

. . . 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 But since the bill repealed existing provisions of laws relating to the franking privilege, and the proposed bill differed in several respects from existing law, the cost of reenactment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).

Unanimous consent of the House may also be obtained to file a committee report after adjournment.<sup>(4)</sup>

### ***Filing After Sine Die Adjournment***

#### **§ 62.1 A standing committee may be authorized, by unanimous consent, to have its investigative reports printed if filed after the sine die adjournment.**

On Oct. 5, 1962,<sup>(5)</sup> Speaker John W. McCormack, of Massachusetts, recognized Mr. Chet Holifield, of California, who made the following request:

Mr. Speaker, I ask unanimous consent that reports filed with the Clerk, following the sine die adjournment,<sup>(6)</sup> by the Committee on Government Operations or its subcommittees may be printed by the Clerk as reports of the 87th Congress.

Unanimous consent was granted.

4. § 62.3, *infra*.

5. 5 108 CONG. REC. 22618, 87th Cong. 2d Sess.

For other examples, see 104 CONG. REC. 19699, 85th Cong. 2d Sess., Aug. 23, 1958; 103 CONG. REC. 16759, 85th Cong. 1st Sess., Aug. 30, 1957; 102 CONG. REC. 15268, 84th Cong. 2d Sess., July 27, 1956; and 94 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948.

6. For the rules pertaining to adjournment in general, see Ch. 40, *infra*.

*Parliamentarian's Note:* In recent Congresses, the form of this request has been expanded to permit all committees authorized by the House to conduct investigations to file reports with the Clerk following *sine die* adjournment and to print those reports. Such general form was also used in some past Congresses, as indicated in § 62.14, *infra*.

#### **§ 62.2 A select committee may be authorized, by unanimous consent, to have its investigative reports printed if filed after the sine die adjournment.**

On Oct. 5, 1962,<sup>(7)</sup> Mr. Chet Holifield, of California, sought and obtained unanimous consent that reports filed after *sine die* adjournment with the Clerk by the Committee on Government Operations or its subcommittees could be printed by the Clerk as reports of the 87th Congress. Then Mr. A. Paul Kitchin, of North Carolina, obtained unanimous consent that reports filed with the Clerk following the adjournment by the Select Committee on Export Control could likewise be printed by the Clerk as records of the 87th Congress.

#### **§ 62.3 By unanimous consent, the Committee on Govern-**

7. 108 CONG. REC. 22618, 22619, 87th Cong. 2d Sess.

**ment Operations was permitted to file a report on a bill subsequent to a projected sine die adjournment but on a day prior to expiration of the first session of the 93d Congress under the 20th amendment (Jan. 3).**

On Dec. 20, 1973,<sup>(8)</sup> the day before the expiration of the first session of the 93d Congress, Mr. Chet Holifield, of California, obtained unanimous consent that the House Committee on Government Operations have until midnight, Jan. 2, 1974, to file a report on H.R. 11793, a bill to create a new Federal Energy Administration.

***Leave to File Before Midnight***

**§ 62.4 Leave was granted to a committee to file a privileged report, on a bill for admission of a new state, after adjournment for the day but before midnight.**

On Feb. 11, 1959,<sup>(9)</sup> Mr. Wayne N. Aspinall, of Colorado, obtained unanimous consent that the Committee on Interior and Insular Affairs have until midnight of that day to file a privileged report on

8. 119 CONG. REC. 42916, 93d Cong. 1st Sess.

9. 105 CONG. REC. 2178, 86th Cong. 1st Sess.

the bill H.R. 4221, providing for the admission of the State of Hawaii into the Union.

*Parliamentarian's Note:* The authority conferred upon the Committee on Interior and Insular Affairs to report statehood bills as privileged was removed from the rules effective Jan. 3 1975.

**§ 62.5 The Committee on Banking and Currency was granted permission by unanimous consent to have until midnight to file a report and an accompanying document showing changes in existing law as required by the Ramseyer rule.**

On July 13, 1966,<sup>(10)</sup> Mr. Wright Patman, of Texas, obtained unanimous consent that the Committee on Banking and Currency have until midnight to file an accompanying document to the report on the bill H.R. 15890, a housing bill, in order to comply with the requirements of the Ramseyer rule. Later that same day, Mr. Carl Albert, of Oklahoma, stated that some of the material which should have been in the report accompanying the housing bill was still not available. Therefore, Mr. Albert sought and obtained unanimous consent that the Committee

10. 112 CONG. REC. 15403, 15476, 89th Cong. 2d Sess.

on Banking and Currency have until midnight on Friday, July 15, 1966, to file the supplemental report.

**§ 62.6 The Committee on Appropriations was given until midnight to file a privileged report.**

On June 3, 1963,<sup>(11)</sup> Mr. William H. Natcher, of Kentucky, sought and obtained unanimous consent that the Committee on Appropriations have until midnight of that day to file the report on the bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1964.

