

On Feb. 4, 1971,⁽¹⁶⁾ the following occurred on the floor of the House:

THE SPEAKER:⁽¹⁷⁾ Is there objection to the request of the gentleman from Arkansas?

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I reserve the right to object, and I do so because I want to reply to the statements made by the gentlewoman from Oregon.

MR. [WILBER D.] MILLS [of Arkansas]: Regular order, Mr. Speaker.

THE SPEAKER: Regular order has been demanded, and the regular order is, Is there objection to dispensing with the reading of the resolution?

MR. JACOBS: Mr. Speaker, reserving the right to object—

THE SPEAKER: The regular order has been demanded. The gentleman can either object or permit the request to be granted.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.⁽¹⁸⁾

§ 47. Scope and Application of Request

Closing Debate on Unread Titles

§ 47.1 When a bill is being read by titles, debate may be

16. 117 CONG. REC. 1713, 92d Cong. 1st Sess.

17. Carl Albert (Okla.).

18. See also 109 CONG. REC. 10674, 88th Cong. 1st Sess., June 11, 1963.

closed on titles that have not been read by unanimous consent.

On Feb. 8, 1964,⁽¹⁾ the Committee of the Whole was considering the bill H.R. 7152, the Civil Rights Act of 1963, when a question arose concerning the time limit for debate on the bill:

MR. [WILLIAM M.] McCULLOCH [of Ohio]: I should like to ask, Mr. Chairman, if the Committee of the Whole House on the State of the Union can now effect binding action as to time on the titles of the bill which we have not reached?

THE CHAIRMAN:⁽²⁾ The Chair would inform the gentleman from Ohio that that could be done only by unanimous consent.

Reading of Amendment

§ 47.2 The reading of a substitute amendment in the Committee of the Whole may be dispensed with by unanimous consent.

On May 4, 1960,⁽³⁾ the Committee of the Whole was considering S. 722, the Area Redevelopment Act of 1960, when Mr. Silvio O. Conte, of Massachusetts, offered a substitute for the com-

1. 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess.

2. Eugene J. Keogh (N.Y.).

3. 106 CONG. REC. 9468, 86th Cong. 2d Sess.

mittee amendment to the bill. The reading of the amendment had begun when a Member rose to address the Chairman:

MR. [HALE] BOGGS [of Louisiana] (interrupting the reading of the amendment): Mr. Chairman, I move that the further reading of the substitute amendment be dispensed with.

THE CHAIRMAN: ⁽⁴⁾ That motion is not in order. Unanimous consent is required to dispense with the further reading of the amendment.

Perfecting Previously Adopted Amendment

§ 47.3 It is in order by unanimous consent to offer a perfecting amendment to an amendment which has already been agreed to.

On Sept. 17, 1970, § ⁽⁵⁾ the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970, when the Chairman, William H. Natcher, of Kentucky, recognized Mr. H. Allen Smith, of California:

MR. SMITH of California: Mr. Chairman, I move to strike the necessary number of words. . . .

Mr. Chairman, I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered

4. Wilbur D. Mills (Ark.).

5. 116 CONG. REC. 32303, 32304, 91st Cong. 2d Sess.

by Mr. White which was adopted in this committee. . . .

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

There was no objection.

Nonprivileged Resolution

§ 47.4 A resolution increasing the number of Members on one of the standing committees of the House was called up by unanimous consent.

On Dec. 22, 1969, ⁽⁶⁾ Mr. Carl Albert, of Oklahoma, was recognized by the Speaker, John W. McCormack, of Massachusetts.

MR. ALBERT: Mr. Speaker, I offer a resolution [H. Res. 764] and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the remainder of the Ninety-first Congress, the Committee on Education and Labor shall be composed of thirty-seven members.

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

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Speaker, reserving the right to object—

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, reserving the right to object—

THE SPEAKER: The Chair will not entertain a reservation of objections.

6. 115 CONG. REC. 40922, 91st Cong. 1st Sess.

MR. WAGGONER: Mr. Speaker, then I object.

THE SPEAKER: Objection is heard.

