

E. COMMITTEE ON RULES

§ 52. History and Role

The Committee on Rules has existed as part of the House committee structure since the First Congress.⁽⁸⁾ It was established in 1789 as a select committee; in the early years of the House, the Speaker appointed the committee in each Congress and the committee varied in size from three to nine members.⁽⁹⁾

It became a standing committee of the House in 1880 and was constituted as a committee of five members with jurisdiction over “all proposed action touching rules, joint rules, and order of business.”⁽¹⁰⁾

From 1858 until 1910, the Speaker served as a member of the committee.⁽¹¹⁾ In 1910, the rules were amended to prohibit this practice,⁽¹²⁾ but the prohibition was removed from the rules

in the Legislative Reorganization Act of 1946.⁽¹³⁾

The size of the committee was increased to 15 members in the 87th Congress, and this size was maintained through the 92d Congress.⁽¹⁴⁾ Effective Jan. 3, 1975, the rules of the House were amended to eliminate all reference to committee size,⁽¹⁵⁾ and in the 94th Congress 16 members were elected to the committee from nominations submitted to the House from the respective party caucuses.⁽¹⁶⁾

The essential portion of the present jurisdiction of the committee as set forth in Rule X clause 1(q) (over the rules, joint rules, order of business of the House, and recesses and final adjournments of the House) was first made effective Jan. 2, 1947,

8. Some early Congresses created no Committee on Rules (the 6th, 15th, 16th, 18th, and 19th).
9. Kravitz, Walter and Oleszek, Walter, “A Short History of the Development of the House Committee on Rules,” Congressional Research Service (June 18, 1995), Multilith JK 1015 I, p. 2.
10. 4 Hinds’ Precedents § 4321.
11. *Id.* at 4321.
12. 7 Cannon’s Precedents § 2047.

13. Pub. L. No. 79-610, 60 Stat. 812, Aug. 2, 1946, effective Jan. 2, 1947.
14. H. Res. 127, 107 CONG. REC. 1589, 87th Cong. 1st Sess., Jan. 31, 1961. This increase in the committee’s size was made part of the rules in the 88th Congress. H. Res. 5, 109 CONG. REC. 22, 88th Cong. 1st Sess., Jan. 9, 1963.
15. Committee Reform Amendments of 1974, H. Res. 988, 93d Cong. 2d Sess., Oct. 8, 1974.
16. H. Res. 76, 94th Cong. 1st Sess., Jan. 20, 1975; H. Res. 101, 94th Cong. 1st Sess., Jan. 28, 1975.

by the Legislative Reorganization Act of 1946.⁽¹⁷⁾ The Congressional Budget Act of 1974 gave the committee jurisdiction over emergency waivers of the reporting date required by that act for bills and resolutions authorizing new budget authority,⁽¹⁸⁾ and this change was incorporated into the rules of the House effective Jan. 3, 1975, by the Committee Reform Amendments of 1974.⁽¹⁹⁾

The Committee on Rules considered and reported the Congressional Budget Act of 1974, major portions of which were enacted as an exercise of the rulemaking power of the House (and of the Senate);⁽¹⁾ therefore proposals to amend that Act, as well as special orders waiving provisions of that

Act, are within the jurisdiction of the committee. Since the committee has original jurisdiction over the "rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct)", it has the authority to report to the House as privileged proposals to amend the standing rules. Propositions to make or change the rules of the House,⁽²⁾ to create committees,⁽³⁾ and to direct committees to undertake certain investigations⁽⁴⁾ fall within

17. Pub. L. No. 79-601, §121 [amending Rule XI (1) (p)], 60 Stat. 812, 828. Previous to the jurisdiction of the committee as stated in the Legislative Reorganization Act of 1946, §53 of Rule XI provided "All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules." 4 Hinds' Precedents §4321.
18. Pub. L. No. 93-344, §402(b), 88 Stat. 297, 318, July 12, 1974; the provisions of §402 were made effective by that act with respect to the fiscal year beginning Oct. 1, 1976.
19. H. Res. 988, 93d Cong. 2d Sess., Oct. 8, 1974.
1. See Pub. L. No. 93-344, §904, 88 Stat. 297, 331.

