

## Chapter CCXXXVII.<sup>1</sup>

### THE COMMITTEE OF THE WHOLE.

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**2318. An instance wherein the House resolved into the Committee of the Whole House on the state of the Union without designating a specific subject for consideration, in preference to engaging in general debate in the House.**

**An occasion on which the House resolved into the Committee of the Whole pending a reply from the President in response to notification by committee that the House had assembled and was ready to receive any communication he desired to make.**

On December 5, 1921,<sup>2</sup> immediately following the appointment of a committee on the part of the House to join with the committee on the part of the Senate to notify the President that a quorum had assembled and was ready to receive any communication he might be pleased to make, Mr. Philip P. Campbell, of Kansas, asked unanimous consent that there be three hours' debate, to be divided equally between the two sides of the House.

Inquiry being made by several Members as to the subject it was proposed to debate, Mr. Campbell replied:

On the state of the Union. Several gentlemen desire to speak on the St. Lawrence Canal. Two hours on this side are to be devoted to that subject. I am not aware of the nature of the debate on the other side.

Mr. Finis J. Garrett, of Tennessee, supplemented:

I am unable to state what will be the subject of the speeches on this side.

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<sup>1</sup>Supplementary to Chapter CVII.

<sup>2</sup>Second session Sixty-seventh Congress, Record, p. 6.

Mr. James R. Mann, of Illinois, suggested:

The request that the gentleman makes is made in the House. My recollection is that throughout the whole history of the House debate on the state of the Union has been held in the Committee of the Whole House on the state of the Union. A motion to go into Committee of the Whole House on the state of the Union, of course, would be in order. I do not believe that we ought to set a precedent for general debate in the House as distinguished from debate in Committee of the Whole House on the state of the Union.

Mr. Andrew J. Montague, of Virginia, asked:

Is it customary for the House to engage in any business, general debate or otherwise, pending the reply of the President to the committee that the House sends to notify him that it is organized and ready to do business? Is it not without precedent for the House to do what the gentleman contemplates it shall do prior to the response of the President to the House committee? In other words, is it not rather discourteous to the Executive for the House to enter upon any business pending this response of the President? If no discourtesy is intended, is it not wholly unprecedented to do what the gentleman asks the House to do, and is not such action an implied discourtesy?

Mr. Mann said:

It think it has never been done since I have been here.

Thereupon, Mr. Campbell moved that the House resolve itself into the Committee of the Whole House on the state of the Union and, pending that motion, asked unanimous consent that general debate be controlled by himself and the gentleman from Georgia, Mr. Crisp.

After further debate, the consent was granted, the motion was agreed to and the House resolved into the Committee of the Whole House on the state of the Union. At the conclusion of general debate the committee rose and the Chairman<sup>1</sup> reported that the committee had had under consideration the state of the Union and had come to no resolution thereon.

**2319. The Committee of the Whole has no power to make recommendations relative to sending to conference.**

On August 16, 1921,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the Senate amendment to the prohibition enforcement bill.

At the conclusion of consideration of the Senate amendments, Mr. Andrew J. Volstead, of Minnesota, offered a motion which was read by the Clerk as follows:

Mr. Volstead moves that the committee do now rise and report the amendment to the House, with the recommendation that the House concur in the action of the committee and that the House agree to the conference requested by the Senate.

Mr. James R. Mann, of Illinois, in rising to a point of order said:

Mr. Chairman, I make the point of order that the latter part of that motion is not in order. The House acts on the question of the conference. All the committee can do is to act on the Senate amendments. The committee has no authority to recommend to the House what it should do. That matter is not referred to the committee. The rule provides for the consideration of the Senate amendments. We report upon them. The House determines in reference to a conference. The committee has no authority to make a recommendation about a conference. Of course, the House would have that authority.

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<sup>1</sup>John Q. Tilson, of Connecticut, Chairman.

<sup>2</sup>First session, Sixty-seventh Congress, Record, p. 5081.

The Chairman<sup>1</sup> sustained the point of order.

**2320. The motion to instruct conferees is not in order in the Committee of the Whole.**

On September 23, 1918,<sup>2</sup> Senate amendments to the bill (H. R. 11945) the food production bill were being considered in the Committee of the Whole House on the state of the Union, when Mr. James C. McLaughlin, of Michigan, offered this motion:

Mr. McLaughlin offers the following: "That the House disagree to Senate amendment No. 1 and the conferees on the part of the House be, and are hereby, instructed to adhere to such disagreement."

Mr. Asbury F. Lever, of South Carolina, made the point of order that the motion was not admissible in the Committee of the Whole.

The Chairman<sup>3</sup> said:

The Chair is of the opinion that the conferees can not be instructed in Committee of the Whole.

**2321. The Committee of the Whole has no authority to modify an order of the House.**

**Time for debate having been fixed by the house, the Committee of the Whole may not, even by unanimous consent, extend it.**

On September 16, 1919,<sup>4</sup> Mr. James W. Good, of Iowa, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the first deficiency appropriation bill.

Pending that motion, on the request of Mr. Good, by unanimous consent, it was ordered that time for general debate be limited to three hours, half to be controlled by Mr. Good and half by Mr. Joseph W. Byrns, of Tennessee.

During general debate in the Committee of the Whole, Mr. Byrns asked unanimous consent that Mr. Good, who had the floor, be allowed to conclude his remarks, the additional time not to be taken from the time agreed upon.

The Chairman<sup>5</sup> held:

The Chair will state that the time on this bill was fixed by the order of the House. The Chair does not see how the committee, even by unanimous consent, can agree to an extension of time, the time having been fixed in the House. The only way the debate can be extended is by action of the House.

**2322.** On October 25, 1919,<sup>6</sup> pending a motion to resolve into the Committee of the Whole House on the state of the Union for the consideration of the bill to promote the mining of coal, phosphate, oil, gas and sodium on the public lands, Mr. Nicholas J. Sinnott, of Oregon, asked unanimous consent that general debate

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<sup>1</sup> Nicholas Longworth, of Ohio, Chairman.

<sup>2</sup> Second session, Sixty-fifth Congress, Record, p. 10686.

<sup>3</sup> Ben Johnson, of Kentucky, Chairman.

<sup>4</sup> First session, Sixty-sixth Congress, Record, p. 5536.

<sup>5</sup> Joseph Walsh, of Massachusetts, Chairman.

<sup>6</sup> First session, Sixty-sixth Congress, Record, p. 7115.

on the bill be confined to two hours, one-half to be controlled by himself and one-half by the gentleman from Oklahoma, Mr. Scott Ferris.

The request for control of the time having been agreed to and the House having resolved into the Committee of the Whole, Mr. John E. Raker, of California, was yielded 10 minutes by Mr. Sinnott and 30 minutes by Mr. Ferris.

At the expiration of the 40 minutes thus allotted to him Mr. Raker asked unanimous consent that he have additional time in which to read a letter.

The Chairman<sup>1</sup> declined to entertain the request and explained:

The time has been fixed by the rule, and is in control of the gentleman from Oregon, Mr. Sinnott, and the gentleman from Oklahoma, Mr. Ferris, and the Chair has no jurisdiction. The gentleman from Oregon is recognized.

**2323. The Committee of the Whole may not alter an order of the House, and the Chairman is not authorized to entertain requests to that effect.**

On December 16, 1920,<sup>2</sup> the Committee of the Whole House on the state of the Union was engaged in general debate on the District of Columbia appropriation bill under an order from the House limiting general debate to not more than two and a half hours.

The two hours and a half having expired, Mr. Rufus Hardy, of Texas, preferred a request for unanimous consent to proceed for one additional minute.

Mr. James R. Mann, of Illinois, said:

Mr. Chairman, the house fixed the time for general debate and the committee can not change it. I make the point of order that it is not the duty of the Chair to state the request. The Chair is under the instructions of the House.

The Chairman<sup>3</sup> ruled:

The Chair recognizes the gentleman from Illinois as correct under a strict construction of the rule. And if the gentleman from Illinois insists upon that, the gentleman from Texas is not entitled to recognition.

**2324. The motion to reconsider is not in order in the Committee of the Whole.**

On April 8, 1910,<sup>4</sup> the House in Committee of the Whole House on the state of the Union was reading the naval appropriation bill for amendment under the five-minute rule, when on motion of Mr. George E. Foss, of Illinois, debate was closed on the pending paragraph and all amendments thereto.

Mr. Joseph H. Gaines, of West Virginia, proposed to move to reconsider the vote by which debate had been closed.

The Chairman<sup>5</sup> declined to recognize for that purpose for the reason that the motion to reconsider is not in order in the Committee of the Whole.

**2325. The motion to reconsider is not submitted in Committee of the Whole.**

**A motion that the committee rise may not interrupt a Member having the floor for debate.**

<sup>1</sup> Martin B. Madden, of Illinois, Chairman.

<sup>2</sup> Third session Sixty-sixth Congress, Record, p. 444.

<sup>3</sup> Frederick C. Hicks, of New York, Chairman.

<sup>4</sup> Second session Sixty-first Congress, Record, p. 4425.

<sup>5</sup> James R. Mann, of Illinois, Chairman.

**The committee having voted to close debate at a stated hour the Chair announces the close of debate at that time notwithstanding intervening time has been consumed without debate.**

On February 26, 1924,<sup>1</sup> while the revenue bill was being read for amendment in the Committee of the Whole House on the state of the Union, the Chairman announced that pursuant to an order of the committee all debate on the pending section had closed.

Mr. R. Walton Moore, of Virginia, submitted that much of the time had been consumed in conversation, parliamentary inquiries and votes by tellers.

The Chairman<sup>2</sup> said:

The Chair will state the situation. The motion was stated very plainly that all debate on these three subsections close at a definite hour, namely, 6 o'clock. It was not 10 minutes or 15 minutes or any other time but a certain hour. That hour having arrived, under the Chair's construction of it, the time for debate has expired.

Mr. Charles R. Crisp, of Georgia, as a parliamentary inquiry, asked if it would not be in order to enter a motion to reconsider the vote by which debate had been closed.

