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The Office of the Parliamentarian in the House and Senate

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The House and the Senate each has an Office of the Parliamentarian to provide expert advice and assistance on questions relating to the meaning and application of that chamber's legislative rules, precedents, and practices. The Speaker began naming a parliamentarian in 1927; the Senate first recognized its parliamentarian in 1935. At present, the House parliamentarian is assisted by a deputy parliamentarian, four assistant parliamentarians, and three clerks. The Senate office currently comprises the parliamentarian, a senior assistant parliamentarian, two assistant parliamentarians, and a parliamentary assistant.

The responsibilities of the two offices are similar. These derive from the need of Representatives and Senators, and their staff, for access to confidential and nonpartisan expertise regarding the intricacies of the legislative process. The parliamentarians and their assistants/deputies make their authoritative knowledge available to all Members on the floor during plenary sessions and from their offices at all other times.

The most visible service that each office provides is in advising the Member presiding over House or Senate plenary sessions as to the appropriate procedure to be followed, the appropriate way in which to phrase any statements the chair needs to make, and the appropriate responses by the chair to parliamentary inquiries and points of order. Whenever the House or Senate is in session, the parliamentarian or one of the office's deputies/assistants is present on the floor at all times. In the House, the parliamentarian on duty sits or stands near the right hand of the Member who is presiding. In the Senate, the parliamentarian on duty is always seated at the rostrum immediately below the presiding officer's desk.

Because of the complexity of the legislative procedures that govern the floor sessions of each house, Representatives and Senators have long felt the need for expert professional assistance, especially for those called upon to preside. The parliamentarians and their staffs provide this assistance in several ways. For routine situations and situations that can be anticipated in advance, the office may prepare written guidance for the Members who are presiding to inform them as to what they are expected to say or do to implement the applicable procedures of that house. In other circumstances, the parliamentarians convey their advice verbally to the presiding Representative or Senator—for example, when that Member needs to respond to a parliamentary inquiry or rule on a point of order.

As a staff official, neither parliamentarian is empowered to make decisions that are binding on the House or Senate. The parliamentarians and their deputies/assistants only offer advice that the presiding Representative or Senator may accept or reject; individual Members may appeal rulings. For more information on appeals, see CRS Report 98-306, *Points of Order, Rulings, and Appeals in the Senate* and CRS Report 98-307, *Points of Order, Rulings, and Appeals in the House of Representatives*, both by Valerie Heitshusen.

The House and Senate parliamentarians and their deputies/assistants have various other closely related duties. They recommend the referral of most measures to committee, acting on behalf of the Speaker of the House or the presiding officer of the Senate. They refer measures on the basis of House and Senate rules and precedents that define committee jurisdictions. Each office of the parliamentarian is also responsible for maintaining, compiling, and publishing the rules and precedents of its chamber. The publications for which the Senate office is responsible include the *Standing Rules of the Senate*, published periodically, and *Riddick's Senate Procedure*, the one-volume collection of precedents last published in 1992. The House office prepares the biennial editions of the *House Rules and Manual*, additional volumes in the multi-volume compilation of

Deschler-Brown Precedents, and the one-volume *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, a new edition of which was published in 2011.

The parliamentarians and their deputies/assistants in each house are also available to confer with all Members and their legislative staff about the meaning and application of their chamber's rules and precedents. For example, Members and staff may consult with the parliamentarian before introducing a bill to gain insight into how that bill might be referred to committee. Members and staff may also seek explanations, either during floor sessions or in preparation for them, about what procedures may be available or invoked during House or Senate consideration of a particular measure, amendment, or motion. Although the office of the parliamentarian is not responsible for providing procedural assistance during House or Senate committee meetings, they can offer (in advance or during such meetings) interpretation of House or Senate rules that are applicable during committee proceedings.

The House and Senate parliamentarians and their deputies/assistants are charged with providing information and assistance to all Representatives and Senators, and their staffs, on a strictly nonpartisan and confidential basis. Organizationally, the office of the Senate parliamentarian is within the Office of the Secretary of the Senate, whom the Senate elects at the recommendation of the majority leader. The Speaker appoints the parliamentarian of the House.

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This report was written by former CRS Senior Specialist Stanley Bach, but has been updated by the current author, who is available to answer inquires on the topic.