

On Jan. 11, 1934,⁽²⁾ the following resolution reported from the Committee on Rules was called up and adopted by the House:

Resolved, That during the consideration of H.R. 6663, a bill making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes, all points of order against title II or any provisions contained therein are hereby waived; and no amendments or motions to strike out shall be in order to such title except amendments or motions to strike out offered by direction of the Committee on Appropriations, and said amendments or motions shall be in order, any rule of the House to the contrary notwithstanding. Amendments shall not be in order to any other section of the bill H.R. 6663 or to any section of any general appropriation bill of the Seventy-third Congress which would be in conflict with the provisions of title II of the bill H.R. 6663 as reported to the House, except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding.

Parliamentarian's Note: Title II of the bill proposed permanent and legislative amendments to a variety of statutes, to limit the salaries of federal officials, allow-

2. H. Res. 217, 78 CONG. REC. 479, 73d Cong. 2d Sess.

ances and pensions, and was entitled "Economy Provisions." The effect of the resolution was to prohibit certain amendments to general appropriation bills during the remainder of the Congress, regardless of whether such amendments would have been in order under the general rules of the House. This special rule also prohibited the inclusion in a motion to recommit with instructions, on H.R. 6663 or any other general appropriations bill during the remainder of the Congress, of the type of amendment prohibited by the rule, since the special rule prohibited such amendments "during the consideration" of the bill (in both the Committee of the Whole and the House) and prohibited such amendments to any other general appropriation bill (by implication in both the Committee of the Whole and the House).

§17. Reports and Their Privilege

Pursuant to Rule XI clause 23,⁽³⁾ it is "always" in order to call up a report from the Committee on Rules; the privilege of such re-

3. *House Rules and Manual* §729 (1973). [Rule XI clause 4(b), *House Rules and Manual* §729(a) (1979)].

ports yields to questions of privilege, conference reports and resolving into the Committee of the Whole where the House has so voted.⁽⁴⁾ And if a resolution providing an order of business is not called up by the member of the Committee on Rules who has reported it within seven legislative days, any member of the committee may call it up as a privileged question.⁽⁵⁾

A report from the Committee on Rules, however, may not be considered on the same day reported

4. See note to Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1979).

A report from the Committee on Rules takes precedence over a privileged motion to discharge a committee from further consideration of a resolution of inquiry (see § 17.7, *infra*), and has been called up before District of Columbia business which is privileged on District Day (see § 17.8, *infra*). However, the call of committees under the Calendar Wednesday rule has been held of higher privilege than a report from the Committee on Rules (see § 17.10, *infra*).

5. Rule XI clause 4(c), *House Rules and Manual* § 730 (1979). See § 17.9, *infra*. At various times the rules of the House have included a special discharge rule applicable to orders of business which the Committee on Rules has failed to report; for discussion of the past provision, see § 18.52, *infra*.

except by a two-thirds vote,⁽⁶⁾ by unanimous consent or by adoption of another rule reported from the Committee on Rules permitting such consideration.

Rule XI clause 24⁽⁷⁾ provides that the Committee on Rules must report to the House within three legislative days of the time when the committee orders the report. If the committee makes an adverse report on a resolution providing an order of business, any Member of the House may call up for consideration such report on “discharge days” (under Rule XXVII clause 4) and move its adoption notwithstanding the adverse report.⁽⁸⁾

There are few formal requirements governing reports by the Committee on Rules. A quorum must be present when a resolution is ordered reported,⁽⁹⁾ and it has

6. Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1979). See generally, Ch. 17, *supra*.
7. *House Rules and Manual* § 732 (1973). [Rule XI clause 4(c), *House Rules and Manual* § 730 (1979).]
8. Under the discharge rule, Rule XXVII clause 4, *House Rules and Manual* 908 (1979), the Committee on Rules may be discharged from the further consideration of a resolution providing an order of business (see § 18, *infra*).
9. See §§ 17.5, 17.6, *infra*. The quorum requirement applies to all committees of the House. See Rule XI clause

been held that the Committee on Rules may not file two reports on the same resolution.⁽¹⁰⁾ The Ramseyer rule (requiring a comparative print on bills and resolutions repealing or amending statutes) does not apply to reports on order of business resolutions (although clause 4(d) of Rule XI, as added in the 93d Congress, requires a comparative print in a Rules Committee report on a resolution permanently repealing or amending any rule of the House).⁽¹¹⁾ The Committee on Rules is specifically excepted from the requirement in Rule XI that members wishing to file additional, supplemental, and minority views with a report have not less than three calendar days to do so.⁽¹²⁾

27(e), *House Rules and Manual* §735(e) (1973). [Now Rule XI clause 2(1) (2) (A), *House Rules and Manual* §713(c) (1979)].

