of his cosponsorship and support of a bill[11] which had previously been introduced and referred.

Senate Practice

§ 2.7 A Senator's name may be deleted from the list of cosponsors of a bill.

On Feb. 17, 1959,[12] Senator Hubert H. Humphrey, of Minnesota, asked unanimous consent that the name of the Senator from New York' Senator Jacob K. Javits, be deleted as a cosponsor of a bill[13] which had been introduced. There being no objection, it was so ordered.

§ 3. Reference

Bills, petitions, and other matters are referred to committees of the House in accordance with the House rule[14] establishing the jurisdiction of committees over particular subjects.[15] Petitions, memorials and bills of a private nature are delivered to the Clerk, endorsed with the sponsors names and the reference or disposition to be made thereof.[16] The referral of public bills, memorials and resolutions is the responsibility of the Speaker.[17] Bills and messages from the Senate are referred to committees in the same manner as public bills presented by the Members.[18]

Referral of bills and resolutions generally occurs on the same day as their introduction. Due to the large number of bills introduced on a session's opening day, however, the referral of all such bills may not be completed until the following day.[19] Bills so introduced which are referred only as of the following day are neverthe-

11. H.R. 6360, to establish a National Legal Services Corporation.
12. 105 CONG. REC. 2470, 86th Cong. 1st Sess. See also 103 CONG. REC. 2666, 85th Cong. 1st Sess., Feb. 27, 1957, where the Senate, by unanimous consent, permitted the names of four Senators to be stricken as cosponsors of an amendment to a bill (H.R. 4090).
13. S. 812, to establish a Youth Conservation Corps.
14. Rule XI, *House Rules and Manual* §§ 675–724 (1973).

For a discussion of rule changes in the 94th Congress affecting referral of bills to standing committees, see supplements to this edition as they appear.

15. For a discussion of jurisdiction of committees, generally, see Ch. 17, infra.
16. Rule XXII clause 1, *House Rules and Manual* § 849 (1973).
17. RULE XXII CLAUSE 4, *House Rules and Manual* § 854 (1973). See §§ 3.2–3.5, infra, for further discussion.
18. RULE XXIV CLAUSE 2, *House Rules and Manual* § 882 (1973).
19. See §§ 3.6, 3.7, infra.

less printed in the Record of the following day with the date of their original introduction.

Occasionally, of course, errors in reference of bills to committees may occur. In the case of private bills, errors may be corrected without action by the House at the suggestion of the committee having possession of the bill.[20] Similarly, a House rule[1] provides for procedures to be followed in case of an error in reference of a public bill. The House pursuant to the rule has rereferred erroneously referenced public bills both by unanimous consent[2] and by agreement to rereferral motions of the committees claiming or relinquishing jurisdiction over the matters in question.[3] Rereferral either on motion or by unanimous consent is determined without debate.[4]

It should be noted that once a bill has been reported for floor action from a committee, points of order against its reference and motions for its rereferral may not be entertained.[5]

On rare occasions a bill is called up for consideration by unanimous consent without being referred to a committee.[6]

Consideration Without Reference

§ 3.1 On rare occasions a private bill is introduced from the floor and called up for consideration by unanimous consent without being referred to a committee.

On Apr. 16, 1969,[7] Mr. Carl Albert, of Oklahoma, asked unanimous consent for the immediate consideration of a bill[8] to provide mail service for the widow of a former President. No objection being heard to the request of the gentleman from Oklahoma, the bill was read to the House, was ordered to be engrossed and read a third time, was read a third time and passed. A motion to reconsider was laid on the table.

Parliamentarian's Note: The proposal was transmitted to the Congress as Executive Communication No. 686 and was received in the Speaker's Rooms at 11:30 a.m., April 16. The Parliamen-

20. Rule XXII clause 3, *House Rules and Manual* § 853 (1973).

1. Rule XXII clause 4, *House Rules and Manual* § 854 (1973).

2. See §§ 3.14, 3.15, infra.

3. See §§ 3.10–3.13, infra.

4. See § 3.13, infra.

5. See § 3.16, infra.

6. See § 3.1, infra.

7. 115 CONG. REC. 9258, 91st Cong. 1st Sess.

