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Chapter 6
Bills and Resolutions

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A. Generally

§ 1. In General; Resolutions Distinguished

Bills are used for purposes of general legislation. Joint resolutions are used to propose constitutional amendments and for special or subordinate legislative purposes. Simple or concurrent resolutions are used primarily to regulate the administrative or internal business of the House, to express facts or opinions, or to dispose of some other nonlegislative matter. Deschler Ch 24 § 1. However, unlike simple or concurrent resolutions, a joint resolution is a bill so far as the rules of the House are concerned. 4 Hinds § 3375.

The introduction of certain types of private bills is prohibited by rule XII clause 4. See § 17, infra.

The various stages in the passage and enactment of a bill—reading, engrossment, and enrollment—are treated elsewhere. See READING, PASSAGE, AND ENACTMENT; see also CONSIDERATION AND DEBATE; VOTING; and VETO OF BILLS.

§ 2. Public and Private Bills Distinguished

Bills and resolutions may be either public or private. A private bill is a bill for the benefit of one or several specified persons or entities, and a public bill relates to public matters and deals with individuals by classes only. 3 Hinds § 2614; 4 Hinds § 3285; 7 Cannon § 856; Deschler Ch 24 § 1. Whether a law is to be regarded as public or private depends on the attendant circumstances, having regard to the effect rather than the form of the legislation. *Bollinger* v. *Watson*, 63 S.W. 2d 642, (Ark. 1933). The distinction is important, because the procedures followed in the enactment of private bills are significantly different from those applicable to public bills. § 15, infra.

A bill may be regarded as a public bill and referred to the House or Union Calendar when reported where it:

- Contains provisions applicable to the general public, although benefiting a named individual. 4 Hinds § 3286.
- Relates to a nation of Indians and not to Indians as individuals. 7 Cannon § 870; Deschler Ch 24 § 3.3.
- Indemnifies a foreign government for injury to one of its nationals. 7 Cannon § 865; Deschler Ch 24 § 3.2.

- Includes among provisions for the relief of private persons one item to pay a claim of a foreign nation. 4 Hinds § 3287.
- Grants an easement over public lands to a private company. 7 Cannon § 864.
- Authorizes an exchange of government-owned land for privately owned land. 7 Cannon § 862.
- Provides for the reimbursement of ''all the depositors'' of a certain bank, the depositors not being identified by name. 8 Cannon § 2373.

§ 3. Form; Component Parts

Generally

The form in which bills are considered in the House is governed by statute and by the practices and customs of the House. Any deviation from the form so prescribed may be authorized by joint resolution or be waived by passage under suspension of the rules. 7 Cannon § 1035. Alleged errors in the drafting of a bill are to be resolved by the House in its consideration of the measure and not by the Speaker on a point of order. Deschler Ch 24 § 2.2.

Although there is no mandatory uniform style that is to be followed in the drafting of legislative measures, general guidelines are available through the Office of Legislative Counsel.

The component parts of a bill introduced in the House include:

- A bill title (an identifying bill number is subsequently added thereto).
- A preamble—used often in simple and concurrent resolutions, less often in joint resolutions, and, in modern practice, never in bills. § 5, infra.
- An enacting or resolving clause, which must appear in the first section of the Act. 1 USC § 103.
- The text of the bill.

On rare occasions, a bill may contain an illustration, as where it shows a required warning label. 99–2, Feb. 3, 1986, p 1326. Also rare, one House may pass a bill with blanks to be filled in by the other House. 5 Hinds § 5781. It has been held not in order for a Member to distribute on the floor of the House copies of a bill marked with his own interpretation of its provisions. Deschler Ch 24 § 2.1.

Enacting Clauses

The form prescribed by section 101 of title 1, United States Code for the enacting clause of a bill is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

Resolving Clauses

The form prescribed by section 102 of title 1, United States Code for the resolving clause of a joint resolution is:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*

If the joint resolution proposes to amend the Constitution, it is customary to add to the resolving clause the words ''two-thirds of both Houses concurring.'' 4 Hinds § 3367.

Sections; Headings and Subheadings

The United States Code requires that each section of a bill be numbered and that it ''contain, as nearly as may be, a single proposition of enactment.'' 1 USC § 104. Section headings and subheadings may be used, and in cases of ambiguity it is proper to consult both a section heading and the section's content in order to ascertain the clear meaning of the legislation. *House* v. *Commissioner*, 453 F.2d 982 (5th Cir. 1972).

