lished and distributed the report from the Committee on Internal Security pursuant to the resolution adopted by the House and served upon him.

§ 60. Comparative Prints; The Ramseyer Rule

The Ramseyer rule provides that whenever a committee reports a bill or joint resolution repealing or amending any statute or part thereof, the committee report is to include the text of the statute or part thereof to be repealed, as well as a comparative print showing the proposed omissions and insertions by stricken-through type and italics, parallel columns, or other appropriate typographical devices.(13)

The purpose of the Ramseyer rule is to inform Members of any changes in existing law to occur through proposed legislation. The rule was adopted by the House on Jan. 28, 1929, at which time Mr. Ramseyer explained its import and meaning as follows:

> The proposal in this new rule is simply this: Many bills which are introduced are to amend statutes. Such bills are reported back to the House, and there is nothing either in the bill or in the report accompanying the bill to advise Members of the House just what specific changes the bill proposes to make in the statute under consideration. If this amendment to Rule XIII is adopted, then hereafter a committee which reports a bill to amend an existing statute must show in the report just what changes are proposed. Suppose a bill is to amend a statute—we will just call it section 100—by omitting some words and adding thereto other words. The proposal is that the report shall show by stricken-through type the words to be omitted and by italics the words that are added, so that a Member who is interested in knowing just what changes it is proposed to make in the statute under consideration can get the report, read it, and have before him exactly the changes which are proposed to be made.

Despite some criticism of the resolution on the basis that it did not go far enough,(14) the House adopted the measure and it has survived with only one change in the succeeding decades. That

13. Rule XIII clause 3, *House Rules and Manual* § 745 (1979). The rule dates from Jan. 28, 1929, when the House passed H. Res. 278, 70 CONG. REC. 2371–74, 70th Cong. 2d Sess.

The rule is commonly known as the "Ramseyer rule" in honor of its sponsor, Mr. Christian W. Ramseyer, of Iowa, who served in the House from 1915 to 1933.

14. Mr. Henry Allen Cooper (Wisc.), preferred passing a bill that would have amended the United States Code to require a comparative printing of all bills and resolutions introduced in both the House and Senate.

change, added Sept. 22, 1961,[15] provides that "[I]f a committee reports such a bill or joint resolution with amendments or an amendment in the nature of a substitute for the entire bill, such report shall include a comparative print showing any changes in existing law proposed by the amendments or substitute instead of as in the bill as introduced."[16]

Under the doctrine of "substantial compliance," the Speaker has overruled points of order against committee reports, based on the Ramseyer rule, on the rationale that the committee had substantially complied with the requirements of the rule and the deviations were minor and inconsequential.[17] Also, the rules now provide that committees may submit supplemental reports to correct technical errors in a previous report.[18]

Points of order based on the Ramseyer rule must be raised at the proper time. A point of order based on the rule must be made when the bill is called up in the House and before the House resolves itself into the Committee of the Whole.[19] The point of order comes too late after the House has resolved itself into the Committee of the Whole for the purpose of consideration of the measure and debate has begun.[20] Compliance with the Ramseyer rule may be waived by unanimous consent or by special rule. This can be accomplished either by a general waiver of all points of order against consideration of the bill, or by an express waiver of the provisions of the Ramseyer rule.[1]

Application of Ramseyer Rule Generally

§ 60.1 The Ramseyer rule requires that when reporting a bill repealing or amending existing law, the committee must include a comparative print showing, by italic or other typographical device, the changes proposed; but if the reported measure does not specifically amend existing law, a point of order based on the Ramseyer rule will not lie.

15. 107 CONG. REC. 20823, 87th Cong. 1st Sess.

16. See Rule XIII clause 3, *House Rules and Manual* § 745 (1979).

17. §§ 60.11–60.14, infra.

18. Rule XI clause 2(1)(5), *House Rules and Manual* § 714 (1979). This change in the rules was brought about by the 1970 Legislative Reorganization Act; see Pub. L. No. 91–510, 84 Stat. 1140 (Oct. 26, 1970).

19. § 60.16, infra.

20. § 60.18, infra.

1. §§ 60.19, 60.20, infra.

On Oct. 1, 1963,[2] after Mr. Armistead I. Selden, Jr., of Alabama, moved the House resolve itself into the Committee of the Whole for the consideration of a bill (H.R. 7044), Mr. Frank T. Bow, of Ohio, raised a point of order that the report on the bill violated the Ramseyer rule. Mr. Bow stated that section 2 of the bill provided "The Corregidor-Bataan Memorial Commission shall cease to exist upon completion of the construction authorized by this act, or on May 6, 1967, whichever shall first occur." Mr. Bow stated that this language was not contained in the italic required under the Ramseyer rule, and did not show a change in the existing law. Mr. Bow further stated that the same language was in a 1958 law giving the time as to when the commission was to cease to exist, and that the present bill amended that law by setting a different date for the expiration of the commission. In response, Mr. Selden contended that section 2 did not make a specific change in the provisions of the law. The proceedings were as follows:

THE SPEAKER:[3] The gentleman will state the point of order.

MR. BOW: Mr. Speaker, the report on this bill violates rule XIII, the so called Ramseyer rule. I shall not read the rule as I know the Speaker is familiar with it.

Mr. Speaker, I would point out that the bill, H.R. 7044, is a bill to amend Public Law 193, 83d Congress, relating to the Corregidor-Bataan Memorial Commission.

I further point out in the bill under section (i) there is a change in the plans for the memorial, changing it into the type that is set forth in the bill; and that in the report under changes in existing law made by the bill, as reported, the report does show in italic that portion of the amendment.

I further call the Chair's attention to the fact that section 2 of the bill now pending provides "The Corregidor-Bataan Memorial Commission shall cease to exist upon completion of the construction authorized by this act, or on May 6, 1967, whichever shall first occur."

I further call attention to the report of the committee in which they attempt to comply with the Ramseyer rule and in that, although they do comply in the one instance with the italics on the construction, later, in the next paragraph of the report, is this language: "and the Commission shall cease to exist 90 days after such submission of such final report." This is contained in roman printing. It is not

2. 109 CONG. REC. 18412, 88th Cong.1st Sess. For other illustrations, see 103 CONG. REC. 8484, 85th Cong. 1st Sess., June 6, 1957 [H.R. 6127]; and 79 CONG. REC. 11051, 74th Cong. 1st Sess., July 11, 1935 [H. Res. 240].

3. John W. McCormack (Mass.).

in the italic required under the Ramseyer rule. It does not show that this is a change in existing law and, inasmuch as section 2 says that the Commission shall cease to exist upon the completion of the construction authorized, the Speaker will find the same language in the bill of 1958 giving the time as to when the Commission will cease to exist. This bill does amend that law by setting a different date for the expiration of the Commission and it does not comply with the Ramseyer rule.

I desire, if I may, to point out the precedents of the House appearing in volume 8 from page 2236 on, and particularly that precedent that says, "Although a bill proposed one minor and obvious change in existing law, the failure to indicate this change" is "in violation of the law." Admittedly this is in a minor and rather obvious position. Nevertheless the report of the committee does not show in italic and it is a change in existing law, and I submit it is a violation of the Ramseyer rule.

