a committee ascertain from the reporters of the House whether Mr. Sam C. Massingale, of Oklahoma, had wrongfully withheld from the Record in revising his remarks the entire proceedings by which his remarks were taken down and ruled upon by the Speaker. The Speaker[5] asked Mr. Hoffman whether he desired to have the resolution referred to a committee. Mr. Hoffman responded that, in the discretion of the Speaker, he would like it referred to either a special committee or to any standing committee. The Speaker stated that the Committee on Rules would have jurisdiction over the resolution. The resolution was so referred.

§ 20. Extension of Remarks

The practice in the House of permitting Members to extend their remarks so as to insert in the Record speeches that were not delivered on the floor of the House and extraneous materials related to the subject under discussion is a long-standing one.[6] A Member must obtain the consent of the House to extend his remarks,[7] and authorizations to extend remarks in the Record are strictly construed.[8] The Speaker will only entertain requests for permission to extend remarks at certain times during the conduct of House business,[9] and such requests will be granted only to the individual whose remarks are to be inserted.[10] The Chairman of the Committee of the Whole may recognize a Member to extend his own remarks,[11] but the Committee of the Whole lacks the power to permit the inclusion of extraneous materials[12] or to permit insertions at a later date.[13] The insertion of unparliamentary remarks is prohibited, and violations of this rule give rise to a question of privilege of the House.[14]

5. William B. Bankhead (Ala.).

6. For a discussion of the reasons underlying the development of the practice, see 5 Hinds' Precedents §§ 6990–6996, 6998–7000.

7. See § 20.1, infra.

8. 8 Cannon's Precedents § 3479.

9. See § § 20.4 et seq., infra.

10. House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. These rules are frequently reprinted in the daily edition of the *Congressional Record* in the section entitled "Laws and Rules for Publication of the Congressional Record", which precedes the section entitled "Daily Digest".

11. See § 20.12, infra.

12. See 20.13, infra.

13. See § 20.18, infra.

14. See § 20.19, infra; 8 Cannon's Precedents § 3495; 5 Hinds' Precedents

While the inclusion of extraneous materials is permitted, a Member must conform to the limitations imposed by statute and the rules of the Joint Committee on Printing. For example, only the Joint Committee on Printing, and not the House, can permit the insertion in the Record of maps, diagrams, or illustrations.[15] When permission is obtained to insert extraneous materials, the insertions must conform to the descriptions in the request for permission to which the House has consented.[16]

Under the rules of the Joint Committee on Printing,[17] a Member may not insert extraneous matter in excess of two printed Record pages, unless he announces coincident with the request for leave to print or extend the estimate in writing from the Public Printer of the probable cost of publishing the insertion, and the House agrees to permit its inclusion notwithstanding the cost. If a Member submits an extension of remarks containing extraneous matter in excess of two pages, it is the duty of the Public Printer to return the insertion with an estimate of cost.[18] In constructing the "Extensions of Remarks" section, the Public Printer is authorized to withhold any extensions of remarks which exceed economical press fill or exceed production limitations.[19]

The rules of the Joint Committee on Printing and the House Supplement to those rules delineate the types of insertions which are permitted in the body of the Record and those permitted only in the "Extensions of Remarks" section. The only extraneous materials permitted in the body of the Record are as follows: excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate; communications from state legislatures; addresses or articles by the President and the members of his Cabinet, the Vice President, or a Member of Con-

§§ 7005–7008. Questions of privilege generally, see Ch. 11, infra.

15. 44 USC § 904 (1970).

16. See §§ 20.25, 20.26, infra; 8 Cannon's Precedents §§ 3462, 3479, 3480; 5 Hinds' Precedents § 7001.

17. Rule 12 of the Joint Committee on Printing, effective May 23, 1972.

18. For a discussion on the House floor of regulations concerning the inclusion of extraneous material, see 91 CONG. REC. 839–841, 79th Cong. 1st Sess., Feb. 6, 1945.

19. Rule 4, House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. Extensions withheld for such reasons will be printed in succeeding issues, at the direction of the Public Printer.

gress.[20] Newspaper or magazine articles, or other matter not germane to the proceedings, may be inserted only in the "Extensions of Remarks" section, but this rule does not apply to quotations which form part of a speech of a Member, or to an authorized extension of his own remarks.[1] In addition, any extraneous matter which is inserted pursuant to permission granted to extend at this point in the Record, or pursuant to a request to address the House for one minute prior to the morning business of the House, may be printed only in the "Extensions of Remarks" section.[2]

There are several different circumstances in which requests are made for permission for more than one Member to extend remarks. Such requests may or may not be limited to certain subject matters. For example, prior to adjournment to a day certain,[3] or adjournment *sine die*,[4] all Members are permitted to extend their remarks.[5] Floor managers of specific legislation are permitted to request permission for all Members to insert their remarks relative to the legislation.[6] The House usually grants permission

20. Rule 12 of the Joint Committee on Printing, effective May 23, 1972. Section three of the same rule authorizes the official reporters of the House or the Public Printer to return to the Member any matter submitted for the *Congressional Record* which is in contravention of the provisions of this rule.

1. Rule 1 of House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970.

2. Rule 2 of House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. One-minute speeches delivered during the morning business of Congress are not permitted to exceed 300 words. Statements exceeding this limit are printed following the business of the day.

3. § 20.32, infra.

4. § 20.36, infra.

5. With respect to extensions in the last edition of the Record for a session of Congress, no address, speech, or article delivered or released subsequent to the *sine die* adjournment of a session may be printed in the Record. Rule 1 of House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. However, committee chairmen and ranking minority members frequently are permitted to insert reports concerning the activities of their respective committees in the last edition of the Record for a session. See § 20.37, infra.

