

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

### REPORTS FROM THE COMMITTEE OF THE WHOLE.

---

1. A series of bills considered in the order reported. Sections 2417, 2418.
  2. Amendments and their consideration. Sections 2419-2425.
  3. Amendments in the nature of a substitute. Sections 2426, 2427.
  4. Paragraphs ruled out not reported. Section 2428.
  5. Irregular report. Section 2429.
  6. General decisions. Section 2430.
- 

**2417. A series of bills reported from the Committee of the Whole are usually considered in the House not in the order in which taken up on the committee but in the order reported.**

On December 19, 1918,<sup>2</sup> the Chairman of the Committee of the Whole House in reporting a series of bills from the Private Calendar, grouped them in accordance with the disposition recommended by the Committee of the Whole and not in the order in which considered in the committee.

He reported that the Committee of the Whole House on the state of the Union had had under consideration certain bills on the Private Calendar and had directed him to report the same back to the House, with the recommendation that as to some of them they be laid on the table, and that as to others, some with amendments and some without amendments, they be passed.

The House then proceeded to the several consideration of all bills reported with the recommendation that they lie on the table; next, those reported with amendments and, last, those reported without amendments.

**2418.** On February 6, 1914,<sup>3</sup> the Committee of the Whole House rose and the Chairman reported that the committee, having had under consideration sundry bills on the Private Calendar, had directed him to report back to the House with favorable recommendation, some with amendment and some without amendment.

The House thereupon severally considered all bills reported with amendments, and these having been disposed of, proceeded to the several consideration of all reported without amendments.

**2419. When the Committee of the Whole reports, the question in the House is not on the acceptance of the report of the committee but on the bill and amendments reported, if any, and such amendments may be voted**

---

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

<sup>2</sup> Third session Sixty-fifth Congress, Record, p. 695.

<sup>3</sup> Second session Sixty-third Congress, Record, p. 3074.

**upon en grosse or any Member may demand a separate vote on any amendment.**

**Amendments reported to the House by the Committee of the Whole are subject to amendment and the bill itself is open to amendment in the House unless the previous question is ordered.**

**If the Committee of the Whole reports to the House a substitute for the entire bill the substitute is subject to amendment in the House unless the previous question is operating.**

On May 10, 1910,<sup>1</sup> Mr. James R. Mann, of Illinois, called up the bill (H. R. 17536) to create an interstate commerce court, reported from the Committee of the Whole House on the state of the Union on a previous day, and offered an amendment to the substitute recommended by the Committee on the Whole.

Mr. John J. Fitzgerald, of New York, made the point of order that the question pending was on concurring in the recommendation of the Committee of the Whole, and it was not in order to offer an amendment.

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

The first question is, on the report of the Committee of the Whole of a bill with amendments, as to whether a separate vote is asked on any amendment. That is where there is more than one amendment, and the unvarying practice of the House is to vote on the amendments separately if a separate vote is asked for, and not to take the question on concurring in the action or the recommendation of the Committee on the Whole. This amendment reported by the Committee of the Whole House on the state of the Union is an amendment to be acted on by the House, and subject, in the absence of the previous question being demanded and ordered, to amendment.

The general rule is in all the history of amendments reported from the Committee of the Whole, as the Chair recollects, and as the gentleman recollects as to appropriation bills, that the question is on the pending amendments, and the unbroken practice of the House has been that when a bill is reported from the Committee on the Whole with amendments it is in order to submit additional amendments; but the first question is on the amendments reported.

The Chair reads the following precedent:

“Instance wherein a substitute amendment was offered to a bill reported from the Committee of the Whole with amendments and the previous question was ordered on all the amendments and wills to the final passage.”

That is an analogous case. There is no trouble about the practice of the House with the statement that there is no sanctity about a recommendation of the Committee of the Whole House on the state of the Union, which is the great committee of the House, but that the same rules, the same parliamentary usage as to amendments recommended by that committee are to be had as to amendments recommended by any other committee.

Mr. Charles L. Bartlett, of Georgia, submitted the further point of order that the substitute recommended by the Committee of the Whole proposed to strike out all after the enacting clause, and the amendment offered by Mr. Mann was not in order because it proposed to insert as a part of the substitute a section in the original bill stricken out by the substitute.

