

**mittee payrolls where committee expenses had been underestimated for the fiscal year, resulting in a shortage of appropriated funds.**

On June 29, 1966,<sup>(3)</sup> Speaker pro tempore Carl Albert, of Oklahoma, recognized Mr. Omar T. Burleson, of Texas, who called up the following resolution (H. Res. 900, reported from the Committee on House Administration on that day) and asked for its immediate consideration:

*Resolved*, That the Clerk of the House be and is hereby directed to pay such sum as may be necessary, from the contingent fund of the House of Representatives, to meet the June 1966 payroll of committee employees.

No objection was heard to Mr. Burleson's request, and shortly thereafter the question was put,<sup>(4)</sup> and the resolution was agreed to.

## **§ 5. Establishing Select Committees; Procedure**

### ***Privilege of Resolution Creating Select Committee***

#### **§ 5.1 A House resolution providing for the creation of a select committee is reported**

3. 112 CONG. REC. 14623, 89th Cong. 2d Sess.

4. *Id.* at p. 14624.

**and called up as privileged by the Committee on Rules.**

On July 8, 1969,<sup>(5)</sup> Mr. Ray J. Madden, of Indiana, reported, from the Committee on Rules, a resolution (H. Res. 472) creating a select committee to be known as the Committee on the House Restaurant. The resolution was referred to the House Calendar.

Two days later, on July 10, 1969,<sup>(6)</sup> Speaker John W. McCormack, of Massachusetts, recognized Mr. Madden who proceeded to make the following statement:

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

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

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

(b) On and after July 15, 1969, until otherwise ordered by the House, the

5. 115 CONG. REC. 18712, 91st Cong. 1st Sess.

6. *Id.* at p. 19080.

Architect of the Capitol shall perform the duties vested in him by section 208 of Public Law 812, 76th Congress (40 U.S.C. 174k) under the direction of the select committee herein created.

*Parliamentarian's Note:* The Committee on Rules may report at any time "on rules, joint rules, and order of business."<sup>(7)</sup> And, it is always in order to call up for consideration a report from that committee<sup>(8)</sup> providing the report is not called up for consideration on the same day it is presented to the House [unless so determined by a vote of not less than two-thirds of the Members voting].<sup>(9)</sup> A resolution creating a select committee is deemed to be the equivalent of a new rule. Hence, the privileged status which attaches to such a measure when reported out by the Committee on Rules.

### ***Elements of Typical Resolution***

#### **§ 5.2 The House adopted a resolution establishing a select committee to investigate government research programs, providing for appointment of a chairman and members by**

7. Rule XI clause 22, *House Rules and Manual* § 726 (1973).
8. See Rule XI clause 23, *House Rules and Manual* § 729 (1973).
9. This proviso, itself, does not apply during the last three days of a session.

#### **the Speaker, and specifying the powers and jurisdiction of the committee.**

On Sept. 11, 1963,<sup>(10)</sup> Speaker John W. McCormack, of Massachusetts, recognized Mr. Carl A. Elliott, of Alabama, who, by direction of the Committee on Rules, called up House Resolution 504 and asked for its immediate consideration.

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

*Resolved,* That there is hereby created a select committee to be composed of nine Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made.

The said committee is directed to make a complete, full, and thorough investigation of the numerous research programs being conducted by sundry departments and agencies of the Federal Government and, without limiting the generality of the foregoing, the committee shall give special attention to the following: (1) the overall total amount of annual expenditures on re-

10. 109 CONG. REC. 16744, 88th Cong. 1st Sess.

See Guidelines for the Establishment of Select Committees, Subcommittee on the Rules and Organization of the House, Committee on Rules, Committee Print, 95th Cong. 1st Sess., Oct. 31, 1977.

search programs; (2) what departments and agencies of the Government are conducting research and at what costs; (3) the amounts being expended by the various agencies and departments in grants and contracts for research to colleges, private industry, and every form of student scholarships; (4) what facilities, if any, exist for coordinating the various and sundry research programs, including grants to colleges and universities as well as scholarship grants.

In order that this investigation of the numerous research programs may be better coordinated, without limiting the scope of the said committee's investigation, it is directed, among other investigative procedures, to make use of information currently available in the various committees of Congress which have legislative jurisdiction over Government research activities to the end that the said select committee may be able to recommend the necessary legislation to coordinate and prevent unjustifiable duplication in the numerous projects and activities of the Government relating to scientific research.