The Chairman held that the motion to reconsider was not admissible in the Committee of the Whole.

The Chairman having recognized Mr. Edward E. Denison, of Illinois, Mr. L. C. Dyer, of Missouri, offered a motion that the committee rise.

The Chairman said:

The gentleman from Illinois, Mr. Denison, has the floor, and can not be taken off the floor by a motion that the committee rise.

**2326 The simple motion to recommit is not in order in Committee of the Whole.**

**The re-reference of one section of a bill would carry with it the entire bill.**

On January 11, 1908,<sup>3</sup> the bill (H. R. 11701) for the codification of the criminal law, was being read for amendment in the Committee of the Whole House on the state of the Union.

A motion to strike out section 19 of the bill being lost, Mr. William B. Wilson, of Pennsylvania, asked recognition to offer a motion to refer section 19 back to the committee reporting it.

Mr. Sereno E. Payne, of New York, raised a question of order on the motion, and the Chairman<sup>4</sup> said:

The gentleman from New York makes the point of order against the motion. That motion would take the entire bill back to the committee, and the Chair does not think the Committee of the Whole can refer a bill back to the committee. The Chair sustains the point of order.

**2327.** On February 12, 1924,<sup>5</sup> the reading of the Treasury and Post Office appropriation bill for amendment having been completed in the Committee of the Whole

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<sup>1</sup>First session Sixty-eighth Congress, Record, p. 3198.

<sup>2</sup>William J. Graham, of Illinois, Chairman.

<sup>3</sup>First session Sixtieth Congress, Record, p. 616.

<sup>4</sup>Frank D. Currier, of New Hampshire, Chairman.

<sup>5</sup>First session Sixty-eighth Congress, Record, p. 2328.

House on the state of the Union, Mr. Jeff Busby, of Mississippi, proposed to offer a motion to recommit.

The Chairman<sup>1</sup> said:

A motion to recommit is not in order in Committee of the Whole.

**2328.** On January 30, 1924,<sup>2</sup> the bill (S. 794) to equip the Leavenworth Penitentiary for the manufacture of supplies for the use of the Government, was being read for amendment in the Committee of the Whole House on the state of the Union.

Mr. Thomas L. Blanton, of Texas, being recognized, moved to recommit the bill to the Committee on the Judiciary.

Mr. James T. Begg, of Ohio, raised a question of order against the motion being made in the Committee of the Whole.

The Chairman<sup>3</sup> said:

That is not in order in Committee. That motion can only be made in the House. The Chair thinks that motion is not now in order.

**2329. While the simple motion to recommit is not admissible in the Committee of the Whole, it is in order to move to rise and report with the recommendation that the bill be recommitted.**

**The motion to rise and report with the recommendation that the bill be recommitted takes precedence of the motion to rise and report with the recommendation that the bill pass.**

On January 5, 1910,<sup>4</sup> the bill (H. R. 12316) for the government of the Canal Zone, being under consideration in the Committee of the Whole House on the state of the Union, and reading of the bill for amendment having been concluded. Mr. William Richardson, of Alabama, asked if a motion to recommit the bill would be in order.

The Chairman<sup>5</sup> replied:

The gentleman can move that the committee rise and report this bill to the House with the recommendation that it be recommitted to the Committee on Interstate and Foreign Commerce. A motion to recommit is in order in the House. It is in order in Committee of the Whole House to move that when the committee rises it recommends to the House a recommitment of the bill.

Thereupon, Mr. Richardson moved that the committee rise and report the bill to the House with the recommendation that it be recommitted to the Committee on Interstate and Foreign Commerce.

Mr. James R. Mann, of Illinois, moved that the committee rise and report with the recommendation that the bill as amended do pass.

The Chairman said:

But the motion of the gentleman from Alabama has precedence over the motion to rise and report the bill favorably, and the Chair must put the question upon the motion of the gentleman from Alabama. The question is upon the motion made by the gentleman from Alabama that the committee rise and report this bill to the House with the recommendation that it be recommitted to the Committee on Interstate and Foreign Commerce.

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<sup>1</sup> Mr. Everett Sanders, of Indiana, Chairman.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 1702.

<sup>3</sup> George S. Graham, of Pennsylvania, Chairman.

<sup>4</sup> Second session Sixty-first Congress, Record, p. 348.

<sup>5</sup> Frank D. Currier, of New Hampshire, Chairman.

**2330. The motion to lay on the table is not in order in the Committee of the Whole.**

On May 14, 1930,<sup>1</sup> the House in the Committee of the Whole House on the state of the Union was considering the bill (H.R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture.

Mr. John C. Ketcham, of Michigan, offered a motion that all debate on the pending section and all amendments thereto be closed.

The Chairman<sup>2</sup> ruled that the motion to lay on the table was not admitted in the Committee of the Whole.

**2331. In Committee of the Whole House unless otherwise ordered by the House or the committee, bills are taken in their order on the Calendar.**

**In considering bills on the Calendar of the Whole House, it is in order, on a motion made and carried, to take up a bill out of its order.**

**The motion in the Committee of the Whole House to take up a bill out of its order is not debatable.**

On Friday, March 25, 1910,<sup>3</sup> the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, when Mr. William Sulzer, of New York, proposed to call up the bill (H. R. 13383), to promote an army officer, out of the order in which it appeared on the Calendar.

Mr. James R. Mann, of Illinois, made the point of order that bills could not be called up for consideration out of their regular order.

The Chairman<sup>4</sup> sustained the point of order.

Whereupon Mr. Sulzer moved that the bill be taken up out of its order for immediate consideration.

The Chairman read from section 4731 of Hinds' Precedents and said:

In accordance with the precedents the Chair overrules the point of order of the gentleman from Illinois and will put the motion made by the gentleman from New York, that we proceed to take up the bill referred to out of its order.

The question being put and a parliamentary inquiry being submitted by Mr. Mann as to whether the motion was debatable, the Chairman held that debate on the motion was not in order.

**2332. In the Committee of the Whole House business on its Calendar is taken up in regular order unless the committee or the House before resolving into the committee otherwise determine.**

**A motion is in order in Committee of the Whole House to take up a specified bill out of its turn or to establish an order other than the regular order.**

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<sup>1</sup> Second session Seventy-first Congress, Record, p. 8959.

<sup>2</sup> Scott Leavitt, of Montana, Chairman.

<sup>3</sup> Second session Sixty-first Congress, Record, p. 3772.

<sup>4</sup> Henry S. Boutell, of Illinois, Chairman.

**A motion may be withdrawn at any time prior to action thereon.**

On February 3, 1911,<sup>1</sup> bills on the Private Calendar were under consideration in the Committee of the Whole House, when Mr. James R. Mann, of Illinois, moved to take up out of its order the bill (S. 6104) for the appointment of Commander Robert E. Peary a rear admiral in the Navy.

Mr. Elmer E. Morse, of Wisconsin, made the point of order that the motion was not in order.

The Chairman<sup>2</sup> said:

Bills will be taken up in the order in which they appear on the Calendar unless a motion to the contrary prevails and such a motion is in order.

Mr. Mann then asked to withdraw his motion.

Mr. Albert F. Dawson, of Iowa, proposing to reserve the right to object, the Chairman ruled:

The Chair desires to state that this is not like a motion to amend. It is a separate, independent motion to take up a certain bill. In the opinion of the Chair, its withdrawal does not require unanimous consent. It can be withdrawn by the gentleman from Illinois if he so desires.

**2333. The motion to take up a bill out of its order in the consideration of business on the Private Calendar is not debatable and may not be amended.**

On February 17, 1911,<sup>3</sup> the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. George W. Prince of Illinois, moved to take up out of its order the bill H.R. 26121, the first bill on the Calendar reported by the Committee on Claims.

Mr. Thetus W. Sims, of Tennessee, moved to amend the motion by substituting for the bill proposed for consideration the bill S. 7971, the omnibus claims bill.

The Chairman<sup>4</sup> declined to recognize Mr. Sims for that purpose, holding that the motion to take up a bill out of its order in the Committee of the Whole House was neither subject to amendment nor open to debate.

**2334. A bill undisposed of at adjournment on a day devoted to special business comes up as unfinished business on the next day when that class of business is again in order.**

On December 13, 1924,<sup>5</sup> a day devoted by special order to business in order on Friday, the Committee of the Whole House rose and reported back to the House the bill (H. R. 3132) for the relief of William J. Oliver, with sundry amendments and the recommendation that the bill as amended be passed.

Mr. Thomas L. Blanton, of Texas, made the point of order that there was no quorum present. The point of order being sustained, Mr. Nicholas Longworth, of Ohio, preliminary to moving adjournment, inquired when the bill under consideration would again be in order.

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<sup>1</sup>Third session Sixty-first Congress, Record, p. 1921.

<sup>2</sup>Marlin E. Olmstead, of Pennsylvania, Chairman.

<sup>3</sup>Third session Sixty-first Congress, Record, p. 2802.

<sup>4</sup>Frank D. Currier, of New Hampshire, Chairman.

<sup>5</sup>Second session Sixty-eighth Congress, Record, p. 625.

The Speaker<sup>1</sup> held that it could again be called up when bills on the Private Calendar reported from the Committee on Claims were again in order.

**2335. When a bill is taken up in Committee of the Whole, the first reading may be dispensed with by unanimous consent only and a motion to that effect is not in order.**

On February 17, 1911,<sup>2</sup> while the House was in the Committee of the Whole House for the consideration of bills on the Private Calendar, the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, was taken up for consideration.

The Clerk read the title of the bill, when Mr. Thetus W. Sims, of Tennessee, asked unanimous consent that the first reading of the bill be dispensed with.

Objection being made to the request, Mr. Sims moved to dispense with the first reading of the bill.

The Chairman<sup>3</sup> declined to entertain the motion and said:

It is not in order to move it. The clerk will report the bill.