2. 5 Hinds' Precedents §§6770, 6776; 7 Cannon's Precedents §2047.
3. 4 Hinds' Precedents §4322; 7 Cannon's Precedents §2048.
4. 4 Hinds' Precedents §§4322-4324; 7 Cannon's Precedents §2048. The Legislative Reorganization Act of 1946, Pub. L. No. 79-601, 60 Stat. 812, retained the traditional authority of the Committee on Rules to report resolutions authorizing investigations by House standing (as well as select) committees and conferring subpoena authority on those committees; during consideration of that legislation in the House an amendment was rejected to grant permanent subpoena authority to all standing committees. See 92 CONG. REC. 10073, 79th Cong. 2d Sess., July 25, 1946. The Committee Reform Amendments of 1974, H. Res. 988, 93d Cong. 2d Sess., Oct. 8, 1974, did however grant to all standing committees the authority to conduct studies and investigations and to issue subpoenas, whether or not the

this jurisdiction. The committee also has general jurisdiction over statutory provisions changing the procedures of the House for consideration of resolutions or bills disapproving or approving proposed action by the executive branch or by other governmental authorities.⁽⁵⁾

Although the Committee on Rules has standing jurisdiction over permanent changes in the rules of the House, major changes in the rules have not always emanated from the committee but have on occasion been developed by other institutions within the House. For example, the Legislative Reorganization Act of 1346,⁽⁶⁾

House was in session [Rule XI clause 2(m), effective Jan. 3, 1975].

5. See the compilation of statutory provisions entitled "A. Resolutions which are privileged for consideration in the House" in "Congressional Disapproval Provisions contained in public laws", *House Rules and Manual* §1013 (1979).
6. Pub. L. No. 79-601, 79th Cong. 2d Sess., 60 Stat. 812, Aug. 2, 1946. H. Con. Res. 18, 79th Cong. 1st Sess., reported by the Committee on Rules on Jan. 16, 1945, created a joint committee on the organization of Congress and was agreed to by both Houses. S. 2177, which became the Legislative Reorganization Act of 1946, was reported in the Senate and passed the House (with amendments) on July 25, 1946. The Senate bill and House amendment were the

and the Committee Reform Amendments of 1974,⁽⁷⁾ were reported or considered by select or joint committees created for that purpose (by resolutions reported from the Committee on Rules) and not directly by the Committee on Rules itself. In the 96th Congress, a Select Committee on Committees was created,⁽⁸⁾ by a resolution

product of the joint committee, which filed its report in the House on Mar. 4, 1946 (H. Rept. No. 79-1675).

7. H. Res. 988, 93d Cong. 2d Sess., Oct. 8, 1974 (effective Jan. 3, 1975). H. Res. 132, reported from the Committee on Rules on Jan. 30, 1973, created a select committee to study the operation and implementation of Rules X and XI (relating to committees) of the House of Representatives; the resolution passed the House on Jan. 31, 1973, and the select committee considered and reported the Committee Reform Amendments (H. Rept. No. 93-916).
8. H. Res. 118, 96th Cong. 1st Sess., was reported from the Committee on Rules on Feb. 28, 1979, and passed the House on Mar. 20, 1979; the resolution created a Select Committee on Committees, which filed several reports with the House on proposed changes in committee jurisdiction and procedure. The only proposal reported by the committee to reach House consideration was H. Res. 549, to create a new standing Committee on Energy; the House adopted the resolution on Mar. 25, 1980, with substantial changes (rejecting the creation of a new standing com-

reported from the Committee on Rules at the informal direction of the Democratic Caucus, to recommend changes in the rules relative to committee jurisdiction and procedure. As stated above, however, the Committee on Rules did consider and report the Congressional Budget Act of 1974, and the Impoundment Control Act of 1974,⁽⁹⁾ which created a congressional budget process and a mechanism for disapproving or approving impoundment and rescission proposals of the President. The Committee on Rules also reported the Legislative Reorganization Act of 1970, which made major changes in the rules of the House.⁽¹⁰⁾ Of course, even in the case where a select committee and not the Committee on Rules reports changes in the rules, Rules Committee action is ordinarily necessitated to provide an order of business resolution for consideration in the House.⁽¹¹⁾

mittee but clarifying instead the current energy jurisdiction of existing committees).