6. Rule 3 of the House Supplement to "Laws and Rules for Publication of the Congressional Record", effective Dec. 29, 1970. Only matter pertaining to the specific legislation may be included pursuant to this request. Tables and charts pertinent to the legislation may be included, but not newspaper clippings and editorials.

for all Members to extend their remarks on the occasion of the death of a Member.[7]

The rules of the Joint Committee on Printing provide that a Member may withhold his extension of remarks for a period not exceeding 30 calendar days from the time he has obtained permission to extend.[8] Where the two Houses of Congress have, by concurrent resolution, authorized a special printing of material extracted from the Record, the Joint Committee sometimes extends the normal 30day limit for insertions in the Record.[9]

Extensions Requiring Consent of House

§ 20.1 A Member must have permission from the House to extend his remarks, but he may revise his own remarks without obtaining permission.[10]

§ 20.2 The extension of remarks in the Record by a Member without the permission of the House constitutes grounds for a question of the privilege of the House, and the House may expunge such remarks from the permanent Record.

On Aug. 27, 1940,[11] Mr. Jacob Thorkelson, of Montana, was recognized to state a question of privilege of the House. He introduced a resolution stating that on Aug. 14, 1940, Mr. Adolph J. Sabath, of Illinois, inserted in the *Congressional Record* remarks charging him with having inserted in the Record "scurrilous matter" and a forged letter. In addition, Mr. Thorkelson alleged in the resolution that the remarks had been inserted by Mr. Sabath without permission from the House. The House agreed by unanimous consent to permit Mr. Sabath to withdraw the word "scurrilous" from his extension of remarks,[12] and the Speaker[13] ruled that the statement of Mr. Sabath did not charge Mr. Thorkelson with having forged the letter or introduced it knowingly, and that the statement did not constitute a matter of privilege.[14]

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7. See § 20.33, infra.

8. Rule 7 of the Joint Committee on Printing, effective May 23, 1972.

9. The Joint Committee on Printing extended the deadline for the publication of eulogies to Dwight David Eisenhower. 115 CONG. REC. 18382, 91st Cong. 1st Sess., July 7, 1969.

10. A discussion of this rule appears in § 19.1, supra.

11. 86 CONG. REC. 11046–49, 76th Cong. 3d Sess.

12. *Id.* at p. 11048.

13. William B. Bankhead (Ala.).

14. 86 CONG. REC. 11048, 76th Cong. 3d Sess.

The Speaker stated that the only question of privilege remaining concerned whether Mr. Sabath had obtained the permission of the House to extend his remarks in the Record.[15] Mr. Sabath had previously stated that if any question remained, he would be willing to withdraw his remarks from the Record with the unanimous consent of the House.[16] Mr. Thorkelson, however, objected to that request, because he sought an opportunity to explain his position during the debate on the resolution. At the conclusion of debate, the resolution expunging the remarks from the Record of Aug. 14 was agreed to by the House.[17]

Consent of Member Yielding Floor

§ 20.3 A Member who has been yielded to for the purpose of asking a question may not, without the consent of the Member controlling the floor, and the House, extend his remarks by inserting an additional statement in such a way as to change the meaning of what was said.

On Mar. 27, 1935,[18] a discussion occurred on the floor of the House concerning the question of whether a Member, who has been yielded to for the purpose of asking a question, may extend his remarks so as to include statements not made on the House floor. Mr. Albert E. Carter, of California, stated that Mr. Charles Kramer, of California, had yielded to him for the purpose of asking a question during a floor debate several days earlier Mr. Carter subsequently obtained the unanimous consent of the House to revise and extend his remarks, but he did not inform Mr. Kramer that he intended to alter the colloquy that had occurred between them on the floor. Upon receiving the transcript of the proceedings for that day, Mr. Carter inserted in the Record several additional statements that he had not made on the floor. When the transcript was later submitted to Mr. Kramer, he realized that Mr. Carter had not made those statements during debate, and crossed them out before returning them to the printer. Mr.

15. 86 CONG. REC. 11156, 76th Cong. 3d Sess., Aug. 28, 1940.

16. *Id.* at 11153.

17. *Id.* at 11158. See 80 CONG. REC. 7019–21, 74th Cong. 2d Sess., May 11, 1936, for an example of an occasion on which the House refused to agree to a resolution to expunge from the Record remarks which the proponent contended had been inserted in the Record without the permission of the House.

18. 79 CONG. REC. 4541, 74th Cong. 1st Sess.

Carter contended that Mr. Kramer had no right to delete those remarks from the Record because they had been inserted as a result of his having received the unanimous consent of the House to revise and extend his remarks. Mr. Kramer then requested the opinion of the Chair as to whether a Member who was yielded to for the purpose of asking a question is permitted to extend his remarks so as to include additional statements. The Speaker[19] responded as follows:

> He must have the consent of the Speaker and of the Member, if he is undertaking to change the Import of what a Member said who had addressed the House. The Chair states that a Member making a revision must have the consent of the Member who has yielded to him in order to make the correction, especially if the correction is such as to change the import of the question which he has asked.

The Speaker, in response to a further parliamentary inquiry, stated that a Member who has yielded may not, however, strike out remarks that were actually made on the floor by a Member to whom he had yielded.

Requests to Extend

§ 20.4 The Speaker will not entertain unanimous-consent requests to insert materials in the Record prior to the reading and approval of the Journal.

On Sept. 19, 1962,[20] prior to the completion of the reading of the Journal, Mr. Carl Albert, of Oklahoma, requested unanimous consent to insert in the appendix of the Record his own remarks and a letter from the Secretary of State addressed to the Speaker of the House. The Speaker[1] refused to entertain such a request until after the Journal had been read and acted upon.

§ 20.5 Brief remarks of a Member, who receives permission from the House to extend his remarks following the approval of the Journal, will be placed in the Record before the business of the day, but not necessarily immediately following the approval of the Journal.

