U.S. House of Representatives Floor Procedures Manual

119th Congress



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Introduction

Learn the rules and understand the precedents and procedures of the House. The Congressman who knows how the House operates will soon be recognized for his parliamentary skills-and his prestige will rise among his colleagues, no matter what his party.

House Speaker John M. McCormack (1962-1971) of Massachusetts, giving advice to new House Members

At first glance, the rules and procedures of the U.S. House of Representatives can be boring. Why study them?

The late House Republican Leader, Representaive Bob Michel, captured the value of the rules in testimony before a task force on procedure in 1987. "Procedure hasn't simply become more important than substance – it has, through a strange alchemy, become the substance of our deliberations. Who rules House procedures rules the House – and to a great degree, rule the kind and scope of political debate in this country." On the other side of the aisle, the late Representative John Dingell, the former Dean of the House and one of the most powerful committee chairmen of the 20th and 21st centuries, is widely quoted as saying: "If I let you write the substance and you let me write the procedure, I'll [beat] you every time." (Except he's usually quoted as using a more colorful word, in keeping with his memorable sharp, earthy wit.)

The rules and procedure, however boring one finds them, are how things get done in the House – and that's fun.

Nonetheless, procedure confuses many Members and staff, to say nothing of the wider public who are even farther removed from the House's proceedings. This House Floor Procedures Manual attempts to clarify what

happens when the Members gather to legislate. It describes the annual calendar, how weekly the agenda is formed, the daily order of business, how legislation comes to the Floor, and decorum in the House. Throughout this Manual, Members can find scripts for the most common statements they must make to participate in the House's proceedings.

Helping Members and staff participate more fully and effectively in the life of the Legislative Branch is essential to the Congressional Institute's mission, so we have published this Manual with pride since 1997. The late Representative Robert E. Bauman of Maryland drafted the earliest version of this Manual, and former Representative Bob Walker of Pennsylvania revised it. The Congressional Institute has consulted with the Rules Committee majority under both parties in updating the Manual each Congress, making it an important bipartisan initiative.

This edition is the most significant revision in many years. In addition to updating practices that have evolved since earlier versions were published, it has been reorganized to further clarify the House's daily order of business, highlight especially important aspects of procedure, and consolidate sections. Also, since time is one of the most precious resources Members and staff have, commentary on the calendar and how procedures affect scheduling has been added. We hope these changes increase the Manual's value to Members and staff

Part I: The House Calendar and the Daily Order of Business

1. The Annual Calendar and Weekly Schedule

The Annual Calendar:

After a general election for the U.S. House of Representatives, a new Congress convenes at the beginning of the fol-

lowing January, usually on January 3, for a two-year term. Each Congress is divided into two (2) one-year sessions.

The current Congress, the 119th, convened on January 3, 2025. The first session of the 119th Congress is projected to conclude the week of December 14, 2025. The calendar for the second session of the 119th Congress will be released in November 2025.

The Majority Leader is responsible for planning the House's annual calendar—i.e., when the House will meet in Washington, and when the House will be adjourned for Members to return to their Districts for the weekend or District Work Periods. Provisions of the U.S. Constitution and Federal law, along with long-standing House practice, guide the Majority Leader in determining the House's schedule. In general, Members can expect a District Work Period around most Federal holidays, several religious holidays, and for the month of August. Though the Majority Leader releases a calendar each year, it may be altered during the year if needed.

The Weekly Legislative Schedule:

The scheduling of legislation for House Floor action is the prerogative of the Majority leadership, an activity coordinated by the Majority Leader's office. Information about the annual, weekly, and daily schedule may be found on the Majority Leader's website at: https://www.majorityleader.gov/.

At the end of each week, the Whip offices will send Members "Whip notices" for the next week listing the specific bills to be considered, including how each bill will receive Floor consideration (for example, suspension of the rules, a rule from the Rules Committee, unanimous consent, etc.).

The House of Representatives also provides access to the text of legislation to be considered on the House Floor via the electronic repository at docs.house.gov. Data is provided in

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accordance with the rules of the House by both the Majority Leader's Office and the Committee on Rules, while the Clerk's Office manages the site. (Text posted on docs.house. gov may provide an early indication of what legislation the House will consider even before the Leadership offices formally release their notices about the legislative program.)

If the House will debate a bill pursuant to a rule from the Rules Committee, information about the amendment process, debate time, etc., is available on the Majority's Rules Committee website at rules.house.gov or the Minority's Rules Committee website at democrats-rules.house.gov. (Special rules are discussed in detail in section 5.1 of this manual.)

In addition to the announced schedule of major bills, legislative matters may be called up for consideration by "unanimous consent." In keeping with the Speaker's announced policy, unanimous consent requests of that type must be cleared by the Majority and Minority leaderships as well as the bipartisan leadership of the committee(s) of jurisdiction. Following clearance, these matters may come up with little notice except to the Members managing the request (i.e., the Chair and Ranking Member of the committee(s) of jurisdiction). If Members have a specific interest in something that might come up by unanimous consent, they should contact the appropriate committees and leadership representatives as early as possible. A Member might also ask the Floor staff to be on the lookout for the matter of interest

In addition to the normal order of business as presented here, there are several "special legislative days." Bills may be brought up under "suspension of the rules" on Mondays, Tuesdays, and Wednesdays. There is no "suspension calendar." Suspension of the rules will be discussed in detail later in section 4 of this manual

Forecasting and Changing the Legislative Program:

Though Members and staff sometimes request information from the Majority Leader's office about when a piece of legislation will come to the Floor far in advance, the schedule may be compared to a weather forecast: The farther out from the day in question, the less accurate it will be. However, the following table is useful in determining the time it takes to prepare legislation for Floor consideration under regular order:

Tuesday

Committee orders a bill reported; views requested.

Wednesday

Day #1 for filing views.

Thursday

Day #2 for filing views.

Friday

Committee files report.

Monday

Rules Committee meeting to grant rule is possible.

Tuesday

Rule may be considered on the Floor. Bill may be considered on House Floor

Wednesday

Bill may be considered on House Floor.

Once the legislative agenda for the week is released, it is relatively well set. Nonetheless, it is possible for the schedule to change. Therefore, it is to a Member's benefit to follow any updates. The Republican Cloakroom provides weekly and

daily schedule updates on their website (https://repcloak-room.house.gov/) and real-time updates via X, @repcloak-room. The Democratic Cloakroom provides recorded information for the week's program at 225-1600, and 225-7400 for the Floor program for that specific day. Additional updates from the Democratic Cloakroom are also available on their website (https://democraticcloakroom.house.gov/) or on X, @demcloakroom.

On occasion, Members and staff ask the committee that has jurisdiction over a piece of legislation to change when the House debates and votes on that legislation. Committees do not have the authority to change the House's legislative program. That is the prerogative of the Majority Leader's office. If a Member merely wishes to change when he or she speaks during general debate on a piece of legislation (when considered under a special rule) or during debate on a bill brought up under a suspension of the rules, they may contact the committee of jurisdiction to ask about this possibility.

2. The Daily Order of Business

2.1. The House Is Called to Order by the Speaker

Daily Time of Meeting:

The daily hour of meeting is set by a House Resolution generally adopted on the first day of each session. On January 3, 2025, the House adopted H. Res. 6, which established the following House meeting times:

2:00 p.m. on Monday;

12:00 p.m. on Tuesday (or 2:00 p.m. if no legislative business was conducted on the preceding Monday);

12:00 p.m. on Wednesdays and Thursdays; and

9:00 a.m. on all other days of the week.

The hour of meeting can be changed by order of the House at any time, usually by unanimous consent after consultation between both party leaderships.

A Member's office is notified of any time changes by the Whip's office, usually by email. If in doubt, a Member's office should check with the Republican Cloakroom at 225-7350 or the Democratic Cloakroom at 225-7330.

The Speaker as Presiding Officer:

The Speaker traditionally opens the session each day, but more commonly designates a "Speaker pro tempore," who is a Member of the Majority party, to serve that day. The Speaker or Speaker pro tempore may preside through one-minute speeches and other House business (such as debate on special rules) until the House resolves itself into the Committee of the Whole House on the State of the Union, at which time the Speaker appoints a Majority Member to preside as the Chair of the Committee of the Whole. The Speaker or Speaker pro tempore returns to the Chair when the Committee of the Whole rises to come back into the Whole House. (For more on the Committee of the Whole, see section 5.3 of this Manual.)

Presiding over the House and the Committee of the Whole is a responsibility of the Majority party and a privilege of its Members. It is also an effective way for Members to learn how the Floor operates. Majority Members who would like to preside should contact their Cloakroom to volunteer. (Members are prohibited from presiding over debate on legislation within the jurisdiction of committees on which they sit.)

House rule I details the numerous powers and duties of the Speaker, many of which directly affect Members, not only on the Floor, but also as they carry out their representational activities broadly speaking. Clause 8 of rule I defines the role of the Speaker pro tempore. It is also important to understand the Speaker's power of recognition under clause 2 of rule XVII. In most cases, it is the Chair's prerogative to recognize a Member. The power of recognition cannot be appealed.

2.2. Morning-Hour Debate

By agreement of both the Majority and Minority leadership, the House has instituted a "morning-hour" period for special order speeches, more commonly called "five-minute speeches." On the first legislative day of the week, between 12:00 and 2:00 p.m., Members are recognized for up to five minutes for these speeches, alternating between Majority and Minority Members on a rotating basis. On the middle days of the week, the time set aside for Morning Hour is between 10:00 a.m. and 12:00 p.m. There are no Morning Hour debates on the last legislative day of the week. Members designated by the leaders may speak for up to five minutes on any subject of their choice (except for the Majority and Minority Leaders and Minority Whip, who may speak for longer blocks of time).

Five-minute speeches may not be reserved in advance; they are allotted on a first-come, first-served basis. Republican Members may direct questions regarding five-minute speeches to their Cloakroom's staff, and Democratic Members may contact the Floor staff of the Democratic Whip. The staff of these offices coordinate with the Chair to ensure their respective Members are recognized at the appropriate time

Following morning-hour debate, the House recesses until the day's appointed time of convening. If many Members deliver five-minute speeches and the full two hours is used, the recess may be relatively short.

2.3. Prayer Is Offered By The Chaplain

Per clause 5 of House Rule II the Chaplain offers a prayer at the start of each legislative day.

Guest Chaplains are permitted in the Chamber and each Member may consider inviting a member of the clergy from his or her district to offer the daily prayer. The inviting Member traditionally gives the first one-minute speech of the day to recognize their Guest Chaplain (see section 2.6 of this Manual for information about one-minute speeches). Each Member is limited to inviting one Guest Chaplain per Congress. Members should contact the Office of the Chaplain for additional information at 225-2509.

2.4. Approval Of The Journal

Article I, section 5 of the U.S. Constitution requires that the House keep a Journal of its proceedings, which is a summary of the day's actions. The Speaker is responsible for examining and approving the Journal of the previous day. The Speaker announces approval to the House immediately after the prayer is offered by the Chaplain. Following the announcement of approval by the Speaker, any Member may demand a vote on the question of the Speaker's approval. However, the Speaker has the authority to postpone a vote on agreeing to the Speaker's approval of the Journal until a later time on the same legislative day.

NOTE: The Journal is not the Congressional Record.

2.5. Pledge Of Allegiance To The Flag

After approval of the Journal, the Speaker recognizes a designated Member to lead the House in the Pledge of Allegiance to the American flag. The Member designated alternates between the Majority and Minority party on a daily basis. The Member is usually informed in advance if he or

she is the designated Member.

I pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one nation Under God, indivisible, with Liberty and Justice for all.

2.6. One-Minute Speeches

These short speeches may be made by Members before legislative business each day. If the speech given at the beginning of the day is longer than 300 words or includes extraneous materials, it will appear in the Extension of Remarks section of the Congressional Record. Any Member may seek recognition to give a speech on a subject of his or her choice not exceeding one minute in duration. One-minute speeches are often coordinated by the Majority and Minority leaderships to focus on particular topics, but the speeches are not limited to such topics.

The one-minute speech period is granted at the discretion of the Speaker, as are the number of such speeches. At the beginning of each legislative day, one-minute speeches may be limited to a specific number per side. On the first legislative day of each week, they may be unlimited. There is an additional one-minute speech period available at the end of each legislative day, and there is generally no limit to the number of speeches at that time. A Member is limited to one one-minute speech during any given legislative day.

