C. RECOGNITION ON PARTICULAR QUESTIONS

§ 16. As to Bills

Generally, members of a committee reporting a bill are entitled to prior recognition thereon in the House or in the Committee of the Whole,[8] debate usually being controlled by the chairman and ranking minority members.[9] Factors affecting recognition or control of debate also include special rules,[10] the chairman's opposition to a measure,[11] and consideration under a discharge procedure.[12]

This section includes discussion of principles of recognition affecting consideration of Calendar Wednesday,[13] Private Calendar,[14] and District of Columbia[15] bills.

Cross References

Amendments to bills, see § 19, infra and Ch. 27, supra.

Bill-passage procedure, see Ch. 24, supra.

Consideration of bills in Committee of the Whole, see Ch. 19, supra.

Control and distribution of time for debate on bills, see §§ 24 et seq., infra.

Discharging bills from committee consideration, see Ch. 18, supra.

Effect of special orders on debate on bills, see § 28, infra.

Factors bearing on consideration; special orders and unanimous-consent agreements, see § 2, supra.

Losing or surrendering control on bills, see §§ 33, 34, infra.

Management of bills by reporting committee, see § 26, infra.

Points of order, waiver of, see Ch. 31, infra.

Prior rights of Member in control of bill, see § 14, supra.

Prior rights to recognition of committee in control of bill, see § 13, supra.

Special orders, varying order of business, see Ch. 21, supra.

Priority of Members of Reporting Committee

§ 16.1 Under a practice of long standing, members of a committee reporting a bill are ordinarily entitled to prior recognition thereon in the House or in the Committee of the Whole.

On Jan. 12, 1933,[16] in the Committee of the Whole, Chairman Lindsay C. Warren, of North Carolina, recognized Mr. William

8. See § 16.1, infra.
9. For further discussion of control of debate time, see §§ 24 et seq., infra.
10. See §§ 16.2, 16.3, infra.
11. See § 16.16, infra.
12. See §§ 16.13–16.15, infra.
13. See §§ 16.17–16.21, infra.
14. See §§ 16.11, 16.25–16.30, infra.
15. See §§ 16.22–16.24, infra.
16. 76 CONG. REC. 1679, 72d Cong. 2d Sess.

J. Granfield, of Massachusetts, to offer an amendment to the pending bill. Mr. Bertrand H. Snell, of New York, made the point of order that recognition should have been granted to a member of the committee reporting the bill who was on his feet. The following discussion and ruling by the Chair ensued:

MR. SNELL: Mr. Chairman, there is no written rule in the book, but it has been the unbroken precedent, as far as I know anything about the practice in this House, that a member of a committee demanding recognition in debate is recognized in preference to anyone not a member of the committee. I would like to call the attention of the Chair to section 750 of the Manual—

> In debate members of the committee, except the Committee of the Whole, are entitled to priority of recognition in debate. . . .

I respectfully submit to the Chair, as the gentleman from Maine [Mr. Snow] is a member of that committee, he is entitled to recognition before the gentleman from Massachusetts [Mr. Granfield]. I trust the present Chair will so hold, as it is certainly in interest of orderly procedure in the consideration of legislation.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: If the Chair will indulge me for just a moment, the precedent referred to by the gentleman from New York has been recognized from time immemorial. It has always been the practice first to recognize members of the committee. It is bottomed upon the idea of advancing the consideration of legislation in an orderly way. It is presumed that members of the committee, who have given consideration to the bill under consideration, have given more thorough consideration to the bill than Members outside the committee; and to advance the orderly working of the House is the real reason why in the long-established practice of the House the Speaker and Chairman have recognized members of the committee in priority over other Members—to the end that orderly procedure would be advanced thereby.

THE CHAIRMAN: The Chair understands the precedents of the House. The Chair has uniformly given preference to members of the committee on each occasion when he has presided. The Chair agreed to recognize the gentleman from Massachusetts [Mr. Granfield]. The gentleman was on his feet and asking for recognition before any member of the committee. However, the Chair will follow the precedents and recognize the gentleman from Maine [Mr. Snow] to offer an amendment, which the Clerk will report.

On Feb. 10, 1941,[17] Chairman Clarence Cannon, of Missouri, responded to a parliamentary inquiry on the nature of the practice of extending priority for recognition to members of the committee reporting a bill:

MR. [LYLE H.] BOREN [of Oklahoma]: Mr. Chairman, I rise to a parliamentary inquiry. I want it thoroughly understood that I recognize fully the custom of members of the committee being

17. 87 CONG. REC. 875, 876, 77th Cong. 1st Sess.

recognized ahead of any other Member on the floor, not a member of the committee. I am quite willing to withdraw my amendment for that purpose, but as I understood it the gentleman from Tennessee [Mr. Cooper] rose to make the point of order that my recognition at that time was not in order. I understood the Chair sustained the point of order and recognized the gentleman from New York [Mr. Crowther]. I should like to be enlightened as to under what rule of the House that point of order is sustained after the Chair had recognized me for the purpose of offering an amendment.