9. Pub. L. No. 93-344, 88 Stat. 297, July 12, 1974, contains the text of both acts and was reported as one measure by the Committee on Rules (H. Rept. No. 93-658).
10. Pub. L. No. 91-510, 84 Stat. 1140, Oct. 26, 1970; see H. Rept. No. 91-1215, June 17, 1970, the report of the Committee on Rules on H.R. 17654.
11. The Committee on Rules reported a special order for consideration of the

Additionally, substantive changes in the rules of the House may occur at the beginning of each Congress, when the resolution adopting the rules of the House, offered by the direction of the majority party caucus, may include changes recommended by the caucus. Such a resolution is privileged and does not require action by the Committee on Rules, which at the time the resolution is offered is not constituted.⁽¹²⁾ While the resolution has traditionally been offered by the (prospective) Chairman of the Committee on Rules, at the direction of the majority party caucus, the resolution has on occasion been offered by the Majority Leader. A review of the resolutions adopting the

Legislative Reorganization Act of 1946 on July 20, 1946 (H. Res. 717, adopted by the House on July 25, 1946), a special order for consideration of the Committee Reform Amendments of 1974 on Sept. 25, 1974 (H. Res. 1395, adopted Sept. 30, 1974), and a special order for consideration of a resolution reported from the Select Committee on Committees in the 96th Congress (to amend the rules relative to committee jurisdiction over energy) on Mar. 12, 1980 (H. Res. 607, adopted by the House on Mar. 18, 1980).

12. See *Deschler's Precedents*, Ch. 1, for discussion of the procedure at the commencement of Congress and the procedure for adoption of rules.

rules of the House demonstrates that the majority party caucus in recent years has become more active in recommending substantial changes in the rules at the beginning of the Congress.⁽¹³⁾

The Committee on Rules is subject to discharge, upon a petition signed by a majority of the House membership, from the further consideration of certain special orders of business, which have been referred to that committee at least seven (legislative) days prior to the filing of a discharge motion (Rule XXVII clause 4). In some previous Congresses, the rules contained a special discharge rule relative to the Committee on Rules. In 1949, the House adopted for the first time the so-called 21-day rule; the 81st Congress version read as follows:⁽¹⁴⁾

. . . If the Committee on Rules shall adversely report, or fail to report within twenty-one calendar days after reference, any resolution pending before the committee providing for an order of

13. In the 96th Congress, the majority party caucus even continued to propose further changes in the rules to the Committee on Rules after the adoption of the rules, the caucus not having completed its consideration of rules changes during the organizational caucus of December 1978.
14. H. Res. 5, 95 CONG. REC. 10, 81st Cong. 1st Sess., Jan. 3, 1949 [paragraph (2)(c) of Rule XI].

business for the consideration by the House of any public bill or joint resolution favorably reported by a committee of the House, on days when it shall be in order to call up motions to discharge committees it shall be in order for the chairman of the committee which reported such bill or joint resolution to call up for consideration by the House the resolution which the Committee on Rules has so adversely reported or failed to report, and it shall be in order to move the adoption by the House of said resolution adversely reported, or not reported, notwithstanding the adverse report, or the failure to report, of the Committee on Rules, and the Speaker shall recognize the Member seeking recognition for that purpose as a question of the highest privilege. Pending the consideration of said resolution the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said resolution shall have been fully disposed of.

This rule restricted the power of the Committee on Rules to prevent floor consideration of a measure reported by a legislative committee. It made in order as privileged a motion to call up a resolution providing for the consideration of a public bill favorably reported by a committee, which had been before the Committee on Rules for 21 days. During the 81st Congress, the rule was utilized to pass eight bills. In the 82d Congress, when the majority party held a smaller majority in the

House, the rule was not incorporated into the rules.

