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Must Memorize, as I did
V. B.

2001

MANUAL ON LEGISLATIVE PROCEDURE

IN THE

UNITED STATES HOUSE OF REPRESENTATIVES

FIFTH EDITION

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INTRODUCTION

A. WHY BE CONCERNED?

Your responsibility to be an effective committee staff member is twofold. First, it is important to know your job and the subject matter of legislation before your committee. Second, and of equal importance, is your responsibility to understand and be conversant with the Rules, procedures, and precedents of the House.

Why be concerned about such things? Thomas Jefferson partly answered this question in addressing the importance of adhering to rules and cited the maxim that the rules of proceeding as instituted by the House of Commons operated as a check and control on the actions of the majority, and stated that they were, in many instances, a shelter and protection to the minority, against the attempts of power. In his manual Jefferson said:

"So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapon by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities." (emphasis added) Jefferson's Manual, Section 283.

In addition, a working knowledge of the Rules, procedure and precedents of the House is necessary in order to effectuate the will of the majority. . . .because the House never precludes a determined majority from working its will.

The Rules, procedures, and precedents of the House thus provide the uniformity, economy of time, and order for the House to accomplish its business and carry out the purposes of a legislative body.

B. PURPOSE AND SCOPE OF MANUAL

The purpose of this manual is to acquaint you, in a summary form, with the Rules, procedures, and precedents of the House, and in this way assist you in carrying out your responsibilities as an effective committee staff member.

The scope of this manual is simply a legislative skeleton. . .an outline of the various procedural problems you are likely to encounter. It will remain for you to add to it the rules and practices followed in your committee and other materials to make it a more complete reference source.

As time goes by, you will learn (sometimes the hard way) how the House carries forward its work. As you learn, the manual will grow with your notes, your references, and your experiences. We hope you will use it as the tool it is meant to be.

C. Since Last Time

There have been a number of changes and interesting procedural developments in the Congress since the 4th Edition of the Manual was published five years ago. Briefly, here are some of them:

- 1.. the advent of television in the House Chamber;
2. the continued growth and autonomy of subcommittees;
3. the great expansion of the number of caucuses and similar quasi-congressional groups;
4. the development of the Office of Technology Assessment and the Congressional Budget Office;
5. the change in the role of the Budget Committee (particularly through the 1981 reconciliation);
6. new standards for ethical behavior;
7. disclosure and limits on outside income;
8. the further implementation of the "sunshine" rule;
9. the War Powers Act and "Congressional Veto" statutes;
10. the establishment of a more formal process to handle subpoenas and litigative matters affecting the House;
11. new House rules on office accounts, franking, litigation and ethics;
12. the creation of a Permanent Select Committee on Intelligence; and
13. automatic passage of debt ceiling increases through the budget process.

In addition, unusual (though not unprecedented) procedural cases arose:

A secret session on the Panama Canal Bill occurred on June 20, 1979, page H4790 in the Record. House Rule XXIX was invoked by a vote of the House. Open debate took place on the floor May 17, 21, June 20, and 22, 1979.

The files are in the Archives. The secret session was published in the Congressional Record on July 17, 1979, with deletions.

On September 17, 1980, the House considered and passed H. Res. 722, a resolution to provide for a response to subpoenas by Members, House officers and employees. The debate is in the Record of September 17, 1980, pages H8943 - H8958. The resolution passed in the House by a vote of 380 - 23 and in the 97th Congress, it was adopted as House Rule L.

H. Res. 291, a resolution directing the President to provide Members of the House with information on the energy situation was reported from the Committee on Energy and Commerce on June 11, 1979. It was considered on the floor and passed on June 15, 1979. It can be found in the Congressional Record of June 15, 1979, pages H4582 - H4595. The House Report Number is 96-261. A motion to table the resolution was defeated by a vote of 4 - 338, with 92 not voting. The resolution passed by a vote of 340 - 4, with 90 not voting.

RULE CHANGES IN 95th, 96th AND 97th CONGRESSES

As pointed out earlier, at the beginning of each new Congress the House adopts its Rules of procedure. As is the custom, the Rules of the current Congress are the same as the previous Congress with various and usually relatively minor change. In the 95th, 96th and 97th Congresses which convened in January 1977, 1979 and 1981, the House did make a number of changes in the rules. Here are the significant changes that were made:

1. 95th CONGRESS

In the 95th Congress (January 1977) the operations of several committees were modified by rules changes. There were six changes in Rule X, and 11 changes in Rule XI. These 17 changes were a part of a package of 40 changes originally approved by the Democratic Caucus and later incorporated into H. Res. 5, 95th Congress.

Rule X -- ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

(a) Nuclear Energy Jurisdiction -- Rule X was amended at various points to reassign the legislative jurisdiction of the Joint Committee on Atomic Energy to several standing committees of the House.

(b) Banking & Currency Committee Name Change -- clause 1(d) of Rule X was amended to change the name of the Committee on Banking and Currency to "Committee on Banking, Finance and Urban Affairs."

(c) Ethics Committee Jurisdiction -- clause 1(t) of Rule X was amended to strip the Committee on Standards of Official Conduct of its legislative jurisdiction for financial disclosure and lobbying.

(d) Ethics Members Self-Disqualification -- clause 4(e)(2) of Rule X was amended to permit a member of the Committee on Standards of Official Conduct to disqualify himself from participating in a particular investigation by swearing he cannot render an impartial or unbiased decision. On acceptance of disqualification by committee, the Speaker was authorized to appoint another Member from the same party to sit on that investigation.

(e) Sequential Referral of Bills -- clause 5(c) of Rule X was amended to permit the Speaker to set a time limit on the first referral of a bill as well as subsequent referrals.

(f) Appointment of Conferees -- clause 6(e) of Rule X was amended to require the Speaker to appoint conferees who are primarily responsible for the legislation and, to the fullest extent feasible, include the principal proponents of the major provisions of the bill as it passed the House.

Rule XI -- RULES OF PROCEDURES FOR COMMITTEES

(a) Records of Ethics Committee -- clause 2(e)(2) of Rule XI was amended to prohibit Member access to the records of the Committee on Standards of Official Conduct regarding the conduct of a Member, Officer or employee, without the specific prior approval of the committee.

(b) Member Access to Closed Hearings -- clause 2(g)(2) of Rule XI was amended to permit House Members to attend a closed hearing of any committee or subcommittee (other than Standards of Official Conduct) unless the House, by majority vote, specifically bars Members from attending a particular hearing or series of hearings.

