§660b. Voting.

3. (a) A Member may not authorize any other individual to cast his vote or record his presence in the House or Committee of the Whole.

(b) No individual other than a Member may cast a vote or record a Member's presence in the House or Committee of the Whole.

(c) A Member may not cast a vote for any other Member or record another Member's presence in the House or Committee of the Whole.

Clause 3 was added in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113). The Committee on Standards of Official Conduct recommended this addition to the rules in its May 15, 1980, report (H. Rept. 96–991) on voting anomalies which had occurred in the House. Even prior to the addition of this clause, however, "ghost voting" was considered unethical (VII, 1014; Dec. 18, 1987, p. 36274).

RULE IX.

QUESTIONS OF PRIVILEGE.

§661. Definition of questions of privilege.

1. Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of Members, individually, in their representative capacity only.

§661a. Precedence of questions of privilege.

2. (a)(1) A resolution reported as a question of the privileges of the House, or offered from the floor by the majority leader or the minority leader as a question of the privileges of the House, or offered as privileged under article I, section 7, clause 1 of the Constitution, shall have precedence of all other

questions except motions to adjourn. A resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House shall have precedence of all other questions except motions to adjourn only at a time or place, designated by the Speaker, in the legislative schedule within two legislative days after the day on which the proponent announces to the House his intention to offer the resolution and the form of the resolution.

(2) The time allotted for debate on a resolution offered from the floor as a question of the privileges of the House shall be equally divided between (A) the proponent of the resolution, and (B) the majority leader or the minority leader or a designee, as determined by the Speaker.

(b) A question of personal privilege shall have precedence of all other questions except motions to adjourn.

This rule was adopted in 1880 (III, 2521). It merely put in form of definition what had been long established in the practice of the House but what the House had hitherto been unwilling to define (II, 1603). It was amended in the 103d Congress to authorize the Speaker to designate a time within a period of two legislative days for the consideration of a resolution to be offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House after that Member has announced to the House his intention to do so and the content of the resolution, and to divide the time for debate on a resolution offered from the floor as a question of the privileges of the House (H. Res. 5, Jan. 5, 1993, p. ——).

Under the form of the rule adopted in the 103d Congress, the Speaker may in his discretion recognize a Member other than the Majority or Minority Leader to proceed immediately on a resolution offered as a question of the privileges of the House without first designating a subsequent time or place in the legislative schedule within two legislative days (Speaker Foley, Feb. 3, 1993, p. ——); and he is not required to announce the time designated to consider a resolution at the time the resolution is noticed

but may announce his designation at a later time (Feb. 11, 1994, p. ——). The Speaker does not rule on the privileged status of a resolution at the time that resolution is noticed, but only when the resolution is called up within two legislative days (Feb. 11, 1994, p. ——; Sept. 13, 1994, p. ——; Feb. 3, 1995, p. ——).

§662. Privilege of the House.

The privileges of the House, as distinguished from that of the individual Member, include questions relating to its constitutional prerogatives in respect to revenue legislation and appropriations (II, 1480–1501; VI, 315; Nov. 8, 1979, pp. 31517–18; Oct. 1, 1985, p. 25418; June 16, 1988, p. 14780; June 21, 1988, p. 15425; Aug. 12, 1994, p. ——), when the House is in possession of the papers (June 20, 1968, Deschler's Precedents, vol. 3, ch. 13, sec. 14.2; Aug. 19, 1982, p. 22127), but not otherwise (Apr. 6, 1995, p. ——); including revenue and other treaties (II, 1502–1537); impeachments and matters incidental thereto (§604, *supra*); the constitutional prerogatives of the House with respect to bills "pocket vetoed" during an intersession adjournment (Nov. 21, 1989, p. 31156); its power to punish for contempt, whether of its own Members (II, 1641–1665), of witnesses who are summoned to give information (II, 1608, 1612; III, 1666–1724), or of other persons (II, 1597–1640). However, neither the enumeration of legislative powers in article I, section 8 of the Constitution nor the prohibition in the seventh clause of section 9 of that article against any withdrawal from the Treasury except by enactment of an appropriation renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House, because rule IX is concerned not with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House (Speaker Gingrich, Feb. 7, 1995, p. ——).