MR. SELDEN: Mr. Speaker, I contend that section 2 does not make a specific change in the provisions of the law. Therefore the report of the committee does comply with the Ramseyer rule....

MR. BOW: Mr. Speaker, may I reply to the gentleman from Alabama?

THE SPEAKER: The gentleman from Ohio is recognized.

MR. BOW: . . . I further point out that there is a complete change in the law as to the time of the expiration of the Bataan-Corregidor Commission.

THE SPEAKER: The Chair is prepared to rule. In connection with section 2 that the gentleman from Ohio referred to, that is, section 2 of the pending bill, the Chair will state that this section does not amend existing law specifically and applies only to this bill. Therefore, the report does not, in that respect, have to meet the requirements of the Ramseyer rule. The portion of the bill which specifically amends existing law, as the Chair sees it, is paragraph (i) starting on page 1 and finishing on line 19 of page 2 of that section, and it is very clear that the committee has complied with the Ramseyer rule in connection with that paragraph. So, for the reason stated, the Chair overrules the point of order.

Effect of Noncompliance With Rule

§ 60.2 Where a report failed to comply with the provisions of the Ramseyer rule and a point of order is sustained on that ground, the bill is recommitted to the committee reporting it.

On May 3, 1937,[4] after the Clerk read the title of a bill about to be considered, Mr. Jesse P. Wolcott, of Michigan, raised a point of order against the consideration of the bill on the ground that the report did not comply with the Ramseyer rule. When Speaker William B. Bankhead, of Alabama, sustained the point of

4. 81 CONG. REC. 4123, 4124, 75th Cong. 1st Sess. Under consideration was S. 709, a bill to incorporate the National Education Association of the United States.

order, the bill was recommitted to the Committee on Education, which had reported it.

The Clerk called the next bill, S. 709, to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended.

MR. WOLCOTT: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WOLCOTT: Mr. Speaker, if it appears from the report that subsection 2 (a) of rule XXIII, commonly known as the Ramseyer rule, has not been complied with, is the bill automatically recommitted to the committee from which it was reported?

THE SPEAKER: If the point of order should be sustained, under the provision governing such cases the bill would automatically be recommitted to the committee from which it was reported.

MR. WOLCOTT: Mr. Speaker, I make the point of order against the consideration of the bill (S. 709) that the so-called Ramseyer rule has not been complied with.

THE SPEAKER: A very casual reading of the report on the bill indicates the Ramseyer rule has not been complied with. .

Does the gentleman from Michigan insist on the point of order?

MR. WOLCOTT: I insist on the point of order, Mr. Speaker.

THE SPEAKER: The point of order is sustained, and the bill is recommitted to the Committee on Education.

Purpose of Rule

§ 60.3 The purpose of the Ramseyer rule is to require that committee reports furnish information relating to changes the bill proposes to make in existing law.

On Dec. 3, 1963,[5] following a motion by Mr. Harold D. Cooley, of North Carolina, that the House resolve itself into the Committee of the Whole for consideration of a bill (H.R. 6196), Mr. H. R. Gross, of Iowa, raised a point of order against consideration of the bill. Mr. Gross' point of order was that House Report No. 88–336 accompanying the bill did not comply with the requirements of Rule XIII clause 3, the Ramseyer rule. Following debate on the point of order, Speaker John W. McCormack, of Massachusetts, ruled on the point of order and commented on the purpose of the Ramseyer rule:

It is the opinion of the Chair that the report of the committee complies with the Ramseyer rule, the purpose of which is to give Members information in relation to any change in existing law.

If a report includes some other references to other laws which in a sense would be surplusage or unnecessary, it is the Chair's opinion that the committee was attempting to give to the

5. 109 CONG. REC. 23038, 88th Cong. 1st Sess. Under consideration was H.R. 6196, to encourage increased consumption of cotton; see H. Rept. No. 88–366.

Members of the House as full information as was possible.

The Chair rules that the report does comply with the Ramseyer rule, and the point of order is overruled.

Showing Changes Proposed by Bill as Amended

§ 60.4 In the 87th Congress, the Ramseyer rule was amended to provide that where a committee reports a bill with amendments the comparative print required by the rule must show the changes in existing law proposed by the bill, as amended, instead of by the bill as introduced.

On Sept. 22, 1961,[6] the Chairman of the Committee on Rules, Howard W. Smith, of Virginia, called up House Resolution 407, amending Rule XIII clause 3. Following the Clerk's reading of the resolution Mr. Smith and Mr. Clarence J. Brown, of Ohio, explained the purpose of the resolution.

The Clerk read the resolution as follows:

Resolved, That the Rules of the House of Representatives are hereby amended as follows: In rule XIII, clause 3, strike out the period at the end thereof, insert a colon, and add "*Provided, however*, That if a committee reports such a bill or joint resolution with amendments or an amendment in the nature of a substitute for the entire bill, such report shall include a comparative print showing any changes in existing law proposed by the amendments or substitute instead of as in the bill as introduced."

MR. SMITH of Virginia: Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown] and at this time yield myself such time as I may consume.

Mr. Speaker, this resolution provides for a change in the so-called Ramseyer rule of the House of Representatives. The Ramseyer rule provides that when a bill is reported by a legislative committee, the committee report on the bill shall contain a statement in comparative print, setting forth the changes in existing law that are supposed to be made by the new bill. The way that that rule has been construed and the way it has operated in the past has been that if a bill is introduced and referred to a legislative committee, then when the bill is reported by that committee, the changes in the law are pointed not at the bill which is reported, but are pointed at the original bill, as introduced. It, therefore, causes confusion and is not of any use to the Members who are trying to find out what the changes are because, as I said, the comparative print explaining the changes are not pointed toward the bill you are really going to consider. So this change which has been worked out by the Parliamentarian in connection with the Committee on Rules and which has the unanimous approval of the Committee on Rules would make it so that in order to comply with the Ramseyer

6. 107 CONG. REC. 20823, 87th Cong. 1st Sess.

rule, the report would have to print in comparative columns or italic or other distinguishing symbols the changes in existing law which would be made by the bill which is under consideration and not by the bill which was originally introduced

Mr. Speaker, I hope that explanation is clear to the Members, but if it is not, I will be glad to yield or any questions to any Member who may wish to ask about it.

If there are no questions, Mr. Speaker, I yield now to my colleague, the gentleman from Ohio [Mr. Brown].

MR. BROWN: Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as the gentleman from Virginia, the chairman of the Committee on Rules, Mr. Smith, has explained, this resolution provides for an amendment to rule XIII, clause 3, through an amendment which I believe is very much needed, has been requested by many Members of the House, and which, as the gentleman from Virginia has stated, would simply provide, instead of following the present procedure of printing in a committee report the original bill and the changes in the present law made by the original bill, the report would carry the bill, as amended, and the differences between the present law as provided in the final bill as presented.

In other words, the adoption of this resolution making this change in the rules will eliminate a great deal of confusion and make it much easier for all Members of Congress, even members of the Committee on Rules itself, in considering legislation to understand just exactly what is in the bill that may be before them and what changes are made by such legislation from existing law. This has been long needed. It is a very good amendment of the rule.

