ity member of the conference committee, have a motion?

MR. [CLARENCE J.] BROWN of Ohio: I am unqualified for the motion to recommit. I was standing, however, to make sure that the motion to recommit was protected for the minority, and when the Chair recognized the gentleman from Ohio (Mr. Devine), the ranking minority member of the Commerce Committee, I took my seat. . . .

MR. LUJAN: Mr. Speaker, I did not hear an answer to my parliamentary inquiry.

THE SPEAKER PRO TEMPORE: As the gentleman knows, the Chair's control over recognition is not subject to challenge and the Chair recognized the gentleman from Ohio (Mr. Devine).

The gentleman from Ohio (Mr. Devine) is recognized for a motion.

MR. DEVINE: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is the gentleman opposed to the conference report?

MR. DEVINE: I am opposed to the bill, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Devine moves to recommit the conference report to accompany the Senate bill, S. 1308, to the committee of conference.

Parliamentarian's Note: Ordinarily, the prior right to recognition to move to recommit should belong to a member of a conference committee (the committee reporting the bill).[20]

§ 18. As to Simple or Concurrent Resolutions; Special Rules

Simple resolutions (headed "H. Res.") are used to express a fact, or to declare the principles, opinions, or purposes of the House. Rules, including "special rules" providing for consideration of bills, are adopted by simple resolution. Special committees are authorized and expenditures made from the contingent fund in this manner. Resolutions of inquiry or disapproval, including resolutions under congressional disapproval procedures prescribed by statute, are generally made by simple resolution; and such resolutions are used to express the sense of the House on various matters.

Concurrent resolutions (headed, e.g., "H. Con. Res.") are used as a means by which the two Houses may concurrently express certain facts, opinions or purposes. A concurrent resolution is not binding on either House until agreed to by both, and is not sent to the President for approval.

Rule XXII clause 2(b)[1] now provides:

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20. See 132 CONG. REC. 26294, 99th Cong. 2d Sess., where Mr. William R. Archer, Jr., of Texas, a conferee and member of the Ways and Means Committee, was recognized for a motion to recommit the conference report on the Tax Reform Act of 1986 (H.R. 3838).

1. *House Rules and Manual* § 852 (1995).

> No bill or resolution, and no amendment to any bill or resolution, establishing or expressing any commemoration may be introduced or considered in the House.
>
> For purposes of this paragraph, the term "commemoration" means any remembrance, celebration, or recognition for any purpose through the designation of a specified period of time.

Debate on a privileged resolution is under the hour rule, and the Member recognized to call it up has control of the time.[2] Thus, a Member offering a resolution presenting a question of the privilege of the House is recognized to control one hour of debate on the resolution.[3] Moreover, the Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment from the floor unless the Member in charge yields for that purpose.[4]

Only a member of the Committee on Rules designated to call up a special rule from the committee may be recognized for that purpose, unless the rule has been on the calendar for seven legislative days without action.[5]

If the previous question on a privileged resolution reported by the Committee on Rules is voted down, the resolution is subject to further consideration, debate, and a motion to table, and the Member leading the opposition to the resolution is recognized under the hour rule.[6]

When a resolution from the Committee on Rules is called up the same day it is reported, recognition for debate is not in order until the House agrees by a two-thirds vote to consider the resolution.[7]

Cross References

Consideration and adoption of resolutions in general, see Ch. 24, supra.

Distribution and alternation of time on certain resolutions, see § 25, infra.

Effect of special rules on control and distribution of debate, see § 28, infra.

Losing or surrendering control of resolutions, see §§ 33, 34, infra.

Management by reporting committee on resolutions, see § 26, infra.

Prior recognition of members of reporting committee on resolutions, see § 13, supra.

Resolutions considered under hour rule, see § 68, infra.

Special rules from the Committee on Rules, see Ch. 21, supra.

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2. See § 18.1, infra.

3. See § 18.12, infra.

4. See § 18.10, infra.

5. See § 18.13, infra. For the privilege and precedence of reports from the Committee on Rules related to the order of business and consideration, see Rule XI, clauses 4(a) and 4(b) and comments thereto, *House Rules and Manual* §§ 726–729d (1995).

6. See § 18.6, infra.

7. See § 18.20, infra.

Special rules from Committee on Rules as effecting consideration, see § 2, supra.

Calling Up Privileged Resolution

§ 18.1 Debate on a privileged resolution is under the hour rule and the Member recognized to call it up has control of the time.

On Feb. 27, 1963,[8] Mr. Samuel N. Friedel, of Maryland, called up by direction of the Committee on House Administration House Resolution 164, a privileged resolution providing funds for the Committee on Armed Services. Speaker John W. McCormack, of Massachusetts, then answered a parliamentary inquiry as to control of the time for debate:

> MR. [CHARLES A.] HALLECK [of Indiana]: As I understand it, the gentleman from Maryland [Mr. Friedel] has said that he would yield time to Members on the minority side, and that is what we want. If there is another minority Member who wants to be recognized at this time, it would be in order under the rules for that Member to be granted time in order that he might make such statement as he might want to make.
>
> THE SPEAKER: The Chair will state that under the rules of the House and pursuant to custom that has existed from time immemorial, on a resolution of this kind the Member in charge of the resolution has control of the time and he, in turn, yields time. The gentleman from Maryland [Mr. Friedel] in charge of the resolution has yielded 10 minutes to the gentleman from Ohio. If the gentleman from Ohio desires to yield to some other Member, he may do so but he may not yield a specific amount of time.

