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 in the nature of a substitute to the resolution.[10]

§ 20. For Points of Order and Debate Thereon; Objections and Inquiries; Calls of the House

Procedural issues, which manifest themselves in points of order, parliamentary inquiries, responses to requests or motions put by the Chair, are, as a rule, not subject to debate. Whatever debate or dialogue ensues is for the benefit of the Chair, and occurs under the control of the Chair, who can refuse to recognize for debate at all or can curtail it when he has heard sufficient argument.

Cross References

Call to order for disorderly debate, see §§ 48 et seq., infra.

Objections to reading of papers, see §§ 81 et seq., infra.

Parliamentary inquiries in general, see Ch. 31, infra.

Point of no quorum in general, see Ch. 20, supra.

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

Points of order against amendments, see Chs. 27, 28, supra.

Points of order against appropriation bills, see Chs. 25, 26, supra.

Points of order against conference reports, see Ch. 33, infra.

Points of order against improperly yielding time, see §§ 29–31, infra.

Points of order against Senate amendments, see Ch. 32, infra.

Question of consideration and objection to consideration, see § 5, supra.

Reservations of objection entertained in Speaker's discretion, see § 9, supra.

Yielding for parliamentary inquiries, see § 29, infra.

Parliamentary Inquiries: Recognition Within Discretion of Chair

§ 20.1 Recognition for the purpose of propounding a parliamentary inquiry is within the discretion of the Chair.

On Oct. 8, 1968,[11] the Clerk was reading the Journal when Mr.

10. *Id.* at pp. 24–26.

11. 114 CONG. REC. 30214–16, 90th Cong. 2d Sess.

At the time of this ruling, consideration of a bill (S.J. Res. 175), to suspend for the 1968 campaign the equal-time requirements for nominees for the offices of President and Vice President, was being delayed by roll calls. Consideration was delayed for 23 hours.

Robert J. Dole, of Kansas, attempted to raise a parliamentary inquiry. Speaker John W. McCormack, of Massachusetts, stated he would not "entertain any more parliamentary inquiries at this time."

On Dec. 13, 1932,[12] Mr. Louis T. McFadden, of Pennsylvania, rose to a question of "constitutional privilege" and offered a resolution of impeachment of President Herbert Hoover. The resolution was read by the Clerk. Mr. William H. Stafford, of Wisconsin, interrupted the reading of the resolution and asked whether the Chair would entertain a parliamentary inquiry.

Mr. Thomas L. Blanton, of Texas, objected that it was improper to disturb the reading of the resolution by a parliamentary inquiry and that only a point of order "would reach the matter."

Speaker John N. Garner, of Texas, stated:

> That is in the discretion of the Chair. The Chair will recognize the gentleman from Wisconsin to make a parliamentary inquiry.

In response to Mr. Stafford's inquiry, the Speaker stated that the question of consideration could not be raised until the resolution was read in full. Following the reading of the resolution, it was laid on the table.[13]

On June 8, 1972,[14] Speaker Carl Albert, of Oklahoma, declined to entertain a parliamentary inquiry not related to the pending question (which was the previous question on a conference report):

> MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I do want to point out that we have most important provisions affecting the Vocational Educational Act of 1963. Certain of those programs will expire unless the conference report is adopted.
>
> Mr. Speaker, I move the previous question.
>
> MR. [JOE D.] WAGGONNER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: Does the gentleman's parliamentary inquiry relate to the previous question?
>
> MR. WAGGONNER: Mr. Speaker, it does not relate to the vote on the previous question.
>
> THE SPEAKER: The question is on ordering the previous question.
>
> The previous question was ordered.

Parliamentarian's Note: Where no Member has the floor for debate, it is solely within the Chair's discretion as to whether he will recognize a Member for a parliamentary inquiry, but where a

12. 76 CONG. REC. 399–402, 72d Cong. 2d Sess.

13. For the discretion of the Chair over recognition, see § 9, supra.

14. 118 CONG. REC. 20339, 20340, 92d Cong. 2d Sess.

Member has been recognized for debate, another Member can raise a parliamentary inquiry only if yielded to for that purpose, and the time consumed by the inquiry and the Chair's response comes out of the time allotted to the Member having the floor.

Parliamentary Inquiry During Call of Roll

§ 20.2 On one occasion, the Speaker recognized Members to propound parliamentary inquiries during a call of the roll, relating to the pending vote.

On Oct. 12, 1962,[15] Mr. Clarence Cannon, of Missouri, objected to the vote on a pending appropriation bill on the ground that a quorum was not present. During an extended call of the roll, Speaker John W. McCormack, of Massachusetts, entertained a number of parliamentary inquiries and clarified the nature and effect of the pending question.

Parliamentarian's Note: The House was kept in session on this date in order that the two Houses might reach agreement on important issues before the adjournment *sine die.* A quorum was not attained and the House met on the following day.

15. 108 CONG. REC. 23423–43, 87th Cong. 2d Sess.

Parliamentary Inquiry During Reading of Journal

§ 20.3 The Speaker entertained a parliamentary inquiry during the reading of the Journal.

On Apr. 9, 1964,[16] while the Journal was being read, Speaker John W. McCormack, of Massachusetts, entertained a parliamentary inquiry by Mr. Charles A. Halleck, of Indiana. The Speaker advised Mr. Halleck that he could gain recognition to speak briefly at that time by unanimous consent. Without objection, Mr. Halleck was recognized for one minute to discuss the scheduling of debate on a bill.

Parliamentary Inquiry Moot Where Speaker Had Recognized Member To Withdraw Resolution

§ 20.4 The Speaker, having recognized one Member to propound a parliamentary inquiry on the status of a resolution as "unfinished business," then recognized another Member to withdraw the resolution, thereby eliminating the reason for the inquiry.

16. 110 CONG. REC. 7356, 88th Cong. 2d Sess.

On Apr. 8, 1964,[17] the House was considering House Resolution 665, 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 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 and the Speaker, without responding to the inquiry, recognized Mr. Richard Bolling, of Missouri, the proponent of the resolution, who then withdrew the resolution from consideration. In answer to further parliamentary inquiries, the Speaker stated that the withdrawal of the resolution terminated the reason for the parliamentary inquiry and that the Speaker retained the discretion to recognize for a parliamentary inquiry and then to decline to respond where the inquiry became moot.[18]

17. 110 CONG. REC. 7302–04, 88th Cong. 2d Sess.

18. See § 9.50, supra, for the Chair's discretion to decline to recognize for hypothetical questions.

Member Having Floor Need Not Yield for Parliamentary Inquiry

§ 20.5 A Member may not be interrupted by another Member for a parliamentary inquiry without his consent and if the Member who has the floor refuses to yield and demands regular order the Chair will not recognize another Member to propound a parliamentary inquiry.

On July 8, 1975,[19] the proceedings described above occurred in the Committee of the Whole, as follows:

> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.
>
> The Clerk read as follows:
>
> > Amendment offered by Mr. Dingell to the amendment in the nature of a substitute offered by Mr. Hébert: . . .
>
> MR. DINGELL: Mr. Chairman, this is an amendment about which my colleagues have received communications in the last few days from the Sierra Club and from other nationwide conservation organizations. . . .
>
> MR. [DON] YOUNG of Alaska: Mr. Chairman, I have a point of order to the germaneness of this amendment.
>
> MR. DINGELL: Mr. Chairman, I do not yield for the point of order. The point of order is too late.

19. 121 CONG. REC. 21628, 94th Cong. 1st Sess.

THE CHAIRMAN:[20] The Chair rules that the point of order is too late.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

MR. DINGELL: Mr. Chairman, may we have the regular order. . . .