This resolution was reported unanimously from the Committee on Rules, and I hope it will have the unanimous support of the House.

Mr. Speaker, I yield back the balance of my time.

MR. SMITH of Virginia: Mr. Speaker, 1 have no further requests for time.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Supplemental Reports Complying With Rule

§ 60.5 By unanimous consent, a committee may be permitted to file a supplemental report on a bill so as to conform to the Ramseyer rule and show the changes in existing law proposed by the committee amendments as well as by the provisions of the bill as introduced.

On Jan. 11, 1962,[7] Mr. Adam C. Powell, of New York, sought and obtained unanimous consent that the Committee on Education and Labor be permitted to file a supplemental report on a bill (H. R. 8890). Mr. Powell stated to Speaker John W. McCormack, of

7. 108 CONG. REC. 67, 87th Cong. 2d Sess.

Massachusetts, that he was making the request so that the committee report would comply with the Ramseyer rule, which Mr. Powell noted had been amended by the House since the filing of the original report on the bill.[8]

Application of Rule to Subsections

§ 60.6 Where a bill amends one subsection of existing law but does not affect other parts of the section, a comparative print which shows only the affected subsection is in substantial compliance with the Ramseyer rule.

On July 25, 1966,[9] Mr. John Bell Williams, of Mississippi, made a point of order against consideration of H.R. 14765, on the ground that the report of the Committee on the Judiciary accompanying the bill did not comply with the requirements of the Ramseyer rule. In response to the point of order, Mr. Emanuel Celler, of New York, stated that the report disclosed no information with respect to certain sections of the bill. Mr. Celler explained that there were no changes in or amendments to those provisions, so that there was no need to set forth explanatory material on them:

> . . . Since there were no changes, there was no need to make any comment. There was no ambiguity there. There was no misinformation. There is nothing that is misleading. There is no confusion. It is . . . substantial compliance.

As debate on the point of order continued, Mr. Joe D. Waggonner, Jr., of Louisiana, questioned whether substantial compliance was sufficient to meet the requirements of the rule, stating:

> Mr. Speaker, under the rules of the House of Representatives no provision is made for use of the word "substantial" is it deemed sufficient in this case that compliance is only substantial and not technically complete?

After studying the precedents of the House, Speaker John W. McCormack, of Massachusetts, ruled that there was substantial compliance, stating:

> Well, as the Chair states . . . the Chair cannot analyze every word, but there are parts here apparent to the Chair that, of course, are not only substantial compliance but which are cer-

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8. *Parliamentarian's Note:* Today, unanimous consent is not required to file a supplemental report correcting a technical error, such as a violation of the Ramseyer rule, in a previous report. See Rule XI clause 2(l)(5), *House Rules and Manual* § 714 (1979).

9. 112 CONG. REC. 16840–42, 89th Cong. 2d Sess. Under consideration was H.R. 14765 (H. Rept. No. 89–1678), the Civil Rights Act of 1966.

tainly over compliance, which is not violative of the rule, as has been advanced.

The Chair therefore overruled the point of order.

On a parliamentary inquiry following the Chair's ruling, Mr. Waggonner asked:

Do I correctly understand the ruling of the Speaker that in this instance . . . "substantial compliance" is all that is necessary and technicalities are irrelevant? Is compliance in fact with the rules to be ignored?

The Speaker replied:

The Chair will state that substantial compliance, as the Chair is not in a position to analyze every word, would comply with and be in conformance with the rule.

Showing Statutory Waivers and Exemptions

§ 60.7 Provisions in a bill, merely waiving certain statutory requirements, were held not to be specially amendatory of existing law and the Ramseyer rule did not apply to language in a bill merely exempting personnel of a proposed agency from conflict of interest statutes.

On June 6, 1957,[10] after Mr. Emanuel Celler, of New York, moved that the House resolve itself into the Committee of the Whole for the consideration of H.R. 6127, a civil rights bill, Mr. Howard W. Smith, of Virginia, made a point of order against the bill on the basis of noncompliance with the Ramseyer rule.

The initial exchange went as follows:

MR. CELLER: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

MR. SMITH of Virginia: Mr. Speaker, I make a point of order against the bill.

THE SPEAKER:[11] The gentleman will state his point of order.

MR. SMITH of Virginia: Mr. Speaker, I make the point of order that the report on the bill does not comply with the provisions of the Ramseyer rule, which is rule XIII, clause 3.

I call the Speaker's attention to the provision of the bill appearing on page 7, line 12, which reads as follows:

Members of the Commission, voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes.

10. 103 CONG. REC. 8484–88, 85th Cong. 1st Sess.

11. Sam Rayburn (Tex.)

Now, Mr. Speaker, I also call attention to the provision of the bill providing on page 9, line 8, for the appointment of another and additional Assistant Attorney General, which changes existing law and which fixes the number of Assistant Attorneys General and which changes the provision of existing law that fixes the qualification of Assistant Attorneys General in that it omits the requirement that an Assistant Attorney General must be a member of the legal profession.

Mr. Speaker, I am prepared to discuss the matter in some detail unless the gentleman from New York is prepared to concede the point of order.

MR. CELLER: Mr. Speaker, the gentleman is not prepared to concede anything.

The point of order is not well taken. With reference to the statement referring to the members of the Commission, the gentleman called attention to page 7, lines 12 to 19. That is a waiver of the conflict-of-interest statutes which involves no change whatsoever in those statutes. It simply provides for the waiver of the statutes. That is very frequently done. The Committee on the Judiciary has jurisdiction over matters of that sort; namely, waiver of conflict-of-interest statutes.

With reference to the gentleman's opinion concerning the part II provision for an additional Assistant Attorney General, lines 6 to 14 on page 9, I wish to state that no law is amended. We simply provide for an additional Assistant Attorney General.

While Mr. Smith and proponents of his view contended that any technical defect in the committee report for failure to comply with the Ramseyer rule was fatal to the bill, Mr. Celler responded that a waiver of conflict of interest statutes did not fall within the requirements of the Ramseyer rule. Mr. Celler stated: "[W]hen you waive the provisions of a statute, you do not change the provisions of that statute and you do not amend the provisions of that statute."(12) Mr. Celler further stated that language in the bill adding a new assistant attorney general merely created a new position and did not amend a statute.

After continued debate on the point of order, Speaker Rayburn overruled the point of order as follows:(13)

The Chair is prepared to rule.

This question, or parallel questions, has been raised many times. The rulings of the Chair have been uniform. . . .

Turning to the first part of the bill on page 7, paragraph (d), which reads as follows: "(d) Members of the Commission, voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United

12. 103 CONG. REC. 8486, 85th Cong. 1st Sess.

13. *Id.* at pp. 8487, 8488.

States Code, and section 190 of the Revised Statutes (5 U.S.C. 99)," the Chair holds that that is simply a waiver of the statute and not a specific amendment to any existing law. Therefore, the Chair overrules the point of order with respect to that.

Section 111, page 9, which reads as follows: "Sec. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General," does not amend any specific law, because it does not refer to any. Congress has the right at any time it pleases, the Chair thinks, to provide for an additional Assistant Attorney General or an additional assistant in any other department.

