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contends that there was [presumably a subsequent] meeting of the conferees which was closed and unannounced.

The chief manager of the conference report has reported that in a meeting of the conferees which was open to the public, pursuant to the provisions of clause 6, rule XXVIII, a proper motion was made to agree to an amendment in the nature of a substitute for the House amendment to the Senate bill, and the signatures of a majority of the conferees of both Houses reflecting this agreement appear on the conference report.

The Chair does not feel that a violation of conference rules has been shown, and the Chair overrules the point of order.

Parliamentarian's Note: The issue as to which comes first on a conference report, the question of consideration or a point of order, is discussed in 8 Cannon's Precedents § 2439, wherein Speaker Clark ruled that the question of consideration should be put first on the grounds that it was useless to argue points of order if the House wasn't going to consider the report. Conflicting precedents which stand for the proposition that points of order should be decided before the question of consideration is raised involved circumstances in which the point of order was directed not to the substance of the report or proposition but to the issue whether the matter was privileged to come up for consideration in the first instance. In 5 Hinds' Precedents § 4950, the issue was whether a bill called up under the morning hour call of committees was eligible as a bill properly on the House Calendar, and in 5 Hinds' Precedents § 4951, the issue was whether a resolution could be presented as a question of privilege. But since a conference report is privileged for consideration under Rule XXVIII, the threshold question is not presented and the question of consideration should come before points of order against the substance of the report.

§ 6. Questions Not Subject to Debate

The relevant standing rule and the precedents relating to each motion or question must be consulted in order to determine whether debate thereon is allowable.[1] Thus, the motion to go into Committee of the Whole is not de-

1. See Cannon's Procedure in the House of Representatives 148, 149, H. Doc. No. 122, 86th Cong. 1st Sess. (1959) for a list of nondebatable questions arranged in the order of their frequency. The list is not exclusive; see, for example, Rule I clause 1, *House Rules and Manual* § 621 (1995) (1971 amendment to the rule providing for a nondebatable motion that the Journal be read in full).

batable (and therefore not subject to the motion to lay on the table).[2] Nor is a motion to go into secret session debatable.[3]

Unless otherwise provided by a standing rule or by order of the House, a question brought before the House is debated under the hour rule.[4] The motions for the previous question[5] and to lay on the table[6] are not debatable. The previous question closes debate and brings the House to an immediate vote on the pending proposition unless ordered on a proposition on which there has been no debate, in which event 40 minutes of debate are permitted.[7] The motion to lay on the table also precludes further debate and, if agreed to, provides a final adverse disposition of the matter to which applied.

Rule XXV[8] provides that all questions of the priority of business shall be decided by a majority without debate. In applying the rule, the Speaker has stated that the language precludes debate on motions to go into Committee of the Whole, on questions of consideration, and on appeals from the Chair's decisions on priority of business.[9]

While the question of consideration is not debatable,[10] a motion to postpone further consideration of a privileged resolution (to censure a Member) is debatable for one hour controlled by the Member offering the motion.[11] Under Rule XVI, clause 4, the motion to postpone indefinitely is normally debatable; but where such a motion is offered pursuant to provisions of a statute, enacted under the rulemaking power of the House and Senate, such as statutes relating to consideration of resolutions disapproving certain executive actions, the motion by the terms of the statute may not be debatable.[12]

The Member having the floor in Committee of the Whole may dis-

2. See 6 Cannon's Precedents § 726.

3. For discussion of secret sessions, see § 85, infra.

4. See § 68, infra, for discussion of the hour rule.

5. See § 6.35 infra.

6. See § 6.9, infra.

7. See § 6.37, infra.

8. *House Rules and Manual* § 900 (1995).

9. Appeals from other rulings of the Chair may be debatable under the hour rule. See § 68.71, infra.

Rule XXV should not be utilized to permit a motion directing the Speaker to recognize Members in a certain order or to otherwise establish an order of business. See § 9.3, infra.

10. See 8 Cannon's Precedents § 2447.

11. See § 24.14, infra.

12. See § 2.42, supra, for further discussion.

play charts or exhibits by permission of the Committee, but if objection is made, the question is put, without debate, as to whether such Member should be permitted to use displays.[13]

Of course, agreements to limit debate may affect the question of what matters may be debated.[14] For example, when the Committee of the Whole has limited debate on the bill and all amendments thereto to a time certain, even a preferential motion[15] (such as a motion to strike the enacting clause) is not debatable if offered after the expiration of time for debate.

With respect to a motion to recommit with instructions after the previous question has been ordered on the passage of a bill or joint resolution, it is in order to debate the motion for ten minutes before the vote is taken thereon, except that on demand of the floor manager for the majority it is in order to debate such motion for one hour. One half of any debate on such motion is given to debate by the mover of the motion and one half to debate in opposition to the motion.[16]

Cross References

Discretionary debate on certain questions and motions, see § 67, infra.

Motions and debate thereon, see Ch. 23, supra.

Points of order, appeals, and parliamentary inquiries and debate thereon, see Ch. 31, infra.

Power of Member in charge to cut off debate, see § 7, infra.

Quorum calls and debate, see Ch. 20, supra.

Recognition to be sought before debate, see § 8, infra.

Right of Member-elect To Be Sworn

§ 6.1 No debate is in order on the right of a challenged Member-elect to be sworn in, pending the swearing-in of the remaining Members-elect.

On Jan. 5, 1937, before the swearing-in en masse of Members-elect at the convening of the 75th Congress, Member-elect John J. O'Connor, of New York, arose to challenge the right of Member-elect Arthur B. Jenks, of New Hampshire, to be sworn in.[17] Mr.

13. See Rule XXX, *House Rules and Manual* §§ 915–917 (1995); see also §§ 80–84, infra, for discussion of reading papers and displaying exhibits.

14. For discussion of limiting debate, and the effect of such limitation, see §§ 78, 79, infra.

15. See § 79.27, infra.

16. Rule XVI, clause 4, *House Rules and Manual* § 782 (1995).

17. 81 CONG. REC. 12, 75th Cong. 1st Sess.

Bertrand H. Snell, of New York, arose to object to the challenge and Speaker William B. Bankhead, of Alabama, ruled that the challenged Member-elect should stand aside and that no debate on the challenge was in order until the remaining Members-elect had been sworn in.

Resignation of Committee Chairman

§ 6.2 In response to parliamentary inquiries, the Speaker indicated that the question of whether a member should be relieved from committee service was debatable only within narrow limits and that the Chair would take the initiative in enforcing that restriction.

On June 16, 1975,[18] after the Speaker[19] laid before the House a letter of resignation from the chairman of the Select Committee on Intelligence, the following proceedings occurred:

> The Speaker laid before the House the [resignation of Mr. Lucien N. Nedzi, of Michigan] from the House Select Committee on Intelligence. . . .
>
> THE SPEAKER: The question is, shall the resignation be accepted?
>
> The Chair recognizes the gentleman from Michigan (Mr. Nedzi). . . .
>
> MR. NEDZI: . . . Mr. Speaker, I yield 15 minutes to the gentleman from Michigan (Mr. O'Hara).
>
> MR. [JAMES G.] O'HARA [of Michigan]: Mr. Speaker, before proceeding, I wonder if I could address to the Chair a parliamentary inquiry.
>
> THE SPEAKER: The gentleman may state his parliamentary inquiry.
>
> MR. O'HARA: Mr. Speaker, I have looked at the precedents and I am somewhat uncertain as to the proper scope of the debate on such a question. I would hope that the Chair could enlighten this gentleman and the House.
>
> THE SPEAKER: . . . The Chair will state that rule XIV, clause 1, requires that a Member confine himself to the question under debate in the House, avoiding personalities. On January 29, 1855, as cited in section 4510 of volume 4, Hinds' Precedents, Speaker Boyd held that the request of a Member that he be excused from committee service was debatable only within very narrow limits.
>
> The Chair trusts that debate on the pending question will be confined within the spirit of that ruling and the Chair will further state that he will strictly enforce the rule as to the relevancy of debate. . . .
>
> MR. [GARRY] BROWN of Michigan: . . . Under the germaneness test that the Speaker recited at the commencement of this discussion did the Speaker contemplate that on his own volition and initiative that he would raise the question of germaneness; or must that question of germaneness be raised by someone on the floor? . . .
>
> Does the Speaker [intend] to question the germaneness when in his mind it appears to be nongermane?

18. 121 CONG. REC. 19054, 19056, 19059, 94th Cong. 1st Sess.

19. Carl Albert (Okla.).

THE SPEAKER: The Chair has so stated, and the Chair so intends.

Question of Consideration

§ 6.3 The question of consideration is not debatable.

On June 1, 1934,[20] Mr. William B. Bankhead, of Alabama, called up on the same day reported House Resolution 410, from the Committee on Rules, making in order during the remainder of the session motions to suspend the rules and suspending the requirement of a two-thirds vote to consider reports from the Committee on Rules when called up on the same day reported.

Mr. Bankhead called for the consideration of the resolution and before the question of consideration could be voted upon, Mr. Clarence J. McLeod, of Michigan, made a point of order against ordering the yeas and nays on the question, "because there has not been a chance to even explain the resolution under consideration."

Speaker Henry T. Rainey, of Illinois, ruled that "the question of consideration is not debatable."[1]

20. 78 CONG. REC. 10239–41, 73d Cong. 2d Sess.

1. The question of consideration is provided for in Rule XVI clause 3, *House Rules and Manual* § 778 (1995). The question has formerly been held nondebatable; see 8 Cannon's Precedents § 2447.

Rereference of Bill to Committee

§ 6.4 A motion to correct the reference of a public bill is not debatable.

On Apr. 2, 1935,[2] Mr. Emanual Celler, of New York, asked unanimous consent that H.R. 6547, authorizing the appointment of a commissioner for the United States Court of China, originally referred to the Committee on Foreign Affairs, be rereferred to the Committee on the Judiciary. Mr. Sam D. McReynolds, of Tennessee, objected to the request and Speaker Joseph W. Byrns, of Tennessee, stated that a motion for rereferral was in order since Mr. Celler was authorized by the Committee on the Judiciary to move for rereferral.

Speaker Byrns advised Mr. McReynolds that the motion was not debatable. The House then voted against the motion of rereferral.

On Jan. 10, 1941,[3] Mr. Andrew J. May, of Kentucky, offered a privileged motion to rerefer H.R. 1776, to promote the defense of the United States, originally referred to the Committee on For-

2. 79 CONG. REC. 4878, 4879, 74th Cong. 1st Sess.

3. 87 CONG. REC. 100–03, 77th Cong. 1st Sess.

eign Affairs, to the Committee on Military Affairs. Mr. John W. McCormack, of Massachusetts, raised a parliamentary inquiry as to the reasons why Speaker Sam Rayburn, of Texas, had referred the bill to the Committee on Foreign Affairs. The Speaker suggested that a unanimous-consent request might be granted for him to explain his reasons, but Mr. Earl C. Michener, of Michigan, stated as follows:

> If the Speaker pursues that course, then in effect he has opened this matter up to debate, and the Speaker himself has made a speech against the motion. That can be done by unanimous consent, but it does seem to me we should do these things according to the rules. If we are going to have debate, let us have debate; if we are not, let us not have one side only.

After further debate, Mr. Albert J. Engel, of Michigan, asked unanimous consent that the subject be debated for 20 minutes. The Speaker responded that he would "accept no time from the House on any conditions," and put the motion on the question of rereferral, which was rejected by the House.[4]

§ 6.5 While the rule with regard to rereference of bills on motion of a committee prohibits debate, a Member may proceed by unanimous consent for one minute before he makes such a motion.