10. See §17.4, *infra*. This ruling does not prohibit the filing of a supplemental report.
11. See §17.3, *infra*. The cost-estimate rule, Rule XIII clause 7, *House Rules and Manual* §748b (1979), also does not apply, since specifically limited to bills or joint resolutions of a public character.
12. Rule XI clause 27(d)(3), *House Rules and Manual* §735(d) (3) (1973). [Now Rule XI clause 2(1)(5), *House Rule and Manual* §714 (1979)]. The subject of committee reports is also discussed extensively in Ch. 17, *supra*.

Filing Reports

§ 17.1 The Committee on Rules must present to the House reports concerning rules, joint rules, resolutions, and orders of business within three legislature days of the time when ordered reported by the committee (under Rule XI clause 24).

On Jan. 25, 1944,⁽¹³⁾ Speaker Sam Rayburn, of Texas, answered parliamentary inquiry on reports from the Committee on Rules (under the provision that subsequently became Rule XI clause 4(c), *House Rules and Manual* §730 [1979]):

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, on day before yesterday the Committee on Rules voted, I understand unanimously, to report to the House a rule on the soldiers' vote bill, S. 1285. This rule has not been reported to the House.

My parliamentary inquiry is whether if the chairman of the Committee on Rules declines further, or delays further, to report this rule to the House so we may proceed with this legislation, some other member of the Committee on Rules may do so without a resolution.

I may say to the Chair that it is my definite understanding that unless the chairman of the Committee on Rules does report it, a motion will be in order

13. 90 CONG. REC. 675, 78th Cong. 2d Sess.

under the privilege of the House to require the resolution to be brought to the floor of the House, but what I am trying to find out is whether or not some other member of the committee would have the right to report this rule and let us proceed with the legislation.

THE SPEAKER: The rule provides that the Committee on Rules shall present to the House reports concerning joint resolutions and other business within 3 legislative days of the time when ordered reported by the committee.

The Chair does not feel it necessary at this time to answer the parliamentary inquiry further because the Chair believes that action will provide the answer.

§ 17.2 The reporting of a special rule for the consideration of a bill in the House does not preclude the committee from which the bill is reported from obtaining unanimous consent to file a supplemental report in which is advocated an amendment to the bill.

On Feb. 29, 1940,⁽¹⁴⁾ there was pending before the House a special order from the Committee on Rules providing for the consideration of a bill. A parliamentary inquiry was propounded relative to the fact that following the report from the Committee on Rules, the legislative committee reporting

14. 86 CONG. REC. 2184, 2185, 76th Cong. 3d Sess.

the bill reported a supplemental report recommending an amendment to the bill on the House floor:

MR. [EARL C.] MICHENER [of Michigan]: The Speaker was not in the Chair when I raised my original point. The point was this, that a legislative committee asked for a rule to consider a specific piece of legislation dealing with a specific matter in a particular way. I was not then a member of the committee. After consideration the Rules Committee felt it wise to recommend a rule providing for the consideration of this particular thing in this particular way. Shortly after that the legislative committee secured unanimous consent to file a supplemental report on this original bill, and in their report the legislative committee adopted another bill dealing with the same matter but in an entirely different way and in a way that possibly—and probably—would not have been authorized when the rule was asked for.

A confidential copy is floating around here of the bill which the committee intends to bring up. My inquiry is whether that can be done under the rules of the House. If that can be done, it is a simple matter for any committee to ask for a rule on a perfectly harmless bill which everyone might be for, and then, after they get the rule, bring in another bill in fact, under the same number. This rule was granted on July 10 last year. Then in January, 7 months later, they introduce a new bill in a supplemental report and are attempting to bring this new bill dealing with the same subject matter in an entirely different manner before the

House under the old rule. Can that be done?