(c) One-third Quorum for Committee Markups -- clause 2(h) of Rule XI was amended to permit committees (other than Budget, Appropriations and Ways and Means) to fix the number required for taking any action other than reporting a measure at not less than one-third of the Members. The quorum requirement for taking evidence remains not less than two Members and the quorum requirement for closing meetings remains at a majority.

(d) Ethics Committee May Sit During Five-Minute Rule -- Clause 2(i) of Rule XI was amended to permit the Committee on Standards of Official Conduct to sit during reading of a measure for amendment under the five-minute rule, without special leave. Previously, the Committees on Appropriations, Budget and Rules were exempted from obtaining special leave to sit during the five-minute rule.

(e) Committee Requests to Sit During Five-Minute Rule -- Clause 2(i) of Rule XI was amended to grant committee request for special leave to sit during five-minute rule unless 10 or more Members object. Previously, a request might be denied by any one Member objecting.

(f) Committee Subpena Power -- clause 2(m)(2)(A) of Rule XI was amended to permit committees and subcommittees to authorize and issue subpoenas by majority vote, a quorum being present, and permitted committees to grant blanket subpoena authority to the chairman by its rules.

(g) Foreign Travel Reporting -- clause 2(n) of Rule XI was amended to require Members and staff granted foreign travel authorization by a committee to file a report with the committee not later than 60 days after completion of travel, giving itemized listing of dates each country was visited, the amount of per diem furnished, cost of transportation furnished, and any funds expended for any other official purpose, and summarize in the report the total amount of foreign currencies and/or appropriated funds expended. Reports shall be available for public inspection.

(h) Cluster Votes on Rules -- clause 4 of Rule XI was amended to give the Speaker the discretion to announce in advance that record votes on Rules will be postponed until after debate on all Rules has been completed.

(i) Committee Expenses -- clause 5 of Rule XI was amended to require that any committee, commission or other entity be funded through primary and additional expense resolutions reported from the House Administration Committee and voted by the House (rather than being permitted to draw directly on the contingent fund of the House as some joint and select committees and commissions have been authorized to do in the past).

(j) Committee Staff -- Clause 6(c) of Rule XI was amended to provide pay for two of the professional staff on a committee at level IV of the Executive Schedule (others are entitled to be paid up to level V).

(k) Committee Expenses -- clause 6(j) of Rule XI was repealed. That clause provided for the twice annual publication in the Congressional Record of committee staff, compensation and expenses. (A subsequent order by the House Administration Committee provided for quarterly publication.)

2. 96th Congress

In the 96th Congress (January, 1979) the more significant Rules changes dealt with these subjects:

- (a) "The Right of the House to Work its Will;"
- (b) Budget Act Amendments;
- (c) Postponing Votes; and,
- (d) Committee of the Whole Voting.

(a) "THE RIGHT OF THE HOUSE TO WORK ITS WILL"

These Rules changes transferred to the Speaker more power over the order of business and took away from the House some of its traditional prerogatives to determine how it will proceed with its consideration of legislation:

(1) Approval of Journal:

The Speaker announces his approval of the Journal and it shall be considered agreed to unless a vote is demanded. A motion to reconsider the vote is not in order. A quorum call prior to the approval is not in order.

Since the early days of the House the Speaker took the chair at the hour indicated and "upon the appearance of a quorum" proceeded to lay before the House the business in order as

prescribed under Rule XXIV. The first order of business after the prayer is the approval of the Journal -- the official "record" of House proceedings. The effect of this rules change was to allow the Speaker to begin business without a quorum present.

(2) Proceedings Under a Call of the House:

This change allowed a call of the House, but eliminated the right of the House to initiate any other proceedings under the call unless the Speaker desired to entertain one.

The Constitution provides that less than a majority has the right to compel the attendance of absent Members. That motion is "a call of the House." Since the 1800's, Speakers have held that the House has the right to have every Member present, and even if only a few were absent it could send for them if it should desire.

The effect of this rule change was to say that when at least a majority has appeared under the call the Speaker alone has the right to decide whether the House takes any other "incidental" action such as sending for any absent Members or "dispensing with further proceedings." This change resulted in giving the Speaker a right that the House had earlier reserved for itself.

(3) Suspensions - Eliminating Seconds:

No second shall be required on a motion to suspend the Rules when printed copies of the motion are available for at least one legislative day prior to its consideration.

The "second" was a method that the House reserved for itself to prevent consideration of any unwanted business. To prevent the unnecessary consumption of time on a suspension motion, the House could vote down "ordering the second" and move on to other business.

With this rules change the House gave to the Speaker the right to bring up virtually any legislation or business when it is printed and available for at least one legislative day prior under suspension -- the Budget Act or any rule to the contrary notwithstanding -- and the House must proceed to consider it.

(b) BUDGET ACT AMENDMENTS

(1) Changes in Rotation of Membership of Budget Committee

Under previous law, Members were allowed to serve on the Budget Committee for no more than two complete Congresses. This rules change allowed Members to serve on the Budget Committee for three Congresses, and allowed a Chairman of the Budget Committee who has only served for one Congress as a Chairman to serve an additional Congress regardless of the limitation.

Under previous law, the leadership of both parties was allowed one appointment to the Budget Committee and this rules change exempted that appointment from the limitation on length of service. The change in the rules applicable to the Chairman was made in order to allow former Chairman Giaimo to serve one more term.

(2) Mathematically Consistent Amendments to Budget Resolutions

Amendments to concurrent resolutions on the budget were not made in order unless the resolution as amended was mathematically consistent and contained the values for the functional categories as well as the aggregates.

This rules change requiring mathematical consistency was politically aimed at preventing House Republicans from exercising their method of budgeting. The Minority had contended that the Congressional Budget Act required the House to consider spending among the major functional categories on the basis of what monies are available for total budget outlays and budget authority.

Section 301(a)(2) of PL 93-344 requires that the first concurrent resolution on the budget shall set forth:

"(2) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total new budget authority, . . ." (Emphasis added.)

(c) POSTPONING VOTES

The Speaker was given the discretionary authority to postpone votes on the following questions:

(1) Suspensions and "Rules":

Under this change, the Speaker was given the discretion to postpone votes on the "rules" reported from Rules Committee or suspensions of the Rules until the end of all such consideration or until the next legislative day.