Waiving House Rule

§ 47.5 The Speaker may recognize a Member for a unanimous-consent request to waive the requirement of a rule unless the rule in question specifies that it is not subject to waiver, even by unanimous consent.

On July 29, 1970,⁽⁷⁾ the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970. During debate on the bill there was pending an amendment to require the Record to contain a verbatim account of floor proceedings, permitting only technical corrections by revision and extension of remarks, and authorizing Members to insert remarks not spoken on the floor but requiring their printing in distinctive type, and an amendment thereto retaining the present practice of making insertions by unanimous consent. A dialogue arose between the Chairman of the Committee of the Whole, William H. Natcher, of Kentucky, and Mr. Dante Fascell, of Florida, regarding the effect of such amendments on the Speak-

er's power of recognition for unanimous-consent requests:

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

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. FASCELL: If there is no prohibition in the rule for the Speaker to recognize any Member for a unanimous-consent request, is it not true that the Speaker can recognize any Member for a unanimous-consent request?

THE CHAIRMAN: The power of recognition is in the Speaker. He has the right to recognize any Member on the floor.

MR. FASCELL: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FASCELL: The point specifically is that by rule the Speaker can be prohibited from recognizing a Member for a unanimous-consent request; is that not correct?

THE CHAIRMAN: The Chair would like to inform the gentleman that his statement is correct.

MR. FASCELL: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FASCELL: Is it not true, therefore, that if there is no prohibition in the present amendment, any Member could rise and the Speaker could recognize him for a unanimous-consent request to waive that particular rule at that moment?

THE CHAIRMAN: The Chair would like to inform the gentleman that under those conditions it would require unanimous consent. Any Member could object. The Speaker could object.

7. 116 CONG. REC. 26419, 91st Cong. 2d Sess.

MR. FASCELL: Mr. Chairman, one further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FASCELL: May a rule be waived by unanimous consent, either temporarily or permanently?

THE CHAIRMAN: The Chair would like to inform the gentleman that there are rules of the House that the Speaker himself does not have the right to waive.

§ 47.6 Rule XXXII governing admissions to the floor specifically prohibits the Speaker from entertaining motions or unanimous-consent requests to suspend that rule.

On June 8, 1972,⁽⁸⁾ during consideration in the House of the conference report on S. 659, the Education Amendments of 1972, Mr. Olin M. Teague, of Texas, posed a point of order to the Speaker, Carl Albert, of Oklahoma, relative to Rule XXXII:⁽⁹⁾

MR. TEAGUE of Texas: Mr. Speaker, the rules of the House limit the number of staff members who are allowed on the floor in a situation like this and I make the point of order that this committee has violated that rule of the House.

8. 118 CONG. REC. 20318, 92d Cong. 2d Sess.

9. Rule XXXII clause 1, *House Rules and Manual* §919 (1981), prohibits the Speaker from entertaining requests to suspend provisions of the rule governing admission to the floor of the House.

Mr. Speaker, the reason I make this point of order is to point up the fact that if the debate concerning this conference report requires 10 or 15 staff members to be on the floor to tell them what to say or what to do, then for sure they must not know what is in the bill.

THE SPEAKER: The gentleman has made a point of order that the committee has violated the rules of the House in bringing an excessive number of committee staff members to the floor. The rule which governs situations of this kind is rule 32 which lists those who do have the privileges of the floor, and contains the clause: "and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule."

This rule was adopted before the Reorganization Act of 1947 which provided for four professional staff members for each committee. The Chair must hold under the rule that no committee is entitled under the rules of the House—because the Chair cannot waive the rule—to more than four professional staff members and the clerk, a total of five.

Permitting Debate on Motion to Rerefer

§ 47.7 Where the rule with regard to rereference of bills on motions of a committee prohibits debate, a Member may proceed by unanimous consent for one minute before he makes such motion.

On Apr. 21, 1942,⁽¹⁰⁾ the Speaker, Sam Rayburn, of Texas, recognized Mr. Samuel Dickstein, of New York.