Speaker William B. Bankhead, of Alabama, answered the inquiry as follows.

The gentleman from Michigan [Mr. Michener], who raises this question by parliamentary inquiry, of course, is familiar with the general principle that all proposed action touching the rules, joint rules, and orders of business shall be referred to the Committee on Rules. Under a broad, uniform construction of that jurisdiction, the Rules Committee, as the Chair understands it, has practically plenary power, unreserved and unrestricted power, to submit for the consideration of the House any order of business it sees fit to submit, subject, of course, to the approval of the House.

The Chair, of course, knows nothing about what was in the minds of the committee in reference to this legislation. The Chair can only look at the face of the record as it is presented from a parliamentary standpoint. As the Chair construes the resolution now pending, it is very broad in its terms. It provides for the consideration of a Senate bill pending on the Union Calendar and the Chair assumes that the Committee on Rules was requested to give a rule for the consideration of that bill, which was the original basis for any legislation that may be passed touching this subject of stream pollution.

In conformance with the general power and jurisdiction of the Rules Committee, it did report a resolution providing that in the consideration of the Senate bill any germane amendments may be offered; and, of course, it

is not the province of the Chair, presiding over the House, to determine the relevancy or germaneness of any amendment that may be submitted in the Committee of the Whole, whether by way of a substitute or by way of amendment.

The Chair is clearly of the opinion that the Rules Committee had a perfect right under the general authority conferred upon it to report this resolution providing for this method of consideration of the bill.

Form of Reports

§ 17.3 The Speaker held that reports of the Committee on Rules on special orders providing for the consideration of bills were not subject to the provisions of the Ramseyer rule (Rule XIII clause 3, referring to comparative prints on bills and joint resolutions repealing or amending statutes).

On May 23, 1935,⁽¹⁵⁾ there was pending a special order from the Committee on Rules providing for the consideration of a bill reported from the Committee on Public Lands; Speaker Joseph W. Byrns, of Tennessee, overruled a point of order against the resolution:

MR. [Robert F.] RICH [of Pennsylvania]: Mr. Speaker, I make the point of order that the report does not comply with the Ramseyer rule.

15. 79 CONG. REC. 8094, 74th Cong. 1st Sess.

THE SPEAKER: The Chair will hear the gentleman.

MR. RICH: Mr. Speaker, I make the point of order that the report does not comply with the Ramseyer rule because it does not show the changes in the law by the proposed bill. I will read the rule which will be found in the Manual on page 338, 2a:

Whenever a committee reports a bill or joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—

(1) The text of the statute or part thereof which is proposed to be repealed; and

(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.

THE SPEAKER: The Chair is ready to rule. The Chair will state that the point of order raised by the gentleman may be good as to reports by a legislative committee. But this is a special rule from the Committee on Rules which merely makes in order the consideration of a bill. The Chair does not think the point is well taken when made against the report of the Committee on Rules and therefore overrules the point of order.

MR. RICH: Very well, I will make the point of order when the bill is taken up.

§ 17.4 The Speaker indicated that two reports may not be filed from the Committee on Rules on the same resolution.

On Jan. 17, 1950,⁽¹⁶⁾ Mr. Adolph J. Sabath, of Illinois, reported to the House a resolution from the Committee on Rules (amending the rules of the House). In debate on the filing of the report, Mr. Edward E. Cox, of Georgia, who had been authorized by the committee to file the report, stated that he had stepped aside to allow Mr. Sabath to file the report. When Mr. Sabath indicated the probable time of calling up the report, Mr. Cox attempted to file another report on the resolution, and Speaker Sam Rayburn, of Texas, expressed serious doubt whether two reports on the same resolution could be filed at the same time. The proceedings were as follows:

MR. COX: Mr. Speaker, that is not in accord with the agreement. . . .

Mr. Speaker, if the gentleman will yield to me, by direction of the Committee on Rules I file a privileged resolution; and permit me to make this statement; these differences may be ironed out later.

THE SPEAKER: The Chair will ask the gentleman from Georgia if it is the same resolution that has already been reported to the House.

MR. COX: I presume it is the same resolution.

THE SPEAKER: The Chair doubts very seriously whether two reports on the same resolution can be filed at the same time.

16. 96 CONG. REC. 499-501, 81st Cong. 2d Sess.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I make a point of order against the filing of this rule at this time.

