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> Mr. Speaker, I make the point of order, therefore, that the bill alleged to have been reported is not legally reported, is in violation of the rules of the House and of the committees of the House and has no valid standing in the House.[15]

In overruling the point of order, the Speaker advised that he had no knowledge as to what had occurred in committee, stating:

> The House passed on that question a few moments ago in a resolution raising the question of the privileges of the House, and passed upon the question adversely to the position taken by the gentleman from Maine.
>
> The Chair has no information as to what occurred in the committee. The only thing the Chair knows is that the McLeod bill, bearing the number it has always borne and with the same title, and with some amendments in which the Chair is not interested, has been reported out, is on the calendar, and can be taken up under the general rules of the House when an opportunity presents itself.
>
> The Chair overrules the point of order.[16]

An appeal from the Speaker's ruling was laid on the table.

Parliamentarian's Note: Mr. Beedy's contention that the bill was not properly before the House, since it had not been read for amendment in committee prior to reporting, had been raised on the resolution referred to by the Speaker (see H. Res. 349, 73d Cong. 2d Sess., Apr. 23, 1934, H. Jour. 429). The contention was based on the requirement of Jefferson's Manual (see *House Rules and Manual* § 412 [1979]) that, in the case of bills originating with or referred to committees, "in every case the whole paper is read . . . by paragraphs, pausing at the end of each paragraph, and putting questions for amending, if proposed."

A point of order based on this requirement, however, lies only in committee, not in the House, in accordance with the general principle that a point of order does not ordinarily lie in the House against consideration of a bill by reason of defective committee procedures occurring prior to the time the bill was ordered reported to the House. Determinations as to proper committee procedure are for the committee to make, except where the House rules specifically permit such objections to consideration.

§ 59. Form; Printing

The rules of the House require that measures reported to the House by committees be accompanied by reports in writing and that such reports be printed. This

15. *Id.*
16. *Id.*

rule is strictly observed, and verbal reports on bills are not accepted by the House.[17]

A committee report is ordinarily delivered to the Clerk for printing at the time that it is filed, but reports on resolutions adversely reported are not printed, under the rules, unless a request is made that they be referred to a calendar.[18]

To remedy waste or inefficiencies in public printing, the Joint Committee on Printing, pursuant to its authorized powers, adopted a rule prohibiting the duplicate printing of committee reports in both the *Congressional Record* and as a separate House report.[19]

One question which has recently arisen with respect to the printing and distribution of committee reports is the scope of congressional immunity under the Speech or Debate Clause of the U.S. Constitution, article I, section 6, clause 1, as it concerns potentially tortious material published in committee reports. In a 1973 decision by the U.S. Supreme Court in *Doe* v *McMillan*[1] the court held that the members and staff of an investigative committee, a consultant, and a committee investigator, were absolutely immune under the Speech or Debate Clause insofar as they engaged in the legislative acts of compiling the report, referring it to the House, or voting for its publication.[2] The Court also held that the Public Printer and the Superintendent of Documents were protected by the doctrine of legislative immunity for publishing and distributing the report to the extent that they served a legitimate legislative function in so doing.[3]

Reports on Resolutions Adversely Reported

§ 59.1 Reports of committees are ordinarily delivered to

17. Rule XVIII clause 2, *House Rules and Manual* § 821 (1979).

The form for conference reports is discussed in Ch. 33, infra.

18. § 59.1, infra.

19. § 59.3, infra.

1. 412 U.S. 306, wherein the parents of certain District of Columbia schoolchildren brought an action seeking damages and declaratory and injunctive relief for an invasion of privacy that they claimed resulted from the dissemination of a congressional report on the District of Columbia school system that included derogatory information on students. The defendants included the members of a House investigatory committee, committee employees, a committee investigator, a consultant, the Public Printer, the Superintendent of Documents, and various school officials.

2. *Id.* at pp. 311–13.

3. *Id.* at pp. 318–24.

the Clerk for printing, but reports on resolutions adversely reported under the rules are not printed unless a request is made that they be referred to a calendar.

On July 15, 1959,[4] Speaker Sam Rayburn, of Texas, recognized Mr. William H. Meyer, of Vermont, relative to certain concurrent resolutions:

> Mr. MEYER: Mr. Speaker, pursuant to Rule XIII, I request that the following concurrent resolutions, House Concurrent Resolutions 245, 246, 247, 248, 249, 251, and 254, which have been reported adversely, be referred to the calendar.
>
> THE SPEAKER: The resolutions will be referred to the Union Calendar and the reports printed.

