

classified information or any portion thereof.

5. The staff member will maintain an access list showing the time of arrival and departure of all persons entering or leaving the reading room.

6. The reading room will be open from 8:30 a.m. until 5:30 p.m. each working day and from 9:00 a.m. until 12:00 noon on Saturday.

7. The staff member will make a complete document inventory at the close of each business day.

8. No notes, reproduction or recordings may be made of any portion of such classified information.

9. The contents of such classified information will not be divulged to any unauthorized person in any way, form, shape or manner.

10. Members of Congress before reading such classified information will be required to identify the document or information they desire to read, identify themselves to the staff member, sign the log and sign the Top Secret information sheet if such is attached to such document.

**§ 15.5 The 94th Congress adopted the rules in existence at the close of the 93d Congress with certain amendments including an amendment to Rule XI requiring committees to adopt their rules in open session, but permitting a rollcall vote to close that meeting.**

On Jan. 14, 1975,<sup>(9)</sup> Mr. Thomas P. O'Neill, of Massachusetts, the

9. 121 CONG. REC. 20-32, 94th Cong. 1st Sess.

Majority Leader, offered House Resolution 5 and asked for its immediate consideration. The resolution provided for the adoption of the rules of the House that were in existence at the close of the 93d Congress as the rules for the 94th Congress with certain amendments. One of the amendments was to Rule XI clause 2(a)(1) providing for adoption of written rules by standing committees of the House. The amendment read as follows:

(14) In Rule XI, clause 2(a)(1) is amended to read as follows:

“(1) shall be adopted in a meeting which is open to the public unless the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the meeting on that day is to be closed to the public.”

The resolution was adopted<sup>(10)</sup> and, effective Jan. 14, 1975, Rule XI clause 2(a)(1) was amended to permit a rollcall vote to close the committee meeting at which committee rules are adopted only on the day of the meeting.<sup>(11)</sup>

**§ 16. Sitting of Committees While the House Is in Session**

From 1935 through and including 1946, the House rules pro-

10. *Id.* at p. 32.

11. See Rule XI clause 2(a), *House Rules and Manual* §704 (1979).

vided that “No committee, except the Committee on Rules, shall sit during the sitting of the House without special leave.”<sup>(12)</sup> The clause was removed from the rules in 1947, but remained effective as a part of the Legislative Reorganization Act of 1946, the applicable provisions of which were adopted as a part of the rules of the House.<sup>(13)</sup> In 1953, the provision was reinserted into the rules with the exception extended to include the Committees on Government Operations and Un-American Activities.<sup>(14)</sup> Fifteen years later, the Committee on Standards of Official Conduct was included within the excepted group;<sup>(15)</sup> and in 1969, the Committee on Internal Security supplanted the Committee on Un-American Activities. In 1971, the rule was radically altered<sup>(16)</sup> so as to state that no House committee other than the four heretofore identified and the Committee on Appropriations could sit, without special leave “*while the House is*

12. See Rule XI clause 46, H. Jour. 1278, 74th Cong. 1st Sess. (1935).

13. See Note, *House Rules and Manual* § 710 (1979).

14. See Rule XI clause 29, H. Jour. 781, 83d Cong. 1st Sess. (1953).

15. See Rule XI clause 31, H. Jour. 1319, 90th Cong. 2d Sess. (1968).

16. See Rule XI clause 31, *House Rules and Manual* § 739 (1973).

*reading a measure for amendment under the five minute rule*” [emphasis supplied]. By 1977,<sup>(17)</sup> however, only four committees (the Committees on Appropriations, the Budget, Rules, and Standards of Official Conduct) were granted this privilege under the rules. The Committee on Ways and Means traditionally obtains permission at the beginning of each Congress to sit during the five-minute rule.<sup>(18)</sup>

Beginning with the 95th Congress, 10 objections were required to prevent the granting of a request of a committee to sit during the five-minute rule.<sup>(19)</sup>

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### ***Generally; While House Reads Measure for Amendment***

#### **§ 16.1 Under the former rule, with certain exceptions spec-**

17. Rule XI clause 2(i), *House Rules and Manual* § 710 (1979).

18. See, for example, 121 CONG. REC. 1677, 94th Cong. 1st Sess., Jan. 29, 1975.

19. See Rule XI clause 2(i), *House Rules and Manual* § 710 (1979). This rule has been interpreted to permit a committee to sit if there are fewer than 10 objectors on days when the legislative program has been announced by the leadership. A single objection can still prevent a committee meeting during the five minute rule on a date so far in the future that the legislative program is undetermined.

**ified in the House rules, no standing committee could sit without special leave during the sessions of the House.**

On Apr. 2, 1962,<sup>(20)</sup> Speaker John W. McCormack, of Massachusetts, recognized Emanuel Celler, of New York, Chairman of the Committee on the Judiciary, whereupon the following exchange took place:

Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be privileged to sit tomorrow, Tuesday, during the sessions of the House.

