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Received through the CRS Web

Floor Procedure in the House of Representatives: A Brief Overview

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Summary

The House considers bills and resolutions on the floor under several different sets of procedures governing the time for debate and the opportunities for amendment. Some procedures allow 40 or 60 minutes for debate; others permit debate to continue until a majority of Members vote to end it. Some procedures prohibit most or all floor amendments; others allow Members to offer any amendments that meet the requirements of the House's rules and precedents. Notwithstanding these differences, the rules, precedents, and practices of the House generally are designed to permit the majority to work its will in a timely manner.

In General

Underlying the complicated legislative procedures of the House of Representatives is the general principle that the majority should be able to prevail without undue delay by the minority. In support of this principle, the House imposes limits on debate. These debate restrictions prevent filibusters on the House floor and severely constrain the ability of Members to delay action that is supported by a unified and determined majority of the House.

In many cases, the House's rules limit the amount of time that is available to all Representatives for debating a measure or motion. In others, the rules enable a simple majority to end a debate--for example, by voting to "order the previous question." Opportunities for individual Members to participate in debate also are controlled. No Member can speak in the House for more than an hour at a time, except by unanimous consent, and debate time often is limited much more severely. For example, Members usually are recognized for only five minutes each to speak on amendments being debated on the floor.

Alternate Procedures

The House does not use the same procedure to debate, amend, and vote on every bill and resolution it considers. Instead, there are several alternative procedures that the House employs for considering measures on the floor, depending on how much controversy and disagreement each measure inspires. These procedures differ in the opportunities they allow Members to debate and to propose amendments, and sometimes in the majorities they require for passage.

For instance, bills that evoke virtually no opposition are called up and passed by unanimous consent; there normally is very little floor debate and no significant amendments. Private legislation, affecting individual persons or entities, also is considered under very abbreviated procedures.

The House considers many more bills, which enjoy overwhelming but not unanimous support, under "suspension of the rules." Under this procedure, all debate on the bill is limited to 40 minutes, no floor amendments can be proposed, and a two-thirds vote is required for passage. Similarly, when a bill is called up from the Corrections Calendar, it can be passed by a three-fifths vote after one hour of debate and with only one opportunity for a Member to offer a floor amendment.

When a bill is considered "in the House," debate usually ends after no more than one hour. At the end of this hour, a majority almost always votes to order the previous question, which brings the House to a prompt vote on passing the bill by simple majority vote, without further debate and with no amendments from Members on the floor. There can be a second hour of debate during which an amendment can be offered, but only if the previous question is not ordered, which rarely occurs in practice. For these reasons, few bills that most Members want to debate at length and amend are considered "in the House."

Most major bills are considered under a more elaborate procedure that involves the Committee of the Whole House on the State of the Union. When the House resolves into Committee of the Whole to consider a particular bill, there first is a period for general debate, lasting for an hour or more. Members then may consider amendments (including committee amendments), usually to one section or title of the bill at a time. As each amendment to the bill is debated, Members can offer perfecting amendments to it and a substitute for it, which also is amendable, before any votes occur.

During this process, each Representative may debate an amendment for only five minutes, usually by moving "to strike the last word," unless everyone agrees to allow him or her more time. But a majority can vote to end the debate (but not to order the previous question) on any amendment or on the part of the bill that has been read. When the Committee has disposed of the last amendment to be offered, it "rises" and reports the bill back to the House with the amendments it has approved. The House then votes on these amendments before considering a motion to recommit, if offered by a minority party member, and then voting on passing the bill as it has been amended.

Privileges and Special Rules

To be considered on the floor in any one of these ways, a bill must be called up by unanimous consent or it must be "privileged," meaning that it may interrupt the regular daily order of business established by the House's rules. For instance, the order of business may be interrupted by the call of the Corrections Calendar on two Tuesdays of each month and by motions to suspend the rules on each Monday and Tuesday. General appropriations bills and certain kinds of resolutions may be called up for consideration whenever another matter is not already pending.

Most major bills become privileged, however, only when a majority of the House votes to adopt a resolution for that purpose recommended by the Rules Committee. Each of these resolutions, which also are known as "rules" or "special rules," proposes that the House act on a particular measure, most often in Committee of the Whole, usually after the committee with jurisdiction over it has recommended its passage.

Equally important, a special rule can have a significant effect on the amending process. Many of these resolutions are "open" rules under which Members can propose any amendments that satisfy the usual requirements of House rules and precedents. But the Rules Committee also may propose "closed" rules under which no floor amendments are in order, or rules restricting the amendments that Members can offer without prohibiting them altogether.

Finally, special rules may waive points of order that Members otherwise might make against considering a bill or some amendment to it. In the absence of such a waiver, for example, each bill must be accompanied by a committee report that includes an estimate of its cost and each amendment must be germane to the text it proposes to change.

There are additional rules governing bills and amendments that affect federal revenues and spending. For instance, appropriations bills originate in the House and most of them may not provide for spending that has not already been authorized by law. By the same token, these appropriations bills (and amendments to them) are not supposed to make changes in permanent law, though under some circumstances they may limit the purposes for which funds may be spent.

Appropriations and revenue bills and other measures affecting the federal budget also are subject to provisions of the Congressional Budget Act of 1974, as amended by the so-called Gramm-Rudman-Hollings Act of 1985 and the Budget Enforcement Act of 1990. For example, the Budget Act directs Congress to adopt a budget resolution each year as the context in which to act on individual spending and tax bills.

Reaching Agreement With the Senate

Once the Senate amends and passes a bill the House already has passed (or the House amends and passes a Senate bill), the two houses begin to resolve their legislative differences. If the House does not accept the Senate's position by unanimous consent, it may propose creation of a conference committee to resolve the differences between them. The House debates the resulting conference report, signed by a majority of House

conferees and a majority of Senate conferees, for an hour and with no amendments in order. Motions to dispose of any amendments that remain in disagreement between the two houses also are debated under the hour rule.

The House and Senate must resolve all their disagreements concerning a bill or joint resolution before it can be "enrolled" and presented to the President for his approval or veto.

Related CRS Reports

The following related reports, produced by the Congressional Research Service, are updated periodically:

The Amending Process in the House of Representatives. Library of Congress, CRS Report 98-995 GOV.

Conference Committee and Related Procedures: An Introduction. Library of Congress, CRS Report 96-708 GOV.

Legislative Procedures and the Legislative Agenda in the House of Representatives. Library of Congress, CRS Report 98-996 GOV.

The Legislative Process on the House Floor: An Introduction. Library of Congress, CRS Report 95-563 GOV.