

requiring a two-thirds vote to consider said reports is hereby waived.

Immediately thereafter, the House granted unanimous consent.

§ 56.5 The House has agreed by unanimous consent that during the remainder of a session it would be in order to consider reports from the Committee on Rules without a two-thirds vote.

On July 30, 1955,⁽⁷⁾ Speaker Sam Rayburn, of Texas, recognized Mr. John W. McCormack, of Massachusetts, who made the following request:

Mr. Speaker, I ask unanimous consent that during the remainder of this session it shall be in order to consider at any time reports from the Committee on Rules as provided in clause 21, rule XI,⁽⁸⁾ except that the provision

vides, in part, that "It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting."

7. 101 CONG. REC. 12362, 84th Cong. 1st Sess.
8. See Rule XI clause 23, *House Rules and Manual* §729 (1973), and §56.4, *supra*.

requiring a two-thirds vote to consider such reports shall be waived.

Immediately thereafter, the House granted unanimous consent.⁽⁹⁾

§ 57. Consideration and Adoption by House of Resolutions Reported From the Committee

Hour Rule for Debate on Resolutions and on Amendments

§ 57.1 Debate on resolutions reported by the Committee on Rules providing for investigations is under the hour rule and no amendments are in order [unless the Member in charge yields for that purpose or the House votes down the previous question when moved at the expiration of the hour].

9. For a similar instance in a later Congress, see 104 CONG. REC. 19174, 85th Cong. 2d Sess., Aug. 22, 1958, where the House granted unanimous consent that reports from the Committee on Rules could be considered at any time "during the remainder of the week." Where unanimous consent has not been obtainable, the House has, on occasion, waived the two-thirds vote requirement by adoption of a special rule.

On Apr. 8, 1937,⁽¹⁰⁾ Mr. Arthur H. Greenwood, of Indiana, a member of the Committee on Rules, called up for immediate consideration a resolution that would have authorized the Speaker to appoint a special committee to investigate subversive activities of groups or individuals operating within the United States. Mr. Carl E. Mapes, of Michigan, immediately propounded the following parliamentary inquiry:

Mr. Speaker, this resolution and the one to follow it, the Dies resolution, provide for the appointment of investigating committees. Each resolution is somewhat extensive and contains separate paragraphs and sections that relate to different subject matters. My inquiry is, Will there be opportunity to read the resolutions section by section and to offer amendments to them?

THE SPEAKER:⁽¹¹⁾ The resolution is being considered in the House under the rules and precedents, and it will be considered in its entirety.

MR. MAPES: To construe the Speaker's ruling—

THE SPEAKER: If the previous question is ordered, of course, there will be no opportunity to offer amendments to the resolution.

MR. MAPES: There will be no opportunity for amendments?

THE SPEAKER: Not if the previous question is agreed to.

The gentleman from Indiana [Mr. Greenwood] is recognized.

10. 81 CONG. REC. 3283, 3290, 75th Cong. 1st Sess.

11. William B. Bankhead (Ala.).

Following an hour of debate on the merits of the resolution, Mr. Greenwood then moved the previous question, which was defeated. In response to a parliamentary inquiry, Speaker pro tempore Fred M. Vinson, of Kentucky, had stated that this left the resolution open to amendment, but the House immediately agreed to a motion to lay the resolution on the table. A motion to reconsider the vote to table the resolution was also laid on the table.

The proceedings were as follows:

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

MR. [THOMAS] O'MALLEY [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. O'MALLEY: If the motion for the previous question is defeated, the resolution will then be open for amendment?

THE SPEAKER PRO TEMPORE: The gentleman is well informed.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. RANKIN: If we vote down the motion for the previous question, then, the Speaker states, the resolution will be open for amendment. Will we then be under the 5-minute rule? Will the rest of us who are opposed to the reso-

lution be enabled to speak on it or offer amendments?

THE SPEAKER PRO TEMPORE: Being in the House, its consideration will be under the 1-hour rule.

MR. RANKIN: Then every Member who rose to speak would be recognized for 1 hour? I am for that.

