

HOUSE RULES  
AND MANUAL

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One Hundred Fifth  
Congress

104th Congress, 2d Session - - - - - House Document No. 104-272

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**CONSTITUTION**  
**JEFFERSON'S MANUAL**  
**AND**  
**RULES OF THE HOUSE OF**  
**REPRESENTATIVES**

**OF THE UNITED STATES**  
**ONE HUNDRED FIFTH CONGRESS**

**CHARLES W. JOHNSON**  
**PARLIAMENTARIAN**



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**HOUSE RESOLUTION 552**

IN THE HOUSE OF REPRESENTATIVES, U.S.,

*September 28, 1996.*

*Resolved*, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Fifth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

Attest:

ROBIN H. CARLE,  
*Clerk.*



## PREFACE

The House Rules and Manual contains the fundamental source material for parliamentary procedure used in the House of Representatives: the Constitution of the United States; applicable provisions of Jefferson's Manual; rules of the House (as of the date of this preface); provisions of law and resolutions having the force of rules of the House; and pertinent decisions of the Speakers and other presiding officers of the House and Committee of the Whole interpreting the rules and other procedural authority used in the House of Representatives.

The rules for the One Hundred Fifth Congress were adopted on January 7, 1997, when the House agreed to House Resolution 5. This resolution reinstated the rules of the One Hundred Fourth Congress with amendments to various standing rules. Explanations of these changes appear in the annotations following each rule in the text of this Manual. The more substantive of the changes provided by House Resolution 5 included:

(1) expansion of the class of questions on which votes may be postponed to include amendments and motions to recommit during consideration of measures called from the Corrections Calendar (clause 5(b) of rule I);

(2) requirement that the Speaker, in consultation with the Minority Leader, develop a system for drug testing in the House (clause 13 of rule I);

(3) elimination of the supervisory role of the Speaker over the Chief Administrative Officer (clauses 1 and 2 of rule V);

(4) consolidation of jurisdiction over budget process in the Committee on the Budget (clause 1 of rule X);

(5) redesignation of the Committee on Economic and Educational Opportunities as the Committee on Education and the Workforce (rule X);

(6) requirement of approval by the chairman and the ranking minority party member of the Committee on House Oversight of the amount of a monetary settlement of a complaint under the Congressional Accountability Act of 1995 (clause 4(d) of rule X);

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(7) provisions for: (a) dispensing with the reading of an investigative or oversight report in committee if it has been available for 24 hours; (b) joint filing of a report of an investigation or study conducted by more than one committee; and (c) filing of an investigative or oversight report after adjournment of a Congress sine die, provided that a member of the committee who gives timely notice is given seven days to submit separate views (clause 1(b) of rule XI);

(8) authorization for the chairman of a committee to file a final activity report, without formal approval, after adjournment of a Congress sine die, provided that the report has been available to each member of the committee for seven days and includes any separate views submitted by a member (clause 1(d) of rule XI);

(9) encouragement to committees to make their publications available in electronic form (clause 2(e) of rule XI);

(10) encouragement to committees to elicit curricula vitae and disclosures of certain interests from nongovernmental witnesses (clause 2(g) of rule XI);

(11) elimination of the prohibition against a committee's sitting during proceedings on the floor under the five-minute rule (clause 2(i) of rule XI);

(12) exceptions to the five-minute rule in committee hearings for extended examinations of witnesses by designated members or by staff (clause 2(j) of rule XI);

(13) replacement of the requirement of a statement of inflationary impact in a committee report of a public bill or joint resolution with one requiring a statement of Constitutional authority (clause 2(l) of rule XI);

(14) reduction of the time guaranteed for composing separate views for inclusion in a committee report from three full days to two full days after the day of notice, and establishment of standing authority for committees to file reports with the Clerk after honoring that guarantee (clause 2(l) of rule XI);

(15) authorization for inclusion in a primary expense resolution of a reserve fund for unanticipated expenses of committees, to be allocated by the Committee on House Oversight (clause 5(a) of rule XI);

(16) authorization for the Speaker to call bills from the Corrections Calendar at any time on a Corrections day and in any order (clause 4(a) of rule XIII);

(17) authorization for a report of the Committee on Ways and Means on major tax legislation (as designated by the Majority Leader after consultation with the Minor-

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ity Leader) to include a dynamic estimate of the effect of such legislation on Federal revenues, to be prepared by the Joint Committee on Taxation (clause 7(e) of rule XIII);

(18) treatment of a so-called “made-known” provision (*i.e.*, one making funding contingent on a state of knowledge not required by existing law) as legislation in a general appropriation bill or an amendment thereto (clause 2(a) and (c) of rule XXI);

(19) elevation of the Majority Leader’s preferential motion to rise and report at the end of the reading of a general appropriation bill in the Committee of the Whole to take precedence of *any* motion to amend at that stage (clause 2(d) of rule XXI);

(20) clarification of the meanings of the terms “Federal income tax rate increase” and “retroactive” (clause 5(c) and (d) of rule XXI);

(21) clarification of the definition of “unfunded mandate” (clause 5(c) of rule XXIII);

(22) clarification that, to be a proper object of a discharge petition, a resolution providing a special rule must address the consideration of only one measure and must not propose to admit or effect a nongermane amendment (clause 3 of rule XXVII);

(23) prohibition of the distribution of campaign contributions in the Hall of the House or rooms leading thereto (clause 5 of rule XXXII);

(24) redesignation of the Gift Rule (rule LI); and

(25) establishment of a Select Committee on Ethics only to resolve an inquiry, originally undertaken by the standing Committee on Standards of Official Conduct in the 104th Congress, by January 21, 1997 (clause 4(e)(3) of rule X).

