

Resolved, That the Committee on Appropriations and the subcommittees thereof be authorized to sit during sessions and recesses of the Ninetieth Congress.

It was agreed to immediately thereafter.⁽³⁾

§ 17. Role of the Chairman

Duty to Report Approved Measure

§ 17.1 Under the rules, the chairman of a committee has the duty and the responsibility to see that a measure approved by his committee is reported to the House and called up for consideration; and his obligations in these regards are not reduced by his personal opposition to the measure.

On June 14, 1967,⁽⁴⁾ the House resolved itself into the Committee of the Whole for the consideration of a joint resolution (H.J. Res. 559), to provide for the settlement of a labor dispute involving cer-

3. For similar instances, see 111 CONG. REC. 988, 89th Cong. 1st Sess., Jan. 21, 1965; 109 CONG. REC. 24, 88th Cong. 1st Sess., Jan. 9, 1963; and 107 CONG. REC. 1157, 87th Cong. 1st Sess., Jan. 23, 1961.

4. 113 CONG. REC. 15822, 90th Cong. 1st Sess.

tain railroad carriers. After the Committee agreed to dispense with the first reading of the joint resolution, Chairman Wilbur D. Mills, of Arkansas, recognized Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce.

Mr. Staggers then made the following remarks:

Mr. Chairman I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the com-

mittee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. Friedel] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it.

Mr. Staggers then outlined the nature of his opposition to the proposal⁽⁵⁾ and briefly commented upon certain of the amendments which had been considered by the committee. Thereafter, he requested Mr. Samuel N. Friedel, of Maryland, the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Parliamentarian's Note: House Rule XI clause 26(d)⁽⁶⁾ stated that:

It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

5. *Id.* at pp. 15822, 15823.

6. H. Jour. 1487, 90th Cong. 1st Sess. (1967).

Impartiality

§ 17.2 The chairman of a special investigating committee tendered his resignation from the committee after taking the floor to defend himself against accusations that he had accepted fees for appearing before the government agency which was under investigation.

Parliamentarian's Note: In May 1943, Clifford Durr, a member of the Federal Communications Commission, filed certain papers with Speaker Sam Rayburn, of Texas, which alleged that Eugene E. (Cox, of Georgia, Chairman of the Select Committee to Investigate the Federal Communications Commission, was inspired by "bias and personal interest" in his conduct of the committee's inquiry. The Speaker referred these matters to the Committee on the Judiciary which concluded several months later that it had no power to intervene.

On Sept. 30, 1943,⁽⁷⁾ Speaker Rayburn recognized Mr. Cox, and the following exchange took place:⁽⁸⁾

. . . Mr. Speaker, for more than a year, now, I have been the object of bitter and scurrilous attacks. . . .

7. 89 CONG. REC. 7936, 78th Cong. 1st Sess.

8. *Id.* at pp. 7936, 7937.

In my judicial career when a case arose in which my own personality was involved or my impartiality was questioned, it was my practice to eliminate myself from the trial of the case. While such a custom does not prevail in investigations by legislative bodies, I have, nevertheless, reached the conclusion that in the light of the circumstances and the nature of the controversy in this instance, I may well follow that course. . . .

. . . Mr. Speaker, the first duty of every Member of this House is to consider the welfare and the effectiveness of the House itself. Its interests are incomparably greater than the interests—even the right of justice—attaching to any individual Member. The next duty of a Member of this body is the welfare of the various instrumentalities it creates to carry out its will—whether those instrumentalities be independent agencies or standing or select committees. . . . Consequently, the action I take today is based solely upon my conscientious and deep desire to live up to the most sacred obligations of this body and to my oath as a Member of it.

Mr. Speaker, moved by these considerations, and fortified by the concurrence of friends in this House in whose friendship and judgment I have the utmost confidence, I tender you my resignation as chairman of the Select Committee to Investigate the Federal Communications Commission. . . .

THE SPEAKER: The resignation of the gentleman from Georgia is accepted.