MR. DICKSTEIN: Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

MR. DICKSTEIN: Mr. Speaker, the gentleman from Alabama [MR. HOBBS] has introduced another Hobbs bill known as H.R. 6915. At the conclusion of my remarks I propose to move that it be referred to the Committee on Immigration and Naturalization, where this bill belongs. Time does not permit me to go into a detailed discussion to point out to the House that this bill is absolutely an immigration bill and not a bill for the Committee on the Judiciary but I can give you a short analysis of the bill to prove my point. . . .

Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I move that the bill H.R. 6915, now in the Committee on the Judiciary, be referred to the Committee on Immigration and Naturalization.

Subsequently, Mr. Sam Hobbs, of Alabama, rose with a point of order.

MR. HOBBS: Mr. Speaker, I make the point of order against the motion that it is made in violation of the rule under which it is supposed to be presented, in that there was debate by the

distinguished gentleman from New York for 1 minute immediately preceding the submission of the motion, whereas the opposition is denied that right by the rule.

THE SPEAKER: The Chair did not know what the gentleman from New York was going to talk about. The Chair cannot look into the mind of a Member when he asks unanimous consent to address the House for 1 minute and see what he intends to talk about.

Postponing Consideration of Privileged Resolution

§ 47.8 The calling up of a resolution reported from the Committee on Rules is a matter of high privilege; but when consideration thereof has begun, the House can postpone it and proceed to other business by unanimous consent.

On Oct. 29, 1969,⁽¹¹⁾ Mr. John A. Young, of Texas, was recognized on the floor of the House to call up a special order from the Committee on Rules providing for the consideration of H.R. 14001, amending the Military Selective Service Act.

MR. YOUNG: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

After the Clerk reported the resolution, Mr. Young was recog-

10. 88 CONG. REC. 3570, 3571, 77th Cong. 2d Sess.

11. 115 CONG. REC. 32076-83, 91st Cong. 1st Sess.

nized for debate on the resolution. During debate, points of no quorum were made, resulting in calls of the House after which Mr. Young made the following request:

MR. YOUNG: Mr. Speaker, I ask unanimous consent that further consideration of this resolution be postponed until tomorrow.

THE SPEAKER:⁽¹²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

Parliamentarian's Note: The Member calling up the resolution could have withdrawn it before the House acted; and such withdrawal would not require unanimous consent. If withdrawn, renewed consideration of the resolution would have been de novo. By postponing consideration, the resolution became unfinished business.

As Related to Unparliamentary Language

§ 47.9 Although a Member's words have been taken down on demand and read to the House, the Speaker may recognize the Member who made the statement to ask unanimous consent to change those words.

12. John W. McCormack (Mass.).

On June 5, 1962,⁽¹³⁾ the following occurred on the floor of the House:

MR. [JOHN D.] DINGELL [of Michigan]: . . . The AMA opposed the Social Security Act passed in 1935, and I refer the gentleman to the Journal of the American Medical Association and the proceedings of its house of delegates. I think in fairness when he stands up and opposes this and speaks as a mouthpiece for the AMA and as a mouthpiece for the house of delegates of the AMA, he should be shown as speaking for the kind of organization that has opposed all of these things.

MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ The gentleman will state his point of order.

MR. CURTIS of Missouri: I regret to say that the gentleman's words need to be taken down.

This is a point of order. To clarify, it was the reference to the gentleman from Missouri as a member of the house of delegates of the AMA and the reference to that organization and the relationship of the gentleman from Missouri to that organization.

THE SPEAKER:⁽¹⁵⁾ The Clerk will report the words objected to.

The Clerk read as follows:

MR. DINGELL: I think in fairness, when he stands up and opposes this and speaks as a mouthpiece for the AMA and as a mouthpiece for the house of delegates of the AMA, he should be shown as speaking for that

13. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

14. Arnold Olsen (Mt.).

15. John W. McCormack (Mass.).

kind of organization that has opposed all of these things.

MR. DINGELL: Mr. Speaker, I ask unanimous consent to change the words complained of to "self-appointed spokesman" instead of "mouthpiece."

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

There was no objection.

THE SPEAKER: Does the gentleman from Missouri withdraw his point of order?

MR. CURTIS of Missouri: I do, Mr. Speaker.