Several changes in the standing rules that were made during the One Hundred Fourth Congress but subsequent to the publication of the House Rules and Manual for that Congress are now described in the annotations following each rule in this edition. Two of these changes bear mention here:

(1) expansion of the limitations on outside employment and outside earned income to include prohibitions on the receipt of advance payments on copyright royalties and on the receipt of any payments on copyright royalties under future contracts unless approved in advance by the Committee on Standards of Official Conduct (clause 3 of rule XLVII); and

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(2) adoption of the Gift Rule, which prohibits Members, officers, and employees of the House from accepting any gift except as stated in the rule (now rule LI).

Statutory provisions constituting rules of the House contained in the Line Item Veto Act (P.L. 104–130) are shown in section 1013(6B) of this edition. Statutory provisions contained in the Budget Enforcement Act of 1997 (tit. X, P.L. 105–33) are shown in sections 1007, 1008, and 1013(6A) of this edition.

As noted in section 698 of this edition, a bipartisan task force was established on February 12, 1997, to conduct a comprehensive review of the House ethics process. At the same time the House imposed a moratorium on filing ethics complaints and on raising certain questions of privilege under rule IX with respect to official conduct. The moratorium was extended through September 10, 1997. On September 18, 1997, the House adopted the recommendations of the task force with certain amendments when the House agreed to House Resolution 168. House Resolution 168 amended rules X and XI and contained free-standing directives to the Committee on Standards of Official Conduct. The provisions of House Resolution 168 included:

(1) establishment of a “pool” of Members who may be assigned to serve on investigative subcommittees (clause 6(a) of rule X), and exclusion of service on such subcommittee from the limitation on subcommittee service (clause 6(b)(2)(A) of rule X);

(2) change in the duration of service on the committee (clause 6(a)(2) of rule X);

(3) requirement of a committee rule guaranteeing the ranking minority member the right to place an item on the agenda (sec. 3, H. Res. 168);

(4) requirement of a committee rule setting specified standards for staff, providing for appointment of staff, permitting the retention of outside counsel or temporary staff, and permitting both the chairman and the ranking minority member one additional staff (sec. 4, H. Res. 168);

(5) requirement that each meeting be held in executive session unless opened by an affirmative vote of a majority of the members, and requirement that each adjudicatory subcommittee hearing or full committee sanction hearing be open unless closed by an affirmative vote of a majority of its members (clause 4(e)(3) of rule X; clause 2(g)(1) and clause 2(g)(2) of rule XI);

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(6) requirement of confidentiality oath by a member, officer, or employee having access to committee information (clause 4(e) of rule X);

(7) requirement of a committee rule permitting only the chairman or ranking minority member to make public statements regarding matters before the committee, unless otherwise determined by a vote of the committee (sec. 7, H. Res. 168);

(8) exception for committee votes taken in executive session from clause 2(e)(1) and clause 2(l)(2)(B) of rule XI, which requires committees to disclose rollcall votes (clause 2(e)(1) and clause 2(l)(2)(B) of rule XI);

(9) permission for non-Member to file information offered as a complaint only if a Member certifies the information is submitted in good faith and warrants committee consideration (clause 4(e)(2)(B) of rule X);

(10) requirement of a committee rule providing the chairman and ranking minority member 14 calendar days or 5 legislative days (whichever occurs first) to determine whether information offered as a complaint constitutes a complaint (sec. 10, H. Res. 168);

(11) authority for the chairman and ranking minority member jointly to appoint members from the “pool” (see item (1) above) to serve on an investigative subcommittee, and authority for the chairman and ranking minority member of the committee jointly to gather preliminary additional information with regard to a complaint or information offered as a complaint (clause 4(e)(2)(A) of rule X);

(12) requirement of a committee rule granting the chairman and ranking minority member, unless otherwise determined by an affirmative vote of the majority of committee members, 45 calendar days or 5 legislative days (whichever occurs later) after the date they determine the information filed constitutes a complaint to: (a) recommend disposition of the complaint; (b) establish an investigative subcommittee; or (c) request an extension; further committee rule requiring the chairman and ranking minority member to establish an investigative subcommittee to consider a complaint not disposed by the expiration of the time limit; and requirement that complaint placed on the agenda before expiration of the time limit be referred to an investigative subcommittee only by an affirmative vote of the members of the committee (sec. 11, H. Res. 168; clause 4(e)(2)(B) of rule X);

