Congressional Research Service
Informing the legislative debate since 1914

# Parliamentary Reference Sources: House of Representatives

Updated April 4, 2008

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

**CRS REPORT**
Prepared for Members and
Committees of Congress

# Summary

House procedures are based not solely on the code of Rules the chamber adopts at the start of each Congress, but also on constitutional mandates, published precedents reflecting authoritative rulings and interpretations of the foregoing authorities, procedural principles set forth in the manual of practice prepared by Jefferson, "rule-making" statutes, and practices that have developed without being formally adopted.. Rules adopted by committees and by the party conferences also serve as sources of parliamentary practice in the House. This report describes the coverage, format, and availability of documents that set forth these procedural authorities, and notes principles of House procedural practice that bear on appropriate use of these sources. Summaries and appendices provide citations to print and electronic versions, and list related CRS products.

The main procedural authorities of the House are set forth in the *House Manual* ("*House Rules and Manual"* or, colloquially, "Jefferson's Manual"), published in each Congress and distributed to House offices. They include the Constitution, applicable portions of *Jefferson's Manual,* the adopted Rules of the House, and provisions of statute that have procedural effects, often governing proceedings on specified measures. In the *House Manual*, provisions of each authority are accompanied by the parliamentarian's annotations of precedents interpreting those provisions. Budget resolutions may also contain provisions with procedural effect.

The current practice of the House is summarized by topic, with references to pertinent rules and precedents, in *House Practice*, prepared by the Office of the Parliamentarian and provided to all House offices. Precedents from 1936 to 1976 or later are set forth in full, or topical chapters, in the 16 volumes (so far) of *Deschler-Brown Precedents.* Currently applicable precedents, including some later than 1976, are digested in *Procedure in the House*, a single volume with a similar chapter structure. Precedents before 1936 are set forth in the 11 volumes (with indexes) of *Hinds'* and *Cannon's Precedents,* with their own topical order. The older works among these are out of print, but copies are available for House offices.

Other authorities include policies announced by Speakers in implementing certain rules, and "memorandums of understanding" reached by committees about areas of potentially shared jurisdiction. Some of these policies and memorandums are published in the *Congressional Record*. Also, House Rules require each committee to adopt and publish rules, which the Committee on Rules compiles in a single document in each Congress. Rules adopted by each party conference are in general made available only to its members. Finally, this report also mentions two brief procedural guides published under the auspices of House committees.

This report assumes a basic familiarity with House procedure. It will be updated to reflect the appearance of new editions of the documents discussed and to address substantial changes in their content and availability. Information about Senate parliamentary reference sources is covered in CRS Report RL30788, *Parliamentary Reference Sources: Senate*, by Megan Suzanne Lynch and Richard S. Beth.

# Contents

Introduction ..... 1
Principles of House Parliamentary Procedure ..... 2
House Procedures Are Determined by Multiple Authorities ..... 2
Constitutional Rule-Making Authority of the House ..... 2
House Rules Are Generally Not Self-Enforcing ..... 3
The House Rarely Disregards Its Precedents ..... 4
The House Adheres to Many Informal Practices ..... 5
The *House Manual* and Authorities It Contains ..... 5
House Manual ..... 5
Organization and Indexing ..... 6
Parliamentarian's Annotations ..... 6
Summary of Changes to House Rules ..... 7
The Constitution ..... 7
*Jefferson's Manual* ..... 10
Rules of the House ..... 11
Recodification ..... 12
Procedural Provisions of Statute ..... 14
Legislative Reorganization Acts ..... 15
Expedited Procedures ..... 15
Budget Process Statutes ..... 17
Procedural Provisions in Budget Resolutions ..... 18
Official Compilations of Precedents of the House ..... 19
*House Practice* ..... 20
*Deschler's Precedents* ..... 24
*Hinds'* and *Cannon's Precedents* ..... 27
*Procedure in the House* ..... 30
*Cannon's Procedure* ..... 33
Additional Authorities ..... 35
Speaker's Policies ..... 35
Memorandums of Understanding Regarding Committee Jurisdiction ..... 36
Rules of Internal Organizations of the House ..... 39
Committee Rules of Procedure ..... 39
Party Caucus or Conference Rules ..... 41
Other Congressional Publications on Procedure ..... 42
*Floor Procedures Manual* ..... 42
*How Our Laws Are Made* ..... 43
*Enactment of a Law* ..... 44

## Appendixes

Appendix A. Bibliography of House Parliamentary Reference Sources ..... 45
Appendix B. House Parliamentary Reference Information Available Through the Internet ..... 48

## Contacts

Author Information..... 50

# Introduction

House procedures are not based solely on the Rules that the chamber adopts at the outset of each new Congress. The foundations of House parliamentary procedure also include constitutional mandates, principles of parliamentary practice set forth in *Jefferson's Manual*, provisions of law that have the force and effect of rules, published precedents reflecting authoritative rulings and interpretations of the foregoing authorities, and informal practices. They also include committee rules, "memorandums of understanding" between committees regarding committee jurisdiction, and the rules of each party's caucus or conference.

This report identifies and describes documents, published by the House or organs and offices thereof, that provide an official record of these parliamentary authorities. Members usually cite these documents when raising a point of order or defending against one. They may be grouped into three classes. The first comprises the texts of the chief authorities governing parliamentary procedure in the House. These authorities, which are presented in the *House Manual*[1] with annotations by the parliamentarian, include

- the Constitution;
- *Jefferson's Manual*;
- the adopted Rules of the House; and
- provisions of law that have the force and effect of rules ("rule-making statutes").

A second group of official reference documents compiles and digests the precedents of the House. This group includes

- *House Practice: A Guide to the Rules, Precedents and Procedures of the House*;
- *Deschler's* (and *Deschler-Brown*) *Precedents of the U.S. House of Representatives*;
- *Hinds'* and *Cannon's Precedents of the House of Representatives of the United States*.
- *Procedure in the U.S. House of Representatives* and its supplements; and
- *Cannon's Procedure in the House of Representatives*.

Finally, parliamentary reference documents prepared by committees, offices, and other organs of the House include

- Committee rules, adopted by the respective committees and compiled, in each Congress, by the House Committee on Rules in a print, *Rules Adopted by Committees of the House of Representatives;*
- "Memorandums of understanding" (often called "letters of agreement") between committees regarding committee jurisdiction;
- *Floor Procedure in the U.S. House of Representatives* from the House Committee on Rules;
- *How Our Laws Are Made* from the Office of the House Parliamentarian; and
- the rules of the Democratic Caucus and of the Republican Conference, adopted by the respective bodies and prepared by each for its own Members.

[1] Commonly (but, as explained below, misleadingly) referred to as "Jefferson's Manual."

This report begins by reviewing some principles of House procedure that condition the way in which these parliamentary reference sources can be used. The body of the report describes the format of each parliamentary reference document and the content of the authorities it contains. Many of the descriptions of printed sources also are illustrated with sample pages that show the format of the document and are annotated to indicate special features and components. Although some of these illustrations do not reflect the most recent, current edition of the document from which they are taken, the format and other features they illustrate are retained in the current editions.

Boxes following the description of each authority present information on how to locate it in various documentary sources, both in printed form and through the Internet. In these access boxes, the names of websites appear in bold type.

The appendices of the report summarize the information contained in the access boxes. **Appendix A** furnishes citations for each printed reference document covered in this report, and for related Congressional Research Service (CRS) products. **Appendix B** summarizes House parliamentary reference information available through the Internet.

Official guidance on House parliamentary procedure is available from the Office of the House Parliamentarian. CRS staff also can assist congressional clients in clarifying House rules and procedures.

# Principles of House Parliamentary Procedure

The House applies the regulations set forth in its various parliamentary authorities in accordance with several principles that remain generally applicable across the entire range of procedural situations. Among these principles may be listed the following: (1) House procedure is governed by multiple authorities, not by chamber rules alone; (2) the House has a constitutional power to make its own rules of procedure; (3) House rules are generally not self-enforcing; (4) the House rarely disregards its precedents; and (5) the House adheres to many practices that have developed without being formally adopted. 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 governing House parliamentary procedure, they are, as the introductory discussion has already shown, by no means the only one. The authorities by which the proceedings of the House are regulated are not mutually exclusive; rather, any concrete procedural situation is affected by the interaction among them. As a result, the course taken by any proceedings in the chamber will depend on all the different parliamentary authorities that may be pertinent to the specific circumstances.

## Constitutional Rule-Making Authority of the House

Article I of the Constitution gives the House the authority to determine its rules of procedure. This constitutional rule-making authority affects House procedure in two different ways. First, except in the case of matters prescribed by the Constitution itself, the House can determine for itself the substance of the rules that will govern its internal procedures. The House exercises this rule-making power at the beginning of each Congress when it adopts the chamber's rules, including any amendments to, or rules additional to, those of the previous Congress.

The House also uses its rule-making power in this sense when it adopts "special rules" and when it enacts "rule-making statutes." A special rule defines a specific procedure for considering an

individual measure on the floor. A rule-making statute is a law that includes provisions governing House procedures, typically by prescribing rules for the consideration of a class of measures specified by the act itself. For example, the Congressional Budget Act of 1974[2] contains rule-making provisions that, among other things, specify the content of the congressional budget resolution and set terms for its consideration.

Special rules and rule-making statutes have the same standing and effect as the rules of the House, because they are both created through an exercise of the House's constitutional rule-making authority. When the House uses a "rule" to set terms for considering a measure, it typically adopts the "rule" immediately preceding consideration of the measure in question. When Congress enacts a law containing rule-making provisions, it typically includes in the statute a declaration that the provisions are enacted as an exercise of the rule-making authority of each house. At the beginning of each Congress, also, the House provides for the continued effectiveness of existing rule-making statutes as part of the same action by which it adopts its general code of chamber rules.

A further way in which the House's rule-making authority affects its procedure is that the House can determine when its adopted code of Rules, including rule-making 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, by a two-thirds vote, to suspend the rules for consideration of a measure. Moreover, by majority vote, the House can adopt a special rule waiving points of order that Members could normally raise under the rules of the House or under a rule-making statute.

## House Rules Are Generally Not Self-Enforcing

Rules of the House, as well as other authorities that have the force of chamber rules (such as rule-making 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 House Rule, precedent, or other procedural authority. When a point of order is raised, the chair (the Speaker when in the House proper; the chairman when in Committee of the Whole) normally rules on its validity, often providing an explanation of the parliamentary rationale behind the ruling.[3] If the chair sustains the point of order, the House cannot proceed with the action the point of order assails. As the next section describes, the ruling of the chair in such cases normally stands as a precedent of the House.

The chair may also enforce House Rules and other sources of procedural authority by refusing to entertain a proposed action that these authorities do not permit. In some circumstances, the chair might take the initiative to rule such an action out of order, or to make an announcement to the House regarding proper procedure. For example, the chair often reminds members of rules of decorum during debate. In many circumstances, however, the chair does not take initiative to call to the chamber's attention that a violation of House rules is taking place. Under these conditions,

[2] Titles I-X of P.L. 93-344, 88 Stat. 298, as amended.

[3] When a point of order is raised, there are a few situations when the chair does not make a ruling. For example, the chair does not rule on the points of order established by the Unfunded Mandates Reform Act of 1995 (P.L. 104-4, 109 STAT. 48). When a Member raises a point of order against considering a measure containing unfunded mandates, the House votes on whether to consider the measure after 10 minutes of debate. See CRS General Distribution Memorandum, *Unfunded Mandates: Procedure in the House*, by Richard S. Beth, January 31, 2000 (available to congressional clients through the author).

unless some Member raises a point of order, the House can proceed in ways contrary to the requirements of its procedural authorities.

In addition, points of order and rulings of the chair occur only on procedural questions raised pursuant to rules and precedents of the House. The chair will not rule on a point of order asserting a violation of constitutional requirements, for the chair has authority only over adopted rules and not over the Constitution. It is the practice of the House that the judgment of the chamber on a constitutional matter is to be settled by the vote of the body on the substantive question with respect to which the constitutional question is raised.[4]

Similarly, parliamentary actions undertaken on the basis of rules of a party caucus or conference, are not enforceable on the House floor, and the same is often true of practices that have developed without being formally adopted. While party caucus and conference rules, and practices that are "informal" in this sense, form part of the basis of House procedure, they are not produced through an exercise of the chamber's constitutional rule-making authority, and hence do not have the same standing as the Rules of the House. Caucus or conference rules are created and enforced by one party, and informal practices evolve over the years as custom. Finally, rules of procedure adopted by each House committee generally cannot be enforced on the House floor, though they can be enforced in the committee that adopts them.

## The House Rarely Disregards Its Precedents

The published precedents of the House set forth how the chamber has interpreted and applied the chamber's rules. Most precedents are formed when the chair rules on a point of order, deciding either to sustain or overrule. In principle, any Member could appeal a ruling of the chair to the House itself, which would then determine the question itself by a majority vote. This proceeding would constitute an exercise of the constitutional authority of the House over its own rules, and the resulting determination of the House would also constitute a precedent. In practice, however, the House almost never entertains appeals of rulings of the chair, and even when it does, it seldom reverses the chair; in fact, the majority usually votes at once to lay any appeal on the table, an action that has the effect of confirming the ruling of the chair.

Precedents also can be created when the chair responds to a parliamentary inquiry, or when the House makes a procedural decision by a majority vote (e.g., to adopt a certain type of special rule).

