AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

House a rule on the soldiers' vote bill, S. 1285. This rule has not been reported to the House.

My parliamentary inquiry is whether if the chairman of the Committee on Rules declines further, or delays further, to report this rule to the House so we may proceed with this legislation, some other member of the Committee on Rules may do so without a resolution.

I may say to the Chair that it is my definite understanding that unless the chairman of the Committee on Rules does report it, a motion will be in order under the privilege of the House to require the resolution to be brought to the floor of the House, but what I am trying to find out is whether or not some other member of the committee would have the right to report this rule and let us proceed with the legislation.

THE SPEAKER: The rule provides that the Committee on Rules shall present to the House reports concerning joint resolutions and other business within 3 legislative days of the time when ordered reported by the committee.[7]

The Chair does not feel it necessary at this time to answer the parliamentary inquiry further because the Chair believes that action will provide the answer.

§ 55. Reports From the Committee

A report from the Committee on Rules on rules, joint rules, or order of business is privileged.

It may report at any time on "rules, joint rules, and order of business."[8] It is always in order to call up the committee's reports providing that the matter reported is within its jurisdiction[9] and providing that if a measure is reported on the same day it is called up in the House, at least two-thirds of the Members present vote affirmatively to consider the report;[10] this latter proviso is inapplicable during the last three days of a session.[11] Pending the consideration of the report, the Speaker may entertain one motion to adjourn, but after the result is announced, no dilatory motion is permissible. The rule expressly prohibits the committee from reporting any special rule which "shall operate to prevent the motion to recommit" as provided elsewhere [Rule XVI clause 4] in the rules, although it should be noted that a motion to recommit a special rule from the committee, itself, is not in order. The committee is also expressly prohibited from reporting a special rule which sets aside business under the Calendar Wednesday provi-

7. See Rule XI clause 4(c), *House Rules and Manual* § 730 (1979).

8. Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).

9. The inclusion of nonprivileged matter vitiates the privilege.

10. Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1979).

11. See § 56.2, infra.

sions[12] of the rules by a vote of less than two-thirds of the Members present. Although the rule grants privileged status to the committee's reports, they yield to questions of privilege and are not in order after the House has voted to go into the Committee of the Whole. Moreover, a conference report takes precedence over a committee report.[13] No rule reported by the committee providing a special order of business is divisible.[1] The privileged status of a measure may be lost through the inclusion of nonprivileged matter.[2]

Rule XI[3] mandates that the committee "present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when ordered reported by the committee." This rule additionally provides that if a special rule is not considered immediately, "it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a privileged matter and the Speaker *shall* recognize any member of the Rules Committee seeking recognition for that purpose (emphasis supplied)." The rule also provides that an adversely reported resolution may be called up for consideration by any Member of the House on those days set aside for motions to discharge committees, and the Speaker is obliged to recognize the Member seeking recognition for that purpose "as a question of the highest privilege."[4]

Privileged Status of Reports

§ 55.1 A resolution establishing a standing (or a select) committee [but not specifically amending the rules of the House], is reported and called up as privileged by the Committee on Rules.

12. A resolution making this ultimate result possible has been held in order, however; see *House Rules and Manual* § 729(b) (1979).

For the Calendar Wednesday rule, see Rule XXIV clause 7, *House Rules and Manual* § 897 (1979).

13. See Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1979).

1. Rule XVI clause 6, *House Rules and Manual* § 791 (1979).

2. See *House Rules and Manual* § 727 (1979) and § 55.3, infra.

3. Clause 4(c), *House Rules and Manual* § 730 (1979).

4. For extensive treatment of committee procedure with respect to special orders and the order of business, generally, see Ch. 21, infra. See also Ch. 18, infra, with respect to motions to discharge matters from the committee.

On Apr. 6, 1967,[5] the Record reveals that:

> Mr. [William M.] Colmer [of Mississippi] from the Committee on Rules, filed a privileged report (H. Res. 418, Rept. No. 178) which was referred to the House Calendar and ordered to be printed.

One week later, on Apr. 13, 1967,[6] the following exchange took place:

> MR. COLMER: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> *Resolved,* That there is hereby established a standing committee of the House of Representatives to be known as the Committee on Standards of Official Conduct (hereafter referred to as the "committee"). The committee shall be composed of twelve Members of the House of Representatives. Six members of the committee shall be members of the majority party and six shall be members of the minority party.
>
> Sec. 2. The jurisdiction of the committee shall be to recommend as soon as practicable to the House of Representatives such changes in laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House.
>
> Sec. 3. The committee may hold such hearings and take such testimony as may be necessary to carry out the purposes of this resolution.
>
> THE SPEAKER PRO TEMPORE:[7] The gentleman from Mississippi is recognized for 1 hour.

On July 8, 1969,[8] Mr. Ray J. Madden, of Illinois, introduced a resolution (H. Res. 472), creating a select committee to be known as the Committee on the House Restaurant. The resolution was referred to the Committee on Rules which reported it on July 8.

Two days later, on July 10, 1969,[9] Speaker John W. McCormack, of Massachusetts, recognized Mr. Madden who proceeded to make the following statement:

> Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472 and ask for its immediate consideration.

