

CONGRESSIONAL RULES AND PROCEDURES

61. How are the rules of procedure in Congress determined?

The Constitution (Article I, Section 5) provides that each House “determine the Rules of its Proceedings.” These resulting rules and procedures are spelled out in detailed procedural manuals for each Chamber.

62. What are the functions of the Rules Committee?

The House Rules Committee makes recommendations to the House on possible changes to the standing rules of the House, as well as the order of business on the House floor. The committee affects the order of business by reporting resolutions that make it possible for the House to begin acting on a bill that is on the House or Union Calendar. These resolutions are known as special rules or simply as “rules.” Each special rule may also propose a set of ground rules for debating and amending a particular bill that is different from the normal rules for considering legislation. For example, a special rule may impose limitations on the amendments that Members can propose to a bill, or it may allow an amendment to be offered, even though it violates a standing rule of the House. The House as a whole decides by majority vote whether to accept, reject, or modify each special rule that the Rules Committee proposes.

The Senate Committee on Rules and Administration also considers possible changes to the standing rules of the Senate, but it has no role in determining the order of business on the Senate floor. In addition, the Senate committee reports resolutions to fund the work of all the Senate committees; in the House, however, this responsibility belongs to the Committee on House Administration.

63. What is a quorum of the House and of the Senate?

In the House of Representatives, a quorum is a simple majority of the Members. When there are no vacancies in the membership, a quorum is 218. When one or more seats are vacant, because of deaths or resignations, the quorum is reduced accordingly. Because of Members' other duties, a quorum often is not actually present on the House floor. But any Member may insist that a quorum must participate in any vote that takes place in the House. If a Member makes a point of order that a quorum is not present, and the Speaker agrees, a series of bells ring on the House side of the Capitol and in the House office buildings to alert Members to come to the Chamber and record their presence.

A majority of the membership, or 51, constitutes a quorum to do business in the Senate.

64. What is the Committee of the Whole?

The Committee of the Whole House on the State of the Union (or Committee of the Whole) is a hybrid form of the House itself. Technically, it is a committee of the House on which all Representatives serve and which meets in the House Chamber. However, it is governed by different rules of procedure than the House meeting as itself. The concept of the "grand committee" has been carefully developed from the early days of the House and in modern practice gives the House a more expeditious means for considering the complex and often controversial legislation referred to it. Historically, it was devised by the English House of Commons to give them the ability to debate privately and not have their votes committed to record. The Committee of the Whole in the U.S. House, however, has permitted recorded votes since January 1971.

The House resolves itself into a new Committee of the Whole for the consideration of each bill. A specific Committee of the Whole is dissolved when it "rises and reports with a recommendation," to the House. When the Committee rises after not having resolved the matter committed to it, that bill is carried on the calendar as "unfinished business of the Committee of the Whole" until consideration has been finally completed.

When a bill or resolution is considered in Committee of the Whole, there first is a period of time, usually 1 hour, for general debate on the merits of the bill or resolution. If enforced, a quorum in the Committee is 100 Members (whereas 218 are required in the House). After general debate, Members may offer amendments, with each speech for or against an amendment being limited to 5 minutes. If a recorded vote is desired on any amendment, the call for the vote must be seconded by 25 Members (whereas 44 or more are required in the House). When the amending process is completed, the Committee of the Whole "rises," and reports its actions to

the House through the Speaker. The House then votes on whether or not to adopt the amendments recommended by the Committee of the Whole, and then votes on final passage of the measure, as amended.

The Senate ceased using the Committee of the Whole as a parliamentary forum for debate in 1986.

65. What are the duties of the Parliamentarians?

The House and the Senate each has a Parliamentarian to assist the presiding officer in making correct parliamentary decisions, to keep a record of procedures and precedents, and to refer bills to the correct committees of jurisdiction. These officials must be so well versed in the rules and practices of the Chamber that the presiding officer can be given guidance and advice on a moment's notice.

66. When Congress is in session, at what hour do the two Houses meet?

The time of meeting is fixed by each Chamber. The daily meeting of each Chamber normally begins at noon and continues until late afternoon or early evening. However, the time at which House and Senate meetings begin or end is often changed from day to day, depending on the work that must be done.

