

THE SPEAKER: The gentleman will state it.

MR. WARREN: Mr. Speaker, it is obvious, of course, even to the gentleman from New York, great parliamentarian that he is, that this motion is merely dilatory. The motion pending before the House is that the House resolve itself into the Committee of the Whole House on the state of the Union. This is the only motion now pending. A motion to lay the bill on the table when it is not even up for consideration is entirely out of order.

MR. O'CONNOR of New York: Mr. Speaker, under clause 4, rule XVI,⁽¹⁾ the motion I offer is a preferential motion. It must be made in the House, it cannot be made in the Committee of the Whole. A motion has been made to consider the bill. A motion to lay the bill on the table is preferential, I submit, according to the authorities I have examined and under the exact language of clause 4, rule XVI.

THE SPEAKER: The Chair is ready to rule.

The gentleman from New York [Mr. O'Connor] offers what he states is a preferential motion that the Com-

mittee of the Whole House on the state of the Union be discharged from consideration of the bill S. 3331, and said bill be laid on the table.

The Chair is of the opinion that under the rules of the House a motion of this sort is not a preferential motion, and therefore not in order. The matter now pending is a simple motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, and under the precedents a motion to discharge the Committee of the Whole House on the state of the Union from the further consideration of a bill is not a privileged motion.

The Chair sustains the point of order.

Parliamentarian's Note: Even if the motion had been a straight motion to lay on the table, it would not have been in order since the bill was not "under debate" and therefore not subject to motions under clause 4, Rule XVI.

B. THE CHAIRMAN

§ 5. Speaker's Appointment of Chairman

When the early rules of the House were first drafted, the Chairman of the Committee of the

Whole was elected by the House following the custom of the British Parliament. A 1794 modification altered the method of selection from election by the Members to appointment by the Speaker.⁽²⁾

1. *House Rules and Manual* §782 (1973).

2. Rule XXIII clause 1, *House Rules and Manual* §861 (1979); Jefferson's

Rule XXIII clause 1 mandates the Speaker “in all cases” to leave the Chair after appointing a Chairman of the Committee of the Whole. This requirement is rooted in the history of the British House of Commons and the original purpose of the Committee of the Whole. The Speaker of the House of Commons during the reign of the Stuarts was a partisan of the King who reported proceedings to him. To preserve their confidences, Members of the House of Commons formed the Committee of the Whole and elected one of their colleagues to preside over debates on financial matters. The Speaker was not permitted in the Hall of the House of Commons during these meetings.⁽³⁾

In General

§ 5.1 Parliamentarian’s Note: The Chairman of the Committee of the Whole is ap-

Manual, House Rules and Manual §328 (1979); and 4 Hinds’ Precedents §4704.

3. See 99 CONG. REC. 1897, 1898, 83d Cong. 1st Sess., Mar. 12, 1953, for a statement by Representative Clarence Cannon, and Reed, Thomas B., *Reed’s Rules, A Manual of General Parliamentary Law*, Rand, McNally & Co., 1894, p. 67, for discussions of the origin of the Committee of the Whole.

pointed by the Speaker. The Chairman decides questions of order arising in the Committee independently of the Speaker. He recognizes for debate, but like the Speaker is forbidden to recognize for requests to suspend the rule of admission to the floor.

Rule XXIII clause 1 provides that “In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a Chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.”⁽⁴⁾

As to admission to the floor, Rule XXXII clause 1 provides: “The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto . . . and it shall not be in order for the Speaker to entertain a request for the suspension of this rule. . . .”⁽⁵⁾ The rule also applies to the Chairman of the Committee of the Whole (see 5 Hinds’ Precedents §7285).

Chairman Pro Tempore

§ 5.2 Where the Member named by the Speaker to act

4. *House Rules and Manual* §861 (1979).
5. *House Rules and Manual* §919 (1979).

as Chairman of the Committee of the Whole is not present at the time the House resolves into Committee, the Speaker may ask another Member to assume the chair as Chairman pro tempore pending the arrival of the Chairman.

On Oct. 18, 1967,⁽⁶⁾ Speaker pro tempore Carl Albert, of Oklahoma, designated one Member, Charles A. Vanik, of Ohio, as Chairman of the Committee of the Whole and, because Mr. Vanik was not present when the House resolved into Committee, appointed another, Member, Daniel D. Rostenkowski, of Illinois, to assume the Chair temporarily.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 888), making continuing appropriations for the fiscal year 1968, and for other purposes.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

THE SPEAKER PRO TEMPORE: The Chair designates the gentleman from Ohio [Mr. Vanik], as Chairman of the Committee of the Whole, and requests the gentleman from Illinois [Mr. Rostenkowski] to assume the chair temporarily.

6. 113 CONG. REC. 29277, 90th Cong. 1st Sess.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 888), with Mr. Rostenkowski in the chair.

Use of Term "Madam Chairman"

§ 5.3 A female Member who is appointed Chairman of the Committee of the Whole should be addressed as "Madam Chairman."

On Sept. 20, 1973,⁽⁷⁾ during consideration of H.R. 9281, relating to retirement benefits of law enforcement and fire-fighter personnel, Mrs. Martha W. Griffiths, of Michigan, stated the form of address of a female Chairman of the Committee of the Whole.

MR. [H.R.] GROSS [of Iowa]: Madam Chairperson, I yield myself such time as I may consume.

Madam Chairman, I was interested to hear the gentleman speak of the special benefits given to municipal employees of the city of New York. . . .

THE CHAIRMAN: For the benefit of Members, the Chair would like to announce that the Chair is properly addressed as Madam Chairman. While she seems to be neutral, she is not neuter.

7. 119 CONG. REC. 30589, 30592, 30594, 93d Cong. 1st Sess.