THE SPEAKER: Permit the Chair to handle this matter.

MR. MARCANTONIO: But I am making a point of order.

THE SPEAKER: The Chair was clarifying the situation. The Chair is of opinion that two reports cannot be filed on the same resolution at the same time. . . .

The Chair is trying to carry out orderly procedure. If two identical resolutions on the same subject matter can be reported, than a number can be reported and the Record would be cluttered up. The Chair hopes the gentleman from Virginia will not say that he hopes the Chair will allow something to be done if he thinks it is unnecessary because the report has already been filed.

Mr. Cox did not persist in attempting to file another report on the resolution.

Parliamentarian's Note: While a second report should not be filed on the same resolution, except to correct errors in the first, the Committee on Rules may report more than one resolution providing for the consideration of the same bill.

Quorum of Committee Required to Report Resolutions

§ 17.5 A report from the Committee on Rules was withdrawn because of a question as to whether or not a quorum of the committee

was present at the time the resolution was ordered reported.

On Feb. 2, 1951,⁽¹⁷⁾ Mr. Adolph J. Sabath, of Illinois, filed a report from the Committee on Rules. A colloquy ensued as to whether a quorum was present at the time the report was ordered reported. Mr. Sabath therefore withdrew the report.

Regularity of Meeting

§ 17.6 In the absence of evidence to the contrary, the Chair has no right to assume that the Committee on Rules had anything but a formal session in reporting a special order making in order a motion to consider a particular bill.

On July 23, 1942,⁽¹⁸⁾ Mr. Adolph J. Sabath, of Illinois, called up by direction of the Committee on Rules House Resolution 528, making in order the consideration of a bill. Speaker Sam Rayburn, of Texas, overruled a point of order against the resolution:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Speaker, I make a point of order against the rule.

17. 97 CONG. REC. 876, 82d Cong. 1st Sess.

18. 88 CONG. REC. 6541, 6542, 77th Cong. 2d Sess.

I make the point of order, Mr. Speaker, that this rule was obtained by fraud; that it was represented to the Rules Committee that the Committee on Election of President, Vice President, and Representatives in Congress had held a meeting and reported this bill. No such meeting was ever held. The chairman of the committee was in New York, sick, and a majority of the rest of the members was not even notified that any such meeting was contemplated. Fraud vitiates everything, and I cannot believe that the Rules Committee would report this rule out knowing that they were being defrauded. If they did not know it, the fraud vitiates the rule. That is a well-known legal maxim that every lawyer is familiar with. So I make the point of order, Mr. Speaker, that this proposition is not legally before the House because it was never legally reported. The members of the Rules Committee were misled into believing it had been reported and therefore were defrauded into reporting this rule, which vitiates the whole proceeding.

THE SPEAKER: The only thing that interests the Chair is whether or not the Committee on Rules had a formal meeting and reported this resolution. The Chair has no right, as the Chair thinks, in the absence of some evidence to the contrary, to assume that the Committee on Rules had anything but a formal session and reported this special rule. Therefore the Chair overrules the point of order of the gentleman from Mississippi.

Privilege and Precedence of Reports

§ 17.7 A report from the Committee on Rules, making an

order of business, takes precedence over a privileged motion to discharge a committee from further consideration of a resolution of inquiry.

On Feb. 2, 1923, Mr. Louis C. Cramton, of Michigan, sought recognition to move to discharge the Committee on the Judiciary from further consideration of a resolution of inquiry directed to the Secretary of the Treasury, such motion having privileged status under Rule XXII clause 5 [*House Rules and Manual* §855 (1979)]. Mr. Philip P. Campbell, of Kansas, also arose seeking recognition to call up from the Committee on Rules a privileged report making an order of business. Speaker Frederick H. Gillett, of Massachusetts, ruled as follows on the question of precedence between the two privileged matters:

The Chair very often recognizes a person without knowing what motion that person is going to make. But that, the Chair thinks, does not give them any right. The question always is, Which gentleman has the motion of higher privilege? And every recognition of the Chair is provisional and subject to some other Member having a matter of higher privilege. The question on which the Chair would like to hear from the gentleman is, Which has the higher privilege—a resolution from the Committee on Rules or a motion to discharge a committee? . . . The Chair

finds no precedent on the matter except one by Speaker Reed in which he said, 'This is a privileged question, but not a question of privilege.' Now, if it were a question of privilege the Chair would be disposed to think that the reason it was privileged was because it affected the privileges of the House, but this seems to negative that. If it is a privileged question, it is, as the gentleman from Tennessee suggests— . . . It is on a level with a report from a privileged committee. Now, a report from the Committee on Rules always has precedence over that, because the rule expressly says that it shall always be in order to call up a report from the Committee on Rules. The Chair thinks the Committee on Rules has precedence, and the gentleman from Kansas [Mr. Campbell] is recognized.

