

CHAPTER 5

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The House Rules, Journal, and Record

A. HOUSE RULES AND MANUAL

§ 1. In General; Printing

The following sections discuss the *House Rules and Manual*, with emphasis on certain general principles relating to the adoption and application of the rules.⁽¹⁾

The *House Rules and Manual* is a House document.⁽²⁾ Included in it are the Constitution; Jefferson's Manual;⁽³⁾ the rules of the House; certain provisions of the Legislative Reorganization Acts of 1946 and 1970; pertinent forms, such as forms of putting questions, of petitions, resolutions, bills, reports from committees, and the like; a description of the introduction of a bill and its progress to final passage; a description of joint committees; materials relating to the franking privilege and the assignment of rooms in the House office buildings; and a comprehensive index. Also included at

1. See also the general discussion of the rules in 8 Cannon's Precedents §§ 3376–3396.
2. Thus, the *House Rules and Manual* used by the 92d Congress was H. Doc. No. 439, 91st Cong. 2d Sess. (1971).
3. See § 2, *infra*.

appropriate points throughout the *House Rules and Manual* are the commentary of the Parliamentary and pertinent references to the precedents of the House and to court cases and other materials.

A statute⁽⁴⁾ provides that each House may order printed as many copies as it desires, of the *Senate Manual* and of the *House Rules and Manual*.

Resolution Relating to House Rules and Manual

§ 1.1 At the end of a Congress, a resolution is customarily adopted providing for the printing and distribution of a revised edition of the House Rules and Manual for the succeeding Congress.

A typical resolution relating to the printing and distribution of the *House Rules and Manual* was that adopted in the 91st Congress:⁽⁵⁾

4. 44 USC § 720.
5. 116 CONG. REC. 44599, 91st Cong. 2d Sess., Jan. 2, 1971. Substantially the same form of resolution has been

H. RES. 1339

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the Ninety-second Congress be printed as a House document, and that 1,600 additional copies shall be printed and bound for the use of the House of Representatives, of which 700 copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

§ 2. Jefferson's Manual

Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the Senate in the years of his Vice Presidency, from 1797 to 1801. In 1837, the House, by rule which still exists, provided that the provisions of the Manual should govern the proceedings of the House to the extent specified in the rule. The present rule⁽⁶⁾ states:

The rules of parliamentary practice comprised in Jefferson's Manual and the provisions of the Legislative Reor-

adopted in other Congresses. See, as examples, 114 CONG. REC. 31313, 90th Cong. 2d Sess., Oct. 14, 1968; 104 CONG. REC. 19699, 85th Cong. 2d Sess., Aug. 23, 1958; and 94 CONG. REC. 5746, 80th Cong. 2d Sess., May 12, 1948.

6. Rule XLII, *House Rules and Manual* §938 (1973).

ganization Act of 1946, as amended, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.

The extent to which particular provisions of Jefferson's Manual are applicable to present-day procedures in the House is indicated in the notes thereto, including the citations of precedents, accompanying the text as printed in the *House Rules and Manual*.

In addition to being traditionally incorporated in some degree in the House rules, Jefferson's Manual serves as part of the basis of the general parliamentary law that governs the House prior to adoption of the rules.⁽⁷⁾

§ 3. Background Information—Power of New House to Adopt Rules

With respect to the importance of adopting rules of procedure in legislative bodies, Jefferson stated in his Manual:⁽⁸⁾

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a

7. See § 3, *infra*.

8. *House Rules and Manual* §285 (1973).

rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. . . .

The Constitution⁽⁹⁾ provides that, “Each House may determine the Rules of its Proceedings. . . .” Thus, the power of each House of Representatives to make its own rules may not be impaired or controlled by the rules of the preceding House or by a law passed by a prior Congress.⁽¹⁰⁾ As an example, the provisions of a legislative reorganization act enacted into law in a previous Congress cannot restrict the authority of a present House to adopt its own rules.⁽¹¹⁾ But a law passed by an existing Congress with the concurrence of the House has been recognized by that House as of binding force in matters of procedure.⁽¹²⁾

In some cases, Congress has enacted statutes containing provisions relating to procedures to be followed in certain instances. Such statutes have been enacted as an

exercise of the rule-making power of Congress and deemed a part of the rules of each House. Thus, Congress has provided by statute for procedures to be followed with respect to the consideration of certain resolutions relating to executive reorganization plans.⁽¹³⁾ Such statutes were enacted with express recognition of the power of each House to change its rules, and with specific limitations on the applicability of the statute.⁽¹⁴⁾

Joint rules are rarely employed. It may be noted that, in the 91st Congress, a law specifying that the counting of electoral votes for President and Vice President should be conducted in a joint session was made a joint rule of the two Houses by its incorporation by reference in a concurrent resolution.⁽¹⁵⁾

The House at any time may, by rules, provide new methods of procedure so long as such rules do not conflict with constitutional provisions.⁽¹⁶⁾ With regard to the scope of the power of the House to determine the rules of its proceedings, Jefferson stated in his Manual:⁽¹⁷⁾

9. U.S. Const. art. I, §5.

10. See Ch. 1, *supra*.

11. See 117 CONG. REC. 132, 92d Cong. 1st Sess., Jan. 22, 1971 (remarks of Speaker Carl Albert [Okla.]).

12. See, generally, Ch. 1, *supra*. See also 59 Am. Jur. 2d, *Parliamentary Law* §2 (adoption and suspension of rules of procedure).

13. 5 USC §§908–913.

14. See 5 USC §908.

15. See 115 CONG. REC. 36, 91st Cong. 1st Sess., Jan. 3, 1969.

16. See §4, *infra*.

17. *House Rules and Manual* §387 (1973).

Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, executive, or judiciary) submitted to them by the Constitution, or in something relating to these, and necessary toward their execution. But orders and resolutions are sometimes entered in the journals having no relation to these, such as acceptances of invitations to attend orations, to take part in procession, etc. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore, perhaps, improperly placed among the records of the House.

Propositions to adopt or change a rule are within the jurisdiction of the Committee on Rules.⁽¹⁸⁾

The action of the House taken with respect to a rule that has been reported by the Committee on Rules is controlling. A rule having been adopted, the Chair will thereafter look to the rule and direct the House to proceed in accordance with its terms, unless the rule has been superseded.⁽¹⁹⁾

Proceedings in the House are not, of course, governed by the rules exclusively. Thus, the procedure of the House is governed in some instances by the custom or practice of the House rather than by express rules. On the other hand, even where a matter or pro-

18. See Ch. 17, *infra*; see also Ch. 21, *infra*.

19. See §6, *infra*.

cedure is not expressly prohibited by the rules, it may be considered unauthorized thereby and therefore deemed improper.⁽²⁰⁾

Before the adoption of rules by a new House, that House is governed by general parliamentary law. The Speakers have been inclined to give weight to the precedents of the House in modifying the usual constructions of general parliamentary law.⁽¹⁾

On occasion, the House has passed a bill of major importance prior to the adoption of the rules.⁽²⁾

20. See, for example, the discussion in 7 Cannon's Precedents §1029. See also 98 CONG. REC. 1334, 82d Cong. 2d Sess., Feb. 25, 1952, in which Speaker Sam Rayburn (Tex.) stated, with reference to the televising of committee meetings, that since there was at that time no authority in the rules of the House granting the privilege of televising the proceedings of the House of Representatives, there was no authorization for televising committee meetings. (Speaker Rayburn's rulings on the subject were later relied upon by Speaker John W. McCormack [Mass.], in 108 CONG. REC. 267-269, 87th Cong. 2d Sess., Jan. 16, 1962.) See §6.4, *infra*.

1. See Ch. 1, *supra*.

2. There was an instance in the 73d Congress (77 CONG. REC. 75 et seq., 73d Cong. 1st Sess., Mar. 9, 1933) in which the House by unanimous consent agreed to consider, under a

§ 4. —Judicial Authority With Respect to Rules

The role that the courts play in adjudicating questions involving the rules of either House must of necessity be a limited one, for the manner in which a House or committee of Congress chooses to run its business ordinarily raises no justifiable controversy.⁽³⁾ On the other hand, when the application or construction of a rule directly affects persons other than Members of the House, the question presented is of necessity a judicial one.⁽⁴⁾ Thus, to a limited extent, the rules of Congress and its committees are judicially cognizable. Even where a judicial controversy is presented, however, the function of the courts is generally a narrow one.

The Constitution empowers each House to determine its rules of proceedings.⁽⁵⁾ The House may not by its rules ignore constitu-

stringent procedure with respect to debate and amendments, a bank bill whose immediate passage had been recommended by President Roosevelt.

3. *Yellin v United States*, 374 U.S. 109 (1963); *United States v Ballin*, 144 U.S. 1 (1892).
4. *Yellin v United States*, 374 U.S. 109 (1963); *Christoffel v United States*, 338 U.S. 84 (1949).
5. See §3, *supra*.

tional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations, all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just.⁽⁶⁾ In accordance with these principles, the question, as was stated in one case,⁽⁷⁾ is not what rules Congress may establish, but rather what rules the House has established and whether they have been followed.

Although rules adopted by the House or its committees have the

6. *Yellin v United States*, 374 U.S. 109 (1963); *United States v Ballin*, 144 U.S. 1 (1892).
7. *Christoffel v United States*, 338 U.S. 84 (1949). In the *Christoffel* case, the petitioner had been convicted of perjury before a House committee under a statute punishing perjury before a "competent" tribunal. The petitioner contended that the committee was not a "competent" tribunal in that a quorum was not present at the time of the incident alleged. The court reversed the conviction, citing an erroneous instruction that would have allowed the jury to determine competency on the basis of the situation existing at the time the committee convened rather than at the time of the actual incident.

force of law and are binding on those for whose use the rules were established,⁽⁸⁾ there is a point beyond which courts will not venture in their disposition of cases concerning the rules. Thus, in a controversy involving a House rule that required testimony to be received by a committee in executive session only if the committee determined that the testimony of the witness would tend to defame, degrade, or incriminate any person, the court stated that it would be an unwarranted interference with the powers conferred by the Constitution upon the legislative branch for any court to presume to dictate that determination.⁽⁹⁾ It is worth noting that the court in this case also cited a presumption in favor of the regularity of all official conduct and stated that the presumption required that it be assumed that a committee would not disregard its rules.

§ 5. —Amendment

In the exercise of its rule-making power under the Constitution,⁽¹⁰⁾ the House may amend its

8. *Yellin v United States*, 374 U.S. 109 (1963); *Christoffel v United States*, 338 U.S. 84 (1949); *Randolph v Willis*, 220 F Supp 355 (1963).
9. *Randolph v Willis*, 220 F Supp 355 (1963).
10. See §3, supra.

rules at any time. It has been said⁽¹¹⁾ that the question of changing the rules of the House is a matter for decision by the House and not the Chair.

Generally, amendments are made by resolution, although, of course, rules may be, in effect, rescinded or modified through the use of a number of procedural devices, such as unanimous-consent requests.⁽¹²⁾ Similarly, statutes containing provisions as to procedure may have the effect of changing a rule of the House where the statute is the later reflection of the will of the House.⁽¹³⁾ In adopting the rules of the previous House, of course, the House frequently amends such rules, either by incorporating the amendments in the resolution adopting the rules, or adopting amendments after a negative vote on ordering the previous question on the resolution as first offered.⁽¹⁴⁾

The Committee on Rules has jurisdiction over the rules and joint rules, other than rules or joint rules relating to the Code of Offi-

11. See the proceedings at 104 CONG. REC. 12121, 85th Cong. 2d Sess., June 24, 1958 (especially remarks of Speaker Rayburn).
12. See §5.2 (amendment by unanimous consent) and §7 (abrogation or waiver), *infra*.
13. §6.2, *infra*.
14. Generally, see §3, supra.

cial Conduct or relating to financial disclosure by a Member, officer, or employee of the House.⁽¹⁵⁾ Thus, the Committee on Rules has jurisdiction over resolutions proposing amendments to the rules of the House, and may report a resolution referred to it to change the rules of the House except in a respect that would constitute violation of constitutional provisions.⁽¹⁶⁾ The Committee on Rules may itself recommend an amendment to the rules of the House, for the House to pass upon.⁽¹⁷⁾

The Committee on Standards of Official Conduct has jurisdiction over measures amending the rules of the House relating to financial disclosure by Members, officers and employees of the House.⁽¹⁸⁾

15. Rule XI, *House Rules and Manual* §715 (1973).

16. For further discussion of the scope of the rule-making power, see §4, *supra*.

17. See 92 CONG. REC. 5864, 79th Cong. 2d Sess., May 27, 1946 (remarks of Speaker Rayburn speaking in response to a parliamentary inquiry relating to the scope of authority of the Committee on Rules).

18. For an instance in which the Chairman of the Committee on Standards of Official Conduct inserted in the Record the text of a resolution, referred to that committee, amending the financial disclosure rule, see 116 CONG. REC. 1077, 91st Cong. 2d Sess., Jan. 26, 1970.

A rule⁽¹⁹⁾ provides that the Committee on Rules shall have leave to report at any time on rules, joint rules, and the order of business. In accordance with that principle, it has been held that reports of the Committee on Rules on resolutions proposing amendments to the rules of the House are privileged.⁽²⁰⁾

The rules of the House have frequently been amended for purposes of transferring jurisdiction over particular matters from one committee of the House to another,⁽¹⁾ or for purposes of changing the name of a committee.⁽²⁾ In such cases, the changes in the rules may be implemented by resolutions electing the members of the committee under its former name to the newly named committee, and transferring records, bills, and the like to that committee.

19. Rule XI, *House Rules and Manual* §726 (1973).

20. See §5.3, *infra*.

1. See 113 CONG. REC. 29560, 29564-67, 90th Cong. 1st Sess., Oct. 20, 1967.

2. See 115 CONG. REC. 3723, 3745-47, 91st Cong. 1st Sess., Feb. 18, 1969; 97 CONG. REC. 883, 82d Cong. 1st Sess., Feb. 2, 1951.

For discussion of standing committees and their jurisdiction generally, see Ch. 17, *infra*.

Amendment by Resolution**§ 5.1 Amendments to the rules are generally offered in the form of a privileged resolution reported and called up by the Committee on Rules.**

Amendments to the rules are typically brought about by resolution as in the following instance in the 90th Congress:⁽³⁾

MR. COLMER:⁽⁴⁾ Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 42 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That paragraph 4 of rule XXII of the Rules of the House of Representatives is amended by adding at the end thereof the following sentence: "Two or more but not more than ten Members may introduce jointly any bill, memorial, or resolution to which this paragraph applies."

[Mr. Colmer was recognized for one hour.]

MR. COLMER: . . . Mr. Speaker, this resolution . . . provides for a change in the rules of the House to provide that as many as 10 Members of the House may join in sponsoring a resolution or a bill. . . .

3. 113 CONG REC. 10708, 90th Cong. 1st Sess., Apr. 25, 1967.
4. William M. Colmer (Miss.) was the Chairman of the Committee on Rules.

Amendment by Unanimous Consent**§ 5.2 Propositions to make minor changes in the rules are frequently considered by unanimous consent.**

As an example of this practice, unanimous consent was asked in the 86th Congress⁽⁵⁾ for the immediate consideration of a resolution to amend the rules by renumbering certain paragraphs.

Reports of Committee on Rules as Privileged**§ 5.3 Reports of the Committee on Rules on resolutions proposing amendments to the rules of the House are privileged.**

In the 74th Congress, in the course of a discussion of a resolution amending the Private Calendar rule, Speaker Joseph W. Byrns, of Tennessee, in responding to a point of order cited the rule⁽⁶⁾ that the Committee on Rules shall have leave to report at any time on rules, joint rules, and

5. 105 CONG. REC. 1209, 86th Cong. 1st Sess., Jan. 27, 1959.

The practice of amending the rules by unanimous consent, and several examples thereof, are noted in 8 Cannon's Precedents §§ 3379-3381.

6. Now Rule XI, *House Rules and Manual* § 726 (1973).

the order of business, and then stated:⁽⁷⁾

The pending resolution proposes to amend the rules of the House, it relates to the order of business in the House, and, under the rule the Chair has just read, is made a matter of privilege.

Multiple Reports on Same Resolution

§ 5.4 Two reports may not be filed from the Committee on Rules on the same resolution.

In the 81st Congress, the Chairman of the Committee on Rules, Adolph Sabath, of Illinois, reported a privileged resolution proposing certain amendments to the rules, which was referred to the House Calendar and ordered to be printed. Responding to a subsequent attempt by another Member to file a report on the same resolution, Speaker Sam Rayburn, of Texas, stated,⁽⁸⁾ "The Chair is of opinion that two reports cannot be filed on the same resolution at the same time."

Parliamentarian's Note: In this case, Mr. Edward E. Cox, of Georgia, had been authorized to file the report because it was evidently feared that the Chairman,

7. 79 CONG. REC. 4482, 74th Cong. 1st Sess., Mar. 26, 1935.

8. 96 CONG. REC. 501, 81st Cong. 2d Sess., Jan. 17, 1950.

Mr. Sabath, either would not immediately do so or would not call it up within the seven days allowed him under the rule. Mr. Cox stepped aside to permit Mr. Sabath to file the report under an alleged understanding that Mr. Sabath would call it up on a specified day. During discussion of the matter, Mr. Cox attempted to file a report on the same resolution, whereupon Speaker Rayburn expressed his opinion as indicated.

Showing Proposed Changes of Rules

§ 5.5 The Ramseyer rule⁽⁹⁾ did not apply to reports of the Committee on Rules on resolutions amending the rules of the House.

In the 74th Congress, in the course of a discussion of a resolution amending the Private Calendar rule, Speaker Joseph W. Byrns, of Tennessee, in response to a parliamentary inquiry, stated:⁽¹⁰⁾

The Ramseyer rule . . . has to do with reports of committees on bills

9. Rule XIII, *House Rules and Manual* §745 (1973), relating to the requirement that a committee report on a bill amending existing law show the proposed changes in existing law. The Ramseyer rule is discussed in Ch. 17, *infra*.

10. 79 CONG. REC. 4482, 74th Cong. 1st Sess., Mar. 26 1935.

which amend the statutes. This resolution proposes to amend the rules of the House, and therefore does not come within the provisions of clause 2a of rule XIII, the so-called "Ramseyer rule." The Chair, therefore, does not think that the Ramseyer rule applies to this report of the Committee on Rules.

Special Orders; Consideration in Committee of the Whole

§ 5.6 A resolution or bill amending the rules of the House may be considered in the Committee of the Whole, pursuant to the terms of a special order reported from the Committee on Rules.

In the 90th Congress, a resolution amending the rules of the House, eligible for consideration in the House as privileged business and subject to the hour rule, was, pursuant to a special order, considered in the Committee of the Whole and debated for two hours.⁽¹¹⁾ Consideration of the resolution amending the rules proceeded in accordance with the following separate resolution:⁽¹²⁾

H. RES. 1119

Resolved, That upon the adoption of this resolution it shall be in order to

11. 114 CONG. REC. 8776-812, 90th Cong. 2d Sess., Apr. 3, 1968.
12. 114 CONG. REC. 8776, 90th Cong. 2d Sess., Apr. 3, 1968.

move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 1099) amending H. Res. 418, Ninetieth Congress, to continue the Committee on Standards of Official Conduct as a permanent standing committee of the House of Representatives, and for other purposes. After general debate, which shall be confined to the resolution and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Standards of Official Conduct, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto.

The purpose of the Committee on Rules in reporting the separate resolution relating to consideration of H. Res. 1099 was to afford the opportunity for adequate debate and the offering of amendments; had H. Res. 1099 come to the floor of the House without a special order, the effect would have been the same as that of a closed rule under which amendments could not be offered.⁽¹³⁾ In

13. See 114 CONG. REC. 8777, 90th Cong. 2d Sess., Apr. 3, 1968 (remarks of Mr. H. Allen Smith [Calif.]).

the course of consideration of the substantive resolution, a committee amendment was agreed to,⁽¹⁴⁾ and other amendments were offered.⁽¹⁵⁾

A resolution amending the rules of the House may be considered in the Committee of the Whole under an open rule pursuant to provisions of a resolution reported from the Committee on Rules.⁽¹⁶⁾

In some instances, a resolution has been reported from the Committee on Rules providing a rule "closed" in part, for consideration of a bill, also reported from that committee, amending the rules of the House. Thus, in the 91st Congress, the House adopted a resolution⁽¹⁷⁾ providing for consideration

14. 114 CONG. REC. 8803, 90th Cong. 2d Sess., Apr. 3, 1968.
15. See, for example, the amendment offered by Mr. Wayne L. Hays [Ohio] (114 CONG. REC. 8804, 90th Cong. 2d Sess., Apr. 3, 1968), against which a point of order was sustained, the Chair ruling that, to a resolution providing an official code of conduct for Members, officers, and employees of the House, an amendment making the code applicable to other persons not associated with the House was not germane.
16. See, for example, 116 CONG. REC. 17013, 91st Cong. 2d Sess., May 26, 1970 (H. Res. 971).
17. H. Res. 1093, providing for consideration of H.R. 17654 (Legislative Reorganization Act of 1970).

of a bill amending the rules of the House under a procedure prohibiting amendments that would change the jurisdiction of any standing committee. The proceedings in part were as follows:⁽¹⁸⁾

MR. [B.F.] SISK [of California]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1093, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1093

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 bill (H. R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the bill shall be read for amendment under the five-minute rule. No amendment to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in rule XI. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage

18. 116 CONG. REC. 23901, 91st Cong. 21 Sess., July 13, 1970.

without intervening motion except one motion to recommit.

After some discussion, the following proceedings took place:⁽¹⁹⁾

MR. [H. ALLEN] SMITH [of California]: . . .

This is a closed rule from the standpoint that no amendments to the bill will be permitted so far as changing the jurisdiction of any committee of the House as listed in rule XI is concerned.⁽²⁰⁾ Other than that, it is an open rule. . . .

The resolution was agreed to.

Amendments to Resolution

§ 5.7 On one occasion the Chairman of the Committee on Rules, after calling up a privileged resolution reported by his committee amending the rules of the House, offered an amendment not previously agreed to by the committee.

In the 90th Congress, in the course of consideration of a resolution amending the rules to permit

19. *Id.* at p. 23902.

20. As an example of the effect of the prohibition against amendments that would change committee jurisdiction, an amendment restricting the power of the Committee on Rules to report a closed rule was ruled out of order as effecting a change in that committee's jurisdiction. See 116 CONG. REC. 26414, 91st Cong. 2d Sess., July 29, 1970.

joint sponsorship of bills, the Chairman of the Committee on Rules offered an amendment as follows:⁽¹⁾

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Colmer: On page 1, line 4, after "than" strike out "ten" and insert "twenty-five".

The amendment was agreed to.

§ 5.8 A resolution reported by the Committee on Rules proposing to amend the rules may not be amended unless the Member in charge yields for that purpose or the previous question is voted down, nor is an amendment offered by the Member in charge subject to amendment.

The following proceedings took place in the 82d Congress:⁽²⁾

MR. [JOHN E.] LYLE [Jr., of Texas]: Mr. Speaker, by direction of the Committee on Rules, I call up H. Res. 386 and ask for its immediate consideration.

[The Clerk read the resolution, which proposed an amendment to the rules of the House.]

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I would like to in-

1. 113 CONG. REC. 10711, 90th Cong. 1st Sess., Apr. 25, 1967.

2. 97 CONG. REC. 11394, 11397, 82d Cong. 1st Sess., Sept. 14, 1951.

quire, as a parliamentary inquiry, whether or not this resolution would be subject to amendment if an amendment were offered for and on behalf of the Rules Committee.

THE SPEAKER [Sam Rayburn, of Texas]: The gentleman from Texas [Mr. Lyle] has control of the time. The gentleman from Texas can offer an amendment before he moves the previous question, which amendment the Chair hopes will be offered.

MR. HALLECK: In other words, if the question that has been raised is such as merits the attention of the House before we finally act on this matter, then it could be reached by some sort of amendment offered by the gentleman from Texas [Mr. Lyle]?

THE SPEAKER: Or he could yield to someone to offer an amendment. . . .

MR. [CLARK E.] HOFFMAN [of Michigan]: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: But unless the gentleman from Texas does offer such an amendment the only way we could have an opportunity would be to vote down the previous question.

THE SPEAKER: That would be correct.

MR. LYLE: Mr. Speaker, when I introduced the resolution I called to the attention of the House the objection that had been raised to the proviso that has been under discussion. I have drawn an amendment which I expect to offer which would strike out lines 12, 13, and 14.

THE SPEAKER: Does the gentleman desire to offer the amendment now?

MR. LYLE: Mr. Speaker, I now offer the amendment.

The Clerk read as follows:

Amendment offered by Mr. Lyle: Strike out lines 1, 13, and 14.

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

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN: Is an amendment to the amendment in order?

THE SPEAKER: Not unless the gentleman from Texas yields for that purpose.

The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Rereferral or Recommittal of Resolution Amending Rule

§ 5.9 A resolution reported by the Committee on Rules proposing an amendment to the rules of the House was by unanimous consent recommitted to the Committee on Rules, a motion to recommit not being in order.

In the course of the proceedings described above⁽³⁾ relating to a resolution proposing an amendment to the rules, the following exchange took place:⁽⁴⁾

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

3. § 5.8, supra.

4. 97 CONG. REC. 11397, 82d Cong. 1st Sess., Sept. 14, 1951 (Speaker Sam Rayburn, Tex.).

MR. HOFFMAN: Is a motion to recommit in order?

THE SPEAKER: Not on a resolution from the Committee on Rules. . . .

MR. [JOHN E.] LYLE [of Texas]: Mr. Speaker, I ask unanimous consent that the resolution may be re-referred to the Committee on Rules.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

There was no objection.

Discharge of Committee on Rules; Adoption of Resolution

§ 5.10 The Committee on Rules was by motion discharged from further consideration of a resolution amending the rules of the House.

In the 78th Congress, a resolution amending the rules was read with respect to which Mr. John E. Rankin, of Mississippi, remarked:⁽⁵⁾

Mr. Speaker, this resolution was introduced a little more than a year ago, on January 6, 1943. We were unable to get it reported from the Rules Committee. I am reliably informed the Committee on Rules never had a chance to vote on it. It was never laid before them for a vote. Therefore it was petitioned out. Two hundred and

5. See 90 CONG. REC. 629, 78th Cong. 2d Sess., Jan. 24, 1944 (Speaker Sam Rayburn, Tex.).

As to discharging matters from committee consideration generally, see Ch. 18, *infra*.

eighteen Members of this House signed a petition bringing it before the House at this time. . . .

A motion to discharge the Committee on Rules was agreed to.⁽⁶⁾

§ 5.11 Where the Committee on Rules is discharged from further consideration of a resolution amending the rules, the House immediately votes on adoption of the resolution, and amendments are not in order.

In the course of the proceedings described above concerning a resolution to amend the rules,⁽⁷⁾ the following exchange took place:⁽⁸⁾

MR. [HAROLD D.] COOLEY [of North Carolina]: I wish to be advised for my own information and for the information of the House as to whether or not this resolution will be subject to amendment in the event of an affirmative vote on the motion to discharge. There seems to be some uncertainty about it.

THE SPEAKER [Sam Rayburn, of Texas]: The Chair will read the rule, which is very clear:

If the motion should prevail to discharge the Committee on Rules from any resolution pending before the committee the House shall immediately vote on the adoption of said resolution, the Speaker not enter-

6. 90 CONG. REC. 633, 78th Cong. 2d Sess., Jan. 24, 1944.

7. See § 5.10, *supra*.

8. 90 CONG. REC. 631, 78th Cong. 2d Sess., Jan. 24, 1944.

taining any dilatory or other intervening motions except one motion to adjourn.

MR. [ADOLPH J.] SABATH [of Illinois]: That is on the resolution itself, Mr. Speaker.

THE SPEAKER: On the resolution itself.

MR. COOLEY: My parliamentary inquiry was about the resolution after the discharge of the committee.

THE SPEAKER: That is exactly what the Chair was reading. It reads: "On the resolution." When the House votes to discharge the committee then the resolution is before the House for a vote.

MR. COOLEY: Under the general rules of the House providing for an amendment; or am I mistaken?

THE SPEAKER: This is not under the general rules of the House; this is under the discharge rule.

Discussion of Effect of Proposed Amendment

§ 5.12 The effect of a proposed amendment to the rules is a matter for debate and not within the jurisdiction of the Chair to decide on a parliamentary inquiry.

In the 90th Congress, in the course of debate on a resolution to amend the rules to permit joint sponsorship of bills, the following exchange took place:⁽⁹⁾

MR. [DURWOOD G.] HALL [of Missouri]: . . .

9. 113 CONG. REC. 10710, 90th Cong. 1st Sess., Apr. 25, 1967.

[W]ill the distinguished gentleman yield at this time for a parliamentary inquiry of the Chair, inasmuch as it is important that we try to envisage, in passing this legislation today, what effect it will have on the future rules of procedure in the House, and their application.

MR. [WILLIAM M.] COLMER [of Mississippi]: I yield to the gentleman from Missouri.

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The Chair must advise the distinguished gentleman from Missouri that this is a matter for debate on a resolution pending and not a matter properly within the jurisdiction of the Chair on a parliamentary inquiry. It is up to the sponsor of the resolution to explain the terms of the resolution

§ 6. —Applicability; Construction

A rule⁽¹¹⁾ provides that the rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable. Similarly, the rules of the House are the rules of its committees and subcommittees so far as applicable.⁽¹²⁾ Thus, Members may appeal from decisions of the chairmen of their respective committees in the same manner as Members have a right

10. Carl Albert (Okla.).

11. Rule XXIII, *House Rules and Manual* § 877 (1973).

12. Rule XI, *House Rules and Manual* § 735 (1973).

to appeal from a decision of the Speaker or presiding officer in the House.⁽¹³⁾

It has been stated,⁽¹⁴⁾ in response to objections raised against certain rules changes, that it is not within the province of the Chair in disposing of a point of order to consider the effect or anticipated effect of the passage of any rule on legislation which may be pending. A proposed rule having been reported by the Committee on Rules, it is for the House to consider and act upon it, and such action is controlling. It is the province of the Chair to look to the terms of each existing rule and direct the House to proceed in accordance with those terms.

Where two rules of the House are in conflict, the last one adopted controls.⁽¹⁵⁾ Similarly, where the rules of the House and a subsequent legislative enactment are not consistent, the enactment must prevail.⁽¹⁶⁾ On the other hand, a rule subsequently adopted may supersede the provisions of such an enactment.⁽¹⁷⁾

13. 95 CONG REC. 1212, 81st Cong. 1st Sess., Feb. 15, 1949 (remarks of Speaker Sam Rayburn [Tex.]).

14. 79 CONG REC. 11265, 74th Cong. 1st Sess., July 16, 1935 (remarks of Speaker Joseph W. Byrns [Tenn.]).

15. See § 6.1, *infra*.

16. See § 6.2, *infra*.

17. In the 86th Congress, a provision in the mutual security appropriation

Conflicting Rules

§ 6.1 Where two rules of the House are in conflict, the last one adopted controls.

In the 74th Congress, in the course of holding that the House may, by rule, provide for the consolidation into an omnibus bill of private bills once objected to, Speaker Joseph W. Byrns, of Tennessee, stated:⁽¹⁸⁾

The gentleman . . . in his argument today, has contended that this rule conflicts with a number of rules to which he has referred. Without passing upon the question of whether or not there is a conflict, the Chair will state that if there is a conflict the rule last adopted would control. The Chair assumes that if this rule should be found to conflict with previous rules that the House intended, at least by implication, to repeal that portion of the previous rule with which it is in conflict.

§ 6.2 Where the rules of the House and a subsequent legislative enactment are not

bill reappropriating unexpended balances was conceded to be unauthorized, notwithstanding a section in the Mutual Security Act of 1955 authorizing such reappropriations, since the rules of the House adopted on Jan. 7, 1959 contained a later, expression of Congress to the contrary. See 106 CONG REC. 13138, 86th Cong. 2d Sess., June 17, 1960.

18. 79 CONG REC. 11264, 74th Cong. 1st Sess., July 16, 1935.

consistent, the enactment must prevail, being a later expression of the will of the House.

