the willing to secure the fledgling democracies in Afghanistan and Iraq, and with every political, economic, diplomatic and military tool at our disposal, see the war on terror through to victory.

Domestically, our agenda will be no less audacious. We will continue the work begun in President Bush's first term to cultivate an opportunity society of economic choice and independence. We will continue to break down the walls, erected by 40 years of liberal policies, between the American people and their dreams. We will continue to provide seniors with access to affordable, quality health care while empowering them with unprecedented retirement security.

We will continue to take on the three-headed monster of over-taxation, over-litigation and over-regulation that cuts the legs out from every sector of our economy.

And while the 109th Congress helps increase our national security and prosperity, we will also help American families raise their children in a society defined by the values that made our Nation secure and prosperous in the first place. We will continue to better protect and educate our children, to protect the institution of marriage, to protect the Constitution from judicial activism, and protect the role of family and faith in the public square.

This rules package before us now will help us do this important work, work the American people have hired us to do.

And yet, rather than laying out a positive vision for the next 2 years, or for that matter even discussing the substance of the rules package itself, some may choose this debate to launch the first of what I imagine will be countless personal attacks against the integrity of the majority and, ultimately, the integrity of this institution.

It is a new year, Mr. Speaker, but an old game, and one to which we cannot afford to stoop. Too much is at stake; too much depends on the success of this historic 109th Congress.

To my friends on the other side of the aisle, I would remind them all that I know what it means to be in the minority, to go into contentious votes certain of defeat, to always react to an agenda set by opponents. But I must also remind them that when Republicans were in the minority, we engaged in the battle of ideas. We developed, and specifically proposed, a substantive vision for the future of our Nation.

In the 10 years since that vision was endorsed by our countrymen, we have been honored to work with all members of the minority on one issue or the other to develop successful legislative coalitions.

With our close partisan margins and 24-hour media culture, we sometimes forget we are opponents, not enemies. We would all do well to remember that, especially given the stakes, the significance and, frankly, the sheer weight of the agenda before us.

So I urge all Members to support the rules package before us so we can immediately get to work on behalf of the men and women who sent us here.

Mr. Speaker, I am honored to once again serve as leader; but even with all of the gratitude I feel toward you, our conference and toward this body, the source of the honor I feel today is not all in this Chamber. The source of the honor each of us rightfully feels today is our friends and families who have given us their love, the American people who have given us their trust, the men and women in uniform who put their lives on the line for us every day, and our heavenly Creator who knitted us together in the womb.

Mr. Speaker, may God bless the work and workers of the 109th Congress, may God bless the cause of justice and freedom around the world, and may God continue to bless the United States of America.

Mr. Speaker, I ask unanimous consent that the balance of the time allocated to me be controlled by the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. DELAY) for his fine statement and for yielding me the time to discuss this opening-day rules package.

Mr. Speaker, the House is an institution built upon its rules. Accordingly, it is very appropriate that one of the first orders of business for this 109th Congress will be to adopt a rules package which is both true to the traditions and very forward thinking in its outlook for the work of this Congress that lies ahead.

The package we have before us represents the work product of many Members. During the initial stages of compiling this rules package back in November, the Committee on Rules re-

ceived 40 different proposals from both Democrats and Republicans. In addition to that, our committee staff has actively sought the input of the officers of the House, its committees and its caucuses to get their perspectives on the kinds of changes we can make to facilitate the work of the House.

All of the ideas contained in this resolution reflect the considered judgment of our colleagues and will ultimately improve our ability to carry out our constitutional responsibilities.

Mr. Speaker, I include for the RECORD at this point detail on each of these changes in a section-by-section analysis.

SECTION-BY-SECTION SUMMARY OF H. RES. 5, ADOPTING HOUSE RULES FOR THE 109TH CONGRESS

SECTION 1. RESOLVED CLAUSE.

The rules of the House of Representatives for the 108th Congress are adopted as the rules of the House for the 99th Congress with amendments as provided in section 2 and with other orders as provided in section 3.

SEC. 2. CHANGES IN STANDING RULES.