On Apr. 21, 1942,[5] Mr. Samuel Dickstein, of New York, was granted unanimous consent to address the House for one minute following the reading of the Journal. At the conclusion of his address, he moved that the bill H.R. 6915 be rereferred from the Committee on the Judiciary to the Committee on Immigration and Naturalization.

Mr. John E. Rankin, of Mississippi, made a point of order against the motion on the ground that Mr. Dickstein could only ask for rereferral by unanimous consent. Speaker Sam Rayburn, of Texas, overruled the point of order and read Rule XXVII clause 4, providing for a motion to correct reference of bills, to be determined without debate.

Mr. Sam Hobbs, of Alabama, made a further point of order that Mr. Dickstein's motion was not in order since "there was debate by the distinguished gentleman from New York for 1 minute immediately preceding the submission of the motion, where as the opposition is denied that right by the rule."

4. See Rule XXII clause 4, *House Rules and Manual* § 854 (1995): "[C]orrection in case of error in reference may be made by the House, without debate. . . ."

5. 88 CONG. REC. 3571, 77th Cong. 2d Sess.

Speaker Rayburn overruled the point of order:

> The Chair did not know what the gentleman from New York was going to talk about. The Chair cannot look into the mind of a Member when he asks unanimous consent to address the House for 1 minute and see what he intends to talk about.

After Discharge of Rules Committee Resolution

§ 6.6 Under the former practice, where the Committee on Rules was discharged from further consideration of a resolution providing a special order of business, the vote occurred immediately on the adoption of the resolution without debate; Rule XXVII, clause 3, has since been amended to permit debate on a resolution discharged from the Committee on Rules.

On June 11, 1945,[6] Mr. Vito Marcantonio, of New York, called up a motion to discharge the Committee on Rules from further consideration of House Resolution 139, providing for the consideration of H.R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for federal officers.

After 20 minutes' debate on the motion, the House agreed to the motion and Speaker Sam Rayburn, of Texas, immediately put the question on the resolution, after ruling that a motion to lay the resolution on the table was not in order.

Parliamentarian's Note: After the ruling cited above, the House did not proceed to the consideration of H.R. 7 until the following day, since House Resolution 139 provided for consideration of said bill on "the day succeeding the adoption of this resolution."

Rule XXVII, clause 3, was amended by H. Res. 5, 102d Cong. 1st Sess., Jan. 3, 1991, to permit debate on a resolution discharged from the Committee on Rules.[7]

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6. 91 CONG. REC. 5892, 5895, 5896, 79th Cong. 1st Sess.

7. For the earlier version of the rule, see Rule XXVII, clause 4, *House Rules and Manual* § 908 (1988): "If the motion (motion to discharge committee from bill or resolution) prevails 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 entertaining any dilatory or other intervening motion except one motion to adjourn . . . ." The present rule states: "If the motion prevails . . . the House shall immediately consider such resolution . . . ." Rule XXVII, clause 3, *House Rules and Manual* § 908 (1995).

Discharge of Privileged Resolution of Inquiry

§ 6.7 When a committee to which has been referred a privileged resolution of inquiry has not reported that resolution within fourteen (formerly seven) legislative days, a motion to discharge that committee from further consideration of that resolution is privileged and not debatable.

On Sept. 29, 1975,[8] the principle described above was demonstrated in the House as follows:

MR. [JAMES M.] COLLINS of Texas: Mr. Speaker, I offer a privileged motion to discharge the Committee on Education and Labor from consideration of the resolution (H. Res. 718).

THE SPEAKER:[9] The Clerk will report the motion.

The Clerk read the motion as follows:

Mr. Collins of Texas moves to discharge the Committee on Education and Labor from consideration of House Resolution 718.

THE SPEAKER: The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 718

Resolved, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1975, and ending on June 30, 1976, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

THE SPEAKER: The question is on the privileged motion to discharge.

The motion was agreed to.

Debate on Resolution of Inquiry

§ 6.8 A resolution of inquiry is debatable for one hour, controlled by the Member calling it up.

During consideration of a privileged resolution (H. Res. 745, in the matter of Billy Carter) in the House on Sept. 10, 1980,[10] Mr. Peter W. Rodino, Jr., of New Jersey, manager of the resolution,

8. 121 CONG. REC. 30748, 94th Cong. 1st Sess. Note: At the time of the proceedings below, the rules required resolutions of inquiry to be reported within seven days. The rule now requires reporting within fourteen days. See Rule XXII, cl. 5, *House Rules and Manual* § 855 (1995).

9. Carl Albert (Okla.).

10. 126 CONG. REC. 24948, 24949, 96th Cong. 2d Sess.

made a statement concerning procedure for debate, as follows:

MR. RODINO: Mr. Speaker, I call up a privileged resolution (H. Res. 745) of inquiry in the matter of Billy Carter, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 745

Resolved, That the President, to the extent possible, is directed to furnish to the House of Representatives, not later than seven days following the adoption of this resolution, full and complete information on the following:

(1) any record and date of all conversations and actions of the President with Billy Carter relating to the latter's role as an official or unofficial agent of the Government of Libya. . . .

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from New Jersey (Mr. Rodino), the chairman of the Committee on the Judiciary.

MR. RODINO: Mr. Speaker, it is my intention to yield to Members whom I have already designated, the gentleman from Illinois (Mr. McClory), the ranking minority member on the Committee on the Judiciary, for 15 minutes, for purposes of debate only; the gentleman from Michigan (Mr. Broomfield), the ranking minority member on the Committee on Foreign Affairs, for 10 minutes, for purposes of debate only; the gentleman from Wisconsin (Mr. Zablocki), the chairman of the Committee on Foreign Affairs, for 2 minutes; and the gentleman from Massachusetts (Mr. Boland), chairman of the Permanent Select Committee on Intelligence, for 2 minutes.

Motion To Lay on the Table

§ 6.9 A motion to lay on the table is a preferential motion and is not debatable.

On June 16, 1947,[11] certain words used in debate characterizing a committee report as containing "lies and half-truths" were demanded to be taken down. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words used were unparliamentary and Mr. John E. Rankin, of Mississippi, moved to strike the entire statement from the Record. On that motion he asked for recognition.

Mr. Vito Marcantonio, of New York, moved to lay the motion to strike words on the table. Mr. Rankin objected that he had already been recognized. Speaker Martin ruled that the motion to table was "preferential and not debatable." The House rejected the motion to table.

On Feb. 20, 1952,[12] the Committee on Foreign Affairs adversely reported a resolution of inquiry. Mr. James P. Richards, of South Carolina, moved that the resolution of inquiry be laid on the table. Speaker Sam Rayburn,

11. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

12. 98 CONG. REC. 1205–07, 1215, 1216, 82d Cong. 2d Sess.

of Texas, ruled in response to a parliamentary inquiry that no debate could be had on the motion:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

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

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

MR. HALLECK: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: Mr. Speaker, if the chairman of the Committee on Foreign Affairs could see fit not to make such a motion at this time, then would this resolution as well as the report be debatable?

THE SPEAKER: The resolution would be debatable and the time of 1 hour would be under the control of the gentleman from South Carolina.

The question is on the motion of the gentleman from South Carolina.[13]

Motion To Dispense With Reading of Amendment

§ 6.10 A motion under Rule XXIII clause 5(b) to dispense with the reading of an amendment which has been printed in the *Congressional Record* and submitted in the required manner to the reporting committee is not subject to debate.

On May 6, 1981,[14] during consideration of House Concurrent Resolution 115 (revising the congressional budget for fiscal year 1981 and setting forth the congressional budgets for 1982, 1983, and 1984) in the Committee of the Whole, the following proceedings occurred:

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I offer an amendment in the nature of a substitute.

THE CHAIRMAN:[15] Has the gentleman's amendment been printed in the Record?

MR. LATTA: Yes, Mr. Chairman, it has been printed in the Record.

THE CHAIRMAN: The Clerk will report the amendment. . . .

MR. LATTA (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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13. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995): "When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate). . . ."

14. 127 CONG. REC. 8716, 8721, 97th Cong. 1st Sess.

15. Martin Frost (Tex.).

THE CHAIRMAN: Is there objection to the request of the gentleman from Ohio? . . .

MR. [THEODORE S.] WEISS [of New York]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

MR. LATTA: Mr. Chairman, I move that the amendment be considered as read and printed in the Record.

The motion was agreed to.

Point of Order

§ 6.11 Debate on a point of order is within the discretion of the Chair.

On Apr. 13, 1951,[16] Mr. Carl Vinson, of Georgia, made a point of order that an amendment offered by Mr. Antoni N. Sadlak, of Connecticut, to a pending bill was not in order since not germane to the bill. Chairman Jere Cooper, of Tennessee, inquired of Mr. Sadlak whether he desired to be heard on the point of order. Mr. Sadlak inquired "how much time will be allotted to me for that purpose?" The Chair responded that the time allotted "was in the discretion of the Chair."[17]

16. 97 CONG. REC. 3909, 3910, 82d Cong. 1st Sess.

17. Points of order on which the Chair has announced his readiness to rule are not debatable, such debate being at all times within the discretion of the Chair. See § 6.36, infra; 5 Hinds' Precedents §§ 6919, 6920.

Points of order generally, see Ch. 31, infra.

Point of Order of No Quorum

§ 6.12 A point of order that a quorum is not present is not debatable.

On Apr. 15, 1940,[18] Speaker Pro Tempore Sam Rayburn, of Texas, ruled that since a point of order of no quorum is not debatable, remarks made after the point of order should not be included in the *Congressional Record*.

MR. [JOHN] TABER [of New York]: Mr. Speaker, a little while ago the gentleman from Mississippi [Mr. Rankin] made a point of order that no quorum was present, and thereafter he said:

> You are not going to raid the veterans of the World War and pass these other pension bills and run over the House that way. I make the point of order there is no quorum present.

Now, the gentleman was not recognized for that purpose; and then thereafter the gentleman from Mississippi further stated:

> And there will be a quorum and a vote on every other bill from now on today.

The gentleman was not recognized for that purpose, and that should not be in the Record. I make the point of order that the language should not be contained in the Record.

THE SPEAKER PRO TEMPORE: The gentleman from New York makes the point of order that certain remarks

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

made in the House should not be included in the Record. The Chair is prepared to rule.

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

On Apr. 24, 1956,[19] while Mr. Carl Vinson, of Georgia, had the floor and was speaking under a special order, Mr. William M. Colmer, of Mississippi, made the point of order that a quorum was not present. Mr. Sidney R. Yates, of Illinois, sought recognition to be heard on the point of order and Speaker Rayburn ruled that the point of order that a quorum was not present was not debatable. The Speaker declined to hold that the point of order was dilatory.

Following Announcement of No Quorum

§ 6.13 The Chair refuses to recognize Members after the absence of a quorum has been announced and no debate is in order until a quorum has been established.

On June 8, 1960,[20] Mr. Clare E. Hoffman, of Michigan, made the point of order that a quorum was not present. Speaker Sam Rayburn, of Texas, counted the Members and announced that a quorum was not present. Mr. Richard Bolling, of Missouri, moved a call of the House and it was so ordered. Mr. Hoffman then attempted to deliver some remarks. The Speaker ruled:

The Chair cannot recognize the gentleman because a point of order of no quorum has been made, and the Chair announced that there was no quorum.

Motion To Dispense With Proceedings Under a Call

§ 6.14 A motion to dispense with further proceedings under a call of the House is not debatable.

