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which may constitutionally be exercised by Congress, but also rulemaking and enforcement powers which have been delegated to other branches of government. The Speaker and President pro tempore may appoint members to commissions whose authority is restricted to investigation and information-gathering. Buckley v Valeo, 424 U.S. 1 (1976).

§ 23. Executive Reorganization Plans

The President was, prior to 1973, authorized to reorganize an agency or agencies of the executive department if he submitted a plan to each House of Congress. A provision contained in a reorganization plan could take effect only if the plan was transmitted before Apr. 1, 1973,[5] since the authority of the President to transmit reorganization plans had not been extended beyond that date. A reorganization could be ordered to promote better execution of laws; reduce expenditures; increase efficiency; group, coordinate, and consolidate agencies; reduce the number of agencies by consolidation; and eliminate overlapping and duplication of effort.[6] These purposes could be achieved by transferring all or part of an agency or the function thereof to another agency; abolishing all or part of the functions of an agency; consolidating or coordinating the whole or part of an agency with another agency or the same agency; authorizing an officer to delegate any of his functions; or abolishing the whole or part of an agency which did not have or would not, as a consequence of the reorganization, have any functions.[7] Under this statute a reorganization plan could not create, abolish, or transfer an executive department or consolidate two or more executive departments.

A reorganization plan accompanied by a declaration that the reorganization was necessary to accomplish a recognized purpose must be delivered to both Houses on the same day and to each House while in session.[8] A plan

5. 5 USC § 903, 5 USC § 905(b). Reorganization authority was again extended, with certain procedural changes, in the 95th Congress. Pub. L. No. 95–17.

6. 5 USC § 901.

7. 5 USC § 903. See also 5 USC § 904, for other provisions of, and 5 USC § 905, for limitations on, reorganization plans.

8. 5 USC § 903(a), (b), 5 USC § 905(b).

submitted before Apr. 1, 1973, would become effective at the end of the first period of 60 calendar days of continuous congressional session after the transmittal date unless, during that period, either House passed a resolution stating in substance that it did not favor the plan.[9]

As an exercise of the rule-making power of the Senate and House of Representatives and with full recognition of the constitutional right of either House to change its rules,[10] Congress provided for the form of resolutions disapproving reorganization plans,[11] reference of such resolutions to committees,[12] discharge of committees considering such resolution after 20 days,[13] as well as procedure after report or discharge of committee and debate on such resolutions.[14] The procedure after reporting or discharge of the committee and procedure for debate is clearly stated:

> (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.
>
> (b) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

Congress a]so provided that motions to postpone relating to such resolutions, or to proceed to other business, should be decided without debate.[15] Appeals from decisions of the Chair applying House or Senate rules to the consideration of resolutions disapproving reorganization plans were also to be decided without debate.[16]

Most of the precedents in this section discuss substantive as-

9. 5 USC § 906. The form of the resolution is outlined in 5 USC § 909.

Congress could accelerate the effective date; see §§ 23.33, 23.34, infra, for a discussion of House and Senate approval of a joint resolution to accelerate a reorganization plan establishing the Department of Health, Education, and Welfare.

10. 5 USC § 908.

11. 5 USC § 909.

12. 5 USC § 910.

13. 5 USC § 911.

14. 5 USC § 912.

15. 5 USC § 913.

16. *Id.*

pects of Presidential reorganization plans.[17] Congress may also reorganize executive agencies by statute.[18]

Statutes authorizing the President to promulgate reorganization plans were approved in 1939,[1] 1945,[2] 1949,[3] and 1966.[4] Amendments to the major reorganization acts were approved in 1953,[5] 1957,[6] 1961,[7] 1964,[8] 1965,[9] 1969,[10] and 1971.[11] In addition to the above legislation, title I of the War Powers Act of 1941,[12] granted the President emergency reorganization powers to make such redistribution of functions among executive agencies as he deemed necessary during World War II.

ACTION

§ 23.1 The House by yea and nay vote rejected a resolution disapproving a Presidential reorganization plan to consolidate a number of volunteer programs into one agency, ACTION.

On May 25, 1971,[13] the House under the procedures prescribed by the Reorganization Act of 1966, rejected by a vote of yeas 131, nays 224, not voting 77, House Resolution 411, disapproving Reorganization Plan No. 1 (consolidating a number of volunteer pro-

17. The exceptions are §§ 23.33–23.36, infra. See also Ch. 24, infra, for a discussion of certain procedural matters relating to resolutions of disapproval generally and *House Rules and Manual* § 1013 (1975) for a compilation of statutory "legislative veto" provisions. § 23.1, infra, discusses the procedure for consideration of the Presidential reorganization plan which consolidated a number of programs into one agency, ACTION.

18. See House Committee on Government Operations, Reorganization by Plan and by Statute, 1946–1956 (May 1957) for examples of both kinds of reorganization.

1. 53 Stat. 561, 76th Cong. 1st Sess. (Pub. L. No. 76–19).

2. 59 Stat. 613, 79th Cong. 1st Sess. (Pub. L. No. 79–263).

3. 63 Stat. 203, 81st Cong. 1st Sess. (Pub. L. No. 81–109).

4. 80 Stat. 378, 89th Cong. 2d Sess. (Pub. L. No. 89–554). Note: Title 5 of the United States Code includes reorganization plans.

5. 67 Stat. 4, 83d Cong. 1st Sess. (Pub. L. No. 83–3).

6. 71 Stat. 611, 85th Cong. 1st Sess. (Pub. L. No. 85–286).

7. 75 Stat. 41, 87th Cong. 1st Sess. (Pub. L. No. 87–18).

8. 78 Stat. 240, 88th Cong. 2d Sess. (Pub. L. No. 88–351).

9. 79 Stat. 135, 89th Cong. 1st Sess. (Pub. L. No. 89–43).