In the 87th Congress, it was held that a House rule prohibiting, on general appropriation bills, provisions reappropriating unexpended balances of appropriations, was not applicable to provisions in an appropriation bill that were authorized by a legislative enactment passed subsequently to the adoption of the rules.⁽¹⁹⁾

Factors Considered in Construing Rule

§ 6.3 In construing a rule, the Speaker may consider all the facts and issues involved in a point of order arising under the terms of the rule.

In the 75th Congress, a point of order was made against the acceptance by the House of the report of an election committee, on the grounds that the making of the report violated a rule specifying the time within which elec-

19. 107 CONG REC. 18133, 87th Cong. 1st Sess., Sept. 5, 1961 (Speaker pro tempore John W. McCormack, Mass.).

Of course, a rule subsequently adopted may supersede the provisions of such an enactment. See § 6, supra.

tion committees should make final reports to the House in contested election cases. Speaker William B. Bankhead, of Alabama, ruled that the provisions in question were directory and not mandatory, and did not prevent an election committee from filing a report after expiration of the specified time. In reaching such decision, the Speaker indicated that he would look beyond the strict terms of the rule to all the facts in the case in order to determine the intention of the House in adopting the rule. Among the factors considered by the Speaker in reaching his decision were the constitutional power of the House to decide the qualifications of its Members, and the fact that the time period between the election of Members and the meeting of Congress was much shorter than it had been at the time the rule in question was adopted.⁽²⁰⁾

Proceedings Not Expressly Authorized by Rules

§ 6.4 On occasion, acts or proceedings not expressly authorized by the rules may be deemed inconsistent with or in violation of the rules.

Examples may be seen in the rulings of Speakers Sam Rayburn,

20. See 81 CONG REC. 8842-8846, 75th Cong. 1st Sess., Aug. 13, 1937.

of Texas, and John W. McCormack, of Massachusetts, under the rules as they existed at the time, in regard to televising committee meetings.⁽²¹⁾ The tenor of the rulings was that since there was no authority in the rules of the House granting the privilege of televising the proceedings of the House, there was no authorization for televising committee meetings.

§ 7. —Abrogation or Waiver

In most cases, the requirements of the rules can be waived or abrogated through the use of various procedures. The House, for example, may by unanimous consent agree to a certain order of business, or may vote to suspend the rules. These procedures are discussed in detail elsewhere.⁽¹⁾ Generally, the Speaker may recognize for unanimous-consent requests to waive the requirements of existing rules unless the rule in question specifies that it is not subject to

21. See 98 CONG. REC. 1334, 82d Cong. 2d Sess., Feb. 25, 1952; 101 CONG. REC. 628, 84th Cong. 1st Sess., Jan. 24, 1955; 108 CONG. REC. 267-269, 87th Cong. 2d Sess., Jan. 16, 1962; 113 CONG. REC. 8419, 90th Cong. 1st Sess., Apr. 5, 1967.

1. See Ch. 21, *infra*.

waiver.⁽²⁾ Similarly, the power of the House to change its rules at any time, as by amendment or by provisions included in legislative enactments, is recognized, as has been discussed above.⁽³⁾ Moreover, it appears that where a motion not in order under the rules of the House is, without objection, considered and agreed to, it controls the procedure of the House until carried out, unless the House takes affirmative action to the contrary.⁽⁴⁾

The strict terms of a rule have been avoided where the Speaker, having considered all of the facts and issues involved in a point of order arising under the terms of the rule, has construed such rule

2. See Ch. 21, *infra*.

For debate of amendments under the five-minute rule, see Ch. 29, *infra*.

3. See § 5, *supra*.

Provisions in a legislative enactment may have the effect of rendering inapplicable a House rule adopted earlier with respect to the matters covered in the enactment. Being a later expression of the will of the House, such enactment may, for example, expressly authorize that which is prohibited by the rule. See § 6.2, *supra*.

4. 114 CONG. REC. 30214, 90th Cong. 2d Sess., Oct. 9, 1968 (remarks of Speaker John W. McCormack [Mass.], relating to motion of Mr. Adams). See Ch. 23, *infra*, as to the use of motions generally.

to be directory and not mandatory.⁽⁵⁾

A common means by which the rules may be circumvented is for the Committee on Rules to report, and the House to adopt, a resolution providing for a particular order of business and specifying the conditions under which such business will be considered.⁽⁶⁾ Since the Committee on Rules has authority to report resolutions providing for special orders of business, no point of order against such a resolution can be based on the fact that adoption of the resolution would have the effect of abrogating another standing rule of the House.⁽⁷⁾ Thus, by direction of the Committee on Rules, a resolution may be called up waiving all points of order against a particular bill. In such manner, a variety of points of order can be waived. As examples, a resolution may waive points of order that could otherwise be raised against legislative provisions in appropria-

5. See §6.3, *supra*.

6. See Chs. 17, 21, *infra*.

7. Generally, see Ch. 21, *infra*.

tion bills,⁽⁸⁾ points of order based on the requirement of germaneness in amendments to bills,⁽⁹⁾ and even points of order based on the requirements of the Ramseyer rule,⁽¹⁰⁾ whether the resolution is general in its terms or expressly waives the requirement of compliance with the Ramseyer rule.⁽¹¹⁾

8. See Ch. 26, *infra*.

For an example of a resolution waiving the provisions of the house rule relating to unauthorized appropriations and legislation on general appropriation bills, see 86 CONG. REC. 3443, 76th Cong. 3d Sess., Mar. 25, 1940 (H. Res. 436).

9. See, for example, 106 CONG. REC. 10575, 86th Cong. 2d Sess., May 18, 1960. For general discussion of the requirement of germaneness in amendments to bills, see Ch. 28, *infra*.

10. As to the Ramseyer rule, requiring in certain circumstances that committee reports show the effects of proposed bills on existing law, see Ch. 17, *infra*.

11. 95 CONG. REC. 1214, 1218, 81st Cong. 1st Sess., Feb. 15, 1949 (response of Speaker Sam Rayburn [Tex.], to point of order concerning the First Deficiency Appropriation Bill, 1949).

B. THE HOUSE JOURNAL**§ 8. In General; Purpose and Use**

The Constitution requires the House of Representatives to keep a Journal of its proceedings, and from time to time publish it excepting such parts as may in its judgment require secrecy.⁽¹⁾ Accordingly, it is the Journal of the House and not the *Congressional Record* that is the official record of the proceedings of the House,⁽²⁾ and as such it is appropriately afforded judicial notice by both federal and state courts.⁽³⁾

The object of the constitutional clause exacting the keeping of the Journal is to ensure publicity to the proceedings of the House and a correspondent responsibility of the Members to their respective constituents.⁽⁴⁾ And, in consonance with such purpose, Jefferson's Manual, although providing that the Clerk is not to let the Journal be taken out of his custody,⁽⁵⁾ also emphasizes that as an official

1. U.S. Const. art. I, § 5, by which an identical requirement is imposed upon the Senate.
2. 4 Hinds' Precedents § 2727.
3. 31 CJS Evidence § 43.
4. 2 Story, *Commentaries on the Constitution*, §§ 837-839.
5. *House Rules and Manual* § 352 (1973).

record the Journal is open to inspection by every Member and that anyone may take and publish votes therefrom.⁽⁶⁾

The Clerk is required to print and distribute the Journal at the close of each session to the Members and others designated by the House rules.⁽⁷⁾ Further, various statutes provide for the distribution of the Journal to the libraries and document rooms of both Houses of Congress, and to the Secretary of the Senate, the Clerk of the House, and several other governmental officials, agencies, and departments.⁽⁸⁾

Effect of Variance Between Journal and Congressional Record

§ 8.1 The Senate Journal is the official record of Senate pro-

6. *House Rules and Manual* § 582 (1973).
7. Rule III clause 3, *House Rules and Manual* § 641 (1973) (which also requires that the Clerk send a copy of the Journal to the Executive and to each branch of the legislature of each state).
8. See, for example, 2 USC §§ 145, 146; 44 USC §§ 713, 1714, 1718.

ceedings, and where there is a variance between a Journal and a Record entry, the Journal is controlling.

On Jan. 8, 11 165,⁽⁹⁾ in response to a parliamentary inquiry of a Senator who asked whether the record of the Journal Clerk or the record of an official reporter of debates took precedence in the event that there was any variance between them, the President pro tempore⁽¹⁰⁾ said that the Journal is mentioned in the Constitution, and all the precedents support the Journal as the proper record.

§ 9. The Journal as Evidence

In keeping with the Journal's status as the official record of the House,⁽¹¹⁾ it is provided by statute⁽¹²⁾ that extracts therefrom certified by the Clerk⁽¹³⁾ are to be received in evidence with the

9. 111 CONG. REC. 452, 89th Cong. 1st Sess.
10. Carl Hayden (Ariz.).
11. See § 8, supra.
12. 28 USC § 1736.
13. 2 USC § 114 authorizes the Clerk to charge a nominal fee for certified transcripts from the Journal except when required by an officer of the United States in a matter relating to the duties of his office.

same effect as the originals would have. However, it has been held that with respect to matters not required by the Constitution to be entered on the Journal, such provision is not a statutory declaration that the Journal is the highest evidence of the facts stated in it or complete evidence of all that occurs in the progress of business in the House.⁽¹⁴⁾

Although the Constitution requires the objections of the President to a bill returned by him to be entered upon the Journal,⁽¹⁵⁾ the failure of the Journal to show such objections as of a certain time is not conclusive in determining whether the bill was in fact returned within the period allowed by the Constitution,⁽¹⁶⁾ particularly since the President has no control over the entries in the Journal.⁽¹⁷⁾

14. *Field v Clark*, 143 U.S. 649 (1892), construing former Revised Statutes § 895, the provisions of which respecting the admissibility and weight to be afforded certified copies of the Journal were essentially the same as those of 28 USC § 1736.

Collateral references: As to the extent to which resort may be made to legislative journals as an aid in the construction of constitutions or statutes generally, see 70 ALR 5. As to judicial review of parliamentary proceedings generally, see 59 Am Jur 2d *Parliamentary Law* § 15 (1971).

15. See § 10, *infra*.
16. U.S. Const. art I, § 7.
17. *Prevost v Morganthau*, 106 F2d 330 (70 App. D.C. 306, 1939).

It is expressly provided by statute⁽¹⁸⁾ that certified copies of the Journal record of the oath of office personally subscribed by Members are admissible in evidence in any court of the United States as conclusive proof of the fact that the signer duly took the oath of office in accordance with law.⁽¹⁹⁾

§ 10. Entry of Particular Proceedings

The Constitution provides for the keeping and publication of the Journal,⁽²⁰⁾ and expressly requires the recording of certain matters therein. Pursuant to its provisions, veto messages of the President accompanying bills disapproved and returned by him to the House must be entered on the Journal.⁽¹⁾ The Constitution also specifies the circumstances under which the yeas and nays are to be entered on the Journal.⁽²⁾ And, because yea and nay votes are thus always made a part of the Journal, a motion or request to that effect is not necessary.⁽³⁾

18. 2 USC § 25.

19. Generally, as to taking the oath, see Ch. 2, *supra*.

20. See § 8, *supra*.

1. U.S. Const. art I, § 7.

2. See U.S. Const. art I, §§ 5, 7.

3. See § 10.4, *infra*.

The specific content of the Journal is also governed to some extent by legislative enactment.⁽⁴⁾ For example, a statute requires that the electoral vote be entered on the Journal⁽⁵⁾ together with a list of the votes by state in alphabetical order.

Governing the content of the Journal to a far greater extent than the relatively few constitutional and statutory provisions are the rules and practice of the House itself. In this regard, it should be noted that while the Constitution requires that certain matters be recorded in the Journal, it does not specify the particular mode in which, or indicate with what fullness, the Journal is to record those proceedings of the House relating to matters not expressly required by it to be entered therein; consequently the procedures to be followed with respect to such matters are left to the discretion of the House.⁽⁶⁾ Thus, the House controls its Jour-

4. See, for example, 2 USC § 25, requiring each Member who takes the oath of office to deliver a signed copy thereof to the Clerk for recordation in the *Congressional Record* and in the Journal.

As to the admissibility in evidence of certified copies of the Journal entry, see § 9, *supra*.

5. 3 USC § 17.

6. *Field v Clark*, 143 U.S. 670 (1892).

nal, even to the extent of omitting things actually done or recording things not done.⁽⁷⁾ For example, because the Journal reflects only actions actually taken in the House, a request for unanimous consent which meets with objection is not made part of the Journal.⁽⁸⁾ And, in the exercise of that discretion afforded it by the Constitution with respect to the Journal, the House has by its rules expressly provided for the entry therein of such diverse matters as questions of order and the decisions thereon,⁽⁹⁾ the designation of a Clerk pro tempore,⁽¹⁰⁾ the titles or subject of reports of committees delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker,⁽¹¹⁾ the hour of adjournment,⁽¹²⁾ and messages from the Senate and the President giving notice of bills passed or approved.⁽¹³⁾

Petitions, memorials and bills of a private nature, together with

7. 4 Hinds' Precedents § 2784.
8. See § 10.2, *infra*.
9. Rule III clause 3, *House Rules and Manual* § 641 (1973).
10. Rule III clause 4, *House Rules and Manual* § 647 (1973).
11. Rule XIII clause 2, *House Rules and Manual* § 743 (1973).
12. Rule XVI clause 5, *House Rules and Manual* § 790 (1973).
13. Rule XXXIX, *House Rules and Manual* § 935 (1973).

the names of the Members presenting them, are entered in the Journal,⁽¹⁴⁾ as are all public bills, memorials, resolutions and other documents referred under the rules.⁽¹⁵⁾ Additionally, when a bill, resolution or memorial is introduced "by request", these words must also be entered upon the Journal,⁽¹⁶⁾ and although not expressly required to do so by its rules, the House follows an identical practice with respect to petitions so introduced.⁽¹⁷⁾

Every motion made to the House and entertained by the Speaker, likewise must be entered on the Journal with the name of the Member making it, unless it is withdrawn the same day.⁽¹⁸⁾ A motion to discharge a committee, however, is entered on the Journal only when signed by a majority of the total membership of the House.⁽¹⁹⁾

14. Rule XXII clause 1, *House Rules and Manual* § 849 (1973).
15. Rule XXII clause 4, *House Rules and Manual* § 854 (1973).
16. Rule XXII clause 6, *House Rules and Manual* § 860 (1973), also requiring that the quoted words be printed in the Record.
17. See § 10.7, *infra*.
18. Rule XVI clause 1, *House Rules and Manual* § 775 (1973), providing further that any such motion must be reduced to writing on the demand of any Member.
19. Rule XXVII clause 4, *House Rules and Manual* § 908 (1973), further

Jefferson's Manual states that conference reports are to be entered in the Journal,⁽²⁰⁾ but notes that where amendments are made to a question they are not to be printed in the Journal separated from the question, and that the Journal records only the question as finally agreed to by the House.⁽¹⁾

The Journal also should record the result of every vote and state its subject in general terms.⁽²⁾ In this regard, the rules provide that when a recorded vote is taken the names of those voting on each side of the question and the names of those not voting are to be entered in the Journal.⁽³⁾

The names of those Members counted to establish a quorum of record, but not voting on a roll call, are also reported on the Journal.⁽⁴⁾ And when, in the absence of a quorum, a call of the House in the old form is conducted, Mem-

providing that a signature may be withdrawn by a Member in writing at any time before the motion is entered on the Journal.

20. *House Rules and Manual*, §542 (1973).

1. *House Rules and Manual* §580 (1973).

2. 4 Hinds' Precedents §2804.

3. Rule I clause 5, *House Rules and Manual* §630 (1973).

4. Rule XV clause 3, *House Rules and Manual* §772 (1973).

bers voluntarily appearing report their names to the Clerk to be entered upon the Journal as present.⁽⁵⁾

On the other hand, when a call of the House in the absence of a quorum is ordered, those Members who fail to respond are recorded as absent in the Journal,⁽⁶⁾ as are those Members reported as absentees during a call of the roll ordered upon the failure of a quorum in the Committee of the Whole.⁽⁷⁾

Similarly, whenever electronic voting equipment is used in recording any roll call or quorum call, a list of the names of those Members recorded as voting in the affirmative, of those recorded as voting in the negative, and of those voting "present", as the case may be, is to be entered in alphabetical order in each category in the Journal as if their names had been called in the manner otherwise provided for under the provisions of the applicable rule.⁽⁸⁾

5. Rule XV clause 2(a), *House Rules and Manual* §768 (1973).

6. Rule XV clause 2(b), *House Rules and Manual* §771b (1973).

7. Rule XXIII clause 2, §863, and Rule XV clause 2(b), §771b, *House Rules and Manual* (1973).

8. Rule XV clause 5, *House Rules and Manual* §774b (1973).

Entry of Proceedings, Special Orders, and Unanimous-Consent Requests

§ 10.1 The Journal reflects the proceedings of the day.

On Oct. 8, 1968,⁽⁹⁾ a Member propounded a parliamentary inquiry as to whether due diligence was being paid to the proceedings of that day with regard to what the Journal and the *Congressional Record* would show on the next day. The Speaker pro tempore⁽¹⁰⁾ stated that the Journal and the Record would reflect the proceedings of the day.

§ 10.2 The Journal reflects only the actions that are taken in the House and therefore, where a unanimous-consent request is objected to, such matter is not made part of the Journal.

On Feb. 15, 1950,⁽¹¹⁾ a Member interrupted the reading of the previous day's Journal to make the point of order that the Journal was incorrect because it noted neither his unanimous-consent request that the House adjourn until a day certain nor the objec-

9. 114 CONG. REC. 3097, 90th Cong. 2d Sess.
10. Wilbur D. Mills (Ark.).
11. 96 CONG. REC. 1805, 81st Cong. 2d Sess.

tion of another Member thereto. The Speaker,⁽¹²⁾ pointing out that the Clerk was reading the Journal and not the Record, overruled the point of order and declared that the Journal reflects only the actions that are taken.

§ 10.3 The Journal does not include the texts of special orders because they do not constitute business.

On Sept. 13, 1965,⁽¹³⁾ a Member rising to a parliamentary inquiry interrupted the reading of the Journal for Sept. 9 to ask whether it included any part of certain special orders. In response, the Speaker⁽¹⁴⁾ stated that the Journal did not include special orders because the same were not business.

Recording Yeas and Nays

§ 10.4 Yea and nay votes are always made a part of the Journal and a motion or request to that effect is not necessary.

On Feb. 21, 1950,⁽¹⁵⁾ in response to a Member who requested that the yea and nay votes just re-

12. Sam Rayburn (Tex.).
13. 111 CONG. REC. 23600, 89th Cong. 1st Sess.
14. John W. McCormack (Mass.).
15. 96 CONG. REC. 2094, 81st Cong. 2d Sess.

corded be made a part of that day's Journal, the Speaker⁽¹⁶⁾ stated it to be his understanding that yea and nay votes are always made a part of the Journal.

Recording Electoral Votes

§ 10.5 After the dissolution of a joint session of Congress called for the purpose of counting the electoral vote, the Speaker calls the House to order and directs that the electoral vote be spread at large upon the Journal.

On Jan. 6, 1969,⁽¹⁷⁾ after the President pro tempore of the Senate⁽¹⁸⁾ had declared dissolved the joint session of Congress, called pursuant to a Senate concurrent resolution⁽¹⁾ for the purpose of counting the electoral vote, the House was called to order by the Speaker⁽²⁾ who then directed that the electoral vote be spread at large upon the Journal.

§ 10.6 The names of those Members of Congress whose signatures on an objection to the electoral count are in ex-

16. Sam Rayburn (Tex.).

17. 115 CONG. REC. 172, 91st Cong. 1st Sess.

18. Richard B. Russell, Jr. (Ga.).

1. S. Con. Res. 1, 91st Cong. 1st Sess. (1969).

2. John W. McCormack (Mass.).

cess of the minimum number prescribed by statute⁽³⁾ may be entered on the Journal by unanimous consent.

On Jan. 6, 1969,⁽⁴⁾ after the joint session of the two Houses of Congress called to count the electoral vote was dissolved, the Speaker,⁽⁵⁾ having called the House to order and directed that the electoral vote be spread at large upon the Journal, announced that there were additional signatures of Members of the House and Senate on the objection raised to the electoral vote of North Carolina, and that without objection such signatures would appear in the Journal and in the Record. There was no objection.

Entry of Bills, Petitions, and Resolutions

§ 10.7 When a petition filed with the Clerk under Rule XXII clause 1 is introduced "by request," these words are entered on the Journal and printed in the Record fol-

3. 3 USC §15, providing, inter alia, that such objection must be in writing and signed by at least one Senator and one Member of the House of Representatives.

4. 115 CONG. REC. 172, 91st Cong. 1st Sess.

5. John W. McCormack (Mass.).

lowing the name of the Member.

The presentation and reference under Rule XXII⁽⁶⁾ of a petition introduced "by request" on Apr. 13, 1961, was duly recorded in both the Journal⁽⁷⁾ and the *Congressional Record*⁽⁸⁾ for that date with the words "by request" noted parenthetically immediately following the name of the Member introducing the petition.

§ 10.8 The printing of the text of a bill in the Journal may be dispensed with by unanimous consent.

On Apr. 26, 1965⁽⁹⁾ after the passage of a bill⁽¹⁰⁾ providing for the codification of the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia, a Member asked unanimous consent that the printing of the bill in the Journal and in the *Congressional Record* be dispensed with because of the cost involved. There was no response to the Speaker's⁽¹¹⁾ call for objections.

- 6. Clauses 1 and 6, *House Rules and Manual* (1973).
- 7. H. JOUR. 424, 87th Cong. 1st Sess.
- 8. 107 CONG. REC. 5900, 87th Cong. 1st Sess.
- 9. 111 CONG. REC. 8375, 89th Cong. 1st Sess.
- 10. H.R. 4465, 89th Cong. 1st Sess. (1965).
- 11. John W. McCormack (Mass.).

§ 10.9 When a resolution has been adopted providing for the consideration of a bill by the Committee of the Whole House on the state of the Union, and the bill is then called up and considered by unanimous consent in the House as in the Committee of the Whole, the Journal indicates the discharge of the Committee of the Whole House on the state of the Union from the further consideration of such bill.

On June 28, 1966,⁽¹²⁾ after the adoption of a resolution⁽¹³⁾ providing for the consideration of a certain bill⁽¹⁴⁾ in the Committee of the Whole House on the state of the Union under an open rule with one hour of general debate, a Member, by direction of the cognizant Committee, called up the bill and at his request was granted unanimous consent that it be considered in the House as in the Committee of the Whole. The Journal for that day⁽¹⁵⁾ indicated the discharge of the Committee of

- 12. 112 CONG. REC. 14547, 89th Cong. 2d Sess.
- 13. H. RES. 895, 89th Cong. 2d Sess. (1966).
- 14. H.R. 5256, 89th Cong. 2d Sess. (1966).
- 15. H. JOUR. 650, 89th Cong. 2d Sess. (1966).

the Whole in the following language: "On motion of Mr. Hébert by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill H.R. 5256. . . ."

Corrections of the Congressional Record

§ 10.10 When remarks and extraneous matter inserted in the Congressional Record by a Member are, by unanimous consent, ordered expunged from the permanent edition thereof, the Journal records such fact.

The Journal of June 5, 1962,⁽¹⁶⁾ records the fact that at the request of a Member his remarks and certain extraneous material appearing in the *Congressional Record* for a particular date were by unanimous consent ordered expunged from the permanent Record.

§ 11. Reading the Journal

Prior to the 92d Congress, during which the present form of the applicable House rule⁽¹⁷⁾ was

16. H. JOUR. 372, 87th Cong. 2d Sess.

17. Rule I clause 1, *House Rules and Manual* §621 (1973), the present

adopted, the reading of the Journal of each legislative day was mandatory under the rule as then in force, and could be dispensed with only by unanimous consent⁽¹⁸⁾ or by suspension of the rules.⁽¹⁹⁾

Under the modern practice, however, the Speaker, after examining the Journal, is authorized on the appearance of a quorum to announce his approval thereof, in which case the Journal is to be considered as read, unless its reading is ordered either by the Speaker himself or by the House. In the latter regard, it is in order to offer one motion that the Journal be read, which motion is of the highest privilege and must be determined without debate.⁽²⁰⁾ In either event, however, the Journal may not be ordered read, or approved, in the absence of a quorum,⁽¹⁾ and when a point of order as to the absence of a quorum is made prior to the reading of the Journal, the presence of a quorum is therefore ascertained before the reading is begun.⁽²⁾

form of which is derived from §127 of the Legislative Reorganization Act of 1970 (84 Stat. 1140).

18. 6 Cannon's Precedents §625.

19. 4 Hinds' Precedents §§2747-2750.

20. Rule I clause 1, *House Rules and Manual* §621 (1973).

1. 4 Hinds Precedents §§2732, 2733; 6 Cannon's Precedents §629.

2. See §12.6, *infra*.

The Journal, if and when read, is ordinarily read in accordance with the practices and customs of the House,⁽³⁾ as prepared by the Clerk.⁽⁴⁾ Once begun, the reading thereof must be in full if so demanded by a Member.⁽⁵⁾ However, when a demand that it be read in full is made after a portion thereof has been read, the Clerk begins detailed reading at the point where the demand is made and does not return to that portion which has been passed.⁽⁶⁾ Of course, a reading of the Journal may be terminated by unanimous consent.⁽⁷⁾

Reading Practices and Customs

§ 11.1 The Journal is read in accordance with the practices and customs of the House of Representatives.

On Sept. 13, 1965,⁽⁸⁾ a Member, having been recognized for the purpose of submitting a parliamentary inquiry, interrupted the reading of the Journal for the

3. See § 11.1, *infra*.

4. See § 11.4, *infra*.

5. See § 11.3, *infra*.

6. See § 11.9, *infra*.

7. See § 11.13, *infra*.

8. 111 CONG. REC. 23599, 89th Cong. 1st Sess.

previous legislative day to ask whether the reading of the Journal in full would be concluded prior to the reading of the special orders and the referral of bills and rules on that day.

The Speaker⁽⁹⁾ stated that the Journal was being read in accordance with the practices and customs of the House of Representatives.

§ 11.2 When the House reconvened after an adjournment to a day certain, the Journal of the last day's proceedings was read.

When the House, pursuant to a Senate concurrent resolution,⁽¹⁰⁾ met on Aug. 15, 1960,⁽¹¹⁾ after an adjournment of approximately six weeks, the Journal of the last day of meeting was read and approved.

Reading of Journal in Full

§ 11.3 The Journal had to be read in full when demanded by a Member.

On May 4, 1960,⁽¹²⁾ before the Clerk had commenced the reading of the Journal of the previous

9. John W. McCormack (Mass.).

10. S. Con. Res. 112, 86th Cong. 2d Sess.

11. 106 CONG. REC. 16457, 86th Cong. 2d Sess.

12. 106 CONG. REC. 9413, 86th Cong. 2d Sess.

day's proceedings, a Member demanded that the Journal be read in full. The Speaker⁽¹³⁾ ordered the Clerk to read the Journal in full.

Likewise, on Aug. 27, 1962,⁽¹⁴⁾ before the Clerk could proceed with the reading of the Journal following a call of the House, a Member rose to demand that the Journal be read in full. The Speaker⁽¹⁵⁾ directed the Clerk to read the Journal in full.

§ 11.4 Where demand was made that the Journal be read in full, the Clerk read the Journal in accordance with the way it was prepared.

On Sept. 13, 1965,⁽¹⁶⁾ the reading of the Journal for the previous legislative day was interrupted by a Member who, asserting that the Clerk had failed to read certain material, rose to demand that the Journal be read in full. The Speaker⁽¹⁷⁾ advised that the Clerk was "reading the Journal in accordance with its preparation."

§ 11.5 When the Journal is read in full the names of

13. Sam Rayburn (Tex.).

14. 108 CONG. REC. 17653, 87th Cong. 2d Sess.

15. John W. McCormack (Mass.).

16. 111 CONG. REC. 23599, 89th Cong. 1st Sess.

17. John W. McCormack (Mass.).

those Members noted therein as responding on roll calls may also be read.

On June 1, 1934,⁽¹⁸⁾ a Member propounding a parliamentary inquiry interrupted the reading of the Journal in full to ask whether, in the 35 or 36 years of the Speaker's⁽¹⁹⁾ connection with the Congress he had ever known of any requirement under the rule for reading every name of every roll call that occurred and every single word of every proceeding in the Journal. The Speaker replied that while he did not know of such comprehensive reading, it could be done and that the [former] rule so provided.

§ 11.6 A message from the President of the United States, entered in the Journal, must be read in its entirety when the Journal is read in full.

On May 4, 1960,⁽²⁰⁾ after the Speaker,⁽¹⁾ in response to the demand of a Member, had directed the Clerk to read the Journal of the last day's proceedings in full, the same Member interrupted the

18. 78 CONG. REC. 10226, 73d Cong. 2d Sess.

19. Henry T. Rainey (Ill.).

20. 106 CONG. REC. 9413, 86th Cong. 2d Sess.

1. Sam Rayburn (Tex.).

reading of the Journal with a parliamentary inquiry, asking whether the message from the President of the United States should be read as part of the Journal. The Speaker replied in the affirmative.

§ 11.7 The names of Members responding to roll calls for the yea and nay vote which had been entered in the Journal were read when the Journal was read in full.

On Apr. 9, 1964,⁽²⁾ after a Member had earlier demanded that the Journal be read in full, the reading of the Journal was interrupted by another Member who insisted, as a point of order, that the names of those voting on a certain roll call be read. The Speaker,⁽³⁾ stating it to be his understanding that that was the next item in the Journal to be read, ordered the Clerk to continue to read the proceedings of the preceding session.

§ 11.8 The reading of the Journal was interrupted by a Member contending that the names of those who failed to answer on a roll call were not being read in full.

On Sept. 13, 1965,⁽⁴⁾ following a demand that the Journal be read

2. 110 CONG. REC. 7355, 88th Cong. 2d Sess.
3. John W. McCormack (Mass.).
4. 111 CONG. REC. 23598, 89th Cong. 1st Sess.

in full, the Clerk, at the direction of the Speaker pro tempore⁽⁵⁾ had continued the reading of the Journal when it was interrupted by a Member who contended that the names of those who failed to answer on a particular roll call were not being read in full. The Speaker pro tempore stated that the Clerk took up exactly where he left off. The Clerk then continued to read the Journal.

§ 11.9 Where a demand that the Journal be read in full was made after a portion thereof had been read, the Clerk began a detailed reading at the point where the demand was made and did not return to that portion which had been passed.

On Sept. 13, 1965,⁽⁶⁾ a Member interrupted the reading of the Journal for Sept. 9, 1965, with a parliamentary inquiry to ask whether the reading of the Journal in full as previously demanded by him included the reading of the roll call immediately preceding that which was then being read. The Speaker pro tempore⁽⁷⁾ replied that that part of the Journal had been passed before the de-

5. Carl Albert (Okla.).
6. 111 CONG. REC. 23598, 89th Cong. 1st Sess.
7. Carl Albert (Okla.).

mand had been made for the reading of the Journal in full, and that the question was therefore moot.

Following a further parliamentary inquiry and a renewed demand by the same Member that the Journal be read in full, the reading of the Journal was resumed at the direction of the Speaker pro tempore and continued until again interrupted by another Member, who submitted that the Clerk was not reading in full the names of those who failed to answer the roll call being read at the time of the previous interruption. The Speaker pro tempore advised that the Clerk took up at the point of interruption.

The Clerk then continued the reading of the Journal.

§ 11.10 It is presumed that the Journal, when read, is always read in full.

On Sept. 11, 1968,⁽⁸⁾ in response to a Member's demand that the Journal of the preceding session be read in full, the Speaker⁽⁹⁾ said that there is a presumption that the Journal is always read in full.

Similarly, on Oct. 8, 1968,⁽¹⁰⁾ in reply to a demand that the Jour-

8. 114 CONG. REC. 26454, 90th Cong. 2d Sess.

9. John W. McCormack (Mass.).

10. 114 CONG. REC. 30090, 90th Cong. 2d Sess.

nal be read in full, the Speaker advised that the Chair assumes that the Journal is always read in full.

Dispensing With Further Reading of the Journal

§ 11.11 Under the former rule, a motion that the further reading of the Journal be dispensed with was not in order because such action required unanimous consent.