The resolution was then read by the Clerk, as follows:

> H. RES. 472
>
> *Resolved,* That (a) there is hereby created a select committee to be known as the "Committee on the House Restaurant," which shall be composed of five Members of the House of Representatives to be appointed by the Speaker, not more than three of whom shall be of the majority party, and one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be

5. 113 CONG. REC. 8622, 90th Cong. 1st Sess.

6. 113 CONG. REC. 9425, 90th Cong. 1st Sess.

7. Wilbur D. Mills (Ark.).

8. 115 CONG. REC. 18714, 91st Cong. 1st Sess.

9. 115 CONG. REC. 19080, 91st Cong. 1st Sess.

filled in the same manner in which the original appointment was made.

(b) On and after July 15, 1969, until otherwise ordered by the House, the Architect of the Capitol shall perform the duties vested in him by section 208 of Public Law 812, 76th Congress (40 U.S.C. 174k) under the direction of the select committee herein created.

Parliamentarian's Note: A resolution creating a standing or a select committee is deemed to be the equivalent of a new rule. Hence, the privileged status which attaches to such a measure when reported out by the Committee on Rules.

Privileged Status of Report on Rules, Joint Rules, or Order of Business

§ 55.2 A resolution from the Committee on Rules was not privileged for consideration before the call of committees on Calendar Wednesday.

On Aug. 21, 1935,[10] Speaker Joseph W. Byrns, of Tennessee, recognized John J. O'Connor, of New York, Chairman of the Committee on Rules, who called up the following resolution (H. Res. 358) which had been reported from his committee on the previous day:

Resolved, That during the remainder of the first session of the Seventy-fourth Congress it shall be in order for the acting majority leader or the Chairman of the Committee on Rules to move that the House take a recess, and said motion is hereby made of the highest privilege; and it shall also be in order at any time during the remainder of the first session of the Seventy-fourth Congress to consider reports of the Committee on Rules, as provided in clause 45, rule XI, except that the provision requiring a two-thirds vote to consider such reports is hereby suspended during the remainder of this session of Congress.

A brief discussion ensued, after which the Chair recognized Mr. Bertrand H. Snell, of New York, who initiated the following exchange:[11]

Mr. Speaker, this is Calendar Wednesday, and I object to the consideration of the resolution as not being privileged on Calendar Wednesday.

THE SPEAKER: The Chair does not think the resolution is privileged on Calendar Wednesday.

MR. SNELL: Then, Mr. Speaker, ask for the regular program.

MR. [THOMAS] O'MALLEY [of Wisconsin]: Regular order, Mr. Speaker.

THE SPEAKER: The regular order is, This is Calendar Wednesday.

Parliamentarian's Note: House rules[12] [Rule XI clause 4(a), *House Rules and Manual* § 726 (1979)], provide that the Com-

10. 79 CONG. REC. 14038, 74th Cong. 1st Sess.

11. *Id.* at p. 14039.

12. At the time, Rule XI clause 45; see H. Jour. 1277, 74th Cong. 1st Sess. (1935).

mittee on Rules shall have leave to report at any time "on rules, joint rules, and order of business." The rules[13] also provide, however, that every Wednesday a procedure commonly referred to as "Calendar Wednesday" shall be followed unless the House decides otherwise by a two-thirds vote on a motion to dispense therewith. Briefly stated, "Calendar Wednesday" provides that the Speaker shall call the committees in order [i.e., the order in which listed in the rules], and each committee when named may call up any reported bill on the House or Union Calendar except those bills which are privileged under the rules.[14]

§ 55.3 While legislation creating a joint investigative committee is customarily accorded the same privileged status as any other measure within the jurisdiction of the Committee on Rules, where the proposed legislation includes material or matters not privileged for consideration if reported by the Committee on Rules, that privilege is destroyed. And, in such an instance, the Committee on Rules had to report a special rule making in order the consideration of the measure.

On June 2, 1937,[15] Mr. Robert L. Doughton, of North Carolina, unsuccessfully sought unanimous consent to take from the Speaker's table the joint resolution (S.J. Res. 155), to create a Joint Congressional Committee on Tax Evasion and Avoidance and to have the resolution considered immediately.

Senate Joint Resolution 155 read, in part, as follows:

> *Resolved, etc.,* That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on Tax Evasion and Avoidance (hereinafter referred to as the joint committee).
>
> (b) The joint committee shall be composed of six Members of the Senate who are members of the Committee on Finance, appointed by the President of the Senate, and six Members of the House of Representatives who are members of the Committee on Ways and Means, appointed by the Speaker of the House of Representatives. . . .
>
> Sec. 2. It shall be the duty of the joint committee to investigate the methods of evasion and avoidance of income, estate, and gift taxes, pointed out in the message of the President

13. Rule XXIV clause 4, *House Rules and Manual* § 889 (1979); Rule XXIV clause 7, *House Rules and Manual* § 897 (1979).

14. For further discussion of calendars, see Ch. 22, infra. Special orders are taken up in Ch. 21, infra.

15. 81 CONG. REC. 5243–45, 75th Cong. 1st Sess.

transmitted to Congress on June 1, 1937, and other methods of tax evasion and avoidance, and to report to the Senate and the House, at the earliest practicable date, and from time to time thereafter, but not later than February 1, 1938, its recommendations as to remedies for the evils disclosed by such investigation.

