

106th Congress, 2d Session - - - - - House Document No. 106-320

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

OF THE UNITED STATES
ONE HUNDRED SEVENTH CONGRESS

CHARLES W. JOHNSON
PARLIAMENTARIAN

congress.#13

U.S. GOVERNMENT PRINTING OFFICE

69-500

WASHINGTON : 2001

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, DC 20402

HOUSE RESOLUTION 678

IN THE HOUSE OF REPRESENTATIVES, U.S.,

December 15, 2000.

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Seventh 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:

JEFF TRANDAHL,
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 Seventh Congress were adopted on January 3, 2001, when the House agreed to House Resolution 5. In addition to a series of changes to various standing rules, House Resolution 5 included separate free-standing orders constituting procedures to be followed in the One Hundred Seventh Congress. Explanations of the changes to the standing rules appear in the annotations following each rule in the text of this Manual.

In the One Hundred Sixth Congress, the House adopted a recodification of the Rules of the House. For an explanation of the recodified format, see the Preface and other introductory matter for the House Rules and Manual for the One Hundred Sixth Congress (H. Doc. 105-358).

The substantive changes in the standing rules made by House Resolution 5 of the 107th Congress included:

- (1) permission for the Clerk to publish certain documents in a form other than printed (clause 2 of rule II);
- (2) transfer of the responsibility for the engrossment and enrollment process from the Committee on House Administration to the Clerk (clause 2 of rule II);
- (3) expansion of the application of rule VIII to administrative subpoenas (rule VIII);
- (4) redesignation of the Committee on Commerce as the Committee on Energy and Commerce and of the Committee on Banking and Financial Services as the Committee on Financial Services (clause 1 of rule X);
- (5) expansion of the jurisdiction of the Committee on Financial Services to include securities and exchanges (for-

PREFACE

merly within the jurisdiction of the Committee on Commerce) and insurance generally (clause 1 of rule X);

(6) expansion of the oversight plan each standing committee submits to the Committees on Government Reform and on House Administration to include review of specific problems with Federal rules, regulations, statutes, and court decisions (clause 2 of rule X);

(7) additional special oversight responsibility of the Permanent Select Committee on Intelligence over the intelligence community (clause 3 of rule X);

(8) removal of the requirement that the Committee on House Administration provide policy direction to the Clerk, Sergeant-at-Arms, and Chief Administrative Officer (clause 4(a) of rule II; clause 4(d) of rule X);

(9) increase in the size of the Permanent Select Committee on Intelligence (clause 11 of rule X);

(10) preservation of all committee requirements for a majority quorum found in House rules (clause 2 of rule XI);

(11) removal of the word “investigative” from the rule governing hearing procedures (clause 2(k) of rule XI);

(12) particularization of the availability of an assertion that evidence given in committee has a tendency to defame, degrade, or incriminate a person (clause 2(k) of rule XI);

(13) limitation of the requirement that a committee furnish its rules to a witness to instances when the witness so requests (clause 2(k) of rule XI);

(14) elimination of the three-day availability requirement for a supplemental report that only corrects errors in the depiction of record votes (clause 3(a) of rule XIII).

(15) replacement of the requirement that committees include in their reports oversight findings and recommendations by the Committee on Government Reform with a requirement that they include a statement of performance goals and objectives (clause 3(c) of rule XIII);

(16) requirement that a report of the Committee on Appropriations contain additional detail on the status of unauthorized appropriations (clause 3(f) of rule XIII);

(17) elimination of the three-day availability requirement for a report to accompany a bill called from the Corrections Calendar (clause 4 of rule XIII; clause 6 of rule XV);

(18) conversion of the rule governing the use of exhibits on the floor from one requiring a vote by the House on the use of an exhibit to which a Member objected to merely

PREFACE

permitting the Chair, in its discretion, to submit the question of its use to the House (clause 6 of rule XVII);

(19) inclusion of standing authority, previously contained in separate special orders, for the Chairman of the Committee of the Whole to postpone requests for recorded votes on amendments and to reduce the minimum duration of those votes, after the first, to five minutes (clause 6 of rule XVIII);

(20) prohibition against the consideration of a measure designating a public work in honor of a serving Member of Congress (clause 6 of rule XXI);

(21) restoration of the notice requirement for a privileged 20-day motion to instruct conferees from legislative day to calendar day and clarification of the elements attending the privilege (clause 7 of rule XXII);

(22) prohibition against the inclusion of argument in a motion to instruct conferees or a motion to recommit to conference (clause 7 of rule XXII);

(23) repeal of the rule providing for automatic passage and engrossment of a measure adjusting the statutory limit on public debt (former rule XXIII);

(24) prohibition against the paid employment of a spouse (clause 8 of rule XXIII);

(25) requirement of the Clerk to make those who have signed the oath permitting access to classified information a matter of public record (clause 13 of rule XXIII);

(26) prohibition against certain lobbying by consultants paid by the House (clause 14 of rule XXIII); and

(27) clarification of the definition of an employee under the Gift Rule (clauses 4 and 5 of rule XXV);

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 106th Congress and of the 107th 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

PREFACE

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

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

Readers are invited to refer to the prefaces of Hinds', Cannon's, and Deschler's Precedents (Volumes I, VI, and 1, respectively) for comprehensive overviews by those editors of the procedural history of the House of Representatives from 1789 to 1976.