THE SPEAKER: Is there objection to the request of the gentleman from New York? . . .

MR. [CHARLES A.] HALLECK [of Indiana]: Reserving the right to object, Mr. Speaker, did I correctly understand that the request is for the Committee on the Judiciary to sit during the sessions of the House?

MR. CELLER: On tomorrow, during general debate.

MR. HALLECK: That is the reason I have risen here. It has been the rule as I have understood it that committees could sit only by special permission during general debate. I subscribed to that rule. I think that committee people should be here when bills are actively under consideration.

MR. CELLER: I amend the request.

THE SPEAKER: By implication it was there, but the gentleman amended the request.

20. 108 CONG. REC. 5508, 87th Cong. 2d Sess.

MR. HALLECK: I withdraw my reservation of objection, Mr. Speaker.

Immediately thereafter, the Chair reiterated its inquiry as to whether there was any objection to the unanimous-consent request. No objection having been voiced, the Committee on the Judiciary was permitted to sit during general debate on the following day.<sup>(21)</sup>

**§ 16.2 Since 1971, the rules have provided with certain specified exceptions, that no committee may sit without special leave while the House is reading a measure for amendment under the five-minute rule.**

On Jan. 22, 1971,<sup>(22)</sup> the House adopted its rules for the 92d Congress by agreement to a resolution (H. Res. 5), adopting the rules of the 91st Congress and incorporating the applicable provisions of both the Legislative Reorganization Act of 1946, as amended,

21. At the time, the rules [Rule XI clause 30, *House Rules and Manual* (1962)] stated that "No committee of the House, except the Committees on Government Operations, Rules, and Un-American Activities, shall sit, without special leave, while the House is in session [H. Jour. 988, 87th Cong. 2d Sess. (1962)]."

22. 117 CONG. REC. 144, 92d Cong. 1st Sess.

and the Legislative Reorganization Act of 1970.

In addition to the other changes it effected, the Legislative Reorganization Act of 1970 provided for the amendment of House Rule XI clause 31. In 1970,<sup>(23)</sup> this provision had stated that “No committee of the House, except the Committees on Government Operations, Rules, Standards of Official Conduct, and Internal Security, shall sit, without special leave, while the House is in session.”<sup>(24)</sup> As amended, clause 31 read, as follows:

No committee of the House (except the Committee on Appropriations, the Committee on Government Operations, the Committee on Internal Security, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave while the House is reading a measure for amendment under the five-minute rule.<sup>(25)</sup>

As stated in the committee report,<sup>(1)</sup>

23. H. Jour. 1793, 91st Cong. 2d Sess. (1970).

24. In addition to the four specified committees, it should be noted, the Committee on Appropriations enjoyed the privilege of sitting while the House was in session by virtue of the provisions of Rule XI clause 2. See Rule XI clause 2(b), H. Jour. 1788, 91st Cong. 2d Sess. (1970) or Rule XI clause 2(b), *House Rules and Manual* § 679 (1973).

25. 84 Stat. 1140, Sec. 117(b).

1. H. Rept. No. 91-1215, p. 72.

. . . The effect of this revision is to permit the five House committees listed above to continue to sit and act, without special leave, while the House is in session and to permit all other House committees also to sit and act, without special leave, in any period in which the House is in session except that part of such period devoted to the reading of a legislative measure for amendment under the five-minute rule.

**§ 16.3 The Speaker declined to entertain a unanimous-consent request which would have permitted a subcommittee to sit during a forthcoming session of the House in which a bill was to be read for amendment.**

On July 1, 1947,<sup>(2)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Mr. Samuel K. McConnell, Jr., of Pennsylvania, and the following exchange took place:

Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Education and Labor holding hearings on minimum wages be allowed to sit tomorrow during the session of the House.

THE SPEAKER: The Chair cannot recognize the gentleman for that purpose. Tomorrow the House will be reading the civil functions appropriation bill for amendment, and committees cannot sit during sessions of the House while

2. 93 CONG. REC. 8054, 80th Cong. 1st Sess.

bills are being read for amendment; only during general debate.

MR. MCCONNELL: We have a full schedule that we want to get through.

THE SPEAKER: That is the policy that has been adopted. The minority leader has stated that he would object to any requests of that character.<sup>(3)</sup>

**§ 16.4 The Speaker refused to entertain a unanimous-consent request that a select committee be permitted to sit during sessions of the House of a specified week after noting that such consent is not granted while bills are being read for amendment in the House.**

On Dec. 4, 1944,<sup>(4)</sup> the following exchange took place between Speaker Sam Rayburn, of Texas, and Mr. Karl E. Mundt, of South Dakota, who chaired a select committee to investigate conditions of the American Indian:

Mr. Speaker, I ask unanimous consent that the Select Committee to Investigate the Indian Conditions of America be permitted to sit today during the session of the House, and any other times it may be required to do so during the week.

