

## Introduction and Reference of Bills

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### Research References

- 4 Hinds §§ 3364–3366
- 7 Cannon §§ 1027–1033
- 4 Deschler Ch 16
- Manual §§ 700, 849–860

### § 1. Introduction of Measures in the House; Sponsorship

#### Bills and Resolutions

The system for introducing measures in the House is a relatively free and open one. Bills and resolutions are introduced simply by depositing them in the hopper at the Clerk's desk anytime that the House is in session. Deschler Ch 16 § 1. A Member may introduce a bill during an interim *pro forma* meeting at a time when no legislative business is being conducted. 96–2, Jan. 7, 1980, p 25; 102–2, Jan. 28, 1992, p \_\_\_\_.

A bill or resolution may be introduced by any Member who has taken the oath (89–1, Jan. 4, 1965, p 25) and he need not seek recognition for that purpose. The Member is generally present on the floor to introduce the measure. A Member may introduce a bill even though he is personally opposed to its passage. Deschler Ch 16 § 1.6. The rules do not limit the number of bills a Member may introduce.

Once introduced the bill becomes the property of the House, and the House may consider it notwithstanding the death, resignation, or replacement of its sponsor. 86–2, May 3, 1960, p 9246; 88–2, Jan. 29, 1964, p 15274.

#### Bills Introduced “By Request”

Only a Member or Delegate may introduce a bill. The House does not permit the names of citizens requesting the introduction of a bill to be print-

ed in the Record, but the rules do permit the words “by request” to be entered on the Journal and printed in the Record. *Manual* § 860. These words appear following the name of the primary Member introducing the bill. 87–1, Apr. 13, 1961, p 5900.

### **Petitions and Memorials**

Petitions and memorials addressed to the House are delivered to the Clerk (*Manual* § 849a), and may be presented by the Speaker as well as by any Member (4 Hinds § 3312). A Member may present a petition from the citizens of a state other than his own. 4 Hinds §§ 3315, 3316.

### **Sponsorship; Endorsements and Signatures**

By House rule, all bills, resolutions, and memorials must be endorsed with the name(s) of the Member or Members introducing them. *Manual* § 854. By directive of the Speaker, all bills must bear the original signature of the chief sponsor or first-named Member. 92–2, Feb. 3, 1972, p 2521; 93–1, Jan. 3, 1973, p 30. A bill falsely introduced in a Member’s name in his absence involves a question of privilege, and the House may agree to an order providing for its cancellation. 4 Hinds § 3388.

### **Cosponsorship**

Unlimited cosponsorship of public bills is permitted until such time as all committees authorized to report the bill have done so. *Manual* § 854. Before the bill is reported, a Member may remove his name as a cosponsor by unanimous consent. 96–1, Feb. 26, 1979, p 326. Alternatively, a sponsor may announce his withdrawal of support for a bill (92–1, Mar. 29, 1971, p 8268), and a statement indicating that an error was made in the listing of a sponsor’s name may be made on the floor and will appear in the Record. Deschler Ch 16 § 2.5. At its organization for the 104th Congress, the House resolved that each of the first 20 bills and each of the first two joint resolutions introduced in that Congress could have more than one Member reflected as a first sponsor. *Manual* § 855.

## **§ 2. Reference**

### **Generally**

After a bill has been introduced it is referred to committee in accordance with the rule fixing the jurisdiction of committees over particular subjects (Rule X clause 1), and in accordance with the referral procedures that were adopted in 1975 and in 1995 (Rule X clause 5). See also Deschler Ch 16 § 3.

Absent specific authority, a committee may not report a measure which it did not originate and which has not been properly referred to it by the Speaker or by the House. 4 Hinds §§ 4355–4360; 7 Cannon §§ 1029, 2101. Under the modern practice reports filed from the floor as privileged pursuant to Rule XI clause 4(a) have been permitted on bills and resolutions originating in certain committees. *Manual* § 412. The committees so authorized are Appropriations, Budget, House Oversight, Rules, and Standards of Official Conduct. *Manual* § 726.

Public bills are referred by the Speaker (*Manual* § 854) pursuant to the jurisdictional requirements of Rule X clause 1 (*Manual* § 669), but when the House itself refers a bill it may send it to any committee without regard to the rules of jurisdiction. 4 Hinds § 4375; 7 Cannon § 2131. Jurisdiction in such a case is deemed conferred by the action of the House. 4 Hinds §§ 4362–4364; 7 Cannon § 2105.

#### **Erroneously Referred Bills**

A House rule (*Manual* § 854) provides for procedures to be followed in case of an error in the reference of a public bill. The House rerefers such bills without debate (Deschler Ch 16 § 3.13) usually pursuant to a unanimous-consent request (Deschler Ch 16 §§ 3.14, 3.15) or infrequently by agreement to a rereferral motion authorized by the committee claiming or relinquishing jurisdiction over the matter. *Manual* § 854; Deschler Ch 16 §§ 3.10–3.13. The motion to rerefer in such cases:

- Must apply to a bill erroneously referred (7 Cannon § 2125).
- Must be made immediately following the reading of the Journal (Rule XXII clause 4. See also 7 Cannon §§ 1809, 2119, 2120).
- Must apply to a single bill and not to a class of bills (7 Cannon § 2125).
- May be amended (7 Cannon § 2127).
- May not be divided (7 Cannon § 2125).
- May not be debated (7 Cannon §§ 2126–2128).

