

On May 6, 1950,⁽⁴⁾ during consideration of H.R. 7786, the general appropriation bill of 1951, Chairman Jere Cooper, of Tennessee, ruled that a second motion to strike out the enacting clause was in order, the first having been made on a previous day.

THE CHAIRMAN: The time of the gentleman from Texas has expired. All time on this amendment has expired.

MR. [HALE] BOGGS of Louisiana: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Boggs of Louisiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

MR. [ALBERT A.] GORE [of Tennessee]: Mr. Chairman, I make a point of order against the motion on the ground that it is a dilatory motion.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the further point of order against the motion that no amendment has been adopted since the last such motion was disposed of.

THE CHAIRMAN: The Chair will state that while it is true that no amendment has been adopted and there has been no alteration in the bill since the last motion to strike out the enacting clause was disposed of, nevertheless this is a different day.

The Chair is of the opinion that the point of order made by the gentleman from New York would not lie against the motion.

D. CONSIDERATION AND DEBATE

§ 15. Generally

This division takes up the general rules relating to consideration and debate in the Committee of the Whole.⁽⁵⁾

When the House issues an order for the consideration of a particular bill and the manner in which it is to be considered, it ab-

solutely binds the Committee of the Whole because the Committee does not possess authority to modify such an order⁽⁶⁾ or to set aside a rule of procedure prescribed by the House.⁽⁷⁾ Consequently, the Committee of the Whole may not consider a different bill after the House has agreed to a motion to go into the Committee to consider

4. 96CONG. REC. 6571, 81st Cong. 2d Sess.

5. See 5 Hinds' Precedents § 5203–5256 and 8 Cannon's Precedents §§ 2548–2595 for earlier rulings. See also Ch. 29, *infra*, for further discussion of particular rules on consideration and

debate in the Committee of the Whole.

6. 4 Hinds' Precedents §§ 4712, 4713; 7 Cannon's Precedents § 786; and 8 Cannon's Precedents §§ 2321, 2322.

7. 4 Hinds' Precedents § 4713

a particular revenue or appropriation bill.⁽⁸⁾ Neither the Chairman nor the Committee may entertain requests to alter such orders.⁽⁹⁾

In the rare instances when the House does not designate business to be considered in the Committee of the Whole, business may be taken up in regular order, or in such order as the Committee may determine.⁽¹⁰⁾

In the absence of a rule to the contrary, the practice governing debate in the House is followed in the Committee of the Whole.⁽¹¹⁾ Since 1841, general debate by a Member has been limited in the Committee to no more than one hour,⁽¹²⁾ any portion of which may be yielded to another⁽¹³⁾ who in turn may yield to a third with the consent of the Member originally holding the floor.⁽¹⁴⁾ Of course, if the first Member retains control of the floor, but yields to a second Member for a question, it is the first Member who would subsequently yield to a third. On the

8. 4 Hinds' Precedents § 4734.

9. 8 Cannon's Precedents §§ 2550–2552.

10. Rule XXIII clause 4, *House Rules and Manual* § 869 (1979). See 4 Hinds' Precedents § 4729, for a discussion of the origin of this rule.

11. 8 Cannon's Precedents § 2553.

12. Note to Rule XXIII clause 5, *House Rules and Manual* § 870 (1979).

13. 8 Cannon's Precedents § 2553.

14. 8 Cannon's Precedents § 2553.

other hand, where a bill is being considered under a typical special order providing that time be controlled by the chairman and ranking minority member of the committee reporting the bill, the first Member may yield a block of time to a second Member, in which case the second Member may yield to a third while remaining on his feet, and permission of the first Member is not necessary.

Following the close of general debate by order of the House any Member is allowed five minutes to explain any amendment he may offer after which the Member who first obtains the floor is allowed five minutes to oppose it.⁽¹⁵⁾ A Member proposing an amendment may, by unanimous consent, offer an amendment to such amendment during the five minutes allotted him under the rule but may not thereby secure additional time for debate.⁽¹⁶⁾ Following five minutes of debate on an amendment and five minutes in opposition, a Member may obtain five minutes for debate by offering the pro forma amendment "to strike the last word" where an actual amendment is not contemplated;⁽¹⁷⁾ but a Member who

15. Rule XXIII clause 5, *House Rules and Manual* § 870 (1979).

16. 8 Cannon's Precedents § 2562.

