

H. Res. 5

In the House of Representatives, U.S.,

January 7, 1997.

Resolved, That the Rules of the House of Representatives of the One Hundred Fourth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Fourth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Fifth Congress, with the following amendments:

SECTION 1. POSTPONEMENT OF CORRECTIONS VOTES.

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

“(E) the question of agreeing to a motion to recommit a bill considered pursuant to clause 4 of rule XIII;

“(F) the question of ordering the previous question on a question described in subdivision (A), (B), (C), (D), or (E);

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

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

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

(a) In clause 8 of rule I—

(1) in the first sentence, strike “contingent fund of the House” and insert in lieu thereof “applicable accounts of the House described in clause 1(h)(1) of rule X”; and

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

(b) In clause 1(c) of rule XI, strike “contingent fund of the House” and insert in lieu thereof “applicable accounts of the House described in clause 1(h)(1) of rule X”.

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

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

SEC. 3. DRUG TESTING IN THE HOUSE.

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

“13. The Speaker, in consultation with the Minority Leader, shall develop through an appropriate entity of the House a system for drug testing in the House of Representa-

tives. The system may provide for the testing of any Member, officer, or employee of the House, and otherwise shall be comparable in scope to the system for drug testing in the executive branch pursuant to Executive Order 12564 (Sept. 15, 1986). The expenses of the system may be paid from applicable accounts of the House for official expenses.”.

SEC. 4. POLICY DIRECTION AND OVERSIGHT OF CHIEF ADMINISTRATIVE OFFICER.

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

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

SEC. 5. BUDGET JURISDICTION CHANGES.

(a) In clause 1(d)(3) of rule X (relating to the Committee on the Budget), strike “congressional budget process” and insert in lieu thereof “budget process”.

(b) In clause 1(g)(4) of rule X (relating to the Committee on Government Reform and Oversight), strike “Budget and accounting measures, generally” and insert in lieu thereof “Government management and accounting measures, generally”.

SEC. 6. DESIGNATING COMMITTEE ON EDUCATION AND THE WORKFORCE.

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

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

SEC. 7. REQUIREMENT OF APPROVAL FOR SETTLEMENT OF CERTAIN COMPLAINTS.

In clause 4(d) of rule X—

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

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

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

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

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

“(2) An employing office of the House of Representatives may enter a settlement of a complaint under the Congressional Accountability Act of 1995 that provides for the payment of funds only after receiving the joint approval of the chairman and the ranking minority party member of the Committee on House Oversight concerning the amount of such payment.”.

SEC. 8. SPECIAL AUTHORITIES FOR CERTAIN REPORTS.

(a) In clause 1(b) of rule XI—

(1) designate the existing matter as subparagraph (1); and

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

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

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

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

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

“(4) After an adjournment of the last regular session of a Congress sine die, the chairman of a committee may file a report pursuant to subparagraph (1) with the Clerk at any

time and without approval of the committee, provided that a copy of the report has been available to each member of the committee for at least seven calendar days and includes any supplemental, minority, or additional views submitted by a member of the committee.”.

SEC. 9. COMMITTEE DOCUMENTS ON INTERNET.

In clause 2(e) of rule XI, add the following new subparagraph at the end:

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

SEC. 10. INFORMATION REQUIRED OF PUBLIC WITNESSES.

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

“(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial oral presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.”.

SEC. 11. COMMITTEES' SITTINGS.

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

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

In clause 2(j)(2) of rule XI—

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

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

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

“(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods.”.

SEC. 13. REPEAL OF INFLATION IMPACT STATEMENT REQUIREMENT; ESTABLISHMENT OF CONSTITUTIONAL AUTHORITY STATEMENT REQUIREMENT.

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

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

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

In clause 2(l)(5) of rule XI—

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

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

SEC. 15. COMMITTEE RESERVE FUND.

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

SEC. 16. CORRECTIONS CALENDAR CHANGES.

In clause 4(a) of rule XIII—

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

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

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

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

In clause 7 of rule XIII, add the following new paragraph at the end:

“(e)(1) A report from the Committee on Ways and Means on a bill or joint resolution designated by the Majority Leader (after consultation with the Minority Leader) as major tax legislation may include a dynamic estimate of the changes in Federal revenues expected to result from enactment of the legislation. The Joint Committee on Taxation shall render a dynamic estimate of such legislation only in response to a timely request from the chairman of the Committee on Ways and Means (after consultation with the ranking minority member of the committee). A dynamic estimate pursuant to this paragraph may be used only for informational purposes.