On Oct. 25, 1967,[2] the House agreed to a unanimous-consent request that Mr. Philip Burton, of California, be permitted to extend his remarks following the approval of the Journal. The fol-

19. Joseph W. Byrns (Tenn.).

20. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

1. John W. McCormack (Mass.).

2. 113 CONG. REC. 30022, 90th Cong. 1st Sess.

lowing proceedings then occurred concerning that request:

> MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE:[3] The gentleman will state his parliamentary inquiry.
>
> MR. HALL: A most unusual request has been granted, I full well agree, by unanimous consent, for a gentleman to extend his remarks after the reading of the Journal. Does that mean anywhere after the Journal for this date certain?
>
> THE SPEAKER PRO TEMPORE: After the approval of the Journal.
>
> MR. HALL: My inquiry is, was the gentleman granted unanimous consent to insert his remarks today in the Record, which will be delivered tomorrow, at any time after the reading of the Journal today?
>
> THE SPEAKER PRO TEMPORE: It was a 1-minute speech, and it will be printed in the Record after approval of the Journal.
>
> MR. HALL: I thank the Chair.

The remarks of Mr. Burton were printed in the Record for Oct. 25, 1967,[4] following a number of other one-minute speeches. This group of one-minute speeches was printed subsequent to the approval of the Journal and messages from the President and the Senate, and prior to the business of the day.

Parliamentarian's Note: Extensions of remarks which exceed the 300-word limitation appear following the business of the day in the portion of the Record devoted thereto.

§ 20.6 The Speaker has recognized Members to extend their remarks "at this point in the Record" regardless of the number of words on those occasions when there was no legislative program for the day.

On Feb. 6, 1945,[5] the following parliamentary inquiry and response by the Speaker[6] occurred:

> MR. [ROBERT F.] RICH [of Pennsylvania]: I wish to ask the Chair how it is that if a Member on this side asks for a minute in which to address the House he is permitted to insert 300 words or less, but that when some Members on the other side of the aisle make similar requests they are permitted to put in 7½ pages, or some 8,000 words? How does the discrimination come about?
>
> THE SPEAKER: There is no discrimination because there was no legislative program on yesterday and anyone had the right to extend his remarks "at [that] point" in the Record.

§ 20.7 The Speaker, while a motion to discharge a committee is pending, declines to recognize a Member who

3. Roman C. Pucinski (Ill.).
4. 113 CONG. REC. 29915, 90th Cong. 1st Sess.
5. 91 CONG. REC. 839, 79th Cong. 1st Sess.
6. Sam Rayburn (Tex.).

wishes to request unanimous consent to extend his remarks.

On June 11, 1945,[7] the House was considering a motion to discharge the Committee on Rules from further consideration of a resolution[8] providing for the consideration of a bill[9] making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary' or other election for national officers. After the Clerk read the resolution, Mr. John E. Rankin, of Mississippi, requested unanimous consent to extend his remarks at that point in the Record. The Speaker[10] replied that the Chair could not recognize Members to extend their remarks until the pending motion to discharge the Committee on Rules had been disposed of.

§ 20.8 The Speaker, while a motion to suspend the rules was pending, refused to recognize a Member who wished to request permission from the House to insert materials in the Record.

On July 21, 1947,[11] the House was considering a motion to suspend the rules and pass a bill[12] to make unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers. During the debate on the motion Mr. Thomas Pickett, of Texas, sought recognition for the purpose of making a unanimous-consent request to insert materials in the Record.[13] The Speaker[14] refused to recognize Mr. Pickett for such a purpose at that time, and stated that the request should be made immediately following the vote on the motion to suspend the rules.

§ 20.9 Immediately subsequent to the agreement by the House to a motion to discharge a committee from the consideration of a bill, the Speaker announced the intention of the Chair to entertain unanimous-consent requests for extensions of remarks, without interfering with the right of a Member to move that the House resolve itself into the Committee of the Whole.

7. 91 CONG. REC. 5892, 79th Cong. 1st Sess.
8. H. Res. 139, 79th Cong. 1st Sess. (1945).
9. H.R. 7, 79th Cong. 1st Sess. (1945).
10. Sam Rayburn (Tex.).
11. 93 CONG. REC. 9522, 80th Cong. 1st Sess.
12. H.R. 29, 80th Cong. 1st Sess. (1947).
13. 93 CONG. REC. 9525, 80th Cong. 1st Sess.
14. Joseph W. Martin, Jr. (Mass.).

On Apr. 26, 1948,[15] the House agreed to a motion to discharge the Committee on Agriculture from further consideration of a bill to repeal the tax on oleomargarine.[1] Immediately after the vote the Speaker, Joseph W. Martin, Jr. of Massachusetts, made the following announcement:

> Without interfering with the rights of the gentleman from South Carolina to move to go into the Committee of the Whole, the Chair will entertain consent requests for extensions of remarks only.

§ 20.10 The Chairman of the Committee of the Whole may recognize a Member who has spoken to revise and extend his own remarks.[2]

Motions to Extend

§ 20.11 A motion to permit a Member to extend his remarks in the Record is not a privileged motion.

On Feb. 8, 1950,[3] the following parliamentary inquiry was made:

> MR. [CLARE E.] HOFFMAN of Michigan: If I object to a unanimous-consent request that a Member be permitted to extend his remarks in the Record, is it proper to move that he be permitted to extend his remarks?

The Speaker[4] replied that the motion to permit an extension of remarks is not a privileged motion.

In Committee of the Whole

§ 20.12 The Committee of the Whole lacks the power to permit the inclusion of extraneous materials in an extension of remarks.

§ 20.13 The Committee of the Whole can permit a Member to revise and extend only his own remarks, and excerpts from other materials are considered extraneous and not part of the Member's own remarks even though they may be relevant to the subject under consideration.

On Apr. 14, 1937,[5] during the debate on a bill[6] to amend the Interstate Commerce Act, the following exchange occurred concerning a unanimous-consent request:

> MR. [WALTER M.] PIERCE [of Oregon]: Mr. Chairman, I ask unanimous

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15. 94 CONG. REC. 4841, 80th Cong. 2d Sess.

1. H.R. 2245, 80th Cong. 2d Sess. (1948).

2. See § 20.14, infra.

3. 96 CONG. REC. 1661, 81st Cong. 2d Sess.

4. Sam Rayburn (Tex.).

5. 81 CONG. REC. 3463, 75th Cong. 1st Sess.