On Feb. 22, 1950,⁽¹¹⁾ in response to a Member who interrupted the reading of the Journal to move that the further reading thereof be dispensed with, the Speaker⁽¹²⁾ said that could be done only by unanimous consent.

Similarly, on May 4, 1960,⁽¹³⁾ the Speaker⁽¹⁴⁾ ruled that a motion to dispense with the further reading of the Journal was not in order, noting that the reading of the Journal could be dispensed with only by unanimous consent.

Again, on Sept. 19, 1962,⁽¹⁵⁾ in response to a Member who moved that the further reading of the

11. 96 CONG. REC. 2152, 81st Cong. 2d Sess.

12. Sam Rayburn (Tex.).

13. 106 CONG. REC. 9413, 86th Cong. 2d Sess.

14. Sam Rayburn (Tex.).

15. 108 CONG. REC. 19941, 87th Cong. 2d Sess.

Journal be dispensed with after objection was heard to his request that it be dispensed with by unanimous consent, the Speaker⁽¹⁶⁾ stated that the motion was not in order.

§ 11.12 Under the former rule, the House, by unanimous consent, could dispense with the further reading of the Journal and consider it as read and approved.

On Aug. 8, 1964,⁽¹⁷⁾ after a Member had interrupted the reading of the Journal to withdraw his demand that it be read in full, the Speaker⁽¹⁸⁾ announced that without objection, the Journal of the proceedings of the previous day would be considered as read and approved. There was no objection.

Likewise on Sept. 11, 1968,⁽¹⁹⁾ after the Speaker⁽²⁰⁾ had directed the Clerk to continue with the reading of the Journal following an interruption thereof initiated by a call of the House, a Member requested that the further reading of the Journal be dispensed with

by unanimous consent. There was no objection.

§ 12. —Propriety of Business Before and During Reading

The reading and approval of the Journal rank second in the daily order of business prescribed by the rules of the House, coming immediately after the prayer by the Chaplain.⁽¹⁾ It is therefore well established that the transaction of business is not in order before the Journal is approved.⁽²⁾ However, the simple motion to adjourn⁽³⁾ and the administration of the oath to a Member-elect⁽⁴⁾ are both in order prior to the reading of the Journal, and since the Journal may neither be ordered read nor approved in the absence of a quorum,⁽⁵⁾ a point of no quorum may also be properly made before the Journal is read.⁽⁶⁾

Once begun, the reading of the Journal may not be interrupted even by business as highly privi-

16. John W. McCormack (Mass.).
 17. 110 CONG. REC. 18630, 88th Cong. 2d Sess.
 18. John W. McCormack (Mass.).
 19. 114 CONG. REC. 26456, 90th Cong. 2d Sess.
 20. John W. McCormack (Mass.).

1. Rule XXIV clause 1, *House Rules and Manual* § 878 (1973). As to approval of the Journal, see § 14, *infra*.
 2. See § 12.1, *infra*.
 3. See § 12.3, *infra*.
 4. See § 12.5, *infra*.
 5. See § 11, *supra*.
 6. See § 12.6, *infra*.

leged as the presentation of a conference report⁽⁷⁾ or the consideration of a privileged report from the Committee on Rules.⁽⁸⁾ It may be interrupted, however, by a point of no quorum,⁽⁹⁾ a parliamentary inquiry,⁽¹⁰⁾ an arraignment of impeachment,⁽¹¹⁾ and a question of privilege of the House.⁽¹²⁾

In addition, certain matters may be authorized before or during the reading of the Journal by unanimous consent. For example, the Speaker may be so authorized to declare a recess subject to the call of the Chair prior to the reading of the Journal.⁽¹³⁾ Likewise, a Member may be granted unanimous consent to extend his remarks and include extraneous matter in the Record prior to the reading of the Journal.⁽¹⁴⁾

Transaction of Business Before Reading

§ 12.1 The transaction of business, however highly privi-

7. Rule XXVIII clause 1(a), *House Rules and Manual* § 909 (1973).
8. See § 12.2, *infra*.
9. See § 12.13, *infra*.
10. See § 12.15, *infra*.
11. 6 Hinds' Precedents § 469.
12. See § 12.17, *infra*.
13. See § 12.8, *infra*.
14. See § 12.9, *infra*.

leged, is not in order before the reading and approval of the Journal.

On Oct. 8, 1968,⁽¹⁵⁾ in response to a parliamentary inquiry, the Speaker pro tempore⁽¹⁶⁾ held that it would not be in order to recognize a member of the Committee on Rules to present a rule before the completion of the reading of the Journal of the previous day, noting that even with respect to such a highly privileged matter as a conference report it had been previously ruled⁽¹⁷⁾ that no business was in order until the Journal had been read and approved.

§ 12.2 A privileged report from the Committee on Rules may not be called up for consideration before the reading and approval of the Journal.

On Oct. 8, 1968,⁽¹⁸⁾ before the reading of the Journal had been completed, a Member propounded as a parliamentary inquiry the suggestion that under the House rule⁽¹⁹⁾ making it always in order to call up for consideration a re-

15. 114 CONG. REC. 30096 90th Cong. 2d Sess.
16. Wilbur D. Mills (Ark.).
17. 6 Cannon's Precedents § 630.
18. 114 CONG. REC. 30095, 90th Cong. 2d Sess.
19. Rule XI, *House Rules and Manual* § 729 (1973).

port from the Committee on Rules, and in light of the construction given that rule by an early precedent,⁽¹⁾ it would be in order at that time for the Chair to recognize a member of the Committee on Rules for the purpose of calling up a special order. The Speaker pro tempore,⁽²⁾ however, noting that the precedent referred to had been superseded by the subsequent ruling⁽³⁾ that no business was in order until the Journal had been read and approved, held that it thus would not be in order for him to recognize a member of the Committee on Rules to present a rule before the reading of the previous day's Journal had been completed.

Matters Taking Precedence Over Reading

§ 12.3 A simple motion to adjourn is in order prior to the reading and approval of the Journal.

On July 25, 1949,⁽⁴⁾ before the Journal of the last day's proceedings was read, a Member moved that the House then adjourn, which motion, after the

1. 4 Hinds' Precedents § 2754.
2. Wilbur D. Mills (Ark.).
3. 6 Cannon's Precedents § 630.
4. 95 CONG. REC. 10092, 81st Cong. 1st Sess.

yeas and nays were ordered thereon, was decided in the negative.

Again, on Dec. 7, 1963,⁽⁵⁾ prior to the reading of the Journal and while a point of order that a quorum was not present was pending, a Member moved that the House adjourn. The motion was then agreed to and the House accordingly adjourned until Dec. 9, 1963, at 12 o'clock noon.

§ 12.4 The House may adjourn before the Journal is read and approved.

On Dec. 7, 1963,⁽⁶⁾ before the Journal was read and pending the point of order that a quorum was not present, a Member moved that the House adjourn. The motion was agreed to, and the House accordingly adjourned until Monday, Dec. 9, 1963, at 12 o'clock noon.

§ 12.5 The oath of office may be administered to a Member-elect before the Journal is read.

On Apr. 26, 1948,⁽⁷⁾ before the Clerk had begun to read the Journal and after a point of no quorum was, at the request of the Speaker,⁽⁸⁾ withheld in order that he

5. 109 CONG. REC. 23752, 88th Cong. 1st Sess.
6. *Id.*
7. 94 CONG. REC. 4834, 80th Cong. 2d Sess.
8. Joseph W. Martin, Jr. (Mass.).

might swear in a new Member, the Speaker laid before the House a communication from the Clerk attesting to the credentials of the Member-elect concerned, who then appeared at the bar of the House and took the oath of office.

§ 12.6 The point of no quorum may be made before the Journal is read and approved.

On Apr. 26, 1948,⁽⁹⁾ before the Clerk had begun to read the Journal, a Member making the point of order that a quorum was not present refused to withhold it until after the Journal was read, although agreeing to do so until after a new Member was sworn, and therefore, following the administration of the oath by the Speaker,⁽¹⁰⁾ a call of the House was ordered. After a quorum had appeared, the House dispensed with further proceedings under the call and the Journal of the previous day was then read and approved.

On Mar. 26, 1965,⁽¹¹⁾ before the Clerk had commenced the reading of the Journal, a Member making the point of order that a quorum

9. 94 CONG. REC. 4834, 80th Cong. 2d Sess.

10. Joseph W. Martin, Jr. (Mass.).

11. 111 CONG. REC. 6094. 89th Cong. 1st Sess.

was not present answered in the affirmative when asked by the Speaker⁽¹²⁾ whether he was making such point of order before the Journal was read. A call of the House was then ordered, and after a quorum had appeared, further proceedings under the call were dispensed with and the Clerk read the Journal of the previous day.

§ 12.7 When a point of order as to the absence of a quorum is made before the reading of the Journal, the presence of a quorum is established before the reading begins.

On Mar. 26, 1965,⁽¹³⁾ after the Clerk had been directed by the Speaker⁽¹⁴⁾ to read the Journal of the previous day but before he had begun to do so, a Member made the point of order that a quorum was not present. A call of the House was then ordered, and after a quorum had appeared in response thereto and further proceedings thereunder had been dispensed with, the Clerk read the Journal.

Matters Authorized by Unanimous Consent

§ 12.8 A recess subject to the call of the Chair may be de-

12. John W. McCormack (Mass.).

13. 111 CONG. REC. 6093, 89th Cong. 1st Sess.

14. John W. McCormack (Mass.).

clared by the Speaker, if properly authorized, prior to the reading and approval of the Journal.

On Apr. 9, 1964,⁽¹⁵⁾ before the Clerk had begun to read the Journal of the previous day's proceedings, the Speaker⁽¹⁶⁾ (pursuant to authorization by unanimous consent)⁽¹⁷⁾ declared a recess, subject to the call of the Chair, for the purpose of permitting Members to proceed to the Rotunda to witness the conclusion of the lying-in-state ceremonies for the late General of the Army Douglas MacArthur. After the expiration of the recess, the House was called to order by the Speaker, and at his direction, the Clerk read the Journal.

§ 12.9 A Member's request for unanimous consent to extend his remarks and include extraneous matter in the Record may be entertained and acted upon prior to the reading and approval of the Journal.

On Dec. 7, 1963,⁽¹⁸⁾ after the prayer by the Chaplain and before

15. 110 CONG. REC. 7354, 88th Cong. 2d Sess.

16. John W. McCormack (Mass.).

17. 110 CONG. REC. 7119, 88th Cong. 2d Sess.

18. 109 CONG. REC. 23751, 88th Cong. 1st Sess.

the Journal of the previous day's proceedings had been read, a Member asked unanimous consent to extend his remarks at that point in the Record and include extraneous matter therein. There was no response to the Speaker's⁽¹⁹⁾ call for objections.

Requests Entertained Before Reading

§ 12.10 A request that Calendar Wednesday business be dispensed with by unanimous consent may be entertained prior to the reading and approval of the Journal.

On Sept. 19, 1962,⁽²⁰⁾ before the Clerk had begun to read the Journal and pending the renewal of a point of no quorum which was being withheld, a Member asked unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on that day. Following the Speaker's⁽¹⁾ interrogative, an objection was heard and the request accordingly denied.

§ 12.11 The Speaker may decline requests for unanimous consent to insert material in the Record until after the

19. John W. McCormack (Mass.).

20. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

1. John W. McCormack (Mass.).

Journal has been read and approved.

On Sept. 19, 1962,⁽²⁾ before the Clerk had begun to read the Journal of the preceding session, a Member, having unsuccessfully sought unanimous consent for dispensing with Calendar Wednesday business on that day, asked unanimous consent to insert in the Record with his own remarks a letter from the Secretary of State addressed to the Speaker of the House. The Speaker⁽³⁾ stated that unanimous-consent requests would have to wait until after the Journal had been read.

Reception of Messages Prior to Reading

§ 12.12 A message from the Senate may be received before the reading of the Journal.

On Sept. 19, 1962,⁽⁴⁾ before the Clerk had begun to read the Journal of the preceding session, a point of order that a quorum was not present was made and, at the request of the Speaker,⁽⁵⁾ then withheld in order to permit the re-

2. 108 CONG. REC. 19940, 87th Cong. 2d Sess.
3. John W. McCormack (Mass.).
4. 108 CONG. REC. 19940, 87th Cong. 2d Sess.
5. John W. McCormack (Mass.).

ception of a message from the Senate. Following the communication of the message to the Chair, the point of no quorum was renewed, and after a call of the House had been ordered and a motion to dispense with further proceedings thereunder agreed to, the Clerk commenced the reading of the Journal.

Again, on Apr. 9, 1964,⁽⁶⁾ a message from the Senate was received after a point of no quorum made before the Clerk had begun to read the Journal was withheld solely for that purpose at the request of the Speaker.⁽⁷⁾

And on Sept. 11, 1968,⁽⁸⁾ following a call of the House ordered before the reading of the Journal was begun, and while a motion to dispense with further proceedings under the call was pending, the Speaker⁽⁹⁾ received a message from the Senate.

Matters Which May Interrupt Reading

§ 12.13 A point of order of no quorum is in order during the reading of the Journal.

On Dec. 18, 1970,⁽¹⁰⁾ after a Member had interrupted the read-

6. 110 CONG. REC. 7353, 88th Cong. 2d Sess.
7. John W. McCormack (Mass.).
8. 114 CONG. REC. 26453, 90th Cong. 2d Sess.
9. John W. McCormack (Mass.).
10. 116 CONG. REC. 42505, 91st Cong. 2d Sess.

ing of the Journal to make the point of order that a quorum was not present, the Speaker pro tempore⁽¹¹⁾ announced the intention of the Chair to conduct a count, thereby prompting another Member to ask, by way of parliamentary inquiry, whether it was in order for a Member to be recognized during the reading of the Journal. The Speaker pro tempore replied that a point of order that a quorum is not present is always in order.

§ 12.14 The reading of the Journal may be interrupted by a call of the House.

On Aug. 27, 1962,⁽¹²⁾ after the reading of the Journal had been interrupted by a Member making the point of order that a quorum was not present and the Speaker⁽¹³⁾ had confirmed such fact by making a count, a call of the House was ordered. Following the appearance of a quorum, further proceedings under the call were dispensed with, and the Clerk then concluded the reading of the Journal.

Again, on Nov. 3, 1967,⁽¹⁴⁾ after the Clerk had begun to read the

- 11. W.J. Bryan Dorn (S.C.).
- 12. 108 CONG. REC. 17654, 87th Cong. 2d Sess.
- 13. John W. McCormack (Mass.).
- 14. 113 CONG. REC. 31081, 90th Cong. 1st Sess.

Journal of the preceding day, a Member made the point of order that a quorum was not present. A call of the House was then ordered, and after a quorum had appeared in response thereto and further proceedings thereunder had been dispensed with by unanimous consent, the Clerk read the Journal.

§ 12.15 A Member may interrupt the reading of the Journal to propound a parliamentary inquiry.

On Apr. 9, 1964,⁽¹⁵⁾ a Member who interrupted the reading of the Journal to submit a parliamentary inquiry was recognized for that purpose by the Speaker.⁽¹⁶⁾

§ 12.16 The status of the Clerk's progress in reading the Journal of proceedings of the previous day is a proper subject for a parliamentary inquiry.

On Oct. 8, 1968,⁽¹⁷⁾ in response to a parliamentary inquiry asking how many pages of the Journal had been read and how many remained to be read, the Speaker⁽¹⁸⁾

- 15. 110 CONG. REC. 7356, 88th Cong. 2d Sess.
- 16. John W. McCormack (Mass.).
- 17. 114 CONG. REC. 30100, 90th Cong. 2d Sess.
- 18. John W. McCormack (Mass.).

characterized the inquiry as a proper one, and following a further expression of interest in the reading by the Member making the inquiry, advised him of the total number of pages to be read and the number already read by the Clerk.

§ 12.17 The reading of the Journal may be interrupted by a question of privilege affecting the House collectively.

On Oct. 9, 1968,⁽¹⁹⁾ in declining recognition to a Member who interrupted the reading of the Journal with a point of personal privilege, the Speaker⁽²⁰⁾ advised that a question of personal privilege should be made after the Journal had been disposed of but that a matter of privilege of the House was an entirely different situation.

§ 12.18 A Member, by unanimous consent, may secure recognition during the reading of the Journal.

On Apr. 9, 1964,⁽¹⁾ a Member propounding a parliamentary inquiry interrupted the reading of

19. 114 CONG. REC. 30214, 90th Cong. 2d Sess.

20. John W. McCormack (Mass.).

1. 110 CONG. REC. 7356. 88th Cong. 2d Sess.

the Journal to ask whether there was any way under the rules by which he might at that point be recognized for one minute. The Speaker⁽²⁾ advised that such recognition might be obtained by unanimous consent, and after the Member had made a request to that end without any objection thereto being heard, declared him so recognized.

Reception of Messages During Interruption of Reading

§ 12.19 A message from the Senate may be received during an interruption in the reading of the Journal which is occasioned by a point of no quorum.

On Aug. 27, 1962,⁽³⁾ after the reading of the Journal had been interrupted by a point of no-quorum which at the request of the Speaker⁽⁴⁾ was then withheld, a message from the Senate was communicated to the Chair. A call of the House was then conducted, and after proceedings thereunder had been dispensed with, the Clerk continued with the reading of the Journal at the direction of the Speaker.

§ 12.20 A message from the President may be received

2. John W. McCormack (Mass.).

3. 108 CONG. REC. 17651, 87th Cong. 2d Sess.

4. John W. McCormack (Mass.).

during an interruption of the reading of the Journal for a call of the House.

On Aug. 27, 1962,⁽⁵⁾ following the interruption of the reading of the Journal for a call of the House, the Speaker⁽⁶⁾ received a message from the President prior to ordering the Clerk to resume the reading of the Journal.

Resumption of Reading After Interruption

§ 12.21 Once the reading of the Journal has been interrupted for a call of the House under Rule XV,⁽⁷⁾ it may not be resumed even though a quorum has responded to such call until the House has agreed to dispense with further proceedings thereunder.

On Oct. 8, 1968,⁽⁸⁾ in response to a parliamentary inquiry as to whether or not the reading of the Journal could proceed if a quorum was present after a call of the House had been made under Rule XV clause 2, the Speaker⁽⁹⁾ replied that the reading of the Jour-

5. 108 CONG. REC. 17653, 87th Cong. 2d Sess.

6. John W. McCormack (Mass.).

7. Rule XV clause 2(a), *House Rules and Manual* §768 (1973).

8. 114 CONG. REC. 30094, 90th Cong. 2d Sess.

9. John W. McCormack (Mass.).

nal could not be resumed until further proceedings under the call had been dispensed with.

§ 12.22 When the reading of the Journal is resumed after having been interrupted, the Clerk continues to read from the point of interruption.

On Sept. 19, 1962,⁽¹⁰⁾ a Member interrupted the reading of the Journal to make the point of order that the Clerk had not resumed the reading of the Journal at the point where he concluded when interrupted by a call of the House. The Speaker⁽¹¹⁾ ordered the Clerk to continue the reading of the Journal from the point of the first interruption.

Again, on Sept. 13, 1965,⁽¹²⁾ following several parliamentary inquiries and a demand that the Journal be read in full, the reading of the Journal was resumed and continued until again interrupted by a Member who submitted that the Clerk was not reading in full the names of those who failed to answer the particular roll call being read at the time of the previous interruption. The Speaker pro tempore⁽¹³⁾ ad-

10. 108 CONG. REC. 19943, 87th Cong. 2d Sess.

11. John W. McCormack (Mass.).

12. 111 CONG. REC. 23598, 89th Cong. 1st Sess.

13. Carl Albert (Okla.).

vised that the Clerk took up the reading exactly where first interrupted.

Matters Not in Order Until Reading Completed

§ 12.23 A request that the Record be corrected is not in order during the reading of the Journal.

On June 1, 1934,⁽¹⁴⁾ in response to a Member who interrupted the reading of the Journal with a parliamentary inquiry as to the propriety of asking at that time that the Record be corrected, the Speaker⁽¹⁵⁾ advised that it would not be proper at that time.

§ 12.24 The motion to dispense with Calendar Wednesday business is not in order during a reading of the Journal.

On Sept. 19, 1962,⁽¹⁶⁾ before the Clerk had completed his reading of the Journal, a Member moved that business in order under the Calendar Wednesday rule be dispensed with after an objection was voiced to his request that such business be dispensed with by unanimous consent. The

14. 78 CONG. REC. 10226, 73d Cong. 2d Sess.

15. Henry T. Rainey (Ill.).

16. 108 CONG. REC. 19943, 87th Cong. 2d Sess.

Speaker⁽¹⁷⁾ ruled that the motion was not in order until after the Journal was read.

§ 13. Effecting Corrections

Jefferson's Manual⁽¹⁸⁾ states that on information of an incorrect or omitted entry in the Journal, a committee may be appointed to examine and rectify it, and report it to the House. However, in practice, the correction of the Journal is accomplished without utilizing such procedure, being done simply either by motion⁽¹⁹⁾ or unanimous consent.⁽²⁰⁾ The latter method is employed usually, if not exclusively, when the Journal to be corrected is that of a day prior to the previous legislative day.⁽¹⁾ For example, when the Journal of a day preceding the previous legislative day fails through oversight to indicate that the Speaker signed a particular enrolled bill,⁽²⁾ or which shows an incorrect placement of an amendment to a bill,⁽³⁾ it may be corrected by unanimous consent.

17. John W. McCormack (Mass.).

18. *House Rules and Manual* §583 (1973).

19. See, for example, § 13.1, *infra*.

20. See, for example, § 13.4, *infra*.

1. See §§ 13.4 et seq., *infra*.

2. See § 13.5, *infra*.

3. See § 13.7, *infra*.

The motion to amend the Journal takes precedence of the motion to approve it,⁽⁴⁾ but is not in order before the reading of the Journal has been completed,⁽⁵⁾ and will be denied after the previous question has been demanded on the motion to approve the Journal.⁽⁶⁾ However, the motion to commit provided for in the rule for the previous question⁽⁷⁾ may be applied to a motion to amend the Journal.⁽⁸⁾

Time for Making Corrections

§ 13.1 A motion to amend the Journal is not in order prior to a reading of the Journal.

On May 4, 1960,⁽⁹⁾ prior to the commencement of the reading of the Journal, a Member stating a parliamentary inquiry asked whether a motion to amend the Journal was in order at that point or during the reading of the Journal or at the conclusion of the reading of the Journal. The Speaker⁽¹⁰⁾ ruled that such a mo-

- 4. 4 Hinds' Precedents § 2760; 6 Cannon's Precedents § 633.
- 5. See § 13.2, *infra*.
- 6. See § 13.3, *infra*.
- 7. Rule XVII clause 1, *House Rules and Manual* § 804 (1973).
- 8. 5 Hinds' Precedents § 5574.
- 9. 106 CONG. REC. 9413, 86th Cong. 2d Sess.
- 10. Sam Rayburn (Tex.).

tion was not in order at that point.

§ 13.2 A motion to amend the Journal is not in order until the reading thereof has been completed.

On Sept. 13, 1965,⁽¹¹⁾ a Member rising to a parliamentary inquiry interrupted the reading of the Journal to ask whether it would be in order to move to amend the Journal at that time or after completion of the reading of the Journal. In response, the Speaker⁽¹²⁾ stated that the effort of any Member to amend the Journal would have to be at the conclusion of the reading of the Journal.

§ 13.3 A motion to amend the Journal, made after the previous question is demanded on a motion to approve, will be denied.

On June 1, 1934,⁽¹³⁾ following the reading of the Journal, a Member moved that the Journal be approved, and on that motion demanded the previous question. Another Member then moved to amend the Journal, making the point of order that such motion

- 11. 111 CONG. REC. 23598, 89th Cong. 1st Sess.
- 12. John W. McCormack (Mass.).
- 13. 78 CONG. REC. 10226, 73d Cong. 2d Sess.

had precedence. The Speaker,⁽¹⁴⁾ citing an earlier precedent,⁽¹⁵⁾ ruled that a motion to amend the Journal might not be had after the moving of the previous question on a motion to approve the Journal. The previous question was then ordered.

Again, on Sept. 13, 1965,⁽¹⁶⁾ after the reading of the Journal had been completed, a Member moved that it be approved as read and moved the previous question thereon, whereupon another Member moved to lay on the table the motion to approve and attempted to offer an amendment to the Journal. The Speaker⁽¹⁷⁾ ruled that the motion to lay on the table was in order, but that the amendment was not.

Method of Effecting Corrections

§ 13.4 When the Journal erroneously shows a Member as absent during a roll call, it may be corrected by unanimous consent.

On June 29, 1966,⁽¹⁸⁾ at the request of a Member, the Journal of

14. Henry T. Rainey (Ill.).

15. 4 Hinds' Precedents § 2770.

16. 111 CONG. REC. 23600, 89th Cong. 1st Sess.

17. John W. McCormack (Mass.).

18. H. JOUR. 655, 89th Cong. 2d Sess.

June 27, 1966, was corrected by unanimous consent to show him as present and answering to his name in response to a roll call conducted on that date.

§ 13.5 Where the Journal of a day preceding the previous legislative day fails through oversight to indicate that the Speaker signed a particular enrolled bill, it may be corrected by unanimous consent.

On June 24, 1968,⁽¹⁹⁾ the Journal of the proceedings of Thursday, June 20, having been read and approved, the Speaker⁽²⁰⁾ announced that although he had signed a particular enrolled bill⁽¹⁾ on Wednesday, June 19, through accident or oversight that fact was not noted in either the Journal or the Record, and that therefore, without objection, the Journal and Record of June 19 would be amended to reflect such action. There was no objection.

§ 13.6 Where the Journal contains an error with respect to an appointment made by the Speaker, it may be corrected by unanimous consent.

19. H. JOUR. 591, 90th Cong. 2d Sess. (1968).

20. John W. McCormack (Mass.).

1. H.R. 4566, 90th Cong. 2d Sess. (1968).

On Feb. 4, 1963,⁽²⁾ the Speaker,⁽³⁾ calling attention to an error in the list of those appointed by him on Jan. 31, 1963, to the Board of Visitors to the U.S. Military Academy, asked unanimous consent that the Journal and Record be corrected accordingly. There was no objection.

§ 13.7 The Journal may, by unanimous consent, be corrected to show the proper place for an adopted amendment in a bill.

On Aug. 30, 1957,⁽⁴⁾ a Member asked unanimous consent that the Journal of June 17, 1957, which erroneously showed a certain amendment to a reported bill⁽⁵⁾ as having been adopted following a particular line therein, be corrected to properly reflect the action taken by the House and show that such amendment was instead adopted as a specific subsection and inserted immediately following a different line of the reported bill. There was no response to the call of the Speaker pro tempore⁽⁶⁾ for objections.

2. H. JOUR. 177, 88th Cong. 1st Sess. (1963).

3. John W. McCormack (Mass.).

4. 103 CONG. REC. 16760, 85th Cong. 1st Sess.

5. H.R. 6127, 85th Cong. 1st Sess. (1957).

6. Jere Cooper (Tenn.).

Precedence of Motion to Amend Journal in Senate

§ 13.8 In the Senate, a motion to amend the Journal made after the reading thereof takes precedence of a motion to lay a House bill before the Senate and make it the pending business.

On July 26, 1962,⁽⁷⁾ following a quorum call conducted immediately after the reading of the Journal, a Senator moved that the Senate turn to the consideration of a certain House bill⁽⁸⁾ and that it be laid down and made the pending business. Another Senator, however, pointing out that because of the quorum call there had been no opportunity to offer amendments to the Journal, raised the point of order that such motion was not in order until such time as amendments to the Journal had been offered and consideration thereof completed. The presiding officer⁽⁹⁾ sustained the point of order, noting that under Senate Rule III⁽¹⁰⁾ any motion to amend or correct the Journal was privileged and to be proceeded

7. 108 CONG. REC. 14857, 87th Cong. 2d Sess.

8. H.R. 11040, 87th Cong. 2d Sess. (1962).

9. Lee Metcalf (Mont.).

10. Rule III clause 1, *Senate Manual*.

with until disposed of, but that there had been no opportunity to present such a motion because the Senate found itself without a quorum.

§ 14. Approval

In ordinary practice the Journal is approved by the House without the formality of a motion,⁽¹¹⁾ after the Speaker, in accordance with the applicable House rule,⁽¹²⁾ has examined it and announced that it meets with his approval. But when objection is raised to the approval of the Journal by unanimous consent, the Speaker may immediately put the question thereon to the House.⁽¹³⁾ Moreover, even though the Speaker announces his approval of the Journal, he or the House may order it read.⁽¹⁴⁾ And, in this regard, a motion that the Journal be approved as read, in the absence of timely objection thereto, may be entertained and acted upon even though offered before the reading of the Journal has been completed.⁽¹⁵⁾ On the other hand, the motion to amend the Journal, al-

11. See §§ 14.10, 14.11, *infra*.

12. See § 11, *supra*.

13. See § 14.12, *infra*.

14. See § 11, *supra*.

15. See §§ 14.4 *et seq.*, *infra*.

though taking precedence over the motion to approve it, may not be admitted after the previous question has been demanded on the motion to approve.⁽¹⁶⁾

It is a long-established rule that the transaction of business, no matter how highly privileged, is not in order before the approval of the Journal.⁽¹⁷⁾ Thus, even a matter of such high privilege as a report from the Committee on Rules may not be called up for consideration before the Journal has been approved.⁽¹⁸⁾ However, the Journal's approval yields to, and thus may be delayed by, the simple motion to adjourn,⁽¹⁹⁾ the administration of the oath,⁽²⁰⁾ a point of no quorum,⁽¹⁾ an arraignment of impeachment,⁽²⁾ a parliamentary inquiry,⁽³⁾ and questions of privilege of the House.⁽⁴⁾ And, of course, those matters sanctioned by unanimous consent prior to or during the reading of the Journal are at the same time necessarily in order before the approval of the Journal also.⁽⁵⁾

16. See § 13, *supra*.

17. See § 12, *supra*.

18. See § 12.2, *supra*.

19. See § 12.3, *supra*.

20. See § 12.5, *supra*.

1. See §§ 12.6, 12.13, *supra*.

2. 6 Cannon's Precedents § 469.

3. See § 12.15, *supra*.

4. See § 12.17, *supra*.

5. See § 12, *supra*.

It is the uniform practice in the House to approve the Journal for each legislative day.⁽⁶⁾ Even when the House is reconvening after an adjournment to a day certain of several weeks duration, the Journal of the last day of meeting is taken up for approval.⁽⁷⁾

Order of Approval of Journals

§ 14.1 When the Journals of more than one session remain unread and unapproved, they are taken up for approval and disposed of in chronological order.

On Dec. 9, 1963,⁽⁸⁾ following the prayer by the Chaplain, the Journal of the proceedings of Dec. 6, 1963, was read and approved. The Journal of the proceedings of Dec. 7, 1963, was then read and, after a Member had reserved the right to object thereto, eventually approved when the Speaker⁽⁹⁾ put the question thereon to the House.

Delay in Approval

§ 14.2 The failure of the Record to show an action taken in the House does not

justify a delay in the approval of the Journal which correctly recorded such action.

On June 7, 1948,⁽¹⁰⁾ a Member questioning the accuracy of the Journal as read reserved the right to object thereto, and pointing out by way of explanation that the Record for the day in question showed the adoption of only one Senate amendment to a certain House joint resolution⁽¹¹⁾ when there were in fact two such amendments to be considered, requested that the approval of the Journal therefore be put off until the next day in order that the matter might be investigated.

The Speaker pro tempore⁽¹²⁾ declared that the Journal as prepared and read stated the true facts and the true record of the situation, and that the Record, which he had examined and found to be in error, could be corrected by unanimous consent to state the true facts in conformity with the Journal. He concluded that in his opinion the Journal should be approved as read.

6. 4 Hinds' Precedents § 2731.

7. See § 11.2, supra.

8. 109 CONG. REC. 23830, 88th Cong. 1st Sess.

9. John W. McCormack (Mass.).

10. 94 CONG. REC. 7281, 80th Cong. 2d Sess.

