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Chapter 11
Committees

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A. Generally; Establishing Committees

§ 1. The Committee System; Standing, Select, and Joint Committees

The Role of Committees

The committees of the House play a prominent role at every stage of the legislative process. As a general rule, proposed legislative measures are referred to committees before receiving consideration in the House itself. *Manual* § 446. A committee may report a measure with or without amendments (which may rewrite the measure entirely), report adversely, or fail to report the measure at all. For a discussion of discharge procedures, see DISCHARGING MEASURES FROM COMMITTEES.

The role of the committee does not terminate with the reporting of the bill to the House. When a bill reaches the floor, members of the committee reporting it are entitled to prior recognition for the purpose of offering amendments, and general debate is generally under the control of the chair-

man and ranking minority member. See CONSIDERATION AND DEBATE and AMENDMENTS. Finally, members of the reporting committees are often appointed by the Speaker to serve on the conference committee to resolve differences between competing forms of the bill. See CONFERENCES BETWEEN THE HOUSES.

The committee system is as old as the House itself, having been patterned after the English House of Commons, the colonial assemblies, and the Continental Congress. Although during its first quarter century the House relied primarily upon select committees and the Committee of the Whole, the first standing committee dates from 1789.

Standing, Select, and Joint Committees Distinguished

House committees are of three distinct types: (1) standing committees, whose members are *elected* by the House, (2) select committees [also called special committees], whose members are *appointed* by the Speaker, and (3) joint committees, whose members are chosen according to the provisions of the statute or resolution creating them. Variations of these three categories are discussed in later sections.

Standing committees (created in the standing rules) receive bills and other measures within their jurisdiction upon referral from the Speaker. See INTRODUCTION AND REFERENCE OF BILLS. Select committees are established (usually outside the standing rules) to consider a particular matter or subject and may or may not have legislative jurisdiction. A select committee often expires when when it issues its final report on the matter for which it was created. 4 Hinds §§ 4403–4405; see § 12, infra. Joint committees take up matters of concern to both Houses. See § 14, infra.

Committee of the Whole Distinguished

The Committee of the Whole has been described as a committee of the House, although it is not a committee in the customary sense. 4 Hinds § 4706. The Committee of the Whole, unlike regular committees, does not have a fixed membership. All Members of the House may attend and participate in its deliberations under special rules designed to encourage wide-ranging debate and to expedite legislation. The Committee of the Whole itself has no power to authorize or appoint a committee. 4 Hinds § 4710. Because of its unique role in the procedures of the House, the Committee of the Whole is addressed in a separate chapter of this work. See COMMITTEES OF THE WHOLE.

Conference Committees Distinguished

Conference committees are used primarily to resolve differences between the House and Senate on measures that have passed the two Houses and also are addressed in a separate chapter. See CONFERENCES BETWEEN THE HOUSES.

Subcommittees

Standing committees may establish subcommittees to study legislation, hold hearings, and make reports to the full committee. With certain exceptions, rule X clause 5(d) precludes a committee from establishing more than five subcommittees. In addition to the exceptions found in the rule itself, the House has occasionally made further exceptions to that stricture. See, *e.g.*, 107–1, H. Res. 5, Jan. 3, 2001, p ____; 108–1, H. Res. 5, Jan. 7, 2003, p ____. Clause 5(d) was adopted in the 104th Congress to replace a requirement that all standing committees having more than 20 members establish at least four subcommittees. *Manual* § 762; see § 11, infra.

Subcommittees have no power to report directly to the House, absent specific authority to do so and are subject to the control of the full committee. *Manual* § 787. Other subunits of committees, such as ''task forces,'' have no formal recognition or authority under the standing rules of the House unless formally established by the House. See, *e.g.*, 102–2, H. Res. 258, Feb. 5, 1992, p 1621.

Commissions

Commissions are analogous to select committees in that they are established to study a particular problem; but a commission is distinguishable from a select committee in that its membership may include private citizens, Members of the House and Senate, and representatives from other branches of government. See, *e.g.*, 94–2, H. Res. 1368, July 1, 1976, p 21795 (creating the Commission on Administrative Review); 6 USC § 101 note (creating the National Commission on Terrorist Attacks Upon the United States).

Duration of Committees

The committees of the House remain in existence only during the two-year term of a Congress which created them. The standing committees of the House are usually reconstituted by a new Congress after the standing rules or resolutions specifically creating new committees are adopted. Deschler Ch 17 § 1.2 (note).

Select committees expire with the term of the Congress in which they were created or at such earlier date as may be specified in the resolution

creating them. Deschler Ch 17 §§ 1, 5.5. Unless permanently established, a select committee ceases to exist when it finally reports in full on the subject committed to it but may be revived by action of the House in referring a new matter to it. 4 Hinds §§ 4403–4405. A select committee that expires in one Congress may be reconstituted in the next. Deschler Ch 17 § 5.5. In one instance, a select committee was reconstituted (and its existence extended through subsequent resolution) solely for the purpose of completing activities directly associated with the declassification and public release of its report. *Manual* § 1112a.

Joint committees established by statute remain in existence beyond the Congress in which they were created unless otherwise provided, although the members thereof must be chosen anew in each Congress. Deschler Ch 17 § 1.

§ 2. Establishing Committees

Standing Committees

Standing committees are ordinarily established with the adoption of the standing rules on opening day for a Congress. They also may be subsequently established by a simple resolution reported from the Committee on Rules, usually by way of amendment to the House rules. Deschler Ch 17 §§ 2.1–2.3. For a discussion of adoption of rules of a new Congress, see ASSEMBLY OF CONGRESS.

A resolution reported by the Committee on Rules during a Congress establishing a new committee, changing the name or authority of a committee, or abolishing a committee and transferring its jurisdiction and records to another committee is called up as privileged and is debatable under the hour rule in the House. Deschler Ch 17 §§ 2.1, 2.4–2.6.

Select Committees

Select committees are normally established by a resolution reported from the Committee on Rules. Deschler Ch 17 §§ 5.3, 5.5. However, in one instance, a select committee was created pursuant to a floor amendment (offered to the Committee Reform Amendments of 1974). 93–2, H. Res. 988, Oct. 8, 1974, p 34470. In another instance, a select committee was created as a separate order included in a resolution adopting the standing rules of the House. 108–1, H. Res. 5, Jan. 7, 2003, p ____. The House also has adopted a privileged resolution reported from the Committee on Rules establishing a new select subcommittee of a standing committee. 104–2, H. Res. 416, May 8, 1996, p 10484. For a list of current select committees, see *Manual* § 1112a.

A resolution creating a select committee may specify the jurisdiction and powers of the committee and may place it under the authority of a standing committee. Deschler Ch 17 §§ 5.2, 5.3; § 12, infra.

A resolution creating a select committee is reported and called up as privileged, because the Committee on Rules may report at any time on rules, and the creation of such a committee is the equivalent of a new rule. *Manual* § 853; Deschler Ch 17 § 5.1. If such a resolution is not reported by the Committee on Rules, it is not privileged, and unanimous consent or a special order reported by the Committee on Rules is necessary to permit its consideration. 95–1, Jan. 4, 1977, p 72. The Committee on Rules itself may not report such a resolution as privileged if it contains provisions outside the jurisdiction of the committee. Deschler Ch 17 § 1.1 (note). However, if such a resolution is referred to another committee for consideration of a provision that also is privileged, both committees may report the resolution as privileged. See, *e.g.*, 102–1, H. Res. 258, Nov. 19, 1991, p 32903 (resolution contained a provision funding the select committee from the ''applicable accounts of the House'').

Special Ad Hoc Committees

Under the earlier practice of the House, special committees to consider a particular matter could be established by way of a motion or other proposition to refer. 4 Hinds §§ 4401, 4402; 5 Hinds §§ 6633, 6634. Thus, the House could refer a message of the President to a special committee to be appointed by the Speaker. At the same time the House could instruct the committee and specify the number of members to be appointed. 5 Hinds § 6633. It was held in this regard that the House need not refer to a special committee already in existence but could refer to one to be subsequently appointed. 5 Hinds § 6634. An ad hoc select committee may be established by a resolution called up as a question of privileges of the House. 102–2, H. Res. 431, Apr. 9, 1992, p 9029 (resolution laid on the table).

Special ad hoc committees may be established pursuant to rule XII clause 2(c). Under this rule, the Speaker has authority to refer a matter to a special ad hoc committee appointed by him to consider that matter and report thereon to the House. The appointment must be made with the approval of the House and include members of the committees having legislative jurisdiction. Pursuant to this authority, the Speaker may, with the approval of the House, appoint a special ad hoc committee to consider a particular measure, or a particular bill and similar subsequent bills. A resolution authorizing the Speaker to take such action is privileged when offered from the floor at the Speaker's request. *Manual* § 816.

Joint Committees

Joint committees are created by law or by concurrent resolution. *Manual* §§ 1108–1112; Deschler Ch 17 § 7; see § 14, infra. A joint committee may be created and vested with jurisdiction as one part of a comprehensive bill or as the sole purpose of a joint resolution. 6 Cannon § 371; Deschler Ch 17 §§ 7.4, 7.5. A joint committee created by concurrent resolution must expire (unless reconstituted) with the Congress in which it was created. 4 Hinds § 4409.

A concurrent resolution establishing a joint committee, if reported by the Committee on Rules, is called up as privileged by that committee. Deschler Ch 17 § 7.1. However, such a resolution may not be reported as privileged if it contains an authorization for appropriations. Deschler Ch 17 § 7.5. Debate on the resolution is under the hour rule. Deschler Ch 17 § 7.1.

Commissions

Commissions are ordinarily created by statute. See, *e.g.*, the Abraham Lincoln Bicentennial Commission (36 USC § 101 (note)). They may also be created by House resolution. See, *e.g.*, the Commission on Administrative Review, 94–2, H. Res. 1368, July 1, 1976, p 21795.

§ 3. Committee Expenses; Funding

Authorization for the payment of committee expenses for a particular Congress is obtained pursuant to ''one primary expense resolution'' for each committee (the Appropriations Committee excepted). Rule X clause 6. The request for such authorization is made to the Committee on House Administration, which has jurisdiction over such expenditures. Rule X clause 1(i). The primary expense resolution is reported to the House by the committee, with an accompanying report containing information as to the anticipated activities of the committee in question. See, *e.g.*, 106–1, H. Res. 101, H. Rept. 106–72, Mar. 23, 1999.

Authorization for the payment of additional committee expenses not covered by the primary expense resolution may be obtained pursuant to one or more ''supplemental expense resolutions.'' Rule X clause 6(b).

The primary and supplemental expense resolutions, which provide funds under rule X clause 6 for a single committee, are subject to a one-calendar-day layover requirement. A supplemental expense resolution that is not reported by the Committee on House Administration may be considered by unanimous consent (subject to the Speaker's guidelines for recognition of unanimous-consent requests). 107–2, H. Res. 359, Mar. 7, 2002, p ____.

Funds for the Committee on Appropriations are appropriated by the annual appropriation bill for the legislative branch.

B. Chairmen, Members, and Staff; Elections and Appointments

§ 4. In General; Membership and Seniority

Standing and Select Committees Distinguished

Until 1911, the members and the chairmen of the standing and select committees of the House were generally appointed by the Speaker, although in rare instances a committee chose its own chairman. See 4 Hinds § 4524. Since 1911, standing committee chairmen and members have been elected by the House as part of a three-step procedure. First, with certain exceptions, a selection committee—sometimes called a committee on committees or a steering committee—of each party caucus recommends candidates for committee assignments. Second, the party caucus approves the recommendations of the selection committee. Third, the House approves the recommendations of the caucuses, which are brought before the House as privileged resolutions. Rule X clause 5(a)(1); *Manual* §§ 317, 757; 4 Hinds § 4513; 8 Cannon § 2201. The rules of the Democratic Caucus and the Republic Conference prescribe different nomination procedures for the selection of Members to the Committees on Rules and House Administration (the Speaker or the Minority Leader recommends those committee assignments directly to their respective party caucus, bypassing the selection committee). See, *e.g.*, rules 14 and 15, Rules of the Democratic Caucus, 107th Cong. Rule X clause 5(a)(2) dictates the composition of the Committee on the Budget, which is reflected in the party caucus rules relating to the nominations for that committee. See *e.g.*, rule 12, Rules of the Republican Conference, 108th Cong. Furthermore, the Speaker has retained the authority, under rule I clause 11, to appoint Members to select committees. *Manual* § 637.

Electing Chairman

Pursuant to nominations submitted by the majority party caucus, one member of each standing committee is elected as its chairman at the commencement of each Congress. *Manual* § 761. Beginning with the 104th Congress, a Member's service as chairman of the same committee is limited to three consecutive Congresses. The same limitation applies to a subcommittee chairman. Rule X clause 5(c). Nominations for chairmen are submitted to the House for its approval in the election resolution. Deschler Ch

17 § 8.1. Such a resolution is normally called up as privileged by the chairman of the majority party caucus, often as part of a resolution electing all majority members to those committees. Deschler Ch 17 § 8.7 (note). For an example of a resolution electing only committee chairman, and one electing only ranking minority members, see 108–1, H. Res. 22 and H. Res. 24, Jan. 8, 2003, p ____, p ____.

In the event of a permanent vacancy in the chairmanship, the House elects a successor pursuant to privileged resolution. *Manual* § 761. This procedure is followed when a vacancy is created on a standing committee by the death of its chairman or after a chairman has resigned. Deschler Ch 17 §§ 8.3, 8.5, 8.6. In the temporary absence of the chairman, the member next in rank as named in the resolution electing the committee acts as chairman. *Manual* § 761.

Where the chairman is disabled and unable to carry out the responsibilities of the Chair, the House may, in the election resolution, provide for a delegation of powers and duties to an acting chairman until further ordered by the House. *Manual* § 761. Similarly, the resolution electing minority members to a committee may devolve the role of ranking minority member to the next-senior minority member of a standing committee (where the ranking minority member remained absent due to physical infirmity). 105–2, H. Res. 369, Feb. 25, 1998, p ____.

