Congressional Research Service
Informing the legislative debate since 1914

Parliamentary Reference Sources: House of Representatives

Updated September 18, 2019

Congressional Research Service
https://crsreports.congress.gov
RL30787

CRS REPORT
Prepared for Members and
Committees of Congress

Congressional Research Service
Informing the legislative debate since 1914

SUMMARY

RL30787

September 18, 2019

Gail E. Baitinger
Analyst on Congress and the Legislative Process

Parliamentary Reference Sources: House of Representatives

House procedures are based not only on the rules the chamber adopts at the start of each Congress but also on constitutional mandates, published precedents, procedural principles detailed in a manual written by Thomas Jefferson, rulemaking statutes, and informal practices. In addition, House committee and conference rules may influence House procedures.

Various reference sources contain the text of the different parliamentary authorities that establish the parameters by which the House conducts its business. These resources provide insight into the daily proceedings of the House, and it may be necessary to review a combination of sources to understand specific procedural situations.

This report reviews the coverage of House parliamentary reference sources and provides information about their availability to Members and their staff. Among the sources presented in this report, five may be especially useful to understanding and following House procedure: *House Practice*, the *House Manual*, *Deschler's Precedents*, resolutions containing "special rules" from the House Committee on Rules, and the rules of the standing committees of the House.

House Practice presents information about contemporary procedure in the House. It includes chapters that summarize House practice on topics such as amendments, points of order, and voting. *House Practice* is often a good place to begin research into House procedure, because it contains numerous references to other procedural authorities, such as the rules and selected precedents. It can be found via **govinfo.gov**, a website of the Government Publishing Office, at https://www.govinfo.gov/collection/house-practice?path=/GPO/House%20Practice, or through **Congress.gov,** a website of the Library of Congress, at https://www.congress.gov/resources/display/content/House+of+Representatives.

The main procedural authorities of the House are set forth in the *House Manual*. They include the Constitution, portions of *Jefferson's Manual*, the adopted rules of the House, and provisions of statutes with procedural effects. The different authorities are accompanied by the Parliamentarian's annotations, which include citations to precedents interpreting those provisions. The current version of the *House Manual* can be accessed online through **govinfo.gov** at https://www.govinfo.gov/content/pkg/HMAN-116/pdf/HMAN-116.pdf, or via **Congress.gov** at https://www.congress.gov/resources/display/content/House+of+Representatives.

Deschler's Precedents presents and summarizes significant precedents of the House established at various points of time since 1936. This series of 18 volumes often provides the text of the procedural exchange during which the precedent was established. *Deschler's Precedents* is available through **govinfo.gov** at https://www.govinfo.gov/collection/precedents-of-the-house?path=/gpo/Precedents%20of%20the%20U.S.%20House%20of%20Representatives/010-Deschler%27s%20Precedents and **Congress.gov** at https://www.congress.gov/resources/display/content/House+of+Representatives.

The House often adopts simple resolutions ("special rules") that establish the floor procedures for considering a measure. These special rules may, for example, identify which amendments to a measure are in order and who may offer those amendments. Resolutions containing these special rules are reported from the Committee on Rules and made available on their website at https://rules.house.gov/, and through **Congress.gov** at https://www.congress.gov/.

House rules require each standing committee to adopt its own rules of procedure. These rules cover topics such as the procedures for issuing subpoenas. The House Committee on Rules prepares a catalog of all House committee rules for each Congress, titled *Rules Adopted by the Committees of the House of Representatives*. The version prepared for the 116th Congress is available via **govinfo.gov** at https://www.govinfo.gov/content/pkg/CPRT-116HPRT36537/pdf/CPRT-116HPRT36537.pdf.

Contents

Introduction 1
Principles of House Parliamentary Procedure 1
House Procedures Are Determined by Multiple Authorities 2
The House Has the Constitutional Authority to Determine Its Rules 2
House Rules Are Generally Not Self-Enforcing 3
The House Follows Its Precedents 3
The House Adheres to Many Informal Practices 4
The *House Manual* and Authorities It Contains 4
Features of the *House Manual* 4
Organization and Indexing 4
Parliamentarian's Annotations 5
Summary of Changes to House Rules 5
The Constitution 5
Jefferson's Manual 6
Rules of the House 6
Procedural Provisions of Statute 6
Legislative Reorganization Acts 7
Expedited Procedures 7
Budget Process Statutes 8
Official Compilations of Precedents of the House 8
House Practice 9
Deschler's Precedents 9
Precedents of the United States House of Representatives 10
Hinds' and *Cannon's Precedents* 11
Special Rules from the Committee on Rules 12
Rules of Internal Organizations of the House 13
Committee Rules of Procedure 13
Party Caucus or Conference Rules 13
Additional Authorities 14
Speaker's Policies 14
Memoranda of Understanding Regarding Committee Jurisdiction 15
Other Publications on Procedure 15
A Compendium of Laws and Rules of the Congressional Budget Process 15
How Our Laws Are Made 16
Enactment of a Law 16

Appendixes

Appendix A. Annotated Excerpts from Selected Parliamentary Reference Sources 17
Appendix B. Selected CRS Products on House Procedure 21
Appendix C. House Parliamentary Reference Information Available Online 22

Contacts

Author Information..... 22

Introduction

House procedures are not based solely on the rules the chamber adopts at the beginning of each new Congress. Rather, the foundations of House parliamentary procedure also include constitutional mandates, parliamentary principles included in *Jefferson's Manual*, rulemaking statutes, published precedents, committee rules, party conference rules, and informal practices.

Various reference sources specify how and when the different procedural authorities of the House govern specific parliamentary circumstances, and, together, these sources detail the parameters by which the House conducts its business. This report identifies and describes documents that provide information about these parliamentary authorities, beginning with official sources such as the *House Manual* and several catalogs of precedent. The report also reviews publications on procedure from House committees and offices as well as the party conferences.

Before describing the individual reference sources, this report reviews some principles of House procedure that may inform how the information in these sources is used and evaluated.

The report covers the official parliamentary resources of the House. These reference sources set forth authoritative statements of House rules, procedures, and precedents. These authorities may be cited by Members when raising a point of order or defending against one.

The final sections of the report review additional parliamentary authorities, such as the rules of the House's party conferences and several publications by House committees. Although these resources are not official parliamentary authorities of the House, they do provide information on House proceedings and may include references to official authorities.

Text boxes throughout the report provide information on how to consult a source—or group of sources—with an emphasis on online access. This report aims to present access points to these reference sources that are relevant for Members and congressional staff and does not present an exhaustive list of websites and other locations where these references can be found.

Three appendixes supplement the information on parliamentary reference sources provided throughout the report. **Appendix A** presents annotated excerpts from four of the reference sources discussed in this report (the *House Manual*, *House Practice*, *Deschler's Precedents*, and *Cannon's Precedents*). **Appendix B** includes a selected list of CRS products on House procedure. Finally, an overview of the two primary websites through which many of the resources included in this report can be accessed is provided in **Appendix C**.

This report assumes a basic familiarity with House procedures. Official guidance on House parliamentary procedure is available from the Office of the House Parliamentarian. CRS staff can also assist in clarifying House rules and procedures.

Principles of House Parliamentary Procedure

The House applies the regulations detailed in its parliamentary authorities in accordance with several principles that are applicable to House procedure: (1) House procedure is governed by multiple authorities; (2) the House has the constitutional power to make its own rules of procedure; (3) House rules are generally not self-enforcing; (4) the House follows its precedents; and (5) the House adheres to some informal practices. Each of these principles is discussed below.

House Procedures Are Determined by Multiple Authorities

Although the rules of the House may be the most obvious authority of House parliamentary procedure, they are not the only one. Other sources of House procedure include

- requirements imposed by the Constitution;
- precedents of the House;
- statutory provisions that establish procedural requirements;
- rules of procedure adopted by each committee;
- rules of the House party conferences; and
- informal practices that the House adheres to by custom.

In order to understand House procedure, it may be necessary to review more than one source of authority. Consider, for example, that House rules prohibit Members from offering amendments to a measure under consideration if they are not germane to that measure. The rules, however, do not explain what constitutes a germane amendment. Instead, several tests for determining germaneness were established through practice, and these are detailed in reference sources that present House precedents.

