On Oct. 8, 1968,[11] the reading of the Journal was interrupted by numerous points of order of no quorum. A motion was made by Mr. Brock Adams, of Washington, and adopted by the House, that absent Members be sent for and thereafter detained until the disposition of the pending business of the day. This motion provoked some Members to express concern about their personal liberty and rights. In this context, Mr. Robert Taft, Jr., of Ohio, attempted to interrupt the reading of the Journal with what he contended was a question of privilege, but which Speaker John W. McCormack, of Massachusetts, determined not to properly raise a question of privilege of the House in the form and manner argued, and consequently not in order at that time. From this ruling, Mr. Taft appealed. Mr. Carl Albert, of Oklahoma, moved the appeal be laid on the table which motion was successful. Mr. Craig Hosmer, of California, then moved to reconsider the vote on the motion to table.

MR. HOSMER: Mr. Speaker, I move to reconsider the vote on the motion to lay the appeal from the Chair on the table.

MR. ALBERT: Mr. Speaker, I move that the motion be laid on the table.

THE SPEAKER: The gentleman from California moves to reconsider the vote on the motion to lay the appeal from the decision of the Chair on the table, and the gentleman from Oklahoma moves that that motion be laid on the table.

MR. HOSMER: Mr. Speaker, I make a point of order against the motion of the gentleman from Oklahoma to lay my motion on the table because that motion does not lie.

THE SPEAKER: The Chair will state that a motion to lay on the table, on a motion to reconsider, is a recognized motion.

The question is on the motion to lay on the table.

MR. HOSMER: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

So the motion to lay on the table was agreed to.

§ 14. In General

Parliamentary inquiries are in the nature of procedural questions of the Chair, relating to the pending order of business. Compared to points of order, the raising of a parliamentary inquiry is a relatively informal procedure. In contrast to points of order, no appeal will lie from the Chair's response to a parliamentary inquiry.[1] It is

11. 114 CONG. REC. 30214–16, 90th Cong. 2d Sess. [Calendar Day of Oct. 9, 1968].

1. See § 14.4, infra. See also 5 Hinds' Precedents §§ 6955, 8 Cannon's Precdents §§ 3457.

within the discretion of the Chair whether to recognize Members for the purpose of propounding parliamentary inquiries.[2] Like points of order, however, parliamentary inquiries are properly submitted only to the Chair.[3] And where an inquiry is directed to House procedure, the Chairman of the Committee of the Whole may suggest that the inquiry be addressed to the Speaker when he is presiding.[4] Similarly, the Speaker may defer an inquiry properly within the cognizance of the Member presiding over the Committee of the Whole.[5] Where both an inquiry and a point of order are directed to the Chair, the point of order, if timely, takes precedence.[6]

Examples of subjects deemed suitable for parliamentary inquiries include the anticipated order of business,[7] the status of the Clerk's progress in reading a document which is before the House,[8] the proper or accepted interpretation of a rule,[9] the order in which amendments should be offered,[10] and the like. Subjects that may not be raised by way of a parliamentary inquiry include hypothetical questions,[11] a request for an advisory opinion,[12] the effect of a vote about to be taken,[13] the future exercise of the Chair's power of recognition,[14] and the construction or meaning of language in a bill[15] or in an amendment.[16] The Chair may defer his response to a parliamentary inquiry until he has time to research the applicable precedents.[17] It is an improper use of a parliamentary inquiry to secure recognition for the limited purpose of making an inquiry, and then attempting to offer an amendment,[18] or to debate the merits of a pending proposition.

Discretion of Chair

§ 14.1 Recognition of Members for the purpose of propounding parliamentary in-

2. See §§ 14.1, 14.2, 14.5, infra. See also 6 Cannon's Precedents §§ 541.
3. See § 14.14, infra.
4. See §§ 14.39, 14.43, infra.
5. See §§ 14.40, 14.41, infra.
6. See § 14.3, infra.
7. See § 14.7, infra.
8. See § 14.12, infra.
9. See §§ 14.6, 14.8, 14.44, infra.
10. See § 14.10, infra.
11. See §§ 14.16, 14.17, infra. See also Ch. 5, supra.
12. See §§ 14.19, 14.33, infra.
13. See § 14.20, infra.
14. See § 14.42, infra.
15. See § 14.18, infra.
16. See §§ 14.18, 14.22, 14.35, infra, and 6 Cannon's Precedents § 254.
17. See §§ 14.24–14.28, infra.
18. See § 14.38, infra.

quiries is within the discretion of the Chair.

On Sept. 11, 1968,[19] numerous parliamentary inquiries were posed to Speaker John W. McCormack, of Massachusetts, who responded as follows:

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RIVERS: Mr. Speaker, as long as these delaying tactics are observed, is this preventing the military appropriation bill from being considered—to take care of our fighting men?

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman from Missouri will state the parliamentary inquiry.

MR. HALL: Mr. Speaker, is the conference report agreed to on the Speaker's desk, as agreed to by the other body?

THE SPEAKER: The Chair, in reply, will say that it has been returned from the Senate and is available. . . .

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ABERNETHY: I thank the Speaker.

Is there any parliamentary procedure whereby these parliamentary inquiries may be brought to a parliamentary conclusion?

THE SPEAKER: The Chair will state that a parliamentary inquiry is a matter of discretion with the Chair. The Chair knows that the gentleman from Mississippi would want to preserve the right of any occupant of the Chair in that respect.

§ 14.2 Recognition for parliamentary inquiries is within the discretion of the Chair, who may decline to entertain an inquiry not relevant to the immediately pending question.

On June 8, 1972,[20] Speaker Carl Albert, of Oklahoma, refused to entertain a parliamentary inquiry which did not relate to a pending motion for 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.

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19. 114 CONG. REC. 26453–56, 90th Cong. 2d Sess. See also 114 CONG. REC. 30214–16, 90th Cong. 2d Sess., Oct. 9, 1968.

20. 118 CONG. REC. 20339, 92d Cong. 2d Sess. Under consideration was the conference report on S. 659, the higher education amendments of 1972.

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.

Relative Precedence of Point of Order and Parliamentary Inquiry

§ 14.3 A timely point of order takes precedence over a parliamentary inquiry, and the reservation of a parliamentary inquiry gives no priority to that purpose, since recognition is within the discretion of the Chair.

While the Federal Employees' Political Activities Act of 1977 was being read for amendment under the five-minute rule in Committee of the Whole, on June 7, 1977,[1] an amendment was challenged as being not germane. The proceedings were as follows:

MR. [THOMAS N.] KINDNESS [of Ohio]: Mr. Chairman, I offer amendments, and I wish to make a parliamentary inquiry with respect thereto.

THE CHAIRMAN:[2] The gentleman will state his parliamentary inquiry.

MR. KINDNESS: Mr. Chairman, may I reserve my parliamentary inquiry and make it after the reading of the amendments?

THE CHAIRMAN: Certainly, the gentleman may do that.

The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Kindness: Page 28, line 12, strike out "but does not include a member of the uniformed services" and insert "including any member of the uniformed services".

Page 30, line 12, strike out "and".

Page 32, line 3, strike out the period and insert "; and".

Page 32, after line 3, insert: "(10) 'Secretary concerned' has the same meaning as given such term in section 101(5) of title 37.

Page 35, line 2, strike out "or a member of a uniformed service,".

Page 38, line 14, immediately before the period insert "or by reason of being a member of the uniformed services".

Page 45, before line 8, insert the following:

"(j) The preceding provisions of this section shall not apply in the case of a violation by a member of a uniformed service. Procedures with respect to any such violation shall, under regulations prescribed by the Secretary concerned, be the same as those applicable with respect to violations of section 892 of title 10.

Page 46, after line 12, insert the following:

"(c) The preceding provisions of this section shall not apply in the case of a violation by a member of the uniformed services. Any such violation shall, under regulations prescribed by the Secretary concerned, be subject to the same penalties as apply in the case of a violation of section 892 of title 10.".

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1. 123 CONG. REC. 17713, 17714, 95th Cong. 1st Sess.

2. James R. Mann (S.C.).

Page 47, after line 21, insert the following:

"(d) In the case of members of the uniformed services, the Secretary concerned shall carry out the responsibilities imposed on the Commission under the preceding provisions of this section.".

Page 48, line 17, strike out the close quotation mark and the period.

Page 48, after line 17, insert:

"(c) In the case of members of the uniformed services, the Secretary concerned shall prescribe the regulations the Commission is required to prescribe under this section, section 7322(9), and section 7324(c)(2) and (3) of this title.".

MR. [WILLIAM] CLAY [of Missouri]: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN: The gentleman from Missouri will state his point of order.

MR. CLAY: Mr. Chairman, I raise the point of order on the grounds that the matter contained in the amendment is in violation of the germaneness rule stated in clause 7 of House rule XVI.

The instant amendment proposes to make the bill applicable to an entirely new class of individuals other than what is covered under the bill.

The reported bill applies only to civilian employees in executive branch agencies, including the Postal Service and the District of Columbia government, who are presently under the Hatch Act.

The amendment seeks to add a totally different class of individuals to the bill; namely, military personnel who are not now covered by the Hatch Act. Accordingly the amendment is not germane to the bill.

Mr. Chairman, I insist on my point of order.

THE CHAIRMAN: Does the gentleman from Ohio (Mr. Kindness) wish to speak to the point of order?

MR. KINDNESS: I do, Mr. Chairman.

Mr. Chairman, I understood that I was recognized prior to the reading of the amendment for the purpose of stating a parliamentary inquiry.

THE CHAIRMAN: The Chair will state that the gentleman chose to defer his inquiry.

MR. KINDNESS: Mr. Chairman, I suggest that the gentleman's point of order is out of order.

THE CHAIRMAN: The Chair will state that a point of order is now in order and has preference.

MR. KINDNESS: Responding, then, to the point of order, Mr. Chairman, the bill, as before us at this time, has been expanded in considerable degree by the Clay amendment and by other amendments that have been adopted during the course of the consideration of the bill in the Committee of the Whole.

However, I would point out that the amendment is germane, and I particularly direct the attention of the Chairman and the Members to line 12 of page 28 where, in the definition of the word "employee" the words appear, on line 12, "but does not include a member of the uniformed services."

Mr. Chairman, that is the very crux of this whole point. The committee has given consideration, apparently, to the inclusion or exclusion of members of uniformed services under the provisions of this bill. A conscious decision was apparently made; and as reported to the House, this bill has that conscious decision reflected in it not to include members of the uniformed services.

Mr. Chairman, the issue is directly before the House in that form, so that the amendment offered by the gentleman from Ohio is in order, is pertinent, and is germane. It could not be nongermane.

THE CHAIRMAN: The Chair is prepared to rule on the point of order.

The gentleman from Missouri (Mr. Clay) makes a point of order that the striking of the language, "but does not include a member of the uniformed services," and the remainder of the amendment broadens the scope of the bill in violation of rule XVI, clause 7.

The gentleman from Ohio (Mr. Kindness) argues that because the exclusion from coverage for the military is in the bill and has received consideration, that the germaneness rule should be more liberally interpreted.

An annotation to clause 7, rule XVI, says that, in general, an amendment simply striking out words already in a bill may not be attacked as not germane unless such action would change the scope and meaning of the text. Cannons VIII, section 2921; Deschler's chapter 28, sec. 15.3.

On October 28, 1975, Chairman Jordan of Texas ruled, during the consideration of a bill H.R. 2667, giving the right of representation to Federal employees during questioning as follows:

> In a bill amending a section of title 5, United States Code, granting certain rights to employees of executive agencies of the Federal Government, an amendment extending those rights to, in that case, legislative branch employees, as defined in a different section of that title, was held to go beyond the scope of the bill and was ruled out as not germane.

The class of employees included in this legislation is confined to civilian employees of the Government, and those specifically so stated and described as being civilian employees of the executive agencies, of the Postal Service and of the District of Columbia government, and a reference to the Hatch Act as currently in force indicates that military personnel are not included in that act.

It is obvious that the purpose and the scope of the act before us as referred to in its entirety as amended by this bill, is, "to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes."

The Chair finds that the striking of the language excluding military employees and inserting language covering the military broadens the class of the persons covered by this bill to an extent that it substantially changes the text and substantially changes the purpose of the bill. The fact that the exclusion of military personnel was stated in the bill does not necessarily bring into question the converse of that proposition. The Chair therefore finds that the amendment is not germane and sustains the point of order.

MR. KINDNESS: Mr. Chairman, I have a parliamentary inquiry.

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

MR. KINDNESS: Mr. Chairman, has the Chairman ruled on that part of the position stated by the gentleman from Ohio that the bill has already been expanded in scope by reason of the inclusion of provisions with respect to gov-

ernment employees very similar in category to those who are in the uniformed services and indeed include some in the uniformed services, I believe?

THE CHAIRMAN: The Chair will state that the Chair finds that the general language of the uniformed services is capable of clear interpretation as meaning the military forces of this country.

MR. KINDNESS: Mr. Chairman, I have another parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. KINDNESS: Mr. Chairman, my parliamentary inquiry is this: Is there a way to appeal the ruling of the Chair within the rules of the House?

THE CHAIRMAN: Yes, there is.

MR. KINDNESS: So that I may respectfully appeal the ruling of the Chair at this point?

THE CHAIRMAN: If the gentleman from Ohio desires to do so.

Does the gentleman desire to appeal the ruling of the Chair?

MR. KINDNESS: No, Mr. Chairman, I do not so desire at this point.

Appeals

§ 14.4 Appeals from responses by the Chair to parliamentary inquiries are not recognized and collateral challenges to proceedings not immediately subjected to points of order cannot be made by appeals from responses to parliamentary inquiries pertaining thereto.

On Sept. 4, 1940,[3] there was particularly acrimonious debate on the floor of the House between supporters of peacetime conscription and those opposed to it. Apparently, there was even a scuffle between two Members. Not satisfied that the words of Mr. Beverly M. Vincent, of Kentucky, had been taken down properly, Mr. Clare E. Hoffman, of Michigan, disputed the handling of the matter by Speaker Pro Tempore Jere Cooper, of Tennessee, and attempted to appeal the response to a parliamentary inquiry.

MR. HOFFMAN: Mr. Speaker, a point of order and a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, a moment ago certain words were uttered by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order-the taking down of the words, the report of the words, and the reading by the Clerk.

THE SPEAKER PRO TEMPORE: Subsequently, unanimous consent was granted for the words to be withdrawn.

MR. HOFFMAN: Oh, no, Mr. Speaker; three Members were on their feet. I was one of them, and objecting to that.

3. 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess. Under consideration was H.R. 10132, providing for compulsory military training and service.

THE SPEAKER PRO TEMPORE: That was the ruling of the Chair.

MR. HOFFMAN: I appeal from the ruling of the Chair then.

THE SPEAKER PRO TEMPORE: This is not a ruling, it is just an answer to a parliamentary inquiry.

Chair Controls Recognition for Parliamentary Inquiry

§ 14.5 Recognition for a parliamentary inquiry is within the discretion and control of the Chair, and a Member so recognized may not yield to other Members.