Members are recognized for one-minute speeches on a firstcome, first-served basis. To give a one-minute speech, a Member should go to the front row of seats on their party's side of the Floor and sit down. The Speaker will recognize Members in turn, alternating between the Majority and Minority sides. At the appropriate point, the Member should seek recognition and address the Chair by saying: "Mr. Speaker (or Madam Speaker), I ask unanimous consent to address the House for one minute and to revise and 10

extend my remarks."

The Speaker will respond by saying: "Without objection, so ordered." The Member may then proceed to the podium in the Well to give the speech. The Chair will tell the Member when the one minute has expired with a rap of the gavel.

NOTE: A Member does not actually have to deliver a oneminute speech. He or she can simply ask for unanimous consent that it be placed in the Congressional Record and yield back his or her time. The speech will be inserted at that point, but it will appear in a different type to indicate that it was not delivered in person. Also, if extraneous materials are inserted with a one-minute speech, the entire speech will appear at the end of the Congressional Record just prior to special order speeches.

NOTE: Members are strongly encouraged to read House rule XVII, "Decorum and Debate" (especially clause 1), as well as section XVII of the Jefferson's Manual, "Order in Debate." See also section 10 of this Manual. "Decorum in the House Chamber"

It is not proper at any time for a Member to refer to the television audience. Rule XVII states that a Member must always address the Chair and only the Chair.

Furthermore, clause 7 of rule XVII states specifically that Members may not introduce or otherwise refer to people in the Visitors or Press Gallery.

Members may refer to actions taken by the Senate. House rules allow for references on the House Floor to the Senate or its Members. However, these remarks must be limited to the question under debate and may not include personalities. (See clause 1 of rule XVII.)

Not only is it inappropriate to address the President of the

United States directly (Members must always address the Chair), but it is also improper to refer to the President in a personally offensive manner.

2.7. Debate and Votes on Legislation

Following one-minute speeches, the House commonly recesses until later in the afternoon or disposes of business such as messages received from the President or department heads. Following the disposition of such business or after the recess, the House considers and votes on legislation per the schedule arranged by the Majority Leader's office.

Legislation usually comes to the Floor by one of two ways: pursuant to a special rule or by a motion to suspend the rules and pass the legislation. These two methods, and less-common but important methods, are discussed in detail in Part II, "Debating Legislation on the Floor."

2.8. End Of Legislative Business For The Day

After completion of the scheduled legislative business, it is customary at the end of the day for the House to consider miscellaneous unanimous consent requests that were not made earlier in the day, including personal requests of individual Members

Personal Requests:

Such requests can only be made by the Member benefiting from the request. These include:

- Make a correction in the Congressional Record;
- Have a Member's name removed as a cosponsor of a bill or resolution (this requires unanimous consent if the request is made by the original sponsor of the measure; beginning in the 117th Congress a Member may make a demand from the Floor to remove their own name);
- Include extraneous material exceeding two pages in the

Congressional Record, which must be accompanied by a cost estimate from the Government Publishing Office (GPO).

Official Leave:

Members are allowed to be absent and excused on grounds of necessity, which can include a death in the family, illness or official business. A request for a leave of absence should be made through the Cloakroom and signed by the appropriate party leader. Such requests are laid before the House each evening, accepted by unanimous consent, and made a part of the *Congressional Record*.

Extension of Remarks:

Members may insert comments in the section of the *Congressional Record* entitled "Extension of Remarks" by submitting to the Cloakroom such remarks with the Member's original signature. It is no longer necessary to obtain "permission" to include extensions in the *Congressional Record*. All material submitted must bear an original Member's signature in the upper right-hand corner of the front page — stamps, copies, or facsimiles are not permitted — and the Member's typed name to be sure of identification. Members must be aware clerks will title the extension themselves.

If the extraneous material to be inserted will exceed two pages of the *Congressional Record*, it must be submitted to the Government Publishing Office in advance for a cost estimate. When the estimate is received, the Member must ask for leave of the House in person that it be printed, notwithstanding the cost. At the beginning or the end of the day, the Member must ask for unanimous consent to extend his or her remarks in the *Congressional Record* and to include therein extraneous material, notwithstanding the fact that it exceeds two pages. As part of the unanimous consent request, the Member should also include a cost estimate by the GPO. (As

of January 2023, it is estimated that each page of the *Congressional Record* costs \$462.00.)

Extensions should be delivered to the Cloakroom, handed to the *Congressional Record* clerks who sit at the bottom tier of the rostrum during session, or delivered to the Office of the Official Reporters of Debates in Room HT-59 of the Capitol by 5:00 p.m. or 15 minutes after the House adjourns, whichever is later

Special-Order Speeches:

Special-order speeches are given after legislative business is completed for the day. They may be on any topic, and may either be given orally or submitted in writing (as with extensions of remarks). Special orders cannot be requested more than one week in advance.

Pursuant to the Speaker's announced policy of January 3, 2025, the Chair may recognize Members for special-order speeches for up to four hours. Special-order speeches may not go beyond 10:00 p.m. The four-hour limitation is divided between the Majority and Minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. The second hour reserved to each party is divided into two 30-minute periods. The Chair will not recognize a Member for more than one special-order speech per week.

A Member who is not present on the Floor at their designated time forfeits his or her opportunity to speak. Failure to attend can have a downstream effect on the other special-order speeches: If one Member does not appear for their special-order speech and the Members lower in the queue are also not present (since it is not their anticipated time to speak), they too may lose their opportunity to address the House. If a Member anticipates they will be late or absent for their special-order speech, they should alert their party's Cloakroom.

Republican Members may reserve a special order through their Cloakroom. Democratic Members should contact the Floor staff of the Democratic Whip.

Any questions concerning special orders should be directed to the Cloakrooms

2.9. Adjournment

A motion to adjourn closes the business of the day.

Three-Day Adjournment Limit:

Article I, section 5 of the U.S. Constitution prevents either house from adjourning for more than three days (not including Sundays) unless the other house concurs. Such adjournment authority for more than three days is accomplished through the adoption by both houses of a concurrent resolution, which does not require the signature of the President.

In recent Congresses, the use of concurrent resolutions to adjourn for more than three days has declined. Instead, when either Chamber wishes to adjourn for periods longer than three days, it usually holds a pro forma session within the three-day limit. At pro forma sessions, the Chair calls the body to order and transacts little or no business before it adjourns. A pro forma session allows a Chamber to satisfy the requirement of Article I, section 5, of the Constitution while still allowing Members to depart Washington for periods longer than three days.

In the case of an emergency in which the House may be in immediate danger, the Speaker may declare an emergency recess under clause 12 of rule I. If, during a recess or adjournment of not more than three days, the Speaker is notified by the Sergeant-at-Arms of an imminent danger to the place of reconvening, the Speaker may postpone the time for reconvening the House. The Speaker may also reconvene the

House under those circumstances before the time previously appointed to declare the House in recess again. The Speaker may also change the time of reconvening if, in the opinion of the Speaker, it is in the public interest. These circumstances require the Speaker to notify Members accordingly. At the outset of the 119th Congress, the House agreed to H. Con. Res. 1, which permits the Speaker and the Majority Leader of the Senate to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it (to date, the Senate has yet to take action on H. Con. Res. 1).

Furthermore, the House has a rule that allows it to deal with the consequences of a terrorist attack or other catastrophe that may incapacitate large numbers of Members. The rule (clause 5(c) of rule XX) allows the House to act if a quorum cannot be achieved. Quorum is the majority of the whole number of the House and is calculated from those Members who are chosen, sworn and living. Thus, if all Members of the House are alive, quorum is the majority of 435, or 218 Members. Incapacitated Members, though unable to vote, are nonetheless counted for purposes of quorum. If more than a majority of the House is incapacitated, the House would be unable to act because of a lack of quorum. The rule change allows for the House to conduct business with less than a majority of a fully constituted House – but only in times of catastrophe and subject to a number of procedural protections. This smaller number is called the provisional quorum. Operating with a provisional quorum lasts only until enough Members are revived for a regular quorum. Any legislation considered with a provisional quorum would be subject to bicameral approval and presentment to the President, and any votes adopted could be ratified or repudiated at a later time by a fully constituted House.

Part II: Debating Legislation on the Floor

3. How Legislation Comes to the Floor

Legislation usually comes to the Floor by one of two ways: pursuant to a special rule or by a motion to suspend the rules and pass the legislation.

Less common ways are via 1.) discharge petitions, 2.) the Consensus Calendar, and 3.) unanimous consent.

Special rules, motions to suspend the rules and pass, discharge petitions, and the Consensus Calendar are discussed in this part. Since debating and passing legislation via unanimous consent relates to the wider practice of unanimous consent requests, it is discussed in section 9 "Unanimous Consent Requests," in part III "General and Miscellaneous Practices"

4. Suspension Of The Rules

Under clause 1 of rule XV, it is in order on Mondays, Tuesdays, and Wednesdays for the Speaker to entertain motions to suspend the rules and pass legislation.

Bills brought up under suspension of the rules are spoken of as "suspensions" in Floor terminology. There is no suspension calendar. The purpose of considering bills under suspension is to dispose of measures quickly. They are often non-controversial pieces of legislation.

A motion to suspend the rules requires a vote of two-thirds of the Members present and voting. Failure of the motion to achieve a two-thirds majority does not constitute a final rejection of the underlying legislation. The House may revisit the legislation another way (e.g., by adopting a special rule providing for its consideration).

No amendments are in order unless submitted with the bill by its manager as part of the motion to suspend the rules.

Debate on a bill brought up under suspension of the rules is limited to 40 minutes, 20 minutes controlled by a Member who supports the bill and 20 minutes controlled by a Member in opposition, a division that does not always follow party lines. It is typical for the Chair or member of the committee of jurisdiction to manage the time. For control of the opposition time, priority is given to a Minority member of the committee that has jurisdiction over the bill. Often the 20 minutes "in opposition" is controlled by the Ranking Member of the committee or subcommittee who may not be opposed to the measure because no one rises in opposition. However, he or she may be challenged for control of the opposition time by another Member who qualifies as being opposed to the measure.

The Majority leadership usually schedules several bills under suspension of the rules on the same day and the Chair often exercises its authority under clause 8 of rule XX to announce beforehand that recorded votes on passage of each suspension, if ordered, will be postponed for up to two legislative days.

At the conclusion of debate, the postponed votes may be "stacked" and put before the House.

In the 118th Congress, the Speaker was permitted to entertain motions to suspend the rules and pass legislation on any day the House was in session. At the beginning of the 119th Congress, this was limited to Mondays, Tuesdays, and Wednesdays.

5. Consideration Pursuant to a Special Rule

5.1. Special Rules For Major Bills

Major pieces of legislation are usually considered pursuant to a "special rule" which must be adopted before the measure can be considered. A special rule, also known as an "order of business resolution," is a House resolution that sets the terms for debate and amendment. A special rule is highly important because it controls what the House can and cannot do regarding the bill itself. Special rules are reported to the House by the Rules Committee, acting as an arm of the Majority leadership. They require adoption by the full House by a simple majority vote to take effect.

Bills considered under suspension of the rules or on other special procedural days do not require a special rule to be considered on the House Floor

Special rules should not be confused with the established procedures of the House. Generally speaking, special rules provide exceptions to, or departures from, the established procedures of the House. Those procedures are found in the Constitution of the United States, applicable provisions of Jefferson's *Manual*, rules of the House adopted on the opening day of each Congress, provisions of law and resolutions having the force of rules of the House, and established precedents by Speakers and other presiding officers of the House and Committee of the Whole

The primary types of special rules considered in the House are:

Open rules, which permit general debate for a certain period of time (typically one hour) and allow any Member to offer an amendment that complies with the rules of the House and the Congressional Budget Act during consideration of the bill for amendment under the five-minute rule

Modified open rules, which permit general debate and allow any Member to offer an amendment which complies with the rules of the House under the five-minute rule, subject only to a requirement that the amendment be pre-printed in the *Congressional Record*. Modified open rules may also allow for any amendment that complies with the rules of the House to be offered without pre-printing in the *Congressional Record*, but the rule may place an overall time cap on consideration of the bill for amendment.

Structured rules, which permit general debate for a certain period of time, but limit the amendments that may be offered to only those designated in the special rule or the Rules Committee report to accompany the special rule, or preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

<u>Closed rules</u>, which permit debate for a certain period of time, but do not allow amendments to be offered to the bill.

