

**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.).

Requests Relating to Committee Meetings

§ 48.2 The Speaker has declined to recognize a Member for a unanimous-consent request that a committee be allowed to sit at the same time the House is considering a measure under the five-minute rule.

On July 1, 1947,⁽⁵⁾ the following occurred on the floor of the House:

MR. [SAMUEL K.] MCCONNELL [Jr., of Pennsylvania]: Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Education and Labor holding hearings on minimum wages be allowed to sit tomorrow during the session of the House.

THE SPEAKER:⁽⁶⁾ The Chair cannot recognize the gentleman for that purpose. Tomorrow the House will be reading the civil functions appropriation bill for amendment, and committees cannot sit during sessions of the House while bills are being read for amendment; only during general debate.

MR. MCCONNELL: We have a full schedule that we want to get through.

THE SPEAKER: That is the policy that has been adopted. The minority leader has stated that he would object to any requests of that character.

5. 93 CONG. REC. 8054, 80th Cong. 1st Sess.

6. Joseph W. Martin, Jr. (Mass.).

Requests to Proceed for One Minute

§ 48.3 The Minority Leader having been recognized to proceed for one minute and in that time having asked unanimous consent for consideration of a bill, the Speaker held that he had not been recognized for that purpose.

On Jan. 26, 1944,⁽⁷⁾ the following took place on the floor of the House:

Mr. Martin of Massachusetts and Mr. May rose.

THE SPEAKER:⁽⁸⁾ For what purpose does the gentleman from Massachusetts rise?

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER: The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.

MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.

I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.

I agree with the President that there is immediate need for action on the

7. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous consent that the House immediately take up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

Production of Committee Documents

§ 48.4 The Speaker declined to entertain a unanimous-consent request that the clerk of the Committee on House Administration be directed to bring to the well of the House certain documents in the custody of that committee.

On June 3, 1960,⁽⁹⁾ Mr. John James Flynt, Jr., of Georgia, made the following request:

MR. FLYNT: Mr. Speaker, I ask unanimous consent that the Chair Direct the clerk of the Committee on House Administration to bring to the well of the House, following the legislative business of the day, that portion of the records and documents in the custody of that committee, which refer to and contain the entries on the records of

9. 106 CONG. REC. 11820, 11821, 86th Cong. 2d Sess.

the Royal Hawaiian Hotel in Honolulu, Hawaii, for the purpose of permitting me to refer specifically to any such items contained therein which are at complete variance with published reports in the Wednesday issue of the Washington Post and Times Herald, and in the issue of Life magazine dated June 6, 1960, which is next Monday, but which appeared on the newsstands in the city of Washington and other parts of the country on Wednesday, June 1.

THE SPEAKER:⁽¹⁰⁾ The Chair will say to the gentleman that it has never been the policy of the House to order any documents in the custody of a committee of the House to be brought into the House, unless the committee by its action has approved such a request. The gentleman certainly may examine those items between now and the time he makes his remarks on that subject. But the Chair has never known of a case where a clerk of any committee has been ordered to bring documents to the floor of the House without the prior approval of the committee in whose hands they are at that time.

Requests to Rerefer

§ 48.5 The Speaker has declined to recognize a chairman of a committee for a unanimous-consent request to rerefer a bill until the chairman of the other committee was consulted.

On Mar. 25, 1948,⁽¹¹⁾ the following took place:

10. Sam Rayburn (Tex.).

11. 94 CONG. REC. 3573, 80th Cong. 2d Sess.

MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill H.R. 5515 for the relief of Mr. and Mrs. Albert Chandler and that the same be re-referred to the Committee on the Judiciary.

THE SPEAKER:⁽¹²⁾ Has the gentleman conferred with the chairman of the Committee on the Judiciary?

MRS. ROGERS of Massachusetts: I have not, Mr. Speaker.

THE SPEAKER: It is customary to consult with the chairman of the committee to whom the bill is to be referred. No harm will come if this matter is delayed until Monday.

MRS. ROGERS of Massachusetts: I withdraw the request, Mr. Speaker.

Requests Affecting the Schedule of Legislative Business

§ 48.6 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments thereto, where such a request was made in the absence of the chairman of the committee involved and where Members had been informed there would be no further legislative business for that day.