Sec. 3. (a) The joint committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems advisable. . . .

(b)(1) The Secretary of the Treasury and any officer or employee of the Treasury Department, upon request from the joint committee, shall furnish such committee with any data of any character contained in or shown by any return of income, estate, or gift tax.

(2) The joint committee shall have the right, acting directly as a committee or by or through such examiners or agents as it may designate or appoint, to inspect any or all such returns at such times and in such manner as it may determine.

(3) The joint committee shall have the right to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance, and shall have the right to make public, in such cases and to such extent as it may deem advisable, any such information or any such returns. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

Sec. 4. The joint committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary for the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended for comparable duties. The joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government and of the Joint Committee on Internal Revenue Taxation.

Sec. 5. The joint committee may authorize any one or more officers or employees of the Treasury Department to conduct any part of such investigation on behalf of the committee, and for such purpose any person so authorized may hold such hearings, and require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, and take such testimony as the committee may authorize. In any such case subpenas shall be issued under the signature of the chairman of the joint committee and shall be served by any person designated by him.

Sec. 6. All authority conferred by this joint resolution shall expire on February 1, 1938.

Several days later,[16] Mr. Bertrand H. Snell, of New York,

16. 81 CONG. REC. 5369, 75th Cong. 1st Sess., June 7, 1937.

raised a point of order against its referral to the Committee on Rules,[17] stating, in part:

> This resolution is much more than an investigation; it is just full of legislation. In the first place, it authorizes an appropriation. It places new duties on the Secretary of the Treasury. It provides for the repeal of the law for publicity of income-tax returns under certain circumstances. It allows this committee to create positions, fix compensation, and so forth. It also delegates new authority to the employees of the Department of the Treasury.

Commenting on the point of order at the time, Mr. John J. O'Connor, of New York, noted:

> This Senate Joint Resolution 155, not being a privileged matter, because it contains provisions as to expenditures required the reporting of a separate House resolution for its consideration.

As the discussion proceeded, however, Mr. O'Connor did appear to concede that the joint resolution may have trespassed in part on the jurisdiction of, at least, one standing committee [the Committee on Appropriations] as the following exchange indicates:

> MR. SNELL: . . . Would the gentleman maintain that the Rules Committee would have jurisdiction over matter such as is contained in Senate Joint Resolution 155?
>
> MR. O'CONNOR of New York: Oh, no; of course it would not. It would not have jurisdiction over appropriations

Following brief debate, Speaker William B. Bankhead, of Alabama, overruled the point of order, as follows:[18]

> The gentleman from New York [Mr. Snell] raises the point of order that Senate Joint Resolution 155 was improperly referred to the Committee on Rules for consideration by that committee. The gentleman from New York further makes the suggestion that although the Rules Committee had reported this resolution back to the House and that it had gone on the calendar, this is his first opportunity to raise a point of order against the jurisdiction of the Committee on Rules.
>
> With reference to that particular phase of the gentleman's statement, section 2113 of volume 7 of Cannon's Precedents of the House of Representatives, states:
>
> > After a public bill has been reported, it is not in order to raise a question of jurisdiction.
>
> Although it may be true, as stated by the gentleman from New York, that this is his first opportunity to raise that question, in view of the fact the bill has already been reported by the committee to which it was referred, the Chair rules it is too late to raise that question.
>
> On the general proposition raised by the gentleman from New York, the

17. S.J. Res. 155 was taken from the Speaker's table and referred to the Committee on Rules on June 2, 1937. See 81 CONG. REC. 5262, 75th Cong. 1st Sess.

18. 81 CONG. REC. 5370, 5371, 75th Cong. 1st Sess.

Chair may say this is not a matter of first impression. The question as to the jurisdiction of the Committee on Rules over joint resolutions creating joint committees to make investigations was decided by Speaker Longworth on April 1, 1930. On that occasion the gentleman from New York, Mr. Snell, Chairman of the Committee on Rules, reported from that committee House Joint Resolution 251, which authorized the appointment of a commission to be composed of Senators, Representatives, and persons to be appointed by the President. The commission was empowered to study the feasibility of equalizing the burden and to minimize the profits of war.

The report on this joint resolution was referred to the calendar and the Committee of the Whole House on the state of the Union.

On April 1, 1930, when Mr. Snell called up the resolution for consideration, Mr. Stafford, of Wisconsin, raised the question as to the jurisdiction of the Committee on Rules to consider and report on the matters therein contained. In debating the point of order the gentleman from New York [Mr. Snell], among other things, stated:

> We propose setting up a special committee to do a special piece of work, and that comes under the general provision of the rules, because it is a change of the rules for a specific purpose. As far as I know, there has never been any decision against it, and I believe it is entirely in accordance with the rules, because we are changing the rules for a specific purpose, namely, setting up a special committee to do a specific piece of work. As far as I know, all the decisions have been to the effect that such matters are privileged to come from the Committee on Rules.

That is the end of the argument made by the gentleman from New York at that time on this particular question.

The Speaker, Mr. Longworth, in deciding the point of order, said:

> It has been the common practice of the present occupant of the chair, and I think of many of his predecessors, to invariably refer bills and joint resolutions which create a joint commission, particularly composed of Members of the House, to the Committee on Rules. There is no other committee to which they could possibly go. It is a change in the rules insofar as it permits and provides that Members of the House shall serve on the commission which it creates.