**2336. When the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of a bill on which reading for amendment was begun on a previous day the regular order is the reading of the bill and may be dispensed with by unanimous consent only.**

**A paragraph passed over by unanimous consent during the reading of a bill for amendment in the Committee of the Whole is recurred to when reading of the bill has been concluded, and an earlier motion to return to it is not in order.**

On May 6, 1908,<sup>4</sup> the House resolved itself to the Committee of the Whole House on the state of the Union for further consideration of the sundry civil appropriation bill on which reading for amendment had previously begun.

Mr. Oscar W. Underwood, of Alabama, proposed to recur to a paragraph which has been passed over by unanimous consent on the preceding day.

Mr. James A. Tawney, of Minnesota, made the point of order that it was not in order to return to the paragraph until the bill had been read in its entirety.

The Chairman<sup>5</sup> ruled:

The Chair is informed that there is no rule on the proposition, and therefore no precedent for disposing of it. But the Chair thinks that the question presented is one of orderly procedure of the business of the House, and especially the orderly reading of the bill. Yesterday the gentleman from Minnesota said:

“Unanimous consent having been given to return to the paragraph to offer an amendment, I suggest that we read, and will recur to the paragraph hereafter”—

No specific time having been fixed.

“The CHAIRMAN. Unless objection is made, the amendment will be considered as pending, subject to the point of order.”

<sup>1</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>2</sup> Third session Sixty-first Congress, Record, p. 2803.

<sup>3</sup> Frank D. Currier, of New Hampshire, Chairman.

<sup>4</sup> First session Sixtieth Congress, Record, p. 5807.

<sup>5</sup> James E. Watson, of Indiana, Chairman.

The regular order this morning, since we have gone into the Committee of the Whole, is the reading of the bill, and it occurs to the Chair that the orderly procedure would be to return to this amendment after the completion of the bill, and not at this time, and that it is not in the power of the gentleman from Alabama or the gentleman from Minnesota, or any other single Member, to destroy or interfere with that order. That would have to be done by unanimous consent, and not by a majority vote, by motion. The regular order is the reading of the bill, and that can only be interfered with by unanimous consent. The House is in Committee of the Whole, and the regular order is the reading of the bill. The Clerk will resume the reading of the bill.

**2337. In reading a bill for the first time in Committee of the Whole committee amendments are read in full.**

On December 3, 1918,<sup>1</sup> the House was in the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12917) to provide for the establishment of a sanitarium for soldiers and sailors.

The Clerk having read the bill was proceeding to read the committee amendments when Mr. Frank Clark, of Florida, as a parliamentary inquiry asked if it was necessary to read the committee amendments on the first reading of the bill.

The Chairman<sup>2</sup> held that unless dispensed with by unanimous consent both the bill and committee amendments must be read in full.

**2338.** On December 21, 1920,<sup>3</sup> during consideration of the bill (S. 3477) providing for the acquisition of rural homes, Mr. Otis Wingo, of Arkansas, interrupted the reading of committee amendments to the bill by rising to a point of order that the reading of the committee amendments was not in order at the first reading of the bill and should be deferred until the conclusion of general debate.

The Chairman<sup>4</sup> overruled the point of order and directed that committee amendments be read in full with the bill.

**2339. An amendment having been read for information by consent must again be read for consideration and is not pending until so reported.**

On July 19, 1999,<sup>5</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 6810, the prohibition enforcement bill, when Mr. Andrew J. Volstead, of Minnesota, asked that certain lengthy amendments previously read for information be considered as pending.

The Chairman<sup>6</sup> held that a second reading was necessary, unless waived by unanimous consent, and objection being made, directed the Clerk to read the amendments in full.

**2340. While under the practice of the House appropriation bills and revenue bills are read for amendment by paragraphs and other bills by sections, the Chairman has on occasion authorized the reading of such other bills by paragraphs where the text of the bill was such as to warrant it.**

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<sup>1</sup>Third session Sixty-fifth Congress, Record, p. 52.

<sup>2</sup>Martin D. Foster, of Illinois, Chairman.

<sup>3</sup>Third session Sixty-sixth Congress, Record, p. 608.

<sup>4</sup>Frederick C. Hicks, of New York, Chairman.

<sup>5</sup>First session Sixty-sixth Congress, Record, p. 2860.

<sup>6</sup>James W. Good, of Iowa, Chairman.

On September 11, 1917,<sup>1</sup> during consideration of the bill H. R. 5723, the war risk insurance bill, in the Committee of the Whole House on the state of the Union, Mr. William H. Stafford, of Wisconsin, submitted as a parliamentary inquiry a question as to whether section 2 of the bill should be read in its entirety or by paragraphs.

The Chairman<sup>2</sup> said:

The Chair does not agree with the gentleman from Wisconsin that the matter of "articles" being mentioned in a bill has anything to do with the parliamentary question which is involved. But the Chair does think that there is a serious side to it. There is no provision in the rules of the House which requires the reading of any bill for amendment. There was such a provision from 1789 until the revision of the rules in 1880, as the Chair now remembers. In that revision that rule was dropped. Mr. Hinds, who has written the parliamentary history of the House, says, in his work, that it was undoubtedly eliminated by inadvertence. But, notwithstanding the fact that it was dropped from the rules of the House, it was retained in practice and has been followed since that time precisely the same as it was before.

Now, under the rule as it existed prior to that time, and under the practice which has since existed, appropriation bills and revenue bills were and are read for amendment by paragraphs. Other bills were and are read for amendment by sections. That rule was followed in practice, as I have said, after the dropping of it from the rules in 1880, both as to appropriation and revenue bills and as to other bills.

So far as the Chair was able to find in investigations made last evening, no such situation has arisen before the House as that which is presented in this particular bill. And the Chair has been greatly bothered as to just what the right ruling is to make.

Undoubtedly there was a reason underlying the rule which existed prior to the revision of 1880 and the practice which has been uniformly followed since as to having appropriation and revenue bills read by paragraphs. And undoubtedly there was a reason for having other bills read by section, for amendment, because, as the Chair has said, after 1880 the rules did not require the reading at all. Now, it seems to the Chair that the reason for having these bills read by sections for amendment was in order to give the House in an orderly way the opportunity to consider every new proposition of law that was presented to it. That seems to the Chair to be the reason for the matter.

If that reason be true, what have we here? We have a bill here which, we will say, might be construed as being technically divided into two general sections. Nevertheless, it contains section after section of new law. And for the reason underlying the rule and practice that have been followed uniformly this bill ought to be read by the sections as they appear in the bill. In other words, answering the parliamentary inquiry of the gentleman from Wisconsin the Chair will hold that the bill be read by sections as they are numbered here.

The Clerk will now report section 12 as here numbered and at the end of the reading it will be open for amendment, and then report section 13 as here numbered, which will then be open for amendment, and so forth, to the end.

**2341. Whether a bill shall be read for amendment by sections or paragraphs is in recent practice a matter of convenience and rests largely within the discretion of the Chairman.**

On January 15, 1925,<sup>3</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 11472, the river and harbor bill. General debate having been concluded, the Chairman directed the Clerk to read the bill

<sup>1</sup> First session Sixty-fifth Congress, Record, p. 6970.

<sup>2</sup> Finis J. Garrett, of Tennessee, Chairman.

<sup>3</sup> Second session Sixty-eighth Congress, Record, p. 1917.

for amendment, when Mr. Henry E. Barbour, of California, as a parliamentary inquiry, raised a question as to manner in which the bill should be read.

The Chairman<sup>1</sup> said:

The rules have no definite provisions as to the manner of consideration of a bill, whether by paragraphs or by sections. The rule has generally been stated that revenue and appropriation bills are to be considered by paragraphs and other bills by sections. The rulings, however, in all instances base the matter upon the convenience of the House. The bill before us was for a long time in fact an appropriation bill and as far as the present occupant of the chair knows has always been considered under paragraphs, even since it no longer carries appropriations. Every reason that would obtain for the consideration of an appropriation or revenue bill in that manner would obtain as to the bill before us, so that the Chair, unless the House should decide differently, will hold that this bill should be considered by paragraphs and an amendment to the first paragraph is now in order.

**2342. On May 19, 1922,<sup>2</sup> the bill H. R. 10766, the river and harbor bill being under consideration in the Committee of the Whole House on the state of the Union, the Chairman directed the Clerk to read the bill for amendment.**

The Clerk read the first paragraph and was proceeding to read the remainder of the section, when Mr. Theodore E. Burton, of Ohio, inquired if an amendment to the first paragraph would be in order at that time or after the entire section had been read.

The Chairman<sup>3</sup> said:

The present occupant of the chair is not advised whether that question has been presented since the appropriating powers have been taken away from the Committee on Rivers and Harbors. The rule has been that on general appropriation bills and on revenue bills the bill is considered by paragraphs, but the river and harbor bill, even when it carried appropriations and not merely authorizations, was not a general appropriation bill, and yet the bill was always considered by paragraphs. The Chair thinks it would be better practice to have the bill considered by paragraphs, and all question would be removed if the gentleman having the bill in charge would ask unanimous consent to have it so considered.

Thereupon, on motion of Mr. S. Wallace Dempsey, of New York, by unanimous consent, it was determined to read the bill by paragraphs and not by sections.

**2343. On May 12, 1920,<sup>4</sup> at the conclusion of general debate on the bill H. R. 10183, the lighthouse bill, under consideration in the Committee of the Whole House on the state of the Union, the Clerk read the first paragraph of the bill, when Mr. James R. Mann, of Illinois, offered an amendment.**

The Chairman<sup>5</sup> said:

The Chair will call the gentleman's attention to the fact that this bill is being read by sections. It is not a general appropriation bill.

Mr. Mann replied:

This bill has always been read by paragraphs.

Whereupon the Chairman recognized Mr Mann to offer the amendment, and the bill was thereafter read by paragraphs.

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<sup>1</sup> Louis C. Cramton, of Michigan, Chairman.

<sup>2</sup> Second session Sixty-seventh Congress, Record, p. 7278.

<sup>3</sup> William H. Stafford, of Wisconsin, Chairman.

<sup>4</sup> Second session Sixty-sixth Congress, Record, p. 6948.

