

Chapter CCXLV.¹

DEBATE IN COMMITTEE OF THE WHOLE.

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2548. Debate in Committee of the Whole may be closed by order of the House at any time after debate has begun in the committee, regardless of whether the opposition has occupied time in debate.

On May 22, 1922,² the Committee of the Whole House on the state of the Union, after brief consideration of the bill (S. 2919) for the extension of the District of Columbia rents act, rose and reported that it had come to no resolution thereon.

Mr. Stuart F. Reed, of West Virginia, immediately moved that the House resolve itself again into the Committee of the Whole House on the state of the Union for the consideration of the bill, and pending that moved that general debate on the bill closed.

Mr. Thomas L. Blanton, of Texas, made a point of order against the motion on the ground that the only debate had in the committee had been by those favoring the bill and no opportunity for debate had been afforded those opposed to the bill.

The Speaker pro tempore³ held that the motion to close debate was in order in the House at any time after debate had been had in the committee, however brief, and regardless of who had consumed the time.

2549. In the absence of an order by the House, the Committee of the Whole may by unanimous consent divide the time allotted for general debate.

Time for general debate in Committee of the Whole having been fixed by the House without provision for its control is dispensed under the rules governing debate in the House and each Member recognized by the Chairman is entitled to one hour.

On October 14, 1921,⁴ the House resolved into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7882, the reappor-

¹Supplementary to Chapter CXV.

²Second session Sixty-seventh Congress, Record, p. 8056.

³Joseph Walsh, of Massachusetts, Speaker pro tempore.

⁴First session Sixty-seventh Congress, Record, p. 6311.

tionment bill, under directions from the House that general debate on the bill be limited to four hours.

No provision having been made for division of the time, Mr. Isaac Siegel, of New York, asked unanimous consent that one hour be allotted to Mr. Louis W. Fairfield, of Indiana; one hour to Mr. William W. Larsen, of Georgia; one hour to Mr. John E. Rankin, of Mississippi; and one hour to himself.

Mr. Finis J. Garrett of Tennessee, raised the question of order that it was not competent for the Committee of the Whole to divide time fixed by the House.

The Chairman decided.¹

The Chair thinks where the time for general debate has been fixed at a certain limit the committee can then by unanimous consent arrange as to how that time be distributed.

In response to a question from Mr. John E. Rankin, of Mississippi, as to control of the time in the absence of an agreement in the Committee of the Whole, the Chairman added:

The Chair will state that the time fixed for general debate by the House is four hours, and if the gentleman have no agreement in committee as to how that time shall be distributed, any gentleman recognized by the Chair will be entitled to consume an hour. If each gentleman recognized by the Chairman consumes an hour, the debate having been fixed at four hours, it would necessarily follow that four gentleman would be recognized.

2550 The time for general debate having been fixed by the House, it is not in order in Committee of the Whole to entertain a request for unanimous consent for alteration of such order.

On February 2, 1921,² the Committee of the Whole House on the state of the Union was considering the Army appropriation bill under an order from the House limiting general debate to four hours.

At the conclusion of the remarks of Mr. Julius Kahn, of California, Mr. S. Wallace Dempsey, of New York, submitted a request for unanimous consent that Mr. Kahn's time be extended 10 minutes beyond the time fixed by the House for the close of general debate.

The Chairman³ said:

The Chair does not feel justified in putting that report, the time having been fixed by the House.

2551. On September 16, 1919,⁴ the first deficiency appropriation bill was being considered in the Committee of the Whole House on the state of the Union under an order from the House limiting general debate on the bill to three hours.

At the expiration of time allotted to Mr. James W. Good, of Iowa, for debate, Mr. Joseph W. Byrns, of Tennessee, asked unanimous consent that Mr. Good be allowed to conclude his remarks, the additional time not to be taken from the time agreed upon for general debate.

¹ Joseph Walsh, of Massachusetts, Chairman.

² Third session Sixty-sixth Congress, Record, p. 2454.

³ John Q. Tilson, of Connecticut, Chairman.

⁴ First session Sixty-sixth Congress, Record, p. 5536.

The Chairman ¹ declined to submit the request to the committee, and said:

The chair will state that the time on this bill was fixed by the order of the House. The Chair does not see how the committee, even by unanimous consent, can agree to an extension of time, the time having been fixed in the House. The only way the debate can be extended is by action of the House.

2552. On March 8, 1928,² the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S.J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President, Vice President, and Members of Congress, the House having previously fixed the time for debate.

At the close of the time fixed by the House for debate, the Chairman announced that all time had expired.

Whereupon, Mr. Charles L. Gifford, of Massachusetts, asked unanimous consent that the time be extended 10 minutes.

The Chairman ³ said:

The Chair would like to state to the gentleman from Massachusetts that the unanimous-consent request made by him is out of order because the time was fixed by the House, and the Committee has no power to change it.

2553. In the absence of an order by the House, the Committee of the Whole may limit general debate by unanimous consent.

In the absence of a rule by the contrary, the practice governing debate in the House is followed in the committee.

A member recognized for general debate in the Committee of the Whole has one hour, any portion of which he may yield to another, who in turn may yield to a third with the consent of the original possessor.

On January 31, 1921,⁴ during consideration of the river and harbor bill in the Committee of the Whole House on the state of the Union, Mr. S. Wallace Dempsey, of New York, asked unanimous consent that general debate be limited to one hour and a half.

Mr. Finis J. Garrett, of Tennessee, made the point of order that time for general debate might not be limited in the committee but must be arranged for in the House.

The Chairman ⁵ overruled the point or order.

Objection being made to the request that debate be limited, Mr. James R. Mann, of Illinois was recognized for one hour, and announced:

Mr. Chairman, I yield 25 minutes of that time to the gentleman from New York, Mr. Dempsey, and 35 minutes of that time to the gentleman from North Carolina, Mr. Small.

Mr. Dempsey and Mr. Small then in turn yield to other Members portions of the time thus allowed to them.

¹ Joseph Walsh, of Massachusetts, Chairman.

² First session Seventieth Congress, Record, p. 4365.

³ Frederick R. Lehibach, of New Jersey, Chairman.

⁴ Third session Sixty-sixth Congress, Record, p. 2340.

⁵ James W. Husted, of New York, Chairman.

2554. The motion to close general debate in the Committee of the Whole is made in the House and is not in order until debate has begun in the committee.

While the motion to close general debate is not in order in the Committee of the Whole, the committee may, in the absence of an order by the House, close debate by unanimous consent.