The privileges of the House also include questions relating to its organization (I, 22–24, 189, 212, 290), and the title of its Members to their seats (III, 2579–2587), which may be raised as questions of the privileges of the House even though the subject has been previously referred to committee (I, 742; III, 2584; VIII, 2307), such as resolutions to declare prima facie right to a seat, or to declare a vacancy, where the House has referred the questions of prima facie and final rights to an elections committee for investigation (H. Res. 1, Jan. 3, 1985, p. 381; H. Res. 52, Feb. 7, 1985, p. 2220; H. Res. 97, Mar. 4, 1985, p. 4277; H. Res. 121, Apr. 2, 1985, p. 7118; H. Res. 148, Apr. 30, 1985, p. 9801); various questions incidental to the right to a seat (I, 322, 328, 673, 742; II, 1207; III, 2588; VII, 2316), such as a resolution declaring a vacancy in the House because a Member-elect is unable to take the oath of office and to serve as a Member or to expressly resign the office due to an incapacitating illness (H. Res. 80, Feb. 24, 1981, p. 2916); a resolution declaring neither of two claimants seated pending a committee report and decision of final right to the seat by the House (Jan. 3, 1961, pp. 23–25; Jan. 3, 1985, p. 381), including incidental provisions providing compensation for both claimants and office staffing by the Clerk (Jan. 3, 1985, p. 381), and resolutions directing tem-

porary seating of a certified Member-elect pending determination of final right notwithstanding prior House action declining to seat either claimant (Feb. 7, 1985, p. 2220; Mar. 4, 1985, p. 4277).

The privileges of the House include questions relating to the conduct of officers and employees (I, 284, 285; III, 2628, 2645–2647; VI, 35), in addition to that of Members, such as a resolution directing the Committee on Standards of Official Conduct to investigate illegal solicitation of political contributions in the House Office Building by unnamed sitting Members (July 10, 1985, p. 18397); a resolution establishing an ad hoc committee to investigate allegations of "ghost" employment in the House (Apr. 9, 1992, p. ——); a resolution to further investigate the conduct of a Member on which it has reported to the House (Aug. 5, 1987, p. 22458); resolutions making allegations concerning the propriety of responses by officers of the House to court subpoenas for papers of the House without notice to the House, and directions to a committee to investigate such allegations (Feb. 13, 1980, pp. 2768–69), or allegations of improper representation by counsel of the legal position of Members in a brief filed in the Court and directions for withdrawal of the brief (Mar. 22, 1990, p. 4996), or allegations of unauthorized actions by a committee employee to intervene in judicial proceedings (Feb. 5, 1992, p. ——); a resolution directing the Clerk to notify interested parties that the House regretted the use of official resources to present to the Supreme Court of Florida a legal brief arguing the unconstitutionality of Congressional term limits, and that the House had no position on that question (Nov. 4, 1991, p. ——); and a resolution alleging a chronology of litigation relating to the immunity of a Member from civil liability for bona fide official acts and expressing the views of the House thereon (May 12, 1988, p. 10574).

In the 102d and 103d Congresses, a large number of resolutions relating to the operation of the "bank" in the Office of the Sergeant-at-Arms and the management of the Office of the Postmaster were presented as questions of the privileges of the House. The former category included resolutions: terminating all bank and check-cashing operations in the Office of the Sergeant-at-Arms and directing the Committee on Standards of Official Conduct to review GAO audits of such operations (Oct. 3, 1991, p. ——); instructing the Committee on Standards of Official Conduct to disclose the names and pertinent account information of Members and former Members found to have abused the privileges of the "bank" in the Office of the Sergeant-at-Arms (Mar. 12, 1992, p. ——); instructing the Committee on Standards of Official Conduct to disclose further account information respecting Members and former Members having checks held by that entity (Mar. 12, 1992, p. ——); mandating full and accurate disclosure of pertinent information concerning the operation of that entity (Mar. 12, 1992, p. ——); responding to a subpoena for records of that entity (Apr. 29, 1992, p. ——); responding to a contemporaneous "request" for such records from a Special Counsel (Apr. 29, 1992, p. ——); and authorizing an officer of the House to release certain documents in response to another such request from

