

105TH CONGRESS
1ST SESSION

H. RES. 5

Adopting the Rules of the House of Representatives for the One Hundred
Fifth Congress.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. ARMEY submitted the following resolution; which was considered and
agreed to

RESOLUTION

Adopting the Rules of the House of Representatives for
the One Hundred Fifth Congress.

1 *Resolved*, That the Rules of the House of Representa-
2 tives of the One Hundred Fourth Congress, including ap-
3 plicable provisions of law or concurrent resolution that
4 constituted rules of the House at the end of the One Hun-
5 dred Fourth Congress, are adopted as the Rules of the
6 House of Representatives of the One Hundred Fifth Con-
7 gress, with the following amendments:

8 **SECTION 1. POSTPONEMENT OF CORRECTIONS VOTES.**

9 In clause 5(b)(1) of rule I, strike subdivisions (E) and
10 (F), and insert in lieu thereof the following:

1 “(E) the question of agreeing to a motion to re-
 2 commit a bill considered pursuant to clause 4 of rule
 3 XIII;

4 “(F) the question of ordering the previous ques-
 5 tion on a question described in subdivision (A), (B),
 6 (C), (D), or (E);

7 “(G) the question of agreeing to an amendment
 8 to a bill considered pursuant to clause 4 of rule
 9 XIII; and

10 “(H) the question of agreeing to a motion to
 11 suspend the rules.”.

12 **SEC. 2. OBSOLETE REFERENCES TO “CONTINGENT FUND”.**

13 (a) In clause 8 of rule I—

14 (1) in the first sentence, strike “contingent
 15 fund of the House” and insert in lieu thereof “appli-
 16 cable accounts of the House described in clause
 17 1(h)(1) of rule X”; and

18 (2) in the second sentence, strike “contingent
 19 fund” and insert in lieu thereof “applicable accounts
 20 of the House described in clause 1(h)(1) of rule X”.

21 (b) In clause 1(c) of rule XI, strike “contingent fund
 22 of the House” and insert in lieu thereof “applicable ac-
 23 counts of the House described in clause 1(h)(1) of rule
 24 X”.

1 (c) In clause 4(a) of rule XI, strike “contingent fund
 2 of the House” and insert in lieu thereof “applicable ac-
 3 counts of the House described in clause 1(h)(1) of rule
 4 X”.

5 (d) In clause 6(f) of rule XI, strike “contingent fund”
 6 and insert in lieu thereof “applicable accounts of the
 7 House described in clause 1(h)(1) of rule X”.

8 **SEC. 3. DRUG TESTING IN THE HOUSE.**

9 In rule I, add the following new clause at the end:

10 “13. The Speaker, in consultation with the Minority
 11 Leader, shall develop through an appropriate entity of the
 12 House a system for drug testing in the House of Rep-
 13 resentatives. The system may provide for the testing of
 14 any Member, officer, or employee of the House, and other-
 15 wise shall be comparable in scope to the system for drug
 16 testing in the executive branch pursuant to Executive
 17 Order 12564 (Sept. 15, 1986). The expenses of the system
 18 may be paid from applicable accounts of the House for
 19 official expenses.”.

20 **SEC. 4. POLICY DIRECTION AND OVERSIGHT OF CHIEF AD-**
 21 **MINISTRATIVE OFFICER.**

22 (a) In clause 1 of rule V, strike “the Speaker and”
 23 in both places it appears.

24 (b) In clause 2 of rule V, strike “the Speaker or”.

1 **SEC. 5. BUDGET JURISDICTION CHANGES.**

2 (a) In clause 1(d)(3) of rule X (relating to the Com-
3 mittee on the Budget), strike “congressional budget proc-
4 ess” and insert in lieu thereof “budget process”.

5 (b) In clause 1(g)(4) of rule X (relating to the Com-
6 mittee on Government Reform and Oversight), strike
7 “Budget and accounting measures, generally” and insert
8 in lieu thereof “Government management and accounting
9 measures, generally”.

