

There was no objection.

***Immediate Consideration
When Introduced***

§ 8.21 A joint resolution providing appropriations for mileage for the Vice President, Senators, Representatives, and for other expenses incident to a special session of Congress, was given immediate consideration.

On Sept. 25, 1939,⁽⁷⁾ a Member introduced a resolution as follows, and proceedings were as indicated below:

MR. [EDWARD T.] TAYLOR [of Colorado]: Mr. Speaker, I send to the desk a joint resolution and ask unanimous consent for its immediate consideration.

The Clerk read the joint resolution, as follows:

HOUSE JOINT RESOLUTION 384

Resolved, etc., That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of expenses incident to the second session of the Seventy-sixth Congress, namely:

For mileage of the President of the Senate and of Senators, \$51,000.

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, \$171,000.

For the payment of 21 pages for the Senate and 48 pages for the

House of Representatives, at \$4 per day each, for the period commencing September 21, 1939, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the second session thereof, so much as may be necessary for each the Senate and House of Representatives.

THE SPEAKER: ⁽⁸⁾ Is there objection to the request of the gentleman from Colorado?

There was no objection.

§ 9. Waiver of Points of Order—by Resolution

Waiver Agreed to After General Debate

§ 9.1 A resolution waiving points of order against a certain provision in a supplemental appropriation bill was considered and agreed to by the House after general debate on the bill had been concluded and reading for amendment had begun in the Committee of the Whole.

On May 21, 1969,⁽⁹⁾ the following proceedings took place:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 414 and ask for its immediate consideration.

8. William B. Bankhead (Ala.).

9. 115 CONG. REC. 13246, 13251, 13252, 91st Cong. 1st Sess.

7. 85 CONG. REC. 16, 76th Cong. 2d Sess.

The Clerk read the resolution, as follows:

H. RES. 414

Resolved, That during the consideration of the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, all points of order against title IV of said bill are hereby waived.

MR. COLMER: . . . The language that the rule waives the point of order against is found in title IV of the bill. Title IV of the bill places a ceiling upon the amount of the expenditures that the Chief Executive can make within the fiscal year. Now, that amount is, roughly, \$192 billion. . . .

THE SPEAKER PRO TEMPORE:⁽¹⁾ The question is on the resolution.

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

MR. [WILLIAM F.] RYAN [of New York]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present. . . .

The question was taken; and there were—yeas 326, nays 53, not voting 54. . . .

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. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

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 further consideration of the bill H.R. 11400, with Mr. [Chet] Holifield [of California] in the chair.

THE CHAIRMAN: When the Committee rose on yesterday, the Clerk had read through line 7 on page 2 of the bill.

Points of Order Against All Provisions But One

§ 9.2 The form of a resolution waiving all points of order against consideration of an appropriation bill, waiving points of order against the bill or any of the provisions contained therein excepting a specific paragraph is set out below.

On Apr. 7, 1949,⁽²⁾ the Clerk read the following resolution:

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, 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 the bill (H.R. 4046) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1949, and for other purposes, and all points of order against the bill or any of the provisions contained therein are hereby waived excepting the provision appearing on page 19, lines 18 to 21, inclusive, in the paragraph under the heading "General Provisions." That after general de-

1. Edmond Edmondson (Okla.).

2. 95 CONG. REC. 4113, 81st Cong. 1st Sess.

bate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill 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 bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Certain Legislative Language Made in Order

§ 9.3 The form of a resolution waiving points of order against the independent offices appropriation bill, and making in order a legislative amendment described in general terms in the text of the resolution is set out below.

On June 17, 1947,⁽³⁾ the following proceedings took place:

MR. [FOREST A.] HARNESS [of Indiana]: Mr. Speaker, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H.R. 3839) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions,

and offices, for the fiscal year ending June 30, 1948, and for other purposes, all points of order against the bill or any provisions contained therein are hereby waived; and it shall also be in order to consider without the intervention of any point of order any amendment to said bill prohibiting the use of the funds appropriated in such bill or any funds heretofore made available, including contract authorizations, for the purchase of any particular site or for the erection of any particular hospital.

Waiver of Three-day Availability Requirement

§ 9.4 The House has considered a resolution on the same day reported making in order consideration of an appropriation bill, notwithstanding the fact that the bill and report have not been available for three calendar days as required by Rule XXI clause 6 (subsequently clause 7) and waiving all points of order against the bill.