NOTE: To encourage Members to pre-print their amendments in the *Congressional Record* in advance of their consideration, the Rules Committee has in the past included a provision in open rules allowing the Chair to give priority in recognition to such Members. This provision encouraging pre-printing should not be confused with the provision in modified open rules requiring the pre-printing of amendments.

One of the most important features of a special rule is what it designates as the base text for purposes of amendment. This often may be the text of the committee-reported amendment in the nature of a substitute; an amendment in the nature of a substitute as modified by another amendment; the text of the bill as introduced; or a completely new text printed in the *Congressional Record*, or in the report of the Committee on Rules accompanying the rule; or consisting of the text of another introduced bill; or consisting of the text of a Com-

mittee Print of the Committee on Rules.

Special rules typically waive all points of order against consideration of the bill or any amendments thereto. It is the practice of the Committee on Rules to provide a prophylactic waiver even when the Committee is not aware of a violation of the rules or the Budget Act. This insulates the Chair against having to litigate specious points of order and the Majority from previously undisclosed points of order. In addition, the Committee on Rules discloses the list of any necessary waivers in the committee report accompanying the special rule.

Though a special rule typically waives all points of order against a bill or amendments, a separate order adopted by the House at the start of the 119th Congress established a point of order against special rules that waive the germaneness rule governing amendments. If a Member raises a point of order against a special rule that waives the germaneness rule, the House disposes of the point of order by the question of consideration (which is a brief debate on whether the House will consider the special rule, followed by a vote on the question).

Before a special rule is considered by the House, it is the subject of a hearing by the Rules Committee during which Members testify as to the type of rule and amendments they support. Members are usually notified by the Committee, in the form of a "Dear Colleague" letter, in advance of a meeting if a rule structuring the amendment process is anticipated. After a hearing is held, the Rules Committee will consider a motion to grant a special rule and will then vote to report the rule to the House.

A special rule may not be considered on the same day it is reported, except by a two-thirds vote of the House (unless it is within the last three days of the session). This prohibition (clause 6(a) of rule XIII) is sometimes waived by the adop-

tion of another special rule reported by the Rules Committee.

The process for considering a rule in the House is as follows:

- The rule is called up for consideration in the House by a Majority member (manager) of the Rules Committee.
- One hour of debate is permitted and the Majority manager customarily yields one half of the time to the Minority manager for the purpose of debate only.
- Amendments to special rules are very rare. Special rules can be altered by unanimous consent or the manager may offer an amendment. It is also possible, but unlikely, that the Majority manager will yield for the purpose of amendment, or that the previous question will be defeated.
- The previous question is moved and put to the House by the Chair for a vote
- Once the previous question is ordered, the House then votes on the rule. Upon adoption of the rule, the House may proceed to consider the legislation.

The previous question is a motion made in order under clause 1 of rule XIX and is the major parliamentary device in the House used for closing debate and preventing further amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule, motion or legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the rule, bill or amendment before it?

The vote on the previous question is a party line vote: Majority Members vote for it, and their Minority counterparts vote against it. Defeating the previous question is exceptionally rare and would constitute a major breakdown in Majority party unity.

On a day-to-day basis, Members will generally only vote on the previous question during debate on special rules. Special 22

rules normally order the previous question on the legislation they make in order, so the House does not typically vote on the previous question for bills or joint resolutions. Furthermore, the previous question is not in order under a motion to suspend the rules.

In order to amend a special rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the opposition's amendment followed by a vote on the rule as amended

Adoption of the rule occurs after the previous question is agreed to. When the previous question is not a subject of controversy, it is simply disposed of "without objection." Next, the question of adopting the rule is put to the House, and the rule is either adopted or defeated. Customarily, the vote on a special rule is along party lines: The Majority party usually votes for it and the Minority party usually votes against it.

The underlying bill is not prejudiced for future consideration if the rule providing for its consideration is defeated. The Rules Committee can report another rule providing for consideration of that initial underlying bill.

5.2. Resolving into the Committee of the Whole

The Committee of the Whole is a parliamentary device, derived from the practice of the English House of Commons, used to expedite the work of the House during the debate and amendment process. It involves several less formal arrangements to conduct business, including a lesser number of Members required for a quorum (100 as compared to 218 in the full House). It also has a different procedure required to obtain a recorded vote (25 Members standing in, or otherwise indicating from their seats, support as compared to the requirement of one-fifth of those present standing or a lack of a quorum in the full House). Certain motions allowed in the House are prohibited in the Committee of the Whole, such as motions for the previous question, to adjourn, to reconsider a vote, or to refer or recommit.

The Speaker does not preside in the Committee of the Whole, but appoints a Member of the Majority party to preside with the full authority to keep order, rule on questions, recognize Members, and order votes. The Member designated to preside is addressed as "Mr. Chairman" or, in the case of a female Member, as "Madam Chairman." On entering the House Chamber and facing the Chair, an easy way to determine whether the House is in the Committee of the Whole or in the full House is to note the position of the Mace to the left of the Chair. If it is in the lower position, the House is in the Committee of the Whole.

5.3. General Debate in the Committee of the Whole

There are two ways for the House to be resolved into the Committee of the Whole. Normally, the House is resolved into the Committee of the Whole when, pursuant to a special rule, the Speaker declares the House resolved into the Committee of the Whole, in which case the resolving action is automatic and no vote is put to the Members. The less common way is when the manager of the bill moves that the House resolve itself into the Committee of the Whole (by authority of the standing rules in the case of a privileged matter such as an appropriations bill), in which case the motion is put to the Members

Once the House has resolved into the Committee of the Whole 24

pursuant to a special rule to consider a particular measure, the parliamentary conduct of the Committee is dictated by the special rule (refer to this manual's Section IX, "Special Rules For Major Bills") as well as general House rules.

The "first reading" of the bill is normally dispensed with by the specific provisions of the special rule governing consideration of the bill. The Clerk reads the title and then the Chair recognizes a Majority and Minority party Member to manage the debate. This is usually the Chair and Ranking Member of the committee or subcommittee with jurisdiction over the pending bill.

One half of the general debate time is customarily allotted by the special rule to the Minority and that time is usually managed by the Ranking Member of the committee or subcommittee.

Speaking During General Debate:

The time for general debate is controlled by the Majority and Minority Floor managers of a bill, and a Member should ask the Majority or Minority manager at the committee table for time to speak. Normally, members of the committee with jurisdiction over the bill speak first, and those not on the committee speak later. The first speech is given by the Majority and the order of speakers then informally rotates back and forth across the aisle.

If Members need additional time to speak, they must ask the Floor manager to yield more time. It is not in order to ask unanimous consent for additional time during general debate because the time is "controlled." A Member may instead wish to speak briefly about the bill and ask unanimous consent to revise and extend their remarks and insert a much longer statement into the *Congressional Record* to cover all the points the Member wants to make. (NOTE: Different typeface will appear in the *Congressional Record* to distin-

guish unspoken words.)

How a Member Obtains Time to Speak:

The Floor manager will yield time to a Member, and the Chair of the Committee of the Whole will recognize him or her for the allotted time. Once at a microphone, a Member's remarks may be prefaced by saying, "Mr. Chairman (or Madam Chairman), I ask unanimous consent to revise and extend my remarks." Then he or she may proceed to speak for the time yielded. The Floor manager may yield extra time to Members to complete their statements if requested and the time is available.

If a Member would like to ask a question of another Member who is speaking or make a comment, he or she should address the Chair and say, "Mr. Chairman (or Madam Chairman), will the gentleman (or gentlewoman) from (STATE) yield to me?" If the Member wishes to yield, he or she may do so at his or her discretion and must remain standing while the other Member speaks. A Member to whom a specific amount of time has been yielded can yield to another Member as long as he or she remains standing.

Quorum and Vote in the Committee of the Whole:

A quorum in the Committee of the Whole consists of 100 Members. However, during general debate, the Chair has the discretion to refuse to entertain a point of order that a quorum is not present. If the Chair does permit a quorum call at this point and orders the call by electronic device, Members will be summoned by three bells to the House Floor to record their presence.

The Chair must entertain a point of no quorum during consideration of a measure under the five-minute rule (the regular amendment process) if a quorum has not yet been established in the Committee of the Whole on the bill on that day.

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However, if a quorum has been established in Committee, the Chair may not later entertain a point of no quorum during consideration under the five-minute rule unless and until the question is put on a pending amendment or motion. Whenever such a question is put before the Committee, any Member may seek recognition and say: "On that question, I request a recorded vote, and pending that, I make a point of order that a quorum is not present."

If fewer than 100 Members are present, the Chair will direct that Members record their presence by electronic device. The Chair, at his or her discretion, may order either a "live" or "notice" quorum call. For a live quorum call, Members must respond by recording their presence. A Member's absence will be noted in the *Congressional Record*. In the case of a "regular" quorum call where a five-minute vote on an amendment is expected following the quorum call, Members are summoned by three bells followed by five bells.

Alternatively, in the absence of a quorum, the Chair may order a "notice" quorum call and vacate the quorum call at any time when 100 Members appear. The Committee then continues its business, and no indication of who responded to the call will appear in the *Congressional Record*. In the case of a "notice" quorum call, Members are summoned by one long bell followed by three short bells. In current practice, notice quorum calls are very rare.

5.4. Amendments Under the Five-Minute Rule

After all general debate has concluded, either by all time having been consumed or both sides yielding back the balance of their unused time, the Chair of the Committee of the Whole will direct the Reading Clerk to read the bill for amendment. This is the so-called "second reading" of the bill. Under the standing rules of the House, a bill is read for amendment by section (or by paragraph in the case of an appropriations bill), although a special rule may provide that it be read by title

for amendment, or that it be considered as read and open for amendment at any point. A special rule may also specify the order in which amendments must be offered.

The special rule frequently provides for each section (or paragraph or title) to be considered as read. In that case, the Reading Clerk only designates each section as it is reached.

Offering an Amendment:

If a Member wants to offer an amendment, he or she must be on the Floor when the Clerk reads to the point at which the amendment is in order. At that point, the Member asks for recognition to offer the amendment. If a Member misses the opportunity to offer the amendment at the proper time, he or she may not be able to offer the amendment at all unless unanimous consent is granted to return to the appropriate place in the bill or the Member is able to redraft it to amend a subsequent section of the bill that has not yet been read for amendment. In general, Members should be sure that their amendments comply with the rules of the House.

Members should also provide sufficient copies of their amendment (a minimum of 10) to the Reading Clerk on the rostrum. The Member may either take the copies to the Clerk in advance or may send the amendment to the desk as the Member offers it from the Floor

Members should make sure the Floor and Cloakroom staff have information about their amendments so they can communicate them to the membership by posting them at the leadership desk on the Floor and in the Cloakroom. The Whip office will inform Members via email or text message if record vote(s) are ordered.

<u>Time Limits Under the Five-Minute Rule:</u>

Under the normal process of debate during consideration of amendments, the author of an amendment is recognized 28

for five minutes, followed by recognition of a Member who wishes to speak in opposition for five minutes. Other Members may speak for five minutes by seeking recognition and saying, "Mr. Chairman (or Madam Chairman), I move to strike the last word."

This pro forma amendment is simply a device to get time without having to offer an actual amendment. Once a Member is finished speaking on a pro forma amendment, it is considered to have been automatically withdrawn and no vote is required on it.

When speaking under the five-minute rule, a Member may be able to obtain additional time by asking unanimous consent to proceed for the additional time desired (not more than 5 minutes at a time). If an objection is heard, the Member may not proceed with additional debate time. Unlike general debate, time under the five-minute rule is not allocated to any specific Member, unless specifically provided for in a special rule. Additional time can be obtained by unanimous consent or by asking other Members who have not consumed all of their five minutes to yield time. When all Members who wish to be heard on an amendment are finished, the Chair puts the question to a vote.

In addition to time limitations that may be imposed by special rules governing consideration of bills, clause 8 of rule XVIII outlines the manner in which the time for debate may be limited — either for tactical advantage or because all parties agree that enough debate has occurred. Such limits are proposed by a Member, usually the manager of the bill, asking unanimous consent that all time on an amendment and all amendments thereto be limited to a specified amount of time. A Member may ask that all debate on an amendment (or section) and all amendments thereto end at a certain time. These requests may be granted "without objection" or, if an objection is heard, they may be offered as a motion and be subject to a vote.

