

nized Minority Leader Gerald R. Ford, of Michigan, after which the following exchange ensued:

Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House agreed to House Resolution 99 on January 6, 1973, and ask for its immediate consideration.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 99

Resolved, That the following named Members be, and they are hereby elected members of the standing committee of the House of Representatives on Rules:

John B. Anderson, Illinois; Dave Martin, Nebraska; James H. Quillen, Tennessee; Delbert L. Latta, Ohio.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gerald R. Ford: On line 4, strike out "John B. Anderson, Illinois; Dave Martin, Nebraska;" and insert "Dave Martin, Nebraska; John B. Anderson, Illinois;"

Mr. Ford's amendment was promptly agreed to; and the resolution, as amended, was agreed to.

Parliamentarian's Note: Upon being elected chairman of the Republican Conference, a Member was required, under the rules of that conference, to relinquish his position as ranking minority member of the Committee on

Rules. Thus, while Mr. Anderson had had longer consecutive service on the Committee on Rules than had Mr. Martin, the former Member's election to the chairmanship of the Republican Conference had obligated him to relinquish his ranking position on the committee.

§ 12. Setting and Increasing Committee Membership

Until Jan. 3, 1975,⁽¹³⁾ the rules of the House specified the number⁽¹⁴⁾ of Members serving on each standing committee. Notwithstanding the presence of these figures in the rules, the House routinely changed the numerical composition of particular committees by resolution considered by unanimous consent during the course of a given Congress. At the beginning of a Congress, this was most frequently done to reconcile the new party ratio in the House and the reelection of committee members from the preceding Congress.⁽¹⁵⁾ Thus, com-

13. See Note to Rule X clause 6(a), *House Rules and Manual* §701(a) (1979).

14. See, for example, Rule X clause I, *House Rules and Manual* §670 (1973).

15. See Note to Rule X clause 2, *House Rules and Manual* §671A (1973).

mittee numerical membership resolutions considered at the beginning of a Congress frequently listed several committees⁽¹⁶⁾ while it was not unusual for such resolutions to pertain solely to the membership of a specific committee⁽¹⁷⁾ at a later point of the Congress. The timing of the resolution was of no import since changes in committee membership numbers could be effected at any time.⁽¹⁸⁾ Beginning with the 94th Congress, it was no longer necessary to address committee numerical compositions by resolution since the rules do not specify committee size (except for the Budget Committee).

Setting Membership by Resolution

§ 12.1 While the number of members serving on particular committees may be changed at any time, the House, under the former practice, routinely set committee sizes by one or more resolutions at the beginning of a Congress where those sizes varied from those specified in the standing rules.

¹⁶. See, for example, § 12.1, *infra*.

¹⁷. See § 12.3, *infra*.

¹⁸. See, for example, § 12.6, *infra*.

On Jan. 24, 1973,⁽¹⁹⁾ Speaker Carl Albert, of Oklahoma, recognized Mr. John J. McFall, of California, who requested unanimous consent for the immediate consideration of the following resolution (H. Res. 158):

Resolved, That during the Ninety-third Congress the Committee on Agriculture shall be composed of thirty-six members;

The Committee on Appropriations shall be composed of fifty-five members;

The Committee on Armed Services shall be composed of forty-three members;

The Committee on Banking and Currency shall be composed of thirty-nine members;

The Committee on Education and Labor shall be composed of thirty-eight members;

The Committee on Foreign Affairs shall be composed of forty members;

The Committee on Government Operations shall be composed of forty-one members;

The Committee on House Administration shall be composed of twenty-six members;

The Committee on Interior and Insular Affairs shall be composed of forty-one members;

The Committee on Interstate and Foreign Commerce shall be composed of forty-three members;

The Committee on the Judiciary shall be composed of thirty-eight members;

¹⁹. 119 CONG. REC. 2106, 93d Cong. 1st Sess.

The Committee on Merchant Marine and Fisheries shall be composed of thirty-nine members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

The Committee on Public Works shall be composed of thirty-nine members;

The Committee on Science and Astronautics shall be composed of thirty members; and

The Committee on Veterans' Affairs shall be composed of twenty-six members.

There being no objection, the measure was considered and agreed to.⁽²⁰⁾

Increasing Membership by Resolution

§ 12.2 The House has increased the membership of its standing committees for a particular Congress by a resolution considered by unanimous consent.