<sup>5</sup> Martin B. Madden, of Illinois, Chairman.

**2344. On October 3, 1914,<sup>1</sup> in the Committee of the whole House on the state of the Union, the bill (H. R. 18459) to declare the purpose of the people of the united States as to the future political status of the people of the Philippine Islands, was being read for amendment by sections.**

When section 3 was reached Mr. James R. Mann, of Illinois, rising to a parliamentary inquiry, said:

Section 3 is a long section. It covers a great many different paragraphs somewhat in the nature of a coy of certain things, I suppose either from the constitution of the United States or from various State constitutions. Is it to be treated as one section or one paragraph only for amendment, or are the paragraphs to be read separately for amendment? The subjects matter in the different paragraphs of the section are entirely disassociated one from the other.

The Chairman<sup>2</sup> decided:

The general rule, as the Chair understands, is that the whole section should be read before it is open to amendment, except with appropriation bills; but the gentleman from Illinois suggests that the subject matter of the various paragraphs, so to speak, is different, and therefore the Chair will permit amendments after each one.

**2345. On April 2, 1908,<sup>3</sup> the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the resolution (H. Res. 233) to dispose of the President's message.**

The Chairman directed the Clerk to read the resolution in its entirety for amendment, when Mr. John Sharp Williams, of Mississippi, interrupted the reading and proposed to offer an amendment to the first paragraph.

Mr. Sereno E. Payne, of New York, made the point of order that an amendment was not in order until the reading of the resolution had been completed.

The Chairman<sup>4</sup> ruled:

The Chair understands the rule under which matters are considered under the five-minute rule is this, that all revenue bills and appropriation bills are considered by paragraphs; all other bills by sections. It is very rare that the House goes into the Committee of the Whole House on the state of the Union to consider a resolution like this, the House usually considering it by unanimous consent. about two years ago however, a similar resolution was considered in Committee of the Whole, and the Chair understands that at that time it was considered as a resolution in its entirety—as one section. The Chair will rule that this resolution should be considered in its entirety, and at the conclusion of the reading of the resolution there will be opportunity for offering amendments under the five-minute rule to any part of the resolution.

**2346. Whether a bill shall be read by paragraphs, sections, or subsections when read for amendment in the Committee of the Whole is not governed by arbitrary rule but by practical considerations of convenience as determined by the Chairman.**

On January 24, 1923,<sup>5</sup> during the reading for amendment of the bill (H. R. 13773), the radio control bill, Mr. John Q. Tilson, of Connecticut, raised a question of order as to whether the bill should be read by paragraphs or by sections.

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<sup>1</sup> Second session Sixty-third Congress, Record, p. 16124.

<sup>2</sup> Henry D. Flood, of Virginia, Chairman.

<sup>3</sup> First session Sixtieth Congress, Record, p. 4329.

<sup>4</sup> George P. Lawrence, of Massachusetts, Chairman.

<sup>5</sup> Fourth session Sixty-seventh Congress, Record, p. 2353.

The Chairman<sup>1</sup> said:

The question of whether bills should be considered by paragraphs or sections is a matter of custom. No specific rule covers this question. It is the invariable practice that appropriation bills and revenue bills shall be considered by paragraphs, and all other bills by sections. The Chair directs the attention of the committee to the fact that in the very first paragraph of this bill it is suggested that sections 1, 2, and 3 of the present law, approved August 13, 1912, should be amended by inserting in lieu thereof sections 1, 2, and 3 following. Instead of the committee going ahead and merely substituting one section as 1, 2, and 3, it has substituted many other sections without changing the sections of the bill, by noting that section 4 and the numbered sections following should be designated section 2. The Chair will hold that in the consideration of bills, the important and guiding question, where no counter practice prevails, is to consider the measure according to distinct substantive proposals, so that there may be the best legislative consideration to the various provisions, and the Chair holds in this particular instance that it is better for the consideration by the committee to have the bill read by sections as numbered, and the Clerk will now read section 2.

**2347. Overruling the decision of the Chairman, the Committee of the Whole decided that the river and harbor bill should be read by sections. Debate on appeal in the Committee of the Whole is under the five-minute rule, and is within the discretion of the Chair.**

On June 3, 1926<sup>2</sup> general debate on the river and harbor bill having been exhausted in Committee of the Whole House on the state of the Union, the Chairman<sup>3</sup> directed the Clerk to read the bill for amendment by paragraphs.

Mr. S. Wallace Dempsey, of New York, raised a question of order and submitted that according to long-established custom the river and harbor bill should be read by sections.

After debate, the Chairman held:

The written rules of the House do not prescribe how Bills shall be considered in the Committee of the Whole House on the state of the Union. clause 6 of Rule XXIII indicates that there may be two methods applied in the consideration of a bill for amendment. Clause 6 of Rule XXIII reads as follows:

“The committee may, by the vote of a majority of the members present, at any time after the five minutes’ debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph \* \* \*.”

In so far as the rules prescribe how all bills may be considered in committee, it indicates that both methods may be used. The question then arises, What method is prescribed, if not by the strict letter of the rules, by the practice of the House and by its precedents, which are binding upon the occupant of the chair?

It has been said that whether a bill should be considered by sections or by paragraphs is within the discretion of the Chair. Strictly speaking, that is not the fact. The discretion that the Chair exercises is in determining what method in a given instance shall be used, applying to the circumstances of that given instance the practice of the House as set forth by its precedents, and the reasons stated that underlie the practices indicated by the precedents. The fundamental reason for reading the bill either by sections or by paragraphs is the convenience of the committee in the consideration of the bill. The convenience of the committee has been indicated in those various decisions cited by gentlemen arguing both for and against the proposition to be that the committee may have before it substantive provisions considered as a whole, but that each substantive provision may be considered independently by the committee.

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<sup>1</sup> William H. Stafford, of Wisconsin, Chairman.

<sup>2</sup> First session Sixty-ninth Congress, Record, p. 10644.

<sup>3</sup> Frederick R. Lehlbach, of New Jersey, Chairman.

Consequently, we find that as a general rule legislative bills are considered by sections, because we know that bills have always been so drafted that each section contains a substantive legislative provision, the whole together making the entire legislation on the subject matter, but each section being a substantive proposition dealing with the general subject matter of the legislation. Therefore, following the reasons for the practice, as distinguished from a written rule, legislative bills generally are considered by sections. Appropriation bills are considered by paragraphs, because in the paragraphs concluding with an appropriation is to be found the substantive provision for which that specific appropriation is made, and each paragraph in such bills contains a single and a complete substantive legislative provision.

The rule has always been, both when the bill for rivers and harbors carried appropriations and since that time, that the bill was to be considered by paragraphs, because it is obvious from an inspection of this or any other river and harbor bill that each paragraph carries a complete and independent substantive legislative proposition.

The suggestion that the Chair might rule that certain portions of the bill be considered by paragraphs and other portions of the bill by sections the Chair can not entertain, as he finds nowhere any authority which would permit him to make such a ruling.

Consequently, following the precedents of the House both with reference to this specific legislation and the precedents generally, as well as the reasons underlying the precedent which established the practice, the Chair feels that river and harbor bills should be considered by paragraphs, and the Chair so rules.

Mr. Martin B. Madden, of Illinois, having appealed from the decision of the Chair, Mr. Carl E. Mapes, of Michigan, inquired if debate on the appeal was in order.

The Chairman ruled that the appeal was debatable within the discretion of the Chair under the five-minute rule.

The question on the appeal being taken, and tellers being ordered, the yeas were 64, the nays were 91, and it was decided in the negative.

So the decision of the Chair was rejected as the judgment of the Committee of the Whole.

**2348. The question as to whether bills shall be considered in the Committee of the Whole by paragraphs or sections is within the determination of the Chairman subject to the will of the committee on appeal.**

On December 12, 1927,<sup>1</sup> on motion of Mr. William R. Green, of Iowa, the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the revenue bill.

The Chairman<sup>2</sup> having directed the Clerk to read the bill by sections, Mr. Fiorello H. LaGuardia, of New York, submitted that it was not within the province of the Chair to determine the manner in which the bill should be read.

The Chairman ruled:

The Chair is of the opinion that it ought to read by sections. The Chair understands that that is a matter largely within the discretion of the Chair, subject, of course, to the will of the committee on appeal.

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<sup>1</sup> First session Seventieth Congress, Record, p. 499.

<sup>2</sup> Walter H. Newton, of Minnesota, Chairman.

**2349. While the manner of reading a bill is within the determination of the Committee, tariff bills are ordinarily read by paragraphs rather than by sections.**

On May 24, 1929,<sup>1</sup> under a special order, the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, encourage the industries of the United States, and to protect American labor.

Mr. William W. Hastings, of Oklahoma, as a parliamentary inquiry, asked if the bill should be read by paragraphs.

The Chairman<sup>2</sup> held:

In the opinion of the Chair, this is the first paragraph; and I think the reading of the bill should be by paragraphs.

It is the usual practice that bills of this character are read by paragraphs. I appreciate the fact that the committee can decide whichever way it desires, but unless the committee makes some different recommendation, the present occupant of the chair will consider that the bill should be read by paragraphs, as the Chair believes that tends to more orderly procedure.

**2350. Instance wherein the Committee of the Whole, disregarding the suggestion of the Chairman, determined to read a revenue bill by paragraphs and not by sections.**

On March 18, 1932,<sup>3</sup> the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10236,) the revenue bill.

The Clerk having read the title of the bill, the Chairman<sup>4</sup> announced:

In the reading of this bill the Chair will direct the Clerk to read it section by section instead of by paragraphs.

Mr. Fiorello H. LaGuardia, of New York, submitted a request for unanimous consent that the bill be read by paragraphs.

