

## Chapter CCXVII.<sup>1</sup>

1. Rules for introduction and reference of bills, petitions, etc. Sections 1027–1033.
2. Forms and practice in relation to bills and resolutions. Sections 1034–1048.
3. Practice as to consideration of. Sections 1049–1053.
4. Reading, amendment, and passage. Sections 1054–1067.
5. Enrolling and signing of. Sections 1068–1080.
6. Recall of bills from other House for correction of errors. Sections 1081–1083.

**1027. Under the modern practice the Clerk of the House accepts bills and resolutions for introduction prior to the opening day of the session. The reference of private bills to committees is indicated by the Member.**

**Bills providing for preliminary surveys of rivers and harbors are classed as private bills.**

On November 2, 1931, in conformity with custom observed in advance of the opening of previous sessions of Congress, the Clerk<sup>2</sup> of the House, dispatched a circular letter to Members as follows:

At the opening of a new Congress bills and joint resolutions are introduced in such great number as to congest the facilities of the Government Printing Office and of the House office force.

It is therefore suggested, in the interest of expedition and accuracy, that Members or their clerks prepare in advance of the meeting of Congress all bills and joint resolutions which are to be introduced during the first days of the session and file them with the Clerk of the House for preparation for printing. Such bills and joint resolutions will be the originals, and it will be unnecessary to make duplicates for deposit in the House.

Thus it will be possible promptly to group the bills in alphabetical order of Members' names for convenient reference in the Congressional Record, and to number the bills of each Member in sequence.

The reference of bills granting pensions should be indicated by the introducer whether to the Committee on Pensions (other than Civil War claims) or to the Committee on Invalid Pensions (Civil War Claims only).

Bills providing for preliminary surveys of rivers and harbors are classified as private bills.

**1028. Summaries showing number of bills introduced, number of reports submitted by committees, number of laws enacted, and number of acts of Congress declared unconstitutional by the Supreme Court.**

---

<sup>1</sup>Supplementary to Chapter XCI.

<sup>2</sup>William Tyler Page, of Maryland, Clerk.

The following table indicates the number of bills and joint resolutions introduced by Members of the House in the Congresses from 1907 to 1934:

Congress.	Bills.	Congress.	Bills.
Sixtieth .....	12,741	Sixty-seventh .....	14,941
Sixty-first .....	14,770	Sixty-eighth .....	12,859
Sixty-second .....	16,578	Sixty-ninth .....	17,794
Sixty-third .....	16,680	Seventieth .....	17,769
Sixty-fourth .....	21,497	Seventy-first .....	17,909
Sixty-fifth .....	16,684	Seventy-second .....	15,415
Sixty-sixth .....	16,651	Seventy-third .....	10,346

The following summaries <sup>1</sup> show the proportion of bills reported by committees to those passed by the House in the Sixty-fifth to the Seventy-third Congresses, inclusive:

	Total, Seventy-third Congress.	Total, Seventy-second Congress.	Total, Seventy-first Congress.	Total, Seventieth Congress.	Total, Sixty-ninth Congress.	Total, Sixty-eighth Congress.	Total, Sixty-seventh Congress.	Total, Sixty-sixth Congress.	Total, Sixty-fifth Congress.
Calendar days .....	267	313	518	259	295	282	624	460	634
Actual days in session .....	197	241	290	199	225	215	414	372	438
Bills introduced .....	9,968	14,799	17,373	17,334	17,415	12,474	14,475	16,170	16,239
Joint resolutions introduced .....	378	616	536	435	379	385	466	481	445
Simple resolutions introduced .....	454	408	394	351	457	465	580	710	625
Concurrent resolutions introduced .....	48	52	53	60	61	48	88	78	75
Total bills and resolutions <sup>a</sup> .....	10,848	15,875	18,356	18,180	18,312	13,372	15,609	17,439	17,384
Committee reports:									
Union Calendar .....	549	540	789	853	843	667	637	462	390
House Calendar .....	369	367	605	719	477	367	333	326	269
Private Calendar .....	1,010	1,141	1,340	1,053	831	463	480	307	241
Total .....	1,928	2,048	2,734	2,625	2,151	1,497	1,450	1,095	900
Reported bills acted upon:									
Union Calendar .....	361	362	615	721	730	525	467	332	247
House Calendar .....	309	308	500	659	427	324	289	252	176
Private Calendar .....	545	557	872	1,005	800	404	414	195	42
Total acted upon .....	1,155	1,227	1,987	2,385	1,957	1,253	1,170	779	465
Reported bills pending .....	713	821	747	240	194	244	280	316	435
Total reported .....	1,928	2,048	2,734	2,625	2,151	1,497	1,450	1,095	900
Resolutions agreed to:									
Simple .....	420	206	220	171	153	173	281	285	233
House concurrent .....	20	20	22	23	25	16	35	25	6
Senate concurrent .....	15	24	21	12	14	15	20	15	5
Total resolutions agreed to .....	455	250	263	206	192	204	336	325	244

<sup>a</sup>Bills coming from the Senate are not included in this tabulation.

<sup>1</sup>Final calendar, Sixty-eighth Congress, p. 174; Seventy-third Congress, p. 257.

Measures enacted in the Sixty-fifth to the Seventy-fourth Congresses inclusive are classified as follows:

	Total, Seventy- third Con- gress.	Total, Seventy- second Con- gress.	Total, Seventy- first Con- gress.	Total, Seventy- fourth Con- gress.	Total, Sixty- ninth Con- gress.	Total, Sixty- eighth Con- gress.	Total, Sixty- seventh Con- gress.	Total, Sixty- sixth Con- gress.	Total, Sixty- fifth Con- gress.
Public laws:									
Approved .....	486	441	867	808	1,034	631	550	375	404
Without approval .....	0	0	0	0	0	0	0	23	.....
Over veto .....	1	1	2	0	3	1	0	3	.....
Total public laws .....	487	442	869	808	1,037	632	550	401	404
Public resolutions:									
Approved .....	53	74	140	71	108	75	104	63	56
Without approval .....	0	0	0	0	0	0	1	6	.....
Total public resolutions ...	53	74	140	71	108	75	105	69	56
Private laws .....	434	326	512	537	568	289	276	124	48
Private resolutions .....	2	1	3	7	9	0	0	0	0
Total number of laws and resolutions .....	976	843	1,524	1,423	1,722	996	931	594	508

On February 11, 1925,<sup>1</sup> under leave to extend remarks, Mr. William C. Ramseyer, of Iowa, inserted in the Record a table showing the number of laws enacted by Congress from 1789 to 1925. This table, supplemented to include enactments to 1934, is as follows:

*Number of laws enacted by Congress (1789-1934)*

Congress.	Public.			Private.			Total.
	Acts.	Resolu- tions.	Total.	Acts.	Resolu- tions.	Total.	
First .....	94	14	108	8	2	10	118
Second .....	64	1	65	12	.....	12	77
Third .....	94	9	103	24	.....	24	127
Fourth .....	72	3	75	10	.....	10	85
Fifth .....	135	2	137	18	.....	18	155
Sixth .....	94	6	100	12	.....	12	112
Seventh .....	78	2	80	15	.....	15	95
Eighth .....	90	2	92	18	.....	18	110
Ninth .....	88	2	90	16	.....	16	106
Tenth .....	87	1	88	17	.....	17	105
Eleventh .....	90	2	92	25	.....	25	117
Twelfth .....	162	6	168	39	.....	39	207
Thirteenth .....	167	16	183	88	.....	88	271
Fourteenth .....	163	11	174	124	1	125	299
Fifteenth .....	136	20	156	101	.....	101	257
Sixteenth .....	109	8	117	91	.....	91	208
Seventeenth .....	130	6	136	102	.....	102	238
Eighteenth .....	137	4	141	194	.....	194	335
Nineteenth .....	147	6	153	113	.....	113	266
Twentieth .....	126	8	134	100	1	101	235

<sup>1</sup> Second session Sixty-eighth Congress, Record, p. 3525.

*Number of laws enacted by Congress (1789–1934)—Continued*

Congress.	Public.			Private.			Total.
	Acts.	Resolutions.	Total.	Acts.	Resolutions.	Total.	
Twenty-first .....	143	9	152	217	.....	217	369
Twenty-second .....	175	16	191	270	1	271	462
Twenty-third .....	121	7	128	262	.....	262	390
Twenty-fourth .....	129	14	143	314	1	315	458
Twenty-fifth .....	138	12	150	376	6	382	532
Twenty-sixth .....	50	5	55	90	2	92	147
Twenty-seventh .....	178	23	201	317	6	323	524
Twenty-eighth .....	115	27	142	131	6	137	279
Twenty-ninth .....	117	25	142	146	15	161	303
Thirtieth .....	142	34	176	254	16	270	446
Thirty-first .....	88	21	109	51	7	58	167
Thirty-second .....	113	24	137	156	13	169	306
Thirty-third .....	161	27	188	329	23	352	540
Thirty-fourth .....	127	30	157	265	11	276	433
Thirty-fifth .....	100	29	129	174	9	183	312
Thirty-sixth .....	131	26	157	192	21	213	370
Thirty-seventh .....	335	93	428	66	27	93	521
Thirty-eighth .....	318	93	411	79	25	104	515
Thirty-ninth .....	306	121	427	228	59	287	714
Fortieth .....	226	128	354	380	31	411	765
Forty-first .....	313	157	470	235	64	299	769
Forty-second .....	514	16	530	450	2	452	982
Forty-third .....	392	23	415	441	3	444	859
Forty-fourth .....	251	27	278	292	10	302	580
Forty-fifth .....	255	48	303	430	13	443	746
Forty-sixth .....	288	84	372	250	28	278	650
Forty-seventh .....	330	89	419	317	25	342	761
Forty-eighth .....	219	65	284	678	7	685	969
Forty-ninth .....	367	57	424	1,025	3	1,028	1,452
Fiftieth .....	508	62	570	1,246	8	1,254	1,824
Fifty-first .....	470	80	550	1,633	7	1,640	2,190
Fifty-second .....	347	51	398	318	6	324	722
Fifty-third .....	374	89	463	235	13	248	711
Fifty-fourth .....	356	78	434	504	10	514	948
Fifty-fifth .....	449	103	552	880	5	885	1,437
Fifty-sixth .....	383	60	443	1,498	1	1,499	1,942
Fifty-seventh .....	423	57	480	2,309	1	2,310	2,790
Fifty-eighth .....	502	73	575	3,465	1	3,466	4,041
Fifty-ninth .....	692	83	775	6,248	1	6,249	7,024
Sixtieth .....	350	61	411	234	1	235	646
Sixty-first .....	526	69	595	284	3	287	882
Sixty-second .....	457	73	530	180	6	186	716
Sixty-third .....	342	75	417	271	12	283	700
Sixty-fourth .....	400	58	458	221	5	226	684
Sixty-fifth .....	349	56	405	48	0	48	453
Sixty-sixth .....	401	69	470	120	4	124	594
Sixty-seventh .....	550	105	655	275	1	276	931
Sixty-eighth .....	632	75	707	289	0	289	996
Sixty-ninth .....	808	71	879	537	7	544	1,423
Seventieth .....	1,037	108	1,145	568	9	577	1,722
Seventy-first .....	869	140	1,009	512	3	515	1,524
Seventy-second .....	442	74	516	326	1	327	843
Seventy-third .....	487	53	540	434	2	436	976
Total .....	20,559	3,282	23,841	32,177	545	32,722	56,563

The distinction between the terms public and private, as used in the Statutes at Large, is somewhat arbitrary. Prior to 1845 a number of laws were printed in both groups; these have been classed as public only in the above table. The decided reduction in the number of private acts beginning with the Sixtieth Congress was caused primarily by the combining of a large number of pension bills in a single omnibus pension bill.

