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Queen-of-the-Hill Rules in the House of Representatives

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Summary

A special rule is a House resolution intended to regulate floor consideration of a specific legislative measure named in the resolution. When adopted by the House, the requirements prescribed by a special rule can supersede the standing rules of the House (as well as rulemaking provisions in statutes such as the Congressional Budget Act) but only in application to the measure named. Special rules serve two key functions: (1) to enable the House to consider a specified measure, and (2) to establish terms for considering it, including any modifications of the amending process. This report concerns one specific set of modifications commonly referred to as a “queen-of-the-hill” rule.

The amending process normally does not allow for amendments that would amend text that has already been amended. As a result, once a substitute for the full text of a measure has been adopted, no further amendments are in order, since any would constitute attempts to re-amend amended text. However, special rules occasionally provide that an amendment be in order “notwithstanding the adoption of a previous amendment.” Such a structure can be used to afford the House the opportunity to vote in succession on each of several competing alternatives for the same text.

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Special Rules and the Amending Process

A special rule is a House resolution intended to regulate floor consideration of a specific legislative measure named in the resolution. When adopted by the House, the requirements prescribed by a special rule can supersede the standing rules of the House (as well as rulemaking provisions in statutes such as the Congressional Budget Act) but only in application to the measure named. Special rules serve two key functions: (1) to enable the House to consider a specified measure, and (2) to establish terms for considering it, including any modifications of the amending process. This report concerns one specific set of modifications commonly referred to as a “queen-of-the-hill” rule.

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Typically, when a queen-of-the-hill structure has been used, any substitutes made in order are not themselves subject to further amendment. In some instances, however, such as with the H.Res. 442 (for considering H.R. 2183, the campaign finance reform bill in the 105th Congress), amendments in the nature of substitutes to a bill that are made in order as part of a queen-of-the-hill structure may be subject to amendment as well.

King-of-the-Hill: Predecessor to Queen-of-the-Hill

Beginning in 1980, the House Rules Committee developed a form for special rules that would provide a structure for the House to consider a series of alternative amendments to the same text. These rules were called *king-of-the-hill* rules because they provided that, if more than one alternative were adopted, the last one that secured a majority vote would be the one considered as finally adopted. Initially, king-of-the-hill rules were used infrequently (only once in the 96th Congress, four times in the 97th Congress, and twice in the 98th Congress). Their initial use was to allow consideration of amendments in the nature of a substitute for the concurrent resolution on the budget, and for many observers, they came to be primarily associated with the consideration of budget resolutions. However, over time, king-of-the-hill rules came to be used somewhat more frequently (peaking at 19 king-of-the-hill structures in 15 special rules in the 101st Congress out of a total of 115 special rules adopted for the consideration of bills and resolutions) and for a wider variety of measures. Special rules could also incorporate one or more king-of-the-hill structures for considering alternatives for a portion of a measure, such as a single title or section. For example, H.Res. 435 and H.Res. 436 (100th Congress) incorporated 10 separate king-of-the-hill structures for considering alternatives to different provisions in H.R. 4264 (the Department of Defense authorization). In all, between 1981 and 1994, 87 king-of-the-hill structures were provided in 66 special rules.¹ Because king-of-the-hill rules provided that only the last alternative to secure a majority vote would be considered as adopted, the perception developed that the order in which amendments could be offered had a significant effect on outcomes. However, more than

¹ In some cases, although a special rule allowed for a king-of-the-hill structure, one or more of the alternatives made in order were not offered. For a list of all king-of-the-hill rules adopted by the House between 1980 and 1994, see James V. Saturno, “Toppling the King of the Hill: Understanding Innovations in House Practice,” in Jacob R. Strauss (ed.), *Party and Procedure in the United States Congress* (Lanham, MD: Rowman & Littlefield, 2012), pp. 38-40.

one alternative was adopted in only a small number of instances. (In 81 of the 87 king-of-the-hill structures identified, one or none of the alternatives were adopted.²)

Queen-of-the-Hill

Since 1995, the Rules Committee has occasionally used a modified form for special rules allowing multiple alternatives to be voted on regardless of the results of any previous votes. In this modification, if more than one alternative obtains a majority, the one that is considered as finally adopted is the one that receives the greatest number of votes. These rules have been termed *queen-of-the-hill* or “most votes wins” rules. In all other respects, the queen-of-the-hill structure works in the same manner as its predecessor so that all amendments made in order may be offered, regardless of whether any prior amendment had been adopted. The Rules Committee has reported queen-of-the-hill rules infrequently: on three occasions in the 104th Congress, twice in the 105th Congress, once in the 107th Congress, and once in the 114th Congress.

Table I. Queen-of-the-Hill Rules

Congress	Special Rule	Measure	Number of Alternatives
104 th	H.Res. 44	H.J.Res. 1 (Balanced Budget Constitutional Amendment)	6 ^a
104 th	H.Res. 116	H.J.Res. 73 (Term Limits Constitutional Amendment)	4
104 th	H.Res. 119	H.R. 4 (Personal Responsibility Act of 1995)	3
105 th	H.Res. 47	H.J.Res. 2 (Term Limits Constitutional Amendment)	11
105 th	H.Res. 442	H.R. 2183 (Campaign Finance Reform)	11
107 th	H.Res. 344	H.R. 2356 (Campaign Finance Reform)	3
114 th	H.Res. 163	H.Con.Res. 27 (Budget Resolution)	6

a. Two alternatives adopted. For all other cases shown in this table, one or none of the alternatives was adopted.

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² In two of these cases, the last alternative adopted was also the one that received the most votes. In one other instance, a motion to recommit allowed for amendment language, which had been adopted and superseded under a king-of-the-hill provision, to be readopted.