The House Has the Constitutional Authority to Determine Its Rules

Article I of the Constitution gives the House the authority to determine its rules of procedure. This constitutional rulemaking authority affects House procedure in two different ways. First, except in the case of requirements prescribed by the Constitution itself, the House can determine what rules will govern its internal procedures. The House exercises this rulemaking power at the beginning of each Congress when it adopts the chamber's rules. The Constitution grants the House the authority to adopt its standing rules without the approval of the Senate or the President. Thus, the House rules are adopted through simple resolutions, which are agreed to by the House alone.

The House also uses its rulemaking power in this sense when it adopts "special rules" reported by the Committee on Rules and when it enacts rulemaking statutes (both of which are described in detail below). A special rule defines a specific procedure for considering an individual measure on the floor. A rulemaking statute is a law that establishes procedures for House action on a specific class of measures.[1] Special rules and rulemaking statutes are created through the House's constitutional rulemaking authority, so they have the same authority as the standing rules of the House.[2]

Second, the House can determine when its adopted rules, including rulemaking statutes, should not govern its own proceedings. In practical terms, this principle allows the House, by unanimous consent, to take parliamentary actions that violate its adopted rules or to suspend the rules for consideration of a measure by a two-thirds vote.[3] Moreover, by a simple majority vote, the House

[1] For example, the Congressional Budget Act of 1974 contains rulemaking provisions that, among other things, specify the content of the congressional budget resolution and set terms for its consideration.

[2] Special rules are adopted through simple resolutions approved by the House alone, while rulemaking statutes must be approved by both houses and presented to the President.

[3] For more information on suspension of the rules in the House, see CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by Elizabeth Rybicki.

can adopt a special rule to waive points of order that Members could normally raise under the House rules or a rulemaking statute.

House Rules Are Generally Not Self-Enforcing

The rules of the House, as well as other authorities that have the force of chamber rules (such as rulemaking statutes and special rules), are normally enforced by Members raising points of order. A point of order is a claim, stated by a Member from the floor, that the House is violating or about to violate some rule, precedent, or other procedural authority of the House.[4] When a point of order is raised, the chair (the Speaker when in the House proper; the chairman or chairwoman when in the Committee of the Whole) normally rules on its validity and may provide an explanation of the parliamentary rationale behind the ruling.[5] As the next section describes, the ruling of the chair becomes a new precedent of the House.

The chair may also take the initiative to enforce House rules (or another procedural authority) by ruling an action out of order or by making an announcement regarding proper procedure. For example, the chair often reminds Members to follow the rules of decorum during debate. In most circumstances, however, the chair does not call attention to violations of House rules. In these instances, unless a Member raises a point of order, the House can proceed in ways that violate its procedural authorities.[6]

Parliamentary actions taken on the basis of an informal practice, or pursuant to the rules of a House committee or party caucus or conference, are not enforceable on the House floor. While these authorities can affect House procedure, they do not have the same standing as House rules because they are not produced through an exercise of the chamber's constitutional rulemaking authority. The rules of procedure adopted by each House committee can be enforced only in the committee that adopts them. Caucus or conference rules are created and enforced by one party, and informal practices evolve over the years as custom.

The House Follows Its Precedents

The published precedents of the House describe how the chamber has interpreted and applied the chamber's rules throughout time. Most precedents are formed when the chair rules on a point of order. Any Member could appeal a ruling of the chair to the House itself, which would then determine the question by a majority vote. This proceeding would constitute an exercise of the House's authority over its own rules, and the decision of the House would also set a precedent. In practice, however, the House infrequently appeals the chair's ruling, and even when it does, it seldom reverses the chair. In fact, when there is an appeal of the chair's ruling, the majority usually votes at once to lay the appeal on the table, an action that has the effect of confirming the ruling of the chair.[7]

Precedents can also be created when the chair responds to a parliamentary inquiry.

---

[4] See CRS Report 98-307, *Points of Order, Rulings, and Appeals in the House of Representatives*, by Valerie Heitshusen.

[5] The chair will not rule on a point of order asserting a violation of constitutional requirements, for the chair has authority only over the adopted rules of the House, not the Constitution. According to practice, when constitutional questions are raised, they will be settled by a vote of the House (see *House Manual*, §628).

[6] See *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*, ch. 37, §2.

[7] See *House Practice*, ch. 3, §5.

Precedents are analogous to case law in their effect. Just as attorneys in court will cite previous judicial decisions to support their arguments, Members will cite House precedents to support their point of order, or to defend against one. Similarly, the chair will often support a ruling by citing the decisions of his or her predecessors. Historically, the House follows its precedents.

Precedents do not carry equal weight. Those based on the chair's disposition of points of order or on a decision of the House by majority vote have more weight than those based on the chair's responses to parliamentary inquiries. More recent precedents tend to have greater weight than earlier ones, and a precedent that is part of an established pattern will have more weight than an isolated instance. Moreover, all precedents must be evaluated in the historical context of the rules and practices at the time they were established. Because of the need to consider these various principles, Members seeking precedents to support or rebut an argument might wish to seek the official advice of the Parliamentarian of the House.

The House Adheres to Many Informal Practices

Some House procedural actions are based on customs that have evolved throughout the years without formal adoption. These informal practices are not mandated by any authoritative statement, although they may be described in documents that compile House precedents. Informal practices cannot be enforced through a point of order, but they are rarely challenged on the House floor. Contemporary examples of informal practices in the House include (1) the Speaker's recognition of Members for one-minute and special order speeches and (2) the majority floor manager's yielding of half of the debate time for consideration of a special rule to the minority.

The *House Manual* and Authorities It Contains

The Government Publishing Office (GPO) issues a new edition of the *House Manual* (the formal title of which is *Constitution, Jefferson's Manual, and Rules of the House of Representatives*) in each Congress.[8] The *House Manual* compiles in one volume the text of the principal parliamentary sources that have authoritative force in House proceedings: the Constitution of the United States, portions of *Jefferson's Manual of Parliamentary Practice*, the adopted Rules of the House, and rulemaking statutes—especially those governing the congressional budget process and those containing congressional disapproval procedures. These sources are accompanied by the annotations of the Parliamentarian of the House that summarize precedents and practices related to each provision.

Features of the *House Manual*

Organization and Indexing

The *House Manual* is organized in numbered sections that run throughout the document in a single sequence.[9] The section numbers are listed at the top of each page in bold type and normally

[8] The edition for each recent Congress bears a House document number from the preceding Congress, because the House authorizes it during that Congress. The *House Manual* for the 116th Congress is designated "H.Doc. 115-177." It is sometimes referred to as "Jefferson's Manual." This colloquial reference, however, is a misnomer, for the procedural manual prepared by Thomas Jefferson constitutes only one element of the volume.

[9] In the *House Manual* for the 116th Congress, there are occasional gaps in the sequence between two authorities.

remain constant from edition to edition (which facilitates citation across editions).[10] Citations to the *House Manual* are given by section number rather than page number.

The *House Manual* index also provides citations by section number. This index presents major topics in capital letters, under which are lists of related topics and subtopics. The index should be thoroughly examined to find all pertinent citations. For example, information on motions to suspend the rules is indexed under two subject headings: "Rules, suspension of" and "Suspension of Rules."

Parliamentarian's Annotations

Annotations prepared by the Parliamentarian of the House appear throughout the *House Manual* in small print. These annotations, often referred to as the "Parliamentarian's Notes," follow the text of the procedural authority to which they apply. The notes briefly describe the history of the respective provision and provide useful information about its contemporary application—often by including parenthetical citations to relevant resources, such as compilations of House precedents (discussed below) and the *Congressional Record*.

The Parliamentarian's discussion of precedents in these annotations has great practical value for several reasons. First, it allows the reader to see the relationship between specific parliamentary authorities and the precedents that explain their relevance to House proceedings. Second, because the discussion is updated each time the *House Manual* is published, the notes include precedents that are not included in earlier compilations of precedent. Lastly, the citations (provided in parentheses) can be a time-saving research tool for readers seeking precedents related to a specific clause of the House rules or the other parliamentary authorities included in the *House Manual*.

Summary of Changes to House Rules

A summary that covers the most substantive changes in House rules adopted since the previous edition normally appears in the preface to the *House Manual*.