On December 15, 1909,¹ Mr. James R. Mann, of Illinois, from the Committee on Interstate and Foreign Commerce, when that committee was reached in the Calendar Wednesday call of Committees, called up the bill (H. R. 12316) to provide for the government of the Canal Zone.

Before the House had resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill, Mr. Martin B. Madden, of Illinois, asked if it would be in order to limit general debate in the committee and provide for control of the time.

The Speaker² said:

Where the House has not fixed the time of general debate, which the House can not do until there has been general debate in the committee, the Committee of the Whole House may, by unanimous consent, limit debate. If such consent can not be obtained, the only way it can be limited would be for the committee to rise and for the proper motion to be made in the House, but this procedure does not affect that question. It never is competent for the House, except by unanimous consent, to decide how much general debate shall be had in the Committee of the Whole House until there has been some general debate in the Committee of the Whole. This procedure does not bear upon that question.

2555. When the previous question is ordered on the motion to close debate, the rule providing for forty minute debate on propositions on which the previous question has been ordered without prior debate does not apply, and no debate is in order.

On January 27, 1912,³ Mr. Oscar W. Underwood, of Alabama, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18642, the metal schedule tariff bill, and, pending that motion, moved that general debate on the bill be closed.

The previous question being demanded, was ordered, yeas 162, nays 105. Whereupon Mr. James R. Mann, of Illinois, asked recognition for twenty minutes' debate under the rule⁴ providing forty minutes' debate where the previous question has been ordered without prior debate.

Mr. Underwood made the point of order that the motion to close debate was not debatable, and explained that he had moved the previous question not to prevent debate but to preclude amendment.

The Speaker⁵ ruled:

It seems to the Chair that if the motion to closed debate were a debatable motion, the gentleman from Illinois would undoubtedly be correct in his point of order, but the motion to close

¹ Second session Sixty-first Congress, Record, p. 162.

² Joseph G. Cannon, of Illinois, Speaker.

³ Second session Sixty-second Congress, Record, p. 1407.

⁴ Clause 3 of Rule XXVII.

⁵ Champ Clark, of Missouri, Speaker.

debate is not debatable under any circumstances whatever, and therefore the point of order is overruled. The question is on the motion of the gentleman from Alabama that general debate be closed.

2556. Time consumed in the discussion of points of order is not chargeable to time fixed by special order for debate.

An amendment against which a question of order has been raised may not be debated until the point of order has been disposed of.

On May 6, 1908,¹ the sundry civil appropriation bill was being considered in the Committee of the Whole House on the state of the Union.

On motion of Mr. James A. Tawney, of Minnesota, time for debate on a pending paragraph and amendments thereto was limited to one hour and thirty minutes.

Subsequently a point of order was raised against a proposed amendment to the paragraph and Mr. Tawney inquired if time consumed in discussion of points of order would be taken from the hour and thirty minutes provided for debate.

The Chairman² said:

The Chair is clearly of the opinion that the time in which the points of order are to be discussed would certainly not be taken out of the one hour and thirty minutes. And the Chair thinks points of order should first be disposed of, because various Members might want to discuss the amendment. The Chair will hear the gentleman from Maine, Mr. Littlefield, on the point of order.

2556a. Debate on appeal in Committee of the Whole is under the five-minute rule.

The motion to lay on the table is not in order in Committee of the Whole.

On May 24, 1921,³ the second deficiency bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read an item providing for salaries in the General Land Office at annual rates during the fiscal year 1922.

Mr. Thomas L. Blanton, of Texas, made the point of order that the appropriation was not a deficiency appropriation.

The Chairman,⁴ having sustained the point of order, and Mr. James W. Good, of Iowa, having appealed from the decision of the Chair, Mr. Joseph W. Byrns, of Tennessee, inquired if the question of appeal was debatable.

The Chairman held it to be debatable under the five-minute rule.

Mr. Finis J. Garrett, of Tennessee, as a parliamentary inquiry, asked if it was in order to move to lay the appeal on the table.

The Chairman said:

The Chair would state that that motion is not in order in Committee of the Whole. It has been construed that the motion to adjourn or the motion to lay on the table is not in order in Committee of the Whole. In Hinds' Precedents, section 4719, the Chairman ruled that the motion to lay on the table is not in order in Committee of the Whole. It was an appeal from the decision of the Chair. A Member from Massachusetts moved to lay the appeal on the table. The appeal

¹First session Sixtieth Congress, Record, p. 5810.

²James E. Watson, of Indiana, Chairman.

³First session Sixty-seventh Congress, Record, p. 1697.

⁴Joseph Walsh, of Massachusetts, Chairman.

was taken from the decision of the Chair. Mr. Fowler, of Massachusetts, moved to lay the appeal on the table, and the Chairman held that the motion was not in order in Committee of the Whole. That ruling was followed by the Chairman of the Committee as late thereafter as 1902, and has been followed, the Chair thinks, several times since that time. The question is, Shall the decision of the Chair sustaining the point of order stand as the judgment of the Committee?

The question being taken, the Committee voted to sustain the decision of the Chair.

2557. When, after a speech in favor of an amendment under the five-minute rule, no one claimed the floor in opposition, the Chairman recognized another Member favoring the amendment.

On July 19, 1919,¹ Mr. John H. Small, of North Carolina, offered an amendment to the bill H. R. 6810, the prohibition enforcement bill, under consideration in the Committee of the Whole House on the state of the Union.

After five minutes' debate in favor of the amendment by Mr. Small the Chairman recognized Mr. John E. Raker, of California, who also favored the amendment.

Mr. Leonidas C. Dyer, of Missouri, made the point of order that after one speech in behalf of an amendment no member could be recognized unless opposed to the amendment and cited as sustaining his position the rule² for reading an amendment in Committee of the Whole.

The Chairman³ said:

The gentleman from California was recognized. No one opposing the amendment was asking for recognition, and the Chair had a right to suppose that those opposed to the amendment waived their right to recognition.

2558. When time for debate under the five-minute rule is limited in Committee of the Whole without provision for its control, the Chairman divides the time, where practicable, between those favoring and those opposing the proposition.

On March 21, 1924,⁴ Mr. Tom Connally, of Texas, offered an amendment to the naval appropriation bill then under consideration in the Committee of the Whole House on the state of the Union.

After debate on the proposition and amendments thereto had proceeded for fifteen minutes, debate thereon was ordered closed in twenty minutes on motion of Mr. Charles C. Kearns, of Ohio.

When fifteen minutes of this time had been consumed, Mr. Marvin Jones, of Texas, favoring the amendment, and Mr. Walter H. Newton, of Minnesota, opposing it, simultaneously asked recognition.