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

SEC. 18. APPROPRIATIONS PROCESS CHANGES.

In clause 2 of rule XXI—

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

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

“(b) No provision changing existing law shall be reported in a general appropriation bill, including a provision making the availability of funds contingent on the receipt or possession of information not required by existing law for the period of the appropriation, except germane provisions that retrench expenditures by the reduction of amounts of money covered by the bill, which may include those recommended to the Committee on Appropriations by direction of a legislative committee having jurisdiction over the subject matter thereof, and except rescissions of appropriations contained in appropriation Acts.”;

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

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

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

SEC. 19. CLARIFYING DEFINITION OF INCOME TAX RATE INCREASE.

(a) In clause 5(c) of rule XXI, add the following new sentence at the end: “For purposes of the preceding sentence, the term ‘Federal income tax rate increase’ means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.”.

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

“(1) the term ‘Federal income tax rate increase’ means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

“(2) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.”.

SEC. 20. UNFUNDED MANDATE CLARIFICATION.

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

“(c)(1) In the Committee of the Whole, an amendment proposing only to strike an unfunded mandate from the portion of the bill then open to amendment, if otherwise in order, may be precluded from consideration only by specific terms of a special order of the House.

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

SEC. 21. DISCHARGE PETITION CLARIFICATION.

In clause 3 of rule XXVII—

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

(b) strike “any public bill or resolution favorably reported” and insert in lieu thereof “a public bill or resolution reported”;

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

SEC. 22. PROHIBITING THE DISTRIBUTION OF CAMPAIGN CONTRIBUTIONS IN THE HALL OF THE HOUSE.

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

“5. No Member, officer, or employee of the House of Representatives, or any other person entitled to admission to the Hall of the House or rooms leading thereto by this rule, shall knowingly distribute any political campaign contribution in the Hall of the House or rooms leading thereto.”.

SEC. 23. REPEAL OF OBSOLETE EMPLOYMENT PRACTICES RULE.

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

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

SEC. 24. TECHNICAL AMENDMENTS.

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

(b) In clause 1(h)(1) of rule X, strike “House Information Systems” and insert in lieu thereof “House Information Resources”.

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

(d) In clause 2(k)(5)(B) of rule XI—

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

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

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

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

(g) In clause 6 of rule XXIII, strike “after the reporting of the bill by the committee but”.

(h) In clause 4 of rule XLIII—

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

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

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

SEC. 25. SELECT COMMITTEE ON ETHICS.

In clause 4(e) of rule X, add the following new subparagraph at the end:

“(3) Effective as of noon on January 3, 1997, there is hereby established in the One Hundred Fifth Congress a Select Committee on Ethics. Effective as of noon on January 3, 1997, each Member who served as a member of the standing Committee on Standards of Official Conduct at the expiration of the One Hundred Fourth Congress is hereby appointed as a member of the select committee. A resignation

from the select committee shall be deemed effective upon notice to the House. A vacancy on the select committee shall be filled by appointment by the Leader of the party concerned. The select committee shall have jurisdiction only to resolve the Statement issued by the Investigative Subcommittee of the standing Committee on Standards of Official Conduct in the One Hundred Fourth Congress relating to the official conduct of Representative Gingrich of Georgia and otherwise report to the House on the activities of that investigative subcommittee. In the exercise of that jurisdiction, the select committee shall possess the same authority as, and shall conduct its proceedings under the same rules, terms, and conditions (including extension of the service and authority of the staff and of the outside counsel commissioned by the investigative subcommittee under the same terms and conditions as in the One Hundred Fourth Congress and effective as of noon on January 3, 1997) as those applicable to the standing Committee on Standards of Official Conduct in the One Hundred Fourth Congress, except that the select committee may file reports in separate volumes with the Clerk when the House is not in session and the time otherwise guaranteed by clause 2(1)(5) of rule XI for submission of separate views shall be computed as two calendar days after the day on which the report is ordered. Expenses of the select committee may be paid from applicable accounts of the

House. The select committee shall cease to exist upon final disposition by the House of a report designated by the select committee as its final report on the matter, or at the expiration of January 21, 1997, whichever is earlier.”.

Attest:

Clerk.