11. H.J. Res. 296, 80th Cong. 2d Sess. (1948).

12. Charles A. Halleck (Ind.).

Motion That Journal Be Approved as Read**§ 14.3 A motion that the Journal be approved as read which interrupts the reading thereof is subject to a point of order when made.**

On Mar. 26, 1965,⁽¹³⁾ after a Member had interrupted the reading of the Journal to move that it be approved as read, debate was had on the motion and the previous question was ordered thereon. Then, in responding to a series of parliamentary inquiries, the Speaker⁽¹⁴⁾ advised that a point of order against the motion at that particular stage would come too late, but emphasized that he would not want the inference to be drawn that the point could not be made under other circumstances.

§ 14.4 A motion that the Journal be approved as read, in the absence of timely objection thereto, may be entertained by the Speaker and acted upon by the House, even though offered before the reading of the Journal has been concluded.

13. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

14. John W. McCormack (Mass.).

On Mar. 26, 1965,⁽¹⁵⁾ after a Member had interrupted the reading of the Journal to move that it be approved as read, debate was had on the motion and the previous question was ordered thereon. Thereafter the Speaker,⁽¹⁶⁾ noting in response to a parliamentary inquiry that a point of order against the motion would at that stage come too late, put the question of approval to the House, and the motion then being agreed to, the Journal as read was approved

§ 14.5 A point of order against a motion that the Journal be considered as read and approved came too late after there had been debate on the motion and the previous question had been ordered thereon, notwithstanding that such motion was made before the reading of the Journal was completed.

On Mar. 26, 1965,⁽¹⁷⁾ a Member interrupted the reading of the Journal to move that it be approved, after which debate was had on the motion and the previous question was ordered thereon. Thereafter, in responding to a

15. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).

17. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

series of parliamentary inquiries, the Speaker⁽¹⁸⁾ said that the reading of the Journal had not been completed, and that a motion had been made that the Journal be considered as read and approved; he stated that while he would not want the inference to be drawn that a point of order could not be made against the motion under other circumstances, at that particular stage the point of order came too late.

§ 14.6 A motion that the Journal be approved as read is not subject to the point of order that the reading of the Journal has not been completed after the vote on the question of approval has been taken.

On Mar. 26, 1965,⁽¹⁹⁾ after a Member had interrupted the reading of the Journal to move that it be approved, debate was had on the motion and the previous question was then ordered thereon. Subsequently, in response to a number of parliamentary inquiries, the Speaker⁽²⁰⁾ conceded that the reading of the Journal had not been completed, but said, *inter alia*, that a point of order would

18. John W. McCormack (Mass.).

19. 111 CONG. REC. 6095, 89th Cong. 1st Sess.

20. John W. McCormack (Mass.).

not lie against the motion once the vote on the question of approval had been taken, because the will of the House would then have been expressed.

§ 14.7 Whenever the previous question has been ordered on a motion to approve the Journal on which there has been no debate, a Member may demand the right to debate the motion under the rules⁽¹⁾ of the House.

On Sept. 13, 1965,⁽²⁾ a Member moved that the Journal be approved, and without any debate on such motion, the previous question was ordered thereon. The Speaker,⁽³⁾ in response to a parliamentary inquiry, then ruled that debate on the motion might be had at that time under Rule XXVII clause 3 if a Member claimed the right.

§ 14.8 The motion to lay on the table is applicable to a motion that the Journal be ap-

1. Rule XXVII clause 3, *House Rules and Manual* §907 (1973), providing, *inter alia*, that 40 minutes of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.
2. 111 CONG. REC. 23602, 89th Cong. 1st Sess.
3. John W. McCormack (Mass.).

proved as read and takes precedence over a prior demand for the previous question thereon.

On Sept. 13, 1965,⁽⁴⁾ after the Clerk had finished the reading of the Journal, a Member made the motion that it be approved as read and then moved the previous question thereon, whereupon another Member moved to table the motion to approve and offered an amendment to the Journal. The Speaker⁽⁵⁾ ruled that the amendment was not in order, but recognized a Member to move to table the motion to approve the Journal.

§ 14.9 The yeas and nays may be had on ordering the previous question on a motion that the Journal be approved as read.

On July 25, 1949,⁽⁶⁾ after the Clerk had finished the reading of the Journal of the previous legislative day, a Member moved that the Journal as read stand approved, and on that motion moved the previous question. The question was then stated by the Speaker⁽⁷⁾ to be on ordering the

4. 111 CONG. REC. 23600, 89th Cong. 1st Sess.
5. John W. McCormack (Mass.).
6. 95 CONG. REC. 10092, 81st Cong. 1st Sess.
7. Sam Rayburn (Tex.).

previous question, and following the demand of another Member for the yeas and nays thereon, the yeas and nays were so ordered.

Approval by Unanimous Consent

§ 14.10 Under the old rule, under which the Journal was read, the Journal was customarily approved as read by unanimous consent.

On Oct. 18, 1965,⁽⁸⁾ after the Clerk had read the Journal of the proceedings of the preceding session, the Speaker⁽⁹⁾ announced that without objection the Journal, as read, would stand approved. There was no objection.

§ 14.11 Under the new rule, the Journal is normally approved by the House without the formal putting of a motion to approve.

On Feb. 21, 1972,⁽¹⁰⁾ the Speaker,⁽¹¹⁾ having announced to the House his examination and approval of the Journal of the last day's proceedings, declared that, without objection, the Journal

8. 111 CONG. REC. 27170, 89th Cong. 1st Sess.
9. John W. McCormack (Mass.).
10. 118 CONG. REC. 4748, 92d Cong. 2d Sess.
11. Carl Albert (Okla.).

would stand approved. There was no objection.

§ 14.12 Where objection was raised to the approval of the Journal by unanimous consent, the Speaker could immediately put the question of approval to the House.

On Dec. 9, 1963,⁽¹²⁾ in response to a Member's reservation of the right to object to the Journal as read for the previous legislative day, the Speaker⁽¹³⁾ immediately declared the question to be on the motion to approve the Journal for that day, and after the motion was agreed to announced that the Journal stood approved.

Reception of Messages Before Approval

§ 14.13 The Speaker may receive a message from the Senate prior to the approval of the Journal.

On Sept. 13, 1965,⁽¹⁴⁾ while a motion to approve the Journal was under debate, a Member rising to a point of order objected to

the reception by the Speaker of a message from the Senate as the transacting of business of the House prior to the completion of the reading of the Journal. The Speaker⁽¹⁵⁾ stated that it is always proper to receive a message from the President of the United States, or from the other body, as quickly as possible.

§ 14.14 A message from the Senate may be received while the motion to approve the Journal is under debate.

On Sept. 13, 1965,⁽¹⁶⁾ while the motion to approve the Journal as read was under debate, a Member made the point of order that the receipt of a message from the Senate then being communicated to the House constituted the transacting of business of the House prior to the completion of the reading of the Journal. The Speaker⁽¹⁷⁾ replied that it is always proper, as well as courteous, to receive a message from the other body.

12. 109 CONG. REC. 23831, 88th Cong. 1st Sess.

13. John W. McCormack (Mass.).

14. 111 CONG. REC. 23604, 89th Cong. 1st Sess.

15. John W. McCormack (Mass.).

16. 111 CONG. REC. 23607, 89th Cong. 1st Sess.

17. John W. McCormack (Mass.).

C. THE CONGRESSIONAL RECORD

§ 15. In General; Purpose and Format

The *Congressional Record* is “substantially a verbatim report of proceedings” in the two Houses of Congress.⁽¹⁾ While the House Journal⁽²⁾ is the official record of the proceedings of the House,⁽³⁾ it contains only minutes of official actions, and is not a record of debate.

The statutory provisions and rules which govern the format⁽⁴⁾ and content⁽⁵⁾ are discussed below. In addition, it should be noted that although the Record is “substantially a verbatim report,” the rules of the Joint Committee on Printing and the general practices of the House permit Members to extend their remarks so as to include matters not spoken on the floor,⁽⁶⁾ and to edit remarks actually delivered on the floor.⁽⁷⁾ The House may also order the deletion from the Record of remarks

1. 44 USC § 901 (1970).

The origin, publication, and distribution of the Record is discussed in 5 Hinds' Precedents § 6959.

2. See §§ 8–14, *supra*.

3. 4 Hinds' Precedents § 2727.

4. See §§ 15.1, 15.2, *infra*.

5. See § 16, *infra*.

6. See § 20, *infra*.

7. See § 19, *infra*.

made by a Member without recognition by the Speaker, and unparliamentary remarks which reflect unfavorably upon the House, its membership, or institutions.⁽⁸⁾

Control over the arrangement and style of the Record is vested in the Joint Committee on Printing⁽⁹⁾ by statute.⁽¹⁰⁾ The Joint Committee on Printing has adopted rules to provide for the prompt publication and delivery of the Record.⁽¹¹⁾

Each House of Congress separately controls the content of its

8. See § 17, *infra*.

9. The Joint Committee on Printing is composed of three Members of the Senate and three Members of the House. The House elects its members from the Committee on House Administration, and the Chairman of that committee must be one of the three selected. *House Rules and Manual* § 1001 (1973).

10. 44 USC § 901 (1970). See also 44 USC §§ 902–910 (1970) for other statutory provisions relative to the *Congressional Record*.

11. The rules of the Joint Committee on Printing are frequently reprinted in the daily edition of the *Congressional Record* in the section entitled “Laws and Rules for Publication of the *Congressional Record*,” which precedes the section entitled “Daily Digest.” The individual rules will be considered herein as they pertain to the subject matter under discussion.

portion of the Record.⁽¹²⁾ By House rule, the Committee on House Administration has jurisdiction over “[m]atter relating to printing and correction of the *Congressional Record*.”⁽¹³⁾

House Rule XXXIV clause 1⁽¹⁴⁾ provides for the appointment and removal of the official reporters of debate, and vests in the Speaker the manner of the execution of their duties. The reporters of debates have played a significant role in the evolution by which the House has developed a system of daily verbatim reports of its proceedings.⁽¹⁵⁾

Congress has statutorily mandated that the Record be published in daily form during each session, and be revised, printed, and bound promptly in permanent form for distribution during and after the close of each session of Congress.⁽¹⁶⁾ Thus a daily edition is published and distributed on each working day while Congress is in session, and a softbound edition, known as the “greenbound” edition is published and distributed biweekly while Congress is

in session. The hardbound permanent edition is generally ready for publication and distribution sometime subsequent to the conclusion of a session of Congress.

The Record for each day is divided into four main sections: Proceedings of the House; Proceedings of the Senate; Extensions of Remarks;⁽¹⁷⁾ and Daily Digest. The Joint Committee on Printing has directed the Public Printer to arrange the contents of the daily edition of the Record so as to alternate the placement in consecutive issues of the House and Senate proceedings insofar as such an arrangement is feasible.⁽¹⁸⁾ The House and Senate proceedings directly precede the “Extensions of Remarks” section, which is followed by the “Daily Digest.”

Congress has directed the Joint Committee on Printing to provide for the preparation and publication of an index to the *Congressional Record* semimonthly while Congress is in session, and a complete index to the entire session subsequent to the close of each session of Congress.⁽¹⁹⁾ The index consists generally of two main

12. 8 Cannon’s Precedents § 2503.

13. *House Rules and Manual* § 693 (1973).

14. *House Rules and Manual* § 923 (1973).

15. See 5 Hinds’ Precedents § 6959.

16. 44 USC § 903 (1970).

17. See § 20, *infra*, for a discussion of the content of the “Extensions of Remarks” section.

18. Rule 1 of the Joint Committee on Printing, effective May 23, 1972.

19. See 44 USC §§ 901, 902 (1970).

parts, an index to proceedings, and a history of bills and resolutions, which is arranged by bill and resolution number.

As part of the Legislative Reorganization Act of 1946,⁽²⁰⁾ Congress adopted the following provision, which is the statutory authority for the Daily Digest:

The Joint Committee on Printing shall provide for printing in the daily Record the legislative program for the day together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter. It shall cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

The Daily Digest regularly contains the following subsections: Highlights; Senate Chamber Action; Senate Committee Meetings; House Chamber Action; House Committee Meetings; and Joint Committee Meetings. A list of House and Senate committee meetings scheduled for the morning of which the Record is published concludes the Daily Digest. In addition, the Friday issues contain a section entitled "Congressional Program Ahead" which discusses the activities scheduled in

²⁰. See 44 USC § 905 (1970).

the House and Senate and their committees for the coming week.

The Joint Committee on Printing has specified to the Public Printer the type size and printing style that is to be used in the publication of the Record.⁽¹⁾ Neither the Speaker nor the House may order changes in the type size or printing style without the approval of the Joint Committee on Printing.⁽²⁾

A Member, upon payment of the cost, may receive from the Public Printer extracts from the *Congressional Record* for his personal use and distribution.⁽³⁾

When reprints are to be made of material in the Record by the Government Printing Office, it is customary to obtain the approval of those Members whose remarks are to be reprinted.⁽⁴⁾

Format Changes

§ 15.1 A unanimous-consent request to change the format of

1. See Rule 2 of the Joint Committee on Printing, effective May 23, 1972.
2. See §§ 15.1, 15.2, *infra*.
3. 44 USC § 907 (1970). See 44 USC § 908 (1970) for the statutory procedure by which the Sergeant at Arms may deduct the cost of printing the extracts from the salary of a Member or Delegate who is delinquent in paying for the extracts.
4. See § 15.4, *infra*.

the Record to permit a comparative print of three versions of a legislative enactment to be printed in three parallel columns should be submitted subject to the approval of the Joint Committee on Printing.

On Oct. 30, 1939,⁽⁵⁾ Mr. Lawrence Lewis, of Colorado, requested unanimous consent that a comparative print showing the Neutrality Act of 1937, together with House Joint Resolution 306,⁽⁶⁾ as passed by the House, and the same joint resolution as amended and passed by the Senate, be printed in the Record in three parallel columns. At the time of this request the proceedings of Congress were being printed in the Record in double parallel columns. The Speaker⁽⁷⁾ responded to this request to deviate from the basic format of the Record as follows:

THE SPEAKER: The Chair thinks it proper, in order to conform to the established rules of practice in the House with reference to the matter covered by the request of the gentleman from Colorado, to state to the gentleman that in the conference he had with the Chair this morning relative to this matter the information was not dis-

closed that the request would require a change in the usual format of the Record. The Chair is advised by the Parliamentarian that it would be contrary to the law with reference to printing of the Record to submit the request.

The Chair would suggest to the gentleman from Colorado that he submit his request subject to the approval of the Joint Committee on Printing.

Mr. Lewis amended the request to incorporate the suggestions of the Speaker, but an objection was raised. Later in the same meeting, however, a substantially similar request was agreed to by the House without objection, and the comparative print was inserted in the Record.⁽⁸⁾

Type Size

§ 15.2 The Speaker will not entertain a unanimous-consent request to permit a letter inserted in the Record to be printed in larger type than that provided in the regulations of the Joint Committee on Printing.

On Feb. 25, 1936,⁽⁹⁾ Mr. Joseph P. Monaghan, of Montana, re-

5. 85 CONG. REC. 1059, 76th Cong. 2d Sess.

6. 76th Cong. 2d Sess. (1939).

7. William B. Bankhead (Ala.).

8. 85 CONG. REC. 641 (appendix), 76th Cong. 2d Sess., Oct. 30, 1939.

9. 80 CONG. REC. 2767, 74th Cong. 2d Sess.

requested unanimous consent to have the Record corrected so that the letter he had previously inserted would be printed in 7¹/₂-point type in the permanent Record, rather than the type size that was specified for such documents in the rules of the Joint Committee on Printing.⁽¹⁰⁾ The Speaker⁽¹¹⁾ responded as follows:

THE SPEAKER: The Chair will state to the gentleman that letters, no matter by whom they are written, are printed in small type. The gentleman from Montana made no request that his letter be printed in any other form of type. That is a matter which rests entirely with the Joint Committee on Printing, and that committee has formulated certain rules, and the Chair assumes that the Public Printer is following the rules as laid down by the Joint Committee on Printing. What is the request of the gentleman?

Mr. MONAGHAN: I ask unanimous consent that the Record be corrected and that this letter be reprinted in 7¹/₂-point type, inasmuch as aged people are the ones who will read it.

THE SPEAKER: The Chair does not think he has a right to even recognize the gentleman to make a unanimous

10. The current rules of the Joint Committee on Printing still require such documents and "all matter included in the remarks for speeches of Members of Congress, other than their own words," to be printed in 6¹/₂-point type. See Rule 2 of the Joint Committee on Printing, effective May 23, 1972.

11. Joseph W. Byrns (Tenn.).

consent request on that matter, because that is fixed by law.

Reporters—Insertion of Applause

§ 15.3 Demonstrations in the House are not part of the Record, and the reporters are instructed not to insert "applause" or "loud applause."

On Mar. 6, 1945,⁽¹²⁾ the Speaker,⁽¹³⁾ in response to a parliamentary inquiry, stated his reasoning for instructing the reporters not to insert "applause" or "loud applause" in the Record where such demonstrations have occurred on the floor of the House:

In times past there appeared in the Record the word "Applause" where a Member spoke. In another place there was "Loud applause." In another place there was "Loud and prolonged applause." In another place there was "Loud and prolonged applause, the Members rising." If I had made a speech and had received "applause," and some Member had followed me immediately and had received "loud and prolonged applause, the Members rising," my opponent in the next primary might have called attention to how insignificant I was because I only received "applause" and the other Member had received "loud and prolonged applause, the Members rising."

12. 91 CONG. REC. 1789, 79th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

The Chair has held that demonstrations in the House are not a part of the Record, and shall continue to hold that until the rules of the House are changed.

Later in the same discussion,⁽¹⁴⁾ Mr. Charles L. Gifford, of Massachusetts, called the attention of the House to the fact that in the Record of Mar. 1 there appeared an address in which the word “applause” appeared 20 times, and seemed to be a part of the proceedings of the House. Speaker Rayburn responded as follows:

The present occupant of the Chair was not here; and, furthermore, that was a joint session of the two Houses of Congress.

Reprints

§ 15.4 It is the policy of the Joint Committee on Printing and the Public Printer to request the approval of Members, whose remarks appear in the Record, before those remarks are reprinted and distributed pursuant to the request of another Member. (A Member requesting a reprint sometimes announces to the House that Members’ remarks on a particular subject will be included in a reprint unless they register objection.)

¹⁴ 91 CONG. REC. 1790, 79th Cong. 1st Sess.

On Feb. 28, 1950,⁽¹⁵⁾ Senator Harry P. Cain, of Washington, read to the Members of the Senate a letter from the Public Printer to Senator William F. Knowland, of California, dated Aug. 13, 1946, which explained the policy of the Joint Committee on Printing and the Public Printer concerning the reprinting and distribution of materials appearing in the *Congressional Record*. The letter, in relevant portion, is as follows:

In reply, I am pleased to advise that, since the *Congressional Record* is a public document, it is not copyrighted, and matter appearing in the Record may be reprinted by outside sources without obtaining a clearance from anyone. As to reprints by the Government Printing Office, it has long been the policy of the Joint Committee on Printing and this Office to ask for the approval of the Member whose remarks are to be reprinted before reprinting and distributing the same.

This is purely for the protection of each individual Member, as it not only protects the Members whose remarks are to be reprinted, but it also protects the Member who would order and distribute the same against charges of abuse of the franking privilege, unauthorized use of Federal funds, and so forth.

On Mar. 7, 1968,⁽¹⁶⁾ Mr. Daniel J. Flood, of Pennsylvania, made

¹⁵ 96 CONG. REC. 2490, 81st Cong. 2d Sess.

¹⁶ 114 CONG. REC. 5764, 90th Cong. 2d Sess.

the following announcement on the floor of the House, which illustrates a procedure by which the consent of Members, whose remarks are to be reprinted, is obtained:

Mr. Speaker, with respect to the 50th anniversary of Ukrainian independence, a private order is being submitted for reprint publication of all statements and other insertions made by Members of the House of Representatives prior, during, and after the January 22, 1968, event, which was observed in the House on January 23, 1968.

If there is no objection from any such Member, his or her statement or insertion will be incorporated in the reprint brochure, which has been requested by the Ukrainian Congress Committee of America.

§ 16. Matters Printed in the Record; Civil Liability

Statutory law, House rules, and the practices of the House regulate the content of the House portion of the Record. In addition, the House frequently agrees by unanimous consent to permit specific items to be inserted in the Record which would not ordinarily be included.

The oath of office subscribed to by Members and Delegates is required by statute⁽¹⁷⁾ to be printed

17. 2 USC §25 (1970).

in the Record. A list of Members filing the oath with the Clerk of the House is then recorded following the text of the oath.⁽¹⁸⁾

Occasionally an act of Congress requires a governmental activity to report to Congress and specifies that "the Clerk of the House . . . shall cause to be published in the *Congressional Record* all reports submitted pursuant to this law."⁽¹⁹⁾ Where publication of such reports in the Record is required by statute, the Parliamentarian furnishes a copy of the report to the Clerk at the time the communication is referred to committee, and the Clerk submits the report for printing in the Record.⁽²⁰⁾

The insertion of certain types of materials in the Record is prohibited. For example, maps, diagrams, or illustrations may not be

18. An example of the form of entry in the Record of the oath and the listing of Members subscribing to it may be found at 94 CONG. REC. 5750, 80th Cong. 2d Sess., May 12, 1948.

19. §4(b) of Pub. L. No. 85-804, an act to authorize the making, amendment, and modification of contracts to facilitate the national defense, is an example of such a statutory provision. This act is codified at 50 USC 1434 (1970).

20. For an example of the form of entry in the Record of such reports, see 107 CONG. REC. 4816-18, 87th Cong. 1st Sess., Mar. 24, 1961.

inserted in the Record without the approval of the Joint Committee on Printing.⁽¹⁾

Certain significant matters are printed in the Record under the House rules. The list includes the following: petitions or memorials or bills of a private nature;⁽²⁾ bills, resolutions and documents referred to committee under the rules;⁽³⁾ amendments to be protected for debate time under the five-minute rule;⁽⁴⁾ the filing of committee reports;⁽⁵⁾ committee expenditures;⁽⁶⁾ conference reports and accompanying statements;⁽⁷⁾ messages received from the Senate and President of the United States, giving notice of bills passed or approved;⁽⁸⁾ voting

1. 44 USC § 904 (1970).
2. Rule XXII clause 1, *House Rules and Manual* § 849 (1973).
3. Rule XXII clause 4, *House Rules and Manual* § 854 (1973).
When a bill or resolution is introduced by request, that fact is noted in the Record. Rule XXII clause 6, *House Rules and Manual* § 860 (1973).
4. Rule XXIII clause 6, *House Rules and Manual* § 874 (1973).
5. Rule XIII clause 2, *House Rules and Manual* § 743 (1973).
6. *House Rules and Manual* § 738 (1973).
7. Rule XXVIII clause 2(a), *House Rules and Manual* § 912 (1973).
8. Rule XXXIX *House Rules and Manual* § 935 (1973).

pairs;⁽⁹⁾ and motions (with signatures) to discharge a committee from further consideration of a bill.⁽¹⁰⁾

Certain matters are traditionally printed in the Record pursuant to the practices of the House. For example, notations of the following occurrences are usually printed: bills signed by the Speaker subsequent to adjournment *sine die*, by title;⁽¹¹⁾ bills “pocket vetoed” by the President during adjournment to a day certain, and supporting memoranda;⁽¹²⁾ delivery of bills and joint resolutions to the President by the Committee on Enrolled Bills;⁽¹³⁾ the delivery of bills to the White House endorsed “held for presentation to the President upon his return to the United States,”⁽¹⁴⁾ or “delivered to the White House for forwarding to the President” by the Committee on House Administration;⁽¹⁵⁾ reference by the Speaker

9. Rule VIII clause 2, *House Rules and Manual* § 660 (1973).
10. Rule XXVII clause 4, *House Rules and Manual* § 908 (1973).
11. 88 CONG. REC. 9620, 77th Cong. 2d Sess., Dec. 26, 1942.
12. 89 CONG. REC. 755, 78th Cong. 1st Sess., July 19, 1943.
13. 89 CONG. REC. 10539, 78th Cong. 1st Sess., Dec. 9, 1943.
14. 105 CONG. REC. 17637, 86th Cong. 1st Sess., Sept. 1, 1959.
15. 109 CONG. REC. 11792, 88th Cong. 1st Sess., June 26, 1963.

of House bills with Senate amendments to committee;⁽¹⁶⁾ reference to more than one committee of executive communications;⁽¹⁷⁾ appointment by the Speaker of Members to a commission subsequent to adjournment;⁽¹⁸⁾ and submission of the report of the Board of Visitors, U.S. Coast Guard Academy.⁽¹⁹⁾

The House frequently agrees by unanimous consent to permit the insertion in the Record of materials at the request of Members. The occasions are so numerous and the types of materials so varied, that the following insertions serve only as examples: a communication from the Chamber of Deputies, Peru, expressing condolences on the Alaskan earthquake;⁽²⁰⁾ rules and regulations governing the use of the House office buildings, the House garages, and the Capitol power plant, adopted by the House Office Building Commission;⁽¹⁾ and the

16. 97 CONG. REC. 8987, 82d Cong. 1st Sess., July 30, 1951.

17. 106 CONG. REC. 10625, 86th Cong. 2d Sess., May 18, 1960.

18. 97 CONG. REC. 13783, 82d Cong. 1st Sess., Oct. 31, 1951.

19. 109 CONG. REC. 13639, 88th Cong. 1st Sess., July 30, 1963.

20. 110 CONG. REC. 7962, 88th Cong. 2d Sess., Apr. 15, 1964.

1. 111 CONG. REC. 23926, 89th Cong. 1st Sess., Sept. 15, 1965.

Speaker's analysis of a session of Congress and the accomplishments of the House.⁽²⁾

The protection afforded matters printed in the Record by the Speech or Debate Clause of the Constitution⁽³⁾ has been the subject of several court decisions. In *Hentoff v Ichord*,⁽⁴⁾ the United States District Court for the District of Columbia enjoined the publication or distribution of a congressional committee report by the Public Printer because it was held to be without any proper legislative purpose and an infringement upon first amendment rights. The court, however, stated that publication in the *Congressional Record* of the report could not be enjoined, because of the protection afforded by the Speech or Debate Clause. A more extensive discussion of this subject is found elsewhere in this work.⁽⁵⁾

The Speech or Debate Clause does not immunize a Member from a civil libel action for the reprinting and distribution of allegedly libelous statements which have appeared in the Record. In *Long v Ansell*,⁽⁶⁾ the Supreme

2. 109 CONG. REC. 25556, 88th Cong. 1st Sess., Dec. 24, 1963.

3. U.S. Const. art. I, §6.

4. 318 F Supp 1175 (D.D.C. 1970).

5. See Ch. 7, *infra*.

6. 293 U.S. 76 (1934).

Court stated this proposition in dictum. In *McGovern v Martz*,⁽⁷⁾ the United States District Court for the District of Columbia held that remarks made on the floor and published in the Record were absolutely privileged, and approved the dictum in *Long v Ansell* to the effect that such privilege would not extend to the republication and distribution by a Member of remarks he had made on the floor of the House.

Bills

§ 16.1 The House, in the interest of economy, occasionally agrees by unanimous consent to dispense with the printing in the Record of the text of an especially lengthy bill.

On June 17, 1963,⁽⁸⁾ the House was considering a bill to enact part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure."⁽⁹⁾ In view of the high cost of printing such a lengthy bill, the House agreed by unanimous consent to dispense with the printing of the text of the bill in the Record.⁽¹⁰⁾

- 7. 182 F Supp 343 (D.D.C. 1960).
- 8. 109 CONG. REC. 10910, 88th Cong. 1st Sess.
- 9. H.R. 4157, 88th Cong. 1st Sess. (1963).
- 10. 109 CONG. REC. 10911, 88th Cong. 1st Sess., June 17, 1963.

On Apr. 2, 1962,⁽¹¹⁾ the House, while considering a bill to revise and codify the general and permanent laws relating to the Canal Zone,⁽¹²⁾ agreed by unanimous consent to permit the insertion of a statement in the Record explaining the bill in lieu of printing the entire bill.⁽¹³⁾

§ 16.2 Upon the rejection by the House of an amendment in the nature of a substitute that the Committee of the Whole had reported to the House in place of the bill as reported by a committee, the text of the original bill was printed in the Record.

On Dec. 16, 1970,⁽¹⁴⁾ a bill to amend the Food Stamp Act of 1964,⁽¹⁵⁾ as reported with standing committee amendments, was being considered in the Committee of the Whole. The Committee of the Whole agreed to and

- 11. 108 CONG. REC. 5531, 87th Cong. 2d Sess.
- 12. H.R. 10931, 87th Cong. 2d Sess. (1962).
- 13. For additional illustrations of this precedent, see 111 CONG. REC. 8375, 89th Cong. 1st Sess., Apr. 26, 1965; 109 CONG. REC. 18044, 88th Cong. 1st Sess., Sept. 25, 1963.
- 14. 116 CONG. REC. 41981, 91st Cong. 2d Sess.
- 15. H.R. 18582, 91st Cong. 2d Sess. (1970).

reported to the House an amendment in the nature of a substitute, as amended.⁽¹⁶⁾ The House, by a roll call vote, then rejected the amendment in the nature of a substitute, as amended.⁽¹⁷⁾ After the bill was ordered to be engrossed and read a third time, the text of the original bill was printed in the Record.⁽¹⁸⁾

§ 16.3 After a bill was reported back to the House by a standing committee with an amendment, in accordance with a motion to recommit with instructions, the entire text of the bill, as amended, was printed in the Record, instead of the usual notation of the third reading of the bill by title.

On Apr. 16, 1970,⁽¹⁹⁾ the House, while considering the Family Assistance Act of 1970,⁽²⁰⁾ adopted a motion to recommit with instructions to report the bill back with specific amendments forthwith. The committee reported back the bill as instructed, the House agreed to the amendment, and the

16. 116 CONG. REC. 42032, 91st Cong. 2d Sess., Dec. 16, 1970.

17. *Id.* at p. 42033.

18. *Id.*

19. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

20. H.R. 16311, 91st Cong. 2d Sess. (1970).

Speaker⁽¹⁾ then put the question of the engrossment and third reading of the bill to the House. At this point the full text of the bill, as amended, was printed in the Record.⁽²⁾

Parliamentarian's Note: The adoption of a motion to recommit with instructions does not ordinarily require the printing of the complete text of the bill, as amended, in the Record. The third reading of the bill is by title, and usually this is so indicated in the Record. In this instance, due to the widespread public interest in the bill, the Speaker requested that the bill be printed in full, as amended, in the Record.

§ 16.4 The text of a House amendment to a Senate bill was, by unanimous consent, ordered printed in the Record on the following legislative day rather than at the point in the proceedings at which it was adopted.

Parliamentarian's Note: On Mar. 19, 1970, the House discharged the Committee on the District of Columbia from further consideration of the Senate bill for District of Columbia court reorganization and criminal law re-

1. John W. McCormack (Mass.).

2. 116 CONG. REC. 12093, 91st Cong. 2d Sess., Apr. 16, 1970.

form,⁽³⁾ and substituted an amendment containing the text of a bill which had already passed the House.⁽⁴⁾ Because of the length of the bill and the lateness of the hour on Mar. 19, the House expressed unanimous consent that the text and the amendment be printed in the Record for the next legislative day, Monday, Mar. 23, in order not to delay the printing of the Record for Mar. 19.⁽⁵⁾ The Government Printing Office, however, misinterpreted this request and deferred the printing of the entire proceedings surrounding the adoption of the amendment to Mar. 23, as well as the text of the amendment itself.⁽⁶⁾

Petitions

§ 16.5 Neither the Speaker nor the Committee on Printing has jurisdiction over the manner of printing of petitions of Members in the Record under clause 1 of Rule XXII; appeal must be made to the individual Member concerned.

3. S. 2601, 91st Cong. 2d Sess. (1970).
4. H.R. 16196, 91st Cong. 2d Sess. (1970).
5. 116 CONG. REC. 8221, 91st Cong. 2d Sess., Mar. 19, 1970.
6. See 116 CONG. REC. 8495-8550, 91st Cong. 2d Sess., Mar. 23, 1970, for the entire proceedings.

On Apr. 30, 1935,⁽⁷⁾ the following discussion occurred concerning the propriety of repeated insertions in the Record by a Member of petitions covering subject matter that had been dealt with legislatively by the House in the current session:

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, the inquiry I wish to direct to the Chair is whether the Committee on Printing cannot control the matter of inserting such petitions in the Record, after a measure passes, when it is clearly apparent the petitions can accomplish no useful purpose?