Page and Line Numbers

When a bill is introduced or reported, each page of the text is numbered and each line in the text is given a separate number in the margin so that reference may quickly be made to specific provisions of the bill. However, the pagination and marginal numerals are not part of the text of the bill, and after amendment they may be altered, changed, or transposed by the Clerk to conform to the amended text without the necessity of a House order. 5 Hinds § 5781; 8 Cannon § 2876.

§ 4. Titles

All bills are given a title that indicates the subject matter of the bill. A title is used strictly for purposes of identification and is not considered in passing on points of order relating to the provisions of the bill. 7 Cannon § 1489; Deschler Ch 24 § 9.1.

Under the guidelines suggested by the Office of the Legislative Counsel, a title should accurately and briefly describe what a bill does. For bills amending primarily a particular law, the form ''To amend [citation of law] to . . .'' is used. For constitutional amendments, the form ''Proposing an amendment to the Constitution of the United States concerning . . .'' is used. If the bill covers multiple items, the phrase ''and for other purposes'' may be used at the end of the title.

The title is retained on the bill during the various stages of enactment, including engrossment and is entered on the Journal and printed in the *Con-*

gressional Record. *Manual* §§ 431, 831. However, it is not considered to be part of the enacted statute and is generally published only in the *Statutes at Large*. Indeed, when an enacted statute is codified and included in the United States Code, its title may be excluded or greatly abbreviated.

A title cannot be used to negate the obvious meaning of the statute. However, a title may, as part of the legislative history, assist in resolving ambiguities. 4 Hinds § 3381. In such cases the title of an Act may be resorted to by courts as an aid in determining legislative intent. *Brotherhood of R.R. Trainmen* v. *Baltimore and Ohio Railroad Co.*, 331 U.S. 519 (1947). In this context, the title of a bill at the time of its enactment is said to be indicative of the true intention of Congress in enacting it. Corpus Juris Secundum, *Statutes* § 351.

§ 5. Preambles

Preambles (''whereas'' clauses) often appear in concurrent or simple resolutions and less often in joint resolutions. Such clauses appear less often in joint resolutions (and, in modern practice, never in bills) because sections containing separate statements of findings serve the same purpose. 4 Hinds § 3412. Preambles are sometimes used to indicate the underlying reason for a measure. 4 Hinds § 3413.

The House may amend or delete the preamble from a joint resolution before its passage or the preamble from a concurrent or simple resolution following its adoption. *Manual* § 414. This is done either by unanimous consent or pursuant to a motion to strike the preamble. This cannot be done simply by moving to strike all after the enacting or resolving clause because the preamble always precedes that clause. Deschler Ch 24 § 9.5. Preambles to simple resolutions may also be disposed of pursuant to a motion to lay on the table, and the adoption of such motion does not affect the status of the resolution. 5 Hinds § 5430. The motion for the previous question may be applied at once to the resolution and the preamble. *Manual* § 1002b. Of course, where no action is taken to strike the preamble, and the joint resolution is passed, the preamble remains part of the joint resolution. Deschler Ch 24 § 9.5.

B. Introduction and Reference

§ 6. Introduction of Measures in the House; Sponsorship

Bills and Resolutions

Bills and resolutions are introduced by being deposited in the hopper at the Clerk's desk anytime the House is in session. Deschler Ch 16 § 1. A Member may introduce a bill during an interim pro forma meeting even though no legislative business is being conducted. *Manual* § 816.

At its organization for the 106th Congress, the House adopted an order reserving the first 10 bill numbers for assignment by the Speaker during a specified period. In the 107th and 108th Congresses, the House adopted the same order, but extended the applicable time period to the entire first session. *Manual* § 825.

A bill or resolution may be introduced by any Member who has taken the oath, and he need not seek recognition for that purpose. Deschler Ch 16 § 1. A Member may introduce a bill even though he is personally opposed to its passage. Deschler Ch 16 § 1.6. The rules do not limit the number of bills a Member may introduce.

Once introduced, the bill becomes the property of the House. As such, the House may consider it notwithstanding the death, resignation, or replacement of its sponsor. Deschler Ch 16 § 1.9.

Bills Introduced ''By Request''

Only a Member, Delegate, or the Resident Commissioner may introduce a bill. The House does not permit the names of citizens requesting the introduction of a bill to be printed in the *Congressional Record*, but the rules do permit the words ''by request'' to be entered on the Journal and printed in the *Record*. *Manual* § 826. These words appear following the name of the primary sponsor or the names of some or all of the initial cosponsors. Deschler Ch 16 § 1.2.