17. Note to Rule XXIII clause 5, *House Rules and Manual* § 873 (1979); 5

has occupied five minutes on a pro forma amendment may not lengthen his time by making another pro forma amendment.⁽¹⁸⁾

Only the Chairman may recognize Members for debate.⁽¹⁹⁾ When time for debate under the five-minute rule is limited in Committee of the Whole without provision for its control, the Chairman divides the time, where practicable, between those favoring and those opposing the proposition,⁽¹⁾ or among all Members indicating a desire to speak. Nonetheless, on one occasion, when no one claimed the floor in opposition after a speech in favor of an amendment under the five-minute rule, the Chairman recognized another Member favoring the amendment.⁽²⁾ In recognizing for debate on an appeal in the Committee of the Whole the Chairman alternates between those favoring and those opposing.⁽³⁾

Hinds' Precedents §5778. See §§ 15.9, 15.10, *infra*, which relate to speaking twice on an amendment.

18. Note to Rule XXIII clause 5, *House Rules and Manual* §873 (1979); 5 Hinds' Precedents § 5222; and 8 Cannon's Precedents § 2560.

19. 5 Hinds' Precedents § 5003.

1. 8 Cannon's Precedents § 2558. See also § 16.6, *infra*.

2. 8 Cannon's Precedents § 2557.

3. 8 Cannon's Precedents § 3455. See also § 15.13, *infra*, relating to time and scope of debate on appeal.

A Member recognized in the Committee of the Whole to debate an amendment under the five-minute rule may yield to another Member while remaining on his feet, but may not yield designated amounts of time to another Member.⁽⁴⁾

The Committee of the Whole by majority vote may close debate upon any section or paragraph or amendments thereto anytime after reading thereof has been completed and debate thereon under the five-minute rule has commenced. Although agreement to the motion to close debate does not preclude further amendment, it does preclude further debate on those amendments.⁽⁵⁾

The motion to close debate is not in order until debate has begun,⁽⁶⁾ which means after one speech, however brief;⁽⁷⁾ the motion may be made before expiration of the full five minutes.⁽⁸⁾

The House, as well as the Committee of the Whole, may close the five-minute debate after it has

4. § 15.5, *infra*. See 5 Hinds' Precedents § 5035–5037.

5. Rule XXIII clause 6, *House Rules and Manual* §874 (1979).

6. § 15.12, *infra*; note to Rule XXIII clause 6, *House Rules and Manual* §874 (1979).

7. 5 Hinds' Precedents § 5226; 8 Cannon's Precedents § 2573.

8. 8 Cannon's Precedents § 2573.

begun although it rarely exercises this right.⁽⁹⁾

Consideration of Unfinished Business

§ 15.1 Where the Committee of the Whole rises before the time for debate expires, a limitation of a certain number of minutes (rather than by the clock) having been imposed under the five-minute rule, debate continues when the Committees resume its deliberations.

On June 16, 1948,⁽¹⁰⁾ during consideration of H.R. 6401, the Selective Service Act of 1948, Chairman Francis H. Case, of South Dakota, indicated that where time for debate has been fixed on an amendment in the Committee of the Whole and the Committee rises before the time expires, debate continues when the Committee resumes its deliberations.

MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, in view of the fact that two or three Members who have time are not here, I move that the Committee do now rise.

9. Note to Rule XXIII clause 6, *House Rules and Manual* §874 (1979); 5 Hinds' Precedents §§5229, 5231.

10. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

THE CHAIRMAN: The question is on the motion offered by the gentleman from New York [Mr. Andrews].

MR. [GEORGE A.] SMATHERS [of Florida]: Mr. Chairman, I would like to be heard on that.