(2) Roll Call Votes in the House:

Roll call votes on final passage of a bill, resolution, or conference report may now be postponed by the Speaker to a later time on the same day of consideration or within two legislative days of consideration.

These changes gave the Democratic Leadership broad discretion in the scheduling of votes on legislation. The only requirement on the Speaker is that he announce his intention to postpone votes in the case of "rules" and suspensions of the Rules.

(d) COMMITTEE OF THE WHOLE VOTES

(1) Increase in Number Required for Recorded Vote:

This rules change increased from 20 to 25 the number of Members needed to require a recorded vote in the Committee of the Whole.

(2) Reduction of Vote Time:

New discretionary power was given the Chairman of the Committee of the Whole to reduce from 15 minutes to five the time required for a roll call vote after a regular recorded quorum call.

The reasoning behind the increase in the number of Members required to call for a recorded vote was to discourage Members from forcing a vote and therefore consuming more time.

The purpose of the reduced voting time on some recorded votes, again was to conserve time.

(e) STATUTORY NATIONAL DEBT CEILING

The 96th Congress enacted another rules change that affected the budget process and the handling of the debt ceiling. In PL 96-78 (approved September 29, 1979) Rule XLIX (Rule 49) was added to the House Rules. It provides for the automatic adoption of a national debt ceiling joint resolution through the process of approving a concurrent resolution on the budget.

This rule states that when such a concurrent resolution is approved, the House Clerk will enroll a House joint resolution which "shall be deemed to have passed the House," and send it to the Senate for further consideration where it will presumably and ultimately be enacted into law.

This technique therefore eliminates the necessity for periodic bills (originating from the Ways and Means Committee) to raise the ceiling on the national debt.

This rule was first applied to the Third Concurrent Resolution on the Budget for FY 1980, and was used on the first concurrent resolutions on the budgets for both FY 1981 and FY 1982.

3. 97th CONGRESS

In the 97th Congress (Jan. and Dec., 1981) a series of what were described as "technical" amendments to the Rules were adopted.

(1) AUTHORITY OF THE SPEAKER AND HIS OFFICE

(a) Speaker authorized to sign enrolled bills when House not in session.

Amend clause 4 of Rule I by adding at the end thereof the following:

"The Speaker is authorized to sign enrolled bills whether or not the House is in Session."

(b) Suspensions - change vote postponement procedure
"rules" and previous questions of rules.

Amend clause 5(b)(1) of Rule I to read as follows:

"(b)(1) On any legislative day whenever a recorded vote is ordered or the yeas and nays are ordered, or a vote is objected to under clause 4 of Rule XV on any of the following questions, the Speaker may, in his discretion, postpone further proceedings on each such question to a designated time or place in the legislative schedule on that legislative day or within two legislative days:

- (1) the question of passing bills;
- (2) the question of adopting resolutions;
- (3) the question of ordering the previous question on privileged resolutions reported from the Committee on Rules;
- (4) the question of agreeing to conference reports; and
- (5) the question of agreeing to motions to suspend the rules."

Delete clause 3(b) of Rule XXVII and delete "(a)" after "3" in clause 3 of Rule XXVIII.

Delete clause 4(e) of Rule XI.

(c) Duties of the Clerk - receive message.

Amend Rule III by adding at the end thereof the following new clause:

"5. The Clerk is authorized to receive messages from the President and from the Senate at any time that the House is not in session."

COMMENTS

(a) The previous practice had been to grant unanimous consent anytime the House adjourned to authorize the Speaker to sign enrolled bills. The Committee on House Administration notified the House as to the accuracy of the enrollment of each bill and should submit this before its signing (IV, 3452). Technically, the signing should be while the House is in session and in the presence of a quorum. It is assumed that this power would automatically be transferred to any elected Speaker pro tempore (Clause 7, Rule I), but not to a designated Speaker pro tempore.

(COMMENTS CONTINUED)

(b) At the beginning of the last Congress, the Majority Leadership was given very broad discretion in the scheduling of votes on legislation. Under that change, the Speaker was allowed the discretion to postpone votes on "rules" reported from Rules Committee (Rule XI, 4(e)) or legislation considered under suspension of the Rules until the end of all such consideration or until the next legislative day. The Speaker was given the power to postpone roll call votes on final passage of a bill, resolutions, or conference reports (Rule I, 5(b)) to a later time on the same day of consideration or within two legislative days of consideration. It was argued at the time that vote postponements will lessen the meaning of debate and eliminate any requirement for the Member to be on the House floor during consideration of legislation. In the 96th Congress, the Speaker was also given the authority to cluster any of the postponed votes, allowing 15 minutes for the first roll vote by electronic device, and may reduce to five minutes each subsequent vote.

Formerly, the only requirement on the Speaker was that he announce his intention to postpone votes in the case of "rules" and suspension of the Rules.

Under the previous procedure, once postponed voting on suspensions begins no further motions to suspend may be considered.

(COMMENTS CONTINUED)

This rules change allowed the Speaker the discretion to allow further suspensions to be considered on the same day with postponed and clustered votes. This placed all authority for deferral of votes to be in Rule I - Duties of the Speaker, and treated all votes similarly in that they can be postponed for up to two legislative days. In other words, on Monday or Tuesday, measures can now be postponed and clustered until Wednesday or Thursday.

(c) Unanimous consent was normally given to authorize the Clerk to receive messages from the President and from the Senate whenever the House adjourns over several days. This rules change provided standing authority for the Clerk to receive messages at any time the House is not in session. This would not have any effect on those legislative veto provisions (i.e., deferrals, recissions) which require action within a certain time period as the countdown would not begin until the messages were actually laid before the House. This rules change was also designed to prevent any attempts at pocket-vetoes during any non sine die adjournments of the Congress, because in the Kennedy vs. Sampson case, the courts have held that the President could not "pocket-veto" during an adjournment to a day certain since the Senate had authorized the receiving of messages while they were not in session.

(2) PROHIBITION ON "PHANTOM VOTING"

- (a) Prohibiting a Member from casting another Member's vote, or recording another Member's presence in the House.

Rule VIII was amended by inserting at the end thereof the following new clause:

"3. (a) A Member may not authorize any other individual to cast his vote or record his presence in the House or Committee of the Whole.

(b) No individual other than a Member may cast a vote or record a Member's presence in the House or Committee of the Whole.

(c) A Member may not cast a vote for any other Member or record another Member's presence in the House or Committee of the Whole."

