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# House Rules Changes Affecting Floor Proceedings in the 116<sup>th</sup> Congress (2019-2020)

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## House Rules Changes Affecting Floor Proceedings in the 116<sup>th</sup> Congress (2019-2020)

As agreed to in the House, H.Res. 6, a resolution adopting the rules of the House of Representatives, provided amendments to the rules, as well as separate orders, that affect floor procedure in the 116<sup>th</sup> Congress (2019-2020). These amendments changed procedures in the full House and in the Committee of the Whole.

The rules changes altered when a resolution that would cause a vacancy in the Office of Speaker would qualify as a question of privilege. Under a new provision to clause 2 of Rule IX, resolutions declaring a vacancy of the chair are not privileged unless they are offered by direction of a party caucus or conference.

H.Res. 6 established a Consensus Calendar for the consideration of certain broadly supported measures that have not been reported by their committees of primary jurisdiction. One rules change allows the Speaker to schedule consideration of legislation that has been on the Private Calendar for seven days. Another change requires the Speaker to schedule the consideration of a motion to discharge that has garnered the necessary 218 signatures to be placed on the Discharge Calendar (and has been on that calendar for at least seven legislative days). Prior to the rules change, measures on the Private Calendar and motions on the Discharge Calendar were to be considered on specified days of the month.

The 116<sup>th</sup> rules package mandates that certain legislative texts must be available to the public for 72 hours before legislation can be raised on the House floor. The earlier rules provided a three-day layover, not including weekends and holidays, which could provide a review period of fewer or more than 72 hours.

Rules changes allow the Speaker to postpone votes on amendment votes that occur in the House proper and no longer require a notice that a voting period on the amendment will be reduced to five minutes. In the Committee of the Whole, the chair is afforded greater flexibility to reduce voting periods to two minutes on record votes.

Several rules changes concerned the five Delegates and the Resident Commissioner of Puerto Rico. Most significantly, H.Res. 6 enables these individuals to vote in the Committee of the Whole. The 116<sup>th</sup> rules reinstated the policy from previous Congresses that allowed for voting in the Committee of the Whole but also mandated a revote in the House proper if the initial vote was decided within the margin of votes cast by the Delegates and the Resident Commissioner.

The 116<sup>th</sup> rules package clarified that the provision in Rule XVII that bans hats in the House chamber allows Members to wear “religious headdress.” In the 116<sup>th</sup> Congress, Members can wear religious head coverings in the chamber at any time.

Finally, H.Res. 6 included a separate order governing action in the 116<sup>th</sup> Congress that clarified procedures concerning measures introduced pursuant to the War Powers Resolution. The separate order stated that motions to discharge such measures from committee would not be subject to a motion to table.

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## Introduction

In January 2019, the House agreed to H.Res. 6, a resolution adopting the rules of the House of Representatives for the 116<sup>th</sup> Congress. This report summarizes amendments to House rules affecting floor proceedings in the 116<sup>th</sup> Congress (2019-2020), as provided for in H.Res. 6.<sup>1</sup>

In the 116<sup>th</sup> Congress, rules changes affected the consideration of legislation on the floor, voting in the House and the Committee of the Whole, and procedures related to Delegates and the Resident Commissioner of Puerto Rico. H.Res. 6 also clarified that religious headdress may be worn in the House chamber at any time, and it included a separate order specifying that, during the 116<sup>th</sup> Congress, the House may not table motions to discharge certain measures related to the War Powers Resolution.<sup>2</sup>

## Consideration of Legislation

### “Question of the Privileges of the House” Resolution Causing a Vacancy in the Office of the Speaker

H.Res. 6 amended Rule IX to establish that a resolution declaring a vacancy in the Office of the Speaker will not qualify as a question of the privileges of the House unless it is offered by direction of a party caucus or party conference. Prior to this rules change, such a resolution offered by any Member would have qualified as a question of privilege.<sup>3</sup>

Rule IX concerns resolutions “raising a question of the privileges of the House.” Resolutions raising a question of the privileges of the House are those that affect the “rights of the House collectively, its safety, dignity, and the integrity of proceedings.”<sup>4</sup> If they are offered from the floor by the majority leader or the minority leader, they have precedence over all other questions except the motion to adjourn.<sup>5</sup> When offered by other Members, they have the same precedence but only at a time scheduled by the Speaker within two legislative days after the proponent announces an intention to offer the resolution.<sup>6</sup>

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<sup>1</sup> This report does not consider changes related to the budget process, committee procedure, or the administration of Congress (i.e., salaries, staff training, and membership requirements on boards and commissions). For more information about budget process changes in the 116<sup>th</sup> Congress (2019-2020), see CRS Report R45552, *Changes to House Rules Affecting the Congressional Budget Process Included in H.Res. 6 (116th Congress)*, by James V. Saturno and Megan S. Lynch. For more information about changes to committee procedure, see CRS Report R45731, *House Rules Changes Affecting Committee Procedure in the 116th Congress (2019-2020)*, by Jane A. Hudiburg.