On Jan. 16, 1967,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, recognized Mr. Carl Al-

20. For similar examples in earlier Congresses, see 117 CONG. REC. 1708, 92d Cong. 1st Sess., Feb. 4, 1971 (H. Res. 192); 115 CONG. REC. 2083, 91st Cong. 1st Sess., Jan. 29, 1969 (H. Res. 174); and 113 CONG. REC. 445, 90th Cong. 1st Sess., Jan. 16, 1967 (H. Res. 128).

1. 113 CONG. REC. 445, 90th Cong. 1st Sess.

bert, of Oklahoma, who then offered a resolution (H. Res. 128) and asked unanimous consent for its immediate consideration. House Resolution 128 prescribed the numerical composition for the 90th Congress of 14 of the House's standing committees. As such, the resolution increased the numerical size of five of those committees from their previous makeup in the 89th Congress.⁽²⁾

The resolution [with corresponding increases in committee membership over that of the 89th Congress being shown in brackets] read as follows:

Resolved, That during the Ninetieth Congress the Committee on Agriculture shall be composed of thirty-five members;

The Committee on Appropriations shall be composed of fifty-one [previously fifty] members;

The Committee on Armed Services shall be composed of forty [previously thirty-seven] members;

The Committee on Banking and Currency shall be composed of thirty-three members;

The Committee on Education and Labor shall be composed of thirty-three [previously thirty-one] members;

The Committee on Foreign Affairs shall be composed of thirty-six members;

The Committee on Government Operations shall be composed of thirty-five [previously thirty-one] members;

2. See H. Res. 107 at 111 CONG. REC. 636, 89th Cong. 1st Sess., Jan. 13, 1965.

The Committee on Interior and Insular Affairs shall be composed of thirty-three members;

The Committee on Interstate and Foreign Commerce shall be composed of thirty-three members;

The Committee on the Judiciary shall be composed of thirty-five members;

The Committee on Merchant Marine and Fisheries shall be composed of thirty-three [previously thirty-one] members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

The Committee on Public Works shall be composed of thirty-four members;

The Committee on Science and Astronautics shall be composed of thirty-one members.

The resolution was agreed to.⁽³⁾

§ 12.3 The House may increase the size of committee at any time during a session by resolution considered by unanimous consent.

On Apr. 12, 1972,⁽⁴⁾ Hale Boggs, of Louisiana, offered the following resolution (H. Res. 922) and asked for its immediate consideration:

Resolved, That during the remainder of the Ninety-second Congress, the

3. For similar instances, see also H. Res. 158, 119 CONG. REC. 2601, 93d Cong. 1st Sess., Jan. 24, 1973; H. Res. 107, 111 CONG. REC. 636, 89th Cong. 1st Sess., Jan. 13, 1965; and H. Res. 120, 105 CONG. REC. 841, 86th Cong. 1st Sess., Jan. 19, 1959.
4. 118 CONG. REC. 12287, 92d Cong. 2d Sess.

Committee on Foreign Affairs shall be composed of thirty-nine members.

The resolution was agreed to.⁽⁵⁾

Parliamentarian's Note: Prior to the adoption of House Resolution 922, the Committee on Foreign Affairs consisted of 38 members during the 92d Congress. That size had been approved by the House on Feb. 4, 1971,⁽⁶⁾ by way of a resolution (H. Res. 192) establishing committee sizes for 15 standing committees.⁽⁷⁾ House Resolution 922 was offered to en-

5. For similar examples, where a committee's size was increased in mid-session, see 115 CONG. REC. 33747, 91st Cong. 1st Sess., Nov. 12, 1969 [H. Res. 673, increasing size of Committee on Banking and Currency]; 100 CONG. REC. 734, 83d Cong. 2d Sess., Jan. 25, 1954 [H. Res. 418, increasing the size of Committees on Banking and Currency, Foreign Affairs, and Veterans' Affairs]; and 92 CONG. REC. 1789, 79th Cong. 2d Sess., Feb. 28, 1946 [H. Res. 537, increasing size of the Committee on Appropriations].
6. 117 CONG. REC. 1708, 92d Cong. 1st Sess.
7. Note, however, that the rules of the 92d Congress second session, set the size of the Committee on Foreign Affairs as consisting of 25 members [Rule X clause 1(g), H. Jour. 1598, 92d Cong. 2d Sess. (1972)]. The practice of including committee sizes in the rules was eliminated as of Jan. 3, 1975 [see the introductory remarks at the beginning of this section].

able Mr. Ogden R. Reid, of New York, who had switched his party affiliation, to become a majority member of the Committee on Foreign Affairs. On Apr. 13, 1972,⁽⁸⁾ the House agreed to a resolution (H. Res. 924) electing Mr. Reid to the newly created seat on that committee.⁽⁹⁾

Calling Up Resolutions Increasing Committee Membership

§ 12.4 A resolution increasing the number of members on one of the standing committees of the House is not a privileged resolution [unless reported by the Committee on Rules], and must be called up by unanimous consent.