Protecting an Amendment:

It is advisable for Members to have their amendments printed in the Congressional Record (where they will be numbered accordingly) before their consideration. There are occasions in which a special rule governing a bill will require amendments to be printed in the Congressional Record prior to their consideration. Normally, however, such special rules, if open, will provide preferential treatment for pre-printed amendments. There is a special box for such amendments on the lower tier of the rostrum. If the Member submits an amendment for printing, it must be signed in the upper right-hand corner. Facsimile copies are not acceptable. Once printed in the Congressional Record, the Member is assured five minutes to speak on the amendment under an open rule, as will one opponent, even if a time limit is imposed by the Committee of the Whole. However, this protection will not apply if the special rule governing the bill adopted by the House includes a time limitation or the rule does not include the Member's amendment in the list of amendments that are to be made in order. The time for consideration of amendments may be limited overall by a rule, or the rule may specify time limits for each amendment made in order.

How to Get a Vote on an Amendment:

Once all debate has concluded on an amendment, the Chair will state, "The question occurs on the amendment offered by the Gentleman (or Gentlewoman) from (State). All those in favor will say aye. Those opposed will say no." Then the Chair will announce the outcome of the voice vote. Typically, if any Member is dissatisfied with the outcome of the voice vote, he or she may demand a recorded vote on the amendment

NOTE: Rarely will a Member demand a "division" vote before requesting a recorded vote. Under this little-used procedure, the Chair will first ask those in favor to rise or other-

wise indicate support from their seats, then those opposed. The Chair will count the Members and announce the total. If the Member is still unsatisfied with the outcome, a record vote may be requested.

In order to obtain a record vote in the Committee of the Whole, 25 Members must rise or otherwise indicate support from their seats, to be counted by the Chair. As noted earlier, a point of no quorum can be made pending the request for a record vote in order to get more Members to the Floor to support the request. If so, the Member should say: "Mr. Chairman (or Madam Chairman), I request a record vote and, pending that, I make a point of order that a quorum is not present." If a sufficient number of Members stand or otherwise indicate support from their seats, the point of no quorum should be withdrawn and the request for a record vote restated

5.5. CONCLUSION OF A BILL'S CONSIDERATION

Committee of the Whole Rises:

Usually, a special rule will provide that, automatically following the disposition of all amendments, the Committee of the Whole rises and reports the bill back to the House. If the rule does not include this provision, the Majority manager of the bill will be recognized to make such a motion. The Committee of the Whole then rises and the Speaker or a Speaker pro tempore resumes the Chair.

<u>Separate Votes on Amendments Adopted in the Committee of the Whole:</u>

The Chair, now the Speaker, asks the House: "Is a separate vote demanded on any amendment adopted in the Committee of the Whole?" Separate votes may be demanded only on amendments adopted by the Committee. Amendments that were defeated may not be voted on again. If there is no

request for any separate votes, the amendments adopted are put before the House en bloc. On the other hand, if an amendment has been adopted by a narrow margin or a voice vote in the Committee of the Whole, at this point, the opponents may try to reverse the outcome by demanding a separate vote on it in the House.

Previous Ouestion:

Under a special rule, the ordering of the previous question is typically automatic to ensure that the measure makes it to final passage; therefore, no vote on the previous question is allowed. In the absence of such a provision (such as on appropriations bills considered without a special rule), the Speaker will move that the previous question be ordered "without objection." If an objection is heard, the motion for the previous question must be voted on.

At the beginning of the 111th Congress the rules were changed to allow the Speaker to indefinitely postpone consideration of a measure, if that measure is being considered pursuant to a rule or special order of the House, notwithstanding of the operation of the previous question (rule XIX, clause 1(c)).

Engrossment and Third Reading of the Bill:

This is a routine motion that orders the Clerk to prepare the measure for transmission to the Senate and read its title (the "third reading").

Motion to Recommit:

After the engrossment and third reading of a bill or joint resolution (but not simple resolutions or concurrent resolutions), a Member opposed to the measure is given preference in recognition to offer a motion to recommit the measure to any committee. This non-debatable motion is traditionally the right of the Minority and gives them one last chance to return the measure to committee. The Rules Committee may

not report a special rule on a bill or joint resolution that denies a motion to recommit if offered by the Minority Leader or a designee.

Adoption of a motion to recommit has the effect of sending the measure back to a committee, typically the committee of primary jurisdiction, until such time the committee takes further action on it, delaying final passage indefinitely.

In order of priority, the Minority Leader and then Minority party members on the committee handling the bill, by seniority, have the right to offer the motion. This does not preclude Members of the Majority party from offering the motion to recommit. They "qualify" to offer the motion if they state that they oppose the bill. The Member who qualifies and offers the motion usually votes against final passage of the bill if the motion to recommit fails.

5.6. Final Passage of a Bill

In bringing a measure to a final passage vote, in most cases, the Speaker is required under House rules to first put the question to a voice vote by stating, "As many as are in favor (as the question may be), say 'Aye.' As many as are opposed, say 'No." The Speaker then makes the "call" on which side prevails. The only remedy available to any Member who disagrees with the Speaker's announcement on the voice vote is to demand a division or recorded vote.

Obtaining a Recorded Vote in the House:

Because the Constitution requires a quorum to be present to do business, whenever a quorum (218 Members) is not present, a recorded vote can be obtained by addressing the Chair and declaring: "Mr. Speaker (or Madam Speaker), I object to the vote on the grounds that a quorum is not present and I make a point of order that a quorum is not present."

An alternate means of obtaining a recorded vote when a quo-

rum is not present is to request the "yeas and nays," which requires that one-fifth of those Members present stand up or otherwise indicate support from their seats, to order the vote. This could be as many as 87 if all 435 Members are present, or as few as 1 if fewer than 5 Members are on the Floor. Once the Chair determines that one-fifth of those present support the demand for the yeas and nays, the vote is ordered.

A Member can obtain a recorded vote when a quorum (218 Members or more) is present by addressing the Chair and declaring: "Mr. Speaker (or Madam Speaker), on that I demand a recorded vote." A "recorded vote" under these circumstances requires only one-fifth of a quorum (44 Members) to stand or otherwise indicate support from their seats, and support the request.

General Leave:

It is customary, either just before or after consideration of a bill, for the Majority Floor manager to ask unanimous consent that all Members have five legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill. Once this request is granted, Members may insert remarks on the bill without having to ask permission personally. The remarks should be labeled "General Leave." If the material is submitted rather than actually spoken on the Floor, it will appear in different type in the *Congressional Record*.

Revising and Extending Remarks:

Once a Member has requested to see his or her remarks before they are printed in the *Congressional Record*, especially those made during debate when other Members are involved, certain rules of courtesy should be followed. As soon as the Official Reporter gives the transcript to the Member, it should be corrected for grammatical errors and immediately returned so that other Members may do the same.

The substance of a Member's remarks should not be changed — only grammatical corrections are allowed to be made. If elaboration is desired with tables or other "extraneous material," and permission has not been granted under general leave, specific permission must be obtained in the House and not in the Committee of the Whole. It will take approximately one hour between the time a speech is given and the time the transcribed remarks will be available on the Floor

Motion to Reconsider:

The motion to reconsider requires the House to hold a second vote on a question it has already decided.

The motion to reconsider is available to any Member who votes on the prevailing side of a question and who wishes to move reconsideration on the same or succeeding legislative day. After final passage, it is the common practice in the House for the Speaker to declare, "Without objection, the motion to reconsider is laid upon the table." If no objection is raised, this has the parliamentary effect of ending any possibility that another vote on the bill can take place.

Motions to reconsider are relatively uncommon, but important when they are made. In some instances, they are offered when Members determine there is a need to slow down the legislative process on controversial issues. In other cases, the motion is offered when a piece of legislation fails to achieve a majority for passage and the Majority party wishes to revisit the issue later. In such cases, a Majority Member, usually a Member of Leadership, votes against the legislation and then makes a motion to reconsider. The House may delay a recorded vote on the motion for two legislative days, per clause 8 of rule XX. The House may also extend a delay via a special rule. Such delays provide the Majority party time to build additional support for the legislation.

If the House agrees to the motion to reconsider, the pending item of business becomes a revote on the relevant legislation (though, as noted above, the Chair may postpone the vote, allowing the House to move on to other business).

The motion to reconsider is subject to a motion to table.

6. Discharge Petitions

After a bill has been introduced and referred to committee for 30 legislative days or more, any Member may file a motion with the Clerk of the House to discharge the committee from further consideration of the bill. In contemporary practice, however, it is more common for a Member to discharge the Rules Committee from further consideration of a special rule. To be eligible for a discharge petition, the rule has been pending before the Rules Committee for at least 7 legislative days and the bill that is the subject of the special rule has been reported by a standing committee or has been referred to a standing committee for 30 legislative days.

A discharge petition may cover only a single introduced measure, not multiple pieces of legislation. In addition, a discharge motion cannot waive the germaneness rule.

If a Member is successful in convincing a majority of the total membership of the House (218 Members) to sign a discharge petition and the motion to discharge has been on the calendar for at least seven legislative days, the Speaker must schedule the consideration of the motion within two legislative days after a Member who signed the petition announces to the House from the Floor an intention to offer the motion. The discharge motion is debatable for 20 minutes, equally divided between the proponents and an opponent. If the motion to discharge a bill is adopted, it is in order to move that the House immediately consider the bill itself. If the motion to discharge a rule is adopted, the House turns immediately to consideration of the rule.

NOTE: Signatures on a discharge petition must be made 36

available to the public by the Clerk and are made available on the Internet. The names of new signatories are printed in the *Congressional Record* on the last legislative day of each week

7. Consensus Calendar

In the 116th Congress, rules were adopted creating the Consensus Calendar (clause 7 of rule XV). The rules mandate that the Speaker must designate, and the House must consider, at least one measure on the Consensus Calendar during any week in which the House convenes (except at the beginning and the end of a Congress). This requirement begins on March 1 of the first year of a Congress and ends on September 30 of the second year of a Congress. Additionally, it does not apply if no measure is on the Consensus Calendar. Measures may be considered in any manner otherwise available under the rules to satisfy this requirement, including under suspension or through a special rule.

To be eligible for placement on the Consensus Calendar, a measure must accumulate 290 cosponsors and must not have been reported by its primary committee of jurisdiction. Once this cosponsorship threshold is reached, the sponsor of the measure may, while the House is in session, submit to the Clerk a written motion to place the measure on the Consensus Calendar. If the above-mentioned conditions have been met, the Clerk will note the motion's submission in the Congressional Record of that day and enter the motion on a comprehensive list of Consensus Calendar Motions (which is viewable on the Clerk's website). A Consensus Calendar motion is considered withdrawn if the measure that is the subject of such motion is reported by its primary committee before the measure has been placed on the Consensus Calendar. Once a measure that was the subject of a properly filed motion has maintained 290 cosponsors for a cumulative total of 25 legislative days, it is placed on the Consensus Calendar, where it remains until it is considered in the House or reported by its primary committee.

In the 118th Congress, a requirement was added that the Majority Leader, within two legislative days of a measure being placed on the Consensus Calendar, must submit a statement to the *Congressional Record* if the measure fails to comply with any of the Majority Leader's legislative protocols. The Majority Leader's statement is informative only. Failure to comply with the Majority Leader's legislative protocols does not prevent the legislation from being considered on the Floor as a Consensus Calendar measure.

PART III: GENERAL AND MISCELLANEOUS PRACTICES

Some topics, such as decorum or voting, affect so many aspects of House practice that they deserve their own sections. Others do not neatly fall within the foregoing sections, so they are included here.

8. Voting By Electronic Device

When the Speaker or the Chair announces that the yeas and nays are ordered and a recorded vote is ordered, or announces that a quorum is not present and the yeas and nays are automatic, the vote is taken by electronic device. A Member casts a vote by electronic device by inserting a voting card into the nearest voting station and pressing the appropriate button: "yea," "nay" or "present." Members should also visually check the voting board to make sure that the light next to their name reflects their intended vote.

Members who do not have their electronic voting card should go to the table in the Well and obtain an appropriate voting card from the boxes placed there (green card for yea, red card for nay, orange card for present). The Member should sign the card and give it to the Tally Clerk who will be standing on the first level of the rostrum. The Clerk will then register

the vote into the computer, but the Member should visually check the board to make sure the vote is recorded correctly. Members who have lost their electronic voting card should contact the office of the House Sergeant at Arms for a replacement.