It appears to the Chair that the reasoning of the gentleman from New York, enunciated at that time, and the decision of the then Speaker, Mr. Longworth, are sound in principle and in precedent. Acting upon that decision as authority, the Chair overrules the point of order.

Parliamentarian's Note: While Mr. Snell's point of order was overruled,[19] the Committee on Rules did report a special rule (H. Res. 226),[1] for the consideration of Senate Joint Resolution 155 waiving all points of order against that resolution. Hence, the mere fact that the Committee on Rules had primary jurisdiction of the

19. *Id.* at p. 5371.

1. 81 CONG. REC. 5442, 75th Cong. 1st Sess., June 8, 1937.

joint resolution was not sufficient, in itself, to grant the privilege normally accorded such matters under the rules.[2]

Discharging Resolution From the Committee by Petition

§ 55.4 Under the discharge rule, where the Committee on Rules is discharged from further consideration of a resolution, the House immediately votes on adoption of the resolution and amendments are not in order.

On Jan. 24, 1944,[3] Speaker Sam Rayburn, of Texas, recognized Mr. John E. Rankin, of Mississippi, who called up a motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 29), amending the rules of the House[4] for the purpose of extending the jurisdiction of the Committee on World War Veterans' Legislation to cover veterans of World War II.

In the course of the ensuing debate, Mr. Harold D. Cooley, of North Carolina, raised a parliamentary inquiry, thereby initiating the following exchange:[5]

> I wish to be advised for my own information and for the information of the House as to whether or not this resolution will be subject to amendment in the event of an affirmative vote on the motion to discharge. There seems to be some uncertainty about it.
>
> THE SPEAKER: The Chair will read the rule,[6] which is very clear:
>
> > If the motion should prevail to discharge the Committee on Rules from any resolution pending before the committee the House shall immediately vote on the adoption of said resolution, the Speaker not entertaining any dilatory or other intervening motions except one motion to adjourn.
>
> MR. [ADOLPH J.] SABATH [of Illinois]: That is on the resolution itself, Mr. Speaker.
>
> THE SPEAKER: On the resolution itself.
>
> MR. COOLEY: My parliamentary inquiry was about the resolution after the discharge of the committee.
>
> THE SPEAKER: That is exactly what the Chair was reading. It reads: "On the resolution." When the House votes to discharge the committee then the resolution is before the House for a vote.

Shortly thereafter, Mr. Cooley again addressed himself to this issue:

---

2. See Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).

3. 90 CONG. REC. 629, 78th Cong. 2d Sess.

4. Because the resolution was written prior to the adoption of the rules of of the 78th Congress, the measure actually called for an amendment of the rules of the 77th Congress.

5. 90 CONG. REC. 631, 78th Cong. 2d Sess.

6. See Rule XXVII clause 4, *House Rules and Manual* § 908 (1979).

Mr. Speaker, with the permission of the Chair, I should like to invite the attention of the Chair to a provision contained in chapter 5 of rule 24,[7] which provides:

> If the motion prevails to discharge one of the standing committees of the House from any public bill or resolution pending before the committee it shall then be in order for any Member who signed the motion to move that the House proceed to the immediate consideration of such bill or resolution, such motion not being debatable; and such motion is hereby made of high privilege, and if it shall be decided in the affirmative the bill shall be immediately considered under the general rules of the House and if unfinished before adjournment of the day on which it is called up it shall remain the unfinished business until it is fully disposed of.

If it is going to be considered under the general rules of the House it occurs to me it will be subject to amendment.

The Chair replied, as follows:

It is not considered under the general rules of the House; and, further than that, a legislative committee is not being discharged. The Committee on Rules is not a legislative committee.

The Chair is going to hold that the resolution is not subject to amendment within the rule we are operating under today. We must do it according to the special rule adopted for discharge.

7. Mr. Cooley was referring to Rule XXVII clause 4 [H. Jour. 704, 78th Cong. 2d Sess. (1944); see Rule XXVII clause 4, *House Rules and Manual* § 908 (1979)].

Ramseyer Rule and Reports of the Rules Committee

§ 55.5 A report from the Committee on Rules pertaining to a special rule providing for the consideration of a bill amending existing law was not subject to the provisions of the Ramseyer rule.

On May 23, 1935,[8] Speaker Joseph W. Byrns, of Tennessee, recognized Mr. Lawrence Lewis, of Colorado, who called up the following resolution (H. Res. 215):

> *Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H.R. 3019, a hill to amend sections 1, 3, and 15 of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, and so forth", approved June 28, 1934. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be consid-

8. 79 CONG. REC. 8094, 74th Cong. 1st Sess.

ered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Immediately thereafter, Mr. Robert F. Rich, of Pennsylvania, rose to a point of order:

Mr. Speaker, I make the point of order that the report does not comply with the Ramseyer rule because it does not show the changes in the law by the proposed bill. I will read the rule which will be found in the Manual on page 338, 2a:

Whenever a committee reports a bill or joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—

(1) The text of the statute or part thereof which is proposed to be repealed; and

(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.[9]

The Speaker ruled as follows:

. . . The Chair will state that the point of order raised by the gentleman may be good as to reports by a legislative committee.[10] But this is a special rule from the Committee on Rules which merely makes in order the consideration of a bill. The Chair does not think the point is well taken when made against the report of the Committee on Rules and therefore overrules the point of order.