The Chairman⁵ said:

⁵ William J. Graham, of Illinois, Chairman.

The situation is this: Before the time was limited 15 minutes had been used in favor of the amendment, 10 minutes by the gentleman from Texas, Mr. Connally, and 5 minutes by the gentleman from Iowa, Mr. Dowell. After debate was limited, 10 minutes was used by the gentleman from Idaho, Mr. French, against the amendment and 5 minutes were used in favor of it.

¹ First session Sixty-sixth Congress, Record, p. 2884.

² Section 5 of Rule XXIII.

³ James W. Good, of Iowa, Chairman.

⁴ First session Sixty-eighth Congress, Record, p. 4646.

The question is now whether the Chair should equally divide the 20 minutes that was fixed between those who were opposed to the amendment and those in favor of it, or whether he should take into consideration the amount of time used before debate was limited. In view of the fact that 20 minutes have already been used in favor of the amendment and but 10 minutes against it, the Chair thinks it only just to recognize gentleman who are opposed to the amendment. The Chair recognizes the gentleman from Minnesota, Mr. Newton.

2559. Under the 5-minute rule time for debate may be fixed but may not be allotted even by unanimous consent.

On January 6, 1927,¹ the House, in the Committee of the Whole House on the state of the Union, was considering the naval appropriation bill.

Mr. James T. Begg, of Ohio, offered an amendment authorizing an appropriation of \$200,000 for the construction of a dirigible.

Debate on the amendment having begun, Mr. Burton L. French, of Idaho, asked unanimous consent that further debate be limited to one hour, one half to be controlled by Mr. Begg and the other half by himself.

The Chairman² put the request to limit the time but ruled that the request for control of time was out of order and declined to submit it to the Committee.

Subsequently Mr. Begg asked if the request for the control of the time had been agreed to.

The Chairman said:

The Chair stated at the time that he did not believe that request was in order. The gentleman now addressing the Chair held last Spring that it was not in order.

The Chair did not put that portion of the request. The order now is that there shall be one hour of debate.

2560. A Member who has occupied five minutes on a pro forma amendment may not, by making another pro forma amendment, lengthen his time.

On February 12, 1924,³ during the reading of the Treasury and Post Office appropriation bill for amendment, Mr. Ralph F. Lozier, of Missouri, at the close of five minutes' debate on a motion to strike out the last word, moved to strike out the last two words.

The Chairman⁴ declined recognition and said:

The gentleman can not extend his time by a second pro forma amendment. The Clerk will read.

2561. On January 10, 1921,⁵ the House was considering the joint resolution (S. J. Res. 237) providing for expenses of the inaugural ceremonies.

Mr. Thomas L. Blanton, of Texas, moved to strike out the last word, and, having addressed the House for five minutes, proposed a second pro forma amendment and asked recognition for further debate.

Mr. Otis Wingo, of Arkansas, made the point of order that a Member was not entitled to recognition on a second pro forma amendment.

¹ Second session Sixty-ninth Congress, Record, p. 1184.

² Carl R. Chindblom, of Illinois, Chairman.

³ First session Sixty-eighth Congress, Record, p. 2317.

⁴ Everett Sanders, of Indiana, Chairman.

⁵ Third session Sixty-sixth Congress, Record, p. 1215.

The Speaker¹ said:

Of course the gentleman can not offer one-amendment after another amendment, and thus keep the floor indefinitely on one recognition.

2562. A Member proposing an amendment may offer an amendment to such amendment during the five minutes allotted him under the rule but may not thereby secure additional time for debate.

On January 23, 1924,² during consideration of the bill (H. R. 62) to create two judicial districts in the State of Indiana, in the Committee of the Whole House on the state of the Union, Mr. Merrill Moores, of Indiana, offered a substitute to the pending bill.

Being recognized to debate the proposed substitute, Mr. Moores offered an amendment striking out a section of the substitute.

Mr. Nicholas Longworth, of Ohio, raised a question of order as to the propriety of a Member offering an amendment and then proposing an amendment to the amendment during debate thereon and thus securing an additional five minutes for debate.

The Chairman³ ruled that the Member proposing an amendment had the same right to offer an amendment thereto accorded any other Member but might not thus secure additional time for debate.

2563. An amendment once offered in Committee of the Whole may not be withdrawn or modified except by unanimous consent.

On December 4, 1918,⁴ during consideration in the Committee of the Whole House on the state of the Union of the bill (H. R. 12917) to establish a sanatorium for discharged soldiers and sailors, Mr. Cassius C. Dowell, of Iowa, offered verbally an amendment striking out a portion of the bill.

The amendment having been reduced to writing and read by the Clerk, Mr. Dowell sent to the desk a written version of the amendment differing slightly from the form read by the Clerk.

Mr. Halvor Steenerson, of Minnesota, made the point of order that it was not permissible to modify the form of the amendment after it had been read at the desk.

The Chairman⁵ held that the amendment might not be modified, even when modification occurred in reducing to writing an amendment offered verbally.

2564. It is not in order for a Member to amend or modify a motion which he has offered in the Committee of the Whole except by unanimous consent.

On July 19, 1919,⁶ the bill H. R. 6810, the prohibition enforcement bill, was being read for amendment in the Committee of the Whole House on the state of the Union.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Sixty-eighth Congress, Record, p. 1347.

³ Louis C. Cramton, of Michigan, Chairman.

⁴ Third session Sixty-fifth Congress, Record, p. 109.

⁵ Martin D. Foster, of Illinois, Chairman.

⁶ First session Sixty-sixth Congress, Record, p. 2860.

Mr. Andrew J. Volstead, of Minnesota, moved that debate on the pending section and all amendments thereto be closed in five minutes.

Subsequently Mr. Volstead proposed to modify his motion increasing the time within which debate should be closed from five minutes to fifteen minutes.

Mr. Thomas L. Blanton, of Texas, made the point of order that a motion in Committee of the Whole could be modified only by unanimous consent.

The Chairman¹ held:

The gentleman can not modify his motion except by unanimous consent.

2565. Debate under the five-minute rule is had in the Committee of the Whole or in the "House as in Committee of the Whole" but not in the House.

On August 7, 1911,² the House was considering the concurrent resolution (H. Con. Res. 3) authorizing the printing of proceedings on the occasion of the unveiling of the statue of Baron Von Steuben.

Mr. Joseph G. Cannon, of Illinois, called attention to the fact that the concurrent resolution was on the Union Calendar, and asked unanimous consent for its consideration in the House as in the Committee of the Whole, and, pending that, inquired if it would be taken up under the five-minute rule.