6. H.R. 1668, 75th Cong. 1st Sess. (1937).

consent that I may have the privilege of revising and extending my remarks and including therein such letters and telegrams as I have here denying or repudiating their appearance as proponents of the Pettengill bill.

THE CHAIRMAN:[7] The Chair will remind the gentleman from Oregon that the request to extend his own remarks to include extraneous matter must be submitted in the House and not in Committee of the Whole.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Chairman, a point of order. Is this extraneous matter? It is matter that is very pertinent, in the opinion of the majority.

THE CHAIRMAN: It is the understanding of the Chair that in Committee of the Whole a Member may extend his own remarks but may not include therein any extracts from other matters than his own particular remarks.

MR. BULWINKLE: Except what he has read?

THE CHAIRMAN: Of course, what he has already read is in the Record, or supposed to be.

MR. BULWINKLE: I wish to call attention to the fact that this is not extraneous matter, Mr. Chairman.

THE CHAIRMAN: It is the opinion of the Chair that the inclusion of telegrams, letters, or other writings other than those actually read in Committee of the Whole will have to be inserted in the Record with the consent of the House and not the Committee of the Whole.

§ 20.14 The Chairman of the Committee of the Whole will entertain a unanimous-consent request by a Member to revise and extend his own remarks, but a request to include an article, even one written by another Member, is in order only in the House and not in the Committee of the Whole.

During the debate on the Legislative Reorganization Act of 1970[8] in the Committee of the Whole, Mr. Frederick Schwengel, of Iowa, requested unanimous consent to insert in the Record an article written by a House colleague on the subject of minority staffing.[9] At this point in the debate the following exchange occurred:

THE CHAIRMAN [William H. Natcher, of Kentucky]: Is the statement that the gentleman is requesting to be printed in the Record his own statement?

MR. SCHWENGEL: Yes.

7. J. Mark Wilcox (Fla.).

8. H.R. 17654, 91st Cong. 2d Sess. (1970). See for debate 116 CONG. REC. 24586, 91st Cong. 2d Sess., July 16, 1970.

9. The text of the proceedings surrounding this unanimous-consent request by Mr. Schwengel was printed in the daily edition of the Record for July 16, 1970. Permission to insert the article was obtained at a later time in the House, and the permanent edition of the Record contains a reprint thereof. 116 CONG. REC. 24591, 91st Cong. 2d Sess., July 16, 1970.

THE CHAIRMAN: Without objection, it is so ordered.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman from Ohio will state his parliamentary inquiry.

MR. HAYS: I thought the gentleman said that it was the statement of somebody else.

MR. SCHWENGEL: It is.

THE CHAIRMAN: The Chair inquired of the gentleman if it was his own statement. Is it the statement of the gentleman in the well?

MR. SCHWENGEL: It is not.

THE CHAIRMAN: Then the gentleman from Iowa will have to request permission for that statement to be printed in the Record when we go back in the House.

MR. SCHWENGEL: At the proper time I will make that request.

§ 20.15 A unanimous-consent request to extend remarks in the Record by incorporating extraneous materials, by a Member who has not spoken on the bill under consideration in the Committee of the Whole, is in order only in the House and not in the Committee of the Whole.

On Jan. 23, 1936,[10] during the consideration of the Supplemental Appropriations Bill of 1936,[11] the following proceedings occurred:

MR. [FRANCIS D.] CULKIN [of New York]: Mr. Chairman, I ask unanimous consent to extend my remarks in the Record, if the request is in order at this time, and to include in the extension copies of resolutions of various agricultural bodies and other organizations of the United States protesting against these reciprocal tariff treaties.

MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Chairman, I make the point that cannot be done in Committee.

THE CHAIRMAN:[12] The Chair will invite the gentleman's attention to the fact he has not spoken on the bill, and such permission would have to be granted in the House rather than in Committee of the Whole.

§ 20.16 Although a Member may not obtain permission in the Committee of the Whole to extend his remarks so as to include extraneous materials, he may be permitted to read those extraneous materials if he is yielded time and the Committee consents.

On Apr. 18, 1944,[13] during the debate in the Committee of the Whole on a bill to extend lend lease,[14] Mr. Clare E. Hoffman, of Michigan, requested permission from the Committee to extend his remarks and insert several letters in the Record. The Chairman[15]

10. 80 CONG. REC. 950, 74th Cong. 2d Sess.

11. H.R. 10464, 74th Cong. 2d Sess. (1936).

12. Jere Cooper (Tenn.).

13. 90 CONG. REC. 3558, 78th Cong. 2d Sess.

14. H.R. 4254, 78th Cong. 2d Sess. (1944).

15. Warren G. Magnuson (Wash.).

refused Mr. Hoffman's request, and stated that such permission would have to be obtained from the House. Mr. Hoffman then requested the opinion of the Chairman as to whether he could read those letters into the Record. The Chairman replied that if Mr. Hoffman were yielded time the letters could be read with the consent of the Committee of the Whole.

§ 20.17 The Committee of the Whole agreed by unanimous consent to permit a Member to insert in the Record as part of his remarks the text of an amendment he had drafted, but which could not be submitted for consideration under a closed rule.

On Aug. 31, 1965,[16] during the consideration of a bill providing for the implementation of the Automotive Products Trade Act of 1965,[17] the following exchange occurred concerning a unanimous-consent request:

> MR. [ROBERT] MCCLORY [of Illinois]: . . . Now, Mr. Chairman, I had intended to offer an amendment, if the rule were an open rule and if we had the opportunity to offer such an amendment.
>
> However, I do ask leave to attach at the conclusion of my remarks the amendment that I would offer if I had the opportunity to do so at the appropriate time. . . .
>
> Therefore, Mr. Chairman, I ask unanimous consent to attach my proposed amendment as a part of my remarks.
>
> THE CHAIRMAN:[18] The Chair wishes to inquire if the statement is the gentleman's own statement?
>
> MR. MCCLORY: Yes; it is my own statement. It relates to an amendment that I would offer if I had an opportunity to offer it. It merely qualifies the acquiescence of the Congress with respect to this legislation, with the proviso that is contained in the proposed amendment, which I have explained.