On Sept. 19, 1968,⁽⁴⁾ a Member addressed Speaker John W. McCormack, of Massachusetts, as follows, and proceedings ensued as indicated below:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1308 and ask for its immediate consideration.

3. 93 CONG. REC. 7166, 80th Cong. 1st Sess.

4. 114 CONG. REC. 27646, 27647, 90th Cong. 2d Sess.

The Clerk read the resolution, as follows:

H. RES. 1308

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, 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 the bill (H.R. 19908) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, and all points of order against said bill are hereby waived.

THE SPEAKER: The question is, will the House now consider House Resolution 1308?

The question was taken.

MR. [PETER H. B.] FRELINGHUYSEN [of New Jersey]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 58, not voting 80. . . .

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 1308. . . .

MR. COLMER: Mr. Speaker, the House has just voted to consider the resolution which provides for consideration, in turn, of the foreign aid appropriation bill.

Frankly, I do not subscribe to this procedure generally. I do subscribe to

this procedure in this particular instance.

This matter was presented to the committee only this morning. The conference report on the authorization bill was adopted only a few hours ago by the House. But it is anticipated that the other body will approve it and that it will go to the White House for the President's signature. . . .

MR. [H. ALLEN] SMITH [of California]: . . . [B]y way of a simple review of the matter, the last vote was for two-thirds to consider this particular resolution, House Resolution 1308. Otherwise it would have had to have laid over until tomorrow or next week.

Mr. Speaker, this procedure is as the chairman of the Committee on Rules said, unorthodox and unusual, and insofar as I am concerned I doubt that there will be any other type of piece of legislation that I would agree to this particular procedure being worked upon a bill.

After all, the bill is here and the conference report has been adopted. Further, if we are ever going to adjourn we will have to proceed in this particular manner even though it is a little unusual.

The matter we have under consideration right now is House Resolution 1308 that waives points of order on the foreign assistance bill; namely, H.R. 19908. If this rule is adopted by a majority vote then we can proceed to its consideration with 2 hours of debate, proceed to the consideration of the Foreign Assistance Act for the fiscal year ending June 30, 1969, with the time equally divided.

***Waiver of Points of Order
Against Bill or Provisions***

§ 9.5 The form of a resolution waiving all points of order

against a general appropriation bill or any provisions contained therein is set out below.

On June 26, 1945,⁽⁵⁾ a resolution was called up, as follows:

MR. [JOE B.] BATES [of Kentucky]: Mr. Speaker, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H.R. 3579) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1946, and for other purposes all points of order against the bill or any provisions contained therein are hereby waived.

Specific Paragraph of Supplemental Appropriation Bill Protected

§ 9.6 The form of a resolution waiving points of order against a specific paragraph of a supplemental appropriation bill (language making certain funds that were available for construction also available for purchase of furniture for the new Ray-

5. 91 CONG. REC. 6766, 79th Cong. 1st Sess.

burn Office Building) is set out below.

On Apr. 9, 1963,⁽⁶⁾ a Member called up a resolution, as follows:

MR. [JAMES J.] DELANEY [of New York]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That during the consideration of the bill (H.R. 5517) making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes, all points of order against the provisions contained in lines 5 through 10, page 22, are hereby waived.

Points of Order Against Committee Amendments

§ 9.7 The form of a resolution waiving points of order against a supplemental appropriation bill or any of the provisions contained therein, and waiving points of order against any amendment offered by direction of the Committee on Appropriations is set out below.

On June 9, 1948,⁽⁷⁾ the following resolution was called up:

MR. [LEO E.] ALLEN [of Illinois]: Mr. Speaker, I call up House Resolution

6. 109 CONG. REC. 6043, 88th Cong. 1st Sess.

7. 94 CONG. REC. 7603, 80th Cong. 2d Sess. See also 83 Cong. Rec 6777, 75th Cong. 3d Sess., May 12, 1938.

651 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H.R. 6829) making supplemental appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1949, and for other purposes, all points of order against the bill or any provisions contained therein are hereby waived, and it shall be in order to consider without the intervention of any point of order any amendment offered by direction of the Committee on Appropriations.

Waiver Against One Title of Bill

§ 9.8 The form of a resolution waiving points of order against part of a military establishment appropriation bill is set out below.

On June 4, 1947,⁽⁸⁾ a resolution was called up, as follows:

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H.R. 3678) making appropriations for the Military Establishment for the fiscal year ending June 30, 1948, and for other pur-

8. 93 CONG. REC. 6346, 80th Cong. 1st Sess.

poses, all points of order against title II of said bill or any provisions contained therein are hereby waived.

