

of the rules of the Senate under the Constitution which provides that each body shall deal with its own rules in every new Congress.

MR. RIBICOFF: That is my understanding of the situation.

MR. JAVITS: Mr. President, I thank my colleague. I have no desire in any way to stand in the way of my own committee. However, I did not wish by allowing this resolution to go through to yield or compromise any of the rights in respect of the power of the Senate to write new rules in the new Congress.

Parliamentarian's Note: The Senate's status as a continuing body is, of course, directly attributable to the method by which it is constituted. "So that one-third may be chosen every second year,"⁽¹⁸⁾ the Constitution divided the first group of Senators into three classes with terms of two, four, and six years; thereafter, each succeeding term was to last six years. The House, by contrast, has always been "composed of Members chosen every second year."⁽¹⁹⁾ Because the Constitution provides that "each House may determine the rules of its proceedings,"⁽²⁰⁾ the committees of the House of Representatives may remain in existence only as long as the particular Congress which created them. While most of the

18. U.S. Const. art. I, §3, clause 2.

19. U.S. Const. art. I, §2, clause 1.

20. U.S. Const. art. I, §5, clause 2.

House's standing committees are usually reconstituted when one Congress succeeds another, all House committees spring into existence only after a new House has adopted rules or other resolutions specifically creating them anew. The House also reconstitutes select committees from time to time;⁽¹⁾ however, in the absence of express authority from a new House, a select committee expires with the term of the Congress in which it was created. Joint committees⁽²⁾ established by statute, of course, remain in existence beyond the Congress of their creation unless otherwise provided by the House; the House members of such joint committees, however, must be appointed or elected in each new Congress.

§ 2. Establishing Standing Committees; Procedure

Establishing Standing Committee by Resolution

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

1. See § 5.5, *infra*.

2. See § 7, *infra*.

On Apr. 13, 1967,⁽³⁾ the following exchange took place:

MR. [WILLIAM M.] COLMER [of Mississippi]: 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:

H. RES. 418

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:⁽⁴⁾ The gentleman from Mississippi is recognized for 1 hour.

One week earlier, on Apr. 6, 1967,⁽⁵⁾ the Record reveals that:

3. 113 CONG. REC. 9425, 90th Cong. 1st Sess.
4. Wilbur D. Mills (Ark.).
5. 113 CONG. REC. 8622, 90th Cong. 1st Sess.

Mr. Colmer 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.

Establishing Standing Committee by Amending House Rules

§ 2.2 The establishment of a new standing committee is normally proposed by way of an amendment to the House rules, and such a resolution is reported and called up as privileged.

On July 29, 1970,⁽⁶⁾ the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 17654) amending House rules to improve the operation of the legislative branch of the federal government. In the course of the bill's consideration, Mr. James C. Cleveland, of New Hampshire, offered an amendment⁽⁷⁾ which, if adopted and upon enactment of the bill into law, would have created a new committee.

The Clerk read Mr. Cleveland's proposed amendment, as follows:

Amendment offered by Mr. Cleveland: On page 39, immediately following line 4, insert the following:

6. 116 CONG. REC. 26413, 91st Cong. 2d Sess.
7. *Id.* at p. 26421.

“Sec—.(a) Clause 1 of rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new paragraph:

“(v) Minority Committee on Investigations, to consist of fifteen members as follows: Ten members of the minority party and five members of the majority party.”

“(b) The rules of the House of Representatives are amended by adding at the end thereof the following new rules:

“RULE XLV

“MINORITY COMMITTEE ON INVESTIGATIONS

“1. The Minority Committee on Investigations is authorized, acting as a whole or by any subcommittee thereof, to conduct studies and examinations of any activity of any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

“2. The Minority Committee on Investigations is further authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books, papers, documents, or vouchers by subpoena or otherwise, and to take such testimony and records as it deems necessary.

“3. Subpena may be issued over the signature of the chairman of the committee or subcommittee, or by any person designated by him, and shall be served by such person or persons as

the chairman of the committee or subcommittee may designate.

“4. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses.”

§ 2.3 The rules of the House were amended by resolution to provide for the creation of a new standing committee to be known as the Committee on Science and Astronautics.

On July 21, 1958,⁽⁸⁾ by direction of the Committee on Rules, Mr. Richard Bolling, of Missouri, called up House Resolution 580 and asked for its immediate consideration. The Clerk read the resolution, as follows:

Resolved, That the Rules of the House of Representatives are hereby amended as follows:

Rule X, clause 1, is hereby amended by inserting after (p) the following:

“(q) Committee on Science and Astronautics, to consist of 25 members.”

. . .

Rule XI is further amended by inserting after clause 16 the following:

“17. Committee on Science and Astronautics.

“(a) Astronautical research and development, including resources, personnel, equipment, and facilities.

“(b) Bureau of Standards, standardization of weights and measures, and the metric system.

“(c) National Advisory Committee for Aeronautics.

