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On Apr. 20, 1936, Speaker Joseph W. Byrns, of Tennessee, ruled that a question of personal privilege could not be raised while another question of privilege (of the House) was pending:[4]

> MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I rise to a question of the privilege of the whole House and offer a privileged resolution, which I ask the Clerk to read.
>
> The Clerk read as follows:
>
> HOUSE RESOLUTION 490
>
> Whereas during the House proceedings on April 17, 1936, the gentleman from Washington [Mr. Zioncheck] attempted to speak out of order and to indulge in personalities, when he was admonished by the Chair, as follows—
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> MR. [MARION A.] ZIONCHECK [of Washington]: Mr. Speaker, I rise to a point of personal privilege.
>
> THE SPEAKER: The gentleman cannot do that while another question of privilege is pending.

Parliamentarian's Note: Although highly privileged, a question of privilege may not be presented while another Member has the floor.[6] And a point of order, such as a point of order that a quorum is not present, or a point of order that the Member rising to a question of privilege has not presented a question of privilege, may interrupt a Member stating a question of privilege.[6]

A question of privilege is not entertained pending a vote on a motion to adjourn.[7]

§ 29. Certain Bills, Resolutions, and Reports

Under Rule XI clause 22,[8] specified committees have the right to report to the House at any time on certain subjects within their jurisdiction.[9]

Prior to the implementation of section 133 (c) of the Legislative Reorganization Act of 1946 into the rules, in Rule XI clause 27(d)(4)[10] the right of reporting

3. See § 31, infra. A question of personal privilege may supersede the consideration (or disposition) but not the presentation of a message from the President or the Senate.

4. 80 CONG. REC. 5704, 74th Cong. 2d Sess.

5. See 80 CONG. REC. 3720, 74th Cong.

6. See 84 CONG. REC. 8468, 8469, 76th Cong. 1st Sess., June 30, 1939.

7. 116 CONG. REC. 11940, 91st Cong. 1st Sess., Apr. 15, 1970.

8. *House Rules and Manual* § 726 (1973) [now Rule XI clause 4(a), *House Rules and Manual* § 726 (1979)].

9. The privilege bestowed by the rule is limited to the subject matter specified in the rule; inclusion of other subjects may destroy the privilege of the proposition (see §§ 29.1–29.3, infra).

10. *House Rules and Manual* § 735(d)(4) (1973).

at any time was held to give the right to immediate consideration of such reports.[11] But Rule XI clause 27(d)(4) as of the 93d Congress required that committee reports on any matter, including privileged matter, be available for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before consideration, with the exception of reports from the Committees on House Administration, Appropriations, Rules, and Standards of Official Conduct. That clause was renumbered as Rule XI clause 2(l)(6) and amended effective Jan. 3, 1975, to exclude from the three-day layover requirement only the Committee on Rules, in the case of a privileged report.

General appropriation bills may not be considered, under Rule XXI clause 6 (clause 7 in the 95th Congress rules),[12] until hearings and a report have been available for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), and reports from the Committee on House Administration on certain expenditures from the contingent fund may not be considered until available for at least one calendar day, under Rule XI clause 32 (clause 5 in the 95th Congress rules).[13] Reports from the Committee on Rules may be considered on the same day reported only if the question of consideration is agreed to by a two-thirds vote; a majority vote is required to adopt a resolution from the committee.[14]

A report by a committee which strictly constitutes a question of the privileges of the House, under Rule IX, is not subject to the three-day availability requirement of Rule XI clause 27(d)(4) [clause 2(l)(6) in the 95th Congress rules], as the requirement applies to matters merely privileged under the rules and not brought up for immediate consideration under Rule IX. But in order to obtain immediate consideration of such a report, a resolution constituting a question of the privileges of the House must be offered for immediate consideration.[15]

11. See 4 Hinds' Precedents §§ 3131, 3142–3147; 8 Cannon's Precedents §§ 2291, 2312.

12. *House Rules and Manual* § 848 (1973).

13. *House Rules and Manual* § 739a (1973). Prior to the 95th Congress, the one-day layover requirement applied only to reports from the Committee on House Administration on expenses for standing committees; in the 95th Congress the clause was extended to reports from that committee on expenses for committees, commissions, or other entities.

14. See § 18, supra, for the consideration of reports from the Committee on Rules.

15. See § 28.19, supra. In the 94th and 95th Congresses, several resolutions

Select committees may be given the right to report measures within their jurisdiction at any time,[16] although such authority does not waive the requirement of compliance with the three-day rule.

The three-day requirement also does not apply, pursuant to its own provisions, to consideration of a proposal disapproving or invalidating executive action which would otherwise become effective. The intent of that exemption is to prevent the three-day rule from precluding the exercise of disapproval under statutes granting that power to Congress. Nor does the rule apply to declarations of war or national emergencies.[17]

Reports from committees on resolutions disapproving executive actions may be made privileged by statutes so providing. The statute may provide that once the resolution of disapproval is reported from committee, a motion to consider the resolution is privileged, and that if the committee does not report a resolution of disapproval within a certain period of time, a motion to discharge the committee may be made as a privileged motion on the floor, followed by a motion to consider.[18] A small number of resolutions may be submitted from the floor as original and privileged propositions, such as concurrent resolutions for adjournment; concurrent resolutions for certain joint sessions; and resolutions electing Members to committees.[19]

As indicated above, certain reports are privileged for consideration when reported from any committee. Examples are reports on vetoed bills, reports on resolutions of inquiry, and reports constituting questions of the privileges of the House, such as those relating to the contempt of a witness before a committee. (A reso-

reported from the Committee on House Administration, in part constituting questions of the privileges of the House (court cases in relation to the prerogatives of Congress), and in part disbursing expenses from the contingent fund (in order to assert such prerogatives), were considered as privileged after reported for three days under Rule XI clause 2(l)(6) (see H. Res. 899, H. Res. 1420, and H. Res. 1479, 94th Cong.; H. Res. 334, 95th Cong.).

16. See §§ 29.5, 29.6, infra.

17. See Rule XI clause 27(d)(4)(B), *House Rules and Manual* § 735(d)(4) (1973) [now Rule Xl clause 2(1)(6) *House Rules and Manual* § 715 (1979)].

18. See §§ 29.11, infra.Comrnittee reports are discussed extensively in Ch. 17, supra. For a compilation of relevant statutory provisions giving privilege to certain congressional veto resolutions, see *House Rules and Manual* § 1013 (1975 and 1977).

19. See §§ 29.12, 29.17–29.19, infra.

lution to certify the contempt to the United States Attorney is presented as a question of the privileges of the House.)[20] A conference report on any bill is privileged when reported by the conferees on the part of the House, but is subject to the three-day availability requirement specified in Rule XXVIII.[1]

In order to retain its privilege, a privileged report must be submitted as privileged from the floor while the House is in session (and not filed in the hopper). A committee may, however, obtain by unanimous consent permission to file a privileged report while the House is not in session.

Certain Senate-passed measures are privileged for consideration in the House: Senate bills similar to House bills already on the House Calendar; Senate amendments not requiring consideration in Committee of the Whole; Senate concurrent resolutions for adjournment; Senate amendments to House concurrent resolutions for adjournment; and Senate bills and amendments after the stage of disagreement has been reached. The request of the Senate for the return of a bill is also presented as privileged.[2]

Cross References

For further discussion of questions of privilege, see Ch. 11, supra.

As to committee reports and their privilege, see Ch. 17, supra.

For discussion of Discharge Calendar motions as privileged, see Ch. 18, supra.

As to calendars and the privilege of business on eligible days, see Ch. 22, infra.

As to bills and resolutions and their privilege generally, see Ch. 24, infra.

For discussion of appropriation bills as privileged, see Ch. 25, infra.

For discussion of Senate bills and amendments as privileged, see Ch. 32, infra.

For discussion of conference reports as privileged, see Ch. 33, infra.

For discussion of business on the Speaker's table as privileged, see § 2, supra.

For discussion of unfinished and postponed business as privileged, see § 3, supra.

For discussion of Calendar Wednesday business as privileged, see § 4, supra.

For discussion of District of Columbia business as privileged, see § 5, supra.

For discussion of suspension of the rules as privileged, see § 10, supra.

For discussion of reports from the Committee on Rules as privileged, see § 17, supra.

20. For resolutions of inquiry, see §§ 29.14–29.16, infra. For reports on vetoed bills, see § 28.7, supra. For resolutions brought up under a question of the privileges of the House, see §§ 28.12–28.19, supra.