On Mar. 16, 1988,[4] a Member who had been recognized for a one- minute speech refused to end his remarks at the end of that time, despite repeated admonitions from the Chair. Eventually, the Speaker Pro Tempore ordered the Sergeant at Arms to turn off the microphone on the floor so that the Member would desist. Inadvertently, the persons regulating the House coverage by television turned off the sound on the broadcast of the House proceedings. Several Members then came to the floor to protest this action. Various parliamentary inquiries were entertained by the Chair and eventually he felt it necessary to reiterate that Members may not carry on a dialogue with each other under the guise of a parliamentary inquiry. A portion of these hectic proceedings is carried herein.

LET US HAVE ANOTHER VOTE ON CONTRA AID

(Mr. Dornan of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, and I address a different Member of this Chamber from New York, because you have left your chair, and Mr. Majority Whip from California, you have also fled the floor. In 10 years Jim and Tony—I am not using any traditional titles like "distinguished gentleman"—Jim and Tony, in 10 years I have never heard on this floor so obnoxious a statement as I heard. . . .

THE SPEAKER PRO TEMPORE:[5] The time of the gentleman from California (Mr. Dornan) has expired.

MR. DORNAN of California: Wait a minute. On Honduran soil and on Nicaraguan soil.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: And it was set up in this House as you set up the betrayal of the Bay of Pigs.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: I ask—wait a minute—I ask unanimous consent for 30 seconds. People are dying.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

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4. 134 CONG. REC. 4081, 4084–87, 100th Cong. 2d Sess.

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

MR. DORNAN of California: People are dying.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, regular order, regular order.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired. Will the Sergeant at Arms please turn off the microphone?

MR. DORNAN of California: You get your regular order, people are dying. You get your regular order now. People are dying because of this Chamber. I demand a Contra vote on aid to the Democratic Resistance and the freedom fighters in Central America. In the name of God and liberty and decency I demand another vote in this Chamber next week.

Don't get a hernia and break your gavel. Don't get a hernia.

PARLIAMENTARY INQUIRIES

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

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

MR. GREGG: 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? Under what rule does the Speaker decide to close down the debate and pursue a policy of shutting up the opposition by not allowing us access to the public and to the media and to our own microphones, the microphones of this House? Under what rule of this House or of our country or our Constitution is freedom of the speech so grossly violated in this institution?

THE SPEAKER PRO TEMPORE: The gentleman asked to proceed for 1 minute——

MR. GREGG: No, I am asking that of the Chair.

THE SPEAKER PRO TEMPORE: 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 a further parliamentary inquiry, Mr. Speaker. Is it the Chair's intention to turn off my microphone?

THE SPEAKER PRO TEMPORE: What is the gentleman's parliamentary inquiry?

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).

MR. [DANIEL E.] LUNGREN [of California]: Mr. Speaker, parliamentary inquiry.

MRS. [LYNN] MARTIN of Illinois: Parliamentary inquiry, Mr. Speaker.

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

Mrs. MARTIN of Illinois: Mr. Speaker, I have a parliamentary inquiry. . . .

MR. [PAUL B.] HENRY [of Michigan]: Mr. Speaker, I rise for a point of parliamentary inquiry.

Mr. Speaker, I was among those who were on the floor during the exchange which we have been debating and would like to indicate it was the consensus of many of us that when the gentleman from California (Mr. Dornan) was addressing the House the floor microphones were not turned off but the difficulty arose in part that the television broadcast, the C-SPAN microphones were cut off. Mr. Speaker, the rules of the House clearly stipulate that electronic broadcast of the proceedings of the House shall be a fair and accurate proceedings, recording and rendering of proceedings of the House.

I am wondering if the Speaker would respond as to the appropriateness in this instance when apparently the C-SPAN electronic broadcast of the proceedings of the House were cut off while the House microphones were not.

THE SPEAKER PRO TEMPORE: Let the Chair assure the gentleman that the Chair was directing his remarks to the in-house microphones and certainly not to the coverage of the proceedings of the House by electronic media or the press. . . .

MR. HENRY: Mr. Speaker, I have a point of parliamentary inquiry and to respond. I had been recognized on this issue and I would like to be very clear for the Record because of the serious importance of this issue: As I understand the Chair's response we are told that your instructions were in fact to turn off the House floor microphones—whether that is appropriate or not is another question—but that was mistakenly acted upon by the internal broadcast mechanism so in fact the House floor's inadvertently remained on and the electronic microphones for internal broadcast system which the other electronic relays rely on was cut off. Am I correct in that, Mr. Speaker? I want to clarify very clearly that the Chair does not have the power to turn off——

THE SPEAKER PRO TEMPORE: The gentleman is correct for coverage of proceedings of the House. It was the intent of the Chair to turn off the House microphones.

MR. HENRY: Thank you very much, Mr. Speaker.

Parliamentary Inquiries at Chair's Discretion

§ 14.6 Parliamentary inquiries are entertained at the discretion of the Chair, and on occasion, the Chair will respond to inquiries, following a ruling on a point of order, as to the basis for or consequence of that ruling.

On Feb. 5, 1992,[6] a resolution creating a task force of members

6. 138 CONG. REC. 1621–23, 102d Cong. 2d Sess.

of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980 was called up for consideration. The resolution had been reported from both the Committee on Foreign Affairs and the Committee on House Administration, since it both created the task force and funded its operations. A point of order was lodged against the consideration of the resolution based on the contention that a primary expense resolution had not been reported to fund the task force, as required by Rule XI clause 5, or, if the resolution was itself a primary expense resolution, it failed to meet the standards set for such a resolution by the rule. After argument, the Chair overruled the point of order and his decision was sustained on appeal. After the ruling, Mr. Robert S. Walker, of Pennsylvania, directed a series of inquiries to the Chair. The point of order, the Chair's ruling, and the subsequent "interrogatories" are set forth here.

CREATING A TASK FORCE TO INVESTIGATE CERTAIN ALLEGATIONS CONCERNING THE HOLDING OF AMERICANS AS HOSTAGES BY IRAN IN 1980

MR. [BUTLER C.] DERRICK [Jr., of South Carolina]: Mr. Speaker, pursuant to House Resolution 303, I call up the resolution (H. Res. 258) creating a task force of members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980, and ask for its immediate consideration.

The Clerk read the title of the resolution.

POINT OF ORDER

MR. [BOB] MCEWEN [of Ohio]: Mr. Speaker, I make a point of order against House Resolution 258 on grounds that it is in violation of clause 5(a) of House rule XI, and I ask to be heard on my point of order.

THE SPEAKER PRO TEMPORE:[7] The gentleman will state his point of order.

MR. MCEWEN: I thank the Chair.

Mr. Speaker, House rule XI, clause 5(a) provides that whenever a committee, commission or other entity is to be granted authorization for the payment from the contingent fund of the House of its expenses in any year, "such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity."

The rule goes on to require that "any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution" shall "state the total amount of the funds to be provided to the committee, commission or other entity under the primary expense resolution for all anticipated activities and programs * * *."

Mr. Speaker, it is my assumption that this resolution, which was reported by the House Administration and authorizes the payment of ex-

7. David R. Obey (Wis.).

penses from the contingent fund, is the primary expense resolution for the task force. And yet the committee report on this resolution, House Report 102–296, part II, does not "state the total amount of funds to be provided" as required by rule XI, clause 5(a).

If, on the other hand, it is argued that House Resolution 258 is not a primary expense resolution, then it is not in order since House rule XI, clause 5(a) requires that whenever any entity such as this task force is to be granted authorization for the payment of expenses from the contingent fund, and I quote, "such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity." In other words, this resolution is not in order until after a primary expense resolution has been adopted by this House.

I urge that my point of order be sustained.

THE SPEAKER PRO TEMPORE: Does the gentleman from South Carolina desire to be heard on the point of order?

MR. DERRICK: Mr. Speaker, under clause 5(c), the funds will be provided to the Committee on Foreign Affairs and they will, in turn, provide the funds to the subcommittee, I mean to the committee that we are establishing.

MR. MCEWEN: Mr. Speaker, does Chairman Whitten share that view?

THE SPEAKER PRO TEMPORE: Does the gentleman wish to be heard further on the point of order?

MR. DERRICK: Mr. Speaker, I would be glad to read clause 5(c) on page 482 of the House Rules Manual. I would be glad to read that for you.

MR. MCEWEN: Mr. Speaker, do I understand the gentleman to say that the money is coming from the Committee on Foreign Affairs funds; is that what he is saying?

MR. DERRICK: Mr. Speaker, the House Administration Committee, in its forthcoming resolution, will provide funds to the Committee on Foreign Affairs and they will provide it to the committee that is being established. And this authority is provided under 5(c).

THE SPEAKER PRO TEMPORE: Does the gentleman desire to be heard further on the point of order?

MR. WALKER: Mr. Speaker, I wish to be heard.

Mr. Speaker, it sounds to me as though the gentleman from South Carolina is contending that the money is previously authorized under the House Administration's budget and so therefore the money is allocated there. When the House Administration Committee's budget was put into place, there was absolutely nothing in the House Administration budget which indicated that this task force was going to be formed. The new entity being created under the rules is the entity of the task force. It is that entity to which the gentleman from Ohio has referred, it is that entity to which the House rules speak. Either the House rules are going to apply to this or we are going to completely abandon any pretense that the House rules have meaning with regard to spending. This is very much of a spending issue because if in fact we do not obey House rules there, we have open ended the fund for this task force for as far out into the future as we can see.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule unless the

gentleman from Ohio wishes to be heard further on his point of order.

MR. MCEWEN: Mr. Speaker, I would only say as a member of the Committee on Rules, reading the rules, it says that if we are going to spend money, it has to be authorized under a resolution. It is not before us. There is no rule that permits us to proceed at this time.

THE SPEAKER PRO TEMPORE: The gentleman from Ohio, in a point of order, suggests to the House that under rule XI, clause 5(a), there needs to be a total amount stated in the report of the Committee on House Administration for funding of the task force, and the Chair would simply point out that the primary expense resolution for the Committee on Foreign Affairs and all other committees will be reported to the House later this year.

As the gentleman from South Carolina has attempted to point out to the House, clause 5(c) of rule XI reads as follows:

> The preceding provisions of this clause do not apply to—
>
> (1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any committee, commission or other entity at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing funds to pay the expenses of that committee, commission or other entity for that year.

It is the ruling of the Chair at this time that the task force comes under that exception. The task force is a subunit of the Committee on Foreign Affairs and not a separate entity.

The point of order is, therefore, overruled.

MR. WALKER: Mr. Speaker, I respectfully appeal the ruling of the Chair.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania [Mr. Walker] appeals the ruling of the Chair.

The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. DERRICK

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

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Derrick moves to lay on the table the appeal by the gentleman from Pennsylvania [Mr. Walker] on the ruling of the Chair.

THE SPEAKER PRO TEMPORE: The question is on the motion to table offered by the gentleman from South Carolina [Mr. Derrick].

The question was taken; and on a division (demanded by Mr. Walker) there were—ayes 19, noes 29. . . .

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

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

MR. WALKER: Mr. Speaker, the parliamentary inquiry is that the Chair in its ruling on the previous point of order indicated, and I think the video record of the House will confirm this, that the reason for the ruling was that the entity being created is a subunit of the Foreign Affairs Committee. Is that not what the Chair ruled?

THE SPEAKER PRO TEMPORE: The Chair has ruled on the basis that clause 5(c) of rule XI simply provides an applicable exception, and the Chair has ruled on that basis.

MR. WALKER: Mr. Speaker, I have a further parliamentary inquiry. My understanding of the Chair was that 5(c) applied because this was a subunit of the Foreign Affairs Committee. The Chair specifically mentioned the Foreign Affairs Committee in his ruling. It is now my understanding, after further consultation, that that is not the case, and so, therefore, the Chair's ruling was based upon an understanding which does not exist under section 5(c).

Would the Chair clarify for the House the entity we are about to create?

THE SPEAKER PRO TEMPORE: Under the resolution, the task force consists of members of and reports to the Committee on Foreign Affairs. But in any event, the Chair has ruled that the clause (c) exception applies to the task force. This is the first example, since the rule cited the creation of an entity and its funding at the same time. That is why the resolution was sequentially referred to the House Administration Committee. In any event, the clause 5(c) exception applies to any entity, not to any preexisting entity. . . .

MR. WALKER: I have a further parliamentary inquiry. If that was the impression of the Chair at the time, is that what the Chair ruled?

THE SPEAKER PRO TEMPORE: The Chair ruled as the Chair stated.

MR. WALKER: The Chair ruled on section (c).

THE SPEAKER PRO TEMPORE: On any entity being excepted under (c).

MR. WALKER: I have a further parliamentary inquiry. The Chair ruled on section 5(c) based upon his contention that it was a subunit of the Foreign Affairs Committee. What I am seeking to find out is whether or not the Chair is now withdrawing that contention.

THE SPEAKER PRO TEMPORE: The Chair's ruling was based on the literal ruling of 5(c).

MR. WALKER: I thank the Chair for pointing out it was based upon a literal ruling of 5(c). However, the specific ruling of the Chair, and again, I point out the video record of the House will certainly confirm this, that he ruled on 5(c) based upon——

THE SPEAKER PRO TEMPORE: The Chair has already commented on that and does not care to repeat himself. . . .

MR. MCEWEN: Mr. Speaker, I have a parliamentary inquiry.

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

MR. MCEWEN: Mr. Speaker, under my point of order under clause 5(a) of House rule XI, I stated that the new entity being created by the resolution currently before us had to meet the requirements of that. You have stated now that this new entity is a subunit.

Can the Chair rule for me the circumstances under which my rule cited here, clause 5(a) of rule XI, would apply ever?

THE SPEAKER PRO TEMPORE: The Chair read the exception as it applies in this instance and has ruled accordingly.

MR. MCEWEN: So can the Chair state for me of an instance or example in which the rule that I cited under the belief that it applied to the House would be applicable to anything stated?

THE SPEAKER PRO TEMPORE: The Chair cannot speculate about other situations, and the Chair has provided the ruling, and the House has spoken.

Scope of Permissible Inquiries

§ 14.7 Parliamentary inquiries concerning the anticipated order of business may be entertained by the Chair.

On Sept. 11, 1968,[8] Speaker John W. McCormack, of Massachusetts, answered a question concerning what item would next be taken up by the House.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman from Texas will state his parliamentary inquiry.

MR. MAHON: Mr. Speaker, will the Chair advise whether or not the conference report has been sent over by message from the Senate, indicating that the authorization bill has now cleared both Houses—that is, for the Defense Department bill—and, if that is correct, would it be in order for the Committee on Appropriations to call up the $72 billion Defense appropriation bill?

THE SPEAKER: The Chair will state that the Senate has approved the conference report. The Department of Defense appropriation bill is programmed for today. All Members recognize the importance, I am sure, of having this bill acted upon as quickly as possible, and, after the Journal is read and approved, the Defense appropriation bill will be the next order of business to be brought up.

Use of a Parliamentary Inquiry—the Proper Interpretation of a New Rule

§ 14.8 A parliamentary inquiry may address the proper interpretation of a new rule.