THE SPEAKER:⁽⁸⁾ The gentleman understands that the Chair has no right to judge . . . the sufficiency or propriety of petitions Members may insert in the Record; nor, in the opinion of the Chair, does the Committee on Printing have any jurisdiction in the matter. Appeal must be made to the individual Member concerned.

MR. BLANTON: And control is not within the jurisdiction of the Committee on Printing.

THE SPEAKER: No; the Chair just stated that the Committee on Printing does not have jurisdiction.

Paragraph 1, rule XXII, provides as follows:

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

7. 79 CONG. REC. 6631, 74th Cong. 1st Sess.
8. Joseph W. Byrns (Tenn.).

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.

After further debate, the Speaker stated:

The Chair may say to the gentleman from Texas that as a matter of practice there is not the slightest objection to a Member lumping all of the petitions together. Then they would be in the Record. But this is up to the Member.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, the situation, as I understand it, is this, and I have talked to the members of the Printing Committee: A member files petitions at the desk. On the same day he may file 100 or 200 of them, reading, "The petitioner, John Jones, and others." Each one of those petitions is referred to in the Appendix. I think the desk itself at the close of the day might lump together the petitions of each Member as to the same subject. There would then be only one reference in the Appendix or in the Record, instead of sometimes 10 pages. I do not see why it cannot be done mechanically by the Clerk.

THE SPEAKER: Under the rules no one at the desk has authority to lump the petitions together. It is a matter either for the House, under the rule which has just been read, or else an appeal must be made to the individual Member. No one at the desk has authority to combine them without the consent of the Member who introduces

them. The House, of course, could control the matter.

Committee Reports

§ 16.6 The Public Printer refused to print in the Record the text of a congressional committee report that had already been printed in pamphlet form, citing a ruling by the Joint Committee on Printing that prohibits such duplication of printing.

On Mar. 29, 1949,⁽⁹⁾ Mr. John E. Rankin, of Mississippi, stated that on the preceding day he had asked and received the unanimous consent of the House to extend his remarks in the Record and to include a report on spies issued by the Committee on Un-American Activities. Mr. Rankin further stated that he had been informed by the Government Printing Office that the report would not be printed in the Record, because to do so would violate a ruling by the Joint Committee on Printing that prohibits the printing of committee reports in the Record that have previously been printed in pamphlet form.⁽¹⁰⁾

9. 95 CONG. REC. 3396, 81st Cong. 1st Sess.

10. This rule, which applies to committee and subcommittee reports but not to conference reports, is rule 9 of the rules adopted by the Joint Com-

§ 16.7 The House agreed by unanimous consent to permit the printing of a committee activity report in both pamphlet form and in the Congressional Record notwithstanding the rule of the Joint Committee on Printing that prohibits the printing of committee reports in both forms.

On Sept. 1, 1960,⁽¹¹⁾ the House agreed by unanimous consent to permit the printing of an activity report of the Committee on Interstate and Foreign Commerce in the Record. Immediately thereafter Mr. Oren Harris, of Arkansas, requested unanimous consent that the same report be printed in pamphlet form for distribution notwithstanding the rule of the Joint Committee on Printing that prohibits committee reports to be printed in both pamphlet form and in the Record.⁽¹²⁾ The House

mittee on Printing, effective May 23, 1972.

11. 106 CONG. REC. 19139, 86th Cong. 2d Sess.
12. This rule is often reprinted in the daily edition of the *Congressional Record* in the section entitled "Laws and Rules for Publication of the Congressional Record", which immediately precedes the section entitled "Daily Digest". See for example rule 9 of the rules of the Joint Committee on Printing, effective May 23, 1972,

agreed to the request without objection.

Conference Reports

§ 16.8 The consideration of conference reports is privileged business, and the calling up of such a report does not require unanimous consent after the report has been printed in the Record.

On Sept. 2, 1959,⁽¹³⁾ the House was considering a conference report on a bill relating to the power of the states to impose net income taxes on income derived from interstate commerce and establishing a Commission on State Taxation of Interstate Commerce and Interstate and Inter-governmental Taxation Problems.⁽¹⁴⁾ After Mr. Wright Patman, of Texas, reserved the right to object to a request that the statement of the managers of the bill be read in lieu of the report, the following discussion occurred:

MR. PATMAN: If I do not object to the reading, that does not foreclose me from objecting to the consideration of the conference report?

that are reprinted in the daily edition of the *Congressional Record* for Thursday, Apr. 19, 1973.

13. 105 CONG. REC. 17769, 86th Cong. 1st Sess.
14. H.R. 2524, 86th Cong. 1st Sess. (1959).

THE SPEAKER:⁽¹⁵⁾ This is a privileged matter. No objection lies.

MR. PATMAN: No objection lies on this? The Speaker is talking about the reading?

THE SPEAKER: The Chair is talking about the conference report, which is a privileged matter.

MR. PATMAN: And one objection would not lie to it?

THE SPEAKER: No objection would.

§ 16.9 A conference report was called up as a privileged matter even though it had not been printed in the Record because the House had not been in session the previous day when the report was filed.

On Tuesday, May 12, 1959,⁽¹⁶⁾ the House agreed by unanimous consent to give the conferees on a bill making supplemental appropriations for the fiscal year ending June 30, 1959,⁽¹⁷⁾ until midnight Wednesday, May 13, to file a conference report on the disagreeing of votes of the two Houses on the Senate amendments to the bill. The House adjourned from Tuesday, May 12 until Thursday, May 14. Since there were no House proceedings to be printed in the Record for Wednesday, May 13,

15. Sam Rayburn (Tex.).

16. 105 CONG. REC. 8006. 86th Cong. 1st Sess.

17. H.R. 5916, 86th Cong. 1st Sess. (1959).

the conference report was not printed at the time it was filed. On Thursday, May 14,⁽¹⁸⁾ the conference report was called up as a privileged matter, and no objection was made to the fact that it had not been printed in the Record as required by House Rule XXVIII clause 2.⁽¹⁹⁾

§ 16.10 The House has agreed by unanimous consent to order the printing of a conference report in the Record for a day in which the House was not in session.

On Aug. 3, 1961,⁽²⁰⁾ the House agreed, by unanimous consent, to permit the managers on the part of the House to have until mid-

18. 105 CONG. REC. 8167, 86th Cong. 1st Sess.

19. *House Rules and Manual* §912 (1973). At the time of the consideration of this conference report the controlling House rule required only that a conference report be printed in the Record prior to its consideration by the House. 5 Hinds' Precedents §6516. The provision in Rule XXVIII clause 2(a), which requires the conference report to be printed in the Record three days before being considered by the House, was added by the Legislative Reorganization Act of 1970, section 125(p), and made part of the rules in 1971. H. Res. 5, 92d Cong. 1st Sess. (1971).

20. 107 CONG. REC. 14544, 87th Cong. 1st Sess.

night the following day, Friday, Aug. 4, to file a conference report on a bill,⁽¹⁾ and to order the report to be printed in the Record for Aug. 4, notwithstanding the fact that the House would not be in session. On Friday, Aug. 4, the conference report was printed in the daily edition of the Record under the heading "House of Representatives," which immediately followed the Senate proceedings. In the bound edition of the Record for Friday, Aug. 4,⁽²⁾ however, there appears under the heading "House of Representatives" only a notation indicating that the conference report had been submitted on that date. The full text of the report does not appear until it was Considered by the House on Aug. 7, 1961.⁽³⁾

§ 16.11 The House, by unanimous consent, has provided for the consideration of a

1. H.R. 7445, 87th Cong. 1st Sess. (1961).
2. 107 CONG. REC. 14727, 87th Cong. 1st Sess.
3. 107 CONG. REC. 14757-59, 87th Cong. 1st Sess. For other occasions on which the House has ordered a conference report to be printed in the Record for a day that the House was not in session, see, *e.g.*, 108 CONG. REC. 14841, 87th Cong. 2d Sess., July 26, 1962; 107 CONG. REC. 18642, 87th Cong. 1st Sess., Sept. 7, 1961.

conference report notwithstanding the fact that it had not been printed in the Record as required by the House rules.

On July 14, 1970,⁽⁴⁾ the House agreed to the following unanimous-consent request:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that it shall be in order on tomorrow, Wednesday, July 15, to consider the conference report on the bill S. 2601, the District of Columbia Court Reform and Criminal Procedure Act of 1970, notwithstanding rule 28, clause 2.

Mr. Speaker, I make this request because of the high cost of printing the voluminous conference report in the Congressional Record. I am informed that it might cover as many as 160 pages of the Record. I can assure the Members that printed copies of the report, in pamphlet form, will be available for their consideration before this report is called up.

On several occasions the House has agreed, by unanimous consent, that it shall be in order during the week to consider any conference report at any time.⁽⁵⁾ The House has also agreed, by unanimous consent, to permit a conference report to be considered on

4. 116 CONG. REC. 24030, 91st Cong. 2d Sess.
5. 100 CONG. REC. 14670, 83d Cong. 2d Sess., Aug. 16, 1954; 94 CONG. REC. 10258, 80th Cong. 1st Sess., July 25, 1947.

the same day it was filed, even though it had not been printed in the Record.⁽⁶⁾

§ 16.12 The House agreed by unanimous consent to permit 40 minutes of debate on a conference report subsequent to its adoption, and to have the text of the debate inserted in the Record preceding the adoption of the report.

On May 22, 1968,⁽⁷⁾ the House agreed, without debate, to the conference report⁽⁸⁾ on the Consumer Credit Protection Act.⁽⁹⁾ Subsequent to the adoption of the report, Mr. Carl Albert, of Oklahoma, made the following unanimous-consent request:

Mr. Speaker, I ask unanimous consent that 40 minutes of debate may be had on this matter, to be equally divided between the gentleman from

6. 108 CONG. REC. 19258, 87th Cong. 2d Sess., Sept. 12, 1962. Although the conference report had not previously been printed in the daily edition of the Record, it does appear in the permanent edition immediately preceding the consideration of the report by the House. *Id.* at p. 19278.

Conference reports generally, see Ch. 33, *infra*.

7. 114 CONG. REC. 14396, 90th Cong. 2d Sess.

8. H. REPT. No. 1397, 90th Cong. 2d Sess. (1968).

9. S. 5, 90th Cong. 2d Sess. (1968).

Texas (Mr. Patman) and the gentleman from New Jersey (Mr. Cahill), and that it appear in the Record prior to the adoption of the conference report.

The House agreed to the request.⁽¹⁰⁾

Presidential Messages

§ 16.13 A designated Speaker pro tempore may refer a Presidential message and order it printed in the Record only with the unanimous consent of the House.

On Oct. 9, 1969,⁽¹¹⁾ the Speaker pro tempore⁽¹²⁾ laid before the House the Second Annual Report of the National Advisory Committee on Adult Basic Education, a message from the President of the United States.⁽¹³⁾ The message was, without objection, referred by the Speaker pro tempore to the Committee on Education and Labor and ordered to be printed in the Record.

Change of Vote

§ 16.14. The change of a vote by a Member after the con-

10. 114 CONG. REC. 14405, 90th Cong. 2d Sess., May 22, 1968.

11. 115 CONG. REC. 29347, 91st Cong. 1st Sess.

12. Richard Bolling (Mo.).

13. H. Doc. No. 176, 91st Cong. 1st Sess. (1969).

clusion of a roll call and before the announcement of the result is noted in the Record.

On Mar. 16, 1934,⁽¹⁴⁾ the following exchange occurred relating to a parliamentary inquiry

MR. [JOHN J.] O'CONNOR [of New York]: As I understand it, the practice has been for some time that when a Member changes his vote from "no" to "aye" or from "aye" to "no" there is nothing in the Record to show it. The reporters do not take it down.

I make the point of order at this time that every word that is uttered in this House should appear in the Congressional Record, and I make the point of order that when a Member changes his vote, as was done 2 days ago, when 40 or 50 Members on the majority and minority sides changed their votes, that change should appear in the Congressional Record.

THE SPEAKER:⁽¹⁵⁾ The gentleman from New York is correct as to the practice that has prevailed heretofore. The Chair thinks that if a Member changes his vote it ought to appear in the Record, and hereafter the reporters will see that all Members who change their votes are reported in the Congressional Record.

On Dec. 20, 1969,⁽¹⁶⁾ several Members changed their vote on the conference report⁽¹⁷⁾ con-

14. 78 CONG. REC. 4691, 73d Cong. 2d Sess.

15. Henry T. Rainey (Ill.).

16. 115 CONG. REC. 40456, 91st Cong. 1st Sess.

17. H. REPT. No. 779, 91st Cong. 1st Sess. (1969).

cerning a foreign assistance appropriation bill.⁽¹⁸⁾ The changes were noted in the Record, immediately following the announcement of pairs, as follows:

Mr. Davis of Georgia, Mr. Bow, Mrs. Reid of Illinois, Mr. Minshall, and Mr. Kuykendall changed their votes from "nay" to "yea."

Mr. McCarthy, Mr. Scheuer, Mr. Culver, and Mr. Tiernan changed their votes from "yea" to "nay."

Mr. Scheuer changes his vote from "nay" to "yea."

§ 17. Deletion of Unparliamentary Remarks

Although the *Congressional Record* is "substantially a verbatim report of proceedings,"⁽¹⁹⁾ the House frequently excludes from the Record remarks made out of order or unparliamentary remarks which reflect unfavorably upon the House, its committees, or individual Members. Remarks made on the floor by a Member after he has been called to order, without recognition by the Chair, or without the consent of the Member occupying the floor, are frequently deleted from the Record by the House, the Speaker, or the Member in revising his remarks.⁽²⁰⁾

18. H.R. 15149, 91st Cong. 1st Sess. (1969)

19. 44 USC § 901 (1970).

20. See §§ 17.7-17.10, infra.

A Member occasionally makes a remark in the heat of debate which reflects unfavorably upon the House, its membership, or its committees, and which he immediately regrets. In such instances the Member who has spoken the words may request the unanimous consent of the House that they be deleted from the Record or such request may be made by another Member. The House frequently agrees to these requests made in the spirit of apology.⁽¹⁾

During floor debate a Member will sometimes demand that words spoken by another Member be taken down. The Speaker⁽²⁾ then determines whether the words spoken in debate reflect unfavorably upon the House, its membership or institutions. If the Speaker rules the words unparliamentary, a Member frequently makes a motion or introduces a resolution to delete the unparliamentary remarks from the Record.⁽³⁾ Occasionally the Speaker will immediately order the unparliamentary remarks deleted

Disorder in debate generally, see Ch. 29, *infra*.

1. See §§ 17.11, 17.12, *infra*.
2. If the words are taken down in the Committee of the Whole they must be reported to the House for a decision by the Speaker. See § 17.17, *infra*.
3. See § 17.13, *infra*.

from the Record, without awaiting action by the House.⁽⁴⁾

A Member may also challenge unparliamentary remarks that were not deleted from the reporter's notes prior to publication of the daily edition of the Record. The usual procedure is similar to the procedure employed in challenging remarks that were inserted in the Record under leave to extend. In such instances a Member is recognized on a question of privilege.⁽⁵⁾

***Procedure; Deletion or
Expungement Generally***

§ 17.1 The insertion in the Record of unparliamentary remarks is sufficient to raise a question of the privilege of the House.

On Sept. 5, 1940,⁽⁶⁾ Mr. Clare E. Hoffman, of Michigan, was recognized on a question of the privilege of the House, and offered a resolution⁽⁷⁾ to expunge from the daily edition of the Record for the

4. See §§ 17.21, 17.22, *infra*.

5. See § 17.19, *infra*.

For a general discussion of questions of privilege, see Ch. 11, *infra*.

6. 86 CONG. REC. 11552, 76th Cong. 3d Sess.

7. H. Res. 591, 76th Cong. 3d Sess. (1940).

previous day words spoken on the floor of the House by Mr. Beverly M. Vincent, of Kentucky, which impugned the patriotism of Mr. Martin L. Sweeney, of Ohio. The House agreed to the resolution.

§ 17.2 The Speaker held that the question of whether an allegedly unparliamentary remark inserted in the Record under leave to extend violated the privileges granted the Member who made the insertion was not subject to a point of order, but was a question for the House.

On Feb. 27, 1946,⁽⁸⁾ Mr. John E. Rankin, of Mississippi, made a point of order alleging that Mr. Adolph J. Sabath, of Illinois, had inserted in the Record an attack on the Committee on Un-American Activities.⁽⁹⁾ The Speaker⁽¹⁰⁾ responded as follows:

The Chair thinks the remedy of the gentleman from Mississippi is not a point of order. This is an extension of remarks and whether or not it violated the privileges granted the gentleman from Illinois [Mr. Sabath] would be a question for the House to pass on, not the Chair.

- 8. 92 CONG. REC. 1725, 79th Cong. 2d Sess.
- 9. Mr. Sabath had referred to the Committee on Un-American Activities as "the House Un-American Committee."
- 10. Sam Rayburn (Tex.).

Mr. Rankin then made a motion to delete the remarks of Mr. Sabath from the permanent Record. The House rejected the motion for the previous question on Mr. Rankin's motion, but the House agreed to a unanimous-consent request by Mr. Sabath that the remarks referring to the Committee on Un-American Activities be deleted from the Record. Mr. Rankin then withdrew his motion.

§ 17.3 The action of the House in ordering the entire speech of a Member and the proceedings under a call to order expunged from a permanent Record does not give rise to a question of personal privilege or privilege of the House; the proper method of reopening the matter is by a motion to reconsider the vote whereby such action was taken.

On Feb. 13, 1941,⁽¹¹⁾ Mr. Clare E. Hoffman, of Michigan, rose to state a question of personal privilege and privilege of the House. He offered a resolution stating that on Feb. 11, Mr. Samuel Dickstein, of New York, had, during the course of his remarks on the House floor, impugned the integrity of a committee of the

- 11. 87 CONG. REC. 979. 77th Cong. 1st Sess.

House. Mr. Hoffman had interrupted Mr. Dickstein's remarks with a point of order that such remarks were out of order and in violation of the Constitution. The Speaker⁽¹²⁾ refused to rule the words out of order and permitted Mr. Dickstein to continue speaking. A few moments later Mr. Dickstein's remarks were again interrupted, this time by Mr. John E. Rankin, of Mississippi, who demanded that the words be taken down. The words were taken down, and Mr. Rankin moved "to expunge the entire speech of the gentleman from New York [Mr. Dickstein] from the Record." The House agreed to the motion, and the Record of the House proceedings for Feb. 11 did not contain either the remarks of Mr. Dickstein or the proceedings by which the words were taken down. Mr. Hoffman stated in his resolution that the deletion of the entire proceedings from the Record raised a question of personal privilege and privilege of the House, and requested that the permanent edition for Feb. 11 be corrected so as to include a portion of Mr. Dickstein's remarks and the entire proceedings by which his words were taken down.

In response to Mr. Hoffman's argument in support of the resolu-

tion that the omission of the proceedings referred to violates the First Amendment freedom of speech and of the press, the Speaker stated that the Constitution also gives the House the authority to establish rules for its own procedure. After Mr. Hoffman further argued in support of the question of the privilege of the House which he had raised, the Speaker responded as follows:

The House would have to decide that, and, in the opinion of the Chair, the House did decide the matter when it expunged the remarks from the Record. The Chair thinks, under the circumstances, that the proper way to reopen the question would be by a motion to reconsider the vote whereby the motion of the gentleman from Mississippi [Mr. Rankin] was adopted. The Chair is of the opinion that inasmuch as the question raised by the gentleman from Michigan was decided by a vote of the House on a proper motion, that he does not now present a question of privilege of the House or of personal privilege.

§ 17.4 The Speaker declined to rule on a question of personal privilege arising from the insertion in the Record of allegedly unparliamentary remarks because the transcript of the insertion had not been submitted for the inspection of the Chair.

On Apr. 7, 1943,⁽¹³⁾ Mr. Emanuel Celler, of New York, was rec-

12. Sam Rayburn (Tex.).

13. 89 CONG. REC. 3065, 78th Cong. 1st Sess.

ognized on a question of personal privilege. He stated that several days earlier a Member had inserted in the Record remarks which reflected upon his integrity, and requested an opportunity to respond to that charge. The Speaker⁽¹⁴⁾ requested that the original transcript of the remarks be submitted for his inspection. Mr. Celler replied that he did not have a copy of the transcript in his possession at that time, and asked the permission of the Chair to proceed nevertheless. With respect to the question of personal privilege, the Speaker stated as follows:

The Chair is not going to rule on this question without seeing the original transcript and it is not here. If there is no objection, the gentleman may proceed for 10 minutes.

§ 17.5 The Speaker ruled that a delay of several months did not preclude a Member from being recognized on a question of personal privilege concerning remarks appearing in the Record.

On June 30, 1939,⁽¹⁵⁾ Mr. Clare E. Hoffman, of Michigan, requested recognition on a question of personal privilege. He cited in

14. Sam Rayburn (Tex.).

15. 84 CONG. REC. 8468, 76th Cong. 1st Sess.

support of his question of privilege remarks made on the floor of the Senate by a Member of that body on Jan. 17, 1939, which were highly critical of a statement he had previously made in the House. Mr. John E. Rankin, of Mississippi, then made the following point of order:

Mr. Speaker, I make the point of order that the statement that the gentleman from Michigan is making does not in any way constitute a question of high constitutional privilege. . . . [T]he statement made in the Senate was months and months ago. It has been in the Congressional Record all this time, and the gentleman from Michigan knew it. Now he is guilty of what is called laches in our courts. He is not entitled to rise to the question of high constitutional privilege at this time in order to use it to filibuster against the bill before the House. I make the point of order that the gentleman is not entitled to rise to a question of high constitutional privilege.

The Speaker, William B. Bankhead, of Alabama, ruled against Mr. Rankin's point of order, and recognized Mr. Hoffman on the question of personal privilege.

Remarks Made Out of Order

§ 17.6 The Chair may direct the exclusion or deletion, from the Record, of words held to be out of order. (See §17.21, infra.)

§ 17.7 Remarks made by a Member on the floor of the House after he has been called to order by the Chair are excluded from the Record.

On June 17, 1936,⁽¹⁶⁾ Mr. Robert F. Rich, of Pennsylvania, was propounding a question to the Member occupying the floor, under a reservation of the right to object, when the regular order was demanded by Mr. Claude A. Fuller, of Arkansas. Mr. Rich, however, ignoring the announcement by the Speaker that the regular order had been demanded, made an additional statement. The Speaker⁽¹⁷⁾ stated that Mr. Rich had been out of order in extending his statement after the Chair announced that the regular order was demanded. The following parliamentary inquiry and response by the Speaker then occurred:

MR. FULLER: Mr. Speaker, under the ruling of the Chair I suppose it is to be taken for granted that the remarks of the gentleman from Pennsylvania should be stricken from the Record. If they are not I want to object, because he was speaking out of order, speaking after the Chair had cautioned him, as is his custom all the time.

THE SPEAKER: The remarks of the gentleman from Pennsylvania, or any

16. 80 CONG. REC. 9694, 74th Cong. 2d Sess.

17. William B. Bankhead (Ala.).

other gentleman who interjects remarks into the Record after he has been called to order by the Chair upon a demand for the regular order, are not entitled to be incorporated in the Record.

§ 17.8 Remarks made by a Member subsequent to his point of order that a quorum is not present are ordinarily excluded from the Record, because the point of order is not debatable and only remarks that are made in order are included in the Record.

On Apr. 15, 1940,⁽¹⁸⁾ Mr. John Taber, of New York, was recognized on a question of the privilege of the House. He stated that earlier in the debate Mr. John E. Rankin, of Mississippi, had made a point of order that a quorum was not present, and thereafter had made additional statements. Mr. Taber made the point of order that Mr. Rankin had not been recognized for the purpose of making those statements and that they should not be in the Record. The Speaker pro tempore⁽¹⁹⁾ made the following ruling:

Under the rules of the House, remarks should only be included in the Record that are made in order. After a

18. 86 CONG. REC. 4517, 76th Cong. 3d Sess.

19. Sam Rayburn (Tex.).

point of order is made, which is not debatable, any further remarks should not be included in the Record. Therefore the Chair rules that any remarks that may have been made after the point of order that a quorum was not present was made should not be included in the Record.

§ 17.9 The reporters are instructed to take down and include as part of the Record of the proceedings remarks interjected by a Member to whom the Member occupying the floor has refused to yield.

The reporters are instructed to take down such interjections even though they are out of order and may be stricken from the permanent Record by the House, the Speaker, or the Member in revising his remarks.⁽²⁰⁾

§ 17.10 A parliamentary inquiry may not be used to place statements in the Record.

On Jan. 6, 1933,⁽¹⁾ the following parliamentary inquiry was made:

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, a parliamentary inquiry. Would it be in order to state that the Republican organization voted silently against the previous question?

The Speaker⁽²⁾ responded as follows:

- 20.** This ruling is discussed in §19.8, *infra*.
- 1.** 76 CONG. REC. 1362, 72d Cong. 2d Sess.
 - 2.** John N. Garner (Tex.).

That is not a parliamentary inquiry, and the gentleman ought not to take advantage of a parliamentary inquiry to make a statement.

Deletion by Unanimous Consent

§ 17.11 The House occasionally agrees to a unanimous-consent request by a Member to have certain unparliamentary remarks spoken in debate by another Member deleted from the Record.

On Aug. 4, 1970,⁽³⁾ Mr. Page H. Belcher, of Oklahoma, referred to Mr. Silvio O. Conte, of Massachusetts, as “the other guy” who was horning in. Mr. Leslie C. Arends, of Illinois, requested unanimous consent that “the other guy” as spoken by Mr. Belcher in debate be deleted from the Record and that there be inserted in lieu thereof “the gentleman from Massachusetts.” The House agreed to the request.⁽⁴⁾

§ 17.12 A Member may, with the unanimous consent of the House, have his own remarks, which had been inserted under leave to extend, deleted from the permanent Record.

- 3.** 116 CONG. REC. 27130, 91st Cong. 2d Sess.
- 4.** CONG. REC. (daily ed.), 89th Cong. 2d Sess.

On Sept. 20, 1966,⁽⁵⁾ a speech delivered by Mr. Arnold Olsen, of Montana, which was made in Montana and was highly critical of another Member, appeared in the Record. The following day, Mr. Olsen, in requesting the unanimous consent of the House that the speech be deleted from the permanent Record, stated that it had been inserted by his staff, without his permission or knowledge. The House agreed to the unanimous-consent request.⁽⁶⁾

Deletion Pursuant to Motion

§ 17.13 After the Speaker ruled certain words spoken by a Member in debate to be out of order, the House agreed to a motion deleting his entire speech from the Record.

5. CONG. REC. (daily ed.), 89th Cong. 2d Sess., Sept. 21, 1966.
6. On several other occasions the House has agreed by unanimous consent to permit a Member to delete his remarks from the Record. See, *e.g.*, CONG. REC. (daily ed.), Aug. 12, 1970 (remarks critical of a United States Senator); CONG. REC. (daily ed.), Sept. 14, 1967 (remarks critical of another Member); 86 CONG. REC. 1124, 76th Cong. 3d Sess., Feb. 6, 1940 (letters that were later found to have been forged); CONG. REC. (daily ed.), Mar. 18, 1965 (an extension of remarks by a Member that had been lost by the Public Printer, rediscovered nine years later, and inserted as if it were current).

On Feb. 11, 1941,⁽⁷⁾ the Speaker⁽⁸⁾ ruled that certain words spoken by a Member in debate on a resolution⁽⁹⁾ to continue an investigation by a Special Committee on Un-American Activities impugned the motives and actions of a committee and its individual members, and were therefore out of order. Mr. John E. Rankin, of Mississippi, moved to expunge the entire speech from the Record. The House agreed to the motion.

§ 17.14 The Speaker ruled that a motion to strike from the Record would have to be put in writing where the material to be stricken gave rise to a question of privilege of the House.

On Apr. 25, 1944,⁽¹⁰⁾ Mr. Clare E. Hoffman, of Michigan, introduced a resolution to strike from the Record a statement inserted by another Member that impugned the integrity and patriotism of Mr. Hoffman and which mentioned various Senators and Representatives. During debate on the resolution the Speaker⁽¹¹⁾ in-

7. 87 CONG. REC. 894-899, 77th Cong. 1st Sess.
8. Sam Rayburn (Tex.).
9. H. Res. 90, 77th Cong. 1st Sess. (1941).
10. 90 CONG. REC. 3696-98, 78th Cong. 2d Sess.
11. Sam Rayburn (Tex.).

dicated that there was an inconsistency in the resolution,⁽¹²⁾ and Mr. Hoffman requested permission to withdraw the resolution on the condition that he be permitted to reword it and offer it again later in the day. At that point Mr. John E. Rankin, of Mississippi, requested the opinion of the Chair as to whether a motion to strike the matter under discussion from the Record must be in writing, or whether it could be done orally. The Speaker responded as follows:

The Chair is going to demand that any motion to strike from the Record be put in writing. The gentleman withdraws the resolution.

Later in the same day Mr. Hoffman introduced a modified resolution.⁽¹³⁾

§ 17.15 Debate on a motion to expunge from the Record words taken down and ruled out of order is under the hour rule.

On June 12, 1947,⁽¹⁴⁾ after Mr. John E. Rankin, of Mississippi,

12. The resolution directed both that the words be stricken from the Record and that the resolution be referred to the Committee on Rules for such action as it may deem proper.
13. The resolution provided for its referral to the Committee on Rules and directed the committee to consider the offensive statement and to take such action as it deemed proper.
14. 93 CONG. REC. 6895, 80th Cong. 1st Sess.

was recognized on his motion to strike words from the Record that had been held out of order by the Speaker,⁽¹⁵⁾ he made the following parliamentary inquiry:

Mr. Speaker, I am recognized now for 1 hour and I have a right to yield to any other Member I desire in this discussion?

The Speaker responded affirmatively.

§ 17.16 A Member who has been called to order for words spoken in debate is not entitled to be recognized by the Speaker during debate on a motion to expunge his words from the Record.

On Feb. 11, 1941,⁽¹⁶⁾ during debate on a resolution⁽¹⁷⁾ to continue an investigation by a special Committee on Un-American Activities, the Speaker⁽¹⁸⁾ ruled that words spoken by Mr. Samuel Dickstein, of New York, impugned the motives and actions of a committee and the members thereof and were therefore not in order. Mr. John E. Rankin, of Mississippi, moved to expunge the entire speech of Mr. Dickstein from

15. Joseph W. Martin, Jr. (Mass.).
16. 87 CONG. REC. 894-899, 77th Cong. 1st Sess.
17. H. Res. 90, 77th Cong. 1st Sess. (1941).
18. Sam Rayburn (Tex.).

the Record. During the debate on the resolution Mr. Dickstein sought recognition for the purpose of making a parliamentary inquiry. The Speaker replied that he could not be recognized.

§ 17.17 A motion to expunge words from the Record is not in order in the Committee of the Whole; words taken down in debate in the Committee must be reported to the House by the Chairman.

On Feb. 18, 1941,⁽¹⁹⁾ during debate in the Committee of the Whole, Mr. Robert F. Rich, of Pennsylvania, demanded that certain words spoken by Mr. Clare E. Hoffman, of Michigan, be taken down. The Clerk, upon the order of the Chairman,⁽²⁰⁾ read the words objected to. Mr. Rich then requested that the words be expunged from the Record. The Chairman stated that it was a

19. 87 CONG. REC. 1126, 77th Cong. 1st Sess.

On May 31, 1934, in a similar situation, a Member moved to expunge from the Record words taken down during a debate in the Committee of the Whole. A point of order was made that the words would have to be first reported to the House. The Chairman, John H. Kerr (N.C.), agreed and directed the Committee to rise. 78 CONG. REC. 10167-70, 73d Cong. 2d Sess.

20. Warren G. Magnuson (Wash.).

matter for the House to decide, and he directed the Committee to rise. The Committee then rose and Mr. Magnuson reported to the House that certain words in debate had been objected to, taken down upon request, and read at the Clerk's desk. After listening to the Clerk's reading of the words objected to, the Speaker⁽¹⁾ ruled that they did not reflect in an unparliamentary manner upon any Member, and that they did not violate the rules of the House.