The Speaker ruled:

In reply to the parliamentary inquiry of the gentleman from Georgia, the Chair finds from the report of the Chairman of the Committee of the Whole House on the state of the Union that that committee has considered the bill committed to it, and has directed him to report an amendment in the nature of a substitute. It is one amendment in the nature of a substitute to the

---

<sup>1</sup> Second session Sixty-first Congress, Record, p. 6029.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

bill. That is all the Chair knows touching the proceedings of the Committee of the Whole. A substitute is always subject to an amendment, like any other amendment, and therefore the proposition of the gentleman from Illinois, Mr. Mann, to amend the substitute in the House is in order. But the gentleman can see at once, if his contention was right, that if the House must first vote upon the amendment recommended by the Committee of the Whole House, the House might agree to it or reject it, and there would be no opportunity to amend it.

The Speaker then read section 5472 from Hinds' Precedents and continued:

An amendment by way of a substitute is amendable just as much as the original bill is amendable so that the precedent is precisely in point. The Clerk will report the amendment.

**2420. The Committee of the Whole having reported a Senate amendment with the recommendation that it be agreed to with an amendment, a separate vote was had on the amendment to the Senate amendment.**

On September 23, 1918,<sup>1</sup> the Committee of the Whole House on the state of the Union reported to the House the bill (H. R. 11945), the food stimulation bill, with Senate amendments, and with the recommendation that a Senate amendment be agreed to with an amendment.

Mr. Julius Kahn, of California, demanded a separate vote on the amendment to the Senate amendment recommended by the Committee of the Whole.

Mr. William L. Igoe, of Missouri, made the point of order that the Senate amendment and the amendment recommended by the Committee of the Whole had been reported as one proposition and a division of the vote was not in order.

The Speaker<sup>2</sup> overruled the point of order and put the question separately on agreeing to the amendment to the Senate amendment.

**2421. If a Committee of the Whole amend a paragraph and subsequently strike out the paragraph as amended, the first amendment falls and is not reported to the House or voted on.**

On August 3, 1921,<sup>3</sup> the Committee of the Whole House on the state of the Union, rose and its Chairman reported that the committee having had under consideration the bill (S. 674) to provide for the distribution of captured war trophies, had directed him to report it back to the House with sundry amendments.

All amendments were agreed to en bloc with the exception of an amendment recommended by the committee as a substitute for section 5, which was rejected on a separate vote, yeas 120, nays 127.

Mr. James R. Mann, of Illinois, as a parliamentary inquiry, asked whether section 5 remained in the bill in its original form after the rejection of the committee substitute or in the form to which amended in perfecting it prior to vote on the substitute in the committee.

Mr. Mann suggested:

The amendments were not reported to the House. The amendments were agreed to in committee and then the committee struck out the whole section, so that the previous amendments were not reported to the House.

---

<sup>1</sup>Second session Sixty-fifth Congress, Record, p. 10694.

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

<sup>3</sup>First session Sixty-seventh Congress, Record, p. 4621.

Mr. Speaker, it seems to me that it is the duty of the Speaker of the House to determine what has been done and not the duty of the reading clerk to guess at what the House wanted to do. I do not know whether the reading clerk will certify to the enrolling clerk section 5 as originally passed by the Senate, or originally reported to the House, or with certain amendments. I want to see that question determined, although I am not in favor of section 5. These amendments have not been agreed to and there is no way to bring them before the House now because we are operating under the previous question. When the time comes I will move to recommit the bill.

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

The Chair thinks that the gentleman from Illinois is correct in his statement that the House has not taken any action on the amendments to the section. The Chair's impression would be that the section would remain unamended, and that is the statement of the Chair.

**2422. It is not in order to demand a separate vote on perfecting amendments incorporated in amendments adopted by the Committee of the Whole and reported to the House.**

On April 24, 1930,<sup>2</sup> the House was considering in the Committee of the Whole House on the state of the Union the bill (H. R. 10381) to amend the World War veterans' act of 1924.

During the consideration of the bill, Mr. John J. Cochran, of Missouri, offered a perfecting amendment to a pending amendment proposed by Mr. John E. Rankin, of Mississippi.

The perfecting amendment was adopted and the original amendment as amended was incorporated in the bill.

When the Committee of the Whole reported the bill to the House, Mr. Hamilton Fish, of New York, asked for a separate vote on the perfecting amendment proposed by Mr. Cochran.

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

The Chair understands that the so-called Cochran amendment was incorporated as a part of the so-called Rankin amendment, and therefore is not an amendment that can be voted on separately.

**2423.** On May 20, 1920,<sup>4</sup> the Committee of the Whole House on the state of the Union rose and its Chairman reported that the committee having had under consideration the bill H. R. 13558, the war risk insurance bill, had directed him to report it back to the House with sundry amendments and favorable recommendation.

