

reserve points of order when a general appropriation bill was referred to the calendar of the Committee of the Whole House on the state of the Union, in order that provisions in violation of rule XXI could be stricken in the Committee of the Whole (see § 835, *supra*).

**RULE XXII.**

**OF PETITIONS, MEMORIALS, BILLS, AND  
RESOLUTIONS.**

**1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, endorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal, with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.**

**§ 849a. Introduction and reference of petitions, memorials, and private bills.**

At the first organization of the House in 1789 the rules then adopted provided for the presentation of petitions to the House by the Speaker and Members, and for the introduction of bills by motion for leave. In 1842 it was found necessary, in order to save time, to provide that petitions and memorials should be filed with the Clerk. In 1870, 1879, and 1887 the practice as to petitions was extended to private bills, at first as to certain classes and later so that all should be filed with the Clerk (IV, 3312, 3365; VII, 1024).

Petitions, memorials, and other papers addressed to the House may be presented by the Speaker as well as by a Member (IV, 3312). Petitions from the country at large are presented by the Speaker in the manner prescribed by the rule (III, 2030; IV, 3318; VII, 1025). A Member may present a petition from people of a State other than his own (IV, 3315, 3316). The House itself may refer one portion of a petition to one committee and another portion to another committee (IV, 3359, 3360), but ordinarily the reference of a petition does not come before the House

**§ 849b. Duties of Speaker and Members in presenting petitions.**

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XXII.

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itself. A committee may receive a petition only through the House (IV, 4557).

The parliamentary law provides that the House may commit a portion of a bill, or a part to one committee and part to another (V, 5558), yet under the practice of the House until January 3, 1975, a bill or joint resolution could not be divided for reference, although it might contain matters properly within the jurisdiction of several committees (IV, 4372, 4376). On that date, the Speaker was given authority over referral of bills as prescribed in clause 5 of rule X.

The fraudulent introduction of a bill involves a question of privilege, and a bill so introduced was ordered stricken from the files (IV, 3388). As the result of the unauthorized introduction of several bills without the knowledge of the Members listed as sponsors, the Speaker directed that all bills and resolutions must be signed by the prime sponsor thereof in order to be accepted for introduction (Speaker Albert, Feb. 3, 1972, p. 2521).

2. (a) No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Tort Claims Procedure as provided in Title 28, United States Code, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in the House.

(b)(1) No bill or resolution, and no amendment to any bill or resolution, establishing or expressing any commemoration may be introduced or considered in the House.

(2) For purposes of this paragraph, the term "commemoration" means any remembrance, cele-

bration, or recognition for any purpose through the designation of a specified period of time.

Paragraph (a) derives from section 131 of the Legislative Reorganization Act of 1946 (60 Stat. 812) and was made a part of the standing rules January 3, 1953 (p. 24). The 104th Congress added the prohibition against commemorative legislation and directed the Committee on Government Reform and Oversight to consider alternative means for establishing commemorations, including the creation of an independent or Executive branch commission for such purpose, and to report to the House any recommendations thereon (sec. 216, H. Res. 6, Jan. 4, 1995, p. —). The prohibition in paragraph (a) relating to correction of a military record does not apply to a private bill that changes the computation of retired pay for a former member of the armed services (after exhaustion of administrative remedies) but does not directly correct his military record (Sept. 18, 1984, p. 25824).

**3. Any petition or memorial or bill or resolution excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.**

§ 853. Correction of errors in reference; and relation to jurisdiction.

This clause of the rule was first adopted in 1880, although the portion relating to the return of certain petitions and bills was adapted from an older rule of 1842 (IV, 3312, 3365). In the 104th Congress it was amended to conform to the new prohibition against commemorative legislation (sec. 216, H. Res. 6, Jan. 4, 1995, p. —).

Errors in reference of petitions, memorials, or private bills are corrected at the Clerk's table, without action by the House, at the suggestion of the committee holding possession (IV, 4379). As provided in the rule, the erroneous reference of a private House bill does not confer jurisdiction, and a point of order is good when the bill comes up for consideration either in the House or in Committee of the Whole (IV, 4382–4389). But in cases wherein the House itself refers a private House or Senate bill a point of

order may not be raised as to jurisdiction (IV, 4390, 4391; VII, 2131). The Speaker may correct the erroneous referral of a bill as private by referring it to the appropriate (Union) calendar as a public bill when reported (June 1, 1988, p. 13184).