House Manual (and the Authorities It Contains)

U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Sixteenth Congress*, H.Doc. 115-177, 115th Cong., 2nd sess., [compiled by] Thomas J. Wickham, Parliamentarian (Washington: GPO, 2019).

Online: The *House Manual* can be accessed via **govinfo.gov**, a website of the GPO, at https://www.govinfo.gov/content/pkg/HMAN-116/pdf/HMAN-116.pdf. The GPO version is also accessible through the House resources page of **Congress.gov** at https://www.congress.gov/resources/display/content/House+of+Representatives.

Print: When issued, the *House Manual* is distributed to House Member and committee offices. It is also available for reference in the House Library (292 Cannon) and the La Follette Congressional Reading Room (202 Madison). (This reading room is reserved for use by Members of Congress, their families, and their staff. Staff should call ahead to confirm availability of the *House Manual*.)

The Constitution

The U.S. Constitution imposes several procedural requirements on the House. Article I, Section 5, for example, grants the House the authority to adopt its own rules, requires the House to keep and publish an official journal of its proceedings, mandates the presence of a quorum to conduct

[10] When the House rules were recodified in the 106th Congress, their number was reduced from 52 to 29. As a result, section numbers necessarily changed in the portion of the *House Manual* devoted to the rules.

business, and requires that a yea and nay vote be ordered upon the request of one-fifth of the Members present. The *House Manual* presents the text of the Constitution (including amendments) with annotations by the Parliamentarian detailing how the House and the courts have interpreted and applied certain constitutional provisions in practice.

Jefferson's Manual

House Rule XXIX, which dates from 1837, states that "the rules of parliamentary practice comprised by *Jefferson's Manual* shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules and orders of the House."

Thomas Jefferson wrote this manual, the full title of which is *A Manual of Parliamentary Practice for the Use of the Senate of the United States*, when he served as the Vice President and, hence, President of the Senate from 1797 to 1801.[11] *Jefferson's Manual* is a statement of parliamentary law and the philosophy behind various parliamentary actions. It is based largely on the practice of the British House of Commons in the late 18th century.

The *House Manual* incorporates only those sections of *Jefferson's Manual* that apply to House procedure. The annotations by the Parliamentarian explain whether and how practices described in *Jefferson's Manual* relate to House procedure today. These annotations demonstrate that some important parliamentary procedures in the House, such as those governing debate and the consideration of amendments, are based, in part, on practices established by *Jefferson's Manual*.

Rules of the House

The House approves a simple resolution at the start of each Congress adopting the rules of the House for that Congress.[12] The resolution usually provides for the re-adoption of the rules of the previous House with specified amendments.

The *House Manual* presents the rules of the House, along with the Parliamentarian's annotations for each clause. These annotations identify changes to House rules since the last Congress, as well as citations to precedents related to the specific clause.

In addition, the text of the House rules is published early in each Congress by the Clerk in an unnumbered print. This document, often called the "Clerk's Print," incorporates any rules changes adopted by the House on opening day and is ordinarily the first available document containing the text of House rules as amended.[13] The *Congressional Record* of the House proceedings on the resolution adopting the rules includes the text of the amendments.[14]

Procedural Provisions of Statute

The Constitution grants each chamber of Congress authority over its own rules. This permits the House to establish procedural regulations though resolutions, which are adopted by the House.[15]

---

[11] Although this manual was originally intended for use in the U.S. Senate, the Senate does not take it as an authority on its own procedure.

[12] The House may adopt other changes by approving a resolution during the course of a Congress.

[13] The "Clerk's Print" of the adopted House rules for the 116th Congress is available on the website of the House Committee on Rules: https://rules.house.gov/sites/democrats.rules.house.gov/files/116-1/116-House-Rules-Clerk.pdf.

[14] For the text of H.Res. 6, which contains the amendments to the rules adopted for the 116th Congress, see the *Congressional Record*, daily edition, vol. 165 (January 3, 2019), pp. H17-24.

[15] This includes simple resolutions (e.g., special rules) and concurrent resolutions (e.g., budget resolutions), both of which are discussed below.

Nevertheless, the House sometimes institutes procedures through provisions included in statutory measures (bills and joint resolutions), which take effect only through agreement between both houses and presentation to the President.

These procedures are created through an exercise of each chamber's constitutional rulemaking power and have the same standing as House and Senate rules. A statute that contains "rulemaking provisions," in this sense, often incorporates a section titled "Exercise of Rulemaking Power." This section asserts the rulemaking authority of each chamber by declaring that the pertinent provisions "shall be considered as part of the rules of each House" and are subject to being changed "in the same manner ... as in the case of any other rule of such House"—that is, for example, by adoption of a simple resolution of the House.[16]

In the House, statutory rulemaking provisions are principally of three kinds: (1) those derived from legislative reorganization acts, (2) those establishing expedited procedures for the consideration of specific classes of measures, and (3) those derived from the Congressional Budget Act and related statutes governing the budget process. The *House Manual* includes provisions from all three kinds of rulemaking statute with annotations by the Parliamentarian.

Legislative Reorganization Acts

The major legislative reorganization acts that contain provisions currently regulating House procedure are the Legislative Reorganization Act of 1946 (P.L. 79-601, 60 Stat. 812) and the Legislative Reorganization Act of 1970 (P.L. 91-510, 84 Stat. 1140). Many of the provisions of these acts that established legislative procedures have since been incorporated into the rules of the House.[17] Sections 1106 and 1107 of the *House Manual* set forth and annotate some provisions of these acts that are in effect but are not included in the rules of the House.

Expedited Procedures

Most statutory rulemaking provisions detail the legislative procedures to be followed in the House and Senate during the consideration of specified matters. Most of these statutes establish expedited, or "fast track," procedures for the House to follow in disapproving or approving actions of the executive branch or independent agencies. A well-known example is the Congressional Review Act, which provides for special procedures Congress can use to overturn a rule issued by a federal agency.[18]

The final section of the *House Manual* for the 116th Congress, titled "Legislative Procedures Enacted in Law," presents more than 50 excerpts from rulemaking statutes that establish House procedures.[19] Many of these statutes have been infrequently used, and there are fewer annotations by the Parliamentarian in this part of the *House Manual* than in other places.

---

[16] For example, Section 904(a)(1) and 904(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344, 88 Stat. 298, as amended).

[17] For example, the requirement that all House standing committees adopt written rules of procedure (House Rule XI, clause 2) was originally a provision of the Legislative Reorganization Act of 1970. This requirement was incorporated into the rules of the House in 1971. See Rules of the House of Representatives in the *House Manual*, §791.

[18] 5 U.S.C. §§801-808. For more information on the Congressional Review Act, see CRS In Focus IF10023, *The Congressional Review Act (CRA)*, by Maeve P. Carey and Christopher M. Davis; and CRS Report R43992, *The Congressional Review Act (CRA): Frequently Asked Questions*, by Maeve P. Carey and Christopher M. Davis.

[19] This is Section 1130 in the *House Manual* for the 116th Congress. In previous editions, these rulemaking statutes appeared in the same section under the heading "'Congressional Disapproval' Provisions Contained in Public Laws."

Budget Process Statutes

A section of the *House Manual* presents selected provisions of the Congressional Budget and Impoundment Control Act of 1974, the Budget Enforcement Act of 1990, and the Statutory Pay-As-You-Go Act of 2010.[20] The rulemaking provisions included define specific procedures for considering budgetary legislation in the House and the Senate. For example, the Congressional Budget Act establishes special procedures for considering the congressional budget resolution and reconciliation legislation and establishes points of order that a Member could raise against the consideration of budgetary legislation.[21] These provisions are accompanied by the Parliamentarian's annotations on how they have been applied in both the House and the Senate.

Provisions in the Congressional Budget Act also authorize the House to include procedural requirements in budget resolutions themselves.[22] When adopted, the chief purpose of the concurrent resolution on the budget is to establish, between the House and the Senate, a budget plan for the fiscal year. Budget resolutions may also include procedural regulations to govern subsequent action on spending bills or other budget-related measures. Many of these procedural provisions institute new points of order that, similar to those established by the Congressional Budget Act itself, might be raised against budgetary measures or provisions contained in them.[23] The procedures established by these provisions may be applicable only to budgetary action for a specified time period but may also be established as permanent procedures that are altered or abolished only by action in a subsequent budget resolution.