10 **SEC. 6. DESIGNATING COMMITTEE ON EDUCATION AND**
11 **THE WORKFORCE.**

12 (a) In clause 1(f) of rule X, strike “Committee on
13 Economic and Educational Opportunities” and insert in
14 lieu thereof “Committee on Education and the
15 Workforce”.

16 (b) In clause 3(c) of rule X, strike “Committee on
17 Economic and Educational Opportunities” and insert in
18 lieu thereof “Committee on Education and the
19 Workforce”.

20 **SEC. 7. REQUIREMENT OF APPROVAL FOR SETTLEMENT OF**
21 **CERTAIN COMPLAINTS.**

22 In clause 4(d) of rule X—

23 (a) strike “The Committee” and insert in lieu
24 thereof “(1) The Committee”;

25 (b) strike “(1) examining” and insert in lieu
26 thereof “(A) examining”;

1 (c) strike “(2) providing” and insert in lieu
2 thereof “(B) providing”;

3 (d) strike “(3) accepting” and insert in lieu
4 thereof “(C) accepting”; and

5 (e) add the following new subparagraph at the
6 end:

7 “(2) An employing office of the House of Representa-
8 tives may enter a settlement of a complaint under the Con-
9 gressional Accountability Act of 1995 that provides for the
10 payment of funds only after receiving the joint approval
11 of the chairman and the ranking minority party member
12 of the Committee on House Oversight concerning the
13 amount of such payment.”.

14 **SEC. 8. SPECIAL AUTHORITIES FOR CERTAIN REPORTS.**

15 (a) In clause 1(b) of rule XI—

16 (1) designate the existing matter as subpara-
17 graph (1); and

18 (2) add the following new subparagraphs at the
19 end:

20 “(2) A proposed investigative or oversight report
21 shall be considered as read in committee if it has been
22 available to the members for at least 24 hours (excluding
23 Saturdays, Sundays, or legal holidays except when the
24 House is in session on such a day).

1 “(3) A report of an investigation or study conducted
2 jointly by more than one committee may be filed jointly,
3 provided that each of the committees complies independ-
4 ently with all requirements for approval and filing of the
5 report.

6 “(4) After an adjournment of the last regular session
7 of a Congress sine die, an investigative or oversight report
8 may be filed with the Clerk at any time, provided that
9 if a member gives timely notice of intention to file supple-
10 mental, minority, or additional views, that member shall
11 be entitled to not less than seven calendar days in which
12 to submit such views for inclusion with the report.”.

13 (b) In clause 1(d) of rule XI, add the following new
14 subparagraph at the end:

15 “(4) After an adjournment of the last regular session
16 of a Congress sine die, the chairman of a committee may
17 file a report pursuant to subparagraph (1) with the Clerk
18 at any time and without approval of the committee, pro-
19 vided that a copy of the report has been available to each
20 member of the committee for at least seven calendar days
21 and includes any supplemental, minority, or additional
22 views submitted by a member of the committee.”.

23 **SEC. 9. COMMITTEE DOCUMENTS ON INTERNET.**

24 In clause 2(e) of rule XI, add the following new sub-
25 paragraph at the end:

1 “(4) Each committee shall, to the maximum extent
2 feasible, make its publications available in electronic
3 form.”.

4 **SEC. 10. INFORMATION REQUIRED OF PUBLIC WITNESSES.**

5 In clause 2(g) of rule XI, amend subparagraph (4)
6 to read as follows:

7 “(4) Each committee shall, to the greatest extent
8 practicable, require witnesses who appear before it to sub-
9 mit in advance written statements of proposed testimony
10 and to limit their initial oral presentations to the commit-
11 tee to brief summaries thereof. In the case of a witness
12 appearing in a nongovernmental capacity, a written state-
13 ment of proposed testimony shall include a curriculum
14 vitae and a disclosure of the amount and source (by agen-
15 cy and program) of any Federal grant (or subgrant there-
16 of) or contract (or subcontract thereof) received during the
17 current fiscal year or either of the two previous fiscal years
18 by the witness or by an entity represented by the wit-
19 ness.”.

