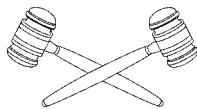

HOUSE PRACTICE

**A Guide to the Rules,
Precedents, and
Procedures of the House**

**Wm. Holmes Brown
Parliamentarian of the House
1974–1994**

**Charles W. Johnson
Parliamentarian of the House
1994–**



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Preface

The procedures used in the House of Representatives, while rooted in the Constitution and Jefferson's Manual and in many time-honored House standing rules, have been greatly modified in the last quarter century. A few incremental changes deserve mention. Voting practices have changed. Debate has become more structured. Reliance on special orders of business that vary the standing rules has replaced the use of more traditional methods of considering legislation on the floor. Multiplicity of committee jurisdictions has complicated the referral and conference process. Budgetary disciplines have interposed additional levels of decision making. Consolidation of methods for the disposition of Senate amendments in conference have become commonplace. In addition, several matters of constitutional significance, including impeachment and presidential elections, have commanded the attention of the House.

In this second edition, attempt has been made to integrate the long-established norms of House procedure with the innovations made possible by technological advances and by reforms and disciplines introduced by laws such as the Legislative Reorganization Act of 1970 and the Congressional Budget Act of 1974, by resolutions such as the Committee Reform Amendments of 1974, and by changes in the House rules adopted at the beginning of recent Congresses, including a recodification of all the standing rules of the House in 1999. This volume reflects the modern practice of the House as of the 108th Congress.

The rules, procedures, and precedents of the House sometimes are seen as arcane and unnecessarily technical. Yet they are a distillation of the collective wisdom and experience of legislators—some traditionalists, some reformers—who have enacted the laws that have sustained our Nation for over two centuries. Through a combination of the application of standing rules, tradition, precedent, and ad hoc changes implemented by special rules, the system has functioned. The authority and privileges vested in the majority have allowed the business of the House to proceed. The various changes in the standing rules have retained that fragile, albeit essential, balance between the rights of the majority and those of the minority, but not without periodic debates on the importance of that balance in the context of consideration of special orders of business. Understanding the parliamentary tools available to make the legislative process work justifies the publication of this volume.

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The scope of this work is limited. It is a summary review of selected precedents and not an exhaustive survey of all applicable rulings. The *House Rules and Manual* and the published volumes of House precedents remain the primary sources for in-depth analysis and authoritative citations. As required by law, this book has been conceived as a concordance or quick reference guide to those works. It is hoped that the alphabetical format and synopses of precedents and citations on a given point of procedure, together with an improved index, will lead the reader to the primary authority for a definitive answer to a particular question.

An earlier, condensed work on the precedents is *Cannon's Procedure in the House of Representatives*, a summary by Clarence Cannon first published in 1949 and last published in 1959. A later summary, entitled *Deschler's Procedure in the U.S. House of Representatives* (1974), was prepared by Lewis Deschler, Parliamentarian of the House from 1928-1974, and was revised and updated in 1978, 1979, 1982, 1985, and 1987. Comprehensive coverage and analysis are found in *Hinds' Precedents* (1907), *Cannon's Precedents* (1936), *Deschler's Precedents* (1977), and *Deschler-Brown Precedents*.

The first edition of this volume was prepared in 1996 by former Parliamentarian Wm. Holmes Brown, with editing assistance from Roy Miller of the Compilation of Precedents Office. This second edition was prepared with the assistance of Deputy Parliamentarians John Sullivan and Thomas Duncan; Assistant Parliamentarians Muftiah McCartin, Thomas Wickham, and Ethan Lauer; Clerks Gay Topper and Brian Cooper; Compilation of Precedents Office editor Deborah Khalili and former editor Evan Hoorneman; Marcie Kanakis of the Office of the Clerk; and W. Robert Winters of the Government Printing Office. Special appreciation is expressed to Muftiah McCartin for her efforts in preparation of this volume.

References to frequently cited works are to the *House Rules and Manual* for the 108th Congress, by section (e.g., *Manual* § 601); to the volume and section of *Hinds* or *Cannon* (e.g., 6 *Cannon* § 200); to the chapter and section of *Deschler* or *Deschler-Brown* (e.g., *Deschler* Ch 12 § 16); to the *Congressional Record*, by Congress, session, date and page (e.g., 100-2, Sept. 30, 1988, p 27329); and to the United States Code, by title and section (e.g., 43 USC § 1651).

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Parliamentarian
1994-

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