Mr. Alben W. Barkley, of Kentucky, rising to a parliamentary inquiry, stated that before the amendment reported by the Chairman, striking out the first section of the bill, was agreed to in the Committee of the Whole the committee had adopted an amendment to the section, and inquired if a separate vote could be secured on that amendment.

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

The Chair is of opinion that the House has no knowledge at all of any further amendment. The amendment before the House is the amendment to strike out the paragraph. It does not

---

<sup>1</sup> Horace M. Towner, of Iowa, Speaker pro tempore.

<sup>2</sup> Second session Seventy-first Congress, Record, p. 7672.

<sup>3</sup> Second session Sixty-sixth Congress, Record, p. 7381.

<sup>4</sup> Nicholas Longworth, of Ohio, Speaker.

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

seem to the Chair that it gives the House the control it ought to have, but the decision is that if the Committee of the Whole amends a paragraph and subsequently strikes out the paragraphs as amended the first amendment falls and is not reported to the House or voted on.

**2424. The House having rejected a substitute recommended by the Committee of the Whole, the section of the bill for which the substitute was proposed remains in the bill in its original form and not as amended.**

**An instance in which the Speaker announced to the House that after further consideration he did not desire a recent decision to be considered as a precedent.**

**Discussion as to the importance of observing precedent.**

On March 31, 1922,<sup>1</sup> the Committee of the Whole House on the state of the Union was considering the bill (H. R. 10864) to supply additional hospital facilities for ex-service men and women.

The first section of the bill having been perfected by amendment was stricken out in favor of a substitute for the entire section offered by Mr. Martin B. Madden, of Illinois.

The bill was reported back to the House with sundry amendments, and a separate vote being demanded on the amendment proposing a substitute for section 1, all remaining amendments were agreed to and the amendment by way of a substitute to section 1 was rejected, yeas 137, nays 167.

Whereupon, Mr. Horace M. Towner, of Iowa, rising to a parliamentary inquiry, asked if section 1, for which a substitute had been rejected, remained in the bill in its original form or as perfected by amendments agreed to before the adoption of the substitute in the Committee of the Whole.

In debating the point of order Mr. James R. Mann, of Illinois, argued:

The gentleman assumes, I think, that those amendments were adopted in gross. The only amendments which were agreed to in gross were the amendments which were reported to the House. Suppose some gentleman offers an amendment in Committee of the Whole and some other gentleman offers an amendment to the amendment, and the amendment to the amendment is agreed to, but the amendment as amended is disagreed to. Would the gentleman claim that the amendment that had been agreed to and reported to the House was adopted?

Mr. Joseph Walsh, of Massachusetts, supplemented:

Mr. Speaker, the House can not agree to something that has never been reported to it, and when the Chairman of the Committee of the Whole House on the state of the Union makes a report he does not say "I report a bill with certain amendments that have agreed to and certain amendments that have not been agreed to." The gentleman would have one believe that the House, when it has voted upon amendments in gross, voted to agree to a lot of amendments with a proviso that if the substitute was eliminated, then the amendments were in it; that if it was voted down in the House, therefore we have agreed to these amendments. Certainly the House is not in a position where a vote it has already taken must depend on the vote which follows it. The situation is as I have stated. The Chairman of the committee reported the bill back to the House with certain amendments. The amendments were among those with the substitute for the first section of the bill. It makes no difference what was done to the section in the Committee of the Whole, the effect of it was to strike out the language as proposed in the bill, and whether there were amendments or no amendments to it the House or the Speaker has no means of knowing, because the substitute is simply one amendment. If the House rejected that one amendment the text is left in the bill, because we do not report a negation or a negative to the House.

---

<sup>1</sup>Second session Sixty-seventh Congress, Record, p. 4893.

It seems to me, having rejected the substitute which the committee agreed to and which it could have agreed to without amendment, we are not dependent on amendments which were agreed to in the committee and which the committee immediately negatived because that is the report to the House. Of course, the gentleman from Iowa will appreciate the fact that the Chairman, when he reports to the House the final action of the committee, does not report the successive stages, as pointed out by the gentleman from Illinois. If we have a dozen amendments and amendments thereto, it is only the final action of the committee that is reported.

