

exercise in those committees on which he serves the same powers as other members, including the right to vote.

The office of Delegate was established by ordinance of the Continental Congress and confirmed by a law of Congress (I, 400, 421). The nature of the office has been the subject of much discussion (I, 400, 403, 473); and except as provided by law (I, 431, 526) the qualifications of the Delegate also have been a matter of discussion (I, 421, 423, 469, 470, 473). A territory or district must be organized by law before the House will admit a Delegate (I, 405, 407, 411, 412).

The law provides that on the floor of the House a Delegate may debate (II, 1290), and he may in debate call a Member to order (II, 1295). He may make any motion which a Member may make except the motion to reconsider (II, 1291, 1292). A Delegate may make a point of order (VI, 240). A Delegate has even moved an impeachment (II, 1303). He may be appointed a teller (II, 1302); but the law forbids him to vote (II, 1290). He has been recognized to object to the consideration of a bill (VI, 241), to a unanimous-consent request to concur in a Senate amendment (June 29, 1984, p. 20267), and has made reports for committees (July 1, 1958, p. 12870). The rights and prerogatives of a Delegate in parliamentary matters are not limited to legislation affecting his own territory (VI, 240).

At the organization of the House, the Delegates and Resident Commissioner are sworn (I, 400, 401); but the Clerk does not put them on the roll (I, 61, 62). In the 103d Congress on recorded votes in the Committee of the Whole, their names were listed alphabetically with the names of Members (Feb. 3, 1993, p. —).

A Delegate resigns in a communication addressed to the Speaker (II, 1304). He may be arrested and censured for disorderly conduct (II, 1305), but there has been disagreement as to whether he should be expelled by a majority or two-thirds vote (I, 469).

The privileges of the floor with the right to debate were extended to Resident Commissioners in the 60th Congress (VI, 244). Prior to the independence of the Philippines it was represented in the House by Resident Commissioners.

The first form of the rule with reference to the Resident Commissioner was adopted in 1904 (II, 1306). The Act of May 17, 1932, changed the name of Porto Rico to Puerto Rico (48 U.S.C. 731a).

RULE XIII.

CALENDARS AND REPORTS OF COMMITTEES.

1. There shall be three calendars to which all business reported from committees shall be referred, viz.:

§ 742. Calendar for reports of committees.

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

This clause was adopted in 1880 and amended in 1911 (VI, 742); but as early as 1820 a rule was adopted creating calendars for the Committees of the Whole. Bills not requiring consideration in Committee of the Whole were considered when reported, but in 1880 the House Calendar was created to remedy the delays in making reports caused by such consideration (IV, 3115). Reference of bills to calendars is governed by text of bills as referred to committees and amendments reported by committees are not considered (VIII, 2392).

A motion to correct an error in referring a bill to the proper calendar presents a question of privilege (III, 2614, 2615); but a mere clerical error in the calendar does not give rise to such question (III, 2616). A bill improperly reported is not entitled to a place on the calendar (IV, 3117).

A bill on the wrong calendar may be transferred to the proper calendar as of date of original reference by direction of the Speaker (VI, 744–748; VII, 859, 2406; Dec. 7, 1950, p. 16307; Apr. 26, 1984, p. 10242; Sept. 10, 1990, p. 23677). But the Speaker has no authority to change calendar reference made by the House (VI, 749; VII, 859). Reports from the Court of Claims do not remain on the calendar from Congress to Congress, even when a law seems so to provide (IV, 3298–3302). In determining whether a bill should be placed on the House or Union Calendar, clause 3 of rule XXIII should be consulted. 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).

Although the Speaker has no general authority to remove a reported bill from the Union Calendar (other than to correct the erroneous reference of a reported bill between Calendars), he may discharge a bill therefrom for reference to another committee when required (1) by section 401(b) of the Congressional Budget Act of 1974, mandating 15-day referral to

the Committee on Appropriations of reported bills providing new entitlement authority in excess of that allocated to the reporting committee in connection with the most recently agreed to concurrent resolution on the budget (Speaker O'Neill, Sept. 8, 1977, p. 28153), or (2) by clause 5 of rule X, authorizing and directing the Speaker to assure that each committee has responsibility to consider legislation within its jurisdiction by fashioning sequential referrals where appropriate (Speaker O'Neill, Apr. 27, 1978, p. 11742; June 19, 1986, p. 14741).