1. *House Rules and Manual* § 912 (1979). See §§ 29.2–29.28, infra, for conference reports and their privilege. See also, Ch. 33 §§ 16, 22, infra, for a complete discussion of conference reports and their privilege.

2. See §§ 29.29–29.32, infra.

For discussion of bills made in order by special rules as privileged, see §§ 19, 20, supra.

Scope of Privileged Reports

§ 29.1 The Speaker held that a rule giving privilege to a report from a certain committee permitted the inclusion of matters incidental to the main purpose so long as they tended toward the accomplishment of that end.

On May 21, 1958, a motion was made that the House resolve itself into the Committee of the Whole for the consideration of a bill, reported by the Committee on Interior and Insular Affairs, to provide for the admission of the State of Alaska into the Union, pursuant to the rule then in effect giving privilege to that committee for reports relating to the admission of new states. Speaker Sam Rayburn, of Texas, overruled a point of order against the motion, the point of order being based upon the inclusion in the bill of nonprivileged matter:[3]

MR. [WAYNE N.] Aspinall [of Colorado]: Mr. Speaker, by direction of the Committee on Interior and Insular Affairs and pursuant to rule XI, clause 20, 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 bill (H.R. 7999) to provide for the admission of the State of Alaska into the Union. . . .

MR. [CLARENCE] Cannon [of Missouri]: Mr. Speaker, I desire to submit a point of order. . . .

Mr. Speaker, I want to submit a point of order at this time that the bill is not privileged and, therefore, the motion that the House resolve itself into the Committee of the Whole House on the State of the Union is not in order at this time.

THE SPEAKER: The Chair will hear the gentleman.

MR. CANNON: Mr. Speaker, if this bill, H.R. 7999, is privileged at all, it is privileged under clause 20 of rule XI, authorizing the Committee on Interior and Insular Affairs to bring in a bill for admission of a new State. It must conform in every respect to the rule, or its privilege is destroyed.

But, Mr. Speaker, this bill contains matter that is not privileged and under the very familiar rule with which all of us are thoroughly cognizant, the presence of unprivileged matter in a bill destroys the privilege of the bill. This bill carries provisions which are not privileged and, therefore, the entire bill is unprivileged and the committee has no authority to bring it to the floor at this time or in this manner.

For example, Mr. Speaker, the bill, although reported out by a legislative committee, carries appropriations. . . .

It will be argued, Mr. Speaker, possibly in the citation which has just

3. 104 CONG. REC. 9212–16, 85th Cong. 2d Sess.

been laid before the Speaker that under the rule giving privilege to certain bills reported from the Committee on Interior and Insular Affairs, nonprivileged matters included as necessary to the accomplishment of the purpose for which privilege is given are in order. But note, Mr. Speaker, the significant word "necessary". Any such nonprivileged material, in order to qualify under this decision, must be necessary—must be necessary to the accomplishment of the purpose of the bill.

Conversely, under the same rule, Mr. Speaker, matters which are not privileged and which are not necessary to the accomplishment of the purpose destroy the privilege of the bill. And again I emphasize the word "necessary".

Are any of these unprivileged provisions—or all of them—necessary? Are they necessary to the act of admission? Are they essentially accessory? Are all of them—or any one of them—necessary? Are they necessary in order to confer statehood under this bill?

Mr. Speaker no one can successfully contend that any of them are necessary in order to accomplish the purpose of the bill.

Therefore, it follows that being unprivileged—which no one will deny—and not being necessary to accomplish the act—which no one will affirm—they destroy the privilege of this bill and it cannot be brought to the floor by the Committee on Interior and Insular Affairs under the rule cited by the gentleman here this afternoon.

The SPEAKER: Unless some other Members desire to be heard, the Chair is ready to rule. . . .

Clause 20 of rule 11 provides in part as follows:

> The following named committees shall have leave to report at any time: Committee on Interior and Insular Affairs, bills for the admission of a new State.

The admission of a new State into the Union is not the question here.

The question here presented, is one of procedure. . . .

It is contended that in the exercising of the right to report at any time committees may not include matters not specified by the rule within the privilege.

Mr. Speakers Carlisle, Reed, and Longworth had on various occasions to pass upon phases of this question, although they did not pass specifically on the question of the privilege of the Committee on Territories with respect to bills providing for the admission of new States.

In 1888, Mr. Speaker Carlisle—Hinds' Precedents, volume IV, section 4637—held that the rule giving privilege to reports from the Committee on Public Lands permits the including of matters necessary to accomplishment of the purpose for which privilege is given.

That would be the reply to a great deal of the argument that has been made as to the germaneness of this matter.

Mr. Speaker Reed, in 1896—Hinds' Precedents, volume IV, section 4638—in passing upon a similar question stated:

> The Chair thinks that this provision has always had a liberal construction, and will decide that it is a privileged matter.

Mr. Speaker Longworth, in 1927—Cannon's Precedents, volume VIII, section 2280—in passing upon the privilege of the Committee on Ways and Means to report at any time, stated:

> If a major feature of a bill reported from the Ways and Means Committee relates to revenue the bill is privileged.

This bill relates to the admission of a new State into the Union.

And matters accompanying the bill—

Further quoting Mr. Longworth—

> not strictly raising revenue but incidental to its main purpose do not destroy this privilege.

The bill before us is one to provide for the admission of the State of Alaska into the Union. Upon a close examination of the bill it will be found that all of the provisions contained therein are necessary for the accomplishment of that objective. It may be argued that some of them are incidental to the main purpose, but as long as they tend toward the accomplishment of that end, such incidental purposes do not destroy the privilege of the Committee on Interior and Insular Affairs to report and call up the pending bill.

It may be said, therefore, that where the major feature—and the Chair hopes the Members will listen to this—that where the major feature of the bill relates to the admission of a new State, lesser provisions incidental thereto do not destroy its privilege when reported by the Committee on Interior and Insular Affairs, and, therefore, for these and many other reasons, the Chair overrules the point of order.[4]

§ 29.2 The presence of nonprivileged matters in a bill that is otherwise privileged under the rules, destroys the privileged status of the entire bill.

On Apr. 8, 1935, a motion was made, by direction of the Committee on Rivers and Harbors, that the House resolve itself into the Committee of the Whole for the consideration of a bill relating to rivers and harbors. At that time, Rule XI clause 45 provided that the Committee on Rivers and Harbors could report to the House at any time, as a privileged matter, relating to rivers and harbors. Speaker Joseph W. Byrns, of Tennessee, ruled, in response to a point of order, that the bill was not privileged for consideration since containing provisions relating to canals and inland waterways:[5]

MR. [JOSEPH J.] MANSFIELD [of Texas]: Mr. Speaker, I move that the

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4. See also § 28.10, supra, for the privilege of reports relating to impeachment, containing incidental matters, when reported from the committee investigating charges of impeachment.

Effective Jan. 3, 1975, Rule XI clause 4(a) was amended to delete the privilege given to the Committee on Interior and Insular Affairs on certain reports including those relating to admission of States.

5. 79 CONG. REC. 5250, 5251, 74th Cong. 1st Sess.

House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6732) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. . . .

MR. [BERTRAND H.] SNELL, [of New York]: I make the point of order against the motion of the gentleman from Texas [Mr. Mansfield] on the ground that this is not a privileged bill, and therefore the motion is not in order. I do this not because I am opposed to the bill, because I am for it, but in order to keep the Record and the precedents of the House intact relative to the consideration of a river and harbor bill.

As a matter of fact, the Chairman of the Rules Committee and I had a word or two about this bill Saturday night. Originally, river and harbor bills were privileged bills, but in those days they were confined to river and harbor projects alone. In later years all of these river and harbor bills have contained various other matters, such as channels, canals, and artificial waterways, which are not privileged matter. Of course, the presence of unprivileged matter in a bill makes the bill itself unprivileged. If I remember correctly, the present distinguished Speaker made a ruling on this very same proposition some 12 or 15 years ago when he was acting as Chairman of Committee of the Whole, and as a further argument to sustain my position, I respectfully call attention of the Speaker to that decision.

I would like to say further that as far as I am concerned, if the Speaker sustains the point of order, which I believe he will, if the gentleman from Texas will ask unanimous consent to call up this bill, I doubt if there will be any opposition to considering it at this time. The point I am making now is simply for the purpose of maintaining the rules of the House, and not because I have any opposition to the bill. . . .