#### **Bills Reported From Committee; Referrals to Calendars**

Bills reported from committees are ordinarily referred to the proper calendar under the direction of the Speaker. *Manual* § 743. Once a bill has been reported by committee, points of order against its reference and motions for its rereferral are not entertained. 7 Cannon § 2110; Deschler Ch 16 § 3.6. However, under the modern referral procedures authorized by the rules, a bill reported from committee may be sequentially referred by the Speaker to other committees. § 4, *infra*. Moreover, once consideration of the reported measure has begun in the House, a motion to refer or recommit is in order in differing situations under the House rules. *Manual* §§ 782, 787. Generally, see REFER AND RECOMMIT.

### § 3. — Private Bills

A private bill delivered to the Clerk is referred to committee pursuant to the endorsement specified thereon by the Member introducing it. *Manual* § 849a. The introduction from the floor of a private bill is rarely permitted, and then only by unanimous consent. 91–1, Apr. 16, 1969, p 9258. As to the distinction between public bills and private bills, see *BILLS*.

Certain types of private bills, such as bills for the payment of claims which may be instituted under the Federal Tort Claims Act, may not be received or considered in the House. *Manual* § 852. And bills for the payment of a private claim against the government may be referred only to certain committees (Rule XXI clause 4), although this requirement has been waived by unanimous consent so as to permit reference to a different committee. 95–2, May 4, 1978, p 12615.

Under the rules (*Manual* § 853), errors in private bills may be corrected without action by the House at the suggestion of the committee having possession of the bill. 4 Hinds § 4379. Since an erroneous reference of a private bill does not confer jurisdiction on the committee to report it (Rule XXII clause 3), a point of order will lie against the bill when it comes up for consideration in the House or in the Committee of the Whole. 4 Hinds §§ 4382–4389.

### § 4. Multiple Referrals; Sequential or Split Referrals

Prior to the 94th Congress, a bill could not be divided among two or more committees, even though it contained matters properly within the jurisdiction of several committees. 4 Hinds 4372. But in 1975, the House adopted a rule stating that every referral must be made in such manner as to assure “to the maximum extent feasible” that each committee having jurisdiction over the subject matter of a provision will have responsibility for considering it and reporting thereon to the House. Rule X clause 5(b).

This rule was amended in 1995 (H. Res. 6, 104th Cong.) to require the Speaker to designate a committee of primary jurisdiction upon the initial referral of a measure to a committee. The Speaker then has the discretion to:

- Refer the same measure to other committees (sequential referral), subject to time limits imposed after the primary committee has reported.
- Refer designated portions of the same measure to other committees (split referral).
- Refer a measure to a special ad hoc committee established by the House consisting of members of committees with shared jurisdiction over the measure.

The new rule eliminates so-called joint referrals and substitutes the requirement that the Speaker designate the committee of primary jurisdiction. (Referrals are always for consideration only of such provisions as fall within a committee's jurisdiction.) H. Res. 6, § 205, Jan. 4, 1995.

### § 5. Bills Reported With Amendments

A bill reported from committee with an amendment may be sequentially referred to another committee where the amendment falls within the jurisdiction of the second committee. 95-1, Oct. 13, 1977, p 33716; 97-1, May 20, 1981, p 10361. In determining whether the matter falls within the jurisdiction of the second committee, the Speaker may take into consideration the text of the amendment as well as the text of the original bill (97-1, Jan. 5, 1981, p 115); or he may base his referral solely on the text of a reported substitute amendment in lieu of original text (100-1, Jan. 6, 1987, p 21). The second committee may then report an amendment to the amendment adopted by the first committee, if within the jurisdiction of the second committee.

The Speaker has exercised the authority to base referrals on committee amendments to reported bills by sequentially referring:

- A reported bill to another committee solely for consideration of provisions of the first committee's amendment within its jurisdiction, and not for consideration of the entire bill. 97-2, Apr. 5, 1982, p 6580.
- A reported bill to two other committees for different periods of time, solely for consideration of designated sections of the first committee's recommended amendment. 97-2, May 18, 1982, p 10418.
- A reported bill solely for consideration of designated portions of the first committee's amendment. 97-2, May 21, 1982, p 11169.

### § 6. Matters Subject to Referral

#### Generally

The rule establishing the referral procedures to be followed by the Speaker applies to "each bill, resolution, or other matter" relating to a subject falling within the jurisdiction of a standing committee under Rule X clause 1. See Rule X clause 5(a). Thus, the Speaker may pursuant to the rule refer bills and resolutions (*Manual* § 700), a portion of a bill (95-1, May 2, 1977, p 13184), a Presidential message (Rule XXIV clause 2) (*Manual* § 883), an executive communication (Rule XL) (94-1, Feb. 4, 1975, p 2253), or a select committee report (94-2, Mar. 16, 1976, p 6539; 94-2, Apr. 2, 1976, p 9261).