In response to a parliamentary inquiry, the Chairman of the Committee of the Whole indicated that a new rule (Rule XXIII clause 5), requiring distribution of offered amendments by the Clerk, was not a mandatory requirement and that the Clerk's distribution was a matter of courtesy and not a mandatory prerequisite for consideration of an amendment. The inquiry and the Chair's response made on Mar. 14, 1975,[9] were as follows:

MR. [SAM] STEIGER of Arizona: Mr. Chairman, I have a parliamentary inquiry.

8. 114 CONG. REC. 26455, 90th Cong. 2d Sess.

9. 121 CONG. REC. 6708, 94th Cong. 1st Sess.

THE CHAIRMAN:[10] The gentleman will state his parliamentary inquiry.

MR. STEIGER of Arizona: Mr. Chairman, without a copy of the amendment, we cannot understand the purpose of the amendment.

I thought that under the new rules we are under some obligation to provide some sort of amendment in written form so that those Members who wish to go to the extra effort might read and understand what is going on.

Am I correct or incorrect, Mr. Chairman?

THE CHAIRMAN: It does not stop the consideration of an amendment, although that is supposed to be the custom.

MR. STEIGER of Arizona: Mr. Chairman, the rule is simply a matter of courtesy rather than one of mandate?

THE CHAIRMAN: The gentleman is correct.

MR. STEIGER of Arizona: I thank the Chair.

Proper Uses of Parliamentary Inquiries

§ 14.9 In response to a parliamentary inquiry, the Chair stated that committee reports that erroneously reflect the information required under clause 2(l)(2)(B) of Rule XI (that committee reports reflect the total number of votes cast for and against any public measure or matter and any amendment thereto and the names of those voting for and against) would be subject to a point of order against its consideration; however, a point of order would not lie if the error was introduced by the Government Printing Office.

On Jan. 15, 1995,[11] an inquiry was directed to the Presiding Officer regarding a rule adopted at the commencement of the 104th Congress.

PARLIAMENTARY INQUIRIES

MR. [PAUL E.] KANJORSKI [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[12] The gentleman will state it.

MR. KANJORSKI: Mr. Speaker, as I understand the new rule in clause 2(l)(2)(B) of rule XI, adopted on January 4 of this year as the new rules of the House, each committee report must accurately reflect all rollcall votes on amendments in committee; is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. KANJORSKI: Mr. Speaker, as a further parliamentary inquiry, the report accompanying H.R. 5, as reported from the Committee on Government Reform and Oversight, House Report 104–1, part 2, lists many rollcall votes on amendments. On amendment 6, the

10. Neal Smith (Iowa).

11. 141 CONG. REC. p. _____, 104th Cong. 1st Sess.

12. Steve Gunderson (Wis.).

report states that the committee defeated the amendment by a rollcall vote of 14 yes and 22 no. However, the tally sheet shows 35 members voting "aye" and 1 member voting "nay".

Mr. Speaker, would a point of order under clause 2(l)(2)(B) of rule XI apply?

THE SPEAKER PRO TEMPORE: In the opinion of the Chair, the gentleman is correct.

MR. KANJORSKI: Mr. Speaker, if that were the case, it is clear that this bill could not proceed under its present rule; is that correct?

THE SPEAKER PRO TEMPORE: The gentleman is correct, if it is an error on behalf of the committee. If it is a printing error. That would be a technical problem which would not be sustained in the point of order.

MR. KANJORSKI: . . . I would urge that the majority, in consideration of the fact that we are not going to use this tactic to delay this debate, take into consideration that their rules must be applied on a day-to-day basis, because the majority is responsible for having passed this rule.

§ 14.10 In response to a parliamentary inquiry, the Chair indicated that the adoption of an amendment adding a new section would preclude further amendment to the pending section.

During consideration of a bill setting emergency price support levels for the 1975 crop year, an amendment was offered which would add a new section following the one then open for amendment. Following a reservation of a germaneness point of order against the amendment, a parliamentary inquiry was made by another Member who wished to offer a perfecting amendment to the section which had been read by the Clerk. The proceedings were as shown in the Record of Mar. 20, 1975.[13]

MR. [PETER A.] PEYSER [of New York]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Peyser: Page 3, immediately after line 16, insert the following new section:

"Sec. 3. Notwithstanding any other provision of law, there shall be no acreage allotment, marketing quota or price support for rice effective with the 1975 crop of such commodity."

MR. [THOMAS S.] FOLEY [of Washington] reserved a point of order on the amendment.

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[14] The gentleman will state his parliamentary inquiry.

MR. SYMMS: Mr. Chairman, I have another amendment to section 2 of the bill. Will this amendment preclude the offering of the next amendment?

THE CHAIRMAN: It will if the amendment is agreed to.

Does the gentleman from Washington insist on his point of order?

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13. 121 CONG. REC. 7666, 94th Cong. 1st Sess.

14. John Brademas (Ind.).

MR. FOLEY: I do, Mr. Chairman. I insist on the point of order against this amendment.

The amendment is not germane to the bill, and violates rule XVI, clause 7.

H.R. 4296 deals with price supports, established prices, and loan rates for wheat, feed grains, cotton, and milk under sections 103, 105, 107, and 201 of the Agricultural Act of 1949.

The bill does not relate to acreage allotments, or marketing quotas on any commodity. The amendment offered would affect the provisions of the Agricultural Adjustment Act of 1938.

Accordingly, the amendment is not germane to the bill, and I therefore press my point of order against the amendment.

THE CHAIRMAN: Does the gentleman from New York desire to be heard on the point of order?

MR. PEYSER: I do, Mr. Chairman.

The reason I offered the amendment was because of the ruling of the Chair dealing with the Conte amendment some hour or so ago, where we were discussing it, and the Chair ruled in favor of nuts and fruits, and some other items, and I therefore felt that introducing the question of rice would be substantially within the germaneness of this bill as the other items that have been offered, and that the Chair had ruled in favor of.

THE CHAIRMAN: The Chair is prepared to rule.

The Chair has heard the point of order made by the gentleman from Washington (Mr. Foley), and has listened to the response made by the gentleman from New York (Mr. Peyser).

The Chair would observe in respect of its earlier ruling on the amendment offered by the gentleman from Massachusetts that the earlier amendment was a price support amendment. The purpose of the bill under consideration, as the gentleman from Washington has already pointed out, runs to price supports. Acreage and allotments and marketing quotas are not within the scope of the bill, and the Chair rules, therefore, that the amendment is not germane, and sustains the point of order.

§ 14.11 A parliamentary inquiry is an appropriate vehicle to ascertain the proper time for making a point of order against the content of an unprivileged committee report.

On May 16, 1989,[15] a bill which had been ordered reported by the Committee on Banking, Finance and Urban Affairs was filed in the House. Not having a privileged status, the report was filed through the hopper. Mr. Robert S. Walker, of Pennsylvania, was under the impression that certain changes had been made in the report after the committee action. His inquiries were directed toward the appropriate time to make a point of order if his allegations were well founded.

MR. WALKER: Mr. Speaker, it is bad enough that this House is up to its eyeballs in creating the problem that

15. 135 CONG. REC. 9329, 9355, 9356, 101st Cong. 1st Sess.

led to the savings and loans crisis. Now as we are about to consider legislation to deal with the S&L crisis that this House helped create, we hear a rumor that the process and the procedures of the House are about to be abandoned as we bring that legislation to the floor.

Evidently the chairman of the Committee on Banking, Finance and Urban Affairs has unilaterally changed the legislation and intends to file a report later today which is his personal version of the bill rather than that reported from his committee.

Mr. Speaker, when is someone going to stop this kind of abuse? We cannot have chairmen of committees overruling the work of their committees.

There is a lot of controversy about this particular legislation for FSLIC. It should be resolved unilaterally by one chairman. The Chair should refuse to let the report be filed until the House is assured that it is the committee's report and not the chairman's personal report.

PARLIAMENTARY INQUIRIES

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[16] The gentleman will state it.

MR. WALKER: Mr. Speaker, it is my understanding that in the course of the day today, or perhaps later on today, there will be a report filed from the Committee on Banking, Finance and Urban Affairs with regard to the FSLIC bill. Can the Chair, first of all, tell me whether that report has been filed?

THE SPEAKER PRO TEMPORE: The report has just been filed.

MR. WALKER: The report has been filed.

Mr. Speaker, it is my understanding that the language in that report differs markedly from the language as reported from the Committee on Banking, Finance and Urban Affairs, that in fact substantive sections of the bill have been changed unilaterally by the chairman, and that is reflected in the report before the House in the new language as defined by the chairman rather than the language as reported from the committee.

Mr. Speaker, can the Chair tell me whether or not a point of order rests against the filing of that report under those kinds of circumstances?

THE SPEAKER PRO TEMPORE: Under these circumstances, the normal time to question the validity of a committee report is when the bill comes up for consideration in the House or at a hearing before the Committee on Rules.

MR. WALKER: Mr. Speaker, if I understand correctly then, this question could be raised about the change of the language before the Committee on Rules, or should a rule be adopted with regard to consideration of the bill, a point of order would rest against consideration of the bill on the House floor given the fact that language was changed subsequent to committee action; is that correct?

THE SPEAKER PRO TEMPORE: If the bill was improperly reported, the gentleman from Pennsylvania (Mr. Walker) is correct.

§ 14.12 The status of the Clerk's progress in reading a

16. Thomas A. Luken (Ohio).

document which is before the House is a proper subject for a parliamentary inquiry.

On Oct. 8, 1968,[17] before the transaction of legislative business, the roll was taken numerous times to ascertain the presence of a quorum. After unanimous consent was sought to dispense with the reading of the Journal, the following exchange occurred:

MR. [GEORGE W.] ANDREWS of Alabama: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:[18] The gentleman will state it.

MR. ANDREWS of Alabama: I would like to know how many pages have been read and how many remain.

THE SPEAKER: That is a very proper inquiry.

MR. ANDREWS of Alabama: I am most interested in the reading.

THE SPEAKER: The Chair will state that there are 68 pages and the Clerk has already read 38.

Chair's Comments on Matters Pending at Desk

§ 14.13 In response to a parliamentary inquiry, the Speaker may examine a report at the desk and render an advisory opinion about its validity.

On Oct. 8, 1986,[19] when the Chairman of the Committee on Rules filed a hastily assembled report from that committee, a series of inquiries sought assurances that the report was complete. The Chair's response is carried herein.

MR. [CLAUDE] PEPPER [of Florida]: Mr. Speaker, will the gentleman yield?

MR. [LOUIS] STOKES [of Ohio]: I am delighted to yield to the gentleman from Florida.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3810, IMMIGRATION CONTROL AND LEGALIZATION AMENDMENTS ACT OF 1985

Mr. Pepper, from the Committee on Rules, submitted a privileged report (Rept. No. 99–980) on the resolution (H. Res. 580) providing for the consideration of the bill (H.R. 3810) to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[20] The gentleman will state his parliamentary inquiry.

MR. SENSENBRENNER: Mr. Speaker, the rule just filed by the distinguished chairman of the Committee on Rules, the gentleman from Florida (Mr. Pep-

17. 114 CONG. REC. 30100, 90th Cong. 2d Sess. At the time the Clerk was reading the Journal.

18. John W. McCormack (Mass.).

19. 132 CONG. REC. 29803, 29804, 99th Cong. 2d Sess.

20. Tim Valentine (N.C.).

per) references 14 amendments which are made in order that are not contained in the rule but are contained in the report of the Committee on Rules. May I ask if the texts of those amendments are contained in the report of the Committee on Rules that has just been filed by the chairman of the committee as a privileged report?

THE SPEAKER PRO TEMPORE: The Chair would say to the gentleman that the Chair presumes that that is the case.

MR. SENSENBRENNER: A further parliamentary inquiry, Mr. Speaker. The gentleman from Wisconsin wishes to know if the text of the one substitute and the 14 amendments to the substitute that are referenced are in the report and thus available to the Members as of this legislative day?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman that there are 14 numbered amendments in the report.

MR. SENSENBRENNER: A further parliamentary inquiry, Mr. Speaker. The resolution that was just filed by the chairman of the Committee on Rules also makes reference to an amendment in the nature of a substitute. Is the text of that amendment in the nature of a substitute contained in the report that has just been filed?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman that it is not, but it has been introduced separately and it will be printed and available to the Members in the morning.

MR. SENSENBRENNER: I thank the Chair.

POINT OF ORDER

MR. [HENRY B.] GONZALEZ [of Texas]: Mr. Speaker, I have a point of order.

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

MR. GONZALEZ: Mr. Speaker, is it not necessary that at the time the motion is made to file a report that that report be in hand, completed as approved by the committee submitting the report?

THE SPEAKER PRO TEMPORE: That is the rule as the Chair understands it, and that is the case.

MR. GONZALEZ: Mr. Speaker, my understanding is that the rule as approved by the Rules Committee less than an hour ago is not complete and, therefore, cannot be presented in a complete form at this time, and I challenge the validity of that procedure.

THE SPEAKER PRO TEMPORE: The Chair would say to the gentleman that the Chair believes that it is complete, and of course it has been filed.

MR. GONZALEZ: Mr. Speaker, will the Chair point to the report as filed?

THE SPEAKER PRO TEMPORE: The Chair would state to the gentleman from Texas that the report is here at the desk and available for examination by the gentleman from Texas.

MR. GONZALEZ: Mr. Speaker, I thank the Chair and I withdraw my point of order.

THE SPEAKER PRO TEMPORE: The gentleman from Ohio (Mr. Stokes) still has the time and may proceed.

Inquiries Properly Submitted to Speaker

§ 14.14 Inquiries concerning the parliamentary situation on the floor are properly directed to the Chair, and it is not customary for a Member

to request that the notes of the official reporters be read to ascertain what motions have been put by the Chair.

On May 22, 1968,[1] in a confusing parliamentary situation involving the consideration of a conference report, Minority Leader Gerald R. Ford, of Michigan, requested that the reporter's notes be read back to clarify the legislative situation. Speaker John W. McCormack, of Massachusetts, rejected the request, and, a few moments later, the Speaker went on to remind the Members of their duty to address questions of order to the Chair, not to other Members.

MR. GERALD R. FORD: Mr. Speaker, so that the record is crystal clear, I request that the notes of the reporter be reread to the Members.

THE SPEAKER: The Chair will state that this has never been done before so far as the knowledge of the Chair is concerned. . . .

The Chair will suggest that the Members can carry on their colloquy but the position of the Chair is clear—the gentleman from Texas called up the conference report and had asked that the statement of the managers on the part of the House be read and after the Clerk had proceeded to read the statement, the gentleman from Texas asked unanimous consent that the further reading of the statement of the managers on the part of [the] House be dispensed with and that it be placed in the Record.

The gentleman from Texas was standing and the Chair rose and said—'The question is on agreeing to the conference report." The Chair did it deliberately—and the report was agreed to. The Chair acted most deliberately. . . .

The gentleman from Virginia reserves the right to object.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I reserve the right to object in order to propound a question to the distinguished majority leader. In the event the House agrees to the request of the gentleman, would the minority maintain the right under the rules of the House to offer motions to recommit if it were so disposed?