the Special Counsel (May 28, 1992, p. ——). The latter category included resolutions: directing the Committee on House Administration to conduct a thorough investigation of the operation and management of the Office of the Postmaster in light of recent press allegations of wrongdoing (Feb. 5, 1992, p. ——); to create a select committee to investigate the same matter (Feb. 5, 1992, p. ——); requiring an explanation of a reported interference with authorized access to a committee investigation of that matter (Apr. 9, 1992, p. ——); to redress a perception of obstruction of justice by recusing the General Counsel to the Clerk from matters relating to the investigation of that matter (Apr. 9, 1992, p. ——); directing the Speaker to explain the lapse of time before the House received notice that several Members and an officer of the House had received subpoenas to testify before a Federal grand jury investigating that matter (May 14, 1992, p. ——); directing the Committee on House Administration to transmit to the Committee on Standards of Official Conduct and to the Department of Justice all records obtained by its task force to investigate that matter (July 22, 1992, p. ——); directing the Committee on Standards of Official Conduct to investigate violations of confidentiality by staff engaged in the investigation of that matter (July 22, 1992, p. ——); directing the Committee on House Administration to release transcripts of the proceedings of its task force to investigate that matter, where the investigation was ordered as a question of privilege and its results had been ordered reported to the House (July 22, 1992, p. ——; July 23, 1992, p. ——); directing the Committee on House Administration to redress the inaccurate naming of a Member in minority views accompanying a report on that matter (July 23, 1992, p. ——); directing the public release of official papers of the House relating to an investigation by the Committee on House Administration's Task Force to investigate the operation and management of the Office of the Postmaster (July 22, 1993, p. ——); directing the public release of transcripts and other relevant documents relating to an investigation by the Committee on House Administration's Task Force to investigate the operation and management of the Office of the Postmaster unless two designees of the bipartisan leadership agree to the contrary (June 9, 1994, p. ——); and directing the Committee on Standards of Official Conduct to defer any investigation relating to the operation of the former Post Office until assured that its inquiry would not interfere with an ongoing criminal investigation, as well as a resolution directing the Committee on Standards of Official Conduct to proceed with the investigation (Mar. 2, 1994, p. ——).

The privileges of the House include questions relating to the comfort and convenience of Members and employees (III, 2629–2636), such as resolutions concerning the proper attire for Members in the Chamber when the temperature is uncomfortably warm (July 17, 1979, p. 19008); as well as questions relating to safety, such as resolutions requiring an investigation into the safety of Members in view of alleged structural deficiencies in the West Front of the Capitol (July 25, 1980, pp. 19762–64); and direct-

ing the appointment of a select committee to inquire into alleged fire safety deficiencies in the environs of the House (May 10, 1988, p. 10286).