Now then, we come to the part of the bill where specific statutes are amended. And, the Chair might say here that Mr. Snell, Speaker pro tem on February 7, 1931—Cannon's Precedents, volume VIII, section 2235—made this ruling: In order to fall within the purview of the rule requiring indication of proposed changes in existing law by a typographical device, a bill must repeal or amend the statute in terms, and general reference to the subject treated in a statute without proposing specific amendment is not sufficient.

Mr. O'Connor of New York on April 13, 1932—Cannon's Precedents, Volume VIII, section 2240—made a ruling on this specific question, and the gist of that is that the bill is not subject to the rule requiring comparative prints unless it specifically amends existing law.

Now, the gentleman from Tennessee [Mr. Cooper] on April 15, 1940, as Speaker pro tempore, went just a little further than that. The substance of his ruling was: In determining whether or not a committee in reporting a bill has complied with the Ramseyer rule, the duty does not devolve upon the Chair of analyzing every word of existing law and the changes sought to be made. Hence, Mr. Cooper held that an effort to substantially comply with the rule only was necessary.

Now, let the Chair read portions of part III and part IV of the bill, where specific law is specifically amended: . . .

Remembering what has gone before, the Chair finds on page 16 of the committee report changes in existing law set forth as follows:

> In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed by enactment of the bill as here reported; matter proposed to be stricken by the bill as here reported is here enclosed in black brackets: new language proposed by the bill as here reported is printed in italic.

And there follows then the existing law proposed to be amended.

The Chair has examined this bill carefully and has examined this committee report very carefully, and must hold that the committee did comply in substance and in fact with clause 3 of rule XIII.

Therefore, the Chair overrules the point of order.

Changes in Court Rules

§ 60.8 The Ramseyer rule requirement that a compara-

tive print be provided in reports on bills reported by a committee is not applicable to a bill changing the rules of evidence for District of Columbia courts.

On June 12, 1961,[14] Mr. John L. McMillan, of South Carolina, called up the bill (H.R. 7053), providing for the admission of certain evidence in the courts of the District of Columbia, and asked unanimous consent that the bill be considered in the House as in the Committee of the Whole. Mr. Byron G. Rogers, of Colorado, objected to the consideration of the bill on the ground that it did not comply with the Ramseyer rule, and said that in the report of the committee no reference was made to the law which was being amended. In the debate on the point of order, Mr. Howard W. Smith, of Virginia, argued that the change was directed at court rules, not a statute. Speaker Sam Rayburn, of Texas, then overruled the point of order, stating:

> The Chair in examining this bill cannot see where it amends any law or repeals any law specifically, and therefore does not think the report is in violation of the Ramseyer rule, and therefore overrules the point of order.

References to Laws Unaffected by Bill

§ 60.9 A point of order will not lie against a committee report merely because the comparative print required by the Ramseyer rule incorporates laws which are not affected by the reported bill but which are included to give full information to the Members.

On Dec. 3, 1963,[15] Mr. H. R. Gross, of Iowa, raised a point of order against the consideration of H.R. 6196, alleging that House Report No. 88–366 accompanying the bill did not comply with the requirements of the Ramseyer rule. In debate on the point of order Mr. Harold D. Cooley, of North Carolina, acknowledged that there was extraneous and unneeded material in the report but this did not constitute a violation of the Ramseyer rule. Mr. Cooley stated:

> I want to make just one additional observation. I think the Speaker of the House and the Parliamentarian will find that all changes in existing law

14. 107 CONG. REC. 10068, 87th Cong. 1st Sess.

For a similar ruling see also 83 CONG. REC. 1147, 75th Cong. 3d Sess., Jan. 26, 1938, involving H.R. 2890, fixing annual compensation for postmasters of the fourth class.

15. 109 CONG. REC. 23036–38, 88th Cong. 1st Sess.

have been shown in our report under the Ramseyer rule. The rule does not say that you cannot have something else in the report which might be surplus and which might not be needed. But if you will look at section 104 on page 25 that is a strict compliance with the Ramseyer rule insofar as this legislation is concerned.

The reference to section 330, I think, is irrelevant and immaterial and is not even needed, perhaps, in this report. But we believe this is a meticulous compliance with the Ramseyer rule and we ask that the point of order be overruled.

Speaker John W. McCormack, of Massachusetts, then overruled the point of order. The Speaker stated:

It is the opinion of the Chair that the report of the committee complies with the Ramseyer rule, the purpose of which is to give Members information in relation to any change in existing law.

If a report includes some other references to other laws which in a sense would be surplusage or unnecessary, it is the Chair's opinion that the committee was attempting to give to the Members of the House as full information as was possible.

Application of Rule to Discharged Bills

§ 60.10 The Ramseyer rule applies only when a committee reports a bill. Hence, a point of order alleging noncompliance with the rule will not lie where a committee is discharged from consideration of a bill.

On Aug. 19, 1964,[16] Mr. James G. O'Hara, of Michigan, made a point of order against the consideration of a bill on the ground it had not been properly reported and that it purported to amend title 28 of the United States Code. He contended that there was no comparative print of the bill amending the statute. Speaker John W. McCormack, of Massachusetts, overruled the point of order, noting that the Ramseyer rule applied only when a committee reports a bill. In this case, the Committee on the Judiciary, having been discharged from consideration of the bill, did not file a report, and a comparative print was not required.

"Substantial Compliance" With Rule

§ 60.11 A point of order raised against a committee report alleged to be in violation of the Ramseyer rule will not lie where there is substantial compliance with the require-

16. 110 CONG. REC. 20221, 20222, 88th Cong. 2d Sess. Under consideration was H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, considered pursuant to H. Res. 845.

ment that the report disclose changes in existing law. Thus, a letter from the head of an agency in a committee report, setting out proposed changes in existing law, was held to be a substantial compliance with the Ramseyer rule.

On Jan. 26, 1938,[17] Mr. Wright Patman, of Texas, made a point of order against H.R. 8176, a bill dealing with retirement pay for military officers, based on alleged violation of the Ramseyer rule.

Speaker William B. Bankhead, of Alabama, overruled the point of order, finding that the report was in substantial compliance with the rule. It appeared that a letter to the committee from an Army General, explaining certain changes that the bill would make in existing law, substantially satisfied the requirement, although Mr. Patman pointed out that the letter had been written a month before the committee reported the bill and that some changes in the bill had been made subsequent to the date of the letter.

MR. PATMAN: Mr. Speaker, I have a further point of order.

THE SPEAKER: The gentleman will state it.

MR. PATMAN: That is, that the Ramseyer rule is not complied with in the report of the committee in reporting the bill. Section 3 of the bill undertakes to amend existing law. The Ramseyer rule requires that a committee report shall disclose where there is an effort made specifically to change existing law and shall set out in parallel columns or in some way make it clear and plain to the Members of the House just exactly how the proposed amendment will affect existing law. I know that rule does not require any particular method to be used. I am aware of the fact that in the committee's report, although the committee's report says nothing about this amendment—that is, it is not set out specifically in italics, brackets, or otherwise—but in the letter from General Hines to the Honorable Lister Hill, commencing on page 4 of the report, there is mention, on page 5 of the report, in that letter, that a certain amendment is proposed but it does not say that that is the only amendment in that particular section. I do not know; I am unable to find out whether or not that is all or just a part that General Hines happens to be discussing. He does not say that is the only way that section is amended. He is just saying that it is amended to that extent. I submit that is not a compliance with the letter and spirit of the Ramseyer rule, which is part of the parliamentary rules of this House, and I make the point of order against the report on that ground.