THE SPEAKER: The Chair cannot entertain that request. The policy has

3. Compare §§ 16.9, 16.10, *infra*, where in certain cases committees were authorized to meet during House sessions.
4. 90 CONG. REC. 8758, 78th Cong. 2d Sess.

been adopted that that consent is not granted to committees while bills are being read for amendment in the House.<sup>(5)</sup>

**§ 16.5 In the 80th Congress, no standing committee [other than the Committee on Rules] was permitted to sit while the House was in session without special leave from the House, and such leave could only be granted with respect to those sessions in which general debate [as opposed to the reading of bills for amendment] would be in progress.**

On June 11, 1947,<sup>(6)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Edith Nourse Rogers, of Massachusetts, Chairwoman of the Committee on Veterans' Affairs, who requested unanimous consent that that committee be permitted to sit during sessions of the House involving general debate for the remainder of the week.

Immediately thereafter, the following exchange took place:

MR. [GEORGE A.] DONDERO [of Michigan]: Reserving the right to object, Mr.

5. See the introductory remarks at the beginning of this section for a brief account of the history of the rule provisions allowing committees to sit while the House is in session.
6. 93 CONG. REC. 6848, 80th Cong. 1st Sess.

Speaker, will there be general debate in the House the rest of the week?

THE SPEAKER: The Chair cannot definitely state that. There will be very little general debate tomorrow, the Chair thinks, and of course there will be none on Friday when the bill from the Committee on Foreign Affairs is being read for amendment.

MR. DONDERO: I understand it is a ruling of the Speaker that committees will not be permitted to sit unless the House is engaged in general debate upon legislation.

THE SPEAKER: The rules under which we have been conducting the House this year do not permit committees to hold hearings while the House is in session except when general debate is in progress.<sup>(7)</sup>

**§ 16.6 The Speaker has declined to entertain unanimous-consent requests that committees be allowed to sit during general debate where the program contemplated for the day in question included suspensions on several bills and roll call votes.**

On Feb. 2, 1960,<sup>(8)</sup> Speaker Sam Rayburn, of Texas, recognized Mr. Walter E. Rogers, of Texas, who initiated the following exchange:

Mr. Speaker, I ask unanimous consent that the Subcommittee on Trans-

7. See the introductory remarks at the beginning of this section for a brief account of the history of the rule provisions allowing committees to sit while the House is in session.

8. 106 CONG. REC. 1780, 86th Cong. 2d Sess.

portation of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate in the House this afternoon.

THE SPEAKER: The Chair cannot entertain that request because we have seven suspensions and there will be two rollcalls. The Chair has already announced this to the Members.

***Effect of Unauthorized Meeting on Committee Action***

**§ 16.7 The Speaker declared a committee meeting void and directed a bill stricken from the calendar where it was shown that the committee reporting it had sat and ordered it reported during the session of the House without permission.**

On Apr. 20, 1934,<sup>(9)</sup> Speaker Henry T. Rainey, of Illinois, responded to a parliamentary inquiry posed by Mr. Henry B. Steagall, of Alabama, with reference to a bill (H.R. 7908) ordered to be reported by the Committee on Banking and Currency, as follows:

MR. STEAGALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. STEAGALL: What would the ruling of the Chair be on a point raised that the report on a bill was ordered to

9. 78 CONG. REC. 7057, 7058, 73d Cong. 2d Sess.

be made in the committee while the House was in session, the committee not having the permission of the House to sit during the sessions of the House?

THE SPEAKER: The Chair understands the rule to be that a committee can transact no business at all while the House is in session unless that committee has the permission of the House to sit during the sessions of the House. The Chair will read the rule.

No committee of the House, except the Committee on Rules, shall sit during the sittings of the House without special leave.

MR. STEAGALL: I ask for information in connection with H.R. 7908, which was reported on the 12th of April.

THE SPEAKER: Does the Chair understand that it was reported out by the committee while the House was in session?

MR. STEAGALL: That is correct.

THE SPEAKER: In reply to the parliamentary inquiry the Chair will state that the action of the committee in so reporting the bill is absolutely void, and the Chair will direct that the report and the bill be stricken from the calendar. The purported report on the bill (H.R. 7908) made to the House on April 12, 1934, being invalid the Chair holds that the bill is still before the Committee on Banking and Currency for such action as that committee thinks fit and proper.<sup>(10)</sup>

### § 16.8 A point of order having been raised against a pend-

10. See the introductory remarks at the beginning of this section for a brief account of the history of the rule provisions allowing committees to sit while the House is in session.

