

referred to the proper standing committee, and then, if and when reported out of the committee would have been brought up for consideration in the Committee of the Whole House on the State of the Union.

At this point, and under the parliamentary situation, the bill was sent to conference by unanimous consent; and this applies to all bills that go to conference by unanimous consent, if there be provisions therein that might be subject to the first sentence of rule XX. If there is no objection made at that time, the bill goes to conference; which in this case had the effect of suspending that portion of rule XX. Therefore, it is properly before the House at the present time as part of the conference report and the Chair overrules the point of order.

MR. SMITH of Virginia: Mr. Speaker, may I add one comment since this is a very important question.

THE SPEAKER: The Chair will, of course, hear the gentleman.

MR. SMITH of Virginia: Mr. Speaker, this did not go to conference by unanimous consent because it was never in the House bill. It was in the Senate bill and it never got in the House bill until last night.

THE SPEAKER: The Chair will call to the attention of the gentleman from Virginia that the unanimous consent request was made to take a bill from the Speaker's desk with Senate amendments thereto, and disagree to the Senate amendments and request a conference.

## F. RISING OF THE COMMITTEE OF THE WHOLE

### § 21. Generally

The Committee of the Whole may rise formally or informally. Sometimes, on the informal rising of the Committee of the Whole, the House by unanimous consent transacts unrelated business, such as the presentation of enrolled bills, the swearing in of a Member, or consideration of the message.<sup>(8)</sup>

8. 4 Hinds' Precedents §§ 4788–4791.

See Jefferson's Manual, *House Rules and Manual* §§ 330, 331, 333, 334, 563 (1973), for parliamentary law regarding rising of the Committee of the Whole.

The Committee of the Whole rises automatically on adoption of the recommendation that the enacting clause be stricken out.<sup>(9)</sup>

#### *Formal and Informal Rise*

**§ 21.1 When the Committee of the Whole rises—that is, concludes or suspends its proceedings—it may do so either formally or informally. When it rises informally, it rises at the direction of the Chairman, without a formal mo-**

9. 8 Cannon's Precedents § 2629.

**tion from the floor. Thus the Committee may rise informally to receive a message from the President.**

On Apr. 8, 1967,<sup>(10)</sup> the Committee of the Whole rose informally to receive a message from the President.

THE CHAIRMAN:<sup>(11)</sup> The Committee will rise informally to receive a message.

The Speaker assumed the Chair.

THE SPEAKER:<sup>(12)</sup> The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries.

THE SPEAKER: The Committee will resume its sitting.

**§ 21.2 The Committee of the Whole may rise, informally, immediately after having resolved into the Committee following a quorum call in Committee and the Chair's report to the House.**

On Apr. 21, 1969,<sup>(13)</sup> the Committee of the Whole rose, informally, immediately after having

10. 113 CONG. REC. 8585, 90th Cong. 1st Sess. See 110 CONG. REC. 18262, 18263, 88th Cong. 2d Sess., Aug. 6, 1964, for another illustration of this principle.

11. John H. Dent (Pa.).

12. John W. McCormack (Mass.).

13. 115 CONG. REC. 9705, 91st Cong. 1st Sess.

resolved into the Committee following a quorum call.

MR. [FRANK E.] EVANS of Colorado: Mr. Chairman, I make the point of order that a quorum is not present.

THE CHAIRMAN:<sup>(14)</sup> The Chair will count. . . .

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 514, and finding itself without a quorum, he had directed the roll to be called, when 325 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

THE CHAIRMAN: The Committee will rise informally in order that the House may receive a message.

The Speaker assumed the chair.

THE SPEAKER:<sup>(15)</sup> The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

THE SPEAKER: The Committee will resume its sitting.