THE CHAIRMAN: That is not a debatable motion. It is always within the discretion of the gentleman handling the bill to move that the Committee rise.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MARCANTONIO: Mr. Chairman, under the arrangement entered into limiting debate on this amendment, will the Members who were scheduled to be recognized be recognized when the Committee resumes its deliberations?

THE CHAIRMAN: They will be recognized, if the Committee should vote to rise, when the Committee meets again.

MR. ANDREWS of New York: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. ANDREWS of New York: My understanding is that all those gentlemen whose names are on the list will be recognized immediately tomorrow.

THE CHAIRMAN: The statement of the gentleman from New York is correct.

§ 15.2 A question as to the future day when the Committee will continue the consideration of a bill is for the Speaker and the House to decide and not the Chairman of the Committee of the Whole.

On Apr. 26, 1948,⁽¹¹⁾ during consideration of H.R. 2245, to repeal the tax on oleomargarine, Chairman Leslie C. Arends, of Illinois, declined to rule on the time a particular bill would again be considered in the Committee of the Whole.

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. AUGUST H. ANDRESEN: Mr. Chairman, I understand that the Committee will rise at 4 o'clock. It is also my understanding of the rules that this Committee should meet tomorrow in order to have continuous consideration of the pending legislation.

I would like to have a ruling of the Chair as to whether or not the rules provide that a day may intervene so that this legislation may be taken up on Wednesday.

THE CHAIRMAN: The Chair may say that is a matter for the Speaker of the House and the House itself to determine. It is not something within the jurisdiction of the Chair to decide.

Debate on Point of Order

§ 15.3 Debate on a point of order raised in the Committee of the Whole is within the discretion of the Chairman and must be confined to the point of order.

On Apr. 13, 1951,⁽¹²⁾ during consideration of S. 1, 1951 amend-

11. 94 CONG. REC. 4873, 80th 2d Sess.

12. 97 CONG. REC. 3909, 3910, 82d Cong. 1st Sess.

ments to the Universal Military Training and Service Act, Chairman Jere Cooper, of Tennessee, stated the rule governing debate on a point of order raised in Committee of the Whole.

MR. [ANTONI N.] SADLAK [of Connecticut]: Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Clerk will report the amendment, but the Chair will state that all time for debate has been exhausted.

The Clerk read as follows:

Amendment offered by Mr. Sadlak:

Page 26, following the amendment offered by Mr. Walter, insert the following: "Any citizen of a foreign country who. . . ."

MR. [CARL] VINSON [of Georgia]: I make the point of order against the amendment that it is not germane to the pending bill.

THE CHAIRMAN: Does the gentleman from Connecticut desire to be heard on the point of order?

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

THE CHAIRMAN: The gentleman will state it.

MR. SADLAK: Mr. Chairman, how much time will be allotted to me for that purpose?

THE CHAIRMAN: That is in the discretion of the Chair. The gentleman's argument must be confined to the point of order.

Yielding in Debate by Floor Managers

§ 15.4 Where general debate on a bill is under control of the

chairman and ranking minority member of a committee, they may yield as many times as they desire to whom they desire.

On July 11, 1946,⁽¹³⁾ during consideration of Senate Joint Resolution 138, the British loan bill, Chairman William M. Whittington, of Mississippi, made reference to the power to yield where general debate on a bill is under the control of the chairman and ranking minority member of a committee.

MISS [JESSIE] SUMNER of Illinois: Mr. Chairman, a parliamentary inquiry?

THE CHAIRMAN: The gentlewoman will state it.

MISS SUMNER of Illinois: The gentleman from Arkansas [Mr. Hays] and the gentleman from Texas [Mr. Patman] have spoken two or three times on this bill during general debate. Is that permissible under the rules of the House?

THE CHAIRMAN: The time is within the control of the chairman and the ranking minority member of the committee.

MISS SUMNER of Illinois: May the same person speak two or three times in general debate on the same bill?

THE CHAIRMAN: General debate on this bill has been fixed at 16 hours, the time equally divided between the chairman and the ranking minority member of the committee. They may

yield, once, twice, or as many times as they desire to whom they desire.

Yielding by Member Recognized to Debate

§ 15.5 A Member recognized in the Committee of the Whole to debate an amendment may yield to another Member if he so desires while remaining on his feet.