8. H.R. 10158.

tarian called it to the attention of the Speaker who then directed the Majority Leader to clear it for immediate consideration by unanimous consent.

Speaker's Responsibilities

§ 3.2 The referral of a public bill to the proper committee, under the rules of the House, is the responsibility of the Speaker, who, on occasion, has taken the floor to explain his reference of a bill.

On Mar. 2, 1966,[9] during debate in Committee of the Whole concerning a bill[10] providing for the participation of the United States in the 1967 Alaska Centennial, the Chair[11] recognized Speaker John W. McCormack, of Massachusetts, who delivered the following remarks:

> MR. MCCORMACK: . . . Mr. Chairman, in view of the remarks made by the gentleman from New Hampshire [Mr. Cleveland] about the reference of this bill, and overhearing them and confining myself to that aspect of his remarks, I simply want to advise the Members of the House that in my judgment as the Speaker, this bill was properly referred to the Committee on Public Works.
>
> In the original bill, the bill calls for the participation in the 1967 exposition, jointly with the State of Alaska through economic development projects such as industrial, agricultural, educational, research, or commercial facilities, and so forth.
>
> Mr. Chairman, I thoroughly respect the views of my friend, the gentleman from New Hampshire [Mr. Cleveland], but I cannot be on the floor and listen to one challenge the reference of a bill that I made. I realize that I might make mistakes occasionally, but I will always make the reference of a bill that the rules call for. In my clear judgment this bill was properly referred to the Committee on Public Works.

§ 3.3 The referral of a Senate bill on the Speaker's table to the proper committee is within the discretion of the Speaker.

On June 6, 1949,[12] the following proceedings took place:

> MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER:[13] The gentleman will state it.

9. 112 CONG. REC. 4579, 4580, 89th Cong. 2d Sess. See Rule XXII clause 4, *House Rules and Manual* § 854 (1973).
10. H.R. 9963.
11. Charles A. Vanik (Ohio).
12. 95 CONG. REC. 7255, 81st Cong. 1st Sess. For further illustrations, see 80 CONG. REC. 4547, 74th Cong. 2d Sess., Mar. 27, 1936; and 72 CONG. REC. 7236, 7237, 71st Cong. 2d Sess., Apr. 17, 1930. And see Rule XXIV clause 2, *House Rules and Manual* § 882 (1973).
13. Sam Rayburn (Tex.).

MR. PATMAN: Mr. Speaker, may I ask the status of the bill S. 1008, which, I understand, was messaged over from the Senate on Friday last?

THE SPEAKER: The Chair understands it is on the Speaker's table.

MR. PATMAN: Will it be referred to the Committee on the Judiciary?

THE SPEAKER: The Chair does not know about that.

MR. PATMAN: What action will be necessary in order to get it referred to the committee?

THE SPEAKER: It is the duty and the privilege of the Chair to refer bills to whatever committee he desires, after consultation with the Parliamentarian, of course. The Chair will not recognize any motion in that regard at this time.

§ 3.4 On one occasion a Senate bill which had been held at the Speaker's table pending disposition of a similar House measure was referred by the Speaker to the same House committee to which the House bill had been recommitted.

On June 22, 1962,[14] the Speaker[15] referred to the Committee on Agriculture a Senate bill,[16] following the recommittal on the previous day of a similar House bill[17] to the same committee.

14. 108 CONG. REC. 11433, 11434, 87th Cong. 2d Sess.
15. John W. McCormack (Mass.).
16. S. 3225.
17. H.R. 11222, food and agricultural bill of 1962.

§ 3.5 The Chair does not indicate in advance the committee to which he will refer public bills subsequently introduced.