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

MR. YOUNG of Alaska: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: That could only be made before the gentleman from Michigan was recognized with respect to his amendment. . . .

MR. DINGELL: Mr. Chairman, I ask for the regular order.

THE CHAIRMAN: The gentleman from Michigan (Mr. Dingell) refuses to yield.

Under regular order, the gentleman from Michigan (Mr. Dingell) is recognized.

Recognition for Parliamentary Inquiry—May Not Offer Amendment

§ 20.6 A Member recognized to propound a parliamentary inquiry may not, having secured the floor for that limited purpose, then offer an amendment.

On Mar. 12, 1964,[1] Chairman Chet Holifield, of California, ruled that where a Member was recognized for a parliamentary inquiry, recognition was limited to that purpose and that the Member so recognized could not then offer an amendment:

MR. [AUGUST E.] JOHANSEN [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. JOHANSEN: I direct this inquiry to the Chair as to whether it will be in order if I secure recognition to offer an amendment to the amendment in the nature of a substitute for the amendment offered by the gentleman from Ohio.

THE CHAIRMAN: Of course, the gentleman, if he is recognized, may offer an amendment.

MR. [JAMES H.] MORRISON [of Louisiana]: A parliamentary inquiry, Mr. Chairman. The gentleman secured recognition first and asked the parliamentary inquiry.

THE CHAIRMAN: The gentleman has not been recognized, except for a parliamentary inquiry.

MR. MORRISON: The gentleman has a substitute amendment.

THE CHAIRMAN: The gentleman made the parliamentary inquiry as to whether he could offer an amendment, and the Chair responded that the gentleman could offer an amendment if he was recognized.

Member Recognized for Parliamentary Inquiry May Not Yield

§ 20.7 Recognition for a parliamentary inquiry is within the discretion of the Chair, and a Member so recognized

20. Neal Smith (Iowa).

1. 110 CONG. REC. 5140, 88th Cong. 2d Sess.

may not yield to other Members.

On Mar. 16, 1988,[2] the following proceedings occurred in the House:

MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. Dornan] was addressing the House, it was drawn to my attention that the Speaker requested that Mr. Dornan's microphone be turned off, upon which Mr. Dornan's microphone was turned off.

Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? . . .

THE SPEAKER PRO TEMPORE:[3] The Chair is referring to Mr. Dornan. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the House. Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I.

MR. GREGG: Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker. . . .

THE SPEAKER PRO TEMPORE: It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

MR. GREGG: My parliamentary inquiry is that I want to know how the Chair can specifically turn off the microphone and what rule the Chair does it under, because the Chair has not answered that question.

THE SPEAKER PRO TEMPORE: The Chair has responded to the parliamentary inquiry of the gentleman from New Hampshire.

MR. GREGG: Mr. Speaker, I reserve my time, and yield to the gentlewoman from Illinois [Mrs. Martin]. . . .

THE SPEAKER PRO TEMPORE: The Chair advises that a Member may not yield time to another Member under a parliamentary inquiry.

Parliamentary Inquiry Is Not Intervening Business That Would Preclude Right To Demand Recorded Vote

§ 20.8 A parliamentary inquiry relating to a pending motion occurring after the Chairman of the Committee of the Whole has announced the results of a voice vote does not constitute such intervening business as to preclude the right of a Member to demand

2. 134 CONG. REC. 4084, 4085, 100th Cong. 2d Sess.

3. Gary L. Ackerman (N.Y.).

a recorded vote on the pending motion.

On July 26, 1984,[4] the Committee of the Whole had under consideration H.R. 11, the Education Amendments of 1984. A motion was made to limit debate:

MR. [CARL D.] PERKINS [of Kentucky]: Then, Mr. Chairman, I move that all debate on the Coats amendment, all substitutes and all amendments thereto, be concluded at 2 p.m.

THE CHAIRMAN PRO TEMPORE:[5] The question is on the motion offered by the gentleman from Kentucky.

The question was taken; and the Chairman announced that the ayes appeared to have it.

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. GOODLING: I want to make sure the motion was talking only about this portion of this bill.

MR. PERKINS: This does not include the Goodling amendment, Mr. Chairman. This does not include the Goodling amendment, the funding of the school programs.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I want to get a record vote.

THE CHAIRMAN PRO TEMPORE: This motion referred to the Coats amendment and all amendments thereto.

MR. WALKER: That is right, and I want a record vote on the ruling of the Chair.

THE CHAIRMAN PRO TEMPORE: Those in favor of taking this by recorded vote.

MR. WALKER: Pending that, Mr. Chairman, I make the point of order that a quorum is not present.

MR. [RICHARD J.] DURBIN [of Illinois]: Mr. Chairman, a point of order.

THE CHAIRMAN PRO TEMPORE: The gentleman will state his point of order.

MR. DURBIN: Is it my understanding there was intervening business between the vote which was taken orally, the parliamentary inquiry made by the gentleman?

THE CHAIRMAN PRO TEMPORE: The intervening business was a parliamentary inquiry that was related to the motion, and no independent business has been taken up.

MR. DURBIN: As a further parliamentary inquiry of the Chair, does not this parliamentary inquiry and interruption preclude the gentleman from Pennsylvania's right to ask for a recorded vote?

THE CHAIRMAN PRO TEMPORE: No, it is related to the status of the vote, and of the motion.

Recognition for Parliamentary Inquiry Denied When Point of No Quorum Has Been Made

§ 20.9 The Chair has refused to recognize a Member to propound a parliamentary inquiry when a point of no quorum has been made.

On July 23, 1942,[6] Mr. Earl C. Michener, of Michigan, attempted

4. 130 CONG. REC. 21249, 21250, 98th Cong. 2d Sess.

5. Abraham Kazen, Jr. (Tex.).

6. 88 CONG. REC. 6540, 77th Cong. 2d Sess.

to state a parliamentary inquiry directly following a point of no quorum by Mr. Wright Patman, of Texas. Speaker Sam Rayburn, of Texas, declined to entertain the inquiry:

> The Chair doubts the authority of the Chair to recognize the gentleman to propound a parliamentary inquiry when a point of order is made, unless the gentleman from Texas [Mr. Patman] withholds it.

On Oct. 8, 1968,[7] Speaker John W. McCormack, of Massachusetts, ruled that a parliamentary inquiry could not be propounded by Mr. John H. Dent, of Pennsylvania, where a point of no quorum had been made. After a call of the House had been ordered, the Speaker then recognized Mr. Dent to make the point of order relating to the call of the House (that the Speaker had ordered the doors to the Chamber locked but that not all the doors were in fact closed).

Recognition for Parliamentary Inquiry Denied After Automatic Rollcall Ordered on Motion To Table Resolution

§ 20.10 The Speaker refused to recognize Members to propound parliamentary inquiries after an automatic rollcall had been ordered on a motion to table a resolution.

On Oct. 19, 1966,[8] the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct. The House refused to order the previous question and Mr. Joe D. Waggonner, Jr., of Louisiana, moved to lay the resolution on the table. Mr. Delbert L. Latta, of Ohio, objected to the vote on that motion on the ground that a quorum was not present. Speaker John W. McCormack, of Massachusetts, announced that a quorum was not present and that a rollcall came automatically on the motion to lay on the table.

Mr. Waggonner attempted to raise a parliamentary inquiry and the Speaker ruled:

> The Chair will state that the rollcall has been ordered and at this point there is nothing that can interfere with the proceedings of the automatic rollcall.

Parliamentary Inquiry Not Entertained in Absence of Quorum—But Recognition Given for Point of Order Relating to Pending Call of House

§ 20.11 While a parliamentary inquiry is not entertained by

7. 114 CONG. REC. 30093, 90th Cong. 2d Sess.

8. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

the Chair in the absence of a quorum, the Chair may recognize a Member on a point of order which relates to a pending call of the House.

On Oct. 8, 1968,[9] Mr. Donald Rumsfeld, of Illinois, made a point of order that a quorum was not present, and a call of the House was ordered. Mr. John H. Dent, of Pennsylvania, attempted to raise a parliamentary inquiry after the point of order was made and before the ordering of the call, but Speaker Pro Tempore Wilbur D. Mills, of Arkansas, ruled that the inquiry could not be raised at that time. Mr. Dent then made a point of order relating to the call of the House, which was entertained:

MR. DENT: Mr. Speaker, a point of order, which relates to the call of the roll.

THE SPEAKER:[10] The House will be in order. The Clerk will proceed with the call of the roll.

MR. DENT: Mr. Speaker, the point of order relates to the proper calling of the roll.

THE SPEAKER: The gentleman will state his point of order.

MR. DENT: The point of order is the doors were ordered closed, and the doors to the outside of the Chamber are open in the cloakrooms.

THE SPEAKER: The Chair has given instructions to close all doors and allow no Members out.

9. 114 CONG. REC. 30093, 90th Cong. 2d Sess.

10. John W. McCormack (Mass.).

Point of No Quorum—Seeking Recognition

§ 20.12 The fact that a Member is on his feet does not constitute notice to the Chair that he is seeking recognition to object to a vote on the ground that a quorum is not present.

On Oct. 5, 1962,[11] the House passed S. 1447, amending the Teacher's Salary Act for the District of Columbia. Mr. James G. Fulton, of Pennsylvania, then rose and objected to the vote on the ground that a quorum was not present. Mr. Fulton insisted he had been on his feet seeking to gain recognition to object for that purpose at the proper time. Speaker John W. McCormack, of Massachusetts, stated:

THE SPEAKER: The Chair will state that if a Member is on his feet, that is insufficient. The gentleman did not address the Chair.

MR. FULTON: I was saying "Mr. Speaker," and was not heard. I was on my feet.

THE SPEAKER: If the gentleman asks unanimous consent to vacate the action, the Chair will entertain a request. But the passage of the bill had been completed.

MR. FULTON: Mr. Speaker, I was on my feet addressing the Speaker, but I was not recognized.

11. 108 CONG. REC. 22649, 22650, 87th Cong. 2d Sess.

THE SPEAKER: The Chair does not know what is in the gentleman's mind when the gentleman is on his feet.

The House by unanimous consent vacated the proceedings by which the bill was passed, and a point of no quorum by Mr. Fulton and an automatic rollcall ensued.

Under Former Practice, Point of No Quorum in Order at Any Time, Even When Another Had Floor

§ 20.13 A point of no quorum was a privileged matter and was in order at any time, even when a Member had the floor in debate (until amendments to the rules in the 93d Congress).

On May 4, 1949,[12] in the Committee of the Whole, Chairman Henry M. Jackson, of Washington, ruled that a motion to adjourn was not in order and that the motion that the Committee rise could not be made unless the Member with the floor yielded for that purpose. Mr. Donald W. Nicholson, of Massachusetts, then made the point of order that a quorum was not present. Mr. Monroe M. Redden, of North Carolina, objected that Mr. Nicholson was out of order since he had not asked the Member holding the floor [Arthur L. Miller (Nebr.)] to yield. Chairman Jackson ruled:

> The Chair will state that a point of order based on no quorum is a privileged matter and is in order at any time.

On July 12, 1949,[13] in the Committee of the Whole, Mr. William R. Poage, of Texas, who had the floor, declined to yield to Mr. Wayne L. Hays, of Ohio, who nevertheless made the point of order that a quorum was not present. Mr. John E. Rankin, of Mississippi, objected that Mr. Poage had not yielded for that purpose. Chairman Charles M. Price, of Illinois, responded to the point of order, as follows:

> MR. RANKIN: Mr. Chairman, a point of order: A Member has no right to interrupt the speaker to make a point of no quorum.
>
> THE CHAIRMAN: A point of no quorum may be made at any time.
>
> MR. RANKIN: The gentleman from Texas did not yield for that point.
>
> THE CHAIRMAN: The point of no quorum is in order at any time.[14]

Parliamentarian's Note: In the 93d and 95th Congresses, Rules

12. 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess.

13. *Id.* at p. 9312.

14. For the necessity of a quorum and points of no quorum, see generally, *House Rules and Manual* §§ 52–57 (1995) (Comments to U.S. Const. art. I, § 5). For the rule governing points of no quorum and calls of the House, see Rule XV, *House Rules and Manual* §§ 765 et seq. (1995).

XV and XXIII were amended to prohibit the making of a point of order that a quorum was not present except in certain circumstances; see Ch. 17, supra.

Chairman in Committee of the Whole May Entertain Point of No Quorum During General Debate

§ 20.14 Pursuant to clause 2, Rule XXIII as amended in the 97th Congress, the Chairman of the Committee of the Whole may in his discretion entertain a point of order of no quorum during general debate.

The following proceedings occurred in the Committee of the Whole on Dec. 1, 1982,[15] during consideration of H.R. 6995 (Federal Trade Commission Authorization Act):

> MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, I make the point of order that a quorum is not present.
>
> THE CHAIRMAN:[16] Under clause 2, rule XXIII, as adopted by the House of Representatives on January 5, 1981, the Chair, in his discretion, may entertain a point of order that a quorum is not present.
>
> The Chair will entertain the point of no quorum and announces that pursuant to the provisions of clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.
>
> Members will record their presence by electronic device.
>
> The call was taken by electronic device.

Prayer Is Not Business—Point of No Quorum Not Allowed Before Prayer

§ 20.15 The prayer offered at the beginning of the business of the House is not considered as business and the Speaker does not recognize a point of order that a quorum is not present before the prayer.

On Aug. 4, 1950,[17] the House met at 10 a.m. and Speaker Sam Rayburn, of Texas, stated that the Chaplain would offer prayer. Mr. Robert F. Rich, of Pennsylvania, made the point of order that a quorum was not present. The Speaker ruled:

> We will have the prayer first, because that is not considered business.
>
> Prayer will be offered by the Chaplain.[18]

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15. 128 CONG. REC. 28205, 97th Cong. 2d Sess.

16. George E. Brown, Jr. (Calif.).

17. 96 CONG. REC. 11829, 81st Cong. 2d Sess.

18. The rules of the House were amended in the 93d Congress to prohibit points of no quorum at various stages of House proceedings. See H. Res. 998, 93d Cong. 2d Sess. and

Objection to Vote on Ground of No Quorum Is Not Too Late Where No Business Has Intervened

§ 20.16 Even though preceded by a parliamentary inquiry and following the Chair's announcement of the result of a voice vote, an objection to a vote on the ground that a quorum was not present and voting does not come too late and is in order where no business has intervened.

On Mar. 7, 1956,[19] after the vote was put on an amendment and the vote announced, Mr. Gordon Canfield, of New Jersey, made a point of order and then inquired whether it was too late to have the amendment read again to the House. Speaker Pro Tempore John W. McCormack, of Massachusetts, stated that reading the amendment was not in order after the vote. Mr. H. R. Gross, of Iowa, then objected to the vote on the amendment on the ground that a quorum had not been present. Mr. John Taber, of New York, made the point of order that the point of no quorum came too late, since a parliamentary inquiry had been submitted after the vote and before the point of no quorum.

The Speaker Pro Tempore ruled as follows:

> The gentleman from New Jersey [Mr. Canfield] addressed the Chair on a point of order. The gentleman from Iowa [Mr. Gross] was justified in waiting until that point of order had been determined by the Chair. Immediately upon that determination the gentleman from Iowa made the point of order that a quorum was not present and objected to the vote on the ground that a quorum was not present. The Chair feels that the gentleman from Iowa exercised his rights under the rules in such manner that a point of order against his point of order would not lie.