On February 24, 1923,<sup>1</sup> Mr. C. William Ramseyer, of Iowa, in the course of a discussion of the constitutionality of the Federal Corrupt Practices act of legislation limiting campaign expenditures and providing for publicity of campaign contributions and disbursements, said:

Early last fall I endeavored to get a list of all the Supreme Court cases which hold acts of Congress unconstitutional, but such a list was nowhere to be found. I called upon the legislative reference service of the Library of Congress for help, and that service put several of its experts to the task of going through all the Supreme Court reports for the decisions holding acts of Congress unconstitutional. Such a list was finally completed and furnished me on October 12, 1922, which I shall have printed in the Record.

This list contains 48 decisions by the Supreme Court declaring acts of Congress unconstitutional and void since the foundation of our Government, or on an average of one such decision in a little less than three years. It is only fair to observe that such decisions have been more frequent in the late years. For the first 50 years of our Government there were very few such decisions.

Of the 56,563 enactments, 61 have been declared unconstitutional by the Supreme Court.<sup>2</sup> As there are 293 volumes of Supreme Court decisions, including

<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 4567.

<sup>2</sup> This list of acts declared unconstitutional, with citation of the decisions invalidating them, corrected and supplemented to include the May term of 1933, is as follows:

1 Stat. 81, § 13 (1 Cranch 137); 2 Stat. 677, c. 22 (6 Wallace 160); 3 Stat. 548, § 8 (19 Howard 393); 12 Stat. 345, § 1 (8 Wallace 603); 12 Stat. 757, c. 81, § 5, (9 Wallace 274); 12 Stat. 766, c. 92, § 5 (2 Wallace 561); 13 Stat. 311, c. 174, § 13 (7 Wallace 571); 13 Stat. 424, c. 20 (4 Wallace 333); 14 Stat. 138 (17 Wallace 322); 14 Stat. 477, c. 169, § 13 (11 Wallace 113); 14 Stat. 484, c. 169, § 29 (9 Wallace 41); 16 Stat. 140, c. 114, § 3, 4 (92 U.S. 214); 16 Stat. 235, c. 251 (13 Wallace 128); 18 Stat. 187, § 5 (116 U.S. 616); 15 Stat. 37, c. 13, § 1 (142 U.S. 547); 16 Stat. 144 (203 U.S. 1); 16 Stat. 210 and 19 Stat. 141 (100 U.S. 82); 14 Stat. 539 (95 U.S. 670); 16 Stat. 141, § 4 (190 U.S. 127); 17 Stat. 13, c. 22, § 2 (106 U.S. 629); 16 Stat. 154, c. 133, § 3 (127 U.S. 540); 18 Stat. 336, §§ 1, 2 (109 U.S. 3 and 230 U.S. 126); 18 Stat. 479, c. 144, § 2 (174 U.S. 47); 19 Stat. 80, § 6 (272 U.S. 52); 19 Stat. 141 (100 U.S. 82); 25 Stat. 411 (148 U.S. 312); 27 Stat. 25, c. 60, § 4 (163 U.S. 228); 28 Stat. 1018, No. 41 (175 U.S. 1); 28 Stat. 553–560, § 27–37 (157 U.S. 429 and 158 U.S. 601); 29 Stat. 506 (197 U.S. 488); 30 Stat. 428 (208 U.S. 161); 30 Stat. 459 (181 U.S. 283); 30 Stat. 460 (237 U.S. 1); 30 Stat. 461 (237 U.S. 19); 31 Stat. 359, § 171 (197 U.S. 516); 31 Stat. 1341, § 935 (213 U.S. 297); 34 Stat. 232, c. 3073 (207 U.S. 463); 34 Stat. 269, § 2 (221 U.S. 559); 34 Stat. 899, § 3 (213 U.S. 138); 34 Stat. 1028 (219 U.S. 346); 35 Stat. 313, § 4 (224 U.S. 665); 37 Stat. 28 (256 U.S. 232); 37 Stat. 136, § 8 (258 U.S. 433); 37 Stat. 988 (261 U.S. 428); 39 Stat. 675, c. 432 (247 U.S. 251); 39 Stat. 757, § 2(a) (252 U.S. 189); 40 Stat. 395, c. 97 (253 U.S. 149); 40 Stat. 960, c. 174 (261 U.S. 525); 40 Stat. 1065, c. 18, § 213 (253 U.S. 245); Title XII, 40 Stat. 1138 (259 U.S. 20); 41 Stat. 298, § 2 (255 U.S. 81); 41 Stat. 298, § 4 (255 U.S. 109 and 267 U.S. 233); 41 Stat. 317, § 35 (259 U.S. 557); 42 Stat. 187, c. 86 (269 U.S. 475); 42 Stat. 227, c. 136 (277 U.S. 508); 42 Stat. 634 (264 U.S. 219); 43 Stat. 313 as amended by 44 Stat. 86, § 324 (276 U.S. 440); 44 Stat. 70, § 302 (385 U.S. 312).

the reports of the term ending June, 1934, comprising decisions on approximately 35,000 cases, it will be seen that the number of decisions affecting the constitutionality of enactments of the Congress, and the number of laws affected, are but small fractions of 1 per cent of the total laws enacted and the total number of cases decided.

The list is limited to cases in which the Supreme Court has passed expressly on the constitutional question.

**1029. Two or more Members may not jointly introduce a bill, petition, or resolution.**

**The procedure of the House is governed in some instances by the practice of the House rather than by express rules.**

**The rules of parliamentary practice in Jefferson's Manual govern the House in all cases to which they are applicable and in which they are not inconsistent with standing rules and orders.**

**A committee may not report a bill on a subject matter not referred to it.**

On March 3, 1909,<sup>1</sup> Mr. John J. Fitzgerald, of New York, from the select committee appointed under the resolution (H. Res. 553) to investigate and report as to the right of Members to present bills with the name of more than one Member attached, submitted the unanimous report of the committee, which included the following:

It has been held almost universally that unless a memorial, petition, bill, or other paper upon a designated subject has been referred to a committee it can not report a bill on a subject-matter not thus before it.

These procedures are as firmly established as any founded upon the written rules of the House. It is apparent, therefore, that the introduction or presentation of bills and resolutions is governed in some instances by the practice of the House rather than by express rule.

While the rule itself does not in express terms prohibit the attaching of the name of more than one Member to a bill or resolution when it is delivered to the Clerk or to the Speaker, as the case may be, for reference, attention is called to the second clause, requiring that under certain conditions the bill "shall be returned to the Member from whom it was received." The House, however, in the conduct of its business is not controlled, nor is the business conducted, merely in accordance with the express rules of the House. There are many situations not specifically covered by the written rules which are nevertheless regulated definitely by the procedure which has come down from time immemorial and which procedure is essential to the orderly conduct of the business of the House.

Rule XLIV, which was first adopted in 1837, provides that "the rules of parliamentary practice in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives."

A casual examination of Rule XXII does not disclose any inhibition against the attachment of more than a single name to a bill or resolution. Examined in the light of the evolution of the rules and practice relating to the presentation of bills, however, and bearing in mind the purpose sought to be accomplished by the changes made from time to time resulting finally in the introduction of all bills without the formality of recognition, it seems clear to the committee that the underlying principle of individual recognition still prevails and that the presentation of a bill involves such recognition.

---

<sup>1</sup>Second session Sixtieth Congress, Record, p. 3808.

A careful search has been made to ascertain whether the question referred to the committee had ever been raised and determined. No record of such a decision has been found.

The committee has had called to its attention the action of Mr. Thomas B. Reed when Speaker, in a matter involving the same question to be determined by this committee.

Mr. John Sharp Williams, of Mississippi, informed the committee that he had received a memorial from the Legislature of Mississippi while Mr. Reed was Speaker. There were attached to the memorial the names of all of the Representatives from that State, and Mr. Williams placed it in the basket at the Clerk's desk. In the Record the day following, the memorial was reported as having been presented by Mr. Williams alone. Upon inquiry, he was informed that the Speaker, Mr. Reed, had stricken all other names from the memorial, and he later informed Mr. Williams that he had done so since, under the rules, it was impossible for more than one Member to present a memorial.

Had this decision been made in such manner as to have been preserved in the records of the House, it would undoubtedly have been regarded as controlling forever.

A search of the files of the document room discloses that at least 10 bills and resolutions have been presented with the name of more than one Member attached thereto.

Some of these bills were presented in the Fifty-ninth Congress, the others during this Congress. The search could not possibly be complete in its results, since no record is kept of bills so introduced, and it is necessary to rely largely upon the recollection of the employees in the document room.

The information obtained indicated that while the practice has not been so prevalent and long continued as to justify the assertion that it has become a custom and part of the unwritten regulations controlling the procedure and business of the House, it has undoubtedly been sufficiently indulged to vindicate those who, in the absence of a controlling ruling or some action by the House, contend for the practice.

Possible abuses from the continuance of the practice are not discussed, since the committee is unanimously of the opinion that under the true and proper construction of the rule the attaching of the name of more than one member to a bill or resolution is unauthorized.

After debate, on motion of Mr. Fitzgerald, the report was agreed to by the House without division.