Election of Members

Resolutions electing Members to standing committees have traditionally been offered from the floor and called up as privileged at the direction of the party organization. 8 Cannon §§ 2171, 2179, 2182. Each party's resolution, if adopted, elects en bloc those Members from that particular party to the various standing committees. Deschler Ch 17 § 9.1. Such a resolution is not divisible under rule XVI clause 5(b)(2). *Manual* § 919. However, it is debatable and subject to amendment until such time as the previous question is ordered. 8 Cannon §§ 2172, 2174.

Under rule X clause 5(b)(1), service on a standing committee is contingent upon continuing membership in the nominating party caucus. Such service automatically ceases upon termination of caucus membership. *Manual* § 960.

No Member may serve simultaneously as a member of more than two standing committees or four subcommittees unless approved by the House on recommendation of the caucus. Rule X clause 5(b)(2).

Seniority

Committee seniority is shown by the order in which the Members' names are listed in the election resolution. Deschler Ch 17 § 11.1. A resolution electing a Member to a committee may include the designation of his rank on the committee (Deschler Ch 17 § 9.6) and may be made effective retroactively (Deschler Ch 17 § 9.16). A resolution may also alter the rank among sitting committee members. See, *e.g.*, 107–1, H. Res. 85, Mar. 8, 2001, p ____.

§ 5. Numerical Composition of Committees; Party Ratios

Committee Size

Rule X clause 5(a)(3) limits the size of only one standing committee of the House, the Committee on Standards of Official Conduct, which is set at five majority and five minority members. *Manual* § 759. The sizes of other committees of the House are negotiated by the Majority and Minority Leaders at the direction of their respective party organizations. Deschler Ch 17 § 9. The size of each committee is ultimately determined by the number of Members elected to each committee pursuant to rule X clause 5(a). *Manual* § 757.

Party Ratios

The allocation of majority party and minority party representation on committees is normally determined through negotiations between the majority and minority leadership. Historically, the party ratios on most standing committees have tended to reflect the relative membership of the two parties in the House as a whole. Deschler Ch 17 § 9.4. Sometimes, however, the membership of a committee is equally divided between the majority and minority parties where bipartisan deliberations are considered essential. See, *e.g.*, rule X clause 5(a)(3), requiring the members of the Committee on Standards of Official Conduct to be five from the majority party and five from the minority party.

Disproportionate party ratios on committees may also be traced to the rules of the party caucus. Deschler Ch 3 § 9. Moreover, some House committees, such as the Committee on Rules, have traditionally reflected disproportionate ratios in favor of the majority party. See, *e.g.*, 8 Cannon § 2184.

§ 6. The Chairman's Role

The powers and duties of the full committee chairmen are derived from custom and from the rules of the House. The chairman of a committee:

- Presides over committee meetings. *Manual* § 317.
- Administers oaths to witnesses in hearings in the committee or delegates that authority. *Manual* § 805; 2 USC § 191. In one instance, the chairman of an investigating committee administered the oath to himself and testified. 3 Hinds § 1821.
- May punish breaches of order and decorum by censure and exclusion from hearings. *Manual* § 803.
- Authorizes and issues subpoenas when the power to do so has been delegated to him by the committee. *Manual* § 805.
- Fixes, within certain guidelines, the salaries of staff. *Manual* § 777.
- Submits reports of his committee to the House, even though he may not have concurred therein. Rule XIII clause 2(b)(1); 4 Hinds §§ 4670, 4671. However, a committee may order its report to be made by some other member or even by a member of the minority party. 4 Hinds §§ 4669, 4672, 4673.
- Submits privileged reports to the House from the floor. *Manual* § 418.
- Manages bills of his committee in the House under his responsibility to take steps necessary to bring the measure or matter to a vote. Such managerial status entitles him at all stages to prior recognition for allowable motions intended to expedite it. *Manual* § 834; 2 Hinds §§ 1452, 1457; 6 Cannon §§ 296, 300.
- Receives priority in recognition when Senate amendments to the bill are debated. 2 Hinds § 1452.

§ 7. Committee Employees and Staff

The employment of committee staff is governed by rule X clause 9 (*Manual* §§ 771–781) and by statute (see, *e.g.*, 5 USC §§ 5315, 5316, setting permissible rates of staff pay).

The House rules place a limit on the number of professional staff members which may be appointed to a standing committee (the Committee on Appropriations excepted) and on the number of professional staff members which may be selected by the minority. *Manual* §§ 771–774. The Appropriations Committee is subject to a separate rule permitting the appointment, in addition to a clerk and assistants for the minority, of such staff as are determined by majority vote to be necessary. Rule X clause 9(d).

C. Committee Functions; Jurisdiction and Authority

§ 8. Legislative Jurisdiction

Generally; Referrals and Rereferrals

The legislative jurisdiction of each standing committee is specified and defined by rule X. *Manual* §§ 714–741. Areas of legislative interest have been divided under rule X into distinct subject matter classifications, with jurisdiction over each being allocated to a standing committee. The Speaker refers bills and other matters to committees pursuant to the jurisdiction of each committee as defined by rule X, taking into account any relevant precedents. Under rule XII clause 2, the Speaker is required to refer a measure to more than one committee where it involves subject matter assigned to different committees. *Manual* § 816. Under rule XII clause 2(c)(1), the Speaker is required to indicate a primary committee of jurisdiction (except where he determines that extraordinary circumstances justify review by more than one committee as though primary). Additional committees of initial referral are listed after the primary committee. The Speaker imposes time limits on the additional committees once the primary committee reports. Rule XII clause 2(c); *Manual* § 816. Under rule XII clause 2, the Speaker also may refer a measure sequentially to a committee upon reporting by the committees of initial referral. The Speaker imposes time limits on all sequential referrals. For a discussion of referrals generally, see BILLS AND RESOLUTIONS.

Rule X requires the Speaker to refer public measures in accordance with its terms and gives some discretion to Members in referring private bills. *Manual* §§ 714, 818. However, the House itself may refer bills to any committee without regard to the rules of jurisdiction, and jurisdiction is thereby conferred. 4 Hinds §§ 4362–4364, 4375; 5 Hinds § 5527; 7 Cannon §§ 2105, 2131.

The committees, because they are created by the House, exercise no authority or jurisdiction beyond that specifically conferred by the rules or by special authorization of the House itself. 7 Cannon § 780. However, the House may confer jurisdiction on a committee by the adoption of a special order from the Committee on Rules. 7 Cannon § 780. A bill may be originated by a committee which has been given jurisdiction to do so by order

or rule of the House. 4 Hinds § 3365. Jurisdictional authority, in addition to that specified in rule X, may be vested in a committee pursuant to:

- A resolution enlarging the jurisdiction of a committee or authorizing it to study and report on a particular matter. *Manual* § 731; 3 Hinds § 1753.
- A change in the rules of the House by adoption of a resolution from the Committee on Rules. 91–2, July 8, 1970, p 32136.
- A motion to rerefer or recommit.

The erroneous reference of a public bill, if it remains uncorrected, gives the committee authority to report that measure. 4 Hinds §§ 4365–4371; 7 Cannon § 2108. However, such is not the case with respect to a private bill unless the reference is made by action of the House itself. 4 Hinds §§ 3364, 4382–4391; 7 Cannon § 2131.

Informal Agreements

Questions relating to the jurisdiction over a subject by two or more committees are sometimes resolved pursuant to an informal agreement or memorandum of understanding between the committees involved. See, *e.g.*, 96–2, Mar. 25, 1980, pp 6405, 6406, 6408–10 (memorandum of understanding among six different committees on energy measures);104–1, Jan. 4, 1995 (memorandum of understanding between two committees concerning the budget process); 104–1, Jan. 30, 1995, p 2888 (memorandum of understanding between two committees concerning jurisdiction over the merchant marine resulting from the dissolution of the Committee on Merchant Marine and Fisheries); 107–1, Jan. 30, 2001 (memorandum of understanding between two committees concerning jurisdiction over securities). Although these memoranda may explain understandings, they may not alter explicit jurisdictional statements in the rules. Committee reports often contain an exchange of letters between committee chairmen waiving a committee's claim to review a particular bill, with the understanding that this surrender of jurisdiction over the matter is not permanent. See, *e.g.*, 106–2, H. Rept. 106–616.

Points of Order; Erroneous Referrals

The Speaker's referral of a bill is not subject to a point of order. *Manual* § 825; 4 Hinds § 4372; Deschler Ch 17 §§ 26, 27.9. Under rule XII clause 7(a), a motion to correct an erroneous reference is privileged if authorized either by the committee to which the bill had been erroneously referred or by the committee claiming jurisdiction. The motion is not debatable. Under the modern practice, however, erroneous referrals are corrected by unanimous consent. The Speaker may also sequentially refer a measure

(upon reporting by the committee of initial referral) to a committee that was erroneously excluded from the initial referral.

A point of order against specific language of a bill or an amendment on the ground that its subject is within the jurisdiction of another committee is sustainable in committee, if timely raised, based on the Speaker's standard multiple referral of measures, which is as follows: ''in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.'' The point of order against a portion of the bill is timely during a committee markup if that portion of the bill is read for amendment. The Speaker may decline to speculate as to what committee will have jurisdiction over a particular bill until it has been examined. Deschler Ch 17 § 27.2.

§ 9. Oversight Jurisdiction

Generally

The oversight function of the House arises from its duty to exercise continuous vigilance over the administration and execution of the laws by the departments and agencies of the Federal government. Legislative oversight as a continuing function was given to all standing committees by the Legislative Reorganization Act of 1946, which provided that each standing committee ''shall exercise continuous watchfulness'' over administrative agencies, and by the Legislative Reorganization Act of 1970, which required periodic reports by committees on their oversight activities. Rule X clause 2 requires the House standing committees to exercise general oversight. *Manual* §§ 742, 743.

General and Special Oversight Distinguished

The House rules impose both general and special oversight responsibilities on its standing committees. General legislative oversight is performed by all standing committees, although special oversight functions, under rule X clause 3, are given to certain standing committees. *Manual* §§ 742, 744. Additional budget and other oversight-related functions are delineated in rule X clause 4. *Manual* §§ 745–756.

§ 10. Investigative Jurisdiction and Authority

Standing Committees

Under rule XI clause 1(b), each standing committee is authorized to conduct such investigations as it considers necessary or appropriate in carrying out the jurisdictional responsibilities given to it under rule X. *Manual* § 788. To carry out its duties, each committee and each subcommittee is authorized by rule XI clause 2(m) to hold hearings and to subpoena witnesses

or compel the production of documents. *Manual* § 805. As to the issuance and enforcement of subpoenas, see § 24, infra.

Select or Joint Committees

Lacking general investigative authority, a select or joint committee must be given specific authority to undertake an investigation. Such authority may be given pursuant to:

- A statute conferring investigative powers. See, *e.g.*, 26 USC § 8022 (conferring investigative duties on the Joint Committee on Internal Revenue Taxation).
- A concurrent resolution. See, *e.g.*, 102–2, H. Con. Res. 192, Aug. 6, 1992, p 21961 (establishing the Joint Committee on the Organization of Congress).
- A standing rule of the House. See, *e.g.*, rule X clause 11 (establishing the Permanent Select Committee on Intelligence).
- A simple resolution. See, *e.g.*, 105–2, H. Res. 463, June 18, 1998, p ____, (establishing the Select Committee on U.S. National Security and Military/Commercial Concerns with China).

Scope; Limitations

The investigative power that is exercised by the House through its committees is inherent in the power to make laws. *Watkins* v. *United States*, 354 U.S. 178 (1957). In so ruling, courts have reasoned, ''A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.'' *McGrain* v. *Daugherty*, 273 U.S. 135 (1927); *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491 (1975).

This investigative power encompasses inquiries concerning the administration of existing laws and the need for proposed legislation. It extends to studies of social, economic, or political problems, and probes departmental corruption, inefficiency, or waste at the Federal level. *Watkins*, 354 U.S. 178. Although broad, this power of investigation is not unlimited. It may be exercised only in aid of the ''legislative function.'' *Kilbourn* v. *Thompson*, 103 U.S. 168 (1881). It is said that Congress has no general power to inquire into private affairs and that the subject of inquiry must be one ''on which legislation could be had.'' *McGrain*, 273 U.S. 135.

Since 1952, the courts have declined to presume the existence of a legislative purpose and have narrowly construed resolutions granting authority to committees to conduct investigations. *United States* v. *Rumely*, 345 U.S. 41 (1952). The investigative power cannot be used to expose merely for the sake of exposure or to inquire into matters which are within the exclusive

province of one of the other branches of government or which are reserved to the States. Deschler Ch 15 § 1.

A further requirement for the validity of a committee investigation is that it must have been expressly or implicitly authorized in accordance with congressional procedures. Deschler Ch 15 § 1. Thus, the courts have refused to convict a witness for contempt arising out of a subcommittee investigation where that investigation had not been approved by a majority of the parent committee, as was required by the committee rule. *Gojack* v. *United States*, 384 U.S. 702 (1966).

The courts will not look to the motives which may have prompted a congressional investigation. *Watkins*, 354 U.S. 178. The courts also will not question the wisdom of the investigation or its methodology. *Doe* v. *McMillan*, 412 U.S. 306 (1973). The very nature of the investigative function is such that it may take the searchers up some ''blind alleys'' and into nonproductive enterprises. The validity of a legislative inquiry is not contingent on a predictable end result. *Eastland*, 421 U.S. 491.

Obstructing Committee Investigation

A Federal statute provides criminal penalties for those who corruptly influence, obstruct, or impede ''due and proper'' congressional inquiry. 18 USC § 1505. Indictments under § 1505 have been upheld despite contentions that the committee violated its own rules and those of the House. *United States* v. *Poindexter*, 725 F. Supp. 13 (D.D.C. 1989); *United States* v. *Mitchell*, 877 F.2d 204 (4th Cir. 1989).