Point of No Quorum as Dilatory After Quorum Has Been Disclosed

§ 20.17 The Chair has held dilatory points of no quorum made after a quorum has been disclosed.

On July 21, 1947,[20] the House was considering under suspension of the rules H.R. 29, making unlawful the payment of a poll tax as a prerequisite for voting in national elections. A motion to adjourn was offered and was rejected on a yea and nay vote,

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Rule XV, clause 6, *House Rules and Manual* § 774c (1995).

19. 102 CONG. REC. 4215, 84th Cong. 2d Sess.

20. 93 CONG. REC. 9522–51, 80th Cong. 1st Sess.

resulting in 85 yeas, 299 nays, and 46 not voting. Mr. John E. Rankin, of Mississippi, then made a point of order that a quorum was not present. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled:

> The gentleman's point of order is dilatory. That is obvious to all Members.

Chair Does Not Recognize Members After Absence of Quorum Has Been Announced

§ 20.18 The Chair refuses to recognize Members after the absence of a quorum has been announced by the Chair; no business is in order until a quorum has been established.

On June 8, 1960,[1] Mr. Clare E. Hoffman, of Michigan, made the point of order that a quorum was not present. When Mr. Hoffman attempted to speak before and during the call of the House, Speaker Sam Rayburn, of Texas, advised him that the absence of a quorum having been announced, following a point of no quorum, recognition for debate was not in order.

1. 106 CONG. REC. 12142, 86th Cong. 2d Sess.

Business May Intervene by Unanimous Consent Only Between Quorum Call and Chair's Putting Demand for Recorded Vote on Pending Amendment

§ 20.19 No business, including debate, may intervene between a quorum call and the Chair's putting a demand for a recorded vote pending when the point of order of no quorum was made, except by unanimous consent; by unanimous consent in Committee of the Whole, a Member has been recognized to inquire as to the legislative schedule for the remainder of the day, between the conclusion of a quorum call and the request for a recorded vote on a pending amendment.

During consideration of the housing and community development amendments (H.R. 7262) in the Committee of the Whole on Aug. 21, 1980,[2] the following proceedings occurred:

> THE CHAIRMAN PRO TEMPORE:[3] . . . The pending business is the demand of the gentleman from Ohio (Mr. Wylie) for a recorded vote.
>
> MR. [J. WILLIAM] STANTON [of Ohio]: Mr. Chairman, I have a parliamentary inquiry.

2. 126 CONG. REC. 22288, 22289, 96th Cong. 2d Sess.
3. Richard C. White (Tex.).

THE CHAIRMAN PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. STANTON: Mr. Chairman, the parliamentary inquiry is as follows: Would it be possible, before this vote is taken, for me to be able to ask the majority leader what the procedure is for the balance of the evening after this vote is over? Could I do this by unanimous consent?

THE CHAIRMAN PRO TEMPORE: Without objection, the gentleman will be recognized for that purpose.

There was no objection.

MR. STANTON: Mr. Chairman, I take this time in order to ask the majority leader if he could announce to the House the schedule for this evening, after the pending Wylie amendment, and perhaps for tomorrow.

Chair Does Not Entertain Point of No Quorum When Question Has Not Been Put on Pending Proposition in House; May Recognize for Motion for Call of House at Any Time

§ 20.20 Although the Chair may not entertain a point of order that a quorum is not present when the question has not been put on the pending proposition in the House, the Chair may recognize for a motion for a call of the House at any time in his discretion.

Under Rule XV, clause 6(e)(2),[4] the Chair may recognize for a motion for a call of the House at any time in his discretion. Thus, on June 27, 1980,[5] the Chair recognized for such motion, although a point of order that a quorum was not present did not lie at that time.

MR. [PHIL] GRAMM [of Texas]: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE:[6] That point of order does not lie at this time, but the Chair will inquire, does the gentleman move a call of the House?

MR. GRAMM: I do, Mr. Speaker. I move a call of the House.

THE SPEAKER PRO TEMPORE: Without objection, a call of the House is ordered.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The question is on the motion offered by the gentleman from Texas (Mr. Gramm) for a call of the House.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

So the motion was rejected.

THE SPEAKER PRO TEMPORE: A call of the House is not ordered and the Chair recognizes the gentleman from Ohio (Mr. Brown).

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4. *House Rules and Manual* § 774d (1995).

5. 126 CONG. REC. 17369, 96th Cong. 2d Sess.

6. John P. Murtha (Pa.).

Discretion of Chair in Recognizing for Call of House

§ 20.21 It is within the discretion of the Chair whether to recognize for a call of the House when the question has not been put on the pending motion or proposition under clause 6 of Rule XV.

An instance in which the Chair declined to recognize a Member to move a call of the House occurred, for example, on Oct. 14, 1978:[7]

> MR. [ROBERT E.] BAUMAN [of Maryland]: . . . I have been here throughout the 2 hours of debate—it is almost 2 hours—and I do not think there have ever been more than 50 Members on the floor, and most of the time it has been in the neighborhood of 20, about the equal of the number of staff.
>
> Mr. Speaker, on the basis of the fact that this is considered to be such important legislation, the most important bill we face in this session of Congress, I would move a call of the House.
>
> THE SPEAKER PRO TEMPORE:[8] The Chair will state to the gentleman that he cannot recognize the gentleman from Maryland (Mr. Bauman) for that request at this time.

May Recognize for Call of House After Previous Question Before Chair Puts Question on Final Adoption

§ 20.22 Although a point of order that a quorum is not present is not in order unless the question has been put on the pending motion or proposition, the Chair may recognize for a call of the House at any time after the previous question is ordered on adoption of a proposition in the House but before the Chair puts the question on final adoption thereof under clause 6(e) of Rule XV.

On Oct. 14, 1978,[9] the following proceedings occurred in the House:

> THE SPEAKER PRO TEMPORE: Under the rule, the previous question is ordered.
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I move a call of the House.
>
> THE SPEAKER PRO TEMPORE: Without objection, a call of the House is ordered.
>
> MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state the parliamentary inquiry.
>
> MR. BROWN of Ohio: Mr. Speaker, is this now a vote on the bill?
>
> THE SPEAKER PRO TEMPORE: This is a call of the House.
>
> MR. BROWN of Ohio: Mr. Speaker, I thought the question had been put.
>
> THE SPEAKER PRO TEMPORE: No; the Chair has not put the question.
>
> MR. BROWN of Ohio: Are we going to have a vote on the legislation?

7. 124 CONG. REC. 38378, 95th Cong. 2d Sess.
8. William H. Natcher (Ky.).
9. 124 CONG. REC. 38503, 95th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE: The Chair would like to advise the gentleman that after the call of the House, then we will have the final vote on these conference reports en bloc. . . .

Members will record their presence by electronic device. . . .

THE SPEAKER:[10] On this rollcall 366 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Points of Order: Must Seek Recognition in Timely Fashion

§ 20.23 The mere fact that a Member was on his feet does not entitle him to make a point of order against certain language where he has not affirmatively sought recognition by the Chair at the time the language complained of was read for amendment.

On Apr. 14, 1970,[11] Chairman Chet Holifield, of California, sustained a point of order that a point of order against language in an appropriation bill came too late, where the Member making the point of order was not affirmatively seeking recognition at the proper time:

THE CHAIRMAN: Does the gentleman from Pennsylvania (Mr. Flood), care to be heard on the point of order?

MR. [DANIEL J.] FLOOD: Yes, Mr. Chairman, I do.