**The Speaker <sup>1</sup> held:**

The gentleman made a parliamentary inquiry but the Chair supposes that the action of the clerks will probably depend upon the ruling of the Chair. When the gentleman first asked the question, the Chair was referred to a citation and answered the gentleman according to the precedent, that the original section would stand. During the roll call the Chair looked up that precedent. It was the only precedent that he could find. That is a precedent back in 1852, and it does not now seem to the Chair to entirely cover the matter. The Chair is informed by the parliamentary clerk that once or twice the present occupant of the chair has ruled in accordance with that precedent, but on reflection and on hearing the argument the Chair is disposed to rule the other way.

However, on April 3,<sup>2</sup> immediately after the approval of the Journal, the Speaker announced:

The Chair would like to make a statement in relation to a response to a parliamentary inquiry that he made on Friday last. The House will remember that after some slight discussion the Chair differed in some measure from some of the precedents and announced that inasmuch as the motion to strike out a section has passed in committee and been voted down in the House, that then the section stood as it had been amended in committee, and not in its original form. The Chair in making that statement thought, and still thinks, that he was following the dictates of equity and reason in that particular case, and he was also advised that there was a ruling by Speaker Clark in the same line. The Chair has not been able to discover any such ruling by Speaker Clark. There is an old legal maxim that "hard cases make bad law," and the Chair is not at all certain that his position Friday would be the wise one as a general precedent, although it seemed proper in the particular case. He therefore wishes to file a caveat and say that in the future that ruling will not be used or considered as a precedent to bind the present occupant of the chair; but if the question comes up again the Chair will carefully investigate and make a deliberate decision. Of course, we all recognize that it is extremely important that precedents should be followed. There may be occasions when it will be wise for the House to overrule old precedents and establish a new one. But it is important that the House should always know what the established law is and consequently know what to expect. The doctrine of stare decisis should be followed whenever possible, and therefore the Chair thinks it fair to the House to state that his action in the future will not be influenced by his statement of Friday.

**2425.** On March 5, 1932,<sup>3</sup> the Committee of the Whole House on the state of the Union rose and the Chairman reported that the committee having had under consideration the Treasury and Post Office Departments appropriation bill had directed him to report it with sundry amendments.

Mr. James M. Mead, of New York, rose to a parliamentary inquiry and informed the Chair that in the course of the consideration of the bill in the Committee of the Whole he had proposed an amendment which had been agreed to but that

---

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

<sup>2</sup> Record, p. 4925.

<sup>3</sup> First session Seventy-second Congress, Record, p. 3505.

subsequently a further amendment by Mr. Fiorello H. LaGuardia, of New York, had been offered and agreed to, striking out the entire section including the amendment.

Mr. Mead desired to know whether his amendment would remain in the bill if the amendment striking out the section was rejected by the House.

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

The House has no knowledge of the gentleman's amendment. The House has knowledge only of the amendment offered by the gentleman from New York, Mr. LaGuardia. If the House should vote down the amendment of the gentleman from New York it will restore the section to the bill as it was reported by the Committee on Appropriations.

**2426. If the Committee of the Whole perfect a bill by amendment and then adopt a substitute for the entire bill, only the substitute is reported to the House, and if the House rejects the substitute the original bill without amendment is before the House.**

**An amendment in the nature of a substitute for the entire bill may be offered either at the end of the bill or after the reading of the first paragraph with notice that if agreed to motions will be made to strike out the remaining paragraphs.**

**A proposition reported from the Committee of the Whole as an entire and distinct amendment may not be divided but must be voted on in the House as a whole.**

**The demand for the reading of the engrossed copy of a Senate bill can not be made in the House.**

**It is not in order to recommit, with instructions, a substitute for an entire bill adopted by the House.**

On June 28, 1922,<sup>2</sup> the Committee of the Whole House on the state of the Union was considering the bill (S. 3425) to reinstate certain land offices.

After the consideration and adoption of sundry amendments the reading of the bill was being completed when Mr. James R. Mann, of Illinois, offered an amendment in the nature of a substitute for the entire bill.

Mr. Finis J. Garrett, of Tennessee, made the point of order that a substitute for the entire bill could not be offered at the end of the bill proposing thereby to strike out not only the original bill but all amendments adopted by the Committee of the Whole in its consideration.

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

There are two methods by which substitutes for the entire bill may be offered. The first is to offer, after the first paragraph has been read, a substitute for the entire bill, with the notice that with regard to the succeeding sections of the bill as they are read a motion will be made to strike them out. That method had been used in a good many instances. In that case gentlemen will notice that, of course, there is no opportunity for amending any subsequent section of the bill, providing the substitute is agreed to.

