

105th Congress, 2d Session - - - - - House Document No. 105-358

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

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

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



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**HOUSE RESOLUTION 607**

IN THE HOUSE OF REPRESENTATIVES, U.S.,

*October 20, 1998.*

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

Attest:

ROBIN H. CARLE,  
*Clerk.*



## PREFACE

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

The rules for the One Hundred Sixth Congress were adopted on January 6, 1999, when the House agreed to House Resolution 5 and, later, House Resolution 9. House Resolution 5 consisted of (1) a recodification of the rules of the House for the One Hundred Fifth Congress in a revised structural format that reduces their number from 52 to 28 in a logical sequence, (2) a series of substantive changes to various standing rules as so recodified, and (3) separate free-standing orders constituting procedures to be followed in the One Hundred Sixth Congress, including the immediate consideration of House Resolution 9. House Resolution 9, adopted later the same day, changed the recodified clause 5 of rule XXVI on the acceptance of gifts. Explanations of the derivations of the recodified rules from the rules of the prior Congress, and of substantive changes, appear in the annotations following each rule in the text of this manual. Additionally, a table of cross-references showing major rule citation changes resulting from the recodification follows this preface.

The recodified format arranges the rules by addressing the organization and operation of the House as follows: duties of officers and Members (rules I–III), administration of the House (rules IV–VI), institutional prerogatives (rules VII–IX), committees (rules X–XI), consideration of legislation (rules XII–XXIII), conduct of Members, officers, and employees (rules XXIV–XXVII), and miscellaneous provisions (rule XXVIII). The recodification minimizes the change of some major rule citations in order to retain consistency with precedent and practice volumes already pub-

## PREFACE

lished (*e.g.*, germaneness remains clause 7 of rule XVI, and general appropriation bill matters remain clause 2 of rule XXI), although cross-references will be necessary in subsequent precedent and practice volumes where rule citations have changed.

References were changed in the recodification to incorporate accepted understandings without substantive change. For instance, “Delegates” and “the Resident Commissioner” are mentioned along with “Members” in those situations where the rules do not distinguish between statuses. They are omitted in rules addressing authorities or responsibilities that are limited to Members (such as voting, Committee of the Whole, and selection of presiding officers). Gender references are treated as in the United States Code, whereby a reference to “he” or “his” is defined in rule XXVIII to constitute a reference to “she” or “hers” where applicable. Provisos have been replaced by sentence restructuring to ensure clarity of meaning. The concept of a “privileged question” or “privileged motion” has been regularized, placing sundry references to matters “of highest privilege” or “in order at any time” or that “shall always be in order.” The generic reference to votes by the yeas and nays and recorded votes has been changed from “rollcall” to “record” votes. Supermajority voting requirements are consistently referred to as two-thirds or three-fifths “of the Members voting, a quorum being present.”

The substantive changes provided by House Resolution 5 included:

- (1) authorization for the Speaker to appoint and set pay for employees of the Office of the Historian (clause 7 of rule II);
- (2) authorization to dispense by unanimous consent oral announcement of the form of a resolution offered as a question of privilege noticed under rule IX (clause 2(a)(1) of rule IX);
- (3) redesignation of the Committee on House Oversight as the Committee on House Administration, of the Committee on Government Reform and Oversight as the Committee on Government Reform, and of the Committee on National Security as the Committee on Armed Services (clause 1 of rule X);
- (4) elimination of the exception for the Budget Committee from general oversight responsibilities (clause 2(b) of rule X);

PREFACE

(5) elimination of a provision added in the 104th Congress making consideration of resolutions funding each committee contingent on submission of its oversight plans (clause 2(d)(2) of rule X);

(6) modification of the deadline for submitting views and estimates to the Budget Committee (clause 4(f)(1) of rule X);

(7) specification of the size of the Committee on Standards of Official Conduct at 10 members (which was the de facto size of the committee in the 105th Congress, notwithstanding that the Ethics Reform Act of 1989 required each party caucus to nominate seven Members) and deletion of the requirement adopted in the 105th Congress that two Members from each party rotate off the committee each Congress (clause 5(a) of rule X);

(8) elimination of the Committee on Transportation and Infrastructure from the list of exceptions to the general rule limiting each committee to five subcommittees, and addition of an exception for committees that maintain a subcommittee on oversight (clause 5(d) of rule X);

(9) clarification of the procedure to permit staff questioning of witnesses in committee (clause 2(j) of rule XI);

(10) clarification that committees may specify in a subpoena duces tecum terms of return other than at a meeting or hearing (clause 2(m)(3)(B) of rule XI);

(11) elimination of general pairs (rule XX);

(12) expansion of the Speaker's authority to postpone further proceedings to include motions to instruct conferees pending their appointment (clause 8(a) of rule XX);

(13) expansion of Speaker's authority to reduce to five minutes the minimum time for electronic voting on a question postponed under clause 8 of rule XX to include questions incidental thereto and to permit the first postponed vote in a series to be a five-minute vote if it immediately follows a 15-minute vote (clause 8(c) and clause 9 of rule XX);

(14) elimination of the prohibition against including a provision for a specific road in a bill providing for another specific road or in a general road bill (rule XXI).