Parliamentarian's Note: These resolutions were referred and printed pursuant to Rule XIII clause 2, which provided:

> All reports of committees, except as provided in clause 21 of rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subject thereof shall be entered on the Journal and printed in the Record: *Provided, That bills reported adversely shall be laid on the table, unless the committee reporting a bill, at the time, or any Member within three days thereafter, shall request its reference to the calendar,* when it shall be referred as provided in clause 1 of this rule. [Emphasis supplied.]

References in Report to Amendments by Page and Line

§ 59.2 Where a joint resolution is reported from a committee with amendments, the committee report identifies the amendments by page and line references to the resolution as printed when referred; and such references do not always correspond to the pages and lines of the reported print of the resolution.

On June 30, 1970,[5] following the Clerk's reading of a Senate joint resolution, Chairman John A. Young, of Texas, ordered the Clerk to report the amendments made by the Committee on the Judiciary. The committee amendments were agreed to. Mr. Byron G. Rogers, of Colorado, then offered two amendments, with respect to which Mr. Charles E. Wiggins, of California, raised a parliamentary inquiry. Mr. Wiggins stated that he had before

4. 105 CONG. REC. 13493, 86th Cong. 1st Sess.

5. 116 CONG. REC. 22115–17, 91st Cong. 2d Sess. Under consideration was S.J. Res. 88, creating a commission to study U.S. bankruptcy laws.

him a copy of the bill and that he was unable to find the page and line references to the amendments offered by Mr. Rogers. After Mr. Rogers cited the page and line numbers, the committee agreed on the amendments offered by Mr. Rogers. Confusion continued however, as to which page and lines were being referred to because of variations in the House prints of the Senate joint resolution as referred and as reported with committee amendments therein. The amendments submitted by Mr. Rogers referred to the print of the Senate joint resolution as it passed the Senate, whereas the report made reference to the resolution as originally referred to the committee:

Mr. WIGGINS: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

Mr. WIGGINS: Since the committee amendments, which were taken from the first page of the report, do not correlate with respect to page and line in Senate Joint Resolution 88, I am fearful that the record is going to be confused. For example, in the report the second committee amendment is shown as page 2, line 20, when there is no line 20 on page 2. It is on page 3.

MR. ROGERS of Colorado: These are amendments to the original Senate joint resolution.

MR. WIGGINS: If the gentleman will assure me that there is no confusion——

MR. ROGERS of Colorado: There is no intent to confuse. The page and line numbers refer to the print of the Senate joint resolution as it passed the Senate.

MR. WIGGINS: And this is a House print of that Senate joint resolution, is that correct?

MR. ROGERS of Colorado: That is correct.

MR. WIGGINS: I thank the gentleman from Colorado.

THE CHAIRMAN: The Clerk wild report the preamble of the Senate Joint Resolution.

The Clerk read as follows: . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with what resolution are we dealing? Are we dealing with Senate Joint Resolution 88, Union Calendar No. 430, Report No. 91–927? What are we here dealing with?

MR. ROGERS of Colorado: The gentleman is correct. That is the Senate joint resolution that we are considering.

MR. GROSS: How can we amend a line in a joint resolution that does not exist? How can we amend a line in a joint resolution that is not before the House?

MR. ROGERS of Colorado: Our answer to that inquiry is simply this. The joint resolution was referred to us by the House, and it is the original Senate joint resolution as reported that we are considering.

MR. GROSS: I do not understand the procedure at all.

MR. ROGERS of Colorado: It is the reported Senate joint resolution that we are considering.

MR. GROSS: Yes, but you cannot amend line 20 on page 2 when there is no line 20 on page 2 of the Senate joint resolution.

THE CHAIRMAN: The Chair will state that, when the report was filed, the committee amendments refer to the original Senate joint resolution as it was referred to the committee. The amendments as offered are applicable to Senate Joint Resolution 88 as referred to the Committee on the Judiciary.

MR. GROSS: Mr. Chairman, with all deference to the Chair, I am still confused, and I am sure other Members are confused.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, will the gentleman yield?

MR. GROSS: I yield to the gentleman from Missouri.

MR. HALL: Mr. Chairman, I appreciate the gentleman yielding.

I wish to propound a parliamentary inquiry. Mr. Chairman, would it be in order and appropriate for a unanimous consent request to be made in order by all Members of the House that the technical corrections of Senate Joint Resolution 88 insofar as correlation between the report and the bill before us is concerned, and would this help the situation in engrossing and final drafting of the bill?

THE CHAIRMAN: The Chair will advise the gentleman from Missouri that the report applies to the resolution as originally referred to the committee.

The Chair further advises that the unanimous consent request the gentleman suggested would not be in order at this time.

The Chair also advises that such a request could be in order in the House.

Duplicate Printing

§ 59.3 The rule of the Joint Committee on Printing against duplicate printing permits printing of committee activity reports either in the Congressional Record or in pamphlet form as a "committee print" but not in both forms.