On Feb. 25, 1954,[9] Speaker Joseph W. Martin, Jr., of Massachusetts, answered parliamentary inquiries on the control of debate on a privileged resolution (authorizing the payment of certain committee expenses) called up by Karl M. LeCompte, of Iowa, Chairman of the Committee on House Administration:

> MR. LECOMPTE: Under the rules the Chairman has control of the time.
>
> THE SPEAKER: The gentleman has 1 hour to yield to whomsoever he desires.
>
> MR. LECOMPTE: And he has control of the matter of offering amendments.
>
> THE SPEAKER: A committee amendment is now pending. No other amendment can be offered unless the gentleman yields the floor for that purpose.
>
> MR. LECOMPTE: A motion to recommit, of course, belongs to some member of the minority opposed to the resolution. Would any motion except a motion to recommit be in order except by the gentleman in charge of the bill?

8. 109 CONG. REC. 3051, 3052, 88th Cong. 1st Sess.

9. 100 CONG. REC. 2282, 83d Cong. 2d Sess.

THE SPEAKER: Not unless the gentleman yields for that purpose.

The gentleman from Iowa is recognized for 1 hour.

Offering Privileged Resolution Prior to Adoption of the Rules

§ 18.2 Prior to the adoption of the rules, a Member offering a privileged resolution on the seating of a Member-elect is recognized for one hour of debate.

On Jan. 10, 1967, prior to the adoption of the rules, Mr. Morris K. Udall, of Arizona, offered as privileged House Resolution 1, authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Speaker McCormack ruled that Mr. Udall was entitled to recognition for one hour.[10]

Previous Question Rejected on Resolution Providing for Seating of Member-elect

§ 18.3 Recognition to offer an amendment to a resolution called up prior to the adoption of rules and relating to the seat of a Member-elect passes to a Member leading the opposition to the resolution if the previous question thereon is rejected.

On Jan. 10, 1967,[11] at the convening of the 90th Congress and before the adoption of standing rules, Mr. Morris K. Udall, of Arizona, called up a resolution (H. Res. 1), authorizing Speaker John W. McCormack, of Massachusetts, to administer the oath of office to challenged Member-elect Adam C. Powell, of New York, and referring the question of his final right to a seat to a select committee. Pending debate on the resolution, Speaker McCormack answered parliamentary inquiries on the procedure for consideration of and recognition on the resolution:

MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?

THE SPEAKER: The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment. . . .

MR. WAGGONNER: Mr. Speaker, under the rules of the House would the

10. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

As to the privilege and disposition of resolutions before the adoption of rules, see Ch. 1, supra.

11. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

option or priority or a subsequent amendment or a substitute motion lie with the minority?

THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a question that would present itself to the Chair at that particular time. . . . However, the usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.

Mr. Udall moved the previous question on the resolution, and the motion was rejected.

Speaker McCormack then recognized Gerald R. Ford, of Michigan, the Minority Leader, to offer an amendment to the resolution.[12]

§ 18.4 A minority Member, who had led the opposition, was recognized after the House had refused to order the previous question on a resolution offered by the majority and providing for the seating of a Member-elect.

On Mar. 1, 1967,[13] Emanuel Celler, of New York, a Member of the majority, moved the previous question on House Resolution 278, which he had offered, and which provided for the seating of challenged Member-elect Adam C. Powell, of New York. The previous question was rejected.

Speaker John W. McCormack, of Massachusetts, then recognized Thomas B. Curtis, of Missouri, a Member of the minority, to offer an amendment in the nature of a substitute excluding Member-elect Powell from membership in the House.

Rejection of Previous Question on Resolution From Committee on Rules

§ 18.5 If the previous question is voted down on a Committee on Rules resolution authorizing an investigation, recognition passes to the opponents of the resolution, and the Chair first recognizes a Member of the minority party, if opposed.

On July 20, 1939,[14] Mr. Howard W. Smith, of Virginia, managing a resolution from the Committee on Rules to authorize an investigation, moved the previous question on the resolution. Speaker William B. Bankhead, of Alabama, answered parliamentary inquiries on the order of recognition to be followed should the previous question be rejected:

MR. [VITO] MARCANTONIO [of New York]: If the previous question is voted down, will that open up the resolution to amendment?

THE SPEAKER: Undoubtedly.

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12. *Id.* at pp. 24–26.

13. 113 CONG. REC. 5019, 5020, 90th Cong. 1st Sess.

14. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

MR. SMITH of Virginia: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER: If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

On Mar. 13, 1939,[15] Mr. Smith called up at the direction of the Committee on the District of Columbia House Resolution 113, authorizing an investigation of the milk industry in the District of Columbia. Mr. Smith moved the previous question on the resolution, and the motion was rejected:

Speaker Bankhead then stated:

Under the rules of procedure, the recognition passes to the gentleman from Michigan [Mr. Mapes] if he desires to claim it.