On Dec. 22, 1969,⁽¹⁰⁾ Speaker John W. McCormack, of Massachusetts, recognized Majority Leader Carl Albert, of Oklahoma, who offered the following resolution (H. Res. 764) and asked for its immediate consideration:

Resolved, That during the remainder of the Ninety-first Congress, the Committee on Education and Labor shall be composed of thirty-seven members.

The Speaker then inquired as to whether there was any objection

8. 118 CONG. REC. 12573, 92d Cong. 2d Sess.

9. See § 12.6, *infra*.

10. 115 CONG. REC. 40922, 91st Cong. 1st Sess.

to Mr. Albert's request. Mr. Joe D. Waggoner, Jr., of Louisiana, responding in the affirmative, consideration of the resolution was dropped for lack of unanimous consent.⁽¹¹⁾

§ 12.5 By unanimous consent, the House considered and agreed to a resolution increasing the size of certain standing committees during the 93d Congress [the resolution had been erroneously designated as "privileged" in the daily Record].

On Jan. 24, 1973,⁽¹²⁾ Speaker Carl Albert, of Oklahoma, recognized Mr. John J. McFall, of California, who sought unanimous consent⁽¹³⁾ for the immediate con-

11. Had the resolution been reported from the Committee on Rules, it would have been privileged, and unanimous consent for its immediate consideration would not have been required. See Ch. 21, *infra*, and §§ 52-57, *infra*.

12. 119 CONG. REC. 2106, 93d Cong. 1st Sess.

13. The daily Record incorrectly indicated that Mr. McFall called up the resolution as privileged. The Journal [H. Jour. 134, 93d Cong. 1st Sess.] and the permanent Record, however, correctly indicate that the resolution was called up by unanimous consent. The resolution could have attained privileged status only if it had been reported by the Committee on Rules

sideration of the following resolution (H. Res. 158):

Resolved, That during the Ninety-third Congress the Committee on Agriculture shall be composed of thirty-six members;

The Committee on Appropriations shall be composed of fifty-five members;

The Committee on Armed Services shall be composed of forty-three members;

The Committee on Banking and Currency shall be composed of thirty-nine members;

The Committee on Education and Labor shall be composed of thirty-eight members;

The Committee on Foreign Affairs shall be composed of forty members;

The Committee on Government Operations shall be composed of forty-one members;

The Committee on House Administration shall be composed of twenty-six members;

The Committee on Interior and Insular Affairs shall be composed of forty-one members;

The Committee on Interstate and Foreign Commerce shall be composed of forty-three members;

The Committee on the Judiciary shall be composed of thirty-eight members;

The Committee on Merchant Marine and Fisheries shall be composed of thirty-nine members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

[see Ch. 21, *infra*, and §§ 52-57, *infra*].

The Committee on Public Works shall be composed of thirty-nine members:

The Committee on Science and Astronautics shall be composed of thirty members; and

The Committee on Veterans' Affairs shall be composed of twenty-six members.

There being no objection to Mr. McFall's request, the resolution was considered and agreed to.

Effect of Changes in Party Affiliation; Increases in Committee Size

§ 12.6 By unanimous consent, the House considered and agreed to a resolution increasing the size of a committee for the remainder of the 92d Congress, and on the next day elected a Member who had switched his party affiliation from Republican to Democrat, as a majority member of that committee.

On Apr. 12, 1972,⁽¹⁴⁾ Speaker Carl Albert, of Oklahoma, recognized Mr. Hale Boggs, of Louisiana, who offered a privileged resolution (H. Res. 922), as follows:

Resolved, That during the remainder of the Ninety-second Congress, the Committee on Foreign Affairs shall be composed of thirty-nine members.

14. 118 CONG. REC. 12287, 92d Cong. 2d Sess.

Immediately thereafter, the resolution was agreed to.