4. (a) All other bills, memorials, and resolutions may, in like manner, be delivered, endorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with rule X on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred. Two or more Members may introduce jointly any bill, or resolution to which this paragraph applies.

(b)(1) The name of any Member shall be added as a sponsor of any bill or resolution to which paragraph (a) applies, and shall appear as a sponsor in the next printing of that bill or resolution: *Provided*, That a request signed by such Member is submitted by the first sponsor to the Speaker (in the same manner as provided in paragraph (a)) no later than the day on which the last committee authorized to consider and report such bill or resolution reports it to the House.

§ 854. Introduction, reference, and change of reference of public bills, memorials, and resolutions.

(2) The name of any Member listed as a sponsor of any such bill or resolution may be deleted by unanimous consent, but only at the request of such Member, and such deletion shall be indicated in the next printing of the bill or resolution (together with the date on which such name was deleted). Such consent may be granted no later than the day on which the last committee authorized to consider and report such bill or resolution reports it to the House: *Provided, however,* That the Speaker shall not entertain a request to delete the name of the first sponsor of any bill or resolution.

(3) The addition of the name of any Member, or the deletion of any name by unanimous consent, of a sponsor of any such bill or resolution shall be entered on the Journal and printed in the Record of that day.

(4) Any such bill or resolution shall be reprinted (A) if the Member whose name is listed as the first sponsor submits to the Speaker a written request that it be reprinted, and (B) if twenty or more Members have been added as sponsors of that bill or resolution since it was last printed.

The rule of 1789 provided that all bills should be introduced on report of a committee or by motion for leave. By various modifications it was first provided that all classes of private bills should be introduced by filing them with the Clerk, and in 1890 this system was by this rule extended to all public bills (IV, 3365). In the 105th Congress paragraph (a) was amended to effect a technical correction (H. Res. 5, Jan. 7, 1997, p. —).

The motion for a change of reference and subsidiary motions take precedence over motions to go into the Committee of the Whole for the consideration of appropriation bills and the consideration of conference reports (VII, 2124), and may not be debated (VII, 2126–2128). But the motion is not in order on Calendar Wednesday (VII, 2117), and is not privileged under

the rule if the original reference was not erroneous (VII, 2125). The motion may be amended, but the amendment, like the original motion, is subject to the requirement that it be authorized by the committee (VII, 2127). The motion must apply to a single bill and not to a class of bills (VII, 2125).

According to the later practice the erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it (IV, 4365–4371; VII, 1489, 2108–2113; VIII, 2312). And it is too late to move a change of reference after such committee has reported the bill (VII, 2110; VIII, 2312), but the Speaker may, pursuant to authority granted him by clause 5 of rule X effective January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470), refer a bill sequentially to other committees. All bills and resolutions must be signed by the prime sponsor thereof (Speaker Albert, Feb. 3, 1972, p. 2521).

Joint sponsorship of public bills by not more than 25 Members was authorized in the 90th Congress (H. Res. 42, Apr. 25, 1967, p. —). Prior thereto a special committee had reported against this practice and the report had been adopted by the House (VII, 1029). Effective January 3, 1979, (H. Res. 86, 95th Cong., Oct. 10, 1978, p. 34929) clause 4(b) was added to allow unlimited co-sponsorship and to provide a mechanism for Members to add their names as co-sponsors to bills or resolutions which have already been introduced, up until the bill is finally reported from committee, and on January 15, 1979, the Speaker announced his directive for the processing of lists of co-sponsors pursuant to the new clause (Speaker O'Neill, Jan. 15, 1979, p. 19).

