

ordered reported, without recommendation, a resolution to the same effect.

On June 16, 1961,⁽⁹⁾ Senator John L. McClellan, of Arkansas, made the following statement in the Senate:

Mr. President, on June 13, 1961, the Committee on Government Operations, in executive session, ordered reported, without recommendations, S. Res. 142, expressing disapproval of Reorganization Plan No. 2 of 1961.

Under section 6 of the Reorganization Act of 1949, as amended, a reorganization plan may not become effective if a resolution of disapproval is adopted by a simple majority of either House. On June 15, 1961, the House of Representatives adopted House Resolution 303, to disapprove Reorganization Plan No. 2 of 1961. Since this action results in the final disposition of the matter, it is no longer necessary either for the Committee on Government Operations to file a report on S. Res. 142, or for the Senate to take any further action.

I call attention to the fact, however, that hearings on that resolution have been held and will be available shortly for the information of Members of the Senate. Legislation to enact certain provisions of Reorganization Plan No. 2 is now pending before the Senate Committee on Commerce—S. 2034—and the House Committee on Interstate and Foreign Commerce—H.R. 7333—and the House committee has now completed hearings on H.R. 7333.

9. 107 CONG. REC. 10628, 87th Cong. 1st Sess.

I thought it proper to make this announcement in view of the fact that the committee had voted to report the resolution as I have indicated.

§ 8. Resolutions of Inquiry

The resolution of inquiry⁽¹⁰⁾ is a simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch. The practice is nearly as old as the Republic,⁽¹¹⁾ and is based on principles of comity between the executive and legislative branches rather than on any specific provision of the Constitution that a federal court may be called upon to enforce.

The resolution of inquiry is privileged, i.e. it may be considered at any time after it is properly reported or discharged from committee.⁽¹²⁾

The resolution must be directed to the President or the head of an executive department,⁽¹³⁾ and it

10. See also Ch. 15, Investigations and Inquiries, *supra*.

11. See 3 Hinds' Precedents Sec. 1856 et seq.

12. See 8.6, *infra*.

13. 3 Hinds' Precedents §§1861–1864; and 6 Cannon's Precedents §Sec. 406.

must call for the reporting of facts within their knowledge or control. If it calls for an opinion⁽¹⁴⁾ or an investigation,⁽¹⁵⁾ the resolution does not enjoy a privileged status.

Committee Jurisdiction

§ 8.1 When introduced, resolutions of inquiry are referred to the committee having jurisdiction over the type of information or program at which the resolution is directed.

Resolutions of inquiry directing the Secretary of State to transmit information touching the ratification of certain trade agreements come within the jurisdiction of the Committee on Ways and Means.

On June 3, 1935,⁽¹⁶⁾ Mr. Harold Knutson, of Minnesota, introduced a resolution of inquiry (H. Res. 236) directing the Secretary of State to transmit to the House of Representatives information touching upon the failure of the

14. See § 8.3, *infra*.

15. 3 Hinds' Precedents §§ 1872–1874; and 6 Cannon's Precedents §§ 422, 427, 429, 432.

16. 79 CONG. REC. 8604, 74th Cong. 1st Sess.

Republics of Brazil and Columbia to ratify certain trade agreements.

The resolution was referred to the Committee on Ways and Means.

Scope of Inquiry; Soliciting Opinions

§ 8.2 A resolution of inquiry seeking an opinion rather than a recital of facts from the head of an executive department is not privileged and is therefore not subject to a motion to discharge.