THE SPEAKER: The gentleman ought to address his question to the Chair. That question should be addressed to the Chair, and, assuming that the gentleman did address the Chair, the Chair will state that point has gone by, and a motion to recommit under those circumstances would not be in order.

Not Cognizable by Parliamentary Inquiry

§ 14.15 The Chair responds to parliamentary inquiries relating to the pending proceedings but is not required to verify allegations placing current events in historical context.

On June 25, 1992,[2] during discussion regarding the adoption of a re-

1. 114 CONG. REC. 14403–05, 90th Cong. 2d Sess. Under consideration was H. Rept. No. 1397 on S. 5, the Consumer Credit Protection Act.

2. 138 CONG. REC. 16174, 16175, 102d Cong. 2d Sess.

strictive rule on a general appropriation bill, Mr. Robert S. Walker, of Pennsylvania, posed an inquiry to the Speaker Pro Tempore, Mr. Michael R. McNulty, of New York.

PARLIAMENTARY INQUIRY

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

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

MR. WALKER: Mr. Speaker, in this morning's newspaper, the Speaker of the House is quoted as saying the process under which we are operating on this rule, or on this bill, is a common practice; namely, the practice of having closed rules on appropriation bills of a general character. My research tells me that we have only had such rules five times in the history of the Congress. My research indicates that only five times in the history of the Congress have we had a situation where general appropriation bills have been considered under a closed rule. Three of those have been during this speakership.

I am asking the Chair whether or not the Chair can confirm that that is, indeed, the situation that this is only the sixth time in history that we will be considering this bill under such a process.

THE SPEAKER PRO TEMPORE: The gentleman must state a parliamentary inquiry.

Inquiries Which Chair Does Not Entertain

§ 14.16 The Chairman of the Committee of the Whole does not respond to hypothetical questions raised under the guise of a parliamentary inquiry.

On Mar. 26, 1965,[3] in the Committee of the Whole, Chairman Richard Bolling, of Missouri, declined to answer a hypothetical question raised in the guise of a parliamentary inquiry.

MR. [ALBERT H.] QUIE [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. QUIE: Mr. Chairman, if I had risen to move to strike out the last word, rather than offering an amendment which would be voted on, then would the extra 5 minutes have been divided equally?

THE CHAIRMAN: The Chair is not in position to answer that kind of question.

MR. QUIE: It may happen in the future as we go along with the debate.

THE CHAIRMAN: The Chair will meet the situation as it arises.

§ 14.17 The Speaker does not entertain hypothetical questions.

On Sept. 14, 1944,[4] at a time when there was no bill or resolu-

3. 111 CONG. REC. 6114, 89th Cong. 1st Sess. Under consideration was H.R. 2362, the Elementary and Secondary Education Act of 1965.

4. 90 CONG. REC. 7772, 78th Cong. 2d Sess.

tion before the House, a Member asked about the status of certain funds.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[5] The gentleman will state it.

MR. HOFFMAN: I gathered from statements which were made on the floor today that a statement going back as far as 1920 and containing information as to the amounts of money requested by the military establishments of the Government, as to the amounts that had been recommended by the executive department, and as to the amounts finally appropriated by Congress, had been sent to the Committee on Appropriations, but for some 2 years it had been in the safe over there, inaccessible to Members of the House. By what authority or what rule of Congress or what rule governing committees was that suppressed?

THE SPEAKER PRO TEMPORE: The present occupant of the chair has no knowledge of any such facts, and therefore is not in a position to answer the gentleman's inquiry.

MR. HOFFMAN: Does the Chair mean he does not have any knowledge that that is true?

THE SPEAKER PRO TEMPORE: The Chair has no knowledge of that, except that somebody has said it is true, according to the gentleman's statement.

MR. HOFFMAN: Submitting that then as a hypothetical question.

THE SPEAKER PRO TEMPORE: The Chair does not entertain a hypothetical question, and does not think that the parliamentary inquiry is pertinent at this stage of the proceedings and at this particular time in the absence of the Speaker.

What Is Not a Proper Parliamentary Inquiry

§ 14.18 It is not a proper parliamentary inquiry to inquire of the Chair whether his ruling striking a portion of a paragraph in a general appropriation bill leaves a certain program without sufficient funds.

On Oct. 26, 1983,[6] during the reading of the Defense appropriations bill of 1984, certain language was conceded to be a reappropriation of funds, in violation of Rule XXI clause 6, and was stricken from the bill. The proceedings and the resulting inquiry are carried herein.

The Clerk read as follows:

MISSILE PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor,

5. Orville Zimmerman (Mo.).

6. 129 CONG. REC. 29416, 29417, 98th Cong. 1st Sess.

without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows: For Other Missile Support, $9,200,000; for the Patriot program, $885,000,000; for the Stinger program, $100,500,000, and in addition, $37,300,000 to be derived by transfer from "Missile Procurement, Army, 1983/1985"; for the Laser Hellfire program, $218,800,000; for the TOW program, $189,200,000; for the Pershing II program, $407,700,000; for the MLRS program, $532,100,000; for modification of missiles, $123,300,000; for spares and repair parts, $261,702,000; for support equipment and facilities, $108,200,000; in all: $2,807,702,000, and in addition $37,300,000 to be derived by transfer, to remain available until September 30, 1986: *Provided* That within the total amount appropriated, the subdivisions within this account shall be reduced by $28,000,000 for revised economic assumptions.

MR. [RICHARD] RAY [of Georgia]: Mr. Chairman, I make a point of order that the language on page 19, line 5, after "$100,500,000" through "1983/85" on line 6 constitutes a reappropriation of unexpended balances of appropriations and thus is not in order under rule XXI, clause 6.

The $37,300,000 that would be transferred from the Army missile funds, 1983–1985, would be extended in availability to September 30, 1986.

Such an extension of these funds through appropriation is prohibited by the rules.

THE CHAIRMAN:[7] Does the gentleman from New York wish to be heard on the point of order?

MR. [JOSEPH P.] ADDABBO [of New York]: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The point of order is sustained.

MR. [DAVID] DREIER of California: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DREIER of California: Does the ruling of the Chair on the gentleman's point of order mean that title IV is underfunded by $37.3 million for Stinger missile procurement in fiscal year 1984?

THE CHAIRMAN: The Chair will state that the gentleman is not making a parliamentary inquiry.

Chair Does Not Signal His Ruling on Future Amendment

§ 14.19 The Chair can respond to a parliamentary inquiry about the effect of voting down the previous question on a special order—"a germane amendment would be in order"—but will not render an advisory opinion as to whether a particular described amendment would be in order.

7. Dan Rostenkowski (Ill.).

On June 16, 1994,[8] where the previous question had been moved on a special order reported from the Committee on Rules, the Speaker Pro Tempore responded to parliamentary inquiries as follows:

MR. [BART] GORDON [of Tennessee]: Mr. Speaker, I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

MR. [PORTER J.] GOSS [of Florida]: Mr. Speaker, I have a parliamentary inquiry.

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

MR. GOSS: Mr. Speaker, if the previous question is rejected, would it be in order for me to offer an amendment to the rule to strike the exception that leaves the Wolf provision subject to a point of order?

THE SPEAKER PRO TEMPORE: While the Chair cannot give a specific anticipatory ruling, in the opinion of the Chair, should the previous question be rejected, any germane amendment to the rule may be offered.

MR. GOSS: Mr. Speaker, the Chair's answer is "yes" and that would be my intention.

THE SPEAKER PRO TEMPORE: The Chair stands by his statement. Any germane amendment can be offered.

MR. GOSS: I was not asking a parliamentary inquiry about germaneness. I wish to know whether or not that would be in order.

THE SPEAKER PRO TEMPORE: The Chair has responded.

The question is on ordering the previous question.

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

Chair Does Not Interpret Whether Votes Are Consistent

§ 14.20 A request that the Chair announce the effect on an earlier House political position of a vote about to be taken is not a parliamentary inquiry.

On June 26, 1942,[10] Speaker Pro Tempore Jere Cooper, of Tennessee, sustained a point of order against Mr. Clarence Cannon, of Missouri, when he made an inquiry as to the effect of a vote on a pending motion.

MR. CANNON of Missouri: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CANNON of Missouri: A vote against the motion is a vote to sustain the position of the House?

THE SPEAKER PRO TEMPORE: A vote against the pending motion is a vote for the defeat of the pending motion.

MR. CANNON of Missouri: Mr. Speaker, in view of the fact that the chair-

8. 140 CONG. REC. 13155, 13156, 103d Cong. 2d Sess.

9. Robert E. Wise, Jr. (W. Va.).

10. 88 CONG. REC. 5646, 77th Cong. 2d Sess. Under consideration was H.R. 6709, an agriculture appropriation for 1943.

man of the subcommittee has made this motion without authorization by a majority of the managers on the part of the House, it is only fair that the House understand the effect of this vote. Accordingly, Mr. Speaker, I desire to know if a vote against the pending motion is not a vote to sustain the position which the House took when it sent the bill to conference.

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. EBERHARTER: The question raised by the gentleman from Missouri is not a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The point of order is sustained.

§ 14.21 The Chair will not comment on the consistency of amendments under the guise of responding to a parliamentary inquiry.

On May 15, 1991,[11] the House was considering amendments to a measure under consideration in the Committee of the Whole. One amendment had been agreed to when an inquiry was directed to the Chair.

MR. [MARTY] RUSSO [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE:[12] The gentleman will state his parliamentary inquiry.

MR. RUSSO: Mr. Chairman, as I understand the parliamentary situation, we are now voting on the Upton amendment which, if you voted for Berman, you would vote no to Upton.

THE CHAIRMAN PRO TEMPORE: The gentleman from Illinois is not stating a parliamentary inquiry.

The question is on the amendment offered by the gentleman from Michigan (Mr. Upton) as a substitute for the amendment en bloc offered by the gentlewoman from Maine (Ms. Snowe) as amended.

§ 14.22 The Chairman of the Committee of the Whole responds to parliamentary inquiries as to whether an amendment changing a lump-sum figure in a general appropriation bill is in order; but he does not interpret the effect of the adoption of such an amendment on a particular project which might be funded by the lump-sum figure.

On Oct. 21, 1990,[13] during consideration of the legislative branch appropriation bill for fiscal 1991 in Committee of the Whole, there was pending an amendment reducing a lump-sum figure in the bill. The announced goal of the proponent of the amendment was to eliminate funding for certain garage attendants. Another Mem-

11. 137 CONG. REC. 11116, 102d Cong. 1st Sess.1

12. Jim McDermott (Wash.).

13. 136 CONG. REC. 31673, 31674, 31689–91, 101st Cong. 2d Sess.

ber wished to eliminate yet another service, and attempted to get a ruling from the Chair whether by an amendment to the pending amendment he could accomplish that goal. The discussion was as follows:

The Clerk read as follows:

H.R. 5399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $667,–010,000, to remain available until expended, as follows:

MR. [VIC] FAZIO [of California]: Mr. Chairman, as provided in the rule, at this time I yield to the gentleman from Oklahoma Mr. [Synar] and the gentleman from California Mr. [McCandless], who are cosponsoring this amendment, for the purpose of offering the en bloc amendments numbered one and printed in the report of the Committee on Rules.

AMENDMENTS EN BLOC OFFERED BY MR. SYNAR

MR. [MIKE] SYNAR [of Oklahoma]: Mr. Chairman, on behalf of the gentleman from California Mr. [McCandless] and myself, I offer amendments en bloc under the rule.

THE CHAIRMAN:[14] The Clerk will report the amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. Synar:

Page 2, line 8, strike "$677,010,–000" and insert "$663,510,000".

Page 14, line 4, strike "$27,238,–000" and insert "$22,721,000". . . .

Page 14, line 18, strike "$32,285,–000" and insert "$30,950,000". . . .

THE CHAIRMAN: Pursuant to House Resolution 510, the amendments en bloc are not subject to amendment or to a demand for a division of the question, may amend portions of the bill not yet read for amendment and if adopted, shall become original text for the purpose of further amendment. . . .

So the amendments en bloc were agreed to. . . .

AMENDMENT OFFERED BY MR. CONTE

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte: Page 14, line 18, strike "$30,950,000" and insert "$30,800,000". . . .

MR. CONTE: Mr. Chairman, I spoke before on this situation. It has simply gotten out of hand: I'm talking about the garage attendant problem. . . .

14. Dale E. Kildee (Mich.).

MR. [HARRIS W.] Fawell [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his inquiry.

MR. FAWELL: Mr. Chairman, I have an amendment to the Conte amendment, and I am desirous, of course, of presenting that. I do not want to be foreclosed from so doing.

THE CHAIRMAN: Does the gentleman wish to offer his amendment?

MR. CONTE: Mr. Chairman, I have a parliamentary inquiry. I have agreed with the chairman of the committee that I would go along with this compromise. Can we not put that to a vote and get rid of that?

THE CHAIRMAN: The Chair has to recognize that the gentleman from Illinois [Mr. Fawell] rose, saying that he has an amendment to the amendment. The Chair has to protect the right of the gentleman from Illinois [Mr. Fawell].

MR. FAWELL: Mr. Chairman, in furtherance of my parliamentary inquiry, as long as I am not foreclosed from presenting my amendment to the amendment, I simply wanted to make sure that the section does not close, and that I do have the right to present my amendment.

THE CHAIRMAN: Once the figure in the bill is agreed to by the adoption of the Conte amendment, the gentleman cannot then at that time make another amendment to that figure. . . .

AMENDMENT OFFERED BY MR. FAWELL TO THE AMENDMENT OFFERED BY MR. CONTE

MR. FAWELL: Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fawell to the amendment offered by Mr. Conte: Page 14, line 18, strike "$30,950,000" and insert "$30,550,–000".

PARLIAMENTARY INQUIRIES

MR. CONTE: Mr. Chairman, may I make a parliamentary inquiry?

THE CHAIRMAN: The gentleman may state his inquiry. . . .

The Fawell amendment strikes $30,950,000 and inserts $30,550,000.

MR. CONTE: Mr. Chairman, if the Fawell amendment is adopted, therefore, my amendment is wiped out, because the gentleman does not make the savings.

THE CHAIRMAN: The figure inserted by the Conte amendment would be reduced by an additional $250,000.

MR. CONTE: Well, Mr. Chairman, the gentleman's amendment is for $400,000 for the beauty shop and gym study.

MR. FAZIO: Mr. Chairman, may I state further in this parliamentary inquiry, we cannot do the Fawell and the Conte amendments in their entirety simultaneously. One or the other is out of order.

MR. CONTE: That is right.

THE CHAIRMAN: The Chair can only read the figures in each amendment.

MR. CONTE: Well, Mr. Chairman, let us go over this again.

THE CHAIRMAN: The Chair cannot interpret those figures which are to be a lump sum amount for the House Office Building. The Chair can only read them in response to the gentleman's inquiry.

MR. CONTE: Mr. Chairman, may I further inquire, the gentleman from Il-

linois is trying to cut $400,000, is that right?