Parliamentarian's Note: Had there been objection, the Speaker would have put the question of accepting the resignation to the House for a vote.

Shortly thereafter, Mr. John W. McCormack, of Massachusetts, observed:

. . . It is apparent to all of us that unselfishness and a high regard for the sensibilities of his colleagues in this House have been the only motives which prompted the gentleman from Georgia to follow the course that he has taken. The people of the district the gentleman from Georgia [Mr. Cox] so ably represents, I know are proud of his services. His unselfish act of today will make them feel prouder of him, and of his high and noble character, and of his courage.

Speaker pro tempore R. Ewing Thomason, of Texas, having taken the Chair, Mr. McCormack yielded to Mr. Rayburn, who stated:

Mr. Speaker, I join with my distinguished colleague in applauding the unselfishness of our colleague from Georgia [Mr. Cox]. He has the courage in a situation difficult to him personally to be big enough in mind and in heart to efface himself, and to leave a position because he thinks that the thing that is near to his heart may be jeopardized by his presence upon his special committee. And I say to this House, after 20 years of intimate association with the gentleman from Georgia, Gene Cox, during which he has had my friendship and my love and confidence, that today that love and that confidence in his honor and in his integrity is unshaken.

Appeal From Chairman's Decision

§ 17.3 Any member of a standing committee may appeal a

ruling of the chairman of that committee [the rules of the House being the rules of the standing committees so far as applicable].

On Feb. 15, 1949,⁽⁹⁾ shortly after the House met, the Speaker recognized Mr. Earl Chudoff, of Pennsylvania, who initiated the following exchange:

Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁰⁾ The gentleman will state it.

MR. CHUDOFF: Mr. Speaker, I should like to know whether the committees of this House operate under the same rules as the House.

THE SPEAKER: The rules of the House so provide.

MR. CHUDOFF: Mr. Speaker, I should like to know further whether this House has a right to appeal from a ruling of the Chair.

THE SPEAKER: Any Member has the right to appeal from the ruling of the Chair.

MR. CHUDOFF: I should like to know whether, under that ruling, members of the committee can appeal from the ruling of the chairman of the committee.

THE SPEAKER: They can.

MR. CHUDOFF: So that the chairman of a committee who had his ruling appealed from would have no right other than to allow that appeal to go before the entire committee; is that right, Mr. Speaker?

9. 95 CONG. REC. 1212, 81st Cong. 1st Sess.

10. Sam Rayburn (Tex.).

THE SPEAKER: The rules of the House provide that the rules of the House are made the rules of its standing committees so far as applicable. The Members of the House have a right to appeal from a decision of the Chair. That would also apply in a committee.

Parliamentarian's Note: The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees.⁽¹¹⁾ Accordingly, where a particular ruling of the Speaker is not subject to appeal, the same result holds with respect to a similar ruling by a committee chairman. In the instant case, for example, immediately after the Speaker answered Mr. Chudoff's parliamentary inquiry, Mr. John E. Rankin, of Mississippi, pointed out⁽¹²⁾ by way of his own parliamentary inquiry that certain decisions of the Chair may not be appealed at all-to wit, the Chair's determination that one-fifth of those present were in favor of a roll call.

Chairman's Capacity to Act Independently

§ 17.4 The chairman of a committee to which a bill has

11. See Rule XI clause 1(a)(1), *House Rules and Manual* §703(a) (1979).

12. 95 CONG. REC. 1213, 81st Cong. 1st Sess., Feb. 15, 1949.

been referred is not required to have the authorization of his committee to move to suspend the rules and pass a bill in the House, but may, at the Speaker's discretion, offer such a motion on his own responsibility just as any other Member.

On Aug. 5, 1948,⁽¹³⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Charles A. Eaton, of New Jersey, Chairman of the House Committee on Foreign Affairs, and the following exchange took place:

Mr. Speaker, I move to suspend the rules and pass the bill (S.J. Res. 212) to authorize the President, following appropriation of the necessary funds by the Congress, to bring into effect on the part of the United States the loan agreement of the United States of America and the United Nations signed at Lake Success, N.Y., March 23, 1948.

