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The Legislative Process on the House Floor: An Introduction

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Summary

The daily order of business on the floor of the House of Representatives is governed by standing rules that make certain matters and actions privileged for consideration. On a day-to-day basis, however, the House usually decides to grant individual bills privileged access to the floor, using one of several parliamentary mechanisms.

The standing rules of the House include several different parliamentary mechanisms that the body may use to act on bills and resolutions. Which of these will be employed in a given instance usually depends on the extent to which Members want to debate and amend the legislation. In general, all of the procedures of the House permit a majority of Members to work their will without excessive delay.

The House considers most legislation by motions to suspend the rules, with limited debate and no floor amendments, with the support of at least two-thirds of the Members voting. Occasionally, the House will choose to consider a measure on the floor by the unanimous consent of Members. The Rules Committee is instrumental in recommending procedures for considering major bills and may propose restrictions on the floor amendments that Members can offer or bar them altogether. Many major bills are first 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.

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, although any Member may then 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.

The constitutional requirements for making law mean that each chamber must pass the same measure with the identical text before transmitting it to the President for his consideration. When the second chamber of Congress amends a measure sent to it by the first chamber, the two chambers must resolve legislative differences to meet this requirement. This can be accomplished by shuttling the bill back and forth between the House and Senate, with each chamber proposing amendments to the position of the other, or by establishing a conference committee to try to negotiate a compromise version of the legislation.

Contents

Introduction 1
The Nature of the Rules 1
Limitations on Debate 2
The Calendars and the Order of Business 2
Modes of Floor Consideration 3
- Under Suspension of the Rules 3
- In the House Under the Hour Rule 4
- In Committee of the Whole and the House 5
  - General Debate 5
  - Amending Process 6
  - Final Passage 7
- Under a Special Rule Reported by the Committee on Rules 7
- Unanimous Consent 8

Senate Amendments and Conference Reports 8
Voting and Quorum Procedures 10
Bringing It All Together: A Typical Day on the House Floor 11
Sources of Additional Information 12
- CRS Reports 12

Contacts

Author Contact Information 13
Acknowledgments 13

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 1,000 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.

First, the ways in which the House applies its rules are largely predictable, at least in comparison with the Senate. Some rules are certainly more complex and more difficult to interpret than others, but the House tends to follow similar procedures under similar circumstances. Even the ways in which the House frequently waives, supplants, or supplements its standing rules with special, temporary procedures generally fall into a 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 should ultimately be able to work their will on the floor. Although House rules generally recognize the importance of permitting any minority—partisan or bipartisan—to present its views and sometimes propose its alternatives, the rules do not enable that minority to filibuster or use other parliamentary devices to prevent the majority from prevailing without undue delay.[1] This principle provides an underlying coherence to the various specific procedures discussed 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).

This liberal 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 by affirmatively making points of order whenever they believe 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 generally apply only if the House chooses to enforce them.

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

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 is always 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 minutes, 20 minutes, 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. Most bills and resolutions, for instance, are considered under a set of procedures called "suspension of the rules" (discussed later in this report) that limits all debate on a measure to a maximum 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 thwarting 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* most often 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 of the week. 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.

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 are now available for consideration on the floor.[2] Placement on a calendar does not guarantee that a measure will receive floor consideration at a specified time or at all. Because it would be impractical or undesirable 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 (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

[2] 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.

privileged, meaning 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 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.

Modes of Floor 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 several modes of consideration, or different sets 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 the bill has generated among Members. The differences among these sets 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. Regardless of which procedure the House uses to consider legislation, the House majority party leadership generally tries to post the text of measures coming to the chamber floor in advance on an Internet website created for that purpose.[3]

Under Suspension of the Rules

The House most frequently resorts to a set of procedures that enables it to act quickly on bills that enjoy overwhelming but not unanimous support. Although this set 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 of those present and voting for passage.

