

**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

The simple motion to recommit is not admissible in the Committee of the Whole, but a motion to rise and report with the recommendation that the bill be re-committed is in order<sup>(13)</sup> unless that motion is precluded by the terms of a special rule.<sup>(14)</sup>

### *Form of Motion*

#### **§ 22.1 The Committee of the Whole may rise pursuant to a motion from the floor in which a Member states “Mr. Chairman, I move that the Committee do now rise.”**

On Apr. 14, 1970,<sup>(15)</sup> the Committee of the Whole rose pursuant to a motion from the floor to enable the Speaker to sign and lay before the House an enrolled bill to increase the pay of federal employees. After the Speaker announced his signature the House agreed to a motion to resolve into the Committee. The proceedings were as follows:

MR. [DANIEL J.] FLOOD [of Pennsylvania]: I take this time to advise the Chair and the Committee that the

motions to rise with recommendations, see § 23.12, *infra*.

13. 8 Cannon's Precedents § 2329.

14. See § 23.12, *infra*.

15. 116 CONG. REC. 11654, 91st Cong. 2d Sess.

postal pay raise bill is about to be presented. I understand that action will take place immediately as the Speaker has just advised us.

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Holifield, 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. 16916, making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, had come to no resolution thereon.

The Speaker announced his signature to enrolled bill of the Senate of the following title:

S. 3690. An act to increase the pay of Federal employees.

MR. FLOOD: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

THE SPEAKER:<sup>(16)</sup> The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

Accordingly the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 16916, with Mr. Holifield in the chair.

### ***Motion to Rise and Resume on Day Certain***

#### **§ 22.2 A motion that the Committee rise and resume its**

16. John W. McCormack (Mass.).

**sitting on a day certain is not in order in the Committee of the Whole.**

On May 25, 1967,<sup>(17)</sup> during consideration of S. 1432, amending the Universal Military Training and Service Act, Chairman Robert L. F. Sikes, of Florida, ruled out a motion that the Committee rise and resume its sitting on a day certain.

MR. [WILLIAM H.] BATES [of Massachusetts]: Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. Rogers C. B. Morton].

MR. MORTON: Mr. Chairman, I open my remarks with a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. MORTON: Would it be in order to move that the Committee rise and sit again on Wednesday, the 31st of May?

THE CHAIRMAN: At this time that motion would not be order.

***Requirement That Motion Be Written***

**§ 22.3 All motions must be in writing if the demand is made, and this applies to a motion that the Committee of the Whole do now rise.**

On June 13, 1947,<sup>(18)</sup> during consideration of H.R. 3342, the

17. 113 CONG. REC. 14121, 90th Cong. 1st Sess.

18. 93 CONG. REC. 6998, 80th Cong. 1st Sess. See 96 CONG. REC. 1693, 81st

cultural relations program of the State Department, Chairman Thomas A. Jenkins, of Ohio, sustained a point of order against a motion, made orally, to rise.

MR. [DANIEL A.] REED of New York: Mr. Chairman, I move that the Committee do now rise.

MR. [KARL E.] MUNDT [of South Dakota]: Mr. Chairman, I make the point of order that the motion has not been submitted in writing.

MR. REED of New York: Mr. Chairman, a preferential motion of this character does not have to be submitted in writing.

THE CHAIRMAN: The point of order is sustained.

***Debatability***

**§ 22.4 The motion that the Committee rise is not debatable.**

On Apr. 8, 1964,<sup>(19)</sup> during consideration of H.R. 10222, the Food Stamp Act of 1964, Chairman Phillip M. Landrum, of Georgia, indicated that the motion that the Committee of the Whole rise is not debatable.

THE CHAIRMAN: The Chair recognizes the gentleman from Iowa [Mr. Jensen].

Cong. 2d Sess., Feb. 8, 1950, for another illustration of this principle.

19. 110 CONG. REC. 7298, 88th Cong. 2d Sess. See 94 CONG. REC. 8521, 80th Cong. 2d Sess., June 16, 1948; 89 CONG. REC. 1167, 78th Cong. 1st Sess., Feb. 19, 1943; and 81 CONG. REC. 7686-97, 75th Cong. 1st Sess., July 27, 1937, for other examples of this principle.

MR. [BEN F.] JENSEN: Mr. Chairman, I move that the Committee do now rise out of further respect for one of the greatest Americans, Gen. Douglas MacArthur.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Iowa [Mr. Jensen].

MR. JENSEN: Mr. Chairman, I demand tellers. It is disgraceful to have this sort of thing going on while General MacArthur is lying here in the Capitol.

THE CHAIRMAN: The Chair will inform the gentleman that a vote on his motion is being taken. He is not recognized to make a speech.

### *Control by Floor Manager*

#### **§ 22.5 It is within the discretion of the Member handling a bill before the Committee of the Whole to move that the Committee rise.**

On June 16, 1948,<sup>(20)</sup> during consideration of H.R. 6401, the Selective Service Act of 1948, Chairman Francis H. Case, of South Dakota, indicated the Member handling a bill in the Committee of the Whole always has the discretion to move that the Committee rise.

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

20. 94 CONG. REC. 8621, 80th Cong. 2d Sess.

