



“The House Floor”

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House Floor: Outline

Introduction

- a. Updates

Assorted House Floor Issues

- a. Rule Alternatives:
 - Suspension
- b. Floor Consideration Data
- c. Committee of the Whole
- d. Points of Order

The House Floor and Voting

- a. Debate
- b. Floor Amendments
- c. Motion to Recommit
- d. Enacting Clause
- e. Vote types

Conclusion



Above: Ted Cruz does not appear thrilled to be making calls.

Bill Jargon

A **bill** is the primary vehicle employed by legislators to introduce their proposals. House bills are designated H.R. 1, H.R. 2, etc...Senate bills are designated S. 1, S. 2, etc. As the Senate website notes, "They address either matters of general interest ("public bills") or narrow interest ("private bills"), such as immigration cases and individual claims against the Federal government." It needs to pass both the House and the Senate in identical forms and be signed by the President (or passed over a presidential veto) to become law.

Once a bill becomes law, it is assigned a **public law number** corresponding to the Congress it was enacted in and the order it passed. 115 PL 12 is a public law number corresponding to the 12th public law enacted in the 115th Congress.

The law is also assigned a **statute number**. This corresponds to the volume and page number the law can be found in the *Statutes at Large*.

Congress may work on several bills throughout a given Congress before agreeing on a final bill that eventually becomes a public law. For example, the Senate may debate and amend S 120 while the House considers HR 5. Eventually, the two changes agree on the content of the bill and include that language in HR 282.



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Step # 4 – House Floor

House

Introduce Bill

Committee

Sub-
committee

Rules
Committee

House Floor

Getting on the House Floor: Alternatives

In the absence of a House special rule, there are a few mechanisms for bills to get to the House floor. Unanimous consent is rare, but does happen on occasion in the House. A second option, a motion to **suspend the rules and pass**, is far more common.

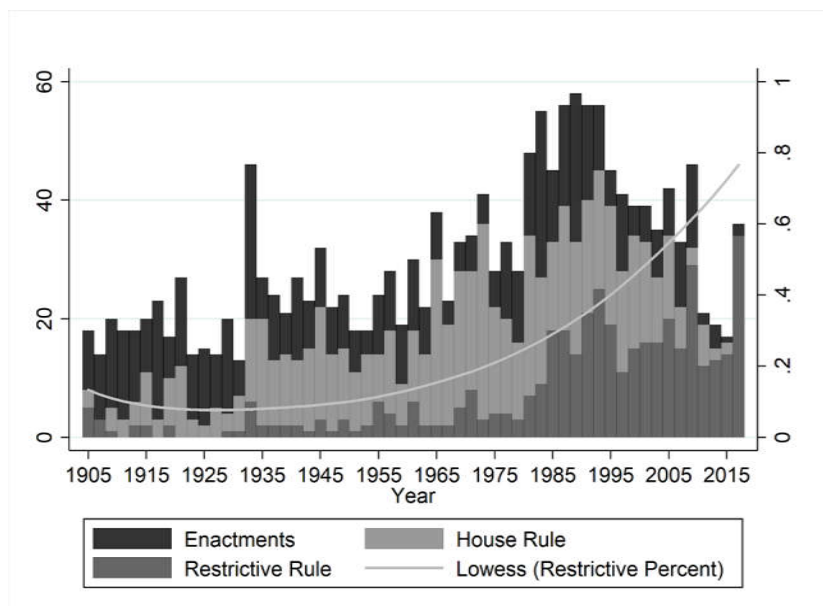


Above: Former Rep. William Jefferson (D-LA), being sentenced to 13 months in prison.

A motion to suspend the rules and pass a bill is a procedure generally used to quickly pass legislation in the House. It is in order on certain days (currently Monday and Tuesday of each week and the last six days of a session), typically reserved for non-controversial legislation and allows the Speaker to entertain motions made by members seeking to bypass the traditional calendar.

Debate is limited to forty minutes, evenly divided between supporters and opponents. Floor amendments are prohibited. Currently, and for much of the House's history, passage of the motion is dependent on the support of two-thirds of members voting majority.

Enactments by Floor Consideration Mechanism



Committee of the Whole



Above: Former Rep. Vito Marcantonio (Socialist-NY), dapper as all hell.

Article 1, Section 5 of the U.S. Constitution specifies that "each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide." The Committee of the Whole is the House or Senate chamber in another form (like a large committee). It developed in response to the Constitution's quorum provision. Generally, it is used for the purpose of debate and dispensing with amendments. Every legislator is a member. In the modern Congress, it is frequently associated with the U.S. House. The presiding officer is chosen by the Speaker of the House and is normally a member of the majority party who does not hold the chair of a standing committee.

Procedurally, the Committee of the Whole differs from the House of Representatives even though they have identical membership. The Committee of the Whole only requires 100 House members for a quorum. In the modern Congress, only 25 members are required to force a recorded rather than voice vote. Historically, recorded voting in the House (but not Senate) Committee of the Whole was prohibited. This changed in the House after the adoption of the Legislative Reorganization Act of 1970 (first applied in the 92nd Congress). All amendments adopted in the Committee of the Whole are considered after the Committee of the Whole dissolved. Members can reserve the right to request a recorded, division, teller or voice vote on specific amendments (even those that were defeated in the Committee of the Whole).