<sup>2</sup> H.Res. 6 (116<sup>th</sup> Congress); U.S. Congress, House, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, prepared by Karen L. Haas, Clerk of the House of Representatives, 116<sup>th</sup> Cong., 1<sup>st</sup> sess., 2019 (hereinafter *Rules of the House of Representatives, One Hundred Sixteenth Congress*); U.S. Congress, House, *Constitution, Jefferson’s Manual and the Rules of the House of Representatives of the United States One Hundred Fifteenth Congress* (hereinafter *House Manual*, 115<sup>th</sup> Congress), 114<sup>th</sup> Cong., 2<sup>nd</sup> sess., 2017 (Washington: GPO, 2017); U.S. Congress, House Committee on Rules, *H.Res. 6 Adopting the Rules for the 116<sup>th</sup> Congress, Section-by-Section Analysis* (hereinafter *Section-by-Section*), 116<sup>th</sup> Cong., 1<sup>st</sup> sess., 2019.

<sup>3</sup> *House Manual*, 115<sup>th</sup> Congress, §315, p. 154. The *Section-by-Section* summary of the rules changes prepared by the Committee on Rules noted that a resolution reported by the Committee on Ethics recommending action with regard to a Member of the House would still be privileged under House Rule XIII, clause 5(a)(5).

<sup>4</sup> House Rule IX, clause 1, *House Manual*, 115<sup>th</sup> Congress, §698, p. 420.

<sup>5</sup> House Rule IX, clause 2, *House Manual*, 115<sup>th</sup> Congress, §699, p. 420.

<sup>6</sup> For more information on how to raise a question of the privileges of the House, see CRS Report R44005, *Questions of*

## Consensus Calendar

The Consensus Calendar is an addition to House rules. It is a list of certain measures that have not been reported by their committees of primary jurisdiction yet have at least 290 cosponsors.<sup>7</sup> The new clause 7 of Rule XV states that, except at the start and the end of a Congress, the House must consider a measure on the Consensus Calendar designated by the Speaker each week should one or more be listed and the House is in session.<sup>8</sup> The Consensus Calendar might provide an opportunity to vote on unreported, broadly supported legislation that would not otherwise be chosen by the Speaker for consideration under suspension of the rules or made in order by a resolution from the Rules Committee.

In order to be placed on the Consensus Calendar, a non-reported measure must first achieve the 290-cosponsor threshold (two-thirds of the House's full membership). At that time, the measure's sponsor may present a motion to the Clerk to place the measure on the calendar.<sup>9</sup> This motion is submitted in writing directly to the Clerk, as opposed to being offered on the floor. The written motion is then retained in the Clerk's custody and printed in the *Congressional Record*. The rule directs the Clerk to maintain a list of Consensus Calendar motions and make the list publicly available on the Clerk's website.<sup>10</sup>

Following the presentation of the motion, a measure will be placed on the Consensus Calendar once it has maintained 290 cosponsors for a "cumulative period of 25 legislative days," a period of time that is usually equal to 25 calendar days in which the House is in session.<sup>11</sup> (If the primary committee reports the measure during this period, the motion to place the measure on the Consensus Calendar will be considered withdrawn.<sup>12</sup>) The measure will remain listed on the calendar even if it falls below the 290-cosponsor threshold until it is considered by the House or is reported by the primary committee of jurisdiction. Thus, a committee may report a bill to prevent it from being placed on the Consensus Calendar or to remove it from the Consensus Calendar.

The new rule did not create any special procedures for the floor consideration of a measure on the Consensus Calendar. According to the *Section-by-Section* summary of the rules changes prepared by the Rules Committee, Consensus Calendar measures may be considered "in any manner otherwise available under the rules," which would include suspension of the rules or under the terms of a special rule reported by the Committee on Rules.<sup>13</sup> The *Section-by-Section* summary

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*the Privileges of the House: An Analysis*, by Megan S. Lynch.