67. What are the customary proceedings when the House of Representatives meets? When the Senate meets?

The Speaker calls the House to order, and the Sergeant at Arms places the Mace (an ancient symbol of authority) on the pedestal at the right of the Speaker's platform. After the Chaplain offers a prayer, the Speaker recognizes a Member to lead the House in the Pledge of Allegiance. Then the Journal of the previous day's activities is approved, usually without being read. Next, the Speaker may recognize a few Members to speak briefly on matters of importance to them, for no longer than 1-minute each. The House then is ready to begin or resume consideration of a bill, resolution, or conference report.

The initial proceedings of the Senate are similar. The Senate is called to order by the Vice President, the President pro tempore, or another Senator serving as acting President pro tempore. After a prayer and the approval of the Journal, the Majority and Minority Leaders are recognized in turn for brief periods to speak or to transact routine business. Other Senators then may speak, on matters of interest to them, for no longer than 5 minutes each. If the Senate had adjourned at the end of its previous meeting, a 2-hour period, known as the "morning hour" is held, for disposing of routine and noncontroversial matters. If the Senate had recessed instead, which is the usual practice, there is no "morning hour" and the Senate proceeds instead to consider matters of legislative or executive business under its normal rules of procedure.

68. What business can be transacted by unanimous consent?

Almost anything can be done in either House by unanimous consent, except where the Constitution or the rules of that Chamber specifically prohibit the presiding officer from entertaining such a

request. For example, since the Constitution requires that a rollcall vote be taken to pass a bill over a Presidential veto, the presiding officer of the House or the Senate cannot entertain a unanimous consent request to waive this requirement. In the House of Representatives, unanimous consent requests to admit to the Chamber persons who are not permitted to be present under its rules, or to introduce visitors in the galleries to the House are not in order.

69. How are record votes taken in the Congress?

Most votes are taken by a simple voice method, in which the yeas and nays are called out, respectively, and the judgment of the chair as to which are greater in number determines the vote. If a recorded vote is desired, a sufficient second must support it. The Constitution simply provides that "the yeas and nays of the Members of either House on any question shall at the desire of one-fifth of those present, be entered on the Journal." One-fifth of a quorum is deemed to be 44 in the House ($\frac{1}{5}$ of 218), and 11 in the Senate ($\frac{1}{5}$ of 51). Since 1973, the House has used an electronic voting system to reduce the time consumed in voting. The Senate continues to use an oral call of the roll. Each Chamber permits a minimum of 15 minutes to complete a vote.

70. Are there time limitations on debate in Congress?

Yes. In the House, no matter is subject to more than 1 hour of debate, usually equally divided between the majority and the minority, without unanimous consent. Moreover, the majority can call for the "previous question," and bring the pending matter to an immediate vote. Nonlegislative debate is limited to 1-minute per Member at the beginning of the day and up to 1 hour per Member at the end of the day. In the Committee of the Whole, the period of time spent in general debate is determined and apportioned in advance. Amendments are subject to the 5-minute per side rule, but can extend beyond 10 minutes of debate per amendment when unanimous consent is granted or when "pro forma" amendments are offered to gain additional time on the pending amendment. A nondebatable motion to close debate is in order to end debate on any specific amendment and bring it to a vote.

In the Senate, debate is normally without restriction, unless time limits are agreed to by unanimous consent. The ability to extend debate at will, to "filibuster," enables a Senator to delay the final vote on a measure, or even to prevent it all together. Filibusters can be broken only by negotiation or through the use of a formal procedure known as "cloture." A successful cloture motion requires at least a $\frac{3}{5}$ vote—or 60 Senators. If cloture is invoked, the filibuster comes to a gradual end. Thirty hours of further debate are permitted in the post-cloture period prior to the vote on final passage. However, Senators rarely extend debate after a successful cloture vote.