§ 11. Standing Committees

Standing committees were not used extensively during the earliest Congresses. It was the general practice of the House to refer matters to a Committee of the Whole to develop the primary objectives of a proposal, and then to commit such matters to select committees to draft specific bills.

At the start of the 19th century, standing committees began to proliferate. By mid-century the House had 34 standing committees, and by 1900 it had 58. Subsequent additions raised the number of standing committees to 61 by 1905. However, in the 1920's the House consolidated numerous committees and again vested in the Committee on Appropriations jurisdiction over all general appropriation bills. 7 Cannon § 1741. Further reductions in the number of committees in the House were made by the Legislative Reorganization Act of 1946 (60 Stat. 812). By dropping relatively inactive committees and by merging those with similar functions and jurisdiction, the Act reduced the total number of standing committees in the House from 44 to 19.

In 1995 the House again reorganized its committee system, reestablishing the number at 19 by abolishing three committees and altering the jurisdiction of several others. 104–1, H. Res. 6, Jan. 4, 1995, p 462. Under rule X clause 5(d), a standing committee may have no more than five subcommittees. However, clause 5(d) excepts from that stricture (1) a committee that maintains a subcommittee on oversight, which may have six subcommittees; (2) the Committee on Appropriations, which may have 13 subcommittees; and (3) the Committee on Government Reform, which may have seven subcommittees. *Manual* § 762. The House has occasionally excepted other committees from that stricture. See, *e.g.*, 107–1, H. Res. 5, Jan. 3, 2001, p ____; 108–1, H. Res. 5, Jan. 7, 2003, p ____.

The standing committees of the House, with their antecedent committees, are shown in the following table. This table provides citations to relevant statutes or precedents and to the authority for legislative jurisdiction and/or oversight functions, where applicable.

Standing Committees (108th Cong.)

JURISDICTION, OVERSIGHT FUNCTION, AND ANTECEDENTS

STANDING COMMITTEES (108TH CONG.)	ANTECEDENT COMMITTEES
Agriculture	
Established 1820; 4 Hinds § 4149	
Legislative jurisdiction, *Manual* § 715	
Oversight functions, *Manual* §§ 742, 743, 755, 756	
Appropriations	
Established 1865; 4 Hinds § 4032	Ways and Means (in part), 1802
Legislative jurisdiction, *Manual* § 716	
Oversight and additional functions, *Manual* §§ 744–747, 755, 756	
Armed Services	
Established 1947; 60 Stat. 812	Military Affairs, 1822
Legislative jurisdiction, *Manual* § 718	Naval Affairs, 1822
Oversight and additional functions, *Manual* §§ 742–744, 755, 756	Militia, 1835
Formerly known as ''National Security'' 1995, *Manual* § 718	Atomic Energy (Joint Committee), 1946
Budget	
Established 1974; 88 Stat. 299	

Standing Committees (108th Cong.)—Continued

JURISDICTION, OVERSIGHT FUNCTION, AND ANTECEDENTS

STANDING COMMITTEES (108TH CONG.)	ANTECEDENT COMMITTEES
Legislative jurisdiction, *Manual* § 719 Oversight functions, *Manual* §§ 742–744, 748, 756	
Education and the Workforce	
Established 1947; 60 Stat. 812 Legislative jurisdiction, *Manual* § 720 Oversight functions, *Manual* §§ 742–744, 755, 756 Formerly known as ''Education and Labor'' 1947, ''Economic and Educational Opportunities'' 1995, *Manual* § 720	Education, 1867 Labor, 1883
Energy and Commerce	
Established 1795; 4 Hinds § 4096 Legislative jurisdiction, *Manual* § 721 Oversight functions, *Manual* §§ 742–744, 755, 756 Formerly known as ''Interstate and Foreign Commerce'' 1892, ''Commerce and Health'' 1975, ''Interstate and Foreign Commerce'' 1975, ''Energy and Commerce'' 1980, ''Commerce'' 1995, *Manual* § 721	Commerce and Manufacturers, 1795 Coinage, Weights and Measures, 1867 Atomic Energy (Joint Committee), 1946
Financial Services	
Established 1865; 4 Hinds § 4082 Legislative jurisdiction, *Manual* § 722 Oversight and additional functions, *Manual* §§ 742, 755, 756 Formerly known as ''Banking and Currency'' 1865, ''Coinage, Weights and Measures'' 1867, ''Banking, Currency and Housing'' 1974, ''Banking, Finance and Urban Affairs'' 1977, ''Banking and Financial Services'' 1995, *Manual* § 722	
Government Reform	
Established 1927; 7 Cannon § 2041 Legislative jurisdiction, *Manual* § 723	District of Columbia, 1808 Public Expenditures, 1814

Standing Committees (108th Cong.)—Continued

JURISDICTION, OVERSIGHT FUNCTION, AND ANTECEDENTS

STANDING COMMITTEES (108TH CONG.)	ANTECEDENT COMMITTEES
Oversight and additional functions, *Manual* §§ 742–744, 749, 755, 756 Formerly known as ''Expenditures in the Executive Departments'' 1927, ''Government Operations'' 1952, ''Government Reform and Oversight'' 1995, *Manual* § 723	State, Treasury, War, Navy, and Post Office, 1816 Justice, 1874 Agriculture, 1889 Commerce and Labor, 1905 Post Office and Civil Service, 1947
House Administration	
Established 1947; 60 Stat. 812 Legislative jurisdiction, *Manual* §§ 724–728 Oversight and additional functions, *Manual* §§ 742, 743, 750–756 Formerly known as ''House Oversight'' 1995, *Manual* § 724	Enrolled Bills, 1789 Elections, 1794, 1895 Accounts, 1805 Mileage, 1837 Printing, 1846 Disposition of Executive Papers, 1889 Ventilation and Acoustics, 1893 Memorials, 1929
International Relations	
Established 1822; 4 Hinds § 4162 Legislative jurisdiction, *Manual* § 729 Oversight functions, *Manual* §§ 742–744, 755, 756 Formerly known as ''Foreign Affairs'' 1822, ''International Relations'' 1975, ''Foreign Affairs'' 1979, *Manual* § 729	Atomic Energy (Joint Committee), 1946
Judiciary	
Established 1813; 4 Hinds § 4054 Continued, 1947, 60 Stat. 812 Legislative jurisdiction, *Manual* §§ 730, 731 Oversight functions, *Manual* §§ 742, 743, 755, 756	Claims, 1794 Patents, 1837 Revision of the Laws, 1868 War Claims, 1883 Immigration and Naturalization, 1893 Internal Security, 1969
Resources	
Established 1805; 4 Hinds § 4194 Legislative jurisdiction, *Manual* § 732	Private Land Claims, 1816 Indian Affairs, 1821

Standing Committees (108th Cong.)—Continued

JURISDICTION, OVERSIGHT FUNCTION, AND ANTECEDENTS

STANDING COMMITTEES (108TH CONG.)	ANTECEDENT COMMITTEES
Oversight functions, *Manual* §§ 742–744, 755, 756 Formerly known as ''Public Lands'' 1805, ''Insular Affairs'' 1899, ''Interior and Insular Affairs'' 1951, ''Natural Resources'' 1993, *Manual* § 732	Territories, 1825 Mines and Mining, 1865 Merchant Marine and Fisheries (in part), 1887 Irrigation of Arid Lands, 1893 Atomic Energy (Joint Committee), 1946
Rules	
Established 1880; 4 Hinds § 4321 Mandated by law, 1947, 60 Stat. 812 Legislative jurisdiction, *Manual* §§ 733, 734 Oversight functions, *Manual* §§ 742–744, 756	Rules (Select Committee), 1789
Science	
Established 1958; 85–2, H. Res. 496 Legislative jurisdiction, *Manual* § 735 Oversight functions, *Manual* §§ 742–744, 755, 756 Formerly known as ''Science and Astronautics'' 1958, ''Science and Technology'' 1975, ''Science, Space, and Technology'' 1987, *Manual* § 735	Merchant Marine and Fisheries (in part), 1887 Atomic Energy (Joint Committee), 1946 Astronautics and Space Exploration (Select Committee), 1958
Small Business	
Established 1975; 93–2, H. Res. 988 Legislative jurisdiction, *Manual* § 736 Oversight functions, *Manual* §§ 742–744, 755, 756	Small Business (Select Committee), 1941 Small Business (Permanent Select Committee), 1971
Standards of Official Conduct	
Established 1967; 90–2, H. Res. 418 Legislative jurisdiction, *Manual* §§ 736, 737 Oversight functions, *Manual* § 742	Standards and Conduct (Select Committee), 1966 Ethics (Select Committee), 1977
Transportation and Infrastructure	
Established 1947; 60 Stat. 812 Legislative jurisdiction, *Manual* § 739	Public Buildings and Grounds, 1837 Mississippi Levies, 1875

Standing Committees (108th Cong.)—Continued

JURISDICTION, OVERSIGHT FUNCTION, AND ANTECEDENTS

STANDING COMMITTEES (108TH CONG.)	ANTECEDENT COMMITTEES
Oversight functions, *Manual* §§ 742, 743, 755, 756 Formerly known as ''Public Works and Transportation'' 1975, *Manual* § 739	Rivers and Harbors, 1883 Merchant Marine and Fisheries (in part), 1887 Roads, 1913 Flood Control, 1916
Veterans' Affairs	
Established 1947; 60 Stat. 812 Legislative jurisdiction, *Manual* § 740 Oversight functions, *Manual* §§ 742, 743, 755, 756	Pensions and Revolutionary Claims, 1813 Revolutionary Pensions, 1825 Invalid Pensions, 1831 World War Veterans' Legislation, 1924
Ways and Means	
Established 1802; 4 Hinds § 4020 Legislative jurisdiction, *Manual* § 741 Oversight functions, *Manual* §§ 742, 743, 755, 756	Ways and Means (Select Committee), 1789

§ 12. Select Committees

Select (or special) committees were used extensively by the House during the early Congresses. In the Jeffersonian era, it was common practice to refer each proposal to a select committee created to draft the appropriate legislative language for the measure. *Manual* § 401. By the Third Congress, 350 select committees had been named. However, as standing committees came to be recognized as the most appropriate forum for the development of legislation, the use of select committees declined steadily. By the 23d Congress, the number of select committees had been reduced to 35. By the 106th Congress, only the Permanent Select Committee on Intelligence remained. Rule X clause 11; *Manual* § 1112a. A select committee identified as permanent is reconstituted in each Congress upon adoption of the rules of the House.

In the modern era, select committees are created primarily to investigate conditions or events. As pointed out elsewhere, all committee investigations must be undertaken in furtherance of a constitutionally assigned function of Congress. Deschler Ch 15 § 1; see § 10, supra.

Select committees have also been created to study and report on matters with a view toward legislative action. Most select committees of this type lacked authority to report legislation. Instead, they were directed to assess the adequacy of existing laws and, if necessary, to make legislative recommendations. However, several select committees have been empowered to report legislation directly to the House. Deschler Ch 17 § 6. For example, the Select Committee on Homeland Security was required to report to the House its recommendations on a bill establishing a Department of Homeland Security. In making its recommendation, the select committee was required to take into consideration recommendations by each committee to which such bill was initially referred. 107–2, H. Res. 449, June 19, 2002, p ____. In the 108th Congress, the House established a successor to the Select Committee on Homeland Security, granting it jurisdiction over matters relating to the Homeland Security Act of 2002 (the law enacted on the recommendation of the predecessor select committee). For further discussion on the establishment of select committees, see Guidelines for the Establishment of Select Committees, Committee on Rules, 98–1, February, 1983.

Finally, select committees have been created to supervise certain routine housekeeping functions; for example, the Select Committee on the House Beauty Shop (95–1, H. Res. 1000), the Select Committee on the House Recording Studio (Pub. L. No. 84–624), the Select Committee on the House Restaurant (95–1, H. Res. 472), and the Select Committee to Regulate Parking on the House Side of the Capitol (95–1, H. Res. 282).

§ 13. — Particular Uses of Select Committees

The House has established more than 20 select committees since passage of the Legislative Reorganization Act of 1946. The table below identifies some of these committees for purposes of illustration. The table shows these committees by name (or paraphrase thereof), dates of creation and termination, and authority, including legislative authority. With the two exceptions noted—Campaign Expenditures and Small Business—the table excludes those committees existing before 1947 which were subsequently reconstituted.