Petitions and Memorials

Petitions and memorials addressed to the House are delivered to the Clerk and may be presented by the Speaker as well as by any Member. *Manual* § 818; 4 Hinds § 3312. A Member may present a petition from the citizens of a State other than his own. 4 Hinds §§ 3315, 3316.

Sponsorship; Endorsements and Signatures

By House rule, all bills, resolutions, and memorials must be endorsed with the name of the Member or Members introducing them. *Manual* §§ 818, 825. By directive of the Speaker, all bills must bear the original sig-

nature of the chief sponsor or first-named Member. *Manual* § 821. A bill falsely introduced in a Member's name in his absence involves a question of privilege, and the House may agree to an order providing for its cancellation. 4 Hinds § 3388.

Cosponsorship

Unlimited cosponsorship of public bills is permitted until such time as all committees authorized to report the bill have done so or have been discharged from consideration thereof. Before the bill is reported, a Member may remove his name as a cosponsor by unanimous consent. *Manual* § 825. Alternatively, a cosponsor may announce his withdrawal of support for a bill, or a statement indicating that an error was made in the listing of a cosponsor's name may be made on the floor for publication in the *Congressional Record*. Deschler Ch 16 §§ 2.5, 2.6. At its organization for the 104th Congress, the House resolved that each of the first 20 bills and each of the first two joint resolutions introduced in that Congress could have more than one Member reflected as a first sponsor.

By unanimous consent, a Member may add his own name as a cosponsor of an unreported bill where the primary sponsor is no longer a Member of the House. Similarly, a designated Member may be authorized to sign and submit lists of additional cosponsors where the primary sponsor is no longer a Member. However, the Chair will not otherwise entertain a request to add cosponsors by a Member other than the primary sponsor. In fact, the Chair will not entertain any unanimous-consent request to add a cosponsor, whether such request includes only the Member making the request, all Members, or a specified additional sponsor. Such requests must be made by a primary sponsor through the hopper not later than the last day on which any committee is authorized to consider and report the measure to the House. *Manual* § 825.

§ 7. Reference

Generally

When a bill is introduced, it is referred by the Speaker to committee in accordance with rule X clause 1, the rule fixing the jurisdiction of committees over particular subjects, and in accordance with the referral procedures contained in rule XII clause 2. Deschler Ch 16 § 3. However, a bill referred by the House itself may be sent to any committee without regard to the rules of jurisdiction. 4 Hinds § 4375; 7 Cannon § 2131. Jurisdiction in such a case is deemed conferred by the action of the House. 4 Hinds §§ 4362–4364; 7 Cannon § 2105.

Absent specific authority or the authority to originate, a committee may not report a measure that has not been properly referred to it by the Speaker or by the House. 4 Hinds §§ 4355–4360; 7 Cannon §§ 1029, 2101. The committees authorized to file from the floor as privileged, pursuant to rule XIII clause 5, certain bills and resolutions originating from such committees are Appropriations, Budget, House Administration, Rules, and Standards of Official Conduct. *Manual* §§ 412, 853.

Erroneously Referred Bills

Rule XII clause 7 provides for procedures to be followed in case of an error in the reference of a public bill. For a discussion of erroneous referral of a private bill, see § 14, infra. The House rerefers public bills without debate, usually pursuant to a unanimous-consent request. Deschler Ch 16 §§ 3.13– 3.15. A motion to rerefer also is available. However, that motion has not been offered since the 82d Congress. *Manual* § 825; Deschler Ch 16 §§ 3.10–3.13. The motion to rerefer:

- Must apply to a bill erroneously referred. 7 Cannon § 2125.
- Must be made immediately following the Pledge of Allegiance. Rule XII clause 7; 7 Cannon §§ 1809, 2119, 2120.
- Must apply to a single bill and not to a class of bills. 7 Cannon § 2125.
- May be amended. 7 Cannon § 2127.
- May not be divided. 7 Cannon § 2125.
- May not be debated. 7 Cannon §§ 2126–2128.

Bills Reported From Committee; Referrals to Calendars

Bills reported from committees are ordinarily referred to the proper calendar under the direction of the Speaker. *Manual* §§ 828, 831. Once a bill has been reported by committee, points of order against its reference and motions for its rereferral are not entertained. 7 Cannon § 2110; Deschler Ch 16 § 3.6. Under rule XII clause 2, a bill reported from committee may be sequentially referred by the Speaker to other committees (even a bill previously referred to a calendar). § 8, infra. Moreover, once consideration of the reported measure has begun in the House, a motion to refer or recommit is in order in differing situations under the rules of the House. *Manual* §§ 916, 917, 1001; see REFER AND RECOMMIT.