2. All reports of committees, except as provided in clause 4(a) of rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subject thereof shall be entered on the Journal and printed in the Record: *Provided*, That bills reported adversely shall be laid on the table, unless the committee reporting a bill, at the time, or any Member within three days thereafter, shall request its reference to the calendar, when it shall be referred, as provided in clause 1 of this rule.

§ 743. Nonprivileged reports filed with the Clerk.

§ 744. Adverse reports.

A technical amendment changing the reference herein to clause 4(a) of rule XI (relating to privileged reports), was effected by the 93d Congress (H. Res. 988, Oct. 8, 1974, p. 34470).

A resolution of inquiry is referred to the House Calendar even when reported adversely (VI, 411).

Under the provisions of clause 2(l)(6) of rule XI, a measure or matter may not be called up for consideration until the third calendar day (excluding Saturdays, Sundays, and legal holidays) on which the report thereon has been available to the Members of the House. Clause 7 of rule XXI places a similar restriction on the consideration of general appropriation bills and adds the requirement that printed hearings on those bills must be available for the same time period. Expense resolutions reported from the Committee on House Oversight have a one-day layover under clause 5(a) of rule XI; and reports from the Committee on Rules may be called up when filed subject to the two-thirds vote requirement of clause 4(b) of rule XI, except that under clause 2(l)(6) of rule XI reports from the

Committee on Rules merely waiving the three day availability requirement may be immediately considered and do not require a two-thirds vote.

Unless filed with the report, minority, supplemental or additional views may be presented only with the consent of the House (IV, 4600; VIII, 2231, 2248). See clause 2(l)(5) of rule XI for the procedure by which such views may be filed as part of the committee report.

A supplemental report to correct a technical error in a committee report may be filed without the consent of the House (clause 2(l)(5) of rule XI). It has been held that the fact that a report was not printed by the Public Printer as originally made to the House does not prevent the consideration of the matter reported (VIII, 2307). A committee may not file its report on a bill after the House has passed the bill (Sept. 30, 1985, p. 25270).

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

§ 745. "Ramseyer Rule."

(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: *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.

The first part of this paragraph was adopted January 28, 1929 (VIII, 2234), was redesignated as subsection (3) January 3, 1953 (p. 24), and the proviso was added September 22, 1961 (p. 20823).

Failure of a committee report to comply with the rule may be remedied by a supplemental report (VIII, 2247); and while the filing of such a corrective report formerly required the consent of the House (VIII, 2248), it may now be filed with the Clerk pursuant to clause 2(l)(5) of rule XI. Although a bill proposes but one minor and obvious change in existing law, the failure of the report to indicate the change is in violation of the rule (VIII, 2236). The statute proposed to be amended must be quoted in the report and it is not sufficient that it is incorporated in the bill (VIII, 2238). Under the rule the committee report on a bill amending existing law by the addition of a proviso should quote in full the section immediately preceding the proposed amendment (VIII, 2237). Bills held to be in violation of the rule are automatically recommitted to the respective committees reporting them (VIII, 2237, 2245, 2250). A bill having been recommitted for failure to conform to the rule, further proceedings are de novo and the bill must again be considered and reported by the committee as if no previous report had been made (VIII, 2249). Special orders providing for consideration of bills, unless specifically waiving points of order, do not preclude the point of order that reports on such bills fail to indicate proposed changes in existing law (VIII, 2245). The rule applies to appropriation bills where such bills include legislative provisions (VIII, 2241) and reports on appropriation bills are also subject to the requirements of clause 3 of rule XXI, requiring a concise statement of the effect of any direct or indirect changes in the application of existing law. In order to fall within the purview of the rule the bill must seek to repeal or amend specifically an existing law (VIII, 2235, 2239, 2240). Where the comparative print contained certain errors in punctuation and capitalization and utilized abbreviations not appearing in existing provisions of law, the Speaker held that the committee report was in substantial compliance with the rule and overruled a point of order against the report (July 25, 1966, p. 16842; July 30, 1968, pp. 24252–54). The point of order that a report fails to comply with the rule is properly made when the bill is called up in the House and comes too late after the House has resolved into the Committee of the Whole for its consideration (VIII, 2243–2245).

