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

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The House of Representatives and Senate Explained

Congressional Procedure

**A Practical Guide to the Legislative
Process in the U.S. Congress**

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Foreword by Alan S. Frumin

 **TheCapitolNet**

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.

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 not 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.

**Figure I.A Typical Open “Rule”
RESOLUTION**

1 { 1 Resolved, That at any time after the adop-
2 tion of this resolution the Speaker may,
3 pursuant to clause 2(b) of rule XVIII, de-
4 clare the House resolved into the Committee
5 of the Whole House on the State of the Union
6 for the consideration of the bill (H.R. 2230)
7 to amend the Civil Rights Act of 1957 to
8 extend the life of the Civil Rights
9 Commission, and for other purposes, and the
10 first reading of the bill shall be dispensed
11 with. After general debate, which shall be
12 confined to the bill and shall continue not
13 to exceed one hour, to be equally divided and
14 controlled by the chairman and ranking
15 minority member of the Committee on the
16 Judiciary, the bill shall be read for
3 { 1 amendment under the five-minute rule. At
2 the conclusion of the consideration of the
4 { 3 bill for amendment, the Committee shall rise
4 and report the bill to the House with such
5 amendments as may have been adopted and the
6 previous question shall be considered as
5 { 7 ordered on the bill and amendments thereto to
8 final passage without intervening motion
9 except one motion to recommit.

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