§ 8. Multiple Referrals; Sequential or Split Referrals

Before the 94th Congress, a bill could not be divided among two or more committees, even though it contained matters properly within the jurisdiction of several committees. 4 Hinds § 4372. However, in 1975 the House adopted rule XII clause 2(b), stating that every referral must be made so

as to ensure ''to the maximum extent feasible'' that each committee having jurisdiction over the subject matter of a provision will have responsibility for considering it and reporting thereon to the House. Rule XII clause 2(c)(1) requires the Speaker to designate a committee of primary jurisdiction upon the initial referral of a measure to a committee (except where he determines that extraordinary circumstances justify review by more than one committee as though primary). The Speaker has discretion to:

- Refer the measure to other committees either initially (at the time of introduction) or sequentially (following the primary committee's report); in either case, subject to time limits imposed after the primary committee has reported.
- Refer designated portions of the same measure to other committees (split referral).
- Refer a measure to a special ad hoc committee, established by the House, consisting of members of committees with shared jurisdiction over the measure.

The Speaker's referrals are always for consideration of such provisions as fall within a committee's jurisdiction, and bills referred to more than one committee contain an explicit statement to that effect.

§ 9. Bills Reported with Amendments

A bill reported from a committee with an amendment may be sequentially referred to another committee where the amendment falls within the jurisdiction of the second committee. *Manual* § 816. In determining whether the matter falls within the jurisdiction of the second committee, the Speaker may base his referral on either (1) the text of an amendment as well as the text of the original bill; or (2) solely on the text of a reported substitute amendment in lieu of the original bill. *Manual* § 816. The second committee may report an amendment to the amendment adopted by the first committee if the amendment to the amendment is within the jurisdiction of the second committee.

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

- A reported bill to another committee solely for consideration of provisions of the first committee's amendment within its jurisdiction, and not for consideration of the entire bill.
- A reported bill to two other committees for different periods of time, solely for consideration of designated sections of the first committee's recommended amendment.
- A reported bill solely for consideration of designated portions of the first committee's amendment.

- Only a portion of the original text where the primary committee's amendment would delete portions of the bill within the sequential committee's jurisdiction.

Manual § 816.

§ 10. Matters Subject to Referral

Generally

Rule XII clause 2, the rule establishing the referral procedures to be followed by the Speaker, applies to ''each bill, resolution, or other matter'' relating to a subject falling within the jurisdiction of a standing committee under rule X clause 1. Thus, the Speaker may, pursuant to the rule, refer bills and resolutions, a portion of a bill, a Presidential message, an executive communication, or a select committee report. *Manual* § 816.

Senate Amendments to House Bills

Pursuant to rule XIV clause 2, the Speaker may refer to a standing committee a Senate amendment to a House-passed bill. Formerly, where a House bill was returned from the Senate with an amendment relating to a new and different subject, the Speaker referred it to the committee having jurisdiction of the original bill. 4 Hinds §§ 4373, 4374. Under the modern practice, the Speaker rarely exercises his authority to refer Senate amendments at all. Where he does, the Speaker may impose a time limitation for consideration of a certain portion of the amendment. *Manual* § 816. On being reported from a standing committee, the House bill with the Senate amendment is referred to the Committee of the Whole. 4 Hinds § 3108; 8 Cannon § 3187. Under rule XXII clause 2, House bills with Senate amendments that do not require consideration in Committee of the Whole may be at once disposed of as the House may determine.

Senate Bills and Messages

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

§ 11. Time Limitations on Referred Bills; Extensions

Generally

Pursuant to rule XII clause 2, the Speaker may impose a time limit for the consideration by any committee of a bill that is primarily, initially, or sequentially referred. The Speaker normally places a time limit on bills sequentially referred. However, the rules of the House do not require him to do so. The Speaker may sequentially refer a bill without setting such limit or may set a limit as short as one day. *Manual* § 816.

On the last day of an expiring sequential referral, a committee has until midnight to file its report with the Clerk. *Manual* § 816.

Rule XII clause 2 is not construed to prevent a secondary committee from reporting before the primary committee. It is the intent of the rule to allow the primary committee to report before a measure is scheduled for floor consideration. However, the measure may be considered without a report by the primary committee when the primary committee waives its right to report and a special order is adopted discharging the committee. The measure also may be considered when the Speaker exercises discretion to impose a time limit on the primary committee for reporting (which he rarely exercises) and such committee fails to meet the deadline. In that case, the primary committee will be considered to have been discharged from further consideration of the measure. *Manual* § 816.

