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The Legislative Process on the House Floor: An Introduction



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Summary

With very few exceptions, the House determines and enforces its own procedures for considering legislation on the floor. Its standing rules include several alternative sets of procedures for acting on individual bills and resolutions. The choices made among these procedures usually depend on how important and controversial each measure is. In general, though, all these procedures permit a majority of Members to work their will without excessive delays.

The House passes many bills by motions to suspend the rules, with limited debate and no floor amendments, but only with the support of at least two-thirds of the Members voting. Most major bills first are considered in Committee of the Whole before being passed by a simple majority vote of the House. The Committee of the Whole is governed by more flexible procedures than the basic rules of the House, under which a majority can vote to pass a bill after only one hour of debate and with no floor amendments. The Rules Committee is instrumental in recommending procedures for considering major bills, and may propose restrictions on the floor amendments that Members can offer.

The daily order of business on the House floor is governed by standing rules that make certain matters and actions privileged for consideration, and by House decisions to grant other individual bills privileged access to the floor, usually upon recommendation of the Rules Committee. Although a quorum is supposed to be present on the floor when the House is conducting business, the House assumes a quorum is present unless a quorum call or electronically recorded vote demonstrates that it is not. However, the standing rules preclude quorum calls at most times other than when the House is voting. Questions are first decided by voice vote, though any Member then may demand a division vote. Before the final result of a voice or division vote is announced, Members can secure an electronically recorded vote instead, if enough Members desire it or if a quorum is not present in the House.

Contents

Introduction	1
The Nature of the Rules	1
The House and the Committee of the Whole	2
Limitations on Debate	2
Four Modes of Consideration	3
Under Suspension of the Rules	3
In the House under the Hour Rule	4
In Committee of the Whole and the House	6
General Debate	6
Amending Process	6
Final Passage	7
In the House as in Committee of the Whole	8
The Calendars and the Order of Business	8
The Rules Committee and Special Rules	9
Senate Amendments and Conference Reports	10
Voting and Quorum Procedures	12
The Daily Order of Business	13
Sources of Additional Information	14
CRS Reports	14

The Legislative Process on the House Floor: An Introduction

Introduction

A complicated body of rules, precedents, and practices governs the legislative process on the floor of the House of Representatives. The official manual of House rules is more than a thousand pages long and is supplemented by more than 25 volumes of precedents, with more volumes to be published in coming years. Yet there are two reasons why gaining a fundamental understanding of the House's legislative procedures is not as difficult as the sheer number and size of these documents might suggest.¹

First, the ways in which the House applies its rules are relatively predictable, at least in comparison with the Senate. Some rules certainly are more complex and more difficult to interpret than others, but the House does tend to follow similar procedures under similar circumstances. Even the ways in which the House frequently waives, supplants, or supplements its regular rules with special, temporary procedures generally fall into a relatively limited number of recognizable patterns.

Second, underlying most of the rules that Representatives may invoke and the procedures the House may follow is a fundamentally important premise — that a majority of Members ultimately should be able to work their will on the floor. While House rules generally do recognize the importance of permitting any minority, partisan or bipartisan, to present its views and sometimes to propose its alternatives, the rules do not enable that minority to filibuster or use other devices to prevent the majority from prevailing without undue delay.² This principle provides an underlying coherence to the various specific procedures that are discussed briefly in this report.

The Nature of the Rules

Article I of the Constitution imposes a few restrictions on House (and Senate) procedures — for example, requirements affecting quorums and roll call votes — but otherwise the Constitution authorizes each house of Congress to determine for itself the “Rules of its Proceedings”(Article 1, Section 5).

¹ This report was written by Stanley Bach, a former Senior Specialist in the Legislative Process at CRS. The other listed author updated the report and can respond to inquiries on the subject.

² This premise is not characteristic of Senate rules and procedures, and this difference most clearly distinguishes between the general approaches that the two chambers traditionally have taken to the legislative process.

This grant of authority has several important implications. First, the House can amend its rules unilaterally; it need not consult with either the Senate or the President. Second, the House is free to suspend, waive, or ignore its rules whenever it chooses to do so. By and large, the Speaker or whatever Representative is presiding usually does not enforce the rules at his or her own initiative. Instead, Members must protect their own rights and interests by making points of order whenever they believe that the rules are about to be violated. In addition, House rules include several formal procedures for waiving or suspending certain other rules, and almost any rule can be waived by unanimous consent. Thus, the requirements and restrictions discussed in this report apply only if the House chooses to enforce them.