THE CHAIRMAN: The gentleman from New York [Mr. Crowther] is a member of the committee reporting the bill and, therefore, entitled to prior recognition.

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. NICHOLS: Is there a rule of the House that gives the members of the committee the right to recognition ahead of other Members of the House? Is that a rule of the House?

THE CHAIRMAN: It is a procedure of long standing.

MR. NICHOLS: It is not a rule of the House.

THE CHAIRMAN: In the absence of other considerations, members of the committee in charge of the bill are entitled to prior recognition. The rule is essential to expedition in legislation and its importance is too obvious to require justification.[18]

Parliamentarian's Note: Although the Chair extends priority of recognition to members of the reporting committee, no point of order lies against the manner in which the Chair exercises the power of recognition.

Consideration Under Special Rule—Bill Must Be Called Up by Member Designated by Committee

§ 16.2 The adoption of a resolution making in order the consideration of a bill does not necessarily make such bill the unfinished business the next day and such bill can only be called up by a Member designated by the committee to do so.

On July 19, 1939,[19] after the House had adopted a resolution from the Committee on Rules making in order the consideration of a bill, Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry:

MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.

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18. For more detailed discussion of the priority of committee members in debate, see § 13, supra.

See, generally, *House Rules and Manual* §§ 753–757 (1995). For the opening and closing of debate by the Member reporting a measure from committee, see Rule XIV clause 3, *House Rules and Manual* § 759 (1995).

19. 84 CONG. REC. 9541, 76th Cong. 1st Sess.

THE SPEAKER: The gentleman will state it.

MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?

THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

—*Special Rule Allowing Speaker To Recognize Any Member of Committee*

§ 16.3 Where a resolution provides that general debate on a bill be "equally divided and controlled by the majority and minority members" of a committee, instead of specifying, as is usual practice, that control of debate be by the chairman and ranking minority member of the committee, the Speaker may recognize any member of the committee to call up the bill and control the time.

On Sept. 26, 1966,[1] the House adopted House Resolution 923, making in order the consideration of H.R. 1511, the economic opportunity amendments for 1966. The resolution provided that eight hours of general debate would be "equally divided and controlled by the majority and minority members of the Committee on Education and Labor," without specifying, as such resolutions usually do, that debate be controlled by the chairman and ranking minority member of the committee.

Following the adoption of the resolution, Speaker John W. McCormack, of Massachusetts, recognized Adam C. Powell, of New York, Chairman of the Committee on Education and Labor, to move that the House resolve itself into the Committee of the Whole for the consideration of the bill.

In the Committee of the Whole, Chairman Jack B. Brooks, of Texas, made the following decision on recognition for control of general debate:

> Under the rule, the gentleman from New York [Mr. Powell] will be recognized for four hours to control the time for the majority, and the gentleman from Ohio [Mr. Ayres] will be recognized to control the time for the minority.

Parliamentarian's Note: Mr. Ayres was the ranking minority member of the committee and supported the views of Mr. Powell, the chairman, that the resolution was an affront to the authority of committee chairmen. Mr. Powell had indicated, prior to the offering of the resolution on the floor of

1. 112 CONG. REC. 23762, 89th Cong. 2d Sess.

the House, that if he were recognized to move that the House resolve into the Committee of the Whole, and recognized to control debate, he would not oppose the resolution.

—*Absence of Chairman and Ranking Minority Member*

§ 16.4 In the absence of the chairman and ranking minority member, named in a resolution to control debate on a bill, the Speaker or Chairman of the Committee of the Whole recognizes the next ranking majority and minority members for control of such debate (where the chairman and ranking minority member have not designated other Members to control the time).

On July 23, 1942,[2] the House adopted a resolution from the Committee on Rules providing for debate on a bill to be divided between the chairman and the ranking minority member of the reporting committee—the Committee on Election of the President, Vice President, and Representatives in Congress. The chairman and ranking minority member both being absent, Speaker Sam Rayburn, of Texas, declared in response to a parliamentary inquiry, that the Chair would recognize the next ranking majority member and the next ranking minority member to control debate.

—*Death of Designated Manager*

§ 16.5 Where a Member designated in a resolution (discharged from the Committee on Rules) to call up a bill had died, the Speaker recognized another Member in favor of the bill to call it up.

On Oct. 13, 1942,[3] Speaker Sam Rayburn, of Texas, rejected a point of order that he had improperly recognized a Member to call up a bill, the resolution providing for consideration having named as manager a Member no longer living (the resolution had been brought up pursuant to a successful motion to discharge). The Speaker reiterated his ruling of the previous day that the resolution could properly be considered and that another Member in favor of the bill could be recognized to manage the bill.[4]

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2. 88 CONG. REC. 6542–46, 77th Cong. 2d Sess.