Precedents influence the manner in which current House rules are applied by relating past decisions to the specific case before the chamber. In specific cases, it may often be necessary to consult the published precedents for guidance on how each rule has been applied. In this way, the published precedents of the House function in practice both to complement and supplement the rules of the House. Precedents, accordingly, 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 precedents of the House to support their point of order, or to defend against one. Similarly, the chair will often support a ruling by citing the decisions of predecessors. Historically, the House rarely disregards 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 response to parliamentary inquiries. In addition, more recent precedents generally receive greater

[4] U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Tenth Congress*, 109th Cong., 2nd sess., H.Doc. 109-157, [compiled by] John V. Sullivan, Parliamentarian (Washington: GPO, 2007), sec. 628. (Hereafter cited as *House Manual)*.

weight than earlier ones, and a precedent that is part of an evolved pattern will have more weight than one that is isolated in its effect. 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 needing to find 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 undertaken on the basis of practices that have evolved over the years and become accepted custom without being formally adopted, which can be called "informal" practices. Inasmuch as practices that are "informal" in this sense are not mandated by any authoritative statement, they cannot in general be enforced on the House floor through a point of order. In practice, however, these informal practices are rarely challenged on the House floor. Many are described in documents that digest the practice of the House or compile its formal precedents. Contemporary examples of House procedures determined by these informal practices include (1) the Speaker's recognition of Members for one-minute and special order speeches; and (2) giving members of the committee or subcommittee reporting a bill priority recognition for offering floor amendments.

## The *House Manual* and Authorities It Contains

### House Manual

The *House Manual* compiles in one volume the text of all the principal parliamentary sources that have authoritative force in House proceedings, accompanied by annotations by the Parliamentarian of the House that summarize precedents and practices pertinent to each provision. The authorities included in the *Manual* are:

- the Constitution of the United States;
- portions of *Jefferson's Manual of Parliamentary Practice*;
- the adopted Rules of the House;
- rule-making statutes, especially those governing the congressional budget process and those containing congressional disapproval provisions.

The formal title of this document is *Constitution, Jefferson's Manual, and Rules of the House of Representatives,* and it is usually spoken of simply as the *House Manual*, *House Rules Manual*, or *House Rules and Manual*. It also is often referred to as "Jefferson's Manual." In fact, however, as the preceding list shows, this colloquial reference is a misnomer, for the procedural manual actually prepared by Thomas Jefferson constitutes only one element of the contents of the volume.

An edition of the *House Manual* is published by the Government Printing Office as an official, numbered House Document, in each Congress, usually at some point during the first session. The edition for each Congress bears a House Document number from the preceding Congress, because the House typically authorizes it during the preceding Congress. Thus, for example, the Manual for the 110th Congress is designated "H.Doc. 109-157."

Subsequent sections in this part of the report discuss the several parliamentary authorities incorporated in the *House Manual* and identify other reference sources in which each is also

found. The remainder of the present section describes features of the *Manual* that appear uniquely in this reference source. These include

- a single comprehensive index to all the authorities contained in the *Manual*;
- the annotations by the Parliamentarian of the House to the provisions of each authority, summarizing pertinent precedents that bear on each provision; and
- a preface that presents a summary of changes to House Rules adopted since the last Congress.

## Organization and Indexing

The *House Manual* is organized in numbered sections that run throughout the *Manual* in a single sequence, often with gaps between the end of one section and the start of the next. These normally remain constant from edition to edition, which facilitates citation and reference across editions. For this reason, citations to the *Manual* are usually given not by page number, but instead by section number. *Manual* section numbers are also listed at the top of each page. As discussed below, House Rules were recodified in the 106th Congress in a revised structure that reduced their number from 52 to 28. At that time, as a result, section numbers necessarily changed in the portion of the *Manual* devoted to those rules.

The extensive index of the *House Manual* also provides citations by section number. This index breaks major topics into subheadings, and under each subheading, the topic of each provision cited is identified by a descriptive specification. Citations under the subject heading "Civil offices," for example, are identified by the following entries: "May be removed by impeachment" and "Members not to be appointed to certain." The index should be thoroughly examined in order 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*. These annotations, often referred to as the "Parliamentarian's notes," typically follow the clause or other provision of procedural authority to which they apply. They describe the history of the respective provision and provide useful information about its contemporary application. They explain current practice and briefly describe some of the most important precedents.

Citations to important precedents are presented in parentheses throughout the annotations. These citations refer the reader to various official publications setting forth precedents, which are described later in this report. Citations appear in the following formats:

- *Congressional Record*: the date and (except in the case of very recent citations) the page number in the permanent *Congressional Record* (e.g., "January 29, 1986, p. 684"). Some citations also provide additional information, such as the number of the bill involved in the precedent.
- *Hinds'* and *Cannon's Precedents*: a roman numeral indicating the volume number, and the section number (e.g., "V, 5763").
- *Deschler's Precedents* or *Deschler-Brown Precedents*: the publication's shortened title, volume number, chapter number, and section number (e.g., "*Deschler-Brown Precedents*, vol. 10, ch. 28, sec. 4.26").
- *Procedure in the House:* the publication's shortened title, chapter number, and section number (e.g., "*Procedure*, ch. 5, sec. 8.1").

- Pronouncements by the Speaker: the name of the Speaker, the date, and (except in very recent instances) the page number in the permanent *Congressional Record* page number (e.g., "Speaker O'Neill, Mar. 2, 1978, p. 5272").
- *United States Code:* by title and section (e.g., "2 U.S.C. 287"); and
- *United States Reports*, compiling rulings of the Supreme Court: by volume and page (e.g., "395 U.S. 486").

The discussion of precedents in the parliamentarian's annotations has great practical value for several reasons. First, it allows the reader to see the relationship between the operation of specific clauses in the authority annotated and the precedents. Second, because the discussion is updated each time the *House Manual* is published, it references some important precedents that are not included in earlier compilations or digests of precedent. Last, the citations provided in parentheses can be a time-saving research tool for readers seeking precedents related to a specific clause of House Rules or of the other parliamentary authorities included in the *House Manual*.

Excerpts from the parliamentarian's annotations appear in many of the sample *House Manual* pages presented in this report. The description of each parliamentary authority discusses the information provided in the parliamentarian's annotations.

### Summary of Changes to House Rules

This summary, which normally appears in the preface to the *House Manual* for the each Congress, typically covers the most substantive changes in House Rules adopted since the previous edition of the *Manual*.

**House Manual**

**House Manual**

U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the States, One Hundred Tenth Congress*, H.Doc. 109-157, 109th Cong., 2nd sess., [compiled by] John V. Sullivan, Parliamentarian (Washington: GPO, 2007).

**Print:** A new edition of the *Manual* normally appears at some point during the first session of each Congress. When issued, the *Manual* is automatically distributed to House Member and committee offices. Additional copies may be available from the House Legislative Resource Center.

**Internet:** The full text of the current *House Manual* can be searched online through the following websites:

**LIS**, the Legislative Information System of the U.S. Congress:
a link to the House Manual (labeled "Jefferson's Manual") appears on the House page at
http://www.congress.gov/house.php

**GPO Access**, a website of the Government Printing Office:
http://www.gpoaccess.gov/hrm/index.html

## The Constitution

The *House Manual* presents the text of the Constitution (including amendments) with annotations by the parliamentarian explaining how the House and the courts have interpreted and applied constitutional provisions. In particular, Article I, section 5 imposes several procedural requirements on the House. This part of the Constitution 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 business in the House, and requires that a yea and nay vote be conducted upon the request of one-fifth of the Members present. The parliamentarian's annotations elaborate on how each of these constitutional provisions has been applied in practical terms in the House.

Reprinted on the following page is the constitutional provision requiring the yeas and nays, followed by some of the parliamentarian's annotations.[5]

[5] Constitution of the United States, in *House Manual, One Hundred Fifth Congress*, H.Doc. 104-272, 104th Cong., 2nd sess., [compiled by] Charles W. Johnson, Parliamentarian (Washington: GPO, 1997), pp. 32-33.

House Manual section number.

§ 74–§ 76

CONSTITUTION OF THE UNITED STATES
[ARTICLE I, SECTION 5]

Article and Section number of the Constitution.

on that day under clause 6(c)(1) of rule XV, and clause 6 of rule XV generally prohibits the making of points of order of no quorum unless the Speaker has put the question on the pending motion or proposition.

Under the practice before clause 1 of rule I was adopted in its present form, the motion to amend the Journal took precedence over the motion to approve it (IV, 2760; VI, 633); but the motion to amend may not be admitted after the *previous question is demanded on a motion to approve* (IV, 2770; VI, 633; VIII, 2684). An expression of opinion as to a decision of the Chair was held not in order as an amendment to the Journal (IV, 2848). A proposed amendment to the Journal being tabled does not carry the Journal with it (V, 5435, 5436). While a proposed correction of the Journal may be recorded in the Journal, yet it is not in order to insert in full in this indirect way what has been denied insertion in the first instance (IV, 2782, 2804, 2805). The earlier practice was otherwise, however (IV, 2801–2803). The Journal of the last day of a session is not approved on the assembling of the next session, and is not ordinarily amended (IV, 2743, 2744). For further discussion of the composition and approval of the Journal, see *Deschler's Precedents*, vol. 1, ch. 5.

**§ 74. Motions to amend the Journal.**

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).

**§ 74a. Decisions of the Court.**

Text of the Constitution (asterisks indicate text continues from previous page).

* * * 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.

House Manual section number and topic.

**§ 75. Yeas and Nays entered on the Journal.**

The yeas and nays may be ordered before the organization of the House (*I*, 91; V, *6012, 6013*), but are *not taken in 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; V, 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

**§ 76. Conditions of ordering yeas and nays.**

House Parliamentarian's annotations.

Citations to Hinds' and Cannon's Precedents.

House Manual page number.

**Constitution**

The text of the Constitution and its amendments, with the parliamentarian's annotations, is available in print and online as it appears in the *House Manual*, secs. 1-258.

**Print:** The text of the Constitution and amendments, with annotations prepared by CRS that include references to decisions of the Supreme Court, is printed in: U.S. Congress, Senate, *The Constitution of the United States of America: Analysis and Interpretation*, S.Doc. 108-17, 108th Cong., 2d sess., prepared by the Congressional Research Service, Library of Congress, Johnny H. Killian, George A. Costello, Kenneth R. Thomas, co-editors (Washington: GPO, 2004). This document is often referred to as *The Constitution Annotated*.

Between comprehensive revisions, *The Constitution Annotated* is supplemented by "pocket parts" also prepared by CRS. The current supplement is: U.S. Congress, Senate, *The Constitution of the United States of America: Analysis and Interpretation: 2006 Supplement*, S.Doc. 110-6, 110th Cong., 1st sess, prepared by the Congressional Research Service, Library of Congress, Kenneth R. Thomas, editor-in-chief (Washington: GPO, 2007).

**Internet:** The Constitution of the United States of America: Analysis and Interpretation is available through the following websites:

**CRS**, the Congressional Research Service:
http://www.crs.gov/products/conan/

**GPO Access**, a website of the Government Printing Office:
http://www.gpoaccess.gov/constitution/index.html.

The Constitution, with its amendments, is available through

**THOMAS**, the public access website of the Library of Congress:
http://lcweb2.loc.gov/const/const.html.

## *Jefferson's Manual*

House Rule XXVIII, 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 standing Rules and orders of the House."[6]

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 Vice President, and hence as President of the Senate, from 1797 to 1801. *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. Interestingly, while this manual was originally intended for use in the U.S. Senate, the Senate today does not take it as an authority on its own procedure.

The phrase "Jefferson's Manual" is sometimes incorrectly used to refer either to the *House Manual* or to the adopted Rules of the House. In fact, however, *Jefferson's Manual* is a document distinct from either, and the *House Manual* incorporates only those of its sections that apply to House parliamentary procedure. In the *Manual*, annotations by the parliamentarian explain how practices set forth in *Jefferson's Manual* either relate or no longer relate to House procedure today. These annotations demonstrate that some of the House's most important parliamentary procedures, such as those governing debate, consideration of amendments, and resolving differences between the two houses, are based in part on practices established by *Jefferson's Manual*.

[6] House Rule XXVIII, clause 1, in *House Manual,* sec. 1105.

An excerpt from *Jefferson's Manual*, with the parliamentarian's annotations, is reprinted on the following page.[7]

**Jefferson's Manual**

Those portions of *Jefferson's Manual* that apply to contemporary House procedure, with the parliamentarian's annotations, appear in the *House Manual*, secs. 283-620.

**Print:** The full text of *Jefferson's Manual* was printed as Thomas Jefferson, *A Manual of Parliamentary Practice for the Use of the Senate of the United States*, S.Doc. 103-8, 103rd Cong., 1st sess., prepared by the U.S. Senate Historical Office (Washington: GPO, 1993). This edition is no longer available from GPO.

**Internet:** Available only as published in the *House Manual*.

**House Manual section number and topic.**

**House Manual section number.**

JEFFERSON'S MANUAL 1446

§ 446. The Speaker not to decide as to consistency of a proposed amendment with one already agreed to.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex or order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

**Parliamentarians annotations.**

The practice of the House follows and extends the principle set forth by Jefferson. Thus it has been held that the fact that a proposed amendment is inconsistent with the text or embodies a proposition already voted (II, 1328–1336; VIII, 2834), or would in effect change a provision of text to which both Houses have agreed (II, 1335; V, 6183–6185), or is contained in substance in a later portion of the bill (II, 1327), is a matter to be passed on by the House rather than by the Speaker. It is for the House rather than the Speaker to decide on the legislative or legal effect of a proposition (II, 1323, 1324; VI, 254; VII, 2112; VIII, 2280, 2841), and the change of a single word in the text of a proposition may be sufficient to prevent the Speaker from ruling it out of order as one already disposed of by the House (II, 1274). The principle has been the subject of conflicting decisions, from which may be deduced the rule that the Chair may not rule out the proposition unless it presents a substantially identical proposition (VI, 256; VIII, 2834, 2835, 2838, 2840, 2842, 2850, 2856).