<sup>7</sup> The Speaker is directed to refer measures to all committees with jurisdiction and to assign one committee as the primary committee of jurisdiction.

<sup>8</sup> *Section-by-Section*, p. 3.

<sup>9</sup> Clause 7(b)(1), Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth*, p. 30.

<sup>10</sup> Clause 7(b)(2), Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 30; *Section-by-Section*, pp. 3-4.

<sup>11</sup> A legislative day begins when the House meets after an adjournment and ends when the House adjourns. Generally, in the House, a legislative day takes place on one calendar day. However, it is possible for the House to adjourn and meet again in the same calendar day, creating two legislative days, or have a legislative day that spans more than one calendar day. Clause 7(c), Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 30.

<sup>12</sup> Clause 2, Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 28.

<sup>13</sup> CRS Report RS20067, *How Measures Are Brought to the House Floor: A Brief Introduction*, by Christopher M. Davis; *Section-by-Section*, p. 3. For more information on the available procedures for taking up a measure on the House floor, see CRS Report RS20067, *How Measures Are Brought to the House Floor: A Brief Introduction*, by Christopher M. Davis.

also explains that the Speaker will meet the requirement of the rule that a measure on the Consensus Calendar be designated for consideration by making an announcement immediately preceding the consideration of a measure on the floor.

## **Motions to Discharge**

H.Res. 6 amended clause 2 of Rule XV to require the Speaker to schedule consideration of a motion to discharge that has met the signature and layover requirements of Rule XV within two legislative days after a discharge proponent announces his or her intention to offer the motion.<sup>14</sup> In previous Congresses, motions to discharge, which had met the Rule XV requirements, could be offered on the floor on the second and fourth Mondays of the month if the House was in session on those days.

The “discharge rule” enables an unreported measure that has not been scheduled by leadership for floor consideration to be raised on the floor, provided that a majority of the House membership has signed a discharge petition. Any Member may submit to the Clerk a motion to discharge a committee from the consideration of a public measure that the committee has had before it for 30 legislative days or more. A Member may also submit a motion to discharge the Committee on Rules from the consideration of a special order of business (special rule) it has had before it for seven legislative days or more if the measure the rule makes in order has been in committee for at least 30 legislative days or has been reported. Once a majority of the House membership (218 Members) signs the associated discharge petition, the motion is placed on the Calendar of Motions to Discharge Committees. After the motion has been on the calendar for at least seven legislative days, a Member who has signed the discharge petition may announce to the House an intention to offer the motion.

As amended, clause 2(c)(1) of Rule XVI now requires the Speaker to schedule motions to discharge the day of the announcement or on one of the next two legislative days. Prior to the change, even after meeting all the other requirements, motions to discharge could be made only on the second and fourth Mondays of a month. If the House was not in session on those days, considerable time could pass between when the other requirements of the rule were met and when proponents could force consideration of their motion.

## **Private Calendar**

The Private Calendar lists private legislation (measures providing benefits to one or more specified individuals or entities) that has been reported out of committee. House Rule XV provides a special procedure for the consideration of private legislation on the calendar, but in recent Congresses, few measures have been called from the Private Calendar.<sup>15</sup> H.Res. 6 amended clause 5 of Rule XV to allow the Speaker to direct the Clerk to call a private bill on any day the House is in session if the measure has been on the Private Calendar for seven days.<sup>16</sup> Prior to the 116<sup>th</sup> Congress, the call of the Private Calendar was limited to the first and third Tuesdays of the month.

If measures are listed on the calendar, the Speaker or designee is to direct the Clerk to call them on the first Tuesday of the month in the order they are listed. Under the amended rule, the

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<sup>14</sup> Clause 2(c)(1), Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 29.

<sup>15</sup> The last time a private bill was called from the Private Calendar and considered on the House floor was in the 113<sup>th</sup> Congress (2013-2014). See [Congress.gov](http://Congress.gov).

<sup>16</sup> Clause 5 (b)(1), Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 29.