On Aug. 27, 1962,[1] Speaker John W. McCormack, of Massachusetts, directed the Clerk to read the Journal of the last day's proceedings. Mr. John Bell Williams, of Mississippi, made the point of order that a quorum was not present and a call of the House was ordered. The reading of the Journal was interrupted by three quorum calls and two record

19. 102 CONG. REC. 6891, 84th Cong. 2d Sess.

20. 106 CONG. REC. 12142, 86th Cong. 2d Sess.

1. 108 CONG. REC. 17651–54, 87th Cong. 2d Sess.

votes on dispensing with further proceedings under the quorum calls.[2] When the motion to dispense with further proceedings under the call was first made by Mr. Carl Albert, of Oklahoma, Mr. Williams moved to lay that motion on the table. The Speaker ruled:

> The motion to dispense with further proceedings under the call is not debatable and not subject to amendment, and, therefore, the motion to lay on the table is not in order.

On Dec. 18, 1970,[3] Speaker McCormack ruled that a motion to dispense with further proceedings under a call of the House was not debatable:

> The motion to dispense with further proceedings under the call is not debatable and is not amendable. The Chair rules that the motion of the gentleman from Missouri is not in order. [Mr. Hall had moved to table the motion.]

2. *Parliamentarian's Note:* The quorum calls, record votes on motions to dispense with further proceedings under the call, and demand that the Journal be read in full interrupted the reading of the Journal and delayed the Speaker's recognition of a Member to move to suspend the rules and pass Senate Joint Resolution 29, proposing a constitutional amendment to abolish use of the poll tax as a qualification for voting in elections of federal officials.

3. 116 CONG. REC. 42505, 91st Cong. 2d Sess.

Questions as to Disorderly Words

§ 6.15 The question whether words taken down violate the rules is for the Speaker to decide and is not debatable.

On Jan. 15, 1948,[4] Mr. Emanuel Celler, of New York, referred in debate to a statement by Mr. John E. Rankin, of Mississippi, as "damnable." Mr. Rankin demanded that the words be taken down. After the words were read to the House, Speaker Joseph W. Martin, Jr., of Massachusetts, inquired of Mr. Rankin whether the word "damnable" was the word objected to. Mr. Rankin responded and Mr. Celler interjected the inquiry "Mr. Speaker, may I be heard?"

The Speaker ruled "That is not debatable. The Chair will pass on the question."

On Mar. 9, 1948,[5] after Mr. Rankin had demanded that certain words used in debate be taken down and Speaker Martin had ruled them not a breach of order, the following exchange occurred:

> MR. RANKIN: Mr. Speaker, I would like to be heard.

4. 94 CONG. REC. 205, 80th Cong. 2d Sess.

5. *Id.* at p. 2408.

THE SPEAKER: It is a matter for the Chair to determine.

MR. RANKIN: I understand; but I would like to be heard on the matter. We have a right to be heard.

THE SPEAKER: The Chair has held that the words are not unparliamentary. The gentleman from New York [Mr. Celler] is merely expressing his own opinion. The gentleman from New York will proceed.

§ 6.16 Words objected to in debate may be withdrawn by unanimous consent, but no debate is in order pending such a request.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 2, 1978,[6] the following exchange occurred:

MR. [JOHN J.] CAVANAUGH [of Nebraska]: . . . I am highly offended and irritated by much of the language presented here by Mr. Bauman and by our colleague from Minnesota concerning the administration support.

[Mr. Cavanaugh further characterized Mr. Bauman's language as "outrageous," the characterization in question.]

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I make a point of order against the language of the gentleman from Nebraska if he cannot conduct himself civilly in debate. . . . I demand his words be taken down. . . .

MR. CAVANAUGH: Mr. Chairman, insofar as the characterization that I used regarding the gentleman's language could in any way be construed to impugn the gentleman's character, I would ask unanimous consent to withdraw it. It was an attempt to simply convey my feelings of the inappropriateness of the language that the gentleman had used in putting forth his argument.

MR. BAUMAN: Mr. Chairman, a point of order.

THE CHAIRMAN:[7] The gentleman will state his point of order.

MR. BAUMAN: Is not the only request the gentleman from Nebraska (Mr. Cavanaugh) can make, under the rules of the House, a unanimous-consent request to withdraw his remarks, and not to make a speech?

THE CHAIRMAN: The gentleman from Maryland (Mr. Bauman) is correct.

Is there objection to the request of the gentleman from Nebraska?

There was no objection.

—Motion To Permit Offending Member To Proceed

§ 6.17 After words taken down in debate have been reported to the House and ruled out of order by the Speaker, a privileged motion that the Member whose words were ruled out of order be permitted to proceed in order may be made and is debatable.

In the proceedings of Oct. 8, 1991, the Chair indicated that the motion to permit a Member to

6. 124 CONG. REC. 23944, 23945, 95th Cong. 2d Sess.

7. Don Fuqua (Fla.).

proceed in order is debatable under the hour rule, and that debate is limited to the question of whether to permit the Member to proceed in order. The proceedings of that date are discussed in § 52.13, infra.

Consent for Reading Papers

§ 6.18 Under a former rule, when objection was made to the reading of a paper, it should be determined without debate by a vote of the House.[8]

Motion To Close Debate Under Five-minute Rule

§ 6.19 A motion to close debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 26, 1965,[9] Chairman Richard Bolling, of Missouri, ruled that a motion to close debate under the five-minute rule is nondebatable:

> MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, I move that all debate on this title and all amendments thereto close now. . . .
>
> MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman . . . I rise in opposition to this motion.
>
> THE CHAIRMAN: Does the gentleman from New York [Mr. Powell] withdraw his motion?
>
> MR. POWELL: I do not, Mr. Chairman.
>
> MR. [ROBERT P.] GRIFFIN [of Michigan]: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. GRIFFIN: Mr. Chairman, I understand the chairman of the full committee to move that debate on title II be cut off at this time. Was that the motion by the gentleman from New York?
>
> THE CHAIRMAN: The motion, as the Chair understood it, was that all debate on section 202 of title II close.
>
> The question is on the motion of the gentleman from New York.
>
> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman——
>
> THE CHAIRMAN: For what purpose does the gentleman from Mississippi rise?
>
> MR. COLMER: Mr. Chairman, do I understand the ruling of the Chair to be that a motion to close debate is not debatable?
>
> THE CHAIRMAN: That is correct.[10]

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8. See, for example, 98 CONG. REC. 8175, 8176, 82d Cong. 2d Sess., June 26, 1952 (in Committee of the Whole); 92 CONG. REC. 1729, 79th Cong. 2d Sess., Feb. 27, 1946; and 88 CONG. REC. 8237, 77th Cong. 2d Sess., Oct. 15, 1942.

Rule XXX, *House Rules and Manual* § 915 (1991) provided that the vote on permission to read should be taken without debate.

9. 111 CONG. REC. 6098, 6099, 89th Cong. 1st Sess.

10. See also 75 CONG. REC. 11453, 72d Cong. 1st Sess., May 27, 1932; and

§ 6.20 A motion to fix the closing of debate under the five-minute rule in the Committee of the Whole is not debatable.

On Mar. 30, 1950,[11] Chairman Oren Harris, of Arkansas, responded as follows to a parliamentary inquiry:

> MR. [JOHN] KEE [of West Virginia]: Mr. Chairman, I move that all debate on title I and all amendments thereto close in 30 minutes.
>
> MR. [COMPTON I.] WHITE of Idaho: Mr. Chairman, a parliamentary inquiry.
>
> THE CHAIRMAN: The gentleman will state it.
>
> MR. WHITE: I would like to know if this motion is debatable.
>
> THE CHAIRMAN: The motion is not debatable.

Similarly, Chairman Howard W. Smith, of Virginia, ruled on Jan. 19, 1944,[12] that a motion that "all debate on section 2 and all amendments thereto close in 30 minutes" was not debatable.

§ 6.21 The motion to close debate is not subject to debate.

An illustration of the principle described above was demonstrated in the Committee of the Whole on June 5, 1975,[13] as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I move that all debate on the committee amendment and all amendments thereto conclude at 5:15 o'clock.
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, will the gentleman yield?
>
> THE CHAIRMAN:[14] The motion is not debatable.
>
> The question is on the motion offered by the gentleman from Michigan.
>
> The motion was agreed to.

Amendments Offered After Expiration of Debate Time

§ 6.22 Although Members may offer amendments to a title of a bill after a time limitation for debate thereon has expired, such amendments may not be debated.

On May 21, 1959,[15] the House had agreed to close debate on a

75 CONG. REC. 2749, 72d Cong. 1st Sess., Jan. 26, 1932. For the basis of the ruling, see Rule XXIII clause 6, *House Rules and Manual* § 874 (1995): "The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate)."

11. 96 CONG. REC. 4423, 81st Cong. 2d Sess.

12. 90 CONG. REC. 418, 78th Cong. 2d Sess.

13. 121 CONG. REC. 17187, 94th Cong. 1st Sess.

14. Bob Wilson (Calif.).

15. 105 CONG. REC. 8828, 86th Cong. 1st Sess.

title of the bill and amendments thereto at a certain time (3:35 p.m.). Chairman Francis E. Walter, of Pennsylvania, stated in response to parliamentary inquiries that following the expiration of the time Members could offer amendments to the title but could not debate such amendments:

MR. [JOHN] TABER [of New York]: Is it not a fact that an amendment may be offered after debate has concluded? Any one has a right to offer an amendment even after debate has concluded.

THE CHAIRMAN: The Member may offer an amendment after time for debate has expired; and the amendment may be reported and voted on, but it may not be debated.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. HALLECK: Suppose a Member has an amendment which might or might not be offered depending on the action taken on the pending amendment and he had informed the Chair of the situation, could not his time be allotted to him after the pending amendment is disposed of?

THE CHAIRMAN: If debate goes beyond 3:35, then, of course, he could not be recognized for debate.

Parliamentarian's Note: Rule XXIII, clause 6,[16] as amended in 1971, permits 10 minutes' debate on an amendment which has been printed in the *Congressional Record* in accordance with provisions of the rule.

§ 6.23 Where time for debate on an amendment and amendments thereto has expired, the Chair may still recognize Members to offer amendments, but not for further debate.

On Feb. 10, 1964,[17] the Committee of the Whole voted to close debate on a title of a pending bill and on all amendments thereto. Chairman Eugene J. Keogh, of New York, subsequently responded to a parliamentary inquiry on the effect thereof as follows:

MR. [RICHARD H.] POFF [of Virginia]: Mr. Chairman, in light of the limitation on time may I inquire what amendments will be voted upon when the time expires? I have two amendments at the desk which I may or may not offer, depending upon developments. I would like to be advised whether I will be recognized to offer the amendments and if so when that time will occur.

THE CHAIRMAN: The Chair will state to the gentleman from Virginia that up to 1 o'clock the Chair will undertake to recognize such Members as he can. After 1 o'clock the Chair will recognize those Members desiring to offer

16. See *House Rules and Manual* § 874 (1995). For further discussion of the rule, see § 79, infra. See also § 6.25, infra.

17. 110 CONG. REC. 2706, 88th Cong. 2d Sess.

amendments and the question on each amendment will be put immediately without debate.[18]

§ 6.24 Where all time expires for debate on a paragraph of a bill and on amendments thereto, further amendments may be offered but are not debatable.