Extensions of Time

The Speaker may extend the time limit set for the consideration of a referred bill, and he has exercised such authority with respect to bills that have been sequentially referred, or divided for reference. Where the Speaker extends the time limit on a sequentially referred bill, he also may refer the bill to another committee for the same period. More than one extension of time may be given by the Speaker to a committee considering a bill. *Manual* § 816.

Discharge of Committee

Where a committee does not report a measure to the House on or before the date specified by the Speaker pursuant to his authority under rule XII clause 2, the Speaker may discharge the committee from further consideration of the measure and refer it to the appropriate calendar or to another committee. Also, the House may adopt a special order of business accomplishing the discharge. *Manual* § 816.

§ 12. Referrals To or From Special and Ad Hoc Committees

The Speaker may refer bills, resolutions, and other matters (including messages and communications) to an ad hoc committee established with the approval of the House. The House order authorizing the ad hoc committee may require that referrals to the committee be by initial or sequential reference or by some other method provided by rule XII clause 2. *Manual* § 816. For example, in the 107th Congress, 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 select committee was reestablished to develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 as may be referred to it by the Speaker. 108–1, H. Res. 5, Jan. 7, 2003, p ____.

C. Private Bills

§ 13. In General

Background

The practice of Congress in passing private bills for the benefit of specific persons or entities was taken from the English Parliament and began with the First Congress. The use of private bills steadily increased thereafter, so much so that in some years the Congress enacted more private bills than it did public bills. The 59th Congress, for example, enacted more than 6,000 private bills, while it enacted fewer than 700 public bills. 7 Cannon § 1028. In recent years, and especially since the adoption of the Legislative Reorganization Act of 1946, the number of private bills enacted into law has been steadily declining. In the 104th Congress, only four private bills were approved. In the 105th Congress, only 10 private bills were approved. Calendars of the U.S. House of Representatives, Final Edition, 104th Cong. and 105th Cong.

Because it lacks the generality of application that is normally found in public laws, a private law is considered a legislative anomaly. Congressional action in passing such laws has been based on the rationale that because public laws cannot cover every situation or extraordinary circumstance that might arise, Congress may, as part of its general law-making function, create

''equitable law'' to cover such circumstance. *Note, Private Bills in Congress,* 79 Harv. L. Rev. 1684 (1966).

Constitutionality

Although the constitutionality of private laws has not been subjected to extensive critical analysis by the courts, their use is regarded as a proper legislative function. The Supreme Court in 1940 held that the passage of a private law does not constitute a congressional intrusion into the judicial function. *Paramino Lumber Company* v. *Marshall,* 309 U.S. 370 (1940).

Omnibus Bills

Rule XV clause 5 permits the use of ''omnibus'' private legislation—that is, a measure containing two or more private bills that are considered as a single package. *Manual* §§ 895, 897.

§ 14. What Constitutes a Private Bill

A private bill may be generally defined as a bill for the benefit or relief of one or several specified persons or entities. 4 Hinds § 3285; 7 Cannon § 856. It is generally enacted only for those who have no other remedy available to them. Deschler Ch 24 § 3. A bill for the benefit of a named individual is classed as a private bill, even though it deals with government property. 7 Cannon § 859. An ''omnibus claim bill,'' which contains provisions for payments to many different claimants, also is treated as a private bill rather than a public bill, where all claimants are of the same class and each claimant is specified by name. 4 Hinds § 3293.

§ 15. Introduction, Reference, and Consideration

Private bills may be presented to the House only through a sponsoring Member and may not be cosponsored. A Member with a private bill to present (1) endorses his name on the bill and (2) delivers the bill to the Clerk. Rule XII clause 3; *Manual* § 818.

Under rule XII clause 6, errors in private bills may be corrected without action by the House at the suggestion of the committee in possession of the bill. Because an erroneous reference of a private bill does not confer jurisdiction on the committee to report it, a point of order will lie against the bill when it comes up for consideration in the House or in the Committee of the Whole. *Manual* § 824. A subcommittee may have specific rules governing the consideration of private bills. See, *e.g.,* ''Rules of Procedure for Private Immigration Bills,'' Subcommittee on Immigration Claims, Committee on the Judiciary. Committee approval of the bill is generally contin-

gent upon a showing that the applicant has no other remedy. A private bill reported out of committee is referred to the Private Calendar.