§ 55.6 Reports of the Committee on Rules on resolutions amending the rules of the House were not subject to the Ramseyer rule in the 74th Congress.

On Mar. 26, 1935,[11] Speaker Joseph W. Byrns, of Tennessee, recognized John J. O'Connor, of New York, Chairman of the Committee on Rules, who called up House Resolution 172, a measure amending the Private Calendar rule[12] which sets forth the days and conditions pursuant to which private bills or resolutions are considered in the House.

Following a point of order pertaining to the privileged status of

9. See Rule XIII clause 3, *House Rules and Manual* § 745 (1979), where the identical language may be found as well as this additional clause: "*Provided, however,* That if a committee reports such a bill or joint resolution with amendments or an amendment in the nature of a substitute for the entire bill, such report shall include a comparative print showing any changes in existing law proposed by the amendments or substitute instead of as in the bill as introduced."

For further information about the Ramseyer rule, generally, see § 60, infra.

10. See also § 55.6, infra.

11. 79 CONG. REC. 4480, 74th Cong. 1st Sess.

12. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1979), which resulted from the passage of this resolution.

the resolution, the Chair recognized Mr. John J. Cochran, of Missouri, who made the following parliamentary inquiry:[13]

Is this resolution subject to the Ramseyer rule?[14]

If it is, I make the point of order that the report does not comply with that rule.

THE SPEAKER: The Ramseyer rule, to which the gentleman refers, has to do with reports of committees on bills which amend the statutes. This resolution proposes to amend the rules of the House, and therefore does not come within the provisions of clause 2a of rule XIII, the so-called "Ramseyer rule." The Chair, therefore, does not think that the Ramseyer rule applies to this report of the Committee on Rules.[15]

Parliamentarian's Note: See Rule XI clause 4(d) applicable to resolutions reported from the Committee on Rules proposing permanent repeal or amendment (but not temporary waiver) of rules of the House requiring comparative print to be included in accompanying report (effective Jan. 3, 1975, H. Res. 988, 93d Cong.).

Typographical Error in Report

§ 55.7 Where the print of a resolution from the Committee on Rules implied that it was reported by a Member not a member of that committee, the Chair indicated that since the evidence was to the contrary, the incorporation of the erroneous name would be regarded as a mere typographical error, not fatal to

---

13. 79 CONG. REC. 4482, 74th Cong. 1st Sess.

14. At the time, the "Ramseyer rule" read as follows:

"Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—(1) The text of the statute or part thereof which is proposed to be repealed; and (2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made." [H. Jour. 1278, 74th Cong. 1st Sess. (1935)].

Since then [see Rule XIII clause 3, *House Rules and Manual* § 745 (1979)], the following language has been added: *"Provided, however,* That if a committee reports such a bill or joint resolution with amendments or an amendment in the nature of a substitute for the entire bill, such report shall include a comparative print showing any changes in existing law proposed by the amendments or substitute instead of as in the bill as introduced."

15. For more information about the Ramseyer rule, generally, see § 60, infra.

the measure's consideration were a point of order to be raised.

On Aug. 1, 1939,[16] Speaker William B. Bankhead, of Alabama, recognized Mr. Adolph J. Sabath, of Illinois, a member of the Committee on Rules, who called up a resolution (H. Res. 286), and asked for its immediate consideration. House Resolution 286 was a special rule providing for the consideration of H.R. 7120, a bill to provide for the construction and financing of self-liquidating projects, among other purposes.

Immediately after the Clerk read the resolution, Mr. Carl E. Mapes, of Michigan, rose to a point of order, which prompted the following exchange with the Chair:

MR. MAPES: . . . [F]or the protection of the Committee on Rules I think I should call attention to the fact that this rule is reported by the chairman of the Committee on Banking and Currency [Mr. Steagall].

THE SPEAKER: Is the gentleman from Michigan now making a point of order against the resolution?

MR. MAPES: I make a point of order for the purpose really of submitting a parliamentary inquiry to the Speaker. Frankly, I do not care to press the point of order, but I desire to call attention to the matter. I knew there was no member of the Committee on Rules who was enthusiastic about this rule or the legislation.

THE SPEAKER: Will the gentleman submit his parliamentary inquiry?

MR. MAPES: But I did not know there was no member who was willing to attach his name to the report of the committee. May I ask the Speaker if it is proper procedure, or parliamentary, for a Member of the House not a member of the Rules Committee to report a rule from the Committee on Rules?

THE SPEAKER: The Chair is prepared to rule on the parliamentary inquiry.

The attention of the Chair has been called to this matter. It appears from the print of the resolution that the gentleman from Alabama [Mr. Steagall], "of the Committee on Rules," reported the resolution. The record shows, however, that the chairman of the Committee on Rules [Mr. Sabath] did, as a matter of fact, report the rule. It is evident to the Chair that the incorporation of the name "Mr. Steagall" was a clerical or typographical error, and the Chair would so hold if a point of order were against it.