The House and the Committee of the Whole

Actually, much of the legislative process on the floor occurs not “in the House,” but in a committee of the House known as the Committee of the Whole (formally, the Committee of the Whole House on the State of the Union). Every Representative is a member of the Committee of the Whole, and it is in this Committee, meeting in the House chamber, that major bills usually are debated and amended before being passed or defeated by the House itself. Most bills first are referred to, considered in, and reported by a standing committee of the House before coming to the floor. In much the same way, once bills do reach the floor, many of them then are referred to a second committee, the Committee of the Whole, for further debate and for the consideration of amendments.

The Speaker presides over meetings of the House but not over meetings of the Committee of the Whole. Instead, he appoints another member of the majority party to serve as the chair of the Committee of the Whole during the time the Committee is considering a particular bill or resolution. In addition, the rules that apply in Committee of the Whole are somewhat different from those that govern meetings of the House itself. The major differences are discussed in the following sections of this report. In general, the combined effect of these differences is to make the procedures in Committee of the Whole — especially the procedures for offering and debating amendments — considerably more flexible than those of the House.

Limitations on Debate

If for no other reason than the size of its membership, the House has found it necessary to limit the opportunities for each Representative to participate in floor deliberations. Whenever a Member is recognized to speak on the floor, there always is a time limit on his or her right to debate. The rules of the House never permit a Representative to hold the floor for more than one hour. Under some parliamentary circumstances, there are more stringent limits, with Members being allowed to speak for no more than 5, 20, or 30 minutes.

Furthermore, House rules sometimes impose a limit on how long the entire membership of the House may debate a motion or measure. Many bills and

resolutions, for instance, are considered under a package of procedures called “suspension of the rules” (discussed later in this report), that limits all debate on a measure to a total of 40 minutes. Under other conditions, when there is no such time limit imposed by the rules, the House (and to some extent, the Committee of the Whole as well) can impose one by simple majority vote. These debate limitations and debate-limiting devices generally prevent a minority of the House from using opportunities for delay to thwart the will of the majority.

House rules also limit debate in other important respects. First, all debate on the floor must be germane to whatever legislative business the House is conducting. Representatives may speak on other subjects only in “one-minute” speeches made at the beginning of each day’s session, “special order” speeches occurring after the House has completed its legislative business for the day, and during “morning hour” debates that are scheduled on certain days. Second, all debate on the floor must be consistent with certain rules of courtesy and decorum. For example, a Member should not question or criticize the motives of a colleague.

Four Modes of Consideration

There is no one single set of procedures that the House always follows when it considers a public bill or resolution on the floor. Instead, there are four different modes of consideration, or different packages of procedural rules, that the House uses. In some cases, House rules require that certain kinds of bills be considered in certain ways. By various means, however, the House chooses to use whichever mode of consideration is most appropriate for a given bill. Which of these modes the House uses depends on such factors as the importance and potential cost of the bill and the amount of controversy over its provisions and merits. The differences among these packages of procedures rest largely on the balance that each strikes between the opportunities for Members to debate and propose amendments, on the one hand, and the ability of the House to act promptly, on the other.

Under Suspension of the Rules

The House frequently resorts to a package of procedures that enables it to act quickly on bills that enjoy overwhelming but not unanimous support. Although this package is called “suspension of the rules,” clause 1 of Rule XV provides for these procedures as an alternative to the other modes of consideration. The essential components of suspension of the rules are (1) a 40-minute limit on debate, (2) a prohibition against floor amendments, and (3) a two-thirds vote for passage.

On every Monday, Tuesday, and Wednesday, and often during the closing days of a session, the Speaker may, if he chooses, recognize Members to move to suspend the rules and pass a particular bill (or take some other action, such as agreeing to the Senate’s amendments to a House bill). Once such a motion is made, the motion and the bill itself together are debatable for a total of only 40 minutes. Half of the time is controlled by the Representative making the motion, often the chair of the committee with jurisdiction over the bill; the other half usually is controlled by the ranking minority member of the committee (or sometimes the subcommittee) of

jurisdiction, especially when he or she opposes the motion. The motion may propose to pass the bill with certain amendments, but no Member may propose an amendment from the floor.