***Automatic Rise Pursuant to Agreement***

**§ 21.3 When the House has limited general debate to a time certain and provided for the**

14. Charles M. Price (Ill.).

15. John W. McCormack (Mass.).

**Committee of the Whole to rise at the conclusion of that time, the Committee then rises without a motion or vote.**

On Apr. 9, 1963,<sup>(16)</sup> upon arrival of the time to close debate during consideration of H.R. 5517, making supplemental appropriations for fiscal year 1963, the Committee of the Whole rose without motion or vote.

MR. [ALBERT] THOMAS [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 bill H.R. 5517, making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be concluded not later than 5 p.m. today, one-half of the time to be controlled by the gentleman from Ohio [Mr. Bow], and one-half by myself, and that at the conclusion of general debate today the Committee will rise. . . .

THE SPEAKER:<sup>(17)</sup> Is there objections to the request of the gentleman from Texas?

There is no objection.

THE SPEAKER: The question is on the motion offered by the gentleman from Texas [Mr. Thomas].

The motion was agreed to. . . .

THE CHAIRMAN:<sup>(18)</sup> The time of the gentleman from California has expired,

16. 109 CONG. REC. 6044, 6072, 88th Cong. 1st Sess.

17. John W. McCormack (Mass.).

18. Richard Bolling (Mo.).

all time for debate has expired. The hour is 5 o'clock. Under the previous order of the House the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5517) making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes, had come to no resolution thereon.

***Effect of Motion to Rise on Amendments***

**§ 21.4 Where the Committee of the Whole during consideration of amendments to a bill votes merely that the Committee rise, the Chairman reports to the House that the Committee has considered the bill but come to no resolution thereon; he does not under this procedure report the bill back to the House with amendments.**

On Aug. 24, 1949,<sup>(19)</sup> during consideration of H.R. 6070, to amend the National Housing Act, Chairman Mike Mansfield, of Montana, indicated the procedure to be followed when the Committee of the Whole votes to rise,

19. 95 CONG. REC. 12186, 12187, 81st Cong. 1st Sess.

and the effect thereof on amendments taken up by the Committee.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read, as follows:

Amendment offered by Mr. Marcantonio: On page 34, after the period on line 5, add a new subsection:

“Sec. —. Prohibition against discrimination. . . .”

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

The question was taken; and on a division (demanded by Mr. Marcantonio) there were—ayes 62, noes 31.

MR. [BRENT] SPENCE [of Kentucky]: Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. Buchanan and Mr. Marcantonio to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 77, noes 57.

So the amendment was agreed to.

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

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

THE CHAIRMAN: The gentleman will state it.

MR. WOLCOTT: If the Committee rises at the present time will it report the bill back to the House with amendments, or will it report that it has come to no conclusion thereon? What is the situation?

THE CHAIRMAN: This is simply a motion that the Committee rise. There

are several amendments yet to be offered.

The question was taken; and the Chairman announced that the noes appeared to have it.

MR. SPENCE: Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Patman and Mr. Wolcott.

The Committee again divided, and the tellers reported that there were—ayes 86, noes 83.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. Priest, having assumed the chair, Mr. Mansfield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6070) to amend the National Housing Act, as amended, and for other purposes, had come to no resolution thereon.

### ***Rising of Committee to Report Objectionable Words***

**§ 21.5 When words are taken down in the Committee of the Whole, the Committee must immediately rise and the Chairman reports the questionable words to the House.**

On Mar. 9, 1936,<sup>(20)</sup> during consideration of H.R. 11563, the Dis-

20. 80 CONG. REC. 3465, 74th Cong. 2d Sess. See 79 CONG. REC. 1808, 74th Cong. 1st Sess., Feb. 7, 1935, for another illustration of this procedure.

trict of (Columbia rent commission bill, the Committee of the Whole rose immediately after a demand was made to take words down.

MR. [HENRY] ELLENBOGEN [of Pennsylvania]: Mr. Chairman, a point of order. I ask that the gentleman's language be taken down. It is a violation of the rules of the House, and in the meantime I demand that the gentleman take his seat.

THE CHAIRMAN:<sup>(1)</sup> The Clerk will report the words objected to.