The other method is to offer the substitute for the entire bill at the conclusion of the reading of the entire bill, as was done in this instance by the gentleman from Illinois. Of course in that

---

<sup>1</sup>John N. Garner, of Texas, Speaker.

<sup>2</sup>Second session Sixty-seventh Congress, Record, p. 9638.

<sup>3</sup>Horace M. Towner, of Iowa, Chairman.

case of all of the amendments that have been adopted by the committee, whatever they may be, are stricken out if the substitute is adopted. If the substitute contains in effect or in actual language some of the amendments that are already agreed to, that does not deprive the mover of the substitute of the consideration of his substitute. That applies practically to the case that we have before us, in the opinion of the Chair. No matter what the effect of this substitute may be, it is the right of the committee to vote down or to support the motion of the gentleman from Illinois. The point of order is, therefore, overruled.

The question is on the substitute offered by the gentleman from Illinois.

The question being taken on the substitute offered by Mr. Mann, it was decided in the affirmative and the committee reported the bill back to the House with the recommendation that the substitute be agreed to and the bill as amended be passed.

The yeas and nays having been ordered on the question of agreeing to the substitute for the bill recommended by the Committee of the Whole, Mr. Louis C. Cramton, of Michigan, requested a separate vote on each section of the substitute.

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

The Chair has no authority to allow the amendment to be divided.

Mr. Homer Hoch, of Kansas, submitted a parliamentary inquiry as to whether, in event of the rejection of the substitute, the original bill would be before the House or the bill as amended in the Committee of the Whole before the adoption of the substitute.

The Speaker said:

This bill is reported with one amendment. There are no other amendments before the House; therefore if this amendment should be disagreed to, the original bill would be before the House not as amended. The only way the House could express itself, if it wished to amend it, would be by a motion to recommit. The Chair thinks it would be the original Senate bill. The question is on agreeing to the amendment.

The question being put, the substitute recommended by the Committee of the Whole was agreed to, when Mr. Cramton demanded the reading of the engrossed copy.

The Speaker overruled the request and said:

This is a Senate bill.

Thereupon Mr. Cramton offered a motion to recommit with instruction to strike out a portion of the substitute and insert in lieu thereof a certain amendment.

Mr. Mann made the point of order that instructions to strike out any portion of an amendment just inserted by the House were not in order.

The Speaker sustained the point of order and said:

This question has been settled by a uniform line of decisions and has been ruled upon by the present Speaker several times. The rule is laid down very conclusively. After the House has adopted an amendment, as it has in this case, it is not subject to amendment indirectly by a motion to recommit. The Chair thinks the only motion would be a motion to recommit without instructions.

The House has adopted this amendment. It is not the act of the committee, but an act of the House, and after it has been adopted the House can not amend it. The amendment is a substitute for the entire bill.

The Chair sustains the point of order.

---

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

**2427. A separate vote in the House on a perfecting amendment offered in the Committee of the Whole and incorporated in an amendment reported to the House is not in order and may be had only by unanimous consent.**

**When a Senate bill is reported by the Committee of the Whole with an amendment in the nature of a substitute and the House rejects the substitute, and the previous question is operating, the vote recurs on the Senate bill without amendment.**

**The motion to recommit may not include instructions modifying an amendment agreed to by the House.**

On May 14, 1930.<sup>1</sup> the Committee of the Whole House on the state of the Union reported to the House the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of agricultural commodities in interstate and foreign commerce, with an amendment in the nature of a substitute, and with the recommendation that the amendment be agreed to and that the bill as amended be passed.

Mr. Frederick R. Lehlbach, of New Jersey, as a parliamentary inquiry, asked what would be before the House in event the amendment recommended by the Committee of the Whole was rejected.

The Speaker pro tempore<sup>2</sup> replied that if the amendment was rejected the vote would recur on the Senate bill as messaged to the House.

Mr. C. William Ramseyer, of Iowa, then referred to the desire of a number of Members for a separate vote in the House on perfecting amendments offered in the Committee of the Whole and incorporated in the substitute reported to the House, and asked the Chair to explain the parliamentary situation.

The Speaker pro tempore said:

The House has been considering the bill S. 108. The Committee on Agriculture amended that bill by striking out all after the enacting clause and inserting an amendment of its own. That amendment has been perfected in the Committee of the Whole and has been reported to the House as a single amendment.

There is only one amendment reported to the House. The House has no knowledge of any action taken by the Committee of the Whole, except as reported to it by the Chairman of the Committee of the Whole.

From a parliamentary standpoint this is but a single amendment, and so far as the House is concerned the House is at liberty to vote on but one amendment.

