

CRS Report for Congress

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Legislative Procedure in Congress: Basic Sources for Congressional Staff

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Summary

Written for congressional staff, this report identifies and provides Web site addresses (when available) of official government sources for information on the legislative process and the rules and procedure of the U.S. House of Representatives and the U.S. Senate. References to selected CRS products are also provided, as well as a listing of selected titles for supplementary reading. Information is offered on the CRS legislative institutes. This report will be updated as new information is available.

Understanding legislative procedure and processes is an essential tool for congressional staff. The publications listed here are key resources that congressional staff should be familiar with in order to understand basic legislative procedure in the House and Senate.

House/Senate Sources

Congressional staff can find official overviews and explanatory information on the legislative process within the U.S. House of Representatives on the House Web site at [http://www.house.gov/house/Tying_it_all.html]. Information on the legislative process within the U.S. Senate is available at [http://www.senate.gov/pagelayout/legislative/d_three_sections_with_teasers/process.htm].

Reference sources on the rules and procedure of the House and Senate are also available and are listed below.

House Rules and Procedure

Constitution, Jefferson's Manual, and Rules of the House of Representatives. Washington: GPO, 2001.

This manual is prepared for each Congress by the Parliamentarian of the House and is issued as a House document (most recently for the 107th Congress as H.Doc. 106-320, which is available at [http://www.gpoaccess.gov/hrm/browse_107.html]). It contains the text of the Constitution; the rules of the House, and portions of *Jefferson's Manual of*

Parliamentary Practice currently pertinent to House procedure, each with commentary summarizing applicable precedents; a portion of the Congressional Budget Act; and other statutory provisions that operate as procedural rules. Copies are distributed automatically to House offices. This is often referred to as *House Rules and Manual*.

House Practice: A Guide to the Rules, Precedents, and Procedures of the House. Washington: GPO, 2003.

This one-volume publication prepared by William Holmes Brown and updated by Charles W. Johnson, past and present House Parliamentarians, provides more current summary information on House rules and selected precedents than *Procedure in the U.S. House of Representatives* (see next entry). Organized alphabetically by topic, it reflects changes in the House rules and procedure adopted as of the 108th Congress. This is sometimes referred to as *Brown's*. With the publication of this summary work, and with the updating in each Congress of the *House Rules and Manual*, current precedents are now more easily accessible to Members and staff of Congress. The full text is available at [<http://www.gpoaccess.gov/hpractice>].

Procedure in the U.S. House of Representatives, 97th Congress; A Summary of the Modern Precedents and Practices of the House, 86th Congress-97th Congress. Washington: GPO, 1982.

Frequently referred to as Deschler's *Procedure*, after a former Parliamentarian of the House, this one-volume work summarizes House procedure and provides a cumulated, condensed version of House precedents from 1959 to 1980. A supplement to this volume, *Procedure in the United States House of Representatives: Annotations of the Precedents of the House for the 97th, 98th, and 99th Congresses*, published in 1986, covers the years 1981 through 1986. Both publications are out of print, but House offices can obtain copies from the Office of the House Parliamentarian (5-7373). These publications are not available on the Internet, but the full text of the multivolume *Deschler's Precedents of the U.S. House of Representatives* is available at [<http://www.gpoaccess.gov/precedents/deschler/index.html>].

Senate Rules and Procedure

Senate Manual. Washington: GPO, 2003.

This manual, usually prepared during the second session of each Congress by the Senate Committee on Rules and Administration, contains the standing rules, orders, laws, and resolutions affecting the Senate, as well as copies of historical U.S. documents and selected statistics on the Senate and other government entities. Issued as S.Doc. 1, copies are automatically distributed to Senators and Senate committees. The full text is available at [<http://www.gpoaccess.gov/smanual/index.html>].

Riddick, Floyd M., and Alan S. Frumin. *Riddick's Senate Procedure: Precedents and Practices*. Washington: GPO, 1992.

This publication was revised and updated in 1992 by the Parliamentarian of the Senate and published as S.Doc. 101-28. Organized alphabetically by topic, it contains currently applicable rulings by the presiding officer and practices related to Senate procedure. An appendix has suggested forms for various procedures, for example, offering motions or filing conference reports. The full text of *Riddick's* is available at [<http://www.gpoaccess.gov/riddick/index.html>].

Senate Cloture Rule. Washington: GPO, 1985.