A version of the 21-day rule was again adopted in 1965.⁽¹⁵⁾ This version of the rule in the 89th Congress differed in two respects from that of the 81st Congress. First, the Speaker was under no mandatory obligation to recognize the individual seeking the special order, and the matter was entirely within his discretion. Secondly, the individual who could be recognized was not limited solely to the chairman of the committee which had reported the measure out, but could be "the chairman or any member of the committee . . . who has been so authorized by the committee." At the beginning of the 90th Congress, the resolution adopting the rules of the House was amended to delete the 21-day rule, and the provision has not been included in the rules since that time.⁽¹⁶⁾

Between 1967 and 1970, the committee forfeited whatever jurisdiction it might have had over measures relating to the Code of Official Conduct, measures relating to financial disclosures of House Members, officers, and employees, measures relating to lob-

bying activities, and measures relating to the raising, reporting, and use of campaign contributions for House candidates. Jurisdiction over these subjects was granted to the Committee on Standards of Official Conduct.⁽¹⁷⁾ In the 94th Congress, the Committee on Standards of Official Conduct lost jurisdiction over the raising and reporting of campaign contributions (to the Committee on House Administration),⁽¹⁸⁾ and in the 95th Congress jurisdiction over lobbying activities and over financial disclosure was removed from the Committee on Standards of Official Conduct.⁽¹⁹⁾ Since the latter committee retained jurisdiction in the 95th Congress only over the Code of Official Conduct (Rule XLIII), other rules relating to conduct of Members which were adopted in the 95th Congress were considered and reported to the House by the Committee on Rules (Rule XLIV on financial disclosure, Rule XLV prohibiting unofficial office accounts, Rule XLVI limiting the use of the frank, and Rule XLVII limiting outside earned income).⁽¹⁾

15. H. Res. 9, 111 CONG. REC. 25, 89th Cong. 1st Sess., Jan. 4, 1965.

16. H. Res. 7, 113 CONG. REC. 28-33, 90th Cong. 1st Sess., Jan. 10, 1967.

17. H. Res. 1099, 114 CONG. REC. 8803, 90th Cong. 2d Sess., Apr. 3, 1968.

18. H. Res. 5, 121 CONG. REC. 20-22, 94th Cong. 1st Sess., Jan. 14, 1975.

19. H. Res. 5, 123 CONG. REC. 53, 95th Cong. 1st Sess., Jan. 4, 1977.

1. See H. Res. 287, 123 CONG. REC. 5885, 95th Cong. 1st Sess., Mar. 2, 1977.

The most important function of the Committee on Rules in the contemporary practice of the House is its authority to report special orders providing for the consideration of legislation. This function of the committee, which had its origins in 1883,⁽²⁾ enables the House by majority vote to vary the order of business, to proceed with particular measures or matters, to waive any rule of the House which impedes consideration, and to provide whatever special procedures may be appropriate. This authority includes but is not limited to, recommendations temporarily waiving specific House rules, discharging legislation not reported from other committees, permitting or precluding consideration of certain amendments, disposing of differences between the two Houses, and reconciling differences among committees reporting the same measure. This aspect of the role of the Committee on Rules is treated exhaustively in Chapter 21 (Order of Business), *infra*, of this work.

The Committee on Rules is among those committees which can report matters directly to the floor as privileged under Rule XI clause 4. Matters reported from the committee concerning the

rules, joint rules, and order of business are privileged; under clause 4(b) of that rule, such reports may be called up for consideration by the House on the same day reported if the House by a two-thirds vote permits such consideration. The report of the committee may be called up on the day following its filing in the House and the question of consideration cannot be raised at that time. Clauses 4(c), 4(d), and 4(e) of Rule XI also specifically deal with reports from the Committee on Rules, their content, the procedures for filing such reports, and voting on such reports.

Subjects treated elsewhere include: special rules and the order of business (Ch. 21), *infra*, motions to discharge special orders from the Committee on Rules (Ch. 18), *infra*, consideration and debate (Ch. 29), *infra*, and adoption of the rules of the House on recommendation of the majority party caucus (Chs. 1, 3), *supra*.