§ 10. General Appropriation Bills Considered by Unanimous Consent

Generally

§ 10.1 Consideration of a supplemental appropriation bill, without the intervention of any point of order against the provisions of the bill, was made in order on the following Tuesday or any day thereafter, by unanimous consent.

On Dec. 6, 1967,⁽⁹⁾ the following proceedings took place:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday next or any subsequent day next week to consider a bill making supplemental appropriations for fiscal year 1968 and that all points of order against the bill or any provisions contained therein be considered as waived.

THE SPEAKER:⁽¹⁰⁾ Is there objection to the request of the gentleman from Texas? . . .

MR. GERALD R. FORD [of Michigan]: I am glad that point has just been clarified. As I understand it, the reason for waiving points of order is be-

9. 113 CONG. REC. 35164, 35165, 90th Cong. 1st Sess. See also the unanimous-consent requests in § 8, supra.

10. John W. McCormack (Mass.).

cause the authorization bill for the Office of Economic Opportunity will not have become law through the signature of the President at the time specified? In other words, that is the only reason that the gentleman from Texas [Mr. Mahon] asks to waive all points of order?

MR. MAHON: Mr. Speaker, if the gentleman from Ohio will yield further, the gentleman from Michigan is correct. This is the only reason for the request. There is nothing else that I can envisage in the appropriation bill where a point of order might obtain.

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from Texas [Mr. Mahon].

There was no objection.

Three-day Availability Requirement

§ 10.2 Consideration of a supplemental appropriation bill was made in order on the following Tuesday or any day thereafter, by unanimous consent, despite the fact that the bill and report would not be available for three calendar days as required by Rule XXI clause 6 (now clause 7).

On Feb. 15, 1968,⁽¹¹⁾ a Member addressed Speaker John W.

11. 114 CONG. REC. 3022, 3023, 90th Cong. 2d Sess.

McCormack, of Massachusetts, as follows, and proceedings ensued as indicated below:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Monday, February 19, to file a privileged report on the urgent supplemental appropriation bill for the fiscal year 1968.

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

MR. MAHON: Mr. Speaker, I ask unanimous consent to revise and extend my remarks during the colloquy just held to make it in order for the House to consider the urgent supplemental appropriations bill for 1968 on Tuesday, February 20, or any day subsequent thereto. . . .

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

There was no objection.

§ 10.3 By unanimous consent, the rule [Rule XXI clause 6 (now clause 7)] prohibiting consideration of general appropriation bills until printed committee hearings and the committee report have been available for three days was waived.

On Sept. 12, 1962,⁽¹²⁾ the following proceedings took place:

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Speaker, I take this time

12. 108 CONG. REC. 19237, 87th Cong. 2d Sess.

in order to announce that it is our intention to report the foreign aid appropriation bill for 1963 to the House on Tuesday, September 18. I therefore now ask unanimous consent that the 3-day rule be waived and that the bill be considered in the House on Thursday, September 20.

THE SPEAKER:⁽¹³⁾ Is there objection to the request of the gentleman from Louisiana?

There was no objection.

§ 11. Consideration and Debate; Amendments

Motion to Close Debate

§ 11.1 A motion to fix the time of general debate on an appropriation bill is not in order prior to resolving into the Committee of the Whole; but after there has been debate in the Committee of the Whole and the Committee rises, the motion is in order in the House.

On Feb. 18, 1947,⁽¹⁴⁾ a Member addressed Speaker Joseph W. Martin, Jr., of Massachusetts, as follows and proceedings ensued as indicated below:

MR. [JOHN] TABER [of New York]: 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 bill (H.R. 1968) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from Missouri [Mr. Cannon] and myself.

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

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, reserving the right to object, is this the bill that contains the cuts of appropriations for OPA?

MR. TABER: Yes.

MR. MARCANTONIO: Then I object, Mr. Speaker.

MR. TABER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TABER: The House may go into the Committee of the Whole and later, after debate has occurred, rise, and then a motion would be in order to close debate; but otherwise a motion would not be in order at this time to close?

THE SPEAKER: The gentleman from New York states the situation accurately. The House must first go into Committee and have general debate, and then rise and fix the time of debate by vote.

Consideration of Senate Amendments

§ 11.2 The House has considered Senate amendments to a

13. John W. McCormack (Mass.).

14. 93 CONG. REC. 1138, 80th Cong. 1st Sess.