**1030. An instance in which permission was given for the introduction of a bill at a time when the House would not be in session.**

**The House having agreed to the introduction of a bill after adjournment, the Speaker announced its reference to a committee.**

On August 15, 1921,<sup>1</sup> pending a request that the House recess from 1 o'clock to 5 p. m., Mr. Frank W. Mondell, of Wyoming, asked unanimous consent that the Committee on Ways and Means be authorized to introduce the revenue bill after adjournment. The motion having been agreed to Mr. Finis J. Garrett, of Tennessee, subsequently said:

I heard the request made this morning, that the Committee on Ways and Means, through its chairman, should have until 12 o'clock to-night to introduce the bill. It was a very unusual request, so far as I know. Many times requests have been made and granted that a committee should have until 12 o'clock midnight to report, but not to introduce a bill. However, that unanimous consent was given. That, I suppose, set a precedent that a bill can be introduced when the House is not in session. I do not think it ought to stand. As far as I know—and I think the gentleman might consider that very carefully—I do not know of any bill being introduced when the House was not in session.

Thereupon Mr. Bourke W. Cockran, of New York, raised the point of order that it was not within the constitutional prerogative of the House to authorize the introduction of a bill at a time when the House was not in session.

---

<sup>1</sup>First session Sixty-seventh Congress, Record, pp. 5027, 5034.

The Speaker<sup>1</sup> said:

The Chair thinks it is. The Chair believes that the House can receive a report when it is not in session, and the Chair does not understand why the House could not receive a bill.

The Chair thinks the House could do it.

**1031. Reference of public bills is by the Speaker through the clerk at the Speaker's table.**

On January 9, 1908,<sup>2</sup> a question as to the proper reference of the bill (H. R. 11745) amending the act to admit Oklahoma to statehood having been raised by Mr. Elmer L. Fulton, of Oklahoma, the Speaker<sup>3</sup> explained the method of referring public bills as follows:

The Chair will state to the gentleman from Ohio that this bill was referred to the Committee on the Territories somewhat hastily, as bills have to be referred, where there are a great many introduced daily, by the clerk at the Speaker's desk. While the Speaker makes the reference under ordinary practice, unless it is brought to the attention of the Speaker, references are made by the Speaker through the clerk at the Speaker's table.

**1032. Members introducing private bills indorse upon them the name of the committee to which referred under the rule.**

On January 29, 1908,<sup>4</sup> following the disposition of business on the Speaker's table, the Speaker<sup>5</sup> announced:

The attention of the Chair has been called to the fact that under the rule a Member introducing a private bill should make an endorsement as to what committee it should be referred to. Many Members introduce private bills, especially pension bills, without making the endorsement, and it is not practicable for the clerks in the Journal clerk's Office to tell whether the bill should go to the Committee on Invalid Pensions or to the Committee on Pensions, and much confusion results from the failure of the Members to comply with the rule. The Chair desires to call attention of Members to this fact.

**1033. The Senate reference of a bill is not considered in determining the committee to which it shall be referred when taken from the Speaker's table for reference in the House.**

On May 31, 1918,<sup>6</sup> Mr. Joseph Walsh, of Massachusetts, called attention to the reference on the preceding Wednesday of the bill (S. 4428) to codify penal laws relating to military offenses to the Committee on Military Affairs, and submitted that the bill should have been referred to the Committee on the Judiciary.

The Speaker<sup>7</sup> said:

The parliamentary clerk informs me that the reason he referred that bill to the Committee on Military Affairs was because the bill came from the Military Affairs Committee of the Senate.

Mr. Walsh made the point of order that the Senate reference of a bill could not be taken into consideration in the reference of a bill when it reached the House.

---

<sup>1</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>2</sup> First session, Sixtieth Congress, Record, p. 567.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>4</sup> First session, Sixtieth Congress, Record, p. 1280.

<sup>5</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>6</sup> Second session, Sixty-fifth Congress, Record, p. 7236.

<sup>7</sup> Champ Clark, of Missouri, Speaker.

The Speaker sustained the point of order, and, having submitted the question to the House for consent, announced the rereference of the bill from the Committee on Military Affairs to the Committee on the Judiciary.

**1034. The Statutes prescribe the form of enacting and resolving clauses of bills and joint resolutions.**

**It is the function of the Speaker to enforce the provision of the statutes prescribing forms of bills.**

On March 3, 1908,<sup>1</sup> Mr. Scott Ferris, of Oklahoma, by unanimous consent, offered the following joint resolution:

*Resolved, etc.,* That the new flag bearing forty-six stars, now floating over the National Capitol, be, and the same is hereby, donated to the Commonwealth of Oklahoma, to be kept and remain in the archives of the Oklahoma Historical Society of Oklahoma.

The Speaker<sup>2</sup> called attention to the failure of the enacting clause to conform to the requirements of the statutes.

Thereupon Mr. Ferris offered the following amendment, which was agreed to:

Amend the resolving clause so as to read:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.”

**1035. The statutes and the practice of the House prescribe the style of titles and form of bills.**

**Authorization to deviate from the form prescribed for bills is properly conferred by joint resolution.**

**An instance in which the requirement as to form of bill was waived by common consent.**

On September 23, 1919,<sup>3</sup> Mr. Joseph Walsh, of Massachusetts, rising to a question of privilege, presented the following point of order:

It appears that on September 20 H. R. 9389, a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, was introduced by the gentleman from Kansas, Mr. Little. The bill as printed does not conform either to the rules of the House or to the law, it being printed in fine type, in double columns upon the page, consisting of some 43 pages, 555 sections. I have not had an opportunity to confer with the gentleman from Kansas, but I can not understand why such a measure was printed in such shape, when the law requires bills to be printed in the ordinary bill form, with the lines numbered and of the usual size. If this is intended for a report, of course there can be no objection to it. It does not appear to be a bill, because, while it has a title, it contains no enacting clause. It does, however, upon its title-page contain the note that it will be amended so that it will include all general and permanent laws in force March 4, 1919.

In reply, Mr. Edward C. Little, of Kansas, said:

Mr. Speaker, this character of legislation has not been attended to by the House for 45 years. The last time the statutes of the United States were revised and reenacted was in the Revised Statutes in 1874. We are pursuing the exact method that they pursued at that time. The gentleman states that there is no enacting clause, but if he will turn to the first page of the bill he will find it begins “Be it enacted,” just as every other similar law does. It also is the method pur-

---

<sup>1</sup> First session Sixty-sixth Congress, Record, p. 2822.

<sup>2</sup> Joseph C. Cannon, of Illinois, Speaker.

<sup>3</sup> First session Sixtieth Congress, Record, p. 5788.

sued in every State in the Union in which they have issued such a book. The gentleman suggests that it will be amended. This bill will consist, probably of 10,000 sections and about 1,500 pages or more. If it is amended it will never be passed at all. If I anticipated that it was to be the subject of debate and amendment, I would not ask the House to pass on it, because it would take 18 months to work with it at all. We have introduced it just as it was introduced before, pursuing the same method. This was done after a long conference with the superintendent of work down there as to the best method of doing it, and was adopted at his suggestion. We also conferred with the chairman of the House Committee on Printing. I have a letter from the Public Printer in which he states that the printing of the bill in the ordinary form would cost over \$34,000, and to print it in this shape, when done, would cost \$11,000. The reason we printed it this way is that we will save \$23,000.

The Speaker<sup>1</sup>, said:

The Chair is disposed to think that the technical point made by the gentleman from Massachusetts is correct. The law specifically provides that all legislation shall be first printed in due form, which the Chair understands is in the form which we have always used, printed with lines numbered, and this obviously does not conform to that practice. Therefore the Chair at first blush would think that it does not conform to the law. Neither does it seem to conform to the law in the enacting clause. The gentleman from Kansas states strong reasons for his action, but it seems to the Chair that that would have to be done by a joint resolution. It may be that the spirit and the purpose of the law is economy, but the law specifically proves that all bills and resolutions shall be printed in bill form. The Chair does not see how this conforms to that provision.

However, this bill, comprising 1,635 pages, was again introduced in identical form in the Sixty-eighth Congress,<sup>2</sup> and, as H. R. 12, was passed by the House under suspension of the rules, no question as to the form of the bill being raised.

**1036. A joint resolution is a bill within the meaning of the rules.**

The term "bill" is a generic one and includes resolutions.

On March 17, 1910,<sup>3</sup> Mr. Edgar D. Crumpacker, of Indiana, from the Committee on the Census, proposed to call up, as privileged under the Constitution, joint resolution (H. J. Res. 172) amending the census act.

Mr. Thomas S. Butler, of Pennsylvania, raised a question of order as to the privilege of the resolution.

Thereupon the Speaker submitted to the House the following question:

Is the bill called up by the gentleman from Indiana in order as a question of constitutional privilege, the rules prescribing the order of business to the contrary notwithstanding?

Mr. Warren J. Keifer, of Ohio, made the point of order that the question should be amended by substituting for the word "bill" the word "resolution."

The Speaker<sup>4</sup> said:

The word "bill" is a generic one, and would cover the resolution.

**1037. A joint resolution is the proper vehicle for authorization of invitations to foreign Governments.**

<sup>1</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 643.

<sup>3</sup> Second session Sixty-first Congress, Record, p. 3289.

<sup>4</sup> Joseph G. Cannon, of Illinois, Speaker.

**A concurrent resolution is without force and effect beyond the confines of the Capitol.**

**A concurrent resolution may be changed to a joint resolution by amendment.**

On February 28, 1908,<sup>1</sup> on motion of Mr. David J. Foster, of Vermont, the House proceeded to the consideration of the concurrent resolution (S. Con. Res. 5) extending an invitation to foreign Governments to participate in an international congress.

Mr. James R. Mann, of Illinois, submitted that a concurrent resolution was without force beyond the confines of the Capitol and would confer no authority on the Secretary of State, and that a joint resolution and not a concurrent resolution was the proper vehicle for the purpose.

Thereupon, by approval of the Speaker,<sup>3</sup> Mr. Foster offered an amendment changing the concurrent resolution to a joint resolution, and the resolution as amended was agreed to.

**1038. Forms and conditions of bills making declaration of war.**

On April 2, 1917,<sup>2</sup> Mr. Henry D. Flood, of Virginia, introduced, by delivery to the Clerk, the joint resolution (H. J. Res. 24) declaring that a state of war exists between the Imperial German Government and the Government and people of the United States, and making provision to prosecute the same.