The unanimous-consent request was agreed to by the Committee of the Whole, and the text of the amendment was printed in the Record following the remarks of Mr. McClory.[19]

§ 20.18 A unanimous-consent request to permit all Members five days to revise and extend their remarks on a particular subject is not in order in the Committee of the Whole.

On Sept. 19, 1967,[20] during the debate on a bill[1] to amend the

16. 111 CONG. REC. 22385, 89th Cong. 1st Sess.
17. H.R. 9042, 89th Cong. 1st Sess. (1965).
18. Harold D. Donohue (Mass.).
19. 111 CONG. REC. 22385, 89th Cong. 1st Sess.
20. 113 CONG. REC. 26032, 90th Cong. 1st Sess.
1. H.R. 6418, 90th Cong. 1st Sess. (1967).

Public Health Service Act, the following exchange occurred:

> MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Chairman, I detect a strange change in the nature of debate on this subject today from the one that took place a few days ago. . . . I am wondering if this is not because the subject has come up suddenly as an amendment rather than as a bill that was announced ahead of time. . . . Therefore, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend. . . .
>
> MR. [BURT L.] TALCOTT [of California]: Mr. Chairman, I object.
>
> THE CHAIRMAN:[2] That request is properly made in the House and not in the Committee of the Whole. Objection is not necessary.

Unparliamentary Insertions

§ 20.19 The insertion in the Record of unparliamentary remarks is sufficient to raise a question of the privilege of the House.

This ruling, which was rendered on Sept. 5, 1940, is discussed elsewhere in this chapter.[3]

§ 20.20 A Member cannot extend his remarks so as to insert in the Record anything that could not be stated on the House floor.

On July 3, 1946,[4] the Speaker[5] called to the attention of the House the fact that several Members had recently extended their remarks so as to insert language that reflected adversely on a Member or Members of the Senate. The following parliamentary inquiry was then made:

> MR [JOHN W.] MCCORMACK [of Massachusetts]: In other words, Mr. Speaker, under the rules no Member can insert in the Appendix of the Record under Extension of Remarks that which could not be stated on the floor of the House.

The Speaker responded affirmatively to the parliamentary inquiry.

§ 20.21 It is a violation of the rule of comity between the two Houses for a Member to insert in the Record an editorial critical of a Member of the Senate.

On June 25, 1956,[6] Speaker Sam Rayburn, of Texas, made the following announcement:

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2. Jack B. Brooks (Tex.).

3. See § 17.1, supra. See § 17.4, supra, for an occasion on which Speaker Sam Rayburn (Tex.) declined to rule on a question of personal privilege arising from the insertion in the Record of allegedly unparliamentary remarks because the transcript of the insertion had not been submitted for his inspection.

4. 92 CONG. REC. 8299, 79th Cong. 2d Sess.

5. Sam Rayburn (Tex.).

6. 102 CONG. REC. 10924, 84th Cong. 2d Sess.

There has always existed complete comity between the Senate and the House of Representatives. The rules of the House provide that no Member of the House shall criticize a Senator on the floor of the House. It has been called to the attention of the Chair that in recent days editorials highly critical of Members of the other body have been placed in the Record. That is a violation of the rules. As far as the present occupant of the Chair is concerned, he is not going to tolerate it any more.

§ 20.22 The Speaker announced that extensions of remarks should be submitted to the Chair if there is any question as to whether they refer adversely to Members of the Senate.

On July 3, 1946,[7] the Speaker[8] made the following announcement:

The Chair has had called to his attention in the last few days some extensions of remarks by Members of the House that the Chair thinks are a reflection on a Member or Members of the Senate. The Chair trusts that that does not happen any more. If there is any question as to whether or not an extension of remarks refers to a Member of the Senate in any way that might be offensive to him, the Chair hopes the matter will be submitted to the Chair before the remarks go to the printer.

7. 92 CONG. REC. 8299, 79th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

Limitations on Extraneous Matter

§ 20.23 A Member who has secured unanimous consent to address the House for one minute and revise and extend his remarks may not without the consent of the House include in such remarks extraneous matter such as a speech made by another person.

On Jan. 18, 1946,[9] Mr. Emerson H. De Lacy, of Washington, requested and received unanimous consent to address the House for one minute, and to revise and extend his remarks. At the conclusion of his remarks on the House floor, Mr. De Lacy requested unanimous consent to insert a speech delivered by an Under Secretary of Commerce. When this request was objected to, Mr. John J. Cochran, of Missouri, made the following point of order:

Mr. Speaker, a point of order. The gentleman from Washington arose and asked permission of the Chair to speak for 1 minute and to revise and extend his remarks. That permission was granted. I take the position that under that request to address the House for 1 minute and to revise and extend his remarks the gentleman has a right to include what he desires in the Record.

9. 92 CONG. REC. 129, 79th Cong. 2d Sess.

The Speaker pro tempore[10] ruled as follows:

> The Chair is of the opinion that the unanimous-consent request to speak for 1 minute and to revise and extend his remarks related to the remarks that the gentleman from Washington might make during the period that he addressed the House and that it did not include any specific extraneous matter which might be in addition to what he said himself or what he might add as his own remarks. The Chair, of course, was hopeful that the unanimous-consent request to include this specific matter would not be objected to. With reference to the point of order made by the gentleman from Missouri, the Chair must rule that . . . the unanimous-consent request of the gentleman from Washington did not include the specific matter which has previously been referred to.

§ 20.24 A Member who extends his remarks pursuant to an expression of unanimous consent by the House permitting Members to extend their own remarks on a specific bill, must confine his remarks to the subject matter of the bill and must not include extraneous materials such as letters, editorials or articles.