**Citations to Hind's and Cannon's Precedents.**

A perfecting amendment offered to an amendment in the nature of a substitute may be offered again as an amendment to the original bill if the amendment is first rejected or if the amendment in the nature of a substitute as perfected is rejected (Sept. 28, 1976, p. 33075). Rejection of an amendment consisting of two sections does not preclude one of those sections being subsequently offered as a separate amendment (July 15, 1981, p. 15898), and the rejection of several amendments considered en bloc does not preclude their being offered separately at a subsequent time (Deschler's Precedents, vol. 9, ch. 27, sec. 35.15; Nov. 4, 1991, p. 29932). A point of order against an amendment to a substitute does not lie merely because its adoption would have the same effect as the adoption of a pending amendment to the original amendment and would render the substitute as amended identical to the original amendment as amended (May 4, 1983, p. 11059).

**Congressional Record citation.**

**House Manual page number.**

[235]

## Rules of the House

At the start of each Congress, the House approves a resolution (H.Res. 6 in the 110th Congress) adopting the Rules of the House for that Congress. The resolution usually provides for the re-adoption of the Rules of the previous House with specified amendments. In contemporary

[7] Jefferson's Manual of Parliamentary Practice, in *House Manual, One Hundred Sixth Congress*, H.Doc. 105-358, 105th Cong., 2nd sess., [compiled by] Charles W. Johnson, Parliamentarian (Washington: GPO, 1999), p. 235.

practice, these adopted amendments are recommended by the majority party. The House may adopt other changes by approving a resolution during the course of a Congress.

The *House Manual* presents the Rules of the House clause by clause, along with the parliamentarian's annotations for each clause, which include identification of any changes adopted since the last Congress. The House's prohibition of non-germane amendments (Rule XVI, clause 7), for example, receives detailed coverage in the parliamentarian's annotations. An excerpt from the *House Manual* for the 105th Congress, showing some of these annotations, appears below.[8]

The text of the Rules of the House are usually also 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 usually the first available document containing the text of House Rules as amended. This print contains only the text of the rules themselves, with no annotations or index. The *Congressional Record* of the House proceedings on the resolution adopting the Rules usually includes the text of amendments to the Rules being made by the resolution.

## Recodification

In the preface (dated June 18, 2007) to the *House Manual* for the 109th Congress, the parliamentarian notes that in the 106th Congress, the House adopted a major recodification of the Rules of the House. A similar statement has appeared in the preface to each edition of the *Manual* since the recodification. This recodification included a structural revision that reduced the number of rules from 52 to 28. Explanations of how each of the recodified rules is derived from provisions of in the previous codification, and of substantive changes in each recodified rule, appear in the annotations following the text of each rule in the *Manual*.

The preface and introductory matter in the *House Manual* for the 106th Congress provided an explanation of the structure of this recodification, relating recodified provisions to those of the former codification. Material explaining the recodification,[9] including a summary, a side-by-side comparison of the former and new code, and a table of recodification citation changes, can be found also at the website of the House Committee on Rules under the link for Rules and Precedents of the House.

[8] Rules of the House of Representatives, in *House Manual, 105th Congress*, pp. 606-607.

[9] *House Manual, 106th Congress*, p. v-ix, xv-xvii.

Number of House Rule.

Rule XVI.

RULES OF THE HOUSE OF REPRESENTATIVES

§794

House Manual section number.

Text of Rule XVI (asterisks indicate text continues from previous page ).

as it would have the effect of dividing the motion to strike out and insert (June 29, 1939, pp. 8282, 8284–85; June 19, 1979, pp. 15566–68).

* * * and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

House Manual section number and topic.

§794. Germane amendments.

This clause was adopted in 1789, and amended in 1822 (V, 5767, 5825). It introduced a principle not then known to the general parliamentary law (V, 5825), but of high value in the procedure of the House (V, 5866). Prior to the adoption of rules, when the House is operating under general parliamentary law, as modified by the usage and practice of the House, an amendment may be subject to the point of order that it is not germane to the proposition to which offered (Jan. 3, 1969, p. 23). The principle of the rule applies to a proposition by which it is proposed to modify the pending bill, and not to a portion of the bill itself (V, 6929); thus a point of order will not lie that an appropriation in a general appropriation bill is not germane to the rest of the bill (Dec. 16, 1963, p. 24753). In general, an amendment simply striking out words already in a bill may not be ruled out as not germane (V, 5805; VIII, 2918) unless such action would change the scope and meaning of the text (VIII, 2917-2921; Mar. 23, 1960, p. 6381); and a pro forma amendment "to strike out the last word" has been considered germane (July 28, 1965, p. 18639). While a committee may report a bill or resolution embracing different subjects, it is not in order during consideration in the House to introduce a new subject by way of amendment (V, 5825). The rule that amendments should be germane applies to amendments reported by committees (V, 5806), but a resolution providing for consideration of the bill with committee amendments may waive points of order (Oct. 10, 1967, p. 28406), and the point of order under this rule does not apply to a special order reported from the Committee on Rules "self-executing" the adoption in the House of a nongermane amendment to a bill, since the amendment is not separately before the House during consideration of the special order (Feb. 24, 1993, p. ——; July 27, 1993, p. ——). A resolution reported from the Committee on Rules providing for the consideration of a bill relating to a certain subject may be amended neither by an amendment that would substitute the consideration of an unrelated proposition (V, 5834–5836; VIII, 2956; Sept. 14, 1950, p. 14844) nor an amendment that would permit the additional consideration of a non-germane amendment to the bill (May 29, 1980, pp. 12667–73; Aug. 13, 1982, p. 20972). The Chair will not interpret as a point of order under a specific rule of the House, on which he must rule, an objection to a substitute as "narrowing the scope" of a pending amendment, absent some stated or necessarily implied reference to the germaneness or other rule (June 25, 1987, p. 17415). The burden of proof is on the proponent of an amendment to establish its germaneness (VIII, 2995), and where

House Parliamentarian's annotations.

Congressional Record citation.

Citations to Hinds' and Cannon's Precedents.

[606-607] —— House Manual page number.

**Rules of the House**

The Rules of the current House, with the parliamentarian's annotations, appear in the *House Manual*, secs. 621-1105.

Print: *Rules of the House of Representatives*, the unnumbered print issued by the Clerk of the House, is automatically distributed to Member and committee offices. The current edition is U.S. Congress, House, *Rules of the House of Representatives, 110th Congress,* prepared by Lorraine C. Miller, Clerk of the House of Representatives (np: 2007), Sept. 14, 2007.

The text of H.Res. 6 for the 110th Congress appears in Rules of the House, proceedings in the House, *Congressional Record*, daily edition, vol. 153, January 4, 2007, pp. H19-H23.

Explanatory material on the recodification of the 106th Congress, including a side-by-side comparison of provisions of the previous and new rules, appeared in U.S. Congress, House, Committee on Rules, *The Recodification of the Rules of the House of Representatives,* committee print, 106th Cong., 1st sess. (Washington: GPO, 1999), May 12, 1999.

**Internet:** The Rules of the House are available through the following sites:

**LIS**, the Legislative Information System of the U.S. Congress:
a link appears on the House page at
http://www.congress.gov/house.php

**House Committee on Rules**:
http://www.rules.house.gov/house_rules_precedents.htm

**CRS**, the Congressional Research Service:
a link appears on the "Congressional Processes" page at
http://www.crs.gov/products/guides/guidehome.shtml

The text of H.Res. 6 for the 110th Congress is available through a search at the following sites:

**LIS**, the Legislative Information System of the U.S. Congress:
in the *Congressional Record* file at
http://www.congress.gov/crtext/110-advanced.html and
in the bill file at
http://www.congress.gov/.

## Procedural Provisions of Statute

As already noted, the constitutional grant to each chamber of Congress of authority over its own rules permits the House to establish procedural regulations though simple resolutions, which are adopted through action of the originating chamber alone. In certain cases, nevertheless, the House institutes procedures through provisions included in statutory measures (bills and joint resolutions), which can become effective only through agreement between both houses and presentation to the President.

Because these procedures are created through an exercise of each chamber's constitutional rule-making power, they have the same standing as House and Senate rules. A statute that contains "rule-making provisions," in this sense, usually also incorporates a provision, often entitled "Exercise of Rule-Making Power," which asserts the rule-making 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.[10]

The major legislative reorganization acts of recent decades exemplify rule-making statutes, for they include provisions with effects on procedures of the House generally. Most statutory rule-making provisions, however, specify legislative procedures to be followed in the House and the

[10] 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).

Senate in the consideration of specified matters. Some of these establish expedited procedures for congressional action on specified proposals from the executive branch that the statute permits to take effect either only with congressional approval, or only in the absence of congressional disapproval. Others, principally derived from the Congressional Budget Act and related statutes, regulate the congressional budget process. The *House Manual* includes provisions from all three kinds of rule-making 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[11] and the Legislative Reorganization Act of 1970.[12] Many of the provisions of these acts that established legislative procedures have since been incorporated into the Rules of the House.[13] The parliamentarian's annotations to the pertinent provisions of House Rules in the *House Manual* note their origin in the legislative reorganization acts and discuss their effect on House procedures. In addition, a separate section of the *Manual* sets forth, and annotates, a few provisions of these acts that have current effect but have not become incorporated into House Rules.

## Expedited Procedures

The concluding section of the *House Manual* for the 110th Congress is entitled "Statutory Legislative Procedures" (in previous editions, corresponding contents appeared under the heading "'Congressional Disapproval' Provisions Contained in Public Laws"). This section of the *Manual* sets forth over 50 excerpts from statutes that define special procedures for Congress to follow in disapproving or approving specified actions of the executive branch or independent agencies. Procedures of this kind typically establish expedited, or "fast track," procedures to permit the House and the Senate to enact a joint resolution in disapproval or approval of actions of the specified kinds.

These provisions of law are a type of rule-making statute because they create procedures that have the force and effect of rules of the House, Senate, or both, through an exercise of the constitutional rule-making power of the two chambers. The *House Manual* terms these "privileged procedures," inasmuch as they make the specified approval or disapproval measures privileged for consideration. The *Manual* seems to be the only readily available document to contain a compilation of these various privileged procedures. In some cases, however, the *Manual* includes the rule-making provisions that govern procedure in either the House or the Senate; in others, only those provisions that affect House procedure are given. Many of these statutes have been infrequently used, and the parliamentarian's annotations in this part of the *Manual* are fewer than in other places.

The provisions included in the *Manual* include some drawn from at least one statute that, like those described in the next subsection, regulates the congressional budget process: namely, the Balanced Budget and Emergency Deficit Control Act of 1985.[14] Other well-known examples include sections 2903, 2904, and 2908 of the Defense Base Closure and Realignment Act of

[11] P.L. 79-601, 60 Stat. 812.

[12] P.L. 91-510, 84 Stat. 1140.

[13] 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 *House Manual,* sec. 791.

[14] P.L. 99-177, 99 Stat. 1037, as amended; often called the Gramm-Rudman-Hollings Act.

1990,[15] which govern congressional consideration of recommendations of a Base Closure and Realignment Commission, and sections 151 to 154 of the Trade Act of 1974,[16] which establish "fast track" procedures for considering legislation related to the implementation of certain trade agreements. Reprinted on the following page is Section 151(f) of the Trade Act as it appeared in the *House Manual* for the 105th Congress.[17]

[15] Title XXIX of P.L. 101-510, 104 Stat. 1485 at 1808f., as amended.

[16] P.L. 93-618, 93 Stat. 1978, as amended.

[17] "Congressional Disapproval" Provisions Contained in Public Laws, in *House Manual, 105th Congress*, p. 1070.

CONGRESSIONAL DISAPPROVAL PROVISIONS

§1015(11D) House Manual section number.

day after its receipt by the Senate (or, if later, before the close of the 45th day after the corresponding implementing revenue bill or resolution was introduced in the Senate), such committee or committees shall be automatically discharged from further consideration of such bill or resolution and it shall be placed on the calendar. A vote on final passage of such bill or resolution shall be taken in the Senate on or before the close of the 15th day after such bill or resolution is reported by the committee or committees of the Senate to which it was referred, or after such committee or committees have been discharged from further consideration of such bill or resolution.

(3) For purposes of paragraphs (1) and (2), in computing a number of days in either House, there shall be excluded any day on which that House was not in session.

Section 151(f) of the Free Trade Act of 1974.

(f) FLOOR CONSIDERATION IN THE HOUSE.—(1) A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

Clause 2 of Section 151(f).

(2) Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit an implementing bill or approval resolution or to move to reconsider the vote by which an implementing bill or approval resolution is agreed to or disagreed to.

(3) Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill or approval resolution shall be decided without debate.

(5) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

[1070-1071] —— House Manual page number.

## Budget Process Statutes

A section of the *House Manual* presents selected provisions of the Congressional Budget and Impoundment Control Act of 1974[18] and the Budget Enforcement Act of 1990.[19] The provisions set forth are rule-making provisions that 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 consideration of budgetary legislation.

These rule-making provisions are accompanied by the parliamentarian's annotations on how they have been applied in both the House and the Senate. Reprinted on the following page is an excerpt from Section 305(a) of the Congressional Budget Act, as it appears in the *House Rules and Manual* for the 105th Congress, with the parliamentarian's annotations.[20] This section sets forth procedures for House floor consideration of the budget resolution.

**Statutory Legislative Procedures**

Provisions of statute that establish expedited procedures in the House for specified measures appear as "Legislative Procedures Enacted in Law" in *House Manual*, sec. 1130 through 1130(32). Provisions relating to legislative procedure contained in the Congressional Budget Act (2 U.S.C. 601 et seq.) or enacted by the Budget Enforcement Act on 1990 (in title XIII of P.L. 101-508) appear under the heading "Congressional Budget Act; Budget Enforcement Act" in *House Manual*, sec. 1127, 1129. Certain provisions of the Legislative Reorganization Act of 1946, applicable to both houses, appear under the heading "Legislative Reorganization Acts" in *House Manual*, sec. 1106-1107.

