



BASIC » TRAINING

PARLIAMENTARY PROCESS,
FACTS, AND STRATEGIES

Reading a “Rule” for Floor Consideration

The Rules Committee routinely establishes the terms and conditions of legislative debates on the floor, including the length of that debate and the amendments — if any — made in order. The mechanism used to perform this function is a **special order of business**, commonly referred to as a “rule.” In order to determine the terms of each rule, three documents need to be consulted: (1) the simple resolution providing for consideration of the bill, (2) the report to accompany the resolution, and (3) the “roadmap” document produced by the Rules Committee for its own consideration of the rule.

BASIC TYPES OF RULES

Bills in the House are considered under 3 basic types of rules: (1) “**closed**” rules, which allow no amendments, (2) “**structured**” rules, which allow only certain specified amendments, and (3) “**open**” rules, which allow the offering of any amendment so long as it complies with the basic rules of the House. There are also variations on each of these, the most common being “**modified-open**” rules, which require the preprinting of amendments in the Congressional Record, and “**substitute-only**” rules, which only allow the offering of an alternative by the Minority. While there are variations in the language among the different types of rules, the documents describing them are similar

THE “ROADMAP”

The “**roadmap**” is essentially the markup document used by the rules committee for its meetings on rules. Named for the bulleted items at the top, the document contains (1) a plain-language description of the terms of the rule, (2) the text of the

resolution that will be reported to the House, and (3) summaries of any amendments made in order, along with the names of the Members authorized to offer the amendment and the time for which it can be debated.

The bullets at the top describe the major elements of the rule, and always begin with the type of rule (structured, closed, etc.). Each bullet corresponds to a provision in the resolution and occasionally contains additional explanatory language.

This document also forms the basis for the summary of the rule on both the Majority and Democratic web sites. The versions on the web site will often have links to the text of the amendments as well.

THE RESOLUTION

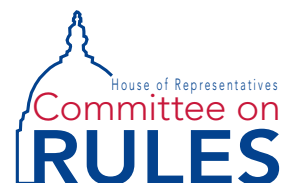
The most important document related to a rule is the text of **the resolution reported by the Rules Committee**. It is this resolution which is voted on by the House and which sets up the terms of debate for the bill which is the object of the resolution. Each provision of the resolution addresses

an element of the debate, and determines which points of order are available, which amendments are made in order, and how the bill may be handled generally. The resolution may reference other documents, such as the committee report, but it is the resolution itself which contains all of the operative provisions of a rule.

THE RULES COMMITTEE REPORT

The committee report to accompany a rule also explains the major provisions of a rule (similar to the roadmap), along with other supporting material. Most importantly, in an amendment which makes one or more amendments in order, the committee report contains a list of the amendments, amendment summaries, and the text of the amendments themselves. The amendments are incorporated into the rule by reference.

The report also contains other explanatory material, such as an explanation of





Reading Rules *continued*

the waivers granted under the rule, and a listing of votes taken in committee.

KEY PHRASES IN RULES

Reading a special order of business may seem complicated, but by breaking it down, it's easy to see what each portion of a rule does.

House or Committee? The first line of the resolution will say whether the bill will be considered in the House or the Committee of the Whole. If the phrase “the Speaker may...declare the House resolved into the Committee of the Whole House on the State of the Union for consideration...”, the bill will be in the Committee of the Whole; if the phrase “upon the adoption of this resolution it shall be in order to consider in the House...” then the bill will be considered in the House.

Points of Order against the bill. The next sentence in the rule usually waives all **points of order against consideration** of the bill, except provisions relating to earmarks and PAYGO. Later in the rule, there will be a separate sentence waiving point of order against “provisions in the bill” that could be stricken for violations of the rules.

General debate. The rule establishes the **overall time for general debate**, as well as any divisions of time between committees of jurisdiction. If a measure is important, or there are a lot of committees of jurisdiction, the time for general debate will be evenly divided between the majority and minority leaders.

Amendments. If a bill is being considered in the Committee of the Whole, it is “considered for amendment under the five-minute rule.” The rule will also specify the base text to be used, such as “the amendment printed in the bill,” (referring to the committee reported version) or “the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules” (referring to a further amendment **self-executed** by the Rules Committee).

Sometimes, there are **multiple parts** to a Rules Committee report. For instance, there may be a case where the Rules Committee notices a new text for purposes of soliciting amendments. The rule then establishes that text as the base text for further amendment (without regard to the bill reported by the committee), which would be shown in Part A of the report. If the Rules Committee needs to self-execute a further amendment, it would be carried in Part B of the report, while individual amendments

to be considered on the floor would appear in Part C of the report.

The rule will limit further amendments to those printed in the report, and specify that each amendment (1) may only be offered in the order printed in the report, (2) may only be offered by the Member specified in the report, (3) is considered as read, (4) is only debatable for the time specified in the report, (5) is not subject to further amendment, and (6) is not subject to a division of the question. Finally the rule generally waives all points of order against the amendments, except earmarks and PAYGO.

With respect to who may offer an amendment, it is important to note that the Rules Committee report almost always specifies that an amendment may be offered by a Member or his or her designee, even though the roadmap and the text of the rule do not mention designees.

Previous Question. After the Committee of the Whole reports the bill back to the House, the rule will usually provide that the **previous question is considered as ordered** on the bill and any amendments adopted, except for a motion to recommit. The rule usually specifies that the motion to recommit may be with or without instructions, although this is usually governed by the House rule on motions to recommit.

Additional sections. A rule may contain additional sections tabling old rules, or dealing with housekeeping or other provisions which are not part of the normal amendment process. Sometimes, when a rule contains “lock-down” provisions or provisions intended to even further limit debate or other procedural remedies available under the basic rules of the House, those provisions may appear in a separate section.

It is also common in the 112th Congress for a single rule to provide for consideration of multiple measures, largely to conserve limited floor time for consideration of bills, rather than rules.