The joint resolution was referred to the Committee on Foreign Affairs, which reported it back to the House with amendments to read as follows:

Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America, Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

On April 5,<sup>3</sup> Mr. Flood moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, and, pending that, asked unanimous consent that the joint resolution (S. J. Res. 1), identical in form and which had passed the Senate on the preceding day, be substituted for the House joint resolution as amended by the committee.

There being no objection to the substitution, and the motion being agreed to, the Senate joint resolution was considered in the Committee of the Whole and, being reported back with favorable recommendation, was agreed to by the House, yeas 373, nays 50.

**1039. Disposition of Government property is effected by bill or joint resolution only, and a simple resolution is inadequate for that purpose.**

---

<sup>1</sup>First session Sixtieth Congress, Record, p. 2661.

<sup>2</sup>First session Sixty-fifth Congress, Record, p. 129.

<sup>3</sup>Record, p. 306.

On January 17, 1920,<sup>1</sup> Mr. Clifford Ireland, of Illinois, from the Committee on Accounts, offered, as privileged, the following resolution:

*Resolved*, That the Superintendent of the Capitol Building and Grounds is hereby authorized to deliver to Members of the House who were Members of the House in the Sixty-second Congress, upon their application, the desks formerly in the House which were occupied by them, respectively, in said Congress: *Provided*, That no expense to the House is hereby incurred.

Mr. James R. Mann, of Illinois, raised the question of order that Government property could not be disposed of by simple resolution.

The Speaker<sup>2</sup> having sustained the point of order, Mr. Ireland withdrew the resolution.

**1040. A joint resolution was substituted for a bill in amending the census act.**

On March 15, 1910,<sup>3</sup> Mr. Edgar D. Crumpacker, of Indiana, by direction of the Committee on the Census, reported the joint resolution (H. J. Res. 172) enlarging the scope of inquiry of the schedules relating to population of the Thirteenth Decennial Census.

Mr. James R. Mann, of Illinois, called attention to a bill making the same provision which had passed the Senate the day before.

Mr. Crumpacker explained that the committee deemed a joint resolution, rather than a bill, the proper method of amendment. The joint resolution passed the House and was agreed to by the Senate.<sup>4</sup>

**1041. Instance in which an enrolled bill was amended by concurrent resolution.**

On August 5, 1909,<sup>5</sup> a message was received from the Senate transmitting a concurrent resolution (S. Con. Res. 8) authorizing the Committee on Enrolled Bills of the two Houses to amend the bill H. R. 1438, the tariff bill, which had passed both Houses and been enrolled.

Immediately upon receipt of the resolution in the House, on motion of Mr. Sereno E. Payne, of New York, by unanimous consent, the concurrent resolution was taken from the Speaker's table and agreed to.

In the course of debate on the concurrent resolution Mr. John J. Fitzgerald, of New York, said:

Mr. Speaker, an examination of the precedents discloses that there has not been a similar incident in the history of the country in which bills were amended in the identical way proposed here. Clerical errors and corrections have been made after bills have reached the enrolling clerks, but no substantial change or radical correction has been authorized except where the discovery was after the bill had passed both Houses, and then only to make the bill conform to the proposal of the conference committees. If it were not for the very comprehensive language of Judge Harlan in *Field against Clark*, 143 U. S., I doubt very seriously whether it could be held

<sup>1</sup> Second session Sixty-sixth Congress, Record, p. 1674.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-first Congress, Record, p. 3193.

<sup>4</sup> Record, p. 3460.

<sup>5</sup> First session Sixty-first Congress, Record, p. 5088.

that the boot and shoe amendment as proposed in this concurrent resolution had passed both Houses of Congress.

**1042. A concurrent resolution and not a simple resolution is required to authorize correction, however trivial, of a bill agreed to by both Houses.**

On March 3, 1909,<sup>1</sup> the House agreed to the conference report on the bill (S. 2982) amending the Criminal Code.

Thereupon Mr. Reuben O. Moon, of Pennsylvania, asked unanimous consent for consideration of the following resolution:

*Resolved*, That the Secretary of the Senate be authorized to renumber the sections consecutively; to strike out the headnotes at the beginning of each chapter to sections which have been omitted and to renumber the headnotes to correspond to the numbers given the sections; to correct the reference in one section to other sections; to correct typographical errors; and to correct the punctuation as indicated by the committee on conference.

Mr. James R. Mann, of Illinois, raised a point of order against the resolution.

The Speaker<sup>2</sup> sustained the point of order and held that a concurrent resolution was required.

**1043. Instance in which a joint resolution was changed to a concurrent resolution by amendment.**

On April 13, 1912,<sup>3</sup> the Senate proceeded to the consideration of the joint resolution (H. J. Res. 254) congratulating the people of China on the assumption of self-government, which the Senate Committee on Foreign Relations had reported back to the Senate as a concurrent resolution.

The amendment changing the joint resolution to a concurrent resolution was adopted and the resolution was agreed to by the Senate as amended.

**1044. A joint resolution may be changed to a concurrent resolution by amendment.**

**A Senate joint resolution changed by amendment of the House to a concurrent resolution is still a Senate measure and the enacting clause conforms to that requirement.**

**A resolution which does not relate to rules, joint rules, or order of business is not privileged when reported by the Committee on Rules.**

On January 13, 1920,<sup>4</sup> Mr. Philip P. Campbell, of Kansas, from the Committee on Rules, reported the Senate joint resolution (S. J. Res. 69) authorizing the appointment of a joint commission to the Virgin Islands, with the following recommendation:

The committee recommends that the resolution be changed from a joint resolution to a concurrent resolution.

After consideration had begun, the Speaker pro tempore<sup>5</sup> said:

When this resolution was submitted the Chair was not furnished with a copy, and assumed that it was the usual privileged resolution from the Committee on Rules. When it was read the Chair was clearly of the opinion that it was not a privileged resolution, but no one raised the

<sup>1</sup> Second session Sixtieth Congress, Record, p. 3792.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup> Second session Sixty-second Congress, Record, p. 4703.

<sup>4</sup> Second session Sixty-sixth Congress, Record, p. 1510.

<sup>5</sup> John Q. Tilson, of Connecticut, Speaker pro tempore.

point of order, and the gentleman from Kansas did not ask unanimous consent to consider it. There was, however, a decided pause, and no one objected or raised a point of order. Therefore the Chair assumed that unanimous consent had been given.

Mr. James R. Mann, of Illinois, then submitted, as a parliamentary inquiry, the following:

Mr. Speaker, I desire to submit a parliamentary inquiry. This is a joint resolution as it comes to the House—

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

We have agreed to a proposition to change that to a concurrent resolution. However, the language has not been suggested as an amendment. I am prompted to make the inquiry—I do so that the engrossing clerk of the House may know what he is to do. Will this then read

*“Resolved by the Senate (the House of Representatives concurring)”*—

Or will it read—

*“Resolved by the House of Representatives (the Senate concurring).”*

It originates in the Senate, the House amends it and changes it to a concurrent resolution, but it seems to me that the House in making that change would still leave the resolving clause as having originated in the Senate—

*“Resolved by the Senate (the House concurring).”*

It occurs to me that that would be the proper mode. I do not think this question has arisen very often, though it has at times in the past. The amendment which we agree to was the change from a joint resolution to a concurrent resolution. The amendment was agreed to, but the committee did not report the language striking out and inserting, leaving the matter to the engrossing clerk.

The Speaker pro tempore ruled:

The Chair is of opinion that we can not change the work of the Senate. It is a Senate joint resolution. It will appear—

*“Resolved by the Senate (the House of Representatives concurring).”*

That is the form in which it will go to the Senate. The action of the House was that the amendment be agreed to making it a concurrent resolution.

**1045. A concurrent resolution may be changed to a joint resolution by amendment.**

**A concurrent resolution is not used in conveying title to Government property.**

On January 15, 1923,<sup>1</sup> during the call of the Consent Calendar, the concurrent resolution (S. Con. Res. 30) declining a devise of land to be used as a national park, was considered and agreed to with the following amendment:

Insert: *“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled”* in lieu of *“the Senate (the House of Representatives concurring).”*

**1046. A joint resolution may be changed to a concurrent resolution by amendment.**

On March 4, 1919,<sup>2</sup> Mr. Henry, D. Flood, of Virginia, from the Committee on Foreign Affairs, moved to suspend the rules and pass the joint resolution (H. J. Res. 357) urging the independence of Ireland, with an amendment substituting a concurrent resolution therefor.

Mr. James R. Mann, of Illinois, raised a question of order as to the substitution.

<sup>1</sup> Fourth session Sixty-seventh Congress, Record, p. 1773.

<sup>2</sup> Third session Sixty-fifth Congress, Record, p. 5042.

Mr. Flood said:

It was the desire of this committee to report the resolution, a concurrent resolution, not a joint resolution, and so we agree on the concurrent resolution as a substitute for a joint resolution. And then we had some question as to what the parliamentary status would be when it got in the House, and while that matter was being considered by the parliamentary clerk, I introduced this other resolution as a joint resolution. But after consultation it was decided that it was in perfect parliamentary form to report a concurrent resolution as a substitute for the joint resolution. Therefore we reported it.

The question being taken, and two-thirds having voted in favor thereof, the rules were suspended and the concurrent resolution was passed.

**1047. A joint resolution may be changed to a simple resolution by amendment.**

On June 4, 1924,<sup>1</sup> when the joint resolution (H. J. Res. 258) creating a joint committee to investigate the administration of Indian affairs in Oklahoma was called on the Consent Calendar, the committee amendment substituting the resolution (H. Res. 348) for the joint resolution was adopted and the resolution as amended was agreed to by the House.

**1048. In a contested ruling it was held that a simple Senate resolution embodying a declaration on pending legislation, when messaged to the House, was not subject to disposition by motion.**

On January 17, 1928,<sup>2</sup> the Senate messaged to the House the following resolution:

*Resolved*, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all;

*Resolved further*, That such tariff revision should be considered and enacted during the present session of Congress; and

*Resolved further*, That a copy of this resolution be transmitted to the House of Representatives.

The passage of the Senate resolution having been announced in the House, Mr. Finis J. Garrett, of Tennessee, submitted a parliamentary inquiry as to the committee to which it would be referred.

The Speaker<sup>3</sup> answered:

The Chair understands it does not require any action in the House or any reference.