## Procedural Provisions in Budget Resolutions

The Congressional Budget Act requires Congress to adopt each year a congressional resolution on the budget. The chief purpose of this measure is to set congressional spending, revenue, and deficit targets for the fiscal year and to allocate spending (budget authority and outlays) subject to those targets among budgetary functional categories. In recent years, however, budget resolutions have often included supplementary procedural regulations to govern subsequent action on spending bills or other budget-related measures.

The budget resolution is a concurrent resolution, which is a form of measure that becomes effective upon agreement between the two houses. Procedural provisions in budget resolutions, accordingly, resemble rule-making provisions of statute in that they operate with the same force as procedural rules of the respective houses, even though they are established through a process that involves the concurrence of bodies other than the respective houses. Like statutes that contain rule-making provisions, therefore, budget resolutions that contain procedural provisions typically also include language asserting these provisions to be adopted as an exercise of the constitutional authority of each house over its own rules and in recognition of the right of each house subsequently to alter them through its own internal procedures. These provisions are accordingly considered in this section of the report even though they are not compiled in the *House Manual*.

Some procedural provisions in budget resolutions have been made applicable only for the coming year's budgetary action, but others have been established as permanent procedures, and are

[18] P.L. 93-344, 88 Stat. 298, as amended; commonly referred to as the Congressional Budget Act.

[19] P.L. 101-508, 104 Stat. 1388-573, as amended. This rule-making statute and the preceding one, together with relevant House precedents, are discussed in the "Budget Process" chapter of U.S. Congress, House, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 108th Cong., 1st sess. (Washington: GPO, 2003), pp. 188-190.

[20] Congressional Budget Act, in *House Manual, 105th* Congress, pp. 918-919.

subsequently altered or abolished only by further action in a subsequent budget resolution. Procedural provisions in budget resolutions have most often concerned procedure in the Senate, and have often appeared in budget resolutions as a result of action by the Senate. Some of them, nevertheless, have had bicameral application. Neither these procedural provisions as a whole nor only those applicable in the House, however, are comprehensively compiled in any single source. Instead, they may best be identified by examining the texts of adopted congressional budget resolutions for successive years.

Many of these procedural provisions institute new points of order that, like those established by the Budget Act itself, are available against budgetary measures or provisions contained therein. The congressional budget resolution for FY2008 (S.Con.Res. 21, 110th Congress), for example, established a limitation in each house against most "advance appropriations," identified, for the House of Representatives, as appropriations, contained in a general appropriations bill or continuing resolution for FY2008, that first become available in any later fiscal year.[21]

**Procedural Provisions in Congressional Budget Resolutions**

Procedural provisions applicable to the House that originated in congressional budget resolutions are not comprehensively compiled in any official source. They may best be identified by examining the texts of the budget resolutions themselves.

**Internet:** Congressional budget resolutions that contain procedural provisions are available in searchable form through

**LIS**, the legislative Information System of the U.S. Congress:
http://www.congress.gov/110-advanced.html

# Official Compilations of Precedents of the House

As already discussed, selected precedents of the House are summarized in the parliamentarian's annotations in the *House Manual*. Moreover, procedural floor exchanges that establish House precedents are recorded in the *Congressional Record* on the dates when they occurred. In addition, however, House precedents in general are compiled, digested, described, or referenced in five official publications of the House:

- *House Practice*;
- *Deschler's Precedents*;
- *Hinds'* and *Cannon's Precedents*;
- *Procedure in the U.S. House of Representatives* and its supplement; and
- *Cannon's Procedure*.

*House Practice* presents comprehensive, consolidated information about contemporary procedure in the House, including reference to the precedents and other parliamentary authorities on which it is grounded. The three collections of precedents listed compile precedents of the House, setting forth both the principles they illustrate and the proceedings that established or exemplify them. *Deschler's Precedents* compiles precedents established from 1936 through the date of publication, *Hinds' Precedents* those established up to 1906, and *Cannon's Precedents* those established between 1906 and 1936.

The other two documents listed are no longer current, but can be viewed as predecessor documents of *House Practice.* Although the format of each document is different, each presents a

[21] S.Con.Res. 21, 110th Cong., sec. 206(b).

digest of the then current practice of the House with citations of precedential and other authorities in which it is grounded.

When examining published precedents for their application to a particular parliamentary situation, the reader might bear in mind the principles of House procedure discussed earlier in this report. Members needing to find precedents to support or rebut a parliamentary argument might wish to seek the official advice of Office of the House Parliamentarian.

## *House Practice*

The one-volume publication *House Practice* is the most up-to-date reference source for information about the rules and selected precedents governing House procedure. The initial edition of this work, the full title of which is *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*, was prepared by William Holmes Brown during the final years of his tenure (1974-1994) as House Parliamentarian.[22] The document was designed to replace *Procedure in the U.S. House of Representatives* (described in a later section). In 2003, the initial edition was superseded by a second, prepared under the direction of Parliamentarian Charles W. Johnson III, reflecting the modern practice of the House as of the 108th Congress.[23]

*House Practice* is organized into chapters that cover 59 subjects of House procedure (the first edition had 57). These chapters are presented in alphabetical order, and the list of chapter subjects appears as a table of contents to *House Practice*. Each chapter is divided into topical sections, with the main topics numbered and sometimes grouped under broader overall headings identified by letter.

Each chapter opens with a list of the chapter's main topics, by section. This list is followed by useful citations to other House parliamentary reference sources, under the heading "Research References." The *House Manual*, *Deschler's Precedents,* and *Hinds'* and *Cannon's Precedents*, are the most frequently cited reference sources. *House Practice* is the only parliamentary reference source that provides such a listing of "Research References."

The first section of each chapter reviews general principles governing the House procedure under discussion. Depending on the complexity of the procedural subject, the main topics of sections may be further divided into subtopics. For each main topic and subtopic, the text of *House Practice* summarizes relevant House rules and selected precedents, and cites the reference source containing their full texts. In addition, relevant chapters provide the terminology used to undertake certain parliamentary actions, such as making different motions (often under the subtopic heading "Forms").

*House Practice* has a separate chapter on the rules and precedents governing House consideration of budgetary legislation. (The chapter is titled "Budget Process.") This chapter's first section provides useful summaries of the main rule-making statutes related to the budget process.

Readers can use the publication's index to locate information about specific procedural topics. This index is organized around the chapter subject headings; the entries under each heading direct readers to relevant sections in that chapter. For each subject heading, the index provides a more detailed listing of procedural topics than do the outlines at the heads of the respective chapters.

---

[22] W[illia]m Holmes Brown, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 104th Cong., 2nd sess. (Washington: GPO, 1996).

[23] W[illia]m Holmes Brown and Charles W. Johnson, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 108th Cong., 1st sess. (Washington: GPO, 2003).

Reprinted on the following pages are excerpts from the *House Practice* chapter on the "Previous Question."[24]

[24] Brown, *House Practice*, 104th Cong., pp. 653, 664.

## Previous Question — Chapter topic.

Chapter outline. —

§ 1. In General
§ 2. Offering the Motion
§ 3. —When in Order; Quorum Requirements
§ 4. —Who May Offer
§ 5. Precedence; Intervention of Other Matters
§ 6. —Precedence Over Other Motions
§ 7. Scope of Motion; Application to Particular Propositions
§ 8. Debate on Motion; Consideration and Disposition
§ 9. Effect
§ 10. —On Debate Generally
§ 11. —On Divided Debate
§ 12. —On Amendments
§ 13. Recommittal
§ 14. Reconsideration
§ 15. Rejection of Motion—As Permitting Further Consideration
§ 16. —As Affecting Recognition
§ 17. Effect of Adjournment When Previous Question Pending

For example, Volume 8, sections 2661-2694, of Cannon's Precedents.

**Research References** — Citations to other House parliamentary reference sources.

5 Hinds §§ 5443–5520, 5569–5604
8 Cannon §§ 2661–2694
7 Deschler Ch 23 §§ 14–24
Manual §§ 461–463, 804–811

§11 HOUSE PRACTICE

notwithstanding the ordering of the previous question on a pending proposition.

Chapter section number.

**Effect of Special Rule Ordering the Previous Question**

When a bill is reported to the House from the Committee of the Whole pursuant to a resolution providing that the previous question "shall be considered as ordered," further debate in the House is precluded. Deschler Ch 23 §15.18. However, 10 minutes' debate on a motion to recommit with instructions still would be in order. See Deschler Ch 23 §15.

**§11. —On Divided Debate** —Section topic.

**Generally** —General discussion of section topic.

As noted elsewhere, debate is sometimes divided by rule between a proponent and an opponent, such as under the 40-minute rule. See CONSIDERATION AND DEBATE. Where under a rule of the House debate time on a motion or proposition is equally divided and controlled by the majority and the minority, or between those in favor and those opposed, the previous question may not be moved until the other side has used or yielded back its time; on occasion, the Chair has vacated the adoption of the previous question where it was improperly moved while the other side was still seeking time. 101–1, Oct. 3, 1989, p ____. —Reference to another chapter. —Congressional Record citation.

Section—subtopic.

**Forty-minute Debate**

An exception to the rule that the previous question cuts off debate is found in Rule XXVII clause 3. It allows 40 minutes of debate where the previous question is ordered on a debatable proposition which has not in fact been debated. *Manual* §907. This rule was adopted in 1880 to prevent passing measures without a word of debate, a frequent practice prior to that time. 5 Hinds §6821. The right to 40 minutes of debate accrues only if the previous question is in fact ordered, not merely moved. Deschler Ch 23 §21.4. But the 40 minutes' debate time must be demanded before the House begins to vote on the main question. 5 Hinds §5496. —Citation to Hinds' Precedents.

House Manual citation.

The debate time under the 40-minute rule is divided between the Member demanding the time and a Member who represents the opposing view of the matter. Deschler Ch 23 §21.2. If, after recognition of two Members under the 40-minute rule, it appears that both Members favor the proposition, the Speaker may require that each yield half of his time to those opposing the motion. 8 Cannon §2689. —Citation to Cannon's Precedents.

Citation to Deschler's Precedents.

The 40-minute rule stipulates that it is applicable to "a debatable proposition on which there has been no debate." Rule XXVII clause 3 (*Manual* §907). If there has been any debate at all prior to the ordering of the pre-

664 —House Practice page number.

**House Practice**

William Holmes Brown and Charles W. Johnson, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 108th Cong., 1st sess. (Washington: GPO, 2003).

**Print:** At the time this report was issued, copies of the 2003 edition of *House Practice* were no longer available from the Legislative Resource Center. A new edition was in preparation. When available, it will be distributed to House Member and committee offices. Members will be able to request additional copies from the House Legislative Resource Center/House Document Room.

**Internet:** The 2003 edition of *House Practice* is available through these sites:

**LIS**, the Legislative Information System of the U.S. Congress:
a link appears on the House page at
http://www.congress.gov/house.php

**GPO Access**, a website of the Government Printing Office:
http://www.gpoaccess.gov/hpractice/browse.html

## *Deschler's Precedents*

The significant recent precedents of the House are set forth in a series of volumes known as *Deschler's Precedents*, the full title of which is *Deschler's Precedents of the United States House of Representatives.*[25] Sixteen volumes have been published to date, and the preparation of additional volumes continues, under the auspices of the Parliamentarian of the House. The series was initiated by Lewis Deschler, Parliamentarian of the House from 1928 to 1974, and continued by his successors. The formal title for volume 10 and subsequent volumes is *Deschler-Brown Precedents of the United States House of Representatives*, in recognition of work done by William Holmes Brown, Parliamentarian of the House from 1974 to 1994.

*Deschler's Precedents* covers precedents of the House established after 1936. Given that its volumes have appeared over a period of years, the coverage of the later volumes extends to a later point than that of the earlier ones. The coverage of volume 1 concludes with the first session of the 93rd Congress (1973), while volume 16 covers precedents established through the 105th Congress (1997-1998). All these volumes appeared before the House recodified its rules in the 106th Congress. Citations to House Rules in these volumes accordingly refer to rule numbers, and corresponding sections of the *Manual*, as they stood before the recodification.

After the series is completed, revisions of each volume are to be prepared in succession, incorporating precedents established subsequent to the publication of the present edition.

The precedents presented in *Deschler's Precedents* are organized in topical chapters, the sequence of which roughly parallels the order of action in the House. Chapter 1, for example, relates to the "Assembly of Congress," while the last chapter so far published, chapter 33, covers "House-Senate Conferences." Each chapter is divided into numbered topical sections (for example, chapter 27, on "Amendments," includes section 4, "Recognition to Offer Amendments; Priority"). In many chapters, these topical sections are often grouped under broader topical headings identified by letters (for example, chapter 5, on "The House Rules, Journal, and Record," includes part A, "House Rules and Manual").

Most chapters, and many sections, begin with an overall introduction that describes the general principles related to the House rule or practice under discussion and summarizes the principles presented by that precedents that follow. Individual precedents are presented in numbered

[25] Lewis Deschler, *Deschler's Precedents of the U.S. House of Representatives* (vol. 1-9), and Lewis Deschler and W[illia]m Holmes Brown, *Deschler-Brown Precedents of the U.S. House of Representatives* (vol. 10-16), H.Doc. 94-661, 94th Cong., 1st sess. (Washington: GPO, 1977-1991).

subsections, and accordingly may be cited by chapter and number (for example: "*Deschler's Precedents*, chapter 20, section 3.11"). These subsections typically are headed by a catchline identifying the subject of the precedent, followed by a headnote in bold type stating the principle established or illustrated, after which the proceedings that constitute the precedent are set forth. The proceedings are often introduced with a sentence or two, followed in many instances by the full text of the procedural exchange that established the precedent, with a citation to the *Congressional Record*. If the same proceedings illustrate more than one principle, each principle will be set forth as a headnote in its own subsection, with the same, or partially the same, proceedings set forth under each.