COMMENTS

(a) During the 96th Congress it was discovered that on at least two occasions (May 14, 1979 and July 30, 1979) votes were cast and recorded for Members who were not physically present to cast such votes. The Committee on Standards of Official Conduct reported its findings of those voting anomalies on May 15, 1980 (House Report 96-991). It could not prove any specific wrong-doing but recommended that this proposed rules change be added to the Rules of the House.

(3) EXPAND SIZE OF COMMITTEE ON THE BUDGET

- (a) The Budget Committee was increased from twenty-five Members to thirty Members.

In Rule X, the first sentence of clause 1(e)(1) is amended to read as follows:

"Committee on the Budget, to consist of
30 Members as follows:

- (A) twenty-eight Members who are members of other standing committees; including five Members who are members of the Committee on Appropriations, and five Members who are members of the Committee on Ways and Means;
- (B) one Member from the leadership of the majority party; and
- (C) one Member from the leadership of the minority party."

COMMENTS

(a) The Committee on the Budget was established in the 93rd Congress effective July 12, 1974 by sec. 101 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). The membership was increased from twenty-three Members to twenty-five at the beginning of the next Congress (H.Res. 5, 94th Congress). The rule as originally written stated that of the twenty-five Members, thirteen Members must be members of standing committees other than the Committee on Ways and Means or Appropriations. The rule as now written is ambiguous in that it says that the Committee shall consist of thirty Members, twenty-eight who are members of other standing committees as well as two from the leadership.

(4) HOUSE INFORMATION SYSTEMS - COMMITTEE SCHEDULING

- (a) Requiring all Committees and Subcommittees to use HIS scheduling services.

In Rule X, clause 4(d)(3) was amended by striking out "a scheduling service which may be used" and inserting in lieu thereof:

"a scheduling service which shall be used".

In Rule X, clause 5 is amended by striking out paragraphs (d) and (e).

In Rule XI, clause 2(g)(3) is amended by inserting immediately before the period at the end thereof the following:

"and promptly entered into the committee scheduling service of the House Information systems."

COMMENTS

(a) The Bolling Committee on Committees reform (H. Res. 988, 93rd Congress) tried to have Committees and Subcommittees eliminate any meeting and scheduling conflicts by giving the Committee on House Administration the responsibility over a House Information Systems. Use of the systems was optional but this rules change made its use mandatory. This rules change also required public notice of committee hearings to contain a prompt entering of such notice in the committee scheduling service of HIS.

(5) COMMITTEE ON WAYS AND MEANS

(a) Ways and Means to sit under the five minute rule.

Amend the first sentence of clause 2(i), Rule XI to read as follows:

"No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.."

COMMENTS

(a) The Committee on Ways and Means had traditionally been permitted, by unanimous consent granted each Congress, to sit while the House is reading a measure for amendment under the five-minute rule. .

This rule formerly prohibited Committees from sitting at any time while the House was in session but in 1970, it was changes to only during the five-minute rule. In 1975 only the Committees on the

Budget, Appropriations and Rules were exempted. In 1977 the Committee on Standards of Official Conduct was included in this group. This rules change reflected previous practice of including Ways and Means by unanimous consent.

(6) EXEMPTION FROM THREE-DAY RULE

- (a) Apply exemption from three-day rule to any decision which would become effective unless disapproved by Congress (present exception applies only to "executive decisions").

Amend the last sentence of clause 2(1)(6) to read as follows:

"This subparagraph shall not apply to--

- (A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or
- (B) any decision, determination, or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. For the purpose of preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the Government of the District of Columbia."

COMMENTS

(a) The rule previously stated that any measure reported by a committee should not be considered in the House until the third calendar day after the report has been available. The rule provided for two exceptions: (1) declaration of war or national emergency, or (2) legislative vetoes of any executive decision.

There are a number of laws which allow legislative vetoes of entities which are not part of the Executive Branch, i.e. D.C. Home Rule Act. Thus, this change included all government agencies covered by legislative veto statutes exempt from the three-day

layover requirement. It also exempted any congressional approval requirement of any quasi-governmental corporation such as possibly any new synthetic fuel enterprises.

(7) CONTINUING APPROPRIATIONS PRIVILEGE

(a) . Permit continuing appropriations to be privileged after certain date.

Clause 4(a) of Rule XI was amended by inserting after "The Committee on Appropriations - on general appropriation bills" the following:

"and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year"

COMMENTS

(a) Under the previous rules of the House only general appropriation bills embodying funds of any agency or agencies were privileged for consideration in the House. This means that its report is filed in the House and a motion to resolve into committee is privileged and no "rule" from Rules Committee was, (or is) required to consider it.

The Congressional Budget Act requires a specific timetable for appropriation bills to be completed. Once they are finalized the Congressional budget of that fiscal year must be completed no later than September 15th. That is the date this rules change would make continuing appropriations bills privileged. Therefore, some appropriation bills won't be finished on time and any resolution providing a continuation will now be given the same special status as general appropriation bills.

(8) COMMITTEE COST ESTIMATE

- (a) Committee cost estimate optional if CBO estimate included in report.

Amend clause 7(d), Rule XIII to read as follows:

"(d) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct, and do not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report pursuant to clause 2(1)(3)(C) of Rule XI."

COMMENTS

(a) The rules previously required committees to include in their reports on public bills a five-year estimate made by the Committee of the costs which would be incurred in carrying out such bill. The Congressional Budget Act (Public Law 93-344) created a Congressional Budget Office (section 201) and required it to submit to each committee a five-year cost estimate of their bills (section 403). Committees are also required to include such CBO cost estimates in their report. Many committees may adopt the CBO estimates as their own and this rules change simply allows them to rely on CBO rather than their own independent estimate, which they still may make if they so desire.

(9) QUORUM DURING GENERAL DEBATE

- (a) Eliminate mandatory quorum call during general debate in Committee of Whole.

Amend the second sentence of clause 2(a) of Rule XXIII to read as follows:

"The first time that a Committee of the Whole finds itself without a quorum during any day, the Chairman shall invoke the procedure for the call of the roll under clause 5 of Rule XV, unless, in his discretion, he orders a call of the Committee to be taken by the procedure set forth in clause 1 or clause 2(b) of Rule XV: Provided, that the Chairman may in his discretion refuse to entertain a point of order that a quorum is not present during general debate only."