CHARLES W. JOHNSON

MARCH 15, 2001

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	87

JEFFERSON'S MANUAL

SECTION I.—Importance of adhering to rules	121
III.—Privilege	124
VI.—Quorum	143
VII.—Call of the House	144
IX.—Speaker	144
X.—Address	147
XI.—Committees	147
XII.—Committee of the Whole	151
XIII.—Examination of witnesses	160
XIV.—Arrangement of business	165
XV.—Order	167
XVI.—Order respecting papers	168
XVII.—Order in debate	168
XVIII.—Orders of the House	189
XIX.—Petition	193
XX.—Motions	194
XXI.—Resolutions	195
XXIII.—Bills, leave to bring in	197
XXIV.—Bills, first reading	198
XXV.—Bills, second reading	198
XXVI.—Bills, commitment	199
XXVII.—Report of committee	210

CONTENTS

	Page
SECTION XXVIII.—Bill, recommitment	211
XXIX.—Bills, reports taken up	212
XXX.—Quasi-committee	214
XXXI.—Bill, second reading in the House	218
XXXII.—Reading papers	220
XXXIII.—Privileged questions	222
XXXIV.—The previous question	235
XXXV.—Amendments	237
XXXVI.—Division of the question	246
XXXVII.—Coexisting questions	249
XXXVIII.—Equivalent questions	250
XXXIX.—The question	253
XL.—Bills, third reading	253
XLI.—Division of the House	257
XLII.—Titles	263
XLIII.—Reconsideration	263
XLIV.—Bills sent to the other House	266
XLV.—Amendments between the Houses	267
XLVI.—Conferences	277
XLVII.—Messages	289
XLVIII.—Assent	293
XLIX.—Journals	296
L.—Adjournment	298
LI.—A session	300
LII.—Treaties	303
LIII.—Impeachment	307

RULES OF THE HOUSE

RULE I.—The Speaker	327
II.—Other Officers and Officials	345
III.—The Members, Delegates, and Resident Commissioner of Puerto Rico.	364
IV.—The Hall of the House	368
V.—Broadcasting the House	375
VI.—Official Reporters and News Media Galleries ..	378
VII.—Records of the House	389
VIII.—Response to Subpoenas	393
IX.—Questions of Privilege	397
X.—Organization of Committees	413
XI.—Procedures of Committees and Unfinished Business.	518
XII.—Receipt and Referral of Measures and Matters	572
XIII.—Calendars and Committee Reports	586
XIV.—Order and Priority of Business	620
XV.—Business in Order on Special Days	631

CONTENTS

	Page
RULE XVI.—Motions and Amendments	652
XVII.—Decorum and Debate	702
XVIII.—The Committee of the Whole House on the state of the Union.	728
XIX.—Motions Following the Amendment Stage	755
XX.—Voting and Quorum Calls	770
XXI.—Restrictions on Certain Bills	794
XXII.—House and Senate Relations	836
XXIII.—Code of Official Conduct	860
XXIV.—Limitations on Use of Official Funds	867
XXV.—Limitations on Outside Earned Income and Acceptance of Gifts.	871
XXVI.—Financial Disclosure	893
XXVII.—General Provisions	917
 PROVISIONS OF LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED BY THE LEGISLATIVE REORGANIZATION ACT OF 1970, APPLICABLE TO BOTH HOUSES	
Congressional adjournment	918
Preservation of committee hearings	919
 JOINT AND SELECT COMMITTEES	
Economic Committee, Joint	923
Internal Revenue Taxation, Joint Committee on	923
Library, Joint Committee of Congress on the	924
Printing, Joint Committee on	924
Inaugural Ceremonies, Joint Congressional Committee on	924
Select committees	924
 HOUSE OFFICES	
House Commission on Congressional Mailing Standards	927
House Office Building Commission	927
General Accounting Office	927
Office of Compliance	927
Congressional Research Service	928
Legislative Counsel	928
Congressional Budget Office	928
Law Revision Counsel	928
Technology Assessment	928
Office of the Parliamentarian	928
Office of Floor Assistants	929
Corrections Calendar Office	929
House Recording Studio	929

CONTENTS

	Page
United States Capitol Preservation Commission	929
Office of General Counsel	929
Early organization of House	931

MISCELLANEOUS PROVISIONS OF CONGRESSIONAL BUDGET LAWS

Congressional Budget Act of 1974	935
Budget Enforcement Act of 1990	1011

CONGRESSIONAL DISAPPROVAL PROVISIONS CONTAINED IN PUBLIC LAWS

Resolutions privileged for consideration in House	1017
---	------

INDEX

Index	1149
-------------	------

MAJOR RULE CITATION CHANGES

DESCRIPTION	OLD RULE through 105th Cong.		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	XXIV	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 through 105th Cong.		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	.....

MAJOR RULE CITATION CHANGES—Continued

DESCRIPTION	OLD RULE through 105th Cong.		NEW RULE	
	Rule	Clause	Rule	Clause
Withdrawal of papers	XXXVII	.....	VII	7
Ballot votes	XXXVIII	.....	XX	11
Messages	XXXIX	.....	XII	1
Executive communications	XL	.....	XII	8
Claims against the Govern- ment	XLI	.....	XXV	6
General provisions	XLII	.....	XXVII	1
Code of Official Conduct	XLIII	.....	XXIII	.....
Financial disclosure	XLIV	.....	XXVI	.....
Unofficial office accounts	XLV	.....	XXIV	1-3
Limitation on use of frank	XLVI	.....	XXIV	4-9
Outside earned income	XLVII	.....	XXV	1-3
Intelligence Committee	XLVIII	.....	X	11
Response to subpoenas	L	.....	VIII	.....
Gift rule	LI	.....	XXV	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 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.