The Speaker added, in response to parliamentary inquiries, that Mr. Carl E. Mapes, who was leading the opposition to the resolution, would control one hour of debate and would lose the floor if he yielded to another Member to offer an amendment.[16]

—*Member Opposed to Resolution Offers Motion To Table*

§ 18.6 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution would be subject to further consideration, debate, and a motion to table, and that he would recognize under the hour rule the Member who appeared to be leading the opposition.

On Oct. 19, 1966,[17] Mr. Claude D. Pepper, of Florida, called up, by direction of the Committee on Rules, House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Pepper was recognized for one hour

15. *Id.* at p. 2663.

16. Pending a vote on ordering the previous question, the Chair may decline to indicate whom he might recognize or what form of amendment might be in order if the previous question were rejected. See 115 CONG. REC. 29219, 29220, 91st Cong. 1st Sess., Oct. 8, 1969.

17. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

and offered a committee amendment to the resolution, which amendment was agreed to. Speaker John W. McCormack, of Massachusetts, then answered a series of parliamentary inquiries on the order of recognition should Mr. Pepper move the previous question and should the motion be defeated:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate. . . .

MR. [JOE D.] WAGGONNER [of Louisiana]: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion. . . .

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER: The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.

MR. FULTON of Pennsylvania: What would be the time for debate?

THE SPEAKER: Under those circumstances the Member recognized in opposition would have 1 hour at his disposal, or such portion of it as he might desire to exercise.

Subsequently, after the previous question had been rejected, the Speaker recognized a Member who qualified as being opposed to the resolution, to offer a motion to table the resolution. The Speaker's determination as to whether the Member qualified, and the subsequent recognition, were as follows:

MR. WAGGONNER: Mr. Speaker, I offer a motion.

THE SPEAKER: Is the gentleman from Louisiana opposed to the resolution?

MR. WAGGONNER: I am, in its present form, Mr. Speaker.

THE SPEAKER: Has the gentleman participated actively in the debate in opposition?

MR. WAGGONNER: I did, Mr. Speaker.

THE SPEAKER: The Chair recognizes the gentleman.

The Clerk read as follows:

Mr. Waggonner moves to lay House Resolution 1013 on the table.

Recognition After Defeat of Motion by Member in Charge To Table Resolution of Inquiry

§ 18.7 Where the motion to lay a resolution of inquiry on the table is made by the Member in charge of the resolution, and that motion is defeated, the right to prior recognition passes to the Member lead-

ing the opposition to the motion.

On Feb. 20, 1952,[18] Mr. James P. Richards, of South Carolina, called up by direction of the Committee on Foreign Affairs, House Resolution 514, a privileged resolution of inquiry directed to the Secretary of State. Mr. Richards sent to the Clerk's desk the adverse report of the committee, recommending that the resolution not pass. Mr. Richards immediately moved to lay the resolution on the table. The motion was defeated.

John M. Vorys, of Ohio, the Member leading the opposition to the motion, was then recognized by Speaker Sam Rayburn, of Texas, who explained the parliamentary situation:

> The gentleman from Ohio is in charge of the time, the gentleman being with the majority in this instance, and on that side of the issue which received the most votes.

Mr. Vorys controlled debate on the resolution, which was agreed to by the House.

Parliamentarian's Note: Resolutions of inquiry addressed to heads of executive departments are privileged. If the committee to which the resolution is referred makes an adverse decision on the resolution, the resolution is usually reported and the committee manager moves to lay the resolution on the table.[19]

Resolution Disapproving Reorganization Plan —Member Opposed Moved That House Proceed to Consideration

§ 18.8 After a committee had reported to the House a resolution disapproving a reorganization plan (under the Reorganization Act of 1949), a Member could be recognized to move that the House proceed to the consideration thereof although he was not in favor of the resolution.

On July 19, 1961,[20] Mr. Dante B. Fascell, of Florida, moved that the House resolve itself into the Committee of the Whole for the consideration of House Resolution 328, disapproving Reorganization Plan No. 5, which resolution was reported from the Committee on Government Operations. Mr. Fascell made a unanimous-consent request that debate be limited to five hours, to be equally divided

18. 98 CONG. REC. 1205–07, 82d Cong. 2d Sess.

19. Resolutions of inquiry generally, see Ch. 24, supra, and Rule XXII clause 5, *House Rules and Manual* § 855 (1995).

20. 107 CONG. REC. 12905, 12906, 87th Cong. 1st Sess.

and controlled by himself and by Mr. Clare E. Hoffman, of Michigan. Mr. Hoffman objected to the latter request and Mr. Fascell moved simply that the House resolve itself into the Committee of the Whole.

Mr. H. R. Gross, of Iowa, raised a parliamentary inquiry as to whether Mr. Fascell had to qualify to make the motion by stating he was in favor of the resolution. Speaker Sam Rayburn, of Texas, ruled that he did not have to so qualify since under the statute, any Member could call up a disapproval resolution reported from committee. In the Committee of the Whole, the Chairman stated that Mr. Fascell would be recognized for up to five hours, and Mr. Hoffman, the gentleman opposed to the resolution, would be recognized for five hours.

