

Therefore, the Chair overrules the point of order.

§ 64. Supplemental, Minority, and Additional Views

The procedure for the filing of supplemental and other views was substantially revised by the Legislative Reorganization Act of 1970.⁽²²⁾ As stated in the report⁽²³⁾ of the Committee on Rules on H.R. 17654 (which became the Legislative Reorganization Act of 1970), the act amended House Rule XI clause 27(d) by adding to that clause a new subparagraph (3),⁽²⁴⁾ which specifically provided for the filing of supplemental, minority, and additional views for inclusion in reports of standing, select, and special committees of the House. The report states:

The proposed new subparagraph (3) provides that, if, at the time any measure or matter is approved and ordered reported by any standing, select, or special committee of the House, any member of the committee gives notice of his intent to file supplemental, mi-

nority, or additional views with respect to that measure or matter for inclusion in the committee report, that committee member is entitled to at least three calendar days, before the day on which the committee report is filed, to file those views, in writing, with the committee clerk. When those views are timely filed, it is required that those views be included within and constitute a part of the report of that House committee on the measure or matter being reported.

The proposed new subparagraph (3) further provides that such report shall be printed in a single volume.

This single volume must include all supplemental, minority, and additional views which have been *submitted by the time of the filing of the report*, irrespective of whether any member of such House committee has given timely notice of his intent to file any such views with the committee clerk and thus, under the proposed new subparagraph (3), is entitled to three calendar days (or shorter period of time if he specifically requests a shorter period) in which to file those views.

It is further required that the single volume containing the report of the House committee shall have on its front cover a statement that supplemental, minority, or additional views, as the case may be, are included as a part of that report.

The proposed new subparagraph (3) of clause 27(d) of House Rule XI also contains a provision to the effect that if a member of a House committee, who intends to file supplemental, minority, or additional views with respect to a measure or matter approved and ordered reported by his committee, does

22. Pub. L. No. 91-510, 84 Stat. 1140 (Oct. 26, 1970).

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

24. See Rule XI clause 2(l)(5), *House Rules and Manual* §714 (1979).

not give *timely notice of his intent to file—that is, notice given by or at the time the measure or matter is approved and ordered reported by the committee*—then the proposed new subparagraph (3) does not prevent the *immediate* filing and printing of the report of the House committee on the measure or matter concerned. Further, the proposed subparagraph does not preclude the filing of supplemental reports to correct technical errors in previous reports.

The effect of the new subparagraph is to formalize the previously existing policy of many standing committees under which committee members could file supplemental, minority, or additional views as a matter of courtesy. Under the former practice, committee members could, under certain circumstances, obtain unanimous consent to file such views. Under the rule, committee members may now file their views as a matter of right and if one member makes a timely request for filing views, all other members of the committee may submit views for inclusion in the report up to the time that member submits his views. Furthermore, the right is extended to members of select and special committees as well as standing committees.

Supplemental Reports Correcting Technical Errors

§ 64.1 The chairman of a committee will sometimes obtain

unanimous consent to file a supplemental report on a bill in order to correct a technical error in the original report. However, the rules permit the filing of a supplemental report to correct a technical error in a previous report, and unanimous consent is not required.

On Jan. 27, 1972,⁽¹⁾ Speaker Carl Albert, of Oklahoma, recognized Wayne N. Aspinall, of Colorado, Chairman of the Committee on Interior and Insular Affairs, who made the following request:

Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight to file a supplemental report on H.R. 10086, a bill to provide increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

The request was granted, and the supplemental report was filed.

As a discussion four days later⁽²⁾ revealed, the supplemental report was filed in order to correct a technical error in the previous report. Mr. H. Allen Smith, of California, pointed this out, stating:

. . . [T]he committee in making some 22 changes that had to comply

1. 118 CONG. REC. 1527, 1528, 92d Cong. 2d Sess. See also 104 CONG. REC. 5693, 85th Cong. 2d Sess., Mar. 28, 1958 [H.R. 2767].
2. 118 CONG. REC. 1707, 92d Cong. 2d Sess., Jan. 31, 1972.

with the Ramseyer rule inadvertently missed one of them. Rather than request the waiver of points of order, the distinguished chairman had a supplemental report prepared to cover that instance.