Speaker may also direct the Clerk to call a specific measure on other days after the requisite seven-day period has passed. In the latter case, the Speaker must announce to the House an intention to call a private measure. The call, if it is to occur, must occur on the second legislative day after the legislative day the Speaker makes the announcement.<sup>17</sup>

Official Objectors are appointed by each party to examine measures on the Private Calendar. If, at the time a bill is called, two Objectors or two other Members object to the measure, the measure is recommitted to the committee that reported it.<sup>18</sup> According to the Rules Committee's summary of H.Res. 6, the specific requirement for two days' notice ensures that the "Official Objectors are able to be on the Floor at the appropriate day and time."<sup>19</sup>

## **72-Hour Availability**

House rules generally afford a time period for Members to review legislative text before considering measures in the chamber. H.Res. 6, amended Rules XXI, XXII, and XXIII to establish, for certain legislative text and committee reports, a 72-hour review period, as opposed to the previous review period, which spanned until the "third calendar day" on which the measures' text or committee reports had been available.<sup>20</sup> The rules amendments actually made two changes: they designated the 72-hour period and, for reported measures, enabled the layover period to begin when the "proposed text of each report" is made available, in contrast to when the official committee report is available.

Prior to the changes to the rules, legislative text could meet the three-day layover requirement even if it was not always available for a 72-hour period. For instance, if an unreported bill's text was posted at 9:00 p.m. on a Monday, the bill might have been considered on Wednesday morning, less than 40 hours later. The new 72-hour availability requirement, however, provides an exact time period for layover review before measures may be considered in the House.<sup>21</sup>

The requirement applies to proposed text of committee reports and the text of unreported bills and joint resolutions, conference reports, and amendments reported in disagreement from conference committees. The review period begins at the time the text is posted electronically or otherwise made available. Thus, for committee reports, the clock can start with the posting of the report's proposed content, not when the committee has filed and delivered the report to the Clerk, which may occur at a later time.<sup>22</sup>

As stated in clause 4 of Rule XIII, the availability requirement excludes supplemental, minority, additional, or dissenting views that may be inserted in a committee report at the request of a committee member. Members are guaranteed two calendar days to submit these optional sections if notice of intent to file supplemental views was given at the time the committee approved the measure or matter.

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<sup>17</sup> Clause 5(b)(1), Rule XV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 29.

<sup>18</sup> CRS Report R45287, *Private Bills: Procedure in the House*, by Christopher M. Davis.

<sup>19</sup> *Section-by-Section*, p. 5.

<sup>20</sup> In previous Congresses, measures or reported matter could not be considered until the "third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which the legislative text had been made available." *House Manual*, 115<sup>th</sup> Congress, §850, p. 655. See CRS Report RS22015, *Availability of Legislative Measures in the House of Representatives (The "72-Hour Rule")*, by Elizabeth Rybicki.

<sup>21</sup> The 72-hour requirement may be waived, including by unanimous consent and the suspension of the rules procedure and under the terms of a special rule.

<sup>22</sup> *Section-by-Section*, p. 4.

# Voting

## Postponability of Certain Votes (House)

H.Res. 6 amended clause 8 of Rule XX to enable the Speaker to postpone a vote on any amendment considered in the House rather than restricting this action to amendments reported from the Committee of the Whole.<sup>23</sup> Votes on the previous question to end debate on any amendment can now be postponed as well. Prior to the rules change, the rule referred only to amendments reported from the Committee of the Whole. Since 1979, House rules have allowed the Speaker to postpone and cluster votes by electronic device.<sup>24</sup> In addition to amendments, several types of measures—including bills, resolutions, and conference reports—may be subject to a postponed vote. The Speaker’s ability to postpone, cluster, and announce upcoming votes provides some degree of certainty to the voting schedule.

## Discretion for Five-Minute Votes (House)

Under clause 2 of Rule XX, the time for electronic voting is no less than 15 minutes in the House.<sup>25</sup> However, clauses 8 and 9 provide the Speaker with the discretion to reduce to five minutes the voting period in the House if the vote occurs following another electronic vote or following a report from the Committee of the Whole.<sup>26</sup> In previous Congresses, clause 9 stated that the reduced-time option could be exercised if “notice” was given of possible five-minute voting.<sup>27</sup>

According to the amended clause 9(a), the Speaker may reduce the voting period if “in the discretion of the Speaker Members would be afforded an adequate opportunity to vote,” while clause 9(b) states, “To the maximum extent practicable, notice of possible five-minute voting for a given series of votes shall be issued prior to the first electronic vote in the series.”<sup>28</sup>

## Discretion for Two-Minute Votes (Committee of the Whole)

The 116<sup>th</sup> rules package amended clause 6 of Rule XVIII to provide the chair of the Committee of the Whole with more discretion to reduce the time for electronic voting. Under clause 2 of Rule XX, the time for electronic voting is no less than 15 minutes in the Committee of the Whole.<sup>29</sup> However, clause 6 of Rule XVIII allows the chair to reduce the voting period to not less than two minutes if the vote occurs in a series. In previous Congresses, the two-minute vote on any proposed question was to occur immediately following the initial 15-minute vote or after the Committee of the Whole resumes. There could be no intervening business or debate.