3. 88 CONG. REC. 8120, 77th Cong. 2d Sess.

4. See the similar rulings of Speaker Rayburn, on the same bill, at 88

—*Special Rule Waiving Points of Order Against Legislation on Appropriation Bill*

§ 16.6 On one occasion, the Chairman ruled that while members of the Committee on Appropriations are ordinarily entitled to recognition in debate on a general appropriation bill, where a rule is adopted waiving points of order against legislative provisions in the bill, recognition would be divided between members of the committee and other Members interested in the bill.

On Mar. 5 and 6, 1941,[5] the Committee of the Whole was considering H.R. 3737, a general appropriations bill, pursuant to House Resolution 126, waiving all points of order against the bill. Chairman John E. Rankin, of Mississippi, made the following statement on the matter of recognition under the five-minute rule:

> The gentleman from Georgia [Mr. Pace] has been seeking recognition. The Chair realizes that this is an appropriation bill, and that ordinarily members of that committee would be entitled to preference, but under the rule adopted yesterday we make this part of it a legislative bill by making certain legislation in order. The Chair is going to divide the time between the members of the Appropriations Committee and the other Members of the House who are vitally interested in this proposition. . . .
>
> . . . It is perfectly fair for a committee to have charge of general debate and probably debate under the 5-minute rule to a large extent, but the Chair does not think it is fair—especially under conditions such as we have here, where a rule has been adopted making legislation that ordinarily comes from the Committee on Agriculture and from other committees of the House in order on the bill—the Chair does think it fair to the rest of the membership of the House to recognize members of the Committee on Appropriations under the 5-minute rule to the exclusion of the other Members of the House.

Parliamentarian's Note: Chairman Rankin indicated that his ruling was not to be taken as a precedent, differing as it did from customary practice extending priority of recognition to members of the committee reporting a bill.

Unanimous-consent Request for Consideration

§ 16.7 In extending recognition for unanimous-consent requests for the consideration of bills, the Speaker may take into account the stage of consideration, whether the bill is of an emergency na-

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CONG. REC. 8066, 8080, 77th Cong. 2d Sess., Oct. 12, 1942.

5. 87 CONG. REC. 1846, 1921, 1922, 77th Cong. 1st Sess.

ture, and whether the bill is public or private.

On July 1, 1932,[6] Speaker John N. Garner, of Texas, made the following statement regarding recognition for the unanimous-consent consideration of bills:

> In order that gentlemen may understand the situation, let the Chair state how it is the Chair recognizes certain gentlemen. The Chair must decline to recognize a great many gentlemen who have meritorious matters, because the Chair must have some yardstick that can be applied to every Member of the House. The gentleman from Minnesota [Mr. Pittenger] had a bill that had passed the House unanimously, had gone to the Senate, and had an amendment placed on it there, adding one name. The Chair thinks in a case of that kind, where unanimous consent has to be given, it is well enough for the Chair to recognize the Member for that purpose; but the Chair will not recognize gentlemen to take up as an original proposition private claims or other matters unless they are of an emergency nature and apply to the general public rather than to one individual.

§ 16.8 The Speaker declines to recognize for a unanimous-consent request for the consideration of a measure until the Member making such request has consulted the leadership.

On July 11, 1946,[7] Speaker Sam Rayburn, of Texas, refused to recognize Mrs. Clare Boothe Luce, of Connecticut—who sought to ask for the unanimous-consent consideration of a rent-control measure (H.J. Res. 372)—because she had not consulted with or notified the Speaker of the request. Following remarks by Mr. John Phillips, of California, that consideration of the measure was being refused on a "technicality," the Speaker made the following comments:

> . . . [T]he present occupant of the chair knows that when Members intend to ask unanimous consent to bring up a bill they have always properly consulted with both the majority and minority leaders of the House and with the Speaker. That has been the unfailing custom. The Chair is exercising that right and intends to continue to exercise it as long as he occupies the present position because the Chair wants the House to proceed in an orderly fashion.
>
> MRS. LUCE: Mr. Speaker, may I now ask unanimous consent to bring up the bill tomorrow?
>
> THE SPEAKER: The Chair will meet that question when the time comes.
>
> The Chair would certainly like the courtesy of being consulted in advance.

§ 16.9 In recognizing a Member to ask unanimous consent for the consideration of a vitally important measure, the

6. 75 CONG. REC. 14511, 72d Cong. 1st Sess.

7. 92 CONG. REC. 8726, 8728, 79th Cong. 2d Sess.

Speaker declared that if any amendments were to be offered he would ask the Member to withdraw the request and move to suspend the rules and pass the bill.