8. 104 CONG. REC. 14513, 85th Cong. 2d Sess.

“(d) National Science Foundation.

“(e) Outer space, including exploration and control thereof.

“(f) Science scholarships.

“(g) Scientific research and development.”

Immediately thereafter, Mr. Bolling offered the following amendment:

Amendment offered by Mr. Bolling: On page 2, line 24, strike out line 24 through the remainder of the resolution and in lieu thereof insert the following:

“(c) National Aeronautics and Space Administration.

“(d) National Aeronautics and Space Council.

“(e) National Science Foundation.

“(f) Outer space, including exploration and control thereof.

“(g) Science Scholarships.

“(h) Scientific research and development.”. . . .

Mr. Bolling explained⁽⁹⁾ that the perfecting amendment was offered in order that the language establishing the new committee would conform to a bill (H.R. 12575) then on the President's desk which was expected to become law and which would establish the National Aeronautics and Space Administration. Following further discussion⁽¹⁰⁾ in which Mr.

9. For a direct quote of Mr. Bolling's explanation as well as some further details regarding this measure, see 47.1, *infra*.

10. See 47.1, *infra*.

Bolling stated that the standing committee would continue the work begun by the then-existing Select Committee on Astronautics and Space Exploration, Speaker Sam Rayburn, of Texas, put the question on the amendment¹¹ which was agreed to, and on the resolution, as amended, which was also agreed to.

Rules Amendment Changing Committee Name

§ 2.4 The House agreed to an amendment to its rules changing the name of the Committee on Public Lands to the Committee on Interior and Insular Affairs.

On Feb. 2, 1951,⁽¹²⁾ by direction of the Committee on Rules, Mr. John E. Lyle, Jr., of Texas, called up House Resolution 100 and asked for its immediate consideration.

The resolution, which was adopted shortly thereafter,⁽¹³⁾ read as follows:

Resolved, That Clause (a) 14 of rule X of the Rules of the House of Representatives⁽¹⁴⁾ is amended by striking

11. 104 CONG. REC. 14514, 85th Cong. 2d Sess.

12. 97 CONG. REC. 883, 82d Cong. 1st Sess.

13. *Id.* at p. 884.

14. This clause identified the Committee on Public Lands as being one of the

out "Committee on Public Lands" and inserting in lieu thereof "Committee on Interior and Insular Affairs."

Clause (1) (n) of rule XI⁽¹⁵⁾ is amended by striking out "Committee on Public Lands" and inserting in lieu thereof "Committee on Interior and Insular Affairs."

Clause (2)(a) of rule XI⁽¹⁶⁾ is amended by striking out "Committee on Public Lands" where it appears in the said clause and inserting in lieu thereof Committee on Interior and Insular Affairs."

Clause 1 of rule XII⁽¹⁾ is amended by striking out "Public Lands" where it appears in said clause and inserting in

standing committees of the House and specified the number of members thereon. H. Jour. 1288, 81st Cong. 2d Sess. (1950).

15. This clause prescribed the jurisdiction of the Committee on Public Lands. H. Jour. 1290, 81st Cong. 2d Sess. (1950).
16. This clause specified those subjects as to which the committee had leave to report at any time. H. Jour. 1291, 81st Cong. 2d Sess. (1950).
1. This clause specified that the [then] Delegate from Hawaii, the Resident Commissioner to the United States from Puerto Rico, and the [then] Delegate from Alaska would be elected to serve as additional members on the committee and would be accorded the same powers and privileges in the committee as they would possess in the House, and be permitted to make any motion except the motion to reconsider. H. Jour. 1291, 81st Cong. 2d Sess. (1950).

lieu thereof "Interior and Insular Affairs."

Transfer of Membership and Documents From One Committee to Another

§ 2.5 The House agreed to a resolution providing that those Members elected to the Committee on Public Lands were "hereby elected" to the Committee on Interior and Insular Affairs, and transferring all records, papers, bills, resolutions, communications, documents, petitions, and memorials heretofore referred to the Committee on Public Lands to the Committee on Interior and Insular Affairs.

On Feb. 2, 1951,⁽²⁾ immediately after the adoption of a resolution changing the name of the Committee on Public Lands to the Committee on Interior and Insular Affairs, Mr. John R. Murdock, of Arizona, offered the following resolution (H. Res. 111) to implement the resolution just adopted (H. Res. 100) and asked for its immediate consideration:

Resolved, That those Members of the House elected to the Committee on Public Lands are hereby elected to the

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2. 97 CONG. REC. 884, 82d Cong. 1st Sess.

Committee on Interior and Insular Affairs and all records and papers of the Committee on Public Lands are hereby transferred to the Committee on Interior and Insular Affairs.

That all bills, resolutions, communications, papers, documents, petitions, and memorials heretofore referred to the Committee on Public Lands are hereby referred to the Committee on Interior and Insular Affairs.

The resolution was agreed to.