On July 7, 1971,⁽¹⁷⁾ Ms. Bella S. Abzug, of New York, moved to discharge the Committee on Armed Services from further consideration of House Resolution 491, a privileged resolution of inquiry:

Resolved, That the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be, and they are hereby, directed to furnish the House of Representatives within fifteen days after the adoption of this resolution with full and complete information on the following—

the history and rationale for United States involvement in South Vietnam since the completion of the study entitled "United States—Vietnam Relationships, 1945–1967", prepared by the Vietnam Task Force, Office of the Secretary of Defense;

17. 117 CONG. REC. 23810, 23811, 92d Cong. 1st Sess.

the known existing plans for residual force of the United States Armed Forces in South Vietnam;

the nature and capacity of the government of the Republic of Vietnam including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self-sufficiency including but not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunction and corruption, the depth of popular support and procedures for dealing with non-support; including but not limited to known existing studies of the economy of the Republic of South Vietnam and the internal workings of the government of the Republic of South Vietnam;

the plans and procedures, both on the part of the Republic of South Vietnam and the United States Government for the November 1971 elections in the Republic of South Vietnam, including but not limited to analyses of the United States involvement, covert or not, in said elections.

Mr. F. Edward Hebert, of Louisiana, raised a point of order:

Mr. Speaker, the resolution calls for opinions and under the rule the resolution of inquiry must seek facts, not opinions. The resolution obviously requires an opinion when it asks for "the nature and capacity of the Government of the Republic of Vietnam." It also asks for opinion when it seeks analyses of the past and present military capabilities of the Republic of Vietnam. It clearly asks for opinion when it seeks "the depth of popular support," of the South Vietnamese Government.

Any resolution asking for a determination of "capacity" and asking for "analyses" of past and present military capabilities asks for opinions, and thus destroys the privileged nature of the resolution. I refer to volume 3, Cannon's Precedents, section 1873.

And finally, Mr. Speaker, there can be no question that a resolution which asks for the "rationale" for U.S. involvement in South Vietnam most assuredly seeks an opinion. Webster's Dictionary defines the word rationale as:

An explanation of controlling principles of opinion, belief, practice or phenomena.

I make the further point of order, Mr. Speaker, that the resolution is not confined to heads of departments or the President but also includes the head of an agency and, therefore, the resolution is not privileged.

Mr. Speaker, I press the point of order.

THE SPEAKER:⁽¹⁸⁾ The Chair is prepared to rule. . . .

It has been consistently held that to retain the privilege under the rule, resolutions of inquiry must call for facts rather than opinions—Cannon's precedents, volume VI page 413 and pages 418 to 432. Speaker Longworth, on February 11, 1926, held that a resolution inquiring for such facts as would inevitably require the statement of an opinion to answer such inquiry was not privileged—Record, page 3805.

Among other requests, House Resolution 491 calls for the furnishing of one, the "rationale" for U.S. involvement in South Vietnam since the com-

18. Carl Albert (Okla.).

pletion of the study; two, the nature and "capacity" of the Government of the Republic of Vietnam, including "analyses" of their military "capabilities"; their capacity for self-sufficiency which would include analyses of the Government's political base, the scope of malfunction and corruption, the depth of popular support; and three, analyses of U.S. involvement in 1971 elections in South Vietnam.

In at least these particulars, executive officials are called upon—not for facts—but to furnish conclusions, which must be, essentially, statements of opinion.

The Chair therefore holds that House Resolution 491 is not a privileged resolution within the meaning of clause 5, rule XXII, and that the motion to discharge the Committee on Armed Services from its further consideration is not in order.

Reporting Resolutions of Inquiry

§ 8.3 Resolutions of inquiry must be reported back to the House by committee within the time period specified in the rule (Rule XXII clause 5), and if the resolution is not reported by the committee within the time limit, it may be called up in the House as a matter of privilege.

Parliamentarian's Note: From the inception of the rule in 1879, the time period for committee action was set at seven legislative days. In the 98th Congress, the period was set at 14 days.

On Feb. 9, 1950,⁽¹⁾ the Committee on Foreign Affairs reported unfavorably a resolution of inquiry (H. Res. 452) requesting certain information from the President regarding American foreign policy in the Far East. The committee had received responses to the resolution from the Department of State which it determined sufficient for purposes of the resolution. The Chairman of the committee, John Kee, of West Virginia, moved that the resolution be laid on the table.