The House's authority to include procedural provisions in budget resolutions is provided for in the Congressional Budget Act, so they are discussed in this section of the report, even though they are not compiled in the *House Manual*. Procedures set forth in congressional budget resolutions are not comprehensively compiled in a single source and may best be identified by examining the texts of adopted congressional budget resolutions for successive years.

Official Compilations of Precedents of the House

As discussed, selected precedents of the House are summarized in the Parliamentarian's annotations in the *House Manual*. Procedural floor exchanges that establish House precedents can be found in the *Congressional Record* on the dates when they occurred. In addition, House precedents are compiled in four official publications of the House:

1. *House Practice*,
2. *Deschler's Precedents*,
3. *Precedents of the United States House of Representatives*, and
4. *Hinds'* and *Cannon's Precedents*.

[20] Respectively, P.L. 93-344, 88 Stat. 298, as amended; P.L. 101-508 104 Stat. 1388-573, as amended; and P.L. 111-139, 124 Stat. 8.

[21] See CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by James V. Saturno.

[22] Section 301(b)(4) of the Congressional Budget Act states that budget resolutions may "set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act."

[23] For example, the budget resolution for FY2018 (H.Con.Res. 71, 115th Congress) established a point of order in the House against the consideration of a bill or joint resolution that would increase long-term direct spending in excess of $2,500,000,000 during a specified time period.

House Practice

House Practice presents comprehensive, consolidated information about contemporary procedure in the House, including references to the precedents and other parliamentary authorities on which it is grounded.[24] The most recent edition reflects the modern practice of the House as of the 115th Congress.

House Practice—the full title of which is *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*—is organized into chapters that cover 59 subjects of House procedure, including "Appeals," "Calendars," and "Veto Procedure." *House Practice* also has a chapter on the rules and precedents governing House consideration of budgetary legislation, titled "Budget Process," which provides useful information on the main rulemaking statutes related to the budget process.

These chapters are presented in alphabetical order, and the full list of subjects appears in the table of contents. Each chapter is divided into numbered topical sections, which may be grouped under broader overall headings identified by a letter. The beginning of each chapter includes a list of the chapter's main topics, by section, followed by citations to other House parliamentary reference sources under the heading "Research References."

The first section of each chapter reviews the general principles governing the House procedure under discussion. The topics and subtopics that follow summarize relevant House rules and selected precedents and include citations to the sources containing their full texts. Some chapters may also provide the terminology used to undertake certain parliamentary actions, such as making different motions (often under the subtopic heading "Form").

Readers can use the publication's index to locate information about specific procedural topics. This index is organized primarily around the chapter subject headings and other key topical areas, which are included in bold, capitalized text. The entries under each heading present citations to related topics by chapter and section number. The index provides a more detailed listing of procedural topics than do the outlines at the beginning of the respective chapters.

House Practice

Charles W. Johnson, John V. Sullivan, and Thomas J. Wickham Jr., *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 115th Cong., 1st sess. (Washington: GPO, 2017).

Online: *House Practice* is available from **govinfo.gov** at https://www.govinfo.gov/collection/house-practice?path=/gpo/House%20Practice/115th%20Congress and the House resources page of **Congress.gov** at https://www.congress.gov/resources/display/content/House+of+Representatives.

Print: When issued, *House Practice* is distributed to House Member and committee offices. *House Practice* is also available for reference in the House Library (292 Cannon).

Deschler's Precedents

Significant recent precedents of the House are detailed in a series of 18 volumes titled *Deschler's Precedents of the United States House of Representatives* (commonly referred to as *Deschler's Precedents*). The series was initiated by Lewis Deschler, former Parliamentarian of the House from 1928 to 1974, and continued by his successors.

[24] The initial edition of *House Practice* was prepared by William Holmes Brown, former Parliamentarian of the House (1974-1994). It was intended to replace *Procedure in the U.S. House of Representatives*, which was published in 1982 (and supplemented in 1985 and 1987), and *Cannon's Procedure in the House of Representatives*, published in 1963.

Deschler's Precedents covers House precedents established after 1936 through the publication date. The volumes were published over a period of years, so the later volumes cover more recent precedents than the earlier ones.[25] Volume 1 concludes with the first session of the 93rd Congress (1973), while volume 18 covers precedents established through the 112th Congress (2011-12).[26]

Deschler's Precedents is organized in topical chapters, the sequence of which roughly parallels the order of action in the House. Chapter 1 covers the "Assembly of Congress," while the penultimate chapter, chapter 40, is titled "Adjournment." Chapter 41, the final chapter, is titled "Budget Process." Each chapter is divided into numbered sections by subject matter, and these sections are often grouped under broader topical headings identified by letters. Each chapter includes an "Index to Precedents" that directs readers to the relevant section number for each precedent in that chapter.

Most chapters, and many sections, begin with an introduction that describes the general principles of the House rule or practice under discussion and summarizes the precedents that follow. Individual precedents are presented in numbered subsections and may be cited by chapter and number (e.g., "*Deschler's Precedents*, chapter 20, section 3.11").

Subsections, or groups of subsections, are headed by bold and italicized catchlines identifying the subject of the precedents, followed by a bold headnote stating each precedent. The text following the headnote describes the precedent, often including the full text of the procedural exchange that established it, and may include citations to the *Congressional Record*.[27] Some precedents are followed by a "Parliamentarian's Note" that explains the principle established by the precedent or directs the reader to other parliamentary reference sources.

Deschler's Precedents

Lewis Deschler, *Deschler's Precedents of the U.S. House of Representatives* (vol. 1-9); Lewis Deschler and W[illia]m Holmes Brown, *Deschler-Brown Precedents of the U.S. House of Representatives* (vol. 10-16); Lewis Deschler, W[illia]m Holmes Brown, and Charles W. Johnson, *Deschler-Brown-Johnson Precedents of the U.S. House of Representatives* (vol. 17); and Lewis Deschler, W[illia]m Holmes Brown, Charles W. Johnson, and John V. Sullivan, *Deschler-Brown-Johnson-Sullivan Precedents of the U.S. House of Representatives* (vol. 18), H.Doc. 94-661, 94th Cong., 2nd sess. (Washington: GPO, 1976-2013).

Online: *Deschler's Precedents* is available through **govinfo.gov** at https://www.govinfo.gov/collection/precedents-of-the-house?path=/GPO/Precedents%20of%20the%20U.S.%20House%20of%20Representatives and via **Congress.gov** at https://www.congress.gov/resources/display/content/House+of+Representatives.

Print: *Deschler's Precedents* is available for reference at the House Library (292 Cannon) and the La Follette Congressional Reading Room (202 Madison). (This reading room is reserved for use by Members of Congress, their families, and their staff. Staff should call ahead to confirm the availability of *Deschler's Precedents*.)

Precedents of the United States House of Representatives

Following the completion of the 18th and final volume of *Deschler's Precedents*, the Office of the Parliamentarian began to publish a new series of House precedents, titled *Precedents of the United States House of Representatives*. This series will present recent House precedents on the same topical chapters that comprise *Deschler's Precedents*. The first chapter of the first volume,

[25] The section below includes a discussion of *Precedents of the United States House of Representatives*, which details precedents established since the publication of *Deschler's Precedents*.

[26] Many of these volumes were published before the House recodified its rules in the 106th Congress. Therefore, citations to the rules in these volumes refer to rule numbers, and corresponding sections of the *House Manual*, as they stood before the recodification.

[27] If the same proceedings illustrate more than one principle, each principle will be set forth as a headnote in its own subsection.

for example, includes precedents established through the opening day of the 115th Congress on the topic "Assembly of Congress," which is the first chapter in *Deschler's Precedents* (published in 1977). The series will focus on contemporary developments in House procedure, including the increased use of special orders of business (special rules) and the decreased use of conference committees to resolve differences between the chambers.

Precedents of the United States House of Representatives will largely follow the same organizational format of *Deschler's Precedents*, with chapters that cover different subject areas and sections and subsections that document specific precedents. The first volume includes bold and italicized catchlines that describe general topical areas and subsections that detail individual precedents. The text of the procedural exchanges and relevant citations are often included with the specific precedents. An index at the end of each chapter directs the reader to the section and subsection(s) in which precedents on that topic can be found.

