

ize the Secretary of War to furnish markers for certain graves, Speaker William B. Bankhead, of Alabama, stated that a unanimous-consent request, but not a motion, to consider a Union Calendar bill in the House as in Committee of the Whole would be in order. After an objection was raised to the unanimous-consent request, the House automatically resolved itself into the Committee of the Whole.

MR. [ANDREW J.] MAY [of Kentucky] (when the Committee on Military Affairs was called): Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H.R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, reserving the right to object, will the gentleman explain the bill before we grant this request?

MR. MAY: This is a bill to authorize the Secretary of War to furnish certain markers for graves of persons who are entitled to have them. Under the statute they are bronze markers or stone markers.

MR. [SAM] HOBBS [of Alabama] Mr. Speaker, I object.

MR. MAY: To what is the gentleman objecting?

MR. HOBBS: I am objecting to the consideration of the bill.

MR. MAY: Then I move, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

THE SPEAKER: The Chair is of the opinion that could not be permitted under the rules of the House. The gentleman may submit a unanimous consent request, but not a motion.

The gentleman from Kentucky asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection to the request of the gentleman from Kentucky?

MR. HOBBS: I object, Mr. Speaker.

THE SPEAKER: This bill is on the Union Calendar.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, with Mr. Tarver in the chair.

## § 2. Motions and Requests Generally

Particular motions which may be entertained in the Committee of the Whole include certain motions relating to the enacting clause,<sup>(2)</sup> motions to amend, and motions to rise;<sup>(3)</sup> the Committee of the Whole may not entertain motions involving functions properly performed by the House such as motions to (1) adjourn,<sup>(4)</sup> (2) lay on the table,<sup>(5)</sup> (3) lay on the table

2. See §§ 10–14, *infra*.

3. See §§ 22–25, *infra*.

4. § 2.4, *infra*.

5. § 2.7, *infra*. However, after general debate on a bill has been closed, a motion that the Committee of the

an appeal of the Chair's ruling,<sup>(6)</sup> (4) limit general debate,<sup>(7)</sup> (5) close general debate,<sup>(8)</sup> (6) order the previous question,<sup>(9)</sup> (7) recess without permission of the House,<sup>(10)</sup> (8) recommit,<sup>(11)</sup> (9) re-

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Whole rise and report with a recommendation that the bill be laid on the table may be offered. See 4 Hinds' Precedents §4778.

6. § 2.8, *infra*.
7. 8 Cannon's Precedents §2554. However, debate under the five-minute rule may be limited (5 Hinds' Precedents §5224), and general debate may be limited by unanimous consent in the absence of an order by the House (5 Hinds' Precedents §5232; 8 Cannon's Precedents §§2553, 2554). The terms "limit" and "close" with reference to debate are frequently used interchangeably.
8. 5 Hinds' Precedents §5217.
9. § 2.6, *infra*.
10. Jefferson's Manual, *House Rules and Manual* §586 (1979); 5 Hinds' Precedents §§6669-6671; and 8 Cannon's Precedents §§3357, 3362.
11. 4 Hinds' Precedents §4721 and 8 Cannon's Precedents §2326. However, the Committee of the Whole may move to rise and report with the recommendation that a bill be recommitted, unless that motion is precluded by the terms of a special rule (see §23.12, *infra*); such motion is only in order at the completion of reading the bill for amendment (4 Hinds' Precedents §§4761, 4762), and takes precedence over a motion to rise and report with the recommendation that a bill pass (8 Cannon's Precedents §2329).

consider,<sup>(12)</sup> (10) order a call of the House,<sup>(13)</sup> (11) effect a conference or instruct conferees,<sup>(14)</sup> or (12) expunge remarks from the Record.<sup>(15)</sup>

### ***Requirement That Motions Be Written***

**§ 2.1 All motions must be in writing, if the demand is made, even a motion that the Committee of the Whole do now rise.**

On June 13, 1947,<sup>(16)</sup> during consideration of H.R. 3342, the cultural relations program of the State Department, Chairman Thomas A. Jenkins, of Ohio, sustained a point of order against a motion to rise:

MR. [DANIEL A.] REED of New York: Mr. Chairman, I move that the Committee do now rise.

MR. [KARL E.] MUNDT [of South Dakota]: Mr. Chairman, I make the point of order that the motion has not been submitted in writing.