Abolition of One Committee and Replacement With Another

§ 2.6 The House agreed to an amendment to its rules abolishing the Committee on Un-American Activities and transferring its jurisdiction,⁽³⁾ records, and property to a new standing committee

3.T1 There were differences of opinion on the floor as to whether the jurisdiction of the Committee on Un-American Activities had been merely transferred. The process by which the latter committee was abolished and the Committee on Internal Security was created did not involve a simple renaming. Discussion ensued as to whether the jurisdiction of the Committee on Internal Security amounted to a major expansion of the jurisdiction of the Committee on Un-American Activities. See 29.8, infra.

to be known as the Committee on Internal Security.

On Feb. 18, 1969,⁽⁴⁾ William M. Colmer, of Mississippi, Chairman of the Committee on Rules, called up House Resolution 89 and asked for its immediate consideration. The resolution called for the amending of Rules X and XI to abolish the Committee on Un-American Activities and to create in its place a new standing committee of the House to be known as the Committee on Internal Security.

The Clerk read the resolution, as follows:

H. RES. 89

Resolved, That rule XI of the Rules of the House of Representatives is amended—

(1) by striking out clause 19;

(2) by renumbering clauses 11 through 18 as clauses 12 through 19, respectively; and

(3) by inserting immediately after clause 10 the following new clause:

“1. Committee on Internal Security.

“(a) Communist and other subversive activities affecting the internal security of the United States.

“(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and af-

4. 115 CONG. REC. 3723, 3724, 91st Cong. 1st Sess.

filiates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

“The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

“For the purpose of any such investigation, the Committee on Internal Security, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such

chairman, and may be served by any person designated by any such chairman or member.”

Sec. 2. (a) Rule X of the Rules of the House of Representatives is amended—

(1) by striking out clause 1(s);

(2) by redesignating clauses 1(k) through 1(r) as clauses 1(l) through 1(s), respectively; and

(3) by inserting immediately after clause 1(j) the following:

“(k) Committee on Internal Security, to consist of nine Members.”

(b) Clause 31 of rule XI of the Rules of the House of Representatives is amended by striking out “Un-American Activities” and inserting in lieu thereof “Internal Security”.

Sec. 3. As of the date of adoption of this resolution, all property (including records) of the Committee on Un-American Activities is hereby transferred to the Committee on Internal Security and shall be available for use by the latter committee to the same extent as if such property (including records) was originally that of the Committee on Internal Security.

Sec. 4. Nothing in this resolution shall affect (1) the validity of any action or proceeding of the Committee on Un-American Activities or of the House of Representatives before the date of adoption of this resolution, or (2) the validity of any action or proceeding by any officer or agency of the executive branch of the Government, or by any court of competent jurisdiction, based on any action or proceeding referred to in clause (1) of this sentence. Any action or proceeding referred to in clause (2) of the preceding sentence and pending on the date of adoption of this resolution shall be continued by the officer, agency, or court concerned in the same manner and to the same extent as if this resolution had not been adopted.

Following extended debate, the resolution was ultimately agreed to,⁽⁵⁾ and the rules were amended, accordingly.

§ 3.—Authorizing Investigations

As of 1973, only four standing committees possessed standby authority under the rules⁽⁶⁾ to sit and act and to hold hearings at such times and places within the United States as the committees deemed necessary. The powers to subpoena or otherwise require the attendance and testimony of witnesses and to compel the production of papers and documents were also limited under the standing rules to those same four committees. Accordingly, investigative authority was granted to all other standing, as well as special or select⁽⁷⁾ committees by means of in-

5. *Id.* at p. 3746.

6. Committee on Appropriations, Rule XI clause 2(b), *House Rules and Manual* §679 (1973); Committee on Government Operations, Rule XI clause 8(d), *House Rules and Manual* §691 (1973); Committee on Internal Security, Rule XI clause 11 (b), *House Rules and Manual* §703A (1973); and Committee on Standards of Official Conduct, Rule XI clause 19(h), *House Rules and Manual* §720 (1973).

7. For treatment of special and select committee investigations, see Ch. 15, *supra*.

dividual resolutions⁽⁸⁾ reported from the Committee on Rules. While these circumstances were to change in 1975,⁽⁹⁾ the need to obtain such specific authorizations prior to undertaking an investigation was an historic fact for most committees for more than a century.

Investigation of Alleged Subversives in Government

§ 3.1 The House approved a resolution authorizing the Committee on Appropriations to investigate allegations that certain persons employed by the federal government were unfit for continued employment because of subversive affiliations. The resolution also provided that any legislation approved by the committee as a result

8. There were instances where two committees received investigative authority in one resolution. See § 3.9, *infra*.

9. See Rule XI clause 2(m), *House Rules and Manual* §718 (1977) and further editions of this work. The Committee Reform Amendments of 1974, H. Res. 988, 93d Cong. 2d Sess., gave all committees listed under Rule X the power to conduct investigations within the United States and to issue subpoenas, effective Jan. 3, 1975.