Parliamentarian's Note: The Reorganization Act of 1949 (Public Law 81–109, 63 Stat. 203) provided that in the consideration of a resolution relating to a reorganization plan, there be not to exceed 10 hours of debate, to be equally divided between those favoring and those opposing the resolution (5 USC § 912). However, the statute as it related to the procedures of the House and Senate was enacted with recognition of the constitutional right of either House to change its rules at any time (5 USC § 908).

There are a variety of statutes providing for the privileged consideration of simple, concurrent, and joint resolutions to approve or disapprove certain proposals of the executive branch. Each such statute should be consulted to determine the procedure for consideration and recognition.

Debate on Motion To Discharge Committee From Consideration

§ 18.9 Debate on a motion to discharge a committee from further consideration of a resolution (under the Reorganization Act of 1949) disapproving a reorganization plan was limited to one hour and was equally divided between the Member making the motion and a Member opposed thereto; and the Chair recognized the Member making the motion to open and close debate.

On Aug. 3, 1961,[1] Mr. H. R. Gross, of Iowa, moved to discharge the Committee on Government Operations from the further consideration of House Resolution 335, disapproving Reorganization

1. 107 CONG. REC. 14548, 87th Cong. 1st Sess.

Plan No. 6, transmitted by the President to Congress. Speaker Sam Rayburn, of Texas, inquired whether Mr. Gross was in favor of the resolution and when Mr. Gross assured the Speaker he was, the Speaker recognized Mr. Gross to open debate and to control 30 minutes on the motion. The Speaker recognized a Member in opposition for 30 minutes and then recognized Mr. Gross to close debate.[2]

Parliamentarian's Note: The time for debate and the division of time between those favoring and those opposing the resolution, on a motion to discharge a committee from the further consideration of a resolution disapproving a reorganization plan, was specifically provided in the Reorganization Act of 1949.[3]

Amending Privileged Resolution From Committee on Rules

§ 18.10 The Member calling up a privileged resolution from the Committee on Rules controls one hour of debate in the House, and the resolution is not subject to amendment unless the Member in charge yields for that purpose.

On Feb. 26, 1976,[4] the following proceedings occurred in the House relative to calling up a resolution from the Committee on Rules:

> MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.
>
> The Clerk read the resolution, as follows:
>
> H. RES. 868
>
> *Resolved,* That Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:
>
> "7. It shall not be in order to consider any report of a committee unless copies or reproductions of such report have been available to the Members on the floor for at least two hours before the beginning of such consideration. . . .
>
> MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER:[5] The gentleman will state it.
>
> MR. BAUMAN: Mr. Speaker, this resolution is to be considered in the House which would preclude an amendment from being offered by any Member.
>
> THE SPEAKER: It is a rule that comes from the Committee on Rules. It is

2. See also 107 CONG. REC. 13084, 13095, 13096, 87th Cong. 1st Sess., July 20, 1961.
3. Public Law 81–109, 63 Stat. 203. The Act has subsequently been amended. See the current text of 5 USC § 911, et seq.
4. 122 CONG. REC. 4625, 4626, 94th Cong. 2d Sess.
5. Carl Albert (Okla.).

under the charge of the gentleman handling the resolution.

MR. BAUMAN: So unless the gentleman yields for the purpose of an amendment, none would be in order?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: Mr. Speaker, what unanimous-consent request might be entertained in order to allow amendments to be offered generally? Would it be a request to consider it in the House as in the Committee of the Whole?

THE SPEAKER: No. The gentleman from Florida controls the floor under the 1-hour rule in the House because this is a change in the rules brought to the floor by the Committee on Rules as privileged. Rules changes can be considered in the House.

Rule IX—Questions of Privilege

§ 18.11 When a Member asserts that he rises to a question of the privileges of the House, the Speaker may hear the question and may then refuse recognition if the resolution is not admissible as a question of privilege under Rule IX.

On June 27, 1974,[6] it was demonstrated that a Member may not, by raising a question of the privileges of the House under Rule IX, attach privilege to a question not otherwise in order under the rules of the House.

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a resolution (H. Res. 1203) involving a question of privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1203

Whereas on January 31, 1973, the House of Representatives voted to establish a ten-member, bipartisan Select Committee on Committees charged with conducting a "thorough and complete study of rules X and XI of the Rules of the House of Representatives; and

Whereas the select committee was further "authorized and directed to report to the House . . .

Whereas on March 21, 1974, the select committee reported House Resolution 988 in conformance with its mandate; and

Whereas the chairman of the select committee has failed to seek a rule making House Resolution 988 in order for consideration by the House; and

Whereas, clause 27(d)(1) of House Rule XI states, "It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote;" . . .

Resolved, That the chairman of the select committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988; and be it further

Resolved, That the House Committee on Rules be directed to give immediate consideration to such request. . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I make the point of order that the resolution offered by the gentleman from Illinois does not raise the question of privilege. . . .

6. 120 CONG. REC. 21596–98, 93d Cong. 2d Sess.

MR. ANDERSON of Illinois: Mr. Speaker, I desire to be heard on the point of order. My question of privilege arises under rule IX which provides that, and I quote:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. . . .