During the debate, the two Members who control the time yield parts of it to other Members who wish to speak. At the end of the 40 minutes, a single vote occurs on suspending the rules and simultaneously passing the bill. If two-thirds of the Members present vote “Aye” the motion is agreed to and the bill is passed. If the motion fails, the House may debate the bill again at another time, perhaps under another mode of consideration that permits floor amendments and more debate and that requires only a simple majority vote for passage.

The House frequently considers several suspension motions on the same day, which could result in a series of electronically recorded votes taking place at 40-minute intervals. For the convenience of the House, therefore, clause 8 of Rule XX permits the Speaker to postpone electronic votes that Members have demanded on motions to suspend the rules until a later time on the same day or the following day. When the votes do take place, they are “clustered,” occurring one after the other without intervening debate.

To avoid having these procedures used to consider bills that merit a more elaborate process of debate and amendment, a rule of the House Republican Conference places additional limitations on the measures that can be scheduled for consideration under suspension of the rules. According to the party rule, a measure cannot be considered under suspension of the rules if it creates a new program, reauthorizes a provision of law that was originally set to expire, or increases authorizations, appropriations, or direct spending by more than 10% in any given year.³ A measure also cannot be considered under suspension if more than one-third of the committee members opposed it, if it was not cleared by the minority party, or if no cost estimate was provided. A majority of the elected Republican leadership can grant a waiver of the conference rule. Although this is not a rule of the House, it still can be effective because the Speaker, who is selected by and accountable to the majority party conference or caucus, has the discretion to decide whether he will recognize a Member to make a suspension motion. In effect, the Conference rule is a constraint on how the Speaker exercises his discretionary authority.

In the House under the Hour Rule

One of the ironies of the legislative process on the House floor is that the House does relatively little business under the basic rules of the House. Instead, most of the debate and votes on amendments to major bills occur in Committee of the Whole. This is largely because of the rule that generally governs debate in the House itself.

The rule controlling debate during meetings of the House (as opposed to meetings of the Committee of the Whole) is clause 2 of Rule XVII, which states in part that “[a] Member, Delegate, or Resident Commissioner may not occupy more

³ Susan Davis, “House GOP, Dems Wrap Up Reorganization Efforts for 109th,” *National Journal’s CongressDaily*, Nov. 18, 2004.

than one hour in debate on a question in the House” In theory, this rule permits each Representative to speak for as much as an hour on each bill, on each amendment to each bill, and on each of the many debatable motions that Members could offer. Thus, there could be more than four hundred hours of debate on each such question, a situation that would make it virtually impossible for the House to function effectively.

In practice, however, this “hour rule” usually means that each measure considered “in the House” is debated by all Members for no more than a total of only one hour before the House votes on passing it. The reason for this dramatic difference between the rule in theory and the effect of the rule in practice lies in the consequences of a motion to order what is called “the previous question.”

When a bill or resolution is called up for consideration in the House — and, therefore, under the hour rule — the Speaker recognizes the majority floor manager to control the first hour of debate. The majority floor manager usually is the chair of the committee or subcommittee with jurisdiction over the measure, and most often supports its passage without amendment. This Member will yield part of his or her time to other Members, and may allocate control of half of the hour to the minority floor manager (usually the ranking minority member of the committee or subcommittee). However, the majority floor manager almost always yields to other Representatives “for purposes of debate only.” Thus, no other Member may propose an amendment or make any motion during that hour.

During the first hour of debate, or at its conclusion, the majority floor manager invariably moves the previous question. This motion, which is not debatable, asks the House if it is ready to vote on passing the bill. If a majority votes for the motion, no more debate on the bill is in order, nor can any amendments to it be offered; usually the House votes immediately on whether to pass the bill. Only if the House votes not to order the previous question can debate on the bill continue into a second hour, during which the bill may be amended. Thus, Members who want to amend the measure first must convince the House to vote against ordering the previous question. If they are successful, then the Member controlling the second hour of debate may propose an amendment. However, it is very unusual for the House not to vote for the previous question; so the House disposes of most measures considered in the House, under the hour rule, after no more than one hour of debate, and with no opportunity for amendment from the floor.