*Parliamentarian's Note:* Where such permission is granted on a general appropriation bill, points of order under Rule XXI clause 2 must be reserved at that time, before the bill is placed on the Union Calendar, to permit points of order under that clause to be later made against provisions in the bill during consideration in Committee of the Whole. Absent such a reservation, the Committee of the Whole would have no authority to remove provisions from bills referred to it by the House other than by amendment.

**§ 62.7 A Member from the minority party, acting at the**

11. 109 CONG. REC. 9916, 88th Cong. 1st Sess.

**behest of a committee chairman, asked and secured unanimous consent that the committee have until midnight to file a report.**

On June 2, 1966,<sup>(12)</sup> Mr. Howard H. Callaway, of Georgia, a member from the minority party, acting at the behest of the committee chairman, obtained unanimous consent that the Committee on Agriculture have until midnight of that day to file a report on H.R. 15089, an agriculture bill.

***Filing After Expiration of Select Committee***

**§ 62.8 Where a special investigating committee expires on a specified date, it is not in order seven months later to file a report as a matter of privilege.**

In the 76th Congress, on July 19, 1939,<sup>(13)</sup> Mr. Ralph E. Church, of Illinois, objected to a unanimous-consent request by Mr. Adolph J. Sabath, of Illinois, to file the report of the Select Committee to Investigate Bondholders' Reorganizations, which had been established by House Resolution 412 of the 73d Congress. In response

12. 112 CONG. REC. 12191, 89th Cong. 2d Sess.

13. 84 CONG. REC. 9531, 76th Cong. 1st Sess.

to an inquiry submitted by Mr. Everett M. Dirksen, of Illinois, as to whether the report could be filed by a committee which had ceased to exist several months previously, Speaker William B. Bankhead, of Alabama, declared that such filing would be unauthorized. The Speaker stated:

The Chair is of the opinion that the gentleman [Mr. Sabath] would not have the legal authority to file this as a report of the committee because, as the Chair understands, the functions of the committee expired on January 1, 1939.

Mr. Sabath withdrew his request to file the report.

***Where Filing Date Falls on Non-legislative Day***

**§ 62.9 Where an investigative report from a joint committee was due to be filed on a date that fell on a Saturday when the House was not in session, the report was filed on the following Monday with the Clerk.**

On Apr. 3, 1939,<sup>(14)</sup> Mr. R. Ewing Thomason, of Texas, called to the attention of the House the fact that the report of the joint committee appointed to investigate the Tennessee Valley Au-

14. 84 CONG. REC. 3727, 3728, 76th Cong. 1st Sess.

thority had been due on a day [Saturday, Apr. 1] when Congress was not in session. Mr. Thomason stated that the report was therefore filed with the Clerk on Apr. 3, and that there would also be minority views. Mr. Thomason explained that his remarks were intended to inform the Members why the report had not been filed earlier.

***Joint Economic Committee***

**§ 62.10 The Joint Economic Committee may be granted additional time in which to file a report.**

On Feb. 26, 1959,<sup>(15)</sup> Mr. Wright Patman, of Texas, sought unanimous consent that the Joint Economic Committee be given eight additional days to file its report. Under the Employment Act of 1946 [15 USC §§ 1021 et seq.; 60 Stat. 23 (1946)], the Joint Economic Committee was required to file its report on the economic re-

15. 105 CONG. REC. 3049, 86th Cong. 1st Sess. For other extensions, see 109 CONG. REC. 3231, 88th Cong. 1st Sess., Feb. 28, 1963 [two additional weeks]; 108 CONG. REC. 2948, 87th Cong. 2d Sess., Feb. 26, 1962 [one additional week]; 107 CONG. REC. 2935, 87th Cong. 1st Sess., Mar. 1, 1961 [two additional months]; and 101 CONG. REC. 2029, 84th Cong. 1st Sess., Feb. 24, 1955 [115 additional days].

port of the President on Mar. 1. The committee had voted unanimously to request that it be given until Mar. 9 to file its report. Without objection, the House granted the additional time.

**§ 62.11 Instance where the House, by unanimous consent, considered and passed a Senate joint resolution extending the date for transmission to Congress of the report of the Joint Economic Committee.**

On Feb. 7, 1972,<sup>(16)</sup> Mr. Wright Patman, of Texas, sought and obtained unanimous consent for the immediate consideration of Senate Joint Resolution 196, extending the date for the transmission to the Congress of the report of the Joint Economic Committee. The Clerk read the Senate joint resolution, which provided that the dates for the transmission of the economic report of the Joint Economic Committee, approved Dec. 22, 1971 (Pub. L. No. 92-216; 85 Stat. 778), be extended from Mar. 10, 1972, to Mar. 28, 1972. The Senate joint resolution was then read a third time and passed, and a motion to reconsider was laid on the table.