THE SPEAKER: The Chair is prepared to rule on the point of order. The gentleman from Texas makes the point of order that the report of the committee does not conform to the provisions of the Ramseyer rule. . . .

With reference to the particular point of order made by the gentleman

17. 83 CONG. REC. 1143–46, 75th Cong. 3d Sess.

from Texas, the Chair has examined with some care the report of the committee which accompanies this bill, and, indeed, the gentleman from Texas has referred to the matter occurring in the letter on page 4 of the report, the letter from General Hines to the then chairman of the Military Affairs Committee, in which upon page 5 of the report in subsection (b) of section 212, there is set out in italics the only amendment to the existing law that is proposed in the bill, as the Chair understands it. The Chair is of opinion that if the rule itself had not provided that those changes might be incorporated in the report by citing an accompanying document, very probably the point of order made by the gentleman from Texas would be good, but the Chair feels, upon examination of this matter, inasmuch as the only amendment to existing law is set out in italics in an accompanying document to the report of the committee, that a substantial compliance with the rule has been made. . . .

The Chair will state—and this is the final statement of the Chair upon this matter—that the Chair has examined the bill with considerable care. The Chair feels justified in saying that section 3 of the bill is, as a matter of fact, the only specific change in existing law proposed by the bill.

The Chair, therefore, overrules the point of order made by the gentleman from Texas.

§ 60.12 A point of order will not lie against a committee report on the ground that the comparative print required by the Ramseyer rule contains a minor typographical error, where the committee has made a substantial effort to comply with the rule.

On July 26, 1965,[18] after Mr. Adam C. Powell, of New York, moved that the House resolve itself into the Committee of the Whole for the consideration of a bill, Mr. Robert P. Griffin, of Michigan, made a point of order against the motion on the ground that the report (H. Rept. No. 89–540), on the bill failed to comply with the provisions of the Ramseyer rule (Rule XIII clause 3), in that it did not correctly indicate the changes proposed in the first proviso of section 8(a)(3) of the National Labor Relations Act. Mr. Griffin called attention to the fact that the matter in italics on page 5 of the report read "or in any constitution of [*sic*] law of any State or political subdivision thereof," whereas the same language in the bill read "or in any constitution or law of any State or political subdivision thereof." The difference was that the report showed the word "of," where the bill used the word "or." Mr. Griffin argued that the failure to re-

18. 111 CONG. REC. 18100, 89th Cong. 1st Sess. Under consideration was H.R. 77, a bill to repeal § 14(b) of the National Labor Relations Act.

port on the bill to indicate this change was in violation of the rule, and that the bill should therefore be recommitted to the Committee on Education and Labor.

Speaker John W. McCormack, of Massachusetts overruled the point of order, stating:

> The Chair is prepared to rule.
>
> The Chair will state that this situation has arisen on several occasions in the past.
>
> Speaker pro tempore Cooper, on April 15, 1940, having a similar question presented to him on a point of order, ruled that "it is the opinion of the Chair that the duty does not devolve upon the Chair to analyze every word of existing law or to pass upon the sufficiency or compliance with the provisions of the so-called Ramseyer rule." The Chair then was of the opinion that the committee reporting the bill had made an effort to comply with the provisions of the Ramseyer rule, and the present occupant of the Chair expresses the same opinion and makes the same ruling, that is, that the committee made a substantial effort to comply with the requirements of the rule.
>
> Therefore, the Chair overrules the point of order.

§ 60.13 Where a point of order is raised against consideration of a bill on the ground that the report thereon does not adequately reflect all the changes in existing law as required by the Ramseyer rule, the Speaker may overrule the point of order on the ground that the committee has "substantially complied" with the rule.

On July 30, 1968,[19] Mr. Paul Findley, of Illinois, raised a point of order against a motion by Mr. William R. Poage, of Texas, that the House resolve itself into the Committee of the Whole for the consideration of a bill. Mr. Findley's point of order against consideration of the bill was based on the grounds the committee report failed to comply with the provisions of the Ramseyer rule in that the comparative print required thereby contained errors of four types. He stated the report failed to show by "stars" the omission of certain sections not carried in the Ramseyer print, typographical errors, errors of punctuation, and a failure to indicate one out of 28 date changes.

Speaker John W. McCormack, of Massachusetts, in overruling the point of order, stated:

> There appear to be 22 pages in the committee report referring to changes in existing law.

19. 114 CONG. REC. 24245, 24252–54, 90th Cong. 2d Sess. Under consideration was H.R. 17126, with its accompanying committee report, H. Rept. No. 90–1374, the Extension of Food and Agriculture Act of 1965.

A few years ago the Chair passed on the basic question of substantial compliance in connection with another bill. It seems to the Chair that the committee has substantially complied with the requirements of the Ramseyer rule. I have used the words "at least." If a higher test was called for, I could probably say the committee has complied with the requirements of the Ramseyer rule. In any event, it is the opinion of the Chair that the report of the committee at least shows substantial compliance with the provisions of the Ramseyer rule, and accordingly, the Chair overrules the point of order.

§ 60.14 Where the comparative print required by the Ramseyer rule contained errors of three types (1) punctuation at variance with that in the bill, (2) capitalization of certain words not capitalized in the bill, and (3) abbreviations which did not appear in the bill—the Speaker held that there was substantial compliance with the provisions of the rule and overruled a point of order against the report.

On July 25, 1966,[20] Mr. John Bell Williams, of Mississippi, made a point of order against consideration of a bill (H.R. 14765), on the ground that the report of the Committee on the Judiciary accompanying the bill did not comply with the requirements of the Ramseyer rule. Mr. Williams stated, in part:

The first error I would like to call to the attention of the Chair is set forth on page 49 of the committee report, at the bottom of the page, purporting to show amendments made to section 16–1312 of the District of Columbia Code. The bill, in section 103(e), found on page 52, lines 1 through 5, states as follows:

> Section 16–1312 of the District of Columbia Code is amended—

And so on—yet the report does not set out the section amended—it merely sets out selected excerpts from the sections.

I cannot tell from looking at the material on page 49 of the report just what the amendments to the section accomplish, and I defy any other Member to do so. Subsection (a) of that section sets out the duties of the jury commission, but the matter printed in the report fails to set out all the duties as prescribed by the section. Then the printed matter completely omits subsection (b) of the amended section, and subsection (c) as printed in the report states:

> (c) Except as provided by this section, Chapter 121 of title 28, U.S.C., insofar as it may be applicable, governs qualifications of jurors.

But how can a Member tell what is provided by the section, when the section is not set out for him to see?