COMMENTS

(a) Article I, section 5, clause 1 of the Constitution states that a quorum is necessary to do business in the House of Representatives. In 1977 the Rules of the House were changed to prohibit the Chair from entertaining a point of no quorum unless a pending question has been put to a vote. In adopting that rule (Rule XV, clause 6) the House has presumably determined that the conduct of debate in the House is not such business as requires a quorum under the Constitution. In 1977 the Rules were also changed to prohibit quorum calls under the five-minute rule, unless the Chairman has put the question on a pending proposition, but would allow one during general debate the first time the Committee of the Whole finds itself without a quorum during that day. This rules change allowed the Chair the discretion to refuse to entertain a point of no quorum during general debate, therefore allowing the scheduling of general debate at the end of the day or anytime where it is less likely there will be a quorum.

(10) READING OF AMENDMENTS

(a) Motion to dispense with reading of certain amendments in Committee of Whole.

Amend clause 5 of Rule XXIII by inserting the following new subclause:

"(b) It shall be in order to move the Committee of the Whole to dispense with the reading of an amendment if the amendment has been printed in the bill as reported from a Committee, or if any Member shall have caused the amendment to be printed in the Congressional Record, and to be submitted to the clerk or to any responsible staff member designated by the Chairman of the reporting committee or committees, at least one day prior to floor consideration, and said motion shall be decided without debate."

COMMENTS

(a) In the House there were initially three readings. The bill was read in full in order that the Membership could understand the question as a whole. After general debate, it was then read a second time under the five-minute rule when it was open to amendment and debate in all its parts. The third reading was the reading in full in its final form just prior to passage. The Rules Committee has been routinely waiving the first reading. The third reading is by title only. This rules change would allow a non-debatable motion to be made to dispense with the reading of any committee reported amendment, or any amendment printed in the record. This rules change was intended to stop any Member from forcing the reading of amendments for dilatory purposes. Of course a Member can still offer unprinted amendments and require them to be read in full.

(11) CRS SUMMARY OF BILLS - JOINT COMMITTEE ON ATOMIC ENERGY

(a) Delete requirement of CRS summary of bills and prohibition on references to Joint Committee on Atomic Energy.

Delete clauses 5(d) and 5(e) of Rule X.

COMMENTS

(a) Previously, clause 5(d) required that after the introduction in the House of each bill or resolution the Congressional

Research Service of the Library of Congress prepared a factual description of each measure not to exceed one hundred words and published such description in the Congressional Record and the Digest of Public General Bills and Resolutions as soon as possible after introduction. The description usually appeared in the Congressional Record well after the introduction of the bill and usually wasn't much more than the long title of the bill. The cost to the Library of Congress of preparing these summaries was about \$9,000 per year. It was basically prepared as a bi-product of the bill digest. Eighteen people work on the bill digest, and it was estimated that about fifty hours per year per person, was required to do the summaries. These summaries are still being entered into the House Information System and other computer systems even though they are no longer inserted in the Record.

(12) PROCEDURE FOR RESPONSE TO SUBPENAS - ADD A NEW RULE "L".

(a) Rule L - Procedure for Response to Subpenas.

(See Rule L, sections 1 - 8, House Rules and Manual, 97th Congress, (H. Res. 5, adopted January 5, 1981)).

COMMENTS

(a) The general authority for responding to subpenas, and a procedure for automatic compliance without the necessity of a House vote was established in the 95th and 96th Congresses (See H. Res. 10, January 4, 1977 and H. Res. 10, January 15, 1979). These procedures were later clarified and revised in the 96th Congress (H. Res. 722, September 17, 1980) and forms the basis for the present rule.

Under current practices, the Speaker, the Majority Leader, the Majority Whip, the Republican Leader and the Republican Whip meet from time to time to consider appropriate action to be taken in response to litigation involving the House, its Members, officers or employees. The Speaker informs the senior House Leadership of the time and place of such meetings, and if so decided, the Parliamentarian, Counsel for the Speaker, the Clerk and the Republican Leader cooperate in the presentation of these legal cases in the relevant forums of law.

- (13) AMENDING RULES OF THE HOUSE OF REPRESENTATIVES TO INCREASE OUTSIDE EARNED INCOME, (H. Res. 305, amends Rule XLVII was adopted December 15, 1981).

The text of H. Res. 305 is as follows:

. . ."clause 1 of Rule XLVII of the House of Representatives is amended by striking out "15" both times it appears therein and by inserting in lieu thereof "30".

"Sec. 2. Clause 2 of Rules XLVII of the Rules of the House of Representatives is amended to read as follows:

"2. For purposes of clause 1, honoraria shall be attributable to the calendar year in which payment is received."

"Sec. 3. The amendments made by this resolution shall take effect on January 1, 1981."

COMMENTS:

Rule XLVII was changed on December 15, 1981 by H. Res. 305 which was brought up by unanimous consent and was passed by voice vote. In effect, the limit on outside earned income of Members of the House was adjusted from 15 percent to 30 percent of the aggregate salary as a Member. In addition, the per honorarium limit was doubled from \$1,000 to \$2,000 (see 2 U.S.C., 441 i). Honoraria were also deemed to be attributable to the year received and the effective date for these changes was made retroactive to Jan. 1, 1981,

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ADDITIONAL CHANGES MADE DURING THE 97th CONGRESS

The following two additional changes in the House Rules were made later in the 97th Congress.

(14) State & Local Government Cost Estimate - Sec. 403 of the Budget Act, which has the force and effect of a rule of the House, has been amended to require the Director of the Congressional Budget Office to submit to committees on any reported bill or resolution of a public character (except appropriation measures) a five-year estimate of the cost which would be incurred by State and local governments in carrying out or complying with the bill or resolution if such cost is likely to be \$200 million or more annually or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government. Such estimate is to be included in the committee report if timely submitted before the report is filed. The effective date of the requirement is Oct. 1, 1982, and its expiration date is Sept. 30, 1987. (H.R. 1465, H. Rept. 97-353; passed the House Dec. 8, 1981; PL 97-108)

(15) Office for the Bicentennial of the House - House Rule I has been amended to create under the Speaker an Office for the Bicentennial of the House to be staffed by a professional historian. The Office would cease to exist not later than Sept. 30, 1989. (H. Res. 621; passed House Dec. 17, 1982)

NOTE ON HOUSE ORIGINATION OF REVENUE RAISING BILLS

In the 97th Congress, on July 28, 1982, a resolution dealing with the privileges of the House was offered by

