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of Indiana, stated that the Committee of the Whole could by unanimous consent vacate the proceedings by which it had voted to rise.

MR. [LOUIS] LUDLOW [of Indiana]: Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

MR. LUDLOW: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. LUDLOW: May I ask what is the status of the Committee now?

THE CHAIRMAN: We are waiting for the Speaker to arrive to report that the Committee has determined to rise.

MR. LUDLOW: Mr. Chairman, I ask unanimous consent that the proceedings by which the Committee determined to rise be vacated.

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

There was no objection.

MR. LUDLOW: Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. Wearin].

§ 26. Resumption of Business After Committee Resumes Sitting

Continuation of Debate When Committee Resumes Business After Rising

§ 26.1 Where the period of time for debate has been fixed on an amendment in the Committee of the Whole and the Committee rises before the time expires, debate continues when the Committee resumes its deliberations.

On June 16, 1948,[15] the Committee of the Whole was considering H.R. 6401, the Selective Service Act of 1948, under Chairman Francis H. Case, of South Dakota. Time for debate had been fixed on an amendment by the Committee, but a motion to rise was offered before the time had expired.

MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise. . . .

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MARCANTONIO: Mr. Chairman, under the arrangement entered into limiting debate on this amendment, will the Members who were scheduled to be recognized be recognized when the Committee resumes its deliberations?

THE CHAIRMAN: They will be recognized, if the Committee should vote to rise, when the Committee meets again.

MR. ANDREWS of New York: Mr. Chairman, a parliamentary inquiry.

15. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

THE CHAIRMAN: The gentleman will state it.

MR. ANDREWS of New York: My understanding is that all those gentlemen whose names are on the list will be recognized immediately tomorrow.

THE CHAIRMAN: The statement of the gentleman from New York is correct.

Resumption of Consideration After House Refusal to Strike Enacting Clause

§ 26.2 When a recommendation of the Committee of the Whole that the enacting clause of a bill be stricken is rejected by the House, the House, without motion, resolves itself into the Committee of the Whole for further consideration of the bill.

On May 18, 1960,[16] during consideration of H.R. 5, the Foreign Investment Incentive Tax Act of 1960, the House without motion resolved itself into the Committee of the Whole for further consideration of the bill after rejecting a Committee recommendation to strike out the enacting clause.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. Gross moves that the Committee now rise and report the bill to the House with the recommendation that the enacting clause be stricken out. . . .

THE CHAIRMAN:[17] . . . The question is on the preferential motion offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 101, noes 93.

MR. [HALE] BOGGS [of Louisiana]: Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Boggs and Mr. Gross.

The Committee again divided, and the tellers reported there were—ayes 107, noes 101.

So the motion was agreed to.

THE CHAIRMAN: The Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, had di-

16. 106 CONG. REC. 10577–79, 86th Cong. 2d Sess. See also, for example, 113 CONG. REC. 8611, 90th Cong. 1st Sess., Apr. 6, 1967 (H.R. 2512, revision of copyright laws); 111 CONG. REC. 25418, 89th Cong. 1st Sess., Sept. 29, 1965 (H.R. 4644, providing home rule for the District of Columbia); and 108 CONG. REC. 22363, 87th Cong. 2d Sess., Oct. 4, 1962 (S. 1123, amending the Fair Labor Standards Act), for other illustrations of this principle.

17. William H. Natcher (Ky.).

rected him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

THE SPEAKER:[18] The question is, Shall the enacting clause be stricken out?

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

The yeas and nays were ordered.

The question was taken and there were—yeas 160, nays 232, not voting 40. . . .

So the enacting clause was not stricken out. . . .

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 5.

The Clerk read the title of the bill.

THE CHAIRMAN: When the Committee rose, there was pending the amendment offered by the gentleman from Louisiana [Mr. Boggs] to the Committee amendment in the nature of a substitute. The gentleman from Louisiana [Mr. Boggs] had consumed 5 minutes in support of the amendment.

Resumption of Proceedings on Teller Vote

§ 26.3 Where a demand for tellers on a vote in the Committee of the Whole is displaced by a motion to rise before the demand for tellers is seconded, the question on ordering tellers is regarded as pending and is first disposed of when the Committee resumes its session.

On Mar. 9, 1935,[19] a demand for tellers had been displaced by a motion to rise during consideration of H.R. 6021. Chairman Emanuel Celler, of New York, stated that the question on ordering tellers would be regarded as pending and disposed of first after resumption of business in the Committee of the Whole.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Michigan [Mr. Wolcott], which the Clerk will again report.

The Clerk read the Wolcott amendment.

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 118, noes 89.

MR. [FRANKLIN W.] HANCOCK of North Carolina: Mr. Chairman. I demand tellers.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Chairman, I move that the Committee do now rise.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Chairman, if the Committee determines to rise, the request for tellers will be considered as pending?