In putting the question the Chairman said:

If the gentleman from New York will indulge the Chair a moment, this action was not taken by the present occupant of the chair as an original proposition. When the gentleman from Minnesota, Mr. Newton, a former Member of the House, was Chairman of the Committee of the Whole House for the consideration of the revenue act of 1928, this same question arose, and after some colloquy between the minority leader at that time, the present Speaker of the House, and the Chairman of the Committee of the Whole, it was determined that, probably, as a matter of mechanical expedition in the consideration of the bill, the saving of time on the part of the reading clerk, and for other practical reasons, it was thought best that that procedure should be followed, and the Chairman directed the Clerk to read the bill by sections. The Chair, however, feels that it is his duty to submit the unanimous-consent request submitted by the gentleman from New York.

Is there objection to the request that the bill be read by major paragraphs instead of by sections?

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<sup>1</sup>First session Seventy-first Congress, Record, p. 1879.

<sup>2</sup>Bertrand H. Snell, of New York, Chairman.

<sup>3</sup>First session Seventy-second Congress, Record, p. 6467.

<sup>4</sup>William B. Bankhead, of Alabama, Chairman.

**2351. The extent of a paragraph is indicated by the printed indentation in the bill and not by the substance of the text.**

**A point of order against a paragraph of a bill being read for amendment under the five-minute rule comes too late after the reading of the following paragraph.**

On May 4, 1908,<sup>1</sup> while the Committee of the Whole House on the state of the Union was considering the sundry civil appropriation bill, Mr. James A. Tawney, of Minnesota, raised a point of order against a paragraph previously read, contending that it was not a separate paragraph but constituted a part of the paragraph under consideration.

After debate, the Chairman<sup>2</sup> ruled:

The Chair is informed there is no precedent as to what constitutes a paragraph in a general appropriation bill under consideration in the Committee of the Whole. Ordinarily it would occur to the Chair that the paragraph should contain one substantive proposition. But it occurs to the Chair that under the practice which exists as to printing bills it would be very bad practice to establish the precedent of determining the paragraph by the substantive proposition rather than by the printer's indentation.

The Chair is clearly of the opinion that a paragraph ends with the word "dollars," in line 17, on page 77, and that the point of order made by the gentleman from Minnesota comes too late, because the paragraph to which it refers has been passed; and that the amendment offered by the gentleman from California is in order, so far as place is concerned. The Chair decides that the printer's indentations constitute the paragraphs.

**2352. Portions of bills concluding with semicolons are subparagraphs and when considered in the Committee of the Whole are passed over for amendment until the major paragraph has been read in full.**

On February 3, 1928,<sup>3</sup> in the consideration of the District of Columbia appropriation bill, in the Committee of the Whole House on the state of the Union, the Clerk read a paragraph providing for street paving which consisted of a number of items respectively naming a street and closing with a semicolon.

Mr. Anthony J. Griffin, of New York, proposed to offer an amendment at the conclusion of an item ending with a semicolon.

The Chairman<sup>4</sup> declined to recognize him for that purpose and explained:

The Clerk has not yet completed the reading of the paragraph. The Clerk has read down to the end of line 15, which ends with a colon. The Chair is of opinion that it is all one paragraph. It will end with a period. The Clerk will read.

**2353. A paragraph includes headings or subheadings and when stricken out on a point of order carries with it such titles or subtitles.**

On February 13, 1919,<sup>5</sup> the Army appropriation bill was being read for amendment in the Committee of the Whole House on the state of the Union, when a point of order by Mr. Otis Wingo, of Arkansas, against a paragraph of the bill relative to the purchase of typewriters for the Army was sustained.

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<sup>1</sup> First session Sixtieth Congress, Record, p. 5673.

<sup>2</sup> James E. Watson, of Indiana, Chairman.

<sup>3</sup> Second session Sixty-ninth Congress, Record, p. 2884.

<sup>4</sup> Carl R. Chindblom, of Illinois, Chairman.

<sup>5</sup> Third session Sixty-fifth Congress, Record, p. 3315.

Subsequently, Mr. James R. Mann, of Illinois, as a parliamentary inquiry, asked if the line in the bill containing the heading of the paragraph had been eliminated with the paragraph.

The Chairman<sup>1</sup> held that a paragraph included headings and subheadings, and that the line containing the heading had been stricken out with the remainder of the paragraph on the point of order.

**2354. When in considering a bill by paragraphs or sections the Committee of the Whole has passed a particular paragraph or section it is not in order to return thereto.**

On January 19, 1909,<sup>2</sup> the House was in the Committee of the Whole House on the state of the Union considering the urgent deficiency bill, when Mr. J. Thomas Heflin, of Alabama, asked unanimous consent to return to a section previously passed, providing for the Department of Agriculture.

Mr. James A. Tawney, of Minnesota, objected, and Mr. Heflin offered a motion that the committee return to the section in order to permit the offering of an amendment.

A point of order by Mr. Tawney that the motion was not in order in Committee of the Whole was sustained by the Chairman.<sup>3</sup>

**2355.** On May 28, 1917,<sup>4</sup> the House was in the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4188) for the distribution of agricultural products.

Mr. Fiorello LaGuardia, of New York, proposed to offer an amendment to a portion of the bill already passed by the committee.

Mr. Asbury F. Lever, of South Carolina, made the point of order that the committee could not return to a section previously passed.

The Chairman<sup>5</sup> sustained the point of order.

**2356. In considering a bill for amendment under the five-minute rule an amendment offered as a separate paragraph or section is not in order until the pending paragraph has been perfected and disposed of.**

On January 27, 1912,<sup>6</sup> while the bill (H. R. 18642) the metal schedule tariff bill, was being considered in the Committee of the Whole House on the state of the Union, Mr. Atterson W. Rucker, of Colorado, proposed to offer an amendment to be inserted as a new paragraph.

Simultaneously Mr. John A. Martin, of Colorado, and Mr. Ebenezer J. Hill, of Connecticut, announced that they desired to offer perfecting amendments to the pending paragraph.

Mr. James R. Mann, of Illinois, made the point of order that it was not in order to offer an amendment as a separate paragraph until the pending paragraph had been perfected and passed by the committee.

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<sup>1</sup> Edward W. Saunders, of Virginia, Chairman.

<sup>2</sup> Second session Sixtieth Congress, Record, p. 1120.

<sup>3</sup> David J. Foster, of Vermont, Chairman.

<sup>4</sup> First session Sixty-fifth Congress, Record, p. 3011.

<sup>5</sup> Courtney W. Hamlin, of Missouri, Chairman.

<sup>6</sup> Second session Sixty-second Congress, Record, p. 1408.

The Chairman<sup>1</sup> sustained the point of order and recognized Mr. Martin to offer a perfecting amendment to the pending paragraph.

**2357.** In reading a bill under the five-minute rule, a section or paragraph is considered as having been passed for amendment or debate when an amendment in the form of a new section or paragraph is taken up for consideration.

On April 25, 1929,<sup>2</sup> the House was considering, in the Committee of the Whole House on the state of the Union, the bill (H.R. 1) to establish a Federal farm board to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, and to place agriculture on a basis of economic equality with other industries.

Mr. Marvin Jones, of Texas, offered an amendment to be inserted as a new section, which was ruled out of order.

Whereupon, Mr. William W. Hastings, of Oklahoma, offered an amendment to the section under consideration at the time Mr. Jones proposed the new section.

The Chairman<sup>3</sup> declined to recognize Mr. Hastings for that purpose and said:

The amendment offered by the gentleman from Texas was to add a new section and there is now nothing pending before the committee until the Clerk reads the next section.

The Chair thinks the parliamentary situation is this: Although the amendment of the gentleman from Texas was not read, it was offered in the shape of a new section. We passed section 6, and while we can still debate it by unanimous consent, if anyone makes a point of order we would have to go to the next section.

The amendment was not offered in the nature of a substitute to the section, but as a new section following the section which had been read. The parliamentary situation thus created required those who desired to amend the section to offer their amendments and have them voted on before the amendment proposing a new section was disposed of.

The Chair has before him a precedent exactly in point in so far as the amendment is concerned, if it had been adopted or rejected, made by Chairman Stafford on April 22, 1921, in which it is stated:

“A section of the bill under consideration is considered passed for the purpose of debate and the offering of amendments to that section after an amendment in the form of a new section has been considered.”

The Chair thinks that that ruling would be controlling if action had been taken upon the amendment of the gentleman from Texas, but the Chair is inclined to agree that inasmuch as a point of order was raised against the amendment and no vote was had upon it, that the situation presented here is somewhat different, and the Chair will therefore recognize the gentleman from Oklahoma to offer his amendment.

**2358. Disposition of an amendment offered as a new section closes to debate or amendment the section pending when the amendment was offered.**

**Amendments in the form of new sections or paragraphs are not considered until all amendments to the pending section or paragraph have been disposed of.**

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<sup>1</sup>John C. Floyd, of Arkansas, Chairman.

<sup>2</sup>First session Seventy-first Congress, Record, p. 567.

<sup>3</sup>Carl E. Mapes, of Michigan, Chairman.

On February 10, 1920,<sup>1</sup> the agricultural appropriation bill was being considered in the Committee of the Whole House on the state of the Union when the Chairman sustained a point of order by Mr. Carl Hayden, of Arizona, against an amendment offered by Mr. Gilbert N. Haugen, of Iowa, as a new section.

Whereupon, Mr. Thomas L. Rubey, of Missouri, moved to strike out the last word of the paragraph pending at the time Mr. Haugen offered his amendment.

Mr. James R. Mann, of Illinois, made the point of order that an amendment offered as a new section having been disposed of, the section pending at the time the amendment was offered had been passed and was no longer open to amendment.

The Chairman<sup>2</sup> sustained the point of order.

**2359.** On February 10, 1920,<sup>3</sup> during consideration of the agricultural appropriation bill in the Committee of the Whole House on the state of the Union, an amendment offered by Mr. Sydney Anderson, of Minnesota, as a new paragraph was ruled out on a point of order raised by Mr. Carl Hayden, of Arizona.

Mr. John W. Rainey, of Illinois, thereupon offered as a pro forma amendment a motion to strike out the last three words of the paragraph which the amendment had been proposed to follow.

The Chairman<sup>2</sup> declined to recognize him for that purpose, holding that the paragraph had been passed.