The replies of the Department of State were to be printed in the committee report accompanying the resolution, but the report had not yet been printed at the time the resolution was being considered in the House. Mr. John Phillips, of California, raised a question pending the motion to lay on the table as to why the committee report was not available:

That is a proper question. When are the replies going to be printed? Why were they not printed before the resolution was brought up and, as the gentleman from Illinois said, why were they not printed before the discussion of the Korea-Formosa aid?

MR. KEE: Under the rule, we have to report these resolutions to the House, with the action of the committee on them, within 7 days. It took quite some

1. 96 CONG. REC. 1755, 81st Cong. 2d Sess.

time for us to get the answers back from the Department. We reported them at the earliest possible time. They would have been reported on yesterday had that day not been Calendar Wednesday.

MR. PHILLIPS of California: That does not reply to my question, or, rather, it is a reply, but it is not, perhaps, a satisfactory reply because the committee did not have to bring up this resolution until after they were printed.

THE SPEAKER:⁽²⁾ A parliamentary question is involved there with which the gentleman is perhaps not familiar.

MR. PHILLIPS of California: Would the Speaker care to enlighten me on the parliamentary question?

THE SPEAKER: It is that if the committee does not report the resolution within 7 days, the gentleman from Connecticut may call it up.

MR. PHILLIPS of California: Is the Speaker saying that the report had to be acted upon in 7 days?

THE SPEAKER: By the committee or by the House. If the committee does not report it within seven legislative days, the gentleman from Connecticut can call it up. The committee has considered it, so the gentleman from West Virginia has said. The committee has the answers. It considered them, and it took action. The gentleman has now reported this resolution unfavorably and is going to move to lay it on the table. That is the usual course. It is done many times every year.⁽³⁾

2. Sam Rayburn (Tex.).
3. See §§ 8.12–8.14, *infra*, regarding the applicability of Rule XI clause 27(d)(4) (the three-day availability

Extension of Reporting Date

§ 8.4 The House has by unanimous consent extended the time in which a resolution of inquiry must be reported to the House.

On Feb. 11, 1952,⁽⁴⁾ Mr. John W. McCormack, of Massachusetts, asked unanimous consent that notwithstanding the provisions of Rule XXII clause 5, requiring a report within one week on a resolution of inquiry, the Committee on Foreign Affairs may have until Wednesday, Feb. 20, 1952, to file a report on House Resolution 514.

There was no objection.

Privileged Status

§ 8.5 Parliamentarian's Note: A resolution of inquiry reported from a committee is called up as a privileged matter and is debatable under the hour rule.

On Sept. 16, 1965,⁽⁵⁾ Mr. James H. Morrison, of Louisiana, offered a privileged resolution (H. Res.

rule, which is found in Rule XI clause 2(l)(6) Sec. 715 in the 1981 *House Rules and Manual*) to committee reports on resolutions of inquiry.

4. 98 CONG. REC. 960, 82d Cong. 2d Sess.
5. 111 CONG. REC. 24030, 89th Cong. 1st Sess.

574) reported from the Committee on Post Office and Civil Service directing the Postmaster General to furnish the House of Representatives with the names of all persons employed by the Post Office Department as temporary employees at any time during the period beginning on May 23, 1965, and ending on Sept. 6, 1965. Mr. Morrison asked for the immediate consideration of the resolution, and the Chair recognized him for one hour.

The House subsequently agreed to a motion offered by Mr. Morrison to lay this resolution on the table.⁽⁶⁾

Calendars

§ 8.6 Resolutions of inquiry, when reported from committee, may be referred to the appropriate calendar rather than be considered immediately.

On July 1, 1971,⁽⁷⁾ four resolutions of inquiry (H. Res. 492, 493, 494, and 495) directing the Secretary of State to furnish the House with information regarding American activity in Southeast Asia were reported adversely from the Committee on Foreign Affairs

6. *Id.* at p. 24033.

7. 117 CONG. REC. 23211, 92d Cong. 1st Sess.

and referred to the House Calendar and ordered to be printed.⁽⁸⁾

§ 8.7 Consideration of a resolution of inquiry does not take precedence over the call of the Private Calendar.