Precedents of the United States House of Representatives

U.S. Congress, House, *Precedents of the United States House of Representatives*, prepared by Charles W. Johnson, III, John V. Sullivan, and Thomas J. Wickham Jr., 115th Cong., 1st sess., 115-62 (Washington: GPO, 2017).

Online: The first volume of *Precedents of the United States House of Representatives* is available via **govinfo.gov** at https://www.govinfo.gov/collection/precedents-of-the-house?path=/GPO/Precedents%20of%20the%20U.S.%20House%20of%20Representatives and from the resources page of **Congress.gov** at https://www.congress.gov/resources/display/content/Resources+A+to+Z, under the heading "House precedents."

Print: The first volume of *Precedents of the United States House of Representatives* is available for reference in the House Library (292 Cannon).

Hinds' and *Cannon's Precedents*

Hinds' and *Cannon's Precedents of the House of Representatives of the United States* (referred to as *Hinds'* and *Cannon's Precedents*) is an 11-volume series containing selected rulings of the chair made, and other precedents established, between 1789 and 1936. The publication provides valuable coverage of the historical origins and evolution of House procedures up to 1936.

Volumes 1-5, titled *Hinds' Precedents* and published in 1907, were written by Asher Hinds (clerk at the Speaker's table for many years and a Representative from Maine from 1911 until 1917). Volumes 6-11, titled *Cannon's Precedents* and published in 1936, were prepared by Clarence Cannon (House Parliamentarian from 1915 to 1920 and a Representative from Missouri from 1923 to 1964).

Hinds' Precedents is organized into almost 150 topical chapters arranged roughly according to the order of proceedings in the House. *Cannon's Precedents* duplicates largely the same chapter structure and essentially serves as a supplement to the earlier series.[28] The final three volumes of *Cannon's Precedents* (volumes 9-11) present a comprehensive index to volumes 1-8 of the series.

The content of each series is presented in sections that are numbered sequentially throughout each series. Individual sections are cited by volume, series, and number (e.g., "IV Hinds 4823" or "VII Cannon 1530"), although the *House Manual* cites them by volume and number alone (e.g., "IV, 4823").

Sections at the beginning of each chapter, and those that inaugurate a topic within a chapter, may state and review pertinent rules of the House. Most sections, however, present individual

[28] Some differences between the publications reflect changes in House procedure. For example, *Cannon's Precedents* includes a chapter on the discharge rule, which did not exist during the period covered by *Hinds' Precedents*.

precedents. Each such section describes the procedural exchange establishing the precedent, often quoting the ruling of the chair, and provides citations to the *Congressional Record* and other relevant sources. Most sections—or groups of sections—carry a headnote in bold type stating the principle demonstrated with the precedent(s).[29]

Information about specific procedural topics can be located using the detailed table of contents in each volume. In addition, the index to both series (volumes 9-11) is arranged by topic, and broad topics are broken down into numbered subtopics. Under each topic or numbered subtopic, each specific section referenced is identified not only by volume and section number but by setting forth the pertinent headnote.

Hinds' and *Cannon's Precedents*

Asher C. Hinds, *Hinds' Precedents of the House of Representatives of the United States*, (Washington: GPO, 1907), vol. 1-5, and Clarence Cannon, *Cannon's Precedents of the House of Representatives of the United States* (Washington: GPO, 1935-1941), vol. 6-11.

Online: *Hinds'* and *Cannon's Precedents* are available via **govinfo.gov** at https://www.govinfo.gov/collection/precedents-of-the-house?path=/GPO/Precedents%20of%20the%20U.S.%20House%20of%20Representatives and the House resources page of **Congress.gov** at https://www.congress.gov/resources/display/content/House+of+Representatives.

Print: Copies of *Hinds'* and *Cannon's Precedents* are available for reference at the House Library (292 Cannon) and the La Follette Congressional Reading Room (202 Madison). (This reading room is reserved for use by Members of Congress, their families, and their staff. Staff should call ahead to confirm the availability of *Hinds' and Cannon's Precedents*.)

Special Rules from the Committee on Rules

The House Committee on Rules has jurisdiction over "the order of business of the House."[30] In practice, this means that the Rules Committee reports simple resolutions known as special orders of business, or special rules, that establish the procedure for the consideration of a measure (or measures). Once adopted by the House, these resolutions may, for example, set time limits for general debate on a measure, identify which amendments are in order to it and who may offer them, and indicate whether any points of order against the measure are waived. These special rules are created through the constitutional rulemaking authority of the House, so, once agreed to by the House, they have the same authority as the House's standing rules.

Special rules outlining the procedures for considering certain measures are made available on the website of the Rules Committee and through Congress.gov. The text of each resolution may also be found in the *Congressional Record* during House proceedings adopting the resolution.

Special Rules

Simple resolutions containing special rules are reported from the House Committee on Rules and are available through the Rules Committee website at https://rules.house.gov/. The text of special rules may also be found via **Congress.gov** (https://www.congress.gov/) by searching for the resolution by its number (e.g., "H.Res. 274") or by searching the *Congressional Record* to find the proceedings to adopt the resolution.

[29] In contrast to *Deschler's Precedents*, proceedings that illustrate more than one principle are often combined in only one section with multiple headnotes.

[30] See House Rule X, clause 1(o).

Rules of Internal Organizations of the House

The chief institutional elements that make up the internal structure of the House are the committees and the party conferences (known, in the case of the Democratic Party, as the caucus). The standing committees established by House rules are chiefly responsible for developing the substance of legislative proposals, and one of the chief functions of the party conferences is to nominate their respective members to leadership and committee roles. Each committee and each conference adopts its own rules. Although these rules of the individual groups are not binding on the House, their provisions may affect the way proceedings in the House occur.

Committee Rules of Procedure

Many provisions of House rules, especially those of Rule XI, regulate proceedings in House committees. Clause 2 of Rule XI also requires that each standing committee adopt its own written rules of procedure, which it must publish in the *Congressional Record* within 60 days of the election of its chair at the start of a new Congress. These committee rules may not be inconsistent with the standing rules of the House and they cover important aspects of committee proceedings, such as whether the chair may postpone certain votes and how subpoenas are issued by the committee. Committee rules can be enforced in the committee that adopts them but are not enforceable on the House floor.

The House Committee on Rules issues a print (*Rules Adopted by the Committees of the House of Representatives of the United States*) that compiles the rules of procedure adopted by all House standing committees in each Congress. The rules of each committee also appear in the *Congressional Record* on the date they were submitted for publication. Most committees also publish their rules in a committee print or on the committee's website.

Rules Adopted by Committees of the House

U.S. Congress, House Committee on Rules, *Rules Adopted by the Committees of the House of Representatives of the United States*, committee print, 116th Cong., 1st sess., RCP 116-25 (Washington: GPO, 2019).

Online: *Rules Adopted by the Committees of the House of Representatives* for the 116th Congress can be accessed through **govinfo.gov** at https://www.govinfo.gov/content/pkg/CPRT-116HPRT36537/pdf/CPRT-116HPRT36537.pdf or through the resources page of the Rules Committee website at https://rules.house.gov/resources. The rules of individual House committees may be found by searching the *Congressional Record* through **Congress.gov** at https://www.congress.gov/. Most House committees also post these rules on the committee's website.

Party Caucus or Conference Rules

The rules of the House Republican Conference and Democratic Caucus are adopted by the House Members of the respective parties during their early organizational meetings after the November election.[31] The rules of the conferences are adopted only by the respective parties, so they are not directly enforceable on the House floor. Nevertheless, conference rules may affect proceedings of the House, for they often include provisions affecting the selection and terms of party floor and

[31] Members of each party serving as Resident Commissioner from Puerto Rico or as Delegate from American Samoa, the District of Columbia, Guam, the Northern Mariana Islands, or the U.S. Virgin Islands may also join the Democratic Caucus or the Republican Conference.

committee leaders, the assignment of members to committees, and the scheduling of business on the floor.[32]

House Party Conference or Caucus Rules (Online Access)

The Rules of the House Republican Conference for the 116th Congress can be accessed via https://www.gop.gov/conference-rules-of-the-116th-congress/.