§ 17.18 A motion to delete from the Record certain words reported to the House by the Committee of the Whole is in order subsequent to a ruling by the Speaker holding them unparliamentary.

On Mar. 24, 1961,⁽²⁾ the Committee of the Whole reported to the House that certain words used in debate had been objected to and, on request, taken down and read at the Clerk's desk. When the House resumed sitting, the Clerk reported the words objected to, and the Speaker⁽³⁾ ruled them out of order. The following parliamentary inquiry and response by the Speaker then occurred:

MR. [THOMAS B.] CURTIS [of Missouri]: The ruling means that these

1. Sam Rayburn (Tex.).
2. 107 CONG. REC. 4780, 87th Cong. 1st Sess.
3. Sam Rayburn (Tex.).

words will be stricken from the Record?

THE SPEAKER: If a motion is made to strike them from the Record.

Mr. Curtis then made a motion to strike the words from the Record, and the House agreed to the motion.

Deletion Pursuant to Resolution

§ 17.19 The insertion in the Record of unparliamentary remarks is sufficient to give rise to a question of privilege, which is frequently presented in the form of a resolution to expunge such remarks from the permanent Record.

On May 13, 1946,⁽⁴⁾ Mr. Clare E. Hoffman, of Michigan, rose to a question of the privilege of the House and offered a resolution⁽⁵⁾ stating that on May 10, Mr. Frank E. Hook, of Michigan, had caused to be inserted in the *Congressional Record* an address delivered by the President of the Michigan CIO Council, which impugned the integrity of Congress and the individual Members thereof. The resolution requested that the entire speech be ex-

4. 92 CONG. REC. 4922-24, 79th Cong. 2d Sess.
5. H. Res. 616, 79th Cong. 2d Sess. (1946).

punged from the permanent Record. On a roll call vote, the House agreed to the resolution and the speech was expunged from the permanent Record.⁽⁶⁾

§ 17.20 A resolution, which proposes to strike from the Record language inserted under leave to extend, and which provides that such resolution is to be referred to the Committee on Rules for such action as it may deem proper, is privileged.

On Apr. 25, 1944,⁽⁷⁾ Mr. Clare E. Hoffman, of Michigan, rose to a question of privilege and introduced a resolution⁽⁸⁾ instructing the Committee on Rules to consider a statement impugning the integrity and patriotism of Mr. Hoffman, that had been inserted in the Record by another Member. Subsequent to the Speaker's⁽⁹⁾ statement that without objection

6. See 93 CONG. REC. 2461-63, 80th Cong. 1st Sess., Mar. 24, 1947, for another occasion on which the House agreed to a resolution expunging from the permanent Record unparliamentary remarks which had been inserted under leave to extend.
7. 90 CONG. REC. 3698, 78th Cong. 2d Sess.
8. H. Res. 516, 78th Cong. 2d Sess. (1944)
9. Sam Rayburn (Tex.).

the resolution was agreed to, the following exchange occurred:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, reserving the right to object—

THE SPEAKER: It is a privileged resolution.

MR. RANKIN: I understand, but anything that goes to the Committee on Rules is not a privileged resolution.

THE SPEAKER: The Chair recognized the gentleman from Michigan on the theory that it is a privileged resolution, and holds that it is a privileged resolution. The Chair has already recognized the gentleman to offer it.

Deletion by the Chair

§ 17.21 The Speaker, after ruling certain words taken down in debate out of order, immediately ordered them deleted from the Record, without awaiting action by the House.

On Feb. 22, 1945,⁽¹⁰⁾ Mr. John E. Rankin, of Mississippi, requested that certain words spoken in debate by Mr. Frank E. Hook, of Michigan, be taken down. The Speaker pro tempore,⁽¹¹⁾ after hearing the words read by the Clerk, made the following ruling:

The Chair rules the words out of order and they will be stricken from the Record.

10. 91 CONG. REC. 1371, 79th Cong. 1st Sess.

11. John W. McCormack (Mass.).

Mr. Clare E. Hoffman, of Michigan, then asked the Chair, in the form of a parliamentary inquiry, what had become of the request that the words be taken down. The Speaker pro tempore responded as follows:

The Chair has already ruled on that. The words were stricken from the Record.

§ 17.22 Although the Speaker may strike from the Record of the proceedings remarks made by a Member to whom the Member occupying the floor has refused to yield, the Chairman of the Committee of the Whole may not.

Although it has been said that the Speaker has no control over the official record of debates,⁽¹²⁾ it is well established that he may exclude from the Record flagrantly disorderly words,⁽¹³⁾ words spoken by a Member after he has been called to order,⁽¹⁴⁾ and remarks made by a Member who has not been recognized and to whom the Member having the floor has declined to yield.⁽¹⁵⁾ The Chairman of the Committee of the Whole, however, does not share even the Speaker's limited control over the

12. 5 Hinds' Precedents § 7017.

13. 8 Cannon's Precedents § 3471.

14. 5 Hinds' Precedents §§ 6975–6978.

15. 8 Cannon's Precedents § 3466.

Record, since it is well established that the Committee of the Whole itself has no control over the *Congressional Record*.⁽¹⁶⁾

On Apr. 20, 1937,⁽¹⁷⁾ the Speaker⁽¹⁸⁾ stated that only the Speaker, and not the Chairman of the Committee of the Whole, has the authority to direct the reporters to delete certain improper remarks from the Record. The Speaker cited this principle as partial support for a ruling by which the reporters were instructed to take down and include as part of the Record of the proceedings remarks made by a Member to whom the Member having the floor had declined to yield.⁽¹⁹⁾

Deletion by Government Printing Office

§ 17.23 The Government Printing Office edits materials inserted in the “Extension of Remarks” section of the Record so as to delete profane words, and indicates such deletions with dashes.

On Feb. 24, 1970,⁽²⁰⁾ Mr. Ken Hechler, of West Virginia, directed

16. 5 Hinds' Precedents §6986.

17. 81 CONG. REC. 3670, 75th Cong. 1st Sess.

18. William B. Bankhead (Ala.).

19. This ruling is discussed in §19.8, *infra*.

20. 116 CONG. REC. 4543, 91st Cong. 2d Sess.

the attention of the House to the fact that he had inserted in the “Extension of Remarks” section of the Record for the previous day a printed newspaper interview with George Titler, who was then the vice president of the United Mine Workers of America, in which Mr. Titler was quoted as making a number of critical remarks against the character of the late Joseph Yablonski. Mr. Hechler noted that the Government Printing Office had properly deleted several profane remarks made by Mr. Titler in the text of the interview, because such profanity in the Record would not be in conformity with the rules of the House.⁽¹⁾

Parliamentarian's Note: The Government Printing Office has been authorized by the Chairman of the Joint Committee on Printing to delete profane extraneous material inserted in the Record, and to indicate such deletions with dashes.

§ 18. Correction of Errors

The House may correct errors in the printing of the *Congressional Record* in order to ensure that the

1. The text of the interview appears at 116 CONG. REC. 4457, 91st Cong. 2d Sess., Feb. 24, 1970.

proceedings of the House are accurately recorded.⁽²⁾ This prerogative of the House, however, does not permit it to revise remarks that are correct and in order, because the House may not change the Record merely to show what a Member should have said on the floor.⁽³⁾

Although a Member may edit and revise his own remarks without the consent of the House,⁽⁴⁾ and the Speaker may order unparliamentary remarks or remarks made out of order deleted from the Record,⁽⁵⁾ only the House, and not the Speaker,⁽⁶⁾ may order the correction of printing errors in the Record.

The correction of printing errors in the Record is frequently raised as a question of privilege of the House.⁽⁷⁾ While the correction of the Record is usually proposed informally, by the submission of minor corrections to the official reporters,⁽⁸⁾ or by unanimous-con-

sent requests for more significant changes,⁽⁹⁾ a motion or resolution must be submitted if a question of order⁽¹⁰⁾ is raised.

A question of privilege concerning an error in the Record may not be raised until the daily edition has appeared.⁽¹¹⁾ Under the rules of the Joint Committee on Printing,⁽¹²⁾ once the daily edition is published, the House has 30 days to submit corrections for the permanent edition, before it is made up for printing and binding. No corrections may be submitted after the permanent edition of the particular volume is published.⁽¹³⁾

Question of Privilege of the House

§ 18.1 An error in the printing of the Congressional Record, by which the remarks of one Member are attributed to an-

2. 5 Hinds' Precedents § 6972.

3. 8 Cannon's Precedents §§ 3469, 3498; 6 Cannon's Precedents § 583; 5 Hinds' Precedents § 6974. The right of the House to delete from the Record unparliamentary remarks or remarks made out of order is discussed in § 17, *supra*.

4. See § 19, *infra*.

5. See § 17.21, *supra*.

6. 5 Hinds' Precedents § 7019.

7. See §§ 18.1, 18.2, *infra*.

8. See § 18.3, *infra*.

9. See §§ 18.4, 18.5, *infra*.

10. 8 Cannon's Precedents § 3464.

11. 5 Hinds Precedents § 7020.

12. Rule 8 of the Joint Committee on Printing, effective May 23, 1972. These rules are frequently reprinted in the daily edition of the *Congressional Record* in the section entitled "Laws and Rules for Publication of the Congressional Record," which precedes the section entitled "Daily Digest."

13. See § 18.2, *infra*.

other, gives rise to a question of privilege.

Parliamentarian's Note: An error in the printing of the *Congressional Record* by which the remarks of one Member are attributed to another, raises a question of the privilege of the House. (Generally, see Ch. 11, *infra*.)

§ 18.2 An error in the printing of the Congressional Record, by which a Member's remarks were quoted in the text of an insertion made by another Member and were not printed in smaller type as required by a rule of the Joint Committee on Printing, gives rise to a question of the privilege of the House.

On May 11, 1936,⁽¹⁴⁾ Mr. John Taber, of New York, was recognized on a question of the privilege of the House. He stated that certain remarks attributed to him had been inserted in the Record of May 7, 1936,⁽¹⁵⁾ but did not appear in small type as required by the rules of the Joint Committee on Printing in the case of quotations.

Mr. Taber introduced a resolution to correct the Record, but it

14. 80 CONG. REC. 7019-21, 74th Cong. 2d Sess.

15. CONG. REC. (daily ed.), 74th Cong. 2d Sess.

was defeated on a roll call vote. Mr. John A. Martin, of Colorado, sought unanimous consent to correct the Record so as to reduce the quotation to small type; this request was objected to.

Submitting Corrections to Reporters

§ 18.3 A Member may submit minor corrections of the Record to the official reporters, but controversial questions or matters that might involve another Member must be submitted to the House.

On Feb. 9, 1937,⁽¹⁶⁾ the following exchange occurred concerning a parliamentary inquiry:

MR. [JOHN J.] O'CONNOR of New York: In the matter of correcting the Record, as I understand it, unless it is a matter that involves the Journal or would adversely affect another Member, these minor corrections can be made by the Member going to the desk in front of the Speaker and taking it up with the reporters.

THE SPEAKER:⁽¹⁷⁾ Answering the gentleman from New York, the rule is that upon insignificant or minor matters such corrections may be made at the request of the Member by submitting it to the reporter at the desk; but if it involves any substantial matter

16. 81 CONG. REC. 1013, 75th Cong. 1st Sess.

17. William B. Bankhead (Ala.).

that might bring into controversy some other Member or some other controversial question, the Member must rise and ask for such correction from the floor.

Correction by Unanimous Consent

§ 18.4 The House agreed, by unanimous consent, to correct the Record so as to reflect the actual content of a Presidential message which had been transmitted to the House.

On Mar. 12, 1963,⁽¹⁸⁾ the House agreed to the unanimous-consent request of Mr. Carl Albert, of Oklahoma, that the Record of the previous day be corrected so as to reprint accurately the text of a Presidential message, as transmitted to the House by the President of the United States.⁽¹⁾

Parliamentarian's Note: The original copy of the message relat-

18. CONG. REC. (daily ed.). 88th Cong. 1st Sess.

1. The House must approve the correction of most errors in the printing of the *Congressional Record*, since only minor corrections may be submitted to the official reporters by a Member. See §18.3, supra. The House frequently manifests its consent to changes in the Record by agreeing to unanimous-consent requests made by an individual Member. For example, see §§18.13–18.16, infra (correction of errors in recording of vote).

ing to the International Rules of Judicial Procedure, which was transmitted to the House by the President, was correct in all respects. One of the attached copies, however, contained a message on an unrelated subject which had been attached before the message had left the White House. It was the submission of this erroneous copy to the official reporters at the desk that caused the error in the Record.

§ 18.5 Although a Member's words have been taken down and read to the House, the Speaker may recognize him for a unanimous-consent request to withdraw or modify the words objected to.

On June 5, 1962,⁽²⁾ Mr. John D. Dingell, of Michigan, during the course of his remarks on the House floor, referred to Mr. Thomas B. Curtis, of Missouri, as a "mouthpiece" for the American Medical Association. Mr. Curtis requested that the words be taken down, and the Speaker⁽³⁾ ordered the Clerk to report the words objected to. Following the reading by the Clerk, Mr. Dingell requested unanimous consent of the House to change the word "mouthpiece"

2. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

3. John W. McCormack (Mass.).

to “self-appointed spokesman.” The request was agreed to without objection, and Mr. Curtis withdrew his point of order.⁽⁴⁾

Correction by Motion

§ 18.6 A motion to correct the Record is privileged after the approval of the Journal.

On Jan. 24, 1936,⁽⁵⁾ Mr. Joseph P. Monaghan, of Montana, requested unanimous consent that an error in the Record of the previous day, by which only part of an amendment he had submitted was printed in the Record, be corrected so as to include the entire text of the amendment. Mr. Thomas L. Blanton, of Texas, then obtained recognition, on a reservation of objection to the unanimous-consent request, in order to praise the clerks for the conscientious and efficient manner in which they usually performed their duties. Mr. Clifton A. Woodrum, of Virginia, made a point of order to the effect that a

4. See 93 CONG. REC. 6895, 80th Cong. 1st Sess., June 12, 1947, for an occasion on which Speaker Joseph W. Martin, Jr. (Mass.) ruled that a Member who has had his words taken down may be recognized to propound a unanimous-consent request.

5. See 80 CONG. REC. 977, 74th Cong. 2d Sess.

motion to correct the Record would be in order, and that the unanimous consent of the House was not required. The Speaker⁽⁶⁾ agreed. Thereupon Mr. Monaghan moved that the Record be corrected. Mr. Blanton again rose to state that he had obtained recognition on a reservation of objection to the unanimous-consent request, and the regular order was demanded. The Speaker presented the unanimous-consent request, and an objection was raised against it. Mr. Monaghan immediately moved that the Record be corrected in the manner in which he had previously described. The previous question was ordered, and the House agreed to the motion.

§ 18.7 Debate on a motion to correct the Record is under the hour rule.

On July 5, 1945,⁽⁷⁾ Mr. Malcolm C. Tarver, of Georgia, made a motion to correct the Record so as to include the exact colloquy which had occurred between himself and Mr. John E. Rankin, of Mississippi, which had been modified by Mr. Rankin in the process of revising his remarks. After Mr. Tarver had concluded his remarks

6. Joseph W. Byrns (Tenn.).

7. 91 CONG. REC. 7221-25, 79th Cong. 1st Sess.

in support of this motion, Mr. Rankin requested to be heard on the motion. Upon being recognized by the Speaker,⁽⁸⁾ Mr. Rankin inquired as to how long he would be permitted to speak. The Speaker advised him that he would be permitted to speak under the hour rule.⁽⁹⁾

§ 18.8 The House agreed to a motion to refer a motion to correct the Record to the Committee on Rules.

On July 5, 1945,⁽¹⁰⁾ Mr. Malcolm C. Tarver, of Georgia, made a motion to correct the Record so as to include the language actually spoken in debate by himself and Mr. John E. Rankin, of Mississippi, on July 2, 1945. Mr. Tarver stated in support of his motion that the colloquy which had occurred on the floor, as taken down by the reporters, had been changed substantially by Mr. Rankin in revising the text of his remarks. Subsequently, a motion was made to refer Mr. Tarver's motion to the Committee on Rules. The House, by a division vote, agreed to the motion to refer.

Correction by Resolution

§ 18.9 Upon objection being raised to a unanimous-con-

8. Sam Rayburn (Tex.).

9. 91 CONG. REC. 7222, 79th Cong. 1st Sess.

10. *Id.* at pp. 7221-25.

sent request that the Record be corrected to show remarks as reported by the official reporters, the House agreed to a resolution so correcting the Record.

On Mar. 23, 1949,⁽¹¹⁾ Mr. William J. Green, Jr., of Pennsylvania, requested unanimous consent that the Record be corrected to indicate the exact language that had occurred in the colloquy between himself and Mr. John E. Rankin, of Mississippi, the previous day. In support of his request Mr. Green alleged that Mr. Rankin had altered the language of their exchange in revising the text of his remarks. Mr. Rankin raised an objection to the unanimous-consent request, and Mr. Green thereupon offered the following resolution:⁽¹²⁾

Resolved, That the Record of Tuesday, March 22 be amended by printing the colloquy between Mr. Rankin and Mr. Green as reported by official reporters.

The House agreed to the resolution.

§ 18.10 Debate on a resolution to correct the Record is under the hour rule.

11. 95 CONG. REC. 3041, 81st Cong. 1st Sess.

12. H. Res. 164, 81st Cong. 1st Sess. (1949).

On Feb. 13, 1946,⁽¹³⁾ Mr. Howard W. Smith, of Virginia, introduced a resolution to delete from the Record of the previous day remarks spoken on the floor and inserted in the Record by Mr. Charles R. Savage, of Washington, which reflected unfavorably upon Virginia state officials. Mr. Smith was recognized to speak on the resolution, and the following parliamentary inquiry and response by the Speaker⁽¹⁴⁾ then occurred:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry; for how long is the gentleman from Virginia recognized?

THE SPEAKER: The gentleman from Virginia is under the 1-hour rule.

The House agreed to the resolution.

Government Printing Office Omissions

§ 18.11 Where a committee report is ordered printed in the Record and certain illustrations are omitted from the Record version due to mechanical limitations at the Government Printing Office, such omissions are noted in the Record.

13. 92 CONG. REC. 1274, 79th Cong. 2d Sess.

14. Sam Rayburn (Tex.).

On Feb. 2, 1966,⁽¹⁵⁾ H. Rept. No. 1241⁽¹⁶⁾ was reprinted in the Record. The following notation of omissions was printed immediately following the House report:

Illustrations identified as Robert Shelton, Exhibits Nos. 1, 3, and 7 are omitted because of mechanical limitations in printing the Congressional Record. All of the referenced exhibits, however, are fully illustrated in House Report No. 1241 which was filed and printed this date.⁽¹⁷⁾

Time for Correction

§ 18.12 The Record is not subject to correction after the permanent edition has been printed.

On Jan. 23, 1969,⁽¹⁸⁾ Mr. William F. Ryan, of New York, made a unanimous-consent request that a correction be made in the Record for Oct. 15, 1968. The Speaker⁽¹⁹⁾ refused to recognize Mr. Ryan for this purpose because an error in the Record of a previous Congress cannot be corrected when the permanent edition has already been printed.⁽²⁰⁾

15. 112 CONG. REC. 1742, 89th Cong. 2d Sess.

16. 89th Cong. 2d Sess. (1966).

17. 112 CONG. REC. 1754, 89th Cong. 2d Sess.

18. CONG. REC. (daily ed.), 91st Cong. 1st Sess.

19. John W. McCormack (Mass.).

20. The principle that the Record is not subject to correction after the perma-

The Speaker did indicate, however, that Mr. Ryan's statement of the error would appear in the Record of the proceedings for the current day.

Roll Call Vote Corrections

§ 18.13 The correction of a Member's erroneously recorded roll call vote can be made only with the unanimous consent of the House; the insertion in the Record, with the unanimous consent of the House, of remarks in which such an error is recited, does not constitute the consent of the House to effect a change in the Record.

On June 28, 1966,⁽¹⁾ Mr. Lawrence H. Fountain, of North Carolina, with the unanimous consent of the House, had inserted in the Record the following remarks:

Mr. Speaker, the Record of yesterday's rollcall No. 153 has me recorded as being absent. I was present and so answered to my name. I ask unanimous consent that the journal be so corrected.

I ask unanimous consent that the Congressional Record of June 27, 1966, be corrected, in that, on rollcall No.

ment edition has been printed is a long-standing one. See 8 Cannon's Precedents § 3093.

1. CONG. REC. (daily ed.), 89th Cong. 2d Sess.

153 I am recorded as absent, I was present and so answered to my name.

§ 18.14 The House may agree to a unanimous-consent request by a Member to correct the permanent edition of the Record so as to correctly record his vote, but a request by a Member to change his vote is not in order after the announcement of the result.

On May 28, 1959,⁽²⁾ the House agreed to a unanimous-consent request of Mr. James G. Fulton, of Pennsylvania, who had been incorrectly recorded as not voting on roll call No. 59, to correct the Record so as to indicate that he had been present and had voted "aye". The following subsequent parliamentary inquiry and reply by the Speaker pro tempore⁽³⁾ illustrates the distinction between correcting an erroneously recorded vote in the Record and changing a vote after the announcement of the result:⁽⁴⁾

MR. [CLARE E.] HOFFMAN [of Michigan]: I did not hear how the gentleman

2. 105 CONG. REC. 9335, 86th Cong. 1st Sess.

3. John W. McCormack (Mass.).

4. A Member may not change his vote after the announcement of the result. 8 Cannon's Precedents §§ 3070, 3123, 3124, 3160; 5 Hinds' Precedents §§ 5931-5933, 6093, 6094.

Generally, see Ch. 30, *infra*.

stated he had voted. Is it permissible to change a vote, on a roll call, a ye-and-nay vote? May a Member change from one to the other the next day?

THE SPEAKER PRO TEMPORE: Of course it is not permissible to change a vote, but it is permissible for a Member to correct the Record.⁽⁵⁾

§ 18.15 A request by a Member to correct his incorrectly recorded vote on a roll call is noted in the Record, provided the request is made before the announcement of the result.

On Sept. 6, 1961,⁽⁶⁾ Mr. Peter F. Mack, Jr., of Illinois, following a roll call vote⁽⁷⁾ and prior to the announcement of the result, announced that his vote had been incorrectly recorded, and requested that he be recorded as having voted "aye." Following the announcement of the result of the vote, Mr. Mack made the following parliamentary inquiry:

Mr. Speaker, I was incorrectly recorded on the last roll call. I am won-

5. For a similar occasion on which the House agreed by unanimous consent to correct an error in the recording of a Member's vote in the Record, see CONG. REC. (daily ed.), Jan. 8, 1964.
6. 107 CONG. REC. 18256, 87th Cong. 1st Sess.
7. The vote was on the question of whether to suspend the rules and pass H.R. 9000, 87th Cong. 1st Sess. (1961).

dering if the Record will show that I was incorrectly recorded or whether it will show that I changed my vote.

The Speaker pro tempore⁽⁸⁾ responded as follows:

All the Chair can state is that the Record will show what actually transpired.

Pairs

§ 18.16 Although as a general rule the House does not take cognizance of pairs, a Member may request the unanimous consent of the House that the Record be corrected where pairs are erroneously recorded or omitted.

On Aug. 3, 1965,⁽⁹⁾ the House agreed to a unanimous-consent request by Mr. Carl Albert, of Oklahoma, to correct the Record so as to indicate that the live pairs recorded at the conclusion of roll call No. 215 the previous day⁽¹⁰⁾ should have been recorded as general pairs. On other occasions the House has similarly agreed by unanimous consent to delete from the Record pairs erroneously recorded⁽¹¹⁾ and to include pairs erroneously omitted.⁽¹²⁾

8. John W. McCormack (Mass.).
9. CONG. REC. (daily ed.), 89th Cong. 1st Sess.
10. 111 CONG. REC. 18976, 89th Cong. 1st Sess., Aug. 2, 1965.
11. CONG. REC. (daily ed.), Aug. 14, 1967.
12. CONG. REC. (daily ed.), Dec. 10, 1963.

Cosponsors of Bill or Resolution

§ 18.17 An error in the listing of the cosponsors on a bill or resolution that has been introduced in the House cannot be subsequently corrected, but a Member's statement that an error has occurred will appear in the Record.

On Oct. 9, 1969,⁽¹³⁾ Mr. Jeffery Cohelan, of California, announced to the House that the name of Mr. Michael J. Kirwan, of Ohio, was incorrectly included as a cosponsor of a House joint resolution for the funding of the Department of Health, Education, and Welfare under a continuing resolution.⁽¹⁴⁾ In response to Mr. Cohelan's unanimous-consent request that the Record stand corrected, the Speaker pro tempore⁽¹⁵⁾ stated as follows:

The gentleman's statement will appear in the Record. There is no way of correcting the resolution.

13. 115 CONG. REC. 29347, 91st Cong. 1st Sess.

For an example of another occasion on which the statement of a Member that the listing of the cosponsors of a particular bill was in error, see 114 CONG. REC. 1873, 90th Cong. 2d Sess., Feb. 1, 1968.

14. H.J. Res. 927, 91st Cong. 1st Sess. (1969).

15. Richard Bolling (Mo.).

§ 19. Revision of Remarks

Although the Record is "substantially a verbatim report of proceedings",⁽¹⁶⁾ it has been the practice of the House to permit a Member, with the approval of the Speaker, but without permission from the House, to edit and revise his remarks before publication in the Record.⁽¹⁷⁾ The consent of the House, however, is required for the correction of major errors,⁽¹⁸⁾ and the deletion of unparliamentary remarks or remarks made out of order.⁽¹⁹⁾ In addition a Member may not extend his remarks without permission from the House.⁽²⁰⁾

Under the rules of the Joint Committee on Printing⁽¹⁾ a revision shall consist only of corrections of the original copy and shall not include deletions of correct material, substitutions for correct

16. 44 USC §901 (1970).

17. 5 Hinds' Precedents §6971.

18. See § 18, *supra*.

19. See § 17, *supra*.

20. See § 20, *infra*.

1. Rule 8 of the Joint Committee on Printing, effective May 23, 1972. These rules are frequently reprinted in the daily edition of the *Congressional Record* in the section entitled "Laws and Rules for Publication of the Congressional Record," which precedes the section entitled "Daily Digest."

material, or additions of new subject matter.

The official reporters of debate frequently submit to Members for their inspection and editing remarks they have made on the floor of the House that day. In order to ensure publication in the Record for the following morning, manuscripts must be returned to the Government Printing Office not later than 9 o'clock p.m.⁽²⁾ A Member may withhold his remarks from the Record for a period not to exceed 30 calendar days from the date when its printing was authorized.⁽³⁾

There are a number of significant limitations upon the right of a Member to edit and revise his remarks. For example, a Member may not delete from the Record the proceedings by which his words were taken down,⁽⁴⁾ remarks interjected by another Member to whom he has yielded⁽⁵⁾ or to whom he has responded.⁽⁶⁾ A Member may not revise remarks which alter the context of colloquys with other Members, without their consent.⁽⁷⁾ A

2. Rule 3 of the Joint Committee on Printing.
3. Rule 7 of the Joint Committee on Printing.
4. See § 19.2, *infra*.
5. See § 19.7, *infra*.
6. See § 19.6, *infra*.
7. See §§ 19.3, 19.4, *infra*.

Member may, however, withhold his remarks from the Record for revision up to 30 days notwithstanding the fact that such remarks contain a colloquy with another Member.⁽⁸⁾

Member's Own Remarks

§ 19.1 A Member may revise his own remarks without obtaining permission from the House, but he must have permission to extend his remarks.

On Jan. 25, 1939,⁽⁹⁾ the following exchange occurred on the floor of the House:

MR. [HUGH] PETERSON of Georgia: Mr. Speaker, I ask unanimous consent to revise my own remarks. I am asking not to extend my remarks in the Record but to revise them.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Reserving the right to object, Mr. Speaker, I may say that under the rules of the House the gentleman has the right to revise his remarks, but he does not have the right to extend them.

THE SPEAKER:⁽¹⁰⁾ In the opinion of the Chair, the gentleman has the right to revise his remarks.

8. See § 19.10, *infra*.
9. 84 CONG. REC. 791, 76th Cong. 1st Sess.
10. William B. Bankhead (Ala.).

Remarks Affecting Official House Proceedings

§ 19.2 A Member's revision of his remarks, so as to delete from the Record the proceedings by which his words were taken down, gives rise to the question of the privilege of the House.

On Apr. 26, 1940,⁽¹¹⁾ Mr. Clare E. Hoffman, of Michigan, was recognized on a question of the privilege of the House, and submitted a resolution requesting that the Record of the previous day be corrected so as to include the proceedings by which words spoken by Mr. Edward E. Cox, of Georgia, had been taken down and ruled out of order. Mr. Cox, after his words were ruled out of order, had requested and received the unanimous consent of the House to withdraw them from the Record. In revising his remarks, however, Mr. Cox deleted the entire proceedings by which his remarks had been taken down, and ruled out of order.

Mr. Hoffman's resolution was rejected by the House. Mr. Cox, after explaining that the proceedings had been deleted inadvertently, requested the unanimous consent of the House that

11. 86 CONG. REC. 5111-14, 76th Cong. 3d Sess.

the permanent edition of the Record be corrected so as to include them. The House agreed to the request.⁽¹²⁾

Remarks Affecting Colloquys

§ 19.3 A Member may edit the reporters' transcript of remarks he has made on the floor of the House, provided he does not alter the remarks of other Members.

On Aug. 5, 1941,⁽¹³⁾ the Chair was asked to clarify the conditions under which a Member may re-

12. For a ruling by Speaker William B. Bankhead (Ala.) that a question of the privilege of the House is raised by the action of a Member in withholding from the Record for up to 30 days the proceedings by which his words were taken down and ruled upon by the Speaker, see §19.11, *infra*.
13. 87 CONG. REC. 6801, 77th Cong. 1st Sess.

The principle that permits a Member to revise his remarks without permission as long as the change does not affect the remarks of another Member is a long-standing one. See 8 Cannon's Precedents §§3461, 3463, 3497; 5 Hinds' Precedents §6972. For a ruling by Speaker William B. Bankhead (Ala.) to the effect that a Member, under the rules of the House, need not secure the permission of the House to revise his remarks, but that such permission was required to extend his remarks, see §19.1, *supra*.

wise his remarks without the consent of the House. The proceedings were as follows:

MR. [DAVID L.] POWERS [of New Jersey]: Mr. Speaker, can a Member without unanimous consent, revise and extend his remarks in the Record?

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ He may not extend his remarks without permission.

MR. POWERS: Another parliamentary inquiry, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. POWERS: The Speaker said he may not extend his remarks. May a Member revise his remarks without unanimous consent?

THE SPEAKER PRO TEMPORE: He may make corrections, as I understand it. The Chair will read the rule:

The practice is to allow Members to edit the reporters' transcription of their remarks before it is sent to the printer, but such revision shall not alter language affecting the context of colloquies with other Members without their approval. Where the remarks of another are not affected, a Member in revising his speech for the Record may strike out any portion or may edit the speech in its entirety, but alterations which place a different aspect on the remarks of a colleague require authorization by the House.

§ 19.4 Members who desire to revise for the permanent Record remarks that affect each other, but who cannot agree upon the appropriate revision, should submit the

14. Wright Patman (Tex.).

matter to the Speaker for decision.

On May 9, 1934,⁽¹⁵⁾ the following parliamentary inquiry was raised:

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, in the course of debate on yesterday . . . I entered into a colloquy with the gentleman from Colorado [Mr. Lewis], who had made a statement in regard to certain occurrences in my State with which I felt obliged to take issue.

The gentleman from Colorado later in the correction of the stenographic copy of his remarks, I am sure in good faith, because I know the gentleman would not willingly do an injustice to anyone, having ascertained that his statements were not in accord with the facts, undertook to correct, and did correct, the stenographic record so as to eliminate the statements of which I complained. The difficulty lies in the fact that my own remarks made in the Record immediately after his statement have remained unchanged, and the effect is to place me in a false light and in the attitude of questioning statements of the gentleman appearing in the Record which were not made on the floor at all.

May I inquire whether or not I am entitled to have the Record corrected to show the statements made by the gentleman from Colorado in the course of this colloquy?