Mr. Speaker, I rest my question of privilege on that clause which declares those questions privileged which relate to the integrity of the proceedings of the House. It is my contention that there has been a deliberate attempt to delay House consideration of House Resolution 988, the so-called Bolling-Martin Committee Reform Amendments of 1974, and that this intentional delay not only interferes with and flouts the integrity of the proceedings of this body, but is in clear violation of clause 27(d)(1) of rule XI of the Rules of the House.

Under that rule, and I quote:

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

THE SPEAKER:[7] The Chair is ready to rule.

The gentleman from Illinois (Mr. Anderson) has submitted a resolution which he asserts involves a question of the privileges of the House under rule IX. Following the preamble of the resolution, the resolution provides that:

> *Resolved,* That the chairman of the Select Committee be directed to forthwith seek a rule making in order for consideration by the House, House Resolution 988, and be it further
>
> *Resolved,* That the House Committee on Rules be directed to give immediate consideration to such request.

As indicated in "Hinds' Precedents," volume III, section 2678, Speakers are authorized to make a preliminary determination as to those questions presented which may involve privileges. As reaffirmed by Speaker McCormack on October 8, 1968 (Record p. 30214 to 30216) when a Member asserts that he rises to a question of the privileges of the House, the Speaker may hear the question and then, if the matter is not one admissible as a question of privilege of the House he can refuse recognition.

The Chair has listened to the arguments concerning the privileged status of this resolution and has examined the precedents of the House in this regard. It will be noted that the gentleman from Illinois has relied heavily on section 2609, volume III of "Hinds' Precedents," in which it was held by Speaker Reed that a report having been ordered to be made by a select committee but not being made within a reasonable time, a resolution directing the report to be made raised a question of the privileges of the House.

That case is distinguishable from the present instance in that in this instance the chairman has made the report and the resolution is pending on the calendar of the House and it does not become privileged until the House has adopted a resolution reported from the Committee on Rules providing for the consideration of House Resolution

7. Carl Albert (Okla.).

988. The Chair does not feel that a question of privilege of the House under rule IX should be used as a mechanism for giving privilege to a motion which would not otherwise be in order under the Rules of the House, in this case, namely, a motion to direct the Committee on Rules to take a certain action.

The Chair now would refer to Hinds' Precedents, volume III, section 2610, wherein Speaker Crisp ruled that a charge that a committee had been inactive in regard to a subject committed to it did not constitute a question of privilege of the House. . . .

The rules did not provide at the time of Speaker Reed's ruling, as is now the case in clause 27(d)(2) of Rule XI, for a mandatory filing of the reports within 7 calendar days after the measure has been ordered reported upon signed request by a committee majority.

In the instant case, however, the Select Committee on Committees has filed its report and the Chair is not aware that the chairman of the Select Committee on Committees has in any sense violated the rule cited by the gentleman from Illinois. For these reasons, the Chair holds that the gentleman's resolution does not present a question of the privileges of the House under [rule] IX and the resolution may not be considered.

§ 18.12 Under the former rule, a Member offering a resolution presenting a question of the privilege of the House is recognized to control one hour of debate on the resolution.

On Feb. 19, 1976,[8] Mr. Samuel S. Stratton, of New York, offered a privileged resolution as follows:

MR. STRATTON: I rise to a question involving the privileges of the House, and I offer a privileged resolution.

The Clerk read the resolution as follows:

H. RES. 1042

Resolution requiring that the Committee on Standards of Official Conduct inquire into the circumstances leading to the public publication of a report containing classified material prepared by the House Select Committee on Intelligence

Whereas the February 16, 1976, issue of the Village Voice, a New York City newspaper, contains the partial text of a report or a preliminary report prepared by the Select Committee on Intelligence of the House, pursuant to H. Res. 591, which relates to the foreign activities of the intelligence agencies of the United States and which contains sensitive classified information . . . Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct be and it is hereby authorized and directed to inquire into the circumstances surrounding the publication of the text and of any part of the report of the Select Committee on Intelligence, and to report back to the House in a timely fashion its findings and recommendations thereon.

THE SPEAKER:[9] The gentleman from New York (Mr. Stratton) is recognized for 1 hour.

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8. 122 CONG. REC. 3914, 94th Cong. 2d Sess. Rule IX was amended in the 103d Congress to divide debate time.

9. Carl Albert (Okla.).

Calling Up Special Rule

§ 18.13 Only a member of the Committee on Rules designated to call up a report from the committee may be recognized for that purpose, unless the rule has been on the calendar for seven legislative days without action.

On June 6, 1940,[10] Mr. Hamilton Fish, Jr., of New York, sought recognition to call up for consideration a special resolution from the Committee on Rules providing for the consideration of a measure. Speaker William B. Bankhead, of Alabama, inquired whether Mr. Fish had been authorized to call up the resolution and Mr. Fish stated he had not. He asserted that calling up such a resolution was "the privilege of any member of the Rules Committee."

The Speaker declined to recognize Mr. Fish for that purpose, saying:

> The Chair cannot recognize the gentleman from New York to call up the resolution unless the Record shows he was authorized to do so by the Rules Committee. . . .
>
> The precedents are all to the effect that only a Member authorized by the Rules Committee can call up a rule, unless the rule has been on the calendar for 7 legislative days without action.