The Clerk read as follows:

MR. BLANTON: Here is the answer, if the gentleman can understand English.

The Committee rose and the Speaker pro tempore (Mr. O'Connor) having assumed the chair, Mr. Umstead, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (H.R. 11563), certain words used in debate were objected to and on request were taken down and read at the Clerk's desk and he reported the same to the House herewith.

THE SPEAKER PRO TEMPORE:<sup>(2)</sup> The Clerk will report the words objected to.

The Clerk read as follows:

MR. BLANTON: Here is the answer, if the gentleman can understand English.

THE SPEAKER PRO TEMPORE: The Chair is ready to rule. The Chair sees nothing objectionable in the words used.

1. William B. Umstead (N.C.).
2. John J. O'Connor (N.Y.).

The Committee will resume its session.

### ***Rising on Ceremonial Occasions***

#### **§ 21.6 The Speaker was instrumental in causing the Committee of the Whole to rise because of the death of a Senator, formerly a Member of the House.**

On Mar. 8, 1951,<sup>(3)</sup> Speaker Sam Rayburn, of Texas, was instrumental in causing the Committee of the Whole to rise on the death of Senator Virgil M. Chapman, formerly a Member of the House. After the Committee of the Whole rose, on motion, the Speaker addressed the House from the chair.

THE SPEAKER: The Chair desires to inform the House that he was instrumental in seeing that the Committee rose at this time because of the death of a great citizen, a great Senator, and a former great Member of the House of Representatives. The Chair would much prefer that gentlemen who have special orders for this afternoon postpone their special orders. The Chair knows that the gentleman from Texas [Mr. Patman], who has a special order for today, does not want to use his time.

#### **§ 21.7 During consideration of an appropriations bill, the**

3. 97 CONG. REC. 2153, 82d Cong. 1st Sess.

**Committee of the Whole rose to permit the House to commemorate the 150th anniversary of the organization of the Supreme Court.**

On Feb. 1, 1940,<sup>(4)</sup> during consideration of H.R. 8202, the agriculture appropriation bill, the Committee of the Whole rose to permit the House to hold exercises commemorating the 150th anniversary of the organization of the Supreme Court.

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, I move that the Committee do now rise, for the purpose of affording the House of Representatives an opportunity to hold exercises in commemoration of the one hundred and fiftieth anniversary of the organization of the Supreme Court of the United States; and pending that motion, I may say, Mr. Chairman, that at the conclusion of the exercises, at approximately 3 o'clock, the Committee will resume its session and continue consideration of the bill.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Cole of Maryland, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H.R. 8202, the agricultural appropriation bill, 1941, had come to no resolution thereon.

THE SPEAKER:<sup>(5)</sup> Members of the House of Representatives, as you are

4. 86 CONG. REC. 935, 936, 76th Cong. 3d Sess.
5. William B. Bankhead (Ala.).

doubtless aware, this is the one hundred and fiftieth anniversary of the first convening of the Supreme Court of the United States.

## § 22. Motions to Rise

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,<sup>(6)</sup> unless another Member controls the floor.<sup>(7)</sup> However, neither the motion to rise<sup>(8)</sup> nor the motion to rise and report is debatable.<sup>(9)</sup>

Although a motion that the Committee of the Whole rise and resume its sitting on a day certain is not in order in the Committee,<sup>(10)</sup> a motion to rise and report with the recommendation that consideration be postponed to a day certain is in order and preferential where the Committee is operating under the general rules of the House,<sup>(11)</sup> but not where the Committee is operating under a special rule specifying the conditions under which the bill is to be considered.<sup>(12)</sup>

6. 8 Cannon's Precedents § 2369.
7. See § 24.2, *infra*.
8. § 22.4, *infra*.
9. 4 Hinds' Precedents § 4766.
10. § 22.2, *infra*.
11. 8 Cannon's Precedents § 2372.
12. For an example of the effect of a special rule on the availability of certain