This section 16–1312 which is amended by the bill also contains a

20. 112 CONG. REC. 16840–42, 89th Cong. 2d Sess. Under consideration was H.R. 14765 and its accompanying report, H. Rept. No. 89–1678, the Civil Rights Acts of 1966.

subsection (d), which is not printed in the report.

Mr. Speaker, this failure of the report to show the law which is changed by the bill makes it impossible for Members to be able to determine just what changes are actually being made in the section, and therefore fails to comply with either the spirit or the letter of the Ramseyer rule. Of course, for that matter, even the material printed in the subsection (c) at the bottom of page 49 of the report fails to comply literally with the rule, since the material in italic is not literally the same as the material proposed to be inserted by the bill—the Ramseyer abbreviates to "U.S.C." the words "United States Code" appearing in the bill. The same erroneous abbreviation also appears in the amendment made to subsection (a) of that section.

Another failure to follow the literal text of the bill can also be found on page 52 of the report, Mr. Speaker, where the text of the proposed new section 303 of the Civil Rights Act of 1964 differs substantially in form from the section 303 added to that act by the bill, on page 79, lines 10 through 19.

Most serious of the deficiencies in this report, however, Mr. Speaker, is the matter appearing on page 53 of the report, where the report purports to show changes in title III of the Civil Rights Act of 1960 made by section 701 of the bill, which appears on page 80, line 9. Section 701 states "Title III of the Civil Rights Act of 1960 is amended" and so on—yet the report does not even purport to show title III of that act or any part thereof—all that Members have to guide them as to the provisions of title III is a row of asterisks, which I must confess I do not find very helpful—especially since the proposed new section 307 of the Civil Rights Act of 1960 refers back to section 301 of the Civil Rights Act of 1960 stating—page 80 lines 12 and 13 of the bill—"Any officer of election or custodian required under section 301 of this Act to retain and preserve records and papers may" and so forth. This portion of the committee's report is completely worthless, in my judgment, in helping Members to understand the changes made in existing law made by the bill.

The Ramseyer rule requires that the report show, and I quote:

> That part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended.

I submit, most respectfully, Mr. Speaker, that with respect to title III of the Civil Rights Act of 1960, there has been a complete failure to comply with the portion of the Ramseyer rule requiring that the statute proposed to be amended be shown. The report does not show the statute, and it does not even show any part of the statute—not even the part of the statute most necessary to understand what the proposed section 307 is all about; namely, section 301 which is cross-referenced to in the proposed section 307.

Mr. Speaker, on page 43 of the report, sections 1873 and 1874 of title 18 of the United States Code are shown as repealed, and new language added in their place; also the Ramseyer on the same page shows two new sections added—sections 1875 and 1876. I have not been able to find any place in the bill which repeals any of these sections, or which adds new text as sec-

tions 1875 and 1876, although the explanatory matter on page 35 of the report, under the heading "Changes in existing law" states as follows:

> Matter proposed to be stricken by the bill as reported is enclosed in black brackets. New language proposed by the bill as reported is printed in italic.

I, for one, find this very confusing, if the intent is to show the changes in section numbers made by section 103 of the bill, especially since the language preceding the Ramseyer states that "there is printed below in roman existing law in which no change is proposed."

This is, at best, a very odd way to show a renumbering of sections—so odd, in fact, that I think its potential for confusion is such as to render it a violation of the Ramseyer rule.

In summary, Mr. Speaker, the committee report fails to comply with the Ramseyer rule by showing language in the report as a purported change in existing law which is not the same as language contained in the bill; the report fails to show the entire text of a section which is proposed to be amended by the bill, but leaves Members to guess as to what the amendment actually does; the report fails to show any part whatsoever of a provision of law amended by the bill, even where the setting forth of such provision is essential to understanding of the changes made; and shows nonexistence repeals and amendments as a means of showing renumbering of sections.

I respectfully submit that this point of order should be sustained and the bill recommitted to the Committee on the Judiciary in accordance with the rules of the House.

Mr. Emanuel Celler, of New York, citing the technical and insubstantial nature of Mr. Williams' objections, stated with respect to sections of title III of the statute not quoted in the report, that no changes in those sections were proposed by the bill. Speaker John W. McCormack, of Massachusetts, then overruled the point of order. Implicitly adopting the view that only those portions of existing law directly affected by a bill need be shown in a comparative print (see § 60.6, supra), the Speaker indicated that there had been substantial compliance with the Ramseyer rule in the report in question, and that substantial compliance was a sufficient basis for overruling the point of order under that rule. Citing as a precedent a ruling on the same subject on Apr. 15, 1940, by Speaker pro tempore Jere Cooper, of Tennessee, Speaker McCormack stated:

> Now, on the pending point of order, the Chair calls attention to the fact that there are approximately 18 pages in the committee report which relate to complying with the Ramseyer rule.
>
> It is the opinion of the Chair that the committee has substantially complied with the Ramseyer rule, and follows the decision which I have referred to, and which was made in 1940 by Speaker pro tempore Cooper, and reaffirms that decision.
>
> The Chair therefore overrules the point of order.

Timeliness in Invoking Rule

§ 60.15 The proper time to raise a point of order that a committee report fails to comply with the Ramseyer rule is when the motion is made to resolve into the Committee of the Whole to consider the bill.

On July 30, 1968,[1] during debate on House Resolution 1218, which provided that it should be in order to move that the House resolve itself into the Committee of the Whole for the consideration of a bill, Mr. Paul Findley, of Illinois, unsuccessfully attempted to raise a point of order against further consideration of the motion on the ground that the committee report accompanying the bill did not comply with the provisions of the Ramseyer rule.

Speaker pro tempore John J. Rooney, of New York, ruled that a point of order on that ground was not appropriate at that time. Mr. Findley then inquired as to when the point would be in order. The Speaker pro tempore replied that it could be raised when the motion was made to resolve into the Committee of the Whole. After the previous question was ordered on the resolution and the resolution was agreed to, Mr. William R. Poage, of Texas, moved that the House resolve itself into the Committee of the Whole for the consideration of the bill. Speaker John W. McCormack, of Massachusetts, then heard Mr. Findley on his point of order.

§ 60.16 A point of order that a committee report fails to comply with the Ramseyer rule will not lie in the Committee of the Whole.

On July 25, 1966,[2] in the Committee of the Whole, Chairman Richard Bolling, of Missouri, ruled untimely a point of order raised by Mr. John Bell Williams, of Mississippi, against consideration of a civil rights bill on the ground that the report of the Committee on the Judiciary accompanying the bill did not comply with requirements of the Ramseyer rule. On appeal, the Chair's ruling was upheld by a division vote of 139–101. Mr. Williams had attempted to raise the point of order prior to the House's resolving itself into the Committee of the Whole, but, as Speaker John W. McCormack,

1. 114 CONG. REC. 24245, 24252, 90th Cong. 2d Sess. Under consideration was H.R. 17126, the extension of the 1965 Food and Agriculture Act.

2. 112 CONG. REC. 16840, 89th Cong. 2d Sess. Under consideration was H.R. 14765, the Civil Rights Act of 1966.

of Massachusetts, later acknowledged, the Chair did not hear Mr. Williams make his point of order. After the Committee rose on motion of Mr. Williams before general debate had commenced, the Speaker stated that under the circumstances Mr. Williams could make his point of order at that time.