On Jan. 24, 1944,[18] during House debate relating to a motion to discharge the Committee on Rules from further consideration of a resolution,[19] a parliamentary inquiry was propounded by Mr. Pete Jarman, of Alabama, questioning whether the discharge of the committee and the adoption of the resolution would result in the reference of certain proposed legislation to the Committee on World War Veterans' Legislation. Responding to the inquiry, the Speaker[20] remarked as follows:

THE SPEAKER: The Chair . . . is compelled to say to the gentleman from Alabama that as bills are submitted reference would have to be made under the rules of the House.

The Chair does not want to decide at this time that he would be compelled to refer all legislation of that kind and character to this committee. A great many times bills are introduced having three or four subjects in them and

18. 90 CONG. REC. 629, 631–33, 78th Cong. 2d Sess. For a further example of the Speaker's refusal to speculate on the referencing of future bills, see 112 CONG. REC. 1716, 89th Cong. 2d Sess., Feb. 1, 1966.
19. H. Res. 29, amending Rule XI clause 40.
20. Sam Rayburn (Tex.).

there may be a choice of which committee should have jurisdiction.

Reference on Opening Day

§ 3.6 Bills placed in the hopper on the opening day of a new Congress are not referred until after the adoption of the rules. The titles of bills that are not referred on the opening day are sometimes printed in the next day's Record with a date corresponding to the date on which the rules were adopted.

On Jan. 21, 1971,[1] the Speaker[2] made the following announcement to the House:

> THE SPEAKER: The Chair would like to make a statement concerning the introduction and reference of bills.
>
> Heretofore on the opening day of a new Congress, several thousand bills have been introduced under adopted rules permitting their introduction by Members and reference by the Speaker. On those occasions, the Speaker announced his intention to examine and refer as many bills as possible, and he asked the indulgence of Members if he was unable to refer all introduced bills.
>
> Since the rules of the 92d Congress have not yet been adopted, the right of Members to introduce bills, and the authority of the Speaker to refer them, is technically delayed. The Chair will state that bills dropped in the hopper will be held until the adoption of the rules, at which time they will be referred as expeditiously as possible to the appropriate committee. At that time, the bills which are not referred and do not appear in the Record as of that day will be included in the next day's Record and printed with a date as of the time the rules were adopted.

§ 3.7 As a result of the large number of bills introduced on opening day, the Speaker has on that occasion announced his intention to examine and refer as many bills as possible and to ask the indulgence of the Members if he was unable to refer all introduced bills.

On Jan. 3, 1969,[3] the Speaker[4] made the following announcement to the House:

> THE SPEAKER: The Chair would like to make a statement concerning the introduction and reference of bills today.
>
> As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several thousand bills have been introduced. It will be readily ap-

1. 117 CONG. REC. 16, 92d Cong. 1st Sess.
2. Carl Albert (Okla.).
3. 115 CONG. REC. 37, 91st Cong. 1st Sess. For further illustrations, see 113 CONG. REC. 34, 90th Cong. 1st Sess., Jan. 10, 1967; 111 CONG. REC. 26, 27, 89th Cong. 1st Sess., Jan. 4, 1965; and 109 CONG. REC. 23, 24, 88th Cong. 1st Sess., Jan. 9, 1963.
4. John W. McCormack (Mass.).

parent to all Members that it may be a physical impossibility for the Speaker to examine each bill for reference today. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the Record as of today will be included in the next day's Record and printed with a date as of today.

§ 3.8 A Senate bill, messaged to the House following sine die adjournment, is referred to committee on opening day of the next session of the same Congress.[5]

Correcting Date of Reference

§ 3.9 On one occasion two bills delivered to the Parliamentarian for reference after adjournment, when it was too late to process them for inclusion in the Record of that day, were held for reference on the following day; subsequently, upon assurances by the sponsor that the bills had been placed in the hopper before adjournment on the preceding day, they were printed as having been introduced on the preceding day and notations of the date, as corrected, of introduction were made in both the Record and the Journal.