THE SPEAKER: Clause 45 of rule XI, as it relates to the Committee on Rivers and Harbors, reads as follows, under the heading of Privileged Reports.

> The Committee on Rivers and Harbors, bills authorizing the improvement of rivers and harbors.

The bill which has been presented to the House not only relates to rivers and harbors but provides for other waterways.

There are quite a number of provisions in the bill, which it is unnecessary to point out, providing for inland waterways; for instance, from the Delaware River to Chesapeake Bay, the improvement of the Cape Cod Canal, and other provisions quite numerous which, in the opinion of the Chair. takes the bill from under the privilege provided in the rules.

The Chair feels constrained to follow the precedents heretofore established and the plain letter of the rule the Chair has read, which applies only to bills relating to rivers and harbors exclusively. In addition to this, the Chair will state that the Chair is informed that this bill was not presented to the House as privileged bills are, but was reported through the basket, rather than from the floor of the House.

The Chair therefore sustains the point of order.

§ 29.3 Although the Committee on Rules has authority under

Rule XI clause 23 [now Rule XI clause 4(b), House Rules and Manual, 1979] to report as privileged a resolution creating a select House committee, the inclusion therein of a subject coming within the jurisdiction of another standing committee destroys its privilege, and it is therefore necessary for the committee to report a privileged resolution making in order the consideration of the nonprivileged matter reported by it.

On Jan. 31, 1973,[6] Mr. Ray J. Madden, of Indiana, called up by direction of the Committee on Rules House Resolution 176, a privileged order of business making in order the consideration of House Resolution 132, another resolution reported from the Committee on Rules creating a select committee. The first resolution was necessary since House Resolution 132 was not a privileged resolution under Rule XI clause 23 because of its reference to paying money from the contingent fund on vouchers approved by the Speaker (a matter within the jurisdiction of the Committee on House Administration).

House Resolution 176, which was adopted by the House, read as follows:

H. RES. 176

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the resolution (H. Res. 132) to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. After general debate, which shall be confined to the 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 previous question shall be considered as ordered on the resolution to its adoption or rejection.

Similarly on June 8, 1937, the House adopted a resolution from the Committee on Rules making in order the consideration of a bill from the Committee on Rules creating a joint committee, where the bill was not privileged for consideration (since providing payment of the joint committee's expenses from the contingent funds of the House and Senate):[7]

HOUSE RESOLUTION 226

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 S. J. Res. 155, a joint resolution to create a Joint Congressional Committee on Tax Evasion and Avoidance, and all points of order against

6. 119 CONG. REC. 2804, 93d Cong. 1st Sess.

7. 81 CONG. REC. 5442, 75th Cong. 1st Sess.

said joint resolution are hereby waived. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 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 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same 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, with or without instructions.

Quorum Requirement for Privileged Report

§ 29.4 To retain the status of privileged business in the House, such business must be reported from standing committees when a quorum is present in such committees and a point of order that a committee quorum did not order the matter reported may be made at any time after the report is filed.

On May 11, 1950,[8] Speaker pro tempore John W. McCormack, of Massachusetts, ruled that a point of order could be raised against a privileged report of a standing committee on the grounds that the report was ordered reported without a quorum of the standing committee present:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 495) and ask for its immediate consideration.

MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, I make a point of order against the consideration of the resolution on the ground that a quorum was not present when it was reported out of committee.

MRS. NORTON: Mr. Speaker, we did have a quorum present, but some Member may have slipped out of committee during the consideration of the resolution. I assumed that a quorum was present.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN of Michigan: May not the consideration of this resolution at this time be blocked by a point of order that a quorum is not present in the House?

THE SPEAKER PRO TEMPORE: Of course, the point of order that a quorum is not present may be made at any time.

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

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. RANKIN: Mr. Speaker, it is too late to raise the point of order that a

8. 96 CONG. REC. 6920, 81st Cong. 2d Sess.

quorum was not present in the committee after it has reached the floor of the House. If no point of order is made in the committee, the presumption is that a quorum was present. To take any other attitude would virtually paralyze legislation. If no point of order was made at the time, the presumption then is that a quorum was present.

THE SPEAKER PRO TEMPORE: The Chair will state in response to the parliamentary inquiry that the point of order is properly addressed at this point because the resolution has just been reported to the House. The question as to whether or not the point of order will be sustained is an entirely different question.

The resolution was withdrawn from consideration.

Parliamentarian's Note: In reporting matters privileged under the rules, committees must comply with all reporting requirements in order to obtain consideration.

Select Committee Given Right to Report as Privileged

§ 29.5 A select committee given the right to report at any time makes its report from the floor as privileged.

On Dec. 15, 1931, Speaker John N. Garner, of Texas, answered a parliamentary inquiry in relation to a report submitted as privileged from the floor:[9]

MR. [CARL E.] MAPES [of Michigan], chairman of the Select Committee on Fiscal Relations Between the District of Columbia and the United States, submitted a bill (H.R. 5821) to provide for the taxation of incomes in the District of Columbia, to repeal certain provisions of law relating to the taxation of intangible personal property in the District of Columbia, for other purposes, together with a report (Report No. 2) upon the bill, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. STAFFORD: Mr. Speaker, I would like to inquire whether the bill which was just submitted by the select committee is privileged.

THE SPEAKER: The bill is privileged under a resolution passed by the last Congress. Section 4 of House Resolution 285, passed by the Seventy-first Congress, reads as follows:

> The committee shall have the right to report to the House at any time by a bill or bills, or otherwise, the results of its investigations.

The authority of this resolution was later extended by the act of February 23, 1931 (46 Stat. 1377).

§ 29.6 A special committee having been given the power to study a subject and report to the House, and making bills therefrom privileged, may report Senate bills as well as

9. 75 CONG. REC. 554, 72d Cong. 1st Sess.

House bills under the privileged status given.

On Mar. 31, 1938, Mr. John J. Cochran, of Missouri, moved that the House resolve itself into the Committee of the Whole for the consideration of S. 3331 (government reorganization) reported from the Select Committee on Government Operations. Speaker William B. Bankhead, of Alabama, overruled a point of order against the consideration of the bill, the point of order being based on the argument that the bill was not privileged for consideration:[10]

> MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, I make a point of order against the consideration of this bill at the present time. I grant, Mr. Speaker, that the committee has jurisdiction of the subject matter contained in the Senate bill.
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> I make the point of order, however, that the resolution setting up this committee and giving the committee privileged status gave privileged status only to House bills and not to Senate bills, and therefore the bill cannot be brought up in this manner.
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> THE SPEAKER: The Chair just a few moments ago read into the Record the comprehensive powers of the select committee. The Chair is of the opinion that the point of order is not well taken, and, therefore, overrules the point of order.

The resolution creating the select committee, and giving it power to report bills as privileged, read as follows:[11]

> *Resolved,* That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a select committee of seven Members of the House to be known as the Select Committee on Government Organization, for the purpose of considering and reporting upon the subject matter contained in the message of the President of the United States of January 12, 1937. All bills and resolutions introduced in the House proposing legislation concerning reorganization, coordination, consolidation, or abolition of, or reduction of personnel in organizations or units in the Government shall be referred by the Speaker to the said Select Committee on Government Organization. The said Select Committee on Government Organization is hereby authorized to report to the House at any time by bill or otherwise with recommendations upon any matters covered by this resolution; and any bill or resolution so reported shall be placed upon the calendar and have a privileged status.

Appropriation Bills

§ 29.7 The Speaker stated that the effect of a special rule providing for the consideration of a bill in Committee of the Whole is to give to the bill the privileged status for consideration that a general

10. 83 CONG. REC. 4477, 75th Cong. 3d Sess.

11. *Id.* at p. 4475.

appropriation bill has (by making privileged the motion to resolve into the Committee of the Whole for the consideration thereof).