Mr. Rousselot of California. Mr. Rousselot was concerned that the U.S. Constitution Article I, section 7, was being violated. The Constitutional provision in question was the following:

"All Bills for raising Revenue shall originate in the House of Representatives;"

The concern arose because the House had passed a small revenue bill and sent it to the Senate. The Senate had written a major tax reform bill, and attached it to the small House bill. With the Senate-amended bill still at the Speaker's table, the Chairman of the Ways and Means Committee moved to send the House bill with the major Senate amendments to conference, without the House ever having considered the major tax reform provisions. In an attempt to prevent this, Mr. Rousselot, at page H-4776 of the Congressional Record of July 28, 1982, offered the following resolution:

H.Res. 541

Resolved, that the Senate Amendments to the bill, H.R. 4961, in the opinion of the House, contravene the first clause of the seventh section of the first article of the Constitution of the United States, and are an infringement of the privileges of this House and that the said bill, with amendments be respectfully returned to the Senate with a message communicating this resolution.

As soon as this resolution was offered, the Chairman of the Ways and Means Committee moved to table it. The House did agree to table the Rousselot resolution by a record vote of 229 yeas to 169 nays. Mr. Rousselot offered a similar resolution, H. Res. 571, on August 19, 1982, prior to the consideration of the conference report on H.R. 4961. H. Res. 571 was also tabled.

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4. 98TH CONGRESS

On Jan. 3, 1983, the House agreed to H. Res. 5, adopting the Rules of the House for the 98th Congress. The resolution incorporated the House Rules from the 97th Congress, and all applicable provisions of law, together with the following eight changes:

(1) Postponement of Vote on Journal - House Rule I has been amended to permit the Speaker to postpone until later in the same legislative day a record vote in connection with agreeing to the Speaker's approval of the Journal. Clause 1 of Rule XXIV, on the daily order of business, has been amended accordingly.

(2) Duties of Clerk - House Rule III has been amended to authorize the Clerk to supervise the staff and manage the office of a Member who is deceased, has resigned, has been expelled, or whose office has been declared vacant by the House. The Clerk is further authorized to terminate existing staff and hire additional staff (subject to approval by the House Administration Committee), and to manage the office of a deceased former Speaker for sixty days after the former Speaker's death.

(3) Membership on Committees - House Rule X has been amended to provide that a Member shall cease to be a member of any committee on notification of the Speaker by the party caucus or conference chairman that the Member has ceased to be a member of the caucus or conference. The rule applies to select and joint committees as well.

(4) Closed Hearings - House Rule XI has been amended to permit the Committees on Appropriations, Armed Services, and

Intelligence to close their hearings for up to six consecutive days. (See discussion of the Sunshine rule on pages 74 and 75 of this Manual)

(5) Appropriations Amendments - House Rule XXI, clause 2, has been amended to prohibit the offering of limitation amendments to general appropriation bills (except for amendments specifically contained or authorized in existing law for the period of the limitation) if the House agrees to a motion to rise and report after all other amendments have been disposed of. The motion to rise and report may be renewed after the consideration of each such limitation amendment.

(6) Tax & Tariff Matters - House Rule XXI, clause 5, has been amended to prohibit the reporting of tax or tariff matters from committees not having jurisdiction over such matters, and to prohibit the consideration of tax or tariff amendments in the House or from the Senate on bills not reported from committees having jurisdiction over tax or tariff matters.

(7) Resolutions of Inquiry - House Rule XXII, clause 5, has been amended to increase from seven to 14 legislative days the time which committees are allowed to report resolutions of inquiry before being subject to discharge.

(8) Going into the Committee of the Whole - House Rule XXIII, clause 1, has been amended to permit the Speaker, after the House has adopted a resolution from the Committee on Rules providing for the consideration of a measure, to

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declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of that measure without intervening motion, unless the resolution in question provides otherwise. (See pages 128 and 129 of this Manual for procedure prior to this change)

NOTE ON REFERRALS

On January 3, 1983, Speaker O'Neill stated his intention to exercise his referral authority in particular situations to designate primary committees on jointly referred bills. The Speaker announced that he might impose time limits on committees having a secondary interest following the report of the primary committee. The Speaker further stated that he would continue to refer major new non-germane Senate amendments to the committee with subject-matter jurisdiction in the House. (Congressional Record, page H-25, January 3, 1983).

NOTE ON ACCESS TO THE HOUSE FLOOR:

On January 25, 1983 Speaker O'Neill reemphasized his intention that the rule pertaining to both committee and personal staff on the House floor be properly enforced by the Doorkeeper and the Sergeant at Arms during the 98th Congress (Congressional Record, page H-101, Jan. 25, 1983). See further discussion on this point at pages 140 and 141 of this Manual.

MANUAL ON LEGISLATIVE PROCEDURE
IN THE
UNITED STATES HOUSE OF REPRESENTATIVES
FIFTH EDITION
97TH CONGRESS - SECOND SESSION
JANUARY, 1982

Prepared Under the Auspices of
the
Republican Leader
United States House of Representatives

Dedication

This 5th Edition of the Manual is dedicated to the Honorable John Rhodes of Arizona. Without John Rhodes there would be no 5th Edition because there would have been no 1st Edition.

As one of his many contributions to strengthening and improving the legislative functions of the House of Representatives, he gave encouragement, support and leadership to a group of Republican committee clerks and counsels some fourteen years ago when they were struggling to codify and disseminate mutually useful information on how the House procedurally functions.

Later, as Chairman of the House Republican Policy Committee he commissioned Richard Burress, then the House Republican Policy Committee Staff Director and a former Minority Counsel of the Education and Labor Committee, to go forward with his peers and produce the 1st Edition of the Manual.

Later still, through his leadership as the House Minority Leader, the same group of people who, through the years, had prepared the substantive portions of the Manual were organized as a leadership support group, first as the "Senior Sons," and later as the "Senior Sons and Daughters." This group now includes the Senior Republican leadership staff, committee staff, floor assistants and floor staff in the House of Representatives.

A skilled parliamentarian himself, Mr. Rhodes has also provided invaluable leadership, insight and advice in the preparation and publication of all five editions.



FOREWORD

by

The Honorable Robert H. Michel,
Republican Leader of the U. S. House of Representatives

This, the 5th Edition of the Manual on Legislative Procedure in the U. S. House of Representatives, is designed to provide you with a working knowledge of the rules, precedents, customs and procedures of the greatest parliamentary body on this planet.