On Aug. 3, 1971,⁽⁹⁾ F. Edward Hébert, of Louisiana, Chairman of the Committee on Armed Services, raised the following parliamentary inquiry shortly after the convening of the House on that day:

It is my intention to send to the desk a privileged resolution, and I intend to make a motion to table the resolution, which has an adverse report from the Committee on Armed Services. The parliamentary inquiry that I desire to make is, am I permitted, after sending the privileged resolution to the desk for consideration, to allow its introducer to speak without losing my privilege to move immediately to table?

8. *Parliamentarian's Note:* Rule XXII clause 5 provides that resolutions of inquiry shall be reported to the House within one week after presentation. If the committee does not report within that time, a motion to discharge the committee from further consideration of the resolution becomes privileged. Once the committee reports, however, the committee chairman is recognized over all other members to call up the resolution even though the committee has reported adversely in order to prevent a motion to discharge.

9. 117 CONG. REC. 29060, 92d Cong. 1st Sess.

THE SPEAKER:⁽¹⁰⁾ The gentleman will be recognized on the resolution. The gentleman will be privileged to yield.

MR. HÉBERT: I shall be able to yield without losing my right?

THE SPEAKER. The gentleman can yield for debate purposes.

MR. HÉBERT: At any time after I yield I can move to table?

THE SPEAKER: The gentleman is correct.

MR. HÉBERT: Then, Mr. Speaker, I shall send to the desk a privileged resolution and ask for its immediate consideration.

THE SPEAKER: Will the gentleman withhold that request inasmuch as the Private Calendar must be called ahead of legislative business?

MR. HÉBERT: Certainly, sir.

§ 8.8 A motion to lay on the table a resolution of inquiry is not debatable, and if such motion, when offered by the Member in charge, is decided adversely, the right to prior recognition passes to the Member leading the opposition to the motion.

On Feb. 20, 1952,⁽¹¹⁾ Mr. James P. Richards, of South Carolina, by direction of the Committee on Foreign Affairs, called up a privileged resolution (H. Res. 514) directing the Secretary of State to transmit to the House information relating

10. Carl Albert (Okla.).

11. 98 CONG. REC. 1205-16, 82d Cong. 2d Sess.

to any agreements made by the President of the United States and the Prime Minister of Great Britain during their recent conversations. Mr. Richards then moved that the resolution be laid on the table.

Mr. Charles A. Halleck, of Indiana, raised a parliamentary inquiry:

Mr. Speaker, this is a matter of very considerable importance. Does the making of this motion at this time preclude all debate, or may we expect that the chairman of the Committee on Foreign Affairs will yield time to those who may want to discuss this matter?

THE SPEAKER:⁽¹²⁾ The motion to lay on the table is not debatable. The gentleman from South Carolina cannot yield time after he has made a motion to lay on the table.

The motion to lay on the table was defeated.

Mr. John M. Vorys, of Ohio, having voted against the motion to lay on the table on a yea and nay vote, then asked recognition to speak in opposition. The Chair recognized him for one hour. Mr. Richards then raised a parliamentary inquiry:

Would the Speaker explain the parliamentary situation as to who is in charge of the time?

THE SPEAKER: The gentleman from Ohio is in charge of the time, the gentleman being with the majority in this

12. Sam Rayburn (Tex.).

instance, and on that side of the issue which received the most votes. The gentleman from Ohio is recognized.

Application of 40-minute Rule for Debate

§ 8.9 When a motion to discharge a committee from further consideration of a resolution of inquiry has been agreed to and the previous question has been ordered on the resolution without intervening debate, the 40-minute rule may be invoked, allotting 20 minutes each to those supporting and opposing the resolution.

On Aug. 2, 1971,⁽¹³⁾ the House voted to discharge the Committee on Education and Labor from further consideration of a resolution of inquiry (H. Res. 539) directing the Secretary of Health, Education, and Welfare to provide the House with documents listing the public school systems in the United States that receive federal money and that would be engaged in busing to achieve racial balance during the school year 1971-72.