On June 28, 1930,[12] Mr. Fred S. Purnell, of Indiana, called up, by direction of the Committee on Rules, House Resolution 264, providing that upon the adoption of the resolution it be in order to move that the House resolve itself into the Committee of the Whole for the consideration of a particular bill. Speaker Nicholas Longworth, of Ohio, overruled a point of order against the resolution and characterized the effect of such a resolution from the Committee on Rules:

> THE SPEAKER: The Chair is prepared to rule. It is not necessary to pass upon the question of whether the original rule for the consideration of this bill is still alive or not. The Chair, when the matter was originally submitted to him, informally expressed a grave doubt as to whether it would be considered alive. But this rule is an entirely different rule. It appears now for the first time for consideration. The Chair is aware that this bill has had a rather stormy passage. It has been twice rereferred to the committee, but as the bill now appears, so far as the Chair is advised, it is properly on the calendar as of June 24, 1930, and this special rule is properly reported to consider that bill. The Chair thinks that all that special rules of this sort do is to put bills for which they are provided in the same status that a revenue or appropriation bill has under the general rules of the House. Clause 9 of Rule XVI provides:
>
> > At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.
>
> Now all that this special rule does is to give the same status to this particular bill at this particular time. The Chair has no hesitation in saying that the Committee on Rules has acted with authority, and that it will 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 this bill after the resolution is passed.

Parliamentarian's Note: A general appropriation bill is not privileged for consideration until printed hearings and a committee report have been available for at least three calendar days, under Rule XXI clause 6 [now Rule XXI clause 7, *House Rules and Manual* § 848 (1979)].[13]

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12. 72 CONG. REC. 11994, 11995, 71st Cong. 2d Sess.

13. By unanimous consent or by special rule a general appropriation bill may be made in order before hearings and a report have been available as required by the rule. See 108 CONG. REC. 10427, 87th Cong. 2d Sess., June 13, 1962; and 108 CONG. REC.

§ 29.8 The House having agreed that consideration of a general appropriation bill take priority over all business except conference reports, the Speaker held that such agreement gave a higher privilege to the appropriation bill than consideration of resolutions disapproving reorganization plans, business in order under the "21-day discharge" rule, and other business unless the Committee on Appropriations yielded for that purpose, but that the House could reach legislation of lesser privilege by rejecting the motion that the House resolve itself into the Committee of the Whole.

On May 9, 1950, Speaker pro tempore John W. McCormack, of Massachusetts, overruled a point of order against a motion that the House resolve itself into Committee of the Whole for the consideration of a general appropriation bill given precedence by a unanimous-consent agreement:[14]

GENERAL APPROPRIATION BILL, 1951

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes.

MR. [CLARKE 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: 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

10481, 87th Cong. 2d Sess., June 14, 1962.

14. 96 CONG. REC. 6720–24, 81st Cong. 2d Sess.

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 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. . . .

. . . 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.

§ 29.9 A joint resolution providing supplemental appropriations for a single agency (and not a general appropriation bill), previously made in order by unanimous consent, is called up as privileged.

On Mar. 25, 1969, the Chairman of the Committee on Appropriations called up as privileged a joint resolution, not privileged under the rules:[15]

> MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, pursuant to the unanimous-consent agreement on yesterday, I call up House Joint Resolution 584, making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.
>
> The Clerk read the title of the joint resolution.
>
> THE SPEAKER:[16] Is there objection to the request of the gentleman from Texas?
>
> There was no objection.

Parliamentarian's Note: Only "general" appropriation bills are privileged for consideration under Rule XVI clause 9, and are filed as privileged from the floor. For discussion as to the definition of general appropriation bills, see Ch. 25, infra.

15. 115 CONG. REC. 7378, 91st Cong. 1st Sess.

16. John W. McCormack (Mass.).

§ 29.10 The consideration of general appropriation bills on District of Columbia Monday is of equal privilege with bills called up by the Committee on the District of Columbia; thus it is within the discretion of the Chair as to which business he will recognize for first.

Jan. 25, 1932, was a Monday and a day eligible for District of Columbia business. Also scheduled for consideration was the Department of Agriculture appropriation bill. Under his power of recognition, Speaker John N. Garner, of Texas, first recognized Mrs. Mary T. Norton, of New Jersey, to call up a bill by direction of the Committee on the District of Columbia. Following the rejection of the previous question thereon, the Speaker recognized Mr. James P. Buchanan, of Texas, to move that the House resolve itself into the Committee of the Whole for the consideration of the general appropriation bill.[17]

Parliamentarian's Note: The District of Columbia bill was called up as unfinished business on the succeeding District Day when, after debate, the previous question was ordered and the bill passed.

17. 75 CONG. REC. 2656—60, 72d Cong. 1st Sess.

Resolutions Privileged by Statute

§ 29.11 A motion to consider a resolution, disapproving a reorganization plan formulated by the executive branch, may be made privileged by a statute so providing.

A motion that the House resolve itself into the Committee of the Whole to consider a resolution disapproving a reorganization plan is privileged (under the Legislative Reorganization Act of 1949).

On July 6, 1959, Speaker Sam Rayburn, of Texas, recognized for a privileged motion to consider a disapproval resolution:[18]

> MR. [DANTE B.] FASCELL [of Florida]: 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. 295) to disapprove Reorganization Plan No. 1 of 1959.
>
> 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 295, to disapprove Reorganization Plan No. 1 of 1959, with Mr. Udall in the chair.
>
> The Clerk read the title of the resolution.

Parliamentarian's Note: The Reorganization Act of 1949, 63 Stat. 203, 5 USC §§ 905–913, provided in section 205(a) that following the report of the committee on a resolution with respect to a reorganization plan, it would be in order at any time thereafter "to move to proceed to the consideration of such resolution."

The act also provided, in section 204, for a privileged motion to discharge the committee from further consideration of such a resolution not reported in 10 calendar days. In the event the motion to discharge were agreed to, the privileged motion for consideration in section 205 would apply.

Those provisions of the Government Reorganization Act are typical of other statutes allowing a privileged procedure for considering disapproval resolutions [see *House Rules and Manual* § 1013 (1975 and 1977) for a compilation of such statutes]. In every case, however, the statute should be consulted for specific applicable procedures. The House may, by unanimous consent or otherwise, vary the consideration regardless of the statutory provisions.

Resolution Electing Members to Committees

§ 29.12 A resolution providing for the election of a Member to a committee of the House is presented as privileged.

18. 105 CONG. REC. 12740, 86th Cong. 1st Sess.

On Oct. 18, 1966, Speaker John W. McCormack, of Massachusetts, recognized Mr. Wilbur D. Mills, of Arkansas (the chairman of the majority party's committee on committees), on several resolutions, relating to the organization of the House, as privileged matters:[19]

MR. MILLS: Mr. Speaker, I offer a privileged resolution (H. Res. 1066) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1066

Resolved, That Richard L. Ottinger, of New York, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Interstate and Foreign Commerce.

Parliamentarian's Note: Under Rule X clause 6(a)(1), which became effective Jan. 3, 1975, resolutions electing Members to standing committees are privileged when offered on behalf of the respective party caucuses.

§ 29.13 A resolution providing for the election of the chairman of a standing committee of the House is called up as privileged.

On Nov. 18, 1970, a resolution relating to the organization of the House was called up as privileged by the chairman of the majority party's committee on committees:[20]

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I offer a privileged resolution (H. Res. 1263) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1263

Resolved, That Chet Holifield, of California, be, and he is hereby, elected Chairman of the standing committee of the House of Representatives on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: Under Rule X clause 6(b), which became effective Jan. 3, 1975, resolutions electing chairmen of standing committees are privileged when offered on behalf of the majority party caucus.

Resolutions of Inquiry

§ 29.14 Resolutions of inquiry when reported from a committee are privileged and may be considered at any time (subject to the three day layover requirement of Rule XI clause 2(1)(6) in current practice).

19. 112 CONG. REC. 27486, 89th Cong. 2d Sess.

20. 116 CONG. REC. 37823, 91st Cong. 2d Sess.

On May 14, 1932, Mr. Charles R. Crisp, of Georgia, of the Committee on Ways and Means, called up as privileged a report of the committee on a resolution of inquiry (H. Res. 213) which had been referred to the committee. He explained the privilege of his motion as follows:[1]

> MR. CRISP: Mr. Speaker, the gentleman from South Carolina [Mr. Fulmer] introduced this resolution, asking for the evidence presented to the Treasury Department on an application to invoke the antidumping law in respect to the importation of sulphate ammonium, which is now on the free list. The Treasury Department has not yet decided the case or reached a decision in the matter. Under the rules of the House, as we all know, a resolution of inquiry is privileged, and unless a report within seven days is made, a motion to discharge the committee from further consideration of the resolution is privileged. In the committee there was some opposition to the resolution. The committee adopted an amendment which they recommend to the House to accept, to the effect that the Secretary of the Treasury be requested to send the information if it is not incompatible with the public interest. Those are the facts in the case.