(15) provisions amending the Code of Official Conduct to: (1) permit telecommuting by House employees (clause 8 of rule XXIV); and (2) include consultants among employees covered by certain provisions of the code of conduct (clause 14 of rule XXIV);

(16) provisions amending limitations on outside earned income to: (1) permit certain House employees to receive

PREFACE

honoraria; and (2) clarify the definition of “honorarium” (clause 1 and clause 4 of rule XXVI);

House Resolution 5 also included a special order of business permitting a separate vote on a resolution to amend the gift rule to conform it to the Senate rule (H. Res. 9, amending clause 5 of rule XXVI).

The recodification project was first inspired by Wm. Holmes Brown, who retired as Parliamentarian in 1994 and who had prepared in 1985 a preliminary draft that served as a basis for the current restructuring. Special appreciation is extended to the members and staff of the Committee on Rules who served on the bi-partisan Task Force on Recodification during the 105th Congress for their cooperation with the Office of the Parliamentarian in its preparation. Deputy Parliamentarians John Sullivan and Tom Duncan, and Assistant Parliamentarians Muftiah McCartin, Tom Wickham, and Ethan Lauer worked diligently to prepare the codification and to annotate the decisions of the Chair and other parliamentary precedents of the 105th Congress and of the 106th Congress to date of publication. Gay Topper, Deborah Khalili, and Brian Cooper contributed their clerical skills to the preparation of this edition. All of their contributions, especially those of Muftiah McCartin in the preparation of this Manual, are gratefully acknowledged.

Citations in this edition refer to:

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

(2) Deschler’s Precedents of the U. S. House of Representatives (volumes 1 through 9) and the Deschler-Brown Precedents of the U. S. House of Representatives (volumes 10 through 15), by volume, chapter, and section (*e.g.*, Deschler’s Precedents, vol. 8, ch. 26, sec. 79.7; Deschler-Brown Precedents, vol. 10, ch. 28, sec. 4.26);

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

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

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

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



PREFACE

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

CHARLES W. JOHNSON

SEPTEMBER 20, 1999



# CONTENTS

## THE CONSTITUTION

	Page
PREAMBLE .....	3
ARTICLE I.—The legislative power .....	4
II.—The executive power .....	62
III.—The judicial power .....	74
IV.—Obligations, duties, etc., of the States .....	76
V.—Amendments to .....	78
VI.—Law of the land, etc. ....	80
VII.—Ratification of .....	84
Amendments ratified .....	86

## JEFFERSON'S MANUAL

SECTION I.—Importance of adhering to rules .....	119
III.—Privilege .....	122
VI.—Quorum .....	141
VII.—Call of the House .....	142
IX.—Speaker .....	142
X.—Address .....	144
XI.—Committees .....	145
XII.—Committee of the Whole .....	148
XIII.—Examination of witnesses .....	157
XIV.—Arrangement of business .....	163
XV.—Order .....	165
XVI.—Order respecting papers .....	165
XVII.—Order in debate .....	166
XVIII.—Orders of the House .....	186
XIX.—Petition .....	190
XX.—Motions .....	191
XXI.—Resolutions .....	192
XXIII.—Bills, leave to bring in .....	194
XXIV.—Bills, first reading .....	195
XXV.—Bills, second reading .....	195
XXVI.—Bills, commitment .....	196
XXVII.—Report of committee .....	206

CONTENTS

	Page
SECTION XXVIII.—Bill, recommitment .....	208
XXIX.—Bills, reports taken up .....	209
XXX.—Quasi-committee .....	211
XXXI.—Bill, second reading in the House .....	215
XXXII.—Reading papers .....	217
XXXIII.—Privileged questions .....	219
XXXIV.—The previous question .....	233
XXXV.—Amendments .....	234
XXXVI.—Division of the question .....	243
XXXVII.—Coexisting questions .....	246
XXXVIII.—Equivalent questions .....	247
XXXIX.—The question .....	250
XL.—Bills, third reading .....	251
XLI.—Division of the House .....	255
XLII.—Titles .....	260
XLIII.—Reconsideration .....	260
XLIV.—Bills sent to the other House .....	263
XLV.—Amendments between the Houses .....	264
XLVI.—Conferences .....	274
XLVII.—Messages .....	286
XLVIII.—Assent .....	290
XLIX.—Journals .....	293
L.—Adjournment .....	295
LI.—A session .....	296
LII.—Treaties .....	300
LIII.—Impeachment .....	303