Supplemental Reports by Legislative Committees

§ 55.8 Where the Committee on Rules reports out a resolution providing for the consideration of a bill at the request of the legislative committee which has reported the bill, and that legislative committee in another session of the same Congress obtains

16. 84 CONG. REC. 10710, 76th Cong. 1st Sess.

unanimous consent to file a supplemental report recommending that the bill be amended, the filing of the supplemental report does not vitiate the Rules Committee action.

On May 10, 1939,[17] Joseph J. Mansfield, of Texas, Chairman of the Committee on Rivers and Harbors (now the Committee on Public Works), submitted the committee report (H. Rept. No. 76–611), on S. 685, an act dealing with water pollution, with an amendment. Speaker William B. Bankhead, of Alabama, referred the bill to the Union Calendar.

On July 10, 1939,[18] Mr. William M. Colmer, of Mississippi, acting at the behest of the Committee on Rules, submitted the following privileged resolution (H. Res. 249), which was referred to the House Calendar and ordered to be printed:

> *Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 685, an act to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Rivers and Harbors, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Seven months later, on Feb. 29, 1940,[19] Mr. Colmer called up the identical resolution and noted in his introductory remarks[20] that the bill had been passed by the Senate and was "amended" by the Committee on Rivers and Harbors "before reporting it here." He was referring to a supplemental report (supplemental reps. No. 611, pt. 2), filed by that committee several days earlier by unanimous consent.[1] This sequence of events was discussed at some length as the House considered the rule (H. Res. 249).

At one point in the debate, the Speaker sought to clarify the situation, observing:[2]

17. 84 CONG. REC. 5408, 76th Cong. 1st Sess.

18. 84 CONG. REC. 8773, 76th Cong. 1st Sess.

19. 86 CONG. REC. 2178, 76th Cong. 3d Sess.

20. *Id.* at p. 2179.

1. The supplemental report was submitted by Mr. Mansfield on Feb. 20, 1940 [86 CONG. REC. 1720, 76th Cong. 3d Sess.].

2. 86 CONG. REC. 2184, 76th Cong. 3d Sess., Feb. 29, 1940.

The resolution now pending provides for the consideration of Senate bill 685. Under the provisions of the rule, if adopted, the Senate bill would be the matter before the House, but under the liberal terms of the rule the Senate bill will be subject to amendment or to amendment by way of substitute from the committee in charge of the bill.

Shortly thereafter, Mr. Earl C. Michener, of Michigan, was recognized for a parliamentary inquiry and stated:

. . . The point was this, that a legislative committee asked for a rule to consider a specific piece of legislation dealing with a specific matter in a particular way. I was not then a member of the committee. After consideration the Rules Committee felt it wise to recommend a rule providing for the consideration of this particular thing in this particular way. Shortly after that the legislative committee secured unanimous consent to file a supplemental report on this original bill, and in their report the legislative committee adopted another bill dealing with the same matter but in an entirely different way and in a way that possibly—and probably—would not have been authorized when the rule was asked for.

A confidential copy is floating around here of the bill which the committee intends to bring up. My inquiry is whether that can be done under the rules of the House. If that can be done, it is a simple matter for any committee to ask for a rule on a perfectly harmless bill which every one might be for, and then, after they get the rule, bring in another bill in fact, under the same number. This rule was granted on July 10 last year. Then in January, 7 months later, they introduce a new bill in a supplemental report and are attempting to bring this new bill dealing with the same subject matter in an entirely different manner before the House under the old rule. Can that be done?

The Speaker asked a few clarifying questions, after which he replied to the inquiry as follows: (3)

The gentleman from Michigan [Mr. Michener], who raises this question by parliamentary inquiry, of course, is familiar with the general principle that all proposed action touching the rules, joint rules, and orders of business shall be referred to the Committee on Rules. Under a broad, uniform construction of that jurisdiction, the Rules Committee, as the Chair understands it, has practically plenary power, unreserved and unrestricted power, to submit for the consideration of the House any order of business it sees fit to submit, subject, of course, to the approval of the House.

The Chair, of course, knows nothing about what was in the minds of the committee in reference to this legislation. The Chair can only look at the face of the record as it is presented from a parliamentary standpoint. As the Chair construes the resolution now pending, It is very broad in its terms. It provides for the consideration of a Senate bill pending on the Union Calendar and the Chair assumes that the Committee on Rules was requested to give a rule for the consideration of that bill, which was the original basis for any legislation that may be passed

3. *Id.* at pp. 2184, 2185.

touching this subject of stream pollution.

In conformance with the general power and jurisdiction of the Rules Committee, it did report a resolution providing that in the consideration of the Senate bill any germane amendments may be offered; and, of course, it is not the province of the Chair, presiding over the House, to determine the relevancy or germaneness of any amendment that may be submitted in the Committee of the Whole, whether by way of a substitute or by way of amendment.

The Chair is clearly of the opinion that the Rules Committee had a perfect right under the general authority conferred upon it to report this resolution providing for this method of consideration of the bill.

Multiple Reports

§ 55.9 Only one member of the Committee on Rules may file a report on a resolution.