MR. REED of New York: Mr. Chairman, a preferential motion of this

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12. § 2.5, *infra*.
  13. 8 Cannon's Precedents §2369.
  14. 8 Cannon's Precedents §2320. The subject of conferences is discussed more fully in Ch. 33, *infra*.
  15. § 3.2, *infra*.
  16. 93 CONG. REC. 6998, 80th Cong. 1st Sess. See 96 CONG. REC. 1693, 81st Cong. 2d Sess., Feb. 8, 1950, for another illustration of this principle.

character does not have to be submitted in writing.

THE CHAIRMAN: The point of order is sustained.

***Motion to Rise and Recommend***

**§ 2.2 After defeat of a motion that the Committee of the Whole rise and report a bill to the House with the recommendation that it pass, a motion that the Committee rise and report the bill with the recommendation that the enacting clause be stricken out is in order.**

On May 12, 1941,<sup>(17)</sup> during consideration of H.R. 3490, fixing the amount of annual payment by the United States toward defraying expenses of the District of Columbia government, Chairman William M. Whittington, of Mississippi, ruled that it would be in order to move that the Committee of the Whole rise and report a bill with the recommendation that the enacting clause be stricken out after defeat of a motion that the Committee rise and report a bill to the House with the recommendation that it pass:

MR. [JENNINGS] RANDOLPH [of West Virginia]: Mr. Speaker, I move that the House resolve itself into the Com-

mittee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3490) to fix the amount of the annual payment by the United States toward defraying the expenses of the government of the District of Columbia; and pending that, I ask unanimous consent that debate be limited to 2 hours.

After completion of general debate and reading of the bill for amendment under the five-minute rule, the manager of the bill, Mr. Randolph, moved as follows:

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass. . . .

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. TARVER: If this motion to report the bill favorably does not carry, it would then be in order to offer a motion to report the bill with the recommendation that the enacting clause be stricken out.

THE CHAIRMAN: The bill would still be in the Committee, and such a motion would be in order.

***Precedence of Motion to Amend Over Motion to Rise and Report***

**§ 2.3 A motion to amend in the Committee of the Whole takes precedence over a mo-**

17. 87 CONG. REC. 3917, 3938, 3939, 77th Cong. 1st Sess.

**tion to rise and report a bill with recommendations.**

On July 27, 1937,<sup>(18)</sup> during consideration of H.R. 7730, to authorize the President to appoint certain administrative assistants, Chairman Wright Patman, of Texas, stated that a motion to amend in the Committee of the Whole takes precedence over a motion to rise and report a bill with recommendations:

Mr. [J.W.] Robinson of Utah and Mr. [Ross A.] Collins [of Mississippi] rose.

MR. ROBINSON of Utah: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the motion that it is not in order at this stage of the proceedings.

THE CHAIRMAN: The Chair may state that motions to amend take precedence over a motion that the Committee rise.

The gentleman from Mississippi offers an amendment, which the Clerk will report.

***Motion to Adjourn***

**§ 2.4 A motion to adjourn is not in order in the Committee of the Whole.**

On Feb. 7, 1964,<sup>(19)</sup> during consideration of H.R. 7152, the Civil

18. 81 CONG. REC. 7699, 75th Cong. 1st Sess.

19. 110 CONG. REC. 2505, 88th Cong. 2d Sess. See also 107 CONG. REC. 9619,

Rights Act of 1963, Chairman Eugene J. Keogh, of New York, held that the motion to adjourn would not lie while the House was in the Committee of the Whole:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, I wonder if it would be in order to move that the House do now adjourn, while the coalition works out the substitute amendment? Would it be in order to move that the House do now adjourn?

THE CHAIRMAN: A motion to adjourn, of course, does not lie while the House is in the Committee of the Whole House.

MR. WHITTEN: I merely wished to know if it were possible under the circumstances.

Mr. Chairman, I move that the Committee do now rise, while the coalition works out a settlement of the differences.

THE CHAIRMAN: The question is on the motion of the gentleman from Mississippi [Mr. Whitten].

The motion was rejected.

***Motion to Reconsider***

**§ 2.5 The motion to reconsider is not in order in the Committee of the Whole; however, proceedings may be vacated by unanimous consent**

87th Cong. 1st Sess., June 6, 1961; 96 CONG. REC. 2162, 2218, 81st Cong. 2d Sess., Feb. 22, 1950; and 95 CONG. REC. 5616, 81st Cong. 1st Sess., May 4, 1949, for other examples of this principle.