Upon the adoption of the motion to discharge, Mr. James M. Collins, of Texas, moved the previous question on the resolution, and the previous question was or-

13. 117 CONG. REC. 28863, 28864, 92d Cong. 1st Sess.

dered. Mr. Thomas P. O'Neill, Jr., of Massachusetts, then raised a parliamentary inquiry:

Mr. Speaker, a parliamentary inquiry: In view of the fact that there was no debate on this, is a Member entitled to 20 minutes if he asks for time?

THE SPEAKER:⁽¹⁴⁾ He is.

MR. O'NEILL: Mr. Speaker, I am asking for the 20 minutes. I have some questions I would like to ask on this and have the chairman of the Committee on Education and Labor explain it.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, has not the previous question been moved and accepted?

THE SPEAKER: Yes, it has.

MR. O'NEILL: Mr. Speaker, I was on my feet seeking recognition.

MR. HALL: Regular order, Mr. Speaker.

THE SPEAKER: Inasmuch as there has been no debate on the resolution, the 40-minute rule applies, 20 minutes to each side. The gentleman from Texas is entitled to 20 minutes and the gentleman from Massachusetts is entitled to 20 minutes.

Publication of Answers to Inquiries

§ 8.10 When a resolution of inquiry is referred to a committee, the committee may proceed immediately to direct the inquiries contained therein to the President or to

14. Carl Albert (Okla.).

the head of the executive agency named in the resolution, and when the committee receives a reply that satisfies the terms of the resolution, it may report the resolution unfavorably to the House and publish the unclassified responses obtained according to the terms of the resolution in the committee report accompanying the resolution and permit Members access to classified responses in possession of the committee.

On Feb. 9, 1950,⁽¹⁵⁾ John Kee, of West Virginia, Chairman of the Committee on Foreign Affairs, reported from the committee and was granted immediate consideration of a privileged resolution of inquiry (H. Res. 452) requesting of the President, "if not incompatible with the public interest," information on American foreign policy in the Far East.

Mr. Kee made the following remarks regarding the resolution:

Mr. Speaker, when this resolution was referred to the Committee on Foreign Affairs we immediately put it into proper channels in order that the various inquiries made in the resolution might be answered. We have received through the Department of State a full

and complete answer to all the questions in the resolution. These answers will all be published in the report which the committee has brought in with the resolution, with the exception of two supplemental answers which it is deemed to be incompatible with the public interest to publish. But the two supplemental answers will be kept on file with the committee and be available for the information of members of the committee.

Accompanying the resolution is an adverse report by the committee.

Mr. Speaker, I now yield to the gentleman from Connecticut [Mr. Lodge], a member of our committee and the author of the resolution, 5 minutes in which he desires to make a statement.

Mr. John Davis Lodge, of Connecticut, then proceeded to summarize his recollections of the contents of the response to the resolution received by the committee from the Department of State.

At the conclusion of Mr. Lodge's remarks, Mr. Kee made the following statement and motion:

Mr. Speaker, a few words only in reply to the gentleman from Connecticut. The resolution together with the reply of the Department of State, was submitted to the committee, read to the committee, was passed upon by the committee, deemed satisfactory, and the committee reported out the resolution adversely.

I therefore move that the resolution be laid on the table.

The motion was agreed to.

Referral of Executive Responses to Committee

§ 8.11 Communications from heads of executive depart-

15. 96 CONG. REC. 1753-55, 81st Cong. 2d Sess.

ments in reply to resolutions of inquiry adopted in the House are laid before the House, and referred to the committee having jurisdiction.

On Mar. 5, 1952,⁽¹⁶⁾ the Speaker⁽¹⁷⁾ laid before the House the following communication from the Secretary of State in response to a resolution of inquiry (H. Res. 514) adopted by the House directing the Secretary of State to transmit to the House information relating to any agreement made by the President of the United States and the Prime Minister of Great Britain during their recent conversations:

DEPARTMENT OF STATE,
Washington, D.C., March 4, 1952.
The Honorable SAM RAYBURN,
Speaker of the House of
Representatives.