The committee shall report its findings to the House with such recommended legislation as the committee may deem appropriate to correct any deficiencies. The committee shall make such reports to the House prior to December 1, 1964, and may submit such interim reports as it deems advisable. Any reports submitted when the House is not in session may be filed with the Clerk of the House.

For the purposes of this resolution the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such

times and places within the United States, whether or not the House has recessed or adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony as the committee deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any properly designated chairman of a subcommittee, or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to Witnesses.

The majority of the members of the committee shall constitute a quorum for the transaction of business, except two or more shall constitute a quorum for the purpose of taking of evidence including sworn testimony.

Shortly thereafter, the previous question was ordered, and the Speaker put the question on the resolution. There were—yeas 336, nays 0. Accordingly, the resolution was agreed to.<sup>(11)</sup>

### ***Creating Select Committee Under Authority of Standing Committee***

#### **§ 5.3 The Committee on Rules reported a resolution creating a Select Committee on the House Restaurant, placing that committee under the authority of the Committee**

11. *Id.* at p. 16754. See also § 13.9, *infra*.

**on House Administration and transferring jurisdiction and control over all food service facilities in the House from the Architect of the Capitol to the Committee on House Administration.**

On Mar. 25, 1971,<sup>(12)</sup> by direction of the Committee on Rules, Mr. Richard Bolling, of Missouri, called up and asked for the immediate consideration of the following resolution (H. Res. 317):

*Resolved*, That (a) there is hereby created, as of January 3, 1971, a select committee to be known as the Select Committee on the House Restaurant, which shall be composed of five Members of the House of Representatives to be appointed by the Speaker, not more than three of whom shall be of the majority party, and one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

(b) In the Ninety-second Congress, the select committee shall exercise direction and supervision over the immediate management and operation of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, subject to the authority of the Committee on House Administration as provided in section 2 of this resolution.

Sec. 2. (a) Notwithstanding any other authority with respect to the ju-

risdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Administration; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy Sixth Congress; 40 U.S.C. 174k).

(b) The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Administration directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Architect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Administration.

(c) All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k),

12. 117 CONG. REC. 7961, 92d Cong. 1st Sess.

shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Administration may designate.

(d) The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

Shortly thereafter,<sup>(13)</sup> the resolution was agreed to.

***Use of Contingent Fund for Committee Expenses; Privilege of Authorizing Resolution***

**§ 5.4 A resolution providing funds for a select committee out of the contingent fund of the House, reported from the Committee on House Administration, is both reported and called up as privileged under the rules.**

On Aug. 6, 1969,<sup>(14)</sup> by direction of the Committee on House Administration, Wayne L. Hays, of Ohio, Chairman of that committee, submitted a privileged report (H. Rept. No. 91-428) on House Resolution 508 and asked for its immediate consideration.

The resolution read as follows:

*Resolved*, That effective July 10, 1969, in carrying out its duties, the se-

13. *Id.* at p. 7962.

14. 115 CONG. REC. 22546, 91st Cong. 1st Sess.

lect committee created by House Resolution 472 is authorized to incur such expenses not to exceed \$40,000, as it deems advisable. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

Sec. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Its privileged status was derived from the rules<sup>(15)</sup> which, in pertinent part, provides that:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: . . . the Committee on House Administration . . . on all matters of expenditure of the contingent fund of the House.

***Establishing Select Committee of Limited Duration***

**§ 5.5 By adoption of a privileged resolution reported from the Committee on Rules, the House created a Select Committee on Crime and required the final report of the select committee to be filed no later than June 30, 1973, on which date the committee would "cease to exist,"**

15. Rule XI clause 22, *House Rules and Manual* §§726, 727 (1973).

**with all records to be transferred to the Committee on the Judiciary.**

On Feb. 28, 1973,<sup>(16)</sup> Speaker pro tempore Charles M. Price, of Illinois, recognized Mr. Richard Bolling, of Missouri, who proceeded to call up House Resolution 256 by direction of the Committee on Rules for its immediate consideration.

The resolution read as follows:<sup>(1)</sup>

*Resolved*, That effective January 3, 1973, and until June 30, 1973, there is hereby created a select committee to be composed of eleven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

Sec. 2. The select committee is authorized and directed to conduct a full and complete investigation and study of all aspects of crime affecting the United States, including, but not limited to, (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics and data; (3) the sharing of information, statistics, and data among law enforcement agencies, Federal, State, and local, including the exchange of information, statistics, and data with foreign nations; (4) the adequacy of law enforcement and the administration of

justice, including constitutional issues and problems pertaining thereto; (5) the effect of crime and disturbances in the metropolitan urban areas; (6) the effect, directly or indirectly, of crime on the commerce of the Nation; (7) the treatment and rehabilitation of persons convicted of crime; (8) measures relating to the reduction, control, or prevention of crime; (9) measures relating to the improvement of (A) investigation and detection of crime, (B) law enforcement techniques, including, but not limited to, increased cooperation among the law enforcement agencies, and (C) the effective administration of justice; and (10) measures and programs for increased respect for the law and constituted authority.