Parliamentarian's Note: Although a motion to discharge, offered after the prescribed time period, may bring a resolution of inquiry directly to the floor, the motion may not be made after the committee has reported the resolution to the House. When such a report is made, it must be available for three calendar days, under Rule XI clause 27(d)(4) [now Rule XI clause 2(l)(6), *House Rules and Manual* § 715 (1979)], before being called up as privileged.

§ 29.15 A report by a committee on a resolution of inquiry in the form specified by the rule (Rule XXII clause 5) is privileged business, and if the committee does not report the resolution within seven legislative days, the resolution may be called up as a matter of privilege by a motion to discharge.

On Feb. 9, 1950, a committee report on a resolution of inquiry was called up as privileged:[2]

> MR. [JOHN] KEE [of West Virginia]: Mr. Speaker, by direction of the Committee on Foreign Affairs, I present a privileged resolution (H. Res. 452) and ask for its immediate consideration.
>
> THE SPEAKER:[3] The Clerk will report the resolution.
>
> The Clerk read as follows:
>
> *Resolved*, That the President be and is requested, if not incompatible with the public interest, to furnish

1. 75 CONG. REC. 10207, 72d Cong. 1st Sess.

2. 96 CONG. REC. 1753, 81st Cong. 2d Sess.

3. Sam Rayburn (Tex.).

this House within 15 days after the adoption of this resolution with full and complete answers to the following questions, namely: . . .

Speaker Rayburn answered a parliamentary inquiry on the privileged nature of resolutions of inquiry:[4]

THE SPEAKER: A parliamentary question is involved there with which the gentleman is perhaps not familiar.

MR. [JOHN] PHILLIPS of California: Would the Speaker care to enlighten me on the parliamentary question?

THE SPEAKER: It is that if the committee does not report the resolution within 7 days, the gentleman from Connecticut may call it up.

MR. PHILLIPS of California: Is the Speaker saying that the report had to be acted upon in 7 days?

THE SPEAKER: By the committee or by the House. If the committee does not report it within seven legislative days, the gentleman from Connecticut can call it up. The committee has considered it, so the gentleman from West Virginia has said. The committee has the answers. It considered them, and it took action. The gentleman has now reported this resolution unfavorably and is going to move to lay it on the table. That is the usual course. It is done many times every year.

Parliamentarian's Note: A resolution of inquiry reported adversely from committee, as well as one reported favorably, is privileged for consideration.[5]

§ 29.16 A report from the Committee on Rules, prescribing an order of business, takes precedence over a privileged motion to discharge a committee from further consideration of a resolution of inquiry.

On Feb. 2, 1923, Mr. Louis C. Cramton, of Michigan, sought recognition to move to discharge the Committee on the Judiciary from the further consideration of a resolution of inquiry directed to the Secretary of the Treasury, such motion having privileged status under Rule XXII clause 5. Mr. Philip P. Campbell, of Kansas, also arose seeking recognition to call up from the Committee on Rules a privileged report making an order of business. Speaker Frederick H. Gillett, of Massachusetts, ruled as follows on the question of precedence between the two privileged matters:

After debate,

The Speaker said:

"The Chair very often recognizes a person without knowing what motion that person is going to make. But that, the Chair thinks, does not give them any right. The question always is, Which gentleman has the motion of higher privilege? And every recognition of the Chair is provisional and subject to some other Member having a matter

4. 96 CONG. REC. 1755, 81st Cong. 2d Sess.

5. See 77 CONG. REC. 5054, 73d Cong. 1st Sess., June 5, 1933; and 111 CONG. REC. 24030, 24033, 89th Cong. 1st Sess., Sept. 16, 1965.

of higher privilege. The question on which the Chair would like to hear from the gentleman is, Which has the higher privilege—a resolution from the Committee on Rules or a motion to discharge a committee? . . . The Chair finds no precedent on the matter except one by Speaker Reed in which he said,—'This is a privileged question, but not a question of privilege.' Now, if it were a question of privilege the Chair would be disposed to think that the reason it was privileged was because it affected the privileges of the House, but this seems to negative that. If it is a privileged question it is, as the gentleman from Tennessee suggests—. . . It is on a level with a report from a privileged committee. Now, a report from the Committee on Rules always has precedence over that, because the rule expressly says that it shall always be in order to call up a report from the Committee on Rules. The Chair thinks the Committee on Rules has precedence, and the gentleman from Kansas [Mr. Campbell is recognized."

An appeal was taken from the Chair's decision but was laid on the table.(6)

Concurrent Resolution for Adjournment

§ 29.17 A concurrent resolution providing for adjournment of the two Houses to a day certain is called up as privileged.

On Aug. 28, 1967, the Majority Leader, Carl Albert, of Oklahoma, called up as privileged a concurrent resolution, which Speaker John W. McCormack, of Massachusetts, ruled was not subject to debate:(7)

MR. ALBERT: Mr. Speaker, I call up House Concurrent Resolution 497 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 497

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Thursday, August 31, 1967, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, September 11, 1967.

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

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

Parliamentarian's Note: A concurrent resolution providing for the adjournment of the House to a day certain or to such earlier day as the House is reassembled by the Speaker, and a Senate concurrent resolution providing for an adjournment of that House for more than three days are likewise privileged for immediate consideration.(8)

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6. H. Jour. 225, 67th Cong. 4th Sess., Feb. 15, 1923.

7. 113 CONG. REC. 24201, 90th Cong. 1st Sess.

8. See 115 CONG. REC. 35539, 91st Cong. 1st Sess., Nov. 24, 1969; and

The high privilege of a concurrent resolution for adjournment for more than three days or sine die is drawn from article I, section 5, clause 4 of the United States Constitution, which requires the consent of either House for the adjournment for more than three days of the other House.[9]

§ 29.18 A Senate amendment to a House concurrent resolution providing for adjournment sine die is privileged and may be called up for immediate consideration.

On Oct. 22, 1965, a House concurrent resolution with a Senate amendment thereto was called up as a privileged matter:[10]

> THE SPEAKER:[11] The Chair lays before the House the following concurrent resolution, with a Senate amendment thereto.
>
> The Clerk read as follows:
>
> *Resolved*, That the concurrent resolution from the House of Representatives (H. Con. Res. 527) entitled "Concurrent resolution establishing that when the two Houses adjourn on Friday, October 22, 1965, they stand adjourned sine die" do pass with the following amendment:
>
> Page 2, line 3, strike out "Friday October 22, 1965," and insert "Saturday, October 23, 1965,".
>
> The House concurrent resolution as amended was agreed to.

Concurrent Resolution for Joint Session

§ 29.19 Concurrent resolutions providing for joint sessions of the House and Senate to receive messages from the President and to count electoral votes are privileged for consideration.

On May 20, 1935, Speaker Joseph W. Byrns, of Tennessee, ruled that a concurrent resolution relating to a joint session to receive a message from the President was privileged:[12]

> MR. [EDWARD T.] TAYLOR of Colorado: Mr. Speaker, my understanding is that the President of the United States desires to deliver a message to a joint assembly of the House and the Senate on next Wednesday. For this purpose I offer the following resolution for immediate consideration:
>
> The Clerk read as follows:
>
> HOUSE CONCURRENT RESOLUTION 22
>
> *Resolved by the House of Representatives (the Senate concurring),*

116 CONG. REC. 24978, 91st Cong. 2d Sess., July 20, 1970.

9. See Ch. 40, infra, for the privilege of propositions relative to adjournment. The motion to adjourn is a privileged motion under Rule XVI clause 4, *House Rules and Manual* § 782 (1979).

10. 111 CONG. REC. 28653, 89th Cong. 1st Sess.

11. John W. McCormack (Mass.).

12. 79 CONG. REC. 7838, 74th Cong. 1st Sess.

That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 22d day of May 1935, at 12:30 o'clock in the afternoon for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

THE SPEAKER: The question is on the resolution.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, reserving the right to object, I wish to ask a question.

THE SPEAKER: The Chair is of the opinion that this is a privileged resolution.

MR. BLANTON: It is something unprecedented; I have not heard of it since I have been in Congress.

MR. [JOHN J.] O'CONNOR New York]: Mr. Speaker, I demand the regular order.

THE SPEAKER: The regular order is that the gentleman from Colorado has the floor.

MR. TAYLOR of Colorado: Mr. Speaker, I move the previous question on the resolution.