In the 74th Congress, debate on the Revenue Bill of 1936 was conducted in the Committee of the Whole pursuant to a special order that limited debate to the subject matter of the bill.[11] The House had agreed to a unanimous-consent request permitting all Members to have five legislative days in which to extend their own remarks in the Record on the bill. On Apr. 27, 1936,[12] an inquiry was made in the House concerning the extent to which a Member who extends his remarks on the bill in the Committee of the Whole pursuant to the unanimous-consent request can deviate from the subject matter of the bill and whether extraneous materials such as letters, editorials, or articles can be inserted. The proceedings were in part as follows:

> MR. [CARL E.] MAPES [of Michigan]: . . . My inquiry is, is there any limitation upon the right of a Member to extend his remarks made in the Committee of the Whole on any subject or in any way he sees fit, and if there is, what the limitation is, keeping in mind the special order of the House that debate be confined to the bill, which I assume carries with it the assumption that extensions of remarks shall also be confined to the bill? . . .
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> THE SPEAKER:[13] After all, the Chair must be guided by the rule of reason. Under the circumstances under which the bill is being considered, if we ad-

10. John W. McCormack (Mass.).

11. See 80 CONG. REC. 6204, 74th Cong. 2d Sess., Apr. 27, 1936.

12. *Id.*

13. Joseph W. Byrns (Tenn.).

here to the orders of the House debate must be confined to the subject matter of the bill, and any debate which does not confine itself to the subject matter of the bill or which is not in some way related to the tax matters under consideration would not be in order.

The Chair does not think the Committee of the Whole House on the state of the Union, under the orders previously made, and to which the gentleman from Michigan [Mr. MAPES] has referred, would have the right to permit the inclusion of articles, editorials in newspapers, or magazine articles as a part of one's remarks, unless specific permission has been obtained from the House for that purpose.

Under the [unanimous-consent] request . . . all Members of the House have 5 legislative days within which to extend their own remarks in the Record. The Chair calls attention of the House to the fact that the request was so worded and so granted, as appears in the Record, so as to limit such extensions to the subject of the tax bill. It is clear to the Chair that if any Member desires to insert editorials, articles in newspapers and magazines, or any matter other than the remarks uttered by him on the floor he would have to secure that permission from the House. The Committee of the Whole has no power to authorize the extension of matters which do not in some way relate to the tax bill under discussion.

Does that answer the gentleman's parliamentary inquiry?

MR. MAPES: Mr. Speaker, I think the Chair has answered the question as definitely as it can be answered. I take the answer of the Chair to mean that matters that are clearly extraneous to the tax bill cannot be included in extension of remarks, even though they are the Member's own statements.

THE SPEAKER: That is true. Of course, as the Chair intimated at the outset, it is largely a matter of common sense in the application of the rule and its construction.

§ 20.25 A Member who has obtained permission from the House by unanimous consent to extend his remarks in the Record cannot insert extraneous materials that were not designated in the request.

On Feb. 21, 1936,[14] Mr. Bertrand H. Snell, of New York, made a motion to expunge from the Record materials that had been inserted in the Record on Feb. 19, 1936, by Mr. Marion A. Zioncheck, of Washington, and which had not been specified in the unanimous-consent request to extend that had been agreed to by the House. Two days earlier, Mr. Zioncheck made three unanimous-consent requests to extend his remarks and to include the text of certain House resolutions. An objection was raised each time.[15]

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14. 80 CONG. REC. 2537, 74th Cong. 2d Sess.

15. 80 CONG. REC. 2372, 2400, 74th Cong. 2d Sess.

Subsequently Mr. Zioncheck made the following request:

> Then Mr. Speaker. I ask unanimous consent to extend my own remarks in the Record.

To that request no objection was made. Mr. Zioncheck, however, in extending his remarks in the Record, did include a quotation from one of the resolutions to which he had referred in the three earlier requests that had been objected to.

The Speaker,[16] prior to submitting the motion to a vote, cited the well-established principle that authorizations to extend remarks in the Record are strictly construed. He added that it is not in order under leave to print to insert other material than that designated in the request,[17] and commented:

> The Chair thinks the request for permission to extend remarks should and must apply only to the remarks of the gentleman who makes the request, and that it does not authorize the insertion of newspaper articles or any other matter outside of his own remarks. If a Member desires to quote or to include in his remarks statements of the kind referred to, specific authority should be asked of the House and should be obtained before that insertion is made.

§ 20.26 A Member who has obtained permission from the House by unanimous consent to extend his remarks in the Record and include a newspaper article cannot insert a letter, and such an unauthorized insertion gives rise to the question of privilege.

On July 6, 1942,[18] Mr. Sol Bloom, of New York, received permission from the House to extend his remarks and include therein a newspaper article. The extension of remarks by Mr. Bloom that appeared in the appendix to the daily edition of the *Congressional Record* for July 9, 1942, however, contained a letter from a constituent, which was not mentioned in the unanimous-consent request. On July 13, 1942,[19] Mr. John E. Rankin, of Mississippi, who had been recognized on a question of the privileges of the House, offered a resolution to strike the remarks of Mr. Bloom from the permanent edition of the Record, and to prohibit the Public Printer from

16. Joseph W. Byrns (Tenn.).

17. 8 Cannon's Precedents § 3479. For several more recent examples of this principle see 95 CONG. REC. 12344, 81st Cong. 1st Sess., Aug. 26, 1949; 89 CONG. REC. 10958, 78th Cong. 1st Sess., Dec. 21, 1943; 80 CONG. REC. 9250, 74th Cong. 2d Sess., June 8, 1936.

18. 88 CONG. REC. 5991, 77th Cong. 2d Sess.

19. 88 CONG. REC. 6102, 77th Cong. 2d Sess.

issuing copies thereof from the daily edition of the Record.[20] The House agreed to the resolution.[1]

§ 20.27 The Public Printer refused to print a Member's extension of remarks in the Record because those remarks included a newspaper editorial that had been printed in the Record as part of the remarks of another Member.