Members deciding to change their vote may do so by reinserting their card into a voting station and pressing the appropriate button during the first 10 minutes of a 15-minute vote, or at any time during a 5- or 2-minute vote. However, during the last 5 minutes of a 15-minute vote, a change in a Member's vote can only be made by going to the Well, taking a card from the table, signing it, and handing it to the Tally Clerk on the rostrum. The Clerk then registers the change and a statement will appear in the Congressional Record indicating that the Member changed his or her vote. Members using this procedure to change their vote should be sure to check the board to see that it reflects the change. Also, Members may change their vote during a 5- or 2-minute vote by machine and no statement about the change will appear in the Congressional Record unless it comes after the voting stations are closed and before the result of the vote is announced

Once the recorded vote ends (by the Chair announcing the result) and the motion to reconsider is laid on the table, the vote is final — no further voting or changing is permitted. However, if a Member has missed the vote, he or she may submit a statement declaring how he or she would have voted had he or she been present. Such an explanatory statement containing the Member's original signature will be inserted in the *Congressional Record* at the point immediately after the vote. A suggested script for such an explanatory statement on missed or mistaken votes may be obtained from the Floor staff or Cloakroom. It is important to remember that this statement does not affect whether or how the Member is recorded on the vote.

The allotted time for a quorum call or recorded vote under

the rules of the House is at least 15 minutes (clause 2 of rule XX). It is the prerogative of the Speaker or presiding officer to allow additional time beyond the 15 minutes. One may hear Members calling "regular order" when an electronic vote extends beyond 15 minutes under the mistaken impression that recorded votes are limited to 15 minutes — they are not limited. The regular order is to allow more time on recorded votes if the Chair desires.

The Chair should allow all Members who are in the Well to vote before the final announcement to be recorded, but is not obliged to hold the vote open to accommodate requests through the Cloakrooms for Members "on their way" to the House Floor

If several votes have been ordered and the Chair has announced that the time for voting will be reduced, the first vote in the series will consume not less than 15 minutes and all subsequent record votes may be reduced to take not less than 2 minutes each. It is important for Members to be mindful of when a 2-minute vote is expected, so that it will not be missed

In the event of a series of two or more votes in which any votes after the first one will be reduced to not less than two minutes, the Member will be summoned to the Floor by two bells followed by five bells.

In the 112th Congress, clause 6 of rule XVIII was modified to allow for 2-minute voting in the Committee of the Whole.

In the 118th Congress, clause 9 of rule XX was modified to allow for 2-minute voting in the House.

In the 116th Congress, clause 3 of rule III was modified to allow Delegates and the Resident Commissioner to cast non-decisive votes in the Committee of the Whole. If their votes are decisive, the Committee of the Whole rises immediately,

votes on the question again, and then returns to the Committee of the Whole

Postponement of Votes:

The Speaker has the discretion to postpone votes for up to two legislative days on several questions, including final passage of bills. Other questions that can be postponed by the Speaker include adoption of resolutions, motions to instruct, adoption of conference reports, previous question votes on any of the above matters, suspensions, motions to reconsider (and motions to table reconsideration), and adoption of amendments reported from the Committee of the Whole. The Chair of the Committee of the Whole has the authority to postpone and stack votes on amendments.

Stacking of Votes:

The Speaker may reduce the voting time to two minutes for electronic voting on certain questions after a 15-minute record vote has been taken. In the Committee of the Whole, the Chair may reduce votes to two minutes if Members would be afforded an adequate opportunity to vote. Votes can only be stacked by the Chair when there has not been intervening business between the votes in question. Both the postponement and stacking of votes allow the House to reduce the number of times each day that Members are summoned to the Floor, giving them greater predictability for scheduling.

Missed Votes:

Each Member must be present in the Hall of the House during its sessions "unless excused or necessarily prevented." If a Member misses a vote, they may have their position on the missed vote made part of the public record by inserting a brief statement in the *Congressional Record* at the proper point indicating how the Member would have voted. Such statements appear in the *Congressional Record* under the

heading "Personal Explanation." For more information about this practice, contact the Floor staff.

Conflicts of Interest:

Each member "shall vote on each question put, unless he or she has a direct personal or pecuniary interest in the event of such question." It has been ruled that only the member can decide whether such a conflict exists and not even the Speaker will question his or her judgment, nor can any other member challenge his or her vote on such grounds. Members should let their consciences be their guide. If members believe they have such a conflict, they can vote "present" on the record vote and include an explanation in the *Congressional Record*

9. Unanimous Consent Requests

The House does much of its non-controversial work by "unanimous consent" procedure, whereby a Member asks that something be done by or permitted by unanimous consent and no other Member objects to the request. These requests may involve debate time (similar to the language of a special rule) in order to consider a measure or conference report, or waive points of order against a measure. Before the Chair will recognize a Member for a unanimous consent request, it must be cleared by both the Majority and Minority Leadership and relevant committee leadership.

In most cases, the Chair, hearing no objection, replies: "Without objection, so ordered."

If a Member is unfamiliar with the request or its motives, the best way to find out what is behind the request is to "reserve the right to object." This gives the Member the Floor and the opportunity to inquire about the request.

If the discussion during the "reservation of the right to object" 42

proceeds for too long, any Member can demand "the regular order," which means that the Member reserving the right to object should stop talking and either object or withdraw the reservation. The Member reserving the right to object may yield to another Member on the subject of the objection.

Legislation may also come to the floor and be passed by unanimous consent. As with other unanimous consent requests, such legislation is normally non-controversial and must be cleared through the majority and minority leadership and committee of jurisdiction.

10. Decorum in the House Chamber

Members are strongly encouraged to read House Rule XVII, "Decorum and Debate" (especially clause 1), as well as Section XVII of the Jefferson's *Manual*, "Order in Debate."

Disorderly Conduct in the Chamber:

A Member may not engage in disorderly or disruptive conduct in the chamber, which includes intentionally obstructing or impeding the passage of others; using an exhibit to impede, disrupt or disturb House proceedings; and denying legislative instrument to others seeking to engage in legislative proceedings (clause 9 of rule XVII). The Chair may call upon the Sergeant at Arms to restore order, including escorting a Member from the Chamber.

Relevancy:

A Member may get carried away in debate and stray from the subject under discussion. If so, he or she may be subject to a point of order that his or her remarks are not confined to the question under debate (clause 1(b) of rule XVII).

Speaking Out of Order:

If a Member must make an important announcement to the House that is not relevant to the debate, the Member may ask unanimous consent to "speak out of order" for a period of time (usually one minute). If granted, the Member may then speak on the desired subject for the allotted time.

Traffic in the Well:

Members should avoid crossing between the Chair and any Member who is addressing the House. In addition, Members should not exit or cross the Well of the House when Members are speaking (clause 5 of rule XVII).

Dress Code:

Members should dress appropriately, which traditionally means male Members should wear a coat and tie and female Members should wear business attire. Members should not wear overcoats or hats (apart from religious headwear) on the Floor while the House is in session. Eating, drinking, and smoking are not permitted.

Use of Electronics:

The use of a mobile electronic device that impairs decorum, such as speaking on a wireless phone, including the taking of pictures, audio or visual recordings or broadcasting proceedings, is strictly prohibited on the Floor of the House and may be subject to fine (clause 5 of rule XVII).

Forms of Address:

Members should not address their colleagues by their first name on the House Floor. They should be addressed as "the gentleman (or gentlewoman) from (State)".

11. Decorum Continued: Engaging in Personalities, Unparliamentary Language, and Words Taken Down

To promote orderly and civil debates, House Rule XVII's provisions on decorum include a prohibition on personal attacks in debate; it also includes disciplinary measures to enforce the rule

A Member should avoid impugning the motives of another Member, the Senate or a Member of the Senate, the Vice President or the President, as well as using offensive language or words that are otherwise deemed unparliamentary. Using such language is known as "engaging in personalities." These actions violate the rules of the House and are subject to a point of order. A point of order may be made by a Member "demanding that the gentleman's (or gentlewoman's) words be taken down." The Member must make this point of order immediately after the offending words are said; otherwise the Chair will rule that the point of order was not timely.

If this happens in the Committee of the Whole, the Committee of the Whole rises and the Speaker must return to the Chair and rule on the propriety of the words used. In the case of remarks regarding the Senate and the President or the Vice President, the Chair may take the initiative and admonish Members for unparliamentary references.

Members should generally familiarize themselves with what engaging in personalities consists of. It is not always obvious whether remarks will be ruled out of order. For instance, Members are permitted more leeway to use strong language in criticizing policies than they are in criticizing persons. Likewise, they are less likely to be ruled out of order if they criticize general groups (e.g., "the left" or "the right") than if they criticize particular people (e.g., "Congressman Smith" or "Congresswoman Jones"). If a Member is in doubt, they may ask the Parliamentarian's office for guidance before

going to the Floor to speak—though, strictly speaking, the Chair, not the Parliamentarian, rules on whether remarks are suitable if the point of order is made.

When a point of order is made, often the offending Member obtains unanimous consent to withdraw the inappropriate words or the demand is withdrawn before the Speaker rules and then the Member proceeds in order. However, if the Member's words are ruled out of order, they may be stricken from the *Congressional Record* by motion or unanimous consent, and the Member will not be allowed to speak again on that day, except by motion or unanimous consent (clause 4 of rule XVII).

Members may be summoned to the Floor for votes related to words being taken down. For instance, a Member may appeal the Chair's ruling that words are out of order, or a Member may move that the offending Member be permitted to speak again on that same legislative day. Such motions would require Members to come to the Floor for votes that had not been scheduled in advance.

Resolving a point of order for unparliamentary language can consume much time and may introduce uncertainty into the day's schedule. Members and staff should be prepared to adjust their schedules if words are taken down.

12. Best Practices for Preparing Amendments

Any amendment faces scrutiny at the Rules Committee, which may determine whether and which amendments are permitted on a bill, or on the floor, or both. Members and staff may increase the likelihood that an amendment is made in order at the Rules Committee or adopted by the House following several recommended practices.

<u>Follow Rules Committee Procedures for Submitting Amendments:</u>

Members and staff may keep updated by registering for Rules Committee Dear Colleague emails. Before meetings on legislation, the Rules Committee emails a Dear Colleague providing notice on what legislation will be considered, deadlines for submitting amendments, and the text of the legislation that the amendment will affect, how the amendment should be submitted, and staff contact information.

<u>Draft Amendments by Working with the House</u> <u>Legislative Counsel:</u>

The Office of the Legislative Counsel is the House's non-partisan office that Members and staff may use to draft the legislative language that will properly carry out the intended policies of their bill or amendment. Requests for assistance from the Legislative Counsel's Office should be submitted as soon as possible to avoid any delays. Additional information, including best practices on drafting legislation and working with the Legislative Counsel's Office, is available on their website: https://legcounsel.house.gov/. Their phone number is 202-225-6060.

Review With the Office of the Parliamentarian:

Amendments should be reviewed by the Office of the Parliamentarian well in advance of the debate to ensure their compliance with House rules, particularly germaneness. Amendments must be "germane" to the portion of the measure it seeks to amend. (See clause 7 of rule XVI for an explanation of germaneness.) Failure to comply with this rule means that the amendment may be ruled out of order if a point of order is made against it. For information on amendment review, Member offices may call the Parliamentarian's Office at 202-225-7373

Review With the Congressional Budget Office and Committee on the Budget:

Members are also advised to have the Congressional Budget Office (CBO) review their amendment and consult with the Committee on the Budget in order to ensure their amendment complies with budget enforcement rules.

Review With the Committee of Jurisdiction:

Amendments should be shared with the appropriate Members of the committee of jurisdiction unless the element of surprise is desired. Review by the committee of jurisdiction, which may recommend alternative language to make an amendment more acceptable, will enhance the prospects for passage. Additionally, committee staff may advise whether the policy the Member wishes to enact is already federal law.

Develop Support Among Members:

An amendment stands a better chance of being made in order or adopted on the floor if its sponsor can demonstrate wide support for it among their colleagues. Per a Rules Committee protocol, amendments that have at least 20 Republican cosponsors and 20 Democratic cosponsors will receive preferential treatment when the Committee considers which amendments shall be made in order. (Such a bipartisan amendment must be submitted to the Committee on time, with a letter from the sponsor listing the bipartisan cosponsors, and comply with House rules and budgetary requirements.) Even if an amendment does not meet the bipartisan threshold, robust support among Members increases likelihood that it will be made in order or agreed to on the floor.