Sec. 3. For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and 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. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member.

Sec. 4. The select committee shall report to the House as soon as possible with respect to the results of its inves-

16. 119 CONG. REC. 5920, 93d Cong. 1st Sess.

1. Id. at pp. 5920, 5921.

tigations, hearings, and studies, together with such recommendations as it deems advisable and shall submit its final report not later than June 30, 1973. Any such report or reports which are made when the House is not in session shall be filed with the Clerk of the House. The select committee shall cease to exist on June 30, 1973, and its records, files, and all current material in its possession shall be transferred to the Committee on the Judiciary.

The proposed creation of the select committee was, in fact, more in the nature of a “reconstitution”, since a similar committee had been in existence since 1969.<sup>(2)</sup> Mr. Bolling described the resolution’s origins in his initial remarks, when he stated:

Mr. Speaker, this resolution extending the Select Committee on Crime until the 30th of June is a compromise. It was a compromise arrived at with very considerable difficulty. A number of people wanted the committee to continue for the full period of this Congress, and a number of people wanted the committee to terminate on the first day of this Congress. The view of the committee’s effectiveness was mixed, but I think everyone will agree that during its life it has accomplished something. There are critics of a variety of types, and there are supporters of all kinds, and the compromise included more than the date when that committee would cease to function. It included the understanding of those who were parties to that compromise that the Committee on the Judiciary

2. See §6.2, *infra*.

would give special attention to the functions undertaken by this select committee, and make a judgment which would result in some of those functions at least being prosecuted in some fashion by the Committee on the Judiciary. That is, not only is the Crime Committee phased out, but there are commitments that some of its functions will be undertaken by the Committee on the Judiciary, which felt that it should have the responsibility for this work.

A brief discussion ensued after which the Chair put the question on the resolution,<sup>(3)</sup> it was taken; and, the Speaker pro tempore announced that the ayes appeared to have it. Mr. H. R. Gross, of Iowa, then made a point of no quorum which culminated in an automatic roll call. The vote then being taken by electronic device, there were—yeas 317, nays 75, answered “present” 2. Accordingly, the resolution was agreed to.<sup>(4)</sup>

### *Authorizing Investigation With Clerk*

**§ 5.6 The House agreed to a privileged resolution, reported from the Committee on Rules, establishing a select committee to investigate and report on campaign expenditures and practices by**

3. 119 CONG. REC. 5924, 93d Cong. 1st Sess.

4. *Id.* at p. 5925.

**candidates for the House, and authorizing the select committee and the Clerk of the House to jointly investigate alleged violations of the Federal Election Campaign Act of 1971 (utilizing the committee's subpoena power).**

On Feb. 28, 1972,<sup>(5)</sup> by direction of the Committee on Rules, Mr. Thomas P. O'Neill, Jr., of Massachusetts, called up for immediate consideration the following resolution (H. Res. 819):

*Resolved*, That a special committee of five Members be appointed by the Speaker of the House of Representatives to investigate and report to the House not later than January 11, 1973, with respect to the following matters:

(1) The extent and nature of expenditures made by all candidates for the House of Representatives in connection with their campaign for nomination and election to such office.

(2) The amount subscribed, contributed, or expended, and the value of services rendered, and facilities made available (including personal services, use of advertising space, radio and television time, communications media, office space, moving picture films, and automobile and any other transportation facilities) by any individual, individuals, or group of individuals, committee, partnership, corporation, or

labor union, to or on behalf of each such candidate in connection with any such campaign or for the purpose of influencing the votes cast or to be cast at any convention or election held in 1972 to which a candidate for the House of Representatives is to be nominated or elected.

(3) The use of any other means or influence (including the promise or use of patronage) for the purpose of aiding or influencing the nomination or election of any such candidates.

(4) The amounts, if any, raised, contributed, and expended by an individual, individuals, or group of individuals, committee, partnership, corporation, or labor union, including any political committee thereof, in connection with any such election, and the amounts received by any political committee from any corporation, labor union, individual, individuals, or group of individuals, committee, or partnership.