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

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

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

### *Establishing Time to Rise*

#### **§ 22.6 Prior to resolving into the Committee of the Whole, the House by unanimous consent may limit general debate to a time certain and provide that the Committee will rise at the conclusion of general debate.**

On Apr. 9, 1963,<sup>(21)</sup> during consideration of H.R. 5517, making supplemental appropriations for the 1963 fiscal year, the House by unanimous consent limited general debate and provided for a time for the Committee to rise.

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

21. 109 CONG. REC. 6044, 88th Cong. 1st Sess.

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>(22)</sup> Is there objection to the request of the gentleman from Texas?

There was no objection.

### ***Quorum Requirement***

#### **§ 22.7 In Committee of the Whole a quorum is not required on a motion to rise.**

On June 4, 1948,<sup>(23)</sup> during consideration of H.R. 6801, the foreign aid appropriations bill, Chairman W. Sterling Cole, of Maryland, ruled on the necessity for a quorum at the time.

MR. [HAROLD D.] COOLEY [of North Carolina]: Mr. Chairman, I make the point of order that a quorum is not present.

22. John W. McCormack (Mass.).

23. 94 CONG. REC. 7178, 80th Cong. 2d Sess. See also 118 CONG. REC. 19353, 92d Cong. 2d Sess., May 31, 1972.

*Parliamentarian's Note:* Rule XV clause 6(b), *House Rules and Manual* §774(c) (1979) now provides that a "quorum shall not be required in the Committee of the Whole for agreement to a motion that the Committee rise." The subject of quorums is discussed more fully in Ch. 20, *infra*.

THE CHAIRMAN: The Chair will count.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I move that the Committee rise.

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

MR. TABER: Mr. Chairman, on that I demand tellers.

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

THE CHAIRMAN: The gentleman will state it.

MR. COOLEY: Is the motion of the gentleman from New York in order pending the determination as regards the presence of a quorum?

THE CHAIRMAN: The gentleman's motion is in order. A quorum is not necessary upon a motion that the Committee rise.

### ***Voting on the Motion***

#### **§ 22.8 The Committee of the Whole on a division or teller vote may reject a motion made by the Member in charge of a bill that the Committee rise.**

On June 16, 1948,<sup>(1)</sup> during consideration of H.R. 6401, the Selective Service Act of 1948, the Committee of the Whole rejected a motion made by the Member in charge of the bill that the Committee rise.

MR. [WALTER G.] ANDREWS [of New York]: Mr. Chairman, in view of the

1. 94 CONG. REC. 8521, 80th Cong. 2d Sess.

fact that two or three Members who have time are not here, I move that the Committee do now rise. . . .

THE CHAIRMAN: <sup>(2)</sup> The question is on the motion offered by the gentleman from New York [Mr. Andrews] that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. Andrews of New York) there were—ayes 79, noes 94.

MR. ANDREWS of New York: Mr. Chairman, I ask for tellers.

Tellers were ordered, and The Chairman appointed as tellers Mr. Andrews of New York and Mr. Smathers.

The Committee again divided; and the tellers reported there were—ayes 76, noes 139.

So the motion was rejected.

### *Withdrawal*

#### **§ 22.9 A privileged motion that the Committee of the Whole rise may be withdrawn by unanimous consent.**

On Oct. 28 1971,<sup>(3)</sup> during consideration of H.R. 7248 to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education, the motion that the Committee of the Whole rise was withdrawn by unanimous consent.

MR. [THOMAS M.] PELLY [of Washington]: Mr. Chairman, I move that the Committee do now rise.

2. Francis H. Case (S.D.).

3. 117 CONG. REC. 38071, 92d Cong. 1st Sess.

THE CHAIRMAN: <sup>(4)</sup> The gentleman is seeking to propound a parliamentary inquiry?

MR. PELLY: I am not, Mr. Chairman. I have a privileged motion. I move that the Committee do now rise. . . .

THE CHAIRMAN: Does the gentleman from Washington insist upon his motion?

MR. PELLY: Mr. Chairman, I withdraw my motion.

THE CHAIRMAN: Without objection, the motion is withdrawn.

There was no objection.

### **§ 23.—When in Order**

The motion to rise is preferential<sup>(5)</sup> and is in order pending a count of a quorum<sup>(6)</sup> or pending a decision on a point of order.<sup>(7)</sup> It is also in order after tellers have been ordered and appointed, though not after the count has begun.<sup>(8)</sup> However, the motion will not lie during a division<sup>(9)</sup> or while another Member has the floor in debate.<sup>(10)</sup> A decision by

4. James C. Wright, Jr. (Tex.).

5. § 23.1, *infra*.

6. § 23.5, *infra*.

7. §§ 23.7, 23.8, *infra*.

8. § 23.9, *infra*; compare 5 Hinds' Precedents § 6001 and 4 Hinds' Precedents § 4773, which indicate that, tellers having been ordered and appointed, the motion to rise is not in order pending the taking of the vote.

9. § 23.11, *infra*.

10. § 23.6, *infra*; 4 Hinds' Precedents § 4769; and 8 Cannon's Precedents § 2325.