10. 83 Stat. 6, 91st Cong. 1st Sess. (Pub. L. No. 91–5). See also Pub. L. No. 95–17.

11. 85 Stat. 574, 92d Cong. 1st Sess. (Pub. L. No. 92–179).

12. 55 Stat. 838, 77th Cong. 1st Sess. (Pub. L. No. 77–354).

13. 117 CONG. REC. 16803, 16804, 16832 16833, 92d Cong. 1st Sess.

grams into one agency, ACTION, and transmitted by the President on Mar. 24, 1971).

The Chairman of the Committee on Government Operations, Chet Holifield, of California, moved that the House resolve itself into the Committee of the Whole for consideration of the resolution disapproving the plan and proceedings ensued as indicated below:

MR. HOLIFIELD: Mr. Speaker, 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 resolution (H. Res. 411) disapproving Reorganization Plan No. 1, transmitted to the Congress by the President on March 24, 1971; and pending that motion, Mr. Speaker, I ask unanimous consent that debate on the resolution may continue not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. Horton) and myself. . . .

THE SPEAKER:[14] Is there objection to the request of the gentleman from California?

There was no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from California.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 411, with Mr. [John] Brademas [of Indiana] in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

THE CHAIRMAN: Under the unanimous consent agreement, the gentleman from California (Mr. Holifield) will be recognized for 1½ hours, and the gentleman from New York (Mr. Horton) will be recognized for 1½ hours.

The Chair recognizes the gentleman from California.

Mr. Holifield described the plan in the Committee of the Whole:

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, House Resolution 411 is a resolution to disapprove Reorganization Plan No. 1 of 1971 submitted to the Congress by President Nixon on March 24. Both the plan and the resolution were referred to the Committee on Government Operations under the rules of the House. The committee has reported back the resolution with a recommendation that it not be approved. This is in effect an endorsement of the plan itself which we hope will be supported by the House. The vote, however, will be on the resolution itself. Those who favor the plan should vote "no" on the resolution. Those who oppose the plan should vote "aye" on the resolution.

The President proposes in the reorganization plan to create a new agency called Action to which would be transferred:

First, Volunteers in Service to America, now in the Office of Economic Opportunity;

14. Carl Albert (Okla.).

Second, auxiliary and special volunteer programs, now in the Office of Economic Opportunity;

Third, Foster Grandparents, now in the Department of Health, Education, and Welfare;

Fourth, the retired senior volunteer program, now in the Department of Health, Education, and Welfare; and

Fifth, the Service Corps of Retired Executives and Active Corps of Executives, both now in the Small Business Administration.

The President intends later to transfer the Peace Corps to the new agency by executive order and to similarly transfer the Office of Volunteer Action.

The President advised in his message that he also intends to submit legislation to Congress to transfer the Teacher Corps from HEW to Action.

Following this description and debate the Clerk read the resolution; the Committee of the Whole agreed to rise with the recommendation that the resolution of disapproval not be agreed to:

THE CHAIRMAN: The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 411

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 1 transmitted to the Congress by the President on March 24, 1971.

MR. HOLIFIELD: Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be not agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Brademas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration House Resolution 411, to disapprove Reorganization Plan No. 1 of 1971, had directed him to report the resolution back to the House with the recommendation that the resolution be not agreed to.

The Clerk reported the resolution;

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, for the information of the Members of the House, is it true that a vote "aye" on the resolution is a vote against Reorganization Plan No. 1, and that a vote of "nay" is a vote to approve the President's reorganization plan?

The inquiry having been answered in the affirmative, the vote was taken:

THE SPEAKER: The question is on the resolution.

MR. HOLIFIELD: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 224, not voting 77, as follows: . . .

So the resolution was rejected.

§ 23.2 The Senate by yea and nay vote rejected a resolution disapproving a Presidential reorganization plan to consolidate a number of

volunteer programs into one agency, ACTION.

On June 3, 1971,[15] the Senate by a vote of yeas 29, nays 54, rejected Senate Resolution 108, disapproving Reorganization Plan No. 1, consolidating a number of volunteer programs into one agency, ACTION, submitted by the President on Mar. 24,1971.

Bureau of the Budget

§ 23.3 The House by a yea and nay vote rejected a resolution disapproving a Presidential reorganization plan relating to reorganization of the Bureau of the Budget.

On May 13, 1970,[16] the House by a vote of yeas 164, nays 193, not voting 73, rejected House Resolution 960, disapproving Reorganization Plan No. 2, relating to the Bureau of the Budget (transmitted by the President on Mar. 12, 1970), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it be agreed to.[17]

15. 117 CONG. REC. 17801–04, 92d Cong. 1st Sess. See also 117 CONG. REC. 17645–72, 92d Cong. 1st Sess., June 2, 1971, for debate on this resolution.
16. 116 CONG. REC. 15297, 15298, 15331, 15332, 91st Cong. 2d Sess.
17. The name of the Bureau of the Budget has been changed to the Office of Management and Budget.

Bureau of Internal Revenue and Department of the Treasury

§ 23.4 The House by voice vote rejected a resolution disapproving a Presidential reorganization plan relating to the Bureau of Internal Revenue and Department of the Treasury.

On Jan. 30, 1952,[18] the House by voice vote rejected House Resolution 494 disapproving Reorganization Plan No. 1, relating to the Bureau of Internal Revenue and Department of the Treasury (transmitted by the President on Jan. 14, 1952), after the Committee of the Whole approved a motion to rise and report the resolution back to the House with the recommendation that it not be agreed to.

Bureau of Narcotics

§ 23.5 The House by a yea and nay vote rejected a resolution disapproving a Presidential reorganization plan relating to the creation of a new Bureau of Narcotics in the Department of Justice.