Role of the Committee on Rules

§ 52.1 The failure of the Committee on Rules to grant a particular rule having resulted in debate, Members discussed the role of the committee at the turn of the century and its purpose as formulated in that era.

2. See 4 Hinds' Precedents §3152; 5 Hinds' Precedents §6870.

On July 14, 1955,⁽³⁾ a supplemental appropriations bill (H. R. 7278) under consideration in the Committee of the Whole became subject to innumerable points of order, all of which Chairman Wilbur D. Mills, of Arkansas, was obliged to sustain.⁽⁴⁾ Several Members attributed the bill's vulnerability to inaction by the Committee on Rules which did not report a rule waiving points of order against the measure. In the course of debate, Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations,⁽⁵⁾ made the following observations about the history of the Committee on Rules:⁽⁶⁾

MR. CANNON: . . . [T]he session this afternoon is reminiscent of the good old times when I first came to the floor 34 years ago. In those days it was estimated that a third of the time of the House was taken up in the discussions of points of order. We had long sessions, during which all the parliamentary authorities and would-be parliamentary authorities of the House rose and expressed themselves prac-

tically every day, taking up a large part of the daily program.

And in those halcyon days the Committee on Rules governed the House. There were three men on the Committee on Rules in those days. And the Speaker of the House was a member of the committee. As I recall it, the Committee on Rules in the 61st Congress consisted of Speaker Cannon; John Dalzell, of Pennsylvania, on the part of the majority; and James Richardson, of Tennessee, on the part of the minority. Every day or so they would send around and tell Richardson to "Come on out to the Speaker's room, we are going to have a meeting of the Committee on Rules." They would go into session for about 3 minutes and tell him what the report of the committee would be. Then when they came out on the floor with the resolution Richardson would take up his portion of the time telling what an outrage it was, until finally Speaker Cannon would beckon Dalzell up to the Speaker's stand and say, "John, go down there and tell Jim Richardson to come out to the Speaker's room—we are going to commit another outrage."

Eventually the reaction against the government of the House by the Committee on Rules became so pronounced that in the election of 1910 it was the sole issue before the country in the congressional campaign. The Committee on Rules dominated the House of Representatives. No measure could be considered unless the committee sponsored it. Finally, the reaction against the Committee on Rules became so great that it resulted in an overturn of the House and for the first time in 16 years, the people elected a Democratic Congress.

3. 101 CONG. REC. 10572-625, 84th Cong. 1st Sess.

4. See §52.5, *infra*.

5. Mr. Cannon served as Clerk at the Speaker's Table from 1915 to 1921, became a Member of the House in 1923, and compiled *Cannon's Precedents* by 1936.

6. 101 CONG. REC. 10609, 84th Cong. 1st Sess.

Several days later, there still being some discord between Members over the fate of H.R. 7278, Mr. Cannon discussed⁽⁷⁾ the role of the Committee on Rules, as he perceived it and as he believed former “Parliamentarian” Hinds⁽⁸⁾ perceived it:

What is the function of the Committee on Rules? We have traveled far afield in the interpretation and adaptation of the functions of the Committee on Rules. Let us get back to the fundamentals. There have been two great revisions of the rules of the House in modern times, the first one in 1880 and the last one in 1911. If you will read the debates on those two revisions with relation to the duties of the Committee on Rules you will find that committee was not intended to retard legislation. Wherever there was a conflict as to priority the Committee on Rules was designed to resolve the conflict. They were to make possible the consideration of a bill which otherwise could not be considered. They were never authorized, it was never intended, that they should deny the House the right to pass upon any proposition reported by other committees.

. . . [M]ay I quote from the great Parliamentarian, Asher C. Hinds, who

7. 101 CONG. REC. 11059, 84th Cong. 1st Sess., July 20, 1955.
8. Asher C. Hinds served the House as Clerk at the Speaker’s Table from 1895 to 1911, at which time he became a Member of the House from Maine. Hinds’ Precedents, the first compilation of the parliamentary precedents of the House, was published in 1907.

knew more about the procedure of the House than any man who ever lived. Asher Hinds excelled in parliamentary knowledge anyone who has ever served the United States Congress since 1789.