I have watched and supported its growth and changes through the past 14 years. It originally started out as a document most readily useful to a struggling minority attempting to survive in a forum dominated by an overwhelming majority. Later as times changed, the Manual has developed into an instrument which will help show you "how to do things," as well as "how to keep things from being done," in our national legislature.

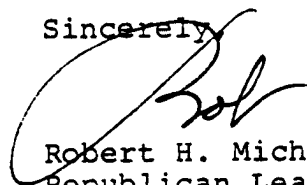
While this 5th Edition of the Manual may not be the best one ever written, it is an improvement over those previously published in 1967, 1970, 1973 and 1976, and I can assure you the 6th Edition will be even better.

Our staffs have become larger and better trained, the parliamentary process has changed, and the "extra dimension" of personal experience . . . the thrill of victory and the agony of defeat . . . have added to the accumulation of knowledge of the ways the House works.

Both as a Member and as a former Congressional staffer myself, I have learned to appreciate the skill and dedication of our professional committee staff people. This Manual, and the various classes and courses that are conducted by these people, are continuing testimony to the proposition that there still remains in our constitutional republic both the desire and the ability to keep the torch of freedom burning brightly in our great nation.

Thus, it is my hope that you will find this document useful and relevant, that you will add to it your own knowledge and experience, and that in the years ahead you will support its continuing modification, modernization and improvement.

Sincerely

A handwritten signature in black ink, appearing to read "Bob", written over the word "Sincerely".

Robert H. Michel
Republican Leader



Acknowledgements

This 5th Edition was prepared under the auspices of the Honorable Robert H. Michel, the Republican Leader of the House of Representatives and the Honorable Edward Madigan, Chairman of the House Republican Research Committee. Valuable counsel and assistance was also received from the Office of the House Parliamentarian and the Congressional Research Service of the Library of Congress.

The Editorial Board consisted of Hyde Murray, Bill Crosby, Frank Polk and Judy Lamke. Contributing to the writing, research and preparation of the Manual were Ron Boster, Bill O'Conner, Bill Pitts, Mike Toohey, Don Wolfensberger, Mary Ann Fronce, Tommy Winebrenner, Ron Lasch, Richard Diehl, Rita DiSimone, Anna Holmquist, Jackie Stone, Dorian Hall, Lee Prouty and Barbara Kostuk.

The 4th Edition, published in 1976, was prepared by Dennis Taylor, Hyde Murray, Mel Miller, Orm Fink and Chris Cross. They were assisted by Lew Berry, Clif Enfield, Sheldon Gilbert, Frank Polk, Bill Crosby, Jonna Lynn Cullen and John Hogan.

The 3rd Edition, published in 1973, was prepared by Hyde Murray, Frank Polk, Mel Miller, Dennis Taylor and John Williams. Assisting writers included Orm Fink, Charles Leppert, Lew Berry, Bill Crosby, Joe Bartlett, Clif Enfield and Sheldon Gilbert.

The 2nd Edition, published in 1970, was primarily a revision of the original Manual. The update was completed by Bob Hynes, Frank Polk, Hyde Murray and John Williams.

The 1st Edition was published in June, 1967. It was a pioneering parliamentary attempt to explain and define some of the main legislative procedures that are applicable to the House of Representatives. That first Editorial Board was made up of Dick Burress, Hyde Murray, Bob Hynes, Clif Enfield, Charles Dunn, John Dean, Frank Polk, Bill Copenhaver, Dick Cook and Lew Berry.

PART I.

BIBLIOGRAPHY - REFERENCE SOURCES

AND

HOW TO USE THEM

PART I. BIBLIOGRAPHY - REFERENCE SOURCES AND HOW TO USE THEM

A. INTRODUCTION

Because so much in the legislative process is based on tradition, rules, and procedures, there is no more important aspect to staff work than mastering the use of resources. No one person can commit to memory the thousands of procedural details connected with the proceedings of the House--and even if they could, a subsequent Congress may well come along and repeal a portion of what has been memorized. It is the purpose of this portion of the manual to familiarize you with the sources of information and how to use them.

There are seven main sources:

- (1) The Constitution of the United States;^{1/}
- (2) Jefferson's Manual;^{1/}
- (3) House Rules;^{1/}
- (4) Related statutes (Legislative Reorganization Acts of 1946 and 1970, the 1974 Committee Reform Amendments, the Congressional Budget and Impoundment Control Act of 1974 and various congressional disapproval statutes;
- (5) Decisions of the Speaker and Chairman of the Committee of the Whole, (Hinds', Cannon's and Deschler's Precedents);
- (6) Cannon's Procedure in the U.S. House of Representatives; and
- (7) Deschler's Procedure in the U.S. House of Representatives.

In the order of legal dignity, the U.S. Constitution stands supreme. All rules and precedents must conform to it. Flowing from the Constitution is the power to enact procedural laws applying to

^{1/} Each of these three sources is contained in the House publication entitled: "House Rules and Manual." It also contains pertinent sections of the items listed under (4) and (5) above.

the House and its committees, and to write rules governing procedure in the House.

These sources can be classified into two main groups:

First, there are the U.S. Constitution and the written House Rules, which include Jefferson's Manual, where applicable, and related statutory law. For lack of a better term, this source is called "procedural legislation," because in each case there has been formal action on the exact language of each provision.

Second, there are interpretations of such procedural legislation, emanating essentially from the rulings of the Speaker or Chairman of the Committee of the Whole. Again, for lack of a better term, this source is called "procedural interpretation." Procedural interpretations are similar to the case law that flows from a written statute and are analogous to court interpretations of Congressional enactments. Rulings prior to 1936 have been recorded by Asher Hinds and Clarence Cannon, two former House Parliamentarians, and set out in great depth in an 11 volume series. The rulings of the Chair since then have not at this time been compiled in toto as they are in Hinds and Cannon.^{1/} However, the House Rules and Manual, which is published each Congress, is extensively annotated and such annotations contain citations to applicable precedents. There are several works that are also included under this grouping since they are written analyses of House Rules and procedures and contain citations to and summaries of precedents. One is Cannon's Procedure,

^{1/} The parliamentary precedents since 1936 are being compiled at this writing, however, The Legislative Branch Appropriation Act of 1966 and subsequent appropriation acts have contained funding to compile the parliamentary precedents. The Reorganization Act of 1970 requires such precedents, when completed, to be updated every five years. H.Res. 988, 93rd Congress (Committee Reform Amendments of 1974) superseded the 1970 Reorganization Act by requiring the precedents to be compiled by January 1, 1977 and to be updated every 2 years thereafter. So far, four volumes of "Deschler's Precedents" have been published.

which covers the period up until 1959. Another is Deschler's Procedure, which contains summaries of precedents from 1959 through 1978, For that matter, this manual which is analogous to a "hornbook" on parliamentary law may also be included in this group.