Select Committees

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Aging		
Established Jan. 3, 1975; 93–2, H. Res. 988 Terminated Jan. 5, 1993, *Manual* § 784	Problems of the older American; income maintenance, housing, and health; welfare programs	To report annually to the House; no legislative authority
Astronautics and Space Exploration		
Established Mar. 25, 1958; 85–2, H. Res. 496 Terminated July 21, 1958; became standing Committee on Science and Astronautics	All aspects and problems relating to the exploration of outer space; resources, personnel, equipment, and facilities; legislation	To report to the House, by bill or otherwise
Assassinations		
Established Sept. 17, 1976; 94–2, H. Res. 1540 Terminated Jan. 3, 1979	Circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King, Jr.	To report to the House on the result of its investigation (see H. Rept. 95–1828); no legislative authority
Campaign Expenditures		
Established May 29, 1928; 70–1, H. Res. 232 Reestablished by each Congress through 92–2	Election disputes; electoral fraud; excessive campaign expenditures of Presidential or congressional candidates	Reporting authority varied from Congress to Congress
Chemicals, Pesticides, and Insecticides Affecting Foods		
Established June 20, 1950; 81–2, H. Res. 323 Terminated Jan. 3, 1953	Chemicals, compounds, and synthetics in the production of food products; health factors; the agricultural economy; toxic residues; effect on soil and vegetation	To report to the House on its investigation with recommendations for legislation (see H. Rept. 82–2182); no legislative authority

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Children, Youth and Families		
Established Sept. 29, 1982, 97–2, H. Res. 421 Reestablished by each Congress through 102–2.	Income maintenance; health; nutrition; education; welfare; employment	To report to the House on the results of its investigations; no legislative authority
Committees		
Established Jan. 31, 1973; 93–1, H. Res. 132 Terminated Dec. 20, 1974; reestablished 1979; 96–1, H. Res. 118; records transferred to Committee on Rules, Apr. 1, 1980	Rules X and XI of the rules of the House; committee structure; number and size of committees; jurisdiction; committee procedure; meetings, staffing, and facilities	To report to the House by bill, resolution, or otherwise (see H. Rept. 96–866)
Communist Aggression		
Established July 27, 1953; 83–1, H. Res. 346 Terminated Dec. 31, 1954	Seizure of Latvia and Estonia by the U.S.S.R.; treatment of the Baltic peoples during this period	To report to the House on its study together with recommendations (see H. Rept. 83–2650); no legislative authority
Congressional Operations		
Established Mar. 28, 1977; 95–1, H. Res. 420 Terminated Jan. 3, 1979	Organization and operation of the U.S. Congress; cooperation between the Houses; relationship with other branches of government	To report recommendations on subjects specified (see H. Rept. 95–1843); no legislative authority
Congressional Pages		
Established Sept. 30, 1964; 88–2, H. Res. 847 Terminated Jan. 4, 1965	General welfare and education of congressional pages	To report on the results of its investigations (see H. Rept. 88–1945); to make recommendations

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Covert Arms Transactions with Iran		
Established Jan. 7, 1984; 100–1, H. Res. 12 Terminated Nov. 13, 1987	Investigation of the ''Iran-Contra affair''; met jointly with Senate Select Committee	To report on the results of its investigations (see H. Rept. 100–433)
Crime		
Established May 1, 1969; 91–1, H. Res. 17 Terminated June 30, 1973	All aspects of crime in the United States; its elements, causes, and extent; reciprocity of information; urban crime	To report on its investigation with recommendations (see H. Rept. 93–358); no legislative authority
Energy		
Established Apr. 21, 1977; 95–1, H. Res. 508 Terminated Jan. 3, 1979; jurisdiction transferred to Energy and Commerce, 97th Cong.	Message of the President dated Apr. 20, 1977, and other communications relating thereto; bills or resolutions sequentially referred thereto	To report to the House by bill or otherwise (see H. Rept. 95–543)
Ethics – Standards and Conduct of Members		
Established Oct. 19, 1966; 89–2, H. Res. 1013 Terminated Dec. 27, 1966; standing Committee on Standards of Official Conduct created Apr. 13, 1967	Rules or regulations necessary or desirable to ensure proper standards of conduct by Members and by officers or employees of the House; reporting of statutory violations	To make recommendations to the House by report or resolution
Ethics		
Established Mar. 9, 1977; 95–1, H. Res. 383 Terminated Jan. 3, 1979	Certain bills and resolutions relating to ethical standards of Members contained in standing rules; regulations relating thereto; advisory opinions	To report to the House on the measure specified (see H. Rept. 95–1837); to report regulations; to recommend legislation

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Ethics		
Established Jan. 7, 1997; 105–1, H. Res. 5 Terminated Jan. 21, 1997	Continue investigation of a Member by the Committee on Standards of Official Conduct, begun in the prior Congress	To resolve the inquiry and report to the House (see H. Rept. 105–1; H. Res. 31)
Export Controls		
Established Sept. 7, 1961; 87–1, H. Res. 403 Terminated May 31, 1962	The Export Control Act of 1949; assessment of accomplishments under that Act; improvements in administration and enforcement; congressional oversight	To report on its investigation together with any recommendations (see H. Rept. 87–1753); no legislative authority
Foreign Aid		
Established July 22, 1947; 80–1, H. Res. 296 Terminated May 3, 1948	Basic needs of foreign nations and peoples; relief in terms of food and clothing; resources and facilities; agencies	To report to the House as deemed appropriate; no legislative authority
Government Research		
Established Sept. 11, 1963; 88–1, H. Res. 504 Terminated Jan. 3, 1965	Research programs of Federal agencies; expenditures for research programs; costs of government research	To report its findings to the House with recommended legislation (see H. Rept. 88–1143)
Homeland Security		
Established June 19, 2002; 107–2, H. Res. 449 Terminated after final disposition of specified bill (Nov. 25, 2002)	Develop recommendations on such matters that relate to the establishment of a department of homeland security as may be referred to it by the Speaker and on recommendations submitted to it by standing committees to which the Speaker referred a bill establishing such department	To report its recommendation to the House on a bill establishing a department of homeland security (see H. Rept. 107–609)

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Homeland Security		
Established Jan. 7, 2003; 108–1, H. Res. 5	Develop recommendations on such matters that relate to the Homeland Security Act of 2002 as may be referred to it by the Speaker; to conduct oversight of laws, programs, and Government activities relating to homeland security; to conduct a study of the operation and implementation of the rules of the House, including rule X, with respect to homeland security	To report its recommendations to the House by bill or otherwise on matters referred to it by the Speaker; to report its recommendations on changes to House rules to the Committee on Rules
Hunger		
Established Feb. 22, 1984; 98–2, H. Res. 15 Reestablished each Congress through 102–2	International programs; world food security; malnutrition; food production and distribution; agribusiness role	To conduct studies and make recommendations about possible legislation
Intelligence		
Established Feb. 19, 1975; 94–1, H. Res. 138 Terminated Feb. 11, 1976; became permanent select committee, July 14, 1977, H. Res. 658 (rule X clause 11; *Manual* § 785)	Proposals concerning the intelligence and intelligence-related programs and activities of the U.S. Government; oversight; proposed legislation and other matters relating to the CIA	To report to the House on the nature and extent of intelligence activities of U.S. departments and agencies by legislation or otherwise (see H. Rept. 94–833)
Katyn Forest Massacre		
Established Sept. 18, 1951; 82–1, H. Res. 390 Terminated Dec. 22, 1952	The massacre of thousands of Polish officers in the Katyn Forest in territory then under the control of the U.S.S.R.	To report to the House on completion of its hearings (see H. Rept. 82–2505); no legislative authority

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Lobbying Activities		
Established Aug. 12, 1949; 81–1, H. Res. 298 Terminated end of the 81st Cong.	Lobbying activities intended to influence legislation; activities of Federal agencies intended to influence legislation	To submit reports on the results of its study (see H. Rept. 81–3239); no legislative authority
Narcotics Abuse and Control		
Established July 29, 1976; 94–2, H. Res. 1350 Reestablished each Congress through 102–2	International traffic in narcotics; prevention; enforcement; organized crime; drug abuse; treatment; rehabilitation	To report to the House on its investigations; no legislative authority
Newsprint		
Established Feb. 26, 1947; 80–1, H. Res. 58 Terminated Dec. 31, 1948	Need for adequate supplies of newsprint and related products; production possibilities and prospects	To submit reports with recommendations (see H. Rept. 80–2471); no legislative authority
Offensive and Undesirable Literature		
Established May 12, 1952; 82–2, H. Res. 596 Terminated Dec. 31, 1952	The extent to which books, magazines, and comic books contain immoral, obscene, or otherwise offensive matter; availability through the U.S. mails; adequacy of existing laws	To report to the House with recommendations, including recommendations for legislation (see H. Rept. 82–2510); no legislative authority
Outer Continental Shelf		
Established Apr. 12, 1975; 94–1, H. Res. 412 Terminated Jan. 3, 1979; succeeded by another select committee on the same subject (96–1, H. Res. 53), which terminated July 31, 1980	A bill relating to the management of oil and natural gas in the Outer Continental Shelf; marine and coastal environments; certain related matters on this subject on referral to it by the Speaker	To report the bill and other legislation referred to it; transmit its findings and make a full report to the House (see H. Rept. 96–1214)

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Population		
Established Sept. 28, 1977; 95–1, H. Res. 70 Terminated end of the 95th Cong.	Causes of changing population conditions; population characteristics relative to limited resources; population planning; global population-related issues	To report on the results of its investigation (see H. Rept. 95–1842); no legislative authority
Professional Sports		
Established May 18, 1976; 94–2, H. Res. 1186 Terminated Jan. 3, 1977	Need for legislation with respect to professional sports	To report to the House on the results of its inquiry (see H. Rept. 94–1786); no legislative authority
Right of Member To Be Sworn In		
Established Jan. 10, 1967; 90–1, H. Res. 1 Terminated Feb. 23, 1967	The right of Adam Clayton Powell (N.Y.) to be sworn in in the 90th Congress and to a seat therein	To report to the House within five weeks (see H. Rept. 90–27); no legislative authority
Small Business		
Established Dec. 4, 1941; 77–1, H. Res. 294 Reestablished each Congress until 1970; became a standing committee 1975; 94–1, H. Res. 988; rule X clause 1; *Manual* § 736	Assistance to small business; small business protection; financial aid; small business participation in Federal procurement	Reported to the House on results of its investigations; no legislative authority before becoming a standing committee
Survivors' Benefits		
Established Aug. 4, 1954; 83–2, H. Res. 549 Terminated Jan. 15, 1956	Benefits provided under Federal law for dependents of deceased members and former members of the armed forces	To prepare such legislation; to report on the results of its investigation (see H. Rept. 83–9282)

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
Tax-exempt Foundations and Organizations		
Established Apr. 4, 1952; 82–2, H. Res. 561 Terminated Dec. 16, 1954	Educational and philanthropic foundations and related organizations exempt from Federal income taxation; use of foundations	To report to the House on the results of its investigation (see H. Rept. 82–2681); no legislative authority
Transactions on Commodity Exchanges		
Established Dec. 18, 1947; 80–1, H. Res. 404 Terminated Dec. 31, 1948	Purchases and sales of commodities; commodities for future delivery; activities of Federal agencies and individuals therein as affecting the price of commodities	To report to the House on completion of its investigation (see H. Rept. 80–2472); no legislative authority
U.S. Military Involvement in Southeast Asia		
Established June 8, 1970; 91–2, H. Res. 976 Terminated July 6, 1970	All aspects of U.S. military involvement in Southeast Asia	To report on its investigation (see H. Rept. 91–1276); no legislative authority
U.S. National Security and Military/Commercial Concerns with China		
Established June 18, 1998; 105–2, H. Res. 463; reestablished Jan. 6, 1999, 106–1, H. Res. 5; extended Mar. 24, Apr. 29, May 13, 1999, 106–1, H. Res. 129, H. Res. 153, H. Res. 170 (respectively) Terminated May 31, 1999	Investigate technology transfers to China; successor select committee assigned to produce unclassified version of report filed by predecessor committee	To report on its investigation (see H. Rept. 105–851) (declassified, in part, pursuant to H. Res. 5 (106–1)); no legislative authority

Select Committees—Continued

COMMITTEE	JURISDICTION—INVESTIGATIVE AUTHORITY	REPORTING AUTHORITY
U.S. Servicemen Missing in Action in Southeast Asia		
Established Sept. 11, 1975; 94–1, H. Res. 335 Terminated Mar. 13, 1977	U.S. servicemen identified as missing in action; recovery of bodies of known dead; international inspection teams	To report to the House on its investigation (see H. Rept. 94–178); no legislative authority
White County Bridge Commission		
Established May 25, 1955; 84–1, H. Res. 244 Terminated Apr. 25, 1956	Financial position of the White County Bridge Commission; monies received and expenditures made; anticipated toll-free use	To report to the House with recommendations (see H. Rept. 84–2052); no legislative authority
World War II Veterans		
Established Aug. 28, 1950; 81–2, H. Res. 474 Terminated Feb. 2, 1951	Abuses in education, training and loan guarantee programs of World War II veterans	To report on the results of its investigation (see H. Rept. 2501); no legislative authority

§ 14. Joint Committees

Generally

Joint committees are composed of Members from both Houses. Jefferson noted that joint committees were used by the two Houses of the English Parliament. *Manual* § 325. Since the First Congress, a joint committee has been used to make arrangements for the inauguration of the President and Vice President. *Manual* § 1112; 3 Hinds § 1986. The early congresses formed joint standing committees on the Library and Printing, which exist to this day. *Manual* §§ 1110, 1111; 4 Hinds §§ 4337, 4347. For a current list of all joint committees, see *Manual* § 1108–1112.

Joint committees, or committees of the House and Senate acting jointly, have been used to investigate problems relating to immigration (4 Hinds § 4415), to resolve a dispute relating to the electoral count (3 Hinds § 1953), and to investigate the revision and codification of the laws (4 Hinds § 4410).

Jurisdiction, Functions, and Duties

Joint committees are used for study and investigation, supervision and oversight, and sometimes for purely ceremonial activities. Joint committees generally function in areas beyond the jurisdiction of any particular committee of either House. Deschler Ch 17 § 7. Joint committees may report to both Houses if so directed (4 Hinds §§ 4421, 4422), or to either House (4 Hinds § 4432; 7 Cannon § 2167).

A joint committee created by concurrent resolution may be instructed by the two Houses acting concurrently or, if so authorized, by either House acting independently. 4 Hinds § 4421. However, a joint committee created by statute is not susceptible to control by one House; and its duties may not be enlarged or diminished by either House acting independently. 7 Cannon § 2164. A joint committee created by concurrent resolution must be reestablished by a subsequent Congress.

Composition; Voting

Recent joint committees have featured an equal number of Members from both Houses, with the chairmanship alternating between the House and Senate, and with each member having one vote. Deschler Ch 17 § 7.

