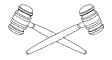
HOUSE PRACTICE

A Guide to the Rules, Precedents, and Procedures of the House

Wm. Holmes Brown Parliamentarian of the House 1974–1994

Charles W. Johnson Parliamentarian of the House 1994-



U.S. GOVERNMENT PRINTING OFFICE WASHINGTON: 2003

Preface

The procedures used in the House of Representatives, while rooted in the Constitution and Jefferson's Manual and in many time-honored House standing rules, have been greatly modified in the last quarter century. A few incremental changes deserve mention. Voting practices have changed. Debate has become more structured. Reliance on special orders of business that vary the standing rules has replaced the use of more traditional methods of considering legislation on the floor. Multiplicity of committee jurisdictions has complicated the referral and conference process. Budgetary disciplines have interposed additional levels of decision making. Consolidation of methods for the disposition of Senate amendments in conference have become commonplace. In addition, several matters of constitutional significance, including impeachment and presidential elections, have commanded the attention of the House.

In this second edition, attempt has been made to integrate the long-established norms of House procedure with the innovations made possible by technological advances and by reforms and disciplines introduced by laws such as the Legislative Reorganization Act of 1970 and the Congressional Budget Act of 1974, by resolutions such as the Committee Reform Amendments of 1974, and by changes in the House rules adopted at the beginning of recent Congresses, including a recodification of all the standing rules of the House in 1999. This volume reflects the modern practice of the House as of the 108th Congress.

The rules, procedures, and precedents of the House sometimes are seen as arcane and unnecessarily technical. Yet they are a distillation of the collective wisdom and experience of legislators—some traditionalists, some reformers—who have enacted the laws that have sustained our Nation for over two centuries. Through a combination of the application of standing rules, tradition, precedent, and ad hoc changes implemented by special rules, the system has functioned. The authority and privileges vested in the majority have allowed the business of the House to proceed. The various changes in the standing rules have retained that fragile, albeit essential, balance between the rights of the majority and those of the minority, but not without periodic debates on the importance of that balance in the context of consideration of special orders of business. Understanding the parliamentary tools available to make the legislative process work justifies the publication of this volume.

HOUSE PRACTICE

The scope of this work is limited. It is a summary review of selected precedents and not an exhaustive survey of all applicable rulings. The *House Rules and Manual* and the published volumes of House precedents remain the primary sources for in-depth analysis and authoritative citations. As required by law, this book has been conceived as a concordance or quick reference guide to those works. It is hoped that the alphabetical format and synopses of precedents and citations on a given point of procedure, together with an improved index, will lead the reader to the primary authority for a definitive answer to a particular question.

An earlier, condensed work on the precedents is *Cannon's Procedure* in the House of Representatives, a summary by Clarence Cannon first published in 1949 and last published in 1959. A later summary, entitled *Deschler's Procedure in the U.S. House of Representatives* (1974), was prepared by Lewis Deschler, Parliamentarian of the House from 1928-1974, and was revised and updated in 1978, 1979, 1982, 1985, and 1987. Comprehensive coverage and analysis are found in *Hinds' Precedents* (1907), *Cannon's Precedents* (1936), *Deschler's Precedents* (1977), and *Deschler-Brown Precedents*.

The first edition of this volume was prepared in 1996 by former Parliamentarian Wm. Holmes Brown, with editing assistance from Roy Miller of the Compilation of Precedents Office. This second edition was prepared with the assistance of Deputy Parliamentarians John Sullivan and Thomas Duncan; Assistant Parliamentarians Muftiah McCartin, Thomas Wickham, and Ethan Lauer; Clerks Gay Topper and Brian Cooper; Compilation of Precedents Office editor Deborah Khalili and former editor Evan Hoorneman; Marcie Kanakis of the Office of the Clerk; and W. Robert Winters of the Government Printing Office. Special appreciation is expressed to Muftiah McCartin for her efforts in preparation of this volume.