On every Monday, Tuesday, and Wednesday—and often during the closing days of a session—the Speaker may 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 maximum of 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 is usually controlled by the ranking minority member of the committee (or sometimes the subcommittee) of jurisdiction, especially when he or she opposes the motion. The suspension 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. Once the 40 minutes is either used or yielded back, 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

[3] See http://docs.house.gov/floor/.

debate the bill again at another time, perhaps under another mode of consideration that permits floor amendments and more debate and 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 if such votes are requested. 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 together, occurring one after the other without intervening debate.

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 (discussed below). 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 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 countless 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 rule in practice lies in the consequences of a parliamentary 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 is usually 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 nondebatable motion 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; after disposing of the motion, the House usually 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 is usually 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 must first 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. In current practice, the most common type of legislation considered under the hour rule in the House are procedural resolutions reported by the House Committee on Rules that are commonly referred to as "special rules" (discussed below).

In Committee of the Whole and the House

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 many major bills are debated and amended before being passed or defeated by the House itself. Most bills are first referred to, considered in, and reported by a standing legislative 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, the Speaker 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.

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 are also 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.

General Debate

There are two distinct stages to consideration in Committee of the Whole. First, there is a period for general debate, which is routinely limited to an hour.[4] Each of the floor managers usually

[4] The length of general debate on a bill is determined either by unanimous consent or, more frequrently, by adoption of a procedural 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 titled "Under a Special Rule Reported by the Committee on Rules."

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 may consider a bill for amendment section by section or, in the case of appropriations measures, paragraph by paragraph. Amendments to each section or of the bill are in order after the part they would amend has been read or designated and before the next section 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 are usually 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 votes only 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 votes to *recommend* amendments to the House. The motion to order the previous question may not be made in Committee of the Whole, so Members may offer whatever germane amendments they wish unless prevented from doing so by 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 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 also 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 competing policy choices before the Committee of the Whole 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 regulates debate in the House. The Member offering each amendment (or the majority floor manager, in the case of a committee amendment) is first recognized to speak for five minutes. Then a Member opposed to the amendment may claim five minutes for debate. Other Members may also 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 voice vote, though Members can demand separate votes on any or all of them as a matter of right. 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, virtually always from the minority party, to offer a motion to recommit the bill to committee. If the House agrees to a "simple" or "straight" motion to recommit, which only proposes to return the bill to committee, the bill is taken from the floor and returned to committee. Although the committee technically has the power to re-report the bill, in practice, the adoption of a straight motion to recommit is often characterized as effectively "killing" the measure.

Alternately, motions to recommit frequently include instructions that the committee report the bill back to the House "forthwith" with an amendment that is stated in the motion. If the House agrees to such a motion, it then immediately votes on the amendment itself, so a motion to recommit with instructions is really a final opportunity for the minority party 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.

Under a Special Rule Reported by the Committee on Rules

Clause 1(m) of Rule X authorizes the Rules Committee to report resolutions affecting the order of business. Such a resolution—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 Committee of the Whole for the consideration of that bill. Because the special rule is itself 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 may also waive points of order that Members could otherwise 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. A "modified open rule" permits amendments to be offered that otherwise comply with House rules but imposes a time limit on the consideration of amendments or requires them to be preprinted in the *Congressional Record*. 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. A "structured" rule permits only certain specific amendments to be considered on the floor. 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, like other committees, the Rules Committee only makes recommendations to the House. As noted above, Members debate each of its procedural 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 could offer an amendment to it, proposing to change the conditions under which the bill itself is to be considered. Because the adoption of a special rule is often viewed as a "party loyalty" vote, however, such a development is exceedingly rare. All the same, it is important to remember that while the Rules Committee is instrumental in helping the House formulate its order of business and in setting appropriate ground rules for considering each bill, the House retains ultimate control over what it does, when, and how.

Unanimous Consent

Legislation is sometimes brought before the House of Representatives for consideration by the unanimous consent of its Members. Long-standing policies announced by the Speaker regulate unanimous consent requests for this purpose. Among other things, the Speaker will recognize a Member to propound a unanimous consent request to call up an unreported bill or resolution only if that request has been cleared in advance with both party floor leaders and with the bipartisan leadership of the committee of jurisdiction.[5]

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 basic 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

[5] William Holmes Brown, Charles W. Johnson, John V. Sullivan, *House Practice: A Guide to the Rules, Precedents and Procedures of the House* (Washington: GPO, 2011), ch. 54, §2, pp. 892-893.