On Jan. 17, 1950,[4] Speaker Sam Rayburn, of Texas, recognized Adoloph J. Sabath, of Illinois, Chairman of the Committee on Rules, who reported a privileged resolution (H. Res. 133, H. Rept. No. 1477), amending paragraph 2(c) of Rule XI of the rules of the House,[5] which resolution was then referred to the House Calendar and ordered to be printed. There being a misunderstanding, however, as to whether Mr. Sabath intended to call up the resolution in the future, Mr. Edward E. Cox, of Georgia, also a member of the Committee on Rules, sought to report the identical resolution, himself, pursuant to committee authorization.

Under these circumstances, the following exchange took place:[6]

MR. COX: Mr. Speaker, if the gentleman will yield to me, by direction of the Committee on Rules I file a privileged resolution; and permit me to make this statement: these differences may be ironed out later.

THE SPEAKER: The Chair will ask the gentleman from Georgia if it is the same resolution that has already been reported to the House.

MR. COX: I presume it is the same resolution.

THE SPEAKER: The Chair doubts very seriously whether two reports on the same resolution can be filed at the same time.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I make a point of order against the filing of this rule at this time.

THE SPEAKER: Permit the Chair to handle this matter.

---

4. 96 CONG. REC. 499, 81st Cong. 2d Sess.

5. H. Res. 133, which was not agreed to in that session, was identical to Rule XI clause 24, *House Rules and Manual* § 732 (1973). The change proposed to be effected was the elimination of the so-called "twenty-one day rule"; the latter is discussed in Ch. 18, infra.

6. 96 CONG. REC. 501, 81st Cong. 2d Sess.

MR. MARCANTONIO: But I am making a point of order.

THE SPEAKER: The Chair was clarifying the situation. The Chair is of opinion that two reports cannot be filed on the same resolution at the same time.

After the matter was discussed further, Mr. Howard W. Smith, of Virginia, made the following request:

. . I am wondering if in the interest of harmony and getting this matter straightened out the Speaker would not permit the Committee on Rules to file the resolution which the gentleman from Georgia has attempted to file.

THE SPEAKER: The Chair is trying to carry out orderly procedure. If two identical resolutions on the same subject matter can be reported, then a number can be reported and the Record would be cluttered up. The Chair hopes the gentleman from Virginia will not say that he hopes the Chair will allow something to be done if he thinks it is unnecessary because the report has already been filed.

As to the agreement,[7] the Chair knows nothing about that, and the Chair thinks that any agreement that may be worked out between now and tomorrow can as well be worked out without the reporting of an unnecessary resolution as with it.

Calling Up Report Providing for Special Order

§ 55.10 Only a member of the Committee on Rules designated to do so may call up a report from the committee providing for a special order of business, unless the rule has been on the calendar seven legislative days without action.

On June 6, 1940,[8] Mr. Hamilton Fish, Jr., of New York, sought to call up for consideration the report of the Committee on Rules providing for the consideration of H.R. 9766, a bill to authorize the deportation of Harry Bridges.

Speaker Sam Rayburn, of Texas, and Mr. Fish then engaged in the following exchange:

THE SPEAKER: The unfinished business, the Chair will state to the gentleman, is the gentleman's resolution offered upon yesterday.

MR. FISH: As I understand the parliamentary situation, the gentleman

7. Mr. Cox was authorized to file the report by the committee. Mr. Cox stepped aside to let Mr. Sabath file the report, however, when the former gentleman believed the two were in agreement that Mr. Sabath would call the resolution up on the following Thursday (Jan. 19, 1950). This is the "agreement" to which the Speaker referred. When it became apparent that the two Members were not in agreement upon that course of action, however, Mr. Cox attempted to file the report himself.

8. 86 CONG. REC. 7706, 76th Cong. 3d Sess.

from Mississippi [Mr. Colmer] has reported that rule to the House already.

THE SPEAKER: The gentleman is correct.

MR. FISH: Now, therefore, under the rules as I have quoted them, rule XI, paragraph 2, clause 45, I am calling up that report for consideration.

THE SPEAKER: Has the gentleman been authorized by the Rules Committee to call up the rule?

MR. FISH: I am calling it up under the rules of the House, realizing that the rules require a two-thirds vote to bring it up for consideration immediately under rule XI. That I consider the privilege of any member of the Rules Committee.

THE SPEAKER: The Chair cannot recognize the gentleman from New York to call up the resolution unless the Record shows he was authorized to do so by the Rules Committee. The Chair would be authorized to recognize the gentleman from Mississippi [Mr. Colmer] to call up the rule in the event the resolution offered by the gentleman from New York, which was the unfinished business, is not called up.

MR. FISH: Will the Chair permit me to read this rule?

THE SPEAKER: The Chair would be glad to hear the gentleman.

MR. FISH: Rule XI reads as follows:

> It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting).

I submit, according to that rule and the reading of that rule, Mr. Speaker, that any member of the Rules Committee can call up the rule, but it would require the membership of the House to act upon it by a two-third vote in order to obtain consideration.

THE SPEAKER: The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

Discharging Measure Not Yet Reported by Committee to Which Referred

§ 55.11 The Committee on Rules reported and the House adopted a resolution making in order the immediate consideration of a bill which had not been reported by the committee to which referred.