§ 18.14 If a resolution providing a special order of business is not called up for consideration by the Member reporting the resolution within seven legislative days, any member of the Committee on Rules may call it up for consideration [Rule XI, cl. 4(c)]; and since the motion to call up such a resolution is privileged, the Speaker would be obliged to recognize for this purpose unless a matter of equal or higher privilege was also pending, in which case the order of consideration would be determined by the Speaker's recognition.

On Sept. 22, 1966,[11] Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry on recognition of members of the Committee on Rules to call up a special rule reported from that committee but not yet called up at the direction of the committee:

> MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

10. 86 CONG. REC. 7706, 76th Cong. 3d Sess. See Rule XI, cl. 4(c), *House Rules and Manual* § 730 (1995), as to calling up special rule.

11. 112 CONG. REC. 23691, 89th Cong. 2d Sess.

Under the rules of the House, as I understand them, this rule, House Resolution 1007, to bring up the so-called House Un-American Activities Committee bill, is a privileged matter, and if it is not programed, then the gentleman handling the rule or any member of the Rules Committee, may call it up as a privileged matter. Is my understanding correct about that?

THE SPEAKER: The gentleman's understanding is correct. Of course, the question of recognition is with the Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with the Chair.[12]

§ 18.15 If a resolution providing a special order of business is reported from the Committee on Rules and is not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call the resolution up, and the Speaker shall recognize the Member seeking recognition for that purpose as a matter of highest privilege.

On Sept. 25, 1980,[13] the following proceedings occurred in the House:

MR. [TRENT] LOTT [of Mississippi]: Mr. Speaker, I rise to a question of privilege, and pursuant to clause 4(c) of House rule XI, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, 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. 6674) to amend the National Visitor Center Facilities Act of 1968 to authorize additional funds, and for other purposes, and the first reading of the bill shall be dispensed with. . . .

THE SPEAKER PRO TEMPORE:[14] Under the rule, this resolution is a highly privileged one.

The gentleman from Mississippi (Mr. Lott) is recognized for 1 hour. . . .

MR. LOTT: Mr. Speaker, I yield the usual 30 minutes to a majority member of the Committee on Rules, should the majority choose to use its time, but I reserve to myself the balance of the time not used by the majority.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have invoked this rarely used House rule, clause 4(c) of

12. See Rule XI clause 4(c), *House Rules and Manual* § 730 (1995), for the procedure where a special rule has been on the calendar for seven legislative days.

13. 126 CONG. REC. 27417–24, 96th Cong. 2d Sess.

14. Thomas S. Foley (Wash.).

rule XI, because I think there comes a time when we must invoke the House rules in order to call to the attention of the House and the American people the fact that we are ignoring, even violating, a far more important law and House rule which should be binding on this Congress. I am referring, of course, to the Congressional Budget Act of 1974 . . . .

Mr. Speaker, let me conclude by just asking my colleagues to vote no on the previous question. It is a vote against violating the Budget Act. . . .

Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER PRO TEMPORE: The question is on ordering the previous question.

Special Rule Withdrawn From Consideration

§ 18.16 Where a special rule providing for the consideration of a measure was pending when a recess was declared to await the receipt of an engrossed bill (when the rules allowed any Member to demand the reading in full of an engrossed bill), the manager of the special rule withdrew it from consideration since no action had been taken thereon.

On Apr. 8, 1964,[15] the House was considering House Resolution 665, offered by Mr. Richard Bolling, of Missouri, from the Committee on Rules, providing for taking a bill from the Speaker's table and agreeing to Senate amendments thereto. Before a vote was had on the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pending the receipt of the engrossed copy of another bill, H.R. 10222, the Food Stamp Act of 1964. When the House reconvened, the Speaker announced that the unfinished business was the reading of the latter bill. Mr. Oliver P. Bolton, of Ohio, raised a parliamentary inquiry as to the status of the resolution pending at the recess. The Speaker, without responding to the inquiry, recognized Mr. Bolling, the manager of the resolution, who then withdrew the resolution from consideration.

Member Who Withdrew Resolution Recognized Again

§ 18.17 A Member calling up a privileged resolution from the Committee on Rules is recognized for a full hour notwithstanding the fact that he has previously called up the resolution and temporarily withdrawn it after debate.

On Apr. 8, 1964,[16] Mr. Richard Bolling, of Missouri, called up at

15. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

16. 110 CONG. REC. 7303–08, 88th Cong. 2d Sess.

the direction of the Committee on Rules House Resolution 665, making in order the consideration of a wheat-cotton measure. While the resolution was pending, Speaker John W. McCormack, of Massachusetts, declared a recess to await the receipt of the engrossed copy of a bill.

