

# On Committee of the Whole

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## §13. COMMIT OR REFER

The subsidiary motion to *Commit* or *Refer* is generally used to send a pending question to a relatively small group of selected persons - a committee - so that the question may be carefully investigated and put into better condition for the assembly to consider.

The motion to *Commit* also has three *variations* whose object is not to turn the main question over to a smaller group, but to permit the assembly's full meeting body to consider it with the greater freedom of debate that is allowed in committees - that is, with no limit on the number of times a member can speak. These forms of the motion are:

- a) to "go into a committee of the whole";
- b) to "go into quasi committee of the whole" (or, to "consider as if in committee of the whole"); and
- c) to "consider informally."

"Informal consideration" is the simplest of the three methods and is usually the best in ordinary societies whose meetings are not large (see pp. 523-24).

The term *recommit* is applied to a motion that proposes to refer a question a second time, either to the same committee that previously considered it or to a different one.

All of the rules in this section, except when stated to the contrary, apply equally to variations (a), (b), and (c) above, and to a motion to recommit.

When a motion proposes to assign a task or refer a matter to a committee when no question is pending, such a motion is not the subsidiary motion to *Commit*, but is a main motion. It is an incidental main motion if the assignment or referral is pursuant to a subject on which the assembly has already taken some action; but it is an original main motion if the matter to be assigned or referred relates to a new subject.

[pages 160-161]

## §52. COMMITTEE OF THE WHOLE AND ITS ALTERNATE FORMS

The *committee of the whole* and its two alternate forms, the *quasi committee of the whole* (or *consideration as if in committee of the whole*) and *informal consideration*, are devices that enable the full assembly to give detailed consideration to a matter under conditions of freedom approximating those of a committee. Under each of these three procedures, any member can speak in debate on the main question or any amendment - for the same length of time as allowed by the assembly's rules - as often as he is able to get the floor. As under the regular rules of debate, however, he cannot speak another time on the same question so long as a member who has not spoken on it is seeking the floor.

Each of these three devices is best suited to assemblies of a particular range in size and provides a different degree of protection against disorderliness and its possible consequences - which are risked when each member is allowed to speak an unlimited number of times in debate, such risk increasing in proportion to the size of the assembly. With respect to this type of protection, the essential distinctions between the three procedures may be summarized as follows:

- In a *committee of the whole*, which is suited to *large assemblies*, the results of votes taken are not final decisions of the assembly, but have the status of recommendations which the assembly is given the opportunity to consider further and which it votes on finally under its regular rules. Also, a chairman of the committee of the whole is appointed and the regular presiding officer leaves the chair, so that, by being

disengaged from any difficulties that may arise in the committee, he may be in a better position to preside effectively during the final consideration by the assembly.

- In the *quasi committee of the whole*, which is convenient in *meetings of medium size* (about 50 to 100 members), the results of votes taken are reported to the assembly for final consideration under the regular rules, just as with a committee of the whole. But in this case the presiding officer of the assembly remains in the chair and presides.
- *Informal consideration*, which is suited to *small meetings of ordinary societies*, simply removes the normal limitations on the number of times members can speak in debate, as stated in the first paragraph of this section. The regular presiding officer remains in the chair; and the results of votes taken during informal consideration are decisions of the assembly, which are not voted on again.

The complete rules governing committees of the whole, proceedings in quasi committee of the whole, and informal consideration are given below.

### **Committee of the Whole**

Although the committee of the whole is not used extensively except in legislative bodies, it is the oldest of the three devices described above and is the prototype from which the other two are derived. Unlike the processes of quasi committee of the whole and informal consideration, a committee of the whole is a real committee in the parliamentary sense. Therefore, during the time that a meeting is “in committee of the whole,” even though the committee consists of the entire body of members in attendance at the assembly's meeting, it is technically not “the assembly.”

The parliamentary steps in making use of a committee of the whole are essentially the same as those involved in referring a subject to an ordinary committee. The assembly votes to go into a committee of the whole (which is equivalent to voting to refer the matter to the committee), and a chairman of the committee is appointed. The committee considers the referred matter, adopts a report to be made to the assembly, then votes to “rise and report.” Finally, the committee chairman presents the report and the assembly considers the committee's recommendations - all as in the case of an ordinary committee.