THE CHAIRMAN: The amendment offered by the gentleman from Illinois [Mr. Fawell] would cut an additional $250,000 from the amendment offered by the gentleman from Massachusetts [Mr. Conte].

MR. CONTE: Which would leave no cut for the garage attendants.

THE CHAIRMAN: The Chair cannot interpret the effect of that. The Chair can give the gentleman the arithmetic only.

Chair's Power of Recognition

§ 14.23 The Chair will not render an anticipatory decision on whom he will recognize to offer a motion if the previous question on a pending question is defeated but reserves the option of making that determination after hearing debate and ascertaining to his satisfaction who has "led the opposition" to ordering the previous question.

Where there was an effort to defeat the previous question on a pending motion to instruct conferees, the proponent of the pending motion asked who would have the right to offer an amendment if the previous question were defeated. The Chair's response, excerpted from the proceedings of Sept. 22, 1988,[15] is carried herein.

MR. [JULIAN C.] DIXON [of California]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4776) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1989, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:[16] Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. GREEN

MR. [BILL] GREEN [of New York]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Green moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4776, be instructed to agree to the amendment of the Senate numbered 25.

THE SPEAKER: The gentleman from New York (Mr. Green) is recognized for 1 hour. . . .

PARLIAMENTARY INQUIRY

MR. GREEN: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

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15. 134 CONG. REC. 24868, 24869, 100th Cong. 2d Sess.

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

MR. GREEN: Mr. Speaker, if the motion on the previous question loses, may I inquire whether it is the motion of this gentleman from California (Mr. Dannemeyer) or the more recent gentleman from California (Mr. Dornan) that gets offered?

THE SPEAKER: The Chair will determine recognition priorities at the appropriate time, ascertaining at such time who is entitled to recognition.

Does the gentleman have further comments on his motion?

Taking Parliamentary Inquiry Under Advisement

§ 14.24 The Chair may delay his response to a parliamentary inquiry pending an examination of the precedents.

A privileged disciplinary resolution, reported from the Committee on Standards of Official Conduct, was called up in the House on Oct. 13, 1978.[17] Immediately after the reading of the resolution, a Member asked, as a parliamentary inquiry, whether the one paragraph resolution was divisible. The proceedings were as follows:

IN THE MATTER OF REPRESENTATIVE EDWARD R. ROYBAL

Mr. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Speaker, I offer a privileged resolution (H. Res. 1416) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1416

Resolved, That Representative Edward R. Roybal be censured and that the House of Representatives adopt the Report of the Committee on Standards of Official Conduct dated October 6, 1978, In the matter of Representative Edward R. Roybal.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[18] The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Speaker, my parliamentary inquiry is directed toward the rules and the precedents of the House. I would propound a question to the Chair in my parliamentary inquiry as to whether the resolution is divisible when it comes to a vote.

THE SPEAKER: The Chair will state that the gentleman will have to indicate how he wanted to divide the vote.

MR. ASHBROOK: Mr. Speaker, the resolution says, "That Representative Edward R. Roybal be censured," which would seem to be divisible under the precedents of the House. The resolution calls upon the House of Representatives to adopt the report and to censure Mr. Roybal. I wonder whether or not the resolution can, therefore, be divided into two questions, one being censure and the second being the adoption of the report, which could be by separate votes.

THE SPEAKER: The gentleman's rights will be protected. The Chair will examine the precedents with regard to the gentleman's point.

17. 124 CONG. REC. 37009, 37016, 37017, 95th Cong. 2d Sess.

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

MR. ASHBROOK: Mr. Speaker, I thank the Chair for that consideration.

THE SPEAKER: The gentleman from Georgia (Mr. Flynt) is recognized for 60 minutes. . . .

MR. ASHBROOK: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Speaker, earlier I propounded a parliamentary inquiry to the Speaker as to whether or not, under the rules and precedents of the House, House Resolution 1416, as it stands, would be divisible.

THE SPEAKER: The Chair is ready to respond to the gentleman.

MR. ASHBROOK: I appreciate that, Mr. Speaker.

THE SPEAKER: The gentleman from Ohio (Mr. Ashbrook) has requested an opinion as to whether the question on House Resolution 1416 may be divided.

To be the subject of a division of the question under the precedents of the House, a proposition must constitute two or more separate substantive propositions so that if one of the propositions is removed, the remaining proposition constitutes a separate and distinct question, and that test must work both ways.

In the opinion of the Chair, the questions are substantially equivalent questions. For that reason, the Chair holds that House Resolution 1416 is not subject to a demand for a division of the question.

MR. ASHBROOK: I thank the Chair.

MR. FLYNT: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MR. BOB WILSON: [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. BOB WILSON: I am.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bob Wilson moves to recommit the resolution, House Resolution 1416, to the Committee on Standards of Official Conduct with instructions to report the same back forthwith with the following amendment. Strike all after the resolving clause and insert:
>
> That Edward R. Roybal be and he is hereby reprimanded.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

MR. [BRUCE F.] CAPUTO [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

CAPUTO: Is time allowed for debate?

THE SPEAKER: The motion is not debatable.

The question is on the motion to recommit with instructions.

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

MR. FLYNT: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 170, answered "present" 1, not voting 40, as follows: . . .

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

MR. FLYNT: Mr. Speaker, pursuant to the instructions of the House, I report the resolution back to the House with an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Flynt: Strike all after the resolving clause and insert: That Edward R. Roybal be and he is hereby reprimanded.

The amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

§ 14.25 Where a parliamentary inquiry does not relate to the immediate proceedings of the House, the Chair may take the matter under advisement, particularly where research is required into the origins of a rule.

On Apr. 7, 1992,[19] during a special order concerning the so-called "banking scandal" that preoccupied many Members of the House, a discussion involved the meaning of the admonition in Rule II that the officers of the House "shall keep the secrets of the House." The Speaker took the matter under advisement.

THOUGHTS ON THE SCANDAL-RIDDEN HOUSE

THE SPEAKER PRO TEMPORE:[20] Under a previous order of the House, the gentleman from Texas [Mr. DeLay] is recognized for 60 minutes.

MR. [TOM] DELAY [of Texas]: Mr. Speaker, I take this time in the well and before the House to express my opinions about what has been going on in this House or the lack of what has been going on in this House over the last few years, particularly during the scandal-ridden period of the last year or so. . . .

Mr. Speaker, I appreciate the gentleman giving us that little bit of history. I think it is very beneficial to the overall theme of this special order. That is that this has been going on, this lack of leadership, the mismanagement of the House, has been going on for many years. It just points up that when someone is in power for an inordinate amount of time, then this kind of oversight, this kind of corruption, if you will, continues and builds upon itself and sort of feeds on itself. . . .

MR. [RICHARD K.] ARMEY [of Texas]: . . . There is another question I would have about the secrets of the House.

PARLIAMENTARY INQUIRY

MR. DELAY: Would the gentleman hold right there?

Mr. Speaker, I have a parliamentary inquiry.

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

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19. 138 CONG REC. 8271–74, 102d Cong. 2d Sess.

20. Richard Ray (Ga.).

MR. DELAY: Mr. Speaker, I make an inquiry of what does it mean when it says in the rules of the House that the House must keep the secrets of the House, the officers must keep the secrets of the House?

THE SPEAKER PRO TEMPORE: The Chair is not prepared to respond to that, and will be consulting with the gentleman. . . .

The gentleman will state his parliamentary inquiry.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Do I understand the Chair correctly that the Chair is not prepared to rule at this time on what the phrase "secrets of the House" means?

THE SPEAKER PRO TEMPORE: In reference to that question, the Chair says to the gentleman from Pennsylvania, the word "secrets" has appeared in the rule for a great number of years. The Chair will endeavor to try to find out for the gentleman what the word "secrets" means.

Parliamentarian's Note: Rule II provides for the election of officers of the House (other than the Speaker) by viva voce vote, "each of whom shall take an oath to support the Constitution of the United States . . . and to keep the secrets of the House."

In section 635 of the *House Rules and Manual* it is recited that the "requirement that the officers be sworn to keep the secrets of the House is obsolete" (citing 1 Hinds' Precedents § 187). In that precedent the origin of the oath of secrecy requirement in the rule is discussed only in relationship to secret sessions of the House, "but inasmuch as no secret session has been held for about seventy years, the observance of this portion of the rule is naturally neglected." Thus, according to Asher Hinds, the oath of secrecy requirement had become obsolete at that time.

As indicated in section 914 of the *House Rules and Manual*, the House conducted its first secret session since 1830 on June 20, 1979, and then conducted three subsequent secret sessions on July 17, 1979, Feb. 25, 1980, and July 19, 1983. On all of those occasions, the Manual and Record indicate that "those officers and employees specified by the Speaker whose attendance was essential to the functioning of the secret session. . . would be required to sign an oath of secrecy."

§ 14.26 The Chair may in his discretion defer a response to a parliamentary inquiry pending his examination of the rule and the amendments in question.

On Oct. 4, 1990,[1] the Comprehensive Crime Control Act of 1990 was being considered under the provisions of a complex special order which permitted consider-

1. 136 CONG REC. 27511, 27512, 101st Cong. 2d Sess.

ation only of those amendments spelled out in the report of the Committee on Rules. The order of amendments was specified in the rule. When asked about the juxtaposition of two amendments to the same portion of the bill, the Chair needed to evaluate both the rule and the text of the amendments in order to respond to the parliamentary inquiry made by Mr. George W. Gekas, of Pennsylvania.

MR. GEKAS: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[2] The gentleman will state his parliamentary inquiry.

MR. GEKAS: There is a bit of confusion reigning in my mind, if nowhere else, as to whether or not under previous instructions and rules of this type as to whether or not the Hughes-Gekas amendment is in the posture of king of the hill. Specifically, I would ask the Chair to let me know, at this juncture, is it so that if both pass, that the latter one, the Gekas amendment, would prevail?

THE CHAIRMAN: The Chair will advise the gentleman momentarily, as the Chair must now be advised on this and review both amendments.

The Chair would advise the gentleman from Pennsylvania [Mr. Gekas] as soon as the Chair has examined the two amendments.

MR. GEKAS: I thank the Chair. . . .

THE CHAIRMAN: The Chair will respond to the parliamentary inquiry just posed.

The Hughes amendments offered en bloc, if adopted, would insert several new sections, sections 212 through 218, into title II, and would make a minor change in title XXII. The Gekas amendment would rewrite all of title II as amended by Hughes and insert a new title.

In effect, the Gekas amendment, if adopted, would replace most of the Hughes amendment en bloc.

MR. GEKAS: I thank the Chair. That was our suspicion, and we wanted to have it confirmed from the summit itself.

§ 14.27 The Chair may take a certain parliamentary inquiry under advisement, especially where the inquiry does not relate to the immediate procedures of the House.

On May 26, 1993,[3] a new Member-elect arrived at the Capitol. A sitting Member inquired of the Chair whether the new Member-elect would be permitted to take the oath, although his credentials were not before the body. The Speaker Pro Tempore, Mr. Jim McDermott, of Washington, suggested that the question should be presented to the Speaker for his consideration.

MR. [F. JAMES] SENSENBRENNER: [Jr., of Wisconsin]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. SENSENBRENNER: Mr. Speaker, would it be in order for me to ask

2. Douglas H. Bosco (Calif.).

3. 139 CONG REC. 11251, 103d Cong. 1st Sess.

unanimous consent that the gentleman from Wisconsin [Mr. Barca] who has been elected to fill the vacant First District seat, be allowed to take the oath of office, notwithstanding the fact that a certificate of election for him has not arrived? The Republican candidate has conceded and, to my knowledge, there is no objection to Mr. Barca taking the oath of office from this side of the aisle.

THE SPEAKER PRO TEMPORE: The Chair would have to take that under advisement with the Speaker of the House.

§ 14.28 The Chair may take a parliamentary inquiry under advisement, particularly in a situation where a delay in responding to the inquiry does not interfere with the pending business of the House.

An inquiry of the Chair about the composition of the *Congressional Record,* and extensions of remarks therein, was taken under advisement, where the Chair did not have time to consult with the Official Reporters of Debates and the Government Printing Office during the proceedings. The pertinent excerpts from the Record of Feb. 11, 1994,[4] are set out below:

THE SPEAKER PRO TEMPORE:[5] Under a previous order of the House, the gentleman from Pennsylvania [Mr. Walker] is recognized for 5 minutes.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Madam Speaker, I would like to use my 5 minutes to begin with to propound a parliamentary inquiry relating to the matter of extensions of remarks in the *Congressional Record*.

In yesterday's *Congressional Record*, that would be February 10, on pages H 460 to H 476, material was submitted to the *Congressional Record* costing the taxpayers $6,132, where there was not an announcement of that cost prior to the material being submitted.

My parliamentary inquiry is this, does the Chair have a responsibility to ascertain the amount of taxpayer expense in Extensions of Remarks.

THE SPEAKER PRO TEMPORE: In response to the inquiry of the gentleman from Pennsylvania, the Chair understands the situation to be as follows: the gentlewoman from Colorado requested permission to address the House for 1 minute, to revise and extend her remarks and to include extraneous material. Due to the length of the matter submitted, the material was moved by the official reporters from the beginning of the day to appear following legislative business. This normally is a signal to the Government Printing Office to return the material to the Member should a printing estimate be required, submissions in excess of two *Congressional Record* pages. That apparently did not occur in this situation, so the submission was printed. . . .

MR. WALKER: So the Member has the responsibility, if they have a large amount of material, to present that to the House prior to asking the permission; is that correct?

THE SPEAKER PRO TEMPORE: To ask permission with the estimate of the cost in hand.

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4. 140 CONG. REC. 2244, 2245, 103d Cong. 2d Sess.

5. Jolene Unsoeld (Wash.).

MR. WALKER: And in this particular case, as I understand it, that procedure was not followed; is that correct?

THE SPEAKER PRO TEMPORE: The gentlewoman did not have an estimate and, for that reason, the matter was held over until the end of the Record.

MR. WALKER: Is there a procedure for recovering the amount of money spent that was spent and not properly agreed to.

THE SPEAKER PRO TEMPORE: The Chair would have to take that under advisement.

Improper Parliamentary Inquiry

§ 14.29 The Chair will not respond to a parliamentary inquiry whether a floor request conforms to "committee policy" where that policy is not a rule of the House.

On Apr. 29, 1988,[6] the House was considering a Defense authorization bill (fiscal 1989) under a series of complicated special orders. The rule under which the bill was being considered specified which amendments were to be in order, the order of their consideration, and their debate time. In the House, before resolving into the Committee of the Whole for further consideration of the measure, Chairman Les Aspin, of Wisconsin, asked unanimous consent to change the order of amendments. Several parliamentary inquiries were directed to the Speaker, in an attempt to determine whether certain amendments had been submitted in a timely fashion, pursuant to the announced policy of the Committee on Rules. The proceedings were as follows:

PERMISSION TO CONSIDER AMENDMENT NO. 20 PRINTED IN SECTION 3 OF HOUSE REPORT 100–590 AS AMENDMENT NO. 6 OF SECTION 2 OF REPORT ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

MR. ASPIN: Mr. Speaker, I ask unanimous consent that amendment No. 20, printed in section 3 of House Report 100–590 be considered as if it were amendment No. 6 of section 2 of the report.