The Speaker³ said:

If it is considered in the House as in Committee of the Whole the five-minute rule applies. If it is considered in the House, it does not.

2566. The Committee of the Whole may, after five-minute debate has begun, close debate on the section, paragraph, or pending amendments, but this does not preclude further amendment.

On April 8, 1910,⁴ the Committee of the Whole House on the state of the Union, having under consideration the naval appropriation bill, voted to close debate on a pending paragraph and amendments thereto at 4 o'clock p. m.

Mr. James A. Tawney, of Minnesota, inquired:

The rule has always been heretofore that the disposition of amendments follows the close of all debate; but when the committee has set aside a certain time for debate on a given question that time is devoted to debate, and then amendments offered thereafter are in order and not debatable. That has been the ruling. I was anxious to know under what rule we are now proceeding.

The Chairman⁵ agreed:

That has been the ruling.

2567. After debate under the five-minute rule has begun on an amendment the motion to close debate is privileged.

On December 18, 1918,⁶ while the Post Office appropriation bill was being considered in the Committee of the Whole House on the state of the Union, Mr.

¹James W. Good, of Iowa, Chairman.

²First session Sixty-second Congress, Record, p. 3700.

³Champ Clark, of Missouri, Speaker.

⁴Second session Sixty-first Congress, Record, p. 4429.

⁵James R. Mann, of Illinois, Chairman.

⁶Third session Sixty-fifth Congress, Record, p. 628

John A. Moon, of Tennessee, moved to close debate on an amendment offered by Mr. William R. Green, of Iowa, to an amendment proposed by Mr. Finis J. Garrett, of Tennessee.

Mr. Thomas U. Sisson, of Mississippi, demanded recognition.

The Chairman ¹ said:

The motion of the gentleman from Tennessee is a privileged motion. The gentleman moves that debate on the paragraphs and amendments thereto be now closed.

2568. On March 21, 1930,² the Committee of the Whole House on the state of the union was considering the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. Clarence F. Lea, of California, offered an amendment and after brief debate yielded the floor.

Whereupon, Mr. James S. Parker, of New York, moved that debate on the amendment be closed.

Mr. John E. Rankin, of Mississippi, made a point of order against the motion on the ground that those opposed to the amendment had not yet had an opportunity to be heard.

The Chairman ³ overruled the point of order and said:

There is not any question but that debate has been had on this amendment. There is not any question but that under the rules of the House the gentleman from Mississippi is too late.

The gentleman may proceed only by unanimous consent.

2569. On January 26, 1932,⁴ the Department of Agriculture appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when Mr. William B. Oliver, of Alabama, Mr. Allen T. Treadway, of Massachusetts, and Mr. James P. Buchanan, of Texas, rose simultaneously asking recognition.

The Chairman ⁵ inquired:

For what purpose does the gentleman from Texas rise?

Mr. Buchanan replied that he desired to offer a motion to close debate on the pending section.

Mr. Charles L. Underhill, of Massachusetts, made the point of order that the gentleman from Alabama had first addressed the chair and was entitled to prior recognition.

Mr. Treadway submitted that he was on his feet asking recognition in advance of Mr. Buchanan and was entitled to precedence over Mr. Buchanan.

The Chairman ruled:

The Chair overrules the point of order. The motion of the gentleman from Texas is not debatable and is a privileged motion after debate has been had on the paragraph. The question is on the motion of the gentleman from Texas.

¹ Charles R. Crisp, of Georgia, Chairman.

² Second session Seventy-first Congress, Record, p. 5858.

³ Earl C. Michener, of Michigan, Chairman.

⁴ First session Seventy-second Congress, Record, p. 2749.

⁵ John W. McCormack, of Massachusetts, Chairman.

2570. A proposition for control or division of time is not in order as a part of a motion to limit debate under the five-minute rule.

On June 11, 1919,¹ the Committee of the Whole House on the state of the Union was considering the Army appropriation bill.

After debate had proceeded for some time on amendments to a section providing for the contingent expenses of the Army, Mr. Julius Kahn, of California, moved that debate on the section and all amendments thereto be closed in fifteen minutes, five minutes of that time to be controlled by Mr. Charles C. Kearns, of Ohio; five minutes by Mr. Roscoe C. McCulloch, of Ohio; and five minutes by Mr. William E. Andrews, of Nebraska.

The Chairman² declined to entertain the motion and said:

The gentleman from California may move to fix the time, but not to apportion it.

2571. Debate under the five-minute rule, however brief, was held to exhaust the time allotted and another Member was denied recognition for the unexpired time.

On December 3, 1919,³ the bill (S. 2497) granting six months' pay to dependents of deceased soldiers was being read for amendment in the Committee of the Whole House on the state of the Union.

Mr. James R. Mann, of Illinois, having been recognized to speak in opposition to a pending amendment, yielded the floor after brief debate, and Mr. Fiorello H. LaGuardia, of New York, asked recognition for the unconsumed time.

The Chairman⁴ said:

The gentleman from Illinois has consumed five minutes—

Mr. Mann submitted:

I beg the Chairman's pardon, I did not use a half a minute.

The Chairman held:

When any time is used under the five-minute rule the time can not be farmed out, and that exhausts the five minutes.

2572. A motion to close debate in the Committee of the Whole is in order at any time after debate has begun and may propose to close debate instanter or at the expiration of any designated time.

On February 27, 1931,⁵ the bill (S. 255) to promote the health and welfare of mothers and infants was being read for amendment in the committee of the Whole House on the state of the Union under the 5-minute rule.

Mr. James S. Parker, of New York, offered a motion that debate on the pending amendment and all amendments thereto close in 15 minutes.

Mr. George Huddleston, of Alabama, objected that the motion was not primarily a motion to close debate but an attempt to fix time for debate in that it provided for closing debate in 15 minutes and not instanter.

¹ First session Sixty-sixth Congress, Record, p. 988.

² Philip P. Campbell, of Kansas, Chairman.

³ Second session Sixty-sixth Congress, Record, p. 91.

⁴ James W. Good, of Iowa, Chairman.

⁵ Third session Seventy-first Congress, Record, p. 6300.

The Chairman ¹ overruled the point of order and said:

The Chair will state that, under the rules of the House, after any iota of debate has been had on one amendment it is then the privilege of the Committee to close debate.

Paragraph 6 of Rule XXIII provides:

“The Committee may, by the vote of a majority of the Members present, at any time after the five minutes’ debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.”

It is the general practice, long established and well recognized in the Committee, to entertain a motion to either close the debate instantaneously or after any stated time for debate.