Although paragraph (b)(2) of this clause only permits a co-sponsoring Member himself to request unanimous consent for his deletion as a co-sponsor, the prime sponsor of a measure may be permitted to request unanimous consent to delete the name of a co-sponsor he has inadvertently or erroneously listed (Feb. 9, 1982). By unanimous consent a Member may add his own name as a co-sponsor of an unreported bill where the original sponsor is no longer a Member of the House (Aug. 4, 1983, p. 23188), and a designated Member may be authorized to sign and submit lists of additional co-sponsors where the actual first sponsor is no longer a Member (June 23, 1989, p. 13271), but the Chair will not otherwise entertain a request to add co-sponsors by a Member other than the first sponsor, whether to include only himself (Mar. 5, 1991, p. 5026; Oct. 25, 1995, p. —) or to include all Members (Dec. 18, 1985, p. 37765). The Chair will not entertain a unanimous-consent request to list a Member as an additional original co-sponsor as of the date of original introduction where his name had been omitted by the original sponsor (Jan. 28, 1985, p. 1141; May 23, 1985, p. 13421). Unanimous consent requests to delete Members' names as co-sponsors are not entertained after the last committee authorized to consider the bill has reported to the House (Oct. 8, 1985, p. 26668), and the Speaker has vacated unanimous consent orders of the House to delete co-sponsors when advised that the bill had already been reported

(Aug. 5, 1987, p. 22458). A Member may request unanimous consent that his name be deleted as a co-sponsor of an unreported bill during its consideration under suspension of the rules and prior to a final vote thereon (June 9, 1986, p. 12979). An order of the House that no organizational or legislative business be conducted on certain days (first by provision of a concurrent resolution, but extended by unanimous consent) was considered not to deprive Members of the privilege of introducing bills and resolutions during pro forma sessions on those days, such measures being numbered on the day introduced but not noted in the Record or referred to committee until the day on which business was resumed (H. Con. Res. 260, 102d Cong., Nov. 26, 1991, p. 35840; see Jan. 22 and 28, 1992, pp. — and —).

At its organization for the 104th Congress the House resolved that each of the first twenty bills and each of the first two joint resolutions introduced in the House in that Congress could have more than one Member reflected as a first sponsor (sec. 223(g), H. Res. 6, Jan. 4, 1995, p. —); and the Speaker stated that all “first” sponsors’ signatures would be required on the bills (Speaker Gingrich, Jan. 4, 1995, p. —). A Member was subsequently added as a “first” sponsor by unanimous consent (Jan. 18, 1995, p. —).

**5. All resolutions of inquiry addressed to the heads of executive departments shall be reported to the House within fourteen legislative days after presentation.**

§ 855. Resolution of inquiry.

The House has exercised the right, from its earliest days, to call on the President and heads of departments for information. The first rule on the subject was adopted in 1820 for the purpose of securing greater care and deliberation in the making of requests. The present form of rule, in its essential features, dates from 1879 (III, 1856), while the time period for a committee to report was extended from one week to fourteen legislative days in the 98th Congress (H. Res. 5, Jan. 3, 1983, p. 34).

Resolutions of inquiry are usually simple rather than concurrent in form (III, 1875), and are never joint resolutions (III, 1860). A resolution authorizing a committee to request information has been treated as a resolution of inquiry (III, 1860). It has been considered proper to use the word “request” in asking for information from the President and “direct” in addressing the heads of departments (III, 1856, footnote, 1895). It is usual for the House in calling on the President for information, especially with relation to foreign affairs, to use the qualifying clause “if not incompatible with the public interest” (II, 1547; III, 1896-1901; V, 5759; VI, 436). But in some instances the House has made its inquiries of the President without condition, and has even made the inquiry imperative (III, 1896-1901). Resolutions of inquiry are delivered under direction of the Clerk (III, 1879)

§ 856. Forms of resolutions of inquiry and delivery thereof.

and are answered by subordinate officers of the Government either directly or through the President (III, 1908-1910).