On July 31, 1969,⁽¹³⁾ the Speaker, John W. McCormack, of Mas-

12. Joseph W. Martin, Jr. (Mass.).

13. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

sachusetts, recognized Mr. Hale Boggs, of Louisiana:

MR. BOGGS: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

§ 48.7 The Speaker declined recognition for a unanimous-consent request to call up a House resolution after it had been announced that there would be no further legislative business for that day.

On Feb. 7, 1969,⁽¹⁴⁾ Mr. H. R. Gross, of Iowa, rose with a parliamentary inquiry:

14. 115 CONG. REC. 3268, 91st Cong. 1st Sess.

MR. GROSS: Mr. Speaker, since several House resolutions have been passed today by unanimous consent, my question to the distinguished Speaker is whether it would be in order at this time to call up House Resolution 133 disapproving the pay increase for certain officials and employees of the Federal Government?

THE SPEAKER:⁽¹⁵⁾ The Chair will state to the gentleman from Iowa that it has already been announced that there would be no legislative business today. Under those circumstances, and without determining the merits of the resolution, the Chair could recognize the gentleman. Yet the Chair in its discretion will not recognize the gentleman for that purpose.

Requests Relating to Private Bills

§ 48.8 The Chair may refuse to recognize a Member for a unanimous-consent request to address the House on a private bill being considered on the Private Calendar.

On May 7, 1935,⁽¹⁶⁾ the Clerk was calling up bills on the Private Calendar:

The Clerk called the next bill, S. 41, for the relief of the Germania Catering Co., Inc.

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ Is there objection to the present consideration of the bill?

15. John W. McCormack (Mass.).

16. 79 CONG. REC. 7100, 74th Cong. 1st Sess.

17. John J. O'Connor (N.Y.).

MR. [CHARLES V.] TRUAX [of Ohio]: Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

THE SPEAKER PRO TEMPORE: The Chair will not recognize the gentleman for that purpose.

§ 48.9 The Speaker declined to recognize a Member for a unanimous-consent request relating to a bill stricken from the Private Calendar until such time as the Member had consulted with the official objectors.

On Apr. 19, 1948,⁽¹⁸⁾ the Speaker, Joseph W. Martin, of Massachusetts, recognized Mr. Thomas J. Lane, of Massachusetts:

MR. LANE: Mr. Speaker, I ask unanimous consent that the bill H.R. 403 be restored to the Private Calendar.

THE SPEAKER: Has the gentleman consulted the objectors?

MR. LANE: No; I have not.

THE SPEAKER: The Chair cannot entertain the gentleman's request until he has done so.

Requests Relating to Consent Calendar

§ 48.10 On Consent Calendar days only eligible bills on the calendar are called, and the Speaker may in his discretion decline to recognize unanimous-consent requests

18. 94 CONG. REC. 4573, 80th Cong. 2d Sess.

for consideration of bills which have not been on such calendar for three legislative days.

On May 6, 1946,⁽¹⁹⁾ Mr. Overton Brooks, of Louisiana, made the following request:

MR. BROOKS: Mr. Speaker, would it be in order to ask unanimous consent for the immediate consideration of the bill H.R. 2325, which is No. 419 on the Consent Calendar that was called today?

THE SPEAKER:⁽²⁰⁾ The Chair announced some time ago that since those known as the objectors had examined only the eligible bills on the Consent Calendar the Chair would not recognize Members to take up the remaining bills, unless they involved emergencies.

Revocation of Special Order

§ 48.11 The Speaker pro tempore declined to recognize a Member to ask unanimous consent for the revocation of a special order, previously agreed to, permitting the consideration of conference reports on the same day reported.

On Sept. 25, 1961,⁽¹⁾ Mr. H. R. Gross, of Iowa, sought recognition for a unanimous-consent request:

19. 92 CONG. REC. 4527, 79th Cong. 2d Sess.

20. Sam Rayburn (Tex.).

1. 107 CONG. REC. 21183, 21184, 87th Cong. 1st Sess.

MR. GROSS: Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of Rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, Rule XXVIII of the Rules of the House of Representatives be restored. . . .

THE SPEAKER PRO TEMPORE:⁽²⁾ Under the circumstances the Chair declines to recognize the gentleman from Iowa to submit the request.

Requests to Address the House

§ 48.12 The Chair may refuse to recognize Members for unanimous-consent requests to address the House on future days prior to the completion of legislative business on the current day.