Parliamentarian's Note: The rules permit the filing of a supplemental report to correct a technical error in a previous report without the requirement of unanimous consent but the three-day rule (Rule XI clause 2(l)(6), *House Rules and Manual* §715 [1979]) runs anew from the availability of the supplemental report. The applicable provision in the then-prevailing rules (i.e., in the 92d Cong. 2d Sess.), was found in Rule XI clause 27(d)(3)(ii) [H. Jour. 1603, 92d Cong. 2d Sess. (1972)]. Such authority does not include the filing of a supplemental report to change statements of the legislative intent contained in the initial report.

Rule XI clause 27(d)(3) noted, in pertinent part, that:

If, at the time of approval of any measure or matter by any committee (except the Committee on Rules) any member of the committee, gives notice of intention to file supplemental . . . views, that member [would have not less than three calendar days (excluding Saturdays, Sundays, and legal holidays), in which to file such views, in writing and signed by that member, with the clerk of the committee.

It [clause 27(d)(3), Rule XI] further provided that:

All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee

with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report. . .

The clause [27(d)(3)] additionally stated, however, that the aforementioned subparagraph did not preclude:

. . . (ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

§ 64.2 By unanimous consent, the Committee on the Judiciary was permitted to file a supplemental report on a bill proposing changes in existing law, in order to comply with the Ramseyer rule.

On Sept. 30, 1970,⁽³⁾ Mr. Robert W. Kastenmeier, of Wisconsin, sought and obtained unanimous consent to file a supplemental report on H.R. 2175, a bill dealing with residential community treatment centers, in order to comply with the Ramseyer rule.

§ 64.3 By unanimous consent, the Committee on Interstate

3. 116 CONG. REC. 34302, 91st Cong. 2d Sess.

and Foreign Commerce was given permission to file a supplemental report on a bill previously reported.

On Sept. 24, 1962,⁽⁴⁾ Mr. Oren Harris, of Arkansas, sought and obtained unanimous consent that the Committee on Interstate and Foreign Commerce have permission to file a supplemental report on H.R. 11581, dealing with drug amendments of 1962.

Subsequent Filing of Minority Views Accompanying Reports

§ 64.4 The minority members of a committee may, by unanimous consent, be permitted to file minority views, to accompany a House report previously filed and printed, as part 2 of such report.

On May 3, 1962,⁽⁵⁾ Charles S. Gubser, of California, a member of the Committee on Armed Services, sought and obtained unanimous consent to file minority views on the bill, H.R. 5532, and that these minority views be printed as part 2 of the committee report on that bill.⁽⁶⁾

4. 108 CONG. REC. 20522, 87th Cong. 2d Sess.

5. 108 CONG. REC. 7747, 87th Cong. 2d Sess. See also 108 CONG. REC. 5376, 87th Cong. 2d Sess., Mar. 29, 1962 [H. Rept. No. 87-1471].

6. Compare Rule XI clause 2(l)(5), *House Rules and Manual* §714

Erroneous Signatures

§ 64.5 A Member announced to the House that, through error, he had been listed as one of the signers of the minority views accompanying a committee report.

On June 5, 1959,⁽⁷⁾ after being given permission to extend his remarks in the Record, Mr. Thomas J. Lane, of Massachusetts, called to the attention of the House that on June 2, 1959, his name was erroneously listed in House Report No. 86-422 accompanying H.R. 3 from the Committee on the Judiciary, as a signatory to the minority views. Mr. Lane stated that he was in favor of the legislation in question, a bill to establish rules for federal courts in cases involving the doctrine of federal pre-emption.

Adding Signatures

§ 64.6 Where certain Members have obtained permission of the House to file minority views, additional signatures may be appended at a later

(1979) which provides, in relevant part, that the "report of the committee upon that measure or matter shall be printed in a *single volume*" (emphasis added).

7. 105 CONG. REC. 10014, 86th Cong. 1st Sess.

time only by unanimous consent.

On Dec. 2, 1963,⁽⁸⁾ Mr. Clark MacGregor, of Minnesota, sought and obtained unanimous consent that Mr. William M. McCulloch, of Ohio, and Mr. Garner E. Shriver, of Kansas, have permission to add their names to the additional views filed that day by minority members of the Committee on the Judiciary pursuant to the unanimous-consent agreement obtained by Mr. John V. Lindsay, of New York, on Nov. 26, 1963.

