

consent may not be requested in the Committee of the Whole on matters properly recognizable only in the House.⁽¹⁵⁾

When a unanimous-consent request has been made, any Member, including the Chair,⁽¹⁶⁾ may object. The objection terminates the request.⁽¹⁷⁾

A Member may reserve the right to object to a unanimous-consent request and by so doing obtains the floor. However, the Chair may refuse to permit debate under the reservation and put the question on the request.⁽¹⁾ A Member controlling the floor under a reservation of the right to object loses the floor if the request is withdrawn.⁽²⁾ The reservation of the right to object cannot be maintained if the regular order is demanded; in that case the reserving Member must either object or withdraw his reservation.⁽³⁾

§ 43. Stating the Request; Withdrawal

Stating the Request

§ 43.1 The Speaker's statement of a unanimous-consent re-

15. §§ 48.15, 48.16, *infra*.

16. §§ 45.4, 45.5, *infra*.

17. § 45.6, *infra*.

1. §§ 46.1, 46.2, *infra*.

2. § 46.4, *infra*.

3. § 46.6, *infra*.

quest as put to the House is controlling, and he may refuse to recognize an objection to the request made prior to such statement.

On Sept. 4, 1940,⁽⁴⁾ the following occurred after a divisive personal exchange between Mr. Martin L. Sweeney, of Ohio, and Mr. Beverly M. Vincent, of Kentucky:

Mr. Vincent of Kentucky: Mr. Speaker, I served in the World War, and the World War, as I understand it then and as I understand it now, was fought because we were being attacked by submarines and women and children were being murdered on the high seas. For the gentleman from Ohio (Mr. Sweeney) to say that President Wilson brought on that war to me was untrue and the whole statement the gentleman made I resented very much.

When he finished his speech he started to sit down by me. I got up and moved. I shall continue to refuse to sit by him as long as I am a Member of the Congress and he is a Member. When he sat down by me I got up and moved. I said I did not want to sit by a traitor to my country. . . .

Mr. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I demand recognition on a point of order.

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, I demand that the words of the gentleman

4. 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess.

5. Jere Cooper (Tenn.).

who just left the floor be taken down, because they violate the rules of the House.

THE SPEAKER PRO TEMPORE: The Clerk will report the words complained of.

MR. VINCENT of Kentucky: Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

MR. [HENRY C.] DWORSHAK [of Idaho]: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

MR. [FREDERICK V.] BRADLEY of Michigan: I object, Mr. Speaker. . . .

PARLIAMENTARY INQUIRY

MR. HOFFMAN: Mr. Speaker, a point of order and a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, a moment ago certain words were uttered by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order—the taking down of the words, and the reading by the Clerk.

THE SPEAKER PRO TEMPORE: Subsequently, unanimous consent was granted for the words to be withdrawn.

MR. HOFFMAN: Oh, no, Mr. Speaker; three Members were on their feet. I was one of them, and objecting to that.

THE SPEAKER PRO TEMPORE: That was the ruling of the Chair.

Requests Put in the Alternative

§ 43.2 The Speaker does not entertain unanimous-consent

requests put in the alternative, but requires the Member to put the requests one at a time.

On Oct. 31, 1963,⁽⁶⁾ a dispute arose between Mr. Edgar Franklin Foreman, of Texas, and Mr. Henry B. Gonzalez, also of Texas. The Speaker, John W. McCormack, of Massachusetts, ruled that the use of certain words contained in the remarks of Mr. Foreman were not in order under the rules of the House. Mr. Bruce R. Alger, of Texas, then rose with a parliamentary inquiry:

MR. ALGER: My parliamentary inquiry, Mr. Speaker, is this: Mr. Speaker, I ask unanimous consent that after deleting the objectionable words that the gentleman be permitted to proceed or at least insert his remarks at this point in the Record.

THE SPEAKER: The gentleman has put two propositions, one to proceed or to extend his remarks in the Record. Which unanimous-consent request does the gentleman want the Chair to put first?

MR. ALGER: Mr. Speaker, first, that the gentleman be permitted to proceed in order.

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

MR. [JOHN J.] ROONEY of New York: . . . I object.

THE SPEAKER: The objection is heard.

6. 109 CONG. REC. 20744, 20745, 88th Cong. 1st Sess.

Individual Requests and Legislative Requests Distinguished

§ 43.3 The Speaker announced that he would recognize Members to make individual unanimous-consent requests prior to recognizing Members for unanimous-consent requests relating to legislative business.

On Oct. 5, 1972,⁽⁷⁾ the Speaker, Carl Albert, of Oklahoma, made the following announcement:

The Chair is going to recognize Members who have individual unanimous-consent requests.

The Chair cannot determine, when a Member rises, whether he has a legislative purpose for rising or whether he has a unanimous-consent request to make and desires something to be put into the Record.

After that, the Chair will recognize any Member who has a unanimous-consent request in connection with business.

Withdrawal of Request

§ 43.4 Unanimous consent is not required to withdraw a unanimous-consent request in the House.

On Mar. 14, 1968,⁽⁸⁾ the House was considering H.R. 2516, pro-

7. 118 CONG. REC. 34039, 92d Cong. 2d Sess.

8. 114 CONG. REC. 6474-80, 6489-92, 90th Cong. 2d Sess.

viding penalties for interference with certain civil rights (with a Senate amendment containing further civil rights legislation, including open housing). Mr. Emanuel Celler, of New York, requested unanimous consent that the reading of the Senate amendment be dispensed with. Mr. H. R. Gross, of Iowa, and Mr. Joe D. Waggonner, Jr., of Louisiana, both reserved the right to object. The Speaker, John W. McCormack, of Massachusetts, then recognized Mr. Celler.

Mr. Speaker, I ask unanimous consent to withdraw my request.

The SPEAKER: It does not require unanimous consent.⁽⁹⁾

§ 44. Recognizing Members for Requests

Grounds for Refusal to Recognize

§ 44.1 The Speaker may decline to recognize for a unanimous-consent request for the consideration of a bill until the Member making such request consults with the Speaker and the Majority and Minority Leaders.

9. See also 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess., Feb. 8, 1964.