The privileges of the House include questions relating to the integrity of its proceedings, including the processes by which bills are considered (III, 2597–2601, 2614; IV, 3383, 3388, 3478), such as the constitutional question of the vote required to pass a joint resolution extending the State ratification period of a proposed Constitutional Amendment (Speaker O'Neill, Aug. 15, 1978, pp. 26203–04); a resolution responding to a court challenge to the prerogatives of the House to establish a chaplain and asserting the Constitutional doctrine of separation of powers (where a United States Court of Appeals had determined that the Constitution did not prohibit judicial determination whether establishment of the Chaplain violated the establishment clause of the First amendment to the Constitution) (Mar. 30, 1982, p. 5890); the resignation of a Member from a select or standing committee (Speaker Albert, June 16, 1975, p. 19054; Speaker O'Neill, Mar. 8, 1977, pp. 6579–82); admission to the floor of the House (III, 2624–2626); the accuracy and propriety of reports in the Congressional Record (V, 7005–7023; VIII, 3163, 3461, 3463, 3464, 3491, 3499; Apr. 20, 1936, p. 5704; May 11, 1936, p. 7019; May 7, 1979, pp. 10099–10100), including a resolution asserting that a Member's remarks spoken in debate were omitted from the printed Record, directing that the Record be corrected and requiring the Clerk to report on the circumstances and possible corrective action (July 29, 1983, p. 21685), and resolutions directing the Committee on Rules to investigate and report to the House within a time certain on alleged alterations of the Congressional Record (Jan. 24, 1984, p. 250), and whether the Record should constitute a verbatim transcript (May 8, 1985, p. 11072; Feb. 7, 1990, p. 1515); the conduct of representatives of the press (II, 1630, 1631; III, 2627; VI, 553); newspaper charges affecting the honor and dignity of the House (VII, 911); the protection of papers in its files, especially when demanded by the courts and the protection of its constitutional prerogatives when directly questioned in the courts (III, 2604, 2660–2664; VI, 587; § 291, *supra*), including a resolution furnishing certain requested information to an Independent Counsel investigating covert arms transactions with Iran (June 4, 1992, p. ——), and including a resolution responding to a request of a law enforcement official regarding the timing of the public release of official papers of the House (July 22, 1993, p. ——); the integrity of its Journal (II, 1363; III, 2620); the protection of its records (III, 2659; Sept. 18, 1992, p. ——), including directions to a committee to investigate press publication of a report that the House had ordered not to be released (Speaker Albert, Feb. 19, 1976, p. 3914), and including directions for the public release of transcripts and other relevant documents relating to an investigation by the Committee on House Administration's Task Force to investigate the operation and management of the Office of the Postmaster unless two designees of the bipartisan leadership agree to the contrary (June 9, 1994, p. ——); the accuracy of its documents (V, 7329) and messages (III, 2613); a resolution asserting that

a printed transcript of joint subcommittee hearings contained unauthorized alterations of the statements of subcommittee members in the prior Congress and that unauthorized alterations may have occurred in other committee hearing transcripts, and proposing the creation of a select committee to investigate and requiring the select committee to report back not later than a date certain (June 29, 1983, p. 18279); a resolution alleging that the Chair had improperly ordered the interruption of audio broadcast coverage of certain House proceedings (Mar. 17, 1988, p. 4180); a resolution requesting the Senate to return a House-passed bill and accompanying papers to the House if an error has been made by the Clerk in preparing the message to the Senate (Oct. 1, 1982, p. 27172); a resolution seeking a determination whether there had been an unreasonable delay in transmitting an enrolled bill to the President (Oct. 8, 1991, p. ——); and a concurrent resolution directing the Clerk of the House and the Secretary of the Senate to produce official duplicates of certain legislative papers (Oct. 5, 1992, p. ——).

While a motion to correct the Congressional Record based on improper alterations or insertions may be raised as a question of privilege, mere typographical errors or ordinary revisions of a Member's remarks do not form the basis for privileged motions to correct the Record (Apr. 25, 1985, p. 9419; see § 927, *infra*).

The privileges of the House also include questions relating to the impact on the safety, dignity and integrity of House proceedings, and on the comfort and convenience of Members, of an experiment for the telecasting and broadcasting of House proceedings (Speaker O'Neill, Mar. 15, 1977, pp. 7607–08); and a resolution authorizing and directing the Speaker to provide for the audio and visual broadcast coverage of the chamber while Members are voting, since clause 9 of rule I requires complete and unedited audio and visual coverage of House proceedings but coverage of rollcall votes had not been implemented (Apr. 30, 1985, p. 9821).

§663. Privilege of the Member.