These are not very flexible and accommodating procedural ground rules for the House to follow in considering most legislation. Debate on a bill usually is limited to one hour, and only one or two Members control this time. Before an amendment to the bill can even be considered, the House first must vote against a motion to order the previous question. For these reasons, most major bills are not considered in the House under the hour rule. Instead, they are considered under a third and more complicated mode of consideration, a package of procedures involving the Committee of the Whole.

In Committee of the Whole and the House

Clause 3 of Rule XVIII requires that most bills affecting Federal taxes and spending be considered in Committee of the Whole before the House votes on passing them. Most other major bills also are considered in this way. Most commonly, the House adopts a resolution, reported by the Rules Committee, that authorizes the Speaker to declare the House resolved into Committee of the Whole to consider a particular bill. In the case of general appropriations bills, however, the Chair of the Appropriations Committee can move that the House resolve into Committee of the Whole to consider such a bill.

General Debate. There are two distinct stages to consideration in Committee of the Whole. First, there is a period for general debate, which most often is limited to an hour.⁴ Each of the floor managers usually controls half the time, yielding parts of it to other Members who want to participate in the debate. During general debate, the two floor managers and other Members discuss the bill, the conditions prompting the committee to recommend it, and the merits of its provisions. Members may describe and explain the reasons for the amendments that they intend to offer, but no amendments can actually be proposed at this time. During or after general debate, the majority floor manager may move that the Committee rise — in other words, that the Committee transform itself back into the House. When the House agrees to this motion, it may resolve into Committee of the Whole again at another time to resume consideration of the bill. Alternatively, the Committee of the Whole may proceed immediately from general debate to the next stage of consideration, the amending process.

Amending Process. The Committee of the Whole usually considers a bill for amendment section by section or title by title. Amendments to each section or title of the bill are in order after the part they would amend has been read or designated, and before the next section or title is read or designated. Alternatively, the bill may be open to amendment at any point, usually by unanimous consent. The first amendments considered to each part of the bill are those (if any) recommended by the committee that reported it. Thereafter, members of the committee usually are recognized before other Representatives to offer their own amendments. All amendments must be germane to the text they would amend. Germaneness is a subject matter standard more stringent than one of relevancy and reflects a complex set of criteria that have developed by precedent over the years.

The Committee of the Whole only votes on amendments; it does not vote directly on the bill as a whole. And like the standing committees of the House, the Committee of the Whole does not actually amend the bill; it only decides on the amendments that it will propose to the House. The motion to order the previous question may not be made in Committee of the Whole, so Members usually may offer whatever germane amendments they wish, unless prevented from doing so by

⁴ The length of general debate on a bill is determined either by unanimous consent or by adoption of a resolution, reported by the Committee on Rules, that typically affects various aspects of the procedures for considering that bill. These resolutions are discussed in the section of this report on the Rules Committee and special rules.

the terms of a special rule. After voting on the last amendment to the last portion of the bill, the Committee rises and reports the bill back to the House with whatever amendments it has agreed to.

An amendment to a bill is a first-degree amendment. After such an amendment is offered, but before the Committee votes on it, another Member usually may offer a perfecting amendment to make some change in the first degree amendment. A perfecting amendment to a first-degree amendment is a second-degree amendment. After debate, the Committee first votes on the second-degree perfecting amendment and then on the first-degree amendment as it may have been amended. Clause 6 of Rule XVI also provides that a Member may offer a substitute for the first-degree amendment, before or after a perfecting amendment is offered, and this substitute may be amended. Although a full discussion of these possibilities is beyond the scope of this report, it is important to note that the amending process can become complicated, with Members proposing several choices before the Committee votes on any of them.

Debate on amendments in Committee of the Whole is governed by the five-minute rule, not the hour rule that governs debate in the House. The Member offering each amendment (or the majority floor manager, in the case of a committee amendment) first is recognized to speak for five minutes. Then a Member opposed to the amendment may claim five minutes for debate. Other Members also may speak for five minutes each by offering a motion “to strike the last word.” Technically, this motion is an amendment that proposes to strike out the last word of the amendment being debated. But it is a “pro forma amendment” that is offered merely to secure time for debate, and so is not voted on when the five minutes expire. In this way, each Representative may speak for five minutes on each amendment. However, a majority of the Members can vote (or agree by unanimous consent) to end the debate on an amendment immediately or at some specified time.