**after business has been transacted.**

On Mar. 12, 1945,<sup>(20)</sup> during consideration of H.R. 2023, to continue the Commodity Credit Corporation, Chairman R. Ewing Thomason, of Texas, ruled that a motion to reconsider is not in order in the Committee of the Whole. However, after the transaction of business, the Committee agreed to a unanimous consent request to vacate certain proceedings:

MR. [Jesse P.] WOLCOTT [of Michigan]: Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Wolcott: On page 1, lines 5 and 6, after the word "thereof" in line 5, strike out the sign and figure "\$5,000,000,000" and insert in lieu thereof the sign and figure "\$4,000,000,000."

MR. [BRENT] SPENCE [of Kentucky]: . . . The Commodity Credit Corporation agrees to it. I think it should be adopted. I am sure there will be no objection to it.

THE CHAIRMAN: The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 2. Subsection (c) of section 381 of the Agricultural Adjustment

20. 91 CONG. REC. 2042, 2043, 79th Cong 1st Sess. See also 112 CONG. REC. 18416, 89th Cong. 2d Sess., Aug. 5, 1966, for another example of this procedure.

Act of 1938 (52 Stat. 67) is amended to read as follows:

"(c) During the continuance of the present war and until the expiration of the 2-year period. . . ."

MR. SPENCE: Mr. Chairman, I misunderstood the amendment offered by the gentleman from Michigan. I had no right to agree to that amendment. The amendment which I thought the gentleman from Michigan [Mr. Wolcott] submitted, and the only one that he ever submitted to me, was an amendment to increase dairy payments to \$568,000,000, and to increase the noncrop program from \$60,000,000 to \$120,000,000. That was a clear misunderstanding on my part. . . .

Mr. Chairman, I ask the committee, under the circumstances, to reconsider its action.

MR. WOLCOTT: There will be no objection on my part.

THE CHAIRMAN: Without objection, the action by which the amendment was agreed to will be vacated.

MR. [ROBERT F.] RICH [of Pennsylvania]: Reserving the right to object, I want to ask the gentleman a question.

THE CHAIRMAN: The gentleman from Pennsylvania reserves the right to object. . . .

Is there objection?

MR. RICH: Mr. Chairman, I object—until we can get some information on the subject.

MR. [ROY O.] WOODRUFF of Michigan: Mr. Chairman, I demand the regular order.

THE CHAIRMAN: The regular order is that the gentleman from Pennsylvania has objected to the consent request of the gentleman from Kentucky.

MR. SPENCE: Mr. Chairman, I move to reconsider the action of the Com-

mittee by which the amendment was agreed to.

THE CHAIRMAN: Such a motion is not in order in the Committee of the Whole.

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

THE CHAIRMAN: The gentleman will state it.

MR. WOLCOTT: Inasmuch as business has been transacted since the original request was submitted by the gentleman from Kentucky, would it be in order for me to propound a consent request that the proceedings by which the amendment was adopted be vacated?

THE CHAIRMAN: Such a request would be in order, and the Chair recognizes the gentleman for that purpose.

MR. WOLCOTT: Then, Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment was adopted reducing the amount from \$5,000,000,000 to \$4,000,000,000 be vacated. . . .

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

There was no objection.

### ***Motion for Previous Question***

#### **§ 2.6 The motion for the previous question is not in order in the Committee of the Whole.**

On Nov. 17, 1967,<sup>(1)</sup> during consideration of H.R. 13893, foreign

1. 113 CONG. REC. 32964, 90th Cong. 1st Sess. See 112 CONG. REC. 18115, 89th Cong. 2d Sess., Aug. 3, 1966;

aid appropriations, fiscal 1968, Chairman Charles M. Price, of Illinois, held that the motion for the previous question is not in order in the Committee of the Whole:

MR. [PAUL C.] JONES of Missouri: Mr. Chairman, reserving the right to object, is it in order to move the previous question on this amendment now, inasmuch as we have had considerable debate on it, and I have been trying to receive recognition for approximately half an hour, but now I am willing to forgo my time.

THE CHAIRMAN: The Chair will state that the moving of the previous question is not in order in the Committee of the Whole.

### ***Motion to Table***

#### **§ 2.7 The motion to table is not in order in the Committee of the Whole.**

On Oct. 6, 1966,<sup>(2)</sup> during consideration of H.R. 13161, the elementary and secondary education bill, Chairman Daniel D. Rostenkowski, of Illinois, ruled that the motion to table is not in order in the Committee of the Whole:

MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

- and 110 CONG. REC. 457, 88th Cong. 2d Sess., Jan. 16, 1964, for other examples.
2. 112 CONG. REC. 25583, 89th Cong. 2d Sess.