Here is what he said:

The Committee on Rules officiates as to the consideration of bills only when, for some reason, the ordinary method prescribed by the rules for the order of business is not satisfactory or produces delay.

The purpose of the rules was to put the matter before the House and put it before the House now.

Hinds further said:

The number of bills in relation to which it officiates by reporting special orders is relatively few.

It never occurred to him that the time would ever come when the Committee on Rules would arrogate to itself the authority to pass on every bill reported out by a committee of the House. And to deny it consideration as it has denied the House the right and opportunity to consider . . . items objected to in the supplementary appropriation bill.

§ 52.2 A controversy having arisen over the failure of the Committee on Rules to report a special rule waiving points of order against and thus protecting the provisions in a supplemental appropriations bill, the chairman and the ranking majority member discussed their concepts of the committee’s role and its reason for inac-

tion in the particular instance.

On July 14, 1955,⁽⁹⁾ the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 7278), reported by the Committee on Appropriations making supplemental appropriations for the fiscal year ending June 30, 1956, and for other purposes. In the course of the bill's consideration, however, points of order were raised against virtually every paragraph⁽¹⁰⁾ by a Member who had unsuccessfully urged the Committee on Rules to report a rule which would have waived all points of order. This, in turn, prompted discussion of the propriety or impropriety of the Rules Committee action,⁽¹¹⁾ as well as the role of the committee in the House.

At one juncture in the discussion, Chairman Wilbur D. Mills, of Arkansas, recognized William M. Colmer, of Mississippi, the ranking majority member of the Committee on Rules, who made

9. 101 CONG. REC. 10572, 84th Cong. 1st Sess.

10. See §52.5, *infra*.

11. See §52.1, *supra*, in which Clarence Cannon, of Missouri, then Chairman of the Committee on Appropriations and a former Clerk at the Speaker's Table of the House, discusses his perception of the proper role of the Committee on Rules.

the following remarks, among others:⁽¹²⁾

I am not going into anything that transpired in the executive session in the Rules Committee and I am not going to either praise or criticize any member of that committee, but I think I can lay my finger on the trouble here.

I know that the Rules Committee becomes a whipping boy at one or more sessions of this Congress, and usually more than once. I know we are patted on the back sometimes because we prevent the Members from having to vote on some controversial matter, and then again I know that we are the recipients of brickbats that come our way because we have offended somebody with a pet measure.

If I am any judge of this situation, the trouble is in section 1301 on page 32 of this bill, where the Committee on Appropriations set out to legislate the salaries of their employees, and other committees were left out. . . .

. . . [T]here were other committees represented that thought that if the thing was going to be done, it ought to be done across the board.

Then there was opposition, it has been shown here, from the Veterans' Affairs Committee. The chairman of the Veterans' Affairs Committee appeared before our committee and objected to waiving points of order on an item setting up a study committee, duplicating the work his committee was doing.

Other committees were represented as objecting to certain items in the bill which were considered as encroaching

12. 101 CONG. REC. 10609, 84th Cong. 1st Sess.

on the prerogatives of their respective committees.

. . . I say to you that this is an unfortunate situation. Those who want to raise points of order against everything in the bill, of course, are permitted to do so. But maybe there was some reason or some justification not aimed at agriculture or at the armed service or at these other agencies that guided the Committee on Rules in taking the action that it did.

I am sure the members of the Committee on Rules need no defense at my hands. They can and will bear their share of the responsibility. But those responsible for mutilating the bill here today must likewise take their full share of the responsibility.

Several days later, on July 19, 1955,⁽¹³⁾ Speaker Sam Rayburn, of Texas, recognized Howard W. Smith, of Virginia, Chairman of the Committee on Rules, who obtained unanimous consent to proceed out of order and thereupon made the following remarks, among others:

Mr. Speaker, I asked permission to speak out of order this morning because I was unfortunately not on the floor Thursday [July 14, 1955] when the Rules Committee got its kicking around by the Appropriations Committee. . . . I realize that the time of the session has come when nobody loves the Rules Committee, and particularly when they do not get exactly what they want from the Rules Com-

mittee. I am also cognizant of the philosophy around here on the part of some Members that the Rules Committee is just a traffic cop and supposed to joyfully and gladly give everybody a rule who asks for one. But my people did not elect me to Congress to be a traffic cop, and I think that is true of the other members of the Rules Committee. I think that committee feels they have some functions of a discretionary nature to perform. . . .