§ 47.10 The words of a Member which were taken down and ruled out of order were, by unanimous consent, deleted from the Record; and the Member was then permitted to proceed in order.

On June 24, 1958,⁽¹⁶⁾ Mr. Oren Harris, of Arkansas, rose to object to the use of certain language on the floor of the House:

MR. HARRIS: Mr. Speaker, I must object to the language just used.

MR. [THOMAS B.] CURTIS of Missouri: Mr. Speaker, wait a minute. Is the gentleman asking me to yield?

MR. HARRIS: I am not asking the gentleman to yield.

MR. CURTIS of Missouri: Mr. Speaker, I have the floor.

THE SPEAKER:⁽¹⁷⁾ The gentleman from Missouri has the floor.

16. 104 CONG. REC. 12120, 85th Cong. 2d Sess.

17. Sam Rayburn (Tex.).

MR. HARRIS: Mr. Speaker, I demand that the gentleman's words be deleted from the Record.

THE SPEAKER: The Clerk will report the words objected to.

After the Clerk reported the words that were objected to, the following occurred:

THE SPEAKER: The Chair thinks it is very clear that this is a reflection on a committee of the House of a very serious type and, therefore, holds that the language is not parliamentary.

MR. HARRIS: Mr. Speaker, I ask unanimous consent that the language objected to be expunged from the Record and that the gentleman from Missouri be permitted to proceed in order.

MR. CURTIS of Missouri: Mr. Speaker, I would like to be heard.

THE SPEAKER: The Chair has already ruled. It is as clear to the Chair as anything in the world.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Parliamentarian's Note: Motions to expunge from the Record and to permit a Member to proceed in order are privileged, therefore unanimous consent is not required.

Insertions in the Record

§ 47.11 The committee voting record of a Member was, at his request and by unanimous consent, inserted in the Record in the form of a

**memorandum prepared by
the committee counsel.**

On Dec. 11, 1969,⁽¹⁾ Mr. Arnold Olsen, of Montana, made the following statement on the floor of the House:

MR. OLSEN: Mr. Speaker, during my 9 years here in the House of Representatives I have established a record in committee and here on the floor of the House. It has been a consistent record. I am proud of it and I have campaigned on it in the last four elections.

Last week a nationally syndicated columnist released certain allegations and implications which, if left unanswered, could cast a shadow on that record. For that reason I have asked Chairman Dulski of the House Post Office and Civil Service Committee to release a review of my position on the legislation in question during executive committee sessions over the last 9 years. Chairman Dulski directed counsel to prepare a summary of the previously unreported and confidential record and, with the advice and permission of my chairman, I am inserting this document in the Record today for the information of all of my distinguished colleagues. . . .

Mr. Speaker, I ask that notwithstanding the rules of the House that the following documents be inserted at this time in the Congressional Record: First, the statement I released to the press last Friday following publication of the column in question; second, the letter from Committee Counsel Charles

1. 115 CONG. REC. 38556, 38557, 91st Cong. 1st Sess.

E. Johnson transmitting a compilation of my voting record in executive committee sessions and here on the floor of the House; and third, the record compiled by Mr. Johnson at the direction of Chairman Thaddeus J. Dulski.

THE SPEAKER PRO TEMPORE:⁽²⁾ Is there objection to the request of the gentleman from Montana?

There was no objection.

§ 48. Limitations on Requests

Multiple Requests

§ 48.1 During the pendency of a unanimous-consent request, the Speaker may refuse to entertain a second unanimous-consent request.

On Oct. 14, 1972,⁽³⁾ during the pendency of a unanimous-consent request sought by Mr. Hale Boggs, of Louisiana, Mr. Wilbur D. Mills, of Arkansas, rose to his feet:

MR. MILLS of Arkansas: . . . Mr. Speaker, would the gentleman from Louisiana yield for a unanimous-consent request?

MR. BOGGS: Certainly.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, there is a unanimous-consent request before the House.

THE SPEAKER:⁽⁴⁾ There is a unanimous-consent request pending from the gentleman from Louisiana.

2. Charles M. Price (Ill.).

3. 118 CONG. REC. 36501, 92d Cong. 2d Sess.

4. Carl Albert (Okla.).