Amendment offered by Mr. Watson: On page 76, line 15, after "1967" change the period to a semicolon and insert: "*Provided, however,* That no funds shall be expended hereunder so long as the present United States Commissioner of Education occupies that office."

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, a point of order. The amendment is not germane and is subject to a point of order. . . .

THE CHAIRMAN: . . . The Chair is of the opinion that the amendment is germane to the bill, and overrules the point of order.

The gentleman from South Carolina is recognized in support of his amendment.

MR. PERKINS: Mr. Chairman, I move that the amendment be tabled.

THE CHAIRMAN: That motion is not in order in the Committee of the Whole.

### **§ 2.8 The motion to lay on the table an appeal from a decision of the Chair is not in order in the Committee of the Whole.**

On Oct. 19, 1945,<sup>(3)</sup> after ruling that a proposed amendment was not germane to H.R. 4407, reducing appropriations, Chairman Fritz G. Lanham, of Texas, held that a motion to table a decision of the Chair is not in order in the Committee of the Whole.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, with all the

3. 91 CONG. REC. 9870, 79th Cong. 1st Sess.

deference in the world for the distinguished Chairman, whom we all love, I respectfully appeal from the ruling of the Chair.

MR. [EMMET] O'NEAL [of Kentucky]: Mr. Chairman, I move to lay the appeal on the table.

MR. RANKIN: Mr. Chairman, the appeal cannot be laid on the table. The Committee has a right to vote on it.

THE CHAIRMAN: The motion to lay on the table is not in order in the Committee. . . .

The question is: Shall the decision of the Chair stand as the judgment of the Committee of the Whole?

The question was taken; and the Chair announced that the "ayes" had it.

So the decision of the Chair stands as the judgment of the Committee of the Whole.<sup>(4)</sup>

### ***Unanimous-consent Requests***

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

On Oct. 3, 1962,<sup>(5)</sup> during consideration of H.R. 13273, the riv-

4. See also 81 CONG. REC. 7700, 75th Cong. 1st Sess., July 27, 1937, for another illustration of this rule.

5. 108 CONG. REC. 21884, 87th Cong. 2d Sess.

ers and harbors authorization bill, Chairman Francis E. Walter, of Pennsylvania, declared that a unanimous-consent request to instruct the Clerk to correct section numbers in the engrossment of a bill would have to be done in the House rather than the Committee of the Whole:

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

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

***Motion to Return to Section for Amendment***

**§ 2.10 In the Committee of the Whole a Member must obtain unanimous consent to return to a section of a bill to offer an amendment; a motion to do so is not in order.**

On Aug. 18, 1944,<sup>(6)</sup> during consideration of H.R. 5125, the surplus property bill, Chairman R. Ewing Thomason, of Texas, stated that a Member must obtain unanimous consent to return to a section of a bill after that section has

6. 90 CONG. REC. 7122, 78th Cong. 2d Sess.

been passed, and indicated that such action cannot be taken by motion:

MR. [CARTER] MANASCO [of Alabama]: Mr. Chairman, I make a point of order against the amendment on the ground that we have passed the section to which the amendment applies.

MR. [BEN F.] JENSEN [of Iowa]: Then, Mr. Chairman, I ask unanimous consent that we return to section 7 for the purpose of offering an amendment.

THE CHAIRMAN: The gentleman from Iowa asks unanimous consent to return to section 7 for the purpose of offering an amendment. Is there objection?

MR. MANASCO: I object, because we returned to that once and we want to finish this bill this week if we can.

MR. JENSEN: Mr. Chairman, I would have offered this amendment earlier but I call attention to the fact that the reading of the bill was very rapid and I did not have a chance; I did not have the opportunity.

THE CHAIRMAN: The gentleman can return to a former section only with the unanimous consent of the Committee and the Committee has not given it.

MR. JENSEN: Then, Mr. Chairman, I plead with the chairman of the committee to let this amendment be considered. It is an important amendment.

. . .

Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JENSEN: What course can I take now to get this amendment before the House? I am throwing myself on the mercy of the Chair?

THE CHAIRMAN: The gentleman has asked unanimous consent to return to the section; the Committee has declined to grant it. The Chair does not know what further the gentleman can do.