On Aug. 19, 1964,[9] Howard W. Smith, of Virginia, Chairman of the Committee on Rules, called up House Resolution 845 and asked for its immediate consideration. The resolution provided that upon its adoption, the House would resolve itself into the Committee of the Whole for the consideration of a bill (H.R. 11926), to limit jurisdiction of federal courts in reapportionment cases.

Immediately thereafter, Mr. James G. O'Hara, of Michigan,

9. 110 CONG. REC. 20212, 88th Cong. 2d Sess.

was recognized by the Speaker. The following exchange took place:[10]

MR. O'HARA of Michigan: Mr. Speaker, I make a point of order.

THE SPEAKER: The gentleman will state it.

MR. O'HARA of Michigan: Mr. Speaker, I make a point of order against the consideration of House Resolution 845 on the grounds that the Committee on Rules is without jurisdiction to bring such resolution to the floor of the House under the provisions of rule 16 of the Rules of the House of Representatives, and I ask permission to be heard on the point of order.

THE SPEAKER: The Chair will hear the gentleman.

MR. O'HARA of Michigan: Mr. Speaker, a review of the precedents of this House reveals occasions on which the House has permitted the Committee on Rules to bring before it resolutions making in order the consideration of bills that have been improperly referred to legislative committees, bills that had not yet been referred to the Committee on Rules, and possibly even a bill not yet introduced. In addition, a decision of the Speaker of the House permitted the consideration of resolution of the Committee on Rules of a bill that had not been placed on the calendar at the time the resolution was reported by the Committee on Rules. However, Mr. Speaker, I can find no occasions on which the House has clearly permitted the Committee on Rules to report to it a resolution making in order the consideration of a bill that had been introduced in the House of Representatives and referred by it—properly referred by it—to one of its legislative committees and not yet reported out or acted upon by that legislative committee to which the bill had been referred.

Mr. Speaker, I move to make this point of order after noting the gentleman from Virginia, the chairman of the Committee on Rules, which reported out House Resolution 845, is on record strongly opposing such action by the Committee on Rules as unprecedented and unwarranted. The Congressional Record of June 29, 1953, reports the gentleman's opposition to a resolution reported from the Committee on Rules which would have brought to the floor a bill pending before the Committee on Ways and Means and not yet reported by that committee.

The gentleman from Virginia did not follow up the point of order in that matter, but he was persuasive in effecting a recommittal of the resolution and a return to the regular order of business.

The only comparable incident I can find which might provide a precedent for this, Mr. Speaker, was the action taken by this Congress on the price control legislation in the 79th Congress, 2d session, found at page 8059 of the Congressional Record. This, however, it might be pointed out, was emergency legislation and a similar version had earlier been reported by a legislative committee, acted upon by the House and vetoed by the President.

I point out that in that instance the request for the rule was based on the fact that the legislation was about to expire and it was impossible to get action through the ordinary channels.

10. *Id.* at pp. 20212, 20213.

The request for the rule was made by the chairman of the committee having legislative jurisdiction over the Price Control Act, a situation distinctly different from the one in which we find ourselves today, where we are asked to consider a rule making in order the consideration of a bill which was referred to a legislative committee, not yet reported by that committee and with no request made for its consideration by the chairman of the committee I to which it was referred.

THE SPEAKER: Does the gentleman from Virginia [Mr. Smith] desire to be heard on the point of order?

MR. SMITH of Virginia: Just briefly, Mr. Speaker. The rules are perfectly clear. The Committee on Rules, under the rules of the House, may report a rule on any pending bill. This is a pending bill before the Rules Committee and the precedents for that are well established. The rule itself is very plain.

THE SPEAKER: The Chair is prepared to rule.

The Chair finds a precedent in volume 5 of "Hinds' Precedents of the House of Representatives" at section 6771. On February 4, 1895, a similar point of order was raised against an action taken by the Rules Committee. The Speaker at that time, Speaker Crisp, of Georgia, ruled on a point of order made by Mr. Thaddeus M. Mahon, of Pennsylvania. The point of order was the same as that made by the gentleman from Michigan [Mr. O'Hara], that the bill had not been reported from the Committee on War Claims and therefore it was not in order for the Committee on Rules to report a resolution for its consideration in the House.

Speaker Crisp overruled the point of order, holding that the Committee on Rules had jurisdiction to report a resolution fixing the order of business and the manner of considering a measure, even though the effect of its adoption would be to discharge a committee from a matter pending before it, thereby changing the existing rule relative to the consideration of business.

Speaker Crisp further said that it was for the House to determine whether the change in the mode of consideration should be made, as recommended by the committee.

The rules of the House provide that—

> The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business.

The Chair also desires to state that in 1929 a similar point of order was raised. In 1946 and again in 1953 the Committee on Rules reported similar resolutions and on each occasion the precedent established by Speaker Crisp was followed and adhered to.

Therefore, the Chair overrules the point of order.[11]

Parliamentarian's Note: See Chapter 21, §§ 16.15–16.18, infra, for a complete discussion of the authority of the Committee on Rules to discharge bills pending before other committees.

---

11. For similar instances, see 107 CONG. REC. 5267, 87th Cong. 1st Sess., Mar. 29, 1961 [H. Res. 238]; and 92 CONG. REC. 8059, 79th Cong. 2d Sess., July 1, 1946 [H. Res. 689].