

MR. CASE of South Dakota: Under the rule in the House Manual, a citation is made to a precedent in the Congressional Record of the Seventy-first Congress, second session, page 10595. This citation reads:

Special orders providing for consideration of bills, unless making specific exemption, do not preclude the point of order that reports on such bills fail to indicate proposed changes in existing law. (Cannon's, sec. 9220a; 71st Cong., 2d sees., Congressional Record, p. 10595.)

I fail to see any provision in the rule adopted which specifically exempts clause 2a of rule XIII, the Ramseyer rule.

THE SPEAKER: The Ramseyer rule is a rule of the House, and this resolution states "all rules to the contrary notwithstanding," it shall be in order to consider the bill.

The Chair overrules the point of order.

## § 61. Cost-estimate Requirement

A House rule requires that each public bill or joint resolution reported by a committee must contain certain estimates of the costs which would be incurred in carrying out such bill or joint resolution. The requirement is set forth in Rule XIII clause 7:<sup>(9)</sup>

The report accompanying each bill or joint resolution of a public character

9. *House Rules and Manual §748(b) (1979).*

reported by any committee shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such committee with any estimate of such costs made by any Government agency and submitted to such committee. . . .

(e) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.

The requirement is of recent origin, brought about by the Legislative Reorganization Act of 1970,<sup>(10)</sup> and became effective on the adoption of the rules by the 92d Congress on Jan. 22, 1971.<sup>(11)</sup>

As evidenced by the following excerpt from the report of the Committee on Rules,<sup>(12)</sup> the pur-

10. Pub. L. No. 91-510, 84 Stat. 1140. § 252(b) (Oct. 26, 1970).

11. 117 CONG. REC. 134-144, 92d Cong. 1st Sess.

12. H. Rept. No. 91-1215, 116 CONG. REC. 20276, 91st Cong. 2d Sess., June 17, 1970.

pose of the rule is to inform Members of the costs of programs recommended by House legislative committees and thus exercise greater control over the fiscal operations of government. The report states:

The responsibility for developing and disseminating fiscal information does not, and should not, rest solely with the revenue-raising and Appropriations Committees. Programs and their costs are inextricably interrelated. If Congress is to exercise rational control over the Government's fiscal operations, its Members must be made fully aware of the financial consequences of programs they are considering.

Here the legislative committees of Congress can play an important role. With the aid of the supplementary staff resources provided for elsewhere in this bill, they should be better able to analyze and evaluate the cost estimates submitted by executive agencies.

Section 252 [Rule XIII clause 7] places that responsibility upon the legislative committees by requiring that their reports on public bills and joint resolutions shall contain 5-year projections of the estimated costs that would be incurred by adoption of the measures at issue. The committees are further directed to present a comparison of their cost estimates with those submitted by the executive branch.

Revenue measures are exempted from this requirement, but reports on such proposals will be required to contain an estimate of its impact, in terms of revenue loss or gain, for 1 year.

Under section 403 of the Congressional Budget Act of 1974,

each committee was required to include in any report accompanying a bill or resolution a cost-estimate prepared by the Congressional Budget Office, if the estimate was timely submitted before the report was filed.<sup>(13)</sup> This requirement was incorporated into the rules [Rule XI clause 2(l)(3)(C), House Rules and Manual § 713 (e) (1979)], by the Committee Reform Amendments of 1974.<sup>(14)</sup> Even if such a cost-estimate is included in the report, the committee must still prepare its own cost-estimate pursuant to Rule XIII clause 7<sup>(15)</sup> (or adopt as the committee-estimate the Congressional Budget Office estimate).

In the case of legislation providing new budget authority or tax expenditures, the Congressional Budget Act required certain statements in committee reports, prepared after consultation with the Congressional Budget Office, providing projections and comparisons relative to concurrent resolu-

13. Pub. L. No. 93-344, July 12, 1974; § 403 was made effective on the first day on which the first Director of the Congressional Budget Office was appointed.