4. (a) After a bill has been favorably reported and placed on either the Union or House Calendar, the Speaker may, after consultation with the Minority Leader, file with the Clerk a notice requesting that such bill also be placed upon a special calendar to be known as the “Corrections Calendar.” At any time on the second and fourth Tuesdays of each month, after the Pledge of Allegiance, the

§ 745a. Corrections
Calendar.

Speaker may direct the Clerk to call any bill that has been on the Corrections Calendar for three legislative days.

(b) A bill so called shall be considered in the House, shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the primary committee of jurisdiction reporting the bill, and shall not be subject to amendment except those amendments recommended by the primary committee of jurisdiction or those offered by the chairman of the primary committee or a designee. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(c) A three-fifths vote of the Members voting shall be required to pass any bill called from the Corrections Calendar but the rejection of any such bill, or the sustaining of any point of order against it or its consideration, shall not cause it to be removed from the Calendar to which it was originally referred.

This clause was amended in the 104th Congress to abolish the Consent Calendar and establish in its place a Corrections Calendar (H. Res. 168, June 20, 1995, p. —). Later in the 104th Congress several technical changes were effected, and paragraph (b) was amended to admit amendments by a designee of the chairman of the primary committee (H. Res. 254, Nov. 30, 1995, p. —). In the 105th Congress paragraph (a) was amended to permit bills to be called from the Calendar at any time on a Corrections day and in any order (H. Res. 5, Jan. 7, 1997, p. —). The Speaker may discharge a bill from the Corrections Calendar at any time (June 24, 1996, p. —). In the 105th Congress the House established a Corrections Calendar Office to assist the Speaker in management of the Calendar (H. Res. 7, Jan. 7, 1997, p. —).

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XIII.

§ 746-§ 748b

The original form of this clause, providing for the former Consent Calendar, was adopted March 15, 1909, amended January 18, 1924; December 7, 1925; December 8, 1931; and April 23, 1932 (VII, 972). Bills must have been on the printed calendar three legislative working days in order to be eligible for consideration (VII, 992, 994). When a House bill was on the Consent Calendar, by unanimous consent the House committee could have been discharged from the consideration of a Senate bill on the same subject, and the Senate bill considered in lieu of the House bill (VII, 1004). The status of bills on the Consent Calendar was not affected by their consideration from another calendar and such bills could have been called up for consideration from the Consent Calendar while pending as unfinished business in the House or Committee of the Whole (VII, 1006).

§ 746. Former Consent Calendar.

The former rule did not preclude the Speaker from recognizing Members to suspend the rules before completion of the Consent Calendar (decided by House, VIII, 3405; also held by Speaker Clark, Oct. 5, 1914, p. 16182, and by Speaker Gillett, Sept. 4, 1919, p. 5128). Recognition to suspend the rules did not preclude the continuation of the call of the calendar later in the day (VII, 991). The call of the Consent Calendar on days devoted to its consideration took precedence of the motion to go into the Committee of the Whole to consider revenue or appropriation bills (VII, 986), and a contested-election case could not supplant the call of the Calendar (VII, 988), but the Speaker could recognize a Member to call up a conference report before directing the call of the Consent Calendar (May 4, 1970, pp. 13991-95).

5. There shall also be a Calendar of Motions to Discharge Committees, as provided in clause 3 of rule XXVII.

§ 747. Motion to discharge.