On July 5, 1943,[8] just prior to an adjournment of two months, Mr. John D. Dingell, of Michigan, asked unanimous consent for the immediate consideration of S. 35, to authorize the use of certain metals for war purposes. Mr. Frederick C. Smith, of Ohio, raised a parliamentary inquiry as to whether the bill would be subject to amendment. Speaker Sam Rayburn, of Texas, indicated that time was of the essence and declared:

> The gentleman is correct, it would be subject to amendment, but the Chair is going to be very frank with the gentleman. If there are going to be amendments offered to this bill the Chair will request the gentleman from Michigan to withdraw his request, and then the Chair will recognize the gentleman from Michigan to move to suspend the rules and pass the bill. The Chair thinks it vitally important.

—*Member Had Been Recognized for Different Purpose*

§ 16.10 The Minority Leader having been recognized to proceed for one minute and in that time having asked unanimous consent for the consideration of a bill, the Speaker held that the gentleman was not recognized for that purpose.

On Jan. 26, 1944,[9] Joseph W. Martin, Jr., of Massachusetts, the Minority Leader, asked unanimous consent to proceed for one minute. When Mr. Martin attempted to ask for the consideration of a bill, Speaker Sam Rayburn, of Texas, held he had not been recognized for that purpose:

> MR. MARTIN of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.
>
> THE SPEAKER: The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.
>
> MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.
>
> I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.
>
> I agree with the President that there is immediate need for action on the soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous con-

8. 89 CONG. REC. 7213, 7214, 78th Cong. 1st Sess.

9. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

sent that the House immediately take up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

Private Bill Called Up by Unanimous Consent

§ 16.11 When a private bill is called up by unanimous consent in the House, the Member making the request is recognized for one hour.

On Mar. 12, 1963,[10] Mr. Emanuel Celler, of New York, asked for the unanimous-consent consideration in the House of a private bill, H.R. 4374, conferring honorary citizenship on Sir Winston Churchill. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, stated that if consent were granted for the consideration of the bill, Mr. Celler would be recognized for one hour with the right to yield to other Members and to move the previous question.

Parliamentarian's Note: Normally a Private Calendar bill called up by unanimous consent is considered under the five-minute rule, since private bills when reported are referred to the Calendar of the Committee of the Whole House.

Recognition Where House Has Agreed To Consider Bill by Unanimous Consent

§ 16.12 Where the House has agreed to consider in the House a bill called up by unanimous consent, the Member calling up the bill is recognized for one hour, and amendments may not be offered by other Members unless he yields for that purpose.

On Oct. 5, 1962,[11] Mr. Francis E. Walter, of Pennsylvania, called up S. 3361, relating to entry of alien skilled specialists and asked unanimous consent for its "immediate consideration in the House." When there was no objection to the request, Speaker John W. McCormack, of Massachusetts, recognized Mr. Walter for one hour. Mr. Arch A. Moore, Jr., of West Virginia, attempted to offer an amendment, and the Speaker inquired of Mr. Walter whether he would accept the amendment since he was in control. Mr. Walter accepted the amendment.

Parliamentarian's Note: The procedure is otherwise if unani-

10. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

11. 108 CONG. REC. 22606–09, 87th Cong. 2d Sess.

mous consent is requested only for the "immediate consideration" of a bill which belongs on the Union Calendar. In that case the bill is considered in the House as in Committee of the Whole, and Members may be recognized to offer amendments under the five-minute rule unless the previous question is ordered.

Discharged Bill

§ 16.13 Where a motion to discharge a committee from a resolution providing for consideration of an unreported bill has been agreed to, the proponents of that motion are entitled to prior recognition for the purpose of managing the bill.

On June 14, 1932,[12] Speaker Pro Tempore Henry T. Rainey, of Illinois, answered a parliamentary inquiry on the order of recognition on a bill discharged from committee:

> MR. [CHARLES R.] CRISP [of Georgia]: The House yesterday discharged the Committee on Rules from the consideration of a resolution making it a special order to consider the adjusted-service compensation bill. The House then adopted the resolution which makes it today in order as a special order to consider that bill. The House having voted in favor of the proponents of the legislation and the Ways and Means Committee having made an adverse report on it, the effect of the vote of the House is to turn down the Ways and Means Committee and place control of that legislation in the hands of its friends. Under these circumstances and under the parliamentary rules and procedure of the House, are not the friends of the legislation entitled to have charge of the bill when we go into Committee of the Whole to consider it and to have the management of the measure on the floor?
>
> THE SPEAKER PRO TEMPORE: The proponents and the friends of the bill will, of course, have charge of it from now on.[13]

Parliamentarian's Note: The discharge "rule" read as follows:

> HOUSE RESOLUTION 220
>
> *Resolved,* That upon the day succeeding the adoption of this resolution a special order be, and is hereby, created by the House of Representatives for the consideration of H.R. 7726, notwithstanding the adverse report on said bill. That on said day the Speaker shall recognize the Representative from the first district of Texas, Wright Patman, to call up H.R. 7726, a bill to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, as a special order of business, and to move that the House resolve itself into the Com-

12. 75 CONG. REC. 12911, 72d Cong. 1st Sess.