The practice of the House gives to resolution of inquiry a privileged status. Thus, they are privileged for report and consideration at any time after their reference to a committee (III, 1870; VI, 413, 414), but not before (III, 1857), and are in order for consideration only on motion directed to be made by the committee reporting the same (VI, 413; VIII, 2310). They are privileged for consideration on "Suspension days" and took precedence of the former Consent Calendar (VI, 409) before its abolishment in the 104th Congress (H. Res. 168, June 20, 1995, p. —), but are not in order on Calendar Wednesday (VII, 896-898). And only resolutions addressed to the President and the heads of the executive departments have the privilege (III, 1861-1864; VI, 406). To enjoy the privilege a resolution should call for facts rather than opinions (III, 1872, 1873; VI, 413, 418-432; July 7, 1971, pp. 23810-11), should not require investigations (III, 1872-1874; VI, 422, 427, 429, 432), and should not present a preamble (III, 1877, 1878; VI, 422, 427); but if a resolution on its face calls for facts, the Chair will not investigate the probability of the existence of the facts called for (VI, 422). However, a resolution inquiring for such facts as would inevitably require the statement of an opinion to answer such inquiry is not privileged (Speaker Longworth, Feb. 11, 1926, p. 3805).

Questions of privilege (as distinguished from privileged questions) have sometimes arisen in cases wherein the head of a department has declined to respond to an inquiry and the House has desired to demand a further answer (III, 1891; VI, 435); but a demand for a more complete reply (III, 1892) or a proposition to investigate as to whether or not there has been a failure to respond may not be presented as involving the privileges of the House (III, 1893).

Committees are required to report resolutions of inquiry back to the House within one week (now fourteen days) of the reference, and this time is construed to be legislative days (VIII, 3368; Speaker Rayburn, Feb. 9, 1950, p. 1755) exclusive of either the first or last day (III, 1858, 1859).

If a committee refuses or neglects to report the resolution back, the House may reach the resolution only by a motion to discharge the committee (III, 1865). The ordinary motion to discharge a committee is not privileged (VIII, 2316); but the practice of the House has given privilege to the motion in cases of resolutions of inquiry (III, 1866-1870). And this motion to discharge is privileged at the end of the time period, though the resolution may have been delayed in reaching the committee (III, 1871). The motion to discharge is not debatable (III, 1868; VI, 415). However, if the motion is agreed to, the resolution is debatable under the hour rule unless the previous question is ordered (VI, 416, 417). If a committee reports a privileged resolution of inquiry, it may then be called up only by an authorized member of the reporting committee and not by another Member of the



House (VI, 413; VIII, 2310). The Member calling up a privileged resolution of inquiry reported from committee is recognized to control one hour of debate and may move to lay the resolution on the table during that time (July 7, 1971, pp. 23807-10; Oct. 20, 1971, pp. 37055-57).

The President having failed to respond to a resolution of inquiry, the House respectfully reminded him of the fact (III, 1890). In 1796 the House declared that its constitutional requests of the Executive for information need not be accompanied by a statement of purposes (II, 1509). As to the kind of information which may be required, especially as to the papers that may be demanded, there has been much discussion (III, 1700, 1738, 1888, 1902, 1903; VI, 402, 435). There have been several conflicts with the Executive (II, 1534, 1561; III, 1884, 1885-1889, 1894) over demands for papers and information, especially when the resolutions have called for papers relating to foreign affairs (II, 1509-1513, 1518, 1519).

§ 859. Resolutions of inquiry as related to the Executive.

**6. When a bill, resolution, or memorial is introduced "by request", these words shall be entered upon the Journal and printed in the Record.**

§ 860. Introduction of bills, resolutions, or memorials by request.

This rule was adopted in 1888 (IV, 3366).

It has never been the practice of the House to permit the names of the persons requesting the introduction of the bill to be printed in the Record.

**RULE XXIII.**

**OF COMMITTEES OF THE WHOLE HOUSE.**

**1. (a) In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a Member as Chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.**

§ 861a. Selection of Chairman of Committee of the Whole; and his power to preserve order.

This provision, adopted in 1880, was made from two older rules dating from 1789 and modified in 1794 to provide for the appointment of the Chairman instead of the inconvenient method of election by the committee (IV, 4704). It was amended in the 103d Congress to permit Delegates and the Resident Commissioner to preside in the Committee of the Whole (H. Res. 5, Jan. 5, 1993, p. —), but that authority was repealed in the 104th Congress (sec. 212(b), H. Res. 6, Jan. 4, 1995, p. —). Delegates presided