The table below shows the major joint committees that were established during the post-1946 era, their composition, and their jurisdiction and functions:

Joint Committees

Committees	Jurisdiction and Functions
Atomic Energy (18 mbrs) Established 1946; 42 USC § 2251 House mbrs: 9 Senate mbrs: 9 Terminated Jan. 4, 1977	Development, use, and control of atomic energy; to report legislation and make recommendations within its jurisdiction; legislative jurisdiction abolished 1977; 95–1, H. Res. 5
Congressional Operations (10 mbrs) Established 1970; 2 USC §§ 411–417 House mbrs: 5 Senate mbrs: 5 Inactive since 94th Cong.; Select Committee on Congressional Operations created, 95–1, H. Res. 420	Identification of court proceedings affecting Congress; organization and operation of the Congress; supervision of the Office of Placement and Management; no legislative jurisdiction

Joint Committees—Continued

Committees	Jurisdiction and Functions
Defense Production (10 mbrs) Established 1950; 50 USC App § 2161 House mbrs: 5 Senate mbrs: 5 Terminated Mar. 1, 1992; no appointments after Sept. 30, 1978	Review of programs established by the Defense Production Act of 1950; Federal emergency preparedness and mobilization policy; integrity of defense contracts and the procurement process; to report to the House and Senate on its studies, with recommendations
Economic (20 mbrs) Established 1946; 15 USC § 1021 House mbrs: 10 Senate mbrs: 10 (*Manual* § 1108)	Economic Report by the President; means of promoting national policy on employment; short-term and medium-term economic goals; to report to the House and Senate (by March 1) and to each Budget Committee (by March 15)
Housing (14 mbrs) Established 1947; H. Con. Res. 104 House mbrs: 7 Senate mbrs: 7 Terminated 80th Cong.	Housing needs in U.S.; building material shortages; building costs; building codes and zoning laws; housing loans and insurance; veterans' preferences; findings to be reported to the House and Senate
Internal Revenue Taxation (10 mbrs) Established 1926; 26 USC § 8002 House mbrs: 5 Senate mbrs: 5 (*Manual* § 1109)	Operation and effects of Federal system of internal revenue taxation; to report to the Committee on Ways and Means, and, in its discretion, directly to the House
Library (10 mbrs) Established 1806; 2 USC § 132b House mbrs: 5 Senate mbrs: 5 (*Manual* § 1110)	Management and expansion of the Library of Congress; rules and regulations for the government of the Library; development of Botanic Garden; gifts for the benefit of the Library; statues and other works of art in the Capitol

Joint Committees—Continued

Committees	Jurisdiction and Functions
Organization of Congress (24 mbrs) Two separate joint committees Established 1965; S. Con. Res. 2 Established 1992; H. Con. Res. 192; (Reestablished Pub. L. No. 102–392) House mbrs: 12 Senate mbrs: 12 Terminated Dec. 31, 1967 Terminated Dec. 31, 1993	Organization and operation of Congress; relationship between the two Houses and between the Congress and other branches of government; committees; to report to the House and Senate
Printing (10 mbrs) Established 1846; 44 USC § 901 House mbrs: 5 Senate mbrs: 5 (*Manual* § 1111)	Inefficiencies or waste in the printing, binding, and distribution of government publications; arrangement and style of the *Congressional Record*; printing of the legislative program for each day; listing of committee meetings and hearings
Washington Metropolitan Problems Established 1957; H. Con. Res. 172 Terminated 86th Cong.	Growth and expansion of the District of Columbia and its metropolitan area; effectiveness of agencies and instrumentalities concerned therewith; to report to the House and Senate

D. Procedure in Committees

§ 15. Committee Rules; Applicable House Rules

Generally

House committees are required to follow the procedures prescribed by the rules of the House ''so far as applicable.'' Rule XI clause 1(a); *Manual* § 787. They are also bound by those provisions of Jefferson's Manual that are consistent with the rules of the House. *Manual* §§ 792, 1104. Finally, they are bound by their written rules which are adopted by each standing committee under rule XI clause 2(a). *Manual* § 791. Committee rules must be published in the *Congressional Record* within 30 days after the committee is elected and are compiled by the Committee on Rules each Congress as a committee print. *Manual* § 791. If a committee meets pursuant to a rule which has not been published, the proceedings may be held insuffi-

cient to support a perjury conviction for alleged false testimony given to that committee. *United States* v. *Reinecke*, 524 F.2d 435 (D.C. Cir. 1975).

Rule XI clause 1(a)(2) states that each subcommittee of a committee is a part of that committee and subject to its authority, direction, and rules. However, rule XI clause 2 grants certain authorities specifically to subcommittees, such as authorizing and issuing subpoenas. See, *e.g.*, rule XI clause 2(m). Certain other authorities granted under, or prescribed by, rule XI clause 2 are not specifically granted to subcommittees, but have been interpreted to apply to subcommittees. See, *e.g.*, rule XI clauses 2(c), 2(e), 2(g)(3), 2(g)(4), 2(h)(3), 2(i), 2(j), and 2(k).

Points of Order

A point of order does not ordinarily lie in the House against consideration of a bill by reason of defective committee procedures occurring before the time the bill is ordered reported to the House. *Manual* § 792. Thus, a point of order that a measure was ordered reported in violation of a committee rule requiring advance notice of the committee meeting will not lie in the House—the interpretation of committee rules being within the cognizance of the committee and not the House. *Manual* § 791.

On the other hand, if a committee procedure directly violates a rule of the House, or if a rule specifically permits, a point of order may be raised in the House, which may result in the recommital of the bill. *Manual* §§ 792, 799. For example, a point of order against a measure on the ground that the hearings on such measure were not properly conducted as required by the rules may be raised in the House by a committee member if the point of order was timely made and improperly overruled or not properly considered in committee. Rule XI clause 2(g)(5).

A deficiency in a committee report may be the subject of a point of order in the House. *Manual* §§ 837–849. A committee report that erroneously reflects the information required under rule XIII clause 3—for example, that committee reports reflect the total number of votes cast for and against any public measure or matter and any amendment thereto and the names of those voting for and against—may be subject to a point of order. *Manual* § 839. This error may be corrected by a supplemental report that need not be separately available for three days. *Manual* § 838.

§ 16. Records, Files, and Transcripts; Disclosure and Disposition; Member Access

Generally; Voting Records

Each committee must keep a complete record of all committee action. *Manual* § 794. A meeting or hearing transcript must include, under rule XI clause 2(e)(1), a substantially verbatim account of remarks actually made. All committee records and files must be kept separate from the office records of the member serving as chairman. *Manual* § 796.

The record of committee action must include the votes on any question on which a roll call vote is demanded, and the result of each such vote must be made available by the committee for inspection by the public. *Manual* § 795. In addition, committee reports must include all record votes on motions to report and on any amendments. *Manual* § 839.

Members' Right of Access; Disclosure

Under rule XI clause 2(e), the records and files of a committee are considered the property of the House and accessible to all Members of the House. However, rule XI clause 2(e) includes an exception to that rule for certain records of the Committee on Standards of Official Conduct and rule X clauses 11(c) and 11(g) include exceptions for the Permanent Select Committee on Intelligence. On one occasion the House restricted access to executive session material of a committee, notwithstanding rule XI clause 2(e), to members of the committee and to such employees of the committee as were designated by the chairman after consultation with the ranking minority member. 105–2, H. Res. 252, Sept. 11, 1998, p ____.

Clause 2(e) does not entitle a Member to bring committee materials into the well of the House and does not necessarily apply to records within the possession of the executive branch that members of the committee have been allowed to examine under limited conditions at the discretion of the agency. Furthermore, committees may prescribe regulations to govern the manner of access, such as limiting examination of files to committee rooms or prohibiting the making of photocopies. *Manual* § 796.

Use of Information Obtained in Executive Session

Testimony or evidence taken in an executive session of a committee is under the control of and subject to the regulation of the committee and, under rule XI clause 2(k), cannot be released or made public without the consent of the committee. Thus, although a Member's right of access under rule XI clause 2(e) may allow him to examine executive session materials in committee rooms, it does not permit him to copy or take personal notes

from such materials, to keep such notes in his personal office files, or to release such materials to the public without the consent of the committee or subcommittee. *Manual* § 796. Evidence or testimony taken in executive session of a committee may later be made public by vote of the committee. Deschler Ch 17 § 22.2. A committee may take such action even with respect to evidence or testimony taken in executive session under rule XI clause 2(k)(5) that tended to degrade, defame, or incriminate. Deschler Ch 17 § 22.3. A committee may also take such action with respect to threshold discussions held in executive session under rule XI clause 2(g)(2)(B) to explore whether evidence or testimony should be received in executive session.

Rule XI clause 2(k)(7), which requires a majority of the committee to constitute a quorum for closing a meeting or hearing, also requires a full quorum to release or make public evidence or testimony received in executive session. The chairman has no unilateral authority to release such material. Under clause 2(k)(7), executive session material may be released only when authorized by the committee, a majority being present. *Manual* § 803.

Rule X clauses 11(c) and 11(g) provide that executive session material transmitted by the Permanent Select Committee on Intelligence to another committee of the House becomes the executive session material of the recipient committee by virtue of the nature of the material and the injunction of rule X clause 11(g), which prohibit disclosure of such information to Members of the House except in a secret session. Rule XI clause 3(b)(6) prohibits the public disclosure of complaints or information received by the Committee on Standards of Official Conduct except as specifically authorized by that committee in each instance.

Under rule VIII clause 6(b), minutes or transcripts of executive sessions, or evidence received during such sessions, may not be disclosed or copied in response to a subpoena. A subpoena duces tecum requesting production of executive session records of a committee from a prior Congress may be laid before the House pending a determination as to its propriety. 97–1, Apr. 28, 1981, p 7603.

Disposition of Committee Records

The House may adopt a resolution providing for the disposition of the records and files of a select or other committee. On one occasion, the House required that the files of a select committee be held intact and turned over to a newly created committee with similar jurisdiction. Deschler Ch 17 § 19.3. On another occasion, the House gave a select committee the authority to dispose of its records consistent with the rules and laws concerning classified information. 106–1, sec. 2(f)(3), H. Res. 5, Jan. 6, 1999, p ____. Pursuant to that authority the select committee transferred its records to the

Clerk and instructed the Clerk to grant access to those records only with the approval of the chairman and ranking minority member of the former select committee (so long as each remains a Member) and, thereafter, with the approval of the Permanent Select Committee on Intelligence. *Manual* § 1112a. In the absence of specific disposition by the House, rule VII clause 1 requires the chairman of each committee to deliver to the Clerk all noncurrent records of the committee. *Manual* § 695. Rule VII clause 3 outlines the procedures for the public release of noncurrent records.

Reference in Debate to Transcripts or Minutes

Under early decisions of the House, it was not in order in debate to refer to the proceedings of a committee except as had been formally reported to the House. 5 Hinds §§ 5080–5083; 8 Cannon §§ 2485–2493; Deschler Ch 17 §§ 20.1, 20.2. The rationale for the early decisions was to protect the confidentiality and independence of committee proceedings and to permit flexibility and compromise in committee deliberations. 8 Cannon § 2491. Today, however, the rules require that committee meetings be open to the public unless properly closed by vote of the committee, and transcripts of committee proceedings are widely available. These considerations mitigate against the application of the rule of nondisclosure to meetings and hearings which are open to the public. *Manual* § 360; Deschler Ch 17 § 20.1. On the other hand, it is clear that the rule protecting committee proceedings from disclosure in House debate is applicable to executive session proceedings. 8 Cannon § 2493; Deschler Ch 17 § 20. Thus, it has been held not in order in debate in the House to refer to or quote from the minutes of an executive session of a committee, unless the committee has voted to make such proceedings public. *Manual* § 319. The precedents clearly prevent reference in debate to committee actions which impugn the motives of committee members, whether or not by name. Deschler-Brown Ch 29 § 54.3.

§ 17. Meetings

Regular Meetings; Calling Additional Meetings

Standing committees must fix regular meeting days. *Manual* § 793. These meeting days may be on a weekly, biweekly, or monthly basis but must be at least once a month. Rule XI clause 2(b); *Manual* § 407. Additional meetings may be called by the chairman as he may deem necessary, and a mechanism exists that allows a majority of the committee to require that a special meeting be held to consider a particular measure or matter. *Manual* § 793. Where a committee has a fixed date to meet, a quorum of the committee may convene on that date without call of the chairman and

transact business regardless of his absence. Rule XI clause 2(d); 8 Cannon § 2214. In the temporary absence of the chairman or vice chairman designated by the chairman, the ranking majority member who is present presides at the meeting. Rule XI clause 2(d).

§ 18. — Consideration and Debate; Voting

Generally; Motion Practice

Committees generally conduct their business under the five-minute rule and may employ the ordinary motions and procedures which are in order in the House under rule XVI clause 4, as well as those procedures which are in order in the House as in the Committee of the Whole. *Manual* §§ 424, 427, 792, 911. These include:

- The reading for amendment by section as in the Committee of the Whole and the reading of the measure and amendments thereto in full. *Manual* § 792.
- Dispensing with the first reading (in full) of a bill or resolution if printed copies are available. Rule XI clause 1(a)(1)(B).
- Limiting the time for debate and the motion to limit debate under the five-minute rule. *Manual* § 792; 4 Hinds § 4573.
- The motion for the previous question. *Manual* § 994.
- Voting by the yeas and nays. 4 Hinds § 4572.
- The motion to refer. *Manual* § 916.
- The motion to lay on the table, but tabling an amendment also carries the bill to the table. 3 Hinds § 1737; 4 Hinds § 4568.
- The motion to reconsider. 4 Hinds §§ 4570, 4571.
- The taking of an appeal from a decision of the Chair. 4 Hinds § 4569.
- The motion to recess from day to day. *Manual* § 787.

A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). Rule XI clause 1(b)(2).

Proxy Voting

Proxy voting in committees, once permitted under certain conditions, was banned beginning in the 104th Congress under rule XI clause 2(f). *Manual* § 797.

Postponed Votes

In the 108th Congress, rule XI clause 2(h) was amended to permit each committee to adopt a rule authorizing the chairman of a committee or subcommittee to postpone a record vote on the question of approving a measure

or matter or on adopting an amendment. Proceedings may be resumed on a postponed question at any time after reasonable notice. A committee rule permitting such postponed votes must provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, the underlying proposition must remain subject to further debate or amendment to the same extent as when the question was postponed.

§ 19. Hearings

Generally; Uses of Hearings

The three most common uses of hearings held by the committees of the House are: (1) to consider the enactment of a measure into law and to provide a forum where information and opinions on the measure can be presented; (2) to inform the House as to activities that may call for legislation; and (3) to invoke the investigative powers of the House as overseer of Federal programs and operations. *Manual* § 256.

Hearings have included such publicized investigations as the Credit Mobilier Corporation bribery charge investigation of 1872 (2 Hinds § 1286), the Un-American activities investigations beginning in the 1930's (Deschler Ch 15 § 1.32), the investigation of covert arms transactions with Iran in 1988 (100–1, H. Res. 12, Jan. 7, 1987, p 821), the investigation of political fundraising improprieties (105–1, H. Res. 167, June 20, 1997, p ____), and the investigation of whether the impeachment of President Clinton was warranted (105–2, H. Res. 581, Oct. 8, 1998, p ____).

Announcement of Hearings

A chairman must announce a hearing at least one week in advance, although the chairman and ranking minority member acting jointly, or the committee by majority vote with a business quorum present, may determine that there is good cause to begin the hearing sooner. In such a case the chairman must make the announcement at the earliest possible date. The announcement must be published in the *Daily Digest* and made available in electronic form. *Manual* § 798. The Committee on Rules is exempted from this requirement.

§ 20. Hearings and Meetings as Open or Closed

Generally

All committee or subcommittee meetings and hearings must be open to the public, including the media, unless the committee, in open session with a majority present, votes to close all or part of the remainder of the meeting or hearing on that day for one of the permissible reasons stated in the rule.

Rule XI clause 2(g). Permissible reasons include national security, the compromise of sensitive law enforcement information, violation of a law or rule of the House, or a situation where testimony might incriminate, defame, or degrade a person.

Only members of the committee and such noncommittee Members, staff, and departmental representatives as the committee may authorize may be present at a meeting held in executive session. Rule XI clause 2(g)(1). A committee or subcommittee may not exclude from nonparticipatory attendance noncommittee Members from a hearing unless so authorized by the House. Rule XI clause 2(g)(2).

A motion to close a committee meeting or hearing, like the motion for a secret session in the House, is not debatable. *Manual* § 969. Under rule XI clause 2(g)(2)(D), all committees may vote to close a hearing for one additional day. The Committees on Appropriations and Armed Services and the Permanent Select Committee on Intelligence may close a hearing for up to five additional, consecutive days. *Manual* § 798.

Evidence or Testimony Tending to Defame, Degrade, or Incriminate

Rule XI clause 2(k)(5) requires certain procedural steps whenever a member of the committee asserts that evidence or testimony before a committee hearing may tend to defame, degrade, or incriminate any person or a witness so asserts for himself. *Manual* §§ 798, 803. A majority of those present may vote to (1) receive the evidence or testimony in executive session under clause 2(k)(5) or (2) go into executive session under rule XI clause 2(g)(2)(B) to hold threshold discussions to explore whether the evidence or testimony may tend to defame, degrade, or incriminate. To continue the hearing in open session, a majority quorum of the committee or subcommittee must be present to entertain a motion that the evidence or testimony is in fact not defamatory, incriminating, or degrading and the committee should proceed in open session. Such a motion requires a majority for adoption. An opportunity to appear voluntarily must be afforded to the witness in either case. *Manual* § 803.

A point of order may be raised against a privileged report of a committee relating to the contemptuous refusal of a witness to testify on the ground that the committee had violated rule XI clause 2(k)(5). Deschler Ch 15 § 15. If a witness appears in response to a subpoena and, when called, properly asserts grounds for an executive session, the committee must determine whether the testimony will tend to defame, degrade, or incriminate, even though the witness may have ignored a previous opportunity to appear voluntarily to testify. However, the proper assertion must be made by the witness to the committee. If the witness leaves the hearing room without

making any statement other than that he refuses to testify, the committee is not obligated to go into executive session, because the proceedings have not reached the point where the witness has demanded that the committee determine whether the testimony would tend to degrade, defame, or incriminate. The determination that evidence or testimony may tend to degrade, defame, or incriminate lies with the committee and not with the witness. Deschler Ch 15 § 15.

§ 21. Quorum Requirements

Generally

Historically, a majority of a committee constituted a quorum for the transaction of business. *Manual* § 409; 4 Hinds §§ 4540, 4552. Under current rule XI clause 2(h), committees may fix the quorum required for the taking of testimony at a hearing to not less than two and (except for Appropriations, Budget, and Ways and Means) may fix the quorum for the conduct of business, other than the reporting of a measure, at not less than one-third.

Minimum quorum requirements for committees and subcommittees of the House are as follows:

ACTION	MINIMUM QUORUM	RULE XI CLAUSE 2
To report a measure or recommendation	A majority of the committee, ''actually present''	(h)(1) *Manual* § 799
To authorize and issue a subpoena	A majority of the committee	(m)(2) *Manual* § 805
To close a meeting or hearing	A majority of the committee	(g)(1), (2) *Manual* § 798
To make public evidence taken in executive session	A majority of the committee	(k)(7) *Manual* § 803
To take evidence or testimony in open session after assertion that it defames, degrades or incriminates	A majority of the committee	(k)(5) *Manual* § 803
To take testimony or receive evidence at hearing	Two members	(h)(2) *Manual* § 800

ACTION	MINIMUM QUORUM	RULE XI CLAUSE 2
To close a hearing where assertion of defamatory testimony or evidence is made	Two members	(k)(5) *Manual* § 803
To take any other action	One-third of membership	(h)(3) *Manual* § 800

§ 22. — In Ordering a Report to the House

Generally

A standing committee cannot validly report a measure unless the report has been authorized at a formal meeting of the committee with a quorum present. Rule XI clause 2(h); *Manual* § 799; 8 Cannon §§ 2220–2222; Deschler Ch 17 § 23.2.

A point of order of no quorum may provoke a quorum call to obtain the presence of a majority of the committee in the committee room. *Manual* § 799.

Contemporaneous Meeting

The report is not valid unless authorized with a quorum of the committee *actually* present at the time the vote is taken. *Manual* § 799. This rule is derived from Jefferson's Manual, which states that a committee may act only when together—''nothing being the report of the committee but what has been agreed to in committee actually assembled.'' *Manual* § 407. This requirement means that a majority must be contemporaneously assembled when the question is put or at some point while the vote is taken.

Although Speakers have indicated that committee members may come and go during the course of the vote if the roll call indicates that a quorum was present, where it is admitted that a quorum was not in the room at any time during the vote and the committee transcript does not show a quorum acting as a quorum, the Chair will sustain the point of order. 8 Cannon §§ 2212, 2222. A poll of committee members by telephone will not suffice. Deschler Ch 17 § 23.2.

Obsolete ''Rolling Quorum''

In the 103d Congress the rules were amended to permit a ''rolling quorum'' by allowing a majority to be deemed present if the committee records showed that a majority responded on a roll call vote on the motion to report in question. 103–1, H. Res. 5, Jan. 5, 1993, p 49. This language

was deleted in the 104th Congress, thus restoring the previous requirement that a ''majority of the committee be actually present'' at the time a measure is ordered reported. Unlike a House floor vote, during which Members may come and go during the course of a vote, the committee quorum rule, absent the old ''rolling quorum'' latitude, means a committee cannot simply leave a vote open until a sufficient number of Members have responded to their names.

§ 23. ——Points of Order

Generally

Unless a point of order is raised, the House assumes that reports from committees are authorized with a quorum present. Deschler Ch 17 § 23. Quorum issues raised by a point of order are often determined on the basis of information in the report or supplied by the chairman of the committee in question, and the Speaker may question the chairman as to the circumstances of the meeting and the number of committee members present at that meeting. *Manual* § 799; Deschler Ch 17 § 23.5. Where the chairman admits that the bill was reported when a quorum was not present, the point of order against the bill on that ground will be sustained. Deschler Ch 17 § 25.2. If the point of order is sustained, the bill is automatically recommitted. Deschler Ch 17 §§ 23.2, 25.2.

Where a bill is being considered under suspension of the rules, a point of order will not lie against the bill on the ground that a quorum was not present when the bill was reported from committee. Deschler Ch 17 § 24.8.

The absence of a quorum at the time a ''clean'' bill is ordered reported gives rise to a point of order on the House floor, even though the chairman had been previously instructed by the committee to report the bill. Deschler Ch 17 § 23.6.

Timeliness

A point of order that a bill was reported from a committee in the absence of a quorum is properly raised in the House when the bill is called up for consideration or pending the Speaker's declaration, or a vote on a motion, that the House resolve itself into the Committee of the Whole for the consideration of the bill. Deschler Ch 17 §§ 24.2, 24.4. It has been ruled that such a point of order comes too late if raised:

- After consideration of the bill has begun in the House. 8 Cannon § 2223.
- After the House has resolved into the Committee of the Whole for the consideration of the measure. Deschler Ch 17 § 24.5.

- After debate on the measure has started in the House. Deschler Ch 17 § 24.6.
- After adoption of the measure. Deschler Ch 17 § 24.7.

The point of order is premature and will not be entertained:

- Where a resolution providing for the consideration of the bill is before the House. Deschler Ch 17 § 24.2.
- Pending a unanimous-consent request to consider the measure otherwise not privileged for consideration. 90–2, Oct. 11, 1968, p 30751.

Rule XI clause 2(g)(5)(B) precludes a point of order against consideration of a reported measure, on the ground that hearings on such measure were conducted without a proper quorum, unless that point was timely made and improperly disposed of in committee.

§ 24. Witnesses

Summoning Witnesses; Subpoenas

Witnesses are summoned before a committee pursuant to authority conferred on it by the House to send for persons or papers. 3 Hinds § 1750. Rule XI clause 2(m) permits committees and subcommittees to issue a subpoena when authorized by a majority of the members voting, a majority being present. This authority does not extend to other subunits of a committee such as ''task forces.'' Full-committee chairmen may authorize and issue subpoenas when that authority is delegated by the full committee, either on an ad hoc basis or by committee rule. Such subpoenas must be signed by the chairman of the committee or by a member designated by the committee. Subpoenas issued to persons are returnable at the committee or subcommittee. A subpoena duces tecum, one that commands the production of documents, may specify terms of return other than at a meeting or a hearing. Rule XI clause 2(m)(3)(C).

Rule XI clause 2(k)(5) requires committees and subcommittees to afford any person who may be defamed, degraded, or incriminated by testimony or evidence the opportunity to voluntarily appear as a witness. That clause and clause 2(k)(6) also require committees and subcommittees to dispose of requests from such person, or requests made by committee members during hearings, to subpoena additional witnesses. Such interlocutory requests can cover the full range of persons and papers for which subpoenas may be authorized under clause 2(m).

Under rule XI clause 2(m), compliance with a committee subpoena may be enforced only as authorized by the House. This clause has been interpreted to require authorization by the full House before a subcommittee chairman may intervene in a lawsuit in order to gain access to documents

subpoenaed by the subcommittee. *In re Beef Industry Antitrust Litigation*, 589 F.2d 786 (5th Cir. 1979); see also CONTEMPT. Clause 2(m) does not authorize a committee to conduct a deposition or interrogatory before one Member or before staff of the committee. Such authority must be conferred by separate action of the House. *Manual* §§ 800, 805.

Interrogation of Witnesses

Under rule XI clause 2(j)(2)(A), questioning of a witness appearing before a committee proceeds under the five-minute rule. Each member must be given an opportunity to question a witness for five minutes. Where more than one witness testifies in a ''panel,'' each member is permitted to question each witness in the panel for five minutes. Clauses 2(j)(2)(B) and 2(j)(2)(C) enable committees to permit extended examinations of witnesses for 30 additional minutes by designated members, or by staff, of each party.

Witnesses Called by the Minority

Under rule XI clause 2(j)(1), whenever a hearing is conducted by a committee on a measure or matter, the minority members on the committee have the right to call witnesses of their own choosing to testify on that measure or matter of a hearing for one day. Such a request must be supported by a majority of the minority members and submitted to the chairman before completion of the hearing. The chairman may set the day under a reasonable schedule. *Manual* § 802.

Perjury

It is a felony to give perjurious testimony before a congressional committee. 18 USC § 1621. It is a felony to make false, fictitious, or fraudulent statements before any department or agency of the United States, including congressional committees. 18 USC § 1001. However, the courts have ruled that the facts sought must be in aid of the committee's legislative purpose. The committee may recall a witness for additional testimony on a point already testified to, or question him about a prior denial, or address questions to him which are not clearly in aid of legislation, but a perjury indictment may not be found on false testimony in response to questions which are not asked for the purpose of eliciting facts material to the committee's investigation. *United States* v. *Cross*, 170 F. Supp. 303 (D.D.C., 1959).

A quorum of a committee must be present when testimony is given to support a charge of perjury. *Manual* §§ 343, 409, 803; *Christoffel* v. *United States*, 338 U.S. 84 (1949). The absence of a quorum of a committee at the time a witness willfully fails to produce subpoenaed documents is not a valid defense in a prosecution for contempt where the witness failed to raise

that objection before the committee. *United States* v. *Bryan*, 339 U.S. 323 (1950); *United States* v. *Fleischman*, 339 U.S. 349 (1950).

Use of Written Statements

Under rule XI clause 2(g)(4), committees are encouraged to require each prospective witness to file a written statement of proposed testimony in advance and limit oral presentation to a summary thereof. The committees also must require, to the greatest extent practicable, nongovernmental witnesses who submit written statements to submit with such statement curriculum vitae and disclosures of Federal grants or contracts received over the previous three years. Under rule XI clause 2(k)(8) witnesses are permitted, at the discretion of the committee, to submit brief, sworn statements in writing for inclusion in the committee record.

Subpoena Duces Tecum

Under rule XI clause 2(m)(3)(B), a subpoena for documents may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena, such as at committee offices.

Witness Fees

Rule XI clause 5 authorizes the Committee on House Administration to establish the per diem and travel rates of reimbursement of witnesses. Some committees, in their rules, prescribe procedures for disbursing such fees, such as the signing of appropriate vouchers.

§ 25. — Rights or Privileges of Witnesses

Generally; Under the Constitution

Committee investigations must be conducted in accordance with the Constitution, particularly the first, fourth, and fifth amendments. Witnesses appearing at hearings cannot be compelled to give evidence or testimony against themselves, cannot be subjected to unreasonable search and seizure, and cannot have their first amendment freedoms of speech, press, religion, or political belief and association abridged. *Watkins* v. *United States*, 354 U.S. 178 (1957).

The Privilege Against Self-incrimination

The privilege against self-incrimination may be invoked by a person subpoenaed to testify or produce materials before a House committee notwithstanding the fact that a congressional investigation is not a ''criminal case'' in the conventional sense. 3 Hinds §§ 1699, 2514. The assertion of the privilege against self-incrimination need take no particular form, pro-

vided the committee can reasonably be expected to understand it as an attempt to invoke the privilege. *Quinn* v. *United States*, 349 U.S. 155 (1955). At the same time, a witness may waive the privilege by failing to assert it, expressly disclaiming it, or testifying on the same matters concerning which he later claims the privilege. Deschler Ch 15 § 9. Thus, after testifying to an incriminating fact, a witness may not refuse to answer more questions on the same subject on the ground that such answers would further incriminate. *Rogers* v. *United States*, 340 U.S. 367 (1951).

Immunity Procedures

A witness who refuses to testify before a congressional committee on the basis of his privilege against self-incrimination may be granted immunity by court order and, under certain conditions, compelled to testify or provide information to the committee. 18 USC §§ 6002, 6005. Under the statute, the request for the court order must have been approved by two-thirds of the entire membership of the committee. The statute has been upheld as constitutional. *Application of U.S. Senate Select Committee on Presidential Campaign Activities*, 361 F. Supp. 1270 (D.D.C., 1973); see also 6 Cannon § 354.

Under the Rules of the House

A witness appearing at a hearing before a committee of the House is entitled to certain rights or privileges under the rules of the House. Rule XI clause 2(k); *Manual* § 803. Under these rules, a witness is entitled:

- To a copy of the committee rules (upon request).
- To be accompanied by counsel to advise on constitutional rights.
- To seek a closed hearing if the evidence or testimony tends to defame, degrade, or incriminate him.
- To submit requests for committees to subpoena additional witnesses.
- To submit brief and pertinent sworn statements in writing for inclusion in the committee record (at discretion of committee).
- To a transcript of his testimony if given in an open hearing.

Although the applicable rule permits witnesses to have counsel at hearings to advise on constitutional rights, it is the witness, not counsel, who has ultimate responsibility for protecting his rights and invoking the procedural safeguards guaranteed under the rules of the House. The attorney for the witness may not, as a matter of right, present argument or make demands on the committee. Deschler Ch 15 § 14.3.

§ 26. — Proceedings Against Recalcitrant Witnesses

An individual who fails or refuses to comply with a House subpoena may be cited for contempt of Congress. The Supreme Court has found the subpoena power to be an ''indispensable ingredient'' of the legislative powers granted to Congress by the Constitution. *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491 (1975). Although the Constitution does not expressly grant Congress the power to punish witnesses for contempt, that power has been deemed an inherent attribute of the legislative authority of Congress. See *Anderson* v. *Dunn*, 19 U.S. 204 (1821). To supplement this inherent power, the Congress in 1857 adopted an alternative statutory contempt procedure. Under this statute, the House may certify to the appropriate U.S. Attorney the witness's refusal to comply with a congressional subpoena. House certification is effected by its adoption of a report from the committee where the refusal took place. The contempt is punishable by fine and imprisonment. 2 USC §§ 192, 194. For comprehensive discussion, see CONTEMPT; *Manual* §§ 293–299.

§ 27. Media Coverage of Hearings and Meetings

Rule XI clause 4 requires that open committee hearings and meetings be open to audio, video, and photographic coverage by accredited press representatives. *Manual* §§ 807–812. The rule also requires committees to adopt written rules to govern such coverage within certain parameters set forth in the rule.

E. Committee Reports

§ 28. In General

Necessity of Report; Chairman's Duty to Report

Under rule XIII clause 2 (first adopted in 1880), a bill reported from a committee must be accompanied by a written report. *Manual* § 833. Reported bills that are not accompanied by a written report are not placed on a calendar. 8 Cannon § 2783.

The report of a committee is in the nature of argument or explanation. The report on a legislative measure does not itself come before the House for amendment or other specific action. 4 Hinds § 4674; Deschler Ch 17 § 58. The Speaker makes no determinations as to the sufficiency of a report beyond specific requirements of House rules. 2 Hinds § 1339.

It is the duty of each committee chairman to ''promptly'' report measures approved by the committee to the House. Rule XIII clause 2(b)(1);

Manual § 834. Under this rule, if the report on such a measure is not filed by the chairman of the committee, a majority of its members may file a written request for the filing of the report. Within seven calendar days (exclusive of the days on which the House is not in session) after the filing of the request, the committee report itself is to be filed. Excepted from this rule are certain reports of the Committee on Rules and reports on resolutions of inquiry. *Manual* § 835.

Committee Authorization or Approval

When a committee concludes consideration of a bill, a motion to order the measure reported is in order. 4 Hinds § 4667. In this respect, the House has adhered to the principle that the reporting of a measure must be authorized by the committee acting together at a formal meeting of the committee with a quorum present. Rule XI clause 2(h)(1); *Manual* § 407; 4 Hinds § 4585; 8 Cannon §§ 2221, 2222, 2249.

Objection being made that the text of a report does not reflect the actions of a committee, the question as to the reception of the report may be submitted to the House. 4 Hinds § 4591. If a bill is held to be improperly reported, the bill is not entitled to a place on the calendar. 4 Hinds § 3117. After the House has voted to consider a bill or after consideration has begun in the House, it is too late to raise the question of authorization or to question the validity of the committee's action in reporting the bill. 4 Hinds §§ 4598, 4599; 8 Cannon §§ 2223, 2225.

The rules of the House do not require that committees separately approve legislative reports. A point of order that a committee did not vote to approve a report as required by the rules of the committee is properly made in committee and not in the House. Deschler Ch 17 § 58.5.

Recommittal

The failure of a committee report to comply with the rules of the House, such as the reporting requirements contained in rule XIII, may result in automatic recommittal of the bill if a point of order is sustained. See, *e.g.*, 8 Cannon § 2237. Under rule XIII clause 3(a)(2), a committee may file a supplemental report to correct technical errors in its initial report. Such supplemental report is subject to a new three-day availability under rule XIII clause 4(a), except that a supplemental report only correcting errors in the depiction of record votes under rule XIII clause 3(b) is not subject to such availability requirement. If the bill is recommitted because of a defective report, further proceedings are *de novo* and all committee formalities necessary to the first report are likewise necessary to authorize a second report. 8 Cannon § 2221.

Adverse or Unfavorable Reports

A committee may report a bill adversely, even though the committee originated the bill. *Manual* § 832; 4 Hinds § 4659. A committee may also report a bill to the House with no recommendation for action. 4 Hinds §§ 4661, 4662. If the committee is unable to agree on a recommendation for action, it may submit a statement of this fact in the report (4 Hinds § 4665), in which case the report may include minority views alone (2 Hinds § 945) or simply set forth the propositions representing the opposing contentions (3 Hinds § 2497; 4 Hinds § 4664). Motions to report favorably, unfavorably, or with no recommendation have no priority over each other in committee and are not in order as amendments to each other.

Multiple Reports; Supplemental Reports

The report of a committee must be confined to a single volume, and ordinarily only one report is filed on each bill. § 29, infra. Indeed, it has been held that two reports may not be filed from the Committee on Rules to accompany the same rule or order of business. Deschler Ch 17 § 58.2.

However, rule XIII clause 3(a)(2) permits the filing of a supplemental report to correct a technical error in a previous report, and unanimous consent is not required. Deschler Ch 17 § 64.1. The authority to file a supplemental report to correct a technical error in a previous report does not include the authority to file a supplemental report (1) to correct the failure of a committee to comply at all with the reporting requirements set forth in rule XIII (such as the requirement to include a committee cost estimate); (2) to change a statement of legislative intent contained in the initial report (Deschler Ch 17 § 64.1 (note)); (3) to include additional views not timely submitted for inclusion with the report; or (4) to outline substantive interpretations of a previously reported bill. In those cases, unanimous consent is required for a committee to file a supplemental report. In any case, a supplemental report is subject to the three-day layover requirement under rule XIII clause 4(a) unless it only corrects errors in the depiction of record votes. Rule XIII clause 3(a)(2).

Reporting Bills with Amendments; ''Clean'' Bills

A committee may report a bill with sundry amendments for the consideration of the House. Where a bill has been extensively amended in the committee, its members may instruct the chairman to incorporate the changes into an amendment in the nature of a substitute or to introduce a ''clean'' bill, which reflects the committee's action. If the latter course is chosen, the new bill must be introduced through the hopper. In either case,

the committee cannot vote to report until it has the perfected text before it. Deschler Ch 17 § 23.6.

§ 29. Form and Contents of Report

Rule XIII governs the form and content of committee reports. Rule XIII clauses 2(a) and 3(a), respectively, require that committee reports be printed and confined to a single volume. Verbal statements will not be received in the House as the report of a committee. 4 Hinds §§ 4654, 4655.

Under rule XIII, a report on any measure or matter shall include:

- Minority, supplemental, or additional views if properly submitted. Clause 3(a).
- The total number of record votes cast in committee for or against the reporting of the measure or matter and on any amendment thereto, and the names of those voting for or against. Clause 3(b).
- Oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. Clause 3(c)(1).
- A statement of performance goals and objectives. Clause 3(c)(4).

Under rule XIII, a report on any public bill or joint resolution shall include:

- A statement describing fiscal ramifications of the measure as required by section 308 of the Congressional Budget Act of 1974, if the measure provides new budget authority or new or increased tax expenditures. Clause 3(c)(2).
- An estimate and comparison required under section 402 of the Congressional Budget Act as to the costs anticipated in carrying out the bill or joint resolution over specified periods of time, if timely submitted. Clause 3(c)(3).
- A statement citing constitutional authority of Congress to enact the bill or joint resolution. Clause 3(d)(1); *Manual* § 841.
- An estimate by the committee of the costs incurred in carrying out the bill or joint resolution in the fiscal year it is reported and in each of five following fiscal years (which may be satisfied by including a section 402 estimate). Clause 3(d)(2).
- A comparative print indicating changes in existing law (the Ramseyer Rule). Clause 3(e); § 30, infra.

Rule XIII clause 3(f) requires a report of the Committee on Appropriations on a general appropriation bill to include:

- A description of the effect of any provision of the accompanying bill that changes the existing law.
- A list of unauthorized appropriations contained in the bill.
- A list of rescissions and transfers.

In addition, clause 3(f)(2)(A) requires an appropriation bill or joint resolution to include separate headings for ''Rescissions'' and ''Transfers of Unexpended Balances'' contained in the bill or joint resolution.

Rule XIII clause 3(g) requires a report of the Committee on Rules on a resolution proposing to repeal or amend a standing rule of the House to include a ''Ramseyer'' comparison of the proposed text with the existing rule. § 30, infra.

Rule XIII clause 3(h) requires a report of the Committee on Ways and Means on a measure proposing to amend the Internal Revenue Code of 1986 to include (or to be printed in the *Congressional Record* by the chairman of the Committee on Ways and Means before consideration) a ''tax complexity analysis'' and a ''macroeconomic impact analysis'' prepared by the Joint Committee on Internal Revenue Taxation.

Reports are also required to contain identification and cost-estimates of Federal mandates under the Unfunded Mandates Reform Act of 1995 (*Manual* §§ 843, 1127) and a description of the applicability of the measure to the Legislative Branch under the Congressional Accountability Act of 1995 (*Manual* § 842).

§ 30. Comparative Prints; The Ramseyer Rule

Generally

Rule XIII clause 3(e), the Ramseyer rule, was first incorporated into the House rules in 1929. It was named for its author, C. William Ramseyer. 8 Cannon § 2234. This rule provides that whenever a committee reports a measure repealing or amending a statute, the committee report must include the text of the statute and a comparative print showing the proposed omissions and insertions by stricken-through type and italics, parallel columns, or other appropriate typographical devices. The purpose of the rule is to inform Members of any changes in existing law by the proposed legislation. Deschler Ch 17 § 60.

The Ramseyer rule requires that the statute proposed to be amended be quoted in the report; it is not sufficient that it is incorporated in the bill. 8 Cannon § 2238. However, a comparative print need only be prepared for the affected part of the law. Deschler Ch 17 § 60.6. If the bill amends existing law by the addition of a proviso, the report should quote in full the section immediately preceding the proposed amendment. 8 Cannon § 2237.

Where a committee reports a bill with amendments, the comparative print required by the rule must show the changes in existing law proposed by the bill as amended, rather than by the bill as introduced. Deschler Ch 17 § 60.4. Where there has been a multiple referral of a measure to two or

more committees, each committee need only Ramseyer the changes it recommends and not the changes recommended by the other committees. *Manual* § 816.

Application of Rule

To fall within the purview of the Ramseyer rule, a bill must repeal or amend a statute in terms, and a general reference to the subject treated in a statute without the proposition of a specific amendment is not sufficient. 8 Cannon § 2235. Provisions in a bill which merely waive certain statutory requirements or grant an exemption therefrom are not specifically amendatory of existing law and therefore are not subject to the Ramseyer rule requirements. Deschler Ch 17 § 60.7. Thus, the Ramseyer rule has been held inapplicable to a joint resolution extending the period for State ratification of a constitutional amendment submitted to the States, where the resolution did not specifically change the deadline for ratification, but merely extended the period ''notwithstanding'' any provision in the prior law. 95–2, Aug. 15, 1978, p 26204. A point of order will not lie against a committee report merely because the comparative print required by the Ramseyer rule includes laws which are not affected by the reported bill but which are included to give full information to the Members. Deschler Ch 17 § 60.3.