On June 22, 1945⁽¹⁴⁾ during consideration of House Joint Resolution 101, extending the Price Control and Stabilization Act, Chairman Jere Cooper, of Tennessee, stated the rule authorizing a Member recognized in Committee to debate an amendment to yield to another Member. At the time, the Committee was operating under an agreement limiting debate on amendments to one hour.⁽¹⁵⁾

THE CHAIRMAN: The Chair recognizes the gentleman from Indiana [Mr. Harness].

MR. [FOREST A.] HARNESS of Indiana: Mr. Chairman, I am in favor of this amendment because I believe it will force a more common-sense administration of this law. The distinguished gentleman from Michigan [Mr. Crawford] has just made a most forceful argument in favor of the amendment, and I yield to him for his further observations.

13. 92 CONG. REC. 8694, 79th Cong. 2d Sess.

14. 91 CONG. REC. 6548, 79th Cong. 1st Sess.

15. *Id.* at p. 6543.

MR. [FRED L.] CRAWFORD: Continuing, Mr. Vinson said:

That condition has been met for war production, and that condition will be met for reconversion peace production.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. PATMAN: Mr. Chairman, I am not objecting to the gentleman's talking, but I want to know what the policy will be. Can one Member yield another Member this time?

THE CHAIRMAN: The gentleman from Indiana [Mr. Harness] was recognized and he yielded to the gentleman from Michigan [Mr. Crawford], which is certainly permissible.

MR. PATMAN: That is all right with me, Mr. Chairman, but I just wanted to know what the policy is.

THE CHAIRMAN: Any Member can yield to another Member, or decline to yield, as he desires.

Parliamentarian's Note: Mr. Crawford had consumed his allotted time for debate; when Mr. Harness was recognized immediately thereafter, he yielded to Mr. Crawford to complete his remarks. Mr. Harness stood while Mr. Crawford continued.

Yielding by Member Recognized for Pro Forma Amendment

§ 15.6 A Member recognized to strike out the last word under the five-minute rule

may yield to another Member.

On Mar. 21, 1960,⁽¹⁶⁾ during consideration of amendments under the five-minute rule, Chairman Francis E. Walter, of Pennsylvania, made reference to the authority of a Member recognized to strike out the last word to yield to another Member.

THE CHAIRMAN: The time of the gentleman from New York has expired.

MR. [EMANUEL] CELLER [of New York]: Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

MR. [CLARE E.] HOFFMAN of Michigan: I object, Mr. Chairman.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from New York [Mr. Celler].

MR. CELLER: I thank the gentleman.

MR. HOFFMAN of Michigan: Just a minute. I make a point of order on this.

MR. CELLER: Mr. Chairman, deprivation of the State's ballot is wrong.

MR. YATES: Mr. Chairman, I am entitled to yield to the gentleman from New York.

THE CHAIRMAN: The gentleman from Illinois was recognized, and he yielded to the gentleman from New York. The gentleman from New York is continuing in order.

16. 106 CONG. REC. 6162, 86th Cong. 2d Sess.

Extension of Time Under Hour Rule

§ 15.7 Where general debate in the Committee of the Whole is proceeding under the hour rule, a request that a Member's hour be extended is not in order.

On Mar. 24, 1947,⁽¹⁷⁾ during consideration under the hour rule of H.R. 2700, providing appropriations for the Department of Labor and the Federal Security Agency, Chairman Clifford R. Hope, of Kansas, declined to permit extension of time.

MR. [JOHN J.] ROONEY [of New York]: Mr. Chairman, I yield the balance of my time to the gentlewoman from New Jersey [Mrs. Norton].

MRS. [MARY T.] NORTON: Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

THE CHAIRMAN: The Chair regrets that the request is not in order at this time, as the time is under the control of the gentleman from New York and is restricted under the rules of the House.

MRS. NORTON: Is it not possible to get that additional time by unanimous consent? I have known it to be done in many, many other cases.

THE CHAIRMAN: That would be true under the 5-minute rule, but we are proceeding now in general debate, and under the rules of the House that is not permitted.

