The Committee

The Committee on Rules is amongst the oldest standing committees in the House, having been first formally constituted on April 2, 1789. The Committee is commonly known as "The Speaker's Committee" because it is the mechanism that the Speaker uses to maintain control of the House Floor, and was chaired by the Speaker until 1910. Because of the vast power wielded by the Rules Committee, its ratio has traditionally been weighted in favor of the majority party, and has been in its "2 to 1 1" (9 majority and 4 minority members) configuration since the late 1970s.

The Rules Committee has two broad categories of jurisdiction: ***special orders*** for the consideration of legislation (known as "***special rules***" or "rules") and ***original jurisdiction*** matters. A ***special rule***provides the terms and conditions of debate on a measure or matter, consideration of which constitutes the bulk of the work of the Rules Committee. The Committee also considers ***original jurisdiction***measures, which commonly represent changes to the standing rules of the House, or measures that contain special rules, such as the expedited procedures in trade legislation.
The Committee has the authority to do virtually anything during the course of consideration of a measure, including deeming it passed. The Committee can also include a self- executed amendment which could rewrite just parts of a bill, or the entire measure. In essence, so long as a majority of the House is willing to vote for a special rule, there is little that the Rules Committee cannot do.

Special Rule Process

The process for reporting a ***special rule*** is a mixture of House rules, committee rules, and long-established practice.

1. The committee of jurisdiction sends a letter requesting a hearing by the Rules Committee. The letter usually includes a request that a hearing be scheduled, a stipulation of the type of special rule desired, the amount of debate time needed, and any waivers of House rules necessary for consideration of the bill.

2. Rules Committee holds a hearing where the witnesses are the Members of the House who sit on the committee of jurisdiction or want to offer amendments.

3. Rules Committee marks up a special rule. The Rules Committee, in consultation with the majority leadership and the substantive committee chairmen, determines the type of rule to be granted, including the amount of general debate, the amendment process, and waivers to be granted, if any.

4. The special rule is reported and filed. Special rules must be filed from the floor while the House is in session.

5. The special rule is considered and debated in the House. After a one-day layover, special rules may be considered on the House floor at any time. A two-thirds vote is necessary to consider a special rule on the same day that it is reported. The rule is debated under the hour rule. Special rules reported by the Rules Committee are debated under a House rule that permits Members specifically recognized by the Chair to hold the floor for no more than one hour. The hour is managed by the majority party member of the Rules Committee calling up the rule, not the committee that reported the underlying bill. Out of custom, one-half the time is yielded to a minority member of the Rules Committee. At the end of debate, the previous question is put to a vote in order to cut off further debate, prevent the offering of additional amendments to the rule, and bring the special rule to an immediate vote.

Special Rule Types

Rules are traditionally referred to along a spectrum, where on one end they are open and the other they are closed. While there is wide variation in the middle, there are certain standard kinds of rules.

- **Open rules** - permit the offering of any amendment that otherwise complies with House rules, and allows debate under the 5-minute rule.
- **Modified-Open rules** - operate much like an open rule, but have some restriction on the "universe" of amendments, either through a pre-printing requirement or an overall time limit on consideration of amendments.
- **Structured rules** - specify that only certain amendments may be considered and specify the time for debate.
- **Closed rules** - effectively eliminate the opportunity to consider amendments, other than those reported by the committee reporting the bill.

Special Rules Providing for the Original Consideration of Legislation in the House, 103rd-114th Congresses (1993-2016)

(Current through Sept. 24, 2015)

Congress	Open/Modified Open		Structured		Closed		Totals	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
103rd (1993-94)	46	44%	49	47%	9	9%	104	100%
104th (1995-96)	83	58%	40	28%	19	14%	142	100%
105th (1997-98)	74	53%	42	30%	24	17%	140	100%
106th (1999-2000)	91	51%	49	27%	39	22%	179	100%
107th (2001-02)	40	37%	44	41%	23	22%	107	100%
108th (2003-04)	34	26%	62	47%	37	28%	133	101%
109th (2005-06)	24	19%	61	49%	40	32%	125	100%
110th (2007-08)	23	14%	81	50%	59	36%	163	100%
111th (2009-10)	0	0%	73	65%	38	34%	111	100%
112th (2011-12)	25	18%	65	46%	50	36%	140	100%
113th (2013-2014)	12	8%	65	43%	72	48%	149	100%
114th (2015-2016)	6	9%	29	41%	35	50%	70	100%

Sources: Committee on Rules Tables for 103rd & 104th Congresses; House Calendars, and personal examination of texts of and reports on special rules reported by the House Rules Committee, from the THOMAS and Rules Committee web sites for 105th-113th Congresses. <http://www.house.gov/rules/welcome.htm>.