On Sept. 26, 1949,[2] Mr. Henry D. Larcade, Jr., of Louisiana, and Mr. Clare E. Hoffman, of Michigan, received the unanimous consent of the House to extend their remarks and include a newspaper editorial. The remarks of Mr. Larcade along with a newspaper editorial appeared in the appendix of the Record of Sept. 26, 1949. The remarks of Mr. Hoffman, however, did not appear in the Record of that date, and were returned to Mr. Hoffman by the Public Printer along with a letter explaining that his remarks had not been printed in the Record because they contained the same editorial that had been reprinted as part of the remarks of Mr. Larcade.[3]

The following day Mr. Hoffman made a parliamentary inquiry in which he expressed dissatisfaction with the policy that permitted the Public Printer to exclude from the Record three pages of his own remarks because they contained an editorial previously printed, and requested the opinion of the Chair as to what might be done about that policy. The Speaker[4] advised Mr. Hoffman that the matter was entirely within the jurisdiction of the Joint Committee on Printing, and that it should be taken up there.[5]

§ 20.28 The Speaker will decline to recognize a Member who wishes to obtain permission to insert in the Record materials for which such permission has already been obtained from the House by another Member, but which have not as yet appeared in the Record.

On Nov. 17, 1943,[6] the following proceedings occurred:

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20. H. Res. 518, 77th Cong. 2d Sess. (1942).

1. For further illustrations of this principle, see 8 Cannon's Precedents § 3479 and 5 Hinds' Precedents § 7001.

2. 95 CONG. REC. 13273, 81st Cong. 1st Sess.

3. The letter from the Public Printer to Mr. Hoffman is reprinted at 95 CONG. REC. 13361, 81st Cong. 1st Sess., Sept. 27, 1949.

4. Sam Rayburn (Tex.).

5. 95 CONG. REC. 13361, 81st Cong. 1st Sess., Sept. 27, 1949.

6. 89 CONG. REC. 9626, 78th Cong. 1st Sess.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to print therewith a radio address delivered by the gentleman from Texas [Mr. Patman] on Monday night.

THE SPEAKER:[7] That has already been printed.

MR. HOFFMAN: It has not been printed in the Record.

THE SPEAKER: Consent has been given, and the Chair would not like to entertain a request to reprint it.

MR. HOFFMAN: I do not want to reprint it. With all due deference, Mr. Speaker, we were expecting to get that radio address today. I had it yesterday.

THE SPEAKER: The gentleman from Texas [Mr. Patman] has asked unanimous consent to place it in the Record.

MR. HOFFMAN: But he did not print it.

THE SPEAKER: That is in the hands of the gentleman from Texas.

Appeals

§ 20.29 An appeal from a ruling of the Joint Committee on Printing prohibiting the insertion in the Record of a government document which has already been printed is within the jurisdiction of the Joint Committee and not the House.

On Mar. 29, 1949,[8] a parliamentary inquiry was made concerning the appropriate procedure to be followed in appealing a ruling of the Joint Committee on Printing. The proceedings were as follows:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[9] The gentleman will state it.

MR. RANKIN: On yesterday I asked and received unanimous consent to extend my remarks in the Record and to include a very fine and a very valuable report on spies issued by the Committee on Un-American Activities. The Government Printing Office informs me that there is a ruling by the Joint Committee on Printing that Government documents which have already been printed cannot go into the Record.

I wish to know if it is necessary to take any steps other than to appeal to the Joint Committee on Printing. There is nothing the House can do about it, as I understand.

THE SPEAKER: The Chair understands that is the proper procedure.

MR. RANKIN: To appeal to the Joint Committee on Printing?

THE SPEAKER: Yes.

MR. RANKIN: I thank the Speaker.

§ 20.30 Appeals from a decision by the Public Printer not to print a Member's remarks because those remarks included an editorial previously printed in the Record are within the sole jurisdic-

7. Sam Rayburn (Tex.).

8. 95 CONG. REC. 3396, 81st Cong. 1st Sess.

9. Sam Rayburn (Tex.).

tion of the Committee on Printing, and not the House.

On Sept. 27, 1949,[10] Mr. Clare E. Hoffman, of Michigan, rose to a parliamentary inquiry. He stated that although he had, on the previous day, secured permission from the House to extend his own remarks in the Record and insert a newspaper editorial, those remarks had not been printed in the Record. He read to the House a letter he had received from the Public Printer stating that his remarks had not been printed in the Record because they included an editorial which had already been printed in conjunction with the remarks of another Member. Mr. Hoffman then continued his remarks as follows:

> That course is commendable where the second extension is merely a duplication, but in this particular case, Mr. Speaker, I had three pages of my own remarks. Now, just because I quote from an editorial, or use something that someone else has used, is no reason why a gentleman down in the Printing Office should take it upon himself to censor or exclude a part of my remarks from the Record.
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> My parliamentary inquiry . . . is, what do I do about this situation?

The Speaker[11] responded as follows:

> The matter is entirely up to the Joint Committee on Printing. The Chair would suggest that the gentleman take it up with the Joint Committee on Printing, because they are the policy makers with reference to matters of this kind.

§ 20.31 Under the rules of the Joint Committee on Printing, a Member who requests the unanimous consent of the House to insert in the Record remarks including extraneous matter in excess of two printed Record pages, must submit coincident with that request the estimate in writing from the Public Printer of the probable cost of publishing those remarks.

On Apr. 18, 1939,[12] Mr. John M. Houston, of Kansas, stated that he had in his possession an estimate of the probable cost of printing an address by a former Member of the House, and requested unanimous consent that he be permitted to insert it in the Record notwithstanding the estimate of cost, and the fact that its length exceeded two printed Record pages. The Speaker, William B. Bankhead, of Alabama, after quoting from the rules of the Joint Committee on Printing,[13]

10. 95 CONG. REC. 13361, 81st Cong. 1st Sess.

11. Sam Rayburn (Tex.).

12. 84 CONG. REC. 4403, 76th Cong. 1st Sess.

13. The current rule 12 of the Joint Committee on Printing, which is

called for any objections. There was no objection.