On Jan. 26, 1970,[6] the announcement of the Jan. 22 introduction and referral of two bills, introduced Jan. 22 but omitted from the Record of that date, was made as follows:

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[*Omitted from the Record of Jan. 22, 1970*]

By Mr. Bennett (for himself, Mr. Brock, Mr. Broomfield, Mr. Chappell, Mr. Cleveland, Mr. Daddario, Mr. Dulski, Mr. Edmondson, Mr. Foley, Mr. Helstoski, Mr. Hull, Mr. Kee, Mr. Kuykendall, Mr. McCloskey, Mr. Mikva, Mrs. Mink, Mr. Olsen, Mr. Pryor of Arkansas, Mr. Purcell, Mr. Rarick, Mr. Reifel, Mr. Ruppe, Mr. Saylor, Mr. Scherle, and Mr. Skubitz):

H.R. 15521. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archaeological data; to the Committee on Interior and Insular Affairs.

By Mr. Bennett (for himself, Mr. Stephens, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Waldie, and Mr. Vanik):

H.R. 15522. A bill to amend the act of June 27, 1960 (74 Stat. 220), relat-

5. See the proceedings discussed in § 1.5, supra.

6. CONG. REC. (daily ed.), 91st Cong. 2d Sess.

ing to the preservation of historical and archaeological data; to the Committee on Interior and Insular Affairs.

The Record was corrected accordingly.

Rereferral by Motion

§ 3.10 On occasion, the House has rejected a motion for the rereferral of a bill, offered in accordance with Rule XXII clause 4 by a Member at the direction of the committee claiming jurisdiction.

On May 4, 1939,[7] Mr. William T. Schulte, of Indiana, by direction of the Committee on Immigration and Naturalization, submitted a motion that a bill[8] be rereferred from the Committee on the Judiciary to the Committee on Immigration and Naturalization. The motion was subsequently rejected on a division—ayes 17, noes 128.

§ 3.11 The rule providing for rereference of bills on motion of a committee claiming jurisdiction is construed to require that the motion be made before any business has been transacted; but the motion may be made after one-minute speeches.

On Apr. 21, 1942,[9] subsequent to the submission by Mr. Samuel Dickstein, of New York (at the direction of the Committee on Immigration and Naturalization) of a motion to rerefer a bill[10] from the Committee on the Judiciary to the Committee on Immigration and Naturalization, a point of order was raised by Mr. John E. Rankin, of Mississippi, asserting that the motion had been made too late. In overruling the point of order, the Speaker[11] said:

> On the point that the motion comes too late in that business has been transacted in the House today, the Chair may say that since the reading of the Journal the only business that has been transacted has been 1-minute speeches. The Chair is constrained to overrule the point of order of the gentleman from Mississippi on the ground that he thinks it involves too technical a construction of the rule.

§ 3.12 The House has granted unanimous consent that it

7. 84 CONG. REC. 5119, 5120, 76th Cong. 1st Sess.
8. H.R. 5138, relating to unlawful attempts to overthrow the government of the United States.
9. 88 CONG. REC. 3571, 77th Cong. 2d Sess. For an additional example, see 79 CONG. REC. 4878, 4879, 74th Cong. 1st Sess., Apr. 2, 1935, where a motion to rerefer a bill was made and considered subsequent to the House's entertainment of unanimous-consent requests.
10. H.R. 6915.
11. Sam Rayburn (Tex.).

may be in order for a Member to move the rereference of a bill at any time during the day notwithstanding the rule requiring that such motions be made immediately after the reading of the Journal.

On June 18, 1952,[12] the following proceedings occurred:

MR. [CARL] VINSON [of Georgia]: Mr. Speaker, I ask unanimous consent that it may be in order for me to make a motion today to rerefer a bill.[13]

THE SPEAKER:[14] Is there objection to the request of the gentleman from Georgia?