To begin with when the Committee on Appropriations appeared before us they told us they had a bill of 38 pages and that all but 4 pages was in violation of the rules of the House. Of course everybody set up and took notice about that time. A great many questions were asked about it.

Since I have been chairman of the Rules Committee there has been much complaint from legislative committees that the Appropriations Committee invades their field and then goes to the Rules Committee and gets a rule waiving points of order. So I made the rule that when that occurred in any appropriation bill we would do the chairman of the Legislative Committee the courtesy of letting him know and giving him an opportunity to be heard. It appeared that there were at least three instances there that I thought the chairman of the respective legislative committees ought to be heard on. One of them involved matters of a legislative character with respect to the Agricultural Committee; another one was with respect to the House Administration Committee; also the chairman of the Committee on Veterans' Affairs appeared in opposition to the rule on the ground that the bill invaded the jurisdiction of that committee.

13. 101 CONG. REC. 10944, 84th Cong. 1st Sess.

The Rules Committee did not refuse anybody a rule. The committee just adjourned without acting on it. . . .

. . . [I] do not think the Rules Committee or any member of it has any apologies to offer about what happened. We were pursuing our policy and we were under the impression that the same rules applied to the Appropriations Committee as to any other committee in the House. We expect to pursue the same policy in the future that we have in the past. I think I can speak for the entire committee when I make that statement.

Increase in Committee Membership

§ 52.3 The House adopted a resolution increasing the membership of the Committee on Rules from 12 to 15 for the duration of the 87th Congress.

On Jan. 31, 1961,⁽¹⁴⁾ Mr. James W. Trimble, of Arkansas, called up House Resolution 127 and asked for its immediate consideration. The resolution read as follows:

Resolved, That during the Eighty-seventh Congress the Committee on Rules shall be composed of fifteen members.

Following lengthy debate on the history, role, and power of the Committee on Rules, the House

14. 107 CONG. REC. 1573, 87th Cong. 1st Sess.

agreed to the resolution by yeas—217, nays—212.⁽¹⁵⁾

§ 52.4 The 88th Congress adopted the rules of the 87th Congress with an amendment increasing from 12 to 15, the membership of the Committee on Rules.

On Jan. 9, 1963,⁽¹⁶⁾ Speaker John W. McCormack, of Massachusetts, recognized Mr. Carl Albert, of Oklahoma, who offered and asked for the immediate consideration of the following privileged resolution (H. Res. 5):

Resolved, That the Rules of the House of Representatives of the Eighty-seventh Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby, adopted as the Rules of the House of Representatives of the Eighty-eighth Congress, with the following amendment therein as a part thereof, to wit:

Strike out subsection (p) of rule X and insert in lieu thereof the following:

“(p) Committee on Rules, to consist of fifteen members.”

Following debate on the proposal, the resolution was agreed to by yeas—235, nays—196.⁽¹⁷⁾

15. *Id.* at pp. 1589, 1590.

16. 109 CONG. REC. 14, 88th Cong. 1st Sess.

17. *Id.* at pp. 21, 22.

***Expediting House Business—
Effect of Failure to Report
Special Rule Waiving Points
of Order***

§ 52.5 The Committee on Rules having adjourned without acting on a requested special rule waiving all points of order against provisions of a supplemental appropriations bill, a member of the Committee on Appropriations subsequently raised points of order against virtually every paragraph when the bill was read for amendment in order to demonstrate what may happen where points of order are not waived in such circumstances.

On July 14, 1955,⁽¹⁸⁾ the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 7278), making supplemental appropriations for the fiscal year ending June 30, 1956, and for other purposes. Shortly thereafter, Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations, who controlled half of the time allotted for debate, yielded to Mr. Louis C. Rabaut, of Michigan.