Some precedents are followed by a "Parliamentarian's Note" that clarifies or amplifies the principle established by the precedent, or directs the reader to other parliamentary reference sources.

While no consolidated index covering all volumes of *Deschler's Precedents* has yet appeared, each chapter is headed by an "Index to Precedents" contained in that chapter. This index directs readers to the relevant section number for each precedent. In addition, the chapters of *Deschler's Precedents* correspond to those of *Procedure in the House*, discussed below, a work that does include an overall index. Often, accordingly, it is possible to use the index to *Procedure in the House* to identify the chapter in which a topic is covered, and then locate pertinent precedents in the corresponding chapter of *Deschler's Precedents*.

Reprinted below is an excerpt from *Deschler's Precedents* that covers the motions to adjourn and to postpone.[26]

[26] *Deschler's Precedents*, vol. 7, chapter 23, p. 84.

Section number.

Chaper number. — Ch. 23 § 4 DESCHLER'S PRECEDENTS

about freedom of speech when they are running for office, and then come here and try to cut off reasonable debate, in this important legislation, with steam-roller tactics.

THE CHAIRMAN: The Chair is ready to rule. The Chair finds nothing in the precedents to hold that a request for a division is dilatory. He does find a demand for tellers to have been held to be dilatory, but not a division. The point of order is overruled.

Headnote in italicized type introduces each precedent. — *Time for Objection*

Section number. — § 4.8 After the Speaker has entertained a motion that the House adjourn, it is too late to make the point of order that the motion is dilatory on the ground that the House rejected such a motion an hour previously.

Individual precedent for the motion to adjourn.

On Feb. 22, 1950,[12] the House was proceeding with business under the Calendar Wednesday rule when Mr. Robert L. F. Sikes, of Florida, moved that the House adjourn.

THE SPEAKER:[13] The gentleman from Florida [Mr. Sikes] moves that the House do now adjourn.

Full text of procedural exchange establishing the precedent.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order on the motion.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House has expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

THE SPEAKER: The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

*Parliamentarian's Note:* See also Chapters 18, 21, and 17, supra, for discussion of prohibition against dilatory motions under the discharge rule (Rule XXVII clause 4), motions to suspend the rules (Rule XVI clause 8), and motions pending reports from the Committee on Rules (Rule XI clause 4(b)).

Refers readers to other chapters in Deschler's Precedents, and to specific House Rules.

B. MOTIONS TO POSTPONE — Chapter subtopic..

§ 5. In General

There are two motions to postpone. One provides postponement to a day certain; the other postpones the matter in question

Congressional Record citation for motion to adjourn precedent.

12. 96 CONG. REC. 2161, 81st Cong. 2d Sess.

13. Sam Rayburn (Tex.).

84 — Page number in Volume 7.

This introductory section describes general principles of motion to postpone.

**Deschler's Precedents**

Lewis Deschler, *Deschler's Precedents of the U.S. House of Representatives* (vol. 1-9); Lewis Deschler and William Holmes Brown, *Deschler-Brown Precedents of the U.S. House of Representatives* (vol. 10-16), H.Doc. 94-661, 94th Cong., 1st sess. (Washington: GPO, 1977-1991).

**Print:** Volumes 1-11 of *Deschler's Precedents* are out of print, although Member offices may obtain the complete set published to date (volumes 1-16) by writing the Superintendent of Documents at the Government Printing Office. The Office of the Parliamentarian will facilitate such requests. Also, copies of the set are available for reference at the House Legislative Resource Center/House Library (B-106 Cannon House Office Building) and the La Follette Congressional Reading Room (202 Madison Building, Library of Congress).

**Internet:** *Deschler's Precedents* is available online through

**LIS**, the Legislative Information System of the U.S. Congress:
a link appears on the House page at
http://www.congress.gov/house.php

**House Committee on Rules:**
http://www.rules.house.gov/house_rules_precedents.htm

**GPO Access**, a website of the Government Printing Office:
http://www.gpoaccess.gov/precedents/deschler/index.html

## *Hinds'* and *Cannon's Precedents*

*Hinds'* and *Cannon's Precedents of the House of Representatives of the United States* (hereafter 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.[27] 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). Volumes 6-8 of *Cannon's Precedents* are organized around largely the same topics as *Hinds' Precedents*, and essentially serve as a supplement to the earlier series. Volumes 9-11 of *Cannon's Precedents* comprise a single comprehensive index to volumes 1-8 of the combined series.

*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, with modifications to 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).

The content of each series is presented in sections that are numbered sequentially throughout each respective series. Individual sections are usually 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 sometimes those that inaugurate a topic within a chapter, often state and discuss pertinent Rules of the House and their development. Most sections, however, present individual precedents. Each such section describes the procedural exchange constituting the precedent, usually quoting the ruling of the chair and often other portions of the proceedings, and provides citations to the *Congressional*

[27] Asher C. Hinds, *Hinds' Precedents of the House of Representatives of the United States*, (Washington: GPO, 1907-1908), 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.

*Record.* Other sources may also be cited, such as House Rules, House committee reports, and, especially in *Hinds' Precedents*, the House *Journal* and predecessors of the *Record*.

Most sections carry a headnote in bold type stating the principle discussed or illustrated. Where several consecutive sections all illustrate the same principle, however, the headnote appears only for the first section in the group. Conversely, and in contrast to *Deschler's Precedents*, proceedings that illustrate more than one principle are typically set forth in only one section, but with multiple headnotes. Sections that provide general discussion or background bearing on more than one principle may also carry more than one headnote.

Information about specific procedural topics can be located using the detailed table of contents in each volume. In addition, the comprehensive 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 number, but by setting forth the pertinent headnote. Finally, *Cannon's Procedure*, discussed below, also serves as an index to *Hinds'* and *Cannon's Precedents*.

Although *Hinds'* and *Cannon's Precedents* is an important reference source for an extensive understanding of House parliamentary procedure, readers not versed in the publication's historical context may find the 11-volume set to be of limited practical value for contemporary House practices. *Hinds'* and *Cannon's Precedents* is very useful, however, when other reference sources cite a specific precedent in the 11-volume set.

An excerpt from *Cannon's Precedents* is reprinted below.[28]

[28] *Cannon's Precedents of the House of Representatives of the United States* (Washington: GPO, 1936), vol. VIII, p. 854.

This page is from Cannon's Precedents.

Page number in volume 8.

854 PRECEDENTS OF THE HOUSE OF REPRESENTATIVES. § 3422

Section number of first precedent on this page.

Mr. Thomas W. Hardwick, of Georgia, made the point of order that the bill had not been reported by a committee of the House and had not been placed on any calendar.[1]

The Speaker[2] ruled:

This is a motion to suspend the rules. It being the third Monday, it is in order to move to suspend the rules and pass a bill whether it has been reported by a committee or not. The Chair apprehends that this has never been introduced, but the Chair is not sure about that. Is a second demanded?

Section number.

Headnote in bold type summarizes the precedent.

**3422. Pending the decision of a question of order raised against a conference report it is in order to move to suspend the rules and agree to the report.**

On February 25, 1911,[3] the House was considering the conference report on the District of Columbia appropriation bill, when Mr. Ben Johnson, of Kentucky, made the point of order that the conferees had exceeded their authority by including in the report a provision relating to the construction of street paving which had not been passed by either House.

Summary of the procedural exchange establishing the precedent.

After debate on the question of order and pending the decision of the Speaker, Mr. Albert S. Burleson, of Texas, moved to suspend the rules and agree to the conference report as submitted.

Mr. Johnson raised a further question of order against entertaining the motion to suspend the rules while the point of order was pending.

The Speaker[2] overruled the point of order and recognized Mr. Burleson as follows:

Text of Speaker's decision.

The gentleman has made a point of order, but if the rules should be suspended it will not be subject to the point of order. It is a motion to suspend the rules and give the House an opportunity to dispose of this report.

**3423. A motion to suspend the rules and agree to a conference report proposes suspension of all rules inconsistent with the adoption of the report, including the rule requiring printing before consideration.**

On May 23, 1908,[4] Mr. Frank W. Mondell, of Wyoming, moved that the rules be suspended for the calling up and adoption of the conference report on the bill (S. 6155) providing for an enlarged homestead.

Mr. William A. Reeder, of Kansas, made the point of order that the conference report had not been printed as required by the rules and therefore was not subject to consideration.

The Speaker[2] overruled the point of order and said:

It is not necessary to print under the rules of the House, because this is the motion to suspend the rules of the House and agree to the conference report. And the motion to suspend all rules

[1] No committee had yet been appointed except the Committees on Ways and Means, Accounts and Mileage.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] Third session Sixty-first Congress, Record, p. 3418.

[4] First session Sixtieth Congress, Record, p. 6831.

Congressional Record citation for precedent presented in section 3422.

**Hinds' and Cannon's Precedents**

Asher C. Hinds, *Hinds' Precedents of the House of Representatives of the United States*, (Washington: GPO, 1907-1908), 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.

**Print:** *Hinds'* and *Cannon's Precedents* is out of print, but copies are available for reference at the House Legislative Resource Center/House Library (B-106 Cannon ) and the LaFollette Congressional Reading Room (202 Madison Building, Library of Congress).

**Internet:** Volumes 1-5 of *Hinds' Precedents* are available through:

**GPO Access**, a website of the Government Printing Office: http://www.gpo.gov/congress/house/precedents/hinds/hinds.html.

## *Procedure in the House*

Before the appearance of *House Practice*, recent precedents of the House were summarized in a one-volume publication entitled *Procedure in the U.S. House of Representatives*. This document was sometimes referred to as *Deschler's Procedure*, but will here be called *Procedure*. The last consolidated edition of *Procedure* summarizes the most important House precedents established from 1959 through 1980.[29] A 1985 supplement, which discussed selected precedents established from 1981 through 1984, was replaced in 1987 by one that covers those created from 1981 through 1986.[30]

Although *House Practice* was designed to replace *Procedure*, a knowledge of how to use *Procedure* continues to be useful, inasmuch as other parliamentary reference sources refer to *Procedure*. In addition, *Procedure* is useful as a compilation of references to precedential proceedings occurring after the period covered by *Deschler's Precedents*. Finally, inasmuch as the chapter structure of *Procedure* parallels that of *Deschler's Precedents*, as mentioned in the discussion of *Deschler's Precedents*, *Procedure* and its index can be used as an indirect means of locating materials in *Deschler's Precedents*.

*Procedure* is organized in 37 chapters, each covering a topic of House procedure; for example, chapter 28 is titled "Amendments and the Germaneness Rule." Like *Deschler's Precedents*, many chapters are divided into broad headings designated by letter, and each chapter is divided into numbered sections (for example, chapter 28 includes a part D, "Amendments Imposing Qualifications or Restrictions," which comprises sections 22 through 27 of the chapter). Each chapter's section numbers begin at 1; they are not numbered sequentially throughout the entire publication. Each section is in turn divided into numbered paragraphs (for example, section 22 of chapter 28 includes paragraphs 22.1 through 22.5).

When other reference sources cite *Procedure* or its supplement, they typically do so by the publication's title (usually in some such shortened form as *Procedure* or *House Procedure*), chapter number, section or paragraph number, and page number (e.g., "*House Procedure*, ch. 27, sec. 3.1, p. 497").

[29] Lewis Deschler and W[illia]m Holmes Brown, *Procedure in the U.S. House of Representatives: A Summary of the Modern Precedents and Practices of the House: 86th Congress—97th Congress* (Washington: GPO, 1982).

[30] *Procedure in the U.S. House of Representatives, 1985 Supplement: Annotations of the Precedents of the House for the 97th and 98th Congresses*, prepared by the Office of the Parliamentarian, U.S. House of Representatives (Washington: GPO, 1986), and *Procedure in the U.S. House of Representatives, 1987 Supplement: Annotations of the Precedents of the House for the 97th, 98th, and 99th Congresses*, prepared by the Office of the Parliamentarian, U.S. House of Representatives (Washington: GPO, 1987).

Most paragraphs of *Procedure* state a principle or principles established or illustrated by a specified precedent or group of related precedents. Some paragraphs instead state a general principle drawn from rules or other authorities, or present a Parliamentarian's "Note" elaborating a principle without reference to specific precedents. A key difference between *Procedure* and *Deschler's Precedents* is that *Procedure* provides only statements of the principles represented by precedents, roughly equivalent to the headnotes of subsections in *Deschler's Precedents*. Paragraphs in *Procedure* do not include descriptions of, or quotations from, the procedural exchanges on which they are based.

Paragraphs of *Procedure* that reference specific precedents usually do so by citing the location in the *Congressional Record* where the full text of the procedural exchange in question appears. These citations provide the *Congressional Record* volume and page number, the Congress and session, and the date (e.g., "113 CONG. REC. 28649, 90th Cong., 1st sess., Oct. 11, 1967").

The supplement to *Procedure* is organized in the same manner as the main volume, and its numbering is keyed to the main volume. For chapter 24, section 7, for example, the supplement consists of a paragraph 7.3 that replaces the corresponding paragraph of the main volume, a paragraph 7.6 that adds to the corresponding section of the main volume, and a new paragraph 7.10 additional to section 7 of the main volume.

Reprinted below is an excerpt from the section of *Procedure* dealing with the germaneness of amendments.[31]

[31] *Procedure in the House,* p. 593.