The privilege of the Member rests primarily on the Constitution, which gives to him a conditional immunity from arrest (§ 90) and an unconditional freedom of debate in the House (III, 2670, § 92, *supra*). A menace to the personal safety of Members from an insecure ceiling in the Hall was held to involve a question of the highest privilege (III, 2685); and an assault on a Member within the Capitol when the House was not in session, from a cause not connected with the Member's representative capacity, was also held to involve a question of privilege (II, 1624). But there has been doubt as to the right of the House to interfere for the protection of Members, who outside the Hall, get into difficulties not connected with their official duties (II, 1277; III, 2678; footnote). Charges against the conduct of a Member are held to involve privilege when they relate to his representative capacity (III, 1828–1830, 2716; VI, 604, 612; VIII, 2479); but when they relate to conduct at a time before he became a Member they have not been entertained as of privilege (II, 1287; III, 2691, 2723, 2725). A distinction has

been drawn between charges made by one Member against another in a newspaper or in a press release (July 28, 1970, p. 26002) or in a "Dear Colleague" letter (Aug. 4, 1989, p. 19139), and the same when made on the floor (III, 1827, 2961, 2717). Charges made in newspapers against Members in their representative capacities involve privilege (III, 1832, 2694, 2696–2699, 2703, 2704; VI, 576, 621; VIII, 2479), even though the names of individual Members be not given (III, 1831, 2705, 2709; VI, 616, 617). Speaker Wright utilized a question of personal privilege to respond to a "statement of alleged violations" pending in the Committee on Standards of Official Conduct; and, pending the Committee's disposition of his motion to dismiss, announced his intention to resign as Speaker and as a Member (May 31, 1989, p. 10440). But vague charges in newspaper articles (III, 2711; VI, 570), criticisms (III, 2712–2714; VIII, 2465), or even misrepresentations of the Member's speeches or acts or responses in an interview (III, 2707, 2708; Aug. 3, 1990, p. ——), have not been entertained. While a question of personal privilege may not ordinarily be based merely on words spoken in debate (July 23, 1987, p. 20861; Mar. 16, 1988, p. 4085; Nov. 16, 1989, p. ——), a Member may raise a question of personal privilege based upon press accounts of another Member's remarks, in debate or off the floor, which impugned his character or motives (May 15, 1984, pp. 12207 and 12211; May 31, 1984, p. 14620), or based upon newspaper accounts of televised press coverage of a committee hearing at which he was criticized derogatorily (Mar. 3, 1988, p. 3196). While questions of personal privilege normally involve matters touching on a Member's reputation, a Member may be recognized for a question of personal privilege based on a violation of his rights as a Member, such as unauthorized printed alterations in his statements made during a subcommittee hearing in a prior Congress (since the second phrase of this clause speaks to the "rights, reputation, and conduct of Members, individually") (June 28, 1983, p. 17674). A printed characterization by an Officer of the House of a Member's proposed amendments as "dilatory and frivolous" may give rise to a question of personal privilege (Aug. 1, 1985, p. 22542) as may the fraudulent use of a Member's official stationery as a "dear colleague" letter (Sept. 17, 1986, p. 23605). While a Member may be recognized on a question of personal privilege to complain about an abuse of House rules as applied to debate in which he was properly participating, he may not raise a question of personal privilege merely to complain that microphones had been turned off during disorderly conduct following expiration of his recognition for debate (Mar. 16, 1988, p. 4085).

§664. General principles as to precedence of questions of privilege.

The clause of the rule giving questions of privilege precedence of all other questions except a motion to adjourn is a recognition of a principle always well understood in the House, for it is an axiom of the parliamentary law that such a question "supersedes the consideration of the original question, and must be first disposed of" (III, 2522, 2523; VI, 595). As the business of the House began to increase it was found