71. How do Members obtain permission to speak?

In the House, Members stand, address the presiding officer and do not proceed until recognized to speak. The presiding officer (the Speaker in the House; the chairman in the Committee of the

Whole) has the authority to ask Members for what purpose they seek recognition. The presiding officer may then recognize or not recognize the Member, depending upon the purpose for which recognition was requested.

In the Senate, Senators must also stand, address the presiding officer (the Vice President, the President pro tempore, or the acting President pro tempore), and may not proceed until one of them is recognized to speak. However, the rules of the Senate require the presiding officer to recognize the first Senator to address the chair. The presiding officer does not have discretionary recognition authority. However, in the tradition of the Senate, the Majority Leader and Minority Leader are given preferential recognition over any other Senator.

72. How do Members of Congress introduce bills?

A bill that is to be introduced is typed on a special House or Senate form and signed by the Representative or Senator who will introduce it. In the House, a Representative may introduce a bill any time the House is in session by placing it in a special box known as the "hopper," which is located on the Clerk's desk in the House Chamber. A Senator introduces a bill by delivering it to a clerk on the Senate floor while the Senate is in session, although it is formally accepted only during a period of time set aside in the Senate for the transacting of routine morning business.

73. When does a bill, introduced at the beginning of a Congress, become "dead" and no longer open to consideration?

A bill may be introduced at any point during a 2-year Congress, and remains eligible for consideration throughout the duration of that Congress until the Congress ends or adjourns sine die.

74. What are the stages of a bill in the Congress?

Following in brief are the usual stages by which a bill becomes law. (For further details, see "How Our Laws Are Made," House Document No. 101-139).

(1) Introduction by a Member, who places it in the "hopper," a box on the Clerk's desk in the House Chamber; the bill is given a number and printed by the Government Printing Office so that copies are available the next morning.

(2) Referral to one or more standing committees of the House by the Speaker, at the advice of the Parliamentarian.

(3) Report from the committee or committees, after public hearings and "markup" meetings by subcommittee, committee, or both.

(4) House approval of a special rule, reported by the House Rules Committee, making it in order for the House to consider the bill, and setting the terms for its debate and amendment.

(5) Consideration of the bill in Committee of the Whole, in two stages: first, a time for general debate on the bill; and second, a time for amending the bill, one part at a time, under a rule that limits speeches on amendments to 5 minutes each.

(6) Passage by the House after votes to confirm the amendments adopted in Committee of the Whole.

(7) Transmittal to the Senate, by message.

(8) Consideration by the Senate—usually after referral to and report from a Senate committee, and after debate and amendment on the Senate floor.

(9) Transmission from the Senate back to the House, with or without Senate amendments to the bill.

(10) Resolution of differences between the House and the Senate, either through additional amendments between the Houses, or the report of a conference committee.

(11) Enrollment on parchment paper and then signing by the Speaker and by the President of the Senate.

(12) Transmittal to the President of the United States.