Chapter number.

Chapter topic. — AMENDMENTS AND THE GERMANENESS RULE 28 § 22 — Section number.

§ 21.10 To a Senate amendment striking a provision in a general appropriation bill which precluded the use of funds therein by the Environmental Protection Agency to control air pollution by regulating parking facilities, a motion in the House to recede and concur in the Senate amendment with an amendment which temporarily prohibited the use of those EPA funds to implement any plan requiring the review of any indirect sources of air pollution was held more comprehensive in scope and was ruled out as not germane. 120 CONG. REC. 39272, 39273, 93d Cong. 2d Sess., Dec. 12, 1974 [H.R. 16901].

§ 21.11 Where a Senate amendment proposes to strike out language in a House bill, the test of the germaneness of a motion to recede and concur with an amendment is the relationship between the language in the motion and the provisions in the House bill proposed to be stricken by the Senate amendment. 120 CONG. REC. 39272, 39273, 93d Cong. 2d Sess., Dec. 12, 1974 [H.R. 16901].

§ 21.12 In response to a parliamentary inquiry, the Chairman indicated that if the House agreed to a unanimous-consent request to concur with an amendment in a nongermane Senate amendment in the nature of a substitute for a House bill, it would not then be in order to request a division of the question on (or make a point of order against) the nongermane portions of the amendment. 121 CONG. REC. 20980, 94th Cong. 1st Sess., June 26, 1975 [H.R. 5398]. *Note:* Under Rule XXVIII clause 5(b)(1)(A)(ii), a point of order may be made against nongermane portions of a motion to concur in nongermane portions of a Senate amendment with an amendment only after the stage of disagreement has been reached, and so even a unanimous-consent request to consider the Senate amendment in the House, followed by a subsequent motion to concur with an amendment, would not have made applicable the provisions of that rule in this instance since the stage of disagreement had not been reached. It would have been in order by unanimous consent to permit consideration of the Senate amendment in the House with the provisions of Rule XXVIII clause 5 being applicable during such initial consideration of the Senate amendment(s).

§ 21.13 To a Senate amendment reported from conference in disagreement on the energy and water appropriations bill, appropriating funds for a Senate office building extension, providing a funding ceiling on such extension, providing for the transfer of personnel and equipment to such extension upon completion and providing for demolition estimates for buildings currently used for Senate office space, an amendment, proposed in a motion to recede and concur with an amendment, making a reduced appropriation for construction of such extension with a reduced funding ceiling, and providing that such extension upon completion meet all personnel needs currently satisfied by the buildings then in use for Senate office space, was held germane. 125 CONG. REC. p. ....., 96th Cong. 1st Sess., Aug. 2, 1979 [H.R. 4388].

D. AMENDMENTS IMPOSING QUALIFICATIONS OR RESTRICTIONS — Chapter subtopic (always introduced by a capital letter).

Section number.

**§ 22. In General; Amendments Providing for Exceptions or Exemptions** — Main section (always appears in bold type).

§ 22.1 Where a bill continues the authority of an official to set maximum interest rates on loans, an amendment placing a limit on such authority is germane. 115 CONG. REC. 27351, 91st Cong. 1st Sess., Sept. 29, 1969. — Individual precedent. — Congressional Record citation.

§ 22.2 To an amendment prohibiting the administrator from setting ceiling prices for do-

Procedure page number. — 593

Each precedent is assigned a section number.

**Procedure in the U.S. House of Representatives**

Lewis Deschler and William Holmes Brown, *Procedure in the U.S. House of Representatives: A Summary of the Modern Precedents and Practices of the House: 86th Congress—97th Congress* (Washington: GPO, 1982).

**Print:** *Procedure in the U.S. House of Representatives* and its supplement are out of print. Copies are available for reference at the House Legislative Resource Center/House Library (B-106 Cannon House Office Building), the La Follette Congressional Reading Room (202 Madison Building, Library of Congress), and the CRS Longworth (B-221) and Rayburn (B-335) House Office Building Reference Centers.

**Internet:** Not available.

## *Cannon's Procedure*

*Cannon's Procedure in the House of Representatives* (hereafter referred to as *Cannon's Procedure*), an edition of which was last published in 1963, is a one-volume summary of the major precedents presented in *Hinds'* and *Cannon's Precedents*.[32] It also includes a few additional precedents from 1936 to 1963, as selected by the publication's author, Clarence Cannon.

The precedents are grouped in unnumbered topical chapters. Some editions of *Cannon's Procedure* have thumb tabs indicating the different chapter titles. The publication briefly summarizes the precedents and provides citations to *Hinds'* and *Cannon's Precedents* (e.g., "VIII, sec. 2661") and the *Congressional Record* (e.g., "84-1-13067;" this means 84th Congress, 1st session, page 13067). Citations such as "§764" refer to the version of the *House Rules and Manual* being used when *Cannon's Procedure* was published.

*Cannon's Procedure* also contains sample floor dialogues for undertaking specific parliamentary actions. While some of these dialogues are useful, many are no longer relevant to contemporary House practice. Use of these dialogues, and *Cannon's Procedure* as a whole, requires informed judgment.

[32] Clarence Cannon, *Cannon's Procedure in the House of Representatives*, H.Doc. 610, 87th Cong., 2nd sess. (Washington: GPO, 1963).

Chapter topic. — **Suspension of the Rules.**

[A motion to suspend the rules and pass a bill is a proposal to suspend all rules. Therefore on a motion to suspend the rules and pass a bill with amendments it is not necessary to read the original bill (VIII, 2871) and a demand for a separate vote on amendments is not in order (VIII, 3171).]

If objection is made.

**Suspension of the Rules.**

Sample floor dialogue. — *Speaker.* The gentleman from ..... objects, and the Chair appoints the gentleman from ..... (usually the member making the motion) and the gentleman from ..... (usually the Member objecting) as tellers. As many as favor seconding the motion to suspend the rules and pass the bill as read will pass between the tellers and be counted.

*Speaker* (if motion is seconded). On this vote the yeas are ..... and the nays are ..... A second is ordered. The gentleman from ..... has 20 minutes and the gentleman from ..... 20 minutes.

Chapter subtopic. — **When in order.**

On the first and third Mondays and last six days it is within the discretion of the Speaker (V, 6791–6794, 6845; VIII, 3402–3404), to recognize Members to move suspension of the rules (V, 6790); on other days he may recognize for the purpose by unanimous consent only (V, 6795).

Citation to Volume 5, section 6795 of Hinds' Precedents.

But the Committee on Rules may bring in a special rule admitting the motion on other days as follows:

*Resolved*, That upon the adoption of this rule it shall be in order for the Speaker to recognize the Member in charge of the bill H. R. —— to move to suspend the rules and pass the bill, the general rules of the House to the contrary notwithstanding.

The limitation forbidding orders excluding the motion to recommit while the previous question is pending, does not apply to resolutions designating a day to be devoted to motions to suspend the rules (VIII, 2265).

Summaries of precedents from Hinds' and Cannon's Precedents, with citations provided in parentheses.

The Committee on Rules may also report resolutions authorizing consideration of bills on which suspension of the rules has been denied by the House (VIII, 3392), and resolutions affording a method of suspending the rules by majority vote (VIII, 3393, 3399).

Precedence. — Chapter subtopic.

Takes precedence over a bill coming over with previous question ordered (V, 6827, 6831–6833; VIII, 3418).

Motion to suspend the rules is admitted while another matter is pending (V, 6834) after the yeas and nays are demanded (V, 6835), before the Journal is read (IV, 2758), pending decision of points of order (VIII, 3422, 3424, 3426), and while the previous question is operating (V, 6827, 6831–6833; VIII, 3418).

Citation to Volume 8, section 3422 of Cannon's Precedents.

456 — Page number.

An excerpt from *Cannon's Procedure* covering "Suspension of the Rules" is reprinted on the previous page.[33] Several features of the suspension procedure discussed on this page are now obsolete, including the possibility of demanding that such a motion be seconded by a majority, to be ascertained by tellers, the days on which suspension motions are in order, and the practice that a special rule permitting such a motion on an additional day will specify the measure to be considered.

**Cannon's Procedure**

Clarence Cannon, *Cannon's Procedure in the House of Representatives*, H.Doc. 610, 87th Cong., 2nd sess. (Washington: GPO, 1963).

**Print:** *Cannon's Procedure* is out of print, the edition cited being the last one published. Copies are available for reference at the House Legislative Resource Center/House Library (B-106 Cannon House Office Building) and the La Follette Congressional Reading Room (202 Madison Building, Library of Congress).

**Internet:** Not available.

# Additional Authorities

As noted at the outset, in the section "The House Adheres to Many Informal Practices," procedure in the House is governed not only by the Constitution, formally adopted rules, and precedents interpreting those authorities, but also by a variety of other practices that have become usual in the course of time. Although these "informal" practices have not been formally adopted by the House itself, they supplement the rules and have some guiding force. To the extent that they establish consistent standards of action, they constitute a standard that helps to determine the actual courses of action that occur in the House. In this sense, they too represent a form of procedural authority.

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

## Speaker's Policies

In recent times, Speakers of the House have developed a number of policies specifying ways in which they intend to carry out certain Rules of the House or exercise certain of their discretionary powers. Although these policies are not themselves Rules of the House, they reflect an exercise of the Speaker's authority under those Rules. Speakers have periodically instituted policies of this kind through explicit announcements from the chair. 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.

It has become customary for the Speaker, in the early days of a new Congress, to make a consolidated announcement from the chair reiterating policies she or he intends to continue to follow. This announcement normally appears in the *Congressional Record*, accompanied by the insertion of statements reflecting the details of the respective policies, often drawn from the original announcements from the chair of the respective policies. Other policies of a similar kind are renewed in each new Congress by unanimous consent requests from the floor, and some of

[33] Ibid., p. 456.

these, along with additional policies, are set forth on the "Special Orders" pages of the *House Calendar*, which is published daily when the House is in session.

The "Announcement by the Speaker" of policies for the 110th 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) decorum in debate; (6) the conduct of electronic votes; (7) the use of handouts on the House floor; and (8) the use of cell phones and other electronic devices on the House floor. Policies set forth in the *House Calendar* include ones covering other forms of non-legislative debate, namely special order speeches and morning hour debates.

**Speaker's Policies**

The Speaker of the House (Nancy Pelosi), "Announcement by the Speaker," remarks from the chair in the House and inserted materials, *Congressional Record*, daily edition, vol. 153, Jan. 5, 2007, pp. H59-H61.

"Special Orders" in U.S. Congress, House, *Calendars of the United States House of Representatives and History of Legislation*, 110th Congress (editions are distributed to House offices daily when the House is in session).

**Print:** Both the *Congressional Record* and the *House Calendar* are delivered to Congressional offices daily when the House is in session.

**Internet:** The *Congressional Record* for the 110th Congress is available online in searchable form through:

**LIS**, the Legislative Information Service of the U.S. Congress:
http://www.congress.gov/crtext/110-advanced.html

The *House Calendar* is available online in searchable form through:

**GPO Access**, a website of the Government Printing Office:
http://www.gpoaccess.gov/calendars/house/index.html

## Memorandums of Understanding Regarding Committee Jurisdiction

Standing committees often develop "memorandums of understanding" (sometimes referred to as "letters of agreement") that set forth an agreement between committees about how jurisdiction over specific policy issues will be divided. These memorandums, which are usually prepared at the beginning of a new Congress, are addressed to the Speaker of the House in the form of a letter from the chairmen of the committees involved. In effect, a memorandum of understanding advises the Speaker on 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 agent of the Speaker in the performance of this function. Referral decisions are based principally on the statements of jurisdiction of each standing committee set forth in House Rule X and on relevant precedents.[34] Additionally, however, the Speaker and the House Parliamentarian will, in practice, honor memorandums of understanding in deciding the referral of legislation. These memorandums of understanding are therefore an important parliamentary reference source for questions about jurisdiction over specific policy issues. Some memorandums of understanding are inserted in the *Congressional Record*, especially at the start of a new Congress. Others, however, are not made available publicly, and no compilation of them or digest of their effects is published.

[34] Rule XII, clause 2(b), in *House Manual*, sec. 816.

It could be argued that memorandums of understanding have increased in importance as a result of rules changes adopted by the House in the 104th Congress (1995-1996). One of these eliminated joint referrals, and provided instead that the Speaker designate "a committee of primary jurisdiction" when referring measures to more than one committee.[35] This change made it important which committee is designated the "primary" committee at the time of referral. Hence, memorandums of understanding developed in the 104th Congress and since have sometimes specified which committees should have "primary jurisdiction" over particular issues.

Another rules change in the 104th Congress abolished three standing committees and transferred their jurisdiction to other standing committees. Some of the committees that received new jurisdiction developed memorandums of understanding about jurisdiction over the issues in question. Reprinted below is a memorandum of understanding from the 104th Congress between the committees on National Security and Transportation and Infrastructure, which exemplifies this form of agreement.[36]

[35] Rule XII, clause 2(c), in ibid., sec. 816.

[36] *Congressional Record*, daily edition, vol. 141, January 30, 1995, p. H849.

**CONGRESSIONAL RECORD — HOUSE** *January 30, 1995*

MEMORANDUM OF UNDERSTANDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SHUSTER] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I submit for Members attention the following letter from myself and the chairman of the Committee on National Security, Mr. SPENCE, regarding jurisdiction.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, January 4, 1995*

Hon. NEWT GINGRICH,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: As Chairman of the Committee on Transportation and Infrastructure and the Committee on National Security, we wanted to advise you of our mutual agreement concerning the division of jurisdiction over the merchant marine due to the dissolution of the Committee on Merchant Marine and Fisheries. Rule X, clause 1(k) of the Rules of the House for the 104th Congress provides jurisdiction to the Committee on National Security over:

"(7) National security aspects of merchant marine, including financial assistance for the construction and operation of vessels, the maintenance of the U.S. shipbuilding and ship repair industrial base, cabotage, cargo preference, and merchant marine officers and seamen as these matters relate to the national security."