THE SPEAKER PRO TEMPORE:[7] Is there objection to the request of the gentleman from Wisconsin? . . .

PARLIAMENTARY INQUIRY

MR. [JOHN R.] KASICH [of Ohio]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. KASICH: What I do not quite understand, Mr. Speaker, is if we are operating under a certain rule, somebody has got to know what the rule is to find out whether the amendment being offered should be accepted under the rule.

6. 134 CONG. REC. 9551, 9552, 100th Cong. 2d Sess.

7. James H. Bilbray (Nev.).

I have no objection to the amendment from how I understand it. I am just trying to understand if the rule is being followed here, and if there is an ability to get unanimous consent to offer something that did not follow within that deadline, then I would like to reserve the ability to be able to ask for that unanimous consent.

THE SPEAKER PRO TEMPORE: The amendment is in order. It is on page 55 of House Report 100–590, an amendment offered by Representative Pepper of Florida or Representative Lowry of Washington or his designee, debatable for not to exceed 40 minutes, to be equally divided between the proponent and opponent.

MR. KASICH: Mr. Speaker, a further parliamentary inquiry. I am not interested—if it is printed in there, I want to know if the amendment was filed by the time that we were supposed to have had these amendments filed. That is what I am inquiring.

THE SPEAKER PRO TEMPORE: It is presumed that that is correct. But again, it is something that has to be answered by the Rules Committee.

MR. KASICH: A further parliamentary inquiry, Mr. Speaker. I do not want us to presume anything. I want to know. I do not want to presume.

I do not have any objection, Mr. Speaker, to that amendment. It is just that if we are not going to abide by those rules, there are additional amendments that we would like to offer. I do not object, necessarily to the substance of the amendment.

THE SPEAKER PRO TEMPORE: The gentleman from Ohio will have to accept that the Chair does not know the answer to the gentleman's question, nor does the chairman of the Armed Services Committee.

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, will the gentleman yield?

MR. KASICH: Then I will object, Mr. Speaker, until we get an answer as to what the rule is, how it was filed.

MR. DICKINSON: Mr. Chairman, will the gentleman withhold his objection for a moment?

MR. KASICH: Yes; I will withhold, and simply reserve the right to object.

MR. ASPIN: Mr. Speaker, if the gentleman will yield, we will deal with this amendment today, because we have to get the unanimous consent in the House.

MR. KASICH: Then I will withdraw my objection so we can get those questions answered.

MR. ASPIN: The gentleman deserves an answer to his question, but I do not think we can answer it today.

§ 14.30 The Chairman of Committee of the Whole does not respond to inquiries about future legislative programs in the House.

On Feb. 3, 1995,[8] Mr. John A. Boehner, of Ohio, was presiding in Committee of the Whole.

PARLIAMENTARY INQUIRY

MR. [NEIL] ABERCROMBIE [of Hawaii]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

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8. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

MR. ABERCROMBIE: Mr. Chairman, is it the Chair's understanding that a ruling was arrived at or an understanding was arrived at with respect to the votes on Monday and the 2 o'clock versus 5 o'clock time? Because that is not clear to me.

THE CHAIRMAN: The Chairman of the Committee of the Whole is not in a position to rule on that question.

MR. ABERCROMBIE: Mr. Chairman, a further parliamentary inquiry. How might I go about making that inquiry? My understanding is that issue was not settled.

THE CHAIRMAN: The gentleman should inquire of the leadership who makes those decisions.

§ 14.31 Questions concerning informal guidelines of the Committee on Rules for submission of amendments may not be raised as parliamentary inquiries, since the Chair is not being called upon to interpret any rule of the House.

While the Chair responds to parliamentary inquiries concerning the application of House rules and precedents relating to pending business, he does not interpret committee policies or factual questions about matters not within his cognizance. The proceedings of May 5, 1988,[9] are illustrative:

MR. [DUNCAN] HUNTER [of California]: Mr. Chairman, I appreciate the Chair's admonition, and my only remarks with regard to the point of order is I hope the Chairman would allow us to cure the defect that he has pointed out in this particular package.

THE CHAIRMAN PRO TEMPORE:[10] Does the gentleman from Arkansas (Mr. Robinson) desire to be heard on the point of order?

MR. [TOMMY F.] ROBINSON [of Arkansas]: Yes, Mr. Chairman.

THE CHAIRMAN PRO TEMPORE: The gentleman from Arkansas is recognized.

MR. ROBINSON: Mr. Chairman, we had a date certain deadline for all amendments to the DOD bill to be submitted to the Rules Committee.

Parliamentary inquiry, was the Aspin amendment submitted to meet the deadline initially when we all had to abide by the rules to bring any amendment to this floor?

THE CHAIRMAN PRO TEMPORE: The Chair cannot answer that inquiry. That is not a parliamentary inquiry. . . .

Does the gentleman from California (Mr. Badham) desire to be heard on the point of order?

PARLIAMENTARY INQUIRY

MR. [ROBERT E.] BADHAM [of California]: No, Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN PRO TEMPORE: The gentleman will state it.

MR. BADHAM: Mr. Chairman, my parliamentary inquiry is that allusion was made to the fact that we had a deadline for submitting amendments.

9. 134 CONG. REC. 9938, 100th Cong. 2d Sess.

10. Kenneth J. Gray (Ill.).

Is it not true that there was no deadline for submitting amendments?

THE CHAIRMAN PRO TEMPORE: That would be a question the gentleman would have to ask the Rules Committee.

MR. BADHAM: I tried, Mr. Chairman, Lord knows I tried.

THE CHAIRMAN PRO TEMPORE: The Chair is not prepared to rule on that question.

§ 14.32 A Member may not use the guise of a parliamentary inquiry to register opposition to a unanimous-consent agreement already entered into.

On occasion, the Chair may feel an obligation to "indulge" a Member in stretching the use of a parliamentary inquiry to clarify a misunderstanding that has arisen in floor procedure. Such was the situation on Dec. 20, 1987,[11] when Mr. Dan Burton, of Indiana, felt his rights had been violated because of a scheduling agreement entered into by his leadership during special orders, a period when unanimous-consent requests relating to the business of the House are normally not entertained.

MR. [THOMAS S.] FOLEY [of Washington]: I hope all Members realize that in attempts to reach a conclusion on the continuing resolution and on the reconciliation bill, the joint leadership is trying to accommodate Members as much as possible. We had hoped that these bills might be ready today. . . .

MR. BURTON of Indiana: Mr. Speaker, will the gentleman yield?

MR. FOLEY: I yield to the gentleman from Indiana.

MR. BURTON of Indiana: I thank the gentleman for yielding.

Mr. Speaker, we are going to be asked this evening at 5 p.m. to vote on a 1-day CR so that the Government would not have to shut down. What I would like to advise the leadership now is that this gentleman intends to object unless we have some idea at that time whether or not agreement has been reached between not only the Republican and Democratic sides of both Houses, but also the White House.

If there is no agreement on that, I think we are——

MR. FOLEY: We have been advised by the representatives of the President that if he receives before tomorrow morning an action of the Congress extending for 24 hours until midnight tomorrow night the temporary continuing resolution, the President will sign it.

MR. BURTON of Indiana: I am not talking about that, if the gentleman will yield further.

I am talking about the big CR and the budget reconciliation act. If agreement has not been reached between both Houses and the White House and we have some pretty concrete evidence that the President is going to sign it, I intend to object this evening.

11. 133 CONG. REC. 36699, 36700, 100th Cong. 1st Sess.

MR. FOLEY: I do not think we intend to bring the matter by unanimous consent. The gentleman may vote against the bill if he wishes to.

MR. BURTON OF INDIANA: Unanimous consent is not required?

MR. FOLEY: No.

THE SPEAKER:[12] The Chair will advise the gentleman that unanimous consent would not be required.

The Chair wishes to express along with the majority leader and the minority leader a regret for any inconvenience that has been caused to Members and their schedules, but as the majority leader has explained, and the minority leader as well, the leadership has been attempting to try to create a situation in which we can work the will of the House and conclude the session of the Congress at a minimum of inconvenience to the membership.

In that regard, the Chair wants to thank the membership for their understanding.

PARLIAMENTARY INQUIRIES

MR. BURTON of Indiana: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BURTON OF INDIANA: Mr. Speaker, I would like to know when this rule was requested and granted. The Members when we left on Friday were not aware, to my knowledge, that there was going to be a rule requested for a 1-day CR. It seems like that is kind of something that was sneaked in on us, at least as far as I am concerned.

THE SPEAKER: The Chair will advise the gentleman that the Rules Committee was granted permission by this House, by unanimous consent, a request offered by the majority leader and understood by the minority leadership, they being present, that the Rules Committee should have—until noon today, to file privileged reports. And the Rules Committee has done so with respect to the short-term continuing resolution.

MR. BURTON of Indiana: If I might further inquire of the Chair, when did this take place, when did the leadership of both the majority and minority, or when were they informed about this requested rule?

THE SPEAKER: If the gentleman will be patient, the Chair will examine the notes in the Journal and try to give the gentleman a response as to when. It was sometime yesterday, approximately 5 p.m. yesterday afternoon.

MR. BURTON of Indiana: Five p.m. on Saturday after everybody had gone home?

THE SPEAKER: Well, the Chair will advise the gentleman that it is the responsibility of the majority and the minority leadership to try as best they can to accommodate the schedule of the membership.

MR. BURTON of Indiana: Mr. Speaker, where a unanimous consent is required or requested, it is my understanding that it is the entire body, not just the leadership that is supposed to be involved. And to go ahead——

THE SPEAKER: If the gentleman will permit the Chair to respond, it is a long—standing rule that unanimous consent requests-not by the rules of the House, but by the comity and the courtesy that exists between both sides—are cleared in advance of their

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

being requested, usually, with the minority leadership, and that they are not propounded unless someone representing the minority is present in the Chamber. That is a matter of precedent.

MR. BURTON of Indiana: I have a further parliamentary inquiry.

THE SPEAKER: Permit the Chair, please, to respond and the gentleman will be recognized.

There is no requirement that all Members be present. If there were, the House might never achieve a unanimous consent request, and I think the gentleman recognizes, as will all Members that the minority and majority have tried very earnestly to work together in a harmonious fashion. . . .

MR. BURTON of Indiana: I have a further parliamentary inquiry.

Mr. Speaker, there was some discussion privately of a 1-day CR on Friday, and, Mr. Speaker, when we left, it was the understanding of this gentleman, and, I think, most Members on our side of the aisle that no legislative action was going to take place that would preclude our right to object to a unanimous consent request to go to the Rules Committee or to pass a 1-day CR. Now, it did take place in our absence, and I submit, Mr. Speaker, that at least as far as I was concerned, I was misled. I do not know whether it was inadvertent or not, but I feel like I was misled because had I known that you were going to ask unanimous consent to go to the Rules Committee to get a special rule for a 1-day CR, a 1-day extension, I would have been here to object.

MR. [HENRY B.] GONZALEZ [of Texas]: A point of order, Mr. Speaker.

THE SPEAKER: The gentleman's point of order is well taken. The gentleman was not stating a parliamentary inquiry, but the Chair indulged him to make such statement as he desired to make.

§ 14.33 Although the Chair responds to parliamentary inquiries concerning the amendment process, he does not: (1) rule on hypothetical questions; (2) rule retrospectively on questions not raised in a timely fashion; and (3) rule anticipatorily on questions not yet presented.

On June 6, 1990,[13] the Committee of the Whole had under consideration the Export Facilitation Act of 1990. An amendment dealing with Soviet Union-Lithuanian relationships was pending when a parliamentary inquiry was raised about the possibility of considering additional amendments, involving other international relationships. The proceedings were as shown herein.

Amendment offered by Mr. Durbin: Page 48, insert the following after line 11:

SEC. 124. EXPORTS TO THE SOVIET UNION.

No exports to the Soviet Union otherwise permitted by virtue of the amendments made by this title may be made until the President certifies

13. 136 CONG. REC. 13189, 13193, 13194, 101st Cong. 2d Sess.

to the Congress that the Soviet Union is not imposing any economic sanctions on Lithuania and has entered into negotiations with the elected government of Lithuania for the purpose of restoring the independence of Lithuania.

MODIFICATION OF AMENDMENT OFFERED BY MR. DURBIN

AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. DURBIN, AS MODIFIED

MR. [MEL] LEVINE of California: Mr. Chairman, I offer an amendment to the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. Levine of California to the amendment as modified offered by Mr. Durbin:

Insert "(a) EXPORTS.—" before the first sentence.

Add the following at the end of the amendment.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that no reports to the Soviet Union otherwise permitted by virtue of the amendments made by this title should be made if the Soviet Union takes action to restrict the emigration of Jews from the Soviet Union. . . .

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:[14] The gentleman will state his parliamentary inquiry.

MR. SOLOMON: Mr. Chairman, I wholeheartedly support the statement of the gentleman from California, and I support his amendment to the amendment.

My parliamentary inquiry is that we have a Member, the gentleman from Pennsylvania (Mr. Ritter), who would like to have the opportunity to offer an amendment to the amendment to be offered by the gentleman from Indiana (Mr. Burton) on Cuba, and the Ritter amendment would deal with Afghanistan along the same basis that the gentleman from California has been speaking.

I just question: what is the parliamentary procedure for the recognition of the amendment of the gentleman from California (Mr. Levine) and whether or not it would be in order at the appropriate time for the gentleman from Pennsylvania (Mr. Ritter) to offer his amendment to the amendment based on the same scenario?

THE CHAIRMAN: The pending situation has no bearing on what might be the situation to what the Chair cannot anticipate, that could develop subsequently on another amendment.

MR. SOLOMON: Mr. Chairman, I have a further parliamentary inquiry.

Mr. Chairman, on what basis is the gentleman from California (Mr. Levine) allowed to offer his amendment to the amendment? And, again, I do not question the basis of his amendment, because I support it. But I do not see it in the rule. That is why I was asking.

THE CHAIRMAN: The rule does not prevent amendments to the amendment, and no point of order with regard to its germaneness was raised in a timely fashion. . . .

MR. [DOUG] BEREUTER [of Nebraska]: Mr. Chairman, I would address my parliamentary inquiry to the Chair in this fashion: is it still timely to object or to raise reservations under

14. Al Swift (Wash.).

the point of nongermaneness to the amendment?

THE CHAIRMAN: The Chair would respond in this fashion: it is too late. That point of order would have to have come prior to the time the gentleman from California (Mr. Levine) was recognized to debate his amendment.

Chair Does Not Give Advisory Rulings

§ 14.34 The Chair may decline to indicate in advance whether a suggested resolution would be privileged, since the Chair does not give advisory opinions regarding parliamentary questions not related to pending business.

During the one-minute period at the beginning of the legislative day of Sept. 29, 1993,[15] two Members sought to suggest that an investigation into conduct by an executive branch official might be undertaken by a House committee. They pressed the Chair to say how such a resolution might be brought to the floor.