This committee print (S.Prt. 99-95) was prepared for the use of the Senate Committee on Rules and Administration by the Congressional Research Service. It includes lists of selected filibusters; tables of cloture votes; a legislative history of the cloture rule; and a bibliography. This publication is not available on the Internet, but Members of Congress can obtain copies from the Senate Committee on Rules and Administration (4-6352) or the Congressional Research Service (7-5700).

Primers on the Legislative Process and Related Documents

Excellent general reference sources on the legislative process are available to the congressional staffer.

Our American Government, Washington: GPO, 2003. (H.Doc. 108-94)

This revised version of the popular introductory guide is written in a question-and-answer format which covers a broad range of topics dealing with the legislative, executive, and judicial branches of our government. Its Appendixes contain a glossary of legislative terms and a selective bibliography. Copies of each new edition are automatically distributed to congressional offices; the full text is also available at [<http://www.access.gpo.gov/congress/house/index.html>].

The Constitution of the United States of America As Amended: Unratified Amendments: Analytical Index. Washington: GPO, 2000. (H.Doc. 106-214)

This revised version contains the text of the Constitution, its Amendments, and a very useful index to the Constitution and Amendments. The full text is available at [<http://www.gpoaccess.gov/constitution/index.html>].

Dove, Robert B. *Enactment of a Law; Procedural Steps in the Legislative Process.* Washington: GPO, 1982.

Prepared by the Senate Parliamentarian, this primer on the legislative process traces procedures used in the Senate and the House of Representatives. No printed copies are available, but it was updated in 1997 and can be found on the CRS Web site at [<http://www.crs.gov/products/guides/senate/parliamentarianoverview/SenateOverview.shtml>] as well as on THOMAS, the Library of Congress public Web site.

Johnson, Charles W. *How Our Laws Are Made.* Washington: GPO, 2003.

This guide is updated periodically (most recently as H.Doc. 108-93), available at [<http://www.crs.gov/products/guides/house/parliamentarianoverview/howourlawsaremade.shtml>] on the CRS Web site and also on the THOMAS Web site. This pamphlet outlines stages in the legislative process for the generalist and explains the uses of various publications, which track that process. It was prepared by the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate. Copies of new editions are automatically distributed to congressional offices; Members of Congress can obtain copies from the House Legislative Resource Center and the Senate Document Room.

CRS Sources

CRS has a variety of resources and services available on legislative procedure.

The CRS Web site is available for the use of Members of Congress and congressional staff at [<http://www.crs.gov>]. CRS products including electronic briefing books are available there, along with links to the Legislative Information System (LIS).

Members of Congress and congressional staff may obtain useful CRS materials on legislative procedure from “CRS Guides to Congressional Processes” on the CRS Web site at [<http://www.crs.gov/products/guides/guidehome.shtml>]. Short one- or two-page fact sheets on House procedure are available under the heading “Fact Sheets: House Legislative Process” at [<http://www.crs.gov/products/guides/house/explanations/HouseExplanations.shtml>].

Fact Sheets on Senate procedure are available under the heading “Fact Sheets: Senate Legislative Process” at [<http://www.crs.gov/products/guides/senate/explanations/SenateExplanations.shtml>].

Selected CRS Reports and Info Pack

CRS Report 98-439. *Amendment Process in the Committee of the Whole.*

CRS Report 98-812. *Amendments Between the Houses.*

CRS Report 98-706. *Bills and Resolutions: Examples of How Each Kind is Used.*

CRS Report 98-728. *Bills, Resolutions, Nominations, and Treaties: Origins, Deadlines, Requirements, and Uses.*

CRS Report 98-564. *Committee of the Whole: Stages of Action on Measures.*

CRS Report RS20794. *The Committee System in the U.S. Congress.*

CRS Report 98-736. *Floor Consideration of Conference Reports in the House.*

CRS Report RS20200. *General Debate In Committee of the Whole.*

CRS Report 98-777. *The House Amendment Tree.*

CRS Report RL30945. *House and Senate Rules of Procedure: A Comparison.*

CRS Report 98-338. *House Committee Hearings: Witness Testimony.*

CRS Report 98-175. *House Committee Jurisdiction and Referral: Rules and Practice.*

CRS Report 98-335. *House Committee Markup: Amendment Procedure.*

CRS Report 98-267. *House Committee Markup: Reporting.*

CRS Report 98-188. *House Committee Markup: Vehicle for Consideration and Amendment.*

CRS Report RS20308. *House Committee Markups: Commonly Used Motions and Requests.*

CRS Report 98-458. *Introducing a House Bill or Resolution.*

CRS Report 98-459. *Introducing a Senate Bill or Resolution.*

CRS Report 98-721. *Introduction to the Federal Budget Process.*

CRS Info Pack IP247L. *Legislative Procedure: An Introduction*, an overview is provided and can be ordered from the CRS Web site.