Committee of the Whole

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 3014) to regulate the labeling and advertising of cigarettes, and for other purposes, pursuant to House Resolution No. 421, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

All amendments adopted by the Committee of the Whole need to be adopted by the full chamber. Generally, this is pretty non-controversial and the amendments will get adopted "en bloc" or "en gros". For the purposes of this project, you do not need to code these en gross or en mass ratifications of the committee of the whole's decisions.

However, any member can request a separate vote on any amendment adopted by the Committee of the Whole. Until 1973, requesting a separate vote was the only way to get a recorded vote on an amendment adopted by the Committee of the Whole in the House. If an individual member asked for a separate vote on a specific amendment he reserved, than we would like you to go back and add an additional vote type to those amendments.

Points of Order

Of the powers presiding officers possess, ruling on points of order is the most substantial. A point of order is raised by a member who believes a chamber rule is being violated. Generally, points of order touch on one of two important procedural facets: the right to continue debate or the right to offer amendments. As such, rulings have the power to end debate or significantly alter the substantive content of legislation.



Above: LBJ trying to give the "Johnson treatment" to Richard Russell (D-GA), his mentor.

When a point of order is presented to the chair, he or she can choose to uphold (sustain) it, reject it, or submit it to the floor for consideration by the full chamber. Points of order that the chair upholds or rejects are subject to an appeal from the full chamber. Most points of order submitted to the Senate floor are debatable, an advantage for filibustering minority coalitions. Appeals of rulings also are debatable, but the appeal is subject to a non-debatable motion to table that requires only a simple majority to pass.

Appeals in the House occur far less frequently than the Senate.

House Floor



First vote may be to order the previous question motion on the Rule, followed by a vote on the Rule itself.

Debate here is structured by the rule. Generally, the floor is empty and the outcome is pre-determined.

Note: Not all votes are recorded!

This is often followed by debate on the bill, votes on any amendments (may not be recorded), a motion to recommit with instructions, potential votes on points of order and a vote on the bill.

What influences member votes? Reelection, policy goals, reelection, party loyalty, reelection. Priorities are often as important as policy goals.

Minority input in the House?

House Floor: Motion to Recommit

Under House rules, a motion to recommit the bill, either with or without instructions, to the committee that originally reported it is almost always in order.

A motion to recommit with instructions that the committee report forthwith ensures the bill does not leave the floor and essentially provides the minority with an opportunity to offer an amendment of its choosing. A straight motion to recommit sends the bill back the parent committee essentially killing the bill. The motion to recommit can only be offered by an opponent of a bill at the conclusion of debate. The motion is the prerogative of the minority party and is not provided in advance to members.

The motion has plagued Democratic leadership, who lost six pivotal motion to recommit votes in 18 months of controlling the 115th House. In the previous eight years, Republican majorities were never defeated on a motion to recommit.



Above: Speaker Pelosi: Sad.

Enacting Clause and Amendments



The first clause of a bill is the “enacting clause.”

“Striking the enacting clause” is an attempt to kill the legislation.

“Striking all after the enacting clause” means someone is trying replace the entire text of the legislation. This is quite common when two chambers are trying to pass the same bill in order to go to a conference committee.

Step # 4 – House Floor



LILLY LEDBETTER FAIR PAY ACT AND THE PAYCHECK FAIRNESS ACT
(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)
Ms. TSONGAS. Mr. Speaker, I rise to express my strong support for two important bills that we will consider later today. The Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act both advance the right to ensure equal pay for women in the workforce.
According to the U.S. Census Bureau, women make 78 cents for every dollar earned for similar work by their male counterparts. This form of discrimination is unacceptable, and it is not just a woman's issue; it is a family issue. The Institute of Women's Policy Research found that this wage disparity will cost an individual woman somewhere from \$60,000 to \$2 million over a lifetime in lost wages. We can easily imagine the impact on a woman's life, as well as her children's.
I am proud to support these important measures which make the American promise of opportunity more accessible to women and to their families.



Mr. PRICE of Georgia. Mr. Speaker, it's a new Congress and, yes, it's a new day. But what we're debating isn't that new. It's, in fact, a recycled campaign promise to a favored special interest, and a sad reminder of the path this majority continues to take this country.
As most folks already know, equal pay for equal work is the law of the land and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender.
But the bill before the House today treats wage discrimination as if it were systematic. And in the midst of economic challenges, we're failing to address the real challenges affecting Americans' wages and the purchasing power of their paychecks.
If this measure becomes law, power will be turned over to bureaucrats and trial lawyers to interpret, distort and oversee how wages are determined through lawsuits and through regulations.