MR. [WILLIAM C.] LANTAFF [of Florida]: Mr. Speaker, reserving the right to object, what is the bill?

MR. VINSON: Mr. Speaker, I am simply trying to preserve my right so that the chairman of the committee may be here.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, reserving the right to object, if this unanimous-consent request is granted the gentleman proposes to make such motion later today?

MR. VINSON: Yes; I am asking unanimous consent that later on during the day I may have the right to propound a unanimous-consent request or to move to rerefer a bill. I am doing this to preserve my rights and to give the chairman of the Expenditures Committee an opportunity to be here. He is just leaving his office.

Mr. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, reserving the right to object, do I understand the gentleman to say that he is asking unanimous consent that he may make the same request later on?

MR. VINSON: That is right exactly, because under the rules of the House this is the time it has to be made and I propound a unanimous-consent request now to be permitted during today to offer a motion to rerefer a bill.

MR. HOFFMAN of Michigan: Why does not the gentleman ask it now?

MR. VINSON: I am withholding the motion pending the arrival of the gentleman from Illinois [Mr. Dawson].

MR. HOFFMAN of Michigan: Mr. Speaker, if that is the only purpose, I withdraw my reservation of objection.

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

There was no objection.

Later in the day, Mr. Vinson asked for and was granted unanimous consent to rerefer the bill from the Committee on Expenditures in the Executive Departments to the Committee on Armed Services.

§ 3.13 A motion made pursuant to Rule XXII clause 4 to rerefer a bill to a committee claiming jurisdiction is not debatable.

12. 98 CONG. REC. 7532, 7542–44, 82d Cong. 2d Sess.

13. H.R. 8130, to promote economy and efficiency through certain reorganizations and the integration of supply and service activities within and among the military departments.

14. Sam Rayburn (Tex.).

On Apr. 2, 1935,[15] during consideration of a motion submitted by Mr. Emanuel Celler, of New York, to rerefer a bill[16] to the Committee on the Judiciary, a parliamentary inquiry was raised by Mr. Sam D. McReynolds, of Tennessee, asking if the Chair had recognized the gentleman from New York for that purpose. Responding in the affirmative, the Speaker[17] stated as follows:

> The gentleman has the floor and has made a motion that is in order at this time. The gentleman from New York moves that the bill H.R. 6547 be rereferred to the Committee on the Judiciary. The Chair may state to the gentleman from Tennessee that the motion is not debatable.

Rereferral by Unanimous Consent

§ 3.14 Rereferral of a bill has been permitted by unanimous consent.

On July 15, 1970,[1] the following proceedings occurred:

> MR. [JACK T.] BRINKLEY [of Georgia]: Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 18365) to amend title 10 of the United States Code to permit actions against the United States for damage to the good name and reputation of members of the Armed Forces charged with committing certain crimes against civilians in combat zones if such members are cleared of such charges, and for other purposes, of which I am the author, and that the bill be rereferred to the Committee on Armed Services.
>
> In this regard, Mr. Speaker, I have gotten the permission of the chairman of the Committee on the Judiciary and of the Committee on Armed Services.
>
> THE SPEAKER:[2] Is there objection to the request of the gentleman from Georgia?

There being no objection, the bill was rereferred.

Parliamentarian's Note: Normally the chairman of one of the committees involved makes the unanimous-consent request, and not the sponsor of the bill.

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15. 79 CONG. REC. 4878, 4879, 74th Cong. 1st Sess. For further example, see 87 CONG. REC. 127, 128, 77th Cong. 1st Sess., Jan. 13, 1941, where an objection based on the nondebatability of motions to rerefer bills was made when the Speaker sought to state, in reply to a parliamentary inquiry, his reasons for referring the bill to a certain committee.

