



BASIC » TRAINING

PARLIAMENTARY PROCESS,
FACTS, AND STRATEGIES

The Committee on Rules & Special Rules

The Committee on Rules is among the oldest standing committees in the House, having been formally constituted on April 2, 1789. The Committee is commonly known as “The Speaker’s Committee” because it is the mechanism that the Speaker uses to maintain control of the House Floor; and was in fact chaired by the Speaker until 1910.

The Committee has the authority to do virtually anything during the course of consideration of a measure, including deeming it passed. The Committee can also include self-executed amendments, which could rewrite either parts of a bill or the entire measure. In essence, so long as a majority of the House is willing to vote for a special rule, there is little that the Rules Committee cannot do.

THE BASIC PRACTICES OF THE RULES COMMITTEE

The Rules Committee has two broad categories of jurisdiction: special orders for the consideration of legislation (known as “special rules” or “rules”) and original jurisdiction matters. A **special rule** provides the terms and conditions of debate on a measure or matter, consideration of which constitutes the bulk of the work of the Rules Committee.

The Committee also considers **original jurisdiction** measures, which commonly represent changes to the standing rules of the House or measures that contain provisions which mirror special rules, such as expedited procedures contained in trade legislation or prohibitions on consideration of certain items, such as in budget enforcement measures.

Because of the vast power wielded by the Rules Committee, its ratio has traditionally been weighted in favor of the majority party, and has been in its “2 to 1+1” (9 majority and 4 minority members) configuration since the late 1970s.

REQUESTING AND REPORTING SPECIAL RULES

The process for requesting and reporting of a special rule has remained the same for most of the modern practice in the House:

1. Depending on the type of rule that the Rules Committee anticipates reporting, the chair of the Committee may send a “Dear Colleague” letter informing Members of any anticipated restrictions on the amendment process (e.g. requiring amendments be pre-printed in the *Congressional Record* or submitted to the Rules Committee for its consideration) and providing instructions for how to submit amendments for consideration.
2. The committee of jurisdiction sends a **letter requesting a hearing** by the Rules Committee to the Committee’s offices. The letter usually asks that a hearing be scheduled, a stipulation of the type of special rule desired, the amount of debate time needed, and any waivers of House rules necessary for consideration of the bill.
3. The Rules Committee holds a **hearing** where the witnesses are the Members of the House who sit on the committee of jurisdiction or want to offer amendments. Traditionally, the chair and ranking member of the primary committee of jurisdiction testify regarding the rule requested and any amendments submitted to the Rules Committee. Most rank-and-file members testify in support of any amendments they want to have made in order.
4. The Rules Committee **marks up** a special rule. The Rules Committee, in consultation with the majority leadership and the substantive committee chairmen, determines the type of rule to be granted, including the amount of general debate, the amendment process, and waivers to be granted, if any.



Committee on Rules *continued*

5. The special **rule and report** are filed with the House. After the markup is completed, the Rules Committee staff prepares the resolution and accompanying report for filing in the House. Because reports from the Rules Committee are **privileged**, they must be filed from the floor by a member of the Rules Committee. The **resolution** usually contains the operative provisions of the rule, while the **report** summarizes and explains the resolution, and contains the text of any amendments made in order or “**self-executed**” by the rule into the text of a bill.

CONSIDERATION AND DEBATE OF RULES IN THE HOUSE

One of the few limitations on the consideration of matters from the Rules Committee is a rule which prohibits consideration of a rule on the same day on which it is reported without a $\frac{2}{3}$ vote in the affirmative. The effect of this requirement is that most rules are considered in the House on the day after they are reported.

Because a rule is privileged, it can be “called up” at any time after the one-day layover. The rule is considered under the “**hour rule**” which gives the member of the Rules Committee who called up the rule control of one hour to debate the resolution. By tradition, the majority manager of the rule yields $\frac{1}{2}$ of the time (30 minutes) to the minority member Rules Committee member to control the time in opposition to the rule. However, this time is usually yielded with the caveat that it is to be used “**for the purpose of debate only**,” meaning that the minority manager may not offer amendments to the rule nor offer procedural motions, except a single motion to adjourn which is provided for in the House Rules.

At the conclusion of the hour period of debate, the majority manager “moves the previous question” on the resolution in order to end debate. If the previous question motion is adopted, all debate ends on the resolution and the House moves to vote on adoption of the rule.