The question is on the motion of the gentleman from New York that all debate on the pending amendment and all amendments thereto close in 15 minutes.

2573. The five-minute debate may be closed after one speech, however brief, and it is not necessary that an entire five minutes be consumed to make the motion to close debate in order.

On January 18, 1917,² the Committee of the Whole House on the state of the Union was considering the bill H. R. 18994, the public building bill.

Mr. Frank Clark, of Florida, offered an amendment increasing the appropriation for the post office building at Forest City, Arkansas, from \$25,000 to \$35,000, and after a sentence in debate moved to close debate on the pending paragraph and amendment.

Mr. William H. Stafford, of Wisconsin, made the point of order that the motion to close debate might not be offered until five minutes’ debate was had on the paragraph.

The Chairman ³ said:

This is the situation: The chairman of the committee, the gentleman from Florida, offers an amendment to the paragraph and after proceeding to explain why he offered the amendment he makes a motion that debate upon the paragraph and all amendments thereto be closed, whereupon the gentleman from Wisconsin makes the point of order that there had not been five minutes discussion upon the amendment. The Chair is inclined to think that inasmuch as discussion upon the amendment had been entered upon by the chairman of the committee the point of order is not well taken and the point of order is therefore overruled. The question is on the motion to close debate upon the paragraph and amendments thereto.

2574. On May 22, 1922,⁴ during consideration in Committee of the Whole on the state of the Union of the bill (S. 2919) for the extension of the District of Columbia rents act, Mr. Stuart F. Reed, of West Virginia, offered an amendment striking out section 4 of the bill.

Mr. James T. Begg, of Ohio, being recognized, made the statement that there was no need to discuss the amendment, and moved that debate on the amendment and all amendments thereto be closed.

¹ William H. Stafford, of Wisconsin, Chairman.

² Second session Sixty-fourth Congress, Record, p. 1656.

³ Cyrus Cline, of Indiana, Chairman.

⁴ Second session Sixty-seventh Congress, Record, p. 7421.

Mr. Thomas L. Blanton, of Texas, made the point of order that no argument had been made either for or against the amendment and the motion to close debate was therefore not in order.

The Chairman¹ held the motion to be in order after debate, however brief, and overruled the point of order.

2575. The motion to close the five-minute debate is not debatable.

On February 25, 1911,² Mr. James A. Tawney, of Minnesota, moved to close debate under the five-minute rule on the pending paragraph of the sundry civil appropriation bill then under consideration in the Committee of the Whole House on the state of the Union.

Mr. Richard Pearson Hobson, of Alabama, asked to be heard on the motion.

The Chairman³ held:

The motion is not debatable. The question is on agreeing to the motion.

2576. On June 28, 1918,⁴ the bill (H. R. 11984), providing for the fourteenth and subsequent decennial censuses, was being considered in the Committee of the Whole House on the state of the Union.

Mr. Harvey Helm, of Kentucky, moved that debate on an amendment offered by Mr. Ira G. Hersey, of Maine, providing for the appointment of supervisors by the President, and amendments thereto, be limited to ten minutes.

While the motion was pending Mr. Joseph Walsh, of Massachusetts, Mr. William H. Stafford, of Wisconsin, and Mr. Frederick H. Gillett, of Massachusetts, engaged in a colloquy, until the Chairman⁵ reminded:

This question is not debatable.

2577. On July 19, 1919,⁶ during consideration of the bill H.R. 6810, the prohibition enforcement bill, in the Committee of the Whole House on the state of the Union, Mr. Andrew J. Volstead, of Minnesota, moved to close debate on amendment offered by Mr. William L. Igoe, of Missouri, and all amendments thereto.

Mr. Leonidas C. Dyer, of Missouri, inquired if affirmative action on this motion would preclude the offering of further amendments.

The Chairman⁷ held that while the motion would close debate it would not interfere with the offering of amendments to be voted on without discussion.

2578. A motion to close debate in Committee of the Whole is in order at any time after the five-minute debate begins and is not precluded because there has been no debate in opposition to the pending amendment.

The motion to close the five-minute debate, while not debatable, is subject to amendment.

¹ Nicholas Longworth, of Ohio, Chairman.

² Third session Sixty-first Congress, Record, p. 3481.

³ James R. Mann, of Illinois, Chairman.

⁴ Second session Sixty-fifth Congress, Record, p. 8447.

⁵ Mr. Martin D. Foster, of Illinois, Chairman.

⁶ First session Sixty-sixth Congress, Record, p. 2881.

⁷ James W. Good, of Iowa, Chairman.

On April 2, 1908,¹ during the reading for amendment in the Committee of the Whole House on the state of the Union of the resolution (H. Res. 233) to distribute the President's message, Mr. Sereno E. Payne, of New York, moved that all debate on the resolution and pending amendments thereto be closed.

Mr. John Sharp Williams, of Mississippi, made the point of order that the rule provided for five minutes' debate in the affirmative and five minutes in the negative, and the motion to close debate might not be offered until opportunity had been afforded for debate in opposition to the resolution.

The Chairman² ruled:

The Chair understands the gentleman from New York to move that all debate upon the resolution and amendments thereto be now closed. The Chair understands the gentleman from Mississippi makes the point of order that this motion is not now in order. The Chair has been listening to the gentleman and to the gentleman from Alabama upon that point of order and is ready to rule. The Chair will rule that the motion is in order, and will cite a ruling of the second session of the Fifty-sixth Congress, to the effect that in the five-minute debate a gentleman may be recognized for five minutes on an amendment, and the five minutes having expired, he may offer a motion that all debate close.

Thereupon, Mr. Williams proposed to offer a substitute for the motion to close debate and asked recognition to debate it.

The Chairman held that while the motion to close debate was subject to amendment, it was not debatable.

2579. Closing debate under the five-minute rule on a section does not preclude the offering of amendments.

On January 15, 1932,³ the bill (H. R. 7360) to provide emergency financing facilities for financial institutions and to aid in financing agriculture, commerce, and industry, was under consideration in the Committee of the Whole House on the state of the Union when, on motion of Mr. Henry B. Steagall, of Alabama, debate was closed on the pending section and all amendments thereto.

Mr. La Fayette L. Patterson, of Alabama asked recognition to offer an amendment.

Mr. William F. Stevenson, of South Carolina, made the point of order that debate having been closed further amendments were not in order.

The Chairman⁴ overruled the point of order and said:

But that does not prevent the gentleman from Alabama from offering an amendment to this section and having it voted upon by the committee.