THE SPEAKER PRO TEMPORE: Any Member recognized by the Chair would be entitled to recognition for 1 hour.

The gentleman from Indiana moves the previous question on the resolution.

The question was taken, and the Speaker pro tempore announced the yeas seemed to have it.

MR. [LINDSAY C.] WARREN [of North Carolina]: Mr. Speaker, I move to lay the resolution upon the table.

THE SPEAKER PRO TEMPORE: The question is upon the preferential motion of the gentleman from North Carolina to lay the resolution on the table.

The question was taken; and there were on a division (demanded by Mr. Greenwood)—ayes 184, nays 38.

So the motion to lay the resolution on the table was agreed to.

On motion of Mr. Warren, a motion to reconsider the vote by which the resolution was tabled was laid on the table.

Offering Amendment by Direction of Committee

§ 57.2 By direction of the Committee on Rules, the Member who called up the resolution offered an amendment.

On Oct. 19, 1966,⁽¹²⁾ by direction of the Committee on Rules, a

12. 112 CONG. REC. 27713, 27714, 89th Cong. 2d Sess.

Member called up a resolution creating a select committee and promptly offered an amendment to the resolution, also by direction of the Committee on Rules. The proceedings were as follows:

MR. [CLAUDE D.] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1013) creating a Select Committee on Standards and Conduct, and ask for its present consideration.

The Clerk read the resolution. . . .

MR. PEPPER: Mr. Speaker, I yield 30 minutes to the able gentleman from Tennessee [Mr. Quillen] for the purpose of debate, and to myself such time as I shall consume.

Mr. Speaker, on behalf of the Committee on Rules, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pepper: Page 2, line 24, strike out the semicolon and insert a period.

Page 2, line 24, after the word "occurred", insert "any allegation referred to in paragraph (1) shall be made under oath and shall specifically state the facts on the basis of which it is made."

Page 2, line 25, capitalize the first word "The".

THE SPEAKER PRO TEMPORE:⁽¹³⁾ Without objection, the committee amendment is agreed to.

Parliamentarian's Note: Technical amendments to resolutions reported from the Committee on Rules are normally offered and disposed of immediately before debate proceeds under the hour rule.

13. Edward P. Boland (Mass.).

Germaneness of Amendments

§ 57.3 A resolution from the Committee on Rules providing for the consideration of a measure relating to a certain subject may not be amended by a proposition providing for consideration of another nongermane subject.

On Sept. 14, 1950,⁽¹⁴⁾ Speaker Sam Rayburn, of Texas, recognized Mr. Adolph J. Sabath, of Illinois, who called up House Resolution 842 from the Committee on Rules as follows:

MR. SABATH: Mr. Speaker, I call up House Resolution 842 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 8920) to reduce excise taxes, and for other purposes, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table; that the Senate amendments be, and they are hereby, disagreed to; that the conference requested by the Senate on the disagreeing votes of the two Houses on the said bill be, and hereby is, agreed to; and that the Speaker shall immediately appoint conferees without intervening motion.

Following debate, Mr. Sabath moved the previous question on the resolution, which was rejected by a yea and nay vote. Thereupon,

14. 96 CONG. REC. 14832, 81st Cong. 2d Sess.

Mr. Herman P. Eberharter, of Pennsylvania, offered an amendment in the nature of a substitute:⁽¹⁵⁾

Amendment offered by Mr. Eberharter: Strike out all after the word "*Resolved*" and insert in lieu thereof the following:

"That immediately upon the adoption of this resolution, the bill H.R. 8920 with Senate amendments thereto be, and the same is hereby, taken from the Speaker's table to the end—

"(1) That all Senate amendments other than amendment No. 191 be, and the same are hereby, disagreed to and the conference requested thereon by the Senate is agreed to; and

"(2) That Senate amendment No. 191 be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate insert the following:

"TITLE VII—EXCESS-PROFITS TAX

"Sec. 701. Excess-profits tax applied to taxable years ending after June 30, 1950

"Notwithstanding section 122(a) of the Revenue Act of 1945, the provisions of subchapter E of chapter 2 of the Internal Revenue Code shall apply to taxable years ending after June 30, 1950.