Private bills called on the Private Calendar are reviewed by a committee of ''official objectors'' consisting of six members—three from each party. As a matter of policy, the official objectors have traditionally required that bills must be on the Private Calendar for seven days before being called up. See PRIVATE CALENDAR. A Member serving as an official objector has periodically included in the *Congressional Record* an explanation of how bills on the Private Calendar are considered. *Manual* § 896. If two or more Members of the House object to a bill, it is recommitted to the committee that reported it. *Manual* § 895. However, such a bill may be ''passed over without prejudice'' by unanimous consent for subsequent consideration. Also, the provisions of a private bill may be reported back in an omnibus bill. See PRIVATE CALENDAR. In modern practice, private bills have not been scheduled by the Speaker for consideration under suspension of the rules. This procedure has been reserved for public bills.

If the bill is unopposed, it is taken up in the House as in the Committee of the Whole. The procedure is as follows:

> SPEAKER: This is the day for the call of the Private Calendar. The Clerk will call the first omnibus bill on the calendar. . . . The Clerk will read the bill by title for amendment. [*The Clerk reads the bill, and any committee amendments are reported and disposed of; thereafter, motions to amend are in order.* See § 16, infra]
>
> MEMBER: Mr. Speaker, I offer a motion [*to strike all or part of the pending paragraph.*]
>
> > *Note:* Amendments are in order only if they strike or reduce amounts of money or provide limitations. *Manual* § 895. Motions to strike the last word are not permitted, nor are reservations of objection. See PRIVATE CALENDAR.
>
> SPEAKER [*after disposition of amendments*]: The question is on the engrossment and third reading of the bill.
>
> MEMBER: Mr. Speaker, I offer a motion to recommit.
>
> SPEAKER [*after disposition of the motion to recommit*]: The question is on the passage of the omnibus bill.

After being passed by the House, an omnibus private bill is resolved into the various private bills of which it is composed, and each is sent to the Senate as if individually passed. *Manual* § 897. A private bill that has passed both Houses must be approved by the President or enacted over his veto to become law.

§ 16. — Amendments

A private bill is subject to amendment under the five-minute rule, pursuant to rule XV clause 5. *Manual* §§ 895, 897. However, a private bill for the benefit of one individual may not be amended so as to extend its provisions to another individual, even indirectly through a motion to recommit with instructions. 4 Hinds § 3296. Under the germaneness rule, it is not in order to amend a private bill by extending its provisions to a general class of individuals, which would be public in character. 4 Hinds § 3292; 7 Cannon § 860; see GERMANENESS OF AMENDMENTS. Motions to strike the last word—pro forma amendments—are not entertained. Deschler-Brown Ch 29 § 70.7.

When an amendment is offered, members of the reporting committee have priority in recognition to oppose the amendment. Deschler-Brown Ch 29 § 13.23.

§ 17. Uses of Private Bills

Generally

Under the modern practice, most private bills granting relief to individuals fall into one of four major categories: (1) bills involving claims *against* the United States or waiving claims *by* the Federal Government against specific individuals; (2) bills excepting named individuals from certain requirements of the immigration or naturalization laws; (3) conveyances of real property rights; and (4) tariff treatment for private entries. See §§ 18, 19, infra.

Some private bills granting relief to identified individuals merely permit the taking of some action that would otherwise be prohibited by general law. For example, one favorably reported private bill authorized Federal employees of the Social Security Administration in Syracuse, New York, to transfer annual leave to a fellow employee who had exhausted her sick leave during her treatment for cancer. 100–2, H.R. 3625, H. Rept. 100–554. Another private bill authorized the Secretary of Defense to allow the children of a secret service agent killed while on duty to attend school at a United States military facility in Puerto Rico (the family had been notified that his children were no longer eligible to attend the school because the children were no longer dependents of a Federal employee in Puerto Rico). 100–2, H.R. 3439, H. Rept. 100–552.

Measures Barred From Consideration

Under rule XII clause 4, a private bill may not be introduced or considered if it authorizes or directs the payment of money for property damages

or for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act (FTCA). Private pension bills (other than those to carry out a provision of law or treaty stipulation) are also barred, as are bills providing for the construction of a bridge across a navigable stream. Private bills providing for the correction of a military record are likewise proscribed. However, a private bill that merely changes the computation of retired pay for a former member of the armed services has been held permissible. *Manual* § 822. The barring of private bills in such cases is based on the availability to claimants of other judicial or administrative remedies. Deschler Ch 24 § 3. The FTCA, for example, provides both administrative and judicial remedies in certain personal injury cases involving the negligence of Federal employees. 28 USC § 2671.

§ 18. — Claims By or Against the Government

Generally; Constitutionality

Many private bills grant relief to an individual who has a meritorious claim against the Federal government that cannot otherwise be remedied. Deschler Ch 24 § 3. The constitutional basis for such bills is found in the first amendment, which sets forth the right to petition the government for the redress of grievances, and in article I, which allocates to Congress the power to pay the debts of the United States. U.S. Const. art. I, § 8, cl. 1; *Pope* v. *United States*, 323 U.S. 1 (1944).

