

JEFFERSON'S MANUAL

§ 417–§ 418

This provision of the parliamentary law has been held to prevent the use of the motion to reconsider in Committee of the Whole (IV, 4716–4718; VIII, 2324, 2325) but it is in order in the House as in the Committee of the Whole (VIII, 2793). The early practice seems to have inclined against the use of the motion in a standing or select committee (IV, 4570, 4596), but there is a precedent which authorized the use of the motion (IV, 4570, 4596), and on June 1, 1922, the Committee on Rules rescinded previous action taken by the committee authorizing a report. In the later practice the motion to reconsider is in order in committee so long as the measure remains in possession of the committee and the motion is not prevented by subsequent actions of the committee on the measure, and may be entered on the same day as action to be reconsidered or on the next day on which the committee convenes with a quorum present to consider the same class of business (VIII, 2213), but a session adjourned without having secured a quorum is a dies non and not to be counted in determining the admissibility of a motion to reconsider (VIII, 2213). This provision does not prevent a committee from reporting a bill similar to one previously reported by such committee (VIII, 2311).

The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself set down the amendments, stating the words which are to be inserted or omitted, *Scob.*, 50, and where, by references to page, line, and word of the bill. *Scob.*, 50.

This practice is still in force as to Senate bills of which the engrossed copies cannot be in any way interlined or altered by House committees. Original copies of House bills are not referred to committees but are maintained indefinitely by the Clerk. Both House and Senate bills are now printed as referred, and committees may thus report either with proposed amendments. In the official papers (signed engrossed copies), the engrossed House amendments to a Senate bill would still be shown as a separate message attached to the Senate engrossed bill when returned to the Senate.

SEC. XXVII—REPORT OF COMMITTEE

The chairman of the committee, standing in his place, informs the House that the committee to whom was referred such a bill, have, according to order, had the same under consideration, and

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have directed him to report the same without any amendment, or with sundry amendments (as the case may be), which he is ready to do when the House pleases to receive it. And he or any other may move that it be now received; but the cry of "now, now," from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the Clerk's table, where the amendments reported are read by the Clerk without the coherence; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report. *Scob.*, 52; *Hakew.*, 148.

This provision is to a large extent obsolete so far as the practice of the House is concerned. Most of the reports of committees are made by filing them with the Clerk without reading (clause 2 of rule XIII), and only the reports of committees having leave to report at any time are made by the chairman or other member of the committee from the floor (clause 5 of rule XIII). Committee reports must be submitted while the House is in session, and this requirement may be waived by unanimous consent only, and not by motion (Dec. 17, 1982, p. 31951). All reports privileged under clause 5 of rule XIII at one time could be called up for consideration immediately after being filed, but since January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34406), such reports—with two exceptions—are subject to the requirement of clause 4 of rule XIII and cannot be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays) on which they are available to Members. The exceptions from the three-day rule, in addition to the exceptions stated in the rule for declarations of war and actions on certain executive determinations, are certain reports from the Committee on Rules and primary expense resolutions reported from the Committee on House Administration (see clause 4 of rule XIII). Reports not filed as privileged under clause 5 of rule XIII are subject to the three-day rule unless specifically exempted therefrom (in clause 4 of rule XIII) or unless privileged under rule IX. It has been held, for example, that a privileged report involving the privi-

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leges of the House under rule IX (such as a report from a committee on the contemptuous conduct of a witness before the committee) would not be subject to the three-day rule (Speaker Albert, July 13, 1971, pp. 24720–23). The general rule (clause 1 of rule XIII) is that reports shall be placed on the calendars of the House, there to await action under the rules for the order of business (rule XIV).

The report being made, the committee is dissolved and can act no more without a new power. *Scob.* 51. But it may be revived by a vote, and the same matter recommitted to them. *4 Grey,* 361.

This provision does not apply now to the Committees of the Whole or to the standing committees. It does apply to select committees, which expire when they report finally, but may be revived by the action of the House in referring in open House a new matter (IV, 4404, 4405). The provision does not preclude a standing committee from reporting a bill similar to one previously reported by such committee (VIII, 2311).

SEC. XXVIII—BILL, RECOMMITMENT

After a bill has been committed and reported, it ought not, in any ordinary course, to be recommitted; but in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. *Hakew,* 151. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed. *3 Hats.,* 131—*note.*

In Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

Where a matter is recommitted with instructions the committee must confine itself within the instructions (IV, 4404), and if the instructions relate to a certain portion only of a bill, other portions may not be reviewed (V, 5526). When a report has been disposed of adversely a motion to recommit it is not in order (V, 5559). Bills are sometimes recommitted to the