During Adjournment to Day Certain

§ 20.32 The House frequently agrees by unanimous consent to permit Members to extend their remarks and make insertions in the section of the Record entitled "Extensions of Remarks" in those editions of the Record scheduled for publication during an adjournment of Congress to a day certain.

On Apr. 10, 1968,[14] the House agreed to a unanimous-consent request which was similar[15] to those frequently agreed to just prior to an adjournment to a day certain:

> MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 22, 1968, all Members of the House shall have the privilege to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extension of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

On Occasion of Death of Member

§ 20.33 The House, on the occasion of the death of a Member, frequently agrees by unanimous consent to permit all Members who desire to do so to revise and extend their remarks and include extraneous material in the Record and in the section entitled "Extension of Remarks."

On Mar. 2, 1970,[16] the House, as it has on other occasions after

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similar to the rule in effect at the time of this unanimous-consent request, reads in part as follows: "No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the Congressional Record unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same." Rule 12 of the Joint Committee on Printing, effective May 23, 1972.

14. 114 CONG. REC. 9621, 90th Cong. 2d Sess.

15. For other recent examples see 116 CONG. REC. 36650, 91st Cong. 2d Sess., Oct. 14, 1970; 116 CONG. REC. 28919, 91st Cong. 2d Sess., Aug. 14, 1970; and 114 CONG. REC. 25065, 90th Cong. 2d Sess., Aug. 2, 1968.

16. 116 CONG. REC. 5456, 91st Cong. 2d Sess.

the death of a Member,[17] agreed to the following unanimous-consent request:

> MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission today to revise and extend their remarks and include extraneous material in the Record and also in that portion of the Record entitled "Extensions of Remarks."

§ 20.34 The rule of the Joint Committee on Printing that requires a Member to submit an estimate of the cost of printing an insertion exceeding two pages in length has been applied to remarks inserted in the Record on a day devoted to eulogies for deceased Members.

On Oct. 9, 1962,[18] a day devoted to eulogies for a deceased Member, Mr. Carl Albert, of Oklahoma, requested the unanimous consent of the House that all Members be permitted to extend their remarks in the Appendix of the Record and include extraneous matter. In addition, Mr. Albert made a special request that Mr. John R. Pillion, of New York, be permitted to extend his remarks and include extraneous matter, notwithstanding the fact that it exceeded the two-page limit and was estimated by the Public Printer to cost $270. The House agreed to both aspects of the request.

§ 20.35 On one occasion, when the House adjourned out of respect to a deceased Member, in addition to granting the customary permission for all Members to extend their remarks in the Appendix of the Record, the House agreed, by unanimous consent, to permit Members who had obtained special orders to extend their remarks in the body of the Record, and to permit Members who had spoken on legislative matters that day to revise and extend their remarks and include extraneous matters.

On Sept. 16, 1961,[19] a day on which the House adjourned out of respect to a deceased Member, the House agreed, by unanimous consent, to permit all Members to extend their remarks in the Appendix of the Record and to include extraneous matters. The House also agreed to a request by the Speaker pro tempore[20] that

17. For a recent example see 108 CONG. REC. 8, 87th Cong. 2d Sess., Jan. 10, 1962.

18. CONG. REC. (daily ed.), 87th Cong. 2d Sess.

19. 107 CONG. REC. 19812, 87th Cong. 1st Sess.

20. John W. McCormack (Mass.).

those Members who had obtained special orders to speak on the floor would be permitted to insert their remarks in the body of the Record, and to the following unanimous-consent request made by Mr. Carl Albert, of Oklahoma:

> Mr. Speaker, I ask unanimous consent that all Members who spoke today on the various conference reports and other legislative matters may have permission to revise and extend their remarks and, if they desire to include extraneous matter, they may have that permission; also that all Members may have 5 legislative days in which to extend their remarks in the Record.

In Final Issue of Session

§ 20.36 The House, just prior to adjournment at the end of a session of Congress, frequently agrees by unanimous consent to permit each Member to extend his remarks in the Record on any subject occurring prior to adjournment, until the publication of the last edition of the Record.

On Oct. 14, 1968,[1] the House agreed to a unanimous-consent request similar[2] to those generally adopted near the end of a session of Congress:

> MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that all Members of the House have the privilege of inserting their own remarks in the Extensions of Remarks section of the Congressional Record and to include therewith brief related extraneous material on one or more subjects; this order to be effective until publication of the last edition of the Record authorized by the Joint Committee on Printing, but it shall not apply to any subject matter which may have occurred, or to any speech delivered after adjournment of Congress.

§ 20.37 The House, prior to the final adjournment at the conclusion of a session of Congress, frequently agrees by unanimous consent to permit the chairman and a ranking minority member of each standing committee and subcommittee to extend their remarks in the Record and to include separate summaries of the work of their committees, up until the publication date of the last volume of the Record.

On Jan. 2, 1971,[3] the House agreed to a unanimous-consent re-

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1. 114 CONG. REC. 31313, 90th Cong. 2d Sess.

2. For other recent examples see 116 CONG. REC. 44599, 44600, 91st Cong. 2d Sess., Jan. 2, 1971; 113 CONG. REC. 37190, 90th Cong. 1st Sess., Dec. 15, 1967; and 112 CONG. REC. 28893, 89th Cong. 2d Sess., Oct. 22, 1966.

3. 116 CONG. REC. 44600, 91st Cong. 1st Sess.

quest similar[4] to those frequently adopted at the final meeting of a session of Congress:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that the Chairmen of all the standing committees and the subcommittees of the House may extend their remarks up to and including the publication of the last Record and to include a summary of the work of their committees; also that the ranking minority Member of such standing committee or any subcommittee may have the same permission to extend their remarks and to include a summary, if they desire, from their point of view, separately from that of the Chairman.

4. For other recent examples see 115 CONG. REC. 40982, 91st Cong. 1st Sess., Dec. 23, 1969; 114 CONG. REC. 31313, 90th Cong. 2d Sess., Oct. 14, 1968; and 111 CONG. REC. 28564, 89th Cong. 1st Sess., Oct. 22, 1965.