### ***Motion to Dispense With Reading***

#### **§ 2.11 A motion to dispense with the full reading of a bill in the Committee of the Whole is not in order.**

On June 4, 1951,<sup>(7)</sup> the House resolved itself into the Committee of the Whole for the consideration of the District of Columbia Law Enforcement Act of 1951 (H.R. 4141). The Chairman<sup>(8)</sup> stated that without objection the first [full] reading of the bill would be dispensed with. Objection was heard from Mr. Herman P. Eberharter, of Pennsylvania, and the Chairman ordered the Clerk to read the bill.

During the reading of the bill a parliamentary inquiry was raised:

MR. [W. STERLING] COLE of New York (interrupting the reading of the bill): Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. COLE of New York: Mr. Chairman, is it possible under the rules of

7. 97 CONG. REC. 6099-6101, 82d Cong. 1st Sess.

8. Herbert C. Bonner (N.C.).

the Committee of the Whole to by motion dispense with the further reading of a bill?

THE CHAIRMAN: The Chair will say that it requires unanimous consent to suspend the further reading of the bill.

MR. COLE of New York: It is not possible to do that by motion?

THE CHAIRMAN: That motion is not privileged.<sup>(9)</sup>

### ***Motions Offered During Vote***

#### **§ 2.12 The motion that the Committee of the Whole rise is not preferential while the Committee is dividing on a question.**

On Dec. 8, 1944,<sup>(10)</sup> during consideration in Committee of the

9. *Parliamentarian's Note*: In this instance the Committee of the Whole directed the reading in full of the bill on its first reading. The bill was read by title only on the next day when the Committee of the Whole reconvened to resume consideration of it. Although the procedure followed was somewhat unorthodox, it illustrates the point that any Member may demand a full reading of a bill before general debate thereon begins, provided the bill has not previously been read in full. The motion to dispense with the full reading could be made privileged, however, by means of a special rule reported from the Committee on Rules, for example; or the reading in full could be dispensed with by such a rule. Moreover, the motion to rise would be in order, to permit the House, by motion, to dispense with reading.

10. 90 CONG. REC. 9066, 78th Cong. 2d Sess.

Whole of H.R. 5587, the first supplemental appropriations bill, several actions were taken in rapid succession:

MR. [JOHN] TABER [of New York]:

Mr. Chairman, I move that all debate on this amendment do now close.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I trust the gentleman will not press that motion.

THE CHAIRMAN:<sup>(11)</sup> The question is on the motion offered by the gentleman from New York [Mr. Taber].

The question was taken, and the Chair announced that the ayes had it.

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, I ask for a division.

THE CHAIRMAN: Those in favor of the motion will rise and be counted.

MR. RANKIN: Mr. Chairman, I move that the Committee do now rise.

THE CHAIRMAN: The Chair calls the attention of the gentleman to the fact that we are in the middle of a vote.

MR. RANKIN: Mr. Chairman, I am offering a preferential motion. I move that the Committee do now rise.

THE CHAIRMAN: The Chair will ask the gentleman to reconsider, because we are in the midst of taking a vote on a motion at this time.

MR. RANKIN: Mr. Chairman, I am offering a preferential motion now.

THE CHAIRMAN: The Chair cannot recognize the gentleman at this time for that purpose.

*Parliamentarian's Note:* The preferential motion to rise is in order until the count has com-

menced. See 88 CONG. REC. 2374, 77th Cong. 2d Sess., Mar. 12, 1942; 88 CONG. REC. 5169, 77th Cong. 2d Sess., June 11, 1942.

### § 3. Remarks in the Congressional Record

#### *Extension and Revision of Remarks*

**§ 3.1 The House and not the Committee of the Whole controls the Congressional Record; for this reason the Committee can neither hold the Record open for later insertions nor permit inclusion of extraneous material. Thus, a request that all Members be permitted five days to revise and extend their remarks on a particular subject is not in order in the Committee of the Whole.**

On Sept. 19, 1967,<sup>(12)</sup> during consideration of H.R. 6418, Partnership for Health Amendments, 1967, Chairman Jack B. Brooks, of Texas, stated that the Committee of the Whole cannot hold the *Congressional Record* open for later insertions because that authority is exercised by the House:

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman . . . I ask unani-

12. 113 CONG. REC. 26032, 90th Cong. 1st Sess.

11. Herbert C. Bonner (N.C.)