The discharge rule was redesignated as clause 3 of rule XXVII in the 102d Congress (H. Res. 5, Jan. 3, 1991, p. 39). A conforming change in this clause was adopted in the 103d Congress (H. Res. 5, Jan. 5, 1993, p. —).

6. Calendars shall be printed daily.

§ 748a. Calendars printed.

This clause was adopted in the 62d Congress, April 5, 1911 (VI, 743), and amended December 8, 1931, pp. 10, 83.

7. (a) The report accompanying each bill or joint resolution of a public character reported by any committee shall contain—

§ 748b. Estimate of cost.

(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);

(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; and

(3) when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.

(b) It shall not be in order to consider any such bill or joint resolution in the House if the report of the committee which reported that bill or joint resolution does not comply with paragraph (a) of this clause.

(c) For the purposes of subparagraph (2) of paragraph (a) of this clause, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(d) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Oversight, the Committee on Rules, and the Committee on Standards

of Official Conduct, and do not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report pursuant to clause 2(l)(3)(C) of rule XI.

(e)(1) A report from the Committee on Ways and Means on a bill or joint resolution designated by the Majority Leader (after consultation with the Minority Leader) as major tax legislation may include a dynamic estimate of the changes in Federal revenues expected to result from enactment of the legislation. The Joint Committee on Taxation shall render a dynamic estimate of such legislation only in response to a timely request from the chairman of the Committee on Ways and Means (after consultation with the ranking minority member of the committee). A dynamic estimate pursuant to this paragraph may be used only for informational purposes.

(2) In this paragraph, “dynamic estimate” means a projection based in any part on assumptions concerning probable effects of macroeconomic feedback. A dynamic estimate shall include a statement identifying all such assumptions.

This clause was adopted in the 92d Congress (H. Res. 5, Jan. 22, 1971, p. 144) as part of the implementation of section 252(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and was amended in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70) to remove references to the Joint Committee on Atomic Energy. Paragraph (d) was amended in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113) to render committee cost estimates optional where an estimate by the Congressional Budget

Office is included in the report. Paragraph (a) was amended by the Budget Enforcement Act of 1990 (2 U.S.C. 900 note) to require 5-year estimates of revenue changes in legislative reports. In the 104th Congress paragraph (a) was amended to require estimates of new budget authority, when practicable, to compare the total estimated funding for the program to the appropriate level under current law (sec. 102(b), H. Res. 6, Jan. 4, 1995, p. —). At the same time paragraph (d) was amended to reflect the new name of the Committee on House Oversight (sec. 202(b), H. Res. 6, Jan. 4, 1995, p. —). In the 105th Congress paragraph (d) was amended to effect a technical change (Budget Enforcement Act of 1997 (sec. 10116, P.L. 105-33). Paragraph (e) was added in the 105th Congress (H. Res. 5, Jan. 7, 1997, p. —). A committee cost estimate identifying certain spending authority as recurring annually and indefinitely was held necessarily to address the five-year period required by section 308 of the Congressional Budget Act of 1974 (Nov. 20, 1993, p. —).

The Unfunded Mandates Reform Act of 1995 (P.L. 104-4; 109 Stat. 48 *et seq.*) added a new part B to title IV of the Congressional Budget Act of 1974 (2 U.S.C. 658-658g) that imposes several requirements on the Director of the Congressional Budget Office and on committees of the House with respect to measures effecting “Federal mandates” (secs. 423-424; 2 U.S.C. 659b-c) and establishes points of order to enforce those requirements (sec. 425; 2 U.S.C. 658d). See § 1007, *infra*, and § 713h, *supra*.

§ 748c. Unfunded mandates.

RULE XIV.

OF DECORUM AND DEBATE.

1. When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to “Mr. Speaker”, and, on being recognized, may address the House from any place on the floor or from the Clerk’s desk, and shall confine himself to the question under debate, avoiding personality. Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, factual descriptions relating to

§ 749. Obtaining the floor for debate; and relevancy and decorum therein.