17. 93 CONG. REC. 2476, 80th Cong. 1 st Sess.

Speaking More Than Once in General Debate

§ 15.8 Members may speak in general debate on a bill as many times as they are yielded to by those in control of the debate.

On July 11, 1946,⁽¹⁸⁾ during consideration of Senate Joint Resolution 138, the British loan bill, Chairman William M. Whittington, of Mississippi, indicated that Members may speak as frequently in debate as they are yielded to by those controlling the floor.

MISS [JESSIE] SUMNER of Illinois: May the same person speak two or three times in general debate on the same bill?

THE CHAIRMAN: General debate on this bill has been fixed at 16 hours, the time equally divided between the chairman and the ranking minority member of the committee. They may yield, once, twice, or as many times as they desire to whom they desire.

Speaking More Than Once on Amendment

§ 15.9 While a Member may not speak twice on the same amendment, he may speak in opposition to a pending amendment and subsequently offer a pro forma amendment and debate that.

18. 92 CONG. REC. 8694, 79th Cong. 2d Sess.

On June 30, 1955,⁽¹⁹⁾ during consideration of S. 2090, to amend the Mutual Security Act of 1954, Chairman Jere Cooper, of Tennessee, stated that a Member may in effect speak twice on the same amendment by opposing a pending amendment and subsequently offering a pro forma amendment.

MR. [JAMES P.] RICHARDS [of South Carolina]: Mr. Chairman, I move to strike out the last word. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, will the gentleman yield?

MR. RICHARDS: I cannot yield just now.

MR. GROSS: Mr. Chairman, I make a point of order. Is the gentleman from South Carolina speaking twice on this? The gentleman has offered an amendment to the amendment.

MR. RICHARDS: I will yield to the gentleman in just a moment. I have a few more minutes of time, and I would like to get an agreement on time.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto, close in 10 minutes.

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

MR. GROSS: Mr. Chairman, reserving the right to object, do I understand that the gentleman from South Carolina has offered an amendment to this amendment; and, if so, has it been read?

THE CHAIRMAN: The gentleman from South Carolina offered an amendment

to the amendment by moving to strike out the last word, which is a very common practice in the House.

MR. GROSS: I thought the gentleman had moved to strike out the last word on a previous occasion.

THE CHAIRMAN: No, the gentleman from South Carolina rose in opposition to the pending amendment and now has the floor on a pro forma amendment, which is entirely in order.

§ 15.10 Although a Member may not speak twice on the same amendment he may rise in opposition to a pro forma amendment after debating a substantive amendment, and accomplish that result.

On July 20, 1951,⁽²⁰⁾ during consideration of H.R. 3871, amendments to the Defense Production Act of 1950, Chairman Wilbur D. Mills, of Arkansas, stated that a Member may in effect speak twice on the same amendment by opposing a pro forma amendment.

MR. [JESSE P.] WOLCOTT [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WOLCOTT: Mr. Chairman, is it in order for a Member to talk twice on the same amendment?

THE CHAIRMAN: A Member may rise in opposition to a pro forma amend-

19. 101 CONG. REC. 9614, 84th Cong. 1st Sess.

20. 97 CONG. REC. 8566, 82d Cong. 1st Sess.

ment and accomplish that result, if he desires to do so.

Time Limitation on Pro Forma Amendment

§ 15.11 A Member recognized for five minutes on a pro forma amendment may not automatically extend his time by offering a substantive amendment, because the Chair seeks to alternate recognition and is constrained by other factors in his recognition.

On July 28, 1965,⁽¹⁾ during consideration of H.R. 77, repealing section 14(b) of the National Labor Relations Act, Chairman Leo W. O'Brien, of New York, refused to entertain an amendment sought to be offered by a Member who was speaking on a pro forma amendment.

MR. [WILLIAM H.] AYRES [of Ohio]: Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

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

There was no objection.

MR. AYRES: Mr. Chairman, I am most gratified at the assurance of

1. 111 CONG. REC. 18631, 89th Cong. 1st Sess.

