

# Journal

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## Research References

- 4 Hinds §§ 2726–2883
- 6 Cannon §§ 623–637
- 1 Deschler Ch 5 §§ 8–14
- Manual §§ 582, 621
- U.S. Const. art. I § 5

## § 1. Generally; Publication

The Journal is a record of the proceedings of each legislative day in the House. The Journal—and not the *Congressional Record*—is the official record of the proceedings of the House (4 Hinds § 2727; *Manual* § 582), and certified copies thereof are admissible in judicial proceedings (28 USC § 1736).

The U.S. Constitution requires the House to keep a Journal and publish it excepting such as may require secrecy (art. I § 5). The purpose of this constitutional requirement is to insure that the proceedings of the House be a matter of public record. Deschler Ch 5 § 8.

## § 2. Matters Entered in the Journal

The content of the House Journal is governed by the U.S. Constitution, by statute, and by the rules and practices of the House itself. Deschler Ch 5 § 10. The Constitution sets forth the general requirement that the “proceedings” of the House be kept in the Journal (art. I § 5). It further specifies that the Journal reflect votes taken by the yeas and nays (§ 3, *infra*), as well

as veto messages from the President (art. I § 7), and since such matters are always entered in the Journal, no motion or request to that effect is necessary (Deschler Ch 5 § 10.4). Except as limited by these constitutional requirements, the House has the discretion to determine the content and format of its Journal, and it controls the extent to which House business is particularized therein. Deschler Ch 5 § 10.

### Exclusions

The Journal records House actions and proceedings. It is not a verbatim transcript (89–1, Sept. 13, 1965, p 23600), and does not include:

- The rationale for, or all the circumstances attending, House action (4 Hinds §§ 2811, 2812).
- Verbatim accounts of debate and special-order speeches (89–1, Sept. 13, 1965, p 23600).
- The deliberations of the Committee of the Whole, except for recorded votes. Journal entries of recorded votes, see *Manual* § 630a.
- Unanimous-consent requests that meet with objection (Deschler Ch 5 § 10.2).
- Parliamentary inquiries or motions that are withdrawn or not entertained (4 Hinds §§ 2813, 2844).

### Inclusions

Proceedings that are reflected in the Journal include:

- Public bills, resolutions, and documents introduced and referred under the rules (*Manual* § 854), by number, title, and committee of reference.
- Private bills, petitions, and memorials introduced and referred, with the exception of those measures determined to be of obscene or insulting character (*Manual* § 849).
- The name of the Member introducing the measure together with the words “by request” if appropriate (Deschler Ch 5 § 10.7).
- Special rules from the Committee on Rules providing for the consideration of a measure.
- The disposition of measures called up for consideration in the House or Committee of the Whole.
- Questions of order arising during the proceedings of the House (*Manual* § 641).
- Reports of committees delivered to the Clerk for printing and reference, by title or subject (*Manual* § 743).
- Motions entertained by the Speaker—including motions to amend (*Manual* § 580)—unless withdrawn on the same day (*Manual* § 775).
- Motions to discharge when signed by a majority of the total membership (*Manual* § 908).
- The discharge of the Committee of the Whole from the further consideration of a bill (Deschler Ch 5 § 10.9).

- Conference reports and the disposition thereof (*Manual* § 542).
- Messages giving notice of bills passed or approved (*Manual* § 935).
- Veto messages from the President (U.S. Const. art. I § 7).
- Unanimous-consent requests agreed to by the House, and action taken pursuant thereto.
- The names of Members speaking pursuant to a special order and the time allocated therefor.
- Expungements from the *Congressional Record* ordered by the House (Deschler Ch 5 § 10.10).
- Disciplinary censure of a Member pursuant to order of the House (2 Hinds § 1251).
- The time of adjournment (*Manual* § 790).

### § 3. — Votes and Quorum Calls

The Journal must reflect certain information relating to votes, roll calls, and quorum calls. The Journal should record the result of every vote and state in general terms the subject of that vote (4 Hinds § 2804). The U.S. Constitution requires that votes taken by the yeas and nays be entered in the Journal (art. I § 5). The Journal should further disclose:

- The names of those Members voting on each side of the question, as well as those not voting, when a recorded vote is taken pursuant to Rule I clause 5 (*Manual* § 630).
- The names of those Members recorded electronically as voting on any roll call or quorum call taken pursuant to Rule XV clause 5 (*Manual* § 774b).
- The names of those Members told by clerks when the Speaker in the absence of a quorum directs that the presence of Members be determined by this procedure in lieu of the electronic system (*Manual* § 771b).
- The names of those Members voluntarily appearing to be recorded as present when a call of the House in the old form is conducted (*Manual* § 768).
- The names of those Members recorded as absent after a quorum call (*Manual* § 771b).