necessary to give certain important matters a precedence by rule, and such matters are called "privileged questions." But as they relate merely to the order of business under the rules, they are to be distinguished from "questions of privilege" which relate to the safety or efficiency of the House itself as an organ for action (III, 2718). It is evident, therefore, that a question of privilege takes precedence over a matter merely privileged under the rules (III, 2526–2530; V, 6454; VIII, 3465). Certain matters of business, arising under provisions of the Constitution mandatory in nature, have been held to have a privilege which superseded the rules establishing the order of business, as bills providing for census or apportionment (I, 305–308), bills returned with the objections of the President (IV, 3530–3536), propositions of impeachment (III, 2045–2048, 2051, 2398; July 22, 1986, p. 17294), and questions incidental thereto (III, 2401, 2418; V, 7261; July 22, 1986, p. 17306; Dec. 2, 1987, p. 33720; Jan. 3, 1989, p. 84; Feb. 7, 1989, p. 1726), matters relating to the count of the electoral vote (III, 2573–2578), resolutions relating to adjournment and recess of Congress (V, 6698, 6701–6706), and a resolution declaring the office of Speaker vacant (VI, 35); but under later decisions certain of these matters which have no other basis in the Constitution or in the rules for privileged status, such as bills relating to census and apportionment, have been held not to present questions of privilege, and the effect of such decisions is to require all questions of privilege to come within the specific provisions of this rule (VI, 48; VII, 889; Apr. 8, 1926, p. 7147). The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules without precedence as matters of privilege (III, 2567) but an extraordinary question relating to the House vote required by the Constitution to pass a joint resolution extending the ratification period of a proposed Constitutional amendment was raised as a question of privilege where the House had not otherwise made a separate determination on that procedural question and where consideration of the joint resolution had been made in order (Speaker O'Neill, Aug. 15, 1978, pp. 26203–04).

A motion to amend the rules of the House does not present a question of privilege [Speaker Cannon sustained by the House by a vote of 235 to 53, thereby overruling the decision of March 19, 1910 (VIII, 3376), which held such motion privileged (VIII, 3377)], and a question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation (Speaker O'Neill, Dec. 6, 1977, pp. 38470–73; Sept. 9, 1988, p. 23298; July 30, 1992, p. ——), including directions to the Speaker infringing upon his discretionary power of recognition under clause 2 of rule XIV (July 25, 1980, pp. 19762–64), for example, by requiring that he give priority in recognition to any Member seeking to call up a matter highly privileged pursuant to a statutory provision, over a member from the Committee on Rules seeking to call up a privileged report from that Committee (Speaker Wright, Mar. 11, 1987, p. 5403), or by requiring that he state the question on overriding a veto before recognizing for a motion to refer (thereby overruling prior decisions of the Chair to change

the order of precedence of motions) (Speaker Wright, Aug. 3, 1988, p. 20281). A resolution collaterally challenging the validity or fairness of an adopted rule of the House by delaying its implementation was held not to give rise to a question of the privileges of the House (Speaker Foley, sustained by tabling of appeal, Feb. 3, 1993, p. ——).

A resolution that presents a proper question of the privileges of the House (alteration of subcommittee hearing transcripts) may propose the creation of a select investigatory committee with subpoena authority to report back to the House by a date certain (June 29, 1983, p. 18104), but may not appropriate funds for the investigating committee from the contingent fund (VI, 395). A resolution directing that the party ratios of all standing committees, subcommittees, and staffs thereof be changed within a time certain to reflect overall party ratios in the House was held to constitute a change in the rules of the House and not to constitute a proper question of the privileges of the House (the standing rules already providing mechanisms for selecting committee members and staff) (Jan. 23, 1984, p. 78). Although the rules of the House establish a procedure for fixing the ratio of majority to minority members on full committees, and also provide that subcommittees are subject to the direction and control of the full committee (clause 1(b) of rule XI), where it is alleged that subcommittee ratios should reflect full committee ratios established by the House, based upon denial of representational rights at the subcommittee level, a question of the privileges of the House is raised (Oct. 4, 1984, p. 30042). A legislative proposition presented as a question of constitutional privilege under the provisions of the 14th amendment was held not to involve a question of privilege (VI, 48). A Member may not by raising a question of the privileges of the House under rule IX thereby attach privilege to a question (directing the Committee on Rules to consider reporting a special order) not otherwise in order under the rules of the House (Speaker Albert, June 27, 1974, p. 21596; July 31, 1975, p. 26250). A resolution alleging that a recitation of the pledge of allegiance at the start of each legislative day would enhance the dignity and integrity of the proceedings of the House and directing that the Speaker implement such a recitation as the practice of the House was held to propose a rules change and therefore not to give rise to a question of the privileges of the House (Sept. 9, 1988, p. 23298). Alleged improprieties in committee procedures, including charges of committee inaction (III, 2610), secret committee conferences (VI, 578), refusal to make staff study available to certain Members and to the public (Feb. 14, 1939, p. 1370), refusal to give hearings or allow petitions to be read (III, 2607), refusal to permit committee member to take photostatic copies of committee files (Aug. 14, 1957, p. 14739), and a determination whether a committee violated House rules by voting to take allegedly defamatory testimony in open session (June 30, 1958, pp. 12690–91), were all held not to give rise to a question of the privileges of the House. A resolution directing that the reprogramming process established in law for Legislative Branch appropriations be subjected to third-party review for conformity with exter-