**ing bill on the ground that the measure was reported at a committee meeting held while the House was in session without such committee having obtained permission to meet [and possessing no other authority to do so] the point of order was sustained, and the Speaker stated that the bill would remain in the committee until a valid report was filed.**

On July 9, 1956,<sup>(11)</sup> John L. McMillan, of South Carolina, Chairman of the Committee on the District of Columbia, called up a bill (H.R. 4697), to amend the Alcoholic Beverage Control Act of the District of Columbia, 1954, as amended and requested unanimous consent that the bill be considered in the House as in Committee of the Whole.

Shortly thereafter, Speaker Sam Rayburn, of Texas, recognized Mr. Samuel N. Friedel, of Maryland, and the following exchange took place:<sup>(12)</sup>

Mr. Speaker, I make the point of order that when this bill was reported by the Committee on the District of Columbia the House was in session and the committee did not have permission from the House to sit at that time.

11. 102 CONG. REC. 12199, 84th Cong. 2d Sess.  
12. *Id.* at p. 12200.

THE SPEAKER: The Chair will ask the chairman of the committee, Did the Committee on the District of Columbia have authority from the House to sit that day during the session of the House?

MR. McMILLAN: No, Mr. Speaker, it did not. The statement made by the gentleman from Maryland is correct.

THE SPEAKER: Does the gentleman concede, then, that this bill was reported when the House was in session and the committee did not have the right to sit?

MR. McMILLAN: That is correct, Mr. Speaker.

THE SPEAKER: The Chair must sustain the point of order. . . .

MR. [ALBERT P.] MORANO [of Connecticut]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MORANO: Mr. Speaker, does that mean the decision of the Chair prohibits the consideration of this bill at this time?

THE SPEAKER: That is correct. The committee must again take action in conformance with the procedure heretofore outlined by the Chair to properly report the bill to the House. As the bill now stands it is still in the Committee on the District of Columbia until a valid report is made.

### ***Authorization to Sit During Sessions and Recesses***

**§ 16.9 By unanimous consent, the Committee on Ways and Means may be authorized to sit during sessions of the House during a Congress.**

On Feb. 4, 1971,<sup>(13)</sup> Speaker Carl Albert, of Oklahoma, recognized Majority Leader Hale Boggs, of Louisiana, and the following events took place:

Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be authorized to sit during sessions of the House in the 92d Congress.

THE SPEAKER: Is there objection to the request of the gentleman from Louisiana?

There was no objection.<sup>(1)</sup>

### **§ 16.10 The Committee on Appropriations and the subcommittees thereof are frequently authorized by the House to sit during sessions and recesses.**

On Jan. 23, 1967,<sup>(2)</sup> Speaker John W. McCormack, of Massachusetts, recognized George H. Mahon, of Texas, Chairman of the Committee on Appropriations, who called up House Resolution 164 and asked unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

13. 117 CONG. REC. 1719, 92d Cong. 1st Sess.

1. For similar instances, see 111 CONG. REC. 1177, 89th Cong. 1st Sess., Jan. 26, 1965; 105 CONG. REC. 939, 86th Cong. 1st Sess., Jan. 20, 1959; and 95 CONG. REC. 516, 81st Cong. 1st Sess., Jan. 24, 1949.

2. 113 CONG. REC. 1086, 90th Cong. 1st Sess.

*Resolved*, That the Committee on Appropriations and the subcommittees thereof be authorized to sit during sessions and recesses of the Ninetieth Congress.

It was agreed to immediately thereafter.<sup>(3)</sup>

## § 17. Role of the Chairman

### *Duty to Report Approved Measure*

**§ 17.1 Under the rules, the chairman of a committee has the duty and the responsibility to see that a measure approved by his committee is reported to the House and called up for consideration; and his obligations in these regards are not reduced by his personal opposition to the measure.**

On June 14, 1967,<sup>(4)</sup> the House resolved itself into the Committee of the Whole for the consideration of a joint resolution (H.J. Res. 559), to provide for the settlement of a labor dispute involving cer-

3. For similar instances, see 111 CONG. REC. 988, 89th Cong. 1st Sess., Jan. 21, 1965; 109 CONG. REC. 24, 88th Cong. 1st Sess., Jan. 9, 1963; and 107 CONG. REC. 1157, 87th Cong. 1st Sess., Jan. 23, 1961.

4. 113 CONG. REC. 15822, 90th Cong. 1st Sess.

tain railroad carriers. After the Committee agreed to dispense with the first reading of the joint resolution, Chairman Wilbur D. Mills, of Arkansas, recognized Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce.

Mr. Staggers then made the following remarks:

Mr. Chairman I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legislation, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the com-