CRS Report 95-563. *The Legislative Process on the House Floor: An Introduction.*

CRS Report 96-548. *The Legislative Process on the Senate Floor: An Introduction.*

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

CRS Report RL30788. *Parliamentary Reference Sources: Senate.*

CRS Report 98-143. *Procedural Distinctions Between the House and the Committee of the Whole.*

CRS Report 98-334. *Provisions of Special Rules in the House: An Example of a Typical Open Rule.*

CRS Report RS 20147. *Committee of the Whole: an introduction.*

CRS Report 98-612. *Special Rules and Options for Regulating the Amending Process.*

CRS Report 98-222. *Sponsorship and Cosponsorship of House Bills.*

CRS Report 98-279. *Sponsorship and Cosponsorship of Senate Bills.*

In addition to legislative procedure material available on the CRS Web site, CRS offers several programs on legislative procedure for congressional staff. Legislative staff members are invited to attend *Congress: An Introduction to Resources and Procedure*, an introductory CRS program designed for and offered only to permanent, professional Hill staff who seek a foundation for understanding the legislative process and the resources available to monitor it. This CRS program is offered 10 or more times a year and is the first of the CRS Legislative Process Institutes, a three-part series providing training in the legislative process. The other parts are the *Advanced Legislative Process Institute* and the *Graduate Institute* (the “CRS Congress”). Attendance at *Congress: An Introduction to Resources and Procedure* is recommended as a prerequisite for the CRS Advanced Legislative Process Institutes. More information on the three CRS institutes is available on the CRS Web site at [<http://www.crs.gov/services/general/briefings.shtml>] or by telephone at 7-7904.

Legislative staff members are also invited to attend *Budget Process Institutes*. The introductory *Overview of the Federal Budget Process* is offered several times each year and provides an introduction to federal budgeting procedures, particularly procedures used in Congress. Three advanced institutes — *Budget Resolutions and Reconciliation*, *The Appropriations Process*, and *The President and the Budget* — are offered during the year at times when they are most relevant to congressional staff.

Event dates for CRS programs and institutes can be found on the CRS Web site at [<http://www.crs.gov/events/dates03.shtml>].

Supplementary Reading

Congress A to Z. 4th ed. Washington: Congressional Quarterly Press, 2003.

Davidson, Roger H. and Walter J. Oleszek. *Congress and Its Members*. 9th ed. Washington: CQ Press, 2003.

Green, Alan. *Gavel to Gavel*. 5th ed. Washington: Benton Foundation/C-SPAN, 1993.

Guide to Congress. 5th ed. Washington: CQ Press, 2000.

Jefferson, Thomas. *A Manual of Parliamentary Practice for the Use of the Senate of the United States*. Washington: GPO, 1993. (S.Doc. 103-8)

Koempel, Michael L., and Judy Schneider. *Congressional Deskbook 2003-2004*. Alexandria, VA: TheCapital.Net, Inc., 2003.

Kravitz, Walter. *Congressional Quarterly's American Congressional Dictionary*. 3rd ed. Washington, CQ Press, 2001.

Oleszek, Walter J. *Congressional Procedures and the Policy Process*. 5th ed. Washington: CQ Press, 2001.

Tiefer, Charles. *Congressional Practice and Procedure: A Reference, Research, and Legislative Guide*. New York: Greenwood Publishing Group, 1989.

Where to Get These Publications

Many of the works on legislative procedure listed here are produced by the Government Printing Office (GPO) and may be purchased with credit cards:

- ! by telephone, (202) 512-1800;
- ! online at the GPO Bookstore Web site at [<http://bookstore.gpo.gov>]; or
- ! by fax, (202) 512-2250.

Some of these publications are only available from congressional sources for congressional office use, while others listed in the Supplementary Reading section may be purchased from bookstores or publishers.