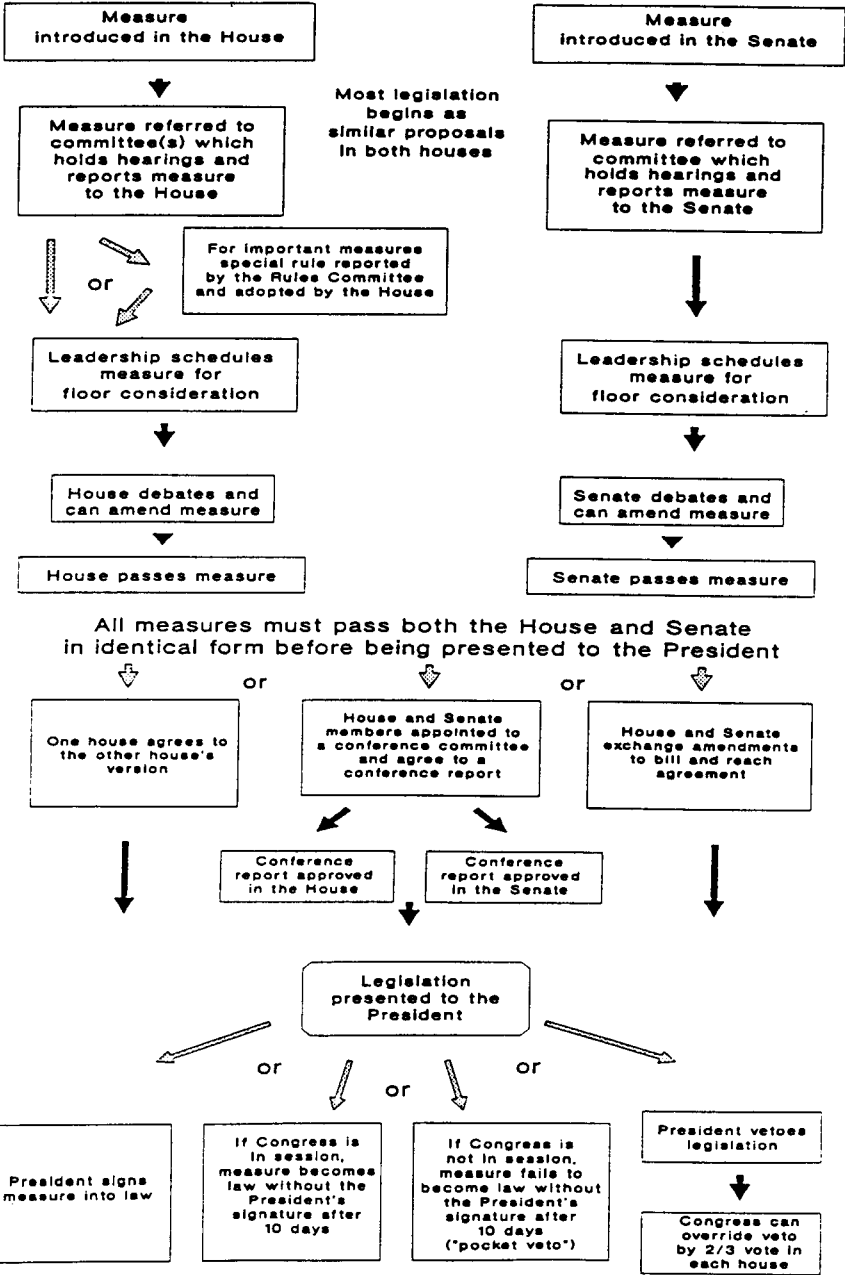
(13) Approval or disapproval by the President; if the President disapproves, the bill will be returned with a veto message that explains reasons for the disapproval.

(14) House and Senate action to override the veto by two-thirds votes; both Chambers must vote to override the veto if the bill is to become law.

(15) Filing with the Archivist of the United States as a new public law after approval of the President, or after passage by Congress overriding a veto.

Bills may be introduced in the Senate (except for bills making appropriations) and they follow essentially the same course of passage as the House of Representatives. Refer to the flow chart on the following page.

75. How does a bill become law?



76. What courses are open to the President when a bill is presented to him?

The President has three choices: First, to sign it promptly, whereupon it becomes a law. Second, the President may veto the bill: i.e., return it to Congress (stating the objections) without a signature of approval. In this case, Congress may override the veto with a two-thirds vote in each House. The bill would then become a law despite the President's veto. Third, the President may hold it without taking any action. In this case, it becomes law after the expiration of 10 days (excluding Sundays) without the President's signature if Congress is in session; or it does not become law if Congress has adjourned (this is called a "pocket veto").

77. What happens to a bill after it becomes law?

The provisions of the law take effect immediately unless the law itself provides for another date. The law will also specify which executive departments or agencies are empowered to carry it out or enforce it.

The actual written document is sent to the National Archives and Records Administration, an independent agency of the Government, where it is given a number and published in individual form as a "slip law." At the end of each session of Congress, these are consolidated in a bound volume called U.S. Statutes at Large. In addition, all permanent, general laws currently in force are included in the Code of Laws of the United States of America, commonly called the U.S. Code. The Office of Law Revision Counsel, part of the institutional structure of the House of Representatives, is responsible for preparing and issuing annual supplements to keep the Code up to date.