Chairman Powell that a complete committee investigation of National Labor Relations Board election procedures will be held. Mr. Powell's House floor statement to me, just prior to a vote on the repeal of section 14(b) of the Taft-Hartley Act, means that we can now delve into a part of labor relations that could have great impact on the establishment of a good climate for labor industry relations. . . .

In order to have a cooling-off period, Mr. Chairman, I offer an amendment.

THE CHAIRMAN: The Chair has not recognized the gentleman for that purpose.

Does any other Member offer an amendment at this time?

MRS. [EDITH S.] GREEN of Oregon: Mr. Chairman, I should like to offer an amendment.

THE CHAIRMAN: The Chair recognizes the gentlewoman from Oregon [Mrs. Green].

Timeliness of Motion to Close Debate

§ 15.12 A motion to close debate on an amendment in the Committee of the Whole under the five-minute rule is not in order until there has been some debate on such amendment.

On Mar. 25, 1947,⁽²⁾ during consideration of H.R. 2700, the Department of Labor and the Federal Security Agency appropria-

2. 93 CONG. REC. 2557, 80th Cong. 1st Sess.

tion bill of 1948, Chairman Clifford R. Hope, of Kansas, ruled on the timeliness of a motion to close debate on an amendment.

MR. [JOHN J.] ROONEY [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rooney: On page 2, line 6, strike out "\$819,500" and insert "\$1,190,000."

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, I ask unanimous consent that debate on this amendment close in 10 minutes.

MR. ROONEY: I object, Mr. Chairman.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 10 minutes.

MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, I make the point of order that the motion is not in order now, until some debate is had on the amendment.

THE CHAIRMAN: The point of order is well taken. The motion is not in order at this time, since there has been no debate on the amendment.

Debate on Appeal of Chair's Ruling

§ 15.13 An appeal in the Committee of the Whole is debatable under the five-minute rule and such debate is confined to the appeal.

On Feb. 22, 1950, Calendar Wednesday,⁽³⁾ during consider-

3. 96 CONG. REC. 2178, 2179, 81st Cong. 2d Sess.

ation of H.R. 4453, the Federal Fair Employment Practice Act, Chairman Francis E. Walter, of Pennsylvania, ruled on the time and scope of debate on an appeal in the Committee of the Whole. The Member in control of time, Mr. Adam C. Powell, of New York, had yielded one minute to Mr. Howard W. Smith, of Virginia, for purposes of debate only. Mr. Smith, however, attempted to offer a motion to rise during that time. Following Mr. Powell's timely point of order, which the Chair sustained, Mr. Smith then sought recognition to offer the motion to rise on his own time, but the Chair advised him that he had no time, as time was in the control of Mr. Powell and Mr. Samuel K. McConnell, Jr., of Pennsylvania. After Mr. Hugo S. Sims, Jr., of South Carolina, had been yielded four minutes of time for debate, Mr. Sims then in turn yielded to Mr. Smith, who again tried to offer a motion to rise. The following proceedings then took place:

THE CHAIRMAN: The gentleman from South Carolina was yielded 4 minutes time for debate. He in turn yielded to the gentleman from Virginia but he cannot yield to the gentleman from Virginia for the purpose of offering that motion (i.e., the motion that the Committee rise).

MR. SMITH of Virginia: Mr. Chairman, I respectfully appeal from the decision of the Chair.

THE CHAIRMAN: The question is, Shall the decision of the Chair be sustained?

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I make a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: Mr. Chairman, is that appeal debatable?

THE CHAIRMAN: Under the 5-minute rule; yes.

MR. RANKIN: Mr. Chairman, I would like to be heard.

THE CHAIRMAN: The gentleman is recognized. The Chair will say that the discussion is now on the appeal.

MR. RANKIN: Mr. Chairman, this is the first time that I ever knew Members of the House to have to edge in in this way to be recognized for a motion for the Committee to rise.

In my opinion that motion is privileged, and any Member has a right to make it at any time.

I do not propose to discuss this monstrosity at the present time. I will do that under the 5-minute rule. But I secured this time to support the appeal of the gentleman from Virginia (Mr. Smith).