**GOING INTO COMMITTEE OF THE WHOLE.** As implied above, the motion to go into a committee of the whole is a form of the motion to commit (13). When it is moved as a subsidiary motion - that is, when it is applied to a pending question - it takes precedence over all other forms of the subsidiary motion to *Commit*. The motion is made as follows:

MEMBER (obtaining the floor): I move to go into a committee of the whole [or, “I move that the assembly now resolve itself into a committee of the whole”] to consider the pending question [or “to take under consideration . . . (stating the subject)”]. (Second.)

Instructions to the committee of the whole can be included in this motion of referral.

If the motion of referral to the committee of the whole is adopted, the presiding officer immediately calls another member to the chair - frequently, but not necessarily, the vice-president - and takes his place as a member of the committee. In large assemblies, the secretary may also leave his seat, the committee chairman may preside from that position, and an assistant secretary may act as secretary of the committee. For the committee's use until it reports, its secretary should keep a temporary memorandum of the business it transacts, but the committee's proceedings are not entered in the minutes of the assembly. Those minutes should carry only the same kind of record of the referral to a committee of the whole, the committee's report, and the assembly's action on the report, as if the committee had been an ordinary one.

**CONDUCT OF BUSINESS.** Like ordinary committees, a committee of the whole cannot alter the text of any resolution referred to it; but it can propose amendments, which it must report in the form of recommendations to the assembly. Amendments to a *resolution originating in the committee* are in order, however; and if such amendments are adopted within the committee, they are incorporated in the resolution before it is reported to the assembly for action.

A committee of the whole is under the rules of the assembly, except as follows:

1. The only motions that are in order in a committee of the whole are to adopt (within the committee, for inclusion in its report), to amend (what it is proposed to report), and to “rise” or “rise and report”<sup>\*\*</sup> - except that, among the incidental motions, a point of order (23) can be raised, an appeal from the decision of the chair (24) can be made, a division of the assembly (29) can be called for, and applicable requests and inquiries (32, 33) can be made.
2. In debate on motions to adopt or amend, unless a limit is prescribed by the assembly before it goes into committee of the whole as explained below, each member can speak an unlimited number of times under the rules given in the first paragraph of this section.<sup>\*\*</sup>

If the committee of the whole wishes action to be taken which requires the adoption of any motion other than those that are in order in the committee as listed in (1) above, it must vote to rise and report a recommendation that the assembly take the desired action (see below). The motion to [page 517] rise is undebatable and cannot be amended, and it is always in order in committee of the whole, except during voting or verifying a vote and when another member has the floor.

Among the consequences of the rules stated in the preceding paragraph are the following:

- A committee of the whole cannot appoint subcommittees or refer a matter to another (ordinary) committee.
- An appeal from the decision of the chair must be voted on directly, since it cannot be postponed or laid on the table in the committee.
- The only way for debate to be closed or limited in the committee is for the assembly to specify such conditions before going into committee of the whole. If the committee develops a desire to have debate limited, it can only do so by rising and requesting the assembly to impose the desired limits, as explained below. If debate has been closed at a particular time by order of the assembly, the committee does not have the power, even by unanimous consent, to extend the time.
- A roll-call vote or a vote by ballot cannot be ordered in a committee of the whole, nor can a counted rising vote be ordered except by the chair.
- A committee of the whole has no power to impose disciplinary measures (61) on its members, but can only report the facts to the assembly. If the committee becomes disorderly and its chairman loses control of it, the presiding officer of the assembly should take the chair and declare the committee dissolved.
- A committee of the whole cannot adjourn or recess, but must rise in order that the assembly may do so.

**RISING AND REPORTING.** When a committee of the whole has completed its consideration of the matter referred to it, or when it wishes to bring the meeting to an [page 518] end, or wishes the assembly to take any other action requiring the adoption of a motion which is not in order in the committee, the committee rises and reports. If the committee originates a resolution, it concludes by voting to report the resolution, as perfected. If a resolution was referred to the committee, however, it votes only on any amendments that it will recommend, not on the resolution, which it reports back to the assembly with the recommended amendments. On a motion, or by unanimous consent, the committee rises and the presiding officer of the assembly resumes the chair. The committee chairman returns to a place in the assembly in front of the presiding officer, at which, standing, he addresses the chair:

COMMITTEE CHAIRMAN: Mr. President, the committee of the whole has had under consideration . . . [describing the resolution or other matter] and has directed me to report the same as follows: . . .

