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Committee of the Whole: An Introduction

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Summary

The Committee of the Whole House on the State of the Union, more often referred to as the “Committee of the Whole,” is the House of Representatives operating as a committee on which every Member of the House serves. The House of Representatives uses this parliamentary device to take procedural advantage of a somewhat different set of rules governing proceedings in the Committee than those governing proceedings in the House. The purpose is to expedite legislative consideration.

This report briefly reviews the history of the Committee of the Whole, describes the current procedure associated with it, and identifies its procedural advantages. It will be updated if the rules and procedures change.

History

The Committee of the Whole has been an accepted practice in the United States Congress since the First Congress convened in 1789. It was used earlier in many of the colonial legislatures, as well as in the Continental Congress. The custom has its antecedents in English parliamentary practice. De Alva Stanwood Alexander, an historian of the House of Representatives and a former Representative himself, wrote:

This Committee has a long history. It originated in the time of the Stuarts, when taxation arrayed the Crown against the [House of] Commons, and suspicion made the Speaker a tale-bearer to the King. To avoid the Chair’s espionage the Commons met in secret, elected a chairman in whom it had confidence, and without fear of the King freely exchanged its views respecting supplies. The informality of its procedure survived the occasion for secrecy, but to this day the House of Commons keeps up the fiction of concealment, the Speaker withdrawing from the hall when the Committee convenes, and the chairman occupying the clerk’s desk.¹

¹ Alexander, De Alva Stanwood. *History and Procedure of the House of Representatives*. Boston and New York. Houghton Mifflin Company, 1916, p. 257.

Use of the Committee of the Whole in the current practice of the House of Representatives has changed considerably from the form first used in 1789. Until the early 1800s, the House used committees of the whole to work out the broad outlines of major legislation. A select committee would then be appointed to draft a bill. When the select committee reported the bill to the House, the House would then refer the measure to a Committee of the Whole for debate and amendment before itself considering the question of passage.²

Historian Ralph Volney Harlow commended on the committee of the whole as a forum in which the broad outline of legislation could be discussed:

The committee of the whole is really a compromise between a regular session, and an adjournment for purposes of discussion. The latter method could not be used to advantage in any large assembly, because some restraining influence would be necessary. But the primitive form of the committee of the whole was probably a short adjournment, during which members could move about from one to another, and freely discuss the merits of the matter under consideration.³

Gradually, the standing committee system grew up in the House of Representatives, replacing the temporary select committees of the earlier era. Standing committees assumed the overview and drafting functions previously divided between a committee of the whole and a select committee.

As a result, the purpose for convening in Committee of the Whole began to change. The concept found in current practice is that of the principal forum for discussion and amendment of legislation. Contemporary Committee of the Whole procedures are not without some restriction, but they are more flexible than those employed in the formal sessions of the House of Representatives.

For a comparison of characteristics of the House and the Committee of the Whole in contemporary practice, please see Table 1 at the end of this report.

Resolving Into Committee

When the House of Representatives resolves itself into the Committee of the Whole, two simple rituals mark the transformation. First, the mace — a column of ebony rods which sits on a green marble pedestal to the right of the Speaker on the podium — is moved to a white marble pedestal positioned lower on the podium. The mace represents the authority of the sergeant of arms to maintain order in the House. When it is removed from the higher position on the podium, it signals the House is no longer meeting as the House of Representatives in regular session, but in the Committee of the Whole.

Second, the Speaker descends the podium, and designates a majority party colleague to take his place and assume the duties of the presiding officer during the deliberations

² Congressional Quarterly, Inc. *Origins and Development of Congress*. Washington, D.C., 1976. p. 83.

³ Harlow, Ralph Volney. *The History of Legislative Methods in the Period Before 1825*. New Haven, Yale University Press, 1917. p. 92.

of the Committee of the Whole. The Member designated by the Speaker thus becomes the chairman of the Committee of the Whole and is responsible for recognizing Members, maintaining order, and ruling on points of order. During meetings of the Committee of the Whole, Members address the chair not as “Mr. Speaker” but as “Mr. Chairman” or “Madam Chairman.”

Under the Standing Rules of the House, a measure that raises revenue, directly or indirectly appropriates money, or authorizes the expenditure of money *must* be considered in the Committee of the Whole. Other types of measures *may* be considered in the Committee of the Whole, if the House so decides, or if a rule-making statute so requires.

In either case, the House of Representatives must first agree to resolve itself into the Committee of the Whole. It does so in three ways: by unanimous consent, by adopting a motion to resolve into the Committee of the Whole, or by adopting a “special rule” that authorizes the Speaker to declare the House resolved into the Committee of the Whole for the purpose of considering a specified measure.

In addition to making the consideration of a specific measure in order in the Committee of the Whole, each of these three approaches will most likely limit general debate time and assign its control. They may also specify the number and types of amendments which may be offered, may designate debate time on amendments, and may waive points of order against House rules, if a provision in the measure could otherwise be held in violation of them.

Procedural Advantages

Once the House resolves itself into the Committee, the measure before the Committee is debated and amended. In general, the Committee of the Whole observes the rules of procedure of the House of Representatives insofar as they are applicable.

There are several important differences between proceedings in the House of Representatives and proceedings in the Committee of the Whole that make legislative deliberation in the Committee an attractive alternative.