Final Passage. When the Committee finally rises and reports the bill back to the House, the House proceeds to vote on the amendments the Committee has adopted. It usually approves all these amendments by one vote, though Members can demand separate votes on any or all of them. After a formal and routine stage called third reading and engrossment (when only the title of the bill is read), there is then an opportunity for a Member, usually of the minority party, to offer a motion to recommit the bill to committee. If the House agrees to a simple motion to recommit, which only proposes to return the bill to committee, the bill is normally effectively killed. Instead, motions to recommit frequently include instructions that the committee report the bill back to the House immediately with an amendment that is stated in the motion. If the House agrees to the motion, it then votes on the amendment itself, so a motion to recommit with instructions is really a final opportunity to amend the bill before the House votes on whether to pass it.

Thus, this complicated mode of consideration, which the House uses to consider most major bills, begins in the House with a decision to resolve into Committee of the Whole to consider a particular bill. General debate and the amending process take place in Committee of the Whole, but ultimately it is the House that formally amends and then passes or rejects the bill.

In the House as in Committee of the Whole

A fourth mode of consideration, which the House does not use very often, is a hybrid form that combines features of the procedures that apply in the House under the hour rule and those that apply in Committee of the Whole. This package of procedures, known as the House meeting “as in Committee of the Whole,” has evolved by precedent, and none of the House rules explicitly defines its elements. It may be used to consider private bills, and it was used routinely, although only by unanimous consent, to consider bills reported by the Committee on the District of Columbia before the House abolished that committee in 1995.

A measure considered in this way is debated under the five-minute rule; the hour rule does not apply, nor is there a period for general debate. The majority floor manager secures time to make his opening statement on the bill by moving to strike the last word that is, the last word of the bill. All other Members who want their own time to speak use the same device. The bill is open to amendment at any point; it is not read for amendment, as are bills being amended under the five-minute rule in Committee of the Whole. But like procedures in the House under the hour rule, the majority floor manager may move the previous question on an individual amendment or on the bill and all amendments to it. Votes on amendments are final because they occur in the House itself. After acting on the last amendment and ordering the bill engrossed and read the third time (by title only), the House votes on final passage.

The Calendars and the Order of Business

When a House committee reports a public bill or resolution that had been referred to it, the measure is placed on the House Calendar or the Union Calendar. In general, tax, authorization, and appropriations bills are placed on the Union Calendar; all others go to the House Calendar. In effect, the calendars are catalogues of measures that have been approved, with or without proposed amendments, by one or more House committees, and now are available for consideration on the floor.⁵ Because it would be impractical for the House to take up measures in the chronological order in which they are reported and placed on one of the calendars, there must be some procedures for deciding the order in which measures are to be brought from the calendars to the House floor — in other words, procedures for determining the order of business.

Clause 1 of Rule XIV lists the daily order of business on the floor, beginning with the opening prayer, the approval of the Journal, which is the official record of House proceedings required by the Constitution, and the Pledge of Allegiance. Apart from these routine matters, however, the House never follows the order of business laid out in this rule. Instead, certain measures and actions are privileged, meaning that they may interrupt the regular order of business. In practice, all the legislative business that the House conducts comes to the floor by interrupting the order of

⁵ Committees also may report measures unfavorably or without recommendation, but they rarely do so. Instead, committees usually do not report the bills and resolutions they do not approve.

business under Rule XIV, either by unanimous consent or under the provisions of another House rule. Every bill and resolution that cannot be considered by unanimous consent must become privileged business if it is going to reach the floor at all.

Measures considered under some of the modes of consideration discussed above are privileged on certain days. For example, on any Monday, Tuesday, or Wednesday, the Speaker can recognize Members to move to suspend the rules and pass bills. Suspension motions are privileged on those days and so the bills they involve may be considered. Private bills are privileged for consideration on the first and third Tuesdays of each month (under clause 5 of Rule XV). Clause 4 of the same rule makes bills relating to the District of Columbia, if reported by the Committee on Government Reform, in order on the second and fourth Mondays.