(5) The violations, if any, of the following statutes of the United States:

(a) The Federal Election Campaign Act of 1971.

(b) The Act of August 2, 1939, as amended, relating to pernicious political activities, commonly referred to as the Hatch Act.

(c) The provisions of section 304, chapter 120, Public Law 101, Eightieth Congress, first session, referred to as the Labor-Management Relations Act, 1947.

(d) Any statute or legislative Act of the United States or of the State within which a candidate is seeking nomination or reelection to the House of Representatives, the violation of which Federal or State statute, or statutes,

5. 118 CONG. REC. 5717, 92d Cong. 2d Sess.

would affect the qualification of a Member of the House of Representatives within the meaning of article I, section 5 of the Constitution of the United States.

(6) Such other matters relating to the election of Members of the House of Representatives in 1972, and the campaigns of candidates in connection therewith, as the committee deems to be of public interest, and which, in its opinion, will aid the House of Representatives in enacting remedial legislation, or in deciding contests that may be instituted involving the right to a seat in the House of Representatives.

(7) The committee is authorized to act upon its own motion and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made to the committee under oath, by any person, candidate, or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said committee to investigate, the committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in such complaint are immaterial or untrue. All hearings before the committee, and before any duly authorized subcommittee thereof, shall be public, and all orders and decisions of the committee, and of any such subcommittee, shall be public.

(8) The Clerk of the House of Representatives is authorized and directed when carrying out assigned responsibilities under the Federal Election Campaign Act of 1971 that prior to taking enforcement action thereunder, to initiate a request for consultation

with and advice from the committee, whenever, at his discretion, election campaign matters arise that are included within sections (1) through (6) above and may affect the interests of the House of Representatives.

(9) The committee is authorized and directed to consult with, advise, and act in a timely manner upon specific requests of the Clerk of the House of Representatives either when he is so acting on his own motion or upon a written complaint made to the Clerk of the House under oath setting forth allegations of fact under the Federal Election Campaign Act of 1971. The committee or a duly authorized subcommittee thereof when acting upon the requests of the Clerk shall consult with him; shall act jointly with him; and shall jointly investigate such charges as though it were acting on its own motion, unless, after a hearing upon such complaint, the committee or a duly authorized subcommittee thereof shall find the allegations in such complaint are immaterial or untrue. Consultation with the committee or a duly authorized subcommittee thereof may be either in executive or in public sessions, but all hearings before the committee when acting jointly, shall be public, and all orders and decisions and advice given to the Clerk of the House of Representatives by the committee or a duly authorized subcommittee thereof shall be public.

For the purpose of this resolution, the committee or any duly authorized subcommittee thereof, is authorized to hold such public hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Ninety-second Congress, to employ such attorneys, experts, cler-

ical, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by such chairman, and may be served by any person designated by any such chairman or member.

(10) The committee is authorized and directed when acting on its own motion or upon a complaint made to the committee, to report promptly any and all violations of any Federal or State statutes in connection with the matters and things mentioned herein to the Attorney General of the United States in order that he may take such official action as may be proper. The committee or a duly authorized subcommittee thereof is authorized and directed when acting upon the specific request of the Clerk of the House to render advice promptly in order to give the Clerk of the House of Representatives the prior benefits of its advice and in order that he may then take such official action under the Federal Election Campaign Act of 1971 as the Clerk of the House of Representatives deems to be proper.

(11) Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties prescribed by law.

That said committee is authorized and directed to file interim reports

whenever in the judgment of the majority of the committee, or of the subcommittee conducting portions of said investigation, the public interest will be best served by the filing of said interim reports, and in no event shall the final report of said committee be filed later than January 11, 1973, as hereinabove provided.

Shortly thereafter,<sup>(6)</sup> the resolution was agreed to.<sup>(7)</sup>

*Parliamentarian's Note:* Select committees to investigate campaign expenditures are no longer established, since the Committee on House Administration with jurisdiction over campaign expenditures, now has standing investigatory authority and subpoena power, as do all other standing committees (see Ch. 8, § 14, supra).

In the 93d Congress, the House granted the Committee on House Administration subpoena power to investigate election practices, thereby enabling that standing committee to assume the functions of the select committee (H. Res. 737, 93d Cong. 2d Sess.).

## § 6. —Subjects of Investigation or Study

Select or special committees are usually created for one of four

6. *Id. at p. 5718.*

7. See Ch. 8, supra, for more information on campaign expenditure committees. See also § 6.1, infra.