LY BINH TO BE IN MY OFFICE TOMORROW

(Mr. Burton of Indiana asked and was given permission to address the House for 1 minute.)

MR. [DAN] BURTON of Indiana: Mr. Speaker, the Clinton administration has taken two giant steps toward normalizing relations with Vietnam. . . .

Now we find out that a Cabinet official, Mr. Ron Brown, the Secretary of the Department of Commerce, is accused of taking $700,000 to influence these decisions. . . .

We have demanded an investigation into this, not unlike the Watergate or the Iran-Contra investigations, because it involves our foreign policy and a Cabinet official who may have influenced these decisions even though there are 2,200 POW/MIA's still unaccounted for in Vietnam. . . .

PARLIAMENTARY INQUIRIES

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I rise to propound a parliamentary inquiry. . . .

By what process can the House of Representatives begin an investigation of this very serious matter where we can be assured that the investigation will take place?

THE SPEAKER PRO TEMPORE:[16] The Chair advises the gentleman that committees of jurisdiction can initiate investigations on matters such as this.

MR. WALKER: Well, Mr. Speaker, the problem is that the gentleman from Indiana has already written the committees of jurisdiction and is being stonewalled. My question is:

By what means can we ensure that, if the chairmen of those committees refuse to hold hearings on this matter of major significance, the House of Representatives can order such an investigation to take place?

THE SPEAKER PRO TEMPORE: The Chair cannot respond more fully to the

15. 139 CONG. REC. 22988–90, 103d Cong. 1st Sess.

16. Bill Richardson (N. Mex.).

gentleman from Pennsylvania [Mr. Walker] at this time. . . .

MR. WALKER: . . . and I am seeking to know whether or not there is a resolution of some sort that can be brought to the floor that would force this investigation to take place.

THE SPEAKER PRO TEMPORE: The Chair cannot respond beyond the fact that a resolution can be introduced and referred to the appropriate committee of jurisdiction.

MR. WALKER: But there is no privileged resolution that can be brought to the floor that would force the investigation to take place, Mr. Speaker?

THE SPEAKER PRO TEMPORE: The Chair cannot comment on such an issue until seeing such a resolution.

MR. BURTON of Indiana: Mr. Speaker, I have a parliamentary inquiry.

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

MR. BURTON of Indiana: Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. Walker] for his question.

I sent a letter to the chairman of the Committee on Foreign Affairs asking for an investigation. That appeared to me to be the committee of jurisdiction. He has indicated that he did not think he should do that, and he named a litany of other committees that ought to be notified, and that is what prompted the gentleman from Pennsylvania to ask these questions, and so we just want to know, if this merits an investigation, how do we do it?

THE SPEAKER PRO TEMPORE: If the gentleman wants to introduce a resolution, the Chair will refer it to the appropriate committee.

MR. BURTON of Indiana: Mr. Speaker, we will do that.

Parliamentary Inquiry as to Legal Effect of Proposal

§ 14.35 Questions about the legal effect of a pending legislative proposal are not entertained as parliamentary inquiries.

On Jan. 25, 1995,[17] where the House had under consideration a resolution directing certain committees to take action to report legislation to achieve a balanced budget, the Chair declined to respond to parliamentary inquiries regarding the legal or binding effect of the resolution.

MR. [MICHAEL P.] FLANAGAN [of Illinois]: Mr. Speaker, pursuant to House Resolution 44, as designee of the majority leader, I call up the concurrent resolution (H. Con. Res. 17) relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 17 is as follows:

H. CON. RES. 17

Resolved by the House of Representatives (the Senate concurring), That, for the purposes of any constitutional amendment requiring a balanced budget, the appropriate committees of the House and the Senate shall report to their respec-

17. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

tive Houses implementing legislation to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to achieve that goal.

THE SPEAKER PRO TEMPORE:[18] Pursuant to the rule, the gentleman from Illinois [Mr. Flanagan] will be recognized for 30 minutes and the gentleman from Michigan [Mr. Bonior] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. Flanagan].

PARLIAMENTARY INQUIRY

MR. [CHAKA] FATTAH [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FATTAH: Mr. Speaker, I would like to know the legal effect of the resolution in front of us. Is it binding?

THE SPEAKER PRO TEMPORE: The gentleman is not stating a parliamentary inquiry.

Not a Proper Inquiry-Meaning of an Amendment

§ 14.36 The construction or meaning of an amendment is not a proper subject for a parliamentary inquiry as such matters are for the House and not the presiding officer to determine.

On Oct. 12, 1966,[19] Chairman John J. McFall, of California, pointed out that it was the duty of the proponent of an amendment to explain it to other Members, not the duty of the Chair.

MR. [J. EDWARD] ROUSH [of Indiana]: Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from Arizona [Mr. Udall].

The Clerk read as follows: . . .

THE CHAIRMAN: The Chair recognizes the gentleman from Indiana [Mr. Roush].

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Chairman, will the gentleman yield for the purpose of propounding a parliamentary inquiry?

MR. ROUSH: I yield to the gentleman from Indiana.

THE CHAIRMAN: The gentleman from Indiana will state the parliamentary inquiry.

MR. HALLECK: Mr. Chairman, in view of the fact that all of the units of this proposed national park are fixed by reference to a map, is it in order to offer language in indefinite terms that would undertake to alter that?

The gentleman from Arizona offered an amendment which referred to another map, which is a matter of record.

I do not know and I do not know whether anybody else knows just what is meant when reference is made to Ogden Dunes or Burns Bog units.

THE CHAIRMAN: The Chair would reply that the Chair is not in a position to construe the amendment. The amendment technically is in order and it is up to the Member offering an

18. Jim Kolbe (Ariz.).

19. 112 CONG. REC. 26205, 89th Cong. 2d Sess. Under consideration was H.R. 51, the Indiana Dunes Lakeshore bill.

amendment to construe the amendment for the benefit of the Members.

Anticipatory Rulings by Chair

§ 14.37 The Chair declines to anticipate whether an amendment not yet offered might be precluded by adoption of a pending amendment.

On June 26, 1979,[20] during consideration of the Defense Production Act amendments of 1979, a lengthy amendment was offered by Morris K. Udall, of Arizona, Chairman of the Committee on Interior and Insular Affairs. When he asked that the reading of the amendment be waived, there was a reservation of objection and the following proceedings occurred.

> Amendment offered by Mr. Udall: Page 8, after line 13 add the following new subsection and renumber the subsequent sections accordingly:
>
> (g)(1) The Secretary of Energy is hereby authorized to designate a proposed synthetic fuel or feedstock facility as a priority synthetic project pursuant to the procedures and criteria provided in this section.
>
> (2) For the purposes of this section the term—
>
> (A) "Synthetic fuel or feedstock facility" means any physical structure, including any equipment, building, mine processing facility or other facility or installation used. . . .
>
> (4) The Secretary shall keep apprised of the processing of applications for priority synthetic projects by State and local governments. If the Secretary determines that a priority synthetic project is being delayed or threatened with delay by the inability or unwillingness of any State or local government to implement a schedule for timely review and decision, the Secretary shall notify the Governor of such State and transmit to the Congress a statement describing the delay and recommending action to alleviate or prevent the delay.

MR. UDALL (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

THE CHAIRMAN:[1] Is there objection to the request of the gentleman from Arizona?

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, reserving the right to object, I wish to make a point of order. Mr. Chairman, the amendment which I had offered and had printed in the Record would be an appropriate substitute amendment for the amendment offered by the gentleman from Arizona (Mr. Udall). Under the time limitation, if I understand correctly, I have 5 minutes to offer that amendment.

THE CHAIRMAN: That is correct if offered in the proper form.

MR. BROWN of Ohio: But if this amendment is not amended by my amendment and succeeds, then I may be precluded from offering that amendment; is that correct?

THE CHAIRMAN: It would be difficult for the Chair to rule on that without having seen the gentleman's amendment.

MR. BROWN of Ohio: The question I would put to the Chair as a parliamen-

20. 125 CONG. REC. 16681–83, 96th Cong. 1st Sess.

1. Gerry E. Studds (Mass.).

tary inquiry is: Does, then, my amendment become appropriate to this amendment and give me the right to 5 minutes to discuss my amendment?

THE CHAIRMAN: If the gentleman were to offer his amendment as a substitute for this amendment in the form printed in the Record, he would, indeed, have the 5 minutes guaranteed to him under the rule.

MR. BROWN of Ohio: Then, Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Arizona (Mr. Udall).

THE CHAIRMAN: The Chair will advise the gentleman that it is not yet in order.

Is there objection to the unanimous-consent request of the gentleman from Arizona (Mr. Udall)?

MR. BROWN of Ohio: Mr. Chairman, I reserve the right to object in order to make an inquiry of the Chair.

The amendment of the gentleman from Arizona now pending and in the process of being read, I think the Chair advised me, was amendable by the gentleman from Ohio who has an amendment printed in the Record.

THE CHAIRMAN: The Chair would advise the gentleman that any proper substitute for the amendment of the gentleman from Arizona would be in order.

MR. BROWN of Ohio: And the order of recognition for that purpose, may I inquire of the Chair, does not relate to the establishment of the fact that there was an amendment that is appropriate?

THE CHAIRMAN: The order of recognition, the Chair will say to the gentleman, depends on the discretion of the Chair, given which Members are seeking recognition at the time.

Chair Does Not Rule on Hypothetical Questions on Scope of Conference

§ 14.38 The Chair does not advise, in response to a parliamentary inquiry, whether the failure of conferees to abide by the terms of a motion to instruct would go beyond the scope of their authority.

While the Chair must rule under Rule XXLVIII clause 3, on a point of order that a specific motion to instruct goes beyond the scope of conference, he does not speculate about whether modification of the language to which the motion is directed would cause a violation of clause 3. The proceedings of Oct. 29, 1981,[2] illustrate the Chair's reluctance to get involved in such speculation.

MRS. [PATRICIA] SCHROEDER [of Colorado]: Mr. Speaker, I offer a privileged motion.

THE SPEAKER PRO TEMPORE:[3] The Clerk will report the motion.

The Clerk read as follows:

> Mrs. Schroeder moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 815 be instructed to agree to the provisions contained in section 922 of the Senate bill.

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2. 127 CONG. REC. 26046, 26049, 97th Cong. 1st Sess.

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

MOTION TO TABLE OFFERED BY MR. DICKINSON

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Speaker, I offer a motion to table.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Dickinson moves to lay on the table the motion of the gentlewoman from Colorado.

THE SPEAKER PRO TEMPORE: The motion is not debatable.

The question is on the motion to table offered by the gentleman from Alabama (Mr. Dickinson).

The question was taken; and on a division (demanded by Mr. Dickinson) there were—yeas 28, nays 18.

MRS. SCHROEDER: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present. . . .

So the motion to table was rejected.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: The gentlewoman from Colorado (Mrs. Schroeder) is recognized for 1 hour.

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

PARLIAMENTARY INQUIRY

MR. DICKINSON: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DICKINSON: Mr. Speaker, I would like to ask if my understanding of the parliamentary procedure is correct.

The gentlewoman from Colorado has succeeded against the motion to table, in which case she has a privileged motion now pending. It is my understanding she will have 1 hour to debate the motion now pending, and is in control of that entire time. Is this correct?

THE SPEAKER PRO TEMPORE: The gentleman stated the issue correctly. . . .

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, the motion offered by Mrs. Schroeder was that the managers on the part of the House at the conference of the disagreeing votes of the two Houses to the bill S. 815 be instructed to agree to the provisions contained in section 922 of the Senate bill.

My inquiry is to what extent does that motion allow the House conferees to deviate in any way from the specific provisions of section 922 of the Senate bill?

THE SPEAKER PRO TEMPORE: The Chair advises the gentleman that no point of order would lie against the conference report if the House conferees do not follow the instructions of the House, should the House agree to the motion of the gentlewoman from Colorado.

MR. STRATTON: In other words, we could accept a provision on limiting cost growth that does not follow the precise wording of section 922 of the Senate bill?

THE SPEAKER PRO TEMPORE: The Chair is not going to rule on what will be in the scope of the conference. The Chair is advising only as to the effect of the motion.

MR. STRATTON: Does this mean, Mr. Speaker, that if the gentleman from Alabama and I, who have been working on a substitute for the Nunn amendment, come up with something that does not have one or two of the provisions of the Nunn amendment in it, we are not in violation of the motion offered by the gentlewoman from Colorado?

THE SPEAKER PRO TEMPORE: The Chair would restate the parliamentary situation; that no point of order would lie for the reason that the conferees have not followed the instructions should the House adopt the motion of the gentlewoman from Colorado.

The motion to instruct is advisory.

Offering Amendment With Inquiry

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

On Mar. 12, 1964,[4] Chairman Chet Holifield, of California, recognized Mr. August E. Johansen, of Michigan, to pose a parliamentary inquiry, not to offer an amendment.

MR. JOHANSEN: 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.

Proper Forum for Inquiry

§ 14.40 The question of the vote required to adopt a special rule in the House is not properly addressed to the Chairman of the Committee of the Whole as a parliamentary inquiry but should be addressed to the Speaker in the House.

On June 13, 1946,[5] Chairman William M. Whittington, of Mis-

4. 110 CONG. REC. 5140, 88th Cong. 2d Sess. Under consideration was H.R. 8986 dealing with salary increases for federal officers and employees.

5. 92 CONG. REC. 6877, 6878, 79th Cong. 2d Sess. Under consideration

sissippi, declined to answer an inquiry concerning matters that were the responsibility of the Speaker of the House to determine:

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. CASE of South Dakota: Would it be possible to get a rule making in order a paragraph which had previously been stricken from the bill on a point of order, unless that rule was adopted by a two-thirds vote?

THE CHAIRMAN: The Chair may say to the gentleman that that inquiry is not one that can be answered in the Committee of the Whole. It is a matter that would have to be determined by the Speaker of the House.

Inquiries Properly Submitted to Chairman of Committee of the Whole House

§ 14.41 The Speaker in reply to a parliamentary inquiry will not anticipate a ruling by a Chairman of the Committee of the Whole.

On Apr. 11, 1935,[6] Speaker Joseph W. Byrns, of Tennessee, declined to anticipate a ruling by a Chairman of the Committee of the Whole.

MR. [JOSEPH P.] MONAGHAN [of Montana]: Mr. Speaker——

THE SPEAKER: For what purpose does the gentleman from Montana rise?

MR. MONAGHAN: For the purpose of submitting a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MONAGHAN: Is not the statement that was made by the gentleman from Oregon [Mr. Mott] correct, that if this rule passes, then only one particular plan, the plan that we now have under discussion, may be passed upon by the Congress?

THE SPEAKER: The Chair is not in position to answer that parliamentary inquiry. That is a matter which will come up subsequently under the rules of the House. The Chair would not seek to anticipate what the Chairman of the Committee of the Whole may rule or what the Committee itself may do. The Chair feels very certain that the Chairman of the Committee will be governed, as all chairmen of committees are, by the rules and precedents of the House. Certainly the Chair would not anticipate his ruling; and in addition to this, the Chair cannot pass upon any particular amendment until it has been presented in all its phases.