On Oct. 13, 1962,[6] the House by unanimous consent permitted Mr. Omar T. Burleson, of Texas, to extend his remarks in the Record relative to the publication of committee reports:

> Mr. Speaker, with reference to the printing of committee activity reports for the session, as vice chairman of the Joint Committee on Printing, I wish to remind the chairmen of all committees that the Joint Committee on Printing had properly ruled that the printing of such reports, both as committee prints and in the Record, is duplication, the cost of which cannot be justified.

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6. 108 CONG. REC. 23516, 87th Cong. 2d Sess.; see also 111 CONG. REC. 27801, 89th Cong. 1st Sess., Oct. 21, 1965. Compare 106 CONG. REC. 19133, 19139, 86th Cong. 2d Sess., Sept. 1, 1960 (Calendar Day), where, notwithstanding the rule of the Joint Committee on Printing against duplicate printing, the chairman of a committee was, by unanimous consent, granted permission to have printed in the *Congressional Record* and in pamphlet form the activity report of that committee.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the Record, since the Government Printing Office will be directed not to print them both ways.

Parliamentarian's Note: The pertinent rule of the Joint Committee on Printing is as follows:

CODE OF LAWS OF THE UNITED STATES

Title 44, Section 901. Congressional Record: Arrangement, Style, Contents, and Indexes.—The Joint Committee on Printing shall control the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk. It shall provide for the publication of an index of the Congressional Record semimonthly during and at the close of sessions of Congress. (Oct. 22, 1968, c. 9, 82 Stat. 1255.)

Title 44, Section 904. Congressional Record: Maps; diagrams; illustrations.—Maps, diagrams, or illustrations may not be inserted in the Record without the approval of the Joint Committee on Printing. (Oct. 22, 1968, c. 9, 82 Stat. 1256.)

To provide for the prompt publication and delivery of the Congressional Record the Joint Committee on Printing has adopted the following rules, to which the attention of Senators, Representatives, and Delegates is respectfully invited: . . .

The Public Printer shall not publish in the Congressional Record the full report or print of any committee or subcommittee when the report or print has been previously printed. This rule shall not be construed to apply to conference reports. However, inasmuch as House of Representatives Rule XXVIII, Section 912, provides that conference reports be printed in the daily edition of the Congressional Record, they shall not be printed therein a second time.

Filing After Adjournment Sine Die

§ 59.4 The House normally authorizes investigative reports filed with the Clerk by committees following adjournment of Congress sine die to be printed as reports of that Congress.

On Dec. 17, 1971,[7] the House considered a unanimous-consent request by Mr. Hale Boggs, of Louisiana, relative to the printing of certain reports:

> Mr. Speaker, I ask unanimous consent that reports filed with the clerk following the sine die adjournment by committees authorized by the House to conduct investigations may be printed by the clerk as reports of the 92d Congress.

There was no objection to Mr. Boggs' request.

Filing During Adjournment to a Day Certain

§ 59.5 By unanimous consent, committee investigative re-

7. **117** CONG. REC. 47676, 92d Cong. 1st Sess. See also 118 CONG REC. 37062, 92d Cong. 2d Sess. Oct. 18, 1972.

ports filed with the Clerk during an adjournment to a day certain were authorized to be printed.

On Aug. 18, 1972,[8] Mr. Thomas P. O'Neill, Jr., of Massachusetts, made the following unanimous-consent request:

> Mr. Speaker, I ask unanimous consent that reports filed with the House following the adjournment of the House until September 5, 1972, by committees authorized by the House to conduct investigations, may be printed by the Clerk as reports of the 92d Congress.
>
> THE SPEAKER:[9] Is there objection to the request of the gentleman from Massachusetts?
>
> There was no objection.

Effect of Court Order Restraining Printing

§ 59.6 The Chairman of the Committee on Internal Security announced to the House that the U.S. District Court for the District of Columbia had issued an order temporarily restraining the Public Printer from printing a report to be submitted to the House, pending a hearing on a preliminary injunction against its publication. The chairman also announced his intention to distribute the report to Members despite the court order. The House adopted a resolution directing the Public Printer and the Superintendent of Documents to distribute this report.

On Oct. 14, 1970,[10] Mr. Richard H. Ichord, of Missouri, asked and was given permission to address the House. In his remarks, Mr. Ichord related that the House Committee on Internal Security had authorized a limited voluntary study of educational institutions to obtain information on the extent to which honoraria was being used to finance revolutionary activities. Mr. Ichord said that a suit had been filed in the U.S. District Court for the District of Columbia to enjoin the committee from publishing its report on the subject. Mr. Ichord stated that such an order, if issued and permitted to stand, would be in disregard of the "speech and debate" clause of the Constitution—article I, section 6. He went on to state that regardless of what hap-

8. 118 CONG. REC. 29136, 92d Cong. 2d Sess.