On Jan. 3, 1969, a Senate concurrent resolution providing for a joint session to count the electoral vote was called up as privileged in the House: (13)

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I call up a Senate Concurrent Resolution (S. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the Senate Concurrent Resolution, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Monday, the 6th day of January 1969, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President pro tempore of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President pro tempore of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President pro tempore of the Senate who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

13. 15 CONG. REC. 36, 91st Cong. 1st Sess.

Parliamentarian's Note: The privilege of certain concurrent resolutions providing for joint sessions of the House and Senate arises from the United States Constitution. Article II, section 3 of the Constitution provides for the President to give to the Congress information on the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient. Thus a concurrent resolution providing for a joint session to hear the President is of high privilege.[14]

The 12th amendment to the Constitution provides that the President of the Senate shall, in the presence of the Senate and House of Representatives, count the electoral vote transmitted by the electors for President and Vice President of the United States. While title 3, section 15 of the United States Code provides the time and procedure for the electoral count, the two Houses provide by concurrent resolution, traditionally originated by the Senate, for the time and procedure (incorporating the provisions of the statute). Propositions and bills relating to the electoral count are of the highest constitutional privilege.[15]

Conference Reports

§ 29.20 The consideration of a conference report is privileged business and the calling up of such a report does not require unanimous consent (where the report has been printed in the Record for three calendar days under Rule XXVIII clause 2(a)).

On Sept. 2, 1959, a conference report was called up and Speaker Sam Rayburn, of Texas, ruled that an objection did not lie to prevent the consideration of the report:[16]

> MR. [WRIGHT] PATMAN [of Texas]: If I do not object to the reading, that does not foreclose me from objecting to the consideration of the conference report?
>
> THE SPEAKER: This is a privileged matter. No objection lies.
>
> MR. PATMAN: No objection lies on this? The Speaker is talking about the reading?
>
> THE SPEAKER: The Chair is talking about the conference report, which is a privileged matter.
>
> MR. PATMAN: And one objection would not lie to it?
>
> THE SPEAKER: No objection would.[17]

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14. See, for example, 8 Cannon's Precedents § 3335. For messages and ceremonies generally, see Chs. 35, 36, infra.

15. See, for example 3 Hinds' Precedents §§ 2573–2578.

16. 105 CONG. REC. 17769, 86th Cong. 1st Sess.

17. Conference reports are taken up in detail at Ch. 33 §§ 16, 22, infra.

§ 29.21 The filing of a conference; report is a privileged matter and the presentation of such a report does not require unanimous consent.

On Aug. 1, 1968, Speaker pro tempore Chet Holifield, of California, answered a parliamentary inquiry on the privileged status of filing a conference report: (18)

MR. [GRAHAM B.] PURCELL [of Texas] submitted a conference report and statement on the bill (H.R. 16363) to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

MR. [WILEY] MAYNE [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state the parliamentary inquiry.

MR. MAYNE: Mr. Speaker, I wish to object to the filing of the conference report on the ground that it is not in proper form. I am a conferee and I have not had an opportunity to see the report.

THE SPEAKER PRO TEMPORE: That is a matter that the gentleman should take up with the gentleman from Texas.

The Chair has no knowledge of the conference report except that it is being filed.

MR. MAYNE: Mr. Speaker, I wish to have the record made clear that I do object to its filing for the reason that it is not in the proper form.

THE SPEAKER PRO TEMPORE: The gentleman's statement will appear in the Record.

§ 29.22 A conference report is not privileged for consideration in the House until it has been printed in the Record three days (excluding Saturdays and Sundays if the House is not in session on those days) prior to consideration.

On Oct. 17, 1972, Mr. Wilbur D. Mills, of Arkansas, called up a conference report on a bill (H.R. 16810, relating to public debt limitation) and asked unanimous consent that the statement of the managers be read in lieu of the report. Objection was made to the request. Speaker Carl Albert, of Oklahoma, answered a parliamentary inquiry relating to the requirement, in Rule XXVIII clause 2(a), that conference reports lay over for a certain period of time before consideration: (19)

MR. MILLS of Arkansas (during the reading): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

Mr. MILLS of Arkansas: Mr. Speaker, is it true that this conference report

18. 114 CONG. REC. 24806, 90th Cong. 2d Sess.

19. 118 CONG. REC. 36938, 92d Cong. 2d Sess.

not having laid over for 3 days cannot be called up except by unanimous consent?

THE SPEAKER: That is correct.

MR. MILLS of Arkansas: Mr. Speaker, I withdraw my request for consideration of the conference report.

THE SPEAKER: The gentleman from Arkansas withdraws his request for consideration of the conference report.

§ 29.23 Conference reports in complete disagreement and the joint statement of the conferees must be printed in the Record for three calendar days and be available on the floor before the conference report and the Senate amendment in disagreement are privileged for consideration in the House, under Rule XXVIII clause 2(b).

On June 29, 1973, Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent for the immediate consideration of the conference report and the Senate amendment reported from the conference in complete disagreement on a bill (H.R. 8410) to increase the public debt limit (the conference report had not been printed in the Record and had not been available as provided in Rule XXVIII clause 2(b)). [*House Rules and Manual* § 912 (1979).]

Speaker Carl Albert, of Oklahoma, answered a parliamentary inquiry on the consideration of the conference report and Senate amendment in disagreement:[1]

MR. STEIGER of Wisconsin: Mr. Speaker, my parliamentary inquiry is this: that if an objection is heard to the request made by the gentleman from Arkansas, is it in order for the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means, to move to suspend the rules to bring this to the floor of the House?

THE SPEAKER: The Chair will state that the Chair has the authority to recognize the gentleman for such a motion.

MR. STEIGER of Wisconsin: Mr. Speaker, further reserving the right to object, may I ask the Chair's indulgence in a question relating to rule XXVIII, clause 2(b), as to whether we have waived that part of the rule XXVIII governing conference reports, which says: Nor shall it be in order to consider any such amendment . . . unless copies of the report and accompanying statement together with the text of the amendment are then available on the floor.

THE SPEAKER: The Chair will state that copies of the Senate amendment and conference report are available, but that suspension of the rules will suspend all rules.

MR. STEIGER of Wisconsin: Mr. Speaker, further reserving the right to object, is it possible for Members of the House to have copies available?

MR. MILLS of Arkansas: Mr. Speaker, if the gentleman from Wisconsin

1. 119 CONG. REC. 22384, 93d Cong. 1st Sess.

will yield, we have copies of the proposed amendment, and there are copies of the Senate-passed bill that are available to every Member of the House.

MR. STEIGER of Wisconsin: Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Parliamentarian's Note: Prior to the addition of clause 2(b), Rule XXVIII, effective at the end of the 92d Congress (H. Res. 1153, Oct. 13, 1972), conference reports in total disagreement could be called up immediately.

§ 29.24 Where the consideration of a conference report is by unanimous consent made in order on the same day presented, the report is called up as privileged.

On Sept. 12, 1962, Mr. Carl Albert, of Oklahoma, asked unanimous consent that consideration of the military construction appropriation bill be in order that afternoon (notwithstanding the fact that the report had not been printed in the Record). The House agreed to the request.(2)

Later on the same day, Mr. Harry R. Sheppard, of California, called up as privileged the conference report so provided for.(3)

§ 29.25 The consideration of a conference report may, at the Speaker's discretion, take precedence over the calling of the Consent Calendar.

On Nov. 30, 1945,(4) Speaker Sam Rayburn, of Texas, indicated in response to a parliamentary inquiry the precedence of a conference report over Consent Calendar business:

MR. [CLARENCE] CANNON of Missouri: Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a conference report and statement on the so-called rescission bill.

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

There was no objection.

MR. CANNON of Missouri: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CANNON of Missouri: Mr. Speaker, may I ask if this conference report on the rescission bill can be made the first order of business on Monday next?

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, if the gen-

2. 108 CONG. REC. 19258, 87th Cong. 2d Sess.

3. *Id.* at p. 19278.

4. 91 CONG. REC. 11279, 79th Cong. 1st Sess.

tleman will yield, I have previously announced that if the conference report on the so-called rescission bill is not acted on today, it will be the first order of business on Monday after the call of bills on the Consent Calendar.

MR. CANNON of Missouri: Mr. Speaker, may I ask the majority leader if it will be possible to make this the first order of business on Monday?

MR. MCCORMACK: Mr. Speaker, I ask unanimous consent that the conference report on the rescission bill may precede the call of the Consent Calendar on Monday.

THE SPEAKER: It is not necessary to obtain unanimous consent for that. The Chair can recognize the gentleman to call up the conference report before the call of the Consent Calendar and will do so.