13. Privileged Business

While House rule XIV defines the daily order of business, privileged questions are legislative items that the House 48

deems important enough that the House will set aside its normal business when they are brought up for consideration. The House considers certain business privileged due to its importance under the Constitution or because federal law or House rules confer this status upon it.

To say an item of business is privileged may make it seem rare, particularly complicated, or otherwise special. On the contrary, the privileged status of certain business directly or indirectly determines what the House does each day. Reports by the Rules Committee on the order of business—i.e. special rules—and the motion to suspend the rules and pass a piece of legislation are both privileged by House rules. In these cases, privilege is a tool that the House leadership uses to schedule legislation, thereby providing predictability in the body's proceedings.

While privilege regularly facilitates the ordinary flow of the House's business, many privileged questions are, in fact, infrequent. Furthermore, privileged business can occasionally alter the House majority's agenda and the schedule leadership has announced. For instance, a rank-and-file Member may make a discharge motion or raise a question of the privileges of the House. Both of these are privileged business that consume floor time for debate and votes. However, depending on the situation, the House rules may still promote a degree of predictability by conferring a privileged status only when certain conditions are met. For instance, in multiple cases, House rules require that a Member provide notice that they intend to bring the matter before the House. Such notice requirements stipulate that the business is privileged only at a time determined by the Speaker within two legislative days of the announcement. Even when privileged questions alter the House's planned agenda, the Majority Leader's Office and the Majority and Minority Whip Offices will communicate with Member offices about changes to the schedule and votes

For more on privileged business, see *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, Chapter 36, "Order of Business; Privileged Business."

14. Conference Reports

In order for a bill to be presented to the President for signature, it must pass both the House and Senate in the exact same form. Often, the House and Senate resolve differences by amendment — i.e., the House will agree to the bill as passed by the Senate with an amendment and the Senate will subsequently concur with that amendment (and vice versa). Sometimes, the device used for reaching agreement between the two Houses is a conference committee, which has its own set of procedures associated with it.

A bill may be sent to conference by special rule or unanimous consent. If an objection is heard, the bill may be sent to conference by motion or suspension. A motion to request or agree to a conference with the Senate is in order if offered by direction of the primary committee and of all reporting committees of initial referral. If such a motion has not been authorized by the committee, a special rule may be required to go to conference. The 109th rules of the House included a change that gave committees the option to adopt a rule directing the Chair of the committee to offer a privileged motion to go to conference at any time the Chair deems it appropriate during a Congress.

Following the motion to go to conference, but prior to the appointment of conferees, the Speaker will recognize a Minority Member, with preference given to the Minority Floor manager (if recognition is sought) to offer a motion to instruct House conferees. The motion is debatable for one hour, divided between the Majority and the Minority managers. If both support the motion, however, a third Member may demand time in opposition. All three Members are then recognized for one-third of the time. The motion to instruct

conferees is not amendable unless the previous question is defeated. The instructions are not binding and they may not propose to do what the conferees could not otherwise do under the rules of the House (e.g., exceed the scope of the conference). Additional opportunities to instruct occur when a conference report is recommitted or after 45 calendar days and 25 legislative days if the conference has failed to report. A Member who wishes to offer a motion to instruct conferees after 45 and 25 days must notify the House one day in advance of offering the motion.

Conferees are named by the Speaker and usually include members of the committee(s) of jurisdiction and principal proponents of the legislation's major provisions.

When a conference agreement is reached, it comes back to the House in the form of a "conference report" that the House must consider and approve. Unless waived, the rules of the House require that a conference report be filed at least 72 hours before it can be called up for consideration. The rules also require that a majority of the conference sign the conference report. After that time, it becomes privileged and can be called up at any time. If the conference report violates a rule of the House, it may be subject to a point of order that would prevent its consideration.

Debate on a conference report is limited to one hour, the time divided between the Majority and the Minority, unless the Majority manager and the Minority manager both support the conference report. In that case, one-third of the debate time will be given to an opponent of the conference report who makes such a demand.

Before adoption of the conference report, a motion may be in order to recommit the conference report to the committee on conference, although separate debate time is not allowed. Such a motion is only in order if the Senate has not yet acted on the conference report, thereby discharging its conferees. A Member qualifies to offer the motion if he or she opposes the conference report and states that fact.

If the House is first to act and the motion to recommit is adopted, the conference must meet again and a new conference report must be filed prior to consideration of the measure again. The rule requiring a 72-hour layover of conference reports still applies unless waived by special rule.

Following debate on the conference report and in the absence of a motion to recommit or upon the defeat of such a motion, a vote then occurs on adoption of the conference report, which may not be amended on the Floor.

Rarely, when dealing with appropriations conference reports, there may be times when conferees cannot reach agreement on all the amendments in disagreement. Also, there may be times when conferees must report provisions outside the conference report. For example, conferees may not exceed the scope of the conference or include legislative or unauthorized provisions in an appropriations bill. In those cases, the conferees will present a conference report to the House and Senate that includes all amendments on which agreement has been reached but excludes the amendments that remain in real or technical disagreement. The conference report is considered first, and, assuming adoption of the conference report, the amendments in disagreement are then considered and disposed of individually.

15. Earmark Rules

At the beginning of the 110th Congress, the House adopted new rules concerning the consideration of Member-directed projects or "earmarks," specifically clause 9 of rule XXI and clause 17 of rule XXIII (the Code of Official Conduct). These rules followed efforts in the 109th Congress to provide greater transparency in the earmarking process.

The rules are intended to prohibit the consideration of legislation that does not identify individual earmarks and the Members who sponsored them. The rules also require the distribution of the information in a way that makes it readily available before the legislation is considered, and certification by earmark sponsors that neither they nor their spouses have a financial interest in the earmark

Point of Order:

Clause 9 of rule XXI requires the Chair of the committee of initial referral to either disclose all earmarks contained in a bill, joint resolution, or conference report, or certify that the bill, joint resolution, or conference report contains no earmarks, and provide that information either in the accompanying report or printed in the *Congressional Record*. If the Chair of the committee of initial referral does not fulfill either of these requirements prior to the consideration of the measure, a point of order would lie against the consideration of the measures (in which case the information must be printed in the *Congressional Record*).

Clause 9(c) of rule XXI prohibits the Rules Committee from waiving those disclosure requirements. If the Rules Committee reports a rule waiving clause 9 of rule XXI, it would then be in order to raise a point of order against consideration of the rule. Disposition of the point of order raised against the rule would be determined by the Chair putting the question of consideration after 20 minutes of debate on the point of order equally divided and controlled by the Member initiating the point of order and a Member opposed. At the conclusion of debate on the point of order the Chair will put the question as follows: "Will the House now consider House Resolution

___?'

Members should also be aware that clause 9(a)(3) of rule XXI applies the point of order to the initial amendment made in

order under a special rule from the Rules Committee if that amendment is authored by a member of the committee of initial referral. Clause 9(a)(3) requires the sponsor of the amendment to comply with the same disclosure requirements by having a statement printed in the *Congressional Record* either disclosing earmarks contained in their amendment or certifying that there are no earmarks in their amendment. The point of order is also applicable to conference reports accompanying general appropriations bills (debatable as a question of consideration) for the failure to include a list of "air dropped" earmarks in the joint statement of managers. Unlike other points of order raised under clause 9 of rule XXI, this point of order does not have a cognizability standard, allowing Members to question the accuracy or completeness of the list.

Clause 17 of rule XXIII (the Code of Official Conduct) imposes a disclosure requirement on a Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution or in any conference report on a bill or joint resolution. The committee of primary jurisdiction over the bill shall determine, using the definitions of "earmark," "limited tax benefit," and "limited tariff benefit" provided in clauses 9(e), (f), and (g) of rule XXI, whether any particular spending provision constitutes an earmark or a request for an earmark.

A Member can raise the point of order at the point the manager calls up the conference report by saying: "Mr. Speaker (or Madam Speaker), I raise a point of order under clause 9(b) of rule XXI against the conference report for the failure to include a [complete/accurate] list of congressional earmarks." If the rule providing for consideration of the conference report waives all points of order, the point of order automatically moves to the rule. The form of that point of order is: "Mr. (or Madam) Speaker, I raise a point of order against H. Res. ____ under clause 9(c) of rule XXI, because the resolution contains a waiver of all points of order against

the conference report and its consideration."

Earmark Certification:

A Member who requests an earmark or other provision must provide a written statement to the Chair and Ranking Member of the committee of jurisdiction of the bill, resolution, or report that contains the following information:

- The name of the Member;
- In the case of an earmark, the name and address of the intended recipient or if there is no intended recipient, the location of the activity;
- In the case of a limited tax or tariff benefit, the name of the beneficiary;
- The purpose of the earmark or limited tax or tariff benefit;
 and
- A certification that both the Member and the Member's spouse have no "financial interest" in the earmark or limited tax or tariff benefit.

Clause 17(a)(5) of rule XXIII (the Code of Official Conduct), requires a Member who requests an earmark to certify that the Member and his or her spouse have "no financial interest in such congressional earmark." In the great majority of cases, Members should readily be able to determine whether they have a financial interest in an earmark by simply determining whether or not it would be reasonable to conclude that the provisions would have a direct and foreseeable effect on the pecuniary interests of the Member or the Member's spouse. However, Members are strongly encouraged to consult the Ethics Committee for guidance with any fact-specific questions they have.

Additionally, various committees and the Republican Conference have their own standards for certifications and disclosures regarding earmarks, limited tax benefits, and limited tariff benefits. Members are strongly encouraged to check with the committee of jurisdiction before requesting

an earmark to ensure that they are complying with *all* applicable standards.

16. Cut-As-You-Go (CUTGO)

At the beginning of the 112th Congress and again at the beginning of the 118th Congress, the House adopted changes in the rules of the House concerning budget enforcement, specifically clause 10 of rule XXI. Previously, clause 10 of rule XXI was known as the Pay-As-You-Go (PAYGO) rule, which was in place in the 110th and 111th Congresses and reinstated in the 116th Congress, and requires mandatory spending increases to be offset with either an equal decrease in mandatory spending or increase in revenue. The new Cut-As-You-Go (CUTGO) rule requires that increases in mandatory spending be offset with equal or greater decreases in mandatory spending. Like the PAYGO rule, CUTGO requires provisions to be compliant in the current year, the budget year, and over the 5- and 10-year budget windows.

The rule is intended to stop growth in the size and scope of the Federal Government and prioritize spending cuts over revenue increases

17. Spending Reduction Amendments In Appropriations Bills

The House readopted a separate order, which first began in the 112th Congress, which is intended to assist Members seeking to use the amendment process to reduce discretionary spending in general appropriations bills. Prior to this separate order, if the House adopted an amendment to a general appropriations bill reducing the funds appropriated to a particular program, the amount of that reduction became "headroom" under the overall spending limit for the bill. The effect was to provide another Member with the ability to offer an amendment increasing spending later in the bill, making it nearly impossible to reduce the overall spending in a

particular appropriations measure.

Under the new separate order, general appropriations bills must contain a "spending reduction account," which allows a Member offering an amendment to reduce the spending level in one part of the bill and increase the level allocated to the spending reduction account. Further, it is not in order to consider an amendment which reduces the level in the spending reduction account, or an amendment proposing to increase net budget authority in the bill, meaning that if spending is reduced in one part of the bill, another Member cannot offer an amendment to utilize the "headroom" created by the earlier adopted reduction (Section 3(f)(2) of House Resolution 5). While this provision does not change the actual budget allocations for the bill, it does protect spending reductions through House consideration and provides a marker for the Appropriations Committee as it conferences the bill with the Senate

Appendix I: Congressional Glossary

Adjournment to a Day Certain - Adjournment under a motion or resolution that fixes the next time of meeting. Under the Constitution, both houses must agree to a concurrent resolution for either house to adjourn for more than three days. A session of Congress is not ended by adjournment to a day certain

Adjournment Sine Die - Adjournment without definitely fixing a day for reconvening; literally "adjournment without a day." Usually used to connote the final adjournment of a session of Congress. A session can continue until noon, January 3, of the following year, when, under the 20th Amendment to the Constitution, it automatically terminates.

Amendments (Types of) - A proposal of a Member of Congress to alter the text of a bill or another amendment. An amendment is usually voted on in the same manner as a bill.

Amendment in the Nature of a Substitute - An amend ment that seeks to replace the entire text of an underlying bill. The adoption of such an amendment precludes any further amendment to that bill under the regular process (See also Substitute Amendment).