So the motion to recommit was rejected.
The result of the vote was announced as above recorded.
The SPEAKER pro tempore. The question is on the passage of the bill.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
RECORDED VOTE
Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.
A recorded vote was ordered.
The SPEAKER pro tempore. This will be a 5-minute vote.
The vote was taken by electronic device, and there were—ayes 256, noes 163, not voting 14, as follows:
[Roll No. 8]
AYES—256
Abercrombie Graves Neal (MA)
Askernan Green, AJ Nye
Adler (RI) Green, Gene Oberstar
Altmire Grisham Gray
Andrew Gutierrez Over
Arcout Hall (NY) Ortiz

Lilly Ledbetter Fairpay Act (2009) -- After debate on H.R. 11, Representative Tom Price (R-GA) offered a motion to recommit with instructions. Price argued that "One of the distinctive changes being made today to the Equal Pay Act is the inclusion of unlimited compensatory and punitive damages in a lawsuit." This provided a "boondoggle for trial lawyers" and he sought to address this by capping hourly attorney fees at \$2,000 an hour (*Congressional Record*, 111th Congress, January 6, 2009, H126)."

The motion was defeated 178-240. The bill (HR 12) then passed 256-163, with ten Republicans ayes and three Democrats voting nay. Pursuant to H.Res. 5, the text of H.R. 12 was appended to H.R. 11 and the bill was laid on the table. The amended H.R. 11 was then adopted 247-171 with three Republican ayes and five Democrats voting nay.

House Floor – Typical Vote Sequence

Rule is brought to the floor and debated.

Vote - Previous Question Motion on a Special Rule

Vote - Vote on the Special Rule

Amendments, should the rule allow them, are debated and voted on.

Vote - Motion to Recommit the Bill (Should the Rule Allow it)

Vote – Passage of the Bill



Roll Call Voting

Not the default vote mechanism in Congress.
Most voting in Congress is completed via voice vote

Recorded votes must be requested by a member and the request must be supported by one-fifth of present members (Article I, Section 5, Clause 3)

Some debate over this at the Constitutional Convention

Several delegates supported dropping the quorum threshold, others opposed the yeas and nays altogether.

After several failed and one successful amendment, the yeas and nays clause was adopted

Four primary vote types in Congress: (1) voice vote; (2) division vote; (3) teller vote; (4) roll call vote



During the Constitutional Convention, Nathaniel Gorham opposed recorded voting, fearing it would lead to the "stuffing of Journals with roll calls on frivolous occasions" in order to "mislead the people, who never know the reasons determining the votes."

Origins of Recorded Voting



Above: Strafford (with head)

The practice of publicizing how legislators voted occurred on rare occasion in 17th and 18th century Great Britain.

The first known instance of this occurred in 1641, after a vote ordering the execution of Thomas Wentworth, the 1st Earl of Strafford.

The names of those who voted against the bill of attainder were publicized as "betrayers of their country (Luce 1922, 355)." The vote passed and Strafford was eventually beheaded.

Note: One co-author does not appreciate this anecdote and feels it is unnecessary. He is wrong.

News—Yeas and Nays

[Roll Call 7/26/15](#)— In a pair of losses for conservatives, the Senate voted overwhelmingly Sunday to revive the Export-Import Bank while failing to overcome a filibuster of an attempt to repeal Obamacare — with more fireworks to come.



The rare Sunday votes set the stage for the Senate to send a long-term highway bill tied to the Ex-Im Bank to the House later this week, but not before facing other gambits by conservatives, including a procedural vote forced by Sen. Ted Cruz regarding the Iran deal...

A bipartisan coalition beat back a filibuster of the Export-Import Bank amendment proposed by Sen. Mark S. Kirk, R-Ill., on a 67-26 vote. Neither vote was a surprise.

Cruz's Iran sanctions amendment was the next order of business, but his maneuver was quickly shot down.

News—Yeas and Nays



In the aftermath of his floor speech Friday accusing Majority Leader Mitch McConnell, R-Ky., of telling a "simple lie," the Republican presidential hopeful set up a procedural vote on whether he should be allowed to offer an amendment to the highway bill to bar sanctions relief for Iran until the country releases Americans and recognizes Israel as a Jewish state.

Procedurally, Cruz sought to offer a third-degree amendment — something barred by longstanding Senate precedent. Allowing such amendments would upend the prerogative of the majority leader to control the flow of debate through the process known as filling the amendment tree.

Cruz's effort failed on a voice vote after being unable to secure a "sufficient second" for a roll call vote (requiring the backing of 11 senators). Cruz's frequent ally, Sen. Mike Lee of Utah, saw a similar rejection on an amendment that would block funding for Planned Parenthood.

Voice Vote

The default voting mechanism in Congress is the **voice vote**.

During a voice vote, the chair will put forward two questions: "all in favor say 'Yea'," and "all opposed say 'Nay'."

The job of tallying the votes in such a situation falls to the chair, and his or her count cannot be appealed. While members may make their opinions clearly known, voice votes produce no record of individual positions on a given bill.



The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SABATH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Division Vote

A **division vote** can be requested by any member.

Once requested, members rise if they take the affirmative on a question and they are then counted by the chair.

This process is repeated for those in opposition.

Division votes are not recorded and – like with voice votes – the chair's count of the votes cannot be appealed.



The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. Knutson) there were—ayes 135, noes 152.

So the amendment was rejected.

Questions, Concerns, Angry Rants?



Next: Exam 1