For the House Democratic Caucus, no source makes available any formal rules.

Additional Authorities

As previously noted, procedure in the House is governed not only by the Constitution, formally adopted rules, and precedents but also by a variety of other practices that have become usual in the course of time. Although these informal practices are not adopted by the House itself, they supplement the rules and may influence the course of action that occurs in the House.

Some of these practices are embodied in written statements that provide guidance on the procedures the House will follow. This section discusses two authorities of this kind: (1) policies announced by the Speaker and (2) memoranda of understanding developed between committees about their respective jurisdictions.

Speaker's Policies

Speakers of the House have developed a number of policies specifying ways in which they intend to carry out certain House rules or exercise particular discretionary powers. Although these policies are not themselves rules, they reflect an exercise of the Speaker's authority under those rules.[33] Often, these policies have been developed through consultation with leaders of the minority party in the House and have continued under Speakers of both parties.

In the early days of a new Congress, it is customary for the Speaker to make an announcement from the chair stating policies he or she intends to continue. This announcement normally appears in the *Congressional Record* accompanied by the insertion of statements reflecting the details of the respective policies. The "Announcement by the Speaker" of policies for the 116th Congress includes reference to policies on (1) privileges of the floor for staff and former Members, (2) the introduction of measures, (3) unanimous consent requests for consideration of measures, (4) recognition for one-minute speeches, (5) recognition for special order speeches, (6) decorum in debate, (7) the conduct of electronic votes, (8) the use of handouts on the House floor, (9) the use of electronic devices on the House floor, and (10) the use of the House chamber.[34]

Similar policies are renewed in each new Congress by unanimous consent requests from the floor. In the 116th Congress, such policies concerning special order speeches, morning hour debate, and the daily hour of meeting are set forth in the *House Calendar*.[35]

[32] The leadership of the House may also develop legislative protocols to assist the majority leader with scheduling and considering legislation on the House floor. The legislative protocols for the 116th Congress may be found at https://www.majorityleader.gov/content/116th-congress-legislative-protocols. Protocols that were in effect in the 115th Congress may be found via https://www.republicanleader.gov/protocols/.

[33] For more information on the Speaker of the House, see CRS Report 97-780, *The Speaker of the House: House Officer, Party Leader, and Representative*, by Valerie Heitshusen.

[34] *Congressional Record*, daily edition, vol. 165 (January 3, 2019), pp. H198-201.

[35] For more information on the calendars of the House, see CRS Report 98-437, *Calendars of the House of Representatives*, by Christopher M. Davis.

Speaker's Policies

Speaker's Policies and other special orders are printed in the *Congressional Record* once they are propounded on the House floor. Some of these policies appear in the *House Calendar*.

Online: The *Congressional Record* for the 116th Congress is available in searchable form through **Congress.gov** at https://www.congress.gov/. The most recent *House Calendar* is available through **Congress.gov** at https://www.congress.gov/resources/display/content/Calendars+and+Schedules. All House calendars for the 116th Congress are available from **govinfo.gov** at https://www.govinfo.gov/app/collection/ccal/116.

Memoranda of Understanding Regarding Committee Jurisdiction

Standing committees may develop "memoranda of understanding" (sometimes referred to as "letters of agreement") that set forth their shared understanding of how House committee jurisdiction over a specific policy issue is divided.[36] These memoranda are addressed to the Speaker of the House in the form of a letter from the chairs of the committees involved. In effect, such memoranda of understanding memorialize how the Speaker will approach the referral of measures addressing specified policy issues when the jurisdictional mandate of committees may be unclear or overlap.

House rules empower the Speaker to refer legislation to committees, and the Parliamentarian of the House acts as the nonpartisan agent of the Speaker in the performance of this function. Referral decisions are based principally on the statements of each committee's jurisdiction detailed in clause 1 of House Rule X and on relevant precedents. The Speaker and the House Parliamentarian participate in the crafting of these memoranda of understanding that will guide the subsequent referral of legislation. These memoranda are therefore an important parliamentary reference source for questions about jurisdiction over specific policy issues. Some memoranda of understanding are inserted in the *Congressional Record*. Others are not made public, and no compilation of them or their effects is published.

Other Publications on Procedure

Several additional publications prepared by committees and offices of the House provide valuable information about House parliamentary procedure and practices. While these publications are not official parliamentary reference sources, they may make references to official sources, such as the rules of the House and published precedents. This section describes three such publications.

A Compendium of Laws and Rules of the Congressional Budget Process

A Compendium of Laws and Rules of the Congressional Budget Process, a print of the House Committee on the Budget, presents the text of the Congressional Budget and Impoundment Control Act of 1974, the "Gramm-Rudman-Hollings" Act, and additional information related to the budget process, such as House and Senate rules affecting the budget process.[37] This document presents valuable information related to the budgetary process in the House.

[36] For an example of these memoranda of understanding, see the *Congressional Record*, daily edition, vol. 153 (January 4, 2007), pp. H15-16.

[37] U.S. Congress, House Committee on the Budget, *A Compendium of Laws and Rules of the Congressional Budget Process*, committee print, 114th Cong., 1st sess., H.Prt. 114-1 (Washington: GPO, 2015).

How Our Laws Are Made

How Our Laws Are Made was first published in 1953 by the House Judiciary Committee.[38] The most recent version, published in 2003, was prepared by the Office of the House Parliamentarian in consultation with the Office of the Senate Parliamentarian. It provides a summary of the legislative process focusing primarily on House procedures from the drafting of legislation to final approval and presidential action. Although the document is intended for non-specialists, its summary descriptions of House procedures serve as a useful reference source.

Enactment of a Law

Enactment of a Law was prepared by the Parliamentarian of the Senate under the direction of the Secretary of the Senate and sets forth a concise summary of the legislative process.[39] This document, prepared in 1997 by former Parliamentarian of the Senate Robert B. Dove, explains Senate floor procedures and the functions of the various Senate officials, such as the Secretary of the Senate, the Sergeant at Arms, and the Senate Parliamentarian. Some information about House and conference procedures and presidential action is also provided.

Other Publications on Procedure (Online Access)

- *A Compendium of Laws and Rules of the Congressional Budget Process* is available from **govinfo.gov** at https://www.govinfo.gov/content/pkg/CPRT-114HPRT96107/pdf/CPRT-114HPRT96107.pdf.
- *Enactment of a Law* can be accessed through **Congress.gov** at https://www.congress.gov/resources/display/content/Enactment+of+a+Law+-+Learn+About+the+Legislative+Process.
- *How Our Laws Are Made* is available via **Congress.gov** at https://www.congress.gov/resources/display/content/How+Our+Laws+Are+Made+-+Learn+About+the+Legislative+Process.

[38] U.S. Congress, House, *How Our Laws Are Made*, prepared by John V. Sullivan, Parliamentarian, 110th Cong., 1st sess., H.Doc. 110-49 (Washington: GPO, 2007).