Perfecting Amendment - An amendment that modifies an underlying bill, by inserting new text or striking and inserting new text.

Pro Forma Amendment - A motion whereby a Member secures five minutes to speak on an amendment under debate in the Committee of the Whole. The Member gains recognition from the Chair by moving to "strike the last word." The motion requires no vote, does not change the amendment under debate, and is deemed automatically withdrawn at the expiration of the five minutes of debate.

Second Degree Amendment - An amendment that modifies the text of a pending amendment.

Substitute Amendment - An amendment that replaces the entire text of a pending amendment.

Bills Introduced - In both the House and Senate, any number of Members may join in introducing a single bill or resolution. The first Member listed is the sponsor of the bill, and all Members' names following the sponsor's are the bill's cosponsors. When introduced, a bill is referred to the committee or committees that have jurisdiction over the subject with which the bill is concerned. Under the standing rules of the House and Senate, bills are referred by the Speaker in the House and by the Presiding Officer in the Senate. In practice, the House and Senate parliamentarians act for these officials and refer the bills

Budget Authority - Authority provided by law to incur financial obligations that normally result in the outlay of funds. The main forms of budget authority are appropriations, borrowing authority, contract authority, and entitlement authority.

Budget Outlay - Payments made (generally through the issuance of checks or disbursement of cash) to liquidate obligations. Outlays during a fiscal year may be for payment of obligations incurred in prior years or in the same year.

Budget Resolution - A concurrent resolution that outlines in broad parameters the levels of spending and revenues for the next fiscal year. The concurrent resolution, which is not signed by the President, contains allocations of spending authority for House and Senate committees that serve as constraints on their consideration of legislation. The Appropriations Committee gets an allocation for discretionary spending.

Calendar - An agenda or list of business awaiting possible action by the House or Senate. The House has five calendars (the Consensus Calendar, the Discharge Calendar, the House Calendar, the Private Calendar, and the Union Calendar).

Calendar Wednesday - Clause 6 of rule XV provides for the consideration of certain nonprivileged, reported bills on Wednesday, provided the Chair of the committee has given notice of his intention to use the Calendar Wednesday procedure at least 72 hours prior to the "Call of Committees" on Wednesday. These measures are considered under the rules of the House and are subject to amendment, just as under an open rule. This procedure is rarely used.

Chaplain of the House or Senate - He or she opens the legislative session with a formal prayer, a custom since the 1st Congress. The Chaplain provides pastoral counseling to Members, their families, and staff. Guest Chaplains of various denominations regularly offer the prayer.

Chief Administrative Officer (CAO) – He or she is responsible for certain administrative and financial activities that support the operations of the House, including the finance office, Members' accounts, information resources, human resources, office systems management, furniture, office supplies, postal operations, food services, and various media services

Clerk of the House – As the chief legislative officer, he or she directs administrative activities that support the legislative process, including keeping the Journal, recording all votes, certifying bill passage, and processing all legislation.

Committee - A panel of Members elected or appointed to perform some service or function for its parent body. Congress has three types of committees: standing, special or select, and joint. Committees conduct investigations, make studies, issue reports and recommendations, and, in the case of

standing committees, review and prepare measures on their assigned subjects for action by their respective houses. Most committees divide their work among several subcommittees or, in some cases, task forces, but only the full committee may submit reports or measures to its house or to Congress. With rare exceptions, the Majority in a house holds a majority of the seats on its committees, and their chairs are also from that party.

Committee Allocation - The distribution, pursuant to section 302(a) of the Congressional Budget Act, of new budget authority and outlays to House and Senate committees. The allocation, which may not exceed the relevant amounts in the budget resolution, usually is made in the joint explanatory statement that accompanies the conference report on the budget resolution.

Committee of the Whole - A committee composed of all House Members created to expedite the consideration of bills, other measures, and amendments on the Floor of the House. In the Committee of the Whole, a quorum is 100 Members (as compared to 218 in a fully populated House) and debate on amendments is conducted under the 5-minute rule (as compared to the hour rule in the House). In addition, certain motions allowed in the House are prohibited in the Committee of the Whole including, but not limited to, motions for the previous question, to table, to adjourn, to reconsider a vote, and to refer or recommit.

Desk - The presiding officer's desk. In parliamentary parlance, a Member may send an amendment or a written motion to "the desk," or a measure may be "held at the desk."

En Bloc - Several amendments offered and considered as a group. Because Members normally may offer one amendment at a time for consideration, they must obtain unanimous consent to offer amendments en bloc, or a rule providing for consideration of a measure may provide authority for

a Member to offer amendments en bloc.

Engrossed Bill - The official copy of a bill or joint resolution as passed by one Chamber, including the text as amended by Floor action, and certified by the Clerk of the House or the Secretary of the Senate (as appropriate). Amendments by one house to a measure or amendments of the other are also engrossed. House-engrossed documents are printed on blue paper while the Senate's are printed on white paper.

Enrolled Bill – The final official copy of a bill or joint resolution that both houses have passed in identical form. An enrolled bill is printed on parchment. After it is certified by the chief officer of the house in which it originated and signed by the House Speaker and the Senate President pro tempore, the measure is sent to the President for his signature or veto.

Expedited Procedures - Procedures that provide a special process for the accelerated congressional consideration of legislation. This accelerated process usually includes consideration in committee and on the Floor of the House and Senate. Furthermore, these procedures often involve a departure from the regular order of the House. Expedited procedures are provided by law, as opposed to by a special rule.

Five-Minute Rule - A debate-limiting rule of the House used when the House sits as the Committee of the Whole. A Member offering an amendment is allowed to speak for five minutes in support of each amendment and an opponent is allowed to speak for five minutes in opposition. Other Members may rise to "strike the last word" and receive five minutes to speak in favor or opposition. Additional time for speaking can be obtained through a unanimous consent request.

Germaneness - A rule requiring amendments pertain to the same subject as the matter under consideration. Questions of germaneness, both in committee and on the House Floor,

are determined by the Chair and/or the Speaker, subject to appeal to the House or the Committee.

Hopper - A box on the Clerk's desk in the House Chamber into which Members deposit bills and resolutions to introduce them. To "drop a bill in the hopper" is to introduce it.

House Bill (H.R.) – H.R. stands for "House of Representatives" and designates a measure as a bill, followed by a number assigned in the order in which bills are introduced during a two-year Congress. A bill becomes a law if passed in identical form by both houses and signed by the President, or passed over the President's veto, or if the President fails to sign it within 10 days after receiving it while Congress is in session

House Concurrent Resolution (H. Con. Res.) – H. Con. Res. stands for "House Concurrent Resolution." This is a resolution that requires approval by both houses, but is not sent to the President for his signature and therefore cannot have the force of law. Concurrent resolutions deal with the prerogatives or internal affairs of Congress as a whole. For example, they serve as the vehicles for agreeing to congressional budget decisions, fixing the time of congressional adjournments, agreeing to a joint session, expressing the sense of Congress on domestic and foreign issues, correcting errors in enrolled bills, authorizing the printing of documents of interest to both houses, and creating temporary joint committees

House Joint Resolution (H. J. Res.) – H. J. Res. stands for "House Joint Resolution." This is a legislative measure that Congress usually uses for purposes other than general legislation. Like a bill, it has the force of law when passed by both houses and either approved by the President or passed over the President's veto. Unlike a bill, a joint resolution enacted into law is not called an act; it retains its original title. Most often, joint resolutions deal with relatively limited matters,

such as the correction of errors in existing law, continuing appropriations, a single appropriation, or the establishment of permanent joint committees. Unlike bills, joint resolutions are also used to propose constitutional amendments, which do not require the President's signature and become effective only when ratified by three-fourths of the states. While a preamble is not considered appropriate in a bill, it may be included in a joint resolution to set forth the events or facts that prompted the measure (for example, a declaration of war).

House Resolution (H. Res.) – H. Res. stands for "House Resolution." This type of measure is a simple resolution, that is, a nonlegislative measure that is effective only in the House and does not require concurrence with the Senate or approval by the President. Simple resolutions express non-binding opinions on policies or issues or deal with the internal affairs or prerogatives of the House. They are used to establish select and special committees, appoint the members of standing committees, and amend the standing rules. In the House, the Rules Committee reports its special rules in the form of simple resolutions.

Lay on the Table - A motion to "lay on the table" is not debatable and is usually a method of making a final, adverse determination of a matter

Legislative History - The documents that accompanied a bill throughout the legislative process comprise its legislative history. These include the committee report, the conference committee report and the statement of managers (if applicable), and the text of the Floor debate in both Chambers. Legislative history is used by Federal agencies to clarify vague provisions in the laws they are required to implement.

Magic Minute - When the Speaker, Majority Leader or Minority Leader address the House during debate, as a courtesy, their side is charged only one minute of the time allotted, regardless of how long they speak. On rare occasions, Minority Minute of the time allotted, regardless of how long they speak.

nority Leaders use this "magic minute" to address the House for extended periods (lasting several hours) to call attention to issues that are important to them or their party and to criticize the Majority's legislation.

Marking Up a Bill - The process by which a committee or subcommittee moves through the contents of a measure, debating and voting on amendments to its provisions by revising, adding, or subtracting language prior to ordering the measure reported.

Motion to Recommit - A motion made on the Floor after the engrossment and third reading of a bill or resolution, but prior to the Chair posing the question on final passage. Preference is given to a Member who is opposed to the bill and is reserved by tradition to the Minority party. The Speaker usually gives priority recognition to the bill's Minority Floor manager. The motion to recommit has the effect of sending the bill back to a committee until such time the committee decides to take further action. Motions to recommit are non-debatable

Office of the Parliamentarian - An office managed, supervised, and administered by a non-partisan Parliamentarian appointed by the Speaker. This office is responsible for advising the Presiding Officer, Members, and staff on the rules and procedures of the House, as well as for compiling and preparing the precedents of the House. All consultation with this office is confidential (if requested).

Official Reporters - Official Reporters are responsible for collecting material for printing in the *Congressional Record*. These Clerks sit in the center of the first tier of the rostrum on the House Floor. All submissions for the Record, for example, extensions of remarks, corrections to Members' Floor statements, and extraneous material, are given to the Official Reporters.

Parliamentary Inquiry - A Member's question, posed to the Presiding Officer, about a pending procedural situation. The Chair is not required to answer such questions, but usually does if they are proper inquiries and properly made. A proper inquiry deals only with questions of procedure on a pending matter, not with hypothetical situations or the interpretation or consistency of amendments.

Point of Order - An objection that the pending proposal (bill, amendment, motion, etc.) is in violation of a rule of the House or statute (e.g., the Congressional Budget Act of 1974). The validity of points of order is determined by the Presiding Officer, and if held valid, the offending bill, amendment, or provision is ineligible for consideration. Points of order may be waived by special rules.

Precedent – Formal decisions on parliamentary matters that guide the Chair in applying the Chamber's rules to particular controversies. They are created when the presiding officer rules on a point of order or when the Chamber votes to overturn the Chair's decision on appeal. Following the principle of stare decisis, the presiding officer normally applies the precedent from one case to a substantially similar case that presents itself before the Chamber again. In a colloquial sense, "precedent" is used as a synonym for "an example of something that has occurred before." This is not the case for parliamentary procedure—a precedent, strictly speaking, is a decision of the Chair or the vote of the Chamber on an appeal of the decision.

Privilege - A status relating to the rights of the House and its Members and the priority of motions and actions on the Floor of the House. "Privileged questions" relate to the order of legislative business, while "questions of privilege" relate to matters affecting the safety, dignity, or integrity of the House, or the rights, reputation or conduct of a Member acting as a Representative.

Privileged Matters - House rules give certain House committees a "green light" to bring certain categories of legislation to the House Floor for immediate debate. The Speaker must recognize any Chair for the purpose of calling up a privileged matter reported from his or her committee. Examples of privileged matters include special rules from the Rules Committee, conference reports from any conference committee, congressional budget resolutions from the Budget Committee, censure or expulsion resolutions from the Ethics Committee, and general appropriations bills from the Appropriations Committee.

Previous Question - A motion offered in the House to end debate and preclude further amendments from being offered. In effect, it asks, "Are we ready to vote on the issue before us?" If the previous question is ordered in the House, all debate ends and usually the House immediately votes on the pending bill or amendment. If the previous question is defeated, control of debate shifts to the leading opposition Member (usually the Minority Floor manager) who then manages an hour of debate and may offer a germane amendment to the pending business. The effect of defeating the previous question is to turn over control of the Floor to the Minority or opposition.