MR. [FREDERICK C.] SMITH of Ohio: Mr. Speaker, I make a point of order against the motion.

THE SPEAKER: The gentleman will state his point of order.

MR. SMITH of Ohio: Mr. Speaker, I am informed by members of the Committee on Foreign Affairs of the House that this motion has not been formally and specifically authorized by the committee.

THE SPEAKER: The Chair may say, in order to clarify the situation, that it is

13. 94 CONG. REC. 9890, 9891, 80th Cong. 2d Sess.

possible for the chairman of a committee to offer the motion on his own responsibility and if he does the Chair will recognize him.

Authority To Be Exercised in Chairman's Absence

§ 17.5 Instance where by unanimous consent the House agreed to a resolution permitting the powers and duties conferred on the chairman of a standing committee to be exercised during the absence of the chairman by the next ranking majority member.

On Mar. 18, 1954,⁽¹⁴⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Mr. Charles A. Halleck, of Indiana, and the following events took place:

Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 478.

The Clerk read the resolution, as follows:

Resolved, That powers and duties conferred upon the chairman of the Committee on Merchant Marine and Fisheries by House Resolution 197 and House Resolution 198 of the 83d Congress may be exercised during the absence of the chairman of that committee by the next ranking majority member thereof until otherwise ordered by the House.

Immediately thereafter, the resolution was agreed to.

14. 100 CONG. REC. 3569, 83d Cong. 2d Sess.

Parliamentarian's Note: This resolution may have been necessary because the Chairman of the Committee on Merchant Marine and Fisheries, Alvain F. Weichel, of Ohio, was unable to perform the duties of signing subpoenas, vouchers, and appointing subcommittees due to illness.

Rule X clause 6(b) [*House Rules and Manual* §701(b) (1979)] provides that in the temporary absence of the chairman, the ranking majority member shall act as chairman. This has been part of the rules since 1911. Rule X clause 6(b) has been distinguished from the authority contained in Rule XI clause 2(d) [*House Rules and Manual* §705 (1979)] for the ranking majority member to preside at committee meetings in the absence of the chairman. The clause 6(b) Rule X designation when submitted in writing by the Chairman has been deemed by the Committee on House Administration sufficient authority for the acting chairman to sign vouchers.

Calling Committee Meeting Without Action by Chairman

§ 17.6 Where the chairman of a committee refuses or fails to call a special meeting that a majority of committee members desire, that majority may compel the call of such a

meeting under a procedure specified by the rules.

On May 27, 1946,⁽¹⁵⁾ by previous order of the House, Mr. Clare E. Hoffman, of Michigan, was speaking about certain war-related labor legislation when he yielded to Mr. Howard W. Smith, of Virginia, for a parliamentary inquiry.

After explaining that it would not be possible to carry out a previously agreed upon schedule of the House unless the Committee on Rules was able to meet that very afternoon, Mr. Smith asked the following question:

My parliamentary inquiry is whether when the chairman of the Committee on Rules absents himself from the floor of the House and from the office of the committee and declines to call a meeting of the committee to transact important business for the country it is within the province of a majority of the members of the committee to themselves call a meeting and report whatever legislation they desire to the floor of the House.

In response thereto, Speaker Sam Rayburn, of Texas, stated:

The Chair will read clause 48 of rule XI:⁽¹⁶⁾

A standing committee of the House shall meet to consider any bill or res-

15. 92 CONG. REC. 5863, 79th Cong. 2d Sess.

16. See Rule XI clauses 2(b), 2(c), *House Rules and Manual* §705 (1979).

olution pending before it: (1) on all regular meeting days selected by the committee; (2) upon the call of the chairman of the committee; (3) if the chairman of the committee, after 3 days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within 7 calendar days from the date of said request, then, upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting.