In the first place, we are going to be here all night, if this goes on.

I am sure that Joe Stalin heard that applause, because you are driving through here a piece of communistic legislation that Stalin promulgated in 1920, and you could not pass it in a single county in the United States by a popular vote, as was shown in California.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. MARCANTONIO: I make the point of order that the gentleman from Mississippi must direct his remarks to the question of the appeal from the ruling of the Chair.

THE CHAIRMAN: The gentleman is correct. . . .

The question is, Shall the decision of the Chair be the judgment of the Committee?

The question was taken; and the Chair being in doubt, the Committee divided and there were—ayes 123, noes, 77.

MR. SMITH of Virginia: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Powell and Mr. Smith of Virginia.

The Committee again divided; and the tellers reported that there were—ayes 148, noes 83.

So the decision of the Chair stands as the judgment of the Committee.

Debate by Speaker

§ 15.14 The Speaker sometimes takes the floor in debate in the Committee of the Whole.

As an example, on June 30, 1939,⁽⁴⁾ during consideration of House Joint Resolution 306, the Neutrality Act of 1939, Speaker William B. Bankhead, of Alabama, took the floor in debate in the Committee of the Whole:

MR. BANKHEAD: Mr. Chairman, I have listened with very great interest

4. CONG. REC. 8509, 76th Cong. 1st Sess.

to the remarks just made by the ranking minority member of the Committee on Foreign Affairs, in which he seemed to conclude his argument with the proposition that his opposition to the pending bill would keep the United States of America out of war. . . .

After due consideration, one of the major reasons that I am supporting the proposed bill in contradiction to the conclusions of the gentleman from New York is that I honestly and fervently believe that in adopting this law we will be making a great gesture to keep the United States of America out of any world war. . . .

I want to say to you, after a very careful and, I trust, prudent observation and investigation of this whole question of neutrality, that we made a supreme and colossal mistake in policy, in national policy, if you please, when we departed a few years ago from the time-honored and time-tested constitutional principle of leaving the management of our foreign and diplomatic affairs in the hands of the President of the United States and of the State Department of this country. [Applause.] it had been lodged there securely and definitely for 145 years. Every incursion that we have attempted to make by these various neutrality laws in the last 3 or 4 years does but serve to teach us that it is absolutely impossible for the genius even of the Congress of the United States to enact a statute that contains real neutrality. . . .

It is my earnest belief, and I assert it, after undertaking to give to this proposition the sincerest and most earnest consideration of which I am capable, that if we pass this law tonight and lift this inhibition against the

shipment of arms and ammunition to those who need them—who need them, as the gentleman from Texas pointed out—to defend their liberties, to defend their homes, and to defend their principles of self-government and personal liberty—and this is not a fight for the munitions makers, although that argument has been made—I feel that the safest and surest way for us to proceed is to remove the shackles and impediments now resting on the President of the United States and the Secretary of State and give them absolute freedom of action, as the founders of our Constitution conceived they should have, to govern from day to day and from hour to hour the incidents that may occur in this storm-tossed and tempestuous world.

§ 15.15 The Speaker offered an amendment to a bill in the Committee of the Whole and participated in debate thereon.

On Apr. 27, 1956,⁽⁵⁾ during consideration of H.R. 10660, the Federal Highway and Revenue Acts of 1956, Speaker Sam Rayburn, of Texas, offered and debated an amendment.

MR. RAYBURN: Mr. Chairman, offer an amendment.

5. 102 CONG. REC. 7212, 84th Cong. 2d Sess. See 101 CONG. REC. 3204, 3205, 84th Cong. 1st Sess., Mar. 18, 1955, in which Speaker Sam Rayburn [Tex.], offered an amendment proposing an additional House building.

The Clerk read as follows:

Amendment offered by Mr. Rayburn:

On page 14, line 20, strike out "Committee on Public Works of the."

On line 23, strike out "on Public Works."

On line 24, after the word "Representatives", insert "to which referred." . . .

On page 30, strike out lines 12 through 18 and insert "furnish to the Congress such information, books, records, correspondence, memoranda, papers, and documents which are in their possession relating to the construction of the Interstate System. . . ."