On June 29, 1959,[19] the Committee of the Whole agreed to a unanimous-consent request to limit debate on the pending paragraph and amendments thereto. In response to parliamentary inquiries, Chairman Paul J. Kilday, of Texas, stated that when all time had expired pursuant to that agreement, further amendments could be offered but not debated:

> MR. [JOEL T.] BROYHILL [of Virginia]: Mr. Chairman, when could I offer this other amendment?
>
> THE CHAIRMAN: To this paragraph?
>
> MR. BROYHILL: Yes.
>
> THE CHAIRMAN: After the disposition of the pending amendment. The Chair would point out that under the arrangement made, the gentleman might find himself in the position of not being permitted to debate the other amendment.

18. *Id.* at p. 2719. See also 110 CONG. REC. 18583, 18608, 88th Cong. 2d Sess., Aug. 7, 1964. For further discussion of debate on amendments offered after expiration of debate time, see § 79, infra.

19. 105 CONG. REC. 12122–24, 86th Cong. 1st Sess.

§ 6.25 While a perfecting amendment may be offered pending a motion to strike out a title, it is not debatable, except by unanimous consent, if offered after expiration of all debate time under a limitation unless printed in the Record.

On July 29, 1983,[20] during consideration of H.R. 2957 (International Monetary Fund authorization) in the Committee of the Whole, the following proceedings occurred:

> MR. [WILLIAM N.] PATMAN [of Texas]: Mr. Chairman, I offer an amendment.
>
> THE CHAIRMAN:[1] Is the amendment printed in the Record?
>
> MR. PATMAN: Yes, it is.
>
> The Clerk read as follows:
>
> Amendment offered by Mr. Patman: Strike line 13 on page 18 and all that follows through line 8 on page 28. . . .
>
> PERFECTING AMENDMENT OFFERED BY MR. GONZALEZ
>
> MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Chairman, I have a perfecting amendment to title III at the desk which I offer.
>
> The Clerk read as follows:
>
> Perfecting amendment offered by Mr. Gonzalez: On line 18, page 19, strike out "5,310.8 million Special

20. 129 CONG. REC. 21678, 21679, 98th Cong. 1st Sess.

1. Donald J. Pease (Ohio).

Drawing Right" and insert in lieu thereof "1,750 million Special Drawing Rights". . . .

THE CHAIRMAN: The Chair would inquire of the gentleman from Texas whether this perfecting amendment has been printed in the Record.

MR. GONZALEZ: No, Mr. Chairman, it has not been printed in the Record.

MR. [FERNAND J.] ST GERMAIN [of Rhode Island]: I have a point of order, Mr. Chairman. I think that the amendment is not in order.

THE CHAIRMAN: The Chair would state that the amendment offered by the gentleman from Texas (Mr. Gonzalez) is a perfecting amendment to title III. As such, it takes precedence over a motion to strike. It is in order. . . .

MR. [ED] BETHUNE [of Arkansas]: Mr. Chairman, is it not the case that when a Member offers a perfecting amendment to an amendment such as is the case before us now, he should be recognized for 5 minutes to explain his amendment?

THE CHAIRMAN: The Chair will state that the rules do not provide for any debate after a limitation of time on any amendment which has not been previously printed in the Record. . . .

MR. GONZALEZ: Mr. Chairman, I ask unanimous consent, without pressing a disputation upon an interpretation of the rules, for an opportunity not to exceed 5 minutes to explain this perfecting amendment to the pending amendment, as well as on title III, which was printed in the Record.

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

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

Motion To Strike Enacting Clause After Closure of Debate

§ 6.26 A motion having been adopted in the Committee of the Whole to close debate on a bill, a preferential motion that the Committee rise and report back to the House a recommendation that the enacting clause be stricken is not debatable.

On June 11, 1959,[2] Mr. Harold D. Cooley, of North Carolina, moved and the Committee of the Whole agreed to close all debate on the pending bill and on all amendments thereto. Chairman Joseph L. Evins, of Tennessee, then ruled that a preferential motion on the bill was not debatable since debate had been closed:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Chairman, I offer a preferential motion.

THE CHAIRMAN: The Chair must inform the gentleman from Michigan that the motion is not debatable.

MR. HOFFMAN of Michigan: Is this a Senate bill?

THE CHAIRMAN: This is a House bill.

MR. HOFFMAN of Michigan: This is a Senate bill and the Chair holds that it is not debatable at this time?

2. 105 CONG. REC. 10560, 10561, 86th Cong. 1st Sess.

THE CHAIRMAN: All debate on the bill has been ordered closed.

MR. HOFFMAN of Michigan: This is not on the bill. This is on a motion to strike out the enacting clause on the ground that the first amendment has been denied to the minority here, the right of free speech in debate, and this being the greatest deliberative body in the world and the accusation having been made the other day that the minority was intimidated, or the majority was being intimidated.

THE CHAIRMAN: The gentleman from Michigan is a very beloved and very distinguished and very able parliamentarian, but the majority have ruled and ordered that all debate is concluded at this time.

§ 6.27 A preferential motion to strike the enacting clause is not debatable after all time for debate on the bill and amendments thereto has expired.

On July 9, 1965,[3] while the Committee of the Whole was considering the Voting Rights Act of 1965, H.R. 6400, Chairman Richard Bolling, of Missouri, ruled that a motion that the Committee rise with the recommendation that the enacting clause be stricken was not debatable, all time having expired on the bill and amendments thereto:

THE CHAIRMAN: All time has expired.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, I was on the list, but the time has expired. I have a preferential motion [to strike the enacting clause].

THE CHAIRMAN: All debate is concluded even with a preferential motion. The agreement was that all debate would conclude at 7:20 p.m. The hour is now 7:20 p.m. There is no further time.

The question is on the committee amendment, as amended.

—After Closure of Debate on Amendments Only

§ 6.28 The preferential motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken has been held not to be debatable when all time for debate has expired; however, where debate has been closed on all amendments to a bill, but not on the bill itself, a Member offering the preferential motion to report to the House with the recommendation that the enacting clause be stricken is entitled to five minutes to debate that motion.

3. 111 CONG. REC. 16280, 89th Cong. 1st Sess. For similar rulings, see 119 CONG. REC. 24961, 93d Cong. 1st Sess., July 19, 1973; and 123 CONG. REC. 17719, 95th Cong. 1st Sess., June 7, 1977.

On Aug. 8, 1966,[4] while the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, Chairman Richard Bolling, of Missouri, ruled that where all time had expired on the title being considered, a motion that the Committee rise and report back the recommendation that the enacting clause be stricken was not debatable:

> THE CHAIRMAN: The time of the gentleman has expired. All time has expired.
>
> MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I offer a preferential motion [that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken].
>
> THE CHAIRMAN: All debate on this title has been concluded, and that would include the preferential motion insofar as this title is concerned. The preferential motion will not obtain the gentleman time.

A different situation was presented on May 20, 1975,[5] during consideration of H.R. 6674 (the military procurement authorization), when time for debate on amendments, but not on the bill itself, had expired:

> MR. [MELVIN] PRICE [of Illinois]: Mr. Chairman, I move that all debate on this amendment and all amendments thereto, and on further amendments to the bill, end in 20 minutes.
>
> THE CHAIRMAN:[6] The question is on the motion offered by the gentleman from Illinois.
>
> The motion was agreed to. . . .
>
> THE CHAIRMAN: The time of the gentleman has expired. All time has expired.
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Chairman, I offer a preferential motion.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .
>
> MR. BAUMAN: Mr. Chairman, I only offer this motion in order to obtain time since I was not able to receive any time from the gentleman from Iowa (Mr. Harkin) who offered what he claimed to be the Bauman amendment. I have read his amendment very carefully. It is not the same amendment which I offered to the National Science Foundation authorization bill because this new amendment covers subcontracts and contracts. . . .
>
> MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the preferential motion. . . .
>
> If the offices of other Members are like mine, whenever they get one of these letters they begin to wonder, and people begin to ask the Members, just what it is we do to take care of these situations. If we pass this routine au-

4. 112 CONG. REC. 18490, 89th Cong. 2d Sess.

5. 121 CONG. REC. 15458, 15465, 15466, 94th Cong. 1st Sess.

6. Dan Rostenkowski (Ill.).

thorization bill for the Defense Department for $32 billion in the usual manner, we will have to answer to our constituents if we choose to be honest about it.

MR. BAUMAN: Mr. Chairman, I demand regular order.

THE CHAIRMAN: The gentleman speaks on the preferential motion.

The Chair would like to make the observation that any portion of the bill is open to debate.

Motion That Committee of the Whole Rise

§ 6.29 The motion that the Committee of the Whole rise is not debatable.

On Apr. 23, 1975,[7] the proposition described above was demonstrated as follows:

MR. [STEWART B.] MCKINNEY [of Connecticut]: Mr. Chairman, I have serious feelings for the lives that have been involved in the past and are involved in the present. I move that the Committee do now rise, and for that purpose I demand a recorded vote.

THE CHAIRMAN:[8] The gentleman from Connecticut has made a preferential motion that the Committee do now rise.

MR. [THOMAS E.] MORGAN [of Pennsylvania]: Mr. Chairman, I oppose the motion.

THE CHAIRMAN: I say to the gentleman from Pennsylvania that the motion is not debatable.

§ 6.30 A motion to rise in the Committee of the Whole is not debatable.

On Apr. 8, 1964,[9] Chairman Phillip M. Landrum, of Georgia, advised Mr. Ben F. Jensen, of Iowa, who had moved that the Committee of the Whole rise, that the motion was not debatable:

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I move that the Committee do now rise out of further respect for one of the greatest Americans, Gen. Douglas MacArthur.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I demand tellers. It is disgraceful to have this sort of thing going on while General MacArthur is lying here in the Capitol.

THE CHAIRMAN: The chair will inform the gentleman that a vote on his motion is being taken. He is not recognized to make a speech.

Motion To Limit Debate

§ 6.31 The motion under Rule XXIII clause 6 to limit debate in Committee of the Whole is not debatable.

During consideration of H.R. 6096[10] in the Committee of the

7. 121 CONG. REC. 11530, 94th Cong. 1st Sess.

8. Otis G. Pike (N.Y.).

9. 110 CONG. REC. 7298, 88th Cong. 2d Sess.

10. 121 CONG. REC. 11534, 94th Cong. 1st Sess.

Whole on Apr. 23, 1975,[11] the following proceedings occurred:

MR. [THOMAS E.] MORGAN [of Pennsylvania]: . . . It is my intention at this time to seek a time limit on the debate if I can obtain the permission of the House.

Mr. Chairman, I move that the debate on the bill and all amendments thereto be concluded at 11:30.

MR. [PAUL S.] SARBANES [of Maryland]: Mr. Chairman, will the gentleman yield for a question?

THE CHAIRMAN:[12] This motion is not a debatable question.

§ 6.32 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

On May 18, 1977,[13] during debate in the Committee of the Whole on the Federal Employees' Political Activities Act of 1977 (H.R. 10), Mr. William Clay, of Missouri, made the following motion:

MR. CLAY: Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 9 o'clock.

THE CHAIRMAN:[14] . . . Does the Chair understand the gentleman's motion to be that all debate on the committee amendment and all amendments thereto cease at 9 o'clock?

MR. CLAY: And the bill is a part of the motion.

THE CHAIRMAN: That is the bill. . . .

MR. [DANIEL R.] GLICKMAN [of Kansas]: Mr. Chairman, under this type of motion is it true that no Member of the body is allowed to speak for or against the motion?

I would like to speak against the motion. Is that possible?

THE CHAIRMAN: The Chair will state that the motion is not debatable.

The question is on the motion offered by the gentleman from Missouri (Mr. Clay).