The Clerk having read the next paragraph, Mr. Rainey was recognized to offer his motion.

**2360.** On April 22, 1921,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill H. R. 4075, the immigration bill.

All amendments to the pending section having been disposed of, the Chairman<sup>5</sup> announced:

If no other gentleman desires to offer an amendment to the section the Chair will recognize the gentleman from New York to offer a new section, which the Clerk will report.

Mr. Isaac Siegel, of New York, then offered as a new section an amendment to be inserted as a new section, which was ruled out on a point of order submitted by Mr. Thomas L. Blanton, of Texas.

Mr. Siegel then offered a motion to strike out the last word.

The Chairman refused recognition on the ground that no last word was pending.

**2361.** On April 27, 1921,<sup>6</sup> the bill (H. R. 4810) authorizing incorporation of companies to promote trade in China, was under consideration in the Committee of the Whole House on the state of the Union.

Mr. Finis J. Garrett, of Tennessee, offered an amendment to insert a new section to follow section 22 in the bill.

The amendment was agreed to, and Mr. Merrill Moores, of Indiana, then proposed to offer an amendment to perfect section 22.

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<sup>1</sup> Second session Sixty-sixth Congress, Record, p. 2725.

<sup>2</sup> Joseph Walsh, of Massachusetts, Chairman.

<sup>3</sup> Second session Sixty-sixth Congress, Record, p. 2728.

<sup>4</sup> First session Sixty-seventh Congress, Record, p. 589.

<sup>5</sup> William H. Stafford, of Wisconsin, Chairman.

<sup>6</sup> First session Sixty-seventh Congress, Record p. 739.

Mr. Garrett made the point of order that a new section having been inserted to follow section 22, amendments seeking to perfect section 22 were no longer in order.

The Chairman<sup>1</sup> sustained the point of order.

**2362.** On April 11, 1924,<sup>2</sup> while the Committee of the Whole House on the state of the Union was considering the bill H. R. 7995, the immigration bill, the Chairman<sup>3</sup> announced:

Certain gentlemen have asked the Chair for recognition to offer amendments to the section that we are now considering. The amendment just offered by the gentleman from Indiana is a new section. In order that those gentlemen shall not lose their rights to offer their amendments, unless some gentleman asks unanimous consent to consider it and then return to it, the Chair would like to recognize those gentlemen first for that purpose.

**2363. A motion to lay aside a bill to be reported to the House with favorable recommendation is in order in the Committee of the Whole.**

On Friday, December 12, 1924,<sup>4</sup> while business on the Private Calendar was being considered in the Committee of the Whole House, the consideration of the bill (S. 353) for the relief of Reuben R. Hunter, was concluded and Mr. George W. Edmonds, of Pennsylvania, asked unanimous consent that the bill be laid aside with favorable recommendation.

Mr. Thomas L. Blanton, of Texas, objected.

Whereupon Mr. Edmonds was recognized by the Chairman<sup>3</sup> to offer a motion that the bill be laid aside to be reported to the House with favorable recommendation.

**2364. In Committee of the Whole a motion to amend a bill has precedence over a motion to rise and report it.**

On March 21, 1908,<sup>5</sup> the bill H. R. 19355, the fortifications appropriation bill, was being read for amendment in the Committee of the Whole House on the state of the Union, when Mr. Gilbert M. Hitchcock, of Nebraska, proposed to offer an amendment.

Mr. Walter I. Smith, of Iowa, moved that the committee rise and report the bill to the House with amendments and with the recommendation that the bill as amended be passed.

The Chairman<sup>6</sup> said:

The proposed amendment by the gentleman from Nebraska has precedence over the motion of the gentleman from Iowa.

**2365.** On January 23, 1923,<sup>7</sup> the Committee of the Whole House on the state of the Union finished reading for amendment the joint resolution (H. J. Res. 314) proposing an amendment to the Constitution relative to tax-exempt securities.

<sup>1</sup> Clifton N. McArthur, of Oregon, Chairman.

<sup>2</sup> First session Sixty-eighth Congress, Record, p. 6138.

<sup>3</sup> Everett Sanders, of Indiana, Chairman.

<sup>4</sup> Second session Sixty-eighth Congress, Record, p. 558.

<sup>5</sup> First session Sixtieth Congress, Record, p. 3732.

<sup>6</sup> Irving P. Wanger, of Pennsylvania, Chairman.

<sup>7</sup> Fourth session Sixty-seventh Congress, record, p. 2283.

Mr. Green, of Iowa, moved that the committee rise and report the joint resolution with amendment and with the recommendation that the amendment be agreed to and the joint resolution as amended do pass.

Mr. R. Walton Moore, of Virginia, objected to consideration of the motion before opportunity was afforded him to offer an amendment.

The Chairman<sup>1</sup> held that the motion to amend the joint resolution took precedence of the motion to rise and report it, and recognized Mr. Moore to offer the amendment.

**2366. The motion to lay aside a bill in Committee of the Whole is not debatable.**

On September 5, 1919,<sup>2</sup> consideration of the bill (S. 253) a claims bill, under consideration in the Committee of the Whole House, having been concluded, Mr. George E. Edmonds, of Pennsylvania, moved that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. Joseph G. Cannon, of Illinois asked if the motion was debatable.

The Chairman<sup>3</sup> held that it was not.

**2367. After reading for amendment has begun in the Committee of the Whole the motion to strike out the enacting clause is in order at any time until the stage of amendment has been passed.**

On November 9, 1921,<sup>4</sup> the Committee of the Whole House on the state of the Union was considering the bill (S. 843) for relief of war contracts.

After the last section had been read and while it was still open for amendment, Mr. Marion E. Rhodes, of Missouri, moved that the committee rise and report the bill back to the House with favorable recommendation.

Mr. Louis C. Cramton, of Michigan, offered, as preferential, a motion to strike out the enacting clause.

Mr. Nicholas J. Sinnott, of Oregon, made the point of order that reading of the bill having been concluded it was too late to offer that motion.

The Chairman<sup>5</sup> held the motion to strike out the enacting clause to be in order at any time before the stage of amendment had been passed.

**2368. The reading of a bill for amendment in Committee of the Whole being concluded, a motion to strike out the enacting clause is not in order.**

On February 20, 1925,<sup>6</sup> reading the bill (H. R. 745) for the establishment of migratory bird refuges, for amendment in the Committee of the Whole House on the state of the Union, having been concluded, Mr. Gilbert N. Haugen, of Iowa, moved that the committee rise and report the bill back to the House with favorable recommendation.

Mr. Thomas L. Blanton, of Texas, offered, as preferential, a motion to strike out the enacting clause.

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<sup>1</sup> Clifton N. McArthur, of Oregon, Chairman.

<sup>2</sup> First session Sixty-sixth Congress, Record, p. 4945.

<sup>3</sup> Nicholas Longworth, of Ohio, Chairman.

<sup>4</sup> First session Sixty-seventh Congress, Record, p. 7608.

<sup>5</sup> Simeon D. Fess, of Ohio, Chairman.

<sup>6</sup> Second session Sixty-eighth Congress, Record, p. 4298.

The Chairman<sup>1</sup> held that the stage of amendment had passed and the motion was therefore not in order.

**2369. The Chairman having announced the absence of a quorum in Committee of the Whole, a motion to rise is in order and if a quorum develops on the vote by which the motion is rejected the roll is not called and the committee proceeds with its business.**

**A call of the House may not be moved in the Committee of the Whole.**

**It is in order for any member of the Committee of the Whole to move to rise and the Chairman is constrained to recognize for that purpose.**

**The Chairman's count of a quorum is not subject to verification by tellers.**

On July 19, 1919,<sup>2</sup> the bill (H. R. 6810), the prohibition enforcement bill, was under consideration in the Committee of the Whole House on the state of the Union.

The point of no quorum having been raised by Mr. William L. Igoe, of Missouri, the Chairman announced that there was not a quorum present.

Several Members asked for tellers on the count.

The Chairman<sup>3</sup> declined to order tellers, holding that the Chairman's count of a quorum is not subject to verification.

Mr. Andrew J. Volstead, of Minnesota, proposed to move a call of the House.

The Chairman said:

The gentleman can not move a call of the House in committee.

Mr. Igoe moved that the committee rise.

Mr. John M. Baer, of North Dakota, submitted that the motion was not in order.

The Chairman held:

The motion of the gentleman from Missouri is in order. The gentleman moves that the committee do now rise.

Mr. Louis C. Cramton, of Michigan, as a parliamentary inquiry asked if a roll call to develop a quorum would still be necessary in event a quorum voted on the motion to rise.

The Chairman said:

If upon this vote it should develop that a quorum is present, the committee will then proceed with its deliberations without calling the roll. The question is on the motion of the gentleman from Missouri, Mr. Igoe, that the committee do now rise.

The question being put on the motion to rise, it was decided in the negative, yeas 30, nays 71.

The Chairman announced that the committee declined to rise and a quorum was present, and the committee resumed consideration of the bill.

After further debate, Mr. James W. Overstreet, of Georgia, moved that the committee rise.

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<sup>1</sup> Robert Luce, of Massachusetts, Chairman.

<sup>2</sup> First session Sixty-sixth Congress, Record, p. 2890.

<sup>3</sup> James W. Good, of Iowa, Chairman.

The Chairman<sup>1</sup> declined to recognize him for that purpose when Mr. Joseph G. Cannon, of Illinois, said:

Oh, Mr. Chairman, it is always in order to move that the committee rise.

The Chairman thereupon held the motion in order and recognized Mr. Overstreet to move that the committee rise.

**2370. In the Committee of the Whole a Member may not move to rise while another has the floor.**

**A decision by the Chairman that a motion to rise is in order after a Member has been recognized for debate but before he has begun to speak, was overruled by the Committee.**

On February 12, 1923,<sup>2</sup> during general debate on the bill (H. R. 8084) for the change of certain streets in the District of Columbia, Mr. Manuel Herrick, of Oklahoma, having the floor, was proceeding in debate when interrupted by Mr. Frank W. Mondell, of Wyoming, with a motion that the committee rise.