I do not like to operate this way, but I am the chairman of the subcommittee and obviously I must object, and make a point of order because the point of order comes much, much too late. We have passed that point in the bill.

THE CHAIRMAN: The Chair will state that the Clerk had read past that paragraph of the so-called title I, and stopped at line 14 on page 3. The gentleman was not on his feet seeking recognition at the time the first section, down through line 12 on page 2, was read.

MR. WILLIAM D. FORD [of Michigan]: Mr. Chairman, the paragraphs are not being read. The bill is being read by paragraph headings. I was on my feet at the beginning of the reading. As a matter of fact, I moved from there to here as soon as the Clerk began to read. I was never off my feet from the moment he started the reading. I was trying to get to the point in the bill.

THE CHAIRMAN: The Chair cannot observe the movements of the Members from place to place. The gentleman was not seeking recognition at the time when he should have been, under the rules. He should have been seeking recognition vocally, not by standing.

The Chair sustains the point of order made by the gentleman from Pennsylvania (Mr. Flood).[12]

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10. Thomas P. O'Neill, Jr. (Mass.).

11. 116 CONG. REC. 11648, 91st Cong. 2d Sess.

12. For the requirement that Members seeking to address the House or to

§ 20.24 Members seeking to make points of order must address the Chair and be recognized before proceeding.

On Oct. 24, 1945,[13] Mr. Emanuel Celler, of New York, demanded that Mr. John E. Rankin, of Mississippi, be called to order for terming him the "Jewish gentleman from New York" in debate. Speaker Sam Rayburn, of Texas, ruled that the appellation violated the rules. Discussion ensued, and Mr. Vito Marcantonio, of New York, attempted to make a point of order, but the Speaker ruled that no Member could make a point of order without first being recognized by the Chair.

Recognition To Make Point of Order or Offer Amendment

§ 20.25 Members must be on their feet seeking recognition at the proper time in order to protect their rights under the rules to make points of order or to offer amendments.

On Apr. 14, 1970,[14] Chairman Chet Holifield, of California, made the following statement:

> . . . The Chair wishes to say that the Chair is most desirous of occupying this chair with dignity and with fairness to all concerned. There were other amendments that the Chair had been told would be offered, and the gentleman who came and told the Chair were not on their feet seeking recognition, nor did they address the Chair at the time, and therefore the Chair was in the position of allowing the Clerk to continue to read.
>
> If the Members do not protect their own rights and use the rules of the House to their advantage, the Chair is not here to protect them when they do not insist on their own rights at the proper time.

Not Necessary That Member Yield for Point of Order; Chair Must Recognize for Point of Order

§ 20.26 The Chair must recognize a Member to make a point of order relative to the conduct of debate at any time, and it is not necessary that the Member having the floor yield for that purpose.

During consideration of H.R. 14014 (the Endangered Species Act Amendments of 1978) in the Committee of the Whole on Oct. 14, 1978,[15] Representative Dingell held the floor debating an amendment. The tone of his de-

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raise any matter must first seek recognition from the Chair, see § 8, supra.

13. 91 Cong. Rec. 10032, 10033, 79th Cong. 1st Sess.

14. 116 Cong. Rec. 11649, 11650, 91st Cong. 2d Sess.

15. 124 Cong. Rec. 38155, 95th Cong. 2d Sess.

bate resulted in the following exchange:

> MR. [ROBERT B.] DUNCAN of Oregon: Mr. Chairman, may I state a point of order.
>
> THE CHAIRMAN:[16] The gentleman will state his point of order.
>
> MR. DUNCAN of Oregon: Mr. Chairman, the point of order is—— . . .
>
> MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I do not yield for the point of order.
>
> THE CHAIRMAN: The Chair will state that it is not necessary that the gentleman yield for that purpose. The Chair has a right at any time to recognize a Member on a point of order.

Point of Order as Interrupting Question of Privilege

§ 20.27 A point of order may interrupt a Member stating a question of privilege.

On June 30, 1939,[17] Mr. Clare E. Hoffman, of Michigan, was in the process of stating a point of personal privilege based on an insertion in the *Congressional Record*. Mr. Hoffman was interrupted by points of order relating to the nature of the question of privilege and to the scope of Mr. Hoffman's remarks. Mr. Hoffman objected to the interruptions and stated that he did not yield for a point of order. Speaker William B. Bankhead, of Alabama, ruled that a Member making a point of order could be entitled to recognition while a question of privilege was being stated.

Speaker Did Not Observe Member Seeking Recognition—Point of Order Entertained After Committee of the Whole Reported Back to House

§ 20.28 Where the Speaker failed to observe a Member seeking recognition to make a point of order against a committee report prior to the House resolving itself into the Committee of the Whole, the Speaker recognized the Member for his point of order after the House had resolved into the Committee and the Committee had reported back to the House.

On July 25, 1966,[18] Mr. Emanuel Celler, of New York, moved that the House resolve itself into the Committee of the Whole to consider a bill. Mr. John Bell Williams, of Mississippi, attempted to make a point of order but was not recognized because Speaker John W. McCormack, of Massachusetts, did not hear him. In the Com-

16. B. F. Sisk (Calif.).

17. 84 CONG. REC. 8468, 8469, 76th Cong. 1st Sess.

18. 112 CONG. REC. 16840, 16842, 89th Cong. 2d Sess.

mittee of the Whole, Mr. Williams rose to a point of order and stated that he had been seeking recognition at the proper time to make a point of order against the bill on the grounds that the committee report did not contain a comparative print of changes in existing law as required by the rules of the House. Chairman Richard Bolling, of Missouri, ruled that he did not have the power to entertain the point of order, and on appeal his ruling was sustained. The Committee then adopted a motion offered by Mr. Williams that the Committee rise and the Speaker then recognized Mr. Williams for a point of order (eventually overruled):

THE SPEAKER: The Chair recognizes the gentleman from Mississippi.

MR. WILLIAMS: Mr. Speaker, the House resolved itself into the Committee of the Whole House on the State of the Union a moment ago. When the question was put by the Chair, I was on my feet seeking recognition for the purpose of offering a point of order against consideration of the legislation. Although I shouted rather loudly, apparently the Chair did not hear me. Since the [House] proceeded to go into the Committee of the Whole, I would like to know, Mr. Speaker, if the point of order which I had intended to offer can be offered now in the House against the consideration of the bill; and, Mr. Speaker, I make such a point of order and ask that I be heard on the point of order.

THE SPEAKER: The Chair will state that the Chair did not hear the gentleman make his point of order. There was too much noise. Under the circumstances the Chair will entertain the point of order.

Member of Committee Has Priority To Make Point of Order Against Amendment

§ 20.29 A member of the committee reporting a bill has priority of recognition over one not a member of the committee to make points of order against proposed amendments to the bill.

On Mar. 30, 1949,[19] Mr. Henry M. Jackson, of Washington, and Mr. Carl T. Curtis, of Nebraska, simultaneously arose in the Committee of the Whole to make a point of order against a pending amendment on the ground that it constituted legislation on an appropriation bill. Chairman Jere Cooper, of Tennessee, recognized Mr. Jackson in preference over Mr. Curtis since Mr. Jackson was a member of the committee which had reported the bill.

Point of Order Against Paragraph Too Late After Debate on Paragraph

§ 20.30 A point of order against language in a paragraph of

19. 95 CONG. REC. 3520, 81st Cong. 1st Sess.

an appropriation bill comes too late after there has been debate on the paragraph.

On Apr. 3, 1957,[20] Mr. Clare E. Hoffman, of Michigan, attempted to make a point of order against a paragraph in an appropriation bill. Chairman Aime J. Forand, of Rhode Island, ruled that the point of order came too late, there having been "a great deal of debate on the rest of the paragraph."