Mr. Garrett then inquired if the resolution would lie on the Speaker's table, to which the Speaker replied:

The Chair understands it is merely a notification from the Senate and requires no reference at all. It has been read. The document is in the possession of the Clerk, and therefore of the House, and it is spread upon the Journal.

Thereupon, Mr. Garrett moved that the resolution be referred to the Committee on Ways and Means.

The Speaker said:

The Chair does not think that motion is in order.

---

<sup>1</sup>First session Sixty-eighth Congress, Record, p. 10597.

<sup>2</sup>First session Seventieth Congress, p. 1603.

<sup>3</sup>Nicholas Longworth, of Ohio, Speaker.

Mr. Garrett then moved to refer the Senate resolution to the Committee of the Whole House on the state of the Union.

Mr. John Q. Tilson, of Connecticut, made a point of order against the motion. Pending the decision of the point of order, Mr. John N. Garner, of Texas, said:

This is the first time in the history of my service here or in any other body where a matter came into the House of Representatives and it was held that the House did not have some control over it; that it is a sacred document which can not be reached by the House of Representatives in any way whatever. I do not understand the philosophy of such a rule. If the Senate sends a piece of paper to this House or if the Legislature of the State of Texas or the people of the city of Cincinnati send a petition to this House, the position taken by the Chair is that if the House itself desires to take such petitions and refer them to a committee of the House, the House itself has no right to do it under the rules of the House of Representatives. I do not understand the philosophy of that.

The Speaker sustained the point of order.

Mr. Garrett having appealed from the decision of the Chair, Mr. Tilson moved to lay the appeal on the table.

The question being put, the yeas and nays were ordered, when the yeas were 183, the nays were 164, and the appeal was laid on the table.

**1049. The House declined to consider a bill similar in import to one previously rejected in the same session.**

**The Speaker held that it was for the House rather than the Chair to decide whether a bill was "of the same substance" as another previously considered.**

**Discussion of the authority and importance of Jefferson's Manual in the law of the House.**

On Wednesday, March 9, 1910,<sup>1</sup> when the Committee on Foreign Affairs was reached in the call of committees, Mr. Frank O. Lowden, of Illinois, from that committee, called up the bill (H. R. 22312) for the purchase of embassy buildings abroad.

Mr. George W. Prince, of Illinois, made the point of order that on March 2 a bill of the same substance had been rejected by the House, and, under section XLIII of Jefferson's Manual, was not again in order in the same session.

The Speaker<sup>2</sup> said:

The Chair has listened with attention and with much interest to the presentation of this point of order and to its discussion. Touching Jefferson's Manual, the Chair does not agree with the criticism made by a committee of the House, if the Chair recollects, in 1880, that it is substantially antiquated and of but little authority. The observation of the Chair is that Jefferson's Manual is in constant use by the House and is adopted by one of the rules of the House. The Chair is satisfied that the clause of Jefferson's Manual which is cited here, as a general proposition, lays down a very salutary and useful principle:

"A bill once rejected, another of the same substance can not be brought in again at the same session."

Now, the object of the rule in the Manual, touching this as a matter of practice, was that there should be a finality when the House had once considered a proposition, that a similar proposition, in substance the same, should not be in order during the same session; and yet there comes the question of fact as to whether it is in substance the same.

---

<sup>1</sup>Second session Sixty-first Congress, Journal, p. 872; Record, p. 2965

<sup>2</sup>Joseph G. Cannon of Illinois, Speaker.

Jefferson's Manual, in dealing with the subject of inconsistent amendments, lays down the general principle that were the Chair permitted to draw questions of consistence within the vortex of order he might usurp a negative on important modifications and suppress, instead of subserving, the legislative will.

Jefferson's Manual, as it is modified by the rules of the House—and they have all to be construed together and in the light of precedents that are made and the practice of the House under other rules—may apparently from time to time lead to conflicting decisions. In two instances it seems to be required that the Chair shall enter into the question of substance or consistency. Take the rule of the House that prohibits legislation on a general appropriation bill—a salutary rule in the opinion of the Chair and in the opinion of the House, because it has rested in the rules of the House for more than a generation.

Now, who shall determine in that case under that rule as to whether an amendment or a proposition contains legislation? In the practice, which seems necessary under the rule, the Chairman of the Committee of the Whole decides, overruling or sustaining the point of order as the case may be, always, of course, subject to appeal and approval or reversal. In practice, therefore, the Chair constantly in Committee of the Whole determines whether the proposition is legislation such as is prohibited by the rules. Again, one of the rules of the House provides that in a certain case a Senate bill “substantially the same” as a House bill may be substituted for the House bill. The Chair in such case practically determines whether the Senate bill is substantially the same, for under the conditions of such bills it would practically be impossible for the House to determine the question. Therefore there are these two exceptions to the principle that the Chair should not decide questions as to substance or consistency.

It has been held that if an amendment proposed to a bill under consideration be changed one word, it will be a different proposition, although it may be substantially the same. The Chair recollects that this is the practice which is uniform, so far as amendments are concerned, both in Committee of the Whole and in the House.

The Chair cites the rule touching amendments proposing legislation on appropriation bills, the practice of the House touching similar but not identical amendments, and the substitution from the Speaker's table of a Senate bill “substantially the same” as the House bill, in order to show that under this code of rules and the practice of the House no hard-and-fast rule can be observed by the Speaker, although the general principle that he should not decide questions as to substance and consistency is undoubtedly sound.

Now, while the Chair is in full harmony with the provision cited from Jefferson's Manual forbidding the bringing in again of a bill the same in substance as one already decided adversely during the session, yet the Chair is not unmindful of the decision made by Mr. Speaker Banks in 1856, touching the Army appropriation bill. In that case there was a “rider” put upon the bill touching the use of money appropriated in that bill in enforcing the so-called (as the Chair recollects) Le Compton constitution of Kansas. The bill failed through disagreement of the House and Senate. A new bill was proposed with the “rider” omitted, and Mr. Speaker Banks ruled that the provision in Jefferson's Manual did not apply to the new bill. It is not for the Chair to criticise that ruling, because there was no appeal from the same. But the Chair is quite aware that touching appropriation bills and bills of general importance, if a bill should fail because of a certain single provision which might cause disagreement between the Houses, and if it should be necessary to introduce a new bill without the provision to which there had been disagreement, and if it should be a close question as to whether the new bill was substantially the same as the old bill, the Chair, if he were to assume decision of the question as to substance, might, in effect, put himself in the position of negating the consideration of the bill or deciding affirmatively in favor of its consideration. So that under this condition, the Chair, after having examined the various precedents and the practice of the House differing upon various methods of procedure under the rules, recognizing the importance of there being finality where the House has once acted but recognizing also the importance of not making a decision that if acquiesced in may bind the hands of the House in matters of very great importance, the Chair believes it is better to submit this question of order to the House, as to whether this bill is substantially the same as the bill which was rejected a week ago to-day.

Accordingly, the Speaker submitted to the House the question:

Shall the point of order made by the gentleman from Illinois be sustained?

And being put, it was decided in the affirmative by a vote of yeas 150, nays 134. So the point of order was sustained.

**1050. An exceptional instance wherein the Chair entertained a motion that the Clerk be directed to read a pending paragraph as it would read if modified by a proposed amendment.**

On January 22, 1924,<sup>1</sup> the House was considering, in the Committee of the Whole House on the state of the Union, the Interior Department appropriation bill.

Mr. Frank Clark, of Florida, asked that the paragraph under consideration be read as it would read if the pending amendment offered by Mr. Louis C. Cramton, of Michigan, was adopted.

The Chairman<sup>2</sup> held that the paragraph having been once read could be again read only by order of the committee.

Whereupon Mr. Otis Wingo, of Arkansas, moved that the Clerk be directed to read the paragraph as it would read if the proposed amendment was agreed to.

The Chairman entertained the motion, and, the question being put, it was decided in the affirmative, and the Clerk read the paragraph as if modified by the pending amendment.

**1051. In the House amendments are offered to any part of a bill after it is read the second time.**

On Monday, March 26, 1928,<sup>3</sup> a day devoted to consideration of bills reported by the Committee on the District of Columbia, Mr. Frederick H. Zihlman, of Maryland, called up the bill (H. R. 52) relative to bonds for compensation in criminal cases in the District of Columbia.

Before the Clerk had concluded the reading of the bill, Mr. Ralph Gilbert, of Kentucky, moved to strike out the last word.

The Speaker<sup>4</sup> declined to recognize him during the reading of the bill.

Mr. Gilbert then asked to make a statement with reference to certain committee amendments which had been omitted through inadvertence.

The Speaker said:

The bill being a House bill should be read through before there are any amendments offered.

The Clerk concluded the reading of the bill.

**1052. In the consideration of bills on the House Calendar, the second reading is in full and amendments are not in order until after the reading is concluded, when they may be offered to any part of the bill.**

On February 4, 1931,<sup>5</sup> it being Calendar Wednesday, Mr. Scott Leavitt, of Montana, from the Committee on Indian Affairs, exercising the call on that day, called up the bill (S. 3165), on the House Calendar, conferring jurisdiction on the Court of Claims to consider the claims of certain Indian tribes.

---

<sup>1</sup>First session Sixty-eighth Congress, Record, p. 1322.

<sup>2</sup>John Q. Tilson, of Connecticut, Chairman.

<sup>3</sup>First session Seventieth Congress, Record, p. 5388.

<sup>4</sup>Nicholas Longworth, of Ohio, Speaker.

<sup>5</sup>Third session Seventy-first Congress, Record, p. 3972.

Mr. William H. Stafford, of Wisconsin, as a parliamentary inquiry, asked when it would be in order to offer amendments.

The Speaker pro tempore<sup>1</sup> held that amendments to bills on the House Calendar were in order after the entire bill had been read, and when reading had been concluded amendments could then be offered to any part of the bill.

**1053. A bill considered in the House is read in full but is not read for amendment under the 5-minute rule, and amendments are not in order until the reading of the bill is completed.**

**The Member in charge of a bill under consideration in the House is recognized for an hour, during which he may move the previous question or yield time, but in yielding to a Member to offer an amendment he surrenders the floor.**

On February 11, 1929,<sup>2</sup> during consideration of bills reported by the District of Columbia Committee, Mr. Frederick N. Zihlman, of Maryland, from that committee, called up the bill (H. R. 6664) to establish a woman's bureau in the Metropolitan police department of the District of Columbia.

Mr. Thomas L. Blanton, of Texas, being recognized to propound a parliamentary inquiry, asked when it would be in order to offer amendments.