Mr. Thomas L. Blanton, of Texas, made the point of order that the motion was not in order while another Member had the floor.

The Chairman<sup>3</sup> having overruled the point of order. Mr. Blanton appealed from the decision of the Chair.

Mr. Charles R. Crisp, of Georgia, in discussing the point of order said:

When a Member is recognized there is but one thing that will take him off the floor, and that is a point of order that there is no quorum. If there is no quorum, the House cannot transact any business, not even hear a Member speak. I recognize that a motion that the committee rise is analogous to a motion to adjourn when we are in the House and it is of the highest privilege, provided the Chair is open to entertain that motion. When the Chair recognizes a Member to speak, whether that Member actually commences to talk or not, if he is recognized and has the floor time runs against him. There is but one way that he can be taken off the floor and that is by a point of order that no quorum is present if he is proceeding in an orderly way. If a quorum is present, he is entitled to the floor and entitled to proceed.

The Chairman said:

Previous to the point of order that no quorum was present the gentleman from Pennsylvania, Mr. Focht, yielded 20 minutes to the gentleman from Oklahoma, Mr. Herrick, and the Chair recognized the gentleman from Oklahoma by name. Then the committee rose, and the Chair reported that a quorum was present after the roll had been called. The Chair has no desire to prejudice the gentleman from Oklahoma. As a matter of fact, the Chair himself suggested to the gentleman from Pennsylvania that the gentleman from Oklahoma be given time in order to present certain views he holds. The Chair is less inclined to override any precedent in this House or to misinterpret the rules; but the Chair feels that the motion to rise even after a Member has been recognized, but before the Member has commenced debate, is an entirely privileged motion and is in order. Therefore the Chair overrules the point of order made by the gentleman from Texas, Mr. Blanton, and is perfectly willing to submit this to the members of the committee.

The question being submitted to the committee, the decision of the Chairman was overruled—yeas 70, nays 78.

<sup>1</sup> Cassius C. Dowell, of Iowa, Chairman.

<sup>2</sup> Fourth session, Sixty-seventh Congress, Record, p. 3528.

<sup>3</sup> Frederick C. Hicks, of New York, Chairman.

**2371. On January 6, 1920,<sup>1</sup> the Indian appropriation bill was being considered in the Committee of the Whole House on the state of the Union.**

Mr. Charles D. Carter, of Oklahoma, having been recognized for debate, Mr. Thomas L. Blanton asked recognition to move that the committee rise.

The Chairman<sup>2</sup> held that the motion to rise could not be received while another Member had the floor.

**2372. The motion to rise and report with the recommendation that consideration be postponed to a day certain is in order in the Committee of the Whole and is preferential.**

**Debate on the motion to postpone to a day certain is confined to the advisability of postponement and does not extend to the merits of the question under consideration.**

**A motion made on the preceding Calendar Wednesday is not a motion on the same day within the purview of the rule forbidding repetition of certain motions on the same day.**

On Calendar Wednesday, February 13, 1918,<sup>3</sup> the bill (H. R. 5667) for the deportation of certain aliens, was being read for amendment in the Committee of the Whole House on the state of the Union, when Mr. Hubert S. Dent, jr., of Alabama, moved that the committee rise and report the bill back to the House with the recommendation that further consideration be postponed until February 27.

Mr. Irvine L. Lenroot, of Wisconsin, raised a point of order against the motion.

The Chairman<sup>4</sup> held that the motion was in order and was preferential.

Mr. Joseph Walsh, of Massachusetts, made the further point of order that the motion was not in order because made on the preceding Calendar Wednesday on which the bill had been under consideration and of which the present Calendar Wednesday was a continuation, and cited this rule:

And no motion to postpone to a day certain, to recur, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The Chairman decided:

The Chair understands that this is not the same day or the same stage of the question. The Chair understands, too, that a different rule has been applied upon rather a similar question; that is, the question of consideration on Calendar Wednesday, and that two motions of that sort may be made to that question. The Chair is of the impression that this point of order should be overruled.

Several Members rising for debate, Mr. John L. Burnett, of Alabama, made the point of order that the motion was not debatable.

The Chairman said:

Decisions under the rule provide that this motion may be debated to a limited extent, but the debate must be confined to the advisability of postponing only. The merits of the bill cannot be discussed.

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<sup>1</sup>Second session Sixty-sixth Congress, Record, p. 1119.

<sup>2</sup>Nicholas Longworth, of Ohio, Chairman.

<sup>3</sup>Second session Sixty-fifth Congress, Record, p. 2076.

<sup>4</sup>Joseph J. Russell, of Missouri, Chairman.

**2373. A bill reported by the Committee of the Whole to be improperly on the Private Calendar was thereupon referred by the Speaker without action on the part of the House to the proper calendar as of the date of original reference.**

**A bill for reimbursement of bank depositors not severally specified was held to refer to a class and not a collection of individuals, and therefore to constitute a public bill and to be improperly on the Private Calendar.**

**A point of order against the reference of a bill to the Private Calendar is properly made after the bill is read and before consideration begins in the Committee of the Whole.**

On Friday, January 6, 1991,<sup>1</sup> the House resolved itself into the Committee of the Whole House for the consideration of business in order on the Private Calendar, and the Clerk read the bill (H. R. 14610) to reimburse depositors in the Freedman's Savings & Trust Company:

*Be it enacted, etc.,* That the commissioner of the Freedman's Savings & Trust Co. and his successors in office be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, to all the depositors of the Freedman's Savings & Trust Co. whose accounts have been properly verified and balanced under existing laws, or to their legal representatives, a sum of money equal to the verified balances due said depositors from said company at the time of its failure, less the amount of dividends which may have been paid from the assets of said company; and for this purpose the sum of \$1,291,744.50, still unpaid, which is due the 61,131 persons who lost money by reason of this failure, which is 38 per cent still due each depositor, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, said amount to be placed to the credit of the said commissioner by the Secretary of the Treasury for the purpose of this act specified, and that the clerical expense for the settlement of these claims be paid out of the money herein appropriated, and that no assignment claimed shall be allowed.

Mr. James R. Mann, of Illinois, made the point of order that the bill was improperly on the Private Calendar, and said:

Mr. Chairman, this is a bill which was introduced and referred to the Committee on Banking and Currency and reported by that committee to the House. If it is a public bill, of course it has no place on this calendar, but should be on the Union Calendar. If it is a private bill, the Committee on Banking and Currency had no jurisdiction over the bill, and was not authorized to make a report upon it.

The rule provides—

“No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz, to the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.”

That does not include the Committee on Banking and Currency. Section 2 of Rule XXII provides:

“Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.”

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<sup>1</sup>Third session Sixty-first Congress, Record, p. 593.

It seems to be clear that if this is a private bill, for the payment of private claims, it must have been referred to the Committee on Claims. If it is not a private bill, then it is not referable to the Private Calendar. It should have gone to the Union Calendar, and is not subject for consideration by this committee, which is a committee on the Private Calendar.

Mr. Everis A. Hayes, of California, submitted that the bill having been read by the Clerk was now under consideration and the point of order came too late.

Mr. Mann replied:

The rule expressly provides that the point of order may be made at any time before the bill is under consideration. If the point of order is overruled, the question of consideration will be raised. Of course you could not make the point of order until the bill had been read. You can not raise the question of consideration until a bill has been read. Neither the House nor the Chair nor the gentleman from Illinois would know what the bill was until it had been read. I take it that the Chairman of this Committee of the Whole would not have authority to order this bill referred to the Union Calendar. All he can do, if a report is to be made at all, is to report that this bill was found upon the private Calendar erroneously.

The Chairman <sup>1</sup> said:

The Chairman of the Committee of the Whole House can report to the House that this bill is not in order on this calendar. The Chair therefore sustains the point of order made by the gentleman from Illinois. The Clerk will report the next bill.

Presently the committee rose; and the Chairman reported to the House, among other proceedings, that the committee had directed him to report that the bill (H. R. 14610) to reimburse depositors in the Freedman's Savings & Trust Co. had been found not to be in order on this calendar.

The House proceeded to the consideration of the several recommendations of the committee in the order in which reported, and when the bill (H. R. 14610) was reached, the Speaker pro tempore <sup>2</sup> in response to an inquiry from Mr. Mann said:

The point involved is whether it is a public or a private bill. A hasty reading of this bill shows that it refers to a class of claimants or creditors rather than to a collection of individuals. There is no document, so far as appears, from which the names could be ascertained. The language describes a class of people. The Chair is of the opinion that it is a public bill, and therefore it will be placed on the Union Calendar. The Chair understands that it will take its proper place as if it had been placed on the proper calendar in the first instance.

**2374. The motion to report a bill with a favorable recommendation being decided in the negative in the Committee of the Whole, the bill remains in its place on the calendar.**

On February 28, 1910,<sup>3</sup> the House was in the Committee of the Whole House for the consideration of bills on the Private Calendar.

Consideration of the bill (H. R. 17754) setting aside certain lands for street purposes in the District of Columbia having been concluded, Mr. Samuel W. Smith, of Michigan, moved that the bill be laid aside, to be reported to the House with a favorable recommendation. The question being taken on a division, the yeas were 43, nays 67, and the committee declined to lay the bill aside with favorable recommendation.

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<sup>1</sup> David J. Foster, of Vermont, Chairman.

<sup>2</sup> Marlin E. Olmsted, of Pennsylvania, Speaker pro tempore.

<sup>3</sup> Second session Sixty-first Congress, Record, p. 2506.

Mr. Martin B. Madden, of Illinois, having propounded a question as to the status of the bill, the Chairman<sup>1</sup> said:

The Chair decided that the measure was refused consideration, and the bill reverts to the calendar.