13. Consideration of bills on which a motion to discharge has prevailed is governed by Rule XXVII clause 3, *House Rules and Manual* § 908 (1995).

mittee of the Whole House on the State of the Union for the consideration of the said H.R. 7726. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the Member of the House requesting a rule for the considering of the said H.R. 7726 and a Member of the House who is opposed to the said H.R. 7726, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

§ 16.14 So as not to interfere with the right of a Member to move to go into the Committee of the Whole for consideration of a bill before the House as a result of a motion to discharge, the Speaker announced he would entertain unanimous-consent requests only for extensions of remarks.

On Apr. 26, 1948,[14] the House agreed to a motion to discharge a committee from the further consideration of a bill. The motion had been offered by Mr. L. Mendel Rivers, of South Carolina. Speaker Joseph W. Martin, Jr., of Massachusetts, then 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.

§ 16.15 In recognizing a Member to control time for debate in opposition to a bill taken away from a committee through the operation of the discharge rule, the Speaker recognizes the chairman of the committee having jurisdiction of the subject matter if he be opposed (where the rule provides for general debate in opposition to be controlled by "the Member of the House who is opposed" to the bill).

On Aug. 14, 1950, the House agreed to a motion to discharge the Committee on Rules from the further consideration of a resolution making in order the consideration of a bill within the jurisdiction of the Committee on Post Office and Civil Service. The resolution, which was then adopted, provided that the bill be considered on the following day, and provided

14. 94 CONG. REC. 4841, 4842, 80th Cong. 2d Sess.

that general debate be "equally divided and controlled by the Member of the House requesting the rule for the consideration of said H.R. 8195 and the Member of the House who is opposed to the said H.R. 8195, to be designated by the Speaker." On Aug. 15, 1950, Speaker Sam Rayburn, of Texas, ruled as follows on recognition to control time for debate in opposition to the bill:

> Pursuant to the provisions of House Resolution 667, the Chair designates the gentleman from Tennessee [Mr. Murray], chairman of the Committee on Post Office and Civil Service, to control time for debate in opposition to the bill H.R. 8195.[15]

Committee Chairman Opposed Reported Bill

§ 16.16 On one occasion, the chairman of a committee, acting at the President's request, introduced a bill, presided over the hearings in committee, reported the bill, applied to the Committee on Rules for a special order, and moved that the House resolve itself into the Committee of the Whole; when recognized to control one-half of the debate in the Committee, he then announced his opposition to the measure and turned over management of the bill to the ranking majority member of the committee.

On June 14, 1967,[16] Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, moved that the House resolve itself into the Committee of the Whole for the consideration of House Joint Resolution 559, providing for the settlement of a railroad labor dispute. The House had adopted House Resolution 511 making in order the consideration of the bill and providing that general debate be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

In the Committee of the Whole, Chairman Wilbur D. Mills, of Arkansas, recognized Mr. Staggers to control one-half the time on the bill. Mr. Staggers made the following statement:

> Mr. Chairman, I am here today in a most unusual position. I was requested by the President to introduce the bill we have before us today, and because of my responsibilities as chairman of the committee, I introduced the bill. If the House was to be given an opportunity to work its will on this legisla-

15. 96 CONG. REC. 12543, 81st Cong. 2d Sess.

16. 113 CONG. REC. 15822, 15823, 90th Cong. 1st Sess.

tion, it was necessary that hearings begin promptly and continue as expeditiously as possible, and I think the record will bear me out, that the hearings before our committee have been prompt, they have not been delayed in any respect.

In fact we interrupted consideration of a very important piece of health legislation in order to take up this bill. We have heard every witness who wanted to be heard on the legislation. I did this because I felt it to be my responsibility to the House as chairman of the committee.

Following the conclusion of our hearings I promptly scheduled executive sessions for consideration of the bill and we met as promptly as possible both morning and afternoon and the committee reported the bill to the House.

Yesterday I went before the Rules Committee as chairman of the committee to present the facts to the Rules Committee and attempt to obtain a rule so that the bill would be considered by the House. I have done these things because I felt it is my responsibility to do so as chairman of the committee.

Unfortunately, Mr. Chairman, I was opposed to this bill when I introduced it, and having heard all the witnesses and all the testimony, I am still opposed to it. For that reason I have asked the gentleman from Maryland [Mr. Friedel] to handle the bill in Committee of the Whole, so that I would be free to express my opposition to it. . . .

Mr. Chairman, this concludes the presentation I desire to make on the bill. At this time I request the gentleman from Maryland [Mr. Friedel], the ranking majority member on the Interstate and Foreign Commerce Committee, to take charge of managing the bill on the floor.