Following the recess, Mr. Bolling withdrew House Resolution 665 in order that the engrossed copy of the bill could be taken up as unfinished business. In response to a parliamentary inquiry, the Speaker stated that when the Committee on Rules resolution was again brought up, the Member calling it up would be recognized for a full period of debate despite the fact he had previously brought it up, debated and withdrew it:

> MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, in view of the withdrawal of the resolution by the gentleman from Missouri [Mr. Bolling] do I understand that we start all over again on the consideration of the rule for the wheat-cotton bill?
>
> THE SPEAKER: When the gentleman calls it up, the understanding of the gentleman is correct.
>
> MR. HALLECK: We will start all over again with 30 minutes on a side?
>
> THE SPEAKER: That is correct.

Majority Leader by Unanimous Consent Called Up Special Rule

§ 18.18 The Majority Leader, by unanimous consent, called up on behalf of the Committee on Rules a resolution providing for the consideration of a bill.

On June 3, 1948,[17] Charles A. Halleck, of Indiana, the Majority Leader, called up by unanimous consent, and on behalf of the Committee on Rules, House Resolution 621, providing for the consideration of a bill.

Minority Member of Committee on Rules Called Up Special Rule

§ 18.19 A minority member of the Committee on Rules called up and obtained consideration of a resolution reported by that committee providing a special order of business.

On July 14, 1949,[18] James W. Wadsworth, Jr., of New York, a minority member of the Committee on Rules, called up House Resolution 278, making in order the consideration of a bill. Mr. Wadsworth delivered the remarks below in explanation of his action, which was contrary to usual practice:

> MR. WADSWORTH: Mr. Speaker, under rather unusual circumstances and

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17. 94 CONG. REC. 7108, 80th Cong. 2d Sess.

18. 95 CONG. REC. 9511, 81st Cong. 1st Sess.

in violation of some of the traditions of the House, as a minority Member I venture to call up House Resolution 278, and ask for its immediate consideration. . . .

Mr. Speaker, in further explanation of this unusual performance, of a member of the minority of the Committee on Rules calling up a rule, may I say I can see no member of the majority party of the Committee on Rules here present to take charge of the rule. I have, however, consulted with the gentleman from Tennessee who, I am informed on infallible authority, is the Democratic whip, and I have his consent to behave in this atrocious manner.

I understand under the rules 1 hour of debate is in order. On this side of the aisle no requests for time have been made to speak on the rule. I now inquire if there are any requests for time on the majority side?

MR. [J. PERCY] PRIEST [of Tennessee]: Mr. Speaker . . . if there is no request for time on the rule, if the gentleman from New York [Mr. Wadsworth] will move the previous question, since he has called the rule up, I believe that would be in order and we could proceed with the consideration of the bill.

MR. WADSWORTH: Mr. Speaker, it is with great cheerfulness that I move the previous question on the rule.

Special Rule Called Up on Same Day Reported

§ 18.20 When a resolution from the Committee on Rules is called up the same day it is reported, recognition for debate is not in order until the House agrees by a two-thirds vote to consider the resolution.

On May 26, 1964,[19] Mr. Richard Bolling, of Missouri, reported at the direction of the Committee on Rules House Resolution 726, making in order the consideration of an appropriation bill, and asked for its consideration. In answer to parliamentary inquiries by Mr. H. R. Gross, of Iowa, Speaker John W. McCormack, of Massachusetts, advised that a two-thirds vote was required to consider the resolution on the same day reported, and that no debate was in order until the House decided whether to consider the resolution.[20]

Committee Amendments Were Agreed to Before Member Reporting Special Rule Recognized for Debate

§ 18.21 Where a privileged resolution is reported by the Committee on Rules, with committee amendments, the amendments are reported (and in some cases acted

19. 110 CONG. REC. 11951, 88th Cong. 2d Sess.

20. For consideration of Committee on Rules reports on the same day reported, see Rule XI clause 4(b), *House Rules and Manual* § 729(a) (1995).

upon) before the Member reporting the resolution is recognized for debate thereon.

On Aug. 19, 1964,[1] the Committee on Rules reported House Resolution 845, providing for the consideration of H.R. 11926, limiting the jurisdiction of federal courts in apportionment cases, although that bill had not been reported by the committee to which it had been referred. Speaker John W. McCormack, of Massachusetts, directed the Clerk, after the reading of the resolution, to read the committee amendments. The amendments were then agreed to and the Speaker recognized Mr. Howard W. Smith, of Virginia, the manager of the resolution, for one hour of debate.

Parliamentarian's Note: Generally the Chair puts the question on minor perfecting committee amendments to a special rule before recognizing the Member calling it up for debate. But where the amendments are more substantive (as in the case of a committee amendment in the nature of a substitute), the manager may be recognized to debate the amendment(s) and the resolution under the hour rule.

1. 110 CONG. REC. 20213, 88th Cong. 2d Sess.

Special Rule (and Bill Made in Order) Called Up on District Monday

§ 18.22 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,[2] which was District of Columbia Monday, the Committee on the District of Columbia did not assert its right to call up District business. Speaker John W. McCormack, of Massachusetts, recognized Mr. William M. Colmer, of Mississippi, of the Committee on Rules to call up House Resolution 804 (a 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 resolution, the Speaker recognized Carl Vinson, of Georgia, Chairman of

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

the Committee on Armed Services, to control debate on and call up the bill made in order by the resolution.

Following the adoption of the bill, 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.