Notes: The table applies only to special rules providing for the initial consideration for amendment of bills, joint resolutions, and significant concurrent resolutions (e.g., budget, war-related). It does not apply to privileged resolutions considered in the House, to subsequent rules for the same measure, to conference reports, or to special rules that only waives points of order against appropriations bills but do not provide for consideration in the Committee of the Whole. Rules making in order more than one bill are counted as a separate rule for each measure made in order, e.g., a rule providing for the consideration of four bills under closed rules is counted as four closed rules. An open rule is one which permits any Member to offer an amendment otherwise germane in the Committee of the Whole under the five-minute rule. A modified open rule is one which either requires the pre-printing of amendments (PP) in the Congressional Record, sets an overall time-cap (TC) on the amendment process, or both. A structured rule is one which limits the amendments that can be offered to those specified in the special rule and/or report on the rule. A modified closed rule allows for just one amendment (usually a minority substitute). A closed rule is one which permits the offering of no amendments (except those recommended by the reporting committee(s) or contained in a motion to recommit with instructions). R & NR indicates whether the bill was reported or not reported.

(Compiled by Don Wolfensberger/Resident Scholar, Bipartisan Policy Center)

Self-Executing Rules: 101st-114th Congresses

Congress	Total Rules	Self-Executing Rules	As Percent of Total
101st (1989-90)	90	16	18%
102nd (1991-92)	150	26	17%
103rd (1993-94)	135	30	22%
104th (1995-96)	151	38	25%
105th (1997-98)	147	52	35%
106th (1999-2000)	184	40	22%
107th (2001-02)	115	42	37%
108th (2003-04)	139	30	22%
109th (2005-06)	125	28	22%
110th (2007-08)	162	44	28%
111th (2009-10)	111	40	36%
112th (2011-12)	141	36	26%
113th (2013-2014)	149	55	37%
114th (2015-2016)	70	21	30%

Notes: A self-executing rule is a simple House resolution reported by the Rules Committee providing for the consideration of a bill or joint resolution that also provides for the adoption of an amendment to the bill or joint resolution upon adoption of the special rule (i.e., the specified amendment is automatically adopted before the bill is even taken up). For example, the special rule will often read, "The amendment in the nature of a substitute recommended by the Committee on _XXX_ now printed in the bill, *modified by the amendment printed in Part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted.*"

Self-Executing Rules for Committee Amendments Versus New Amendments, 101st-114th Congresses

Congress	Committee Amendments	Committee Amendments as Percent of Total	New Amendments	New Amendments as Percent of Total	Total Self-executing Rules
101st (1989-90)	2	13%	14	87%	16
102nd (1991-92)	4	15%	22	85%	26
103rd (1993-94)	4	13%	26	87%	30
104th (1995-96)	4	11%	34	89%	38
105th (1997-98)	12	23%	40	77%	52
106th (1999-2000)	13	32%	27	68%	40
107th (2001-2002)	13	31%	29	69%	42
108th (2003-2004)	9	30%	21	70%	30
109th (2005-2006)	8	29%	20	71%	28
110th (2007-2008)	13	29%	32	71%	45
111th (2009-2010)	11	26%	29	74%	40
112th (2011-2012)	8	22%	28	78%	36
113th (2013-2014)	10	18%	45	82%	55
114th (2015-2016)	2	10%	19	90%	21

Notes: A self-executing provision in a special rule is one which provides for the automatic adoption of additional language into the legislation upon the adoption of the rule. The total number of rules used for self-executing rules is sometimes greater than the total used for amendment type rules because it includes not only rules for initial consideration of bills and joint resolution, but for simple and concurrent resolution and for adopting Senate amendments to House bills.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Open Rule

H. Res. 353

In the House of Representatives, U.S.,

March 6, 2002.

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 consideration of the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall be confined to the concurrent resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. During consideration of the concurrent resolution for amendment, the Chairman of the Committee of

the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the concurrent resolution for amendment the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except one motion to recommit with or without instructions.

Attest:

Clerk.

H.Res. 333: H.R. 2042 - Ratepayer Protection Act of 2015; H.R. 2822 - Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016

COMMITTEE ACTION: REPORTED BY A RECORD VOTE of 9-4 on Tuesday, June 23, 2015.

FLOOR ACTION: ADOPTED BY A RECORD VOTE OF 244-178 AFTER ORDERING THE PREVIOUS QUESTION BY A RECORD VOTE OF 243-181 on Wednesday, June 24, 2015.