RULES OF THE HOUSE

RULE I.—The Speaker .....	323
II.—Other Officers and Officials .....	341
III.—The Members, Delegates, and Resident Commissioner of Puerto Rico.	359
IV.—The Hall of the House .....	363
V.—Broadcasting the House .....	370
VI.—Official Reporters and News Media Galleries ..	373
VII.—Records of the House .....	384
VIII.—Response to Subpoenas .....	388
IX.—Questions of Privilege .....	391
X.—Organization of Committees .....	407
XI.—Procedures of Committees and Unfinished Business.	510
XII.—Receipt and Referral of Measures and Matters	563
XIII.—Calendars and Committee Reports .....	577
XIV.—Order and Priority of Business .....	610
XV.—Business in Order on Special Days .....	620

CONTENTS

	Page
RULE XVI.—Motions and Amendments .....	641
XVII.—Decorum and Debate .....	691
XVIII.—The Committee of the Whole House on the state of the Union.	717
XIX.—Motions Following the Amendment Stage .....	742
XX.—Voting and Quorum Calls .....	757
XXI.—Restrictions on Certain Bills .....	782
XXII.—House and Senate Relations .....	821
XXIII.—Statutory Limit on Public Debt .....	845
XXIV.—Code of Official Conduct .....	849
XXV.—Limitations on Use of Official Funds .....	854
XXVI.—Limitations on Outside Earned Income and Acceptance of Gifts.	858
XXVII.—Financial Disclosure .....	880
XXVIII.—General Provisions .....	903
PROVISIONS OF LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED BY THE LEGISLATIVE REORGANIZATION ACT OF 1970, APPLICABLE TO BOTH HOUSES	
Congressional adjournment .....	905
Preservation of committee hearings .....	906
JOINT AND SELECT COMMITTEES	
Economic Committee, Joint .....	909
Internal Revenue Taxation, Joint Committee on .....	909
Library, Joint Committee of Congress on the .....	910
Printing, Joint Committee on .....	910
Inaugural Ceremonies, Joint Congressional Committee on .....	910
Select committees .....	910
HOUSE OFFICES	
House Commission on Congressional Mailing Standards .....	913
House Office Building Commission .....	913
General Accounting Office .....	913
Office of Compliance .....	913
Congressional Research Service .....	914
Legislative Counsel .....	914
Congressional Budget Office .....	914
Law Revision Counsel .....	914
Technology Assessment .....	914
Office of the Parliamentarian .....	914
Office of Floor Assistants .....	915
Corrections Calendar Office .....	915

CONTENTS

	Page
House Recording Studio .....	915
United States Capitol Preservation Commission .....	915
Early organization of House .....	917

MISCELLANEOUS PROVISIONS OF CONGRESSIONAL BUDGET LAWS

Congressional Budget Act of 1974 .....	923
Balanced Budget and Emergency Deficit Control Act of 1985 .....	997
Budget Enforcement Act of 1990 .....	1027

CONGRESSIONAL DISAPPROVAL PROVISIONS CONTAINED IN PUBLIC LAWS

Resolutions privileged for consideration in House .....	1031
---	------

INDEX

Index .....	1161
-------------	------

## MAJOR RULE CITATION CHANGES

DESCRIPTION	OLD RULE		NEW RULE	
	Rule	Clause	Rule	Clause
Postponed votes .....	I	5(b)	XX	8
Tie vote lost .....	I	6	XX	1(c)
Lame duck travel authority ..	I	8	XXV	10
Broadcasting House proceedings .....	I	9	V	.....
Office of the Historian .....	I	10	II	7
Office of the General Counsel	I	11	II	8
Clerk .....	III	.....	II	2
Sergeant-at-Arms .....	IV	.....	II	3
Chief Administrative Officer	V	.....	II	4
Office of the Inspector General .....	VI	.....	II	6
Chaplain .....	VII	.....	II	5
Duties of Members .....	VIII	.....	III	1-2
Committee on Standards of Official Conduct .....	X	4(e)	XI	3
Referral .....	X	5	XII	2
Speaker's appointment of select and conference committees .....	X	6(f)	I	11
Committee membership contingent on party membership .....	X	6(g)	X	10
Committee reporting procedures .....	XI	2(1)(1), (2)	XIII	2
Content of reports .....	XI	2(1)(3)- (5)	XIII	3
Availability of reports .....	XI	2(1)(6)	XIII	4
Committee travel .....	XI	2(n)	X	8
Committee broadcast rule .....	XI	3	XI	4
Privileged reports .....	XI	4	XIII	5
Reports of Rules Committee	XI	4	XIII	6
Expense resolutions .....	XI	5	X	6-7
Committee staff .....	XI	6	X	9
Resident Commissioner/Delegates .....	XII	.....	III	3
Corrections Calendar .....	XIII	4	XV	6
Decorum and debate .....	XIV	.....	XVII	.....
Recognition .....	XIV	2	XVII	2
Voting and quorum calls .....	XV	.....	XX	.....