MY DEAR MR. SPEAKER: I have been directed by the President to acknowledge receipt of House Resolution 514, and to call attention to his statement of February 20, when, at his press conference, he responded to the question "Have any commitments been made to Great Britain on sending troops anywhere?" by a categorical "No."

Sincerely yours,
DEAN ACHESON.

The letter was read and referred to the Committee on For-

16. 98 CONG. REC. 1892, 82d Cong. 2d Sess.

17. Sam Rayburn (Tex.).

ign Affairs and ordered to be printed.⁽¹⁸⁾

Discharge by Committee

§ 8.12 Where a resolution of inquiry had been pending before a committee for more than seven legislative days and that committee had then ordered the resolution adversely reported but had not filed a written report thereon, the committee was "discharged" from consideration of the resolution upon its presentation to the House as privileged when no point of order was raised.

18. For other examples, (1) report from Department of State on effect on domestic fisheries of increased imports in response to H. Res. 147, referred to the Committee on Merchant Marine and Fisheries, 95 CONG. REC. 6372, 81st Cong. 1st Sess., Mar. 17, 1949; (2) report from the Department of the Interior on national energy supplies and suggested government conservation programs in response to H. Res. 385, referred to the Committee on Public Lands, 94 CONG. REC. 5163, 80th Cong. 2d Sess., Apr. 30, 1948; and (3) report from the Department of Commerce on total U.S. exports in response to H. Res. 366, referred to the Committee on Interstate and Foreign Commerce, 94 CONG. REC. 39, 80th Cong. 2d Sess., Jan. 8, 1948.

On Aug. 3, 1971,⁽¹⁹⁾ F. Edward Hébert, of Louisiana, Chairman of the Committee on Armed Services sent to the desk from that committee a resolution of inquiry (H. Res. 557) directing the Secretary of Defense to furnish to the House “. . . any documents regarding all forms of United States military aid extended to the so-called Forward-Defense . . .” nations. No written report was filed with the resolution. Mr. Hébert’s subsequent motion to table the resolution was agreed to.

Parliamentarian’s Note: The Journal (H. Jour. 960 [1971]) correctly indicates the discharge of the Committee on Armed Services from consideration of House Resolution 557, there being no written report thereon. The provisions of Rule XI clause 2(l)(6), *House Rules and Manual* §715 (1981) requiring the availability of committee reports for three calendar days are applicable to *reported* resolutions of inquiry. It is apparent, since this resolution was not technically reported, that a committee can maintain control over a resolution of inquiry after seven legislative days, even though it does not meet to consider the resolution, by its chairman offering a privileged motion to discharge and

then, if the motion is successful, moving to lay the resolution on the table. This procedure also avoids the three-day requirement which is likewise applicable only to reported resolutions.

Time for Consideration of Report

§ 8.13 Parliamentarian’s Note:
A resolution of inquiry reported by a committee would ordinarily be subject to the provisions of the rule that a resolution is not privileged until the report has been available for three calendar days; when no point of order is raised, however, the House may proceed to consider such a resolution on the day reported.

On June 30, 1971,⁽²⁰⁾ F. Edward Hébert, of Louisiana, Chairman of the Committee on Armed Services, reported from the committee and called up as privileged a resolution of inquiry (H. Res. 489) directing the President to present to the House a copy of the report entitled “United States-Vietnam Relationships, 1945–1967” prepared by the Vietnam Task Force, office of the Secretary of Defense.

Mr. Hébert immediately moved to lay the resolution on the table,

19. 117 CONG. REC. 29060, 29063, 92d Cong. 1st Sess.

20. 117 CONG. REC. 23030, 92d Cong. 1st Sess.

and the motion was agreed to without objection being made that consideration of the resolution was not privileged for failure to comply with Rule XI clause 27(d)(4) (Rule XI clause 2(l)(6) §715 in the 1981 *House Rules and Manual*).