Parliamentarian's Note: The chairman of each committee in the House has the responsibility of reporting or causing to be reported any measure approved by his committee, and of taking or causing to be taken steps to have the matter considered and voted upon in the House, regardless of his personal opposition to the measure.[17]

Calendar Wednesday Bills

§ 16.17 On Calendar Wednesday, debate on bills considered in the Committee of the Whole is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by the ranking minority member of the committee who is opposed to the bill.

On Apr. 14, 1937,[18] Chairman J. Mark Wilcox, of Florida, stated in response to a parliamentary inquiry that debate on a bill (called up under the Calendar Wednesday procedure) in the Committee

17. See Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

18. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

of the Whole would be limited to two hours, one hour to be controlled by the chairman of the Committee on Interstate and Foreign Commerce, and one hour to be controlled by the ranking minority committee member opposed to the bill.[19]

§ 16.18 In recognizing a Member to control time in opposition to a bill on Calendar Wednesday in the Committee of the Whole, the Chair recognizes minority members, if opposed, in the order of their seniority on the committee reporting a bill.

On Apr. 14, 1937,[20] the House resolved itself into the Committee of the Whole for the consideration of a bill called up under the Calendar Wednesday procedure by the Committee on Interstate and Foreign Commerce. Chairman J. Mark Wilcox, of Florida, answered a parliamentary inquiry as to the order of recognition on the bill.

> MR. [PEHR G.] HOLMES [of Massachusetts]: Am I to understand that 1 hour will be extended me in opposition to the bill as a minority member of the committee?
>
> THE CHAIRMAN: Is the gentleman from Massachusetts opposed to the bill?
>
> MR. HOLMES: I am, Mr. Chairman.
>
> THE CHAIRMAN: Is the gentleman from Massachusetts the ranking minority member of the committee?
>
> MR. HOLMES: I am the ranking minority member opposed to the bill.
>
> THE CHAIRMAN: The gentleman is entitled to recognition in opposition to the bill unless a minority member of the committee outranking the gentleman desires recognition.
>
> MR. [CARL E.] MAPES [of Michigan]: Mr. Chairman, the gentleman from Massachusetts [Mr. Holmes] is the only minority member of the committee who is opposed to the bill.
>
> THE CHAIRMAN: Then the gentleman from Massachusetts will be recognized in opposition to the bill.

§ 16.19 A Member calling up a bill on Calendar Wednesday must be authorized and directed to do so by the committee having jurisdiction over the bill.

On Feb. 24, 1937,[1] Speaker Pro Tempore William J. Driver, of Arkansas, responded to a parliamentary inquiry during the Calendar Wednesday call of committees:

> MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up

19. Rule XXIV clause 7, *House Rules and Manual* § 897 (1995), governs the consideration of bills called up by committees under the Calendar Wednesday procedure.

20. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

1. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.[2]

§ 16.20 Members of a committee having jurisdiction of a bill on the Union Calendar called up on Calendar Wednesday are entitled to prior recognition to oppose it, but if no member of the committee rises to oppose the bill, any Member may be recognized for the hour in opposition.

On May 14, 1930,[3] Chairman Scott Leavitt, of Montana, ruled that since no member of a committee calling up a bill on Calendar Wednesday sought recognition to oppose the bill, any Member of the House could be recognized to control one hour's debate in opposition to the bill.

—Duty of Chair To Report Bill

§ 16.21 A provision of the Legislative Reorganization Act of 1946, later adopted as a House rule, requiring the chairman of each committee to report or cause to be reported promptly any measure approved by his committee or to take or cause to be taken necessary steps to bring a matter to a vote, was cited by the Speaker in overruling a point of order that a committee member did not have authority to call up a bill on Calendar Wednesday.

On Feb. 22, 1950,[4] John Lesinski, of Michigan, Chairman of the Committee on Education and Labor, called up a bill under the Calendar Wednesday procedure. Mr. Tom Pickett, of Texas, made the point of order that Mr. Lesinski was not entitled to recognition for that purpose, not having been expressly authorized by the committee to call up the bill under that procedure.

Speaker Sam Rayburn, of Texas, overruled the point of order, saying:

> The gentleman from Michigan [Mr. Lesinski] has already stated that the committee did give him this authority. The present occupant of the chair has read the minutes of the committee and thinks the gentleman from Michigan is correct.

2. See also 92 CONG. REC. 8590, 79th Cong. 2d Sess., July 10, 1946; and 87 CONG. REC. 5047, 77th Cong. 1st Sess., June 11, 1941.
3. 72 CONG. REC. 8938, 8939, 71st Cong. 2d Sess.
4. 96 CONG. REC. 2161, 2162, 81st Cong. 2d Sess.

Also the latest rule on this matter is section 133, paragraph (c), of the Legislative Reorganization Act, and there is very good reason for this rule because in times past the chairmen of committees have been known to carry bills around in their pockets for quite a while and not present them.

