

Learning about Legislation #25: “Queen of the Hill” Rule

Sometime within the coming weeks we may see the House return to consideration of the plight of the Dreamers and of immigration reform in general, after the last round of negotiations were torpedoed by President Trump’s [scatological interference](#). Instead of proceeding solely via closed-door negotiations, the House of Representatives apparently plans to use a process known as “Queen of the Hill” to determine which form of immigration reform, if any, will move on to the Senate. The simplest explanation for this process is that a number of competing amendments are brought to the floor and the one that receives in excess of 218 votes wins.

This Queen of the Hill rule is a descendent of a plan that had been called “King of the Hill” and was introduced in 1981. As described in a report from [Megan Suzanne Lynch](#), analyst on the Congress and Legislative Process in the Government and Finance Division of the Congressional Research Service, the King rule was:

“...a standard form for special rules that would provide a structure for the House to consider a series of alternative amendments to the same text. These rules were called king-of-the-hill rules because they provided that, if more than one alternative were adopted, the last one that secured a majority vote would be the one considered as finally adopted.”

The King of the Hill rule was used 88 times between 1981 and 1994.

The rule was changed slightly in 1995. Instead of having the last majority vote take effect, under the new Queen of the Hill rules, the amendment to go into effect is the one with the most votes. The [Congressional Research Service](#) reports that this has been used less frequently than the old rule, with the Queen of the Hill only coming into effect 7 times between 1995 and 2016. This reduction in the usage of this rule could be tied to the introduction of the “[Hastert Rule](#),” a provision named after former Speaker of the House and [convicted pedophile](#) Denny Hastert, which says that only bills that have the support of the majority of the majority party will be brought to the floor. The Queen of the Hill rule subverts that custom, as any number of amendments, some favored by and some opposed by the majority party would be given consideration.

According to [Vox](#), the Queen of the Hill will be invoked to bring up to four bills pertaining to the Dreamers to the floor for consideration:

1. A bill sponsored by Rep. Bob Goodlatre (R-Va.) that is Trump’s version of immigration reform, and deeply conservative
2. A clean Dream Act, with no tradeoffs for any other immigration concerns
3. A bipartisan compromise bill sponsored by Rep. Will Hurd (R-Texas) and Rep. Pete Aguilar (D-Calif.) that combines a solution for the Dreamers and, in some cases, their parents as well, with increased border security (but no Wall); Rep. Fitzpatrick is a co-sponsor of this bill.
4. A forthcoming bill from Speaker Paul Ryan, with no additional details available

There is still a chance that this Queen of the Hill gambit to debate DACA won’t come to pass. [The Hill](#) reports that Speaker Ryan has said, “I don’t think it makes any sense to bring a bill through or a process through that would produce a bill that will get a presidential veto. I just don’t think that that’s in anyone’s interest.” The same article notes, however, that about four dozen GOP representatives facing difficult re-election battles are pressing the Speaker to relent on this issue, since the plight of the Dreamers is one that has broad support.

EDITOR’S NOTE: By being unwilling to consider a bill based on an assumption of the President’s position, which is something that Majority Leader Mitch McConnell is also doing in the Senate over the Mueller investigation protection efforts, our Congress is abrogating its fundamental responsibilities in the worst way. It is their job to pass bills, and if the President wants to veto them, that is his prerogative. By not passing bills for fear of a presidential veto, the Congress is providing political cover for the executive branch in a manner that our nation’s founders did not anticipate. If the separation of powers and checks and balances are an issue that is of concern to you, you may wish to write to the Speaker or the Majority Leader to let them know how you feel about their position on this issue.