Germaneness Points of Order Too Late After Debate

§ 20.31 Germaneness points of order against a proposed amendment come too late after debate has been had thereon.

On July 5, 1949,[1] Mr. James P. Richards, of South Carolina, made a point of order, on the ground of germaneness, against an amendment. Chairman Francis E. Walter, of Pennsylvania, ruled that the point of order came too late since debate on the amendment had commenced.[2]

Due Diligence—Member Recognized Even Though Sponsor Had Commenced Debate

§ 20.32 A Member who has shown due diligence is recognized to make a point of order against a proposed amendment even though the sponsor of the amendment has commenced his remarks.

On Sept. 26, 1967,[3] Mr. Joe D. Waggonner, Jr., of Louisiana, offered an amendment on the pending bill in the Committee of the Whole, and began his remarks on the amendment. Mr. Carl D. Perkins, of Kentucky, rose to make a point of order against the amendment, but Mr. Gerald R. Ford, of Michigan, objected that the point of order came too late since debate on the amendment had begun. Chairman Charles E. Bennett, of Florida, determined that Mr. Perkins had shown due diligence and was entitled to recognition on the point of order:

> MR. GERALD R. FORD: Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.
>
> The gentleman from Louisiana had started his discussion of the amendment, and there was no previous point of order made prior to the discussion.
>
> MR. PERKINS: Mr. Chairman, I was on my feet seeking recognition at the

20. 103 CONG. REC. 5032, 85th Cong. 1st Sess.

1. 95 CONG. REC. 8852, 81st Cong. 1st Sess.

2. See also 101 CONG. REC. 4078, 84th Cong. 1st Sess., Mar. 30, 1955; 101 CONG. REC. 3947, 3948, 84th Cong. 1st Sess., Mar. 29, 1955; and 101 CONG. REC. 3204, 3205, 84th Cong. 1st Sess., Mar. 18, 1955.

3. 113 CONG. REC. 26878, 90th Cong. 1st Sess.

time the gentleman commenced to address the Chair.

THE CHAIRMAN: Was the gentleman from Kentucky on his feet seeking recognition?

MR. PERKINS: I was, Mr. Chairman.

THE CHAIRMAN: The Chair then overrules the point of order made by the gentleman from Michigan, and the Chair will hear the gentleman from Kentucky on his point of order.

MR. GERALD R. FORD: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Mr. Chairman, how far in the discussion of a man who offers an amendment can such a point of order be made, then?

THE CHAIRMAN: The Chair will state that the gentleman from Kentucky was on his feet seeking recognition, and so stated. Therefore, the gentleman from Kentucky will be recognized to make his point of order.[4]

§ 20.33 A point of order against language in a paragraph of an appropriation bill is not precluded by intervening debate where the Member raising the point of order shows due diligence therein.

On May 11, 1959,[5] Mr. H. R. Gross, of Iowa, made a point of order against language contained in an appropriation bill, on the ground the language was legislation in an appropriation bill. Mr. Albert Thomas, of Texas, objected to the point of order since debate had intervened:

MR. THOMAS: I oppose the point of order because the paragraph was read.

THE CHAIRMAN:[6] The Chair thinks the gentleman from Iowa was within his rights to make the point of order. He observed the gentleman standing when unanimous consent was granted to go back to the previous section.

MR. THOMAS: Well, the point of order is good, then. We admit it, then.

THE CHAIRMAN: The Chair sustains the point of order.

On Sept. 15, 1961,[7] Mr. Gross made a point of order against a paragraph in an appropriation bill, after the next paragraph had been partially read. Chairman Oren Harris, of Arkansas, stated, in response to a point of order that the point of order came too late, that Mr. Gross was entitled to recognition since the Chair had observed that Mr. Gross was on

4. See also 107 CONG. REC. 17609, 17610, 17612, 17613, 87th Cong. 1st Sess., Aug. 30, 1961; 106 CONG. REC. 6381, 86th Cong. 2d Sess., Mar. 23, 1960; 101 CONG. REC. 12408, 84th Cong. 1st Sess., July 30, 1955; 83 CONG. REC. 1372, 1373, 75th Cong. 3d Sess., Feb. 1, 1938 (Chair overruled); 84 CONG. REC. 7673, 76th Cong. 1st Sess., June 21, 1939; and 81 CONG. REC. 2980, 2981, 75th Cong. 1st Sess., Mar. 31, 1937.

5. 105 CONG. REC. 7904, 7905, 86th Cong. 1st Sess.

6. Frank N. Ikard (Tex.).

7. 107 CONG. REC. 19729, 87th Cong. 1st Sess.

his feet seeking recognition while the Clerk was reading.

§ 20.34 Although a point of order against a paragraph of a general appropriation bill will not lie after an amendment thereto has been debated, the Chair does not permit the reading of an amendment to preclude a point of order made by a Member who has shown due diligence and who sought recognition at the proper time.

On May 24, 1960,[8] the Clerk read a paragraph of an appropriation bill and Mr. Fred Wampler, of Indiana, offered an amendment thereto. Parliamentary inquiry was then made of Chairman Hale Boggs, of Louisiana, on recognition to raise a point of order against the amendment.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GROSS: I have a point of order against the language to be found on this page. Will the discussion of this amendment abrogate my right to make a point of order?

THE CHAIRMAN: The gentleman is correct, it would. If the gentleman has a point of order, it would have to be urged at this point.

MR. GROSS: The gentleman is trying to obtain recognition from the Chair to make a point of order.

THE CHAIRMAN: The Chair recognizes the gentleman to make the point of order.

Appropriation Bill Considered Read and Open to Amendment—Chair First Inquires as to Points of Order to Remainder of Bill

§ 20.35 Where a general appropriation bill is, by unanimous consent, considered read and open for amendment, the Chairman first ascertains whether there are any points of order to the remainder of the bill before recognizing Members to offer amendments.

On July 30, 1962,[9] the procedure below was followed where a unanimous-consent request was made that the remainder of a bill be considered as read and open for amendment at any point:

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open for amendment at any point.

MR. [H. R.] GROSS [of Iowa]: And also open to points of order at any point, I take it?

MR. THOMAS: Yes. . . .

8. 106 CONG. REC. 10979, 10980, 86th Cong. 2d Sess.

9. 108 CONG. REC. 14998, 87th Cong. 2d Sess.

THE CHAIRMAN:[10] Is there objection to the [request of the] gentleman from Texas?

There was no objection.

THE CHAIRMAN: Are there any points of order to be made to the remainder of the bill?

MR. GROSS: Mr. Chairman, I make a point of order against the language on page 27, beginning in line 24 and running through line 12 on page 28, as being legislation on an appropriation bill.

Point of Order Reserved—Chair Permits Proponent of Amendment To Debate Amendment Before Debate on Point of Order

§ 20.36 Once a point of order has been reserved against an amendment and debate has commenced under the five-minute rule, the Chair will permit the proponent of the amendment to utilize the time allotted him before hearing arguments on the point of order.

The following proceedings occurred in the Committee of the Whole on Mar. 21, 1979:[11]

THE CHAIRMAN:[12] When the Committee rose on Tuesday, March 20, 1979, the gentleman from New York (Mr. Weiss) had been recognized to offer an amendment.

The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Weiss: Page 3, insert after line 5 the following:
>
> Sec. 5. (a) Section 3(b) of the Council on Wage and Price Stability Act is amended by striking out "Nothing in this Act" and inserting in lieu thereof "Except as provided in section 8, nothing in this Act". . . .

MR. [WILLIAM S.] MOORHEAD of Pennsylvania: Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The gentleman from Pennsylvania (Mr. Moorhead) will be protected on his reservation of the point of order.