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<sup>23</sup> For a brief overview of the Committee of the Whole, see CRS Report RS20147, *Committee of the Whole: An Introduction*, by Judy Schneider.

<sup>24</sup> *House Manual*, 115<sup>th</sup> Congress, §1030, pp. 860-861.

<sup>25</sup> *House Manual*, 115<sup>th</sup> Congress, §1014, p. 840.

<sup>26</sup> *House Manual*, 115<sup>th</sup> Congress, §1030, p. 861; *House Manual*, 115<sup>th</sup> Congress, §1032, p. 865.

<sup>27</sup> Members now learn of upcoming votes from a variety of sources, including electronic messaging applications, and thus have a decreased need for formal notices from the chair.

<sup>28</sup> Clause 9(a) and 9(b), Rule XX, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 35.

<sup>29</sup> *House Manual*, 115<sup>th</sup> Congress, §1014, p. 840.



H.Res. 6 removed references to intervening business or debate. Instead, clause 6 now authorizes a two-minute voting period “if in the discretion of the chair Members, Delegates, and the Resident Commissioner would be afforded an adequate opportunity to vote.”<sup>30</sup>

## **Delegates and the Resident Commissioner**

### **Admittance to the Hall of the House**

H.Res. 6 expanded the number of position categories allowed entrance to the Chamber when the House is in session. Under the amended clause 2 of Rule IV, the list of individuals eligible for floor privileges now explicitly includes Delegates-elect, the Resident Commissioner-elect, and contestants in elections for Delegate and the Resident Commissioner “during the pendency of their cases on the floor.” Clause 2 also states that, in addition to governors of the states, governors of the territories shall “be admitted to the Hall of the House or rooms leading thereto.”<sup>31</sup>

### **Notice of Convening**

During any recess or adjournment of not more than three days, the Speaker, in consultation with the minority leader, may change the time or the location of the next meeting of Congress if circumstances warrant it.<sup>32</sup> The rule granting the Speaker this authority contains notification requirements. H.Res. 6 added, “Delegates and the Resident Commissioner” to the requirements in clause 12 of Rule 1 that “Members” be notified of a change in the time of the next meeting.

## **Committee of the Whole**

### **Voting Powers**

H.Res. 6 reinstated from previous Congresses the voting rights of the Delegates and the Resident Commissioner in the Committee of the Whole. It also re-instated the rules provision that prevents these votes from influencing the final outcome of questions initially decided in the committee. In the 116<sup>th</sup> Congress, recorded votes in the Committee of the Whole, which are decided within the margin of the votes cast by the Delegates and the Resident Commissioner, are to be re-conducted in the House, a forum in which Delegates and the Resident Commissioner do not have voting rights.

As amended, clause 3(a) of Rule III states that in the Committee of the Whole, the Delegates and the Resident Commissioner “shall possess the same powers and privileges as Members of the House.”<sup>33</sup> The term *powers and privileges* includes the ability to vote.

In the 103<sup>rd</sup> Congress (1993-1994), Delegates and the Resident Commissioner first received the power to vote in the Committee of the Whole. Since then, their voting status has changed with each change in the majority party.<sup>34</sup> Accordingly, they voted during the 103<sup>rd</sup>, 110<sup>th</sup> (2007-2008), and 111<sup>th</sup> (2009-2010) Congresses, when the Democrats held the majority in the House, but not

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<sup>30</sup> Clause 6(g)(2), Rule XX, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 32.

<sup>31</sup> Clause 2, Rule IV, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 4.

<sup>32</sup> Clause 12 (c) and (e), Rule I, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, pp. 1-2.

<sup>33</sup> Clause 3(a), Rule III, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 4.

<sup>34</sup> CRS Report R40555, *Delegates to the U.S. Congress: History and Current Status*, by Christopher M. Davis.

the 104<sup>th</sup>-109<sup>th</sup> Congresses (1995-2006) and the 112<sup>th</sup>-115<sup>th</sup> Congresses (2011-2018), when the Republicans held the majority.