§ 14.42 It is the responsibility of the Chairman of the Committee of the Whole to preserve decorum in that forum; and the Speaker will not render an anticipatory rul-

was H.R. 6777, the Government Corporations appropriation bill for 1947.

6. 79 CONG. REC. 5457, 5458, 74th Cong. 1st Sess. Under consideration was H. Res. 197, providing for the consideration of H.R. 7260, social security legislation.

ing on what exhibits might be in violation of proper decorum after the House resolves itself into the Committee.

Pending consideration of the National Foundation on Arts and Humanities Amendments of 1990, the Speaker was asked a series of parliamentary inquiries concerning what exhibits might be used in the debate. The Speaker elaborated on the concept of "freedom of speech," the constitutional right of the House to make its own rules, and the duty of the Presiding Officer to maintain decorum in debate. The Speaker outlined the authority and responsibility of the Chairman of the Committee of the Whole but refused to anticipate his ruling. The proceedings of Oct. 11, 1990,[7] were as follows:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[8] The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Speaker, my parliamentary inquiry is with regard to the debate on the bill that is about to come up. Under the Rules of the House of Representatives, is the right to free speech protected as defined in the first amendment?

THE SPEAKER PRO TEMPORE: Yes, clearly it is, consistent with the rules of the House.

MR. WALKER: Consistent with the rules of the House. Some of the artwork that we are about to discuss has been ruled by the courts as being perfectly appropriate for public display. My parliamentary inquiry is, will that artwork be permitted under the rules of the House and under the provisions of free speech to be brought to the floor for display to the membership during the upcoming debate?

THE SPEAKER PRO TEMPORE: The Chair will make a determination based on the decorum of the House.

MR. WALKER: Mr. Speaker, I have a further parliamentary inquiry. Does the decorum of the House override the provisions of free speech?

THE SPEAKER PRO TEMPORE: Order has to be maintained in the House to conduct the business of the House.

MR. WALKER: But that is my question, Mr. Speaker. When it comes to the question of artwork, which has been declared by the courts as being appropriate artwork, and while being so referred to by proponents in this debate, will it be violative of the decorum of the House for such artwork to be brought to the House floor?

THE SPEAKER PRO TEMPORE: Under the rules of the House, the Chair makes the determination as to whether decorum is proper in the House, and the Chair will make that determination at the proper time.

MR. WALKER: I have a further parliamentary inquiry, Mr. Speaker. So the Speaker is saying that the right to free speech on the House floor can in fact be limited by the Chair, at the

7. 136 CONG. REC. 28629, 28630, 28650, 28651, 101st Cong. 2d Sess.

8. Dennis M. Hertel (Mich.).

Chair's discretion, despite the fact that there are court rulings that indicate that the artwork is perfectly appropriate for public display?

THE SPEAKER PRO TEMPORE: The gentleman knows that the Chair has the responsibility for the House to be in order, and that includes the decorum in the House. The gentleman from Pennsylvania knows that. The Chair will enforce that. . . .

MR. WALKER: I have a further parliamentary inquiry, Mr. Speaker.

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

MR. WALKER: Since a jury has interpreted that this artwork is appropriate for public display, is the Chair going to permit such artwork to be displayed on the floor during the course of the debate?

THE SPEAKER PRO TEMPORE: The Chair has already ruled and explained to the gentleman. The Chair will make sure that there is decorum in the House. The Chair will rule at any appropriated time that there will be decorum in the House. That is the Chair's ruling.

Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4825.

[In Committee.]

MR. WALKER: Mr. Chairman, I have a parliamentary inquiry.

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

MR. WALKER: Mr. Chairman, am I permitted to show such photographs on the House floor?

THE CHAIRMAN: The first amendment to the Constitution provides that Congress shall make no law abridging the freedom of speech. The Chair notes, however, the Constitution also provides that the House may determine the rules of its proceedings, and in clause 2 of rule I, the House has assigned to the Speaker the sole responsibility to preserve order and decorum.

In similar circumstances on September 13, 1989, the Chair advised he would prevent the display of exhibits that in his judgment might disrupt order or impair decorum in the Chamber. The current occupation of the Chair would intend to apply that standard.

MR. WALKER: Mr. Chairman, I have a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Chairman, how are we going to make that determination about what interferes with the decorum of the House?

THE CHAIRMAN: The Chair would not entertain any exhibits in this debate.

Chair Does Not Speculate on Future Recognition

§ 14.43 The Chairman of the Committee of the Whole does not speculate, in response to a parliamentary inquiry, as to whom the Speaker might recognize to offer a motion in the House.

Pending a preferential motion that the Committee of the Whole rise and report the bill back to the

9. John P. Murtha (Pa.).

House with the recommendation that the enacting clause be stricken, the Chair refused to advise what Member might be given recognition back in the House to offer a motion to refer before the question would be put on the recommendation to strike the enacting clause. The pertinent proceedings of Apr. 14, 1994,[10] were as follows:

MR. [BILL] MCCOLLUM [of Florida]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. McCollum of Florida moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. . . .

PARLIAMENTARY INQUIRIES

MR. MCCOLLUM: Mr. Chairman, I have a parliamentary inquiry. If I would yield to the gentleman from Missouri [Mr. Volkmer] for the purposes of one, am I using my time up on the debate we are involved with here for purposes of this privileged motion?

THE CHAIRMAN:[11] The gentleman would be.

MR. MCCOLLUM: Mr. Chairman, another parliamentary inquiry:

Mr. Chairman, do I have the right to reserve time or on this motion do I have to consume all my 5 minutes?

THE CHAIRMAN: Under the rules of this House, the gentleman does not have the right to reserve time.

MR. MCCOLLUM: I do not?

THE CHAIRMAN: The gentleman does not.

MR. MCCOLLUM: Then I do not wish to yield at this point, Mr. Chairman.

Mr. Chairman, I would inquire how much time I have remaining.

THE CHAIRMAN: The gentleman from Florida [Mr. McCollum] has 5 minutes remaining.

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Chairman, would the gentleman yield for a parliamentary inquiry?

MR. MCCOLLUM: I yield to the gentleman from Pennsylvania.

MR. WALKER: Mr. Chairman, parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. WALKER: Mr. Chairman, am I correct that should the motion carry, and this is not a motion to kill the bill, this is simply a motion for the Committee to rise, and it can at that point decide that another amendment can be made in order, is that right?

THE CHAIRMAN: The motion is to report to the House with a recommendation that the enacting clause be stricken out, an action that would reject the bill if carried in the House.

MR. WALKER: Mr. Chairman, a further parliamentary inquiry:

Mr. Chairman, as we established in the previous colloquy, I think that there is also an action available to the House at that point to further amend the bill, is that correct?

THE CHAIRMAN: A motion to refer would be in order.

MR. WALKER: Mr. Chairman, it would be in order, and it could be a motion to refer and report back forth-

10. 140 CONG. REC. 7453, 7454, 103d Cong. 2d Sess.

11. Robert G. Torricelli (N.J.).

with, which would in effect at that point allow an amendment on the floor?

THE CHAIRMAN: The Chair would say that a motion to refer could include that instruction.

MR. WALKER: Mr. Chairman, that has precedence over the motion to strike the enacting clause, is that correct?

THE CHAIRMAN: A motion to refer would be in order pending the question of the House's concurrence in the recommendation to strike out the enacting clause.

MR. WALKER: I thank the Chair.

THE CHAIRMAN: The time of the gentleman from Florida [Mr. McCollum] has expired.

MR. [HAROLD L.] VOLKMER [of Missouri]: I have a parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. VOLKMER: Mr. Chairman, in the event that the motion presently pending by the gentleman from Florida [Mr. McCollum] would prevail, would any Member then be eligible for recognition to make a motion to refer, or is the gentleman from Florida [Mr. McCollum] the only one that can make that?

THE CHAIRMAN: At that point we would be proceeding in the House and it would be for the Speaker to recognize.

MR. VOLKMER: I would ask the Chair, the Speaker could recognize any Member?

THE CHAIRMAN: The Speaker would have his usual power of recognition under the precedents.

Parliamentary Inquiries Regarding Budget Act Scorekeeping and Points of Order

§ 14.44 The Speaker has responded to parliamentary inquiries concerning the application of section 311 (the mechanism for enforcement of budget aggregates) of the Congressional Budget Act and the most recent concurrent resolution on the budget to upcoming appropriation measures prior to their actual consideration in the House.

On Mar. 6, 1984,[12] the Speaker,[13] in response to a parliamentary inquiry, informed the House the sources of information on which he would rely in deciding points of order raised against a bill on the ground that it would cause the budget ceilings detailed in Section 311 of the Congressional Budget Act to be exceeded.

Under Section 312(a), the Chair must rely on estimates and information provided by the Committee on the Budget in determining the current levels of new budget authority or outlays. In the instance shown below it was

12. 1130 CONG. REC. 4620–22, 98th Cong. 2d Sess.

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

the interrelationship between those estimates and the mandates of the latest concurrent resolution on the budget that created the need for an explanation by the Chair.

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, pursuant to the order of the House of Wednesday, February 29, 1984, I call up for consideration in the House as in the Committee of the Whole the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Clerk read the title of the joint resolution.

PARLIAMENTARY INQUIRY

MR. [TOM] LOEFFLER [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LOEFFLER: Mr. Speaker, I make this parliamentary inquiry because the bills under consideration today—House Joint Resolution 492 and House Joint Resolution 493, which provide for urgent supplementals for the Public Law 480 program and low income energy assistance—are the first appropriations bills to come before the House this year. It is my purpose to be certain that I and other Members fully understood the procedures that will be used in scorekeeping for these and future appropriations bills.

In particular, my inquiry relates to the enforcement of section 311 of the Congressional Budget Act. I have several questions, so if the Chair will bear with me, I will proceed as expeditiously as possible.

Mr. Speaker, I note that the Parliamentarian's status report on the current level of total Federal spending, printed in the *Congressional Record* of February 22, indicates that there are $3,079 million in budget authority and only $16 million in outlays remaining under the aggregate spending ceilings set forth in the concurrent resolution on the budget for fiscal year 1984.

Under section 311 of the Budget Act, once Congress has completed a second budget resolution, bills, resolutions or amendments providing new budget authority or new spending authority as described in section 401(c)(2)(C) of the Budget Act, would be subject to a point of order against their consideration in the House if their adoption would cause the aggregate budget authority or outlay ceilings in the most recently agreed to budget resolution to be exceeded.

For fiscal year 1984, as was the case in fiscal year 1983, the first budget resolution included language which allows enforcement of section 311 after October 1 of the fiscal year, if Congress does not adopt a second budget resolution by that date.

As reported by the Appropriations Committee, both bills under consideration would cause the aggregate outlay ceilings under the first budget resolution to be breached—although not the aggregate budget authority ceiling—which, under enforcement provisions in effect for fiscal year 1983, would have resulted in these bills being subject to a point of order under section 311.

Is my understanding correct that this year the operation of section 311 has been further modified by a provision, section 5(B), contained in House

Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984—the so-called Fazio language?

Further, could the Chair explain how section 5(B) of House Concurrent Resolution 91 affects the applicability of section 311 points of order to spending bills, including those before us today, and to any amendments that may be offered to such bills?

Is it correct that neither the total level of outlays nor a committee's outlay allocation under section 302(A) of the Budget Act would be considered in determining whether a section 311 point of order would apply to spending bills or amendments thereto?

Could the Chair explain the basis upon which it makes a determination regarding the discretionary budget authority remaining available to committees of the House?

Further, is it not the case that once the Congress adopts a second budget resolution for fiscal year 1984, updating and revising the first budget resolution, that the provisions of section 5(B) in House Concurrent Resolution 91 would no longer be in effect, and section 311 would operate as set forth in the Budget Act, based on the newly established aggregate ceilings and provisions in the second budget resolution? Finally, can one assume that the Appropriations Committee's discretionary budget authority allocation will be reduced by the amounts in these bills plus any amendments adopted that increase spending, once they are enacted? . . .

THE SPEAKER: The Chair will respond to the inquiry of the gentleman from Texas.

The gentleman from Texas has requested the Chair to interpret the relationship between bills providing new spending for fiscal year 1984 and the provisions of the most recently agreed to budget resolution for that fiscal year.

As the gentleman has pointed out in his inquiry. The first concurrent resolution the budget for fiscal year 1984 (H. Con. Res. 91), adopted by the House and Senate on June 23, 1983, provided, in section 5, that it would become the second concurrent resolution on the budget for the purpose of section 311 of the Budget Act. Failing actual adoption of a second budget resolution by October 1, 1983. However, section 5(b) of the budget resolution provided for a more limited application of section 311 than would apply if a second budget resolution had actually been adopted. The Speaker received today from the chairman of the Committee on the Budget a revised status report on the current level of spending under the budget resolution. The status report indicates that any measure providing budget in excess of $6 million would cause the total level of outlays under the budget resolution to be exceeded. The chairman of the Committee on the Budget included in that letter a summary and explanation of the operation of section 5 of the budget resolution once outlays are exceeded, and the Chair will now read that statement, which is responsive to much of the gentleman's inquiry: "The procedural situation with regard to the spending ceiling will be affected this year by section 5(b) of House Concurrent Resolution 91. As I explained during debate on the conference report on that resolution, enforcement against

breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and would cease to apply if Congress were to revise the budget resolution for fiscal year 1984.

The intent of the section 302(a) discretionary budget authority and new entitlement authority subceiling provided by section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 91 were printed in the *Congressional Record*, June 22, 1983, H4326.

The Chair has been advised that each of the supplemental appropriation joint resolutions scheduled for today, House Joint Resolution 492 and House Joint Resolution 493, provides more than $6 million in budget outlays for fiscal year 1984 and would thus cause the total level of outlays to be exceeded. The Committee on Appropriations has, however, a remaining allocation of $2 billion, $351 million in discretionary budget authority, according to tables prepared by the Budget Committee, inserted in the *Congressional Record* of March 1, 1984, and included in today's status report. The amount of budget authority contained in the joint resolutions scheduled for today is well within that allocation. As to amendments to those joint resolutions, or to other spending measures for fiscal year 1984, germane amendments which increase budget authority are in order as long as they do not cause the measure, as amended, to exceed the total remaining allocation of discretionary budget authority to the committee with jurisdiction over the measure or amendment.

The Chair's determination, whether a measure or amendment thereto, violates section 311 as made applicable by the budget resolution, is based upon estimates made by the Committee on the Budget, pursuant to section 311(b) of the Budget Act, of the remaining allocation to each committee. Once a bill providing new budget authority or entitlement authority is enacted, the remaining allocation of the committee with subject matter jurisdiction will be changed by the net amount of new budget authority contained in the measure, and the Chair is confident that the Committee on the Budget will keep the Chair currently informed as to the status of each committee.

The Chair would finally point out that the provisions of section 5 of the current budget resolution would cease to apply if Congress does adopt a second concurrent resolution on the budget for fiscal year 1984. In that event, the actual prohibition contained in section 311 of the Budget Act would take effect, unless modified by any special procedures contained in a second budget resolution.