MR. [TED] WEISS [of New York]: Mr. Chairman, I rise to speak on the amendment. . . .

Mr. Chairman, I am today offering an amendment to H.R. 2283, the Council on Wage and Price Stability Reauthorization Act.

My amendment would give the President standby authority to impose wage, price, and related economic controls. . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I would now like to insist on my point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

THE CHAIRMAN: The Chair will point out that the time is under the control of the gentleman from New York (Mr. Weiss).

MR. WEISS: Mr. Chairman, the gentleman from Pennsylvania (Mr. Marks)

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10. Richard Bolling (Mo.).

11. 125 CONG. REC. 5779–81, 96th Cong. 1st Sess.

12. Butler Derrick (S.C.).

had asked if I would yield to him, and I am pleased to yield to him at this point.

MR. [MARC LINCOLN] MARKS [of Pennsylvania]: Mr. Chairman, I thank the gentleman for yielding. . . .

THE CHAIRMAN: The time of the gentleman from New York (Mr. Weiss) has expired.

The Chair will recognize the gentleman from Pennsylvania (Mr. Moorhead). . . .

MR. MOORHEAD of Pennsylvania: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from New York (Mr. Weiss).

Point of Order Against Portion of Bill Must Be Ruled on Before Amendments Offered

§ 20.37 It is not the practice to permit the reservation of a point of order against a portion of a general appropriation bill and then to consider amendments thereto.

On Apr. 13, 1949,[13] Mr. Frederic R. Coudert, Jr., of New York, reserved a point of order with respect to three lines in a paragraph of an appropriation bill, on the ground that they constituted legislation. He stated that he would not insist on the point of order if the amounts contained in the bill remained the same, but would insist on his point of order if the amounts were increased by amendment. Chairman Eugene J. Keogh, of New York, ruled that a point of order must be ruled upon before amendments were offered. In answer to a further inquiry by Mr. Coudert, the Chairman stated:

> The Chair is informed that it has not been the practice to reserve points of order and then consider amendments. The Chair will entertain the gentleman's point of order if the gentleman presses it.

Debate on Point of Order Is Within Discretion of Chair—Member Recognized on Point of Order May Not Yield

§ 20.38 Discussion on a point of order is within the control of the Chair, and a Member recognized on a point of order may not yield to other Members.

During consideration of the conference report on H.R. 13367 (to extend the State and Local Fiscal Assistance Act of 1972) in the House on Sept. 30, 1976,[14] the following proceedings occurred:

> MR. [JACK] BROOKS [of Texas]: Mr. Speaker, I call up the conference report on the bill (H.R. 13367) to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other

13. 95 CONG. REC. 4521, 81st Cong. 1st Sess.

14. 122 CONG. REC. 34074–76, 94th Cong. 2d Sess.

purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill [and the statement]. . . .

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I raise a point of order against the conference agreement. . . .[15]

MR. [FRANK] HORTON [of New York]: Mr. Speaker, will the gentleman yield?

MR. ADAMS: I yield to the gentleman from New York (Mr. Horton).

MR. HORTON: I thank the gentleman for yielding.

Mr. Speaker, the gentleman understands, does he not, there is no additional amount in fiscal year 1977?

MR. ADAMS: That is correct. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Speaker, will the gentleman yield?

MR. ADAMS: I yield to the gentleman from Ohio (Mr. Brown).

MR. BROWN of Ohio: I thank the gentleman for yielding.

Mr. Speaker, I refer to Public Law 93–344, the language that exists on page 22(d)(2).

MR. ADAMS: Would the gentleman refer to the motion, please? I am using both the conference report and the statute.

MR. BROWN of Ohio: Section 401.

MR. ADAMS: Is the gentleman referring to the statute or the conference report?

MR. BROWN of Ohio: Section 401 of the statute.

THE SPEAKER:[16] The Chair has been liberal in enforcing the rules on arguing on a point of order. The Chair controls the time and each individual Member desiring to be heard should address the Chair and not yield to other Members.

Does the gentleman from Ohio (Mr. Brown) desire to be heard?

MR. BROWN of Ohio: Yes, Mr. Speaker, I do desire to be heard.

§ 20.39 Recognition and time for debate on a point of order are within the discretion of the Chair, and a Member speaking on a point of order does not control a fixed amount of time which he can reserve or yield.

On Feb. 23, 1978,[17] a point of order was made with respect to the germaneness of an amendment to H.R. 9214 (concerning United States participation in the supplementary financing facility of the International Monetary Fund). The proceedings in part were as follows:

The Clerk read as follows:

H.R. 9214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"Sec. 27. (a) For the purpose of participation of the United States in

15. For substantive discussion of the point of order, see § 2.37, supra.

16. Carl Albert (Okla.).

17. 124 CONG. REC. 4421, 4426, 4427, 4451, 4452, 95th Cong. 2d Sess.

the Supplementary Financing Facility . . . the Secretary of the Treasury is authorized to make resources available as provided in the decision numbered 5509–(77/127) of the Fund, in an amount not to exceed the equivalent of 1,450 million Special Drawing Rights.

MR. [THOMAS R.] HARKIN [of Iowa]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 3, immediately after line 14, insert the following:

Sec. 3. The Bretton Woods Agreements Act (22 USC 286–286k–2), as amended, is further amended by adding at the end thereof the following new section: . . .

"(b) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Fund transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs. . . .

MR. [STEPHEN L.] NEAL [of North Carolina]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN:[18] The Chair will hear the gentleman.

MR. NEAL: Mr. Chairman, we have just established that we are only considering the so-called Witteveen Facility of the International Monetary Fund, and this amendment goes far beyond that.

THE CHAIRMAN: Does the gentleman from Iowa (Mr. Harkin) desire to be heard on the point of order?

MR. HARKIN: Yes, I do, Mr. Chairman.

I would respond to that argument by saying that my amendment is entirely in order because, if we look at the different sections, the first section of my amendment goes toward instructing the U.S. Executive Director of the IMF to do certain positive things about initiating wide consultations, and so forth, which would help to promote those kinds of programs that would help meet the basic human needs in other countries. . . .

MR. [HENRY S.] REUSS [of Wisconsin]: Mr. Chairman, will the gentleman yield on his point of order?

THE CHAIRMAN: The Chair will recognize the gentleman on the point of order.

Has the gentleman from Iowa (Mr. Harkin) concluded?

MR. HARKIN: Mr. Chairman, I have not concluded. I would like to reserve the balance of my time to speak further on the point of order.

THE CHAIRMAN: It is not in order to reserve debate time on a point of order. The gentleman has no [block] of time to reserve.

MR. HARKIN: Then, I would like to continue, Mr. Chairman.

THE CHAIRMAN: The Chair is hearing arguments on the point of order at the present time. The gentleman from Iowa (Mr. Harkin) will be recognized in support of his amendment at a subsequent time if the point of order is not sustained. . . .

MR. HARKIN: . . . Mr. Chairman, I want to speak further before the Chair rules on the point of order.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. HARKIN: Mr. Chairman, I think the gentleman from Georgia (Mr.

18. Lucien N. Nedzi (Mich.).

Mathis) has raised an interesting point. . . .

MR. [DAWSON] MATHIS [of Georgia]: Mr. Chairman, will the gentleman from Iowa yield further on the point of order?

THE CHAIRMAN: Has the gentleman from Iowa (Mr. Harkin) concluded his statement on the point of order?

MR. HARKIN: Mr. Chairman, I would like to yield to the gentleman.

THE CHAIRMAN: There is no yielding on a point of order.