MR. RAYBURN: Mr. Chairman, this amendment has been very carefully drawn—I hope. Its purpose is not to rob anybody of any authority which they think they should have. But a short while ago there began to grow up in the House the practice of including provisions in bills saying that the departments should report to committees of Congress. The only thing this amendment does is to provide that they shall report to the Congress. Then whoever may be Speaker of the House will refer them to the proper place. I just feel that it would be a little more dignified if these matters were referred to 435 Members instead of 25 or 30. . . .

MR. RAYBURN: I might say also that before I offered this amendment I conferred with the gentleman from Massachusetts [Mr. Martin], the ex-Speaker, and it is agreeable to him.

MR. [JERE] COOPER [of Tennessee]: Mr. Chairman, will the gentleman yield?

MR. RAYBURN: I yield.

MR. COOPER: I merely want to point out that in title II of the pending bill

it is provided that reports are to be made to the Congress.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from Texas [Mr. Rayburn].

The amendment was agreed to.

Use of Exhibits in Debate

§ 15.16 Where objection is made to the display of exhibits in debate in the Committee of the Whole, the Chair puts the question to the Committee for its decision.

On Aug. 5, 1949,⁽⁶⁾ during consideration of H.R. 1758, amending the Natural Gas Act, Chairman Howard W. Smith, of Virginia, put to the Committee of the Whole a question regarding display of a chart after objection had been raised to such display.

MR. [OREN] HARRIS [of Arkansas]: Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for five additional minutes, in order that I may help to clear up the situation here about which so many people have come to me and asked, and in order that I may show you on a chart just what this legislation will do. . . .

MR. [EUGENE D.] O'SULLIVAN [of Nebraska]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

6. 95 CONG. REC. 10859, 81st Cong. 1st Sess.

MR. O'SULLIVAN: Mr. Chairman, is it in order for an exhibit to be presented to the Committee of the Whole or to the House of Representatives? As I read the rules it is not in order to do so, unless the permission of the Committee of the Whole or of the House is first obtained.

THE CHAIRMAN: If the gentleman from Nebraska objects to the use of the exhibit, the Chair will put the question to the Committee of the Whole. Does the gentleman object?

MR. O'SULLIVAN: I object, Mr. Chairman.

THE CHAIRMAN: The question is: Shall the use of the exhibit be permitted?

The question was agreed to.

§ 16. Time Limitations

Where five-minute debate has been limited to a certain number of minutes, and not to a time certain, the time consumed by reading amendments and quorum calls is not taken from that remaining for debate; but where debate has been limited to a time certain, time used on extraneous motions, quorum calls or votes comes out of the time remaining under the limitation and reduces the time that may be allocated to Members wishing to speak.⁽⁷⁾

7. §§ 16.2–16.6, *infra*. The Chair has stated that, where time for debate on an amendment is limited to a time certain, the time permitted for de-

Computation of Time Limitations

§ 16.1 Where the Committee of the Whole fixes the time for debate on an amendment at 20 minutes, such time is counted in minutes of debate and not in minutes by the clock.

On Feb. 8, 1950,⁽⁸⁾ during consideration of H.R. 2945, to adjust postal rates, Chairman Chet Holifield, of California, indicated that the time period fixed for debate meant passage of time of debate as distinguished from passage of time on the clock.

MR. [THOMAS J.] MURRAY of Tennessee: Mr. Chairman, I move that all debate on the committee substitute and all amendments thereto close in 20 minutes.

THE CHAIRMAN: The question is on the motion.

The question was taken; and on a division (demanded by Mr. Sutton) there were—ayes 99, noes 76. . . .

MR. MURRAY of Tennessee: Mr. Chairman, how much more time remains?

THE CHAIRMAN: There are 6 minutes remaining.

bate on a preferential motion that the Committee rise and report with the recommendation that the enacting clause be stricken comes out of the time remaining under such limitation. See § 13.6, *supra*.

8. 96 CONG. REC. 1690, 1693, 81st Cong. 2d Sess.