§ 6.33 A motion to limit debate under the five-minute rule in Committee of the Whole is not subject to debate.

During consideration of the foreign aid authorization bill (H.R. 12514) in the Committee of the Whole on Aug. 1, 1978,[15] the following exchange occurred:

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto conclude at 4:30. . . .

MR. GARY A. MYERS [of Pennsylvania]: Mr. Chairman, is the motion now before the House debatable?

THE CHAIRMAN:[16] The Chair will advise the gentleman that it is not.

—*Motion To Limit Debate on Disapproval Resolution*

§ 6.34 Pursuant to section 21(b) of the Federal Trade

11. The Vietnam Humanitarian and Evacuation Assistance Act.

12. Otis G. Pike (N.Y.).

13. 123 CONG. REC. 15418, 95th Cong. 1st Sess.

14. James R. Mann (S.C.).

15. 124 CONG. REC. 23716, 95th Cong. 2d Sess.

16. Don Fuqua (Fla.).

Commission Improvements Act, a motion to limit debate on a concurrent resolution disapproving a Federal Trade Commission regulation in Committee of the Whole is privileged and is not debatable.

The following proceedings occurred in the House on May 26, 1982,[17] during consideration of a motion that the House resolve into the Committee of the Whole to consider Senate Concurrent Resolution 60 (disapproving Federal Trade Commission regulations regarding the sale of used motor vehicles):

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of section 21(b) of Public Law 96–252, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate concurrent resolution (S. Con. Res. 60) disapproving the Federal Trade Commission trade regulation rule relating to the sale of used motor vehicles; and pending that motion, Mr. Speaker, I move that general debate on the Senate concurrent resolution be limited to not to exceed 2 hours, 1 hour to be controlled by the gentleman from New Jersey (Mr. Florio) and 1 hour to be controlled by the gentleman from New York (Mr. Lee). . . .
>
> THE SPEAKER:[18] The gentleman from Michigan (Mr. Dingell) made the motion that the debate be limited to 2 hours. . . .
>
> The Chair will state that the motion to limit debate is not debatable.
>
> MR. [TOBY] MOFFETT [of Connecticut]: I cannot yield, Mr. Speaker?
>
> THE SPEAKER: The motion is pending.

Parliamentarian's Note: A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be offered before the third day on which a report thereon is available since, under an exception contained in Rule XI, the requirement of clause 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government agency.[19]

Motion for Previous Question

§ 6.35 The motion for the previous question is not debatable.

On Jan. 3, 1949,[20] at the convening of the 81st Congress, the House was considering House Resolution 5, amending the rules of the House. Mr. Adolph J. Sabath, of Illinois, who had of-

17. 128 CONG. REC. 12027, 12029, 97th Cong. 2d Sess.
18. Thomas P. O'Neill, Jr. (Mass.).
19. See § 2.44, supra.
20. 95 CONG. REC. 10, 81st Cong. 1st Sess.

fered the resolution, moved the previous question. Mr. John E. Rankin, of Mississippi, offered a substitute and answered that he had a "right to be heard." Speaker Sam Rayburn, of Texas, held that the previous question was not debatable.

On Sept. 13, 1965,[1] Mr. Carl Albert, of Oklahoma, moved that the Journal be approved as read and moved the previous question on the motion. Speaker John W. McCormack, of Massachusetts, declared:

> The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal.[2]

Points of Order and Inquiries After Demand for Previous Question

§ 6.36 Although incidental questions of order arising after a demand for the previous question are not debatable, the Chair may in his discretion permit a Member to address a point of order or may entertain a parliamentary inquiry.

On Mar. 27, 1926,[3] Mr. John McDuffie, of Alabama, offered a motion to instruct conferees and the previous question was moved thereon. Mr. McDuffie then propounded a parliamentary inquiry and Speaker Pro Tempore Bertrand H. Snell, of New York, entertained the inquiry. Several points of order and inquiries intervened and the Speaker Pro Tempore allowed debate thereon. When Mr. Cassius C. Dowell, of Iowa, made the point of order that a parliamentary inquiry was not in order pending a vote on ordering the previous question, the Speaker Pro Tempore overruled the point of order.

Parliamentarian's Note: Rule XVII clause 3, *House Rules and Manual* (1995) provides that incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

The rule does not however deprive the Chair of his discretionary power, under the precedents, over debate on a point of

1. 111 CONG. REC. 23601, 89th Cong. 1st Sess.
2. See Rule XVI clause 4, *House Rules and Manual* § 782 (1995): "When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate) . . . ."
3. 67 CONG. REC. 6468, 6469, 69th Cong. 1st Sess.

order or a parliamentary inquiry.[4]

40 Minutes Debate After Previous Question Ordered; Motion To Approve Journal

§ 6.37 Where the previous question is ordered on a debatable motion without debate, a Member may demand the right to debate; and the 40 minutes permitted under the rule is divided between the person demanding the time and some Member who represents the opposing view of the question.

On Sept. 13, 1965,[5] the previous question was ordered, without debate, on the motion to approve the Journal, as read. Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry by Mr. Durward G. Hall, of Missouri, that pursuant to Rule XXVII, clause 2,[6] any Member could demand the right to debate the motion since it was debatable and since the previous question had been ordered without debate. The Speaker recognized Mr. Hall for 20 minutes and then recognized a Member in opposition, Carl Albert, of Oklahoma, for 20 minutes.

Parliamentarian's Note: Although, as indicated above, the motion to approve the Journal as read is debatable, Rule I, clause 1[7] provides for a nondebatable motion that the Journal be read, where the Speaker's approval of the Journal has not been agreed to.

Motion That Journal Be Read

§ 6.38 Under a former practice, a privileged motion, pursuant to Rule I, clause 1, that the Journal be read, could be made pending the Speaker's announcement of his approval of the Journal and prior to approval of the Journal by the House, and was not debatable; the present

4. For the Chair's discretion over debate on a point of order, see § 6.11, supra. For parliamentary inquiries, see Ch. 31, infra.

5. 111 CONG. REC. 23602, 23604–06, 89th Cong. 1st Sess.

6. Rule XXVII, clause 2, *House Rules and Manual* § 907 (1995) provides that "whenever the previous question has been ordered on any proposition on which there has been no debate," it shall be in order "to debate the proposition to be voted upon for forty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to, such proposition." For further discussion of this rule, see § 69, infra.

7. *House Rules and Manual* § 621 (1995).

rule provides that it is in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, such motion to be determined without debate.[8]

On Apr. 23, 1975,[9] after Speaker Carl Albert, of Oklahoma, announced his approval of the Journal, a Member moved that the Journal be read. The proceedings were as follows:

> THE SPEAKER: The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.
>
> Is there objection to dispensing with the reading of the Journal?
>
> MR. JOHN L. BURTON [of California]: Mr. Speaker, I move, pursuant to the rules of the House, that the Journal be read.
>
> THE SPEAKER: The question is, shall the Journal be read?
>
> The question was taken; and the Speaker announced that the noes appeared to have it.
>
> MR. JOHN L. BURTON: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.
>
> THE SPEAKER: Evidently a quorum is not present.
>
> The Sergeant at Arms will notify absent Members.
>
> The vote was taken by electronic device, and there were—yeas 16, nays 386, not voting 30. . . .
>
> So the motion was rejected.

Parliamentarian's Note: If the Speaker's approval of the Journal is rejected, a motion to amend takes precedence of a motion to approve[10] and a Member offering an amendment is recognized under the hour rule.[11]

Motion To Recommit

§ 6.39 A simple motion to recommit may not be described by its proponent after the previous question has been ordered, since such description would amount to debate which is not then in order.

On July 2, 1958,[12] the previous question was ordered on the final passage of H.R. 13192, making appropriations for mutual security and other related purposes. Mr. John Taber, of New York, offered a motion to recommit and Speaker Sam Rayburn, of Texas, stated in response to a parliamentary in-

8. See the present Rule I, clause 1, *House Rules and Manual* § 621 (1995).

9. 121 CONG. REC. 11482, 94th Cong. 1st Sess.

10. See 4 Hinds' Precedents § 2760; 6 Cannon's Precedents § 633.

11. See 136 CONG. REC. 4488, 101st Cong. 2d Sess., Mar. 19, 1990.

12. 104 CONG. REC. 12974, 85th Cong. 2d Sess.

quiry that no debate was in order on the motion, the previous question having been ordered.

Parliamentarian's Note: The motion to recommit offered by Mr. Taber was a motion to recommit with instructions, but the Speaker ruled that the motion could not be described since the rules in effect in the 85th Congress and the precedents of the House prohibited any debate on any motion to recommit offered after the previous question had been ordered. In the 92d Congress, Rule XVI clause 4 was amended to allow 10 minutes' debate on a motion to recommit a bill or joint resolution with instructions offered after the ordering of the previous question.[13]

§ 6.40 The 10 minutes of debate on a motion to recommit with instructions applies only to bills and joint resolutions and is not in order on a motion to recommit a concurrent resolution with instructions.

On May 7, 1975,[14] during consideration of Senate Concurrent Resolution 23[15] in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding debate on a motion. The proceedings were as follows:

> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I offer a motion to recommit with instructions.
>
> The Clerk read as follows:
>
> > Mr. Bauman moves to recommit Senate Concurrent Resolution 23 to the Committee on House Administration with instructions to report the resolution back forthwith with the following amendment: Page 1, line 3 and 4 strike the word "Congressional" and insert in lieu thereof the word "Democrat".
>
> THE SPEAKER PRO TEMPORE:[16] Is the gentleman opposed to the Senate concurrent resolution?
>
> MR. BAUMAN: I am, Mr. Speaker, in its present form or in any other form.
>
> THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to recommit.
>
> There was no objection.
>
> MR. BAUMAN: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state it.
>
> MR. BAUMAN: Am I not permitted time to discuss the motion?
>
> THE SPEAKER PRO TEMPORE: I would inform the gentleman from Maryland that it is not a debatable motion on a concurrent resolution.

§ 6.41 A motion to recommit a simple resolution with

13. See *House Rules and Manual* § 782 (1995).
14. 121 CONG. REC. 1366, 1367, 94th Cong. 1st Sess.
15. Authorizing printing of additional copies of "The Congressional Program of Economic Recovery and Energy Sufficiency."
16. John J. McFall (Calif.).

instructions, the previous question having been ordered, is not debatable, clause 4 of Rule XVI only permitting 10 minutes of debate on a motion to recommit a bill or joint resolution with instructions.

On Oct. 13, 1978,[17] the following proceedings occurred in the House:

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Speaker, I offer a privileged resolution (H. Res. 1416) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1416

Resolved, That Representative Edward R. Roybal be censured and that the House of Representatives adopt the Report of the Committee on Standards of Official Conduct dated October 6, 1978, In the matter of Representative Edward R. Roybal. . . .

MR. FLYNT: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MR. BOB WILSON [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:[18] Is the gentleman opposed to the resolution?

MR. BOB WILSON: I am.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bob Wilson moves to recommit the resolution, House Resolution 1416, to the Committee on Standards of Official Conduct with instructions to report the same back forthwith with the following amendment. Strike all after the resolving clause and insert:

That Edward R. Roybal be and he is hereby reprimanded.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

MR. [BRUCE F.] CAPUTO [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CAPUTO: Is time allowed for debate?

THE SPEAKER: The motion is not debatable.

The question is on the motion to recommit with instructions.

§ 6.42 Where the previous question has been ordered on a resolution prior to adoption of the rules, the motion to commit (with or without instructions) is not debatable, but is itself subject to the motion for the previous question to cut off amendment.