§ 29.26 The consideration of a conference report is a highly privileged matter and may interrupt the consideration of a bill in the House, even though the previous question has been ordered thereupon.

On May 3, 1961, the Committee of the Whole rose and reported back to the House a bill (H.R. 6441, amending the Federal Water Pollution Control Act) pursuant to a special order (H. Res. 274) providing that at the conclusion of the consideration of the bill for amendment, the Committee rise and report the bill to the House, and the previous question be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. Speaker Sam Rayburn, of Texas, stated that under the rule the previous question was ordered.

A message was then received from the Senate indicating that the Senate had agreed to a conference report (on H.R. 3935, Fair Labor Standards Act Amendments). The Speaker recognized Mr. Adam C. Powell, of New York, to call up as a privileged matter the conference report on H.R. 3935 before putting the question on passage of H.R. 6441.[5]

§ 29.27 While the call of the Private Calendar is, under Rule XXIV clause 6, mandatory on the first Tuesday of the month, the Speaker may recognize for privileged business, a conference report, before directing the Clerk to begin the Private Calendar call.

On Aug. 3, 1965,[6] the first regular order of business was the calling of the Private Calendar, under Rule XXIV clause 6, since it

5. 107 CONG. REC. 7172, 87th Cong. 1st Sess. See also 5 Hinds' Precedents §§ 6449, 6450, 6454.

6. 111 CONG. REC. 19187—91, 89th Cong. 1st Sess.

was the first Tuesday of the month. After the approval of the Journal and presentation of routine requests, Speaker John W. McCormack, of Massachusetts, first recognized the Chairman of the Committee on the Judiciary, Emanuel Celler, of New York, to call up a conference report on S. 1564, a voting rights bill, before directing the Clerk to call the Private Calendar.

§ 29.28 The consideration of amendments in disagreement following adoption of a conference report may be interrupted by a question of constitutional privilege involving the impeachment of a federal civil officer, where no Member has the floor when the question of privilege is raised.

On Jan. 17, 1933, the House had agreed to a conference report and had not yet taken action on an amendment reported in disagreement by the conferees. Speaker John N. Garner, of Texas, ruled that a highly privileged constitutional question on impeachment took precedence over the further consideration of the amendment in disagreement:[7]

THE SPEAKER: The conference report has been agreed to, but the amendment in disagreement has not been acted upon. It is the understanding of the Chair that a question of constitutional privilege may intervene between the agreement to the conference report and consideration of an amendment in disagreement. There is a hiatus there when the conference report has been agreed to and the House may go on, indefinitely, without considering the amendments in disagreement.

MR. [CARL R.] CHINDBLOM [of Illinois]: May I suggest to the Chair that the amendment in question is included in the conference report to the extent that the conferees report to the House that they have been unable to agree or have not agreed upon the amendment. Of course, it comes up as a part of the conference report. If it is not a part of the conference report, I respectfully submit to the Chair it has no privilege whatever and may not be called up at all except under a special rule, or until reached on the calendar.

THE SPEAKER: The Chair is inclined to think that the philosophy of the rule would be that the conference report having been disposed of, the other question with respect to completing the consideration of the report may be delayed a day or two days if the House is disposed to do so and, in the meantime, a question of constitutional privilege can intervene.

MR. CHINDBLOM: May I add the further suggestion to the Chair that that might well be so if the gentleman in charge of the conference report waived his right?

MR. [JOSEPH W.] BYRNS [of Tennessee]: Of course I do not do that.

7. 76 CONG. REC. 1953, 1954, 72d Cong. 2d Sess.

THE SPEAKER: Let the Chair call the attention of the gentleman from Illinois to the rule with respect to questions of privilege:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually, in their Representative capacity only, and shall have precedence of all other questions, except motions to adjourn.

It seems to the Chair this language is clear and that a question of constitutional privilege is undoubtedly in order at any time and only a motion to adjourn could interfere with it.

Senate Bills Similar to House Bills on House Calendar

§ 29.29 Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, are privileged for consideration and may be disposed of as the House may determine on motion directed to be made by such committee of jurisdiction.

On Jan. 1, 1951, a Senate bill similar to a House bill on the House Calendar was called up as a privileged matter:[8]

MR. [LINDLEY] BECKWORTH [of Texas]: Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up from the Speaker's table the bill (S. 3295) to amend the Railway Labor Act and to authorize agreements providing for union membership and agreements for deductions from the wages of carriers' employees for certain purposes and under certain conditions, a bill substantially the same (H.R. 7789) being on the House Calendar.

The Clerk read the title of the Senate bill.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I raise the question of consideration.

THE SPEAKER:[9] The gentleman from Virginia raises the question of consideration.

The question is, Will the House consider the bill?

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

Senate Amendments Not Requiring Consideration in Committee of the Whole

§ 29.30 House bills with Senate amendments which do not require consideration in Committee of the Whole may be at once disposed of as the House may determine and are privileged matters on the Speaker's table.

On Feb. 1, 1937, Speaker William B. Bankhead, of Alabama, responded to a parliamentary in-

8. 96 CONG, REC. 17046, 81st Cong. 2d Sess.

9. Sam Rayburn (Tex.).

quiry on the privileged status of a House bill with Senate amendments not requiring consideration in Committee of the Whole:[10]

MR. [JOHN J.] O'CONNOR of New York: Mr. Speaker, I call up House Joint Resolution 81, to create a Joint Congressional Committee on Government Organization, with a Senate amendment, for immediate consideration as a privileged resolution.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "seven" and insert "nine."

MR. O'CONNOR of New York: Mr. Speaker, I move the previous question on the Senate amendment.

Mr. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SNELL: I understood the gentleman called this up as a privileged matter. On what ground is this a privileged matter?

THE SPEAKER: In reply to the inquiry of the gentleman from New York [Mr. Snell], under paragraph 2 of rule XXIV of the House Manual it is stated:

> Business on the Speaker's table shall be disposed of as follows:
>
> Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members.

Here is the pertinent part in answer to the gentleman's inquiry:

> But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills.

MR. SNELL: I appreciate that, and I have no objection to the consideration of this matter, but I wondered if it was a matter that could be taken up without being referred back to the committee for consideration.

THE SPEAKER: Under the rule which the Chair has just read, the Chair is clearly of the opinion that it may be brought up in this manner.

Parliamentarian's Note: The same principle applies to Senate amendments to House amendments to Senate bills which do not require consideration in Committee of the Whole,[11] but where the Senate or House bill was originally on the Union Calendar, the Senate amendment thereto will ordinarily require consideration in Committee of the Whole.

Senate Amendments After Stage of Disagreement Reached

§ 29.31 After the stage of disagreement has been reached,

10. 81 CONG. REC. 644, 645, 75th Cong. 1st Sess.

11. See 106 CONG. REC. 18357, 18358, 86th Cong. 2d Sess., Aug. 30, 1960.

the consideration of Senate amendments to a House bill is privileged.

On May 22, 1936, Mr. James M. Mead, of New York, called up a conference report on H.R. 9496, relating to payment of veterans' benefits. The conference report was ruled out on a point of order (that the conferees had improperly agreed to a Senate amendment containing an appropriation on a legislative bill). Speaker Joseph W. Byrns, of Tennessee, ruled that the Senate amendments were before the House and were privileged for consideration:[12]

THE SPEAKER: The conference report was called up by the gentleman from New York [Mr. Mead]. The conference report has been held to be out of order, which leaves the Senate amendments before the House for consideration. The House must take some action on them.

MR. [CARL E.] MAPES [of Michigan]: How do the amendments get before the House for consideration?

THE SPEAKER: They are called up by the gentleman from New York [Mr. Mead].

MR. MAPES: No attempt has been made by the gentleman from New York [Mr. Mead], as I understand, to call them up.

THE SPEAKER: The Chair, in answer to the gentleman from Michigan, reads from section 3257 of Cannon's Precedents:

When a conference report is ruled out of order the bill and amendments are again before the House as when first presented, and motions relating to amendments and conference are again in order.

The Chair thinks that completely answers the gentleman from Michigan.

MR. MAPES: That seems to cover the matter.

MR. [FREDERICK R.] LEHLBACH [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LEHLBACH: Are amendments put on a House bill by the Senate privileged?

THE SPEAKER: After the stage of disagreement has been reached they are. For this reason it is necessary that the House take some action upon the amendments at this time.