An appeal was taken from the Chair's decision but was laid on the table.⁽¹⁹⁾

§ 17.8 On a District Day, the Speaker recognized a member of the Committee on Rules to call up a privileged resolution relating to the order of business, and later recognized the chairman of another committee to call up the business made in order thereby, prior to recognizing the Chairman of the Committee on the District of Columbia to call up District

19. H. Jour. 225, 67th Cong. 4th Sess., Feb. 15, 1923.

business under Rule XXIV clause X.

On Sept. 24, 1962,⁽²⁰⁾ which was District of Columbia Day under Rule XXIV clause 8, Speaker John W. McCormack, of Massachusetts, first recognized Mr. William M. Colmer, of Mississippi, to call up by direction of the Committee on Rules House Resolution 804, making in order and providing for the consideration of Senate Joint Resolution 224, authorizing the President to call up armed forces reservists. The House having agreed to the resolution, the Speaker recognized Carl Vinson, of Georgia, Chairman of the Committee on Armed Services and manager of the joint resolution, to move that the House resolve itself into the Committee of the Whole for the consideration of the joint resolution, which was after debate agreed to be the House.

The Speaker then stated that it was District of Columbia Day and recognized Chairman John L. McMillan, of South Carolina, of the Committee on the District of Columbia for District business.⁽¹⁾

§ 17.9 If a resolution providing a special order of business is not called up for consider-

20. 108 CONG. REC. 20489—94, 87th Cong. 2d Sess.

1. *Id.* at p. 20522.

ation by the Member reporting the resolution within seven days, any member of the committee may call it up for consideration as a privileged matter, for which purpose the Speaker would be obliged to recognize such member, unless a matter of equal or higher privilege was pending. In the latter case the order of consideration would be determined by the Speaker's recognition.

On Sept. 22, 1966,⁽²⁾ Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry on the order of business:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

Under the rules of the House, as I understand them, this rule, House Resolution 1007, to bring up the so-called House Un-American Activities Committee bill, is a privileged matter, and if it is not programed, then the gentleman handling the rule or any member of the Rules Committee, may call it up as a privileged matter. Is my understanding correct about that?

THE SPEAKER: The gentleman's understanding is correct. Of course, the question of recognition is with the Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that

after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with the Chair.

MR. COLMER: I thank the Speaker for his ruling.

Mr. Speaker, in view of that, if the gentleman will continue to yield to me, I should like to serve notice now on the majority leadership that if this resolution is not programed at a reasonably early date, I shall exercise that privilege as the one who is designated to handle this rule.

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, I should like to announce further that the program for next week will be announced later in the day.

§ 17.10 The Speaker held that special orders from the Committee on Rules were not privileged for consideration on Calendar Wednesday.

On Aug. 21, 1935,⁽³⁾ which was Calendar Wednesday under Rule XXIV clause 7, there was called up a resolution from the Committee on Rules, giving privilege to a motion to recess and waiving the two-thirds voting requirement for consideration of certain reports from the Committee on Rules. Mr. Bertrand H. Snell, of New York, objected that the resolution was not privileged on Calendar Wednesday and Speaker Joseph

2. 112 CONG. REC. 23691, 89th Cong. 2d Sess.

3. 79 CONG. REC. 14038, 14039, 74th Cong. 1st Sess.

W. Byrns, of Tennessee, sustained the objection.

§ 17.11 Under Rule XI clause 23, the calling up of a resolution reported from the Committee on Rules is a matter of high privilege, and when consideration has begun and the resolution is under debate, the House can postpone further consideration and proceed to other business only by unanimous consent.

