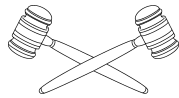


HOUSE PRACTICE

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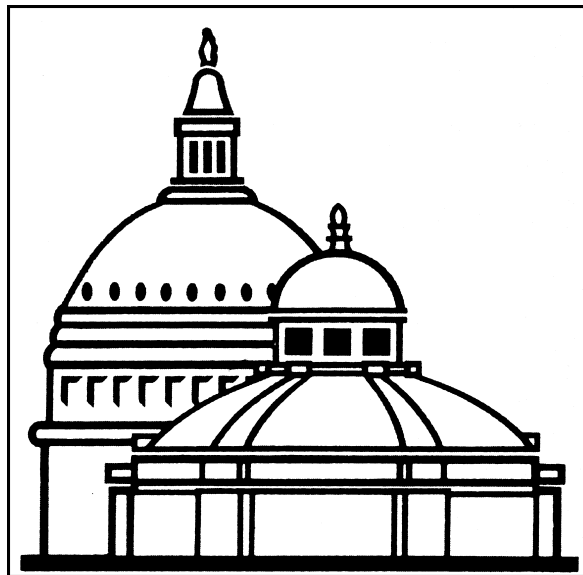
2011

**U.S. House of
Representatives**

HOUSE PRACTICE

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

**Wm. Holmes Brown
Charles W. Johnson
John V. Sullivan**



112th Congress, 1st Session

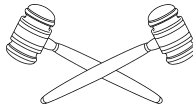
HOUSE PRACTICE

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
1994–2004

John V. Sullivan
Parliamentarian of the House
2004–



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Preface

The Parliamentarian of the House of Representatives is appointed by the Speaker without regard to political affiliation. The Office of the Parliamentarian and its subsidiary Office of Compilation of Precedents comprise lawyers and clerks who render nonpartisan assistance to the Speaker, to the other presiding officers, and to the House on legislative and parliamentary procedure and, in addition, compile the parliamentary precedents of the House.

The parliamentary law of the House of Representatives emanates from the Constitution and from rules adopted pursuant to section 5 in article I of the Constitution. These rules include not only the standing rules adopted from Congress to Congress but also *Jefferson's Manual*, as customarily incorporated by reference in the standing rules. They also include rules enacted as law and special rules adopted from time to time. On this foundation rests a body of precedent established by decisions of presiding officers on actual parliamentary questions or by long custom and tradition.

The overarching role of the Office of the Parliamentarian is to strive for consistency in parliamentary analysis by attempting to apply pertinent precedent to each procedural question. In resolving questions of order, the Speaker and other presiding officers of the House adhere to the jurisprudential principle of *stare decisis* – a commitment to stand by earlier decisions. This fidelity to precedent promotes analytic consistency and procedural predictability and thereby fosters legitimacy in parliamentary practice. The commitment of the House to stand by its procedural decisions requires rigor concerning what constitutes precedent. In the parliamentary context, the term does not refer to a mere instance in which something occurred or was suffered; rather, it refers to a decision or order actually disposing of a question of order.

The compilation of the parliamentary precedents of the House is as important as any other function of the Office of the Parliamentarian. For each procedural decision made on the floor of the House, the Parliamentarian extracts the proceedings from the daily *Congressional Record* and writes a parliamentary syllabus. These “headnotes” must be precise, stating the real substance of the decision and its legal rationale in suitably narrow terms. To ensure a current digest of these matters, the Parliamentarian biennially publishes a *House Rules and Manual*. For the longer term, the Parliamentarian compiles the most salient precedents for formal, scholarly publication. These precedents presently fill 28 volumes comprising thousands of deci-

HOUSE PRACTICE

sions over the 224 years of parliamentary practice in the House. They are published as *Hinds' Precedents* (1907); *Cannon's Precedents* (1936); and *Deschler's*, *Deschler-Brown*, and *Deschler-Brown-Johnson Precedents* (ongoing).

To bridge the span between a digest of decisions and formally published precedents, the Parliamentarian also publishes this work as a condensed compilation of procedures of current application as of the first session of the 112th Congress. The scope of this volume is thus 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 precedents remain the primary sources for more comprehensive analysis and authoritative citation.

An earlier, condensed work of this kind is *Cannon's Procedure in the House of Representatives*. That summary by Clarence Cannon was first published in 1949 and last published in 1959. A later summary, entitled *Deschler's Procedure in the U.S. House of Representatives*, was prepared by Lewis Deschler in 1974 and was revised and updated in 1978, 1979, 1982, 1985, and 1987.

This third edition of *House Practice* reflects the efforts of all of the members of the Office of the Parliamentarian – Tom Wickham, Ethan Lauer, Carrie Wolf, Jay Smith, Anne Gooch, Brian Cooper, Lloyd Jenkins, Monica Rodriguez – and of its Office of Compilation of Precedents – Andrew Neal, Max Spitzer, Deborah Khalili, and Bryan Feldblum – as well as former Parliamentarian Charles W. Johnson, III. Their diligence in annotating the decisions of the Chair and other parliamentary precedents reflected in this volume and their devotion to the pursuit of excellence in the procedural practices of the House are gratefully acknowledged. Particular appreciation goes to Max Spitzer for his skilled management of the project.

References to frequently cited works are to the *House Rules and Manual* for the 112th Congress, by section (e.g., *Manual* § 364); to the volume and section of *Hinds' or Cannon's Precedents* (e.g., 6 Cannon § 570); to the chapter and section of *Deschler's*, *Deschler-Brown*, or *Deschler-Brown-Johnson* (e.g., Deschler Ch 5 § 2); to the *Congressional Record*, by Congress, session, date and page (e.g., 108-2, May 20, 2004, pp 10618-29); and to the United States Code, by title and section (e.g., 2 USC § 287).

John V. Sullivan
Parliamentarian
2004–

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