*Parliamentarian's Note:* Since this reporting requirement is, in

16. 118 CONG. REC. 2915, 92d Cong. 2d Sess.

effect, a joint rule of the House and Senate, unanimous consent of both Houses for an extension of time is all that is required and not the enactment of a law.

***Form of Resolution Authorizing Filing During Adjournment***

**§ 62.12 The House has by resolution authorized a committee to conduct an investigation and to submit a report to the Clerk if the House is not in session.**

On June 20, 1936,<sup>(17)</sup> Mr. James M. Mead, of New York, sought and obtained unanimous consent for the immediate consideration of House Resolution 551, which provided that the Committee on the Post Office and Post Roads could conduct an investigation and submit its report to the Clerk if the House were not in session. The resolution was agreed to. It provided:

*Resolved,* That the Committee on the Post Office and Post Roads, as a whole or by subcommittee, is authorized and directed to conduct an investigation to determine (1) the fair and proper basis of compensation for postmasters of the fourth class, and (2) the fair and proper basis of compensation for carrying mail on star routes. . . .

17. 80 CONG. REC. 10619, 74th Cong. 2d Sess.

The committee shall report to the House (or to the Clerk of the House if the House is not in session) as soon as practicable the results of its investigation, together with such recommendations for legislation as it deems advisable.

**§ 62.13 A resolution authorized the appointment of a special committee to investigate old-age pension plans and empowered the committee, in the event the House was not in session, to file its report with the Speaker.**

On Mar. 10, 1936,<sup>(18)</sup> Mr. C. Jasper Bell, of Missouri, sought and obtained unanimous consent for the immediate consideration of House Resolution 443, which provided for establishment of a select committee to investigate pension plans and authorized the committee to submit its report after the adjournment. Specifically, the resolution provided:

*Resolved*, That the Speaker appoint a select committee of eight Members of the House and that such committee be instructed to inquire into old-age-pension plans with respect to which legislation has been submitted to the House of Representatives, and particularly that embodied in H.R. 7154. . . . And the committee shall have the right to report to the House at any time the results of its investigations and rec-

18. 80 CONG. REC. 3506, 3507, 74th Cong. 2d Sess.

ommendations for other or additional legislation upon said bill or any other proposed legislation relative to old-age pensions. . . .

*Resolved further*, That in the event the committee transmits its report to the Speaker at a time when the House is not in session, as authorized in House Resolution No. 418, current session, a record of such transmittal shall be entered in the proceedings of the Journal and *Congressional Record* of the House on the opening day of the next session of Congress and shall be numbered and printed as a report of such Congress.

***Form of Request Authorizing Filing and Printing After Sine Die Adjournment***

**§ 62.14 By unanimous consent, special and standing committees may be authorized, notwithstanding sine die adjournment, to file their reports with the Speaker for printing as public documents.**

On Dec. 15, 1942<sup>(1)</sup> the following exchange took place:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that notwithstanding the sine die adjournment of the House, special and standing Committees of the House authorized to make investigations may file their reports with the Speaker not later than noon, January

1. 88 CONG. REC. 9602, 77th Cong. 2d Sess.

3, 1943, for printing as public documents.

The SPEAKER:<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection

### § 63. Status as Privileged; Calling Up

Several types of committee reports are accorded privileged status. That is, they may be filed from the floor in the House at any time and their consideration is preferential and does not depend upon adoption of a special order reported from the Committee on Rules. One basis for this privilege of reporting at any time arises upon the precedents based upon the essential role imposed upon the Congress by the Constitution, as in the case of reports on Presidential vetoes or reports on impeachment proceedings.<sup>(3)</sup> Another basis for the privileged status of committee reports arise under the rules of the House. Such reports are of two types: (1) those raising questions of the privilege of the House under Rule IX such as reports on contempts of witnesses before committees, and (2) the reports of certain committees on

2. Sam Rayburn (Tex.).

3. See Ch. 14 (impeachment), *supra*, and Ch. 24 (vetoes), *infra*.

matters specified in the applicable House rule which may be brought up at any time subject to the three-day rule on availability of reports [Rule XI clause 2(1)(6)] or the one-day rule applicable to certain funding resolutions from the Committee on House Administration (Rule XI clause 5). Under Rule XI, the Committees on Appropriations, House Administration, Interior and Insular Affairs, Public Works, Rules, Standards of Official Conduct, Veterans' Affairs, and Ways and Means have had leave to report at any time although only on those matters specified in the rules of the House.<sup>(4)</sup> For example, the Committee on Veterans' Affairs has had leave to report at any time only on general pension bills.<sup>(5)</sup>

The right of reporting at any time under Rule XI clause 4 no longer grants the right of immediate consideration on the floor. Rules changes adopted since 1971, designed to give Members advance notice of floor consideration of measures, have restricted the right of immediate consideration. Now only privileged reports from

4. See the commentary following Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).

5. See the commentary following Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).