The rule is as follows:

> It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

The Chair overrules the point of order.[5]

District of Columbia Bills

§ 16.22 During general debate on District of Columbia business in the Committee of the Whole, in the absence of a unanimous-consent agreement in the House allocating control of general debate, the Chair alternates in recognizing between those for and those against the pending legislation, giving preference to members of the Committee on the District of Columbia.

On Apr. 11, 1932,[6] Chairman Thomas L. Blanton, of Texas, answered a parliamentary inquiry on recognition in the Committee of the Whole during general debate on a District of Columbia bill.[7]

—Privileged Resolution and Other Business Was Considered Before District Business

§ 16.23 On a District of Columbia Monday, the Speaker recognized a member of the Committee on Rules to call up a privileged resolution relating to the order of business, and later recognized the chairman of another committee to call up the business made in order thereby, prior to recognizing the chairman of the Committee on the District of Columbia to call up District business.

On Sept. 24, 1962,[8] which was District of Columbia Monday, the Committee on the District of Columbia did not assert its right to call up District business. Speaker

5. The statute cited was later adopted as part of the standing rules; see Rule XI clause 2(l)(1)(A), *House Rules and Manual* § 713a (1995).

6. For the proceedings dealing with this principle, see § 12.11, supra.

7. For District of Columbia business, see Rule XXIV clause 8, *House Rules and Manual* § 899 (1995).

8. 108 CONG. REC. 20489, 87th Cong. 2d Sess.

John W. McCormack, of Massachusetts, recognized Mr. William M. Colmer, of Mississippi, of the Committee on Rules to call up House Resolution 804 (privileged resolution making in order the consideration of S.J. Res. 224, authorizing the President to call up armed forces reservists). Following the adoption of the House resolution, the Speaker recognized Carl Vinson, of Georgia, Chairman of the Committee on Armed Services, to call up and control debate on the measure made in order thereby. Thereafter, the Speaker announced it was District of Columbia day and then recognized John L. McMillan, of South Carolina, Chairman of the Committee on the District of Columbia, to call up District business.

—*Motion To Suspend Rules Is of Equal Privilege*

§ 16.24 Where a Member seeks recognition to call up District of Columbia business, privileged on District of Columbia Monday, and another Member seeks recognition to suspend the rules and agree to a bill made privileged by unanimous consent, it is within the discretion of the Speaker as to which of the two Members he shall recognize.

On Aug. 27, 1962,[9] which was District of Columbia Monday, Mr. Emanuel Celler, of New York, moved to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the United States Constitution (to prohibit the use of a poll tax as a qualification for voting). Thomas G. Abernethy, of Mississippi, a member of the Committee on the District of Columbia, made a point of order against the motion on the ground that under the rules of the House District of Columbia business was privileged and mandatory on District of Columbia day. Mr. Carl Albert, of Oklahoma, asked to be heard on the point of order and stated that suspension motions had been transferred to the present day by a unanimous-consent agreement several days prior. Mr. Abernethy debated the point of order, as did Mr. Howard W. Smith, of Virginia, asserting that Rule XXIV clause 8 required the Speaker to recognize for District of Columbia business. Speaker John W. McCormack, of Massachusetts, ruled as follows:

> Several days ago on August 14 unanimous consent was obtained to transfer the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the

9. 108 CONG. REC. 17654, 17655, 87th Cong. 2d Sess.

consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

The Chair overrules the point of order.

Private Calendar Bills

§ 16.25 Under clause 6 of Rule XXIV, the call of the Private Calendar on the third Tuesday of a month is entirely within the discretion of the Speaker.

On Oct. 16, 1990,[10] the Chair responded to a parliamentary inquiry regarding the Private Calendar:

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, pursuant to clause 6 of rule XXIV, today is the day for the call of the Private Calendar. Is the Private Calendar not going to be called today?

THE SPEAKER PRO TEMPORE:[11] The Chair will notify the gentleman from Wisconsin [Mr. Sensenbrenner] that the Chair has complete discretion on the third Tuesday whether to call the Private Calendar.

§ 16.26 The rules do not permit pro forma amendments to bills on the Private Calendar.

On Feb. 16, 1954,[12] during consideration of the Private Calendar, Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word and asked unanimous consent to revise and extend his remarks. There was no objection to the request and Mr. Hoffman was recognized. Speaker Joseph W. Martin, Jr., of Massachusetts, then made a statement:

The Chair wishes to make a statement in order to clarify the rules of procedure during the calling of the Private Calendar. Inadvertently, the Chair recognized the gentleman from Michigan to strike out the last word. Under the rules of the House, of course, that may be done on bills on the Consent Calendar, but not on the Private Calendar.[13]

—Recognition To Request Extension of Time Declined

§ 16.27 During amendment of omnibus private bills the Chair refuses to recognize Members for the purpose of requesting an extension of time under the five-minute rule.