On Apr. 2, 1968,[19] the House by a vote of yeas 190, nays 200,

18. 98 CONG. REC. 642, 643, 671, 82d Cong. 2d Sess.
19. 114 CONG. REC. 8601, 8628, 8629, 90th Cong. 2d Sess.

present 2, and not voting 41, rejected House Resolution 1101 disapproving Reorganization Plan No. 1, creating a new Bureau of Narcotics in the Department of Justice (transmitted by the President on Feb. 7, 1968), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it not be agreed to.

Civil Aeronautics Board

§ 23.6 The House by a yea and nay vote rejected a resolution disapproving a Presidential reorganization plan relating to the Civil Aeronautics Board.

On June 20, 1961,[20] the House by a vote of yeas 178, nays 213, not voting 46, rejected House Resolution 304 disapproving Reorganization Plan No. 3, relating to the Civil Aeronautics Board (transmitted by the President on May 3, 1961), after the Committee of the Whole approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it not be agreed to.

20. 107 CONG. REC. 10839–44, 87th Cong. 1st Sess.

Community Relations Service

§ 23.7 The House by yea and nay vote rejected a resolution disapproving a Presidential reorganization plan relating to the transfer of the Community Relations Service from the Department of Commerce to the Department of Justice.

On Apr. 20, 1966,[1] the House by a vote of yeas 163, nays 220, not voting 49, rejected House Resolution 756 disapproving Reorganization Plan No. 1, relating to the transfer of the Community Relations Service from the Department of Commerce to the Department of Justice (transmitted by the President on Feb. 10, 1966), after the Committee of the Whole by voice vote approved a motion to rise and report the resolution to the House with the recommendation that it not be agreed to.

Departments of Agriculture and Interior

§ 23.8 The House agreed to a resolution disapproving a Presidential reorganization plan relating to the Department of Agriculture and Department of the Interior.

1. 112 CONG. REC. 8498–516, 89th Cong. 2d Sess.

On July 7, 1959,[2] the House by a vote of yeas 266, nays 124, not voting 44, agreed to House Resolution 295, disapproving Reorganization Plan No. 1, transferring from the Department of the Interior to the Department of Agriculture functions relating to minerals and forest lands. The plan had been transmitted by the President on May 22, 1959. This House action followed approval by the Committee of the Whole of a motion to report the resolution back to the House with the recommendation that it pass.[3]

Departments of Army, Navy, and Air Force

§ 23.9 The House as in Committee of the Whole by voice vote agreed to a resolution disapproving a Presidential reorganization plan relating to the Departments of Army, Navy, and Air Force.

On July 5, 1956,[4] the House as in Committee of the Whole agreed to House Resolution 534, disapproving Reorganization Plan No. 1, relating to new offices in the Departments of the Army, Navy, and Air Force, transmitted by the President on May 16, 1956.

Department of Commerce

§ 23.10 The House by voice vote rejected a resolution disapproving a Presidential reorganization plan relating to the Department of Commerce.

On May 18, 1950,[5] the House by voice vote rejected House Resolution 546, disapproving Reorganization Plan No. 5, transferring all functions of all other officers of the Department of Commerce to the Secretary (with the exception of hearings examiners employed by the Department of Commerce, Civil Aeronautics Board, Inland Waterways Corporation, and the Advisory Board of the Inland Waterways Corporation), after the Committee of the Whole approved a motion to rise and report the resolution back to the House with the recommendation that it not be agreed to.[6]

Department of Labor

§ 23.11 The House by voice vote rejected a resolution

2. 105 CONG. REC. 12856, 86th Cong. 1st Sess.
3. 105 CONG. REC. 12740–46, 86th Cong. 1st Sess., July 6, 1959.
4. 102 CONG. REC. 11886, 84th Cong. 2d Sess.
5. 96 CONG. REC. 7266–74, 81st Cong. 2d Sess.
6. Reorganization Plan No. 5 was transmitted by the President on Mar. 13, 1950.

disapproving a Presidential reorganization plan relating to the Department of Labor.

On Aug. 11, 1949,[7] the House by voice vote rejected House Resolution 301, disapproving Reorganization Plan No. 2, transferring the Bureau of Employment Security, Veterans' Placement Service Board, and Federal Advisory Council to the Department of Labor (transmitted by the President on June 20, 1949), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report back to the House with a recommendation that the resolution not pass.

§ 23.12 The House by voice vote rejected a resolution disapproving a Presidential reorganization plan relating to the Department of Labor.

On May 18, 1950,[8] the House by voice vote rejected House Resolution 522, disapproving Reorganization Plan No. 6, centralizing authority for all Department of Labor functions in the Secretary of Labor (transmitted by the President on Mar. 13, 1950) after the Committee of the Whole by voice vote approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it not be agreed to.

Department of Urban Affairs and Housing

§ 23.13 The House by yea and nay vote agreed to a resolution disapproving a Presidential reorganization plan relating to the Department of Urban Affairs and Housing.

On Feb. 21, 1962,[9] the House by a vote of 264 yeas, 150 nays, 1 present, 20 not voting, agreed to House Resolution 530, disapproving Reorganization Plan No. 1, establishing a Department of Urban Affairs and Housing (transmitted by the President on Jan. 30, 1962). The Committee of the Whole had recommended that the resolution not be agreed to.[10]

District of Columbia Government

§ 23.14 The House by a yea and nay vote rejected a resolution disapproving a Presidential reorganization plan

7. 95 Cong. Rec. 11296–314, 81st Cong. 1st Sess.
8. 96 Cong. Rec. 7241, 7266, 81st Cong. 2nd Sess.
9. 108 Cong. Rec. 2630–80, 87th Cong. 2d Sess.
10. The Department of Housing and Urban Development was approved on Sept. 9, 1965, 79 Stat. 667 (Pub. L. No. 89–174).

relating to the District of Columbia government.