16. H.R. 6547, authorizing the appointment of a Commissioner for the United States Court for China.

17. Joseph W. Byrns (Tenn.).

1. 116 CONG. REC. 24451, 91st Cong. 2d Sess. For a further illustration see 113 CONG. REC. 29560, 29561, 29564–67, 90th Cong. 1st Sess., Oct. 20, 1967, where 68 bills and resolutions dealing with veterans' cemeteries were, by unanimous consent, rereferred from the Committee on Interior and Insular Affairs to the Committee on Veterans' Affairs.

2. John W. McCormack (Mass.).

§ 3.15 Where the chairman of a committee wishes to ask unanimous consent for the rereference of a bill, it is customary to consult with the chairman of the committee to which the bill is to be referred; on one occasion, the Speaker declined to recognize a chairman of a committee for a unanimous-consent request to rerefer a bill until the chairman of the other committee was consulted.

On Mar. 25, 1948,[3] subsequent to the unanimous-consent request of Mrs. Edith Nourse Rogers, of Massachusetts, that a bill[4] be referred from the Committee on Veterans' Affairs to the Committee on the Judiciary, the following exchange took place:

> THE SPEAKER:[5] Has the gentlewoman conferred with the chairman of the Committee on the Judiciary?
>
> MRS. ROGERS of Massachusetts: I have not, Mr. Speaker.
>
> THE SPEAKER: It is customary to consult with the chairman of the committee to whom the bill is to be referred. No harm will come if this matter is delayed until Monday.
>
> MRS. ROGERS of Massachusetts: I withdraw the request, Mr. Speaker.

3. 94 CONG. REC. 3573, 80th Cong. 2d Sess.
4. H.R. 5515, for the relief of Mr. and Mrs. Albert Chandler.
5. Joseph W. Martin, Jr. (Mass.).

Rereferral of Reported Bills

§ 3.16 Once a bill has been reported by the committee to which it was referred, points of order against reference of the bill and motions for its rereferral are not entertained.

On May 2, 1939,[6] subsequent to the introduction of a resolution[7] reported from the Committee on Rules providing for the consideration of a bill,[8] Mr. Samuel Dickstein, of New York, made the following point of order:

> Mr. Speaker, I make a point of order to the substance of the resolution and the adoption of the resolution for consideration of this bill upon the ground that this bill did not have a hearing before the committee authorized by the rules of the House, and that the Rules Committee had no right to hear it, because there was no proper report from a committee authorized to conduct the hearings on this legislation or to sanction the approval of this bill.

6. 84 CONG. REC. 5052–55, 76th Cong. 1st Sess. For further illustrations, see 89 CONG. REC. 6209, 78th Cong. 1st Sess., June 21, 1943; 84 CONG. REC. 9532, 76th Cong. 1st Sess., July 19, 1939; and 83 CONG. REC. 1142, 1143, 75th Cong. 3d Sess., Jan. 26, 1938.
7. H. Res. 175.
8. H.R. 5643, investing the circuit courts of appeals of the United States with original and exclusive jurisdiction in certain cases involving alien affairs.

This bill is 100 percent immigration, but was referred to the Committee on the Judiciary; and I submit, Mr. Speaker, I should like to have some time to go into the precedents and the rules of the House which will establish definitely that this bill is improperly before the House for consideration under a rule or under any other provision of the laws of this Congress or any other Congress, and that this is an immigration bill and the Immigration Committee has had no consideration of this measure by hearings or otherwise. . . .

Considerable debate on the point of order ensued, at the conclusion of which, the Speaker,[9] overruling the point of order, made the following statement:

The gentleman from Mississippi, on behalf of the Committee on Rules of the House, has offered a resolution, which has been reported, providing for the consideration of H.R. 5643.

The gentleman from New York, chairman of the Committee on Immigration and Naturalization, has raised a point of order, which may be stated in two different forms, possibly, that the resolution now offered is out of order. Primarily, as the Chair understands, the point of order is raised against consideration of the bill because of the fact that the Committee on the Judiciary, to which it was referred, had no jurisdiction or authority under the rules of the House to consider the bill; therefore it had no legal right to report the bill to the House for its consideration under the rules of the House.