MAJOR RULE CITATION CHANGES—Continued

DESCRIPTION	OLD RULE		NEW RULE	
	Rule	Clause	Rule	Clause
Dilatory motions on suspensions .....	XVI	8	XV	1
Dilatory motions .....	XVI	10	XVI	1
Previous question .....	XVII	.....	XIX	1
Motion to recommit .....	XVII	1	XIX	2
Reconsideration .....	XVIII	.....	XIX	3
Amendments .....	XIX	.....	XVI	6
Senate amendments .....	XX	.....	XXII	1-6
Reading of bills .....	XXI	1	XVI	8
Content of reports on appropriation bills .....	XXI	3	XIII	3(f)
Private claims .....	XXI	4	XII	2(d)
Appropriations in legislation .....	XXI	5(a)	XXI	4
Reappropriations .....	XXI	6	XXI	2(a)(2)
Printing of appropriations hearings .....	XXI	7	XIII	4(c)
Reserving points of order on appropriation bills .....	XXI	8	XXI	1
Transportation obligation limitations .....	XXI	9	XXI	3
Cosponsorship .....	XXII	4	XII	7
Resolutions of inquiry .....	XXII	5	XIII	7
Committee of the Whole House .....	XXIII	.....	XVIII	.....
Order of business .....	XXIV	.....	XIV	.....
Unfinished business .....	XXIV	3	XIV	3
Private Calendar .....	XXIV	6	XV	5
Calendar Wednesday .....	XXIV	7	XV	7
District business .....	XXIV	8	XV	4
Priority of business .....	XXV	.....	XIV	.....
Unfinished business in committee .....	XXVI	.....	XI	6
Suspension of the rules .....	XXVII	1-2	XV	1
Discharge motions .....	XXVII	3	XV	2
Conference reports .....	XXVIII	.....	XXII	7-12
Secret sessions .....	XXIX	.....	XVII	9
Exhibits .....	XXX	.....	XVII	6
Hall of the House .....	XXXI	.....	IV	1
Admission to the Floor .....	XXXII	.....	IV	2-5
Admission to the galleries .....	XXXIII	.....	IV	6
Campaign contributions on Floor .....	XXXII	5	IV	7
Official Reporters and the media .....	XXXIV	.....	VI	.....
Pay of witnesses .....	XXXV	.....	XI	5
Records of the House .....	XXXVI	.....	VII	.....
Withdrawal of papers .....	XXXVII	.....	VII	7



MAJOR RULE CITATION CHANGES—Continued

DESCRIPTION	OLD RULE		NEW RULE	
	Rule	Clause	Rule	Clause
Ballot votes .....	XXXVIII	.....	XX	11
Messages .....	XXXIX	.....	XII	1
Executive communications ....	XL	.....	XII	8
Claims against the Govern- ment .....	XLI	.....	XXVI	6
General provisions .....	XLII	.....	XXVIII	1
Code of Official Conduct .....	XLIII	.....	XXIV	.....
Financial disclosure .....	XLIV	.....	XXVII	.....
Unofficial office accounts .....	XLV	.....	XXV	1-3
Limitation on use of frank ....	XLVI	.....	XXV	4-9
Outside earned income .....	XLVII	.....	XXVI	1-3
Intelligence Committee .....	XLVIII	.....	X	11
Debt limit .....	XLIX	.....	XXIII	.....
Response to subpoenas .....	L	.....	VIII	.....
Gift rule .....	LI	.....	XXVI	5

## GENERAL ORDER OF BUSINESS

### RULE XIV

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

## SPECIAL ORDER OF BUSINESS

### MONDAYS

- Second and fourth Mondays:
  - Motions to discharge committees. Rule XV, clause 2.
  - District of Columbia Business. Rule XV, clause 4.
- Every Monday:
  - Motions to suspend rules. Rule XV, clause 1.

### TUESDAYS

- First and third Tuesdays:
  - Private Calendar. Rule XV, clause 5. Individual private bills considered on the first Tuesday of each month, omnibus private bills may be considered on third Tuesday of each month.
- Second and fourth Tuesdays:
  - Corrections Calendar. Rule XV, clause 6.
- Every Tuesday:
  - Motions to suspend rules. Rule XV, clause 1.

### WEDNESDAYS

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