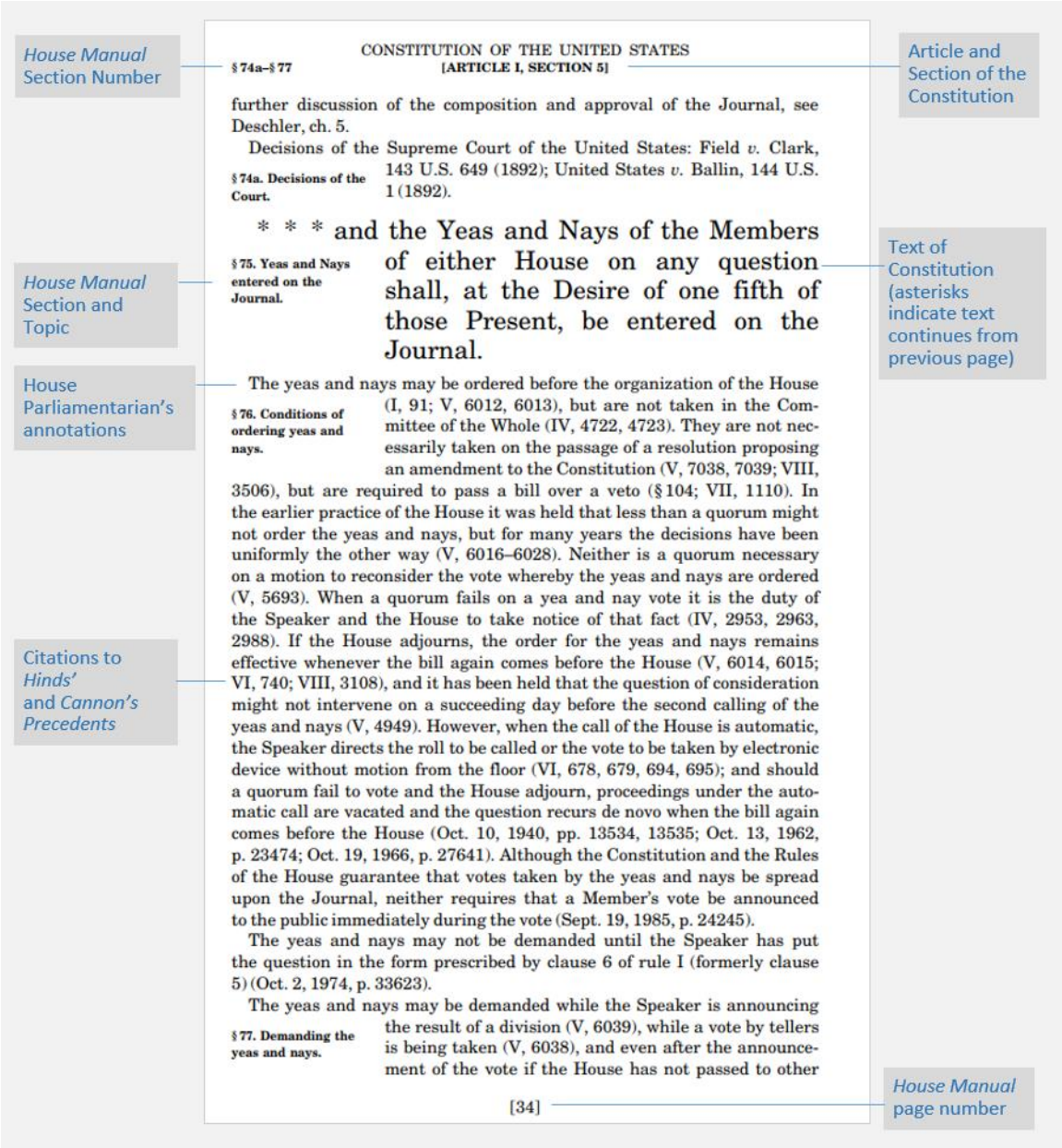
[39] U.S. Senate, *Enactment of a Law*, prepared by Robert B. Dove, Parliamentarian (Washington: GPO, 1997).

Appendix A. Annotated Excerpts from Selected Parliamentary Reference Sources

Appendix A includes excerpts from sections of the *House Manual*, *House Practice*, *Deschler's Precedents*, and *Cannon's Precedents* with annotations that explain some of the key features for using these reference sources.

Excerpt from the *House Manual*

This excerpt shows the section of the *House Manual* that presents the U.S. Constitution.



§ 74a–§ 77 CONSTITUTION OF THE UNITED STATES [ARTICLE I, SECTION 5]

further discussion of the composition and approval of the Journal, see Deschler, ch. 5.

§ 74a. Decisions of the Court.

Decisions of the Supreme Court of the United States: Field *v.* Clark, 143 U.S. 649 (1892); United States *v.* Ballin, 144 U.S. 1 (1892).

§ 75. Yes and Nays entered on the Journal.

* * * and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

§ 76. Conditions of ordering yeas and nays.

The yeas and nays may be ordered before the organization of the House (I, 91; V, 6012, 6013), but are not taken in the Committee of the Whole (IV, 4722, 4723). They are not necessarily taken on the passage of a resolution proposing an amendment to the Constitution (V, 7038, 7039; VIII, 3506), but are required to pass a bill over a veto (§ 104; VII, 1110). In the earlier practice of the House it was held that less than a quorum might not order the yeas and nays, but for many years the decisions have been uniformly the other way (V, 6016–6028). Neither is a quorum necessary on a motion to reconsider the vote whereby the yeas and nays are ordered (V, 5693). When a quorum fails on a yea and nay vote it is the duty of the Speaker and the House to take notice of that fact (IV, 2953, 2963, 2988). If the House adjourns, the order for the yeas and nays remains effective whenever the bill again comes before the House (V, 6014, 6015; VI, 740; VIII, 3108), and it has been held that the question of consideration might not intervene on a succeeding day before the second calling of the yeas and nays (V, 4949). However, when the call of the House is automatic, the Speaker directs the roll to be called or the vote to be taken by electronic device without motion from the floor (VI, 678, 679, 694, 695); and should a quorum fail to vote and the House adjourn, proceedings under the automatic call are vacated and the question recurs de novo when the bill again comes before the House (Oct. 10, 1940, pp. 13534, 13535; Oct. 13, 1962, p. 23474; Oct. 19, 1966, p. 27641). Although the Constitution and the Rules of the House guarantee that votes taken by the yeas and nays be spread upon the Journal, neither requires that a Member's vote be announced to the public immediately during the vote (Sept. 19, 1985, p. 24245).

The yeas and nays may not be demanded until the Speaker has put the question in the form prescribed by clause 6 of rule I (formerly clause 5) (Oct. 2, 1974, p. 33623).

§ 77. Demanding the yeas and nays.

The yeas and nays may be demanded while the Speaker is announcing the result of a division (V, 6039), while a vote by tellers is being taken (V, 6038), and even after the announcement of the vote if the House has not passed to other

[34]

Excerpt from *House Practice*

This excerpt shows Chapter 11 ("Committees"), Section 31, of *House Practice*.

Chapter section number

Reference to another *House Practice* chapter

Section subtopic

Congressional Record citation

Citation to *Deschler's Precedents*

House Manual citation

Citations to *Hinds'* and *Cannon's Precedents*

House Practice page number

§ 31 HOUSE PRACTICE

§ 31. Printing; Referral to Calendars

Generally

Unless a report is privileged for immediate consideration, it is delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker. *Manual* § 831; § 33, infra. Privileged reports are filed from the floor while the House is in session and referred to the appropriate calendar and ordered printed by the Speaker. Deschler Ch 17 § 58.

For more discussion of referrals, including sequential referrals, see BILLS AND RESOLUTIONS.

Adverse Reports

Under clause 2(a)(2) of rule XIII, a bill reported adversely is laid on the table unless the reporting committee or a Member requests the Clerk to refer the bill to a calendar. Nonprivileged reports on resolutions adversely reported are not printed unless a request is made that they be referred to a calendar. Deschler Ch 17 § 59.1. However, reports on resolutions of inquiry are privileged, are reported as such (whether favorable or adverse), and are printed and referred. *Manual* § 864; see also CALENDARS.

Correcting an Error

A ''star print'' is a reprint of a committee report or reported bill to correct errors in the first printing of the report. A ''star print'' may be authorized by the Speaker to correct an error made by the Government Publishing Office. 95-2, June 23, 1978, p 18806. A committee may correct a technical error in its report by filing a supplemental report under clause 3(a)(2) of rule XIII. § 28, supra.

§ 32. Supplemental, Minority, Additional, or Dissenting Views

The members of a committee who are in the minority may not present a proposition of legislation but have the right to file views to accompany the report. 4 Hinds §§ 4601-4605. Unless filed with the report, minority views may be presented only by consent of the House. 4 Hinds § 4600; 8 Cannon § 2231.

Clause 2(l) of rule XI entitles a member of the committee who gives notice to two additional calendar days to file with the clerk of the committee supplemental, minority, additional, or dissenting views. The member must give notice at the time of the committee's approval of the report. The right to submit additional views inures to all members of the committee. *Manual* § 804. Thus, if one member makes a timely request for filing views, all other members of the committee may submit views for inclusion in the re-

298

Excerpt from *Deschler's Precedents*

This excerpt shows Chapter 23 ("Motions"), Section 6, of *Deschler's Precedents* (Volume 7, online version).

Chapter and section number

Ch. 23 §6 DESCHLER'S PRECEDENTS

veto message and to participate in what I think is a highly important matter.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

A motion to reconsider was laid on the table.