Mr. John Q. Tilson, of Connecticut, supplemented the question with an inquiry as to the reading of the bill.

The Speaker<sup>3</sup> replied:

This is a House Calendar bill. Amendments are not in order until the bill is completely read. It will not be read for amendment under the 5-minute rule as Union Calendar bills are read, so if it is to be read at all it must be read now.

The gentleman from Maryland, in charge of the bill, is entitled to one hour, during which he can move the previous question. The gentleman can not yield for the purpose of permitting a Member to offer an amendment unless he desires to yield his right to the floor.

**1054. Even when a substitute has been reported to the House the original bill must be read unless dispensed with by unanimous consent.**

**The Speaker makes it his duty, ordinarily, to object to a request for unanimous consent that a bill may be acted on without being read.**

On June 6, 1911,<sup>4</sup> Mr. Robert L. Henry, from the Committee on Rules, reported the resolution (H. Res. 154) authorizing an investigation of the fiscal affairs of the District of Columbia, with a substitute therefor, and asked that the substitute be read in lieu of the original resolution.

The Speaker<sup>5</sup> held that the original resolution must be read before consideration began.

**1055.** On February 17, 1911,<sup>6</sup> while the House was in the Committee of the Whole House for the consideration of bills on the Private Calendar, the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims was taken up.

<sup>1</sup> Bertrand H. Snell, of New York, Speaker pro tempore.

<sup>2</sup> Second session Seventieth Congress, Record, p. 3277.

<sup>3</sup> Nicholas Longworth, of Ohio, Speaker.

<sup>4</sup> First session Sixty-second Congress, Record, p. 1718.

<sup>5</sup> Champ Clark, of Missouri, Speaker.

<sup>6</sup> Third session Sixty-first Congress, Record, p. 2803.

Mr. Thetus W. Sims, of Tennessee, moved that the further reading of the bill be dispensed with.

The Chairman<sup>1</sup> held that the motion was not in order and that the reading of the bill could be dispensed with by unanimous consent only.

**1056. Under exceptional circumstances, bills have been considered and passed without reading in full.**

On January 21, 1874,<sup>2</sup> the House having met in evening session for the purpose of considering the bill (H. R. 1215) to revise and consolidate the statutes of the United States in force on December 1, 1873, the Speaker pro tempore<sup>3</sup> announced:

Unless otherwise ordered by the House the Chair will direct the several chapters of the bill to be read by their titles.

Consideration of the bill continuing on the following day,<sup>4</sup> it was ordered, on motion of Mr. Ebenezer Rockwood Hoar, of Massachusetts, that the bill be read by titles, with the understanding that any section might be returned to if errors were found.

**1057.** On December 20, 1920,<sup>5</sup> Mr. Edward C. Little, of Kansas, by direction of the Committee on the Revision of the Laws, offered the following motion:

I move to suspend the rules, read by title only, and pass the bill (H. R. 9389) entitled "A bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919," being the complete bill of 10,747 sections as finally drafted by said committee and printed under its direction pursuant to public resolution No. 24, approved December 23, 1919, a copy of which is duly in possession of the Clerk.

The question being taken, and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

On May 16, 1921,<sup>6</sup> the same bill, reintroduced as H. R. 12, was again considered and passed under suspension of the rules without reading in full.

In the Sixty-eighth Congress<sup>7</sup> the same bill, again numbered H. R. 12, reenacting the laws of the United States in force December 2, 1923, was again passed under the same procedure.

**1058. Senate amendments taken up in the House are read before consideration begins.**

On June 7, 1910,<sup>8</sup> the Speaker laid before the House the bill (H. R. 17536) to create a commerce court, with Senate amendment, the amendment not requiring consideration in the Committee of the Whole.

Mr. James R. Mann, of Illinois, moved to disagree to the amendment of the Senate, when the Speaker interposed with a statement that the amendment had not yet been read.

---

<sup>1</sup> Frank D. Currier, of New Hampshire, Chairman.

<sup>2</sup> First session Forty-third Congress, Record, p. 821.

<sup>3</sup> George Frisbee Hoar, of Massachusetts, Speaker pro tempore.

<sup>4</sup> Record, p. 849.

<sup>5</sup> Third session Sixty-sixth Congress, Record, p. 574.

<sup>6</sup> First session Sixty-seventh Congress, Record, p. 1477.

<sup>7</sup> First session Sixty-eighth Congress, Record, p. 643.

<sup>8</sup> Second session Sixty-first Congress, Record, p. 7568.

Mr. Charles L. Bartlett, of Georgia, announced that he desired to submit a point of order against the motion to disagree.

The Speaker<sup>1</sup> said:

But the amendment of the Senate should first be read to the House, and the Clerk will read.

**1059.** On August 1, 1911,<sup>2</sup> on motion of Mr. Oscar W. Underwood, of Alabama, the bill (H. R. 11019), the tariff bill, with a Senate amendment thereto, was taken from the Speaker's table and considered in the House as in Committee of the Whole

Mr. Underwood moved to disagree to the amendment of the Senate, when Mr. James R. Mann, of Illinois, raised the question that the amendment should be read before consideration.

The Speaker<sup>3</sup> having sustained the point of order, a motion by Mr. Underwood that the reading of the amendment be dispensed with was agreed to by unanimous consent.

**1060.** On May 10, 1917,<sup>4</sup> the bill (H. R. 3673) amending the Federal reserve act, with Senate amendments, having been taken from the Speaker's table for consideration, Mr. Carter Glass, of Virginia, moved to disagree to the amendments.

Mr. James R. Mann, of Illinois, made the point of order that the amendment must be read before being voted upon.

The Speaker<sup>3</sup> sustained the point of order and directed the Clerk to report the amendments.

**1061. The third reading of a Senate bill is by title only, and a Member may not demand as a matter of right that it be read the third time in full.**

**The proper time to demand the reading of the engrossed copy is immediately after ordered to be engrossed and before read a third time by title.**

On May 22, 1922,<sup>5</sup> the House, on division, by a vote of yeas 241, nays 9, ordered the third reading of the bill (S. 2919) extending the District of Columbia rents act.

Mr. Thomas L. Blanton, of Texas, demanded that the bill be read for the third time in full.

The Speaker pro tempore<sup>6</sup> said:

The Chair would state that with reference to House bills a Member has a right to demand the reading of the engrossed bill. The House has nothing to do with engrossing a Senate bill. The amendment adopted by the House is engrossed and sent to the Senate with its bill by message. If a Member desires to have what has been engrossed read, for the purpose of observing whether or not it is in accord with the action of the Committee of the Whole or if it is correctly engrossed, if it were possible to do so under the rules, in the view of the Chair, the proper time to demand the reading of the engrossed amendment would be at the time it is reported, prior to the vote thereon in the House. Having been agreed to and incorporated as a part of the Senate bill, without a demand for the reading thereof, it seems to the Chair that that action having been taken under the rules, a third reading in full of the Senate bill does not under a fair interpretation of the rule remain as a matter of right.

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> First session Sixty-second Congress, Record, p. 3439.

<sup>3</sup> Champ Clark, of Missouri, Speaker.

<sup>4</sup> First session Sixty-fifth Congress, Record, p. 2075.

<sup>5</sup> Second session Sixty-seventh Congress, Record, p. 7426.

<sup>6</sup> Joseph Walsh, of Massachusetts, Speaker pro tempore.

**1062. A Member may demand the reading in full of the actual engrossed copy of a bill, and such demand suspends action until the engrossed copy is before the House.**

**The previous question having been ordered on a bill, the reading of the engrossed copy of which has been demanded after order for reading has been agreed to but deferred pending arrival of the actual engrossed copy, is privileged when the engrossed copy is received in the House.**

On July 16, 1919,<sup>1</sup> the bill (H. R. 5726), the minimum wage bill, was ordered to be engrossed and read a third time, when Mr. Thomas L. Blanton, of Texas, requested the reading of the engrossed copy of the bill.

In response to a parliamentary inquiry from Mr. Charles Pope Caldwell, of New York, the Speaker<sup>2</sup> explained that it would be necessary to lay the bill aside until it could be engrossed and the engrossed copy received in the House.

Mr. Julius Kahn, of California, submitted a further inquiry as to the parliamentary status of the bill when the engrossed copy was received.

The previous question having been ordered on the bill to final passage, the Speaker held that the bill would be privileged and could be called up for passage when the engrossed copy was delivered to the House.

**1063. The House may not consider a Senate bill unless in possession of the engrossed copy.**

On December 22, 1916,<sup>3</sup> on motion of Mr. John N. Tillman, of Arkansas, by unanimous consent, the House proceeded to the consideration of the bill (S. 6864) to provide for the Osage Indian School, Oklahoma.

Mr. James R. Mann, of Illinois, made the point of order that the Clerk was not reading from the engrossed copy of the bill, and the bill could not be considered unless the House was in possession of the engrossed copy.<sup>4</sup>

The Speaker<sup>5</sup> sustained the point of order.

**1064. The vote on a committee amendment striking out the preamble of a resolution comes after the passage of the resolution.**

On May 4, 1912,<sup>6</sup> Mr. Lemuel P. Padgett, of Tennessee, from the Committee on Naval Affairs, called up, as privileged, the resolution (H. Res. 363) requesting the Secretary of the Navy to report to the House certain information relating to the purchase of naval supplies from the United States Steel Corporation, with committee amendments to the resolution and the accompanying preamble.

The committee amendment to the resolution having been agreed to, the Speaker proposed to put the question on agreeing to the committee amendment striking out the preamble.

---

<sup>1</sup> First session Sixty-sixth Congress, Record, p. 2689.

<sup>2</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup> Second session Sixty-fourth Congress, Record, p. 705.

<sup>4</sup> Under the present practice, Senate engrossed bills are no longer actually delivered to the respective committees of the House, but are filed in the bill clerk's office until reported by the House committee, when the engrossed copy is placed in the calendar box on the Clerk's table.

<sup>5</sup> Champ Clark, of Missouri, Speaker.

<sup>6</sup> Second session Sixty-second Congress, Record, p. 5682.

Mr. James R. Mann, of Illinois, raised the question of order that the vote on the amendment to the preamble should come after the passage of the resolution.

The Speaker,<sup>1</sup> sustaining the point of order, put the question on agreeing to the resolution as amended, which was decided in the affirmative. The question on agreeing to the amendment striking out the preamble was then submitted and agreed to.

