

Researching Congressional Rules & Procedure

*This is a select list of resources for researching and understanding rules and procedures in the United States Congress. For finding other congressional documents related to rules and procedures (e.g., resolutions adopting or amending rules, Rules Committee reports, points of order documented in Congressional Record), the best online resources are **ProQuest Congressional, Congress.gov, FDsys, and HeinOnline.***

Background and Explanation

Walter J. Oleszek, Congressional Procedures and the Policy Process (10th ed. 2016)

The best and most well-known book on congressional procedure.

Charles Tiefer, Congressional Practice and Procedure: A Reference, Research, and Legislative Guide (1989)

While a bit older, this book is a great in-depth examination of procedure.

Barbara Sinclair, Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress (4th ed. 2012)

Examines how procedure “really” works in Congress (compared to standard textbook descriptions) and how it has changed in recent years. It is well-known and heavily cited. *The fifth edition will be published in July 2016.*

Charles Tiefer, The Polarized Congress: The Post-Traditional Procedure of Its Current Struggles (2016)

This new book also examines how procedure has changed in recent years and how those changes have impacted lawmaking in Congress.

CQ Guide to Congress (7th ed. 2013)

A good, basic guide to Congress that includes several chapters on congressional procedure.

Martin M. Gold, Senate Procedure and Practice (3d ed. 2013)

Williams Reference, KF4982 .G65 2013

In-depth examination of procedures in the U.S. Senate specifically.

Brown, Johnson & Sullivan, House Practice: A Guide to the Rules, Precedents, and Procedures of the House (2011)

This guide is prepared by House parliamentarians and organizes the rules, precedents and procedures by topic. It is also available on the House Rules Committee’s website (<http://rules.house.gov/resources>) and HeinOnline.

Congressional Research Services Reports

There are many reports from the Congressional Research Service (CRS) that explain legislative procedures in the House and Senate. Find CRS Reports in ProQuest Congressional (sort results by date to find the most recent version of a report) or one of the several collections of CRS Reports available free online, such as the Federation of American Scientists, <http://www.fas.org/sgp/crs/>, University of North Texas, <http://digital.library.unt.edu/explore/collections/CRSR/>, or CRSReports.com, <http://www.crsreports.com>.

Matthew Mantel, *Researching House and Senate Rules and Procedures*, 24 *Legal Reference Services Q.*, no. 3/4, 2005, at 67.

A great article explaining the sources of congressional procedure and where to find them. It also includes a useful, but now slightly dated, bibliography.

House Rules and Procedure

House Committee on Rules

<http://rules.house.gov>

Rules of the House of Representatives

The current version of the standing rules of the House are available on the House Rules Committee website, <http://rules.house.gov/resources>. They are also included in the House Manual (see below). Prior versions of the rules can be found on ProQuest Congressional.

House Rules and Manual (“Constitution, Jefferson’s Manual, and Rules of the House of Representatives”)

The House Rules and Manual, officially titled the “Constitution, Jefferson’s Manual, and Rules of the House of Representatives,” contains the rules as well as Jefferson’s Manual and laws and resolutions that establish rules. The current version is available on the House Rules Committee Website, <http://rules.house.gov/resources>. This is also published as a House Document, so prior versions are available on FDsys and ProQuest Congressional.

Deschler’s, Cannon’s, and Hind’s Precedents

There are three compilations of precedents in the House: *Hinds’ Precedents of the House of Representatives* (1789-1907), *Cannon’s Precedents of the House of Representatives* (1908-1936), and *Deschler’s Precedents of the House of Representatives* (1936 -). They are all available on the House Rules Committee’s website, <https://rules.house.gov/resources>, as well as HeinOnline.

Senate Rules and Procedure

Senate Committee on Rules and Administration

<http://www.rules.senate.gov>

Standing Rules of the Senate

The current version is available on the website of the Senate Committee on Rules and Administration, <http://www.rules.senate.gov/public/index.cfm?p=RulesOfSenateHome>. The Standing Rules are also published in the Senate Manual (see below) and as Senate Documents, so prior versions are available on ProQuest Congressional and FDsys.

Senate Manual

The Senate Manual is officially titled the “Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate.” It is prepared by the Senate Committee on Rules and Administration and is published as a Senate Document (usually S. Doc. No. 1). The current version is available on FDsys, and prior versions are available on FDsys and ProQuest Congressional.

Riddick’s Senate Procedure

The current version of this compilation of Senate precedents, officially titled “Riddick’s Senate Procedure: Precedents and Practice,” was last updated in 1992 and contains precedents through the end of the 101st Congress (1989-1990). The current version is available on FDsys and <http://www.riddick.gpo.gov/>. Prior versions are available on ProQuest Congressional.

Resources on “The Nuclear Option” in the Senate

Betsy Palmer, Congressional Research Service, Changing Senate Rules or Procedures: The “Constitutional or “Nuclear Option” (Nov. 1, 2005)

<http://digital.library.unt.edu/ark:/67531/metadc813015/>

This report describes the different ways the “nuclear option” can be employed to bypass the traditional means to amend the Senate Rules. Another report that provides information not only on the nuclear option, but also other ways to change the Senate Rules is Richard S. Beth, Congressional Research Service, Procedures for Considering Changes in Senate Rules (Jan. 22, 2013), <http://digital.library.unt.edu/ark:/67531/metadc463163/>.

159 Congressional Record S8417-S8418 (Nov. 21, 2013) (“Appealing Ruling of the Chair”)

<https://www.congress.gov/congressional-record/2013/11/21/senate-section/article/S8413-5>

This entry in the Congressional Record shows how then-Senate Majority Leader Harry Reid used the “nuclear option” to change the Senate Rules as they relate to votes on presidential nominations for judicial and executive branch appointments (other than Supreme Court justices). A brief explanation of the procedure used and its effect here is provided in Niels

Lesniewski, Democrats Go 'Nuclear,' Eliminate Filibusters on Most Nominees, Roll Call (Nov. 21, 2013), <http://www.rollcall.com/news/policy/democrats-go-nuclear-eliminate-filibusters-on-most-nominees>.

The Daily Show, Filibusters, July 16, 2013

<http://www.cc.com/video-clips/301sct/the-daily-show-with-jon-stewart-filibusters>

In this clip, John Oliver jokes that the “nuclear option” is an overly dramatic way to describe a change in procedural rules.

Articles on Congressional Procedure & Legislative History Research

John Cannan, *A Legislative History of the Affordable Care Act: How Legislative Procedure Shapes Legislative History*, 105 Law Libr. J. 131 (2013).

“Using the health care legislation passed in 2010 as a model to show how legislative procedure shapes legislative history, this article posits that legislative procedure has changed, making the traditional model of the legislative process used by law librarians and other researchers insufficient to capture the history of modern legislation.” (Abstract)

Victoria F. Nourse, *A Decision Theory of Statutory Interpretation: Legislative History by the Rules*, 122 Yale L.J. 70 (2012).

“We have a law of civil procedure, criminal procedure, and administrative procedure, but we have no law of legislative procedure. This failure has serious consequences in the field of statutory interpretation.” (Abstract). This article establishes “simple principles for reading legislative history,” such as “Never Read Legislative History Without Knowing Congress’s Own Rules,” and provides examples of cases where the court arguably misused legislative history as a result of not understanding congressional rules of procedure.