In response to an inquiry from Mr. Fred S. Purnell, of Indiana, the Speaker pro tempore added that a vote on any proposition incorporated in the amendment reported by the Committee of the Whole to the House could be had by unanimous consent.

Thereupon, Mr. James B. Aswell, of Louisiana, asked if it would be in order to recommit the bill with instructions to modify certain provisions in the substitute just adopted by the House.

The Speaker pro tempore that held the House having adopted an amendment it would not be in order to move to recommit with instructions which could not have been offered as amendments in the Committee of the Whole, and if an amendment

---

<sup>1</sup> Second session Seventy-first Congress, Record, p. 8934.

<sup>2</sup> John Q. Tilson, of Connecticut, Speaker pro tempore.

recommended by the Committee of the Whole was agreed to by the House it would not be in order to propose a motion to recommit with instructions modifying such amendment.

**2428. Paragraphs ruled out in Committee of the Whole on points of order are not reported to the House.**

On January 31, 1921,<sup>1</sup> the Chairman of the Committee of the Whole House on the state of the Union reported that the committee had had under consideration the river and harbor bill and had directed him to report it back to the House without amendment and with favorable recommendation.

Mr. Thomas L. Blanton, of Texas, made the point of order that the report of the Chairman was inaccurate in that it failed to report two paragraphs having been stricken from the bill on points of order.

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

The Chair must be governed by the report made by the Chairman of the Committee of the Whole House on the state of the Union, and overrules the point of order.

**2429. A matter alleged to have arisen in Committee of the Whole but not reported by the Chairman may not be brought to the attention of the House.**

**The Speaker has no official knowledge of proceedings in Committee of the Whole save as reported by its Chairman.**

**There is no appeal from a decision by the Speaker on a question of recognition.**

On March 2, 1910,<sup>3</sup> the Committee of the Whole House on the state of the Union rose and the Chairman reported that the committee having had under consideration the bill (S. 4639) concerning tonnage duties on lake vessels, had directed him to report the bill back to the House with the recommendation that it be passed.

Mr. Gilbert M. Hitchcock, of Nebraska, rising to a question of order, informed the Speaker that the bill had not been read for amendment in the Committee of the Whole under the five-minute rule.

The Speaker<sup>4</sup> said.

The Chair has no knowledge of what took place in Committee of the Whole House on the state of the Union except by the report of the chairman of that committee to the House. The bill is reported back by the chairman with the recommendation that it do pass. And the Chair has no knowledge, parliamentarily or in fact, except what the gentleman states. The Chair must rely upon the report of the Chairman of the Committee of the Whole House on the state of the Union.

Mr. Hitchcock and Mr. Sereno E. Payne, of New York, simultaneously demanded recognition to move to recommit the bill.

The Speaker having recognized Mr. Payne, Mr. Hitchcock appealed from the decision of the Chair.

The Speaker ruled:

On a question of recognition the Chair declines to entertain the appeal, in conformity with the precedents of the last 40 years.

---

<sup>1</sup>Third session Sixty-sixth Congress, Record, p. 2357.

<sup>2</sup>Frederick H. Gillett, of Massachusetts, Speaker.

<sup>3</sup>Second session Sixty-first Congress, Record, p. 2639.

<sup>4</sup>Joseph G. Cannon, of Illinois, Speaker.

**2430. When a bill is reported from the Committee of the Whole with an adverse recommendation, an opponent of the bill is recognized to make a motion as to its disposition.**

**The Speaker is not presumed to have knowledge of proceedings had in the Committee of the Whole and not reported to the House through its Chairman.**

On March 2, 1910.<sup>1</sup> the Committee of the Whole House on the state of the Union at the conclusion of its consideration of the bill (H. R. 15814) for the purchase of embassy buildings abroad, rose and reported the bill back to the House through its Chairman<sup>2</sup> with the recommendation that the enacting clause be stricken out.

The Speaker<sup>3</sup> announced:

The Committee of the Whole House reports, through its Chairman, that that committee struck out the enacting clause. Now, while the Chair is supposed not to know, and does not know as Speaker, upon whose motion the enacting clause was stricken out, or what discussion took place in the Committee of the Whole House, yet that action is evidently adverse to the bill and therefore the Chair would recognize an opponent of the bill.

---

<sup>1</sup>Second session Sixty-first Congress, Record, p. 2648.

<sup>2</sup>William H. Stafford, of Wisconsin, Chairman.

<sup>3</sup>Joseph G. Cannon, of Illinois, Speaker.