### § 4. Reading and Approval

Pursuant to a recent change in Rule I clause 1, the Speaker is authorized to announce his approval of the Journal. The Speaker's approval of the Journal is deemed agreed to subject to a vote on demand of any Member. *Manual* § 621.

THE SPEAKER: The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Without objection, the approval is agreed to.

MEMBER: Mr. Speaker, I object.

THE SPEAKER: The gentleman from \_\_\_\_\_ objects to the Speaker's approval of the Journal. The question is on agreeing to the Speaker's approval. Those in favor will say "Aye", those opposed "No."

MEMBER: Mr. Speaker, I ask for the Yeas and Nays . . . [or] . . . I make a point of order that a quorum is not present and object to the vote on the ground that a quorum is not present.

Since the approval of the Journal is legislative business and is in order only in legislative sessions, it is not in order when the House has precluded *any* legislative business during a pro forma session (96–2, Jan. 7, 1980, p 25).

At one time, the reading of the Journal of each legislative day was mandatory and could be dispensed with only by unanimous consent (6 Cannon § 625) or under suspension of the rules (4 Hinds § 2747). Today, however, if the Speaker after examining the Journal announces his approval thereof, the Journal is to be considered as read (*Manual* § 621). Pursuant to this timesaving procedure, the House ordinarily dispenses with the actual reading of its Journal. But if the Speaker's approval is disagreed to, the rules authorize the making of one motion that the Journal be read (§ 6, *infra*). When the reading is ordered, a motion to amend the Journal is in order after the reading is completed (§ 9, *infra*).

The Speaker's approval of the Journal no longer requires the presence of a quorum. And the rules specify that a point of order of no quorum may not be made during a reading of the Journal if the presence of a quorum has once been ascertained on that day (*Manual* § 774c). But if a quorum fails to respond on a motion incident to the approval, reading or amendment of the Journal, and there is an objection to the vote on that ground, a call of the House is automatic (95–1, Feb. 2, 1977, p 3342).

Since the Journal is the official record of the proceedings of the House, its approval is not subject to the requirement that it correspond with the *Congressional Record* (Deschler Ch 5 § 14.2). The Journal is controlling in the event of a discrepancy between the Journal and the Record (89–1, Jan. 8, 1965, p 452). There should be no delay in the approval of the Journal merely because its description of an action taken is inconsistent with the description of the same matter in the Record (Deschler Ch 5 § 14.2). The reading of the Journal may not be interrupted by a request to correct the Record (Deschler Ch 5 § 12.23).

### § 5. — Precedence; Interruptions

When the House convenes for a new legislative day the approval of the Journal is first in order of business after the daily prayer (*Manual* § 878), even if it is the second legislative day on the same calendar day. 97–1, Nov. 17, 1981, p 27772. It follows that the transaction of House business, how-

ever highly privileged, prior to such approval, is not in order (90–2, Oct. 8, 1968, p 30095). Thus, the approval of the Journal takes precedence over reports from the Committee on Rules (Deschler Ch 5 § 12.2), as well as reports from conference committees (*Manual* § 909). Similarly, motions incident to the approval of the Journal, such as a motion to amend it, take precedence over motions relating to the consideration of bills (Deschler Ch 5 § 18.8). But certain procedural matters are permitted to intervene even though the approval of the Journal is pending. They include:

- Simple motions to adjourn (Deschler Ch 5 § 12.3).
- Administration of the oath to a Member-elect (Deschler Ch 5 § 12.5).
- Parliamentary inquiries (88–2, Apr. 9, 1964, p 7356).
- The reception of messages from the Senate during an interruption of the reading of the Journal (Deschler Ch 5 § 12.12).
- The reception of messages from the President received during an interruption of the reading (87–2, Aug. 27, 1962, p 17651).
- Requests that Calendar Wednesday business be dispensed with where such requests are made before (Deschler Ch 5 § 12.10) but not during (Deschler Ch 5 § 12.24) the reading.
- Questions of privilege affecting the House collectively (2 Hinds § 1630).
- Arraignments of impeachment (6 Cannon § 469).

Of course, the House may by unanimous consent specifically authorize that certain proceedings (such as the Speaker’s declaration of a recess) be taken up prior to the Journal (Deschler Ch 5 § 12.8). And the Speaker has the discretion to entertain unanimous-consent requests made prior to the taking up of the Journal (Deschler Ch 5 § 12.9), but he may decline to do so if a reading thereof is pending (Deschler Ch 5 § 12.11).

## § 6. Motions That the Journal Be Read

If the Speaker’s approval of the Journal is disagreed to under Rule I clause 1, one motion that the Journal be read is in order (*Manual* § 621):

MEMBER: Mr. Speaker, I move pursuant to the Rules of the House that the Journal be read.