The proceedings were as follows:

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation. and for other purposes.

Mr. WILLIAMS: Mr. Speaker, a point of order.

THE SPEAKER: The question is on the motion offered by the gentleman from New York [Mr. Celler].

Mr. WILLIAMS: Mr. Speaker, a point of order.

THE SPEAKER: All those in favor of the motion will let it be known by saying "aye." All those opposed by saying "no."

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 14765, with Mr. Bolling in the chair.

Mr. WILLIAMS: Mr. Chairman, a point of order. Mr. Chairman, I have a point of order. I was on my feet——

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Chairman.

THE CHAIRMAN: Under the rule, the gentleman from New York [Mr. Celler) will be recognized for 5 hours and the gentleman from Ohio [Mr. McCulloch] will be recognized for 5 hours.

Mr. WILLIAMS: Mr. Chairman.

Mr. WAGGONNER: Mr. Chairman.

MR. [WILLIAM M.] MCCULLOCH: Mr. Chairman.

THE CHAIRMAN: For what purpose does the gentleman from Ohio rise?

Mr. MCCULLOCH: Mr. Chairman, I rise for a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

Mr. MCCULLOCH: I would like to know if the resolution unqualifiedly guarantees the minority one-half of the time during general debate and nothing untoward will happen so that it will be diminished or denied contrary to gentlemen's agreements.

THE CHAIRMAN: The Chairman will reply by rereading that portion of his opening statement. Under the rule, the gentleman from New York [Mr. Celler], will be recognized for 5 hours, the gentleman from Ohio [Mr. McCulloch] will be recognized for 5 hours. The Chair will follow the rules.

Mr. MCCULLOCH: I thank you, Mr. Chairman.

Mr. WILLIAMS: Mr. Chairman.

Mr. CELLER: Mr. Chairman, I yield myself such time as I may care to use. Mr. Chairman, Negroes propose to be

free. Many rights have been denied and withheld from them. The right to be equally educated with whites. The right to equal housing with whites. The right to equal recreation with whites.

Mr. WILLIAMS: Mr. Chairman, a point of order.

Mr. CELLER: Regular order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state his point of order.

Mr. WILLIAMS: Mr. Chairman, immediately before the House resolved itself into the Committee of the Whole House I was on my feet on the floor seeking recognition for the purpose of making a point of order against consideration of H.R. 14765 on the ground that the report of the Judiciary Committee accompanying the bill does not comply with all the requirements of clause 3 of rule XIII of the rules of the House known as the Ramseyer rule and intended to request I be heard in support of that point of order. I was not recognized by the Chair. I realize technically under the rules of the House at this point, my point of order may come too late, after the House resolved itself into the Committee of the Whole House on the State of the Union.

MR. CELLER: Mr. Chairman.

MR. WILLIAMS: But I may say, Mr. Chairman, that I sought to raise the point of order before the House went into session. May I ask this question? Is there any way that this point of order can lie at this time?

THE CHAIRMAN: Not at this time. It lies only in the House, the Chair must inform the gentleman from Mississippi.

MR. WILLIAMS: May I say that the Parliamentarian and the Speaker were notified in advance and given copies of the point of order that I desired to raise, and I was refused recognition although I was on my feet seeking recognition at the time.

MR. [JOHN J.] FLYNT [JR., OF GEORGIA]: I APPEAL THE RULING OF THE CHAIR.

THE CHAIRMAN: The Chair will have to repeat that the gentleman from Mississippi is well aware that this present occupant of the chair is powerless to do other than he has stated.

MR. WAGGONNER: Mr. Chairman, I appeal the ruling of the Chair.

THE CHAIRMAN: The question is, Shall the decision of the Chair stand as rendered?

The question was taken; and on a division (demanded by Mr. Williams) there were—ayes 139, noes 101.

The decision of the Chair was sustained.

MR. WILLIAMS: Mr. Chairman, I move that the Committee do now rise, and on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Celler and Mr. Williams.

The Committee again divided, and the tellers reported that there were—ayes 168, noes 144.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide

judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

THE SPEAKER: The Chair recognizes the gentleman from Mississippi.

MR. WILLIAMS: Mr. Speaker, the House resolved itself into the Committee of the Whole House on the State of the Union a moment ago. When the question was put by the Chair, I was on my feet seeking recognition for the purpose of offering a point of order against consideration of the legislation. Although I shouted rather loudly, apparently the Chair did not hear me. Since the Committee proceeded to go into the Committee of the Whole, I would like to know, Mr. Speaker, if the point of order which I had intended to offer can be offered now in the House against the consideration of the bill; and, Mr. Speaker, I make such a point of order and ask that I be heard on the point of order.

THE SPEAKER: The Chair will state that the Chair did not hear the gentleman make his point of order. There was too much noise. Under the circumstances the Chair will entertain the point of order.

§ 60.17 A point of order that a report fails to comply with the requirement that proposed changes in law be indicated typographically, as required by the Ramseyer rule, is properly made when the bill is called up in the House and before the House resolves into the Committee of the Whole.

On July 13, 1959,[3] immediately after Mr. Thomas G. Abernethy, of Mississippi, moved that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, Mr. H. R. Gross, of Iowa, inquired of the Speaker:

Mr. Speaker, I desire to make a point of order against the consideration of the bill and the report. When is the proper time to seek recognition for this purpose?

THE SPEAKER PRO TEMPORE:[4] This is the proper time for the gentleman to make his point of order.

Thereupon, Mr. Gross made a point of order against language found in the bill which, under the Ramseyer rule, was not stated in the accompanying report in italicized or other distinctive print. Mr. Abernethy then withdrew the motion and obtained unanimous consent that the bill be recommitted to the committee.

§ 60.18 A point of order that a committee report on a measure does not comply with the Ramseyer rule comes too late

3. 105 CONG. REC. 13226, 13227, 86th Cong. 1st Sess. Under consideration was H.R. 6893, a bill to amend the District of Columbia Stadium Act of 1957 with respect to motor vehicle parking areas.

4. John W. McCormack (Mass.).

after the House has resolved itself into the Committee of the Whole to consider the measure and debate has begun.

On Apr. 29, 1941,[5] after the House had resolved itself into the Committee of the Whole, Mr. John Taber, of New York, made a point of order against a measure on the basis that it apparently amended an earlier 1938 agriculture act, a change not disclosed in the committee report. After some substantiation of Mr. Taber's point of order, Mr. Hampton P. Fulmer, of South Carolina, in turn made a point of order against the prior point of order, on the ground that it came too late and should have been made before the House resolved itself into the Committee of the Whole. Chairman Harry P. Beam, of Illinois, then sustained Mr. Fulmer's point of order.

The proceedings were as follows:

THE CHAIRMAN: All time has expired. The Clerk will read.

MR. TABER: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Mr. Chairman, I make the point of order against the bill and the report of the committee that the report does not comply with the Ramseyer rule.

THE CHAIRMAN: The Chair will be glad to hear the gentleman on the point of order. . . .

Mr. Fulmer rose.

THE CHAIRMAN: For what purpose does the gentleman from South Carolina rise?