Must Rise To Object to Unanimous-consent Request

§ 20.40 A Member must rise to object to a unanimous-consent request; if the Member has done so, the objection to a unanimous-consent request is timely if entered before the Chair enters an order thereon (as by saying, "Without objection, so ordered").

On Nov. 7, 1991,[19] discussion arose in the House as to whether a Member had risen to object to a unanimous-consent request in timely fashion.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Would it be an appropriate parliamentary inquiry to ask unanimous consent that the letter the gentlewoman just referred to be placed in the Record at this point?

THE SPEAKER PRO TEMPORE:[20] The Chair would inform the gentleman that that is really not a parliamentary inquiry.

MR. WALKER: Mr. Speaker, I am asking whether or not it would be appropriate in the procedures of the House at the moment for there to be a unanimous-consent request that the letter to which the gentlewoman just referred be put in the Record at this point?

THE SPEAKER PRO TEMPORE: That is normally the prerogative of the Member possessing the letter. Is the gentleman asking that the letter be put in the Record?

MR. WALKER: Mr. Speaker, I would ask unanimous consent that the letter be included in the Record.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Pennsylvania?

MR. [BILL] ALEXANDER [of Arkansas]: I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WALKER: The gentleman was not standing when he made the objection.

MR. ALEXANDER: Mr. Speaker, I object. . . .

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. WALKER: It was not a timely objection, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Chair looked at the gentleman sitting and nothing else had transpired. Then the Chair recognized that the gentleman was standing and the Chair put the question again.

Similarly, on June 23, 1992,[1] the Chair made an announcement

19. 137 CONG. REC. 30633, 102d Cong. 1st Sess.

20. G. V. (Sonny) Montgomery (Miss.).

1. 138 CONG. REC. p. ____, 102d Cong. 2d Sess. See also §§ 8.27–8.31, supra,

concerning the proper manner of seeking recognition to object to a unanimous-consent request:

> MR. [JOHN] MILLER of Washington: Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.
>
> THE SPEAKER PRO TEMPORE:[2] Is there objection to the request of the gentleman from Washington?
>
> MR. [LAWRENCE J.] SMITH of Florida: Mr. Speaker, I object.
>
> THE SPEAKER PRO TEMPORE: Objection is heard.
>
> ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
>
> The Chair would advise Members that if they wish to object, they should please stand, so that the Chair will see the objector.

Recognition for Objection to Unanimous-consent Request Does Not Extend Recognition in Opposition to Motion

§ 20.41 Recognition of a Member to object to a unanimous-consent request for the withdrawal of a motion in the Committee of the Whole to strike out the enacting clause does not extend recognition in opposition to the motion.

On Mar. 1, 1950,[3] Mr. Clare E. Hoffman, of Michigan, moved that the Committee of the Whole rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken and after debating the motion asked unanimous consent to withdraw it. Mr. Francis H. Case, of South Dakota, rose to object to the withdrawal of the motion and to seek recognition in debate to oppose the motion. Chairman Clark W. Thompson, of Texas, then recognized Mr. Oren Harris, of Arkansas, a member of the committee reporting the bill, for five minutes' debate in opposition to the motion. Mr. Case inquired whether he had not been recognized. The Chairman stated: "The gentleman was recognized by the Chair to make an objection, but not to speak."[4]

Chair May Refuse To Permit Debate Under Reservation of Objection to Unanimous-consent Request

§ 20.42 Recognition for a reservation of objection to a unanimous-consent request is within the discretion of the Speaker and sometimes

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for further discussion of recognition to object to unanimous-consent requests.

2. G. V. (Sonny) Montgomery (Miss.).

3. 96 CONG. REC. 2597, 81st Cong. 2d Sess.

4. Generally, recognition is limited to a specific purpose; see § 8, supra.

he refuses to permit debate under such a reservation and immediately puts the question on the request.

On Dec. 3, 1969,[5] Speaker John W. McCormack, of Massachusetts, refused to recognize a Member for a reservation of objection to a unanimous-consent request, stating that the Member requesting unanimous consent "receives permission, or she does not." The Speaker immediately put the question on the unanimous-consent request and there was no objection heard.[6]

Debate Under Reservation of Objection to Unanimous-consent Request May Not Continue When Regular Order Demanded

§ 20.43 Debate under a reservation of the right to object to a unanimous-consent request may not continue when the regular order is demanded.

On May 16, 1979,[7] the following proceedings occurred in the Committee of the Whole during consideration of the Alaska National Interest Lands Conservation Act of 1979:

> The Clerk read as follows:
>
> Amendment offered by Mr. Breaux to the amendment in the nature of a substitute offered by the Committee on Merchant Marine and Fisheries: Page 278: Strike out all after line 2 on page 278 through line 9 on page 622 and insert in lieu thereof the following: . . .

THE CHAIRMAN:[8] The gentleman from Louisiana has asked unanimous consent to dispense with the reading of the amendment. . . .

Is there objection to the request of the gentleman from Louisiana?

MR. PHILLIP BURTON [of California]: Mr. Chairman, reserving the right to object, I would like to ask our distinguished colleague in the well, is this the 479-page amendment that the gentleman has before the House? . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, I believe on this reservation which is now pending, we ought to proceed with the regular order.

THE CHAIRMAN: The question is, Is there objection to the request of the gentleman from Louisiana.

MR. PHILLIP BURTON: I am reserving the right to object.

MR. DINGELL: Mr. Chairman, I demand regular order.

THE CHAIRMAN: Regular order has been demanded.

MR. PHILLIP BURTON: I would like to make this point, Mr. Chairman: I was

5. 115 CONG. REC. 36748, 91st Cong. 1st Sess.

6. The demand for the "regular order" precludes recognition for a reservation of the right to object; see the proceedings of May 16, 1979, discussed in § 20.43, infra.

7. 125 CONG. REC. 11369, 11420, 96th Cong. 1st Sess.

8. Paul Simon (Ill.).

on the floor. I have the time, and I reserve the right to object.

THE CHAIRMAN: When regular order is demanded, the Chair is required to put the request to the body.

MR. DINGELL: Mr. Chairman, I will not demand regular order.

THE CHAIRMAN: The gentleman from Michigan withdraws his demand for regular order, and the gentleman from California (Mr. Phillip Burton) is recognized.

Where Member Recognized for One Hour Makes Unanimous-consent Request, Time Under Reservation of Objection Not Charged to Member

§ 20.44 Where a Member has been recognized for one hour of debate but has not begun his remarks, and makes a unanimous-consent request, time consumed by a Member who reserves the right to object to that request is not charged to the Member who has been recognized for an hour.

On Apr. 15, 1970, Mr. Louis C. Wyman, of New Hampshire, was recognized for one hour of debate (on a "special-order" speech). Before he commenced to address the House, Mr. Wyman asked unanimous consent to revise and extend his remarks; Mr. Phillip Burton, of California, reserved the right to object and made several remarks on the pending resolution. In response to a parliamentary inquiry, Speaker John W. McCormack, of Massachusetts, ruled that Mr. Wyman still had one hour of debate time available, and that the time consumed by Mr. Burton would not be charged to Mr. Wyman's hour.[9]

§ 21. Under the Five-minute Rule

Recognition for amendments and debate under the five-minute rule is subject to the discretion of the Chair, who may adhere to any one of several recognized principles to avoid being perceived as "arbitrary." Seniority, committee membership, alternation between parties—all are established as techniques or tests for bestowing recognition. (All of these "criteria" for recognition are within the discretion of the Chair. So all these principles should be considered as alternatives.)

Cross References

Closing and limiting five-minute debate, see § 78, infra.

Duration of five-minute debate, see § 77, infra.

Effect of limitation on five-minute debate, see § 79, infra.

9. 116 CONG. REC. 11917, 11918, 91st Cong. 2d Sess.