The next day, on Apr. 13, 1972,⁽¹⁵⁾ Mr. Albert C. Ullman, of Oregon, offered a privileged resolution (H. Res. 924), as follows:

Resolved, That Ogden R. Reid, of New York, be, and he is hereby, elected to the standing committee of the House of Representatives on Foreign Affairs.

This resolution was also agreed to.

Parliamentarian's Note: Prior to the adoption of House Resolution 922, the Committee on Foreign Affairs had been composed of 38 members during the 92d Congress.⁽¹⁶⁾

Increase in Minority Membership of Special Committee

§ 12.7 The House approved a resolution increasing the number of minority members of the Special Committee on Wildlife Conservation, the members to be appointed by the Speaker.

On Feb. 9, 1939,⁽¹⁷⁾ the House agreed to consider the following

15. *Id.* at p. 12573.

16. See H. Res. 192 at 117 CONG. REC. 1708, 92d Cong. 1st Sess., Feb. 4, 1971.

17. 84 CONG. REC. 1333, 76th Cong. 1st Sess.

resolution (H. Res. 90), by unanimous consent:

Resolved, That the number of Members of the House of Representatives from the minority political party to be appointed by the Speaker on the Special Committee on Wildlife Conservation created under House Resolution 237 of the Seventy-third Congress and continued under House Resolution 44 of the Seventy-fourth Congress, House Resolution 11 of the Seventy-fifth Congress, and House Resolution 65 of the Seventy-sixth Congress, is hereby increased to five Members of the House of Representatives from the minority political party.

The resolution was agreed to immediately thereafter.

Increasing Membership of Committee Established by Statute

§ 12.8 Membership on the Joint Economic Committee, established by statute, was increased by passage of a bill from 16 to 20 members—the total number including 10 from the Senate and 10 from the House.

On Jan. 23, 1967,⁽¹⁸⁾ Speaker John W. McCormack, of Massachusetts, recognized Wright Patman, of Texas, Chairman of the Committee on Banking and Currency, who thereupon obtained

18. 113 CONG. REC. 1099, 90th Cong. 1st Sess.

unanimous consent for the immediate consideration of a bill (S. 376) fixing the representation of the majority and minority membership of the Joint Economic Committee.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)) is amended to read as follows:

“(a) There is established a Joint Economic Committee, to be composed of ten Members of the Senate, to be appointed by the President of the Senate, and ten Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. In each case, the majority party shall be represented by six Members and the minority party shall be represented by four Members.”

The bill was passed.⁽¹⁹⁾

§ 13. Appointment, Employment, and Compensation of Employees

Employment of staff by committees is covered by the House

19. S. 376 had passed the Senate on Jan. 18, 1967 [113 CONG. REC. 839, 90th Cong. 1st Sess.], and became law [Pub. L. No. 90-2] on Jan. 25, 1967 [113 CONG. REC. 1614, 90th Cong. 1st Sess., Jan. 26, 1967].

For information on joint committees, generally, see § 7, *supra*.

rules⁽²⁰⁾ or by committee funding resolutions with respect to investigative personnel.

Provisions affecting committee staffing have undergone significant changes between 1973 and 1979. The passage of House Resolution 988,⁽²¹⁾ for example, effected changes [as of Jan. 3, 1975], with respect to the maximum number of professional staff members [from six to 18],⁽²²⁾ the maximum number of professional staff members available to the minority [from two to six],⁽²³⁾ the maximum number of clerical staff [from six to 12],⁽²⁴⁾ and, similarly, the maximum number of clerical staff available to the minority [from one to four].⁽²⁵⁾ Other changes include the relevant United States Code provisions setting permissible rates of staff pay,⁽²⁶⁾ the elimination of the requirement that professionals be

20. Rule XI clause 6, *House Rules and Manual* § 733 (1979).

21. 120 CONG. REC. 34470, 93d Cong. 2d Sess., Oct. 8, 1974.

22. Rule XI clause 6(a)(1), *House Rules and Manual* § 733(a) (1979).

23. Rule XI clause 6(a)(1), *House Rules and Manual* § 733(c) (1979).

24. Rule XI clause 6(b)(1), *House Rules and Manual* § 734(a) (1979).

25. Rule XI clause 6(b)(2), *House Rules and Manual* § 734(b) (1979).

26. Rule XI clause 6(e), *House Rules and Manual* § 735 (1979).