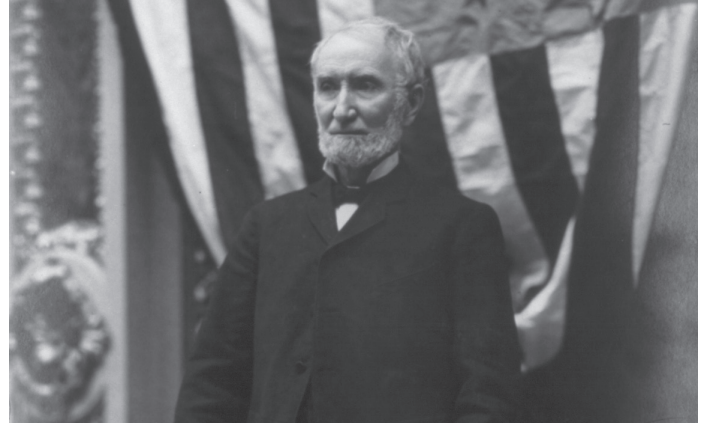


Figure 1. Speaker Joseph Gurney Cannon was the last Speaker of the House to simultaneously serve as chairman of the Committee on Rules. While Speaker Cannon stepped down from the chairmanship of the Rules Committee as a result of “Cannon’s Revolt” in 1910, the Rules Committee still functions as the Speaker’s primary mechanism for controlling the floor.

However, if the previous question is defeated, the member viewed by the Chair as leading the opposition to the previous question motion (usually the minority manager) would be recognized for the next hour of debate on the measure and would have full control of that hour, including the ability to amend the rule. This has led to the modern practice of staging a “previous question fight” to give the minority an opportunity to get a vote on a matter of importance to them. For instance, a minority manager of the rule could indicate that if the previous question motion were defeated, he would offer an amendment to the rule to make in order an amendment that is otherwise not in order, or even provide for consideration of another measure.

At the conclusion of debate on the rule, the House votes on its adoption, which is a simple majority vote. After the House adopts the rule, its terms may only be changed by a subsequent rule reported by the Rules Committee or a unanimous consent request made in the House.

7 TERMS TO KNOW ABOUT SPECIAL RULES

» SPECIAL ORDER OF BUSINESS:

The legislative text contained in a resolution reported by the Rules Committee setting out the terms of debate on a measure, commonly referred to as a “rule”.

» REPORT OF THE COMMITTEE

ON RULES: The report accompanying the resolution explains its provisions, explains any waivers granted by the rule, and contains the text of any amendments made in order or self-executed to the text.

» SELF-EXECUTION: A colloquial term used to describe when a rule replaces the introduced or committee reported text of a bill with another text, either in whole or in part.



Types of Special Rules

The kinds of rules reported by the Rules Committee have traditionally been characterized in terms of their “openness,” meaning that the more open a rule, the greater the opportunity for amendments to the underlying bill. These kinds of rules can be best viewed along a spectrum, with completely “open” rules on one side and completely “closed” rules on the other. Figure 2 illustrates the traditional spectrum of rules.

The basic types of rules reported by the Rules Committee include:

- » **Open rules.** An open rule provides that the bill is debated under the 5-minute rule which allows any member to offer any amendment that complies with the standing rules of the House. The rule may also provide waivers against points of order for the bill and its provisions.
- » **Modified-open rules.** Similar to open rules, a modified-open rule usually differs in that it requires that the text of amendments be pre-printed in the *Congressional Record* or places an overall time-limit on the amendment process.

- » **Structured rules.** Structured rules represent the bulk of rules reported by the Rules Committee, and specify the amendments in order for a particular bill, and specifies the amount of debate on each one.
- » **Closed rules.** Closed rules effectively prohibit the consideration of any amendments to a bill (other than those reported by a committee or offered through the motion to recommit).
- » **Other kinds of rules.** The Rules Committee also reports several other kinds of rules for more specialized purposes. For instance, certain rules may provide for consideration of a conference report (which are not subject to amendment because they represent a final agreement), or “housekeeping” rules to table matters or otherwise address other procedural issues in the House. The Rules Committee can also extend the application of other rules, such as extending consideration of measures under suspension of the rules to Thursday and Friday, or waiving the 2/3 requirement for calling up a rule on the same day it is reported.