THE SPEAKER: The question is, shall the Journal be read?

The motion is privileged but not debatable (94–1, Apr. 23, 1975, p 11482).

## § 7. Reading Practices and Customs

Journal readings, when permitted under the modern practice, are conducted in accordance with the customs of the House (Deschler Ch 5 § 11.1). Pursuant to a custom of long-standing, when the Journal Clerk reads the

Journal for the previous day, he omits such matters as the names of Members responding to roll calls and the texts of messages received. But after the Speaker or the House has ordered that the Journal be read, a Member may demand that the Journal be read in full (Deschler Ch 5 § 11.3), in which case the Clerk must read the Journal for the previous day in its entirety, including:

- The names of Members responding to roll calls (88–2, Apr. 9, 1964, p 7355).
- The names of Members responding to yea and nay votes (Deschler Ch 5 § 11.5).
- The text of any messages from the President (86–2, May 4, 1960, p 9413).

Where a demand that the Journal be read in full is made after a portion thereof has been read, the Clerk begins a detailed reading at that point and does not return to reread that portion which has been passed (89–1, Sept. 13, 1965, p 23598).

The reading of the Journal by the Clerk may be terminated by unanimous consent (Deschler Ch 5 § 11), and may be temporarily suspended or waived in the event of disorder on the floor (2 Hinds § 1630; 4 Hinds § 2759) or pending a discussion of the validity of the previous day's adjournment (89–1, July 16, 1965, p 17102).

### § 8. Motions to Approve

A motion to approve the Journal is ordinarily unnecessary under the modern practice of the House, because the Speaker is authorized under Rule I clause 1 to examine it and announce his approval thereof. However, the Speaker's approval may be put to a vote on demand of a Member (*Manual* § 621). And if the Speaker orders that the Journal be read, or if the House adopts a motion to that effect, a motion that the Journal be approved as read may be entertained:

MEMBER [*after the Clerk has concluded the reading of the Journal*]:  
Mr. Speaker, I move that the Journal as read stand approved; and on that motion I move the previous question.

THE SPEAKER: The question is on ordering the previous question. . . .

THE SPEAKER [*after an affirmative vote on the previous question*]: The question is, shall the Journal of the last day's proceedings stand approved?

*Note:* The yeas and nays may be had on votes taken in connection with the motion to approve (Deschler Ch 5 § 14.9).

If the motion to approve is adopted by the House, further motions incident to the reading or correction of the Journal are out of order. If the mo-

tion to approve is rejected by the House, the Journal is subject to amendment (see § 9, *infra*).

The motion to approve the Journal as read should be made when the Clerk completes his reading, but the Speaker may entertain such a motion even though it interrupts the reading in the absence of a timely objection thereto (Deschler Ch 5 §§ 14.3–14.6).

The motion to approve is debatable until the previous question is ordered on that motion. A Member may demand the right to debate the motion even after the ordering of the previous question (89–1, Sept. 13, 1965, p 23602), if he invokes his right to do so under the so-called 40-minute rule (Rule XXVII clause 3), provided that there has been no previous debate on the motion (*Manual* § 907).

The motion to approve may be disposed of by the adoption of a motion to lay on the table (Deschler Ch 5 § 14.8) even though the previous question has been demanded on the motion to approve; in such cases the motion to table the motion to approve is entertained and first put (89–1, Sept. 13, 1965, p 23600). The question of agreeing to the Speaker's approval of the Journal is also subject to postponement pursuant to Rule I clause 5(b)(1).

### § 9. Amendments and Corrections

Errors or omissions in the previous day's Journal may be corrected by motion or by unanimous consent:

MEMBER [*after obtaining recognition*]: Mr. Speaker, I move to amend the Journal by inserting [*or by striking or by striking out and inserting*]

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The Member offering the motion is recognized under the hour rule. 101–2, Mar. 19, 1990, p 4488. The motion to amend the Journal is in order after the Journal has been read (89–1, Sept. 13, 1965, p 23598); it may not be entertained prior to (Deschler Ch 5 § 13.1), or during (89–1, Sept. 13, 1965, p 23598), the reading. The motion to amend is not in order after the approval of the Journal by the House. The motion to amend takes precedence over the motion to approve (Deschler Ch 5 § 13), but will not be admitted after the previous question has been demanded on the motion to approve (89–1, Sept. 13, 1965, p 23600).

Matters extraneous to the Journal, such as an expression of an opinion by a Member as to a ruling made by the Chair on the previous legislative day, may not be offered by way of the motion to amend (4 Hinds § 2848).

The motion to amend is applicable only to the Journal of the previous day. Corrections relating to a Journal of a day *prior* to the previous legislative day are made by unanimous consent (Deschler Ch 5 § 13).