The Chair has given considerable consideration to the problem, because it is a matter of some importance. It is a matter of grave importance, of course, to all committees, their chairmen and members, affecting as it does the matter of jurisdiction of the committees over important legislation. . . .

This is not a new matter that is now raised by the gentleman from New York. It may be proper here to state that the present occupant of the chair nor any other Speaker who has been his predecessor has had any personal interest in reference to any bill. The Speaker does not participate in the deliberations by the committees. His function is entirely to undertake to preserve the rules and precedents of the House as its presiding officer.

This bill now being attacked in the ordinary course was referred to the Parliamentarian, and, with the consent of the Speaker, referred to the Committee on the Judiciary, for the reasons rather admirably stated by the gentleman from Alabama. It was felt at that time that the Committee on the Judiciary was the proper committee to which the bill should be referred. . . .

The defect in the position taken by the gentleman from New York . . . is that under the uniform practices and precedents of the House, as far as the Speaker has been able to find them, the gentleman has slept upon his rights in raising this question . . . although he may not have been actually advised of this bill until recently called to his attention; however, constructively at least, he has been guilty of parliamentary laches.

In making this ruling, the Chair desires to refer to a decision heretofore

9. William B. Bankhead (Ala.).

made by the present Speaker of the House on an identical question involving the jurisdiction of a committee. This is found on page 1526 of the Congressional Record of January 26, 1938.

On January 26, 1938, Mr. May, by direction of the Committee on Military Affairs, called up the bill (H.R. 8176) providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes.

The gentlemen from Texas [Mr. Patman] made the point of order that the bill was improperly referred to the Committee on Military Affairs, the proper committee being the Committee on World War Veterans' Legislation. He made the point of order that the bill was not in order for consideration at that time. As the Chair understands that is the principle invoked by the gentleman from New York.

The gentlemen from Kentucky [Mr. May] made the point of order that the question of order raised by Mr. Patman came too late, inasmuch as the bill had been reported to the House.

The Speaker, in sustaining a point of order made by Mr. May, said:

> The gentleman from Texas [Mr. Patman] raises the point of order against consideration of the bill, that it was not referred under the rules of the House to the Committee on World War Veterans' Legislation, to which, according to his contention, it should have originally been referred.
>
> Pending that question the gentleman from Kentucky [Mr. May], the chairman of the Committee on Military Affairs, raises the point of order that the point of order made by the gentleman from Texas comes too late. . . .
>
> . . . [T]here have been a number of decisions and precedents upon this particular question. The Chair refers especially to a decision made by Mr. Speaker Longworth, as reported in volume 7 of Cannon's Precedents of the House of Representatives, section 2113.

Then quoting Speaker Longworth's decision:

> After a public bill has been reported—

As is the case here, the bill having been referred to the Committee on the Judiciary, whether properly or erroneously referred, the quotation goes on to say:

> it is not in order to raise a question of committee jurisdiction—

And so forth. The gentleman from Michigan has cited for consideration of the Chair a syllabus found on page 401, section 854, of the House Rules Manual which the Chair will quote:

> According to the later practice, the erroneous reference of a public bill, if it remains uncorrected in effect, gives jurisdiction to the committee receiving it, and it is too late to move a change of reference after such committee has reported the bill.

The Chair desires particularly to direct the attention of the House to a decision made by Mr. Speaker Crisp which may be found in Hinds' Precedents, volume IV, section 4365. In that instance Speaker Crisp delivered an elaborate opinion on a question which the Chair thinks is on all fours with the one now before him.

. . . [T]he Chair is clearly of the opinion that despite the fact there might be considerable merit in the contention made by the gentleman from New York so far as the spirit and purposes in the establishment of committees are concerned, nevertheless, under these precedents, which seem to be absolutely uniform, the Chair is constrained to overrule the point of order made by the gentleman from New York.