

a bill is of such nature that it does not go to Committee of the Whole, it comes before the House from the House Calendar, on which it has been placed on being reported from the standing or select committee or pursuant to a special order of business. On being taken from the House Calendar the bill is read through and then the amendments proposed by the committee are read.

#### SEC. XXX—QUASI-COMMITTEE

If on motion and question the bill be not committed, or if no proposition for commitment be made, then the proceedings in the Senate of the United States and in Parliament are totally different. The former shall be first stated.

§ 424. Procedure "in the House as in Committee of the Whole."

The proceeding of the Senate as in a Committee of the Whole, or in quasi-committee, is precisely as in a real Committee of the Whole, taking no question but on amendments. When through the whole, they consider the quasi-committee as risen, the House resumed without any motion, question, or resolution to that effect, and the President reports that "the House, acting as in a Committee of the Whole, have had under their consideration the bill entitled, &c., and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and the questions are regularly to be put again on every amendment; which being gone through, the President pauses to give time to the House to propose amendments to the body of the bill, and, when through, puts the question whether it shall be read a third time?

In the House procedure "in the House as in Committee of the Whole" is by unanimous consent only, as the order of business gives no place for

a motion that business be considered in this manner (IV, 4923). Where the House grants unanimous consent for the immediate consideration of a bill on the Union Calendar, or which would belong on the Union Calendar if reported, the bill is considered in the House as in the Committee of the Whole (Apr. 6, 1966, p. 7749; Aug. 3, 1970, p. 26918; Procedure, ch. 22, sec. 1.3, and ch. 29, sec. 21). The Committee on Rules may report a resolution providing a special order for consideration of a measure in the House as in Committee of the Whole (Dec. 18, 1974, p. 40858). In the modern practice of the House an order for this procedure means merely that the bill will be considered as having been read for amendment and will be open for amendment and debate under the five-minute rule (Aug. 10, 1970, p. 28050; clause 5 of rule XVIII), without general debate (IV, 4924, 4925; VI, 639; VIII, 2431, 2432). The Speaker remains in the chair and, when the previous question is moved, makes no report but puts the question on ordering the previous question and then on engrossment and third reading and on passage.

For further description of the procedures applicable to the House as in the Committee of the Whole, and the application of those procedures to committees of the House, see § 427, *infra*.

After progress in amending the bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the several votes, that the committee rise, the House resume itself, discharge the Committee of the Whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-committee stands *in status quo*.

How far does this XXVIIIth rule [of the Senate] subject the House, when in quasi-committee, to the laws which regulate the proceedings of Committees of the Whole? The particulars in which these differ from proceedings in the House are the following: 1. In a committee every member may speak as often as he pleases. 2. The votes

§ 425. Motion to refer admitted "in the House as in Committee of the Whole."

§ 426. Motions and procedure in quasi-committee in Jefferson's time.

of a committee may be rejected or altered when reported to the House. 3. A committee, even of the whole, cannot refer any matter to another committee. 4. In a committee no previous question can be taken; the only means to avoid an improper discussion is to move that the committee rise; and if it be apprehended that the same discussion will be attempted on returning into committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A committee cannot punish a breach of order in the House or in the gallery. 9 *Grey, 113*. It can only rise and report it to the House, who may proceed to punish. The first and second of these peculiarities attach to the quasi-committee of the Senate, as every day's practice proves, and it seems to be the only ones to which the XXVIIIth rule meant to subject them; for it continues to be a House, and, therefore, though it acts in some respects as a committee, in others it preserves its character as a House. Thus (3) it is in the daily habit of referring its business to a special committee. 4. It admits of the previous question. If it did not, it would have no means of preventing an improper discussion; not being able, as a committee is, to avoid it by returning into the House, for the moment it would resume the same subject there, the XXVIIIth rule declares it again a quasi-committee. 5. It would doubtless exercise its powers as a House on any breach of order. 6. It takes a question by yea and nay, as the House does. 7. It receives mes-

sages from the President and the other House. 8. In the midst of a debate it receives a motion to adjourn, and adjourns as a House, not as a committee.

In the modern practice of the House, the rule of Jefferson's Manual is followed to the extent that the House, while acting "in the House as in Committee of the Whole" may deal with disorder, take the yeas and nays, adjourn, refer to a committee even though the reading by sections may not have begun (IV, 4931, 4932), admit the motion to reconsider (VIII, 2793), receive messages (IV, 4923), and use the previous question (VI, 369; Procedure, ch. 23, sec. 6.3) (which differs from the previous question of Jefferson's time). The previous question may not be moved on a single section of a bill (IV, 4930), but it may be demanded on the bill while Members yet desire to offer amendments (IV, 4926–4929; VI, 639). Formerly a motion to close debate on the pending section of a bill being read by section for amendment in the House as in the Committee of the Whole was in order (IV, 4935), but under current practice a bill considered in the House as in Committee of the Whole is considered as read and open for amendment at any point (Aug. 10, 1970, p. 28050), and a motion is in order in the House as in Committee of the Whole to close debate on the bill or on an amendment (June 26, 1973, p. 21314). An amendment may be withdrawn at any time before action has been had on it (IV, 4935; June 26, 1973, p. 21305). An amendment in the nature of a substitute is in order after perfecting amendments have been considered (IV, 4933, 4934; V, 5788). The title also is amended after the bill has been considered (IV, 3416). A quorum of the House (and not of the Committee of the Whole) is required in the House as in the Committee of the Whole (VI, 639).

The procedures applicable in the House as in the Committee of the Whole generally apply to proceedings in committees of the House, except that a measure considered in committee must be read (by section) for amendment (see § 412, *supra*). Therefore, in committee a motion to limit debate under the five-minute rule must be confined to the portion of the measure then pending. Moreover, although the previous question may be moved on any pending amendment, it may be moved on the measure, itself, only when the entire measure has been read for amendment (or considered as read by unanimous consent).