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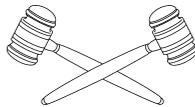
# ***HOUSE PRACTICE***

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

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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 attorneys, clerks, and editors who render nonpartisan assistance to the House on legislative and parliamentary procedure. The Office is also charged with publishing 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.

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 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 29 volumes comprising thousands of decisions over the 227 years of parliamentary practice in the House. They are published as *Hinds' Precedents* (1907); *Cannon's Precedents* (1936); *Deschler's Precedents* (1977); and the precedents of the House authored by current and former Parliamentarians.

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. 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 fifth edition of *House Practice* reflects the efforts of all of the members of the Office of the Parliamentarian – Anne Gooch, Julia Cook, Ben Osheroff, Christina Reid, Norma Volkmer, Lloyd Jenkins, Kristen Donahue, Mat Kowalewski – and of its Office of Compilation of Precedents – Max Spitzer, Ali Torres Archer, Denise Altland, and Paula Belange – 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 edition and their devotion to the pursuit of excellence in the procedural practices of the House are gratefully acknowledged. Special recognition goes to Max Spitzer for his dedication and skilled management of the project.

References to frequently cited works are to the *House Rules and Manual* for the 118th 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, Deschler-Brown-Johnson, or Deschler-Brown-Johnson-Sullivan* (e.g., Deschler Ch 5 § 2); to the chapter and section of *Precedents of the United States House of Representatives (2017 series)* (e.g., Precedents (\_\_\_\_\_) Ch 6 § 18.1); 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).

Jason A. Smith  
March 15, 2024  
Parliamentarian  
2020–

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