THE CHAIRMAN: The gentleman is correct.

18. Sam Rayburn (Tex.).

19. 79 CONG. REC. 3315, 3316, 74th Cong. 1st Sess.

§ 26.4 Under the former practice, it was held that where a point of no quorum was made in the Committee of the Whole and the roll was called while a demand for a teller vote on an amendment was pending, the question of ordering tellers was put immediately after the Committee resumed its sitting.

On May 10, 1946,[20] the Committee of the Whole was considering amendments to H.R. 6335, the Department of the Interior appropriation, 1947, Chairman Jere Cooper, of Tennessee, presiding. A point of no quorum was made and the roll was called while a demand for a teller vote on an amendment was pending. The question on ordering tellers was put immediately after the Committee obtained a quorum and resumed its sitting. The Chairman indicated that the demand for tellers was not precluded by a prior division vote agreeing to the amendment.

THE CHAIRMAN: The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. Rooney) there were—ayes 41, noes 29.

MR. [JED] JOHNSON of Oklahoma:

Mr. Chairman, I demand tellers.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, I make the point of order that a quorum is not present.

THE CHAIRMAN: The Chair will count. [After counting.] Eighty-seven Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll. . . .

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Cooper, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 6335, and finding itself without a quorum, he had directed the roll to be called, when 313 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

THE SPEAKER:[1] The Committee will resume its sitting.

THE CHAIRMAN: The gentleman from Oklahoma [Mr. Johnson] demands tellers on the amendment offered by the gentleman from Idaho [Mr. Dworshak] to the amendment offered by the gentleman from Utah [Mr. Robertson].

MR. [WALTER K.] GRANGER [of Utah]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it

MR. GRANGER: As I understood the situation when the quorum was called, the Chair had already announced that the amendment offered by the gentleman from Idaho to the amendment had been agreed to; and the request comes too late.

THE CHAIRMAN: The Chair had announced that on a division the amend-

20. 92 CONG. REC. 4840, 79th Cong. 2d Sess.

1. Sam Rayburn (Tex.).

ment to the amendment had been agreed to. Thereupon, the gentleman from Oklahoma [Mr. Johnson] demanded tellers. At that point a point of order was made that a quorum was not present.

The gentleman's demand for tellers is now pending.

Parliamentarian's Note: Clause 2 of Rule XXIII was amended in the 96th Congress (H. Res. 5, Jan. 15, 1979) to permit the Committee to continue its business following the appearance of a quorum so that the Speaker need not take the chair to receive the Committee's report of absentees. Prior to the adoption of this change in the rules, the Committee of the Whole followed the procedure indicated above. Under the new rule, the Committee would still rise if a quorum of the Committee failed to appear. Rule XXIII clause 2(a), *House Rules and Manual* § 863 (1979). The subject of quorums is discussed more fully in Ch. 20, infra

§ 26.5 Where the Committee of the Whole has ordered tellers on an amendment and then rises, the order for tellers is pending and can be vacated and the vote taken de novo only by unanimous consent when the Committee again resumes consideration of the matter.

On July 2, 1947,[2] the Committee of the Whole resumed consideration from the previous day of amendments to H.R. 4002, the War Department civil functions appropriations bill, 1948. Chairman Earl C. Michener, of Michigan, stated that on the previous day the Committee of the Whole had ordered tellers on an amendment and then had risen. The Chairman ruled that the order for tellers could be vacated and the vote taken de novo only by unanimous consent.

THE CHAIRMAN: . . . When the Committee rose yesterday, the so-called Rankin amendment was pending. A voice vote had been taken. Tellers were demanded and ordered.

Without objection the Clerk will again read the so-called Rankin amendment.

There was no objection.

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

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: Mr. Chairman, is it not in order to vacate or disregard the standing vote and take the standing or voice vote again?

THE CHAIRMAN: Tellers have already been ordered.

MR. RANKIN: I understand that, Mr. Chairman, but I believe that where a vote is not completed on one day it is

2. 93 CONG. REC. 8136, 80th Cong. 1st Sess.

taken again when the question again comes up for consideration.

THE CHAIRMAN: The gentleman's inquiry is: Can the order for tellers be vacated, and the Committee proceed de novo on the amendment? That can be done by unanimous consent.

MR. RANKIN: Mr. Chairman, I ask unanimous consent that that be done.

THE CHAIRMAN: The gentleman from Mississippi asks unanimous consent that the proceedings on the vote on the Rankin amendment when the Committee was last in session be vacated and that the vote be taken de novo. Is there objection?

MR. [ALBERT J.] ENGEL of Michigan: I object, Mr. Chairman.

THE CHAIRMAN: The Clerk will again report the amendment.