In addition, clause 5(a) of Rule XIII grants certain committees the right to report certain kinds of measures at any time, meaning that those measures may be called up on the floor as privileged business whenever another matter is not already pending. These privileged measures include general appropriations bills (from the Appropriations Committee), budget resolutions and reconciliation bills (from the Budget Committee), resolutions to fund House committees (from the Committee on House Administration), and measures changing House rules (from the Rules Committee). However, most major bills do not fall into one of these categories, nor do they enjoy enough support to pass under suspension of the rules. Another approach is necessary for them to become privileged for floor action. This approach is based on the Rules Committee's jurisdiction over measures affecting the order of business on the floor.

The Rules Committee and Special Rules

Clause 1(m) of Rule X authorizes the Rules Committee to report resolutions affecting the order of business. Such a resolution — which is called a “rule” or special rule — usually proposes to make a bill in order for floor consideration so that it can be debated, amended, and passed or defeated by a simple majority vote. In effect, each special rule recommends to the House that it take from the Union or House Calendar a measure that is not otherwise privileged business and bring it to the floor out of its order on that calendar. Typically, such a resolution begins by providing that, at any time after its adoption, the Speaker may declare the House resolved into the Committee of the Whole for the consideration of that bill. Because the special rule itself is privileged, under clause 5(a) of Rule XIII, the House can debate and vote on it promptly. If the House accepts the Rules Committee's recommendation, it proceeds to consider the bill itself.

One fundamental purpose of most special rules, therefore, is to make another measure privileged so that it may interrupt the regular order of business. Their other fundamental purpose is to set special procedural ground rules for considering that measure; these ground rules may either supplement or supplant the standing rules of the House. For example, the special rule typically sets the length of time for general debate in Committee of the Whole and specifies which Members are to control that

time. In addition, the special rule normally includes provisions that expedite final House action on the bill after the amending process in Committee of the Whole has been completed. Special rules also may waive points of order that Members otherwise could make against consideration of the bill, against one of its provisions, or against an amendment to be offered to it.

The most controversial provisions of special rules affect the amendments that Members can offer to the bill that the resolution makes in order. An “open rule” permits Representatives to propose any amendment that meets the normal requirements of House rules and precedents — for example, the requirement that each amendment must be germane. At the other extreme, a “closed rule” prohibits all amendments, except perhaps for committee amendments and pro forma amendments (to strike the last word) offered only for purposes of debate. The Rules Committee also has proposed a variety of restrictive special rules, sometimes called “modified open” or “modified closed” rules, that either prohibit certain amendments or permit only certain amendments. These provisions are very important because they can prevent Representatives from offering amendments as alternatives to provisions of the bill, thereby limiting the policy choices that the House can make.

However, the Rules Committee only makes recommendations to the House. Members debate each of its resolutions in the House under the hour rule and then vote to adopt or reject it. If the House votes against ordering the previous question on a special rule, a Member may offer an amendment to it, proposing to change the conditions under which the bill itself is to be considered. Thus, the Rules Committee is instrumental in helping the House formulate its order of business and in setting appropriate ground rules for considering each bill. But the House retains ultimate control over what it does, when, and how.

Senate Amendments and Conference Reports

Before any bill can become law, both the House and the Senate must pass it, and the two houses must agree on each and every one of its provisions. This constitutional requirement means that the House must have procedures to respond when the House and Senate pass different versions of the same bill. For example, the House may pass a Senate bill with House amendments, or the Senate may pass a House bill with Senate amendments and then send its amendments to the House. In either case, the two houses must resolve their differences over these amendments before the legislative process is completed.

There are essentially two ways to approach this stage of the process: either (1) by dealing with the amendments individually, through a process of exchanging amendments between the houses, with the bill being sent back and forth between the House and Senate, or (2) by dealing with the amendments collectively, through a conference committee of Representatives and Senators who negotiate a series of compromises and concessions that are compiled in a conference report that the two houses can vote to accept. Because the process of resolving differences between the houses can be quite complicated, only some of its basic elements are summarized here.

The House normally considers Senate amendments to a House bill by unanimous consent or by suspension of the rules; the House may accept the amendments (concur in them) or amend them (concur in them with House amendments). Alternatively, the committee with jurisdiction over the bill may authorize its chair to move that the House disagree to the Senate's amendments and send them to a conference committee. When the House amends and passes a Senate bill, it may request a conference with the Senate immediately, or it may simply send its amendments to the Senate in the hope that the Senate will accept them. If the Senate refuses to do so, it may request a conference with the House instead. On the other hand, if the House and Senate can reach agreement by proposing amendments to each other's positions, the bill can be sent to the President for his signature or veto without the need to create a conference committee.