Mr. Rabaut then made the following remarks, among others:⁽¹⁹⁾

18. 101 CONG. REC. 10572, 84th Cong. 1st Sess.

19. *Id.* at pp. 10572, 10573.

Mr. Chairman,⁽²⁰⁾ with malice toward nobody but with determination to do my duty as I see it, I want to report to this House that yesterday I appeared before the Committee on Rules, as was the request of the full Committee on Appropriations. I told the Committee on Rules that this bill was filled with paragraphs that were subject to points of order; that the bill probably contained very few pages where a ruling could be denied against points of order, and the bill would be bad. I said there were so few pages that I limited it to about four pages that would not be subject to a point of order.

I read to the committee a prepared statement and said the bill contained many of the paragraphs that were in the final supplemental bill as handled by the Committee on Appropriations every year, and that a rule is usually granted.

The gentleman from New York [Mr. Taber], the gentleman from California [Mr. Phillips], and the gentleman from Wisconsin [Mr. Davis] were present and opposed a rule. Mr. Davis lent his moral support.

Past history always allowed a rule. To my surprise the committee failed to act, and we find ourselves with a bill involving approximately \$1,650,000,000. Twelve subcommittees of the Committee on Appropriations worked on this bill, practically the entire membership of 50; the hearings comprise several volumes, yet under the situation the House will not be able to work its will as to accepting or rejecting the many provisions and amounts in this bill before us because

20. Wilbur D. Mills (Ark.).

a point of order would lie in most instances.

. . . So this is my notice that I intend to cite the paragraphs that are subject to points of order and ask for their deletion from this bill.

Although several Members took exception⁽¹⁾ to Mr. Rabaut's stated intention, as the Clerk read the bill for amendment⁽²⁾ Mr. Rabaut proceeded to raise points of order against 31 paragraphs in the bill. Each point of order was based on the contention that the language in question constituted legislation in an appropriation bill.⁽³⁾ In each instance the Chair sought comment from Mr. Cannon, who would concede the point of order—whereupon the Chair would sustain it. When this process concluded, the total amount of funds to be appropriated was trimmed by more than \$1.4 billion,⁽⁴⁾ a figure comprising 86 percent of the original total.⁽⁵⁾

1. See §52.2, *supra*, for comments from the Chairman and the ranking majority member of the Committee on Rules. See also §52.1, *supra*, in which Mr. Cannon discusses the historical role of the Committee on Rules.
2. 101 CONG. REC. 10604–25, 84th Cong. 1st Sess.
3. For information on legislation on appropriation bills generally, see Ch. 26, *infra*.
4. 101 CONG. REC. 10949, 84th Cong. 1st Sess., July 19, 1955.
5. For a comparable instance in an earlier Congress, see 94 CONG. REC.

§ 53. Jurisdiction and Scope of Authority

Under the 1973 rules⁽⁶⁾ the jurisdiction of the Committee on Rules⁽⁷⁾ extended to:

(a) The rules and joint rules (other than rules or joint rules relating to the Code of Official Conduct or relating to financial disclosure by a Member, officer, or employee of the House of Representatives), and order of business of the House.

(b) Recesses and final adjournments of Congress.

This jurisdiction was made effective Jan. 2, 1947, as a part of the Legislative Reorganization Act of 1946.⁽⁸⁾ Effective July 12, 1974, the Committee on Rules was given specific authority under section 402(b) of the Congressional Budget Act of 1974 to report

7603, 80th Cong. 2d Sess., June 9, 1948, where the Committee on Rules reported out a rule [H. Res. 651], for the consideration of a supplemental appropriations bill (H.R. 6829), calling for the waiver of all points of order against “any provisions contained therein” as well as the waiver of all points of order against “any amendment offered by direction of the Committee on Appropriations.”

6. Rule XI clauses 17(a), 17(b), *House Rules and Manual* §715 (1973).
7. See §52, *supra*, for a brief history of the Committee on Rules, touching upon the evolution of its powers.
8. 60 Stat. 812.