The gentleman from Alabama is recognized for the purpose of offering an amendment, which the Clerk will report.

2580. The closing of debate on a section and all amendments thereto applies to amendments offered subsequently.

An amendment in the third degree is not permissible.

¹First session Sixtieth Congress, Record, p. 4330.

²George P. Lawrence, of Massachusetts, Chairman.

³First session Seventy-second Congress, Record, p. 2077.

⁴Lindsay C. Warren, of North Carolina, Chairman.

On April 23, 1928,¹ while the House, in Committee of the Whole House on the state of the Union, was considering the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, Mr. Frank R. Reid, of Illinois, moved that debate on the pending section and all amendments thereto be closed in 30 minutes.

Mr. Edward E. Denison, of Illinois, as a parliamentary inquiry, asked if such a motion would preclude amendments not yet proposed to the section.

The Chairman² held that it applied to all amendments to the section, including any which might be offered subsequently.

Mr. Otis Wingo, of Arkansas, offered an amendment to the motion providing that the time be reduced from 30 minutes to 10 minutes.

Thereupon, Mr. J. Zach Spearing, of Louisiana, asked recognition to offer an amendment to the amendment proposed by Mr. Wingo, increasing the time from 10 minutes to 1 hour.

The Chairman said:

That amendment is an amendment to an amendment to an amendment, and therefore not in order. The question is on the amendment offered by the gentleman from Arkansas to the amendment offered by the gentleman from Illinois.

2581. The rule allowing proponents to close debate does not apply in Committee of the Whole.

The Member in charge, and not the proponent, is entitled to close debate on an amendment in the Committee on the Whole.

On February 11, 1911,³ during consideration of the agricultural appropriation bill in the Committee of the Whole House on the state of the Union, Mr. Ezekiel S. Candler, of Mississippi, offered an amendment increasing the appropriation for investigation of methods of road building.

On motion of Mr. Charles F. Scott, of Kansas, in charge of the bill, debate on the paragraph and all amendments thereto was limited to fifteen minutes, seven minutes to be controlled by himself and eight minutes by Mr. Candler.

After debate, Mr. Scott requested that Mr. Candler use the remainder of his time as he desired to close debate on the amendment.

Mr. Candler made the point of order that as proponent of the amendment he was entitled to close debate and cited section 6 of Rule XIV in support of his contention.

Mr. James R. Mann, of Illinois, in discussing the point of order said:

That rule does not apply to amendments in the Committee of the Whole at all. That applies to matters in the House.

The Chairman⁴ ruled:

The Chair will give the chairman of the Committee on Agriculture, in charge of the bill, the opportunity to close. It is the observation of the present occupant of the chair that a chairman of committee having charge of a bill has the conclusion on items of the bill under circumstances like

¹First session Seventieth Congress, Record, p. 7023.

²Frederick R. Lehlbach, of New Jersey, Chairman.

³Third session Sixty-first Congress, Record, p. 2360.

⁴Joseph H. Gaines, of West Virginia, Chairman.

the present. The circumstances of the present case suggest two propositions, or two questions, namely, whether the mover of the amendment is the proponent or the Member in charge of the bill. The Chair recognizes the gentleman from Mississippi, Mr. Candler, for one minute.

2582. A motion to close debate on the pending section and amendments thereto does not apply to amendments proposing a new section.

Consideration of an amendment offered as a new section closes debate and amendment on the section pending at the time the new section is offered.

On April 16, 1924,¹ the bill (H. R. 7111) authorizing the compilation and dissemination of agricultural statistics was being read under the five-minute rule in the Committee of the Whole House on the state of the Union.

On motion of Mr. John E. Rankin, of Mississippi, debate on the pending section and all amendments thereto was closed.

Subsequently Mr. John Jacob Rogers, of Massachusetts, offered an amendment as a new section, and was recognized for debate.

Mr. Rankin made the point of order that debate had been closed and while it was permissible to offer an amendment and have it voted upon the amendment was not subject to debate.

The Chairman² held that the offering of an amendment as a new section closed the pending section to amendment and debate and, therefore, an order closing debate on the pending section did not apply to an amendment offered as a new section.

2583. On January 23, 1923,³ the Committee of the Whole House on the state of the Union was considering the joint resolution (H. J. Res. 314) proposing an amendment to the Constitution relative to collection of taxes on income derived from securities.

On motion of Mr. William R. Green, of Iowa, debate on the first section of the joint resolution and all amendments thereto was ordered closed.

Mr. Meyer London, of New York, then offered an amendment as a section to follow section 1, and claimed the floor to debate the amendment.

Mr. Nicholas Longworth, of Ohio, raised the question of order that debate had been closed on the first section of the joint resolution to which the pending amendment was offered.

The Chairman⁴ held that the order closing debate on section 1 and amendments thereto did not apply to an amendment offered as a new section, and recognized Mr. London to debate the amendment.

2584. On March 1, 1927,⁵ the bill (H. R. 17130) to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits to prevent the evasion of taxes was under consideration in the Committee of the Whole House on the state of the Union.

¹ First session Sixty-eighth Congress, Record, p. 6498.

² Carl R. Chindblom, of Illinois, Chairman.

³ Fourth session Sixty-seventh Congress, Record, p. 2279.

⁴ Clifton N. McArthur, of Oregon, Chairman.

⁵ Second session Sixty-ninth Congress, Record, p. 5257.

Debate being had on section 17 of the bill, a motion by Mr. Willis C. Hawley, of Oregon, to close debate on the section and all amendments was agreed to.

The section having been disposed of, Mr. Grant M. Hudson, of Michigan, offered an amendment in the nature of a new section, and was recognized to debate it.

Mr. Hawley made the point of order that all debate had been closed.

The Chairman¹ overruled the point of order and said:

Debate was exhausted on section 17, but under the ruling that motion does not apply to an amendment offered as a new section unless the motion so provides.

This is a new section, and the Chair holds that the gentleman from Michigan is recognized.

2585. The right to limit debate in the Committee of the Whole on the pending section of a bill was held not to admit a motion to close debate on the entire bill after the last section had been read.

On January 23, 1923,² following the reading of the last section of the joint resolution (H. J. Res. 314) to amend the Constitution of the United States, Mr. William R. Green, of Iowa, moved to close debate on the joint resolution and all amendments thereto.

Mr. Finis J. Garrett, of Tennessee, made the point of order that under the rule the committee might close debate on each paragraph as read, and that the Committee of the Whole might rise at will, but so long as the committee remained in session it was not in order to close debate on the measure as a whole.

The Chairman³ sustained the point of order and held that the motion to close debate on the entire joint resolution was not in order.