The Speaker⁽¹⁶⁾ responded as follows:

15. See 78 CONG. REC. 3562 et seq., 73d Cong. 2d Sess.

16. Henry T. Rainey (Ill.).

No Member has the right in revising his own remarks to change them in such a way as to affect another Member without the consent of the other Member concerned. The Members involved should try to adjust the matter among themselves, but if they cannot agree, the matter should be submitted to the Speaker for decision.

Remarks Interjected by Another Member

§ 19.5 Remarks made by a Member without recognition from the Chair or the permission of the Member occupying the floor at that time may be deleted from the Record by the latter in revising his remarks.

On Apr. 14, 1936,⁽¹⁷⁾ Mr. Marion A. Zioncheck, of Washington, made a point of order to the effect that Mr. John J. Boylan, of New York, had deleted from the text of his remarks certain remarks interjected by Mr. Zioncheck without the authority to do so. Mr. Boylan had been addressing the House the previous day when Mr. Zioncheck requested that he be yielded time to speak. Mr. Boylan refused, immediately prior to the expiration of his speaking time. After the gavel fell, and without recognition by the Chair, Mr.

17. 80 CONG. REC. 5478, 74th Cong. 2d Sess.

Zioncheck made the remarks which were later deleted from the Record by Mr. Boylan. The Speaker⁽¹⁸⁾ made the following ruling:

The Chair may say to the gentleman that no Member of the House has the right to have his remarks inserted in the Record unless he has obtained the consent of the House or the Chair or the gentleman addressing the House.

§ 19.6 A Member may not delete from the Record of the proceedings remarks improperly interjected by a Member to whom he has declined to yield, if he has offered any response to those remarks.

On Apr. 20, 1937,⁽¹⁹⁾ Mr. Edward W. Curley, of New York, made a parliamentary inquiry⁽²⁰⁾ concerning the right of a Member in revising his remarks to delete from the Record those remarks improperly interjected by a Member to whom he has declined to yield. Mr. Curley stated that on Apr. 15, during an address by Mr.

18. Joseph W. Byrns (Tenn.).

19. 81 CONG. REC. 3669, 75th Cong. 1st Sess.

20. Mr. Curley's parliamentary inquiry was first made on Apr. 19, 1937, and was withdrawn at the suggestion of several Members, in order to permit Mr. Wadsworth, a significant participant in the proceedings, to be present for the Speaker's ruling. 81 CONG. REC. 3589, 75th Cong. 1st Sess.

James W. Wadsworth, Jr., of New York, in the Committee of the Whole, he was twice recognized by the Chairman of the Committee of the Whole⁽¹⁾ for the purpose of requesting Mr. Wadsworth to yield the floor. On both occasions Mr. Wadsworth refused to yield. Immediately subsequent to the second refusal Mr. Curley stated the following: "The gentleman is making a wrong statement." Mr. Wadsworth continued his remarks without responding to that statement. The daily edition of the Record for Apr. 15 contained the remarks of Mr. Wadsworth without any reference to either the requests to yield or the subsequent statement made by Mr. Curley. Mr. Curley stated that he had been informed by the reporter that the omitted remarks had been included in the reporter's original notes, and that the omission from the daily edition of the Record was in error.⁽²⁾ Mr. Curley contended that the Record should be corrected so as to include the omitted exchanges. The Speaker,⁽³⁾ after discussing the applica-

1. John J. O'Connor (N.Y.).
2. It should be noted that at the conclusion of the discussion Mr. Wadsworth indicated that he had not deleted from the text of his remarks any words interjected by another Member. 81 CONG. REC. 3670, 75th Cong. 1st Sess., Apr. 20, 1937.
3. William B. Bankhead (Ala.).

ble precedents on the subject, which indicate that a Member may delete from his remarks those remarks made by another Member to whom he has declined to yield, ruled against the request of Mr. Curley.

Mr. Curley then made a further parliamentary inquiry concerning the fact that a similar interruption of the same speech by another Member had occurred, and that exchange had appeared in the Record. That exchange was as follows:

MR. [JOSEPH A.] GAVAGAN [of New York]: Mr. Chairman, will the gentleman yield?

MR. WADSWORTH: I cannot yield

Mr. Gavagan, despite the rule that prohibits a Member from speaking under these circumstances, then stated:

I am sure if the gentleman had read the bill he would not have made that statement.

Thereupon Mr. Wadsworth recognized Mr. Gavagan's statement and responded to it by saying:

I have read the language.⁽⁴⁾

Mr. Curley requested the opinion of the Chair as to why Mr. Gavagan's exchange with Mr.

4. The entire exchange between Mr. Wadsworth and Mr. Gavagan is reprinted at 81 CONG. REC. 3521, 75th Cong. 1st Sess., Apr. 15, 1937.

Wadsworth had appeared in the Record, and his similar exchange with Mr. Wadsworth had been deleted. The Speaker responded as follows:

So it seems from the particular circumstances of these two incidents that although neither the gentleman from New York [Mr. Curley] nor the gentleman from New York [Mr. Gavagan], under the rules, had any right to make any statement whatever, the gentleman from New York [Mr. Wadsworth], occupying the floor, agreed to recognize the interpolation of the gentleman from New York [Mr. Gavagan] and voluntarily replied to it.

This ruling of the Speaker was further clarified by the following parliamentary inquiry and response of the Speaker:

MR. [GERALD J.] BOILEAU [of Wisconsin]: In the event a Member interrupts some other Member who is occupying the floor, without the Member having the floor specifically giving the other Member the right to interpose a question, and the Member having the floor answers the question, as the gentleman from New York [Mr. Wadsworth] did with respect to the question of the gentleman from New York [Mr. Gavagan], could the gentleman from New York [Mr. Wadsworth] as a matter of right then delete that portion of his remarks?

THE SPEAKER: The Chair will state in answer to the question of the gentleman from Wisconsin that if a Member occupying the floor voluntarily decides to respond to a question asked by another Member, he thereby waives

any right to interpose the objection that it is a violation of the rule and under those circumstances the transcript of the Record should show actually what did occur.

§ 19.7 A Member, in revising his remarks, may not delete or alter the meaning of remarks actually spoken by another Member to whom he has yielded, without such Member's consent

On Mar. 27, 1935,⁽⁵⁾ a discussion occurred on the floor of the House with respect to the right of a Member, who had yielded the floor to another Member for the purpose of asking a question, to delete that Member's words from the Record, whether spoken from the floor or inserted with the unanimous consent of the House. The Speaker⁽⁶⁾ had held that a Member to whom the floor was yielded must, in correcting his remarks, obtain the consent of the Member who yielded, especially if the correction changes the meaning of the question asked. The following parliamentary inquiry was then made concerning the right of a Member who has yielded the floor to strike from the Record words spoken by the Member to whom he has yielded:

MR. [ALBERT E.] CARTER [of California]: As I understand, the gen-

5. 79 CONG. REC. 4540, 74th Cong. 1st Sess.

6. Joseph W. Byrns (Tenn.).

tleman from California [Mr. Kramer] attempts to justify his striking out what I wrote in on the ground that he had authority to do that. My inquiry is, has any Member the right to strike out any portion of any other Member's remarks, whether it is in there by his permission or not?

THE SPEAKER: No. If those remarks were made in the course of the debate and with the consent of the Member.

§ 19.8 The reporters are instructed to take down and include as part of the Record of the proceedings remarks interjected by a Member to whom the Member occupying the floor has refused to yield, even though such remarks are out of order and may be stricken from the permanent Record by the House, the Speaker, or the Member in revising his remarks.

On Apr. 20, 1937,⁽⁷⁾ the Speaker⁽⁸⁾ made a ruling by which the reporters were instructed to take down and include as part of the Record of the proceedings the remarks of a Member, even though the Member occupying the floor had declined to yield and those remarks were not in order. That ruling was a revision of a ruling made the previous day⁽⁹⁾ in which

7. 81 CONG. REC. 3670, 76th Cong. 1st Sess.
 8. William B. Bankhead (Ala.).
 9. 81 CONG. REC. 3588, 75th Cong. 1st Sess., Apr. 19, 1937.

the Speaker had instructed the reporters not to record remarks made under such circumstances. The Speaker's revised ruling was made in response to a renewed parliamentary inquiry that had been made and withdrawn the previous day.⁽¹⁰⁾

The Speaker gave the following reasons in support of the revised ruling:

The Chair has been induced to change his position upon that question, for two reasons: In the first place, upon more mature consideration, the Chair is of the opinion that it places upon the reporters of the House what might be termed a species of censorship of editing of the remarks the Members make, however improvidently made or improperly stated. The Chair does not think that this type of burden should be imposed upon the reporters of the House. In the second place, as was the instance here referred to, the remarks were made while we were in Committee of the Whole, presided over by a Chairman and not by the Speaker of the House; and under the rule only the Speaker—and not a Chairman of the Committee—has the authority to direct the reporters to delete certain improper remarks from the Record.

So in order that full justice may be done to all Members, although they

10. A Member requested the opinion of the Chair as to whether the Record might be corrected so as to include remarks he had made after the Member occupying the floor at the time had refused to yield to him.

may be in small measure violating the rules of the House, and in order that the Record may definitely show what actually transpired in haec verba, the Chair withdraws that part of his ruling directing the reporters hereafter not to take down such improvident remarks, and will conform to the old practice which the Chair thinks probably the best, leaving to the Members themselves, after the speeches are transcribed, the right and privilege to strike from the transcript any remarks made by a Member where the Member speaking and sought to be interrupted has declined to yield.

Previous rulings of the Chair indicate that where a Member is occupying the floor at the time of an unauthorized interruption of his speech,⁽¹¹⁾ the Speaker,⁽¹²⁾ the House or the Member himself,⁽¹³⁾ may strike the remarks of the interrupting Member.

§ 19.9 A question of privilege arises when a Member, in revising his remarks for the permanent Record, strikes out remarks made by another Member after he had reserved the right to object to a unanimous-consent request.

On Aug. 3, 1939,⁽¹⁴⁾ the following exchange occurred concerning a question of privilege:

11. 8 Cannon's Precedents § 3465.

12. 8 Cannon's Precedents § 3466.

13. 8 Cannon's Precedents § 3467.

14. 84 CONG. REC. 10966, 76th Cong. 1st Sess.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, this involves the integrity of the Record. Under date of July 27, when the gentleman from Illinois [Mr. Keller] had the floor, certain remarks were made by me under a reservation of the right to object. I send to the Speaker's desk a printed copy of the Record and a transcript from the Official Reporters, which shows that all of those remarks made by me were stricken from the Record by the gentleman from Illinois. That is the question of personal privilege and of the privilege of the House I now present.

THE SPEAKER:⁽¹⁵⁾ The Chair is of the opinion that the gentleman presents a question affecting the privileges of the House and he is recognized for 1 hour.

Following a discussion of the deleted material, the House agreed to a motion reinserting that material in the permanent Record.⁽¹⁶⁾

Withholding of Remarks

§ 19.10 A Member who controlled the floor has the right to withhold remarks he made at that time from the Record for revision up to 30 days notwithstanding the fact that such remarks contain a colloquy with another Member.

On Mar. 26, 1940,⁽¹⁷⁾ Mr. Compton I. White, of Idaho, raised a

15. William B. Bankhead (Ala.).

16. 84 CONG. REC. 10968, 76th Cong. 1st Sess.

17. 86 CONG. REC. 3451, 76th Cong. 3d Sess.

question of privilege. The proceedings were as follows:

MR. WHITE of Idaho: Mr. Speaker, on yesterday, when an appropriation bill was being considered by the House, the gentleman from Michigan [Mr. Hoffman] and I had quite a colloquy on the National Labor Relations Board. I find on inspection of the Record this morning that nothing appears of that debate. I appreciate the courtesy of the gentleman in yielding to me, and I would like to have the statements made on the floor appear in the Record. I find the matter has been withheld. . . .

THE SPEAKER:⁽¹⁸⁾ The Chair may say to the gentleman from Idaho [Mr. White] that when a Member who has the floor in his own right engages in colloquy with another Member, under the rules he has the right to withhold the remarks from the Record temporarily. The Chair may add that he has 30 days, under the rules of the House, in which to revise his remarks and place them in the Record.

§ 19.11 Although under the general practice of the House, a Member who controlled the floor has the right to withhold his remarks from the Record for revision [up to 30 days], he may not withhold that part of the proceedings whereby his remarks were taken down.

On June 1, 1939,⁽¹⁹⁾ Mr. Clare E. Hoffman, of Michigan, intro-

18. William B. Bankhead (Ala.).

19. 84 CONG. REC. 6531, 76th Cong. 1st Sess.

duced a resolution⁽²⁰⁾ raising a question of the privilege of the House. Mr. Hoffman stated in his resolution that on the previous day, during debate in the Committee of the Whole, Mr. Sam C. Massingale, of Oklahoma, had intimated that in the future the action of the House Committee on Ways and Means on the bill which was under consideration would be regarded as "pusillanimous." A Member demanded that the words be taken down and the Committee rose. When the House convened, the Speaker⁽¹⁾ ruled upon the point of order, and Mr. Massingale was permitted to proceed. Thereafter the House again resolved itself into the Committee of the Whole, and Mr. Massingale continued his remarks.⁽²⁾ Subse-

20. H. Res. 208, 76th Cong. 1st Sess. (1939).

1. William B. Bankhead (Ala.).

2. When Mr. Massingale continued his remarks in the Committee of the Whole, he went on to make certain charges involving the integrity of another Member of the House. The words were taken down, the Committee again arose, the House convened, and the Speaker this time sustained the point of order. Mr. Massingale, however, obtained the unanimous consent of the House to have those remarks deleted from the Record. In addition, the House agreed to a unanimous-consent request by Mr. Sam Rayburn (Tex.)

quently, Mr. Massingale withheld from the Record of May 31 not only the remarks by which he had impugned the integrity of the Committee on Ways and Means, but also the entire proceedings by which the words were taken down and ruled upon by the Speaker. The resolution requested that the following action be taken:

Resolved, That a committee of three be appointed by the Speaker of the House, or in the discretion of the Speaker, make reference to a standing committee of the House, to ascertain from the reporters of the House and from such other sources as they may deem trustworthy a true and correct record of what did occur, deleting from such record all such matters which the gentleman from Oklahoma [Mr. Massingale] was given permission to delete, and retaining in the Record all such other transactions and proceedings which occurred on the floor of the House and for the withdrawal of which permission was not given; and thereupon to report its conclusions to the House, together with such recommendations as it may deem desirable.

Mr. Hoffman, in support of his resolution, emphasized that in his opinion the record of the proceedings of May 31 was not a true

that the entire proceedings by which the remarks of Mr. Massingale with reference to another Member, be deleted from the Record, and that Mr. Massingale be permitted to revise and extend his remarks.

and accurate text of what had occurred on the floor, because Mr. Massingale had not obtained permission to withhold the entire proceedings by which his remarks reflecting upon the integrity of another Member had been taken down and ruled upon by the Speaker. The Speaker stated:

The Record shows that the gentleman from Oklahoma [Mr. Massingale] did obtain unanimous consent to revise and extend his remarks. Under the general practice of the House that gave to the gentleman from Oklahoma the right to withhold revision of his remarks from the Record. The Chair is of the opinion that the other subject matter stated in the resolution of the gentleman from Michigan [Mr. Hoffman] probably does raise a question of the privileges of the House.

The resolution was referred to the Committee on Rules.

§ 19.12 The Committee on Rules has jurisdiction of a resolution that proposes the creation of an investigating committee to determine whether a Member has wrongfully withheld remarks from the Record.

On June 1, 1939,⁽³⁾ Mr. Clare E. Hoffman, of Michigan, introduced a resolution⁽⁴⁾ that proposed that

3. 84 CONG. REC. 6531, 76th Cong. 1st Sess.

4. H. Res. 208, 76th Cong. 1st Sess. (1939).

a committee ascertain from the reporters of the House whether Mr. Sam C. Massingale, of Oklahoma, had wrongfully withheld from the Record in revising his remarks the entire proceedings by which his remarks were taken down and ruled upon by the Speaker. The Speaker⁽⁵⁾ asked Mr. Hoffman whether he desired to have the resolution referred to a committee. Mr. Hoffman responded that, in the discretion of the Speaker, he would like it referred to either a special committee or to any standing committee. The Speaker stated that the Committee on Rules would have jurisdiction over the resolution. The resolution was so referred.

§ 20. Extension of Remarks

The practice in the House of permitting Members to extend their remarks so as to insert in the Record speeches that were not delivered on the floor of the House and extraneous materials related to the subject under discussion is a long-standing one.⁽⁶⁾ A Member

5. William B. Bankhead (Ala.).
6. For a discussion of the reasons underlying the development of the practice, see 5 Hinds' Precedents §§ 6990–6996, 6998–7000.

must obtain the consent of the House to extend his remarks,⁽⁷⁾ and authorizations to extend remarks in the Record are strictly construed.⁽⁸⁾ The Speaker will only entertain requests for permission to extend remarks at certain times during the conduct of House business,⁽⁹⁾ and such requests will be granted only to the individual whose remarks are to be inserted.⁽¹⁰⁾ The Chairman of the Committee of the Whole may recognize a Member to extend his own remarks,⁽¹¹⁾ but the Committee of the Whole lacks the power to permit the inclusion of extraneous materials⁽¹²⁾ or to permit insertions at a later date.⁽¹³⁾ The insertion of unparliamentary remarks is prohibited, and violations of this rule give rise to a question of privilege of the House.⁽¹⁴⁾

7. See § 20.1, *infra*.
8. 8 Cannon's Precedents § 3479.
9. See §§ 20.4 et seq., *infra*.
10. House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. These rules are frequently reprinted in the daily edition of the *Congressional Record* in the section entitled "Laws and Rules for Publication of the Congressional Record", which precedes the section entitled "Daily Digest".
11. See § 20.12, *infra*.
12. See 20.13, *infra*.
13. See § 20.18, *infra*.
14. See § 20.19, *infra*; 8 Cannon's Precedents § 3495; 5 Hinds' Precedents

While the inclusion of extraneous materials is permitted, a Member must conform to the limitations imposed by statute and the rules of the Joint Committee on Printing. For example, only the Joint Committee on Printing, and not the House, can permit the insertion in the Record of maps, diagrams, or illustrations.⁽¹⁵⁾ When permission is obtained to insert extraneous materials, the insertions must conform to the descriptions in the request for permission to which the House has consented.⁽¹⁶⁾

Under the rules of the Joint Committee on Printing,⁽¹⁷⁾ a Member may not insert extraneous matter in excess of two printed Record pages, unless he announces coincident with the request for leave to print or extend the estimate in writing from the Public Printer of the probable cost of publishing the insertion, and the House agrees to permit its inclusion notwithstanding the cost. If a Member submits an extension of remarks containing extraneous matter in excess of two pages, it is

§§ 7005–7008. Questions of privilege generally, see Ch. 11, *infra*.

15. 44 USC § 904 (1970).

16. See §§ 20.25, 20.26, *infra*; 8 Cannon's Precedents §§ 3462, 3479, 3480; 5 Hinds' Precedents § 7001.

17. Rule 12 of the Joint Committee on Printing, effective May 23, 1972.

the duty of the Public Printer to return the insertion with an estimate of cost.⁽¹⁸⁾ In constructing the "Extensions of Remarks" section, the Public Printer is authorized to withhold any extensions of remarks which exceed economical press fill or exceed production limitations.⁽¹⁹⁾

The rules of the Joint Committee on Printing and the House Supplement to those rules delineate the types of insertions which are permitted in the body of the Record and those permitted only in the "Extensions of Remarks" section. The only extraneous materials permitted in the body of the Record are as follows: excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate; communications from state legislatures; addresses or articles by the President and the members of his Cabinet, the Vice President, or a Member of Con-

18. For a discussion on the House floor of regulations concerning the inclusion of extraneous material, see 91 CONG. REC. 839–841, 79th Cong. 1st Sess., Feb. 6, 1945.

19. Rule 4, House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. Extensions withheld for such reasons will be printed in succeeding issues, at the direction of the Public Printer.

gress.⁽²⁰⁾ Newspaper or magazine articles, or other matter not germane to the proceedings, may be inserted only in the “Extensions of Remarks” section, but this rule does not apply to quotations which form part of a speech of a Member, or to an authorized extension of his own remarks.⁽¹⁾ In addition, any extraneous matter which is inserted pursuant to permission granted to extend at this point in the Record, or pursuant to a request to address the House for one minute prior to the morning business of the House, may be printed only in the “Extensions of Remarks” section.⁽²⁾

There are several different circumstances in which requests are

20. Rule 12 of the Joint Committee on Printing, effective May 23, 1972. Section three of the same rule authorizes the official reporters of the House or the Public Printer to return to the Member any matter submitted for the *Congressional Record* which is in contravention of the provisions of this rule.

- 1.** Rule 1 of House Supplement to “Laws and Rules for Publication of the Congressional Record”, effective Dec. 29, 1970.
- 2.** Rule 2 of House Supplement to “Laws and Rules for Publication of the Congressional Record”, effective Dec. 29, 1970. One-minute speeches delivered during the morning business of Congress are not permitted to exceed 300 words. Statements exceeding this limit are printed following the business of the day.

made for permission for more than one Member to extend remarks. Such requests may or may not be limited to certain subject matters. For example, prior to adjournment to a day certain,⁽³⁾ or adjournment *sine die*,⁽⁴⁾ all Members are permitted to extend their remarks.⁽⁵⁾ Floor managers of specific legislation are permitted to request permission for all Members to insert their remarks relative to the legislation.⁽⁶⁾ The House usually grants permission

3. § 20.32, *infra*.

4. § 20.36, *infra*.

5. With respect to extensions in the last edition of the Record for a session of Congress, no address, speech, or article delivered or released subsequent to the *sine die* adjournment of a session may be printed in the Record. Rule 1 of House Supplement to “Laws and Rules for Publication of the Congressional Record”, effective Dec. 29, 1970. However, committee chairmen and ranking minority members frequently are permitted to insert reports concerning the activities of their respective committees in the last edition of the Record for a session. See § 20.37, *infra*.

6. Rule 3 of the House Supplement to “Laws and Rules for Publication of the Congressional Record”, effective Dec. 29, 1970. Only matter pertaining to the specific legislation may be included pursuant to this request. Tables and charts pertinent to the legislation may be included, but not newspaper clippings and editorials.

for all Members to extend their remarks on the occasion of the death of a Member.⁽⁷⁾

The rules of the Joint Committee on Printing provide that a Member may withhold his extension of remarks for a period not exceeding 30 calendar days from the time he has obtained permission to extend.⁽⁸⁾ Where the two Houses of Congress have, by concurrent resolution, authorized a special printing of material extracted from the Record, the Joint Committee sometimes extends the normal 30day limit for insertions in the Record.⁽⁹⁾

Extensions Requiring Consent of House

§ 20.1 A Member must have permission from the House to extend his remarks, but he may revise his own remarks without obtaining permission.⁽¹⁰⁾

§ 20.2 The extension of remarks in the Record by a

7. See § 20.33, *infra*.

8. Rule 7 of the Joint Committee on Printing, effective May 23, 1972.

9. The Joint Committee on Printing extended the deadline for the publication of eulogies to Dwight David Eisenhower. 115 CONG. REC. 18382, 91st Cong. 1st Sess., July 7, 1969.

10. A discussion of this rule appears in § 19.1, *supra*.

Member without the permission of the House constitutes grounds for a question of the privilege of the House, and the House may expunge such remarks from the permanent Record.

On Aug. 27, 1940,⁽¹¹⁾ Mr. Jacob Thorkelson, of Montana, was recognized to state a question of privilege of the House. He introduced a resolution stating that on Aug. 14, 1940, Mr. Adolph J. Sabath, of Illinois, inserted in the *Congressional Record* remarks charging him with having inserted in the Record "scurrilous matter" and a forged letter. In addition, Mr. Thorkelson alleged in the resolution that the remarks had been inserted by Mr. Sabath without permission from the House. The House agreed by unanimous consent to permit Mr. Sabath to withdraw the word "scurrilous" from his extension of remarks,⁽¹²⁾ and the Speaker⁽¹³⁾ ruled that the statement of Mr. Sabath did not charge Mr. Thorkelson with having forged the letter or introduced it knowingly, and that the statement did not constitute a matter of privilege.⁽¹⁴⁾

11. 86 CONG. REC. 11046-49, 76th Cong. 3d Sess.

12. *Id.* at p. 11048.

13. William B. Bankhead (Ala.).

14. 86 CONG. REC. 11048, 76th Cong. 3d Sess.

The Speaker stated that the only question of privilege remaining concerned whether Mr. Sabath had obtained the permission of the House to extend his remarks in the Record.⁽¹⁵⁾ Mr. Sabath had previously stated that if any question remained, he would be willing to withdraw his remarks from the Record with the unanimous consent of the House.⁽¹⁶⁾ Mr. Thorkelson, however, objected to that request, because he sought an opportunity to explain his position during the debate on the resolution. At the conclusion of debate, the resolution expunging the remarks from the Record of Aug. 14 was agreed to by the House.⁽¹⁷⁾

Consent of Member Yielding Floor

§ 20.3 A Member who has been yielded to for the purpose of asking a question may not, without the consent of the Member controlling the floor,

15. 86 CONG. REC. 11156, 76th Cong. 3d Sess., Aug. 28, 1940.

16. *Id.* at 11153.

17. *Id.* at 11158. See 80 CONG. REC. 7019–21, 74th Cong. 2d Sess., May 11, 1936, for an example of an occasion on which the House refused to agree to a resolution to expunge from the Record remarks which the proponent contended had been inserted in the Record without the permission of the House.

and the House, extend his remarks by inserting an additional statement in such a way as to change the meaning of what was said.

On Mar. 27, 1935,⁽¹⁸⁾ a discussion occurred on the floor of the House concerning the question of whether a Member, who has been yielded to for the purpose of asking a question, may extend his remarks so as to include statements not made on the House floor. Mr. Albert E. Carter, of California, stated that Mr. Charles Kramer, of California, had yielded to him for the purpose of asking a question during a floor debate several days earlier. Mr. Carter subsequently obtained the unanimous consent of the House to revise and extend his remarks, but he did not inform Mr. Kramer that he intended to alter the colloquy that had occurred between them on the floor. Upon receiving the transcript of the proceedings for that day, Mr. Carter inserted in the Record several additional statements that he had not made on the floor. When the transcript was later submitted to Mr. Kramer, he realized that Mr. Carter had not made those statements during debate, and crossed them out before returning them to the printer. Mr.

18. 79 CONG. REC. 4541, 74th Cong. 1st Sess.

Carter contended that Mr. Kramer had no right to delete those remarks from the Record because they had been inserted as a result of his having received the unanimous consent of the House to revise and extend his remarks. Mr. Kramer then requested the opinion of the Chair as to whether a Member who was yielded to for the purpose of asking a question is permitted to extend his remarks so as to include additional statements. The Speaker⁽¹⁹⁾ responded as follows:

He must have the consent of the Speaker and of the Member, if he is undertaking to change the import of what a Member said who had addressed the House. The Chair states that a Member making a revision must have the consent of the Member who has yielded to him in order to make the correction, especially if the correction is such as to change the import of the question which he has asked.

The Speaker, in response to a further parliamentary inquiry, stated that a Member who has yielded may not, however, strike out remarks that were actually made on the floor by a Member to whom he had yielded.

Requests to Extend

§ 20.4 The Speaker will not entertain unanimous-consent

19. Joseph W. Byrns (Tenn.).

requests to insert materials in the Record prior to the reading and approval of the Journal.

On Sept. 19, 1962,⁽²⁰⁾ prior to the completion of the reading of the Journal, Mr. Carl Albert, of Oklahoma, requested unanimous consent to insert in the appendix of the Record his own remarks and a letter from the Secretary of State addressed to the Speaker of the House. The Speaker⁽¹⁾ refused to entertain such a request until after the Journal had been read and acted upon.

§ 20.5 Brief remarks of a Member, who receives permission from the House to extend his remarks following the approval of the Journal, will be placed in the Record before the business of the day, but not necessarily immediately following the approval of the Journal.

On Oct. 25, 1967,⁽²⁾ the House agreed to a unanimous-consent request that Mr. Philip Burton, of California, be permitted to extend his remarks following the approval of the Journal. The fol-

20. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

1. John W. McCormack (Mass.).

2. 113 CONG. REC. 30022, 90th Cong. 1st Sess.

lowing proceedings then occurred concerning that request:

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽³⁾ The gentleman will state his parliamentary inquiry.

MR. HALL: A most unusual request has been granted, I full well agree, by unanimous consent, for a gentleman to extend his remarks after the reading of the Journal. Does that mean anywhere after the Journal for this date certain?

THE SPEAKER PRO TEMPORE: After the approval of the Journal.

MR. HALL: My inquiry is, was the gentleman granted unanimous consent to insert his remarks today in the Record, which will be delivered tomorrow, at any time after the reading of the Journal today?

THE SPEAKER PRO TEMPORE: It was a 1-minute speech, and it will be printed in the Record after approval of the Journal.

MR. HALL: I thank the Chair.

The remarks of Mr. Burton were printed in the Record for Oct. 25, 1967,⁽⁴⁾ following a number of other one-minute speeches. This group of one-minute speeches was printed subsequent to the approval of the Journal and messages from the President and the Senate, and prior to the business of the day.

Parliamentarian's Note: Extensions of remarks which exceed the

3. Roman C. Pucinski (Ill.).

4. 113 CONG. REC. 29915, 90th Cong. 1st Sess.

300-word limitation appear following the business of the day in the portion of the Record devoted thereto.

§ 20.6 The Speaker has recognized Members to extend their remarks "at this point in the Record" regardless of the number of words on those occasions when there was no legislative program for the day.

On Feb. 6, 1945,⁽⁵⁾ the following parliamentary inquiry and response by the Speaker⁽⁶⁾ occurred:

MR. [ROBERT F.] RICH [of Pennsylvania]: I wish to ask the Chair how it is that if a Member on this side asks for a minute in which to address the House he is permitted to insert 300 words or less, but that when some Members on the other side of the aisle make similar requests they are permitted to put in 7½ pages, or some 8,000 words? How does the discrimination come about?

THE SPEAKER: There is no discrimination because there was no legislative program on yesterday and anyone had the right to extend his remarks "at [that] point" in the Record.

§ 20.7 The Speaker, while a motion to discharge a committee is pending, declines to recognize a Member who

5. 91 CONG. REC. 839, 79th Cong. 1st Sess.

6. Sam Rayburn (Tex.).

wishes to request unanimous consent to extend his remarks.

On June 11, 1945,⁽⁷⁾ the House was considering a motion to discharge the Committee on Rules from further consideration of a resolution⁽⁸⁾ providing for the consideration of a bill⁽⁹⁾ making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary' or other election for national officers. After the Clerk read the resolution, Mr. John E. Rankin, of Mississippi, requested unanimous consent to extend his remarks at that point in the Record. The Speaker⁽¹⁰⁾ replied that the Chair could not recognize Members to extend their remarks until the pending motion to discharge the Committee on Rules had been disposed of.

§ 20.8 The Speaker, while a motion to suspend the rules was pending, refused to recognize a Member who wished to request permission from the House to insert materials in the Record.

7. 91 CONG. REC. 5892, 79th Cong. 1st Sess.
8. H. Res. 139, 79th Cong. 1st Sess. (1945).
9. H.R. 7, 79th Cong. 1st Sess. (1945).
10. Sam Rayburn (Tex.).

On July 21, 1947,⁽¹¹⁾ the House was considering a motion to suspend the rules and pass a bill⁽¹²⁾ to make unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers. During the debate on the motion Mr. Thomas Pickett, of Texas, sought recognition for the purpose of making a unanimous-consent request to insert materials in the Record.⁽¹³⁾ The Speaker⁽¹⁴⁾ refused to recognize Mr. Pickett for such a purpose at that time, and stated that the request should be made immediately following the vote on the motion to suspend the rules.

§ 20.9 Immediately subsequent to the agreement by the House to a motion to discharge a committee from the consideration of a bill, the Speaker announced the intention of the Chair to entertain unanimous-consent requests for extensions of remarks, without interfering with the right of a Member to move that the House resolve itself into the Committee of the Whole.

11. 93 CONG. REC. 9522, 80th Cong. 1st Sess.
12. H.R. 29, 80th Cong. 1st Sess. (1947).
13. 93 CONG. REC. 9525, 80th Cong. 1st Sess.
14. Joseph W. Martin, Jr. (Mass.).