On Oct. 29, 1969, Mr. John A. Young, of Texas, called up, by direction of the Committee on Rules, a special order providing for the consideration of a bill. After consideration had begun and the resolution was under debate, Mr. Young asked unanimous consent "that further consideration of this resolution be postponed until tomorrow." The House agreed to the request.⁽⁴⁾

Parliamentarian's Note: A privileged resolution called up in the House may be withdrawn from consideration before action thereon, and if the resolution is later reoffered, debate under the hour rule begins anew. But if the

4. 115 CONG. REC. 32076-83, 91st Cong. 1st Sess.

Rule XI clause 23 is now Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1979).

House desires to use part of the hour's debate on one day and resume consideration on the next, it may by unanimous consent postpone further consideration or, if there is no further business or special orders to follow, it may simply adjourn so that the resolution would become unfinished business on the following day.

§ 17.12 The consideration of a privileged report from the Committee on Rules was held to take precedence over the calling of the Consent Calendar.

On Dec. 15, 1919, Mr. Philip P. Campbell, of Kansas, a member of the Committee on Rules, called up for consideration unfinished business coming over from a previous day, House Resolution 416, reported from the Committee on Rules and providing a special order of business. Mr. Thomas L. Blanton, of Texas, made a point of order against the consideration of the resolution, on the grounds that the consideration of the Consent Calendar (termed at that time bills "under suspension of the rules") took precedence on that day, being an eligible Monday for the Consent Calendar. Speaker Frederick H. Gillett, of Massachusetts, overruled the point of order.⁽⁵⁾

5. H. Jour. 46, 66th Cong. 2d Sess.

Nonprivileged Reports

§ 17.13 Although the Committee on Rules has authority to report as privileged a resolution creating a select House committee, the inclusion therein of a subject coming within the jurisdiction of another standing committee destroys its privilege, and it is therefore necessary for the committee to report a privileged resolution making in order the consideration of the nonprivileged matter reported by it.

On Jan. 31, 1973,⁽⁶⁾ Mr. Ray J. Madden, of Indiana, called up, by direction of the Committee on Rules, House Resolution 176, a privileged order of business making in order the consideration of House Resolution 132, another resolution reported from the Committee on Rules creating a select committee. The first resolution was necessary because House Resolution 132 was not a privileged resolution under Rule XI clause 22 [now Rule X clause 4(a), *House Rules and Manual* § 726 (1979)], since it related to payment of money from the contingent fund on vouchers approved by the Speaker (a matter within the ju-

6. 119 CONG. REC. 2804, 93d Cong. 1st Sess.

isdiction of the Committee on House Administration).

House Resolution 176, which was adopted by the House, read as follows:

H. RES. 176

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the resolution (H. Res. 132) to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. After general debate, which shall be confined to the resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the previous question shall be considered as ordered on the resolution to its adoption or rejection.

Similarly, on June 8, 1937, the House adopted a resolution from the Committee on Rules making in order the consideration of a bill from the Committee on Rules creating a joint committee, where the bill was not privileged for consideration:⁽⁷⁾

HOUSE RESOLUTION 226

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S.J. Res. 155, a joint resolution

7. 81 CONG. REC. 5442, 75th Cong. 1st Sess.

to create a Joint Congressional Committee on Tax Evasion and Avoidance, and all points of order against said joint resolution are hereby waived. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

§ 17.14 A motion to recommit a privileged or nonprivileged proposition reported by the Committee on Rules may be made in order by a special rule reported from that committee.

On May 25, 1970, the House adopted the following resolution reported from the Committee on Rules providing for the consideration of (and allowing a motion to recommit) a joint resolution also reported from that committee, where the joint resolution was not privileged under Rule XI clause 22.⁽⁸⁾

8. *House Rules and Manual* §§726, 728 (1973) [now Rule XI clause 4(a),

H. RES. 1021

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1117) to establish a Joint Committee on Environment and Technology. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.⁽⁹⁾

Parliamentarian's Note: A privileged report from the Committee on Rules, when considered under the hour rule in the House pursuant to Rule XI, clause 4(b) (96th Congress), is not subject to a motion to recommit; but the Rules Committee may waive that restriction by otherwise providing for consideration in a special order.

House Rules and Manual §726 (1979)].

9. 116 CONG. REC. 16973 91st Cong. 2d Sess.