On Aug. 9, 1967,[11] the House by a vote of yeas 160, nays 244, not voting 28, rejected House Resolution 512, disapproving Reorganization Plan No. 3, relating to the Government, of the District of Columbia (transmitted by the President on June 1, 1967), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report back to the House with the recommendation that the resolution not be agreed to.

Executive Office of the President; Federal Agencies

§ 23.15 The House by a yea and nay vote rejected a concurrent resolution disapproving a Presidential reorganization plan relating to the Executive Office of the President, Federal Security Agency, Federal Works Agency, and Federal Loan Agency.

On May 3, 1939,[12] the House by a vote of yeas 128, nays 265, present 2, and not voting 35, rejected House Concurrent Resolution 19, disapproving Reorganization Plan No. 1, relating to the Executive Office of the President, Federal Security Agency, Federal Works Agency, and Federal Loan Agency (transmitted by the President on Apr. 25, 1939), after the Committee of the Whole approved a motion to rise and report the resolution back to the House with the recommendation that it not be agreed to.

Environmental Protection Agency

§ 23.16 The House by voice vote rejected a resolution disapproving a Presidential reorganization plan establishing the Environmental Protection Agency.

On Sept. 28, 1970,[13] the House by voice vote rejected House Resolution 1209, disapproving Reorganization Plan No. 3, establishing the Environmental Protection Agency (transmitted by the President on July 9, 1970), after the Committee of the Whole by voice vote approved a motion to rise and report the resolution back to the House with the recommendation that it be rejected.

Federal Communications Commission

§ 23.17 The House by yea and nay vote agreed to a resolu-

11. 113 Cong. Rec. 21941–76, 90th Cong. 1st Sess.

12. 84 Cong. Rec. 5085, 5086, 76th Cong. 1st Sess.

13. 116 Cong. Rec. 33871–84,91st Cong. 2d Sess.

tion disapproving a Presidential reorganization plan relating to the Federal Communications Commission.

On June 15, 1961,[14] the House by a vote of yeas 323, nays 77, not voting 36, agreed to House Resolution 303 disapproving Reorganization Plan No. 2, relating to the Federal Communications Commission (transmitted by the President on Apr. 27, 1961), after the Committee of the Whole approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it be agreed to.[15]

§ 23.18 The House having agreed to a resolution disapproving a Presidential reorganization plan relating to the Federal Communications Commission, the Senate Committee on Government Operations ordered reported, without recommendation, a resolution to the same effect.

On June 16, 1961,[16] the Chairman of the Senate Committee on Government Operations, John L. McClellan, of Arkansas, made an announcement regarding Senate disposition of a Presidential reorganization plan.

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

Under section 6 of the Reorganization Act of 1949, as amended, a reorganization plan may not become effective if a resolution of disapproval is adopted by a simple majority of either House. On June 15, 1961, the House of Representatives adopted House Resolution 303, to disapprove Reorganization Plan No. 2 of 1961.[17] Since this action results in the final disposition of the matter, it is no longer necessary either for the Committee on Government Operations to file a report on S. Res. 142, or for the Senate to take any further action.

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

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

14. 107 CONG. REC. 10448–62, 87th Cong. 1st Sess.

15. See § 23.18, infra, for Senate disposition.

16. 107 CONG. REC. 10628, 87th Cong. 1st Sess.

17. See § 23.17, supra, for House disposition.

Federal Home Loan Bank Board

§ 23.19 The House by voice vote rejected a motion to discharge the Committee on Government Operations from further consideration of a resolution disapproving a reorganization plan, relating to the Federal Home Loan Bank Board.

On Aug. 3, 1961,[18] the House by voice vote rejected a motion to discharge the Committee on Government Operations from further consideration of House Resolution 335, disapproving Reorganization Plan No. 6, relating to the Federal Home Loan Bank Board (transmitted by the President on June 12, 1961). The motion was offered by Mr. H. R. Gross, of Iowa, who qualified as being in favor of the resolution.[19]

Federal Maritime Functions

§ 23.20 The House by yea and nay vote rejected a motion to discharge the Committee on Government Operations from further consideration of a resolution disapproving a reorganization plan relating to federal maritime functions.

On July 20, 1961,[20] the House by a vote of yeas 184, nays 208, not voting 35, rejected a motion to discharge the Committee on Government Operations from further consideration of House Resolution 336, disapproving Reorganization Plan No. 7, relating to the Federal Maritime Administration, Federal Maritime Board, and the Federal Maritime Commission[1] (transmitted by the President on June 12, 1961). The motion was offered by Mr. H. R. Gross, of Iowa, who qualified as favoring the resolution of disapproval.

§ 23.21 The Senate on a roll call vote rejected a resolution disapproving a Presidential reorganization plan relating to maritime functions.

On Aug. 10, 1961,[2] the Senate by a vote of yeas 35, nays 60, rejected Senate Resolution 186, dis-

18. 107 CONG. REC. 14548–54, 87th Cong. 1st Sess.

19. See 63 Stat. 203, 207, 81st Cong. 1st Sess. (Pub. L. No. 81–109, § 204b), for the requirement that the Member making the motion to discharge must qualify as favoring the resolution of disapproval. This provision was later codified as 5 USC § 911(b) (1970), 80 Stat. 397, Sept. 6, 1966 (Pub. L. No. 89–554).

20. 107 CONG. REC. 13084–97, 87th Cong. 1st Sess.

1. See § 23.21, infra, for Senate disposition of this plan.

2. 107 CONG. REC. 15460, 15461, 87th Cong. 1st Sess.

approving Reorganization Plan No. 7, relating to the Federal Maritime Administration, Federal Maritime Board, and Federal Maritime Commission.[3]

Federal Savings and Loan Insurance Corporation

§ 23.22 The House as in Committee of the Whole agreed to a resolution disapproving a Presidential reorganization plan creating the Federal Savings and Loan Insurance Corporation.