On Jan. 5, 1981,[19] the following proceedings occurred in the House:

17. 124 CONG. REC. 37009, 37016, 95th Cong. 2d Sess.

18. Thomas P. O'Neill, Jr. (Mass.).

19. 127 CONG. REC. 98, 111–13, 97th Cong. 1st Sess. See also 57 CONG. REC. 79, 63d Cong. 1st Sess., Apr. 7, 1913.

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the Ninety-sixth Congress, including all applicable provisions of law which constituted the Rules of the House at the end of the Ninety-sixth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-seventh Congress, with the following amendments included therein as part thereof, to wit:

(1) In Rule I, clause 4 is amended by adding at the end thereof the following new sentence: "The Speaker is authorized to sign enrolled bills whether or not the House is in session.". . . .

MR. WRIGHT: Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER:[20] The question is on ordering the previous question.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote taken by electronic device, and there were—yeas 216, nays 179, not voting 25, as follows: . . .

MR. MICHEL: Mr. Speaker, I offer a motion to commit.

The Clerk read as follows:

Mr. Michel moves to commit the resolution (H. Res. 5) to a select committee to be appointed by the Speaker and to be composed of nine members, not more than five of whom shall be from the same political party, with instructions to report the same back to the House within 7 calendar days with the following amendment:

On page 10, after line 8, add the following:

(19) In rule X, clause 6(a) is amended by adding the following new subparagraph:

"(3) The membership of each committee and of each subcommittee, task force or subunit thereof, shall reflect the ratio of majority to minority party members of the House at the beginning of this Congress. . . .

MR. MICHEL (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE:[21] Is there objection to the request of the gentleman from Illinois?

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, reserving the right to object, I will not object except to ask the distinguished Republican leader to explain the motion. . . .

MR. MICHEL: Mr. Speaker, as indicated, this motion is not a debatable motion. Most of my colleagues have been conversant with motions to recommit. This is a motion to commit to a select committee of nine members, five of whom would be Members of the majority party, to accomplish several goals.

Let me briefly—while I am no better reader than the reading clerk—outline for my colleagues what these things are. . . .

THE SPEAKER PRO TEMPORE:[1] Without objection, the previous question is ordered on the motion to commit.

20. Thomas P. O'Neill, Jr. (Mass.).

21. John P. Murtha (Pa.).

1. Bill Alexander (Ark.).

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to commit. . . .

So the motion to commit was rejected.

Motion To Refer Resolution Offered as Question of Privileges of House

§ 6.43 When a resolution is offered as a question of privilege and is debatable under the hour rule, a motion to refer is in order before debate begins and is debatable for one hour under the control of the offeror of the motion.

On Mar. 4, 1985,[2] during consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House, the following proceedings occurred:

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[3] The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE: The gentleman is recognized.

MR. ALEXANDER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ALEXANDER: Mr. Speaker, for what period of time am I recognized?

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time.

MR. ALEXANDER: Mr. Speaker, does the minority wish time on the motion?

MR. MICHEL: Yes.

2. 131 CONG. REC. 4277, 99th Cong. 1st Sess.

3. James C. Wright, Jr. (Tex.).

MR. ALEXANDER: Mr. Speaker, I would yield 30 minutes for purposes of debate only, to the gentleman from Illinois (Mr. Michel).

§ 6.44 The motion to refer a resolution offered as a question of the privileges of the House, which is in order pending the demand for the previous question or after the previous question is ordered, is not subject to debate; and a Member offering the motion need not qualify as stating his opposition to the resolution since it has not been reported from committee but has been offered as an original proposition on the floor of the House.

On Apr. 28, 1983,[4] the House had under consideration a resolution,[5] presented as a question of the privileges of the House, of refusal to comply with a subpena duces tecum issued by a U.S. District Court served on the Clerk for the production of records in his custody (documents of a select committee from a prior Congress).

THE SPEAKER PRO TEMPORE:[6] The gentleman from Washington (Mr. Foley) is recognized for 1 hour. . . .

MR. [THOMAS S.] FOLEY [of Washington: . . . Mr. Speaker, I move the previous question on the resolution.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I offer a motion to refer.

The Clerk read as follows:

Mr. Sensenbrenner moves to refer the resolution to the Committee on the Judiciary.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to refer.

There was no objection.

[The motion to refer was rejected.]

Amendments to Title of Bill After Bill Is Passed

§ 6.45 Amendments to the title of a bill are not in order until after passage of the bill, and are then voted upon without debate, under Rule XIX.

The principle described above was demonstrated on Dec. 2, 1975,[7] during consideration of the Intergovernmental Emergency Assistance Act (H.R. 10481) in the Committee of the Whole:

THE CHAIRMAN:[8] The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from Ohio (Mr. J. William Stanton).

The question was taken; and on a division (demanded by Mr. Bauman) there were—ayes 71, nays 31.

4. 129 CONG. REC. 10417, 10423, 10424, 98th Cong. 1st Sess.
5. H. Res. 176, concerning privileges of the House related to investigative records of the Select Committee on Aging.
6. George E. Brown, Jr. (Calif.).
7. 121 CONG. REC. 38193, 38194, 94th Cong. 1st Sess.
8. James G. O'Hara (Mich.).

So the amendment in the nature of a substitute, as amended, was agreed to.

MR. J. WILLIAM STANTON [of Ohio]: Mr. Chairman, I offer a technical amendment.

THE CHAIRMAN: The Chair will advise the gentleman from Ohio that inasmuch as the amendment in the nature of a substitute has been agreed to, no further amendments are in order at this time. The amendment sent to the desk by the gentleman from Ohio would be in order in the House after the committee has risen. . . .

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'Hara, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10481) to authorize emergency guarantees of obligations of States and political subdivisions thereof; to amend the Internal Revenue Code of 1954 to provide that income from certain obligations guaranteed by the United States shall be subject to taxation; to amend the Bankruptcy Act; and for other purposes, pursuant to House Resolution 865, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:[9] Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 203, answered "present" 2, not voting 16, as follows: . . .

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MR. J. WILLIAM STANTON: Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

> Amendment offered by Mr. J. William Stanton to the title: Amend the title so as to read: "A bill to authorize the Secretary of the Treasury to provide seasonal financing for the City of New York."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

§ 6.46 Committee amendments to the title of a bill are automatically reported by the Clerk after passage of the bill, but an amendment to a committee amendment to the

9. Carl Albert (Okla.).

title may be offered from the floor and is voted on without debate under Rule XIX.

On Sept. 23, 1977,[10] the House having under consideration the Age Discrimination In Employment Act Amendments (H.R. 5383), the following proceedings occurred:

> So the bill was passed.
>
> The result of the vote was announced as above recorded.
>
> THE SPEAKER PRO TEMPORE:[11] The Clerk will report the title amendment to the bill.
>
> The Clerk read as follows:
>
> > Title amendment: Amend the title so as to read: "A bill to amend the Age Discrimination in Employment Act of 1967 to provide that Federal employees who are 40 years of age or older shall be protected by the provisions of section 15 of such Act, and for other purposes.".
>
> MR. [AUGUSTUS F.] HAWKINS [of California]: Mr. Speaker, I offer an amendment to the title amendment.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Hawkins to the title amendment: Page 7, strike out the matter following line 5 and insert in lieu thereof the following:
> >
> > Amend the title so as to read as follows: "A bill to amend the Age Discrimination in Employment Act of 1967 to extend the age group of employees who are protected by the provisions of such Act, and for other purposes.".
>
> The amendment to the title amendment was agreed to.
>
> The title amendment, as amended, was agreed to.

§ 6.47 Amendments to the title of a bill are presented after the bill is passed and are not debatable.

On Dec. 11, 1947,[12] Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that an amendment to the title of a bill (or other measure), properly offered after the bill is passed, is not debatable:

> MR. [CHARLES J.] KERSTEN of Wisconsin: Mr. Speaker, I have an amendment to change the title of the bill, which I understand is proper.
>
> THE SPEAKER: That will come after the passage of the bill.
>
> MR. KERSTEN: I should like to inform the membership that this is an important amendment and I should like to speak on it.
>
> THE SPEAKER: It is not debatable.[13]

Motion To Reconsider

§ 6.48 The motion to reconsider is not debatable unless

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10. 123 CONG. REC. 30573, 30574, 95th Cong. 1st Sess.

11. Richard Nolan (Minn.).

12. 93 CONG. REC. 11307, 80th Cong. 1st Sess.

13. See also 76 CONG. REC. 867, 72d Cong. 2d Sess., Dec. 21, 1932; 75 CONG. REC. 12097, 72d Cong. 1st Sess., June 6, 1932.

Rule XIX *House Rules and Manual* § 822 (1995) furnishes the basis for the Speaker's ruling: "Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate."

the question proposed to be reconsidered is debatable.

On Sept. 13, 1965,[14] the House adopted, without debate, House Resolution 506, which was pending in the Committee on Rules and was called up under the "21-day rule" in effect in the 89th Congress; the resolution made in order the consideration of H.R. 10065, the Equal Employment Opportunity Act of 1965. Mr. William M. McCulloch, of Ohio, who had voted in the affirmative on the adoption of the resolution, moved to reconsider the vote whereby the resolution was adopted.

In response to parliamentary inquiries, Speaker John W. McCormack, of Massachusetts, stated that the motion to reconsider, under the circumstances, would be debatable:

> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentleman from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.
>
> The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.
>
> THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?
>
> MR. LAIRD: Mr. Speaker, if the motion to table is defeated, the motion to reconsider will give us an opportunity to debate the question on the resolution.
>
> THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.
>
> MR. LAIRD: I thank the Speaker.
>
> MR. MCCULLOCH: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state his parliamentary inquiry.
>
> MR. MCCULLOCH: Mr. Speaker, what time would be allowed to debate the question and how would it be divided?
>
> THE SPEAKER: It will be under the 1-hour rule and the gentleman from Ohio would be entitled to the control of the entire hour.[15]

§ 6.49 A motion to reconsider is not debatable where the question proposed to be reconsidered was not debatable; and where the previous question had been ordered on a debatable motion before the vote on adoption, the motion to reconsider the motion is not debatable.

On May 29, 1980,[16] proceedings occurred pertaining to

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14. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

15. For debate on the motion to reconsider, see *House Rules and Manual* § 819 (1995).

16. 126 CONG. REC. 12663, 96th Cong. 2d Sess. For further discussion of the proceedings, see § 6.51, infra.

House Resolution 660, in the matter of Representative Charles H. Wilson. A motion was made to reconsider a motion to postpone that had been defeated.

MR. [ALLEN E.] ERTEL [of Pennsylvania]: . . . Mr. Speaker, I move to reconsider the vote to postpone. . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, does a motion to reconsider admit of debate?

THE SPEAKER:[17] There is no debate on this reconsideration motion, since the previous question was ordered on the motion to postpone.

Parliamentarian's Note: The above precedent represents the modern practice. An earlier precedent[18] had considered the previous question to be "exhausted by the vote on the motion on which it is ordered, and consequently a motion to reconsider the vote on the main question is debatable." Under current rulings, the motion to reconsider is not debatable unless the previous question is also reconsidered.[19]

After Adoption of Motion To Reconsider

§ 6.50 Under the modern practice, where the House adopts a motion to reconsider a vote on a question on which the previous question has been ordered, the question to be reconsidered is neither debatable nor amendable (unless the vote on the previous question is separately reconsidered).