On June 14, 1935,⁽³⁾ Mr. Kent E. Keller, of Illinois, made the following request:

MR. KELLER: Mr. Speaker, I ask unanimous consent that on next Monday after the reading of the Journal and the completion of business on the Speaker's desk I may address the House for 15 minutes to answer an attack upon an amendment I proposed to the Constitution made in the Washington Times of June 12 by Mr. James P. Williams, Jr.

THE SPEAKER:⁽⁴⁾ Under the custom that prevails and the action of the

2. John W. McCormack (Mass.).

3. 79 CONG. REC. 9330, 74th Cong. 1st Sess.

4. Joseph W. Byrns (Tenn.).

Chair, heretofore, the Chair cannot recognize the gentleman today to make a speech on Monday. The Chair hopes the gentleman will defer his request.⁽⁵⁾

Requests Made After Previous Question Ordered

§ 48.13 When the Chairman of the Committee of the Whole reports a bill back to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded; and the Speaker may decline to entertain unanimous-consent requests that further amendments be in order.

On Aug. 31, 1960,⁽⁶⁾ the Committee of the Whole House on the state of the Union having considered the bill S. 2917, to establish a price-support level for milk and butterfat, reported the bill back to the House.

THE SPEAKER:⁽⁷⁾ Under the rule the previous question is ordered.

The question is on the third reading of the Senate bill.

The bill was read a third time.

5. See also 79 CONG. REC. 3171, 3172, 74th Cong. 1st Sess., Mar. 7, 1935.
6. 104 CONG. REC. 18748, 86th Cong. 2d Sess.
7. Sam Rayburn (Tex.).

MR. [H. CARL] ANDERSEN of Minnesota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDERSEN of Minnesota: Would it be possible by unanimous consent to return to the amendment stage?

THE SPEAKER: It would not. The previous question has already been ordered. All amendments and all debate are exhausted.

§ 48.14 A yea and nay vote having been ordered the Chair may decline to entertain unanimous-consent requests.

On May 3, 1940,⁽⁸⁾ the House had just ordered the previous question on H.R. 5435, an amendment to the Fair Labor Standards Act of 1938.

THE SPEAKER PRO TEMPORE:⁽⁹⁾ . . . The question is on agreeing to the amendment.

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker—

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman rise?

MR. CASE of South Dakota: To prefer a unanimous-consent request.

THE SPEAKER PRO TEMPORE: The yeas and nays have been ordered. The

8. 86 CONG. REC. 5499, 76th Cong. 3d Sess.
9. Sam Rayburn (Tex.).

Chair will not entertain a unanimous-consent request at this time.

Requests for the Correction of Section Numbers

§ 48.15 A unanimous-consent request that the Clerk of the House, in the engrossment of the bill, be instructed to correct section numbers is not in order in the Committee of the Whole, since such permission must be obtained in the House.

On Oct. 3, 1962,⁽¹⁰⁾ the Committee of the Whole was considering H.R. 13273, the rivers and harbors authorization bill of 1962, when a question arose as to the accuracy of the bill's section numbers:

MR. [JAMES C.] WRIGHT [of Texas]: Mr. Chairman, so as to avoid any possible confusion in the numbering of these sections, I ask unanimous consent that the Clerk of the House be instructed so to number these sections serially that they are all in proper sequence.

THE CHAIRMAN:⁽¹¹⁾ The gentleman's request will have to be made in the House.

10. 108 CONG. REC. 21884, 87th Cong. 2d Sess.

11. Frances E. Walter (Pa.).

Requests to Include Extraneous Matter in Remarks

§ 48.16 The House and not the Committee of the Whole has control over the Congressional Record and requests of Members to include in their remarks extraneous matters should be submitted in the House and not the Committee of the Whole.

On Apr. 14, 1937,⁽¹²⁾ the Committee of the Whole was considering H.R. 1668, to amend the Interstate Commerce Act.

MR. [WALTER M.] PIERCE [of Oregon]: Mr. Chairman, I ask unanimous consent that I may have the privilege of revising and extending my remarks and including therein such letters and telegrams as I have here denying or repudiating their appearance as proponents of the Pettengill bill.

THE CHAIRMAN:⁽¹³⁾ The Chair will remind the gentleman from Oregon that the request to extend his own remarks to include extraneous matter must be submitted in the House and not in Committee of the Whole.

12. 81 CONG. REC. 3463, 75th Cong. 1st Sess.

13. J. Mark Wilcox (Fla.).