The sample reports in the subsection *Manner of Presentation and Disposition of Committee Reports in Particular Cases* (pp. 496ff.) may be used as guides for reporting similar cases from a committee of the whole, and the procedures for disposing of such reports as described in the same pages are likewise applicable. If no amendments are reported, the chair states the question on the resolution that was referred to the committee or that it recommends for adoption; and this question is then open to debate and amendment in the assembly. If amendments proposed by the committee are reported, the committee chairman reads them and hands the paper to the chair, who reads them again or has the secretary do so. The chair then states and puts the question on all of the committee's amendments in gross (that is, taken together), unless a member asks for a separate vote on one or more of them. If so, a single vote is taken on all of the other amendments, and then the question is stated separately on each of the amendments for which a separate vote was asked. These amendments can be further debated and amended in the assembly, as can the main question after action on all the committee's amendments—under the same rules as when any other committee reports.

If the committee, to facilitate completion of its work, wishes the assembly to take an action outside the committee's powers that requires the adoption of an undebatable motion - for example, to limit debate in the committee - a motion to rise should be made in a form like the following:

MEMBER (obtaining the floor): I move that the committee rise and request that debate be limited . . . [specifying the desired limitation]. (Second.)

If this motion is adopted, the committee chairman reports to the assembly as follows:

COMMITTEE CHAIRMAN: Mr. President, the committee of the whole has had under consideration . . . [describing the referred matter] and has come to no conclusion thereon, but asks permission [or "leave"] to continue sitting with debate limited . . . [specifying the limitation].

The presiding officer then puts the question on granting the request, and if the result is affirmative, the committee chairman resumes the chair.

A committee of the whole can also rise, before completing its work, to request instructions, in which case the nature or wording of the request should be agreed to before the motion to rise is made.

If the committee wishes to bring its proceedings to an end because it believes the matter can be better handled under the assembly's rules, or because it wishes the meeting to be adjourned, the motion to rise can be made in this form:

MEMBER (obtaining the floor): I move that the committee rise. (Second.)

COMMITTEE CHAIRMAN: The committee of the whole has had under consideration . . . [describing the matter] and has come to no conclusion thereon.

With such a report, the committee passes out of existence unless the assembly directs it to sit again. In this connection, however, the committee in reporting can "ask permission to sit again," with or without specifying a time; and in granting such a request, the assembly can make the sitting a general order or a special order (41) for a particular time. If the assembly grants the committee permission to sit again without specifying a time, the sitting is unfinished business. A committee of the whole cannot itself arrange a future meeting.

If an hour for adjournment has been preset in the assembly and it arrives while the meeting is in committee of the whole, the committee chairman announces, "The hour for adjournment of the assembly has arrived and the committee will rise." The committee chairman then reports that the committee has come to no conclusion on the referred matter, as described in the preceding paragraph.

**QUORUM IN COMMITTEE OF THE WHOLE.** The quorum of a committee of the whole is the same as that of the assembly unless the bylaws provide, or the assembly establishes, a different quorum for the committee. If the bylaws do not provide a different quorum for the committee, the assembly can establish one in the particular case before going into committee of the whole, regardless of the quorum that the bylaws require for the assembly. If [page 521] at any time the committee finds itself without a quorum, it must rise and report the fact to the assembly. If the assembly itself is thereupon without a quorum, it must then adjourn or take one of the other courses that are open in the absence of a quorum (pp. 336-37).

### **Quasi Committee of the Whole (Consideration As If in Committee of the Whole)**

A somewhat simpler version of the committee of the whole, in effect, is the procedure of consideration in quasi committee of the whole (or consideration as if in committee of the whole), which is convenient in assemblies of medium size. In contrast to a committee of the whole, the quasi committee of the whole is not a real committee, but is "the assembly acting as if in committee of the whole."

**GOING INTO QUASI COMMITTEE OF THE WHOLE.** The motion to consider in quasi committee of the whole takes precedence over all other forms of the motion to *Commit* (13) except the motion to go into a (real) committee of the whole, to which it yields. The motion for consideration in quasi committee is made in a form like this:

MEMBER (obtaining the floor): I move that the resolution be considered in quasi committee of the whole [or "be considered as if in committee of the whole"]. (Second.)

This motion is debatable as to the desirability of going into quasi committee, just as any other motion to *Commit*. If it is adopted, the chair concludes his announcement of the result of the vote as follows:

CHAIR (after declaring the voting result): The resolution is before the assembly as if in committee of the whole.

The presiding officer of the assembly does not appoint a chairman of the quasi committee, but remains in the chair himself throughout its proceedings. The assembly's secretary should keep a temporary memorandum of the business transacted in quasi committee; but, just as in the case of a real committee of the whole, the minutes of the assembly should carry only a record of the report from quasi committee and the action thereon, as shown below.