2586. On June 10, 1921,⁴ the Committee of the Whole House on the state of the Union was considering the bill (H. R. 6611) establishing a veteran's bureau in the Treasury Department.

Mr. Samuel E. Winslow, of Massachusetts, moved that debate on the pending section and all amendments thereto be closed in three minutes.

Pending that motion, Mr. C. William Ramseyer, of Iowa, as a parliamentary inquiry asked if the adoption of the motion would preclude debate on an amendment which he proposed to offer as a new section.

The Chairman⁵ held that the question of debate on a section was closed when an amendment was offered in the nature of a new section and a motion closing debate on the pending section would not apply to amendments offered subsequently as new sections.

2587. On February 10, 1920,⁶ the agricultural appropriation bill being under consideration in the Committee of the Whole House on the state of the Union, Mr. Gilbert N. Haugen, of Iowa, offered an amendment to be inserted as a new section, establishing a leasing system on the public domain.

¹ Earl C. Michener, of Michigan, Chairman.

² Fourth session Sixty-seventh Congress, Record p. 2280.

³ Clifton N. McArthur, of Oregon, Chairman.

⁴ First session Sixty-seventh Congress, Record p. 2395.

⁵ Sydney Anderson, of Minnesota, Chairman.

⁶ Second session Sixty-sixth Congress, Record p. 2725.

Mr. Carl Hayden, of Arizona, made the point of order that the amendment proposed legislation on an appropriation bill, which was sustained by the Chairman.¹

Mr. Thomas L. Rubey, of Missouri, moved to strike out the last word.

Mr. James R. Mann, of Illinois, made the point of order that consideration of the amendment offered as a new section closed to amendment and debate the paragraph pending at the time the amendment was offered, and the point of order disposed of the amendment and therefore no last word was pending.

The Chairman sustained the point of order and said:

The gentleman from Illinois is correct. The Chair is informed by the Clerk that the last amendment offered was to follow line 8 as a new paragraph, therefore there is no paragraph before the House. The Clerk will read.

2588. The committee having by vote fixed the time for closing debate on a pending section and amendment thereto, a motion to change such time is not in order.

On April 8, 1910,² during consideration of the naval appropriation bill in the Committee of the Whole House on the state of the Union, a motion was agreed to limiting debate on the pending section and all amendments thereto to one hour and a half.

Prior to the expiration of that time Mr. George W. Norris, of Nebraska, moved that all debate on the section and amendments thereto be now closed.

Mr. J. Warren Keifer, of Ohio, made the point of order that the limit of time for debate had been agreed upon by the committee and it was not in order to propose a change.

The Chairman³ held:

The Chair is of the opinion that the committee having by motion agreed upon an order fixing the time for closing debate on the section and all amendments thereto, it is not now in order to change the previous order of the committee.

Paragraph 6 of Rule XXIII provides:

"The committee may by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill close all debate upon such section or paragraph, or at its election, upon the pending amendments only (which motion shall be decided without debate), but this shall not preclude further amendments to be decided without debate."

In the opinion of the Chair, that takes the place, when the authority is exercised, of the other rule, which provides for five minutes' debate for and five minutes' debate against an amendment. The Chair, therefore, sustains the point of order made by the gentleman from Ohio to the motion of the gentleman from Nebraska.

2589. An order having been adopted by the Committee of the Whole closing all debate on a section, the Chairman declined to entertain request for unanimous consent to amend the order.

On March 27, 1928,⁴ the naval appropriation bill was being considered in the Committee of the Whole House on the state of the Union.

¹ Joseph Walsh, of Massachusetts, Chairman.

² Second session Sixty-first Congress, Record p. 4432.

³ James R. Mann, of Illinois, Chairman.

⁴ First session Seventieth Congress, Record p. 5462.

On motion of Mr. Burton L. French, of Idaho, by unanimous consent, debate on a pending section and all amendments thereto was limited to 25 minutes.

Subsequently, Mr. A. Piatt Andrew, of Massachusetts, asked unanimous consent that the time for debate be extended five minutes.

The Chairman¹ declined recognition for that purpose and said:

Debate has been closed upon this paragraph and all amendments thereto.

The Chair can not entertain a request for unanimous consent in violation of the agreement made by the House.

The Chair holds that he is not privileged to entertain a unanimous-consent request in violation of an agreement already made. The Clerk will read.

2590. General debate in Committee of the Whole House is confined to the subject.

The Member is not required to confine himself to the subject, and the widest latitude is permitted in general debate in the Committee of the Whole House on the state of the Union.

On February 3, 1911,² while the House was in the Committee of the Whole House for the consideration of bills on the Private Calendar, the bill (H. R. 19577) for the relief of Frederick P. McGuire was taken up.

Mr. Robert B. Macon, of Arkansas, being recognized, proposed to discuss a matter irrelevant to the pending bill.

Mr. Elmer A. Morse, of Wisconsin, made the point of order that the debate must be confined to the subject.

The Chairman³ ruled:

In Committee of the Whole House on the state of the Union, during the general debate which precedes the reading of the bill for amendment under the five-minute rule, the rules of this House allow a freedom and latitude of debate not witnessed in any other parliamentary body of equal size or comparable importance. Anything may be discussed which may by the liveliest imagination be supposed to relate to the state of the Union in any particular or in any degree, however remote. But we are not now in Committee of the Whole House on the state of the Union. We are now in Committee of the Whole House for the consideration of private bills upon the Private Calendar and not bills upon the Union Calendar, which are considered in Committee of the Whole House on the state of the Union. In Committee of the Whole House debate must be confined to the pending bill. The Chair therefore sustains the point of order.

2591. In debate under the five-minute rule the Member must confine himself to the subject, even on pro forma amendments.

On March 25, 1916,⁴ the House was considering in the Committee of the Whole House on the state of the Union the bill H. R. 10384, the immigration bill.

Mr. James R. Mann, of Illinois, moved to strike out the last word, and, being recognized for debate, proceeded to discuss another matter.

Mr. Frank Clark, of Florida, made the point of order that irrelevant debate was not in order in Committee of the Whole House on the state of the Union.

¹ Carl R. Chindblom, of Illinois, Chairman.

² Third session Sixty-first Congress, Record, p. 1921.

³ Marlin E. Olmsted of Pennsylvania, Chairman.

⁴ First session Sixty-fourth Congress, Record, p. 4855.

The Chairman ¹ held:

Of course, the motion to strike out the last word and the debate on it pro and con are matters of convention here. If the rule is insisted upon, of course, any amendment in the Committee of the Whole must be debate on the merits of the amendment.