Quorums. In the House, a majority of the membership is required to constitute a quorum to conduct business. If all 435 seats are filled, a majority is 218 members. In the Committee of the Whole, however, only 100 members are required to constitute a quorum. The chairman may vacate further proceedings under a quorum call as soon as 100 members have answered the call, and the minimum 15-minute period allowed for a quorum call need not be used in its entirety, as is the case in the House.

In addition, the chairman of the Committee is generally allowed the discretion of whether or not to permit a quorum call during general debate. Furthermore, if the presence of a quorum has been established once during any day’s deliberations in the Committee, the chairman need not entertain a quorum call unless a pending question has been put to a vote during the amendment process.

Debate on Amendments. The basic rule governing debate in the House is the “one-hour” rule. In theory, this means any Member receives one hour to debate when recognized on any question. By custom, this hour is divided between the majority and

minority, with each side receiving 30 minutes. Members often yield time to one another, but normally only for the purpose of debate, and not for the offering of amendments or procedural motions. It is unusual for the House to proceed to a second hour of debate under the “one-hour” rule.

In the Committee of the Whole, however, the basic rule governing debate of amendments is the “five-minute” rule. Supporters of amendments offered in Committee receive five minutes of debate time and opponents of the proposition receive five minutes. Thus, more Members are likely to participate in debate under the “five-minute” rule in Committee than is possible under the “one-hour” rule in the House.

To gain five minutes of debate time on a pending amendment, a Member offers a nonsubstantive amendment, also called a “pro forma amendment,” to “strike the last word” or “strike the requisite number of words.” Thus, a Member overcomes the rule applicable in the Committee of allowing only five minutes for a Member to speak in support of an amendment and five minutes for a Member to speak in opposition to an amendment. A Member may also seek unanimous consent to continue for a short, specified period of time.

Ending Debate. In the House, debate can be ended by moving the previous question. However, the previous question not only ends debate, it also brings the matter before the House to an immediate vote. This precludes the possibility of any further amendments or discussion. Neither debate nor amendments to the motion for the previous question are in order.

The previous question is not in order in the Committee of the Whole. However, additional and more flexible choices exist. A motion either to close debate or to limit the time for further debate (*e.g.*, to 20 minutes, to 4:00 p.m., etc.) may be offered in the Committee. Either motion is debatable and can be further refined through amendment. In practice, the floor manager of a bill will more often ask unanimous consent that debate be either closed or limited and offer a motion only if unanimous consent cannot be obtained.

In addition, even if a motion to close debate is agreed to in the Committee, Members may still offer amendments they have filed at the desk. These will be considered, but without debate. However, if Members had their amendments printed in the *Congressional Record* in advance of floor proceedings, they are guaranteed 10 minutes of debate on those amendments. In practice, this protection can be overturned by a “special rule” adopted by the House prior to the commencement of proceedings in the Committee if the special rule provides other amendment procedures.

Recorded Votes. A smaller number of Members are required to support a call for a recorded vote in the Committee than are required in the House. In the House, one-fifth of those present and supporting a recorded vote constitutes a sufficient number to trigger a recorded vote. If the minimum 218 Members necessary to constitute a quorum in the House are present, the number needed to call for a recorded vote would be 44. In Committee, 25 Members are needed under any circumstances to support the call for a recorded vote.

Rising of the Committee

The Committee of the Whole dissolves itself by “rising.” If the Committee has not completed consideration of the measure before it, the floor manager may offer a simple motion to rise. At a later time, the House may choose to resolve itself again into the Committee of the Whole to resume consideration of the same measure. If the Committee has completed its deliberations, Members may agree to a motion to rise and report to the House of Representatives the actions and recommendations of the Committee. Once the decision to rise has been made, the chairman of the Committee descends the podium and the Speaker ascends to take his place as presiding officer of the House of Representatives. The mace is returned to its original location.

The chairman then reports to the House those amendments that were adopted in the Committee and the Committee’s recommendation on the question of final passage of the measure. (Neither second-degree amendments nor substitutes that were adopted nor any first or second-degree amendments that were defeated in the Committee are reported to the House.) The House must then formally agree to any amendments reported by the Committee. Therefore, it is possible that amendments that were adopted by the Committee of the Whole could be defeated by the House of Representatives.

The House may agree to all the amendments reported to it by the Committee of the Whole through one vote (“en gros”), or separate votes may be demanded on any amendments agreed to in the Committee. The votes on amendments could also be structured pursuant to the provisions of a “special rule” adopted earlier. Votes are put on such amendments in the order in which they appear in the bill, not in the order by which the request was made. The House then considers, with the possibility of several intervening motions, the question of final passage of the measure.

Table 1. Comparison of Characteristics of the House and the Committee of the Whole

| House | Committee of the Whole |
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| Mace raised | Mace lowered |
| Speaker presides | Chairman presides |
| One hour rule | Five minute rule for amendments |
| More than half the House (218) is a quorum | 100 is a quorum |
| 44 Members (or 1/5th of those present) a “sufficient number” to trigger a recorded vote | 25 Members a “sufficient number” to trigger a recorded vote |
| Motion for previous question is in order; terminates debate and precludes offering further amendments. | Motion to limit or end debate is in order, but does not preclude offering of further amendments. |
| Motion to recommit in order | Not in order |
| Motion to reconsider in order | Not in order |
| Routine business of House | Not in order |