Consideration by Unanimous Consent

§8.14 The Chairman of the Committee on Armed Services reported adversely a privileged resolution of inquiry, then obtained unanimous consent for its immediate consideration [thereby waiving the three-day availability requirement for committee reports under Rule XI clause 2(l)(6), House Rules and Manual §715 (1981)] and then moved to lay the resolution on the table.

On May 9, 1973,⁽²¹⁾ F. Edward Hébert, of Louisiana, Chairman of the Committee on Armed Services, reported adversely from the committee a privileged resolution of inquiry (H. Res. 379) directing the Secretary of Defense to supply the House with information regarding American military activity in Laos. Mr. Hébert asked and

21. 119 CONG. REC. 14990-94, 93d Cong. 1st Sess.; H. Jour. 657 (1973).

was granted unanimous consent for the immediate consideration of the resolution.

Mr. Hébert proceeded to outline the information received by the committee in response to the resolution. He then moved to lay the resolution on the table, and the motion was agreed to.

Inspection of Reports

§8.15 Inspection of reports from governmental departments submitted in connection with a resolution of inquiry was formerly within the discretion of the committee having possession. Currently, all Members are given access to committee files.

On Feb. 7, 1939,⁽¹⁾ Mr. Sol Bloom, of New York, called up as a privileged matter a resolution of inquiry (H. Res. 78) reported by the Committee on Foreign Affairs requesting information of the State Department on Mexican relations with the recommendation that it do not pass since "Such information available to the Department of State as is consistent with the public interest has been furnished your committee and is on file."

Mr. Hamilton Fish, Jr., of New York, raised a parliamentary in-

1. 84 CONG. REC. 1181, 1182, 76th Cong. 1st Sess.

quiry as to whether the information supplied by the Secretary of State was open to inspection by all Members of Congress. The Speaker⁽²⁾ responded:

. . . [T]he Chair states that disposition of the report, what should be done with it, whether it should be thrown open to all Members of Congress, is a matter within the discretion of the Foreign Affairs Committee.

Parliamentarian's Note: Under Rule XI clause 2(e)(2), *House Rules and Manual* §706c (1981), all Members are given access to committee files, with specified exceptions relating to the Committee on Standards of Official Conduct.

§ 9. Titles and Preambles

Purpose of Title

§ 9.1 Titles in legislation are for purposes of identification, and do not affect the obvious meaning of a statute.

On Dec. 20, 1941,⁽³⁾ during consideration of S. 2082, the following exchange took place:

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I should like to invoke the ruling of the Chair on that point. I

2. William B. Bankhead (Ala.).
3. 87 CONG. REC. 10079, 77th Cong. 1st Sess.

may say, Mr. Speaker, that this bill was identical in the House and the Senate versions, but in the House committee an amendment was made in the body of the bill to include other officers than originally were named in the House bill, namely, the members of alien-enemy hearing boards. The House committee conceived it to be wise to amend the title to show that the amendment had been put in the bill, but the Senate, in passing the bill, although it adopted the House amendment, did not amend the title.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a point of order.

THE SPEAKER:⁽⁴⁾ The gentleman will state it.

MR. MICHENER: The gentleman from Alabama has not submitted a parliamentary inquiry. He has asked the Chair for a legal opinion on what the gentleman himself admits is debatable. Under the rules of the House, the Speaker of the House is not required to render legal opinions, at least without notice.

MR. HOBBS: I am not contending that the Speaker is required to do so. I am asking as a matter of the grace and indulgence of the Chair that he do so, and advise us if the Senate version be adopted, the limited reference in the title would be sufficient to carry the full bill as amended.

THE SPEAKER: The Chair thinks that the title of the bill is identification more than anything else. Mr. Justice Brewer in the case of *Patterson v. Bank Eudora* (190 U.S. 169) held—

That the title is no part of the statute and cannot be used to set at naught its obvious meaning.

4. Sam Rayburn (Tex.).