**2375. A special order providing that the Committee of the Whole rise at the conclusion of the reading of a bill and report it to the House and that the previous question operate to final passage was held not to interfere with the right of the committee to report with recommendation to recommit.**

**The recommendation of the Committee of the Whole to recommit a bill being decided in the negative, the question was held to recur on the amendments and bill under a special rule ordering the previous question on the bill and amendments to final passage.**

**Debate on an appeal from the decision of the Chair in the Committee of the Whole proceeds under the five-minute rule.**

On May 4, 1926,<sup>2</sup> the Committee of the Whole House on the state of the Union, was considering the bill H. R. 11603, the McNary-Haugen bill for farm relief, under the following special order:

*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 the bill (H. R. 11603) entitled "A bill to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities." After general debate, which shall continue not to exceed four days, one-third of the time to be controlled by the gentleman from Iowa, Mr. Haugen, one-third of the time to be controlled by the gentleman from Kansas, Mr. Tincher, and one-third of the time to be controlled by the gentleman from Louisiana, Mr. Aswell, the bill H. R. 11603 shall be read for amendment under the five-minute rule. After the reading of such bill for amendment it shall be in order to offer H. R. 11618 (Tincher bill) or H. R. 11606 (Aswell bill) as a substitute for H. R. 11603, or H. R. 11606 for H. R. 11618, or vice versa, notwithstanding the provisions of clause 7 of Rule XVI. At the conclusion of the bill the committee shall rise and report the bill 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.

On May 21, the reading of the bill for amendment having been concluded, Mr. Gilbert N. Haugen, of Iowa, moved that the committee rise and report the bill back to the House with amendments and with the recommendation that the amendments be agreed to and the bill as amended be passed.

Mr. Martin B. Madden, of Illinois, offered, as preferential, a motion that the committee rise and report the bill back to the House with amendments and with the recommendation that the bill and amendments be referred to the Committee on Agriculture.

Mr. Cassius C. Dowell, of Iowa, made the point of order that the motion to report with recommendation to refer was not in order in the Committee of the Whole.

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<sup>1</sup> William H. Stafford, of Wisconsin, Chairman.

<sup>2</sup> First session Sixty-ninth Congress, Record, p. 8691.

After extended debate, the Chairman<sup>1</sup> ruled:

The Chair thinks there is nothing unusual with reference to this special rule. The rule does not operate automatically. The rules make it 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. 11603, the so-called Haugen bill. The House does not automatically go into the Committee of the Whole House on the state of the Union for the consideration of that bill. It goes into the Committee of the Whole House on the state of the Union only upon the motion of some one to do so. The so-called Haugen bill under the rule has no more privileged status than has the ordinary revenue or appropriation bill in that respect, and the Chair thinks that the closing sentence of the special rule, to which reference has been made, has no more significance or gives the legislation no different status than revenue and appropriation bills have without a rule under the common practice of the House. It is the common practice upon the completion of the reading of a bill under consideration for amendment for the chairman of the committee to make the motion that the committee rise and recommend to the House the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. In practical effect that is all that this rule does—authorize the making of such a motion. Upon any such strict construction of the language, as some have argued here, it would not be in order for the chairman of the Committee on Agriculture to make the motion which he has made, that the committee rise and report the bill back to the House with a favorable recommendation.

The rule does not authorize the chairman of the Committee on Agriculture to do that. The language of the rule does not say that. It simply says that at the conclusion of the reading of the bill the committee shall rise and report the bill to the House with such amendments as may have been adopted. I take it that no one would contend, however, that the motion to report the bill with amendments with the recommendation that the bill as amended do pass would not be in order.

The gentleman has cited a provision in the rules that the motion may not be used in direct form in Committee of the Whole. The Chair thinks that is correct, but he does not think it is in point. No attempt here is made to make a motion in direct form. That is not the motion. The motion is that when the committee rise it report the bill back to the House with the recommendation that the bill and amendments be referred to the Committee on Agriculture.

For the reasons stated, the Chair overrules the point of order.

Mr. Dowell having appealed from the decision of the Chair, Mr. Ernest R. Ackerman, of New Jersey, offered a motion to lay the appeal on the table.

In response to a point of order by Mr. Dowell, the Chairman ruled that the motion to lay on the table is not in order in the Committee of the Whole.

The question being taken on the appeal, the decision of the Chairman was sustained, yeas 201, noes 132.

The question recurring on the motion to rise and report with recommendations to recommit the bill, it was decided in the affirmative, yeas 197, nays 176.

Mr. Olger B. Burtness, of North Dakota, made the point of order that under the special order under which the bill was being considered providing:

At the conclusion of the reading of the bill the committee shall rise and report the bill 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—

the bill with amendments was before the House for passage or rejection, the report of the Committee of the Whole to the contrary notwithstanding.

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<sup>1</sup> Carl E. Mapes, of Michigan, Chairman.

The Speaker<sup>1</sup> ruled:

The Chair thinks the situation is absolutely clear, and the Chair does not think he has the right to put any question except the question as to whether the House will follow the recommendation of the committee. The contention of the gentleman from Iowa would have been in order if the committee had recommended to the House the passage of the bill, but the committee did not make that recommendation; the committee recommended that the bill and amendments should be referred to the Committee on Agriculture. Therefore the Chair can take no other course than to overrule the point or order, and the question is, Shall the recommendation of the Committee of the Whole House on the state of the Union that the bill be referenced to the Committee on Agriculture be adopted by this House?

The question being submitted to the House, the yeas were 182, the nays 200, and the recommendation of the Committee of the Whole to refer the bill to the Committee on Agriculture was rejected.

Mr. Dowell, rising to a parliamentary inquiry, asked:

Mr. Speaker, the bill having been reported to the House by the Committee of the Whole House and the House having refused to accept the special recommendation of the committee, is not the bill, with the amendments, now before the House under the rule for voting on the bill and the amendments thereto upon its final passage with the previous question ordered?

The Speaker said:

The Chair thinks the gentleman from Iowa is correct. The question is on agreeing to the amendments.

**2376. The hour fixed by the House for termination of the consideration of a bill in the Committee of the Whole having arrived, the Chairman directs the committee to rise and makes his report as if the committee had risen in the regular way.**

On March 10, 1932,<sup>2</sup> on motion of Mr. Henry T. Rainey, of Illinois, by unanimous consent, the House agreed to an order providing for consideration of the bill (H. R. 2706), declaring a moratorium for water users on certain irrigation projects, in the Committee of the Whole on the following day from 11:00 o'clock a.m. until noon.

On the following day<sup>3</sup> the bill was considered under the special order in the Committee of the Whole until noon, when the Chairman<sup>4</sup> announced:

The hour of 12 o'clock having arrived, the committee will rise, pursuant to the order agreed upon yesterday.

Accordingly the committee rose; and the Speaker having resumed the chair, the Chairman reported that the committee had had under consideration the bill H. R. 2706 and had come to no resolution thereon.

**2377. When the Committee of the Whole rises to report a quorum call no other business is in order, and immediately upon the report of the Chairman the House resolves automatically into the committee for the further consideration of the proposition originally committed to it.**

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<sup>1</sup>Nicholas Longworth, of Ohio, Speaker.

<sup>2</sup>First session Seventy-second Congress, Record, p. 5687.

<sup>3</sup>Record, p. 5786.

<sup>4</sup>Kent E. Keller of Illinois, Chairman.

On June 20, 1914,<sup>1</sup> the Committee of the Whole House on the state of the Union, during the consideration of the bill (H. R. 17041), a general appropriation bill, found itself without a quorum. The roll being called a quorum answered, the committee rose and the Chairman reported to the House.

Thereupon Mr. James R. Mann, of Illinois, moved that the House adjourn.

The Speaker<sup>2</sup> declined to recognize for that purpose and directed that the committee resume its sitting.

**2378. The presentation of conference reports, although highly privileged under the rules, is not in order when the Committee of the Whole rises informally to receive a message.**

On February 27, 1915,<sup>3</sup> during the consideration of the general deficiency appropriation bill in the Committee of the Whole House on the state of the Union, the committee rose informally to receive a message from the Senate.

While the Speaker was still in the Chair, Mr. Joshua W. Alexander, of Missouri, claimed recognition to present a conference report for printing under the rule.

The Speaker<sup>2</sup> held that no business was in order under the circumstances and the House automatically resolved into the Committee for the further consideration of the general deficiency appropriation bill.

**2379. After the Chairman of the Committee of the Whole has reported to the House proceedings incident to securing a quorum of the committee, the Speaker declines to recognize for any purpose, including requests for unanimous consent, and the House automatically resolves again into the Committee of the Whole.**

On June 20, 1922,<sup>4</sup> the Committee of the Whole House on the state of the Union, engaged in the consideration of the bill (H. R. 12022) relative to the naturalization of married women, rose and reported proceedings incident to securing a quorum.

Mr. Rufus Hardy, of Texas, addressed the Speaker and asked to prefer a request for unanimous consent to extend his remarks in the Record.

The Speaker<sup>5</sup> said:

The Chair has no right to consider any such request. The committee has risen temporarily and the Speaker has resumed the chair only to receive a report. The Chair has no right to recognize the gentleman. The committee will resume its session.

**2380. The Senate no longer requires consideration of bills and joint resolutions in the Committee of the Whole.**

May 16, 1930,<sup>6</sup> in the Senate a resolution submitted by Mr. Claude A. Swanson, of Virginia, was agreed to, abolishing the requirement that bills and joint resolutions be considered in the Committee of the Whole.

<sup>1</sup> Second session Sixty-third Congress, Record, p. 10820.

<sup>2</sup> Champ Clark, of Missouri, Speaker.

<sup>3</sup> Third session Sixty-third Congress, Record, p. 4884.

<sup>4</sup> Second session Sixty-seventh Congress, Record, p. 9821.

<sup>5</sup> Frederick H. Gillett, of Massachusetts, Speaker.

<sup>6</sup> Second session Seventy-first Congress, Record, p. 9056.

Formerly a bill after passing through the amendment stage in the Committee of the Whole and having been reported to the Senate, was again open to individual amendment at the desire of any Senator. Under the modified procedure provided by this change in the rules of the Senate, consideration in the Committee of the Whole is eliminated and a bill on being taken up is on its second reading, and goes from its amendment stage direct to passage.