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Chapter 28
Journal

§ 1. Generally; Publication
§ 2. Matters Entered in the Journal
§ 3. — Votes and Quorum Calls
§ 4. Reading and Approval
§ 5. — Precedence; Interruptions
§ 6. Motion That the Journal Be Read
§ 7. Reading Practices and Customs
§ 8. Motion to Approve
§ 9. Amendments and Corrections

Research References
U.S. Const. art. I, § 5
4 Hinds §§ 2726–2883
6 Cannon §§ 623–637
Deschler Ch 5 §§ 8–14
Manual §§ 68–75, 582, 621, 902

§ 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. *Manual* § 582; 4 Hinds § 2727. Certified copies thereof are admissible in judicial proceedings. 28 USC § 1736.

The Constitution requires the House to keep a Journal and publish it excepting such matters as may require secrecy. U.S. Const. art. I, § 5. The purpose of this constitutional requirement is to ensure 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 Journal is governed by the Constitution, by statute, and by the rules and practices of the House. Deschler Ch 5 § 10. The Constitution sets forth the general requirement that the ''proceedings'' of the House be kept in the Journal. U.S. Const. art. I, § 5; *Manual* § 68. It further

specifies that the Journal reflect votes taken by the yeas and nays, as well as veto messages from the President. U.S. Const. art. I, § 7. Since such matters are always entered in the Journal, no motion or request to that effect is necessary. § 3, infra; 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. Deschler Ch 5 §§ 10.2, 10.3. It 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. Deschler Ch 5 § 10.3.
- The deliberations of the Committee of the Whole, except for recorded votes. *Manual* § 1012.
- Unanimous-consent requests that meet with objection. Deschler Ch 5 § 10.2.
- Motions that are not entertained. 4 Hinds §§ 2813, 2844.
- Parliamentary inquiries. 4 Hinds § 2842.

Inclusions

Proceedings that are reflected in the Journal include:

- Public bills, resolutions, and documents introduced and referred under the rules, by number, title, and committee of reference. *Manual* § 816.
- Private bills, petitions, and memorials introduced and referred, with the exception of those measures of obscene or insulting character. *Manual* § 818.
- The name of the Member introducing the measure, together with the words ''by request,'' if appropriate. Deschler Ch 5 § 10.7.
- Special 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* § 647.
- Reports of committees delivered to the Clerk for printing and reference, by title or subject. *Manual* § 831.
- Motions entertained by the Speaker—including motions to amend—unless withdrawn on the same day. *Manual* §§ 580, 902.
- Motions to discharge when signed by a majority of the total membership. *Manual* § 892.
- The discharge of the Committee of the Whole from the further consideration of a bill. Deschler Ch 5 § 10.9.

- Presentation of conference reports and the disposition thereof. *Manual* § 542.
- Messages from the Senate or from the President, including veto messages. U.S. Const. art. I, § 7; *Manual* § 815.
- Unanimous-consent requests agreed to by the House, and action taken pursuant thereto.
- The names of Members managing debate in the House under a special rule 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* § 647.

§ 3. — Votes and Quorum Calls

The Constitution requires that votes taken by the yeas and nays be entered in the Journal. U.S. Const. art. I, § 5. The Journal also records the result of other votes and states in general terms the subject of those votes. 4 Hinds § 2804. The Journal also discloses:

- 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 XX. *Manual* § 1014.
- The names of those Members recorded on a quorum call taken pursuant to rule XX clause 2. *Manual* § 1014.
- The names of those Members recorded by tellers when the Speaker directs a vote be taken by this procedure in lieu of the electronic system. *Manual* § 1019.
- The names of those Members voluntarily appearing to be recorded as present when a call of the House is conducted under rule XX clause 5. *Manual* § 1021.
- The names of those Members recorded as absent after a quorum call. *Manual* § 1019.
- The names of those present sufficient to establish a quorum. *Manual* § 1020.

§ 4. Reading and Approval

Pursuant to 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.

> SPEAKER: The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1 of rule I, the Journal stands approved.

MEMBER: Mr. Speaker, I request the question be put on agreeing to the Speaker's approval of the Journal.

SPEAKER: The gentleman from _____ demands a vote on 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 object to the vote on the ground that a quorum is not present and make a point of order 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. By unanimous consent, the House has also precluded the approval of the Journal during morning-hour debates.