9. Carl Albert (Okla.).

10. 116 CONG. REC. 36680, 36770, 91st Cong. 2d Sess. Under consideration was H. Rept. No. 91–1607, which included a survey of honoraria given guest speakers for engagements at colleges and universities.

pened in the suit, there would be copies furnished the Members of the House because the proposed court order did not preclude reproduction of the report for Members of the House but only enjoined the Public Printer from printing the report.

On Dec. 14, 1970,[11] Mr. Ichord rose to a question of the privileges of the House and submitted a resolution (H. Res. 1306), setting out the subsequent history of the litigation and resolving that the Public Printer and the Superintendent of Documents should forthwith print and distribute the committee report and ordering all persons, whether or not acting under color of office, to refrain from punishing any person because of his participation in or performance of such work. The resolution, as shown below in part, in the *Congressional Record* provided:

> Whereas, the Constitution of the United States vests all legislative powers in a Congress of the United States, consisting of a Senate and House of Representatives (Article I, Section 1);
>
> And whereas, the said Constitution authorizes the House to determine the rules of its proceedings (Article I, Section 5); . . .
>
> *Resolved,* That—
>
> (1) In accordance with the Rules of the House of Representatives and the acts of Congress made and provided, the Public Printer and the Superintendent of Documents shall forthwith print, publish, and distribute, and they are hereby ordered forthwith to print, publish, and distribute to and for the use of the House of Representatives, the Committee on Internal Security of said House, and those entitled to receive them, the usual number of copies of the report (No. 91–1732) of said Committee on Internal Security titled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities," which has this day been duly reported to the House.
>
> (2) All persons, whether or not acting under color of office, are hereby advised, ordered, and enjoined to refrain from doing any act, or causing any act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered to be done by paragraph numbered (1) hereof; and all such persons are further advised, ordered, and enjoined to refrain from molesting, intimidating, damaging, arresting, imprisoning, or punishing any person because of his participation in, or performance of, such work.
>
> (3) Copies of this resolution shall be forthwith furnished by the Clerk of the House to the Public Printer, Superintendent of Documents, and the clerks of the United States District Court and of the United States Court of Appeals for the District of Columbia.

On Dec. 16, 1970, Speaker John W. McCormack, of Massachusetts, laid before the House a communication from the Public Printer[12] advising that he had pub-

11. 116 CONG. REC. 41355–57, 91st Cong. 2d Sess.

12. *Id.* at p. 41940.

lished and distributed the report from the Committee on Internal Security pursuant to the resolution adopted by the House and served upon him.

§ 60. Comparative Prints; The Ramseyer Rule

The Ramseyer rule provides that whenever a committee reports a bill or joint resolution repealing or amending any statute or part thereof, the committee report is to include the text of the statute or part thereof to be repealed, as well as a comparative print showing the proposed omissions and insertions by stricken-through type and italics, parallel columns, or other appropriate typographical devices.(13)

The purpose of the Ramseyer rule is to inform Members of any changes in existing law to occur through proposed legislation. The rule was adopted by the House on Jan. 28, 1929, at which time Mr. Ramseyer explained its import and meaning as follows:

> The proposal in this new rule is simply this: Many bills which are introduced are to amend statutes. Such bills are reported back to the House, and there is nothing either in the bill or in the report accompanying the bill to advise Members of the House just what specific changes the bill proposes to make in the statute under consideration. If this amendment to Rule XIII is adopted, then hereafter a committee which reports a bill to amend an existing statute must show in the report just what changes are proposed. Suppose a bill is to amend a statute—we will just call it section 100—by omitting some words and adding thereto other words. The proposal is that the report shall show by stricken-through type the words to be omitted and by italics the words that are added, so that a Member who is interested in knowing just what changes it is proposed to make in the statute under consideration can get the report, read it, and have before him exactly the changes which are proposed to be made.

Despite some criticism of the resolution on the basis that it did not go far enough,(14) the House adopted the measure and it has survived with only one change in the succeeding decades. That

13. Rule XIII clause 3, *House Rules and Manual* § 745 (1979). The rule dates from Jan. 28, 1929, when the House passed H. Res. 278, 70 CONG. REC. 2371–74, 70th Cong. 2d Sess.

The rule is commonly known as the "Ramseyer rule" in honor of its sponsor, Mr. Christian W. Ramseyer, of Iowa, who served in the House from 1915 to 1933.

14. Mr. Henry Allen Cooper (Wisc.), preferred passing a bill that would have amended the United States Code to require a comparative printing of all bills and resolutions introduced in both the House and Senate.