MR. FULMER: Mr. Chairman, I make the point of order that the point of order of the gentleman from New York comes too late. The point of order should have been made in the House instead of in the Committee of the Whole.

THE CHAIRMAN: The Chairman will be glad to hear the gentleman from South Carolina on the point of order.

MR. FULMER: I do not care to say anything further on the point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman from New York has made a point of order that the report on the joint resolution does not comply with the Ramseyer rule. The gentleman referred first to subparagraph 11 on page 7 of the joint resolution, which reads as follows:

> The provisions of this resolution are amendatory of and supplementary to the act, and all provisions of law applicable in respect of marketing quotas and loans under such act as so amended and supplemented shall be applicable, but nothing in this resolution shall be construed to amend or repeal section 301(b)(6), 323(b) (except as provided in par. (7)), or 335(d) of the act.

The gentleman from New York has pointed out various other paragraphs

5. 87 CONG. REC. 3421, 77th Cong. 1st Sess. Under consideration was H.J. Res. 149, concerning corn and wheat quotas and loans. See also 87 CONG. REC. 3585, 77th Cong. 1st Sess., May 5, 1941.

of the joint resolution to substantiate his statement that there has been no compliance with the Ramseyer rule.

Cannon's Precedents of the House of Representatives, volume 8, page 51, section 2243, reads as follows:

> The point of order that a report fails to comply with the requirement that proposed changes in law be indicated typographically is properly made when the bill is called up in the House and it comes too late after the House has resolved into the Committee of the Whole for the consideration of the hill.

Again, the Chair points out that on February 10, 1937, the Chairman [Mr. Lanham], while proceeding in the Committee of the Whole House on the State of the Union, substantiating the language the Chair has just read, held, in effect, that:

> A point of order that a committee report does not comply with the Ramseyer rule comes too late after the House has resolved itself into the Committee of the Whole for the purpose of considering the bill and debate thereon has begun. Points of order against the consideration of bills on the ground that the reports accompanying said bills do not conform to the Ramseyer rule come too late after the House has resolved itself into the Committee of the Whole and consideration has begun.

In view of the circumstances of the case and under the precedents and rules of the House, the Chair is of the opinion that the point of order which the gentleman from New York [Mr. Taber] has stated comes too late. The point of order should have been made in the House and for these reasons the Chair overrules the point of order.

Waiver of Rule by Unanimous Consent

§ 60.19 The House granted unanimous consent for the waiving of the provisions of the Ramseyer rule relative to a report to be submitted subsequently by a committee of the House.

On Mar. 8, 1945,[6] Mr. John J. Cochran, of Missouri, by direction of the Committee on Expenditures in the Executive Departments, reported on H.R. 2504, to repeal certain laws requiring reports to be made to Congress. Mr. Cochran explained that the bill would repeal a total of 64 reports required by law. In order to save money, manpower, and paper, Mr. Cochran requested unanimous consent that the requirements of the Ramseyer rule be waived, or else all 64 laws would have to be printed. Mr. Cochran gave assurances that the report would fully explain the bill and all items therein. There was no objection to the request.

Waiver of Rule by Resolution

§ 60.20 Where the House adopts a resolution providing for the consideration

6. 91 CONG. REC. 1922, 1923, 79th Cong. 1st Sess.

of a bill, any rule of the House to the contrary notwithstanding, such action waives the requirement of compliance with the Ramseyer rule.

On Feb. 15, 1949,[7] after the House had voted to adopt House Resolution 99, which provided in part "That, notwithstanding any rule of the House to the contrary, it shall be in order on Tuesday, February 15, 1949, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill" [H.R. 2632, a deficiency appropriation bill for 1949]. Mr. Francis H. Case, of South Dakota, made a point of order based on the Ramseyer rule against consideration of the bill. Citing the above language, Speaker Sam Rayburn, of Texas, overruled the point of order. The proceedings were as follows:[8]

MR. CASE of South Dakota: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. CASE of South Dakota: Mr. Speaker, I make the point of order that the report accompanying the bill, H.R. 2632, does not comply with the so-called Ramseyer rule.

I call the attention of the Chair to the fact that although the resolution which has been adopted waives points of order against the bill by the provisions contained therein it does not specifically waive or exempt the so-called Ramseyer rule which requires that a report accompanying a bill, including appropriation bills, shall set forth in appropriate type the text of the statute it is proposed to repeal.

In this connection I invite the Chair's attention to the fact that on page 8 of the proposed bill, line 6, it is proposed to repeal a title in a previous act of Congress, and again on page 16, lines 15 and 16, the bill carries this language: "and the first, fourth, and fifth provisos under said head are hereby repealed."

I have diligently searched the entire report on the bill and can find no citation of the statute to be repealed in order to comply with the Ramseyer rule.

I make the point of order which, if sustained, as I understand it, would automatically recommit the bill to the committee.

THE SPEAKER: The Chair will read the rule:

> Notwithstanding any rule of the House to the contrary, it shall be in order—

And so forth—

> and all points of order against the bill or any of the provisions contained therein are hereby waived.

The Chair overrules the point of order.

MR. CASE of South Dakota: Mr. Speaker, will the Chair indulge me for a moment?

THE SPEAKER: The Chair will indulge the gentleman.

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7. 95 CONG. REC. 1214, 81st Cong. 1st Sess.

8. *Id.* at pp. 1218, 1219.

MR. CASE of South Dakota: Under the rule in the House Manual, a citation is made to a precedent in the Congressional Record of the Seventy-first Congress, second session, page 10595. This citation reads:

> Special orders providing for consideration of bills, unless making specific exemption, do not preclude the point of order that reports on such bills fail to indicate proposed changes in existing law. (Cannon's, sec. 9220a; 71st Cong., 2d sees., Congressional Record, p. 10595.)

I fail to see any provision in the rule adopted which specifically exempts clause 2a of rule XIII, the Ramseyer rule.

THE SPEAKER: The Ramseyer rule is a rule of the House, and this resolution states "all rules to the contrary notwithstanding," it shall be in order to consider the bill.

The Chair overrules the point of order.

§ 61. Cost-estimate Requirement

A House rule requires that each public bill or joint resolution reported by a committee must contain certain estimates of the costs which would be incurred in carrying out such bill or joint resolution. The requirement is set forth in Rule XIII clause 7:[9]

> The report accompanying each bill or joint resolution of a public character reported by any committee shall contain—
>
> (1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and
>
> (2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such committee with any estimate of such costs made by any Government agency and submitted to such committee. . . .
>
> (e) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.

The requirement is of recent origin, brought about by the Legislative Reorganization Act of 1970,[10] and became effective on the adoption of the rules by the 92d Congress on Jan. 22, 1971.[11]

As evidenced by the following excerpt from the report of the Committee on Rules,[12] the pur-

9. *House Rules and Manual §748(b) (1979).*

10. Pub. L. No. 91–510, 84 Stat. 1140. § 252(b) (Oct. 26, 1970).

11. 11. 117 CONG. REC. 134–144, 92d Cong. 1st Sess.

12. H. Rept. No. 91–1215, 116 CONG. REC. 20276, 91st Cong. 2d Sess., June 17, 1970.