If the House and Senate agree to send their versions of the bill to a conference committee, the Speaker appoints the House conferees. These conferees usually are drawn from the standing committee (or committees) with jurisdiction over the bill, although the Speaker may appoint some other Representatives as well. When the House and Senate conferees meet, they are to deal only with provisions of the bill on which the two houses disagree. They should not insert new provisions or change provisions that both houses already have approved. Furthermore, as the conferees resolve each provision or amendment in disagreement, they should accept the House position, the Senate position, or a compromise between them. Like almost all other House rules, the rules limiting the authority of conferees are enforced only if Members make points of order at the appropriate time. The House also may adopt a special rule, reported by the Rules Committee, waiving points of order against a conference report.

To complete their work successfully, a majority of the House conferees and a majority of the Senate conferees must sign a report that recommends all the agreements they have reached.⁶ The conferees also sign a "joint explanatory statement" that describes the original House and Senate positions and the conferees' recommendations.

After Representatives have had three days to examine a conference report, it is privileged for floor consideration; it may be called up at any time that the House is not already considering something else. The report is debated in the House, under the hour rule, so the vote almost always occurs after no more than one hour of debate. No amendments to the report are in order. The conference report is a proposed package settlement of a number of disagreements, so the House and Senate may accept it or reject it but they may not change it.⁷ If the two houses agree to the report,

⁶ There are other procedures for the conferees to follow if they cannot reach full agreement or if they want to propose something that is not within the scope of the differences between the original House and Senate positions.

⁷ However, the first house to consider a conference report also has the option of recommitting it to the conference committee in the hope that the conferees can reach a different and more acceptable agreement. House rules also include provisions for voting separately on conference report provisions, originating in the Senate, that would not have
(continued...)

by simple majority vote, all their differences have been resolved and the bill is then “enrolled,” or reprinted, for presentation to the President.

Sometimes conferees cannot reach agreement on one or more of the amendments in conference, or they may reach an agreement that they cannot include in their conference report because their proposal exceeds the scope of the differences between the House and Senate positions (and thus violates the rules governing the content of conference reports). In either case, the conferees may report back to the two houses with an amendment (or amendments) in disagreement. After acting on the conference report, dealing collectively with all the other amendments that were sent to conference, the House acts on each of the amendments in disagreement by considering motions such as a motion to accept the Senate’s amendment or a motion to amend it with a new House amendment. The Senate takes similar action until the disagreements on these amendments are resolved, or until the two houses agree to create a new conference committee only to address the remaining amendments that are still in disagreement. The bill cannot become law until the two houses resolve all the differences between their positions.

Voting and Quorum Procedures

Whenever Representatives vote on the floor, there first is a “voice vote,” in which the Members in favor of the bill, amendment, or motion vote “Aye” in unison, followed by those voting “No.” Before the Speaker (or the chair of the Committee of the Whole) announces the result, any Representative can demand a “division vote,” in which the Members in favor stand up to be counted, again followed by those opposed. But before the result of either a voice vote or a division vote is announced, a Member may try to require another vote in which everyone’s position is recorded publicly.

This vote is taken by using the House’s electronic voting system. In Committee of the Whole, an electronic vote is ordered when 25 Members request it. In the House, such a vote occurs when demanded by at least one-fifth of the Members present. Alternatively, any Member can demand an electronically recorded vote in the House if a quorum of the membership is not present on the floor when the voice or division vote takes place.

The Constitution requires that a quorum must be present on the floor when the House is conducting business. In the House, a quorum is a majority of the Representatives; in Committee of the Whole, it is only 100 Members. However, the House traditionally has assumed that a quorum is always present unless a Member makes a point of order that it is not. The rules restrict when Members can make such points of order, and they occur most often when the House or the Committee of the Whole is voting. In the House, for example, a Representative can object to a voice or division vote on the grounds that a quorum is not present, and make that point of

⁷ (...continued)

been germane if offered as House floor amendments to the bill. But these are often dealt with instead by a waiver in a special rule.

order. If a quorum is not present, the Speaker automatically orders an electronically recorded vote during which Members record their presence on the floor by casting their votes. The issue is decided and a quorum is established at the same time. A voice or division vote is valid even if less than a quorum participates in the vote, so long as no one makes a point of order that a quorum is not present. For this reason, Members can continue to meet in their committees or fulfill their other responsibilities off the floor when the House is doing business that does not involve publicly recorded votes.