Immediate Vote on Resolution After Motion To Discharge Agreed To

§ 18.23 Prior to the 102d Congress, where the Committee on Rules was discharged from further consideration of a resolution providing a special order of business, the vote then came immediately on the adoption of the resolution, and recognition to debate the resolution was not in order.

On June 11, 1945,[3] the House agreed to a motion to discharge the Committee on Rules from the further consideration of House Resolution 7, making in order the consideration of a bill. Speaker Sam Rayburn, of Texas, advised Mr. John E. Rankin, of Mississippi, that the vote would then be taken immediately on the resolution itself, without debate.[4]

Chair Declined Recognition for Unanimous-consent Request To Revoke Special Rule

§ 18.24 The Speaker Pro Tempore declined to recognize a Member to ask unanimous consent for the revocation of a special rule, previously agreed to, permitting the consideration of conference reports on the same day reported.

On Sept. 25, 1961,[5] Mr. H. R. Gross, of Iowa, made the following request:

> Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of Rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, Rule XXVIII of the Rules of the House of Representatives be restored.

Speaker Pro Tempore John W. McCormack, of Massachusetts, declined to recognize Mr. Gross for that request.

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3. 91 CONG. REC. 5896, 79th Cong. 1st Sess.

4. See Rule XXVII clause 3, *House Rules and Manual* § 908 (1995) for the current procedure when a special rule is discharged from the Committee on Rules.

5. 107 CONG. REC. 21183, 21184, 87th Cong. 1st Sess.

Parliamentarian's Note: Rule XXVIII clause 2 provides a three-day layover of conference reports before they are considered. The special rule sought to be revoked by Mr. Gross provided for consideration of conference reports on the same day reported.

Concurrent Resolution

§ 18.25 While the House customarily does not consider legislation after the Speaker has begun to recognize Members for "special-order speeches," there is no House rule prohibiting consideration of legislative business at any time the House is in session; thus, on one occasion, the Speaker recognized a Member between "special-order speeches" to request consideration of a House concurrent resolution by unanimous consent.

On Mar. 9, 1976,[6] the proceedings in the House after a special-order speech had concluded, were as follows:

THE SPEAKER:[7] Without objection, the remaining special orders will be postponed.

MR. [ROBERT E.] BAUMAN [of Maryland]: Reserving the right to object, Mr. Speaker, will this have the effect of permitting other legislation to be brought up?

THE SPEAKER: Yes.

MR. BAUMAN: Under the rules, after special orders begin, legislation cannot be brought up.

THE SPEAKER: There is not a rule to that effect.

MR. BAUMAN: Reserving the right to object to the request for suspending the special orders, Mr. Speaker, is that not correct?

THE SPEAKER: No. Normally we do not consider business after the beginning of special orders, but there is no rule of the House which prohibits such consideration. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 577). . . .

THE SPEAKER: The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 577

Whereas, in recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland have unanimously adopted motions respectfully praying that Her Majesty, the Queen, direct that an original copy of the Magna Carta be placed on loan to the people of the United States for a period of one year . . . Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That (a) a delegation of Members of Congress shall be appointed to proceed at the invitation of the two Houses of

6. 122 CONG. REC. 5897–99, 94th Cong. 2d Sess.

7. Carl Albert (Okla.).

Parliament, to the United Kingdom, there to attend the presentation of the Magna Carta, under suitable auspices, to the people of the United States . . . .

Parliamentarian's Note: The Speaker took the floor on this occasion to express his strong support for the consideration by unanimous consent of a concurrent resolution authorizing appointment of a delegation to accept the British Parliament's loan of the Magna Carta (a resolution similar to one previously rejected by the House without extended debate).

§ 19. For Offering and Debating Amendments

Recognition to offer an amendment in the House is governed by Rule XIV, clause 2 and the precedents developed thereunder. In Committee of the Whole, Rule XXIII, clause 5 is the governing authority.

Cross References

Amendments and their consideration in general, see Ch. 27, supra.

Amendment or other provision establishing "commemoration" as prohibited, see § 18, supra.

Amendments and management by reporting committee, see § 26, infra.

Chair's protection of rights of Members seeking to offer amendments under limitation on five-minute debate in Committee of the Whole, see § 22, infra.

Losing control by yielding for amendment, see § 33, infra.

Points of order against amendments after offered but before debate begins, see § 20, infra, and § 9, supra (late points of order).

Priority of manager of bill in debate, see § 14, supra.

Recognition for amendments under the five-minute rule, see §§ 21, 22, infra.

Rights of opposition to offer amendment after rejection of essential motion, see § 15, supra.

Special orders limiting amendments which may be offered, see Ch. 21, supra.

Yielding for amendments, see § 30, infra.

Must Be Recognized To Offer Amendment

§ 19.1 A Member wishing to offer an amendment must first be recognized by the Chair for that purpose.

On Sept. 21, 1967,[8] Mr. George H. Mahon, of Texas, asked unanimous consent that it be in order on a certain day, or thereafter, to consider a joint resolution making continuing appropriations. Mr. Frank T. Bow, of Ohio, under a reservation of objection, inquired whether such a resolution would be subject to germane amend-

8. 113 CONG. REC. 26370, 90th Cong. 1st Sess.