On July 5, 1956,[4] the House as in Committee of the Whole by voice vote agreed to House Resolution 541, disapproving Reorganization Plan No. 2, creating the Federal Savings and Loan Insurance Corporation (transmitted by the President on May 17, 1956).

Federal Security Agency, Social Security Board, and United States Employment Service

§ 23.23 The House by voice vote agreed to a concurrent resolution disapproving a Presidential reorganization plan relating to the Federal Security Agency, Social Security Board, and United States Employment Service.

On June 10, 1947,[5] the House by voice vote agreed to House Concurrent Resolution 49, disapproving Reorganization Plan No. 2, relating to the Federal Security Agency, Social Security Board, and United States Employment Service (transmitted by the President on May 1, 1947), after the Committee of the Whole approved a motion to rise and report back to the House with the recommendation that it be agreed to.

Federal Trade Commission

§ 23.24 The House by yea and nay vote rejected a resolution disapproving a Presidential reorganization plan relating to the Federal Trade Commission.

On June 20, 1961,[6] the House by a vote of yeas 178, nays 221, not voting 38, rejected House Resolution 305, disapproving Reorga-

3. See § 23.20, supra, for House disposition of this resolution.

4. 102 CONG. REC. 11886, 84th Cong. 2d Sess.

5. 93 CONG. REC. 6722–40, 80th Cong. 1st Sess. See appendix, infra, which indicates that concurrence of both Houses was required to disapprove reorganization plans prior to June 20, 1949, the effective date of the relevant provision of the Congressional Reorganization Act of 1949.

6. 107 CONG. REC. 10844–56, 87th Cong. 1st Sess.

nization Plan No. 4, relating to the Federal Trade Commission (transmitted by the President on May 9, 1961), after the Committee of the Whole approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it not be agreed to.

Housing, Lending, and Insuring Agencies

§ 23.25 The House as in Committee of the Whole by voice vote agreed to a concurrent resolution disapproving a Presidential reorganization plan relating to housing, lending, and insuring agencies.

On June 18, 1947,[7] the House as in Committee of the Whole by voice vote agreed to House Concurrent Resolution 51, disapproving Reorganization Plan No. 3, relating to housing, lending, and insuring agencies, transmitted by the President on May 27, 1947.

7. 93 CONG. REC. 7252, 80th Cong. 1st Sess. See appendix, infra, which indicates that concurrence of both Houses was required to disapprove reorganization plans prior to June 20, 1949, the effective date of the relevant provision of the Congressional Reorganization Act of 1949.

National Labor Relations Board

§ 23.26 The House by a yea and nay vote agreed to a resolution disapproving a Presidential reorganization plan relating to the National Labor Relations Board.

On July 20, 1961,[8] the House by vote of yeas 231, nays 179, present 2, not voting 25, agreed to House Resolution 328, disapproving Reorganization Plan No. 5, relating to the National Labor Relations Board (transmitted by the President on May 24, 1961), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it not be agreed to.[9]

§ 23.27 The Senate indefinitely postponed further consideration of a resolution disapproving a reorganization plan relating to the National Labor Relations Board, after the House agreed to a resolution of disapproval (thereby terminating the plan).

8. 107 CONG. REC. 13069–78, 87th Cong. 1st Sess.

9. See § 23.27, infra, for Senate disposition.

On July 20, 1961,[10] the Senate indefinitely postponed Calendar No. 545, Senate Resolution 158, disapproving Reorganization Plan No. 5, relating to the National Labor Relations Board (transmitted by the President on May 24, 1961), after the House agreed to disapprove the plan.[11]

National Oceanic and Atmospheric Administration

§ 23.28 The House by voice vote rejected a resolution disapproving a Presidential reorganization plan creating the National Oceanic and Atmospheric Administration within the Department of Commerce.

On Sept. 28, 1970,[12] the House by voice vote rejected House Resolution 1210 disapproving Reorganization Plan No. 4, creating the National Oceanic and Atmospheric Administration within the Department of Commerce (transmitted by the President on July 9, 1970), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it be rejected.

Office of Science

§ 23.29 The House by voice vote rejected a resolution disapproving a Presidential reorganization plan relating to the Office of Science after the Committee of the Whole adversely reported the measure.

On May 16, 1962,[13] the House by voice vote rejected House Resolution 595, disapproving Reorganization Plan No. 2 of 1962 establishing the Office of Science and Technology in the Executive Office of the President (transmitted by the President on Mar. 29, 1962), after the Committee of the Whole by voice vote approved a motion to rise and report the resolution back to the House with the recommendation that it not be agreed to.

Reconstruction Finance Corporation

§ 23.30 The House by a yea and nay vote rejected a resolution disapproving a Presidential plan reorganizing the Reconstruction Finance Corporation.

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10. 107 CONG. REC. 13027, 87th Cong. 1st Sess.

11. See § 23.26, supra, for House disposition.

12. 116 CONG. REC. 33885–96, 91st Cong. 2d Sess.

13. 108 CONG. REC. 8468–73, 87th Cong. 2d Sess.

On Mar. 14, 1951,[14] the House by a vote of yeas 200, nays 198, not voting 35,[15] failed to agree to House Resolution 142, disapproving Reorganization Plan No. 11, relating to the Reconstruction Finance Corporation (transmitted to the Congress on Feb. 19, 1951), after the Committee of the Whole by voice vote approved a motion that the Committee rise and report the resolution back to the House with the recommendation that it not be agreed to.

Securities and Exchange Commission

§ 23.31 The House by yea and nay vote rejected a resolution disapproving a Presidential reorganization plan relating to the Securities and Exchange Commission.