The Daily Order of Business

After the opening prayer on each day, the Speaker announces his approval of the Journal of the previous day's proceedings. A Member may require a recorded vote on agreeing to the Speaker's approval of the Journal — not because of any question about the accuracy of the Journal, but to determine which Representatives may not be in the Capitol or the House office buildings that day. Following the Pledge of Allegiance, some Members then ask unanimous consent to address the House for one minute each on whatever subjects they wish, including subjects unrelated to the scheduled legislative business of the day.

To the extent possible, the majority party leaders and the committee chairmen arrange the legislative schedule for each week in advance. During the last floor session of the week, the Majority Leader normally announces the expected schedule for the coming week. Changes in the schedule may be announced as they are made. To be considered, a bill or resolution must enjoy the privilege to interrupt the regular order of business. Various kinds of legislative business are privileged, however. So the Speaker enjoys considerable discretion in deciding the order in which privileged matters should be considered, and, therefore, the order in which he recognizes Members to call them up on the floor. On the other hand, the Speaker's discretion is limited by rules such as the ones that set aside specific days for considering certain kinds of business, such as bills concerning the District of Columbia.

As each item of business is completed, the Speaker anticipates which Member should be seeking recognition to call up the next bill or resolution. If another Representative requests to be recognized instead, the Speaker may ask, "For what purpose does the gentleman rise?," and he may decline to recognize that Member if he wants the House to consider another privileged bill, motion, or conference report. If a bill is to be considered in Committee of the Whole, the majority party leaders and the committee chair may decide in advance whether the Committee should only complete general debate on that day or whether to proceed with the amending process as well. The ability to set the House's floor schedule is one of the primary powers and responsibilities of the majority party leaders, though they often consult with the minority party leaders. On occasion, however, a majority of the Members have voted against a special rule — and, therefore, against considering a bill — even when the Speaker and his leadership colleagues wish the House to debate and pass it.

At the end of legislative business on most days, some Members address the House for as much as an hour each on subjects of their choice. These "special order"

speeches are arranged in advance by unanimous consent. In this way, Representatives can comment at length on current national and international issues, and discuss bills that have not yet reached the House floor. The House often adjourns by late afternoon, although it may remain in session throughout the evening when an emergency arises or when the end of the annual session or some other deadline approaches.

Sources of Additional Information

The House rules for each Congress are published in a volume often called the House manual, but officially entitled *Constitution, Jefferson's Manual and Rules of the House of Representatives*. A new edition of this collection is published each Congress. The precedents of the House established through 1935 have been compiled in the 11-volume set of *Hinds' and Cannon's Precedents of the House of Representatives*. More recent precedents are in the process of being published as *Deschler's* or *Deschler-Brown Precedents of the U.S. House of Representatives*; 16 volumes of this set now are available. The House's procedures are explained in *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, by Wm. Holmes Brown, Parliamentarian Emeritus of the House, and Charles W. Johnson, Parliamentarian of the House. The latest version of *House Practice* was published in 2003. The Parliamentarian and his assistants welcome inquiries about House procedures and offer expert assistance compatible with their other responsibilities.

CRS Reports

CRS Report 98-995. *The Amending Process in the House of Representatives*.

CRS Report RS20147. *Committee of the Whole: An Introduction*.

CRS Report RL32200. *Debate, Motions, and Other Actions in Committee of the Whole*.

CRS Report 96-708. *Conference Committees and Related Procedures: An Introduction*.

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CRS Report 97-647. *The Motion to Recommit in the House: The Minority's Motion*.

CRS Report RL30787. *Parliamentary Reference Sources: House of Representatives*.

CRS Report 98-696. *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*.

CRS Report 97-780. *The Speaker of the House: House Officer, Party Leader, and Representative.*

CRS Report 96-938. *Special Rules in the House of Representatives.*

CRS Report 98-796. *Suspension of the Rules in the House of Representatives.*

CRS Report 98-988. *Voting and Quorum Procedures in the House of Representatives.*