MANAGERS: Polis/Burgess

114th Congress

1st Session

Rule

H.RES. 333

Report No. 114-177

H.R. 2042 - Ratepayer Protection Act of 2015

H.R. 2822 - Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016

1. Modified-open rule for H.R. 2822.
2. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.
3. Waives all points of order against consideration of the bill.
4. Waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.
5. Provides that after general debate the bill shall be considered for amendment under the five-minute rule except that: 1) amendments shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment; and 2) no pro forma amendments shall be in order except that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.
6. Authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record.
7. Provides one motion to recommit with or without instructions.
8. Structured rule for H.R. 2042.
9. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.
10. Waives all points of order against consideration of the bill.
11. Makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-20 and provides that it shall be considered as read.
12. Waives all points of order against that amendment in the nature of a substitute.
13. Makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, it may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and

controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

14. Waives all points of order against the amendments printed in the report.
15. Provides one motion to recommit with or without instructions.
16. Section 3 provides for consideration of concurrent resolutions providing for adjournment during the month of July, 2015.
17. Section 4 provides that on any legislative day during the period from June 26, 2015, through July 6, 2015: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.
18. Section 5 provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4.

RESOLUTION

Resolved, That (a) at any time after 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 consideration of the bill (H.R. 2822) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2016, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

(b) During consideration of the bill for amendment-

(1) each amendment, other than amendments provided for in paragraph (2), shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment except as provided in paragraph (2);

(2) no pro forma amendment shall be in order except that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate; and (3) the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

(c) When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. At any time after 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 consideration of the bill (H.R. 2042) to allow for judicial review of any final rule addressing carbon dioxide emissions from existing fossil fuel-fired electric utility generating units before requiring compliance with such rule, and to allow States to protect households and businesses from significant adverse effects on electricity ratepayers or reliability. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill

shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-20. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 3. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July, 2015.

Sec. 4. On any legislative day during the period from June 26, 2015, through July 6, 2015-

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

Sec. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

[There follows a summary of five amendments made in order to H.R. 2042, 1-Republican; 3-Democrats; 1-Bipartisan.]

H.Res. 412: H. Res. 411-Finding that the President has not complied with section 2 of the Iran Nuclear Agreement Review Act;H.R. 3460-To suspend until January 21, 2017, the authority of the President to waive, suspend...;H.R. 3461-To approve the JCPOA...

COMMITTEE ACTION: REPORTED BY A RECORD VOTE of 9-4 on Wednesday, September 9, 2015.

FLOOR ACTION: ADOPTED BY A RECORD VOTE OF 243-186 on Thursday, September 10, 2015.

MANAGERS: Slaughter/Sessions

114th Congress

1st Session

Rule

H.RES. 412

Report No. 114-259

H. Res. 411 - Finding that the President has not complied with section 2 of the Iran Nuclear Agreement Review Act of 2015

H.R. 3460 - To suspend until January 21, 2017, the authority of the President to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions pursuant to an agreement related to the nuclear program of Iran.

H.R. 3461 - To approve the Joint Comprehensive Plan of Action, signed at Vienna on July 14, 2015, relating to the nuclear program of Iran.

1. Closed rule for H. Res. 411.
2. Provides two hours of debate equally divided and controlled by the chair of the Committee on Foreign Affairs and the Minority Leader or their respective designees.
3. Waives all points of order against consideration of the resolution.
4. Provides that the resolution shall be considered as read and shall not be subject to a demand for division of the question.
5. Closed rule for H.R. 3461.
6. Provides three hours of debate equally divided and controlled by the chair of the Committee on Foreign Affairs and the Minority Leader or their respective designees.
7. Waives all points of order against consideration of the bill.
8. Provides that the bill shall be considered as read.
9. Waives all points of order against provisions in the bill.
10. Provides one motion to recommit.
11. Closed rule for H.R. 3460.

12. Provides two hours of debate, with 30 minutes controlled by the chair of the Committee on Foreign Affairs or his designee, 30 minutes controlled by the chair of the Committee on Ways and Means or his designee, and one hour controlled by the Minority Leader or her designee
13. Waives all points of order against consideration of the bill.
14. Provides that the bill shall be considered as read.
15. Waives all points of order against provisions in the bill.
16. Provides one motion to recommit.

RESOLUTION

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 411) finding that the President has not complied with section 2 of the Iran Nuclear Agreement Review Act of 2015. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except two hours of debate equally divided and controlled by the chair of the Committee on Foreign Affairs and the Minority Leader or their respective designees.

Sec. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3461) to approve the Joint Comprehensive Plan of Action, signed at Vienna on July 14, 2015, relating to the nuclear program of Iran. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chair of the Committee on Foreign Affairs and the Minority Leader or their respective designees; and (2) one motion to recommit.

Sec. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3460) to suspend until January 21, 2017, the authority of the President to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions pursuant to an agreement related to the nuclear program of Iran. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate, with 30 minutes controlled by the chair of the Committee on Foreign Affairs or his designee, 30 minutes controlled by the chair of the Committee on Ways and Means or his designee, and one hour controlled by the Minority Leader or her designee; and (2) one motion to recommit.