The new Rule X, clause 1(q) provides the Committee on Transportation and Infrastructure with jurisdiction over:

"(12) Measures relating to merchant marine, except for national security aspects of merchant marine."

This split in jurisdiction in what was previously entirely within the Committee on Merchant Marine and Fisheries is based on the fact that, while various aspects of the merchant marine and related activities are transportation matters that are handled in the executive branch by the Department of Transportation, certain aspects are so closely tied to national security that primary jurisdiction should be within the Committee on National Security. For example, the maintenance and control of the National Defense Reserve Fleet and the Ready Reserve Fleet would be within the jurisdiction of the Committee on National Security.

However, it may not be clear in all cases to which of the two Committees a particular bill should be referred. In general, matters relating to merchant marine activities will be referred to the National Security Committee if the national security aspects of the matter predominate over transportation and other merchant marine aspects.

While present programs of the Maritime Administration have both national security and transportation implications, we agree that primary jurisdiction over the annual authorization for the Maritime Administration would be in the Committee on National Security. Primary jurisdiction over the annual authorization for the Federal Maritime Commission would be in the Committee on Transportation and Infrastructure.

Shipbuilding is a subject that has a particularly strong connection with national security because of the implications for our defense industrial base. We agree that the National Shipbuilding Initiative, including the loan guarantee program under Title XI, would be within the primary jurisdiction of the Committee on National Security. In addition, the Congress likely will be requested to approve legislation to implement an international agreement to eliminate shipbuilding subsidies worldwide. While this is generally a laudable goal, the contents of this agreement must be examined in the context of its long-term effect on the shipbuilding industrial base. Of particular concern is the question of whether U.S.-based shipyards are disadvantaged by this agreement to the point that a transition from naval construction to commercial construction is impossible. We agree that, as between the Committees on National Security and Transportation and Infrastructure, primary jurisdiction over implementing legislation for this agreement should reside with the Committee on National Security.

Jurisdiction over the State and Federal Maritime Training Academies is granted in the rule specifically to the Committee on National Security. With respect to the provision in Rule X, clause 1(k)(9) concerning merchant marine officers and seamen, it is understood that measures whose predominant purpose is the maintenance of a well trained merchant mariner manpower pool capable of meeting sustainment and surge sealift requirements will be within the jurisdiction of the Committee on National Security. Shortages of qualified U.S. mariners to serve during the mobilization for Desert Storm highlighted the need to consider these problems from a national security standpoint.

Jurisdiction over the Coast Guard is provided to the Committee on Transportation and Infrastructure by Rule X, clause 1(q)(1). This confers upon the Transportation and Infrastructure Committee authority over all matters handled by the Coast Guard that were previously within the jurisdiction of the Merchant Marine and Fisheries Committee.

This letter may not address all merchant marine issues that will come before you. We will continue to work with you toward resolution of other issues as they arise.

Finally, it is understood that this agreement does not in any way alter or limit the jurisdiction of the Committee on Transportation and Infrastructure or of the Committee on National Security over matters discussed herein which were properly within the respective Committees' jurisdiction prior to the dissolution of the Committee on Merchant Marine and Fisheries.

Sincerely,

FLOYD D. SPENCE,
*Chairman, Committee on National Security.*

BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure.*

**Memorandums of Understanding**

Memorandums of understanding are not compiled in any comprehensive, publicly available form either in print or on the internet.

# Rules of Internal Organizations of the House

The chief institutional elements that make up the internal structure of the House of Representatives are the committees and the party conferences (known, in the case of the Democratic party, as the caucus). The committees, especially 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 assign their respective members to leadership and committee roles. Each committee and each conference has developed its own rules, which in the modern practice are written and adopted by each individual group. Although these rules of the individual groups are not per se binding on the House as a whole, their provisions often have effects on the way proceedings in the House occur, and to that extent, they must be considered as among the procedural authorities by which the House is regulated.

## Committee Rules of Procedure

Many provisions of House Rules, especially those of House Rule XI, regulate proceedings in, and action by, the committees of the House. In addition, however, clause 2 of Rule XI requires that each standing committee adopt its own written rules of procedure, which it must publish in the *Congressional Record* within 30 days of its membership being elected at the start of a new Congress. These rules of procedure cover important aspects of committee proceedings, such as quorum and voting requirements, markups, and preparation of committee reports.

The status of these committee rules is clarified by the parliamentarian's annotations accompanying Rule XI in the *House Manual*. Rule XI requires that the rules adopted by committees must be consistent with the Rules of the House, and do not supersede those established by House Rule XI. Committee rules can be enforced in the committee that adopts them, but generally are not enforceable on the House floor. In *Procedure in the House,* the House Parliamentarian explains that "[a] point of order does not normally lie in the House against consideration of a bill by reason of defective committee procedures occurring prior to the time the bill was ordered reported to the House. Such point of order, if made in the House, may be overruled on the ground that the rules of a particular committee are for that committee to interpret unless they are in direct conflict with the rules of the House or unless the House rules specifically permit the raising of such objections."[37]

[37] *Procedure in the House,* chapter 17, sec. 11.1., p. 205.

188 — Page number in compilation print issued by House Rules Committee.

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83d Congress).

(d) *Quorum for Taking Testimony.*—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

Committee rule number. — *Rule 7 —Hearing Procedures* — Subject matter of Rule VII.

(a) *Announcement.*—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least 1 week before the hearing unless the Committee determines that there is good cause to begin the hearing at an earlier date. In the latter event the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

Clause b of Rule VII. — (b) *Written Statement; Oral Testimony.*—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) *Minority Witnesses.*—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon.

(d) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) *Participation of Committee Members in Subcommittees.*—All members of the Committee may sit with any subcommittee during any hearing or deliberations and may participate in such hearing or deliberations, but a member who is not a member of the subcommittee may not vote on any matter before such subcommittee.

(f) *Questioning of Witnesses.*—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the

In each Congress, the House Committee on Rules usually issues a print that compiles the rules of procedure adopted by all House standing committees. The rules of each committee also appear in the *Congressional Record* on the date they were submitted for publication. Many committees also publish their rules in pamphlet form in a committee print, or in the committee's interim or final "Legislative Calendar."

Reprinted on the preceding page is an excerpt from the rules of the House Committee on Transportation and Infrastructure for the 105th Congress, as it appeared in the print of the Committee on Rules.[38]

**Rules Adopted by Committees of the House**

U.S. Congress, House, Committee on Rules, *Rules Adopted by the Committees of the House of Representatives, 110th Congress, 2007-2008,* committee print, 110th Cong., 1st sess. (Washington: GPO, 2007).

**Print:** The 110th Congress unnumbered committee print of *Rules Adopted by the Committees of the House of Representatives* is available from the House Rules Committee (H-312 Capitol Building), and copies can be consulted at the House Legislative Resource Center/House Document Room (B-106 Cannon HOB). Each House committee is required to have its adopted rules printed in the *Congressional Record* within 30 days of its members being named. Many committees also publish their rules in pamphlet form as a committee document, which may be available from the respective committees.

**Internet:** An electronic version of *Rules Adopted by the Committees of the House of Representatives* is available through:

House Committee on Rules: http://www.rules.house.gov/pubs_docs/rules_comm_pubs.html.

**GPO Access**, a website of the Government Printing Office:
http://www.gpoaccess.gov/congress/index.html.

**Committee websites**:
Most House committees post their committee rules on their website. A list of committee websites appears as an appendix to this report.

## Party Caucus or Conference Rules

The rules of the House Democratic Caucus and Republican Conference are adopted by the House Members of the respective parties.[39] This action takes place when the parties hold their early organizational meetings for the coming new Congress after the November congressional election. Upon adoption, the rules are printed and distributed to Members belonging to the respective conference. Ordinarily, the printed versions present only the text of the rules, without annotations or references. Typically, the printed copies generally are issued only to the members of the respective party, and are not made available more publicly.

The rules of the conferences are created only by authority of the respective parties in the House, not through an exercise of the constitutional power of the full House to determine its rules. As a result, these rules are not directly enforceable on the House floor, and the documents containing them are not official parliamentary reference sources of the House. Nevertheless, conference rules are binding on Members of the respective parties insofar as action in the respective organizations is concerned. In some cases, in addition, these rules govern actions that may be taken in the proceedings of the House by members and leaders of the respective party. For this reason, an understanding of House proceedings can often be facilitated by reference to these rules.

[38] U.S. Congress, House, Committee on Rules, *Rules Adopted by the Committees of the House of Representatives, 105th Congress, 1997-1998*, committee print, 105th Cong., 1st sess. (Washington: GPO, 1997), p. 220.

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

Important components of these rules are provisions governing the selection and terms of party floor and committee leaders, the assignment of members to committees, and meetings of the conference itself. Some of these rules also address topics of procedure on the floor and in House-Senate conference committees, and, accordingly, can affect how the chamber as a whole considers legislation. For example, Rule 38 of Democratic Caucus rules for the 110th Congress directs the party leadership not to consent to the consideration of any measure by a suspension of the rules if it: (1) has not been cleared by the party's floor and committee leadership; (2) will be amended other than by committee amendments; (3) is "major" legislation; (4) was opposed by more than one third of the reporting committee; or (5) is shown by any cost estimates to cost more than $100 million in any fiscal year. Rule 28 of the Republican Conference imposes corresponding, although not identical, restrictions on requests for consideration by suspension of the rules on the part of that party's leadership.

**Caucus and Conference Rules**

U.S. Congress, House, Democratic Caucus, *Rules of the Democratic Caucus, One Hundred Tenth Congress*, adopted November 16, 2006.

U.S. Congress, House, Republican Conference, *Rules of the House Republican Conference for the 110th Congress,* December 5, 2006.

**Print:** Members can request copies of their party caucus or conference rules from the respective organizations.

**Internet:** The two party organizations do not post their rules on their publicly available websites.

# Other Congressional Publications on Procedure

Several additional publications prepared by various 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 come from official congressional sources and often make references to official sources such as the rules of the House and published precedents. This section describes two publications of this kind that are issued under the auspices of House committees.

## *Floor Procedures Manual*

*Floor Procedure in the U.S. House of Representatives* is designed to provide a ready reference for practical guidance on undertaking a variety of parliamentary actions, including reference to applicable House rules and, often, typical procedural language. The work, also styled *Floor Procedures Manual*, consists of a series of short sections, currently 18 in number, arranged in rough correspondence with the daily order of business in the House, from the Speaker's call to order through adjournment. An "Abridged Parliamentary Dictionary" appears as an appendix. New in the edition for the 110th Congress is a section addressing the operation and implications of the new House Rules regulating the "earmark" provisions that may appear in appropriations and other legislation.

The introduction to the *Floor Procedures Manual*, by the former Chairman and current ranking minority member of the House Committee on Rules, explains that the manual is intended "to provide House Members and staff with a concise, yet informative user guide to the basic legislative process in the House of Representatives."

The original version of this document was entitled *Floor Operations Manual*, and was written by Robert E. Bauman, a former Member of the House from Maryland, principally for the use of Republican Members. Subsequent editions were revised and updated, sometimes under the title of

"*Republican Floor Operations Manual*," by other leading Republican Members and former Members. After Republicans gained the House majority in the 104th Congress, versions of the document were prepared, and distributed to House offices, under the auspices of the House Committee on Rules. Recent editions have been prepared through the Committee or, in the 110th Congress, its Republican contingent. They have been published by The Congressional Institute, Inc., a non-governmental organization, and distributed to Member offices by the Committee on Rules or the committee's Republican members.

**Floor Procedure in the House**

*Floor Procedure in the U.S. House of Representatives, 110th Congress* (Washington: The Congressional Institute, [2007]).

**Print:**
The Republican contingent on the House Committee on Rules distributed copies of the 110th Congress edition of the *House Floor Procedures Manual* to each Member office. Copies may be requested from The Congressional Institute.

**Internet:** An online version of this handbook is available through these websites:

**House Committee on Rules**:
http://www.rules.house.gov/house_rules_precedents.htm

**The Congressional Institute**:
A similar version with links to the rules of the House and other reference sources, is available through:
http://www.conginst.org/

## *How Our Laws Are Made*

*How Our Laws Are Made* was first published in 1953 by the House Judiciary Committee. The work provides a summary of the legislative process focusing on House procedures, from the drafting of legislation to final approval and presidential action. Although the document is intended for nonspecialists, its summary descriptions of House procedures serve as a useful reference source.

The 23rd edition of *How Our Laws Are Made*[40] was published in 2003. Prepared by the Office of the House Parliamentarian in consultation with the Office of the Senate Parliamentarian, the 23rd edition is available online. It reflects changes in congressional procedures since the 22nd edition, which was revised and updated in 2000. Some earlier editions included sample documents from key stages of the process.

[40] U.S. Congress, House, *How Our Laws Are Made*, H.Doc. 108-93, 108th Cong., 1st sess., (Washington: GPO, 2003).

**How Our Laws Are Made**

U.S. Congress, House, *How Our Laws Are Made*, H.Doc. 108-93, 108th Cong., 1st sess., (Washington: GPO, 2003).

**Print:** At the time this report was issued, the latest print version of *How Our Laws Are Made* was the 23rd edition (H.Doc. 108-93). It was distributed to House Member and committee offices upon publication, and is now available from the Government Printing Office.