On June 15, 1961,[16] the House by a vote of yeas 176, nays 212, not voting 48, rejected House Resolution 302, disapproving Reorganization Plan No. 1, relating to the Securities and Exchange Commission (transmitted by the President on Apr. 27, 1961), after the Committee of the Whole approved a motion to rise and report the resolution back to the House with the recommendation that it not be agreed to.[17]

§ 23.32 The Senate by roll call vote agreed to a resolution disapproving a Presidential reorganization plan relating to the Securities and Exchange Commission.

On June 21, 1961,[18] the Senate by a vote of yeas 52, nays 38, agreed to Senate Resolution 148, disapproving Reorganization Plan No. 1, relating to the Securities and Exchange Commission (transmitted by the President on Apr. 27, 1961).[19]

Acceleration of Effective Date for Department of Health, Education, and Welfare Reorganization Plan

§ 23.33 Instead of following the procedure prescribed by the

14. 97 CONG. REC. 2409–18, 82d Cong. 1st Sess.

15. *Parliamentarian's Note:* Under 5 USC §§ 1332–1334 an affirmative vote of a majority of the authorized membership of the House was required to adopt a resolution disapproving a Presidential reorganization plan. This requirement was deleted on Sept. 4, 1957, by approval of 71 Stat. 611 (Pub. L. No. 85–286).

16. 107 CONG. REC. 10463–71, 87th Cong. 1st Sess.

17. See § 23.32, infra, for Senate disposition of this plan.

18. 107 CONG. REC. 11003, 87th Cong. 1st Sess.

19. See § 23.31, supra, for House disposition of this plan.

Reorganization Act of 1949 to vote on a resolution disapproving a Presidential reorganization plan, the House approved a House joint resolution effectuating a plan to create the Department of Health, Education, and Welfare 10 days after enactment of the joint resolution, rather than 60 days after submission of the plan as provided in the act.

On Mar. 13, 1953,[20] the House agreed to House Joint Resolution 223, effectuating Presidential Reorganization Plan No. 1, creating the Department of Health, Education, and Welfare from the Federal Security Agency, 10 days after enactment of the joint resolution. Approval of this joint resolution did not follow the procedures prescribed by the Reorganization Plan of 1946, which provided that a Presidential reorganization plan would become effective 60 days after its submission to Congress unless either House agreed to a resolution disapproving the plan. The following House joint resolution and amendment were approved:

Resolved, etc., That the provisions of Reorganization Plan No. 1 of 1953, submitted to the Congress on March 12, 1953, shall take effect 10 days after the date of the enactment of this joint resolution and its approval by the President, notwithstanding the provisions of the Reorganization Act of 1949 as amended, except that section 9 of such act shall apply to such reorganization plan and to the reorganization made thereby. . . .

Amendment offered by Mr. [William C.] Lantaff [of Florida]: Page 1, line 4, after the numbers "1953" insert the words "except the words in section 7 thereof which read: 'The Secretary may from time to time establish central administrative services in the field of procurement, budgeting, accounting, personnel, library, legal, and services and activities common to the several agencies of the Department'." . . .

THE SPEAKER:[1] 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 joint resolution.

The joint resolution 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 joint resolution.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 291, nays 86, answered "present" 3, not voting 51, as follows:

So the House joint resolution was passed.[2]

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20. 99 CONG. REC. 2086–2113, 83d Cong. 1st Sess.

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

2. The report on this joint resolution is H. Rept. No. 166. See § 23.34, infra,

House Joint Resolution 223, was considered under the following rule (H. Res. 179):[3]

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 223, providing that Reorganization Plan Numbered 1 of 1953 shall take effect 10 days after the date of the enactment of this joint resolution. After general debate, which shall be confined to the joint resolution, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

§ 23.34 Instead of following the procedure prescribed in the Reorganization Act of 1949, to vote on a resolution disapproving a Presidential reorganization plan, the Senate approved a House joint resolution effectuating a plan to create the Department of Health, Education, and Welfare 10 days after enactment of the joint resolution rather than 60 days after submission of the plan as provided in the act.

On Mar. 30, 1953,[4] the Senate agreed to House Joint Resolution 223, as amended by the House,[5] creating the Department of Health, Education, and Welfare from the Federal Security Agency.[6]

Postponing Vote

§ 23.35 The House may postpone voting on a resolution to disapprove a reorganiza-

for Senate approval of this joint resolution.

See Pub. Res. No. 75, 76th Cong. 3d Sess. (H.J. Res. 551) for a joint resolution providing that Reorganization Plan No. 5, relating to the Immigration and Naturalization Service and the Department of Labor and transmitted by the President on May 22, 1940, should take effect on the 10th day after enactment of the joint resolution. The joint resolution was approved on June 4, 1940.

3. 99 CONG. REC. 2086, 83d Cong. 1st Sess.

4. 99 CONG. REC. 2448–59, 83d Cong. 1st Sess.

5. See § 23.33, supra, for the text of the joint resolution and amendment.

6. The report on this resolution is S. Rept. No. 126.

tion plan by disagreeing to the highly privileged motion that the House resolve itself into the Committee of the Whole for consideration of such resolution.

On June 8, 1961,[7] the House postponed voting on a resolution to disapprove a reorganization plan by disagreeing to the motion that the House resolve itself into the Committee of the Whole for consideration of such resolution.

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, is it in order and proper at this time to submit a highly privileged motion?

THE SPEAKER PRO TEMPORE:[8] If the matter to which the gentleman refers is highly privileged, it would be in order.

MR. GROSS: Then, Mr. Speaker, under the provisions of section 205(a) Public Law 109, the Reorganization Act of 1949, I submit a motion. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: As I understand, there is a motion pending to call up what is known as Reorganization Plan No. 2.

THE SPEAKER PRO TEMPORE: The chair would state that the gentleman from Iowa indicated he would submit such a motion, but it has not been reported.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: The majority leader, the gentleman from Massachusetts [Mr. McCormack], talked to me yesterday about scheduling this matter for the consideration of the House of Representatives and indicated to me that it would be scheduled in due time upon agreement between the majority and the minority Members. In view of this I would like to inquire whether or not we could have any assurance from the leadership on the Democratic side, including the acting majority leader and the chairman of the Committee on Government Operations, as to when this matter might be called, if this motion now does not prevail.

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, in reply to the gentleman, in the absence of the majority leader, I can only say that I can give the assurance that the plan will be called up. It is my understanding that the chairman of the committee has indicated that he will confer with the majority leader on calling it up next Thursday. In the absence of the majority leader I cannot give a date positive, but I can give assurance that it will be called up. . . .

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: If the pending motion is voted down, would it still be in order at a subsequent date to call up a motion rejecting plan No. 2 for another

7. 107 CONG. REC. 9775–77, 87th Cong. 1st Sess.

8. Oren Harris (Ark.).

vote? I ask that because I am opposed to plan No. 2. The committee has reported adversely in respect to plan No. 2. I am going to vote against that plan and in support of the resolution of the committee. But under my responsibility as the minority leader and under my agreement with the majority leader, I do not see how I could vote today unless, under the situation as it exists, that vote today would be conclusive as to plan No. 2. . . .

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, under the Reorganization Act, it could be called up at a subsequent date.

MR. HALLECK: In other words, the action that would be taken today would not be final?

THE SPEAKER PRO TEMPORE: The gentleman is correct. . . .

MR. [CLARENCE J.] BROWN [of Ohio]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BROWN: As I understand the parliamentary situation the motion would be to take up the resolution of rejection; is that correct?

THE SPEAKER PRO TEMPORE: The Chair would like to state that the motion has not yet been reported; but the Chair understands that the motion is for the House to go into Committee of the Whole House for the consideration of it.

MR. BROWN: If that should be defeated, of course, we would not have the resolution of rejection before us.

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. BROWN: And therefore the vote would be simply on whether we want to take it up today or take it up later?

THE SPEAKER PRO TEMPORE: The gentleman is correct. . . .

The Chair feels that this matter has probably gone far enough.

The Clerk will report the motion offered by the gentleman from Iowa.

The Clerk read as follows:

> Mr. Gross moves that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H. Res. 303 introduced by Mr. Monagan disapproving Reorganization Plan No. 2 transmitted to the Congress by the President on April 27, 1961.

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

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN of Michigan: Mr. Speaker, if I vote to postpone this; am I then on record as approving the plan?

THE SPEAKER PRO TEMPORE: Of course, that is not a parliamentary inquiry.

MR. [BYRON G.] ROGERS of Colorado: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ROGERS of Colorado: Mr. Speaker, is a motion to lay this motion on the table in order?

THE SPEAKER PRO TEMPORE: It would not be in order at this time.

The question is on the motion offered by the gentleman from Iowa [Mr. Gross].

The motion was rejected.[9]

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9. See § 23.17, supra, for a discussion of the House vote on this plan to reor-

Priority of Consideration

§ 23.36 The House having agreed that consideration of the general appropriation bill of 1951 take priority over all business except conference reports, it was held that such agreement gave a higher privilege to the appropriation bill than consideration of resolutions disapproving reorganization plans of the President.

On May 9, 1950,[10] Speaker pro tempore John W. McCormack, of Massachusetts, ruled that a unanimous-consent agreement that consideration of the general appropriation bill of 1951, a bill combining all appropriations measures, take priority of all business except conference reports, gave a higher priority to the appropriation bill than consideration of resolutions disapproving Presidential reorganization plans.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, I make the point of order that the House is not proceeding in the regular order because under section 205a of the Reorganization Act, which is Public Law 109 of the Eighty-first Congress, first session, any Member of the House is privileged, and this is a highly privileged motion, to make the motion that the House proceed to the consideration of House Resolution 516.

The gentleman from Michigan being on his feet to present this highly privileged motion, the regular order is that he be recognized for that purpose that the motion be entertained and the question put before the House, and my motion is that the House proceed to the consideration of House Resolution 516.

THE SPEAKER PRO TEMPORE: That is the resolution disapproving one of the reorganization plans?

MR. HOFFMAN of Michigan: That is right, House Resolution 516 disapproving plan No. 12.[11]

And, Mr. Speaker, I ask unanimous consent to revise and extend my remarks in connection with the point of order. . . .

Mr. Speaker, may I be heard further on the point of order?

THE SPEAKER PRO TEMPORE: The Chair is glad to hear the gentleman from Michigan.

MR. HOFFMAN: . . . [O]n the 3d of April the gentleman from Missouri [Mr. Cannon] asked unanimous consent "that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself [Mr. Cannon]; that debate be confined to the bill and that following the reading of the first chapter of the bill, not to exceed 2 hours of general debate be had before the reading of each subsequent chapter, one-half to be con-

ganize the Federal Communications Commission.

10. 96 CONG. REC. 6720–24, 81st Cong. 2d Sess.

11. This plan related to the National Labor Relations Board.

trolled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter."

The gentleman from Texas [Mr. Mahon] cites page 4835 of the daily Record of April 5, which reads as follows:

> Mr. Cannon. I ask unanimous consent that the general appropriation bill for the fiscal year 1951 have right-of-way over all other privileged business under the rules until disposition, with the exception of conference reports.

Still later and on April 6, the gentleman from Missouri [Mr. Cannon] asked unanimous consent that the Record be corrected. His request was as follows—pages 4976–4977 of the daily Record:

> Mr. Cannon. Mr. Speaker, on page 4835 of the Record of yesterday, the first column carrying the special order made by the House last night reads that the general appropriation bill shall be a special order privileged above all other business of the House under the rule until disposition. The order made was until final disposition. I ask unanimous consent that the Record and Journal be corrected to conform with the proceedings on the floor of the House yesterday.

There was no objection. . . .

Furthermore, while appropriation bills have a privileged status, but under the subsequent rule of the House, adopted in the reorganization bill, a motion to consider a resolution is highly privileged. Certainly that has priority over this ordinary privilege or special privilege which the gentleman from Missouri [Mr. Cannon] secured.

How can unanimous consent secured by the gentleman from Missouri [Mr. Cannon] on either the 3d, the 5th, or the 6th of April, even though the corrected request states "that the general appropriation bill shall be a special order privileged above all other business of the House under the rule until final disposition," have priority over Public Law No. 109, Eighty-first Congress, when, under title II, we find the following:

> Sec. 201. The following sections of this title are enacted by the Congress:
>
> (a) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and
>
> (b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House. . . .
>
> Sec. 205. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to. . . .[12]

12. Subsequent material—several *Congressional Record* excerpts from the

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule.

The gentleman from Michigan makes a point of order, the substance of which is that the motion he desires to make or that someone else should make in relation to the consideration of a disapproving resolution of one of the reorganization plans takes precedence over the appropriation bill insofar as recognition by the Chair is concerned. The gentleman from Michigan raises a very serious question and the Chair feels at this particular time that it is well that he did so.

The question involved is not a constitutional question but one relating to the rules of the House and to the Legislative Reorganization Act of 1949 which has been alluded to by the gentleman from Michigan and other Members when addressing the Chair on this point of order. The Chair calls attention to the language of paragraph (b) of section 201 of title II of the Reorganization Act of 1949 which reads as follows: "with full recognition of the constitutional right of either House to change such rules so far as relating to procedure in such House at any time in the same manner and to the same extent as in the case of any other rule of such House."

It is very plain from that language that the intent of Congress was to recognize the reservation to each House of certain inherent powers which are necessary for either House to function to meet a particular situation or to carry out its will.

On April 5, the gentleman from Missouri [Mr. Cannon], chairman of the Committee on Appropriations, submitted a unanimous-consent request to the House, which was granted, which has the force of a rule, and which relates to the rules of the House governing the consideration of the omnibus appropriation bill while it is before the House and, of course, incidentally affecting other legislation. The consent request submitted by the gentleman from Missouri was "that the general appropriation bill for the fiscal year 1951 have right-of-way over all other privileged business under the rules until disposition, with the exception of conference reports."

That request was granted by unanimous consent. On the next day, the gentleman from Missouri [Mr. Cannon], in correcting and interpreting the consent request granted on April 5, submitted a further unanimous-consent request.

The daily Record shows, on page 4976, April 6, that the gentleman from Missouri [Mr. Cannon] said:

> Mr. Speaker, on page 4835 of the daily Record of yesterday, the first column carrying the special order made by the House last night reads that the general appropriation bill shall be a special order privileged above all other business of the House under the rule until disposition. The order made was until final disposition. I ask unanimous consent that the Record and Journal be corrected to conform with the proceedings on the floor of the House yesterday.

The Record further shows that the Speaker put the request and there was no objection.

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debate on reorganization plan provisions of the Reorganization Act of 1949, which indicate that the intent of the framers was to ensure a congressional veto power over such plans—is omitted here.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: Let the Chair finish.

MR. RANKIN: Mr. Speaker, I would like to propound a parliamentary inquiry at this time.

THE SPEAKER PRO TEMPORE: The Chair is in the process of making a ruling.

MR. RANKIN: That is the reason I want to propound the inquiry right at this point.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman.

MR. RANKIN: We for the first time this year have all the appropriations in one bill. Now, if they drag out consideration under the 5-minute rule beyond the 24th, would that not shut the Congress off entirely from voting on any of these recommendations? So we do have a constitutional right to consider these propositions without having them smothered in this way.

THE SPEAKER PRO TEMPORE: The Chair will state that the House always has a constitutional right and power to refuse to go into the Committee of the Whole on any motion made by any Member, so that the House is capable of carrying out its will whatever may be the will of the majority of the House.

Continuing, the Chair will state that in the opinion of the present occupant, in view of the unanimous-consent request made by the gentleman from Missouri and granted by the House, if any member of the Appropriations Committee moves that the House resolve itself into the Committee of the Whole on the State of the Union to consider the appropriation bill, that motion has preference over any other preferential motion. It is a matter that the House decides when the motion is made as to what it wants to do and it has an opportunity when that motion is made to carry out its will.

MR. [ARTHUR L.] MILLER of Nebraska: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MILLER of Nebraska: I understood the statement of the gentleman from Missouri on April 6 was that the appropriation bill would take precedence over all legislation and special orders until entirely disposed of. Does that include conference reports?

THE SPEAKER PRO TEMPORE: A conference report is in a privileged status in any event.

MR. [JOHN] TABER [of New York]: They were specifically exempted.

THE SPEAKER PRO TEMPORE: They were specifically exempted. In relation to the observation made by the gentleman from Michigan [Mr. Hoffman] that because other business has been brought up and that therefore constitutes a violation of the unanimous-consent request, the Chair, recognizing the logic of the argument, disagrees with it because that action was done through the sufferance of the Appropriations Committee and, in the opinion of the Chair, does not constitute a violation in any way; therefore does not obviate the meaning and effect of the unanimous-consent request heretofore entered into, and which the Chair has referred to.

For the reasons stated, the Chair overrules the point of order.

MR. HOFFMAN of Michigan: Mr. Speaker, a further point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN of Michigan: The point of order is the same as I raised before; but, to keep the Record clear, I wish to make the same point of order regarding House Resolution 522, House Resolution 545, and House Resolution 546, that is, that the House proceed to the consideration of each of those resolutions in the order named, assuming, of course, that the ruling will be the same, but making a record.

THE SPEAKER PRO TEMPORE: The Chair will reaffirm his ruling in relation to the several resolutions the gentleman has referred to.