Parliamentarian's Note: The stage of disagreement between the two Houses is reached when one informs the other of disagreement. If the House concurs in a Senate amendment to a House bill, with an amendment, insists on the amendment and requests a conference, and the Senate then concurs in the House amendment with a further amendment, the matter is subsequently privileged for consideration in the House since the House has communicated its insistence and request for a conference to the Senate [see *House Rules and Manual* § 828a (1979)].

12. 80 CONG. REC. 7792, 74th Cong. 2d Sess.

Senate Request for Return of Bill

§ 29.32 A request of the Senate for the return of a bill is treated as privileged in the House.

On Aug. 18, 1958, Speaker Sam Rayburn, of Texas, ruled that a certain request of the Senate was privileged for consideration in the House:[13]

> The Speaker laid before the House the following request from the Senate:
>
> *Ordered*, That the House of Representatives be requested to return to the Senate the bill (S. 4071) entitled "An act to provide more effective price, production adjustment, and marketing programs for various agricultural commodities," asking a conference with the House thereon, and appointing conferees.
>
> Attest:
>
> FELTON M. JOHNSTON,
> *Secretary.*
>
> MR. H. CARL ANDERSEN [of Minnesota]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. H. CARL ANDERSEN: Mr. Speaker, is this request subject to objection?
>
> THE SPEAKER: It is not. It is a privileged matter.
>
> The question is on agreeing to the request of the Senate.
>
> The request was agreed to.
>
> A motion to reconsider was laid on the table.
>
> THE SPEAKER: The Clerk will notify the Senate of the action of the House.

House Request for Return of Bill

§ 29.33 A House resolution requesting the Senate to return a bill to the House, no error or impropriety being involved, has not been treated as privileged for consideration in the House.

On Feb. 14, 1939, Mr. Jesse P. Wolcott, of Michigan, attempted to present a "privileged resolution," requesting the Senate to return a bill to the House, and asked for the immediate consideration of the resolution. Speaker William B. Bankhead, of Alabama, ruled in response to a point of order that the resolution was not privileged for consideration:[14]

> MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I make the point of order that the resolution is not privileged. I think it is clear that there is an irregularity, either in the preamble or in any part of this resolution, that would vitiate the action of the House. I think, therefore, it is not a privileged resolution, and I make the point of order it is not a privileged resolution. . . .
>
> THE SPEAKER: The Chair is ready to rule.
>
> The gentleman from Michigan offers a resolution providing that the Senate

13. 104 CONG. REC. 18288, 85th Cong. 2d Sess.

14. 84 CONG. REC. 1365–67, 76th Cong. 1st Sess.

be requested to return the bill H.R. 3790 to the House of Representatives for such further consideration as the House of Representatives may deem proper.

A reading of the subsequent allegations contained in the preamble seems to support the idea that the gravamen of the objection made by the gentleman from Michigan is that in the course of the performance of its duty the Joint Committee on Internal Revenue Taxation failed to offer to or concealed from certain Members of the House Committee on Ways and Means the study compiled by its staff with reference to the constitutionality of the statute seeking to tax the salaries of State officials. The gentleman from Michigan in his argument rather tacitly admitted he had grave doubts as to whether or not under the usual rules and precedents of the House the facts stated justified the submission of the resolution as involving privileges of the House.

The Chair is very clearly of the opinion that one or two precedents, which are found in Hinds' Precedents, volume 4, sections 3477 and 3478, lay down sufficient guidance for the Chair in determining this question.

> On August 6, 1856, an order directing the Clerk to request the Senate to return the Mississippi land bill in order that an error in engrossment might be corrected, was offered by unanimous consent, and does not seem to have been contemplated in the light of a privileged proposition.

In the other precedent, Mr. Speaker Crisp, in interpreting the question of whether or not matter of this sort constituted a privileged proposition, said:

> If the gentleman from Indiana would modify his resolution so as to allege that this bill was reported unfavorably from the Committee of the Whole, and was considered by the House under the idea that it had been favorably reported, the Chair thinks the resolution would be privileged. But a simple resolution to recall a bill can hardly be considered privileged, because in that case such a resolution might be presented with regard to any bill that is passed. To make the resolution privileged, it should show that the House has acted under some misunderstanding of the report of the Committee—

The Chair interpolates there that he assumes that was a report of a Committee of the Whole—

> or something of that kind.

The fact suggested that all Members of the House were deprived of the benefits of the legal opinion formulated by the staff of the Joint Committee on Internal Revenue Taxation does not justify the Chair in assuming that, even if they had had such information, it would have changed the vote of the House. The Chair recollects that this particular problem of the constitutionality of this bill from the Committee on Ways and Means was very ably debated on the floor of the House.

Under the rules and under the precedents the Chair has suggested, although the Chair realizes there are cases in which it might be proper to offer a resolution to recall a bill for some clerical misprision or for some patent misstatement of the Record, the Chair is of the opinion that this matter does not present a privileged resolution and, therefore, sustains the point of order made by the gentleman from Texas.

Postponing Further Consideration of Privileged Matter

§ 29.34 Under Rule XI [clause 4(b) in the 1979 House Rules and Manual], the calling up of a resolution reported from the Committee on Rules is a matter of high privilege not to be delayed by any intervening motion except one motion to adjourn, and when consideration has begun and the resolution is under debate, the House can postpone further consideration and proceed to other business only by unanimous consent.

On Oct. 29, 1969, Mr. John A. Young, of Texas, called up, by direction of the Committee on Rules a special order providing for the consideration of a bill. After consideration had begun and the resolution was under debate, Mr. Young asked unanimous consent "that further consideration of this resolution be postponed until tomorrow." The House agreed to the request.[15]

Parliamentarian's Note: A privileged resolution called up in the House may be withdrawn from consideration before action thereon, and if the resolution is later reoffered, debate under the hour rule begins anew. But if the House desires to use part of the hour's debate on one day and resume consideration on the next, it may by unanimous consent postpone further consideration or, if there is no further business or special orders to follow, it may simply adjourn so that the resolution would become unfinished business on the following day. Privileged resolutions other than privileged reports from the Committee on Rules are subject to the motion to postpone.

Withdrawal of Privileged Resolution

§ 29.35 A Member calling up a privileged resolution in the House may withdraw it at any time before action thereon, and unanimous consent is not required for such withdrawal.

On Feb. 29, 1968, Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration, a privileged resolution (H. Res. 1127) authorizing the expenditure, from the contingent fund, of certain expenses of the Committee on Un-American Activities. Mr. William F. Ryan, of New York, made a point of order against the consideration of the resolution on the grounds that a quorum was not

15. 115 CONG. REC. 32076–83, 91st Cong. 1st Sess.

present in the Committee on House Administration when the resolution was ordered reported. Mr. Friedel thereupon withdrew the resolution from consideration.[16]

Modification of Privileged Resolutions

§ 29.36 After a motion or resolution is formally pending, all modifications thereof must be approved by the House. An exception to this general principle attaches to a resolution which is offered as a question of privilege.

With respect to most resolutions, the right of withdrawal and resubmission in a modified form does not exist; the resolution, although a privileged report, may not be modified except by direction of the reporting committee by way of amendment, or otherwise with the concurrence of the House. (See Ch. 23, Motions, § 1, infra.)

Special considerations attach to a resolution which raises a question of privilege, however. Such a resolution may be withdrawn at will prior to action thereon, and may be modified and resubmitted if still raising a question of privilege. As a corollary to this principle, a precedent (5 Hinds' Precedents § 5358) indicates that the offeror of such resolution may similarly accept certain "friendly amendments" or modifications of his resolution without the concurrence of the House.

§ 30. Privileged Motions as to the Order of Business

Several motions directly relating to the order of business are given precedence under the rules of the House. An example is the motion that the House resolve itself into the Committee of the Whole House on the state of the Union to consider general appropriation bills, a motion privileged under Rule XVI clause 9.[17] The motion only applies to general appropriation bills, and appropriation bills which do not qualify are usually made in order for consideration by unanimous consent.[18]

Prior to the amendment to Rule XI clause 4(a) [*House Rules and Manual* § 726 (1979)] effective Jan. 3, 1975, (H. Res. 988, 93d Cong. 2d Sess., 120 CONG. REC. 34469, 34470), to eliminate the authority of the Committee on

16. 114 CONG. REC. 4449, 90th Cong. 2d Sess.

17. *House Rules and Manual* § 802 (1979).

18. See, for example, § 29.9, supra.