The following proceedings occurred in the House on July 2, 1980,[20] during consideration of H.R. 7452 (supplemental appropriations and rescission bill for fiscal year 1980):

THE SPEAKER PRO TEMPORE:[1] The motion offered by the gentleman from Maryland (Mr. Long) has been divided at the request of the gentleman from Maryland (Mr. Bauman).

The question is, Will the House recede from its disagreement to Senate amendment No. 95? . . .

The vote was taken by electronic device, and there were—yeas 198, nays 196, not voting 39, as follows: . . .

So the House receded from its disagreement to Senate amendment No. 95. . . .

THE SPEAKER PRO TEMPORE: The question is, will the House concur in Senate amendment No. 95 with an amendment? . . .

So the motion was agreed to. . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

17. Thomas P. O'Neill, Jr. (Mass.).
18. See 5 Hinds' Precedents § 5494.
19. See also 5 Hinds' Precedents § 5701.
20. 126 CONG. REC. 18348, 18349, 96th Cong. 2d Sess.
1. Paul Simon (Ill.).

> Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 118 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert: . . .

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I want to commend the gentleman from Mississippi (Mr. Whitten) for the warning that he gave to this House a few minutes ago regarding the Long amendment on foreign aid. . . .

MR. WHITTEN: Mr. Speaker, could there be a reconsideration of the vote on which the Long amendment passed?

THE SPEAKER PRO TEMPORE: Such a motion would be in order at the proper time.

MRS. [MARGARET M.] HECKLER [of Massachusetts]: Mr. Speaker, I move to reconsider the vote by which—and I voted on the prevailing side—the vote on the Long amendment.

THE SPEAKER PRO TEMPORE: That motion is not in order to be voted on at this time, since another motion is pending. . . .

MRS. HECKLER: I would like to know, then, what time such a motion would be in order.

THE SPEAKER PRO TEMPORE: When there is no other motion pending before the House, that motion would be in order. . . .

MR. WHITTEN: Mr. Speaker, I ask that the amendment be withdrawn.

THE SPEAKER PRO TEMPORE: The gentleman from Mississippi withdraws his motion. . . .

MR. [SILVIO O.] CONTE [of Massachusetts]: Then is it my understanding that a motion to reconsider the past amendment is in order?

THE SPEAKER PRO TEMPORE: There is no motion pending.

MRS. HECKLER: Mr. Speaker, I move to reconsider the vote by which the motion to concur with the amendment of Mr. Long was passed by the House. I think great confusion surrounded that amendment and the position of the House, and I was one Member who was misled by it. I would like to move reconsideration, and I voted on the prevailing side.

THE SPEAKER PRO TEMPORE: The gentlewoman from Massachusetts voted on the prevailing side.

The Clerk will report the motion.

The Clerk read as follows:

> Mrs. Heckler moves to reconsider the vote by which the motion to concur with an amendment by Mr. Long of Maryland was passed by the House.

MR. BAUMAN: Mr. Speaker, I have a parliamentary inquiry. . . .

I will ask, is the motion to reconsider debatable?

THE SPEAKER PRO TEMPORE: The Chair will state that the previous question had been ordered on the entire motion to recede and concur with an amendment, and so the motion is not debatable. . . .

MR. BAUMAN: Could the Chair describe on what motion the next vote will come.

THE SPEAKER PRO TEMPORE: We are about to vote on the motion of the gentlewoman from Massachusetts (Mrs. Heckler) on the motion to reconsider.

MR. BAUMAN: To reconsider what, Mr. Speaker?

THE SPEAKER PRO TEMPORE: To reconsider the motion to concur with an amendment to Senate amendment 95

offered by the gentleman from Maryland (Mr. Long).

MR. BAUMAN: If that motion prevails, what will be the situation as far as the Long amendment?

THE SPEAKER PRO TEMPORE: The House will vote immediately on the Long motion.

MR. BAUMAN: Will that amendment be debatable at that time?

THE SPEAKER PRO TEMPORE: It will not. The previous question has been ordered.

MR. BAUMAN: So the vote would occur first on reconsideration then on the Long amendment?

THE SPEAKER PRO TEMPORE: That is correct. . . .

MR. [MIKE] MCCORMACK [of Washington]: In the event that this motion prevails, will it be in order to amend the Long amendment to reduce the amount of money equivalent?

THE SPEAKER PRO TEMPORE: It would not be. The House would then vote on the Long amendment.

MR. MCCORMACK: A further parliamentary inquiry.

Would it then be in order to submit a substitute for the Long amendment reducing it by the amount necessary to pass the revenue-sharing measure?

THE SPEAKER PRO TEMPORE: If the Long motion is defeated, the Senate amendment is still before the House for disposition by motion.

MR. MCCORMACK: I thank the Speaker.

THE SPEAKER PRO TEMPORE: The question is on the motion to reconsider offered by the gentlewoman from Massachusetts (Mrs. Heckler).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—ayes 243, nays 124, answered "present" 1, not voting 65, as follows: . . .

Parliamentarian's Note: Under the earlier practice, when a vote taken under operation of the previous question was reconsidered, the main question stood divested of the previous question, and could be debated and amended without reconsideration of the motion for the previous question.[2] Under the modern practice, however, the question being reconsidered should not be debatable nor amendable unless the House votes separately to reconsider the vote whereby the previous question was ordered. Thus, if the reason for reconsideration is merely to permit the House to vote again immediately without further debate, the modern practice would permit this, but if further debate or amendment were desired, the House would first have to reconsider the ordering of the previous question. (As indicated in the above proceedings, rejection, upon reconsideration, of a motion to concur in a Senate amendment with an amendment would permit

2. See 5 Cannon's Precedents §§5491, 5492, 5700.

the offering of another debatable motion to dispose of the Senate amendment.)

§ 6.51 The House having voted to reconsider a motion on which the previous question had been ordered when first voted upon, no debate on the motion is in order except by unanimous consent.

During consideration of House Resolution 660 (in the matter of Representative Charles H. Wilson) in the House on May 29, 1980,[3] the following proceedings occurred:

> MR. [ALLEN E.] ERTEL [of Pennsylvania]: Mr. Speaker, I was in the House when the previous speaker . . . evidently brought in material which was not in the record before the committee, which in my judgment means there has been surprise to the defense in this case in the fact that the gentleman brought up evidence, which is a document from the State of California. . . .
>
> I would ask the Chair, is there any procedure where I can make a motion, so that we can handle this in a fair and expeditious manner and give him the opportunity to respond to that and to get the evidence from California? . . .
>
> THE SPEAKER:[4] The only motion available that the Chair would know of, unless the gentleman from Florida would yield, would be the motion for reconsideration, if the gentleman voted on the prevailing side of the motion of the gentleman from California (Mr. Rousselot). That was a motion to postpone to a day certain, which was defeated.
>
> MR. ERTEL: . . . Mr. Speaker, I move to reconsider the vote to postpone. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> Mr. Speaker, does a motion to reconsider admit of debate?
>
> THE SPEAKER: There is no debate on this reconsideration motion, since the previous question was ordered on the motion to postpone. . . .
>
> The Clerk read as follows:
>
> > Mr. Ertel moves that the House reconsider the vote on the motion to postpone to a day certain. . . .
>
> THE SPEAKER: The question is on the motion offered by Mr. Ertel to reconsider the vote on the motion offered by Mr. Rousselot to postpone consideration. . . .
>
> So the motion to reconsider the vote on the motion to postpone was agreed to. . . .
>
> THE SPEAKER: The question is on the motion offered by the gentleman from California (Mr. Rousselot) to postpone to June 10.
>
> MR. [WYCHE] FOWLER [Jr., of Georgia]: Mr. Speaker, I would like to ask unanimous consent from this body for 10 minutes, to be equally divided between the opposition and the majority party, to debate the motion now before us by the gentleman from California (Mr. Rousselot). . . .

3. 126 CONG. REC. 12663–65, 96th Cong. 2d Sess.

4. Thomas P. O'Neill, Jr. (Mass.).

THE SPEAKER: Is there objection to the 10 minutes' debate?

The Chair hears none.

The gentleman from California (Mr. Rousselot) is recognized for 5 minutes, and the gentleman from Georgia (Mr. Fowler) is recognized for 5 minutes.

Parliamentarian's Note: The above precedent represents the modern practice. Earlier precedents[5] supported the view that "when a vote taken under the operation of the previous question is reconsidered, the main question stands divested of the previous question, and may be debated and amended without reconsideration of the motion for the previous question." In current practice, separate reconsideration of the motion for the previous question would be required for debate and amendment.

Motion or Resolution To Adjourn

§ 6.52 A concurrent resolution providing for adjournment of Congress to a day certain is not debatable, but the Speaker may in his discretion permit some discussion where no point of order is raised.

On Aug. 28, 1967,[6] Mr. Carl Albert, of Oklahoma, called up House Concurrent Resolution 497, providing for an adjournment to a day certain of the two Houses of Congress. Speaker John W. McCormack, of Massachusetts, ruled that the resolution was not debatable, but permitted Mr. Albert to yield to another Member for a brief statement:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I move to strike the last word.

THE SPEAKER: The Chair will state that this is not a debatable resolution.

MR. GROSS: Mr. Speaker, will the gentleman yield?

MR. ALBERT: I yield to the gentleman from Iowa for the purpose of making a brief statement.

MR. GROSS: Mr. Speaker, I should like to ask the distinguished majority leader why the adjournment resolution was not made effective as of the first of this week, and why the recess was not planned to take in this week as well as next week?

MR. ALBERT: We have discussed this matter with the leadership on both sides, and it was determined it would be impractical to do so. . . .

The concurrent resolution was agreed to.

§ 6.53 A privileged concurrent resolution providing for an adjournment of the House for more than three days to a day certain is not subject to debate, except by unanimous consent.

5. See 5 Hinds' Precedents §§ 5491, 5492.

6. 113 CONG. REC. 24201, 90th Cong. 1st Sess.

On Aug. 16, 1978,[7] the following proceedings occurred in the House:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 696) and ask for its immediate consideration and pending that, Mr. Speaker, I ask unanimous consent that I may proceed for 1 minute.

THE SPEAKER:[8] Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. WRIGHT: Mr. Speaker, the purpose of this concurrent resolution is to permit adjournment for our August district work period. . . .

THE SPEAKER: The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 696

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 17, 1978, it stands adjourned until 12 o'clock meridian on Wednesday, September 6, 1978.

§ 6.54 A concurrent resolution providing for an adjournment of more than three days for the House and Senate is not debatable, but the Chair may in his discretion recognize for debate under a reservation of the right to object (to adoption of the resolution).

On Aug. 27, 1980,[9] the following proceedings occurred in the House during consideration of Senate Concurrent Resolution 118:

The Speaker laid before the House the privileged Senate concurrent resolution (S. Con. Res. 118) providing for a recess of the Senate from August 27 to September 3, 1980, and an adjournment of the House from August 28 to September 3, 1980.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate completes its business on Wednesday, August 27, 1980, it stand in recess until 10 o'clock a.m. on Wednesday, September 3, 1980, and that when the House completes its business on Thursday, August 28, 1980, it stand adjourned until 12 o'clock noon on Wednesday, September 3, 1980.

THE SPEAKER:[10] Without objection, the Senate concurrent resolution is concurred in.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, are we permitted to debate this matter?

THE SPEAKER: No, it is not debatable.

MR. BAUMAN: Mr. Speaker, reserving the right to object, I wondered whether

7. 124 CONG. REC. 26437, 95th Cong. 2d Sess.