That is the answer of the Chair to the parliamentary inquiry of the gentleman from Virginia.

Mr. Smith then sought to ask an additional question and the following exchange took place:⁽¹⁷⁾

Mr. Speaker, may I submit a further inquiry?

Under those circumstances, is it possible for the chairman of the committee of his own volition to prevent the House from taking action on legislation vital to the Nation until the time set forth in the rule has elapsed?

The SPEAKER: Under the rules of the House, the chairman of a committee does not have to call a meeting of the committee. The answer to the question as to how the committee can get together if the chairman does not desire to call the committee together or re-

fuses to call them together is contained in the rule just read.

Removal of Chairman by House Action

§ 17.7 A resolution was introduced and referred by the Speaker to the Committee on Rules, calling for the removal of the Chairman of the House Committee on Un-American Activities.

On Mar. 11, 1953,⁽¹⁸⁾ a resolution (H. Res. 175), was introduced calling for the removal of Harold H. Velde, of Illinois, as Chairman of the House Committee on Un-American Activities, based on allegations that he exercised excessive zeal in the performance of his duties. This resolution provided:

Whereas the admittedly false, erroneous, and careless accusations of the chairman of the Committee on Un-American Activities against Mrs. Agnes Meyer, a respected and patriotic American, have reflected on the responsibility and integrity of the House of Representatives and consequently upon each of the Members thereof; and

Whereas the chairman of the Committee on Un-American Activities has publicly stated his intention to investigate the churches of our Nation which could lead to the control of the freedom of thought and expression of the reverend clergy of our religious institutions; and

17. 92 CONG. REC. 5863, 5864, 79th Cong. 2d Sess.

18. 99 CONG. REC. 1888, 83d Cong. 1st Sess.

Whereas any interference with the freedom of religion and the freedom of religious thought and expression or with the autonomy of any of our churches, synagogues, or other religious institutions would not only constitute a violation of one of the fundamental precepts of the Constitution of the United States, but would threaten to destroy the time honored guaranties of religious freedom which attracted our forebears to America's shores; and

Whereas the charges and statements heretofore referred to were made without prior consultation with or the approval of any of the other members of the Committee on Un-American Activities; and

Whereas the other members of the Committee on Un-American Activities, regardless of political affiliation, have found it necessary publicly to repudiate the unauthorized and reckless statements and charges of the chairman of the said committee: Therefore be it

Resolved, That Representative Harold H. Velde be, and hereby is, removed from the position of chairman of the Committee on Un-American Activities.

The resolution was referred to the Committee on Rules, but never reported.

§ 18. Members' Access to Committee Records and Files

Generally; Bringing Files to Well of House

§ 18.1 A House Member may examine committee records

and files under the rules, but the Speaker declined to entertain a unanimous-consent request that a committee clerk bring them into the well of the House where the committee had not authorized such action.

On June 3, 1960,⁽¹⁹⁾ shortly after the House met, Speaker Sam Rayburn, of Texas, recognized Mr. John J. Flynt, Jr., of Georgia, who initiated the following exchange:⁽²⁰⁾

Mr. Speaker, I ask unanimous consent that the Chair direct the clerk of the Committee on House Administration to bring to the well of the House, following the legislative business of the day, that portion of the records and documents in the custody of that committee, which refer to and contain the entries on the records of the Royal Hawaiian Hotel in Honolulu, Hawaii, for the purpose of permitting me to refer specifically to any such items contained therein which are at complete variance with published reports in the Wednesday issue of the Washington Post and Times Herald, and in the issue of Life magazine dated June 6, 1960, which is next Monday, but which appeared on the newsstands in the city of Washington and other parts of the country on Wednesday, June 1.

THE SPEAKER: The Chair will say to the gentleman that it has never been the policy of the House to order any

19. 106 CONG. REC. 11820. 86th Cong. 2d Sess.

20. *Id.* at pp. 11820, 11821.