14. H. Res. 988, 120 CONG. REC. 34447-70, 93d Cong. 2d Sess., Oct. 8, 1974, effective Jan. 3, 1975.

15. *House Rules and Manual* § 748(b) (1979).

tions on the budget;<sup>(16)</sup> this requirement was also incorporated into the rules [Rule XI clause 2(l)(3)(B), *House Rules and Manual* §713(e) (1979)].<sup>(17)</sup>

### ***Waiver of Cost-of-estimate Requirement***

**§ 61.1 Although the House rules require that each public bill or joint resolution reported by a committee contain certain estimates of the costs which would be incurred in carrying it out, a bill or joint resolution may be called up under a special rule that permits consideration thereof notwithstanding a failure to comply with the cost-estimate requirement, or which waives points of order based thereon.**

On Aug. 18, 1972,<sup>(18)</sup> Speaker Carl Albert, of Oklahoma, recognized Mr. Claude D. Pepper, of Florida, who, by direction of the

16. Pub. L. No. 93-344, July 12, 1974; title III of the law, including §308 (a), became effective for the fiscal year beginning Oct. 1, 1976.

17. H. Res. 988, 120 CONG. REC. 34447-70, 93d Cong. 2d Sess., Oct. 8, 1974, effective Jan. 3, 1975.

18. 118 CONG. REC. 29093, 92d Cong. 2d Sess.

Committee on Rules, called up a resolution and asked for its immediate consideration. The Clerk then read the resolution, as follows:

H. RES. 1097

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 7, rule XIII, to the contrary notwithstanding,<sup>(19)</sup> that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) approving the acceptance by the President for the United States of the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms.

In the course of the ensuing discussion, Mr. Pepper yielded 30 minutes of time to Mr. H. Allen Smith, of California, who observed:<sup>(20)</sup>

19. Other examples of resolutions couched in the identical language (i.e. "clause 7 of Rule XIII to the contrary notwithstanding,") may be found at 118 CONG. REC. 26584, 92d Cong. 2d Sess., Aug. 3, 1972 [H. Res. 1071, providing for consideration of H.R. 15989, to establish a Council on International Economic Policy and to extend the Export Administration Act]; and 118 CONG. REC. 24100, 92d Cong. 2d Sess., July 18, 1972 [H. Res. 1012, providing for consideration of H.R. 14424, establishing a National Institute on Aging].

20. 118 CONG. REC. 29094, 92d Cong. 2d Sess.

. . . House Resolution 1097 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 1227, the Agreement on Limitation of Strategic Offensive Weapons. We waived points of order so far as failure to comply with the provisions of clause 7, rule XIII, because it was impossible to make a cost estimate on House Joint Resolution 1227.

***Special Rule Waiving Points of Order for Failure to Comply***

**§ 61.2 A special rule waiving points of order against consideration of bills for failure of the accompanying report to comply with the cost-estimate rule is sometimes provided even though the report states that no additional costs were anticipated.**

On Apr. 11, 1973,<sup>(1)</sup> Mr. Speedy O. Long, of Louisiana, called up for immediate consideration a House resolution which provided in part that on the adoption of the resolution it would be in order to move that the House resolve itself into the Committee of the Whole for the consideration of a bill to amend a provision of the United

1. 119 CONG. REC. 11785, 93d Cong. 1st Sess. Under consideration was H. Res. 349, providing for consideration of H.R. 3180, to amend title 39 of the United States Code relative to franking privileges for Members of Congress.

States Code relative to the proper use of franking privileges by Members of Congress. The resolution provided for a waiver of points of order against consideration of the bill for failure to comply with the cost-estimate rule.

*Parliamentarian's Note:* The committee report had stated merely that no additional costs were anticipated by the enactment of the bill. But since the bill repealed existing provisions of laws relating to the franking privilege, and the proposed bill differed in several respects from existing law, the cost of reenactment of the law with those changes should have been estimated in the report.

The House agreed to the resolution and went on to consider the bill, which the House subsequently passed.

**§ 62. Time for Filing Report**

Under the rules, committee reports on a bill or other measure reported to the House by a committee must accompany the reported measure.<sup>(2)</sup> However, Members may obtain unanimous consent to file their minority or separate views as part II of a report.<sup>(3)</sup>

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

3. §64.4, *infra* (late filing of minority report).