20 **SEC. 11. COMMITTEES’ SITTINGS.**

21 In clause 2(i) of rule XI, strike subparagraph (1) and
22 the designation “(2)”.

23 **SEC. 12. EXCEPTIONS TO FIVE-MINUTE RULE IN HEARINGS.**

24 In clause 2(j)(2) of rule XI—

1 (a) strike “Each” and insert in lieu thereof
 2 “(A) Subject to subdivisions (B) and (C), each”; and

3 (b) add the following new subdivisions at the
 4 end:

5 “(B) A committee may adopt a rule or motion permit-
 6 ting an equal number of its majority and minority party
 7 members each to question a witness for a specified period
 8 not longer than 30 minutes.

9 “(C) A committee may adopt a rule or motion permit-
 10 ting committee staff for its majority and minority party
 11 members to question a witness for equal specified peri-
 12 ods.”.

13 **SEC. 13. REPEAL OF INFLATION IMPACT STATEMENT RE-**
 14 **QUIREMENT; ESTABLISHMENT OF CONSTITU-**
 15 **TIONAL AUTHORITY STATEMENT REQUIRE-**
 16 **MENT.**

17 In clause 2(1) of rule XI, amend subparagraph (4)
 18 to read as follows:

19 “(4) Each report of a committee on a bill or joint
 20 resolution of a public character shall include a statement
 21 citing the specific powers granted to the Congress in the
 22 Constitution to enact the law proposed by the bill or joint
 23 resolution.”.

24 **SEC. 14. FILING OF REPORTS AFTER TIME FOR VIEWS.**

25 In clause 2(1)(5) of rule XI—

1 (a) in the first sentence, strike “three calendar
2 days” and insert “two additional calendar days after
3 the day of such notice”; and

4 (b) after the second sentence, insert the follow-
5 ing new sentence: “When time guaranteed by this
6 subparagraph has expired (or, if sooner, when all
7 separate views have been received), the committee
8 may arrange to file its report with the Clerk not
9 later than one hour after the expiration of such
10 time.”.

11 **SEC. 15. COMMITTEE RESERVE FUND.**

12 In clause 5(a) of rule XI, strike “Any such primary
13 expense resolution” and insert in lieu thereof the follow-
14 ing: “A primary expense resolution may include a reserve
15 fund for unanticipated expenses of committees. An
16 amount from such a reserve fund may be allocated to a
17 committee only by the approval of the Committee on
18 House Oversight. A primary expense resolution”.

19 **SEC. 16. CORRECTIONS CALENDAR CHANGES.**

20 In clause 4(a) of rule XIII—

21 (a) strike “On” and insert in lieu thereof “At
22 any time on”;

23 (b) strike “after the Pledge of Allegiance,”; and

24 (c) strike “the bills in numerical order which
25 have” and insert in lieu thereof “any bill that has”.

1 **SEC. 17. DYNAMIC ESTIMATION OF EFFECTS OF MAJOR TAX**
2 **LEGISLATION.**

3 In clause 7 of rule XIII, add the following new para-
4 graph at the end:

5 “(e)(1) A report from the Committee on Ways and
6 Means on a bill or joint resolution designated by the Ma-
7 jority Leader (after consultation with the Minority Lead-
8 er) as major tax legislation may include a dynamic esti-
9 mate of the changes in Federal revenues expected to result
10 from enactment of the legislation. The Joint Committee
11 on Taxation shall render a dynamic estimate of such legis-
12 lation only in response to a timely request from the chair-
13 man of the Committee on Ways and Means (after con-
14 sultation with the ranking minority member of the com-
15 mittee). A dynamic estimate pursuant to this paragraph
16 may be used only for informational purposes.

17 “(2) In this paragraph, ‘dynamic estimate’ means a
18 projection based in any part on assumptions concerning
19 probable effects of macroeconomic feedback. A dynamic
20 estimate shall include a statement identifying all such as-
21 sumptions.”.