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: (1) by dealing with the amendments individually through a process of exchanging amendments between the chambers, 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. This method of resolving differences is sometimes colloquially called "ping-pong," because each chamber acts in turn, shuttling the legislation back and forth as each proposes amendments to the position of the other.

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 are usually 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 have already approved. Furthermore, as the conferees resolve each provision or amendment in disagreement, they 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 may also 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 and is the functional equivalent of a committee report.

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 may be debated in the House under the hour rule, so the vote almost

[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.

always occurs after no more than one hour of debate. No amendments to the report are in order. In practice, however, the House almost always considers conference reports under the terms of a special rule that waives points of order against the report and its consideration.

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

In rare instances, 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 and 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

[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 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. Finally, the Senate has adopted special procedures whereby, under certain circumstances, "new matter" or new directed spending in a conference report might be stricken if a point of order is raised against it. For more information, see CRS Report RS22733, *Senate Rules Restricting the Content of Conference Reports*, by Elizabeth Rybicki.

of the Whole, it is only 100 Members. However, the House has traditionally 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 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.

Bringing It All Together: A Typical Day on the House Floor

After the opening prayer on each day by the House chaplain (or perhaps by a guest chaplain), the Speaker announces 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 may 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.

The ability to set the House's floor schedule is one of the primary powers and responsibilities of the majority party leaders, and in doing so they often consult with minority party leaders. Generally speaking, to the extent possible, 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 in a traditional "wrap-up" colloquy with a minority party leader. Changes in the schedule may be announced as they are made.

On a Monday, Tuesday, or Wednesday, the House will commonly consider multiple measures under the "suspension of the rules" procedure. Typically, recorded votes on such measures, if requested, are clustered together and taken at the end of the day. On other days of the week, the House will usually consider a major bill pursuant to a special rule reported by the House Committee on Rules. Such a special rule would be debated in the House under the hour rule, at the end of which the majority manager of the special rule would "move the previous question," which, when adopted, brings the resolution to a vote. Once adopted, the House would ordinarily consider a measure in Committee of the Whole pursuant to the terms for general debate and amendment established by the special rule. Following consideration in the Committee of the Whole, the House would take the final votes on the measure after voting on the amendments recommended by the committee and on a minority motion to recommit, which might be made with amendatory instructions. At other times in the House, noncontroversial measures that have been cleared by both parties in advance might be called up and quickly passed by unanimous consent.

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 seek recognition?" The Speaker may decline to recognize that Member if the Speaker wants the House to consider another privileged measure, motion, or report.

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 and organized by the party leadership. 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 early evening, although it may remain in session later when the need 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-Johnson Precedents of the U.S. House of Representatives*; 17 volumes of this set now are available. The House's procedures are summarized in *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, by William Holmes Brown, Charles W. Johnson, and John V. Sullivan, former Parliamentarians of the House. The most recent version of *House Practice* was published in 2011. The Parliamentarian and his assistants welcome inquiries about House procedures and offer expert assistance compatible with their other responsibilities.

CRS Reports

CRS Report R43912, *How Legislation Is Brought to the House Floor: A Snapshot of Parliamentary Practice in the 113th Congress (2013-2014)*, by Christopher M. Davis.

CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis.

CRS Report RL32200, *Debate, Motions, and Other Actions in the Committee of the Whole*, by Bill Heniff Jr. and Elizabeth Rybicki.

CRS Report 97-552, *The Discharge Rule in the House: Principal Features and Uses*, by Richard S. Beth.

CRS Report RL30787, *Parliamentary Reference Sources: House of Representatives*, by Richard S. Beth and Megan S. Lynch.

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

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

CRS Report 98-314, *Suspension of the Rules in the House: Principal Features*, by Elizabeth Rybicki.

CRS Report 98-870, *Quorum Requirements in the House: Committee and Chamber*, by Christopher M. Davis.

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