Procedure

Under rule XII clause 2(d), unanimous consent is required for the reference of a private claim bill to a committee other than the Committee on the Judiciary or the Committee on International Relations. *Manual* § 817. Most private bills involving claims against the government are referred to the Judiciary Committee, which has jurisdiction over such claims under rule X clause 1(k). For example, a private bill providing to a named individual an entitlement to social security benefits was referred as a private claim only to the Committee on the Judiciary (in accord with rule XII clause 2(d)) and, when reported by that committee, was referred to the Private Calendar and not sequentially to the Committee on Ways and Means. 106–2, Feb. 14, 2000, p ____.

The Committee on the Judiciary refers a private claim bill to its Subcommittee on Immigration and Claims. The subcommittee may hold a hearing on the matter. The full-committee files its report with the House, and the Speaker refers it to the Private Calendar. See also § 15, supra.

Note: An alternative to this procedure is provided for in law. It authorizes either House of Congress, by adopting a resolution, to refer bills (except pension bills) to the Chief Judge of the U.S. Court of Federal Claims, and stipulates that the Chief Judge is to report the findings of fact and conclusions in each case to the House that made the reference. 28 USC §§ 1492, 2509. These reports are provided to Congress for use in deciding whether certain private claims warrant legislative relief. *Zadeh* v. *United States*, 111 F. Supp. 248 (Ct. Cl. 1953).

Granting Relief; Consideration of Particular Claims

In exercising its jurisdiction over claims against the government, and in determining whether relief should be granted to persons seeking redress of grievances under its rules, the subcommittee has been guided by ''principles of equity and justice.'' The task of the subcommittee has been to determine whether the equities and circumstances of a case create a ''moral obligation'' on the part of the government to extend relief to an individual who has no other existing remedy. Relief has been granted in private legislation:

- To provide for the payment to settle certain property damage claims of residents arising out of the 1973 occupation of Wounded Knee, South Dakota. 100–2, H.R. 2711, H. Rept. 100–559.
- To provide for a payment to a child who had been sexually assaulted by an employee of the Postal Service, who was delivering mail at the time. A civil action against the United States on behalf of the six-year-old claimant was filed under the FTCA on the basis of negligent supervision of the employee by the Postal Service, but this suit was unsuccessful, intentional torts such as assault being excluded under the provisions of the Act. 100–2, H.R. 4099, H. Rept. 100–556.
- To authorize certain firefighters to sue the United States for injuries or death under the FTCA because the Secretary of Labor had determined that the firefighters were Federal employees covered by another statute—the Federal Employee Compensation Act—which precluded claims under the FTCA. 100–2, H.R. 2682, H. Rept. 100–547.
- To waive the discretionary-function and foreign-country exceptions to the FTCA, thereby granting jurisdiction for the claimant to sue the government for claims arising at a U.S. Army health facility in Germany for improperly administered smallpox vaccination. 100–2, H.R. 2684, H. Rept. 100–442.
- To provide compensatory relief in a contract case based on a moral obligation of the government, such as when money was promised and not paid. 87–1, Priv. L. No. 87–195, H. Rept. 87–232; 100–2, H.R. 3185, H. Rept. 100–549.
- To adjust or credit the account of a Federal official or to reimburse a government employee for expenditures made by him at the direction of his employer. 7 Cannon § 863; 100–2, H.R. 3388, H. Rept. 100–551.

- To permit claimants to receive an annuity under the Civil Service Retirement system. 100–2, H.R. 2889, H. Rept. 100–548; 100–2, H.R. 1864, H. Rept. 100–546.
- To relieve a Federal employee of liability for repayment of travel expenses erroneously paid to him by his employer. 100–2, H.R. 3941, H. Rept. 100–555; 100–2, H.R. 3347, H. Rept. 100–550.
- To suspend or waive a statute of limitations where the government has been unjustly enriched at the expense of the claimant (87–1, Priv. L. No. 87–23, H. Rept. 87–176), or where to do so would be in the interests of ''justice and equity'' (100–1, H.R. 1491, H. Rept. 100–439).
- To provide payment to an individual injured by a government-prescribed fire. 104–2, S. 966, H. Rept. 104–638.
- To provide reimbursement to an entity for emergency work under the Robert T. Stafford Disaster and Emergency Assistance Act. 104–1, H.R. 419, H. Rept. 104–359.