nal standards of accounting but alleging no deviation from duly constituted procedure was held not to give rise to a question of the privileges of the House (Speaker Foley, sustained by tabling of appeal, May 20, 1992, p. ——).

§665. Precedence of questions of privilege as related to pending business.

A question of privilege which relates to a breach of privilege (an assault) occurring during the reading of the Journal may interrupt its reading (II, 1630). A question of privilege may interrupt the reading of the Journal (II, 1630; VI, 637), the consideration of a bill under a special order (III, 2524, 2525), a rule providing for a vote "without intervening motion" (VI, 560), a proposition to suspend the rules (III, 2553; VI, 553, 565), the consideration of certain matters on which the previous question has been ordered (III, 2532; VI, 561; VIII, 2688), business in order on Calendar Wednesday (VI, 394; VII, 908–910), reports from the Rules Committee before debate has begun (VIII, 3491; Mar. 11, 1987, p. 5403), call of the Consent Calendar on Monday (VI, 553), before that Calendar was repealed in the 104th Congress (H. Res. 168, June 20, 1995, p. ——), and motions to resolve into Committee of the Whole (VI, 554; VIII, 3461). A question of the privileges of the House takes precedence over unfinished business, privileged under clauses 1 and 3 of rule XXIV (Speaker Albert, June 4, 1975, p. 16860). Since a resolution raising a question of the privileges of the House takes precedence over a motion to suspend the rules, it may be offered and voted on between motions to suspend the rules on which the Speaker has postponed record votes until after debate on all suspensions (May 17, 1983, p. 12486). While a question of privilege is pending a message of the President is received (V, 6640–6642), but is read only by unanimous consent (V, 6639). A motion to reconsider may also be entered but may not be considered (V, 5673–5676). It has been held that only one question of privilege may be pending at a time (III, 2533), but having presented one question of privilege, a Member, before discussing it, may submit a second question of privilege related to the first and discuss both on one recognition (VI, 562). In general one question of privilege may not take precedence over another (III, 2534, 2552, 2581), and the Chair's power of recognition determines which of two matters of equal privilege is considered first (July 24, 1990, p. ——). While a resolution raising a question of the privileges of the House has precedence over all other questions, it is nevertheless subject to disposition by the ordinary motions permitted under clause 4 of rule XVI, and by the motion to refer under clause 1 of rule XVII (Speaker Albert, Feb. 19, 1976, p. 3914; Apr. 28, 1983, p. 10423; Mar. 22, 1990, p. 4996). While under rule IX a question of the privileges of the House takes precedence over all other questions except the motion to adjourn, the Speaker may, pursuant to his power of recognition under clause 2 of rule XIV, entertain unanimous consent requests for "one-minute speeches" pending recognition for a question of privilege, since such unanimous consent requests, if granted, temporarily waive the

standing rules of the House relating to the order of business (Speaker O'Neill, July 10, 1985, p. 18394; Feb. 6, 1989, pp. 1676–82).

§ 666. Precedence of questions of personal privilege.