"Sec. 701. Computation of tax in case of taxable year beginning before July 1, 1950, and ending after June 30, 1950

"Section 710(a) (relating to imposition of excess-profits tax) is hereby

15. *Id.* at p. 14842.

amended by adding at the end thereof the following new paragraph:

“(8) Taxable years beginning before July 1, 1950, and ending after June 30, 1950: In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, the tax shall be an amount equal to that portion of a tentative tax, computed without regard to this paragraph, which the number of days in such taxable year after June 30, 1950, bears to the total number of days in such taxable year.”

“Sec. 703. Specific exemption reduced to 5,000

“Paragraph (1) of section (b) (relating to definition of adjusted excess profits net income) is hereby amended by striking out “\$10,000” and inserting in lieu thereof “\$5,000.”

“Sec. 704. Unused excess-profits credit

“(a) Definition of unused excess-profits credit: Section 710(c)(2) (relating to definition of unused excess-profits credit) is hereby amended to read as follows:

“(2) Definition of unused excess-profits credit: The term ‘unused excess-profits credit’ means the excess, if any, of the excess-profits credit for any taxable year ending after June 30, 1950, over the excess-profits net income for such taxable year, computed on the basis of the excess-profits credit applicable to such taxable year. The unused excess-profits credit for a taxable year of less than 12 months shall be an amount which is such part of the unused excess-profits credit determined under the preceding sentence as the number of days in the taxable year is

of the number of days in the 12 months ending with the close of the taxable year. The unused excess-profits credit for a taxable year beginning before July 1, 1950, and ending after June 30, 1950, shall be an amount which is such part of the unused excess-profits credit determined under the preceding provisions of this paragraph as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year.”

“(b) Computation of carry-over: Section 710(c)(4) is hereby amended to read as follows: . . .”

Mr. Wilbur D. Mills, of Arkansas, made a point of order against the amendment and the following transpired:⁽¹⁶⁾

MR. MILLS: Mr. Speaker, I make the point of order against the amendment on the ground that the amendment is neither germane to the resolution sought to be amended, nor to the Senate amendment No. 191. The language of the Senate amendment would direct the Committee on Ways and Means of the House and the Finance Committee of the Senate to conduct a study of excess-profits-tax legislation during the Eighty-second Congress, ostensibly to report back to the House and Senate for passage with a retroactive date of July 1, 1950, or October 1, 1950.

The provision of the bill does not in any way attempt to legislate an excess-profit tax in connection with H.R. 8920. The amendment offered by the gentleman from Pennsylvania proposes an excess-profits tax in connection with

16. *Id.* at pp. 14843, 14844.

H.R. 8920. The amendment is a specific provision for an excess-profits tax. Therefore, Mr. Speaker, it seems to me that the amendment offered by the gentleman from Pennsylvania is not in order, that it is not germane either to the resolution before the House or to the section of the bill on which the instructions are sought to be given. . . .

MR. EBERHARTER: In the first place, Mr. Speaker, this amendment seeks to amend the resolution reported out by the Committee on Rules. This resolution waives points of order with respect to other rules of the House. Under the rules of the House when a bill comes from the other body with amendments containing matter which would have been subject to a point of order in the House then the amendments must be considered in the Committee of the Whole. The resolution reported out by the Committee on Rules seeks to waive that rule.

If a resolution reported out by the Committee on Rules can waive one rule of the House, why cannot the House by the adoption of a substitute resolution, which this is, waive other rules? I contend, Mr. Speaker, that this substitute for the resolution reported out by the Committee on Rules is just as germane and just as much in order as the actual resolution reported out by the Committee on Rules; they are similar.

Mr. Speaker, the main purpose of this resolution from the Committee on Rules is to waive a rule requiring that matter subject to a point of order in the first place in the House if put in the Senate shall be considered in the Committee of the Whole House on the State of the Union. The resolution of the Committee on Rules waives that. It

is our contention, Mr. Speaker, that this being so the House has a right by its vote on this substitute resolution to waive the rule pertaining to germaneness, which my substitute amendment attempts to do. It refers to a specific amendment, amendment No. 191. I call the Speaker's attention to the fact that on page 252 of the bill the last heading is "Excess-profits tax."

Mr. Speaker, there is an excess-profits tax Senate amendment in the bill.

All I seek to do is to amend the provision calling for different language in respect to excess-profits taxation. I believe, Mr. Speaker, that if the point of order is sustained that in the future the Committee on Rules will be so bound by this precedent that its authority will be very, very much restricted. It seems to me, Mr. Speaker, that for years the Committee on Rules has been reporting out resolutions waiving points of order. When you come down to the last analysis this is the same thing. If the Committee on Rules can waive a point to order, a substitute amendment can waive a point of order. That is all I seek to do. I say in all fairness, Mr. Speaker, if a point of order is sustained, the authority of the Committee on Rules is going to be very, very much restricted in the future.

I hope the point of order will be overruled and that the membership of the House will be permitted to express their decision on the question of the imposition of an excess-profits tax effective July 1, 1950.

THE SPEAKER: The Chair is ready to rule.

The Chair agrees with a great deal that the gentleman from Pennsylvania

and the gentleman from Colorado say about history, but that is not the question before the Chair to decide at this time.

It is a rule long established that a resolution from the Committee on Rules providing for the consideration of a bill relating to a certain subject may not be amended by a proposition providing for the consideration of another and not germane subject or matter.

It is true that in Senate amendment No. 191 to the bill, which came from the Senate, there is a caption "Title VII," which states "Excess Profits Tax." But in the amendment which the Senate adopted to the House bill there is no excess-profits tax.

The Chair is compelled to hold under a long line of rulings that this matter, not being germane if offered to the Senate amendment it is not germane here. The Chair sustains the point of order.

Majority Vote Required for Adoption

§ 57.4 Only a majority vote is required for the adoption of a resolution reported by the Committee on Rules whether or not such vote is taken on the same day the resolution is reported.

On Aug. 16, 1962,⁽¹⁷⁾ Speaker John W. McCormack, of Massachusetts, recognized Mr. B. F. Sisk, of California, who by direc-

17. 108 CONG. REC. 16759, 87th Cong. 2d Sess.

tion of the Committee on Rules was about to offer a privileged resolution (H. Res. 763), and to ask for its immediate consideration when the following exchange took place:

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

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. FORD: Mr. Speaker, is my understanding correct that the gentleman from California is moving for the consideration of the rule,⁽¹⁸⁾ and if this is approved by a two-thirds vote, then we will consider the rule, which also has to be approved by a two-thirds vote. Also is the rule granted by the Committee on Rules in reference to H.R. 12333 a closed rule with a motion to recommit with instructions?

THE SPEAKER: The resolution has not been reported as yet, and the gentleman from California has not yet made a motion; but, assuming the gentleman from California offers a motion for the present consideration of the resolution, the question of consideration would be submitted to the membership without debate and a two-thirds vote would be necessary to consider the resolution. If the question of consideration was decided in the af-

18. Reference to "the rule," in this context, actually denotes the resolution since its purpose was to prescribe the framework within which the House would consider a bill (H.R. 12333), to amend title 38, United States Code, to permit the granting of national service life insurance to certain veterans.

firmative the resolution would then be considered under the regular rules of the House, providing 1 hour of debate, one-half of the time to be assigned to the member of the Rules Committee on the minority side in charge. At the termination of the hour, there would be a majority vote on the adoption of the rule.⁽¹⁹⁾

§ 57.5 The Speaker indicated that a majority vote and not a two-thirds vote would be required for the adoption of a resolution reported by the Committee on Rules providing a special order of business, despite provisions in that resolution which were inconsistent with the standing rules and procedure of the House.

On Oct. 27, 1971,⁽²⁰⁾ Speaker Carl Albert, of Oklahoma, recognized Mr. Richard Bolling, of Missouri, who, by direction of the Committee on Rules, called up House Resolution 661 and asked for its immediate consideration. The measure provided that upon its adoption, it would be in order to move that the House resolve itself into the Committee of the Whole for the consideration of a bill (H.R. 7248), to amend and ex-

19. For a similar instance, see 92 CONG. REC. 5924, 79th Cong. 2d Sess., May 29, 1946.

20. 117 CONG. REC. 37765, 92d Cong. 1st Sess.

tend the Higher Education Act of 1965 and other acts dealing with higher education. Among the provisions of the resolution was the following language:

. . . It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections . . . and further, all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248.

As discussion on the resolution proceeded, Mr. Spark M. Matsunaga, of Hawaii, addressed the following question to Mr. Bolling:⁽²¹⁾

When a bill containing matters belonging properly to the jurisdiction of two committees is referred to one of the two committees, and that committee does act upon the bill and reports such bill out on to the floor of the House, the House rules as they now exist provides that jurisdiction was properly exercised over all matter in the bill by the committee to which the bill was referred.⁽¹⁾

21. *Id.* at p. 37767.

1. See Rule XXII clause 4, *House Rules and Manual* §854 (1973), where the

Now, my question is: Because the rule, now being proposed by House Resolution 661, in effect contravenes that House rule and in effect is an amendment to the House rules, would it not take a two-thirds majority for the passage of the resolution,⁽²⁾ in order that the section pertaining to jurisdiction might be legally effective?

Mr. Bolling yielded, at Mr. Matsunaga's request, for the following parliamentary inquiry:⁽³⁾

MR. MATSUNAGA: Mr. Speaker, at this point is it proper for the Speaker to determine whether a two-thirds veto would be required for the passage of this resolution, House Resolution 661, or merely a majority?

THE SPEAKER: The resolution from the Committee on Rules makes in

commentary provides, in part, that "According to the later practice the erroneous reference of a public bill, if it remains uncorrected, in effect gives jurisdiction to the committee receiving it (4 [Hinds' Precedents] §§4365-4371; 7 [Cannon's Precedents] §§1489, 2108-2113; 8 [Cannon's Precedents] §2312). And it is too late to move a change of reference after such committee has reported the bill (7 [Cannon's Precedents] §2110; 8 [Cannon's Precedents] §2312)."

2. See Rule XXVII clause 1, *House Rules and Manual* §902 (1973) which provides, in part, that "No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present."
3. 117 CONG. REC. 37768, 92d Cong. 1st Sess.

order the consideration of the bill (H.R. 7248) and a majority vote is required for that purpose.

MR. MATSUNAGA: Even with the reference to the last section, Mr. Speaker, relating to the raising of a point of order on a bill which is properly reported out by a committee to which the bill was referred, which would in effect contravene an existing rule of the House?

THE SPEAKER: The Committee on Rules proposes to make in order in its resolution (H. Res. 661) the opportunity to raise points of order against the bill on committee jurisdictional grounds, but as is the case with any resolution reported by the Committee on Rules making a bill a special order of business, only a majority vote is required.⁽⁴⁾

Motion to Recommit

§ 57.6 A motion to recommit a resolution reported by the Committee on Rules is not in order after the previous question has been ordered.

On Feb. 2, 1955,⁽⁵⁾ Speaker pro tempore Robert C. Byrd, of West

4. It should be noted, however, that a vote of not less than two-thirds of the Members voting (a quorum being present), is required for the consideration of a resolution on the same day that it is reported by the Committee on Rules (except during the last three days of a session). See §§56.1, 56.2, *supra*, and Rule XI clause 23, *House Rules and Manual* §729 (1973).
5. 101 CONG. REC. 1076, 84th Cong. 1st Sess.

Virginia, recognized Mr. Ray J. Madden, of Indiana, who, acting by direction of the Committee on Rules, called up a resolution (H. Res. 63), and asked for its immediate consideration. House Resolution 63 authorized the Committee on Veterans' Affairs to conduct an investigation into various programs benefiting veterans, their survivors and dependents. The proposed committee amendment to the resolution contained language intended to prevent any duplication of investigatory work undertaken by other House committees.⁽⁶⁾

In the course of the measure's consideration, time allocated to Mr. Madden was yielded to Mrs. Edith Nourse Rogers, of Massachusetts,⁽⁷⁾ who sought an amendment striking out the language relating to investigatory duplication. Mr. Madden then indicated, however, that it was not his intent to yield to Mrs. Rogers for the purpose of an amendment. Debate resumed, the previous question was ordered, and the Chair put the question on the committee amendment which was agreed to. The Chair then recognized Mrs. Rogers:

Mr. Speaker, I would like to offer a motion to recommit striking out the

6. *Id.* at p.1077.

7. *Id.* at p. 1079.

language on line 15 beginning with "The committee" and ending with "House."⁽⁸⁾

THE SPEAKER:⁽⁹⁾ Under the rules, a motion to recommit a resolution from the Committee on Rules is not in order.⁽¹⁰⁾

Parliamentarian's Note: The rules⁽¹¹⁾ provide that "It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business . . . and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced the Speaker shall not entertain any other dilatory motion until the report shall have been fully disposed. . . ." The motion to commit or recommit after the ordering of the previous question has been excluded in the later practice, based upon the initial ruling of Speaker

8. The language proposed to be struck was that segment of the committee amendment which stated: "The committee shall not undertake any investigation of any matter which is under investigation by another committee of the House."

9. Sam Rayburn (Tex.).

10. See 8 Cannon's Precedents §2753. See also 97 CONG. REC. 11398, 82d Cong. 1st Sess., Sept. 14, 1951, for a similar ruling.

11. Rule XI clause 4 (b), *House Rules and Manual* §729 (1979).

Charles F. Crisp,⁽¹²⁾ of Georgia, to the effect that this rule requires the House to vote directly on the report of the Committee on Rules since the previous question has been ordered. But earlier rulings were to the contrary.⁽¹³⁾

§ 57.7 A motion to recommit a joint resolution reported by the Committee on Rules, creating a joint committee of Congress, can be made in order by a special order reported by that committee, whether or not the joint resolution is privileged under Rule XI clause 23 (prohibiting a motion to recommit).

On May 25, 1970,⁽¹⁴⁾ Mr. B. F. Sisk, of California, by direction of the Committee on Rules, called up as privileged House Resolution 1021, which resolution provided as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res.

12. 5 Hinds' Precedents §5594, as affirmed by 5 Hinds' Precedents §§5597, 5601, and 8 Cannon's Precedents §§2750-54.
13. 5 Hinds' Precedents §§5593, 5595, 5596.
14. 116 CONG. REC. 16973, 16994, 16995, 91st Cong. 2d Sess.

1117) to establish a Joint Committee on Environment and Technology. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the joint resolution shall be read for amendment under the five-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.

After the House agreed to the adoption of the preceding resolution, Mr. Sisk then moved that the House resolve into the Committee of the Whole for the consideration of House Joint Resolution 1117 and the House agreed to the motion. At the conclusion of consideration and amendment in the Committee of the Whole, the Committee rose and the House agreed to the amendments and adopted the joint resolution.

Voting Down Previous Question on Privileged Resolution; Effect

§ 57.8 In response to parliamentary inquiries the Speaker advised that if the

previous question of a privileged resolution reported by the Committee on Rules were voted down: (1) the resolution would be open to further consideration, amendment, and debate; (2) a motion to table would be in order and would be preferential; and (3) the Chair, under the hour rule, would recognize the Member who appeared to be leading the opposition.

On Oct. 19, 1966,⁽¹⁵⁾ by direction of the Committee on Rules, Mr. Claude D. Pepper, of Florida, called up House Resolution 1013, creating a Select Committee on Standards and Conduct. After an hour of debate on the resolution, Mr. Pepper moved the previous question. Prior to putting the question, Speaker John W. McCormack, of Massachusetts, answered several parliamentary inquiries as to the effect of defeating the motion for the previous question. The proceedings were as follows:⁽¹⁶⁾

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. HAYS: Mr. Speaker, if the previous question is refused, is it true

that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion.

Parliamentarian's Note: If the previous question is rejected, the motions specified in Rule XVI clause 4 are in order in the order specified.

Mr. James G. Fulton, of Pennsylvania, then sought recognition for a further parliamentary inquiry:

THE SPEAKER: The gentleman will state his parliamentary inquiry.

The Chair would suggest that parliamentary inquiries be in the nature of inquiries seeking information as to the parliamentary procedure. Of course, the statement of the Chair is not directed to the gentleman from Pennsylvania.

The gentleman from Pennsylvania [Mr. Fulton] will state his parliamentary inquiry.

MR. FULTON of Pennsylvania: Mr. Speaker, if the previous question is re-

15. 112 CONG. REC. 27713, 89th Cong. 2d Sess.

16. *Id.* at p. 27725.

fused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

MR. [CORNELIUS E.] GALLAGHER [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GALLAGHER: If the previous question is voted down we will have the option to reopen debate, the resolution will be open for amendment, or it can be tabled. Is that the situation as the Chair understands it?

THE SPEAKER: If the previous question is voted down on the resolution, the time will be in control of some Member in opposition to it, and it would be open to amendment or to a motion to table.

Ultimately, the previous question was refused on House Resolution 1013, and, after an unsuccessful motion by Mr. Waggoner to lay the resolution on the table, the Speaker recognized Mr. Hays for one hour of debate on the resolution. The House subsequently agreed to an amendment offered

by Mr. Hays to the resolution and adopted the resolution as Amended.⁽¹⁷⁾

§ 57.9 Where the previous question was voted down on a resolution reported by the Committee on Rules providing for an investigation of sit-down strikes, a motion to lay the resolution on the table was agreed to.

On April 8, 1937,⁽¹⁸⁾ Mr. Edward E. Cox, of Georgia, called up a resolution from the Committee on Rules, which resolution provided for an investigation of an "epidemic of sit-down strikes . . . sweeping the Nation. . . ." At the conclusion of debate on the resolution, Mr. Cox moved the previous question on the resolution, but the motion was defeated. The House agreed to a subsequent preferential motion to lay the resolution on the table. The proceedings were as follows:

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

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The question is on ordering the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. Dies) there were—ayes 117, noes 179.

17. *Id.* at pp. 27725–29.

18. 81 CONG. REC. 3291, 3301, 75th Cong. 1st Sess.

19. Fred M. Vinson (Ky.).

MR. [DEWEY J.] SHORT [of Missouri]: Mr. Speaker, I demand the yeas and nays.

MR. [LINDSAY C.] WARREN [of North Carolina]: Mr. Speaker, I move the resolution be laid on the table.

MR. [MARTIN] DIES [Jr., of Texas]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

MR. [THOMAS] O'MALLEY [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. O'MALLEY: This vote is on ordering the previous question and not on the resolution?

THE SPEAKER PRO TEMPORE: The vote is on ordering the previous question.

The question was taken; and there were—yeas 150, nays 236, not voting 44

So the motion to order the previous question was rejected.

The Clerk announced the following pairs:

The result of the vote was announced as above recorded.

MR. WARREN: Mr. Speaker, I offer a preferential motion.

Mr. Speaker, I move to lay the resolution (H. Res. 162) upon the table.

The motion to lay the resolution (H. Res. 162) on the table was agreed to.

Use of Special Rule Following Defeat of Motion to Suspend Rules

§ 57.10 The failure of a motion to suspend the rules and

pass a bill does not prejudice the status of a bill and the Committee on Rules may subsequently bring in a special rule providing for its consideration and requiring only a majority vote for its passage.

On June 5, 1933,⁽²⁰⁾ Mr. John E. Rankin, of Mississippi, moved to suspend the rules and pass the bill H.R. 5767, to authorize the appointment of the Governor of the Territory of Hawaii without regard to his residency or citizenship there. At the conclusion of 40 minutes' debate, the yeas and nays were ordered upon demand and there were less than two-thirds voting, in favor of the motion to suspend the rules and pass the bill. The motion having been rejected, Mr. Thomas L. Blanton, of Texas, then inquired as to whether the Committee on Rules could nevertheless bring in a rule to take up consideration of H.R. 5767. Speaker Henry T. Rainey, of Illinois, assured him that the Committee on Rules could report such a rule.⁽²¹⁾

20. 77 CONG. REC. 5015, 5022, 5023, 73d Cong. 1st Sess.

21. *Parliamentarian's Note*: On June 6, 1933, the following day, the Committee on Rules reported out a special rule [H. Res. 176], providing for the consideration of H.R. 5767,

§ 57.11 The Committee on Rules may report a special rule making in order the consideration of a joint resolution previously defeated the same day on a motion to suspend the rules.

On Aug. 24 (legislative day of Aug. 23), 1935,⁽¹⁾ Speaker Joseph W. Byrns, of Tennessee, recognized Mr. Schuyler Otis Bland, of Virginia, who moved to suspend the rules and pass Senate Joint Resolution 175, which read as follows:

Resolved, etc., That section 5 of the Independent Offices Appropriation Act, 1934, as amended, be amended by striking out "October 31, 1935," and inserting in lieu thereof "March 31, 1936": *Provided* That the right of the United States to annul any fraudulent or illegal contract or to institute suit to recover sums paid thereon is in no manner affected by this joint resolution.

After debate, however, the question was taken, and on a roll call vote, the motion to suspend the rules was lost.⁽²⁾ The House then moved to other business.

Later in the day, the Speaker recognized Mr. John J. O'Connor,

which was adopted by the House. The bill itself was passed by a majority of the House on June 7, 1933.

1. 1. 79 CONG. REC. 14593, 74th Cong. 1st Sess.
2. *Id.* at p. 14600.

of New York, who by direction of the Committee on Rules, presented a privileged report on House Resolution 372 and asked for its immediate consideration. The resolution read as follows:⁽³⁾

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of (S.J. Res. 175), a joint resolution to extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act 1935, and all points of order against said joint resolution are hereby waived.

Mr. O'Connor then proceeded to explain the measure, leading to the following discussion and resultant response from the Speaker:

MR. O'CONNOR: Mr. Speaker, this is a matter which was considered today under suspension of the rules but failed of passage. It is a matter about which there was some confusion. It is a very simple matter and has nothing to do with ship subsidies. It merely extends the time within which the President can determine whether or not to cancel or modify the contracts. The President has before him this important situation: Many of these contracts will expire between October of this year and January of next year. I am authorized to say that the President feels he needs this authority.

Mr. Speaker, I move the previous question on the resolution.

3. *Id.* at p. 14652.

MR. [MAURY] MAVERICK [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MAVERICK: After a bill has been passed on, can it be brought up again the same day? What about the Puerto Rico bill, which failed? If we can again bring up the bill made in order by this resolution, we can do it with the Puerto Rico bill, or with any other bill that has been defeated once during the day. This bill was defeated a few hours ago.

THE SPEAKER: The Chair will answer the gentleman's parliamentary inquiry. This is an effort on the part of the gentleman from New York, Chairman of the Rules Committee, to bring this bill up under a special rule.

The question is up to the House as to whether or not that can be done.

MR. MAVERICK: I did not hear the Chair.

THE SPEAKER: This is a special rule which is under consideration and is in order.

Parliamentarian's Note: Under Rule XI clause 4, the two Houses having agreed to a sine die adjournment resolution and the last three days of the session being in effect, the requirement of a two-thirds vote to consider the rule the same day reported was inapplicable.

F. COMMITTEE REPORTS

§ 58. In General

This division takes up the subject of committee reports as used in the reporting of bills and resolutions to the House for floor consideration.⁽⁴⁾

The House rules provide that “. . . [A]ll bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing. . . .”⁽⁵⁾ It is the duty of each committee chairman to promptly report approved

measures to the House.⁽⁶⁾ Moreover, by virtue of a change brought about by the 1970 Legislative Reorganization Act,⁽⁷⁾ if the report is not filed by the chairman of the committee, the report may be filed by special direction of the committee. The rules provide that a majority of the members of a committee may sign a written request for the filing of a report on a measure it has approved. This request is filed with the committee clerk, who then imme-

4. Commentary and editing by John T. Fee, J.D.

5. Rule XVIII clause 2, *House Rules and Manual* § 821 (1979).

6. Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1979).

7. Pub. L. No. 91-510, 84 Stat. 1140 (Oct. 26, 1970).