§ 19. — Immigration and Naturalization Cases

Private bills are sometimes used to exempt individuals from the application of the immigration and naturalization laws in hardship cases where the law would otherwise prohibit entry into or require deportation from the United States. Deschler Ch 24 § 3.

Private bills have been used in specific cases to:

- Restore a prospective immigrant to his place on a quota waiting list when that place was lost without his fault. 83–2, Priv. L. No. 601, H. Rept. 83–2078.
- Grant asylum to a Communist aviator who flew his plane to the West. 83–2, Priv. L. No. 380, H. Rept. 83–650.
- Grant the status of permanent residence to a 23-year-old Philippino woman who became pregnant while visiting the United States under a temporary visa, where the father had acquired permanent-residency status, and where the alternative would have been to separate the family, with the mother and infant returning to the Philippines and the father remaining here. 100–1, S. 393, H. Rept. 100–354.
- Reinstate U.S. citizenship to a 65-year-old native U.S. citizen who renounced citizenship in 1950 due to family obligations when he was married to a Mexican national. 100–1, H.R. 2358, H. Rept. 100–381.
- Enable a record-holding swimmer from East Germany who had defected to the United States to file a petition for naturalization, without regard to residence or Communist Party membership. 100–2, H.R. 446, H. Rept. 100–598.
- Grant the status of permanent residence to a sports and media figure retroactively to 1950 and provide that he shall be considered to have complied with residential and physical presence requirements of the Immigration and Naturalization Act. 86–2, Priv. L. No. 86–486, H. Rept. 1506.

- To permit certain individuals who were evacuated from Kuwait during the Persian Gulf War to file for permanent resident status. 106–2, H.R. 3646, H. Rept. 106–580.

D. Restrictions on Certain Public Bills

§ 20. Appropriations

Appropriations on Legislative Bills

Restrictions against the inclusion of appropriations in legislative bills are provided for by rule XXI clause 4. A bill or joint resolution carrying appropriations may not be reported by a committee not having jurisdiction to report appropriations; and points of order lie against those provisions when the bill is read for amendment. The rule also prohibits amendments proposing appropriations on a reported legislative bill. *Manual* § 1065; see also APPROPRIATIONS, § 76.

Transportation Obligation Limitations

Section 8101(e) of the Transportation Equity Act for the 21st Century (Pub. L. No. 105–178) added rule XXI clause 3, which precludes consideration of a measure that would cause obligation limitations to be below the level for any fiscal year set forth in section 8103 of the Transportation Equity Act for the 21st Century, as adjusted, for the highway category or the mass transit category, as applicable. *Manual* § 1064; see also APPROPRIATIONS, § 59a.

Funding for Aviation Programs

Section 206 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Pub. L. No. 106–181) added a provision establishing points of order to guarantee a certain level of budget resources available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2003, to restrict the uses of those resources, and to guarantee a certain level of appropriations. *Manual* § 1064a; see also APPROPRIATIONS, § 59a.

§ 21. Tax and Tariff Measures

Under rule XXI clause 5(a), a bill or joint resolution carrying a tax or tariff measure may not be reported by a committee other than the Committee on Ways and Means; and points of order lie against those provisions when the bill is read for amendment. The prohibition extends to consideration of an amendment in the House or proposed by the Senate that carries a tax or tariff measure offered during the consideration of such bill or joint

resolution. For a discussion of the restrictions against bills and amendments carrying a tax or tariff, see *Manual* § 1066.

Rule XXI clause 5(c) precludes consideration of a bill, joint resolution, amendment, or conference report that carries a retroactive Federal income tax rate increase. The rule defines a ''Federal income tax rate increase'' as any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section. The rule further specifies that a Federal income tax rate increase is retroactive if it applies to a period beginning before the enactment of the provision. *Manual* § 1068.

§ 22. Designation of Public Works

Rule XXI clause 6 precludes consideration of a bill, joint resolution, amendment, or conference report that provides for the designation or redesignation of a public work in honor of an individual then serving as a Member, Delegate, Resident Commissioner, or Senator. *Manual* § 1068a.

§ 23. Prohibition on Commemorations

Rule XII clause 5 precludes introduction and consideration of a bill or resolution, or an amendment thereto, if it establishes or expresses a commemoration. The term ''commemoration'' is defined by the rule as a remembrance, celebration, or recognition for any purpose through the designation of a specified period of time. *Manual* § 823. The House by unanimous consent waived the prohibition in rule XII clause 5(a) for a joint resolution to amend title 36, United States Code, to designate September 11 as United We Stand Remembrance Day. 107–1, Oct. 24, 2001, p ____.