2592. On February 26, 1919,² while the sundry civil appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, Mr. J. Thomas Heflin, of Alabama, moved to strike out the last word of the pending paragraph providing an appropriation for guards at the Federal penitentiary at Leavenworth.

Mr. Heflin, having the floor, took up a discussion of the price of cotton.

Mr. Thomas L. Blanton, of Texas, made the point of order that the debate was irrelevant.

The Chairman ³ sustained the point of order and said:

The point of order is sustained. The gentleman must proceed in order. The motion of the gentleman from Alabama was to strike out the last word, and the gentleman must confine himself to that motion. It is not in order to discuss the cotton question under a motion to strike out the paragraph. The Clerk will read.

2593. On July 19, 1919,⁴ during consideration of the bill H. R. 6810, the prohibition enforcement bill, in the Committee of the Whole House on the state of the Union, Mr. Adolph J. Sabath, of Illinois, moved to strike out the last word of the paragraph under discussion, and being recognized for five minutes proceeded in irrelevant debate.

Mr. Louis C. Cramton, of Michigan, made the point of order that the debate was not confined to the pending amendment.

The Chairman ⁵ ruled:

The point of order is sustained. The gentleman's remarks have nothing to do with the last words. The gentleman must confine his remarks to his amendment, which is to strike out the last word. If the point of order is made, the gentleman must confine his remarks to the question under discussion, and the question under discussion is the motion of the gentleman to strike out the last word.

2594. A Member persisting in irrelevant debate in Committee of the Whole House on the state of the Union after being called to order by the Chairman was required to relinquish the floor.

On May 7, 1920,⁶ the Committee of the Whole House on the state of the Union was considering the sundry civil appropriation bill, when Mr. Charles Pope Caldwell, of New York, moved to strike out the last word of a paragraph providing an appropriation for a Confederate cemetery.

Mr. Caldwell then proceeded to debate a resolution previously passed by the House on another subject.

¹ Edward W. Saunders, of Virginia, Chairman.

² Third session Sixty-fifth Congress, Record, p. 4832.

³ Hatton W. Summers, of Texas, Chairman.

⁴ First session Sixty-sixth Congress, Record, p. 2889.

⁵ James W. Good, of Iowa, Chairman.

⁶ Second session Sixty-sixth Congress, Record, p. 6734.

Mr. James W. Good, of Iowa, made the point of order that debate must be confined to the subject under consideration.

The Chairman¹ said:

The gentleman from New York is not speaking to the paragraph under consideration.

Mr. Caldwell continued his discussion of the resolution until again interrupted by a point of order from Mr. Good.

The Chairman ruled:

The Chair sustains the point of order.

Mr. Caldwell persisting in irrelevant debate, the Chairman in response to a further point of order said:

The Chair sustains the point of order. The gentleman from New York will take his seat. A point of order has been made, and the Chair sustains the point of order, and the gentleman from New York will take his seat.

Thereupon Mr. Caldwell resumed his seat.

Subsequently Mr. Caldwell made a point of order that debate by Mr. Martin B. Madden, of Illinois, on an amendment to the same paragraph was not relevant.

The Chairman sustained the point of order and admonished Mr. Madden to proceed in order.

Mr. Caldwell submitted that Mr. Madden should be required to take his seat.

The Chairman differentiated:

Gentlemen will be in order, and the Chair will make a statement. The Chair permitted the gentleman from New York, Mr. Caldwell, to proceed until it was clearly demonstrated that his remarks were not in order. Although the point of order was made that his remarks were not in order, the Chair permitted him to proceed, and admonished him to proceed in order, until it was clearly demonstrated that the gentleman's remarks were not in order, and the Chair was following exactly the same procedure in the case of the gentleman from Illinois. If the gentleman from Illinois transgresses the rule and proceeds out of order, the Chair will sustain the point of order and direct the gentleman from Illinois to take his seat. The gentleman from Illinois will proceed in order.

2595. A Member required to yield the floor because of persistent irrelevancy in debate was held not to have forfeited the right to propose and debate amendments to subsequent paragraphs.

On February 5, 1921,² the House was considering in the Committee of the Whole House on the state of the Union a paragraph in the Army appropriation bill making an appropriation for the Military Academy band.

Mr. George Huddleston, of Alabama, offered a motion to strike out the last word and, being recognized to debate the amendment, addressed his remarks to the character of business to be taken up in the House on the following Monday.

Mr. Caleb R. Layton, of Delaware, made the point of order that the remarks of the gentleman from Alabama were not addressed to the question before the committee.

¹ Sydney Anderson, of Minnesota, Chairman.

² Third session Sixty-sixth Congress, Record, p. 2681.

The Chairman ¹ ruled:

The point of order is sustained. The gentleman from Alabama will take his seat, and the Clerk will read.

Mr. Huddleston took his seat and the Clark read:

Nine sergeants, at \$54 each per month, \$5,832.

Mr. Huddleston moved to strike out the last word and, being recognized for debate, resumed his discussion touching the order of business for Monday.

Mr. Clifton N. McArthur, of Oregon, made a point of order against the character of the debate, and the Chairman sustained the point of order and said:

The gentleman will be in order. The gentleman will take his seat. He is out of order.

Mr. Huddleston resumed his seat but continued to rise as each paragraph was read to offer pro forma amendments and resume irrelevant debate until called to order and required to relinquish the floor.

In the course of this proceedings Mr. Madden made the point of order that the pro forma motions offered by the gentleman from Alabama were dilatory and cited the following section of Rule XVI:

That no dilatory motion shall be entertained by the Speaker.

The Chairman ruled:

The Chair overrules the point of order of the gentleman from Illinois.

The occupant of the chair has the same rights as the other Members of the House. When, in the opinion of the Chair, a Member is proceeding out of order the Chairman has the same right as any other Member to call him to order. For that reason a few moments ago the Chair did call the gentleman from Alabama to order when sure that he was not discussing the subject matter of the amendment.

Mr. Nicholas Longworth, of Ohio, submitted a further point of order and said:

Mr. Chairman, I raise a point of order. I cite the Chair to page 135 of Jefferson's Manual, where is found the following language:

"No one is to speak impertinently or beside the question, superfluously, or tediously."

I make the point of order the gentleman comes within the last description.

The Chairman ruled:

The Chair feels quite sympathetic with the gentleman from Ohio, but is compelled to overrule the point of order. The gentleman will proceed in order. The Chair will attempt to enforce the rules.

¹ John Q. Tilson, of Connecticut, Chairman.