B. U.S. CONSTITUTION (EMPHASIS ON ARTICLE I)

The Constitution is the keystone of our Federal structure and the source from which our governmental institutions derive their powers. The Constitution can be separated into 9 main parts as follows:

1. Preamble
2. Article I - The Legislative Power
3. Article II - The Executive Power
4. Article III - The Judicial Power
5. Article IV - Obligations, duties, etc., of the States
6. Article V - Procedures to Amend the Constitution
7. Article VI - Supremacy Clause
8. Article VII - Ratification
9. Amendments

Article I sets forth the fact that the legislative powers granted by the Constitution are vested in the Congress, consisting of a Senate and a House of Representatives.

There follows an outline of Article I of the U.S. Constitution and several amendments which directly affect the House:

Sec. 1 - All legislative powers vested in Congress

Sec. 2 - The House of Representatives, qualifications and powers of Members:

- (a) Two-year terms for House Members
- (b) Elector qualifications
- (c) Age of 25 years
- (d) Citizen for seven years
- (e) Inhabitant of State
- (f) Census enumerations (See also 14th and 16th Amendments)
- (g) Vacancies
- (h) Selection of Speaker and officers
- (i) Sole impeachment power

Sec. 3 - The Senate, qualifications and powers of Members

SEC. 4 - Elections:

- (a) Time, place, and manner of elections
- (b) Time of meeting (See also 20th Amendment)

SEC. 5 - Powers and duties of the House:

- (a) Each House judges the qualifications of its Members
- (b) Majority (quorum necessary to do business)
- (c) Determine own rules
- (d) Punish or expel own Members
- (e) Journal of proceedings
- (f) Yeas and nays at request of one-fifth of those present
- (g) Cannot adjourn for more than three days without consent of Senate (and vice versa)

SEC. 6 - Compensation, immunities, and disabilities of Members:

- (a) Compensation
- (b) Immunity from certain criminal action
- (c) Not questioned elsewhere for statements in debate
- (d) Dual office-holding prohibited

SEC. 7 - Legislative Process:

- (a) Revenue bills originate in House^{1/}
- (b) Approval or veto of bills
- (c) Pocket veto
- (d) Presentation to President, overriding a veto

SEC. 8 - Specific Powers of Congress:

- (a) Taxes, duties, debts, and common defense
- (b) Borrowing
- (c) Commerce clause
- (d) Naturalization and bankruptcy
- (e) Coin money and fix weights and measures
- (f) Punish counterfeiting
- (g) Post offices and post roads
- (h) Promote sciences and arts, patents, copyrights
- (i) Establish lower Federal courts
- (j) Punish crimes on high seas
- (k) Declare war
- (l) Raise and support armies
- (m) Provide for a navy
- (n) Provide for call of militia, suppress insurrections, and repel invasions
- (o) Legislate for District of Columbia and other Federal facilities
- (p) Necessary and Proper Clause

^{1/}By tradition, appropriation bills also originate in the House.

SEC. 9 - Restrictions on Powers of Congress:

- (a) Certain importation of persons not prohibited (i.e. slavery) (See 13th, 14th, and 15th Amendments)
- (b) Habeas corpus not to be suspended except in cases of rebellion or invasion
- (c) No bill of attainder or ex post facto laws
- (d) No capitation or direct taxes (See 16th Amendment)
- (e) No tax or duty on interstate articles
- (f) No preference to ports of States
- (g) No money drawn from Treasury except by appropriation and regular accounting required
- (h) No titles of nobility conferred or accepted

SEC. 10 - Restrictions on Powers of States:

- (a) State sovereignty restricted
- (b) No State compacts without consent of Congress

Related Amendments to the Constitution:

- 12 - Electoral College
- Section 2 of 14th Amendment - Re-apportionment of Seats
- 17 - Popular Election of Senators
- 20 - Terms of Congress
- 23 - District of Columbia vote in Electoral College
- 25 - Presidential Disability

C. HOUSE RULES AND MANUAL

The House Rules and Manual is the single most important document for you to have in your possession. It is a House Document printed after the adoption of the Rules of each new Congress. The current edition of this document applies to the 97th Congress (House Doc. No. 96-398) and it contains the Rules of the House, the U.S. Constitution, and Jefferson's Manual. In addition, it contains other useful information including excerpts from the Legislative Reorganization Acts of 1946 and 1970, the Committee Reform Amendments of 1974, the Congressional Budget Act of 1974, the proper form of certain motions and procedures, a brief recitation of how a bill becomes a law, a listing of the several Joint House-Senate Committees and their jurisdiction, the text of various "legislative veto" provisions contained in public laws, and miscellaneous provisions.

An important aspect of this document is its annotated reference to relevant precedents of the House. These annotations appear throughout Jefferson's Manual, the Constitution, and the House Rules.

A very useful part of the volume is its 181 page index. This giant index is prepared in painstaking detail and, if studied thoroughly, can usually give a lead to the parliamentary problem you seek to solve.

For example, if you wished to know if a Minority Report could be filed with a Conference Report, you might look under "Conference." It's not there. How about under "Reports?" Not there either. Well, take a look at "Minority." There it is with a reference to paragraph 543 which is in Jefferson's Manual and when read, points out the ruling of the Chair in 1883 as recorded in Volume V, Section 6406, of the Precedents!

So now you know. There can be no Minority Report filed with a Conference Report, but to get that decision you had to check three difference places in the index. (Remember, the index comprises about one-sixth of the total document.)

You should obtain a copy of the "House Rules and Manual" for your personal use! It is distributed as directed by the Parliamentarian of the House. You should be able to obtain a copy through your committee. If not, you may be able to obtain a copy from a Member of the House.

D. JEFFERSON'S MANUAL

A valuable part of the "House Rules and Manual" is that known generally as "Jefferson's Manual." Thomas Jefferson, while Vice President of the United States and President of the Senate, prepared for his own guidance "Jefferson's Manual of Parliamentary Practice."