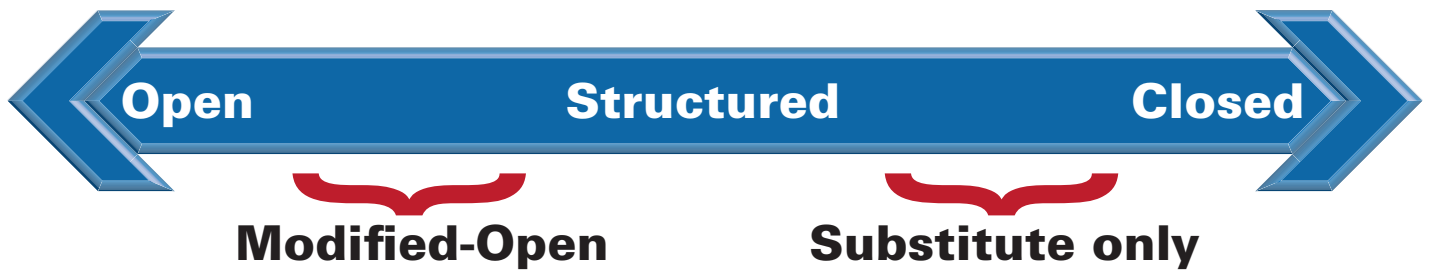


Figure 2. Spectrum of rules. This figure represents the potential spectrum of rules for consideration of House and Senate bills, resolutions or amendments between the Houses. Rules which are most open to amendment are on the left, while rules which are essentially closed to amendment are on the right.

» **MIRV:** The acronym for “multiple-impact reentry vehicles” (an 80’s era type of nuclear warhead) refers to a rule which makes in order multiple bills and after passage of each, puts all of the bills together in one legislative vehicle.

» **WAIVER:** A Rules Committee rule waives all points of order against consideration of the bill and the provisions contained therein. The report will contain a detailed explanation of any points of order waived by the rule.

» **EXPOSURE:** When a rule specifically exempts a provision from the protection of the waiver of all points of order. A legislating provision in an appropriations bill may be exposed to a point of order under some circumstances.

» **PREVIOUS QUESTION (“PQ”):** A motion to end debate in the House, and the penultimate step in passage of a rule. The minority will often relate a vote on the PQ to another issue as a means of protesting provisions in the rule.

THE RULES COMMITTEE WEBSITE: A RESOURCE FOR FLOOR ACTIVITY

The Committee on Rules' website (www.rules.house.gov) is one of the best places for information on legislative activities coming up during the week. In addition to a link to text to be considered for that week on the front page, the site also contains more in-depth information regarding legislation to be considered pursuant to a rule.

PRIOR TO CONSIDERATION

Before consideration of a bill pursuant to a rule, the Rules Committee will post the text of the measure online. The easiest way to find information regarding a bill is to look up the "bill page" for that measure. If it is a matter to be considered in the near future, it will likely be listed as an "active bill" either on the front page of the site or under the "legislation" menu under "active bills."

The Amendments menu will take provide you with the instructions needed to submit an amendment to the Rules Committee for its consideration. Remember, amendments must be submitted both electronically and as hard copies to be considered as submitted to the Committee.

The "At-a-Glance" tab will display information regarding any posted text or announcements regarding amendment process. If the Rules Committee receives amendments for a bill, they will be posted under the "Amendments" tab, along with links to the text as PDF files, information about the sponsor, and a brief summary. The table will also show the status of the amendment, whether it was submitted, withdrawn, or made-in-order.



Figure 3. To find information about bills before the Rules Committee acts, look at active bills on the Committee's website.

AFTER CONSIDERATION

After the Rules Committee reports a rule for a measure, the site will be updated to show the text of the rule, along with links to the resolution and report, a list of amendments made in order, if any, and other relevant information.

OTHER RESOURCES

The Rules Committee website is the home for a variety of other information useful in understanding the legislative process:

- » The **Parliamentary Boot Camp Basic Training handouts** are available under the "Resources" menu;
- » The site has links to current and past editions of the **Rules of the House**, as well as explanatory material, such as the House Practice volume and the precedents of the House;
- » The site has links to the **"Survey of Activities"** reports, which list the activity of the Rules Committee, as well as statistical breakdowns for the kinds of rules reported in particular congresses.
- » The "About" menu contains a link to **"Important policies,"** which includes the text and explanation of the legislative protocols for the 112th Congress.
- » The **"Rules Resource"** under the "News" menu is sent out after the Committee reports a rule, and provides a basic overview of the rule, including the number of amendments made in order, if any, and any special aspects of the rule.



Figure 4. The "bill page" view on the Rules Committee website gives information about the rule for consideration of that measure, including links to text, a list of submitted amendments and the text of the rule reported by the Rules Committee (after the committee completes its consideration).