Question of Consideration – A parliamentary device the House uses to determine whether it will debate a piece of legislation. In contemporary practice, the question of consideration is used to dispose of certain points of order against a bill, resolution or other piece of legislation. Such a question of consideration asks the House whether it will debate legislation even though it violates a House rule. The question of consideration to dispose of a point of order is debatable for 20 minutes, with time equally divided between the Member who raises the point of order and an opponent of it. When the House disposes of a point of order by the question of consideration, the Chair does not rule on the point of order.

Quorum - The number of Members whose presence is required for the House to conduct business. A quorum in the House is a majority of the Members (218). A quorum in the Committee of the Whole is 100 Members. A quorum is presumed to be present until its absence is demonstrated. If a quorum is not present when the question is put, a point of order can be made that a quorum is not present, at which time the Speaker (or Chair) counts for a quorum. If the Speaker (or Chair) determines that a quorum is not present, Members may be summoned to the Floor. If a quorum fails to respond to the call, the only business in order is a motion to adjourn or a motion to direct the Sergeant-at-Arms to request the attendance of absentees

Ramseyer Rule - A House rule requiring that committee reports contain a comparative print showing, through typographical devices such as italic print, the changes in existing law made by the proposed committee language (the "Cordon Rule" is a parallel rule of the Senate).

Reading for Amendment - In the Committee of the Whole, after a clerk has read or designated a section or paragraph of a measure, it is a House practice to complete action on all amendments to that section or paragraph before moving on to the next section or paragraph. A full reading of a section's text is often waived by unanimous consent or by a special rule from the Rules Committee, in which case the clerk reads only the section's number or designates the paragraph. Sometimes, by unanimous consent or special rule, a measure is read or designated by title rather than by section or paragraph.

Recognition - Permission by the presiding officer for a Member to speak or propose a procedural action. A Member seeking recognition must rise and address the Chair, but may not do so while another Member holds the Floor unless that Member has violated a rule. Generally, recognition in the House is within the Chair's discretion. Under some circum-

stances, the Chair's discretion is absolute; under others, the Chair may be required to recognize a Member eventually, but not necessarily the first time the Member seeks recognition. Under still other circumstances, the Chair is required to recognize certain Members for specific purposes. However, the Speaker must recognize Members for privileged business and motions, but when several Members seek recognition on business of equal privilege, the Speaker has discretion in deciding whom to recognize first. By tradition and practice, both the Speaker and the Chair of the Committee of the Whole follow certain priorities of recognition during debate. In both houses, the Chair's recognition authority is not subject to appeal.

Reconsideration - A motion to reconsider the vote by which an action was taken has, until it is disposed of, the effect of putting the action in abeyance. In essence, it is a motion to vote again on that which was just voted.

Referral - The assignment of a measure to a committee in accordance with clause 2 of rule X, the rule fixing the jurisdiction of committees over particular subjects, and in accordance with the referral procedures contained in clause 1 of rule X.

Rules (Types of) - There are two specific types of rules. Standing Rules - These are the standing rules governing the normal order of business in the House or in a committee. These rules are adopted by the full House and by each committee at the beginning of each Congress. These rules generally govern such matters as the duties of officers, the code of conduct, the order of business, admission to the Floor, parliamentary procedures on handling amendments and voting, and jurisdictions of committees.

Special Rules - These involve a departure from the standing rules of the House for the consideration of specified House action. They are resolutions reported by the Rules Commit-

tee, most of which govern the handling of a particular bill on the House Floor.

Senate Bill (S.) - S. stands for "Senate" and designates a measure introduced in the Senate as a bill, followed by a number assigned in the order in which bills are introduced during a two-year Congress. A bill becomes a law if passed in identical form by both houses and signed by the President, or passed over the President's veto, or if the President fails to sign it within 10 days after receiving it while Congress is in session

Senate Concurrent Resolution (S. Con. Res.) - S. Con. Res. is an abbreviation for "Senate Concurrent Resolution." This is a resolution that requires approval by both houses, but is not sent to the President for his signature and therefore cannot have the force of law. Concurrent resolutions deal with the prerogatives or internal affairs of Congress as a whole. For example, they serve as the vehicles for agreeing to congressional budget decisions, fixing the time of congressional adjournments, agreeing to a joint session, expressing the sense of Congress on domestic and foreign issues, correcting errors in enrolled bills, authorizing the printing of documents of interest to both houses, and creating temporary joint committees.

Senate Joint Resolution (S. J. Res.) - S. J. Res. is an abbreviation for "Senate Joint Resolution." This is a legislative measure that Congress usually uses for purposes other than general legislation. Like a bill, it has the force of law when passed by both houses and either approved by the President or passed over the President's veto. Unlike a bill, a joint resolution enacted into law is not called an act; it retains its original title. Most often, joint resolutions deal with relatively limited matters, such as the correction of errors in existing law, continuing appropriations, a single appropriation, or the establishment of permanent joint committees. Unlike bills, joint resolutions are also used to propose constitutional

amendments, which do not require the President's signature and become effective only when ratified by three-fourths of the states. While a preamble is not considered appropriate in a bill, it may be included in a joint resolution to set forth the events or facts that prompted the measure (for example, a declaration of war).

Senate Resolution (S. Res.) - S. Res. stands for "Senate Resolution." This type of measure is a simple resolution, that is, a non-legislative measure that is effective only in the Senate and does not require concurrence with the House or approval by the President. Simple resolutions express nonbinding opinions on policies or issues or deal with the internal affairs or prerogatives of the Senate. They are used to establish select and special committees, appoint the members of standing committees, and amend the standing rules.

Sergeant-at-Arms - The Sergeant-at-Arms is the chief law enforcement officer for the House of Representatives. The officer is responsible for maintaining security, order, and decorum in the House Chamber, the House wing of the Capitol, and the House office buildings.

Standing Committees - These permanent House panels are identified in House rule X, which also lists the jurisdiction of each committee. Because they have legislative jurisdiction, standing committees consider bills and issues and recommend measures for consideration by the full House. They also have oversight responsibility to monitor agencies, programs, and activities within their jurisdictions, and, in some cases, in areas that cut across committee jurisdictions

Suspension of the Rules - A timesaving method used to consider legislation. By suspending the rules and passing a measure, this procedure has the effect of preventing any points of order from being raised against a measure for violation of a rule. Under this procedure, the bill is un-amendable (except for one amendment by the Floor

manager if offered as part of the motion) and debate on the motion and the measure is limited to 40 minutes equally divided between a proponent and an opponent. A motion to recommit is not in order under this procedure. However, a favorable vote of two-thirds of those present is necessary for passage. This procedure is in order every Monday, Tuesday, and Wednesday and is intended to be reserved for relatively non-controversial bills. Both the Republican Conference and Democratic Caucus have their own internal rules for determining whether legislation is eligible for suspension consideration

Unanimous Consent - A method used to expedite consideration of non-controversial measures on the House Floor. Proceedings of the House or actions on legislation often take place by unanimous consent of the House (i.e., without objection by any Member), whether or not a rule of the House is being violated.

Unanimous Consent Agreements - Agreements negotiated among Senators by the Majority and Minority Leaders to limit debate on a specified measure, to restrict amendments to it, and to waive points of order. They require the consent of every Senator and may be denied by a single objection. These agreements, also called "time agreements," are the Senate parallel to special rules from the House Rules Committee.

Waiver - A temporary setting aside of one or more rules by prohibiting points of order that might be raised to enforce those rules. The House uses special rules from the Rules Committee for this purpose. In addition, the House procedure for suspending the rules and passing a measure implicitly imposes a blanket waiver because it suspends all rules, including statutory rules that might conflict with the suspension procedure or the measure's passage.

Yielding Time - Once a Member has been recognized by the Speaker (or Chair) to speak, he controls the Floor; in general, no other Member may speak without being granted permission to do so by the Member recognized. Another Member who wishes to speak will ask the recognized Member to yield by saying, "Will the gentleman (or gentlewoman) from (STATE) yield to me?"

Appendix II: Additional Resources House Offices

Office of the House Parliamentarian | 202-227-7373 |

The Parliamentarian is the House's non-partisan official advisor on procedure. Members and staff may ask the Parliamentarian's office for guidance on House practice, including reviewing amendments for conformity to House rules.

Office of the House Legislative Counsel | 202-225-6060 | https://legcounsel.house.gov/

The non-partisan Office of the House Legislative Counsel assists Members and staff in crafting legislative language for bills, amendments and other legislation.

Speaker's Office | 202-225-5400 |

https://www.speaker.gov/

As the House's presiding officer, the Speaker has general oversight over the Hall of the House and its operations. As party leader, the Speaker is essential in determining what comes to the Floor.

Majority Leader's Office | 202-225-0197 |

https://www.majorityleader.gov/

The Majority Leader's office sets the House calendar and plans the House's weekly Floor schedule. Updates on the House's schedule are posted on the Majority Leader's website and distributed via email

Majority Whip's Office | 202-225-2210 |

https://www.majoritywhip.gov/

The Majority Whip is responsible for building support for the Majority's agenda and ensuring that it has the votes for passage. The Whip's office sends email notifications to Members and staff about when the House will consider and vote on legislation.

Democratic Leader's Office | 202-225-4700 |

https://democraticleader.house.gov/

As leader of the House Minority, the Democratic Leader serves as his party's chief spokesman and legislative strategist.

Democratic Whip's Office | 202-225-2020 |

https://democraticwhip.house.gov/

The Democratic Whip is responsible for promoting party unity on votes critical to her party's agenda. The Whip's office sends email notifications to Members and staff about when the House will consider and vote on legislation.

The Cloakrooms

Each party maintains a Cloakroom adjacent to the House Chamber. In addition to serving as a space for Members to gather near the House Floor, the Cloakrooms (and their websites) serve as an information hub about the Floor schedule.

<u>Republican Cloakroom:</u> 202-225-7350 | https://repcloakroom.house.gov/

<u>Democratic Cloakroom:</u> 202-225-7330 | https://democratic-cloakroom.house.gov/

Publications

Books:

Surviving Inside Congress, 6th edition | https://www.congressionalinstitute.org/surviving-inside-congress/
Surviving Inside Congress is the Congressional Institute's signature text on the Legislative Branch. It covers procedure, Leadership and committees, ethics, communications, and many other topics. The Congressional Institute offers free copies to Member offices.

<u>House Practice: A Guide to the Rules, Precedents and Procedures of the House, 118th Congress</u> | https://www.govinfo.gov/app/details/GPO-HPRAC-

TICE-118/

Written by the House Parliamentarian, *House Practice* is a comprehensive one-volume explanation of how the Chamber operates.

Congressional Research Service Reports

The following Congressional Research Service reports clarify House procedure. The code following the name of each report is its CRS product number.

The Legislative Process on the House Floor: An Introduction | 95-563

How Measures Are Brought to the House Floor: A Brief Introduction | RS20067

Commonly Used Motions and Requests in the House of Representatives | RL32207

The Amending Process in the House of Representatives | 98-995

Calendars of the House of Representatives | 98-437

About the Congressional Institute

The Congressional Institute was established in 1987 as a notfor-profit organization committed to the excellence of Members of Congress and their professional staff. By hosting conferences and development opportunities, the Institute effectively provides resources for continued excellence. Since the organization's founding, the contours of legislating and governing have evolved so that the Institute itself has risen to meet those changes. The Institute's professional board of directors is composed of former senior Hill leadership aides who provide expert advice and counsel. Additionally, the Institute works closely with the most talented government affairs professionals who lend their policy expertise as a valued resource

The Institute hosts major conferences for the benefit of Members of the United States Congress as well as a number of smaller gatherings, all devoted to an examination of important policy issues and strategic planning. Congressional Institute programming is widely regarded as premium level and often draws attendance from high-level elected officials including U.S. Presidents and Vice Presidents, as well as foreign leaders such as Prime Ministers and others. It provides space for Members and staff to discuss legislative priorities and strategies as well as develop professional relationships with each other and experts in their fields.

Consistent with its mission, the Congressional Institute also develops resources such as a *House Floor Procedures Manual* and *Surviving Inside Congress*, a manual for Capitol Hill staffers and a guidebook for academic and collegiate level instruction. It has sponsored Oxford-style bipartisan Congressional debates.