(a) Committee on Homeland Security. Creates a standing Committee on Homeland Security, and grants it legislative and oversight jurisdiction. First, the Committee's jurisdiction includes overall homeland security policy so that it can focus on national policies affecting the Federal government. Second, the jurisdiction includes authority over the Department of Homeland Security (DHS)'s internal administration. Third, the Committee would have jurisdiction over functions of the DHS relating to six specified areas. These include: (A) Border and port security (except immigration policy and non-border enforcement); (B) Customs (except customs revenue); (C) Integration, analysis and dissemination of homeland security information; (D) Domestic preparedness for and collective response to terrorism; (E) Research and development; and (F) Transportation security. Additionally, the Committee would have broad oversight authority over government-wide homeland security matters. Finally, changes are made to the jurisdictions of three committees. First, the Committee on the Judiciary's jurisdiction is modified by adding new subparagraphs for Criminal law enforcement and Immigration policy and non-border enforcement. Second, the Committee on Transportation and Infrastructure's jurisdiction is modified to exclude transportation security by adding exceptions in two subparagraphs. Third, the Committee on Ways and Means' jurisdiction is modified by adding the word "revenue" to the clause containing customs. [Rule X]

(b) General oversight responsibilities—insuring against duplicative programs. Adds to the required list of content included in each standing committee's adopted oversight plan as submitted to the Committees on Government Reform and House Administration a review of Federal programs with a view to insuring against duplication of such programs. [Rule X, clause 2(d)(1)]

(c)(1) Membership of Budget Committee. Permits one member of the Budget committee majority and one member of the minority to be "designated" by the respective elected leaderships. Current rules require such members to be "from" elected leadership. [Rule X, clause 5(a)(2)]

(c)(2) Rules Committee Organization. Authorizes the chairman of the Committee on Rules to serve as chairman, notwithstanding the prohibition on serving more than three consecutive terms. [Rule X, clause 5(c)(2)]

(d)(1) Privileged motions in committee—Recess subject to the call of the chair. Allows for a privileged motion in committee to

recess subject to the call of the chair for a period less than 24 hours. Currently only a motion to recess from day to day is privileged. [Rule XI, clause 1(a)(1)(B)]

(d)(2) Motion to go to conference. Allows committees to adopt a rule directing the chairman of the committee to offer a privileged motion to go to conference at any time the chairman deems it appropriate during a Congress. Currently a motion to request or agree to a conference with the Senate is privileged if the committee authorizes the chairman to make such a motion. [Rule XI, clause 2(a)]

(e) Motion to suspend the rules. Extends suspension authority beyond Monday or Tuesday to include Wednesday. [Rule XV, clause 1(a)]

(f) Repeal of Corrections Calendar. Removes Corrections Calendar from the Standing Rules of the House. [Rule XV, clause 6]

(g) Allows references to the Senate. Allows remarks in debate to include references to the Senate or its Members. Remarks are to be confined to the question under debate, avoiding personality. [Rule XVII, clause 1]

(h) Provisional quorum. Provides for continuity of legislative operations in the House in the event of catastrophic circumstances. The rule allows for the House to conduct business with a provisional quorum only after a motion to compel members attendance, as prescribed under clause 5(a) of rule XX, has been disposed of and the following occur in sequence without the House adjourning: (A) A call of the House or a series of calls of the House totaling 72 hours without producing a quorum; (B) the Speaker, with the Minority and Majority Leaders, receive from the Sergeant-at-Arms (or his designee) a catastrophic quorum failure report and shall consult with the Minority and Majority Leaders on the contents of such report and shall announce the contents of such report to the House; and (C) A further call of the House or series of calls are conducted for a total of 24 hours without producing a quorum. A catastrophic quorum failure report is defined as a report advising that the inability of the House to establish a quorum is attributable to catastrophic circumstances involving natural disaster, attack, contagion, or similar calamity rendering Members incapable of being present. The report shall be prepared on the basis of the most authoritative information available after consultation with the Attending Physician, the Clerk and pertinent public health and law enforcement officials. A catastrophic quorum failure report shall describe the number of vacancies in the House, the names of Members considered to be incapacitated, the names of Members not incapacitated, but otherwise incapable of being present, and the names of Members unaccounted for. The report shall be updated every legislative day and such updates shall be made available to the House. [Rule XX, clause 5(c)]

(i) Postponement of certain votes. Adds the motion to reconsider, tabling motions to reconsider and amendments reported from the Committee of the Whole among those votes the Speaker may postpone to a designated place in the legislative schedule within two additional legislative days. [Rule XX, clause (a)(2)]

(j)(1)–(2) Allowing the use of campaign funds to pay for certain official expenses. Allows Members to use campaign funds to pay certain, limited types of official expenses (e.g., handheld communication devices). This change conforms House Rules to current law (Sec. 105, P.L. 108–83), and mirrors Rules that took effect in the Senate in 2002. [Rule XXIV and Rule XXIII, clause 6(c)]

(j)(3) Use of frank for mass mailings before an election. Amends the rule to conform to

section 3210 of title 39 United States Code, stating that a mass mailing is not frankable when it is postmarked less than 90 days before the date of a primary or general election which he is a candidate for public office. Currently the rules states 60 days. [Rule XXIV, clause 8]