22 **SEC. 18. APPROPRIATIONS PROCESS CHANGES.**

23 In clause 2 of rule XXI—

24 (a) in paragraph (a), strike “in any” and insert
25 in lieu thereof “in a”;

26 (b) amend paragraph (b) to read as follows:

1 “(b) No provision changing existing law shall be re-
2 ported in a general appropriation bill, including a provi-
3 sion making the availability of funds contingent on the re-
4 ceipt or possession of information not required by existing
5 law for the period of the appropriation, except germane
6 provisions that retrench expenditures by the reduction of
7 amounts of money covered by the bill, which may include
8 those recommended to the Committee on Appropriations
9 by direction of a legislative committee having jurisdiction
10 over the subject matter thereof, and except rescissions of
11 appropriations contained in appropriation Acts.”;

12 (c) amend paragraph (c) to read as follows:

13 “(c) No amendment to a general appropriation bill
14 shall be in order if changing existing law, including an
15 amendment making the availability of funds contingent on
16 the receipt or possession of information not required by
17 existing law for the period of the appropriation. Except
18 as provided in paragraph (d), no amendment shall be in
19 order during consideration of a general appropriation bill
20 proposing a limitation not specifically contained or author-
21 ized in existing law for the period of the limitation.”; and

22 (d) in paragraph (d), strike “and amendments
23 not precluded by paragraphs (a) or (c) of this clause
24 have been considered”.

1 **SEC. 19. CLARIFYING DEFINITION OF INCOME TAX RATE IN-**
2 **CREASE.**

3 (a) In clause 5(c) of rule XXI, add the following new
4 sentence at the end: “For purposes of the preceding sen-
5 tence, the term ‘Federal income tax rate increase’ means
6 any amendment to subsection (a), (b), (c), (d), or (e) of
7 section 1, or to section 11(b) or 55(b), of the Internal Rev-
8 enue Code of 1986, that imposes a new percentage as a
9 rate of tax and thereby increases the amount of tax im-
10 posed by any such section.”.

11 (b) In clause 5(d) of rule XXI, amend the second sen-
12 tence to read as follows: “For purposes of the preceding
13 sentence—

14 “(1) the term ‘Federal income tax rate in-
15 crease’ means any amendment to subsection (a), (b),
16 (c), (d), or (e) of section 1, or to section 11(b) or
17 55(b), of the Internal Revenue Code of 1986, that
18 imposes a new percentage as a rate of tax and there-
19 by increases the amount of tax imposed by any such
20 section; and

21 “(2) a Federal income tax rate increase is ret-
22 roactive if it applies to a period beginning prior to
23 the enactment of the provision.”.

24 **SEC. 20. UNFUNDED MANDATE CLARIFICATION.**

25 In clause 5 of rule XXIII, amend paragraph (c) to
26 read as follows:

1 “(c)(1) In the Committee of the Whole, an amend-
 2 ment proposing only to strike an unfunded mandate from
 3 the portion of the bill then open to amendment, if other-
 4 wise in order, may be precluded from consideration only
 5 by specific terms of a special order of the House.

6 “(2) In this paragraph, ‘unfunded mandate’ means
 7 a Federal intergovernmental mandate the direct costs of
 8 which exceed the threshold otherwise specified for a re-
 9 ported bill or joint resolution in section 424(a)(1) of the
 10 Congressional Budget Act of 1974.”.

11 **SEC. 21. DISCHARGE PETITION CLARIFICATION.**

12 In clause 3 of rule XXVII—

13 (a) strike “either a special order of business,
 14 or”;

15 (b) strike “any public bill or resolution favor-
 16 ably reported” and insert in lieu thereof “a public
 17 bill or resolution reported”;

18 (c) Strike “*Provided*” the first place it appears
 19 and insert in lieu thereof the following: “*Provided*,
 20 That a Member may not file a motion to discharge
 21 the Committee on Rules from consideration of a res-
 22 olution providing for the consideration of more than
 23 one public bill or resolution, or admitting or
 24 effecting a nongermane amendment to a public bill
 25 or resolution: *Provided further*”.

1 **SEC. 22. PROHIBITING THE DISTRIBUTION OF CAMPAIGN**
2 **CONTRIBUTIONS IN THE HALL OF THE**
3 **HOUSE.**

4 In rule XXXII, add the following new clause at the
5 end:

6 “5. No Member, officer, or employee of the House
7 of Representatives, or any other person entitled to admis-
8 sion to the Hall of the House or rooms leading thereto
9 by this rule, shall knowingly distribute any political cam-
10 paign contribution in the Hall of the House or rooms lead-
11 ing thereto.”.