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(13) requirement of a committee rule for disposing of information not constituting a proper complaint (sec. 12, H. Res. 168);

(14) requirement of a committee rule setting parameters for the composition of investigative and adjudicatory subcommittees (sec. 13, H. Res. 168);

(15) requirement of a committee rule establishing a standard of proof for the adoption of a statement of alleged violation (sec. 14, H. Res. 168);

(16) authority to authorize and issue a subcommittee subpoena only by affirmative vote of a majority of its members (sec. 15, H. Res. 168; clause 2(m)(2)(A) of rule XI);

(17) requirement of a committee rule authorizing expansion of the scope of an investigation by an investigative subcommittee upon an affirmative vote of a majority of the members of the full committee (sec. 15, H. Res. 168);

(18) requirement of a committee rule authorizing an investigative subcommittee to amend its statement of alleged violation any time before it is transmitted to the committee and granting 30 calendar days for a respondent to file an answer to the amended statement of alleged violation (sec. 15, H. Res. 168);

(19) requirement of a committee rule establishing procedures to protect the due process rights of respondents (sec. 16, H. Res. 168);

(20) requirement of a committee rule requiring committee to transmit to the House upon an affirmative vote of a majority of its members an investigative subcommittee report that it did not adopt a statement of alleged violation (sec. 17, H. Res. 168);

(21) requirement of a committee rule detailing a mode of proceeding upon an approved waiver of an adjudicatory hearing, including committee reporting requirements and opportunity for respondent views (sec. 17, H. Res. 168);

(22) referral of substantial evidence of a violation of law to Federal or State authorities *either* with approval of the House *or* by an affirmative vote of two-thirds of the members of the committee (clause 4(e)(1)(C) of rule X);

(23) authority for committee to take appropriate action in the case of a frivolous complaint (clause 4(e)(5) of rule X);

(24) requirement of a committee rule clarifying that, when the committee authorizes an investigation on its own initiative, the chairman and ranking minority mem-

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ber shall establish an investigative subcommittee (sec. 20, H. Res. 168);

(25) application of new rules to *any* complaint filed in the 105th Congress (sec. 21, H. Res. 168).

The Deputy Parliamentarians, John Sullivan and Tom Duncan, and Assistant Parliamentarians Muftiah McCartin and Tom Wickham worked diligently to annotate the decisions of the Chair and other parliamentary precedents of the 104th Congress and of the 105th Congress to date of publication. Other annotations have been clarified. Gay Topper, Deborah Khalili, and Brian Cooper contributed their clerical skills to the preparation of this edition. All of their contributions are gratefully acknowledged.

Citations in this edition refer to:

(1) Hinds' Precedents of the House of Representatives of the United States (volumes I through V) and Cannon's Precedents of the House of Representatives of the United States (volumes VI through VIII), by volume and section (*e.g.*, V, 5763; VIII, 2852);

(2) Deschler's Precedents of the United States House of Representatives (volumes 1 through 9) and the Deschler-Brown Precedents of the United States House of Representatives (volumes 10 and 11), by volume, chapter, and section (*e.g.*, Deschler's Precedents, vol. 8, ch. 26, sec. 79.7; Deschler-Brown Precedents, vol. 10, ch. 28, sec. 4.26);

(3) the Congressional Record, by date and page (*e.g.*, Jan. 29, 1986, p. 684);

(4) House Practice (1996), by page (*e.g.*, House Practice, p. 293);

(5) Deschler-Brown Procedure in the U.S. House of Representatives (4th edition and 1987 supplement), by chapter and section (*e.g.*, Procedure, ch. 5, sec. 8.1);

(6) the United States Code, by title and section (*e.g.*, 2 U.S.C. 287); and

(7) the United States Reports, by volume and page (*e.g.*, 395 U.S. 486).

CHARLES W. JOHNSON.

OCTOBER 7, 1997.



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- Third. The Pledge of Allegiance to the Flag.
- Fourth. Correction of reference of public bills.
- Fifth. Disposal of business on Speaker's table.
- Sixth. Unfinished business.
- Seventh. The morning hour for the consideration of bills.
- Eighth. Motions to go into the Committee of the Whole House on the State of the Union.
- Ninth. Orders of the day.

## SPECIAL ORDER OF BUSINESS

### MONDAYS

- Second and fourth Mondays:
  - Motions to discharge committees. Rule XXVII, clause 3.
  - District of Columbia Business. Rule XXIV, clause 8.
- Every Monday:
  - Motions to suspend rules. Rule XXVII, clause 1.

### TUESDAYS

- First and third Tuesdays:
  - Private Calendar. Rule XXIV, clause 6. Individual private bills considered on the first Tuesday of each month, omnibus private bills may be considered on third Tuesday of each month.
- Second and fourth Tuesdays:
  - Corrections Calendar. Rule XIII, clause 4.
- Every Tuesday:
  - Motions to suspend rules. Rule XXVII, clause 1.

### WEDNESDAYS

- Call of Committees under Calendar Wednesday. Rule XXIV, clause 7.