During the Congresses in which the Delegates and the Resident Commissioner voted in the Committee of the Whole, the House adopted the associated marginal vote provision under what is now clause 6 of Rule XVIII. That is, if a question is decided in the Committee of the Whole within the margin of votes cast by the Delegates and the Resident Committee, the committee shall rise. The Speaker shall then put the question to the House. After the House votes, the Committee of the Whole shall resume its sitting.<sup>35</sup>

## Counting for Quorum and Other Procedures

The 116<sup>th</sup> Congress rules package enabled Delegates and the Resident Commissioner to be counted when ascertaining the presence of a quorum, as well as toward the requisite number to request a recorded vote, in the Committee of the Whole. In addition, the chair was to consider the Delegates' and Resident Commissioner's opportunity to vote before reducing the minimum time for electronic voting.<sup>36</sup>

H.Res. 6 amended clause 6 of Rule XVIII to add the phrase *Delegates and the Resident Commissioner* after the word *Members* in three places. Consequently, a quorum in the committee became 100 Members, Delegates, and the Resident Commissioner. A request for a recorded vote needs the support of at least 25 Members, Delegates, and the Resident Commissioner. And the chair may reduce the time to vote on any postponed question “if in the discretion of the Chair Members, Delegates, and the Resident Commissioner would be afforded an adequate opportunity to vote.”<sup>37</sup>

## Religious Headdress

H.Res. 6 amended clause 5 of Rule XVII to clarify that Members may wear religious headdress in the House chamber. The amendment added the phrase *non-religious headdress* to clause 5 in order to specify that the hat prohibition did not include religious headwear.<sup>38</sup> Clause 5 now states, “During the session of the House, a Member, Delegate, or Resident Commissioner may not wear non-religious headdress or a hat.”<sup>39</sup>

## War Powers Resolution

The 116<sup>th</sup> Congress rules package included a section on “separate orders,” which are provisions that affect House procedures but are not codified in the standing rules of the House. These separate orders have the same force and effect as House rules. Under one such separate order,

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<sup>35</sup> Clause 6(h), Rule XVIII, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 32.

<sup>36</sup> Clause 6(g)(2), Rule XVIII, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 32.

<sup>37</sup> Clause 6, subparagraphs (a), (e), and (g)(2), Rule XVIII, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 32.

<sup>38</sup> According to the Rules Committee summary, this clarification was “modeled on the statutory provision providing for proper decorum during the Pledge of Allegiance (4 U.S.C. 4).” When pledging allegiance to the flag, individuals not in uniform are to remove any non-religious headdress. *Section-by-Section*, p. 5.

<sup>39</sup> Clause 5, Rule XVII, *Rules of the House of Representatives, One Hundred Sixteenth Congress*, p. 31.

H.Res. 6 clarifies that the House may not table a motion to discharge a measure introduced pursuant to Section 6 or Section 7 of the War Powers Resolution (P.L. 93-148).<sup>40</sup>

The War Powers Resolution is an act that governs House consideration of joint resolutions, bills, and concurrent resolutions that are introduced after the U.S. Armed Forces engages “in hostilities” without a prior declaration of war.<sup>41</sup> Measures introduced in compliance with the resolution are referred to the House Foreign Affairs Committee. The committee is to report such legislation within a time frame delineated in the resolution.<sup>42</sup>

The War Powers Resolution does not provide an automatic discharge process if the committee does not report.<sup>43</sup> Should the measure not be reported, a Member may offer a motion to discharge the committee from further consideration in order to allow it to reach the floor. According to the Rules Committee summary for H.Res. 6, previous House action on similar procedures “made it unclear” if a Member could then offer a motion to table the motion to discharge. The separate order is intended “to provide certainty for all Members, Delegates, and the Resident Commissioner on this procedure.”<sup>44</sup>

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<sup>40</sup> For the entire text of the War Powers Resolution, see 50 U.S.C. 1545-46.

<sup>41</sup> Measures that are introduced pursuant to the War Powers Resolution are infrequently considered on the House floor. When the House does consider such a measure, it may adopt a special rule, reported from the Rules Committee, that varies the statutory procedures for consideration. For information regarding measures introduced pursuant to the War Powers Resolution, see *House Manual*, 115<sup>th</sup> Congress, §1139(2), pp. 1138-1139.

<sup>42</sup> CRS Report R42699, *The War Powers Resolution: Concepts and Practice*, by Matthew C. Weed; *House Manual*, 115<sup>th</sup> Congress, §1130(2), pp. 1150-1151.

<sup>43</sup> CRS Report RL30599, *Expedited Procedures in the House: Variations Enacted into Law*, by Christopher M. Davis.

<sup>44</sup> *Section-by-Section*, p. 9.

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