Italicized headnotes introduce precedents

Postponement of Resolution of Disapproval

§ 6.3 A resolution disapproving a President's alternative pay plan is subject to a motion in the House to postpone consideration thereof.

Parliamentarian's Note: 5 USC § 5305(j) makes in order motions to postpone consideration of such disapproval resolutions, either to a day certain or indefinitely. A motion to postpone would be in order either (1) pending the initial motion to consider the disapproval resolution; (2) upon adoption of a motion that the Committee of the Whole rise; or (3) after the Committee had risen and reported the resolution back to the House.

Postponement of Motion to Discharge

Section number

§ 6.4 When a motion to discharge a committee under Rule XXVII clause 4 is called up a motion to postpone consideration thereof to a day certain is not in order.

On Dec. 18, 1937,[5] the House was considering the petitions on the Discharge Calendar. The following took place:

MR. [SAMUEL B.] PETTENGILL [of Indiana]: Assuming that the gentleman from Indiana, or some other signer of the petition, were to call it up, would a motion to postpone to a day certain, being a second or fourth Monday, be in order?

Text of exchange establishing the precedent

THE SPEAKER:[6] Under the rules, it would not. The Chair directs the attention of the gentleman from Indiana to the discharge rule which clearly sets out that no intervening motion may take place except one motion to adjourn.

§ 7. Postponement to a Day Certain

Postponement of Veto Messages to a Day Certain

§ 7.1 The debatable motion to postpone further consideration of a veto message to a day certain is privileged and takes precedence over the pending question of passing the bill notwithstanding the objections of the President.

5. 82 CONG. REC. 1847, 75th Cong. 2d Sess.

Congressional Record citation

6. William B. Bankhead (Ala.).

Page number in Volume 7 (online)

4546

Excerpt from *Cannon's Precedents*

This excerpt shows Volume VIII, Chapter CCL ("The Previous Question"), Section 2678, of *Cannon's Precedents* (online version).

Page number in Volume 8 (*Cannon's Precedents*, online)

Section number of the first precedent on this page

Summary of exchange establishing the precedent

Text of the Speaker's decision

Section number

Bold headnote summarizes the precedent

Congressional Record citations

334 PRECEDENTS OF THE HOUSE OF REPRESENTATIVES. § 2678

The question being taken, the amendment proposed in the instructions from the House was agreed to.

Mr. Burleson again proposed to offer his amendment when objection was made that the operation of the previous question precluded it.

Mr. Joseph H. Gaines, of West Virginia, raised the question of order that since the previous question was ordered the resolution had been recommitted, again reported by the committee and the amendment reported back had been adopted, and the previous question was no longer in effect.

The Speaker ruled:

The previous question was ordered upon the resolution and amendment. The amendment was agreed to; then came the motion to recommit and it was recommitted, and technically the previous question is still operating. Actually in fact it has not been to the committee, but the instructions here were to report forthwith and the rule has been construed as the Chair recollects, and very properly so, that this is a method under the rule, by which the House, notwithstanding the operation of the previous question on a motion, which is an anomaly in parliamentary proceedings, may work its will, but the previous question is evidently operating because the action of the committee does not exist, in fact it is a method by which the House acts instanter upon the subject in hand. The question is on agreeing to the resolution.

2678. The previous question may be moved on a resolution while a motion to recommit it is pending.

On May 17, 1911,[1] the House had under consideration the resolution (H. Res. 172) naming a select committee to investigate the American Sugar Refining Co.

Mr. James R. Mann, of Illinois, moved to refer the resolution to a select committee of 15 members.

After debate, Mr. Oscar W. Underwood, of Alabama, moved the previous question on the resolution.

Mr. Mann made the point of order that the previous question could only be moved on the pending question, and as the motion to recommit was the pending question it was not in order to demand the previous question on the resolution.

The Speaker[2] referred to section 5466 of Hinds' Precedents holding that the previous question may be moved on both the motion to refer and on the pending resolution, and overruled the point or order.

The Speaker then put the question on the motion to recommit.

The motion to recommit being rejected, the question recurred on the adoption of the resolution.

2679. The previous question may be moved on a portion of the amendments to a bill reported from the Committee on the Whole, leaving the remaining amendments open to debate and amendment.

On February 29, 1924,[3] the Committee of the Whole House on the state of the Union reported to the House the bill H. R. 6715, the revenue bill, with sundry amendments and with the recommendation that the amendments be agreed to and the bill as amended be passed.

[1] First session Sixty-second Congress, Record, p. 1294.
[2] Champ Clark, of Missouri, Speaker.
[3] First session Sixty-eighth Congress, Record, p. 3345.

Appendix B. Selected CRS Products on House Procedure

Most of these reports are available to congressional staff through the CRS home page at http://www.crs.gov. These reports may also be accessed through the Congressional Process, Administration, and Elections section of the CRS website at https://www.crs.gov/iap/congressional-process-administration-and-elections. Most of these reports are available to the public via the CRS Reports page of Congress.gov at https://crsreports.congress.gov/.

CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis.

CRS Report RL32207, *Commonly Used Motions and Requests in the House of Representatives*, by Christopher M. Davis.

CRS Report 96-708, *Conference Committee and Related Procedures: An Introduction*, by Elizabeth Rybicki.

CRS Report R43424, *Considering Legislation on the House Floor: Common Practices in Brief*, by Elizabeth Rybicki.

CRS Report RL32200, *Debate, Motions, and Other Actions in the Committee of the Whole*, by Bill Heniff Jr. and Elizabeth Rybicki.

CRS Report RL30599, *Expedited Procedures in the House: Variations Enacted into Law*, by Christopher M. Davis.

CRS Report 98-309, *House Legislative Procedures: Published Sources of Information*, by Megan S. Lynch.

CRS Report 97-1045, *House Rules and Precedents Affecting Committee Markup Procedures*, by Christopher M. Davis.

CRS Report 98-228, *House Voting Procedures: Forms and Requirements*, by Jane A. Hudiburg.

CRS Report RS20067, *How Measures Are Brought to the House Floor: A Brief Introduction*, by Christopher M. Davis.

CRS Report 95-563, *The Legislative Process on the House Floor: An Introduction*, by Christopher M. Davis.

CRS Report 98-307, *Points of Order, Rulings, and Appeals in the House of Representatives*, by Valerie Heitshusen.

CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki.

CRS Report 97-780, *The Speaker of the House: House Officer, Party Leader, and Representative*, by Valerie Heitshusen.

CRS Report 98-778, *Supermajority Votes in the House*, by Jane A. Hudiburg.

CRS Report R45545, *Suspension of the Rules: House Practice in the 114th Congress (2015-2016)*, by Jane A. Hudiburg.

CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by Elizabeth Rybicki.

Appendix C. House Parliamentary Reference Information Available Online

The vast majority of the referenced links found throughout this report can be accessed through one of two "gateway" websites maintained by legislative branch organizations: Congress.gov (a website of the Library of Congress) and govinfo.gov (a website of the GPO). Each of these sites provides an entry point for research into House procedures. The websites provided for the documents discussed in this report are current as of the report's publication date.

Congress.gov

https://www.congress.gov

Congress.gov is the official website for U.S. federal legislative information.[40] The site provides access to accurate, timely, and complete legislative information for Members of Congress, legislative agencies, and the public. Congress.gov also contains information on topics such as nominations, public laws, communications, and treaties. It is presented by the Library of Congress using data from the Office of the Clerk of the U.S. House of Representatives, the Office of the Secretary of the Senate, the GPO, Congressional Budget Office, and CRS.

govinfo.gov

https://www.govinfo.gov/

Govinfo.gov is a service of the GPO. The website provides public access to official publications of the Congress.[41]

Author Information

Gail E. Baitinger
Analyst on Congress and the Legislative Process

Acknowledgments

The original version of this report was written by Richard S. Beth, former Senior Specialist on Congress and the Legislative Process at CRS, and Megan S. Lynch, Specialist on Congress and the Legislative Process. Thank you to CRS Visual Information Specialist Amber Wilhelm for creating the graphics in this report.

[40] See https://www.congress.gov/about for more information.

[41] See https://www.govinfo.gov/about for more information.

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.