On Apr. 26, 1948,⁽¹⁵⁾ the House agreed to a motion to discharge the Committee on Agriculture from further consideration of a bill to repeal the tax on oleomargarine.⁽¹⁾ Immediately after the vote the Speaker, Joseph W. Martin, Jr. of Massachusetts, made the following announcement:

Without interfering with the rights of the gentleman from South Carolina to move to go into the Committee of the Whole, the Chair will entertain consent requests for extensions of remarks only.

§ 20.10 The Chairman of the Committee of the Whole may recognize a Member who has spoken to revise and extend his own remarks.⁽²⁾

Motions to Extend

§ 20.11 A motion to permit a Member to extend his remarks in the Record is not a privileged motion.

On Feb. 8, 1950,⁽³⁾ the following parliamentary inquiry was made:

MR. [CLARE E.] HOFFMAN of Michigan: If I object to a unanimous-consent

15. 94 CONG. REC. 4841, 80th Cong. 2d Sess.
1. H.R. 2245, 80th Cong. 2d Sess. (1948).
2. See § 20.14, infra.
3. 96 CONG. REC. 1661, 81st Cong. 2d Sess.

request that a Member be permitted to extend his remarks in the Record, is it proper to move that he be permitted to extend his remarks?

The Speaker⁽⁴⁾ replied that the motion to permit an extension of remarks is not a privileged motion.

In Committee of the Whole

§ 20.12 The Committee of the Whole lacks the power to permit the inclusion of extraneous materials in an extension of remarks.

§ 20.13 The Committee of the Whole can permit a Member to revise and extend only his own remarks, and excerpts from other materials are considered extraneous and not part of the Member's own remarks even though they may be relevant to the subject under consideration.

On Apr. 14, 1937,⁽⁵⁾ during the debate on a bill⁽⁶⁾ to amend the Interstate Commerce Act, the following exchange occurred concerning a unanimous-consent request:

MR. [WALTER M.] PIERCE [of Oregon]: Mr. Chairman, I ask unanimous

4. Sam Rayburn (Tex.).
5. 81 CONG. REC. 3463, 75th Cong. 1st Sess.
6. H.R. 1668, 75th Cong. 1st Sess. (1937).

consent that I may have the privilege of revising and extending my remarks and including therein such letters and telegrams as I have here denying or repudiating their appearance as proponents of the Pettengill bill.

THE CHAIRMAN:⁽⁷⁾ The Chair will remind the gentleman from Oregon that the request to extend his own remarks to include extraneous matter must be submitted in the House and not in Committee of the Whole.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Chairman, a point of order. Is this extraneous matter? It is matter that is very pertinent, in the opinion of the majority.

THE CHAIRMAN: It is the understanding of the Chair that in Committee of the Whole a Member may extend his own remarks but may not include therein any extracts from other matters than his own particular remarks.

MR. BULWINKLE: Except what he has read?

THE CHAIRMAN: Of course, what he has already read is in the Record, or supposed to be.

MR. BULWINKLE: I wish to call attention to the fact that this is not extraneous matter, Mr. Chairman.

THE CHAIRMAN: It is the opinion of the Chair that the inclusion of telegrams, letters, or other writings other than those actually read in Committee of the Whole will have to be inserted in the Record with the consent of the House and not the Committee of the Whole.

§ 20.14 The Chairman of the Committee of the Whole will

7. J. Mark Wilcox (Fla.).

entertain a unanimous-consent request by a Member to revise and extend his own remarks, but a request to include an article, even one written by another Member, is in order only in the House and not in the Committee of the Whole.

During the debate on the Legislative Reorganization Act of 1970⁽⁸⁾ in the Committee of the Whole, Mr. Frederick Schwengel, of Iowa, requested unanimous consent to insert in the Record an article written by a House colleague on the subject of minority staffing.⁽⁹⁾ At this point in the debate the following exchange occurred:

THE CHAIRMAN [William H. Natcher, of Kentucky]: Is the statement that the gentleman is requesting to be printed in the Record his own statement?

MR. SCHWENGEL: Yes.

8. H.R. 17654, 91st Cong. 2d Sess. (1970). See for debate 116 CONG. REC. 24586, 91st Cong. 2d Sess., July 16, 1970.
9. The text of the proceedings surrounding this unanimous-consent request by Mr. Schwengel was printed in the daily edition of the Record for July 16, 1970. Permission to insert the article was obtained at a later time in the House, and the permanent edition of the Record contains a reprint thereof. 116 CONG. REC. 24591, 91st Cong. 2d Sess., July 16, 1970.

THE CHAIRMAN: Without objection, it is so ordered.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Ohio will state his parliamentary inquiry.

MR. HAYS: I thought the gentleman said that it was the statement of somebody else.

MR. SCHWENGEL: It is.

THE CHAIRMAN: The Chair inquired of the gentleman if it was his own statement. Is it the statement of the gentleman in the well?

MR. SCHWENGEL: It is not.

THE CHAIRMAN: Then the gentleman from Iowa will have to request permission for that statement to be printed in the Record when we go back in the House.

MR. SCHWENGEL: At the proper time I will make that request.

§ 20.15 A unanimous-consent request to extend remarks in the Record by incorporating extraneous materials, by a Member who has not spoken on the bill under consideration in the Committee of the Whole, is in order only in the House and not in the Committee of the Whole.

On Jan. 23, 1936,⁽¹⁰⁾ during the consideration of the Supplemental Appropriations Bill of 1936,⁽¹¹⁾ the following proceedings occurred:

- 10. 80 CONG. REC. 950, 74th Cong. 2d Sess.
- 11. H.R. 10464, 74th Cong. 2d Sess. (1936).

MR. [FRANCIS D.] CULKIN [of New York]: Mr. Chairman, I ask unanimous consent to extend my remarks in the Record, if the request is in order at this time, and to include in the extension copies of resolutions of various agricultural bodies and other organizations of the United States protesting against these reciprocal tariff treaties.

MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Chairman, I make the point that cannot be done in Committee.

THE CHAIRMAN:⁽¹²⁾ The Chair will invite the gentleman's attention to the fact he has not spoken on the bill, and such permission would have to be granted in the House rather than in Committee of the Whole.

§ 20.16 Although a Member may not obtain permission in the Committee of the Whole to extend his remarks so as to include extraneous materials, he may be permitted to read those extraneous materials if he is yielded time and the Committee consents.

On Apr. 18, 1944,⁽¹³⁾ during the debate in the Committee of the Whole on a bill to extend lend lease,⁽¹⁴⁾ Mr. Clare E. Hoffman, of Michigan, requested permission from the Committee to extend his remarks and insert several letters in the Record. The Chairman⁽¹⁵⁾

- 12. Jere Cooper (Tenn.).
- 13. 90 CONG. REC. 3558, 78th Cong. 2d Sess.
- 14. H.R. 4254, 78th Cong. 2d Sess. (1944).
- 15. Warren G. Magnuson (Wash.).

refused Mr. Hoffman's request, and stated that such permission would have to be obtained from the House. Mr. Hoffman then requested the opinion of the Chairman as to whether he could read those letters into the Record. The Chairman replied that if Mr. Hoffman were yielded time the letters could be read with the consent of the Committee of the Whole.

§ 20.17 The Committee of the Whole agreed by unanimous consent to permit a Member to insert in the Record as part of his remarks the text of an amendment he had drafted, but which could not be submitted for consideration under a closed rule.

On Aug. 31, 1965,⁽¹⁶⁾ during the consideration of a bill providing for the implementation of the Automotive Products Trade Act of 1965,⁽¹⁷⁾ the following exchange occurred concerning a unanimous-consent request:

MR. [ROBERT] MCCLORY [of Illinois]: . . . Now, Mr. Chairman, I had intended to offer an amendment, if the rule were an open rule and if we had the opportunity to offer such an amendment.

However, I do ask leave to attach at the conclusion of my remarks the

16. 111 CONG. REC. 22385, 89th Cong. 1st Sess.

17. H.R. 9042, 89th Cong. 1st Sess. (1965).

amendment that I would offer if I had the opportunity to do so at the appropriate time. . . .

Therefore, Mr. Chairman, I ask unanimous consent to attach my proposed amendment as a part of my remarks.

THE CHAIRMAN:⁽¹⁸⁾ The Chair wishes to inquire if the statement is the gentleman's own statement?

MR. MCCLORY: Yes; it is my own statement. It relates to an amendment that I would offer if I had an opportunity to offer it. It merely qualifies the acquiescence of the Congress with respect to this legislation, with the proviso that is contained in the proposed amendment, which I have explained.

The unanimous-consent request was agreed to by the Committee of the Whole, and the text of the amendment was printed in the Record following the remarks of Mr. McClory.⁽¹⁹⁾

§ 20.18 A unanimous-consent request to permit all Members five days to revise and extend their remarks on a particular subject is not in order in the Committee of the Whole.

On Sept. 19, 1967,⁽²⁰⁾ during the debate on a bill⁽¹⁾ to amend the

18. Harold D. Donohue (Mass.).

19. 111 CONG. REC. 22385, 89th Cong. 1st Sess.

20. 113 CONG. REC. 26032, 90th Cong. 1st Sess.

1. H.R. 6418, 90th Cong. 1st Sess. (1967).

Public Health Service Act, the following exchange occurred:

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, I detect a strange change in the nature of debate on this subject today from the one that took place a few days ago. . . . I am wondering if this is not because the subject has come up suddenly as an amendment rather than as a bill that was announced ahead of time. . . . Therefore, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend. . . .

MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, I object.

THE CHAIRMAN:⁽²⁾ That request is properly made in the House and not in the Committee of the Whole. Objection is not necessary.

Unparliamentary Insertions

§ 20.19 The insertion in the Record of unparliamentary remarks is sufficient to raise a question of the privilege of the House.

This ruling, which was rendered on Sept. 5, 1940, is discussed elsewhere in this chapter.⁽³⁾

2. Jack B. Brooks (Tex.).
3. See §17.1, supra. See §17.4, supra, for an occasion on which Speaker Sam Rayburn (Tex.) declined to rule on a question of personal privilege arising from the insertion in the Record of allegedly unparliamentary remarks because the transcript of the insertion had not been submitted for his inspection.

§ 20.20 A Member cannot extend his remarks so as to insert in the Record anything that could not be stated on the House floor.

On July 3, 1946,⁽⁴⁾ the Speaker⁽⁵⁾ called to the attention of the House the fact that several Members had recently extended their remarks so as to insert language that reflected adversely on a Member or Members of the Senate. The following parliamentary inquiry was then made:

MR [JOHN W.] MCCORMACK [of Massachusetts]: In other words, Mr. Speaker, under the rules no Member can insert in the Appendix of the Record under Extension of Remarks that which could not be stated on the floor of the House.

The Speaker responded affirmatively to the parliamentary inquiry.

§ 20.21 It is a violation of the rule of comity between the two Houses for a Member to insert in the Record an editorial critical of a Member of the Senate.

On June 25, 1956,⁽⁶⁾ Speaker Sam Rayburn, of Texas, made the following announcement:

4. 92 CONG. REC. 8299, 79th Cong. 2d Sess.
5. Sam Rayburn (Tex.).
6. 102 CONG. REC. 10924, 84th Cong. 2d Sess.

There has always existed complete comity between the Senate and the House of Representatives. The rules of the House provide that no Member of the House shall criticize a Senator on the floor of the House. It has been called to the attention of the Chair that in recent days editorials highly critical of Members of the other body have been placed in the Record. That is a violation of the rules. As far as the present occupant of the Chair is concerned, he is not going to tolerate it any more.

§ 20.22 The Speaker announced that extensions of remarks should be submitted to the Chair if there is any question as to whether they refer adversely to Members of the Senate.

On July 3, 1946,⁽⁷⁾ the Speaker⁽⁸⁾ made the following announcement:

The Chair has had called to his attention in the last few days some extensions of remarks by Members of the House that the Chair thinks are a reflection on a Member or Members of the Senate. The Chair trusts that that does not happen any more. If there is any question as to whether or not an extension of remarks refers to a Member of the Senate in any way that might be offensive to him, the Chair hopes the matter will be submitted to the Chair before the remarks go to the printer.

7. 92 CONG. REC. 8299, 79th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

Limitations on Extraneous Matter

§ 20.23 A Member who has secured unanimous consent to address the House for one minute and revise and extend his remarks may not without the consent of the House include in such remarks extraneous matter such as a speech made by another person.

On Jan. 18, 1946,⁽⁹⁾ Mr. Emerson H. De Lacy, of Washington, requested and received unanimous consent to address the House for one minute, and to revise and extend his remarks. At the conclusion of his remarks on the House floor, Mr. De Lacy requested unanimous consent to insert a speech delivered by an Under Secretary of Commerce. When this request was objected to, Mr. John J. Cochran, of Missouri, made the following point of order:

Mr. Speaker, a point of order. The gentleman from Washington arose and asked permission of the Chair to speak for 1 minute and to revise and extend his remarks. That permission was granted. I take the position that under that request to address the House for 1 minute and to revise and extend his remarks the gentleman has a right to include what he desires in the Record.

9. 92 CONG. REC. 129, 79th Cong. 2d Sess.

The Speaker pro tempore⁽¹⁰⁾ ruled as follows:

The Chair is of the opinion that the unanimous-consent request to speak for 1 minute and to revise and extend his remarks related to the remarks that the gentleman from Washington might make during the period that he addressed the House and that it did not include any specific extraneous matter which might be in addition to what he said himself or what he might add as his own remarks. The Chair, of course, was hopeful that the unanimous-consent request to include this specific matter would not be objected to. With reference to the point of order made by the gentleman from Missouri, the Chair must rule that . . . the unanimous-consent request of the gentleman from Washington did not include the specific matter which has previously been referred to.

§ 20.24 A Member who extends his remarks pursuant to an expression of unanimous consent by the House permitting Members to extend their own remarks on a specific bill, must confine his remarks to the subject matter of the bill and must not include extraneous materials such as letters, editorials or articles.

In the 74th Congress, debate on the Revenue Bill of 1936 was conducted in the Committee of the

¹⁰. John W. McCormack (Mass.).

Whole pursuant to a special order that limited debate to the subject matter of the bill.⁽¹¹⁾ The House had agreed to a unanimous-consent request permitting all Members to have five legislative days in which to extend their own remarks in the Record on the bill. On Apr. 27, 1936,⁽¹²⁾ an inquiry was made in the House concerning the extent to which a Member who extends his remarks on the bill in the Committee of the Whole pursuant to the unanimous-consent request can deviate from the subject matter of the bill and whether extraneous materials such as letters, editorials, or articles can be inserted. The proceedings were in part as follows:

MR. [CARL E.] MAPES [of Michigan]: . . . My inquiry is, is there any limitation upon the right of a Member to extend his remarks made in the Committee of the Whole on any subject or in any way he sees fit, and if there is, what the limitation is, keeping in mind the special order of the House that debate be confined to the bill, which I assume carries with it the assumption that extensions of remarks shall also be confined to the bill? . . .

THE SPEAKER:⁽¹³⁾ After all, the Chair must be guided by the rule of reason. Under the circumstances under which the bill is being considered, if we ad-

¹¹. See 80 CONG. REC. 6204, 74th Cong. 2d Sess., Apr. 27, 1936.

¹². *Id.*

¹³. Joseph W. Byrns (Tenn.).

here to the orders of the House debate must be confined to the subject matter of the bill, and any debate which does not confine itself to the subject matter of the bill or which is not in some way related to the tax matters under consideration would not be in order.

The Chair does not think the Committee of the Whole House on the state of the Union, under the orders previously made, and to which the gentleman from Michigan [Mr. MAPES] has referred, would have the right to permit the inclusion of articles, editorials in newspapers, or magazine articles as a part of one's remarks, unless specific permission has been obtained from the House for that purpose.

Under the [unanimous-consent] request . . . all Members of the House have 5 legislative days within which to extend their own remarks in the Record. The Chair calls attention of the House to the fact that the request was so worded and so granted, as appears in the Record, so as to limit such extensions to the subject of the tax bill. It is clear to the Chair that if any Member desires to insert editorials, articles in newspapers and magazines, or any matter other than the remarks uttered by him on the floor he would have to secure that permission from the House. The Committee of the Whole has no power to authorize the extension of matters which do not in some way relate to the tax bill under discussion.

Does that answer the gentleman's parliamentary inquiry?

MR. MAPES: Mr. Speaker, I think the Chair has answered the question as definitely as it can be answered. I take

the answer of the Chair to mean that matters that are clearly extraneous to the tax bill cannot be included in extension of remarks, even though they are the Member's own statements.

THE SPEAKER: That is true. Of course, as the Chair intimated at the outset, it is largely a matter of common sense in the application of the rule and its construction.

§ 20.25 A Member who has obtained permission from the House by unanimous consent to extend his remarks in the Record cannot insert extraneous materials that were not designated in the request.

On Feb. 21, 1936,⁽¹⁴⁾ Mr. Bertrand H. Snell, of New York, made a motion to expunge from the Record materials that had been inserted in the Record on Feb. 19, 1936, by Mr. Marion A. Zioncheck, of Washington, and which had not been specified in the unanimous-consent request to extend that had been agreed to by the House. Two days earlier, Mr. Zioncheck made three unanimous-consent requests to extend his remarks and to include the text of certain House resolutions. An objection was raised each time.⁽¹⁵⁾

14. 80 CONG. REC. 2537, 74th Cong. 2d Sess.

15. 80 CONG. REC. 2372, 2400, 74th Cong. 2d Sess.

Subsequently Mr. Zioncheck made the following request:

Then Mr. Speaker. I ask unanimous consent to extend my own remarks in the Record.

To that request no objection was made. Mr. Zioncheck, however, in extending his remarks in the Record, did include a quotation from one of the resolutions to which he had referred in the three earlier requests that had been objected to.

The Speaker,⁽¹⁶⁾ prior to submitting the motion to a vote, cited the well-established principle that authorizations to extend remarks in the Record are strictly construed. He added that it is not in order under leave to print to insert other material than that designated in the request,⁽¹⁷⁾ and commented:

The Chair thinks the request for permission to extend remarks should and must apply only to the remarks of the gentleman who makes the request, and that it does not authorize the insertion of newspaper articles or any other matter outside of his own remarks. If a

- 16. Joseph W. Byrns (Tenn.).
- 17. 8 Cannon's Precedents §3479. For several more recent examples of this principle see 95 CONG. REC. 12344, 81st Cong. 1st Sess., Aug. 26, 1949; 89 CONG. REC. 10958, 78th Cong. 1st Sess., Dec. 21, 1943; 80 CONG. REC. 9250, 74th Cong. 2d Sess., June 8, 1936.

Member desires to quote or to include in his remarks statements of the kind referred to, specific authority should be asked of the House and should be obtained before that insertion is made.

§ 20.26 A Member who has obtained permission from the House by unanimous consent to extend his remarks in the Record and include a newspaper article cannot insert a letter, and such an unauthorized insertion gives rise to the question of privilege.

On July 6, 1942,⁽¹⁸⁾ Mr. Sol Bloom, of New York, received permission from the House to extend his remarks and include therein a newspaper article. The extension of remarks by Mr. Bloom that appeared in the appendix to the daily edition of the *Congressional Record* for July 9, 1942, however, contained a letter from a constituent, which was not mentioned in the unanimous-consent request. On July 13, 1942,⁽¹⁹⁾ Mr. John E. Rankin, of Mississippi, who had been recognized on a question of the privileges of the House, offered a resolution to strike the remarks of Mr. Bloom from the permanent edition of the Record, and to prohibit the Public Printer from

- 18. 88 CONG. REC. 5991, 77th Cong. 2d Sess.
- 19. 88 CONG. REC. 6102, 77th Cong. 2d Sess.

issuing copies thereof from the daily edition of the Record.⁽²⁰⁾ The House agreed to the resolution.⁽¹⁾

§ 20.27 The Public Printer refused to print a Member's extension of remarks in the Record because those remarks included a newspaper editorial that had been printed in the Record as part of the remarks of another Member.

On Sept. 26, 1949,⁽²⁾ Mr. Henry D. Larcade, Jr., of Louisiana, and Mr. Clare E. Hoffman, of Michigan, received the unanimous consent of the House to extend their remarks and include a newspaper editorial. The remarks of Mr. Larcade along with a newspaper editorial appeared in the appendix of the Record of Sept. 26, 1949. The remarks of Mr. Hoffman, however, did not appear in the Record of that date, and were returned to Mr. Hoffman by the Public Printer along with a letter explaining that his remarks had not been printed in the Record because they contained the same

20. H. Res. 518, 77th Cong. 2d Sess. (1942).

1. For further illustrations of this principle, see 8 Cannon's Precedents §3479 and 5 Hinds' Precedents §7001.
2. 95 CONG. REC. 13273, 81st Cong. 1st Sess.

editorial that had been reprinted as part of the remarks of Mr. Larcade.⁽³⁾

The following day Mr. Hoffman made a parliamentary inquiry in which he expressed dissatisfaction with the policy that permitted the Public Printer to exclude from the Record three pages of his own remarks because they contained an editorial previously printed, and requested the opinion of the Chair as to what might be done about that policy. The Speaker⁽⁴⁾ advised Mr. Hoffman that the matter was entirely within the jurisdiction of the Joint Committee on Printing, and that it should be taken up there.⁽⁵⁾

§ 20.28 The Speaker will decline to recognize a Member who wishes to obtain permission to insert in the Record materials for which such permission has already been obtained from the House by another Member, but which have not as yet appeared in the Record.

On Nov. 17, 1943,⁽⁶⁾ the following proceedings occurred:

3. The letter from the Public Printer to Mr. Hoffman is reprinted at 95 CONG. REC. 13361, 81st Cong. 1st Sess., Sept. 27, 1949.
4. Sam Rayburn (Tex.).
5. 95 CONG. REC. 13361, 81st Cong. 1st Sess., Sept. 27, 1949.
6. 89 CONG. REC. 9626, 78th Cong. 1st Sess.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to print therewith a radio address delivered by the gentleman from Texas [Mr. Patman] on Monday night.

THE SPEAKER:⁽⁷⁾ That has already been printed.

MR. HOFFMAN: It has not been printed in the Record.

THE SPEAKER: Consent has been given, and the Chair would not like to entertain a request to reprint it.

MR. HOFFMAN: I do not want to reprint it. With all due deference, Mr. Speaker, we were expecting to get that radio address today. I had it yesterday.

THE SPEAKER: The gentleman from Texas [Mr. Patman] has asked unanimous consent to place it in the Record.

MR. HOFFMAN: But he did not print it.

THE SPEAKER: That is in the hands of the gentleman from Texas.

Appeals

§ 20.29 An appeal from a ruling of the Joint Committee on Printing prohibiting the insertion in the Record of a government document which has already been printed is within the jurisdiction of the Joint Committee and not the House.

On Mar. 29, 1949,⁽⁸⁾ a parliamentary inquiry was made con-

7. Sam Rayburn (Tex.).

8. 95 CONG. REC. 3396, 81st Cong. 1st Sess.

cerning the appropriate procedure to be followed in appealing a ruling of the Joint Committee on Printing. The proceedings were as follows:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁹⁾ The gentleman will state it.

MR. RANKIN: On yesterday I asked and received unanimous consent to extend my remarks in the Record and to include a very fine and a very valuable report on spies issued by the Committee on Un-American Activities. The Government Printing Office informs me that there is a ruling by the Joint Committee on Printing that Government documents which have already been printed cannot go into the Record.

I wish to know if it is necessary to take any steps other than to appeal to the Joint Committee on Printing. There is nothing the House can do about it, as I understand.

THE SPEAKER: The Chair understands that is the proper procedure.

MR. RANKIN: To appeal to the Joint Committee on Printing?

THE SPEAKER: Yes.

MR. RANKIN: I thank the Speaker.

§ 20.30 Appeals from a decision by the Public Printer not to print a Member's remarks because those remarks included an editorial previously printed in the Record are within the sole jurisdic-

9. Sam Rayburn (Tex.).

tion of the Committee on Printing, and not the House.

On Sept. 27, 1949,⁽¹⁰⁾ Mr. Clare E. Hoffman, of Michigan, rose to a parliamentary inquiry. He stated that although he had, on the previous day, secured permission from the House to extend his own remarks in the Record and insert a newspaper editorial, those remarks had not been printed in the Record. He read to the House a letter he had received from the Public Printer stating that his remarks had not been printed in the Record because they included an editorial which had already been printed in conjunction with the remarks of another Member. Mr. Hoffman then continued his remarks as follows:

That course is commendable where the second extension is merely a duplication, but in this particular case, Mr. Speaker, I had three pages of my own remarks. Now, just because I quote from an editorial, or use something that someone else has used, is no reason why a gentleman down in the Printing Office should take it upon himself to censor or exclude a part of my remarks from the Record.

My parliamentary inquiry . . . is, what do I do about this situation?

The Speaker⁽¹¹⁾ responded as follows:

10. 95 CONG. REC. 13361, 81st Cong. 1st Sess.

11. Sam Rayburn (Tex.).

The matter is entirely up to the Joint Committee on Printing. The Chair would suggest that the gentleman take it up with the Joint Committee on Printing, because they are the policy makers with reference to matters of this kind.

§ 20.31 Under the rules of the Joint Committee on Printing, a Member who requests the unanimous consent of the House to insert in the Record remarks including extraneous matter in excess of two printed Record pages, must submit coincident with that request the estimate in writing from the Public Printer of the probable cost of publishing those remarks.

On Apr. 18, 1939,⁽¹²⁾ Mr. John M. Houston, of Kansas, stated that he had in his possession an estimate of the probable cost of printing an address by a former Member of the House, and requested unanimous consent that he be permitted to insert it in the Record notwithstanding the estimate of cost, and the fact that its length exceeded two printed Record pages. The Speaker, William B. Bankhead, of Alabama, after quoting from the rules of the Joint Committee on Printing,⁽¹³⁾

12. 84 CONG. REC. 4403, 76th Cong. 1st Sess.

13. The current rule 12 of the Joint Committee on Printing, which is

called for any objections. There was no objection.

During Adjournment to Day Certain

§ 20.32 The House frequently agrees by unanimous consent to permit Members to extend their remarks and make insertions in the section of the Record entitled "Extensions of Remarks" in those editions of the Record scheduled for publication during an adjournment of Congress to a day certain.

On Apr. 10, 1968,⁽¹⁴⁾ the House agreed to a unanimous-consent request which was similar⁽¹⁵⁾ to

similar to the rule in effect at the time of this unanimous-consent request, reads in part as follows: "No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the Congressional Record unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same." Rule 12 of the Joint Committee on Printing, effective May 23, 1972.

14. 114 CONG. REC. 9621, 90th Cong. 2d Sess.
15. For other recent examples see 116 CONG. REC. 36650, 91st Cong. 2d Sess., Oct. 14, 1970; 116 CONG. REC.

those frequently agreed to just prior to an adjournment to a day certain:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 22, 1968, all Members of the House shall have the privilege to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

On Occasion of Death of Member

§ 20.33 The House, on the occasion of the death of a Member, frequently agrees by unanimous consent to permit all Members who desire to do so to revise and extend their remarks and include extraneous material in the Record and in the section entitled "Extension of Remarks."

On Mar. 2, 1970,⁽¹⁶⁾ the House, as it has on other occasions after

- 28919, 91st Cong. 2d Sess., Aug. 14, 1970; and 114 CONG. REC. 25065, 90th Cong. 2d Sess., Aug. 2, 1968.
16. 116 CONG. REC. 5456, 91st Cong. 2d Sess.

the death of a Member,⁽¹⁷⁾ agreed to the following unanimous-consent request:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission today to revise and extend their remarks and include extraneous material in the Record and also in that portion of the Record entitled "Extensions of Remarks."

§ 20.34 The rule of the Joint Committee on Printing that requires a Member to submit an estimate of the cost of printing an insertion exceeding two pages in length has been applied to remarks inserted in the Record on a day devoted to eulogies for deceased Members.

On Oct. 9, 1962,⁽¹⁸⁾ a day devoted to eulogies for a deceased Member, Mr. Carl Albert, of Oklahoma, requested the unanimous consent of the House that all Members be permitted to extend their remarks in the Appendix of the Record and include extraneous matter. In addition, Mr. Albert made a special request that Mr. John R. Pillion, of New York, be permitted to extend his remarks

17. For a recent example see 108 CONG. REC. 8, 87th Cong. 2d Sess., Jan. 10, 1962.

18. CONG. REC. (daily ed.), 87th Cong. 2d Sess.

and include extraneous matter, notwithstanding the fact that it exceeded the two-page limit and was estimated by the Public Printer to cost \$270. The House agreed to both aspects of the request.

§ 20.35 On one occasion, when the House adjourned out of respect to a deceased Member, in addition to granting the customary permission for all Members to extend their remarks in the Appendix of the Record, the House agreed, by unanimous consent, to permit Members who had obtained special orders to extend their remarks in the body of the Record, and to permit Members who had spoken on legislative matters that day to revise and extend their remarks and include extraneous matters.

On Sept. 16, 1961,⁽¹⁹⁾ a day on which the House adjourned out of respect to a deceased Member, the House agreed, by unanimous consent, to permit all Members to extend their remarks in the Appendix of the Record and to include extraneous matters. The House also agreed to a request by the Speaker *pro tempore*⁽²⁰⁾ that

19. 107 CONG. REC. 19812, 87th Cong. 1st Sess.

20. John W. McCormack (Mass.).

those Members who had obtained special orders to speak on the floor would be permitted to insert their remarks in the body of the Record, and to the following unanimous-consent request made by Mr. Carl Albert, of Oklahoma:

Mr. Speaker, I ask unanimous consent that all Members who spoke today on the various conference reports and other legislative matters may have permission to revise and extend their remarks and, if they desire to include extraneous matter, they may have that permission; also that all Members may have 5 legislative days in which to extend their remarks in the Record.

In Final Issue of Session

§ 20.36 The House, just prior to adjournment at the end of a session of Congress, frequently agrees by unanimous consent to permit each Member to extend his remarks in the Record on any subject occurring prior to adjournment, until the publication of the last edition of the Record.

On Oct. 14, 1968,⁽¹⁾ the House agreed to a unanimous-consent request similar⁽²⁾ to those generally

1. 114 CONG. REC. 31313, 90th Cong. 2d Sess.
2. For other recent examples see 116 CONG. REC. 44599, 44600, 91st Cong. 2d Sess., Jan. 2, 1971; 113 CONG. REC. 37190, 90th Cong. 1st Sess.,

adopted near the end of a session of Congress:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that all Members of the House have the privilege of inserting their own remarks in the Extensions of Remarks section of the Congressional Record and to include therewith brief related extraneous material on one or more subjects; this order to be effective until publication of the last edition of the Record authorized by the Joint Committee on Printing, but it shall not apply to any subject matter which may have occurred, or to any speech delivered after adjournment of Congress.

§ 20.37 The House, prior to the final adjournment at the conclusion of a session of Congress, frequently agrees by unanimous consent to permit the chairman and a ranking minority member of each standing committee and subcommittee to extend their remarks in the Record and to include separate summaries of the work of their committees, up until the publication date of the last volume of the Record.

On Jan. 2, 1971,⁽³⁾ the House agreed to a unanimous-consent re-

- Dec. 15, 1967; and 112 CONG. REC. 28893, 89th Cong. 2d Sess., Oct. 22, 1966.
3. 116 CONG. REC. 44600, 91st Cong. 1st Sess.

quest similar⁽⁴⁾ to those frequently adopted at the final meeting of a session of Congress:

MR. [CARL] ALBERT [of Oklahoma]:
Mr. Speaker, I ask unanimous consent that the Chairmen of all the standing

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4. For other recent examples see 115 CONG. REC. 40982, 91st Cong. 1st Sess., Dec. 23, 1969; 114 CONG. REC. 31313, 90th Cong. 2d Sess., Oct. 14, 1968; and 111 CONG. REC. 28564, 89th Cong. 1st Sess., Oct. 22, 1965.

committees and the subcommittees of the House may extend their remarks up to and including the publication of the last Record and to include a summary of the work of their committees; also that the ranking minority Member of such standing committee or any subcommittee may have the same permission to extend their remarks and to include a summary, if they desire, from their point of view, separately from that of the Chairman.