On July 20, 1937,[14] the House was considering under the five-

10. 136 CONG. REC. 29646, 101st Cong. 2d Sess.

11. John P. Murtha (Pa.).

12. 100 CONG. REC. 1826, 1827, 83d Cong. 2d Sess.

13. See also 113 CONG. REC. 36535–37, 90th Cong. 1st Sess., Dec. 14, 1967; and 81 CONG. REC. 7295, 75th Cong. 1st Sess., July 20, 1937.

The consideration of bills on the Private Calendar is governed by Rule XXIV clause 6, *House Rules and Manual* § 893 (1995).

14. 81 CONG. REC. 7293–95, 75th Cong. 1st Sess.

minute rule omnibus bills on the Private Calendar. Mr. Alfred F. Beiter, of New York, who had the floor, asked unanimous consent to proceed for one additional minute when his five minutes expired. Speaker William B. Bankhead, of Alabama, ruled:

> Under the rule governing the consideration of these bills, 5 minutes on each side is the limit for debate.

The Speaker then ruled that Mr. Beiter could not be recognized to offer a pro forma amendment to the pending bill.[15]

—*Unanimous-consent Request To Address House*

§ 16.28 During consideration of bills on the Private Calendar, the Chair refuses to recognize Members for unanimous-consent requests to address the House on such bills.

On May 7, 1935,[16] the Clerk called a bill on the Private Calendar and Mr. Charles V. Truax, of Ohio, asked unanimous consent to "proceed for five minutes." Speaker Pro Tempore John J. O'Connor, of New York, refused to recognize Mr. Truax for that purpose.

—*Recognition in Opposition to Amendment*

§ 16.29 Recognition in opposition to an amendment to a bill on the Private Calendar goes first to a member of the committee reporting the bill.

On Dec. 14, 1967,[17] the House was considering a private bill under the five-minute rule. Mr. Durward G. Hall, of Missouri, rose to be heard in opposition to an amendment, but Speaker John W. McCormack, of Massachusetts, extended recognition for that purpose to Mr. Michael A. Feighan, of Ohio, a member of the committee reporting the bill.

—*Unanimous-consent Requests To Take Up Similar Senate Bills*

§ 16.30 Where an omnibus private bill is passed containing House bills similar to Senate bills on the Speaker's table, the Speaker recognizes Mem-

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15. For the basis of the Speaker's ruling, see Rule XXIV clause 6, and comments thereto, *House Rules and Manual* §§ 893–895 (1995).

See also 113 CONG. REC. 36535–37, 90th Cong. 1st Sess., Dec. 14, 1967; 80 CONG. REC. 5900, 74th Cong. 2d Sess., Apr. 22, 1936; and 80 CONG. REC. 3890, 74th Cong. 2d Sess., Mar. 17, 1936.

16. 79 CONG. REC. 7100, 74th Cong. 1st Sess.

17. 113 CONG. REC. 36535–37, 90th Cong. 1st Sess.

bers for unanimous-consent requests to take up such Senate bills for consideration.

On Aug. 21, 1935,[18] Speaker Joseph W. Byrns, of Tennessee, made the following statement:

> Permit the Chair to make a statement. In the omnibus bills which were passed on yesterday there were included several bills which had previously passed the Senate and were on the Speaker's table. The Chair feels that those Members who are interested in those particular bills should have an opportunity to ask unanimous consent for the immediate consideration of the Senate bills, so that they can be taken out of the omnibus bills when they are reported to the Senate. The Chair will therefore first recognize Members who have such bills. . . .

The Speaker then recognized Mr. William A. Pittenger, of Minnesota, to ask unanimous consent for the consideration of one of the Senate bills.

§ 17. As to Conference Reports and Other House-Senate Matters

The chairman of the committee with jurisdiction of the subject matter of a bill is ordinarily recognized for requests for a conference, motions and resolutions relating to disposition of Senate amendments, or calling up conference reports.[19]

One hour of debate, equally divided between the majority and minority parties, is permitted on a conference report; and the Speaker recognizes the Member calling up the report to control 30 minutes and a Member from the other party, preferably the senior conferee from that party, to control 30 minutes.[20] Under customary practice, the Members controlling the time for debate on a conference report are among those who served as House managers in the conference.[1]

Rule XXVIII, clause 1(b)[2] provides that the time allotted for debate on any motion to instruct House conferees shall be equally divided between the majority and minority parties, except that if the proponent of the motion and the Member from the other party are both supporters of the motion, one third of such debate time shall be allotted to a Member who is opposed to said motion.

Similarly, the time allotted for debate in the consideration of a

18. 79 CONG. REC. 13993, 74th Cong. 1st Sess.

19. See §§ 17.29 et seq., infra.

20. See § 17.9, infra.

1. For division of debate on a conference report, see Rule XXVIII clause 2(a), *House Rules and Manual* § 912a (1995).

2. *House Rules and Manual* § 909a (1995).