**Internet:** The text of the 23rd edition of *How Our Laws Are Made* is available through the following websites:

**LIS**, the Legislative Information System of the U.S. Congress:
a link appears on the House page at
http://www.congress.gov/house.php

**Clerk of the House:**
a link appears at
http://clerk.house.gov/

**THOMAS**, the public access website of the Library of Congress:
http://thomas.loc.gov/home/lawsmade.toc.html

## *Enactment of a Law*

The Senate has maintained a publication providing a concise summary of the legislative process under the title *Enactment of a Law: Procedural Steps in the Legislative Process*. This document, prepared by the Parliamentarian of the Senate under the direction of the Secretary of the Senate, 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 also is provided. In addition, the document contains illustrations of some of the chief kinds of document used in the legislative process.

*Enactment of a Law* has not appeared in a new printed edition since 1981 and appears no longer to be readily available in print. An updated version, however, was prepared in February 1997 by Senate Parliamentarian Robert B. Dove, and is available on-line. This online version reflects changes made to the congressional budget process and Senate rules and procedures since the last printed edition.

**Enactment of a Law**

U.S. Senate, *Enactment of a Law: Procedural Steps in the Legislative Process*, S.Doc. 97-20, 97th Cong., 2nd sess., revised under the direction of William F. Hildenbrand, Secretary of the Senate, by Robert B. Dove, Parliamentarian of the Senate (Washington: GPO, 1982).

**Print:** *Enactment of a Law* is available in print from the Senate Printing & Document Services.

**Internet:** An online version of *Enactment of a Law* is available through:

**THOMAS**, the public access website of the Library of Congress:
http://thomas.loc.gov/home/enactment/enactlawtoc.html.

**CRS**, the Congressional Research Services:
Guides to Congressional Processes:
This version also is the basis of the Senate Overview section at
http://www.crs.gov/products/guides/legproc/parloverview/SenateOverview.shtml.

# Appendix A. Bibliography of House Parliamentary Reference Sources

## Official Reference Sources

U.S. Congress. House. *Cannon's Procedure in the House of Representatives*. 87th Congress, 2nd session. H.Doc. No. 610. Washington: GPO, 1963.

——. *Constitution, Jefferson's Manual and the Rules of the House* (published each Congress as a House document). 109th Congress, 2nd session. H.Doc. No.109-157. Washington: GPO, 2007.

——. *Deschler's Precedents of the U.S. House of Representatives* (in 16 volumes to date; volumes 10-16 are formally titled *Deschler-Brown Precedents of the U.S. House of Representatives*). 94th Congress, 2nd session. H.Doc. No. 94-661. Washington: GPO, 1977.

——. *Hinds'* and *Cannon's Precedents of the House of Representatives* (in 11 volumes). Washington: GPO, 1907-1908, 1935-1941.

——. *House Practice: A Guide to the Rules, Precedents and Procedures of the House*. 108th Congress, 1st session. Washington: GPO, 2003.

——. *Procedure in the U.S. House of Representatives*, *A Summary of the Modern Precedents and Practices of the House, 86th Cong. - 97th Cong.* Washington: GPO, 1982.

——. *Procedure in the U.S. House of Representatives, 1985 Supplement*. Washington: GPO, 1986.

——. *Procedure in the U.S. House of Representatives, 1987 Supplement*. Washington: GPO, 1987.

U.S. Congress. House. House Committee on Rules. *Rules Adopted by the Committees of the House of Representatives, 110th Congress, 2007-2008*. Committee print. 110th Congress, 1st session. Washington: GPO, 2007.

U.S. Congress. House. *Rules of the House of Representatives*, an unnumbered print usually issued each session of Congress by the Clerk of the House.

U.S. Congress. Senate. *A Manual of Parliamentary Practice for the Use of the Senate of the United States* (more commonly known as *Jefferson's Manual*). 103rd Congress, 1st session. S.Doc. 103-8. Washington: GPO, 1993.

## Publications of Committees and Offices of the House

*Floor Procedure in the U.S. House of Representatives* was issued in January 1999 by the House Rules Committee and published by the Congressional Institute. An earlier version entitled *Floor Operations Manual: U.S. House of Representatives* was issued in April 1997. A version under the title *House Republican Floor Manual* was issued by the Office of the House Majority Leader in January 1997.

*How Our Laws Are Made (23rd edition)*, prepared by the Office of the House Parliamentarian, 108th Congress, 1st session. H.Doc. No. 108-93. Washington: GPO, 2003.

## CRS Products

Most titles, including multimedia and the general distribution memorandum, are available from the CRS Home Page at http://www.crs.gov.

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

CRS Report RL30244, *The Committee Markup Process in the House of Representatives*, by Judy Schneider.

CRS Report RS20147, *Committee of the Whole: An Introduction*, by Judy Schneider.

CRS Report 95-187, *Committee System: Rules Changes in the House, 104th Congress*, by Judy Schneider.

CRS Report 97-138, *Committee System: Rules Changes in the House, 105th Congress*, by Judy Schneider.

CRS Report RS20017, *Committee System Rules Changes in the House, 106th Congress*, by Judy Schneider.

CRS Report RS20769, *Committee System Rules Changes in the House, 107th Congress*, by Judy Schneider.

CRS Report RS21382, *Committee System Rules Changes in the House, 108th Congress*, by Judy Schneider.

CRS Report RS22018, *Committee System Rules Changes in the House, 109th Congress*, by Judy Schneider.

CRS Report RL32207, *Commonly Used Motions and Requests in the House of Representatives*, by Betsy Palmer.

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

CRS Report RS21339, *Congress' Early Organization Meetings*, by Judy Schneider.

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

CRS Report 97-856, *The Discharge Rule in the House: Recent Use in Historical Context*, by Richard S. Beth.

CRS Report 97-552, *The Discharge Rule in the House: Principal Features and Uses*, by Richard S. Beth.

CRS Report RL31382, *Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives*, by Jack Maskell.

CRS Report 98-888, *"Fast-Track" or Expedited Procedures: Their Purposes, Elements, and Implications*, by Christopher M. Davis.

CRS Report RL30725, *The First Day of a New Congress: A Guide to Proceedings on the House Floor*, coordinated by Mildred Amer.

CRS Report RL30945, *House and Senate Rules of Procedure: A Comparison*, by Judy Schneider.

CRS Report 98-169, *House Committee Reports: Required Contents*, by Judy Schneider.

CRS Report 98-309, *House Legislative Procedures: Published Sources of Information*, by Betsy Palmer.

CRS Report 97-357, *House Rules Affecting Committees*, by Christopher M. Davis.

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

CRS Report 98-262, *House Rules Manual: Summary of Contents*, by Judy Schneider.

CRS Report 98-228, *House Voting Procedures: Forms and Requirements*, coordinated by Walter J. Oleszek.

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 RS20131, *Morning Hour Debates: Current House Practices*, by Judy Schneider.

CRS Report RL33860, *The Motion to Recommit in the House: The Minority's Motion*, by Betsy Palmer.

CRS Report RL30135, *One-Minute Speeches: Current House Practices*, by Judy Schneider.

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

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

CRS Report 98-710, *"Self-Executing" Rules Reported by the House Committee on Rules*, by Walter J. Oleszek.

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

CRS Report RL30136, *Special Order Speeches: Current House Practices*, by Judy Schneider.

CRS Report 96-938, *Special Rules in the House of Representatives*, by Stanley Bach, Christopher M. Davis, and James V. Saturno.

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

CRS Report 98-988, *Voting and Quorum Procedures in the House of Representatives*, by Stanley Bach.

# Appendix B. House Parliamentary Reference Information Available Through the Internet

Throughout this report, Internet locations and websites at which electronic versions of various House parliamentary reference sources are available have been cited. This appendix lists these online resources in a single compendium for the convenience of the reader.

The vast majority of the referenced links can be accessed through one of three "gateway" websites maintained by legislative branch organizations: the Legislative Information System (LIS), GPO Access, and the House Committee on Rules website. Each of these sites (detailed below) provides a good entry point for research into House parliamentary procedure. Documents relating to House parliamentary procedure can also be found at other Library of Congress and House of Representatives websites at the locations indicated.

Internet addresses are provided for documents cited. The list is current as of this report's publication date. Given that information on the Internet is constantly changing, this list should not be considered exhaustive.

## Legislative Information System of the U.S. Congress (LIS)

http://www.congress.gov (Available to Congress Only)
The Legislative Information System was released at the start of the 105th Congress. The information in the system is organized into six Web pages: Home, Senate, House, Government, News, and A-Z Index. Each page is accessible by clicking on one of the navigation tabs near the top of the page. The Senate and House pages include multiple links under the category "Rules, and Procedures." The "Government" page includes a link to GPO Access (Legislative), where many documents related to parliamentary procedure are located.

## CRS Guides to Congressional Processes

http://www.crs.gov/products/guides/guidehome.shtml
The latest version of this CRS electronic guide provides a wealth of information relating to House and Senate procedures. There are links to current versions of House and Senate rules and CRS reports on specific procedural topics. Electronic versions of *How Our Laws Are Made* and *Enactment of a Law* provide an overview of procedures in each chamber. Links within the fact sheets and procedural overviews take the user directly to pertinent House or Senate rules and to definitions in Congressional Quarterly's *American Congressional Dictionary*.

## House Committee on Rules

http://www.house.gov/rules/
In addition to the *House Rules and Manual*, the text of House rules, and *House Practice*, this location includes links to explanatory material about House rules and procedure developed by the committee itself and by several other sources. There are links here to numerous sub-pages covering all of the following topics:

Rules and Precedents of the House, Parliamentary Terms and Definitions, General Parliamentary Procedure, the Budget Process, House Committee Procedures, House Floor Procedures, Resolving Differences with the Senate, Senate Process and Procedure, Parliamentary Outreach Program, Special Rules Reported, and the Opening Day Rules Package.

House Rules Committee Web page on "Rules and Precedents of the House," provides links to several procedural publications and documents.
http://www.rules.house.gov/house_rules_precedents.htm

House Rules Committee Web page for the Rules of the 110th Congress, provides a link to a copy of the entire document.
http://www.house.gov/rules/house_rules.htm

Provides a link, identified as "A Guide to the Rules, Precedents and Procedures of the House," to the text of *House Practice* at the GPO Access Internet location.
http://www.house.gov/rules/house_rules_precedents.htm

Rules Committee link to the 1999 version of *Floor Procedure in the U.S. House of Representatives.*
http://www.rules.house.gov/house_rules_precedents.htm

## GPO Access

GPO Access Home Page
http://www.gpoaccess.gov/index.html

Searchable version of the *House Manual*.
http://www.gpoaccess.gov/hrm/index.html

A searchable version of the 1992 edition of *The Constitution of the United States of America: Analysis and Interpretation)*, and the 1996, 1998, and 2000 supplements is available through http://www.gpoaccess.gov/serialset/cdocuments/search.html. A pdf version of a more recent edition of the main volume (S.Doc. 108-17) can be accessed through http://www.gpoaccess.gov/serialset/cdocuments/index.html. These documents are prepared by the Congressional Research Service, which also maintains an online version at http://www.crs.gov/products/conan/index.shtml.

Searchable version of *House Practice*.
http://www.gpoaccess.gov/hpractice/index.html

Provides links to rules of most House committees.
http://www.gpoaccess.gov/congress/index.html

## Other Library of Congress Sites

Constitution
http://lcweb2.loc.gov/const/const.html

Bill of Rights
http://www.loc.gov/rr/program/bib/ourdocs/billofrights.html

*How Our Laws Are Made,* version dated June 20, 2003.
http://thomas.loc.gov/home/lawsmade.toc.html

## Other House of Representatives Sites

House Home Page
http://www.house.gov

Clerk's print of House Rules for the 110th Congress, dated September 14, 2007.
http://clerk.house.gov/legislative/rules110/110th.pdf

Links to *How Our Laws Are Made, House Practice,* and other parliamentary sources
http://clerk.house.gov/legislative/legprocess.html

House Committees Web Page
http://www.house.gov/CommitteeWWW.html

Most committee websites include a link to "committee rules." Links to these rules are listed below:

| | |
|---|---|
| Agriculture | http://agriculture.house.gov/inside/publications.html |
| Appropriations | http://appropriations.house.gov/comm_rules.shtml |
| Armed Services | http://www.house.gov/hasc/rules.shtml |
| Budget | [No apparent link on committee webpage] |
| Education and the Workforce | [No apparent link on committee webpage] |
| Energy and Commerce | http://energycommerce.house.gov/Publications_110/110th%20Rules.pdf |
| Financial Services | http://financialservices.house.gov/pdf/110thFSCRules.pdf |
| Foreign Affairs Government Reform | http://www.internationalrelations.house.gov/110/rules110.PDF} [http://oversight.house.gov/rules/ |
| Homeland Security | [No apparent link on committee webpage] |
| House Administration | [No apparent link on committee webpage] |
| Judiciary | [No apparent link on committee webpage] |
| Natural Resources | http://resourcescommittee.house.gov/ index.php?option=com_frontpage&Itemid=51 |
| Rules | http://www.rules.house.gov/POP/110committee_rules.htm |
| Science | http://science.house.gov/docs/110th_rules.pdf |
| Small Business | http://www.house.gov/smbiz/Reports/sbc-rules.pdf |
| Standards of Official Conduct | http://www.house.gov/ethics/Rules_110th.html |
| Transportation and Infrastructure | http://transportation.house.gov/about/Rules%20for%20the%20110th.PDF |
| Veterans' Affairs | http://veterans.house.gov/about/rules110.shtml |
| Ways and Means | http://waysandmeans.house.gov/media/pdf/110/110RulesFinal.pdf |

## Author Information

Richard S. Beth
Specialist on the Congress and Legislative Process

Megan Suzanne Lynch
Analyst on the Congress and Legislative Process

## 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.