

## WikiLeaks Document Release

http://wikileaks.org/wiki/CRS-98-334 February 2, 2009

## Congressional Research Service

Report 98-334

Provisions of Special Rules in the House: An Example of a Typical Open Rule

Judy Schneider, Government and Finance Division

April 15, 2008

**Abstract.** Following the text of this report is a typical example of a simple open rule that the House Committee on Rules may report to govern House floor action on a bill that is not otherwise privileged for consideration. This resolution has been divided into five parts.





## Provisions of Special Rules in the House: An Example of a Typical Open Rule

Judy Schneider Specialist on the Congress Government and Finance Division

This report includes a typical example of a simple open rule that the House Committee on Rules may report to govern House floor action on a bill that is not otherwise privileged for consideration. This resolution has been divided into five parts. See [http://www.crs.gov/products/guides/guidehome.shtml] for more information on legislative process.

The first part of the rule makes the bill in order for floor consideration by authorizing the Speaker to transform the House into the Committee of the Whole to consider that bill. Without this authority, a motion for the same purpose would not be in order; it would not be privileged to interrupt the regular daily order of business on the House floor.

The second part waives a reading of the bill. It also governs general debate on the bill by setting the amount of time for the debate, by dividing control of this time, usually between the chairman and ranking minority member of the committee that reported the bill, and by requiring that all general debate be relevant to the subject of the bill.

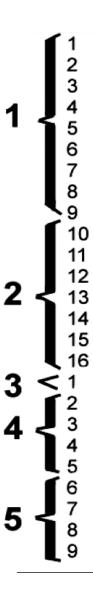
The third part merely states that the bill shall be read for amendment and that each Member may speak for five minutes on each amendment. By implication, this part also means that the bill is to be read for amendment one section at a time. Further, as each section is read, Members may offer to it whatever amendments they wish, so long as those amendments satisfy the House's rules and precedents — for example, the requirement that amendments must be germane. This part is what makes this special rule an open rule; it leaves the bill fully open to amendments that otherwise would be in order.

The fourth part provides for the Committee of the Whole, after disposing of the last amendment, to transform itself back into the House, and report the bill to the House with whatever amendments the Committee of the Whole adopted. This provision eliminates the need for the House to vote on a motion to achieve the same result. The Committee of the Whole does not vote on the bill as a whole, and the committee may not actually amend the bill; it only makes recommendations to the House about amendments.

The fifth and final part of the rule expedites final House passage of the bill by precluding almost all debate in the House and all other actions except those necessary for the House to vote on the amendments the Committee of the Whole recommended and to

dispose of one motion to recommit the bill to a standing committee. That motion to recommit may include instructions containing a proposed amendment to the bill.

## A Typical Open "Rule" RESOLUTION



Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2230) to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and minority member of the Committee on Judiciary, the bill shall read for amendment under the five-minute rule Αt the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except recommit. one motion to