8. Thomas P. O'Neill, Jr. (Mass.).

9. 126 CONG. REC. 23459, 96th Cong. 2d Sess.

10. Thomas P. O'Neill, Jr. (Mass.).

any Member intended to explain the necessity for the recess, in view of the fact there has been some objection quite obviously from the minority about recessing at all because of the announced lameduck session. . . .

THE SPEAKER: The Chair will state that this is a long-announced recess, since the beginning of the year, and Members from both sides of the aisle expect to be home, of course, and in their district through Labor Day. . . .

The leadership, I am sure, was in agreement with this earlier in the year when the schedule for the year was printed.

The question comes on adoption of the Senate concurrent resolution. Without objection——

MR. BAUMAN: Mr. Speaker, I would further reserve the right to object, unless the Chair wants to put the question.

THE SPEAKER: The Chair would like to put the question unless the gentleman desires to say something further. Does the gentleman reserve the right to object to adopting the concurrent resolution by unanimous consent?

MR. BAUMAN: I reserve the right to object, Mr. Speaker.

I am only saying, Mr. Speaker, that the legislative schedule has been changed before. We have been told that we will recess on October 4, as opposed to staying and completing our work, and then we will come back into further session after the election. If that kind of a major change can be made, it seems to me there is still time for us to consider the possibility of staying in session, as has been suggested by the minority leader, the gentleman from Arizona (Mr. Rhodes).

THE SPEAKER: The Chair will put the question, and the Members, if they desire to vote on it, may vote as they see fit.

MR. BAUMAN: I thank the Chair and I urge a vote against the recess so that we can stay here and finish our business and avoid a lameduck session.

THE SPEAKER: The question is on the Senate concurrent resolution.

—*Sine Die Adjournment*

§ 6.55 While a concurrent resolution providing for *sine die* adjournment is not debatable, a Member may, by unanimous consent, be permitted to proceed for one minute during its consideration.

On Dec. 20, 1974,[11] Speaker Carl Albert, of Oklahoma, recognized the Majority Leader, Thomas P. O'Neill, Jr., of Massachusetts, to offer a privileged concurrent resolution:

MR. O'NEILL: Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 697) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 697

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 20, 1974, they

11. 120 CONG. REC. 41815, 93d Cong. 2d Sess.

shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

Sec. 2. The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority [leader] of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

THE SPEAKER: The question is on the concurrent resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

(Mr. Ashbrook asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

§ 6.56 A concurrent resolution providing for adjournment *sine die* is not debatable except by unanimous consent.

On occasion, unanimous consent has been given for debate on a concurrent resolution providing for adjournment *sine die*. Thus, on Oct. 11, 1984,[12] debate was allowed on House Concurrent Resolution 377:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 377), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 377

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Thursday, October 11, 1984, and that when they adjourn on said day, they stand adjourned sine die.

THE SPEAKER PRO TEMPORE:[13] Without objection, the gentleman from Texas (Mr. Wright) is recognized.

There was no objection.

MR. WRIGHT: Mr. Speaker, the resolution is quite clear.

§ 6.57 A concurrent resolution providing for a *sine die* adjournment is not subject to debate.

On July 30, 1954,[14] Speaker Joseph W. Martin, Jr., of Massachusetts, stated in response to a parliamentary inquiry that House Concurrent Resolution 266, providing for the adjournment *sine*

12. 130 CONG. REC. 32232, 98th Cong. 2d Sess.

13. Steny H. Hoyer (Md.).

14. 100 CONG. REC. 12810, 12811, 83d Cong. 2d Sess.

die of the Congress on July 31, 1945, was not debatable.[15]

§ 6.58 Although a concurrent resolution providing for an adjournment *sine die* is not debatable, debate has been permitted where no point of order was raised and where the legislative situation warranted some discussion of the resolution.

On Oct. 14, 1968,[16] Mr. Carl Albert, of Oklahoma, called up Senate Concurrent Resolution 83, providing for an adjournment *sine die* of the Congress on Oct. 11, 1968. Mr. Albert moved to amend the resolution by striking out the date and inserting "October 14, 1968" and then yielded five minutes' debate, without objection, to Mr. James G. O'Hara, of Michigan. Mr. O'Hara, who had previously expressed his intention to prevent the adjournment of Congress until the Senate took action on a legislative proposal permitting network TV debates among the major Presidential candidates, announced he would no longer persist in his efforts due to the likelihood of a failure of a quorum in the Senate. Mr. Albert resumed the floor to express support for Mr. O'Hara's statement and then moved the previous question on the amendment to the adjournment resolution.

Parliamentarian's Note: Debate may be conducted on the subject of adjournment resolutions by unanimous consent under the "one-minute" rule prior to offering of the resolution.

Return of Bill to Senate

§ 6.59 A request of the Senate for the return of a bill or resolution is privileged, and the Chair immediately puts the question on the request without debate, but debate may proceed thereon under a reservation of the right to object to agreeing to the request by unanimous consent when put in that form by the Chair.

On Aug. 3, 1977,[17] the following proceedings occurred in the House:

> The Speaker pro tempore laid before the House the following message from the Senate:

15. Neither a resolution of adjournment (see 8 Cannon's Precedents § 3372–3374) nor a motion to adjourn, whether a simple adjournment or an adjournment to a time certain [see Rule XVI clause 4, *House Rules and Manual* § 782 (1995)], is debatable.

Adjournments and debate thereon generally, see Ch. 40, infra.

16. 114 CONG. REC. 31312, 31313, 90th Cong. 2d Sess.

17. 123 CONG. REC. 26538, 95th Cong. 1st Sess.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the concurrent resolution (H. Con. Res. 317) entitled "Concurrent resolution providing for an adjournment of the House from August 5 until September 7, 1977 and an adjournment of the Senate from August 6 until September 7, 1977."

THE SPEAKER PRO TEMPORE:[18] Without objection, the request is agreed to.

MR. [ABRAHAM] KAZEN [Jr., of Texas]: Mr. Speaker, I reserve the right to object.

I want to know what that last resolution was. . . .

Mr. Speaker, what is the effect? Who is going to explain it or did the Chair just lay it out? . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, will the gentleman yield?

MR. KAZEN: I yield to the distinguished Speaker.

MR. O'NEILL: Mr. Speaker, may I say with regard to the concurrent resolution, as I understand, we have received a message from the Senate regarding the concurrent resolution. As the gentleman from Texas (Mr. Kazen) knows, we passed a concurrent resolution saying that we would conclude business on Friday night, and the request of the Senate is now to return the concurrent resolution. . . .

MR. KAZEN: Mr. Speaker, I would inquire whether the Senate concurred in the concurrent resolution?

MR. O'NEILL: The Senate did and then there was a motion to reconsider within the proper time in the Senate. The Senate had sent the papers over before the reconsideration had been moved. In view of the fact that the reconsideration has been moved, the House has always proceeded in this fashion, and on that basis we will send the concurrent resolution back.

MR. KAZEN: Mr. Speaker, I thank the gentleman from Massachusetts, and withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Without objection the request is agreed to.

There was no objection.

18. Dan Rostenkowski (Ill.).

§ 6.60 Where privileged resolutions of the Senate requesting the return of a bill are laid before the House, a motion requesting compliance with such return is not debatable.

On June 28, 1932,[19] the following privileged order messaged from the Senate was laid before the House:

Ordered, That the House of Representatives be requested to return to the Senate the bill (H.R. 11267) entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", together with all accompanying papers.

Mr. Joseph W. Byrns, of Tennessee, moved that the request of the Senate be complied with, and on that motion he moved the pre-

19. 75 CONG. REC. 14181, 72d Cong. 1st Sess.

vious question, which was ordered by the House.

In response to a parliamentary inquiry by Mr. John J. Cochran, of Missouri, Speaker John N. Garner, of Texas, ruled that the motion to comply with the Senate request was not debatable.

Nondebatable Questions in Senate—Motion To Lay Appeal on the Table

§ 6.61 In the Senate a motion to lay an appeal on the table is not debatable.

On Aug. 2, 1948,[20] President Pro Tempore Arthur H. Vandenberg, of Michigan, ruled that a motion to lay on the table a pending appeal from a decision of the Chair was not debatable:

> MR. [KENNETH S.] WHERRY [of Nebraska]: Mr. President, I propound the following inquiry: If a motion is made to lay the appeal on the table, is that motion subject to debate?
>
> THE PRESIDENT PRO TEMPORE: No motion to table is ever subject to debate.
>
> MR. WHERRY: Certainly.
>
> If the motion to table the appeal is agreed to, then, of course, the result is to sustain the present occupant of the chair in his decision.
>
> THE PRESIDENT PRO TEMPORE: That is correct.[1]

—Motion Requesting House To Return Engrossed Bill

§ 6.62 A motion in the Senate requesting the House to return an engrossed bill is not debatable.

On Aug. 26, 1963,[2] Senator Michael J. Mansfield, of Montana, entered a motion in the Senate to reconsider the votes by which S. 1914 and S. 1942 were passed. He also entered a motion that the House of Representatives be requested to return the papers (the engrossed bills) on those bills to the Senate. In response to a parliamentary inquiry, President Pro Tempore Carl Hayden, of Arizona, stated that the motion for return was not debatable.

—Concurrent Resolution Providing for Adjournment to Day Certain

§ 6.63 A concurrent resolution providing for an adjournment to a day certain is not debatable in the Senate.

On Aug. 7, 1948,[3] Senator Kenneth S. Wherry, of Nebraska, called up Senate Concurrent Reso-

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20. 94 CONG. REC. 9604, 80th Cong. 2d Sess.

1. For a classification of questions not debatable in the Senate, see Riddick, Senate Procedure, 421–24, S. Doc. No. 93–21, 93d Cong. (1974).

2. 109 CONG. REC. 15849, 15850, 88th Cong. 1st Sess.

3. 94 CONG. REC. 10185, 80th Cong. 2d Sess.

lution 63, providing for an adjournment to a day certain. In response to a parliamentary inquiry, the Presiding Officer stated that the resolution was not debatable.

—*Concurrent Resolution Providing for Three-week Adjournment of House*

§ 6.64 A resolution providing for a three-week adjournment of the House is not debatable in the Senate, nor is an appeal from the Vice President's decision to that effect debatable.

On Aug. 24, 1949,[4] House Concurrent Resolution 129 was laid before the Senate. The resolution provided for a three-week adjournment of the House. In response to parliamentary inquiries, Vice President Alben W. Barkley, of Kentucky, stated that the resolution was not debatable except by unanimous consent, and that such a unanimous-consent request would not be debatable. He also stated that an appeal from the Chair's decision on that point would not be debatable. The Senate adopted the resolution (and rejected an amendment thereto).

Debate Not in Order in Senate in Absence of Quorum

§ 6.65 No debate is in order in the Senate in the absence of a quorum.

On July 28, 1962,[5] the Senate met at 10 o'clock a.m., after having recessed the prior evening without a quorum. Vice President Lyndon B. Johnson, of Texas, stated that no business could be transacted without a quorum present. Following a roll call disclosing the lack of a quorum, a motion was agreed to directing the Sergeant at Arms to request the attendance of absent Senators.

Senator Hubert H. Humphrey, of Minnesota, attempted to debate a proposed motion to invoke the rule of arrest, and the Vice President advised him that no debate was in order.

§ 7. Opening and Closing Debate; Right To Close

Rule XIV clause 3 of the House rules provides:

> The Member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall

4. 95 Cong. Rec. 12137–39, 81st Cong. 1st Sess.

5. 108 Cong. Rec. 14952, 87th Cong. 2d Sess.