**1065. In the Committee of the Whole an amendment to the preamble of a bill or joint resolution is considered after the bill has been read for amendment.**

**After an amendment to the preamble of a bill has been considered it is too late to propose amendment to the text of the bill.**

On January 28, 1924,<sup>2</sup> the joint resolution (H. J. Res. 160) for the employment of attorneys with reference to oil leases was being considered in the Committee of the Whole House on the state of the Union.

The reading of the joint resolution for amendment having been completed, Mr. Finis J. Garrett, of Tennessee, as a parliamentary inquiry, asked when it would be in order to amend the preamble.

The Chairman<sup>3</sup> said:

After the committee has acted on the resolution. As the Chair understands, after talking with the parliamentarian about that subject, it would probably be in order to offer an amendment to the preamble in the Committee of the Whole.

Thereupon Mr. Garrett proposed an amendment to the preamble.

The Chairman said:

Does any Member desire to offer an amendment to the resolution itself? [After a pause.] If not, the gentleman's amendment will be in order now.

Pending which, Mr. Thomas L. Blanton, of Texas, offered an amendment to the joint resolution.

Mr. Everett Sanders, of Indiana, having raised a question of order against the amendment to the joint resolution, the Chairman ruled:

The Chair is of opinion it is too late to make the amendment. The Chair asked whether any gentleman desired to offer an amendment to the resolution itself. None was offered. Then we took up the preamble, and now it is too late to go back to the resolution and offer an amendment.

**1066.** On April 25, 1932,<sup>4</sup> the Committee of the Whole House on the state of the Union concluded the reading for amendment of the joint resolution (H. J. Res. 154) to provide for the merger of street railway corporations operating in the District of Columbia.

Mr. William H. Stafford, of Wisconsin, demanded the reading of the preamble.

Mr. Thomas L. Blanton, of Texas, objected on the ground that the time for reading the preamble has passed and it was then too late to return to it.

---

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 1584.

<sup>3</sup> William J. Graham, of Illinois, Chairman.

<sup>4</sup> First session Seventy-second Congress, Record, p. 8908.

The Chairman<sup>1</sup> overruled the objection and directed the Clerk to read the preamble.

**1067. Instance wherein the Clerk was authorized to make such clerical changes in the table of contents, numbering and lettering, erroneous or superfluous cross references and other purely formal amendments as were required to conform to the action of the House and secure uniformity in typography, indentation, and numerical order of the text of a bill.**

**In the consideration of a bill in the Committee of the Whole, the committee in charge of a bill was authorized to return to any section or paragraph which had been passed for the purpose of offering amendments.**

On March 18, 1932,<sup>2</sup> Mr. Charles R. Crisp, of Georgia, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10236), the revenue bill, and pending that motion, sent to the Clerk's desk a request for unanimous consent which the Clerk read as follows:

I ask unanimous consent that in the reading of the pending revenue bill, H. R. 10236, the reading of the table of contents (pp. 2 to 6, both inclusive) be dispensed with, and that in the engrossing of the bill the Clerk of the House be authorized to make such changes in such table of contents as may be necessary to make such table conform to the action of the House in respect of the bill.

In reply to inquiries under reservations of the right to object, Mr. Crisp explained that inconsistencies in numbering and other minor clerical details were frequently unavoidable and the purpose of the request was to make it possible for the Clerk, in engrossment, to harmonize such details to conform to the action of the Committee of the Whole in amending the bill.

There being no objection and the request having been granted, Mr. Crisp submitted an additional request, which the Clerk read as follows:

I ask unanimous consent that in the engrossing of the pending revenue bill (H. R. 10236) the Clerk of the House be authorized—

(1) To make such clerical changes as may be necessary to the proper numbering and lettering of the various portions of the bill, and to secure uniformity in the bill in respect of typography and indentation; and

(2) To amend or strike out cross references that have become erroneous or superfluous, and to insert cross references made necessary by reason of changes made by the House.

In response to further interrogatories, Mr. Crisp said:

Mr. Speaker, I may say that a similar request was made in connection with the bill of 1928. It is simply for the purpose of having the bill engrossed in accordance with the action the House takes instead of going back each time and getting permission to make the necessary changes.

The request was agreed to and the House having resolved itself into the Committee of the Whole, Mr. Crisp asked recognition to propose a further request.

The Clerk read:

I ask unanimous consent that in the consideration of the pending revenue bill (H. R. 10236) in the Committee of the Whole it shall be in order at any time for the Committee on Ways and

---

<sup>1</sup>Ewing R. Thomason, of Texas, Chairman.

<sup>2</sup>First session Seventy-second Congress, Record, p. 6467.

Means to return to any section or paragraph of the bill which has been passed for the purpose of offering an amendment thereto.

There was no objection.

**1068. Authority to correct an error in enrolling a bill was conferred on the Clerk by concurrent resolution.**

On May 22, 1908,<sup>1</sup> on motion of Mr. Albert S. Burleson, of Texas, by unanimous consent, the following concurrent resolution was considered and agreed to by the House:

*Resolved by the House of Representatives (the Senate concurring),* That the Clerk be authorized in enrolling the District of Columbia appropriation bill to transpose the word "hereafter" in the second proviso in the matter inserted by the conference report in connection with Senate amendment No. 141, so as to follow and not precede the word "teachers."

**1069. By concurrent resolution, the Clerk was authorized to correct errors in a bill agreed to by the two Houses.**

On February 25, 1919,<sup>2</sup> on motion of Mr. James R. Mann, of Illinois, by unanimous consent, the following resolution was considered and agreed to by the House:

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill (H. R. 12211) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, "the Clerk" be, and he is hereby, authorized and directed to strike out the name "Hermann" and to insert in lieu thereof the name "Herrman" where it appears in line 19, page 11, of said bill.

**1070.** On March 3, 1921,<sup>3</sup> the Speaker<sup>4</sup> said:

A mistake was made in the Senate in printing a bill that passed the House. The Chair asks unanimous consent for the consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill H. R. 14490, entitled "An act to transfer the Panhandle and Plains section of Texas and Oklahoma to the United States Standard Central Time Zone," the Clerk of the House be authorized and directed to insert, on page 2, line 13, after "Santa Fe," the words "Railway Co. and other branches of Santa Fe."

There being no objection, the resolution was considered and agreed to.

**1071. By concurrent resolution, conferees were authorized to amend a bill in conference.**

On February 15, 1923,<sup>5</sup> following the appointment of managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660), the District of Columbia appropriation bill, the House, by unanimous consent, considered and agreed to the following concurrent resolution proposed by Mr. Louis C. Cramton, of Michigan:

*Resolved by the House of Representatives (the Senate concurring),* That the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate No. 24 to the

<sup>1</sup> First session Sixtieth Congress, Record, p. 6779.

<sup>2</sup> Third session Sixty-fifth Congress, Record, p. 4244.

<sup>3</sup> Third session Sixty-sixth Congress, Record, p. 4519.

<sup>4</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>5</sup> Fourth session Sixty-seventh Congress, Record, p. 3701.

bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities, etc., be authorized to agree to striking out the following language, "at the Virginia end of the Key Bridge."

**1072. A Senate bill having been lost in the House after enrollment and signature by the Speaker, a Senate resolution authorized the preparation and delivery of a duplicate copy, which was signed by the Speaker without further action by the House.**

On February 16, 1911,<sup>1</sup> the Speaker laid before the House the following resolution received from the Senate:

*Resolved*, That the Secretary of the Senate be authorized to furnish the House of Representatives with a duplicate enrolled copy of the bill (S. 9405) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes," the original having been lost or mislaid.

The Speaker<sup>2</sup> said:

The Chair will state that the Journal of the House shows the Speaker has already signed the enrolled bill that was referred to, but in some way the same has been lost or misplaced; and the Chair therefore has signed a duplicate which the Senate has sent here. The Clerk will report the title.

**1073. A Senate bill having been lost in the House, a resolution requesting of the Senate a duplicate copy was entertained by unanimous consent.**

**Form of resolution requesting of the Senate a duplicate copy of one of its bills.**

On July 17, 1912,<sup>3</sup> on motion of Mr. Ben Johnson, of Kentucky, it was—

*Resolved*, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 2748), etc.

**1074. A House bill with Senate amendments having been lost, the House agreed to an order for reengrossment of the bill, and directed the Clerk to request from the Senate a copy of its amendment thereto.**

On February 11, 1909,<sup>4</sup> Mr. John C. Chaney, of Indiana, stated that the joint resolution (H. J. Res. 219) with Senate amendments had been lost in the course of transmission from the Senate to the House and offered severally the following orders, which were agreed to by the House.

*Ordered*, That the Clerk be directed to request the Senate to furnish to the House a copy of Senate amendment to House Joint Resolution 219, accepting the gift of Constitution Island, in the Hudson River, New York, to replace the original copy of the amendment which has been lost.

*Ordered*, That House Joint Resolution 219, to accept the gift of Constitution Island, in the Hudson River, New York, be reengrossed.

**1075. Instance wherein bills passed at one session were signed by the Speaker at the next session.**

<sup>1</sup>Third session Sixty-first Congress, Record, p. 2665.

<sup>2</sup>Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup>Second session Sixty-second Congress, Record, p. 9189.

<sup>4</sup>Second session Sixtieth Congress, Record, p. 2206.

On December 16, 1916,<sup>1</sup> the Speaker<sup>2</sup> in announcing his signature to the bill (H. R. 8116) for the relief of Charles Snyder, and the joint resolution (H. J. Res. 282) authorizing the use of a special canceling die for the one hundredth anniversary of the admission of the State of Illinois into the Federal Union, said:

With the consent of the House the Chair desires to make a short statement about these bills reported from the Committee on Enrolled Bills. It will be remembered that early in this session the House passed a concurrent resolution authorizing the Speaker and the President of the Senate, or the Vice President, as the case may be, to sign two bills which were passed at the last session, but not passed in time to be signed. The Senate indefinitely postponed that resolution. The Chair signed these bills, and the Chair has laid them before the House because he believes the Speaker, the Vice President, or the President of the Senate pro tempore have as much right to sign these bills as any other bill. There is nothing anywhere the Chair has been able to find that fixes any time when the Speaker, the Vice President, or the President of the Senate pro tempore shall sign bills. The Chair has laid them before the House with that statement because he believes the Chair had the right to sign, resolution or no resolution, and that the resolution is superfluous.