The Ramseyer rule is applicable whenever a committee reports a bill repealing or amending ''a statute or part thereof.'' *Manual* § 846. Thus, the rule is not applicable to:

- A bill changing the rules of evidence for the District of Columbia courts. Deschler Ch 17 § 6.8.
- Bills discharged from a committee (as distinguished from bills reported by a committee). Deschler Ch 17 § 60.10.
- Bills amending simple resolutions. 8 Cannon § 2239.

The Ramseyer rule is not applicable to reports accompanying simple resolutions. 93–2, Sept. 30, 1974, p 32956. However, a Ramseyer-type comparative print is required under rule XIII clause 3(g) whenever the Committee on Rules reports a resolution proposing to repeal or amend a standing rule of the House or part thereof. This clause does not apply to resolutions that merely provide temporary waivers of rules during the consideration of particular legislative business and does not apply to a resolution providing for the consideration of a bill with textual modifications that would effect certain changes in House rules on enactment of the bill into law but not itself repealing or amending any rule. *Manual* § 848.

The Ramseyer rule applies to general appropriation bills where such bills include legislative provisions. 8 Cannon § 2241. General appropriation

bills are also subject to a separate rule requiring that the report contain a statement of the effect of any changes in existing law. Rule XIII clause 3(f).

Substantial Compliance

A Ramseyer rule violation may occur even though the bill in question proposes but one minor and obvious change in existing law. 8 Cannon § 2236. Under the doctrine of substantial compliance, however, the Speaker has overruled Ramseyer points of order on the rationale that the committee had substantially complied with the requirements of the rule and that deviations were minor and inconsequential. Deschler Ch 17 §§ 60.11–60.14. Thus, the Speaker has upheld a report, even though it contained errors in typography and punctuation and failed to indicate a relatively insignificant date change. Deschler Ch 17 § 60.14.

Points of Order

The point of order that a report fails to comply with the Ramseyer rule is properly made when the bill is called up in the House and before the House has resolved into the Committee of the Whole for its consideration. 8 Cannon §§ 2243, 2245; Deschler Ch 17 §§ 60.15–60.18. The point of order does not lie in the Committee of the Whole. Deschler Ch 17 § 60.16. Thus, the proper time to raise the point of order is when the motion is made to go into, or the Speaker declares the House resolved into, the Committee of the Whole to consider the bill. If that motion is withdrawn, the Chair is not obliged to rule on the point of order. *Manual* § 905. When a point of order is raised that a report is in violation of the Ramseyer rule, it is incumbent on the proponent of the point of order to cite the specific statute which will be amended by the pending bill. 8 Cannon § 2246.

Compliance with the Ramseyer rule may be waived by unanimous consent or by special rule. Deschler Ch 17 §§ 60.19, 60.20. However, a special order providing for the consideration of a bill, unless specifically waiving points of order, does not preclude the point of order that the report on such a bill fails to comply with the Ramseyer rule. 8 Cannon § 2245.

Recommittal; Supplemental Report

Technical defects in a Ramseyer may be remedied by a supplemental report, which may be filed with the Clerk under rule XIII clause 3(a)(2) without unanimous consent. 8 Cannon § 2247. Two remedies are available to the Chair when he sustains a point of order for failure to comply with the Ramseyer rule. The Chair may recommit the bill to the respective committees reporting it. 8 Cannon § 2237; Deschler Ch 17 § 60.2. This was the automatic remedy before the adoption of rule XIII clause 3(a)(2). When a

bill was recommitted for failure to conform to the rule, further proceedings were *de novo* and the bill was considered again and reported by the committee as if no previous report had been made. 8 Cannon § 2249. In the alternative, the Chair may announce that consideration of the bill must await the filing of a supplemental report under clause 3(a)(2) to cure the defect. The latter remedy is most suitable where the violation is merely technical.

§ 31. Printing; Referral to Calendars

Generally

Unless a report is privileged for immediate consideration, it is delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker. *Manual* § 831; § 33, infra. Privileged reports are filed from the floor while the House is in session and referred to the appropriate calendar and ordered printed by the Speaker. Deschler Ch 17 § 58.

Referrals, including sequential referrals, see BILLS AND RESOLUTIONS.

Adverse Reports

Under rule XIII clause 2(a)(2), a bill reported adversely is laid on the table unless the reporting committee or a Member requests the Clerk to refer the bill to a calendar. Nonprivileged reports on resolutions adversely reported are not printed unless a request is made that they be referred to a calendar. Deschler Ch 17 § 59.1. However, reports on resolutions of inquiry, are considered privileged, are reported as such, whether favorable or adverse, and are printed and referred. *Manual* § 864; see also CALENDARS.

Correcting an Error

A ''star print'' is a reprint of a committee report or reported bill to correct errors in the first printing of the report. A ''star print'' may be authorized by the Speaker to correct an error made by the Government Printing Office. 95–2, June 23, 1978, p 18806. A committee may correct a technical error in its report by filing a supplemental report under rule XIII clause 3(a)(2). § 28, supra.

§ 32. Supplemental, Minority, and Additional Views

The members of a committee who are in the minority may not present a proposition of legislation but have the right to file views to accompany the report. 4 Hinds §§ 4601–4605. Unless filed with the report, minority views may be presented only by consent of the House. 4 Hinds § 4600; 8 Cannon § 2231.

Rule XI clause 2(l) entitles a member of the committee who gives notice to two additional calendar days to file with the clerk of the committee supplemental, additional, or minority views. The member must give notice at the time of the approval of the report. The two calendar days begin the day after the measure is ordered reported and do not count Saturdays, Sundays, and legal holidays except when the House is in session. Such views must be in writing and signed by the submitting member. *Manual* § 804. 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. Deschler Ch 17 § 64. Views may also be called ''separate,'' ''concurrent,'' or ''dissenting.''

Under rule XIII clause 2(c), views submitted under rule XI clause 2(l) must be included in, and must be part of, the report. Under rule XIII clause 3(a), the cover of the report must recite the inclusion of such views. When the two additional days guaranteed by rule XI clause 2(l) expire, the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time, even if the House is not in session. Rule XIII clause 2(c).

§ 33. Filing Reports

Nonprivileged reports are filed by delivering them to the Clerk for reference to the calendars under the direction of the Speaker. *Manual* § 831. Privileged reports are filed from the floor and referred to the appropriate calendar by the Speaker. *Manual* § 853; Deschler Ch 17 § 58.

Ordinarily, a committee report on a bill or other measure reported to the House must accompany the reported measure. *Manual* §§ 831, 853. Except as provided in rule XIII clause 2(c), unanimous consent is required to file a committee report when the House is not in session, and such permission may not be obtained by motion. *Manual* § 418; Deschler Ch 17 § 62; § 32, supra.

The House may extend the time for a select committee to file a report pursuant to a simple resolution (105–1, H. Res. 170, May 13, 1999, p ____) or by agreement to a unanimous-consent request (94–2, Aug. 2, 1976, p 25086). An extension of time to file has been given to a joint committee pursuant to a joint resolution and to a unanimous-consent request agreed to in each House. Deschler Ch 17 §§ 62.10, 62.11.

§ 34. Calling Up; Time to Report

Privileged and Nonprivileged Reports Distinguished

Certain committee reports may be called up as privileged under the rules and precedents of the House. If privileged, a report may be filed from the floor at any time; its consideration is preferential and does not require a special rule from the Committee on Rules. Deschler Ch 17 § 63. The report may be privileged even though the measure in question is reported adversely. 6 Hinds § 413; 8 Cannon § 2310; Deschler Ch 17 § 63.3.

Privileged status is accorded to:

- Reports on Presidential vetoes. Deschler Ch 17 §§ 63.1, 63.2.
- Reports on impeachments and matter incidental thereto. Deschler Ch 17 § 63.3.
- Reports on questions involving the privileges of the House, such as reports relating to the refusal of a witness to testify or produce documents. Deschler Ch 17 §§ 63.4–63.7.
- Reports by those committees specified by rule XIII clause 5 to report at any time on particular matters, subject to applicable layover requirements. *Manual* § 855.
- Reports which may be reported at any time by specific authorization of a House resolution. Deschler Ch 17 § 63.10.
- Reports on measures which may be reported at any time pursuant to statute, as in the case of certain resolutions of disapproval. *Manual* § 1130; Deschler Ch 17 § 63.11 (note).

As noted above, certain committees are, under rule XIII clause 5, given leave to report at any time on matters particularized in the rule. *Manual* §§ 853, 855. This privilege to report at any time does not extend to matters not specified by the rule. 4 Hinds § 4622; 8 Cannon § 2286. The committees with leave to report at any time on specified matters under this rule are shown in the table below:

Committee	Eligible Matters and Measures
Rules	Rules, joint rules, and the order of business.
Appropriations	General appropriation bills, certain joint resolutions continuing appropriations, but not appropriations for specific purposes (8 Cannon § 2285)

Committee	Eligible Matters and Measures
Budget	Matters under titles III and IV of the Congressional Budget Act of 1974
House Administration	Enrolled bills; election contests; printing; noncurrent House records; expenditures of applicable accounts of the House
Standards of Official Conduct	Certain resolutions recommending action with respect to a Member, officer, or employee

The right to report at any time is said to carry with it the right to consideration at any time (4 Hinds § 3131), subject to applicable layover requirements (see § 35, infra). However, such right does not exist when in conflict with other rules of the House. 8 Cannon § 2291. Measures reported under a leave to report at any time yield to matter enjoying a higher privilege in the order of business, to questions of privilege (*Manual* § 854; 6 Cannon § 557), and to measures already given a priority by a special order (4 Hinds §§ 3175, 3176).

Where a committee has been given the privilege of reporting at any time with respect to a certain matter, it may report Senate bills as well as House bills under the privileged status given. Deschler Ch 17 § 63.10.

Generally, nonprivileged reports are made by delivering them to the Clerk. *Manual* § 831. Reports privileged under the rules must be made from the floor. *Manual* § 853; 4 Hinds § 3146; 8 Cannon §§ 2230, 2233. Privileged reports filed under rule XIII clause 2(c), and reports privileged by statute, are excepted from the general rule that privileged reports must be filed from the floor in order to preserve their privilege. Deschler Ch 17 § 63.11.

Who May Call Up; Reading

A committee ordinarily authorizes its chairman to submit and call up its report. *Manual* § 834; 4 Hinds § 4669. He may do so even though he has not concurred therein. 4 Hinds § 4670. However, the committee may authorize other members of the committee to present reports, and under some circumstances minority members of the committee have been ordered to present the report of the committee. 4 Hinds §§ 4669, 4672, 4673; 8 Cannon §§ 2314, 2315.

Reports are not normally read by the Clerk. However, in a few cases, where a report does not accompany a bill or other proposition of action, but presents facts and conclusions under consideration by the House, it is read

by the Clerk (such as the predicate for a contempt resolution). *Manual* § 422.

Withdrawal

The chairman of a committee, having made a report to the House in accordance with instructions from his committee, may not withdraw it except by consent of the House. 4 Hinds § 4690; 8 Cannon § 2312. When placed on the calendar, a bill is not subject to further consideration by the committee reporting it. 8 Cannon §§ 2218, 2307.

§ 35. Availability (''Layover'') Requirements

With certain exceptions, rule XIII clause 4(a) requires that a committee report on a measure or matter be available to Members for three calendar days (excluding Saturdays, Sundays, and legal holidays, unless in session) before the measure may be considered in the House. The rule permits consideration of a measure on the third day a report is available rather than on the fourth day following its availability. *Manual* § 850. The three-day rule runs anew from the time of availability of a supplemental report to correct a technical error in a previous report, except to correct errors in the depiction of record votes. Rule XIII clause 3(a); Deschler Ch 17 § 64.1.

Rule XIII clause 4 exempts the following from the three-day layover requirement:

- A resolution from the Committee on Rules providing a rule, joint rule, or order of business (clause 4(a)(2)(A)), such reports being subject to a separate one-day layover requirement unless the House determines by a vote of two-thirds to consider the resolution on the same day (clause 6(a)(1)).
- A resolution from the Committee on House Administration providing committee expenses (clause 4(a)(2)(B)), such reports being subject to a separate one-day layover requirement (rule X clause 6(a)).
- A bill called from the Corrections Calendar under rule XV clause 6. Clause 4(a)(2)(C).
- A resolution presenting a question of the privileges of the House. Clause 4(a)(2)(D).
- A measure for the declaration of war or national emergency. Clause 4(a)(2)(E).
- A measure providing approval or disapproval of impending actions or determinations by a government agency. Clause 4(a)(2)(F).

Points of order against consideration of a bill for failure of the report thereon to be available for three days may be waived pursuant to a resolution from the Committee on Rules (see *e.g.*, 106–1, H. Res. 136, Apr. 13, 1999, p ____), which waiver may be called up the same day reported from Committee on Rules without a two-thirds vote (rule XIII clause 6(a)(2)).

§ 36. Points of Order Relating to Reports

Generally

A point of order will lie in the House against consideration of a measure for failure of the committee report on the measure to include any of the reporting requirements outlined in section 29, supra.

A point of order will also lie in the House against consideration of a measure for failure of the committee report to meet the availability requirements (§ 35, supra) and to report a measure without a sufficient quorum (§ 21, supra).

Points of order against consideration for noncompliance with the rules in the preparation of the report should be made in the House. A point of order that a committee report is not in proper form does not lie in the Committee of the Whole. Deschler-Brown Ch 29 § 20.28.

The Chair does not rule on points of order relating to the sufficiency, insufficiency, or legal effect of committee reports, those being matters for the House to decide. 4 Hinds § 1339; Deschler Ch 17 §§ 58.3, 58.4. Similarly, a point of order will not lie against a committee report that included an executive communication on the ground that the communication failed to comply with the statute that required the communication. Deschler Ch 17 § 58.1.

Points of order as to reports on appropriation bills, see APPROPRIATIONS.

Waiving Points of Order

Points of order against a measure for defects in a committee report may be waived by adoption of a rule from the Committee on Rules, an order of the House granted by unanimous consent, and by consideration of the bill under suspension of the rules. Deschler Ch 17 § 58.