**CONDUCT OF BUSINESS.** In the quasi committee of the whole, the main question and any amendments that may be proposed are open to debate under the same rules as in a real committee of the whole - each member being allowed to speak an unlimited number of times as explained on page 512. In contrast to the case of a real committee of the whole, however, any motion that would be in order in the assembly is also in order in the quasi committee, where it is debatable only to the extent permitted under the assembly's rules. But if any motion except an amendment is adopted, it automatically puts an end to the proceedings in quasi committee. Thus, for example, if a motion to refer the main question to an ordinary committee is made in quasi committee of the whole, such a motion to *Commit* would be equivalent to the following series of motions if the matter were being considered in a real committee of the whole: (1) that the committee of the whole rise; (2) that the committee of the whole be discharged from further consideration of the subject; and (3) that the question be referred to an ordinary committee.

**REPORTING.** The motion to rise is not used in quasi committee of the whole. If the quasi committee is not brought to an end as described in the preceding paragraph, then, when no further amendments are offered in response to the chair's call for them, the presiding officer immediately [page 523] proceeds to report to the assembly and to state the question on the amendments as follows:

CHAIR: The assembly, acting as if in committee of the whole, has had under consideration . . . [describing the resolution] and has made the following amendments . . . [reading them]. The question is on the adoption of the amendments.

The proceedings in a quasi committee of the whole are thus concluded, and from this point the procedure is the same as in disposing of the report of a real committee of the whole (pp. 518-20) - the chair putting the question on the reported amendments in gross, except those for which a separate vote may be asked, and so on.

### **Informal Consideration**

As explained above, if a question is considered in either a real committee of the whole or in quasi committee of the whole, the recommendations of the committee or quasi committee must be reported to the assembly and then the assembly must take action on these recommendations. In ordinary societies whose meetings are not large, a much simpler method is to consider the question informally, which in effect only suspends the rule limiting the number of times a member can speak in debate on the main question and any amendments to it.

When it is desired to consider a question informally, a member makes the motion that this be done:

MEMBER (obtaining the floor): I move that the question be considered informally. (Second.)

This motion ranks just below the motion "to consider as if in committee of the whole," which in turn ranks just [page 524] below the motion "to go into committee of the whole," as stated above. This is a variation of the motion to *Commit*, and can be debated only as to the desirability of considering the question informally. If the motion is adopted, the chair announces the result thus:

CHAIR (after declaring the voting result): The question is now open to informal consideration. There is no limit to the number of times a member can speak on the question or any amendment.

The "informal" aspect of the consideration applies only to the number of speeches allowed in debate on the main question and its amendments; all votes are formal, and any other motion that is made is under the regular rules of debate. In contrast to the case of a committee of the whole or quasi committee of the whole, the proceedings under informal consideration are recorded in the assembly's minutes, just as they would be if the consideration were formal. While considering a question informally the assembly can, by a two-thirds vote, limit the number or length

of speeches, or in any other way limit or close debate. As soon as the main question is disposed of, temporarily or permanently, the informal consideration automatically ceases without any motion or vote.

Before the main question is disposed of, the informal consideration can be brought to an end, if desired, by adopting by majority vote a motion “that the regular rules of debate be in force,” or “that the question be considered formally.”

### **Aids to the Crystallization of Opinion**

The more traditional aids to the crystallization of opinion in societies have been, simply, to take a *Recess* or to refer the matter to a committee—often a large committee composed [page 525] of members representing differing views in the society, such as a committee of the whole or one of its alternate forms. In more recent years, a practice has developed of establishing breakout groups with every member in attendance being urged to participate in a group. Each breakout group, of which there may be many, is usually kept small—frequently ten or twelve persons—and a moderator is appointed for each group. Often, the groups meet during a recess or adjournment of the assembly. Sometimes, the conclusions reached by the various breakout groups are conveyed to a committee that assembles them and attempts to report a consolidated response to the assembly. At other times, the breakout groups report through their moderators directly to the assembly after it has been reconvened and the matter under consideration is again pending. These reports are in the nature of debate. Whatever method is used, in the end, the pending measure must be returned to the full assembly for final consideration under normal parliamentary procedure—just as in the case of a referred question reported back by a committee - and the assembly must make the final decision, if whatever is to purport to be a product of the assembly is to be valid as the assembly's act.

[Pages 512-525]