§ 64.7 Leave to file minority views while the House is not in session is granted by unanimous consent.

On Dec. 2, 1963, Mr. Clark MacGregor, of Minnesota, sought and obtained unanimous consent that "the report referred to directly above may be filed at any time up until midnight tonight."⁽⁹⁾

Effect of Reporting of Rule for Consideration

§ 64.8 The filing (by unanimous consent) of a supplemental report on a bill previously reported, does not

8. 109 CONG. REC. 23008, 88th Cong. 1st Sess.

9. See the proceedings at 109 CONG. REC. 23008, 88th Cong. 1st Sess., discussed further in § 64.6, supra.

prevent consideration of the bill even though the rule providing for consideration of the bill was reported before the filing of the report.

On Feb. 29, 1940,⁽¹⁰⁾ Mr. Earl C. Michener, of Michigan, raised a point of order against consideration of a bill on the ground that the bill had been so amended that it was no longer the same bill which the Committee on Rules had studied when it recommended adoption of a special rule making in order the consideration of the bill. Speaker Sam Rayburn, of Texas, ultimately decided that the rule recommended by the Committee on Rules providing for consideration of the bill was broad enough to permit consideration of the bill even though the legislative committee's supplemental report, filed after the Committee on Rules had recommended approval

10. 86 CONG. REC. 2178-87, 76th Cong. 3d Sess. Under consideration was H. Res. 249 (which involved the calling up of S. 685, a water pollution control bill) which was reported from the Committee on Rules on July 10, 1939. Subsequently, on Feb. 20, 1940, the Committee on Rivers and Harbors offered, with permission of the House, a supplemental report which recommended amendments not included in the original committee report. The rule was called up in the House on Feb. 29, 1940.

of the special rule, suggested major amendments to the bill

The situation on the floor was described in the following manner by Mr. Michener:⁽¹¹⁾

What I am getting at is this: A bill was introduced in the House. The committee introducing the bill asked for a rule reporting that bill. The Rules Committee granted a rule reporting a specific bill. Later the legislative committee came in and asked unanimous consent that a supplementary report might be filed on the original bill. That consent was granted. A supplementary report was filed, which includes the Senate bill, which is an entirely different bill than the Rules Committee authorized a rule for.

Therefore, if you consider the Senate bill in connection with the report, there will be before the House a piece of legislation on which a rule was never granted, about which the Rules Committee knew nothing. The point of the whole thing is this: If that can be done, then, by subterfuge, a committee may bring a perfectly harmless bill before the Rules Committee and get a rule, and then by a later supplemental report absolutely change the bill and still have a place on the legislative program.

Following a parliamentary inquiry by Mr. Michener as to whether this procedure was valid under the House rules, Speaker Rayburn responded:

The gentleman from Michigan [Mr. Michener], who raises this question by

parliamentary inquiry, of course, is familiar with the general principle that all proposed action touching the rules, joint rules, and orders of business shall be referred to the Committee on Rules. Under a broad, uniform construction of that jurisdiction, the Rules Committee, as the Chair understands it, has practically plenary power, unreserved and unrestricted power, to submit for the consideration of the House any order of business it sees fit to submit, subject, of course, to the approval of the House.

The Chair, of course, knows nothing about what was in the minds of the committee in reference to this legislation. The Chair can only look at the face of the record as it is presented from a parliamentary standpoint. As the Chair construes the resolution now pending, it is very broad in its terms. It provides for the consideration of a Senate bill pending on the Union Calendar and the Chair assumes that the Committee on Rules was requested to give a rule for the consideration of that bill, which was the original basis for any legislation that may be passed touching this subject of stream pollution.

In conformance with the general power and jurisdiction of the Rules Committee, it did report a resolution providing that in the consideration of the Senate bill any germane amendments may be offered; and, of course, it is not the province of the Chair, presiding over the House, to determine the relevancy or germaneness of any amendment that may be submitted in the Committee of the Whole, whether by way of a substitute or by way of amendment.

The Chair is clearly of the opinion that the Rules Committee had a per-

11. *Id.* at pp. 2183–85.

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fect right under the general authority
conferred upon it to report this resolu-

tion providing for this method of con-
sideration of the bill.