### **Senate Amendments to House Bills**

Pursuant to Rule XXIV clause 2, a Senate amendment to a House-passed bill is subject to discretionary referral by the Speaker to a standing committee. 97–1, Mar. 26, 1981, p 5397. Under the House rules, House bills with Senate amendments which do not require consideration in Committee of the Whole may be at once disposed of as the House may determine. Rule XXIV clause 2. Such bills are accordingly laid before the House for action. *Manual* § 883. Unless otherwise disposed of by the House (8 Cannon § 3187), a House bill returned with a Senate amendment involving a new matter is at the Speaker’s discretion referable under Rule XXIV clause 2 directly to a standing committee, and on being reported therefrom is referred to the Committee of the Whole. 4 Hinds § 3108. Formerly, where a House bill was returned from the Senate with an amendment relating to a new and different subject, the reference was nevertheless to the committee having jurisdiction of the original bill. 4 Hinds §§ 4373, 4374. Under the modern practice, however, the Speaker has discretionary authority to refer from the Speaker’s table Senate amendments to House-passed bills to any standing committees under the conditions permitted by Rule X clause 5, and in so doing the Speaker may include the imposition of a time limitation for consideration of a certain portion of the amendment. 97–1, Mar. 26, 1981, p 5397.

### **Senate Bills and Messages**

Bills and joint and concurrent resolutions messaged from the Senate if referred at the Speaker’s discretion, are referred to committees in the same manner as public bills originating in the House. Rule XXIV clause 2. Senate messages requiring consideration in Committee of the Whole (4 Hinds § 3101), and Senate bills (with certain exceptions, as where a similar House measure has been reported or ordered reported) are referred to the appropriate standing committees under direction of the Speaker without action by the House (6 Cannon § 727). Simple resolutions of the Senate that do not require any action by the House are not referred. 7 Cannon § 1048.

## **§ 7. Time Limitations on Referred Bills; Extensions**

### **Generally**

Pursuant to Rule X clause 5, the Speaker may impose a time limit for the consideration by any committee of a bill that is primarily or initially or sequentially referred. 94–2, May 17, 1976, p 14093; 100–2, June 30, 1988, p 16597; 103–1, Jan. 5, 1993, p \_\_\_\_\_. However, the rules of the House do not require the Speaker to impose limits on the period of time

which a committee may consider a bill, and he may sequentially refer a bill without setting a date certain on which the bill is to be reported (95–1, July 11, 1977, p 22183), or he may set a time limit as short as one day (94–2, Sept. 8, 1976, p 29274; 96–2, Mar. 20, 1980, p 6038).

On the last day of an expiring sequential referral, a committee has until midnight to file its report. 102–1, Oct. 9, 1991, p \_\_\_\_\_. Where the time period for reporting the bill to the House ends on a day when the House is not in session, the committee may file its report with the Clerk. 95–1, May 23, 1977, p 15865.

Rule X clause 5 is not construed to prevent a secondary committee from reporting prior to the primary committee. It is the intent of the rule to allow the primary committee to report before a measure is scheduled for floor consideration, unless it waives its right to report or the Speaker exercises discretion to impose a time limit on the primary committee for reporting and it fails to meet the deadline, in which case it will be considered to have been discharged of the measure. 104–1, Jan. 5, 1995, p \_\_\_\_\_.

#### **Extensions of Time**

The Speaker may extend the time limit set for the consideration of a referred bill, and he has exercised such authority with respect to bills that have been sequentially referred (96–1, May 30, 1979, p 12978), or divided for reference (96–1, Apr. 10, 1979, p 8104). Where the Speaker extends the time limit on a sequentially referred bill, he may also refer the bill to another committee for the same period. 94–2, June 1, 1976, p 16588.

More than one extension of time may be given by the Speaker to a committee considering a bill. In the 95th Congress, the Speaker extended for a second additional period the time limit for consideration by committee of portions of a bill which had been divided for reference. 95–1, July 18, 1977, p 23483.

#### **Discharge of Committee**

Where a committee does not report a measure to the House on or before the date specified by the Speaker pursuant to his authority under Rule X clause 5, the Speaker may discharge the committee from further consideration of the measure and refer it to the appropriate calendar or to another committee. 95–1, July 13, 1977, p 22733.

### **§ 8. Referrals to or From Special and Ad Hoc Committees**

The Speaker may refer bills, resolutions, and other matters (including messages and communications) to an ad hoc committee established with the approval of the House. 95–1, Jan. 11, 1977, p 894; 95–1, Apr. 21, 1977,

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p 11550. The House order authorizing the ad hoc committee may require that referrals to the committee shall be by initial or sequential reference or by some other method provided by Rule X clause 5. 95-1, Apr. 21, 1977, p 11550; 95-1, July 20, 1977, p 24167.

Normally, the reference of a matter to an ad hoc committee would not preclude a standing committee claiming jurisdiction from offering a motion for rereference of the matter under Rule XXII clause 4. 95-1, Apr. 21, 1977, p 11550.