At one time, the reading of the Journal of each legislative day was mandatory and could be dispensed with only by unanimous consent or under suspension of the rules. 4 Hinds § 2747; 6 Cannon § 625. Today, however, the Journal is considered as read after the Speaker's approval thereof. *Manual* § 621. However, if the Speaker's approval is disagreed to, rule 1 clause 1 authorizes 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 announcement of his approval of the Journal no longer requires the presence of a quorum. *Manual* § 621. However, if a Member objects to a vote on the question of approval, reading, or amendment of the Journal on the grounds that a quorum is not present, and a quorum is not present, a record vote is automatic. Rule XX clause 6(a). That vote may be postponed to a designated place within the same legislative day under rule XX clause 8(a). The vote may not be reconsidered under rule I clause 1.

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*. Deschler Ch 5 § 8.1. 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 the first order of business after the daily prayer, even if it

is the second legislative day on the same calendar day. *Manual* § 869. It follows that the transaction of House business, however highly privileged, is not in order before such approval. Deschler Ch 21 § 2.12. Thus, the approval of the Journal takes precedence over reports from the Committee on Rules, as well as the presentation of conference reports. *Manual* § 1077; 6 Cannon § 630; Deschler Ch 5 § 12.2. 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. However, 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. Deschler Ch 5 § 12.15.
- The reception of messages from the Senate (Deschler Ch 5 § 12.12) or the President (Deschler Ch 5 § 12.20) during an interruption of the reading of the Journal.
- Requests that Calendar Wednesday business be dispensed with where such requests are made before, but not during, the reading. Deschler Ch 5 §§ 12.10, 12.24.
- Questions of privilege affecting the House collectively. 2 Hinds § 1630.
- Arraignments of impeachment. 6 Cannon § 469.

Where the House adjourns on consecutive days without having approved the Journal of the previous day's proceedings, the Speaker puts each question *de novo* in chronological order as the first order of business after the daily prayer on the subsequent day. *Manual* § 621.

The House may by unanimous consent specifically authorize that certain proceedings be taken up prior to the Journal, or the Speaker may declare a short recess under rule I clause 12. Deschler Ch 5 § 12.8. The Speaker has the discretion to entertain unanimous-consent requests made before the taking up of the Journal, but he may decline to do so if a reading thereof is pending. Deschler Ch 5 §§ 12.9, 12.11.

§ 6. Motion 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:

> MEMBER: Mr. Speaker, I move that the Journal be read.
> SPEAKER: The question is, shall the Journal be read?

The motion is privileged but not debatable and may not be reconsidered. *Manual* § 621; Deschler-Brown Ch 29 § 6.38.

§ 7. Reading Practices and Customs

Journal readings are conducted in accordance with the customs of the House. Deschler Ch 5 § 11.1. When the Clerk reads the Journal for the previous day, the Clerk omits such matters as the names of Members responding to record votes and the texts of messages received. The reading of the Journal by the Clerk may be terminated by unanimous consent. Deschler Ch 5 § 11; 101–2, Mar. 19, 1990, p 4488. It also may be suspended temporarily or waived in the event of disorder on the floor or pending a discussion of the validity of the previous day's adjournment. 2 Hinds § 1630; 4 Hinds § 2759.

§ 8. Motion 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. If the Speaker's approval is disagreed to, and a reading of the Journal is completed, 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.
>
> SPEAKER: The question is, shall the Journal of the last day's proceedings stand approved?

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 motion to approve is rejected by the House, the Journal is subject to amendment unless the previous question is ordered. § 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.

The motion to approve may be disposed of by the adoption of a motion to lay on the table, even though the previous question has been demanded on the motion to approve. Deschler Ch 5 § 14.8. In such cases the motion to table the motion to approve is entertained first. Deschler Ch 5 § 14.8.

§ 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 and inserting*].

The Member offering the motion is recognized under the hour rule. *Manual* § 621. The motion to amend the Journal is in order after the Journal has been read. 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 but will not be admitted after the previous question on the motion to approve has been demanded. *Manual* § 621; Deschler Ch 5 §§ 13.2, 13.3.

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 *prior* legislative day are made by unanimous consent. Deschler Ch 5 § 13.

An amendment to the Journal, such as a motion to expunge a portion thereof, should not be used as a substitute for a motion to reconsider. 4 Hinds § 2790. However, the House may decide what are proceedings, even to the extent of omitting things actually done or of recording things not done. *Manual* § 71; 4 Hinds § 2784. None of the rulings on permissible amendments to correct the Journal had the effect of collaterally changing the tabling of a motion to reconsider. *Manual* § 71.