**1076. Instance in which the Vice President signed a bill passed and signed by the Speaker at the preceding session.**

On December 4, 1917,<sup>3</sup> in the Senate, the Vice President,<sup>4</sup> preliminary to affixing his signature to the bill (H. R. 5833), said:

The Chair desires to call to the attention of the Senate the following state of facts with reference to House bill 5833. It is a bill granting six months' pay to Ida Cottrell Hodgson, widow of Frederick Grady Hodgson, deceased, colonel, United States Army, retired. The records of both the House and the Senate disclose that this bill was passed at the first session of the present Congress. It was signed by the Speaker of the House, but did not arrive at the Senate in time to be signed by the Presiding Officer of the Senate. The Chair believes that he has a right now to attach his signature to the bill. Is there any objection on the part of any Senator? If the question is thought to be of sufficient moment to require an investigation, the Chair will wait.

There is nothing in the Constitution of the United States to prevent its being signed and the Chair knows of nothing in the rules of the Senate, and as no attention has been called to any statute the Chair will sign the bill and lay it before the Senate.

Whereupon the Secretary of the Senate announced the signature of the Vice President to the bill.

**1077. A concurrent resolution authorized the presiding officers of the two Houses to cancel their signatures to an enrolled bill failing to conform to recommendations of the Secretary of War.**

**Under authorization of a concurrent resolution, the Speaker announced in the House the cancellation of his signature.**

On February 18, 1909,<sup>5</sup> the House agreed to the following concurrent resolution:

*Resolved, etc.,* That the action of the Speaker of the House of Representatives and of the Vice President of the United States and the President of the Senate in signing enrolled bill H. R. 10752, "to complete the military record of Adolphus Erwin Wells," be, and hereby is, rescinded, and that in the re-enrollment of the bill the following amendment be made so as to comply with the form adopted by the Secretary of War, etc.

---

<sup>1</sup> Second session Sixty-fourth Congress, Journal, p. 345; Record, p. 442.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> Second session Sixty-fifth Congress, Record, p. 18.

<sup>4</sup> Thomas R. Marshall, of Indiana, Vice President.

<sup>5</sup> Second session Sixtieth Congress, Record, p. 2664.

The Speaker,<sup>1</sup> in announcing the cancellation of his signature in compliance with this resolution, said:<sup>2</sup>

The House, by concurrent resolution, authorized the Speaker to vacate his signature to the bill (H. R. 10752) to correct the military record of Adolphus Erwin Wells, which the Speaker now does.

**1078. By concurrent resolution, the action of the Speaker and the Vice President in signing an enrolled bill was rescinded and the bill amended.**

On February 19, 1909,<sup>3</sup> on motion of Mr. Robert G. Cousins, of Iowa, by unanimous consent, the following concurrent resolution was taken from the Speaker's table and, being considered, was unanimously agreed to:

*Resolved by the Senate (the House of Representatives concurring),* That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (S. 5989) authorizing the Department of State to deliver to Maj. C. De W. Wilcox decoration and diploma presented by Government of France, be, and is hereby, rescinded, and that in the reenrollment of the bill the word "Wilcox" in line 3 of the bill, is stricken out and the word "Willcox" substituted therefor.

**1079.** On February 3, 1925,<sup>4</sup> in the Senate, Mr. Joseph E. Ransdell, of Louisiana, by unanimous consent, presented and the Senate agreed to the following resolution:

*Resolved by the Senate (the House of Representatives concurring),* That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following amendments:

In line 3 of the enrolled bill strike out "Polish" and insert "Police."

**1080.** The action of the Speaker in signing an enrolled bill was rescinded and the bill was amended by a concurrent resolution.

On June 4, 1920,<sup>5</sup> on motion of Mr. George W. Edmonds, of Pennsylvania, by unanimous consent, the House considered the concurrent resolution (S. Con. Res. 26), which was unanimously agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the Speaker of the House of Representatives be requested to cancel his signature to the enrolled bill:

S. 1005. An act for the relief of the owner of the steamship *Matoa*; and

That upon the cancellation of such signature the Secretary of the Senate be directed to reenroll said bill S. 1005, with an amendment as follows: etc.

**1081. A request of one House for the return of a bill by the other is complied with as a matter of routine.**

On March 29, 1910,<sup>6</sup> the Speaker laid before the House a communication from the Senate requesting the return of the bill (S. 1119) to authorize the appointment of Frank de I. Carrington as major of infantry.

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> Record, p. 2702.

<sup>3</sup> Second session Sixtieth Congress, Record, p. 2757.

<sup>4</sup> Second session Sixty-eighth Congress, Record, p. 2915.

<sup>5</sup> Second session Sixty-sixth Congress, Record, p. 8553.

<sup>6</sup> Second session Sixty-first Congress, Record, p. 3896.

Mr. Charles L. Bartlett, of Georgia, rose to a parliamentary inquiry and questioned the propriety of compliance with the request.

The Speaker<sup>1</sup> said:

The Chair is not aware that that courtesy has ever been denied either by the House or Senate.

**1082. A request of the Senate for the return of a bill was denied by the House, unanimous consent being refused.**

**The request of the Senate for the return of a bill may be agreed to in the House by unanimous consent only.**

On February 19, 1925,<sup>2</sup> in the Senate, Mr. James W. Wadsworth, jr., of New York, said:

At the session last night the bill (H. R. 5084) to amend the national defense act was passed with an amendment added to it on the floor of the Senate. Although it is a House bill the amendment constituted the text of a bill already passed by the Senate and it is under a Senate number. The bill has encountered a hopeless parliamentary tangle in the House. I enter a motion to reconsider the vote by which the bill was passed.

The motion to reconsider was entered and thereupon, on motion of Mr. Wadsworth, it was—

*Ordered*, That the House of Representatives be requested to return to the Senate the bill (H. R. 5084) to amend the national defense act, approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes.

The request having been communicated to the House and being submitted for unanimous consent, Mr. John C. McKenzie, of Illinois, objected.

Accordingly, the House, on February 24,<sup>3</sup> agreed to the following order:

*Ordered*, That the Clerk inform the Senate that the House has considered the request of the Senate for the return of the bill (H. R. 5084) entitled "An act to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes," and that the unanimous consent necessary to comply with the request at that time was refused.

**1083. A request of the Senate that the House vacate the signature of the Speaker to an enrolled bill was denied by the House, unanimous consent being refused.**

**Dicta to the effect that a request of the Senate for cancellation of the Speaker's signature and the return of an enrolled bill could be taken up for consideration under suspension of the rules.**

**A resolution directing return of a bill to the Senate, with notice of refusal of the House to grant the Senate's request relating thereto, was held not to present a question involving the privilege of the House.**

On December 13, 1926,<sup>4</sup> the following resolution was messaged to the House from the Senate:

*Resolved*, That the Secretary of the Senate be, and he is hereby, directed to return to the House of Representatives the enrolled bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United

<sup>1</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>2</sup> Second session Sixty-eighth Congress, Record, p. 4103.

<sup>3</sup> Record, p. 4560.

<sup>4</sup> Second session Sixty-ninth Congress, Record, p. 413.

States during the World War, together with the engrossed bill, with the request that the Speaker of the House be authorized to rescind his action in signing the enrolled bill; that in the event such authority is granted, the House be, and it is hereby, respectfully requested to reconsider its vote on the passage of the bill and return the engrossed bill to the Senate.

On receipt of the message in the House, Mr. Albert H. Vestal, of Indiana, submitted a request for unanimous consent to take the resolution from the Speaker's table for immediate consideration.

Mr. Meyer Jacobstein, of New York, objected to the request.

Whereupon, Mr. Vestal asked unanimous consent for the consideration of the following:

*Ordered*, That the Speaker be, and he hereby is, empowered and directed to strike his signature from the enrolled bill (S. 4480), that the proceedings whereby said bill was passed be, and the same are hereby, vacated, and the engrossed bill be returned to the Senate, in accordance with the request of the Senate.

Mr. Thomas L. Blanton, of Texas, objected, and the resolution remained on the Speaker's table until January 17, 1927,<sup>1</sup> when Mr. Blanton offered this resolution as privileged:

Whereas the bill (S. 4480) was duly passed by the Senate, was duly engrossed, and by the Senate duly messaged to the House, and was by the House fully passed and the bill was duly enrolled, duly signed by the Speaker, and messaged back to the Senate for the signature of the President of the Senate; and

Whereas thereafter, on December 13, 1926, the Senate messaged to the House a resolution asking that the Speaker withdraw his signature from the enrolled bill, that the House rescind its action in passing said engrossed bill, and that said engrossed bill be returned to the Senate, which action could be taken in the House only by unanimous consent; and

Whereas on said day, December 13, 1926, such unanimous consent was requested in the House and was refused, following which action and report thereof should have been messaged to the Senate with the return of said bill to it, but said bill has remained on the Speaker's table ever since December 13, 1926: Therefore be it—

*Resolved by the House of Representatives*, That said bill be messaged back to the Senate with notice of such refusal to grant the action prayed for by the Senate.

The Speaker<sup>2</sup> ruled that the resolution did not involve a question of the privilege of the House, and declined to extend recognition.

Subsequently, on February 7,<sup>3</sup> Mr. Finis J. Garrett, of Tennessee, raised the question of order that it was the duty of the Speaker to return the resolution to the Senate with notice of the action of the House.

The Speaker held:

The resolution here to be sent to the Senate is that the Speaker have authorization to sign the enrolled bill. The Speaker does not deem it his duty in the absence of an order from the House to do this. So far as the question of privilege is concerned, there is no privilege attached to this matter.

Quoting from section 4694 of volume 4 of Hinds' Precedents—

“A request of the Senate for the return of a bill, no error being alleged, does not make in order a motion in the House to discharge the committee having possession of the bill.”

<sup>1</sup> Record, p. 1789.

<sup>2</sup> Nicholas Longworth, of Ohio, Speaker.

<sup>3</sup> Record, p. 3183.

That is the position of this bill. The Chair thinks that the only way to rescind his signature would be by order of the House, by rule, or by unanimous consent.

The Speaker then read section 3457 from Hinds' Precedents and continued:

In other words, the Chair does not feel that he is authorized to take the action requested unless ordered to do so by the House, and that question is not a matter of privilege. It can only be done by unanimous consent or a rule.

In response to a further inquiry by Mr. Blanton, the Speaker held that the request of the Senate could be brought up for consideration in any parliamentary way open to unprivileged matters, including suspension of the rules.