(j)(4) Gift rule on officially connected travel. Expands the category of individuals who may accompany a Member or staff person on such a trip at the sponsor's expense to include a relative of the Member or the staff person. Under a provision of the current gift rule (clause 5(b)(4)(D) of the House Rule XXV), a Member or staff person may be accompanied on a privately funded, officially connected trip, at the sponsor's expense, only by either his or her "spouse or a child", and not by any other relative. [Rule XXV, clause 5(b)(4)(D)]

(k)(1) Due process for Members. Affords Members the opportunity to be heard in the event the Standards Committee alleges the Member has violated or may have violated the Code of Conduct. Members may opt for either an adjudicatory proceeding or they can submit a response to the Committee report/letter with their response being made public with Committee report/letter. Under the current rule, the Chairman and Ranking Member, or the Committee, may take action against a Member without a complaint, notice, or the opportunity to be heard. [Rule XI, clause 3]

(k)(2) Restore presumption of innocence. Provides that no action will be taken on a complaint unless the Chairman and Ranking Minority member of the Standards Committee, or the Committee itself, find within 45 days that further investigation is merited by the facts of the complaint, maintaining the presumption of innocence. Currently, if the Chairman and Ranking Minority Member take no action on a properly filed complaint within 45 days, the matter automatically goes to an investigative committee. [Rule XI, clause 3]

(k)(3) Right to counsel. Provides that Members may select a counsel of their choice even if that counsel represents other Members. [Rule XI, clause 3]

(1) Technical and codifying changes. Technical and grammatical changes are made throughout the rules of the House.

SEC. 3. SEPARATE ORDERS.

(a)(1)–(a)(3) Continuation of budget enforcement mechanisms from the 108th. Clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple or concurrent resolutions. It also makes a section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as an original bill by a special rule. Specified or minimum levels of compensation for federal office will not be considered as providing new entitlement authority.

(a)(4) Continuation of budget "deeming" resolution from the 2nd Session of the 108th Congress. Establishes that the provisions of the Senate Concurrent Resolution 95 of the 108th Congress, shall have effect in the 109th Congress until such time as a budget resolution for the fiscal year 2005 is adopted.

(b) Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure. A waiver of Rule X, clause 5(d), is granted for Armed Services and Transportation & Infrastructure for 6 subcommittees, and International Relations for 7 subcommittees in the 109th Congress.

(c) Numbering of bills. In the 109th Congress, the first 10 numbers for bills (H.R. 1

through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced.

□ 1515

The gentlewoman from Virginia (Mrs. JO ANN DAVIS) is the author of one important provision directing committees to review matters within their jurisdiction to ferret out duplicative government programs as part of their oversight planning at the beginning of each Congress.

We are also making the ability to consider suspensions on Wednesdays permanent in this Congress after the very successful experiment we had with suspensions on Wednesday in the 108th Congress.

The package includes important provisions to allow us to function in situations where large numbers of Members are incapacitated. We discussed that earlier, Mr. Speaker. The provisional quorum language includes a number of safeguards to ensure that this institution can continue to operate during times of turmoil and to ensure that democracy will be preserved. We are living in a post-9/11 world and it is very important that we continue to expend a lot of time and energy dealing with the institutional challenges as well as the challenges that our Nation faces under these circumstances.

I would like to say, also, Mr. Speaker, that we will eliminate the corrections calendar. This was originally intended to make it easier to consider legislation making corrections to outright errors that are in law but it turned out to after a while become more cumbersome than other procedures that we already have to deal with that, such as the suspension calendar.

And, yes, Mr. Speaker, in a change guaranteed to draw applause from my colleagues on both sides of the aisle, the House rules will now allow us to make reference to the Senate and its members, so long as those references are confined to the question under debate and that they avoid personality. The Senate has long had a similar provision and this new rule merely conforms our rules to theirs. I know that my colleagues and I share the desire to maintain our traditions of dignity and decorum in proceedings, and I believe that we can do that even with the rules change that I have just discussed.

On another topic, the package makes a series of changes to our ethics rules. We included two provisions suggested by the chairman and the ranking member of the Committee on Standards of Official Conduct, number one, clarifying the rule on officially connected travel to allow a family member other than a spouse or child to travel with the Member at the sponsor's expense and, two, conforming the rules of the House to current law which allow the use of campaign funds to pay for certain official expenses, such as cell phones.

By the way, we also have included a provision suggested by the distinguished gentleman from Connecticut