12 **SEC. 23. REPEAL OF OBSOLETE EMPLOYMENT PRACTICES**
13 **RULE.**

14 (a) Rule LI (Employment Practices) is repealed.

15 (b) Rule LII (Gift Rule) is redesignated as rule LI.

16 **SEC. 24. TECHNICAL AMENDMENTS.**

17 (a) In clause 5(a) of rule I, insert before the last sen-
18 tence the following: “A recorded vote taken pursuant to
19 this paragraph shall be considered a vote by the yeas and
20 nays.”.

21 (b) In clause 1(h)(1) of rule X, strike “House Infor-
22 mation Systems” and insert in lieu thereof “House Infor-
23 mation Resources”.

24 (c) In clause 2(g)(3) of rule XI, strike “the House
25 Information Systems” and insert in lieu thereof “House
26 Information Resources”.

1 (d) In clause 2(k)(5)(B) of rule XI—

2 (1) strike “a majority of the members of”; and

3 (2) strike “determine” and insert “determines”.

4 (e) In clause 2(l)(6) of rule XI, insert after “concur-
5 rent resolution on the budget” the following: “(except that
6 a Saturday, Sunday, or legal holiday on which the House
7 is in session shall not be excluded under such section)”.

8 (f) In clause 4(a) of rule XXII, strike “indorsed” and
9 insert in lieu thereof “endorsed”.

10 (g) In clause 6 of rule XXIII, strike “after the report-
11 ing of the bill by the committee but”.

12 (h) In clause 4 of rule XLIII—

13 (1) strike “excepted” and insert in lieu thereof
14 “except”; and

15 (2) strike “rule LII” and insert in lieu thereof
16 “rule LI”.

17 (i) In clause 13 of rule XLIII, strike “by House” and
18 insert in lieu thereof “by the House”.

19 **SEC. 25. SELECT COMMITTEE ON ETHICS.**

20 In clause 4(e) of rule X, add the following new sub-
21 paragraph at the end:

22 “(3) Effective as of noon on January 3, 1997, there
23 is hereby established in the One Hundred Fifth Congress
24 a Select Committee on Ethics. Effective as of noon on
25 January 3, 1997, each Member who served as a member

1 of the standing Committee on Standards of Official Con-
2 duct at the expiration of the One Hundred Fourth Con-
3 gress is hereby appointed as a member of the select com-
4 mittee. A resignation from the select committee shall be
5 deemed effective upon notice to the House. A vacancy on
6 the select committee shall be filled by appointment by the
7 Leader of the party concerned. The select committee shall
8 have jurisdiction only to resolve the Statement issued by
9 the Investigative Subcommittee of the standing Committee
10 on Standards of Official Conduct in the One Hundred
11 Fourth Congress relating to the official conduct of Rep-
12 resentative Gingrich of Georgia and otherwise report to
13 the House on the activities of that investigative sub-
14 committee. In the exercise of that jurisdiction, the select
15 committee shall possess the same authority as, and shall
16 conduct its proceedings under the same rules, terms, and
17 conditions (including extension of the service and author-
18 ity of the staff and of the outside counsel commissioned
19 by the investigative subcommittee under the same terms
20 and conditions as in the One Hundred Fourth Congress
21 and effective as of noon on January 3, 1997) as those
22 applicable to the standing Committee on Standards of Of-
23 ficial Conduct in the One Hundred Fourth Congress, ex-
24 cept that the select committee may file reports in separate
25 volumes with the Clerk when the House is not in session

1 and the time otherwise guaranteed by clause 2(l)(5) of
2 rule XI for submission of separate views shall be computed
3 as two calendar days after the day on which the report
4 is ordered. Expenses of the select committee may be paid
5 from applicable accounts of the House. The select commit-
6 tee shall cease to exist upon final disposition by the House
7 of a report designated by the select committee as its final
8 report on the matter, or at the expiration of January 21,
9 1997, whichever is earlier.”.

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