References to frequently cited works are to the *House Rules and Man-ual* for the 108th Congress, by section (*e.g.*, *Manual* § 601); to the volume and section of *Hinds* or *Cannon* (*e.g.*, 6 Cannon § 200); to the chapter and section of *Deschler* or *Deschler-Brown* (*e.g.*, Deschler Ch 12 § 16); to the *Congressional Record*, by Congress, session, date and page (*e.g.*, 100–2, Sept. 30, 1988, p 27329); and to the United States Code, by title and section (*e.g.*, 43 USC § 1651).

Charles W. Johnson Parliamentarian 1994–

Chapter Outline

Chapter 1. Adjournment (p. 1) Chapter 2. Amendments (p. 15) Chapter 3. Appeals (p. 65) Chapter 4. Appropriations (p. 71) Chapter 5. Assembly of Congress (p. 157) Chapter 6. Bills and Resolutions (p. 167) Chapter 7. Budget Process (p. 187) Chapter 8. Calendar Wednesday (p. 213) Chapter 9. Calendars (p. 223) Chapter 10. Chamber, Rooms, and Galleries (p. 227) Chapter 11. Committees (p. 233) Chapter 12. Committees of the Whole (p. 295) Chapter 13. Conferences Between the Houses (p. 329) Chapter 14. Congressional Disapproval Actions (p. 363) Chapter 15. Congressional Record (p. 367) Chapter 16. Consideration and Debate (p. 375) Chapter 17. Contempt (p. 443) Chapter 18. Delegates and Resident Commissioner (p. 449) Chapter 19. Discharging Measures From Committees (p. 451) Chapter 20. District of Columbia Business (p. 459) Chapter 21. Division of the Question for Voting (p. 465) Chapter 22. Election Contests and Disputes (p. 475) Chapter 23. Election of Members (p. 481) Chapter 24. Electoral Counts; Selection of President and Vice President (p. 487) Chapter 25. Ethics; Committee on Standards of Official Conduct (p. 493) Chapter 26. Germaneness of Amendments (p. 525) Chapter 27. Impeachment (p. 587) Chapter 28. Journal (p. 605) Chapter 29. Lay on the Table (p. 613) Chapter 30. Messages Between the Houses (p. 619) Chapter 31. Morning Hour; Call of Committees (p. 623)

Chapter 36. Order of Business; Privileged Business (p. 653)

Chapter 32. Motions (p. 627) Chapter 33. Oaths (p. 631)

Chapter 34. Office of the Speaker (p. 637) Chapter 35. Officers and Offices (p. 645)

HOUSE PRACTICE

- Chapter 37. Points of Order; Parliamentary Inquiries (p. 661)
- Chapter 38. Postponement (p. 675)
- Chapter 39. Previous Question (p. 681)
- Chapter 40. Private Calendar (p. 697)
- Chapter 41. Question of Consideration (p. 703)
- Chapter 42. Questions of Privilege (p. 707)
- Chapter 43. Quorums (p. 731)
- Chapter 44. Reading, Passage, and Enactment (p. 753)
- Chapter 45. Recess (p. 767)
- Chapter 46. Recognition (p. 773)
- Chapter 47. Reconsideration (p. 791)
- Chapter 48. Refer and Recommit (p. 803)
- Chapter 49. Resolutions of Inquiry (p. 817)
- Chapter 50. Rules and Precedents of the House (p. 823)
- Chapter 51. Senate Bills; Amendments Between the Houses (p. 829)
- Chapter 52. Special Orders of Business (p. 857)
- Chapter 53. Suspension of Rules (p. 871)
- Chapter 54. Unanimous-Consent Agreements (p. 881)
- Chapter 55. Unfinished Business (p. 893)
- Chapter 56. Unfunded Mandates (p. 897)
- Chapter 57. Veto of Bills (p. 901)
- Chapter 58. Voting (p. 909)
- Chapter 59. Withdrawal (p. 937)
- Index (p. 943)