When a Member proposes merely to address the House on a question of personal privilege, and does not bring up a resolution affecting the dignity or integrity of the House for action, the practice as to precedence is somewhat different. Thus, a Member rising to a question of personal privilege may not interrupt a call of the yeas and nays (V, 6051, 6052, 6058, 6059; VI, 554, 564), or take from the floor another Member who has been recognized for debate (V, 5002; VIII, 2459, 2528; Sept. 29, 1983, p. 26508; July 23, 1987, p. 20861), but he may interrupt the ordinary legislative business (III, 2531). A Member may address the House on a question of personal privilege even after the previous question has been ordered on a pending bill (VI, 561; VIII, 2688). Under modern practice, a question of personal privilege may not be raised in Committee of the Whole (Sept. 4, 1969, p. 24372; Dec. 13, 1973, p. 41270), the proper remedy being that a demand that words uttered in the Committee of the Whole be taken down pursuant to clause 5 of rule XIV; yet a breach of privilege occurring in Committee of the Whole relates to the dignity of the House and is so treated (II, 1657). A question of personal privilege may not be raised while a question of the privileges of the House is pending (Apr. 30, 1985, p. 9808; May 1, 1985, p. 10003).

§ 667. Questions of privilege in the absence of a quorum.

During a call of the House in the absence of a quorum, only such questions of privilege as relate immediately to those proceedings may be presented (III, 2545). See also § 771a, *infra*.

§ 668. Raising questions of privilege.

Whenever it is asserted on the floor that the privileges of the House are invaded, the Speaker entertains the question (II, 1501), and may then refuse recognition if the resolution is not admissible as a question of privilege under the rule. Although the early custom was for the Speaker to submit to the House the question whether a resolution involved the privileges of the House (III, 2718), the modern practice is for the Speaker to rule directly on the question (VI, 604; Speaker Wright, Mar. 11, 1987, p. 5404; Feb. 3, 1995, p. ——; Feb. 7, 1995, p. ——), subject to appeal where appropriate (Speaker Albert, June 27, 1974, p. 21596). Under the form of the rule adopted in the 103d Congress, the Speaker does not rule on the privileged status of a resolution at the time that resolution is noticed, but only when the resolution is called up within two legislative days (Feb. 11, 1994, p. ——; Sept. 13, 1994, p. ——; Feb. 3, 1995, p. ——). Common fame has been held sufficient basis for raising a question (III, 2538, 2701); a telegraphic dispatch may also furnish a basis (III, 2539). A report relating to the contemptuous conduct of a witness before a committee gives rise to a question of the privileges of the House and may, under this rule, be considered on the same day reported notwithstanding the requirement of clause 2(l)(6) of rule XI that reports from committees be available to Members for at least

3 calendar days prior to their consideration (Speaker Albert, July 13, 1971, pp. 24720–23). But a Member may not, as matter of right, require the reading of a book or paper on suggesting that it contains matter infringing on the privileges of the House (V, 5258). In presenting a question of personal privilege the Member is not required in the first instance to offer a motion or resolution, but he must take this preliminary step in raising a question of general privileges (III, 2546, 2547; VI, 565–569; VII, 3464). A proposition of privilege may lose its precedence by association with a matter not of privilege (III, 2551; V, 5890; VI, 395). Debate on a question of privilege is under the hour rule (V, 4990; VIII, 2448), but the previous question may be moved (II, 1256; V, 5459, 5460; VIII, 2672). Consideration of a resolution as a question of the privileges of the House has included an hour of debate on a motion to refer under clause 4 of rule XVI; a separate hour of debate on the resolution, itself, under clause 2 of rule XIV; and a motion to commit (not debatable after the ordering of the previous question) under clause 1 of rule XVII (Mar. 12, 1992, p. ——). Debate on a letter of resignation is controlled by the Member moving the acceptance of the resignation (Mar. 8, 1977, pp. 6579–82) if the resigning Member does not seek recognition (June 16, 1975, p. 19054). Debate on a question of personal privilege must be confined to the statements or issues which gave rise to the question of privilege (V, 5075–77; VI, 576, 608; VIII, 2448, 2481; May 31, 1984, p. 14623).

RULE X.

ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES.

The Committees and Their Jurisdiction

§669. Number and jurisdiction of standing committees.

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows: